



Secretariat,
Chennai - 9

BACKWARD CLASSES, MOST BACKWARD CLASSES AND MINORITIES

WELFARE DEPARTMENT

Letter No.4938/BCC/2011-1 dt.20.07.2011

From

Thiru G. Santhanam, IAS.,
Secretary to Government.

To

All District Collectors. (w.e)

Sir,

Sub : Reservation – Reservation for Other Backward Classes in Civil posts and services under the Government of India – Exclusion of creamy layer from the benefit of Other Backward Classes reservation – clarifications issued – Reiterated.

Ref :

1. G.O. Ms. No. 12, Backward Classes and Most Backward Classes Welfare Department, dated 28.3.1994.
2. Government Letter No. 627/BCC/97-33, Backward Classes, Most Backward Classes and Minorities Welfare Department, dated 24.4.2000.
3. Government Letter No. 10829/BCC/2004-2, Backward Classes, Most Backward Classes and Minorities Welfare Department, dated 10.11.2004.
4. From the General Secretary, All India Federation of Other Backward Classes Employees Welfare Association, representation dated 23.06.2011 addressed to the Chairman, National Commission for Backward Classes.

I am directed to invite attention to the Government of India, Ministry of Personnel, Public Grievances and Pensions O.M. No. 36012/22/93- Estt(SCT) dated 08.09.1993 communicated in the Government Order 1st cited wherein the Government of India have informed that sons and daughters of the persons falling under the following categories will be considered as creamy layer by virtue of the posts held by their parents subject to certain exemptions specified therein :-

- a) Holding Constitutional posts.
- b) Parents, both of whom are directly recruited class I / Group A Officers.

- c) Parents, either of whom is directly recruited class I / Group A officer.
- d) parents, both of whom are directly recruited class I / Group A officers, but one of them dies or suffers permanent incapacitation.
- e) parents, either of whom is a directly recruited class I / Group A 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 organization like UN, IMF, World Bank etc., for a period of not less than 5 years.
- f) parents, both of whom are directly recruited class I / Group A officer and both of them 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 Organization like UN, IMF, World Bank etc., for a period of not less than 5 years.
- g) parents, both of whom are directly recruited class II / Group B officers of central and State Services.
- h) parents of whom only the husband is a directly recruited class II / Group B officer and he gets into class I / Group A at the age of 40 or earlier.
- i) parents, both of them are directly recruited class II / Group B officers and one of them dies or suffers permanent incapacitation and either of them has had the benefit of employment in any International Organization like UN, IMF, World Bank etc., for a period of not less than 5 years.
- j) parents of whom the husband is a Class I / Group A officer (direct recruit or pre-forty promoted) and the wife is a directly recruited class II / Group B Officer and the wife dies or suffer permanent incapacitation.
- k) parents of whom wife is a Class I / Group A officer (direct recruit or pre-forty promoted) and the husband is a directly recruited class II / Group B officer and the husband dies or suffers permanent incapacitation.

The Government of India have also informed that the creamy layer status in respect of others will be determined by applying the "Income / Wealth Test" specified against category VI of the Schedule contained therein. The Government of India have clarified by means of an explanation provided under category VI that income from salaries or agricultural land shall not be clubbed.

2) In this connection, I wish to draw your attention to the reference 2nd cited wherein the Government have informed while issuing Other Backward Classes Certificates, the income from salaries should not be taken into account for the purpose of calculation of annual income for exclusion of creamy layer. Similarly, the agricultural income also should not be included for the above purpose.

3) In the instructions issued by Government of India, Ministry of Personnel Public Grievances and Pensions in their Letter No. 36033/5/2004-Estt(Res) dated 14.10.2004 which was communicated in the reference 3rd cited, it has been clarified, among other things, that while applying the Income / Wealth Test to determine creamy layer status of any candidate as given in Category IV of the Schedule to the O.M. dated 08.09.1993, income from salaries and income from the agricultural land shall not be taken into account. Copies of reference 2nd and 3rd cited are enclosed herewith for information.

4) It has been brought to the notice of the Government that despite the clear instructions issued in respect of exclusion of creamy layer, there has been difficulty in obtaining Other Backward Classes Certificates from the authorities concerned on the ground that the annual salary of their parents exceeds Rs. 4,50,000 and Other Backward Classes Certificates were denied to their sons and daughters. It has also been informed to Government that in view of the attitude of the officials, many eligible Other Backward Classes candidates are not able to avail the reservation benefit intended to them in Central Services and Educational institutions under the control of Government of India.

5) In this connection, I wish to inform you that the Government reiterate the instructions already issued in respect of calculating the Annual Income for exclusion of Creamy layer in their orders 1st and 2nd cited. I am therefore to request you to issue suitable guidelines to the Tahsildars, who are the Other Backward Classes Certificate issuing authorities to issue Other Backward Classes Certificates to the eligible persons without taking into account of income from salaries and income from agriculture land and to avoid any complaints in the matter.

Yours faithfully,

P. H. Aravindhan

for Secretary to Government.

To
The Member Secretary,
National Commission for Backward Classes,
Trikoor - I, Bhikaji Cama Place,
New Delhi. 110066.

The Director of Backward Classes Welfare, Chennai - 5.
The Commissioner of Most Backward Classes
and Denotified Communities, Chennai - 5.
The Commissioner of Minorities Welfare, Chennai - 5.
The Principal Commissioner & Commissioner of
Revenue Administration, Chennai - 5.

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Copy to :

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General Secretary,
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