



GOVERNMENT OF KERALA

Abstract

SC/ST DEVELOPMENT DEPARTMENT-- IDENTIFICATION OF CREAMY LAYER AMONG
OTHER BACKWARD CLASSES-- IMPLEMENTATION OF JUSTICE RAJENDRA BABU
COMMISSION REPORT --ORDERS ISSUED

SC/ST DEVELOPMENT (F) DEPARTMENT

G. O. (P) No. 81/09/SCSTDD. Dated, Thiruvananthapuram, 26th September, 2009.

- Read:*
1. G. O. (P) No. 36/00/SCSTDD dated 27-5-2000.
 2. Judgment dated 23-2-2007 of Supreme Court in W. P. (C) 598/00 filed by NSS.
 3. G. O. (P) No. 15/07/SCSTDD dated 1-3-2007.
 4. G. O. (P) No. 33/07/SCSTDD dated 7-6-2007.
 5. G. O. (P) No. 46/07/SCSTDD dated 25-8-2007.
 6. G. O. (P) No. 04/08/SCSTDD dated 3-1-2008.
 7. G. O. (P) No. 117/08/SCSTDD dated 19-12-2008.

ORDER

As per the G. O. read as 1st paper above Government had issued orders accepting the recommendations in the report of Justice Narendran Commission by fixing the annual income limit for determining the Creamy Layer among OBCs as Rs. 3.00 lakhs. Nair Service Society filed W. P. (C) No. 598/00 in Supreme Court against this Order and the Hon'ble Court, as per judgment read as 2nd paper above has set aside the report of Justice Narendran Commission on Creamy Layer among OBCs with direction to the State Government to appoint a fresh Commission who should go in to all the aspects of the Creamy Layer and submit their report.

2. In compliance to the aforesaid direction of the Hon'ble Supreme Court, Government as per G. O. read as 3rd paper above had appointed a Three Men Commission with Justice R. Rajendra Babu (Retd.) as Chairman and as per G. O. read as 4th paper above, fixed the terms of reference of the Commission.

3. Justice Rajendra Babu Commission submitted their interim report on 7-8-2007 and on the basis of that report Government fixed the income limit for determining the Creamy Layer among OBCs under Category VI as Rs. 2.5 lakhs per annum vide G. O. read as 5th paper above as modified vide G. O. read as 6th paper above. In the meantime, Government of India increased the income limit for determining Creamy Layer among OBCs to Rs. 4.5 lakhs. The Commission there upon advised the State Government for fixing the income limit for determining the Creamy Layer among OBCs as Rs. 4.5 lakhs per annum until the Commission submits its final report. Government issued orders there on accordingly vide G. O. read as 7th paper above. The Commission have submitted their final report on 30-6-2009.

4. Government have carefully considered the report in all respect and hereby accept the full recommendations made by the Commission to identify the Creamy Layer among Other Backward Classes in Kerala as per the terms of reference and order as follows:

- (i) Rs. 4.5 lakhs is fixed as annual income for determining the Creamy Layer among the OBCs.
- (ii) The guidelines and the criteria to be adopted for identifying the Creamy Layer made by Justice Rajendra Babu Commission are accepted and shall be observed.
- (iii) The existing system of exempting the hereditary occupation/calling and the sub castes of fishermen community as per Annexure B & C in G. O. (P) No. 36/00/SCSTDD dated 27-5-2000 from the application of Creamy Layer shall be continued.

5. The guidelines to identify the Creamy Layer among the OBCs mentioned in Para 4 (ii) above are given in Annexure I to this Order.

6. The list of Other Backward Classes in Kerala is shown in Annexure A.

7. The groups of persons with hereditary occupations/calling in Kerala is given in Annexure B.

8. The sub castes of fishermen community excluded from the Creamy Layer mentioned in Para 4 (ii) of this order is given in Annexure C.

9. The schedule showing the description of categories of people to whom the rule of exclusion will apply is appended as Annexure D.

