

**GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
DEPARTMENT OF LEGAL AFFAIRS**

**LOK SABHA
UNSTARRED QUESTION NO.374
TO BE ANSWERED ON FRIDAY, THE 03rd FEBRUARY, 2023**

Legal Advice on OBC Quota in Agriculture Universities

374. SHRIA.K.P. CHINRAJ:

Will the Minister of Law and Justice be pleased to state:

- (a) whether the Department of Agricultural Research & Education has sought any legal advice from the Ministry of Law and Justice on the implementation of OBC reservation in All India Quota of State Agriculture Universities in line with Supreme court judgement in case of Neil Aurelio Nunes and others vs Union of India; and
- (b) If so, the response of his Ministry thereto?

ANSWER

**MINISTER OF LAW AND JUSTICE
(SHRI KIREN RIJJU)**

- (a) & (b) A reference dated 5th August 2022 from the Department of Agricultural Research & Education was received in the Department of Legal Affairs on 30th August 2022, seeking advice as to whether for OBC(NCL) and EWS category, reservation is to be applied across the board including the seats from State Agricultural Universities (SAUs) in the pattern of NEET *vide* public notice dated 30th July 2021 and Ministry of Health and Family Welfare notice dated 29th July 2021 and subsequent Hon'ble Supreme Court decision in W.P.(C) No. 961/2021 dated 20th January 2022 in the case of Neil Aurelio Nunes & others vs Union of India & others.

In this regard, the Ld. Solicitor General of India vide Note dated 11th October 2022 has opined that, “The issue of providing reservation to OBC (NCL) and EWS category is a policy decision, which is to be finally settled by the Government and cannot be a subject matter of legal opinion. The prerogative to introduce reservation in AIQ seats vests with the Union Government. Ideally, an appropriate direction/notification may be issued by the concerned authority providing for reservations in the manner the Government deems appropriate to the extent of the AIQ seats.”
