

## CHAPTER -2

### SCOPE OF RESERVATION

#### Quantum of Reservation in Direct Recruitment

2.1 There shall be a reservation of 15 per cent for the members of the Scheduled Castes, 7.5 per cent for the members of the Scheduled Tribes and 27 per cent for the members of the Other Backward Classes in the matter of appointment by direct recruitment to civil posts and civil services on all India basis by open competition. [[36011/33/1981-Estt.\(SCT\) 5/10/1981](#)]

2.2 There shall be a reservation of 16.66 per cent for the members of the Scheduled Castes, 7.5 per cent for the members of the Scheduled Tribes and 25.84 per cent for the members of the Other Backward Classes in the matter of appointment by direct recruitment to civil posts and civil services on all India basis otherwise than by open competition.

2.3 Except in Delhi, reservation for the Scheduled Castes and Scheduled Tribes in case of direct recruitment to Group C and Group D posts normally attracting candidates from a locality or a region is generally fixed on the basis of proportion of their population in the respective States/UTs. Reservation for Other Backward Classes in such cases is fixed keeping in view the proportion of their population in the respective States/UTs subject to a limit of 27% and total reservation for SCs, STs and OBCs should not exceed 50%. Quantum of reservation fixed for SCs, STs and OBCs in such cases is indicated below [[36017/2/2004-Estt.\(Res\) dated 5/7/2005](#)]:

Sl.No.	Name of the State/UT	Percentage of Reservation		
		Scheduled Castes	Scheduled Tribes	Other Backward Classes
(1)	(2)	(3)	(4)	(5)
01	Andhra Pradesh	16	7	27
02	Arunachal Pradesh	1	45	0
03	Assam	7	12	27
04	Bihar	16	1	27
05	Chhattisgarh	12	32	6
06	Goa	2	12	18
07	Gujarat	7	15	27
08	Haryana	19	0	27

09	Himachal Pradesh	25	4	20
10	Jammu & Kashmir	8	11	27
11	Jharkhand	12	26	12
12	Karnataka	16	7	27
13	Kerala	10	1	27
14	Madhya Pradesh	15	20	15
15	Maharashtra	10	9	27
16	Manipur	3	34	13
17	Meghalaya	1	44	5
18	Mizoram	0	45	5
19	Nagaland	0	45	0
20	Orissa	16	22	12
21	Punjab	29	0	21
22	Rajasthan	17	13	20
23	Sikkim	5	21	24
24	Tamil Nadu	19	1	27
25	Tripura	17	31	2
26	Uttaranchal	18	3	13
27	Uttar Pradesh	21	1	27
28	West Bengal	23	5	22
29	Andaman & Nicobar Islands	0	8	27
30	Chandigarh	18	0	27
31	Dadra & Nagar Haveli	2	43	5
32	Daman & Diu	3	9	27
33	Delhi	15	7.5	27
34	Lakshadweep	0	45	0
35	Pondicherry	16	0	27

2.4 Where recruitment is made for zones or circles or regions consisting of more than one State, the percentages of reservation for SCs and STs is generally fixed on the basis of the proportion of SCs and STs in the respective zones/circles/regions and reservation for OBCs is fixed keeping in view their proportion in the population of the respective zones/circles/regions subject to a limit of 27% and total reservation for SCs, STs and OBCs should not exceed 50%.

**Illustration:** Suppose direct recruitment to a Group C post in an organization is made on the regional basis for the region consisting of the 8 States of the North East namely, Assam, Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland, Tripura and Sikkim. Total population of these States and population of the Scheduled

Castes and Scheduled Tribes in these States as per Census 2001 is 38,857,269; 2,486,474, and 10,465,898 respectively. Thus, the proportion of Scheduled Castes and Scheduled Tribes in the region is 6.39% and 26.93%. Estimated population of Other Backward Classes in the region is more than 27% of the total population of the region. Keeping all aspects in view, percentage of reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes for the region may be fixed as 6%, 27% and 17% respectively.

**Note 1:** The expression 'by open competition' means all recruitments by Union Public Service Commission (UPSC) whether through written examination or by interview or by both; and recruitments made by other authorities including Staff Selection Commission or any other appointing authority through written competitive examination or tests (but not by interview alone). Any recruitment not made by the UPSC or not made through written competitive test held by any other authority would mean direct recruitment otherwise than by open competition.