10. The form of certificate to be issued will be as shown in Annexure II.

11. The form of application for the issue of the certificate will be as shown in Annexure III.

12. The authority to issue the certificate to candidates who do not belong to the Creamy Layer will be any of the following Officers:--

- (a) District Magistrate/Additional District Magistrate/Collector/I Class Stipendiary Magistrate/Sub Divisional Magistrate/Taluk Magistrate/Executive Magistrate/Extra Assistant Commissioner (not below the rank of I Class Stipendiary Magistrate).
- (b) Chief Presidency Magistrate/Additional Chief Presidency Magistrate/ Presidency Magistrate.
- (c) Revenue Officer not below the rank of Tahasildar and
- (d) Sub Divisional Officer of the area where the candidates and or his family normally resides.

13. Creamy Layer Certificate applied for should be issued or refused, as the case may be within ten days of receipt of the application.

14. These orders will apply to all Government Departments/Organizations/Institutions/Public Sector Undertakings/Government owned Companies/Co-operative Societies/Autonomous Bodies, etc. to which the principles of reservations are applicable.

By order of the Governor,

PAUL ANTONY,

Principal Secretary to Government.

To

The Secretary, Kerala Public Service Commission, Pattom,
Thiruvananthapuram.

All Secretaries.

All District Collectors.

All Heads of Department/All Public Sector Undertakings/All Universities
in Kerala.

The Director, Institute of Management in Government, Thiruvananthapuram.

The Registrar, Kerala State Commission for Backward Classes, Pattom,
Thiruvananthapuram.

The Principal Accountant General (Audit), Kerala, Thiruvananthapuram.

The Accountant General (A & E), Kerala, Thiruvananthapuram.

The General Administration (SC) Department.

The Director, Scheduled Castes Development Department,
Thiruvananthapuram.

The Director, Scheduled Tribes Development Department,
Thiruvananthapuram.

The Director of Information and Public Relations, Thiruvananthapuram.

The Finance Department.

Justice Sri R. Rajendra Babu (Retd.), 'Gouri', House No. 34/978 (A),
Anjumana Road, Edappally, Kochi-682 024.

Prof. A. Abdul Vahab, T. C. 9/1962, Kochar Road, Sasthamangalam,
Thiruvananthapuram.

Shri R. Chandrasekharan Nair, Chemmizhikkattu, Kudavechoor P. O.
(via) Vaikkom, Kottayam.

Stock File/Office Copy.

Copy to:

P. S. to Chief Minister.

P. S. to Minister (WSC & Ele.)

J. S. to Chief Secretary.

C. A. to Principal Secretary, SC/ST Dev. Dept.

C. A. to Secretary, SC/ST Dev. Dept.

C. A. to Additional Secretary, SC/ST Dev. Dept.

ANNEXURE I

THE GUIDELINES TO IDENTIFY THE CREAMY LAYER AMONG THE OTHER BACKWARD CLASSES IN THE STATE OF KERALA

1. These guidelines are called the guidelines to identify the Creamy Layer among the Other Backward Classes in the State of Kerala.
2. These guidelines shall come into force from a date to be notified by the State Government in the Kerala Gazette. It will be published in the Kerala Gazette immediately for the information of the public.
3. These guidelines will not apply to vacancies for which selection has already been made by the Kerala Public Service Commission.
4. The list of 78 castes/communities including sub-caste notified by the State Government as Other Backward Classes in the State of Kerala is appended to these guidelines as Annexure A.
5. The 40 per cent of the vacancies of civil posts and services under the Government of Kerala and its Institutions and Organisations is to be filled up by direct recruitment for the Other Backward Classes notified in Annexure A.
6. Candidates from the Other Backward Classes recruited on the basis of merit in open competition shall not be adjusted against the 40 per cent reservation quota. If any of the rules in the Kerala State and Subordinate Service Rules 1958 stand in the way, necessary amendment will be made forthwith. The 40% reservation shall not apply to persons/sections mentioned in the column 3 of the schedule attached to these guidelines.
7. The rule of exclusion made mention in the schedule attached to these guidelines will not apply to persons working as artisans or engaged in hereditary occupations, calling and included in Annexure 'B' appended herewith and person/group of persons coming within the definition of the expression "Fishermen Community" in Annexure C appended to these guidelines.
8. The rule of exclusion contained in the Schedule will not apply:—
 - (i) To persons in a Backward Class who are traditionally engaged in the hereditary occupations of that Backward Class.
 - (ii) Persons belonging to all Backward Classes who are illiterate (not passed 4th Standard).

