

From

The Commissioner and Secretary to Government,
Haryana, Welfare of Scheduled Castes and Backward
Classes Department, Haryana, Chandigarh.

To

1. All Heads of Departments, Commissioners, Ambala,
Hissar, Rohtak and Gurgaon Divisions.
2. All Deputy Commissioners & Sub-Divisional Officers
(Civil) in Haryana.
3. The Registrar, Punjab and Haryana High Court, Chandigarh.

No. 1170-SW(1)-95

Dated, Chandigarh the 7.6.95.

Sub. :-Exclusion of socially advanced persons/sections (Creamy Layer) from Backward Classes.

Sir,

I am directed to invite your attention to the subject mentioned above and to state that following the Supreme Court Judgement in the Indira Sawhney and others versus Union of India case, the Haryana Government vide notification dated 12.10.1993 had set up the Haryana Second Backward Classes Commission. The terms of reference of this Commission were to entertain, examine and recommend upon requests for inclusion and complaints of over-inclusion and under-inclusion in the list of Backward Classes. Vide notification dated 26.5.1994, the Commission was also assigned the function of specifying the basis, applying the relevant the requisite socio-economic criteria to exclude socially advanced persons/sections (Creamy Layer) from Backward Classes.

In its report submitted on 16.5.1995, the Haryana Second Backward Classes Commission has recommended the criteria for excluding socially advanced persons/sections (Creamy Layer) from Backward Classes. After considering these recommendation, the Government has decided that the benefit of reservation shall not apply to persons/sections mentioned in Annexure 'A' which is enclosed.

All the departments are requested to bring the above instructions to the notice of all the Head of Departments and appointing authorities under their control for necessary compliance.

Yours faithfully,

Sd/-

Joint Secretary,

for Commissioner & Secretary to Govt.,
Haryana, Welfare of Scheduled Castes
and Backward Classes Department.

ANNEXURE 'A'

DESCRIPTION OF CATEGORY	TO WHOM RULE OF EXCLUSION WILL APPLY	
1	2	3
I. Constitutional Posts	Son(s) and daughter(s) of	<p>(a) President of India;</p> <p>(b) Vice President of India;</p> <p>(c) Judges of the Supreme Court and of the High Courts;</p> <p>(d) Chairman and Members of UPSC and of the State Public Service Commission; Chief Election Commissioner; Comptroller and Auditor General of India;</p> <p>(e) Persons holding Constitutional positions of like nature.</p>
II. Service Category A-Group A/Class-I Officers of the All India Central and State Services (Direct Recruits)	Son(s) and daughter(s) of	<p>(a) Parents, both of whom are class I officers;</p> <p>(b) parents, either of whom is a Class I officers;</p> <p>(c) parents, both of whom are Class I Officers, but one of them dies or suffers permanent incapacitation.</p> <p>(d) 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 H.N., I.B.F., World Bank, etc. for a period of not less than 5 years.</p> <p>(e) 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 U.N., I.M.F., World Bank, etc. for a period of not less than 5 years.</p> <p>Provided that the rule of exclusion shall not apply in the following cases :—</p> <p>(a) 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.</p> <p>(b) A lady belonging to OBC category has got married to a Class-I Officer, and may herself like to apply for a job.</p>
B. Group B/Class II Officers of the Central and State Services (Direct Recruitment)	Son(s) and daughter(s) of	<p>(a) parents both of whom are Class II Officers.</p> <p>(b) parents of whom only the husband is a Class II officer and he gets into Class I at the age of 40 or earlier.</p> <p>(c) parents, both 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 U.N., I.M.F., World Bank, etc. for a period of</p>

1	2	3
	TO WHOM RULE OF EXCLUSION WILL APPLY	DESCRIPTION OF CATEGORY
		not less than 5 years before such death or permanent incapacitation;
		(d) parents of whom the husband is a Class I officer (direct recruit or pre-forty 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-forty promoted) and the husband is a Class II officer & 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 U.N., I.M.F., World Bank, etc. for a period of not less than 5 years before their death or permanent incapacitation.
	C. Employees in Public Sector Undertakings etc.	The criteria enumerated in A & B above in this category will apply mutatis mutandis to officers holding equivalent or comparable posts in PSUs, banks, Insurances Organisations Universities etc. Pending the evaluation of the posts on equivalent or comparable basis in these institutions, the criteria specified in Category V below will apply to the officers in these institution.
	III. Armed Forces including Para Military Forces (persons holding civil posts are not included)	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 Force and the para Military Forces . Provided that : (i) if the wife of an Armed Forces Officers is herself in the Armed Forces (i.e. the category under consideration) the rule of exclusion will apply only when she herself has reached the rank of Colonel; (ii) the service ranks below Colonel of husband and wife shall not be clubbed together; (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.
	IV. Property Owners Agricultural holdings	Son(s) and daughter(s) of persons belonging to a family (father, mother and minor children) which owns land more than land permissible under the Ceiling Act of Haryana State.

1	2	3
V. Income/Wealth Test	Son(s) and daughter(s) of	
	(a)	persons having gross annual income of Rs. 1.00 lakh 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 & IV 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.
	(iii)	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.
	(iv)	If the wife is in any profession and the husband is in employment in Class II or lower rank 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.
	Explanation : Wherever, the expression 'Permanent incapacitation', occur in this schedule, it shall mean incapacitation which results in putting an officer out of service.	