**Note 2:** In case of recruitment on local/regional/zonal/circle basis, SC/ST/OBC candidates not belonging to the concerned locality/region/ State/ zone/ circle shall also be eligible to get the benefit of reservation.

2.5 The members of the Other Backward Classes who fall in creamy layer shall not get the benefit of reservation. Criterion for determining creamy layer status amongst Other Backward Classes is given in the Annexure to this Chapter.

### **Quantum of Reservation in Promotion**

2.6 Reservation to the members of the Scheduled Castes and the Scheduled Tribes shall be provided in the matter of promotion when promotion is made:

- (a) through Limited Departmental Competitive Examination in Group B, Group C and Group D posts;
- (b) by selection from Group B post to a Group A post or in Group B, Group C and Group D posts; and
- (c) by non-selection in Group A, Group B, Group C and Group D posts.

2.7 Reservation in all the above cases shall be given at the rate of 15 per cent for the Scheduled Castes and 7.5 per cent for the Scheduled Tribes. However, reservation in promotion is not given in the grades in which the element of direct recruitment, if any, exceeds 75 per cent [[36012/17/88-Estt.\(SCT\) dated 25/4/1989](#)].

### **Reservation in Scientific and Technical Posts**

2.8 Reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes apply to appointments made to "scientific and technical" posts up to and including the lowest grade of Group A in the respective services.

2.9 Such 'scientific and technical' posts which satisfy all the following conditions can be exempted from the purview of the reservation orders by the Ministries/Departments:

- (i) The posts should be in grades above the lowest grade in Group A of the service concerned.
- (ii) They should be classified as 'scientific or technical' in terms of Cabinet Secretariat (Department of Cabinet Affairs) [[O.M. No. 85/11/CF-61\(1\) dated 28-12-1961](#)] according to which scientific and technical posts for which qualification in the natural sciences or exact sciences or applied sciences or in technology are prescribed and the incumbents of which have to use that knowledge in the discharge of their duties.
- (iii) The posts should be 'for conducting research' or 'for organizing, guiding and directing research'.

2.10 Orders of the Minister concerned should be obtained before exempting any posts satisfying the above conditions from the purview of the scheme of reservation.

2.11 In the case of scientific and technical posts required for research up to and inclusive of lowest grade of Group A of a service which are not exempt from the purview of reservation orders, reservation should be provided for Scheduled Castes, Scheduled Tribes and Other Backward Classes as per the scheme of reservations, except that:

- (i) reserved vacancies in such posts need be advertised only once and not twice;
- (ii) In the event of non-availability of candidates belonging to Scheduled Castes, Scheduled Tribes and Other Backward Classes, vacancies in such posts may be de-reserved by the administrative Ministry/Department concerned. However, the National Commission for Scheduled Castes or the National Commission for Scheduled Tribes or the National Commission for Backward Classes, as the case may be, and the Department of Personnel and Training should be informed about the de-reservation together with the details and reasons necessitating de-reservation.

[\[O.M.No.9/2/73-Estt\(SCT\) dated 23/06/75 and O.M.No.36012/27/1994-Estt\(SCT\) dated 13/5/1994\]](#)

### **Reservation in Posts of Industrial Workers**

2.12 The industrial establishments of the Government of India and the posts and grades in such establishments, whether these have been classified as group A, B, C and D or not, are covered by the scheme of reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes.

[\[O.M.No.8/7/1974-Estt.\(SCT\) dated 22/08/1975\]](#)

### **Reservation in Work-Charged Posts**

2.13 The principle of reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes should generally be suitably applied to the extent possible, to work-charged posts also except those required for emergencies like flood relief work, accident restoration and relief etc. The percentages of reservation in such appointments may correspond to what is applicable to Group C and Group D posts. [\[O.M.No.36021/9/1976-Estt.\(SCT\) dated 10/02/1977\]](#)

### **Reservation in Appointments of Daily Rated Staff**

2.14 While it may not be practical to apply the reservation orders in toto in respect of daily rated staff, it should be ensured that persons belonging to the Scheduled Castes, Scheduled Tribes and Other Backward Classes are recruited in such manner as their overall representation does not go below the prescribed percentage of reservation for the Scheduled Castes, Scheduled Tribes and Other Backward Classes respectively. [\[O.M.No.36011/18/81-Estt.\(SCT\) dated 16/07/1981\]](#)