9. A certificate to the effect that the applicant does not belong to the Creamy Layer in the light of the guidelines and the schedule for identification of Creamy Layer attached herewith as Annexure II. This certificate need only be produced before the Public Service Commission at the time of preparation of the short list/Rank List as the case may be.

10. Application form for the above certificate is appended as Annexure III.

ANNEXURE A

I. LIST OF OTHER BACKWARD CLASSES IN THE STATE OF KERALA

<i>Sl. No.</i>	<i>Name of Castes/Communities (including sub-castes/synonyms) in the Common list of OBCs</i>	<i>Entry No. in State List</i>	<i>Entry No. Mandal List</i>
(1)	(2)	(3)	(4)
1	Agasa	1	1
2	Ambalakkaran	2	3
3	Anglo Indian	3	6
4	Aremahrati	6	9
5	Arya	7	10
6	Bandari	8	14
7	Billava	9	10
7(A)	Boyan of Malabar	..	..
8	Chakkalan	10	25
9	Chavalakkaran	12	31
10	Chetties include	13	34
	(Kottar Chetty	..	..
	Parakka Chetty	..	..
	Elur Chetty	..	..
	Attingal Chetty	..	..
	Pudukkada Chetty	..	..
	Iraniel Chetty	..	..
	Sri Pandara Chetty	..	..
	Telugu Chetty	..	..
	Udayankulangara Chetty	..	..

(1)	(2)	(3)	(4)
	Wynadan Chetty	13	34
	Kalavara Chetty	"	"
	Peroorkada Chetty	"	"
	Sadhu Chetty	"	"
	24 Manai Chetty	"	"
	24 Mana Telengu Chetty	"	"
	Mountadan Chetty	"	"
	Idanadan Chetty)	"	"
11	Davadiga	14	37
12	Devanga	15	38
13	Dheevara include	15-A	30
	(Arayan	15-A	7
	Arayavathi	"	"
	Mukkuvan or Mukaya-Mogaveera	5-A	38, 7, 8,
	Valan	"	130, 29
	Nulayan	"	"
	Paniakkal	"	"
	Mukaya	"	"
	Bovi Mukayar	"	"
	Mukaveeran	"	"
	Valinjar)	"	"
14	Ezhava and Thiyya	16, 24	44, 64, 185
	(1) Izhavan, Ishavan, Ezhavan		
	(2) Ezhuva, Izhuva, Ishuva		
	(3) Izhuvan, Ishuvan, Ezhuvan		
	(4) Izhava, Izhuvan, Ishavan		
	(5) Illuva		
	(6) Illuvan		
	(7) Irava		
	(8) Iruva		
15	Ezhavathi	17	45
16	Ezhuthachan	18	46

(1)	(2)	(3)	(4)
17	Ganika	19	48
18	Gatti	20	50
19	Gowda	21	50
20	Hegde	22	60
21	Jogi	25	69
22	Kaduppattan	26	70
23	Kaikolan	27	71
24	Kolasi (Kalasi Panicker)	28	83
25	Kalari Kurup or Kalari Panicker	29	5
26	Viswakarma Include	30	72, 87, 137
	(Assari	"	"
	Chaptegra, Kallasari	"	72
	Kammala	"	"
	Kuruvan	"	"
	Kitaran	"	87
	Kollan	"	157
	Malayala Kammala	"	72
	Pandi Kammala	"	"
	Moosari	"	"
	Perunkollan	"	"
	Thattan	"	157
	Pandithattan	"	"
	Thachan	"	"
	Vilkurup	"	72
	Kalthachan	"	"
	Villassan	"	"
	Kamsala Kannan	"	"
	Viswabrahmanan or Viswabrahmanar	"	"
	Viswakarmala	"	"
	Palisa Perumkollan	"	"

(1)	(2)	(3)	(4)
27	Kannadiyans	31	77
28	Kanisu or Kaniyar Panicker or Kani or Kaniyan (Ganaka) or Kanisn or Kamman	” ” ” ” ”	” ” ” ” ”
29	Kavuthiyar	33	82
30	Kavudiyaru	34	81
31	Kodiyar	36	98
32	Krishnanvaka	37	102
33	Kerala Mudali	38	84
34	Kudumbi	39	103
35	Kusavan include (Kulala Kulala Nair or Andhara Nair or Anthuru Nair)	40 ” ” ” ”	104 ” ” ” ”
36	Kumbarans	”	”
37	Kuruba	”	”
38	Latin Catholic	42	106
39	Madivala	43	110
40	Mahendra-Medara	”	”
41	Maravan	45	123
42	Maruthuvar	46	5
43	Muslim or Mappila	44	121
44	Nadar (Hindu)	..	..
45	Naikkan	50	136
46	Odan	51	139
47	Scheduled Caste converted to Christianity	52	177
48	Pandithar	53	150
49	Panniyar	54	159

