

GOVERNMENT OF INDIA
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
(DEPARTMENT OF PERSONNEL & TRAINING)

LOK SABHA
UNSTARRED QUESTION NO. 351
(TO BE ANSWERED ON 12.12.2018)

CREAMY LAYER

†351. **SHRI GANESH SINGH:**

Will the **PRIME MINISTER** be pleased to state:

- (a) whether before the issuance of original office order of creamy layer dated 8.9.1993, the Government had discussed the matter in Parliament and also consulted the then Law Ministry, Welfare Ministry and Prime Minister Office (PMO);
- (b) if so, the details thereof;
- (c) whether the then Government had issued a wrong clarification of the original office order dated 8.9.1993 regarding creamy layer in an illegal manner on 14th October, 2004 to deprive the wards of category II 'C' employees belonging to creamy layer from the reserved benefit of OBC category;
- (d) if so, the details thereof;
- (e) whether the Government has taken into cognizance the wrong clarification of dated 14th October, 2004; and
- (f) if so, the date-wise details of the action taken in this regard and if not, the reaction of the Government thereto?

ANSWER

**MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES
AND PENSIONS AND MINISTER OF STATE IN THE PRIME MINISTER'S OFFICE
(DR. JITENDRA SINGH)**

(a) & (b): Based on the recommendations of a Committee set up by the Government in pursuance of the judgment of the Hon'ble Supreme Court in 1992 in the Indra Sawhney's case to recommend the criteria for exclusion of socially advanced persons/ sections from the benefits of reservations for the Other Backward Classes, the Department of Personnel and Training issued an Office Memorandum on 08.09.1993, which was preceded by consultations between the then Ministry of Welfare and the Department of Legal Affairs and was approved by the then Hon'ble Prime Minister.

(c) & (d): The letter dated 14.10.2004 was issued with a view to bring clarity regarding determination of creamy layer on ten specific questions which were then being raised from time to time.

(e) & (f): The earlier unsigned typed copy of the English version of the letter dated 14.10.2004, uploaded on the website of the Department of Personnel & Training had certain discrepancies vis-a vis its Hindi version. When the discrepancy was noticed, the correct copy was uploaded on the website. A corrigendum was also issued on 05.12.2016 when a discrepancy with respect to the explanation under Category VI(b) in the Hindi version of the Office Memorandum dated 08.09.1993 was noticed.