### **Reservation in Appointments of Casual Workers to Regular Posts**

2.15 Appointment of casual workers against regular posts will be a case of direct recruitment. Hence all statutory requirements relating to filling up of posts by direct recruitment should be followed while regularizing the services of casual workers. General orders relating to reservation for persons belonging to SCs, STs and OBCs will be applicable in cases relating to regularization of casual workers. Vacancies meant for these categories of persons should be filled up by casual workers of respective reserved categories and the balance, if any, may be filled up by outsiders belonging to these categories, who are not casual workers. Casual workers, who do not belong to the

reserved categories, can be appointed against unreserved vacancies only. **O.M.No.49014/12/1988-Estt( C ) dated 22/08/1988]**

### **Reservation in Ad-hoc Promotions**

2.16 As a matter of basic approach, ad-hoc promotions should be avoided.. However, if ad-hoc promotions are to be made in exceptional circumstances, such as during pendency of court cases, protracted seniority disputes, non-framing of recruitment rules, unforeseen delay in direct recruitment or convening of DPCs for reasons beyond the control of the appointing authority etc., following guidelines may be followed on every occasion when ad-hoc promotions are resorted to so as to ensure that the claims of eligible officers belonging to Scheduled Castes and Scheduled Tribes are also duly considered:

- (i) In cases where reservation orders for SCs and STs are applicable, the number of vacancies falling to the share of SCs and STs would be the same if the vacancies were to be filled on regular basis.
- (ii) Since ad-hoc promotions are made on the basis of non-selection, all the Scheduled Caste/Scheduled Tribe candidates covered in the relevant seniority list within the total number of such vacancies against which ad-hoc promotions are to be made, should be considered in the order of their general seniority as per the gradation list, on the principle of seniority-cum-fitness and if they are not adjudged unfit, they should all be promoted on ad-hoc basis.
- (iii) If the number of SC/ST candidates found fit within the range of actual vacancies is less than the number of vacancies identified as falling to their share if the vacancies were filled on a regular basis, additional SC/ST candidates to the extent required should be located by going down the seniority list, provided they are eligible and found fit for such ad-hoc appointment.
- (iv) All ad-hoc appointees have to be replaced by regular incumbents at the earliest opportunity. When regular promotions are made subsequently, reversion of the ad-hoc appointees should take place strictly in the reverse order of seniority, the junior-most candidate being reverted first. No special concessions are to be given to SC/ST candidates at the time of such reversion.

- (v) There is no need for maintaining any separate formal register or roster register for ad-hoc promotions. The concept of de-reservation, carrying forward of reservation etc. will also not be applicable in the case of ad-hoc appointments. However, a simple register called Ad-hoc Promotions Register may be maintained for different categories of posts for which ad-hoc appointments are made to facilitate a record being kept of the ad-hoc appointments and for ensuring reversion in the proper order on regular promotions being made to the posts in question.

[\[No. 36011/14/83-Estt.\(SCT\) dated 30-4-1983 and O.M. No.36011/13/83-Estt.\(SCT\) dated 30/09/1983\]](#)

### **Reservation in case of a Single Vacancy**

2.17 In cases where only one vacancy occurs in the initial recruitment year and it, according to the scheme of reservation, is reserved for Scheduled Castes or Scheduled Tribes or OBCs, it should be treated as unreserved and filled accordingly and the reservation should be carried forward to subsequent recruitment year. In the subsequent recruitment year, even if there is only one vacancy, it should be treated as “reserved” against the carried forward reservation from the initial recruitment year, and a Scheduled Caste/ Scheduled Tribe/OBC candidate, if available, should be appointed in that vacancy, although it may happen to be the only vacancy in that recruitment year. This provision applies to direct recruitment as well as promotion. When the vacancy is treated as reserved, it shall be filled up as per the procedure prescribed for filling up of reserved vacancies.[ [36011/39/81-Estt.\(SCT\) dated 30/11/1981\]](#)

### **Reservation in PSUs, Autonomous Bodies etc**

2.18 Instructions contained in this Compendium relate to reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes in posts/services under the Government of India. The Public Sector Undertakings, Statutory and Semi-Government Bodies, Autonomous Bodies/Institutions including Municipal Corporations, Cooperative Institutions, Universities etc. under the control of the Government, may make reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes in their services on the lines of the reservations in services under Government. The Department of Public Enterprises, Ministry of Heavy Industries and Public Enterprises may arrange for issue of suitable directives to the various public sector undertakings,

through the administrative Ministries concerned for making reservations for Scheduled Castes, Scheduled Tribes and Other Backward Classes in their services. The Ministries/Departments should take suitable action to provide for reservations for Scheduled Castes, Scheduled Tribes and Other Backward Classes in the services of the autonomous bodies/institutions which are receiving grants-in-aid from the Government of India by making suitable provision in the relevant statutes or in the Articles of Association of the respective bodies. [[O.M.No.39/40/74\(SCT\)\(I\) dated 30/09/1974](#) ]