(1)	(2)	(3)	(4)
50	Pattariya	55	515
51	Peruvannan (Varanavar)	57	158
52	Pulluvan	58	164
53	Rajapur	59	165
54	Chakravar, Sakravar (Kavathi)	60	170
55	Sourashtrar	61	163
56	Saliya, Chaliya (Chaliyam)	62	171
57	Senai Thalavan (Elavaniar)	63	176
58	SIUC	64	182
	(excluding Nadar specified in item No. 42 which is item 49 of State List)		
59	SIUC Nadar	"	"
60	Thachar	"	"
61	Tholkollan	65	186
62	Thottian	66	189
63	Vaduvans	67	192
	(Vaduoan	67	135
	Vadukar	"	"
	Vaduka	"	"
	Vadukan)	"	"
65	Vanian include	70	195
	(Vanika	"	"
	Vanika Vaisya	"	"
	Vanibha Chetty	"	"
	Vaniya Chetty	"	"
	Ayiravar	"	"
	Nagarathar &	"	"
	Vaniya)	"	"
66	Vaniyar	71	196
67	Vakkaliga	72	193
68	Veerasaiva (Yogis & Yogeeswara, Pandaram, Poopandaram/Malapandaram, Jangam)	73	196

(1)	(2)	(3)	(4)
69	Veluthedathu Nair (Veluthedan and Vannathan)	74	200
70	Vilakkithala Nair (Vilakkithalavan)	75	201
71	Yadava include (Kolaya Ayar Mayar Maniyani Iruman)	76 " " " " "	207 " " " " "
72	Kongu Navithan, Vettuva Navithan & Aduthon	..	..
73	Mooppar or Kallan Mooppan or Kallan Mooppar	..	..
74*	Velan (Velar)	69 "	198 "

II. In Malabar District

1. Boyan
2. Ganjan, Reddis
3. Vishavan

III. Throughout the State except Malabar District

1. Kammara
2. Malayan
3. Malayekandi
4. Reddiars

IV. Throughout the State except Kasaragod Taluk, Malabar District

1. Marati

Explanation:—Malabar District shall mean the Malabar District referred to in sub-section (2) of section 5 of the State Re-organisation Act, 1956.

ANNEXURE B

HEREDITARY OCCUPATIONS/CALLING IN KERALA EXCLUDED FROM THE CREAMY LAYER

1. Blacksmith
2. Mason
3. Carpenter
4. Goldsmith
5. Pottery Maker
6. Cobbler
7. Copper & Bronze Smith
8. Kudumbi

ANNEXURE C

SUB CASTES OF FISHERMEN COMMUNITY EXCLUDED FROM THE CREAMY LAYER

1. Araya
2. Arayavathi
3. Mukkuvan
4. Mukaya
5. Mogaveera
6. Valan
7. Bovis
8. Valinjar
9. Paniakel
10. Nulayan
11. Latin Catholic Mukkuva
12. Latin Catholic Anjutikar
13. Distinct sections of Muslim community who are traditionally engaged in fishing operations, as certified by the competent authority.

ANNEXURE D

SCHEDULE

<i>Description of Category</i>	<i>To whom rule of exclusion will apply</i>
(1)	(3)
I. Constitutional Posts	<p>Son (s) and daughter (s) of</p> <ul style="list-style-type: none"> (a) President of India; (b) Vice President of India; (c) Judges of the Supreme Court and of the High Courts; (d) Chairman & Members of UPSC and of the State Public Service Commission; Chief Election Commissioner; Comptroller & Auditor General of India; (e) Governors of the States during the tenure of their office; (f) Persons holding Constitutional Positions of like nature.
II. Service Category	
A. Group A/Class I Officers of the All India Central and State Services (Direct Recruits)	<p>Son (s) and daughter (s) of</p> <p>Parents both of whom are Class I Officers;</p> <p>Parents, either of whom is a Class I Officer;</p> <p>Parents, both of whom are Class I Officers, but one of them dies or suffers permanent incapacitation;</p> <p>Parents, either of whom is a Class I Officer and such parent dies or suffers permanent incapacitation and before such death or such incapacitation has had the benefit of employment in any International Organisation like UN, IMF, World Bank etc., for a period of not less than 5 years.</p>

(1)	(2)	(3)
		Parents, both of whom are Class I Officers die or suffer permanent incapacitation and before such death or such incapacitation of the both; either of them has had the benefit of employment in any International Organisation like UN, IMF, World Bank etc., for a period of not less than 5 years:

Provided that the rule of exclusion shall not apply in the following case:

Sons and daughters of parents either of whom or both of whom are Class I Officers and such parent (s) dies/die or suffer permanent incapacitation.

B. Group B/Class II Officers of the Central and State Service (Direct Recruitment)

Son (s) and daughter (s) of

- (a) Parents both of whom are Class II Officers.
- (b) Parents of whom only the husband is a Class II Officer and he gets into Class I at the age of 35 or earlier.
- (c) Parents, both of whom are Class II Officers and one of them dies or suffers permanent incapacitation and either one of them has had the benefit of employment in any International Organisation like UN, IMF, World Bank etc., for a period of not less than 5 years before such death or permanent incapacitation.

(1)	(2)	(3)
-----	-----	-----

- (d) Parents of whom the husband is a Class I Officer (direct recruit or pre thirty five promoted) and the wife is a Class II Officer and the wife dies; or suffers permanent incapacitation; and
- (e) Parents of whom the wife is a Class I Officer (Direct Recruit or pre thirty five promoted) and the husband is a Class II Officer and the husband dies or suffers permanent incapacitation:

Provided that the rule of exclusion shall not apply in the following cases:

Son (s) and daughter (s) of

- (a) Parents both of whom are Class II Officers and one of them dies or suffers permanent incapacitation.
 - (b) Parents, both of whom are Class II Officers and both of them die or suffer permanent incapacitation, even though either of them has had the benefit of employment in any International Organisation like UN, IMF, World Bank etc., for a period of not less than 5 years before their death or permanent incapacitation.
-

(1)	(2)	(3)
	C. Employees in Public Sector Undertakings, etc.	<p>The Criteria enumerated in A & B above in this Category will apply <i>mutatis mutandis</i> to officers holding equivalent or comparable posts in PSUs, Banks, Insurance Organisations and Universities etc.</p> <p>And also to equivalent or comparable posts and positions under private employment.</p>
III.	Armed Forces including Para Military Forces (Persons holding civil posts are not included)	<p>Son (s) and daughter (s) of parents either or both of whom is or are in the rank of Colonel and above in the Army and to equivalent posts in the Navy and the Air Forces and the Para Military Forces:</p> <p>Provided that:—</p> <ol style="list-style-type: none"> <li data-bbox="528 778 1011 975">(i) If the wife of an Armed Forces (i.e., the category under consideration) the rule of exclusion will apply only when she herself has reached the rank of Colonel; <li data-bbox="528 997 1011 1096">(ii) The service ranks below Colonel of husband and wife shall not be clubbed together; <li data-bbox="528 1118 1011 1437">(iii) If the wife of an officer in the Armed Forces is in civil employment, this will not be taken into account for applying the rule of exclusion unless she falls in the service category under item No. II in which case the criteria and conditions enumerated therein will apply to her independently.

(1)	(2)	(3)
IV. Professional Class and those engaged in trade and Industry.	<p>(1) Persons engaged in profession as a doctor, lawyer, chartered accountant, income tax consultant, financial or management consultant, civil surgeon, engineer, architect, computer specialist, film artists and other film professional, author, playwright, sports person, sports professional, media professional or any other vocations of like status.</p> <p>(2) Persons engaged in trade business and industry</p>	<p>Criteria specified against Category VI will apply :</p> <p>Criteria specified against Category VI will apply :</p> <p><i>Explanation</i> : (i) Where the husband is in some profession and the wife is in a Class II or lower grade employment, the income/wealth test will apply only on the basis of the husband's income.</p> <p>(ii) If the wife is in any profession and the husband is in employment in a Class II or lower grade post, then the income/wealth criterion will apply only on the basis of the wife's income and the husband's income will not be clubbed with it.</p>
<p>V. Property Owners</p> <p>(A) Agricultural holdings and plantations</p>	<p>Son(s) and Daughter(s) of Person/Persons/family having 5 hectares or more of agricultural holdings/plantations.</p>	

(1)	(2)	(3)
-----	-----	-----

*Explanation:—*Family includes Father, Mother and Minor children.

Criteria specified in Category VI below will apply.

- (B) Vacant land and/or buildings in urban areas or urban agglomerations.

*Explanation:—*Building may be used for residential, industrial or commercial purposes and the like or two or more such purposes.

VI. Income/Wealth Test

Son(s) and Daughter(s) of

- (a) Persons having gross annual income of Rs. 4.5 lakhs or above or possessing wealth above the exemption limit as prescribed in the Wealth Tax Act for a period of three consecutive years.
- (b) Persons in Categories I, II, III, and V A who are not disentitled to the benefit of reservation but have income from other sources of wealth which will bring them within the income/wealth criteria mentioned in (a) above.

Explanation:—(i) Income from salaries or agricultural land shall not be clubbed;

- (ii) The income criteria in terms of rupee will be modified taking into account the change in its value every three years. If the situation, however, so demands, the interregnum may be less.

(1)	(2)	(3)	(4)
-----	-----	-----	-----

Note:—The Income/Wealth test governs categories IV, VB and others covered under VI as stated earlier. For the remaining categories, namely, I, II, III and VA, specific criteria have been laid down; however, if in these categories, any person, who is not disentitled to the benefit of reservation has income from other source or wealth, which will bring him within the criterion under item No. VI, then he shall be disentitled to reservation, in case his income without clubbing his income from salaries or agricultural land or his wealth is in excess of cut-off point prescribed under the income/wealth criteria. This note is for the guidance of the Revenue authorities for issuing the Creamy Layer Certificate.

Explanation:—Wherever the expression “permanent incapacitation” occur in this schedule, it shall mean incapacitation which results in putting an officer out of service.

ANNEXURE II

FORM OF CERTIFICATE TO BE PRODUCED BY OTHER BACKWARD CLASSES FOR APPOINTMENT TO POSTS UNDER GOVERNMENT OF KERALA AND ITS ORGANISATIONS AND INSTITUTIONS

This is to certify that Shri/Smt.....
son/daughter of
.....of village
District/Division in the State of Kerala belongs to.....
Community which is designated as a Backward Class in the State of Kerala.

2. This is also to certify that the above Shri/Smt.
does not belong to the category of "Creamy Layer" in the light of the
guidelines dated.....and the schedule prescribed
there under to identify the "Creamy Layer" among the designated "Other
Backward Classes" in the State of Kerala.

Signature:

Place:

Name:

Date:

Designation:

ANNEXURE III

APPLICATION FORM FOR A CERTIFICATE FOR ELIGIBILITY FOR
RESERVATION OF JOBS FOR OTHER BACKWARD CLASSES IN CIVIL
POSTS AND SERVICES UNDER GOVERNMENT OF KERALA

.....

Sir,

I request that a certificate in respect of reservation for Other Backward Classes in Civil Posts and Services under Government of Kerala be granted to me.

I. Give below the necessary particulars:

- | | | | |
|----|------------------------------------------------------------|---|------------------------------------|
| 1 | Full name of the applicant
(in block letters) | : | |
| 2 | Date of Birth | : | |
| 3 | Complete residential address | : | |
| | (a) Present | : | |
| | (b) Permanent | : | |
| 4 | Religion | : | |
| 5 | Caste | : | |
| 6 | Sub Caste | : | |
| 7 | Occupational Group | : | |
| 8 | Serial Number of the Caste in
the State List of O.B.Cs. | : | |
| 9 | Name of Father | : | |
| 10 | Name of Mother | : | |
| 11 | Status of Parent(s) | : | Father Mother |

A. Constitutional Posts

(i) Designation

B. Government Service : Father Mother

(i) Service (Central/State) :

(ii) Designation :

(iii) Scale of Pay including
Classification, if any :(iv) Date of appointment to
the post :(v) Age at the time of promotion
to Class I post (if applicable) :II. Employment in International
Organisation e.g. U.N., UNICEF, WHO

(i) Name of Organisation :

(ii) Designation :

(iii) Period of Service :
(indicate date from to.....)III. Death/Permanent incapacitation
(Omit if not applicable)(i) Date of death/Permanent
Incapacitation putting an
Officer out of service :(ii) Details of permanent
Incapacitation :C. Employment in Public Sector
Undertakings etc. :

(i) Name of Organisation :

(ii) Designation :

H. Any other remarks.

I. I,certify that the above said particulars are true to the best of my knowledge and belief and that I do not belong to the Creamy Layer of O.B.Cs. and am eligible to be considered for posts reserved for O.B.Cs. In the event of any information being found false or incorrect or ineligibility being detected before or after this selection, I understand that my candidature/appointment is liable to be cancelled and I shall be liable to such further action as may be provided under the law and/or rules.

Place:

Yours faithfully,

Date:

Signature of Candidate.



GOVERNMENT OF KERALA

SC/ST DEVELOPMENT (F) DEPARTMENT

CIRCULAR

No.27396/F3/07/SCSTDD

Dated, Thiruvananthapuram, 14.06.2010.

Sub : Reservation of O.B.Cs. in appointments to the Services and Posts under the Government of Kerala - issue of Non-Creamy Layer Certificate to the eligible candidates - Clarifications - reg.

- Ref : 1. Circular No.5036/Adv.C3/94/P&ARD dated 17.12.1994.
2. G.O.(P) No.36/2000/SCSTDD dated 27.05.2000
3. Clarification letter No.36033/5/2004/Estt(Res) dated 14.10.2004 of the Government of India, Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training.
4. G.O.(P) No.81/2009/SCSTDD dated 26.09.2009.
5. G.O.(P) No.95/2009/SCSTDD dated 10.11.2009.

As per Government Orders 2nd and 4th cited above, Government have issued certain guidelines for identifying the creamy layer among Other Backward Classes for the purpose of issuing non-creamy layer certificate for getting reservation in public appointments. In the said Government Orders, persons in the Backward Communities are classified into Six Categories for determining Creamy Layer.

2. Out of these, in Category II (Service Category) sons and daughters of Group A/Class I, Group B/Class II officers of Central and State Government Services (Direct Recruits) are excluded from getting non-creamy layer certificates subject to certain conditions laid down in the schedule to Annexure D of the Government Orders (vide 2nd & 4th cited).

3. The Government of India had issued clarifications regarding the issue of Non-Creamy Layer Certificate in appointments to the Services and Posts under the Government of India as per the letter 3rd cited. Based on the above letter in the reference 3rd cited, Government hereby clarify the following points.

4. It is clarified that the creamy layer status of a candidate is determined on the basis of the status of his parents and not on the basis of his own status or income or on the basis of status or income of his/her spouse. Therefore, while determining the creamy layer status of a person the status or the income of the candidate himself or of his/her spouse shall not be taken into account.

5. The following persons coming under Service Category (Category II) are not treated to be falling in creamy layer.

- (a) Parents either of whom or both of whom are directly recruited Class I/Group A officers and such parent(s) dies/die or suffers/suffer permanent incapacitation while in service;
- (b) Parents both of whom are directly recruited Class II/Group B officers and one of them dies or suffers permanent incapacitation while in service; and
- (c) Parents both of whom are directly recruited Class II/Group B officers and both of them die or suffer permanent incapacitation while in service, even though either of them has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years before their death or permanent incapacitation.

6. But if the parent(s) dies/die or suffers/suffer permanent incapacitation in such cases after retirement from service, his/their sons and daughters would be treated as falling in the creamy layer and would not get the benefit of reservation.

7. The sons and daughters of parents who are included in the creamy layer on the basis of service status of their parents shall continue to be treated in creamy layer even if their parents have retired or have died after retirement.

8. The sons and daughters of parents of whom only the father is a directly recruited Class II/Group B officer who gets into Class I/Group A at the age of 35 or earlier are treated to be in creamy layer. If the father is directly recruited Class III/Group C or Class IV/Group D employee and he gets into Class I/Group A at the age of 35 or earlier, his sons and daughters shall not be treated to be falling in creamy layer.

9. Explanation to the clause "Income from Salaries or Agricultural land shall not be clubbed" given in the Schedule D of Government Order in the 2nd and 4th cited, is as given below:

While applying the Income/Wealth Test to determine Creamy Layer status of any candidate under Category VI, income from salaries and income from agricultural land shall not be taken into account. It means that if income from salaries of the parents of any candidate is more than Rs.4.5 lakhs per annum, income from agricultural land is more than 4.5 lakhs per annum, but income from other sources is less than Rs.4.5 lakhs per annum, the candidate shall not be treated as falling in the Creamy Layer on the basis of Income/Wealth Test, provided his/her parents do not possess wealth above the exemption limit as prescribed in the Wealth Tax Act for a period of three consecutive years. The

exemption limit under the Wealth Tax Act, 1957 was Rs.15 lakhs for the Financial Year till 31.03.2009 and has been raised to Rs.30 lakhs with effect from 01.04.2009.

10. The assets liable to wealth tax under the Wealth Tax Act are the following.

- Any building or land which includes commercial buildings, residential buildings, any guest house, a farm house situated within 25 kilometers from the local limits of any municipality.
- Motor Cars
- Jewellery that includes ornaments made of gold, silver, platinum or any other precious metal of any alloy containing one or more of such precious metals as well as precious or semi precious stones
- Bullion, furniture, utensils or any other articles made wholly or partly of gold, silver, platinum or any other precious metal
- yachts, boats and aircrafts
- Urban land
- Cash in hand

11. The criteria prescribed for determining creamy layer status of sons and daughters of persons in Government service mutatis mutandis applies to the sons and daughters of persons holding equivalent or comparable posts in PSUs, Banks, Insurance Organisations, Universities etc. and also holding equivalent or comparable posts and positions under private employment. The creamy layer status of the sons and daughters of employees of organisations where evaluation of the posts on equivalent or comparable basis has not been made is determined on the basis of 'Income/Wealth Test' given in the Schedule. The Income/Wealth Test prescribes that the sons and daughters of persons having gross annual income of Rs.4.5 lakh or above or possessing wealth above the exemption limit as prescribed in the Wealth Tax Act for a period of three consecutive years would be treated to fall in Creamy Layer.

12. It is clarified that the creamy layer status of sons and daughters of persons employed in organisations where equivalence or comparability of posts vis-a-vis posts in Government has not been evaluated is determined as follows:

Income of the parents from the salaries and from the other sources [other than salaries and agricultural land] is determined separately. If either the income of the parents from the salaries or the income of the parents from other sources [other than salaries and agricultural land] exceeds the limit of Rs.4.5 lakh per annum for a period of three consecutive years, the sons and daughters of such persons shall be treated to fall in creamy layer. But the sons and daughters of parents whose income from salaries is less than Rs.4.5 lakh per annum and income from other sources is also less than Rs.4.5 lakh per annum will not be treated as

falling in creamy layer even if the sum of the income from salaries and the income from the other sources is more than Rs.4.5 lakh per annum for a period of three consecutive years. It may be noted that income from agricultural land is not taken into account while applying the Test.


13. The list of OBCs as per the KS & SSRs will be the valid list of OBCs entitled to get creamy layer/non-creamy layer certificates.

PAUL ANTONY
Principal Secretary to Government

To

The Secretary, Kerala Public Service Commission, Pattom,
Thiruvananthapuram.
All District Collectors/All Tahsildars.
The Registrar, Kerala State Commission for Backward Classes,
Thiruvananthapuram.
The Commissioner, Land Revenue, Thiruvananthapuram.
The Director, Scheduled Caste Development Department, Tvpm
The Director, Scheduled Tribes Development Department, Tvpm
The Director, Information & Public Relations Department.
The Revenue (T) Department
The Finance Department.

Forwarded/By Order


Section Officer.

Copy to : P.S to Chief Minister
P.S to Minister (WSC & Ele.)
P.A. to Principal Secretary, SC/ST Dev. Dept.
C.A. to Secretary SC/ST Dev. Dept.
C.A. to Additional Secretary, SC/ST Dev. Dept.
C.A to Joint Secretary, SC/ST Dev. Dept.
C.A to Deputy Secretary, SC/ST Dev. Dept.
Under Secretary I, II, III, SC/ST Dev. Dept.
Stock File/Office Copy.