### **Reservation in Voluntary Agencies**

2.19 The Ministries/Departments should insist as a pre-condition to the sanction of grants-in-aid from Central Government to a non-Government organizations/ voluntary agency etc. that it shall provide reservation to the extent of 15% to SCs, 7.5% to STs and 27% to OBCs in case of direct recruitment on all India basis and as shown in the table under Para 2.1 (c) in case of direct recruitment to posts normally attracting candidates from a locality or region where:

- (a) The recipient body employs more than 20 persons on a regular basis and at least 50 percent of its recurring expenditure is met from grants-in-aid from the Central Government; and
- (b) The body is a registered society or a cooperative institution and is in receipt of a general purpose annual grants-in-aid of Rs.2lakh and above from the Consolidated Fund of India.

2.20 A clause providing for reservations in the services under the voluntary agencies should be included in the terms and conditions under which such voluntary agencies /organizations etc. are given grants-in-aid by Government, somewhat on the following lines:

“.....(Name of Organization/ Agency etc.) agrees to make reservations for Scheduled Castes, Scheduled Tribes and Other Backward Classes in the posts/services under its control on the lines indicated by the Government of India.”

2.21 While sanctioning grants-in-aid to various voluntary agencies the progress made by such agencies in employing Scheduled Caste, Scheduled Tribe and Other Backward Class candidates in their services should be kept in view by the administrative Ministries/Departments. The voluntary



agencies etc. should be informed that the progress in respect to the employment by them of Scheduled Castes, Scheduled Tribes and OBCs in the services under them would be taken into account by Government while sanctioning future grants-in-aid to them. [[O.M.No.27/12/73-Estt.SCT\) dated 7/10/1974](#)]

### **Non-Applicability of Reservation**

2.22 Reservations do not apply to:

- (i) Temporary appointments of less than 45 days duration; [[O.M.No.27/4/67\(II\)-Estt.\(SCT\) dated 24/09/1968](#)]
- (ii) Work-charged posts which are required for emergencies like flood relief work, accident restoration and relief etc. [[36021/9/76-Estt.\(SCT\) 10/2/1977](#)]
- (iii) Promotions by selection method from a Group 'A' post to another Group 'A' post. [[36028/21/7/2003-Estt.\(SCT\) dated 29/01/2004](#)]
- (iv) Appointments to Scientific and Technical posts which are above the lowest rung of Group 'A'. [[O.M.No.36012/27/1994-Estt\(SCT\) dated 13/05/1994](#)]
- (v) Deputation/Absorption. [[O.M.No.36012/7/77-Estt\(SCT\) dated 21/01/1978](#)]
- (vi) Single post cadres

### **Relevant Office Memoranda etc.**

1.	<a href="#">MHA O.M. No.42/21/49-NGS</a>	28.1.1952
2.	<a href="#">MHA O.M. No.16/2/54-(SCT)</a>	23.11.1954
3.	<a href="#">MHA O.M. No.5/1/63-SCT(I)</a>	4.3.1964
4.	<a href="#">MHA O.M. No.16/2/67 -Est.(C)</a>	27.9.1967
5.	<a href="#">MHA O.Ms. No. 1/12/67-Est.(C)</a>	11.7.1968
6.	<a href="#">No.17/4/69-Estt.(SCT)</a>	3.2.1970
7.	<a href="#">MHA OM No.27/25/68-Est.(SCT)</a>	25.3.1970
8.	<a href="#">DP&amp;AR O.M. No.27/2/71-Est. (SCT)</a>	27.11.1972
9.	<a href="#">DP&amp;AR O.M. No.10/41/73-Est.(SCT)</a>	20.7.1974
10.	<a href="#">MHA O.M. No.39/40/74-SCT(I)</a>	30.9.1974
11.	<a href="#">DP&amp;AR O.M. No.27/12/73-Estt.(SCT)</a>	7.10.1974
12.	<a href="#">DP&amp;AR O.M. No.9/2/73-Est. (SCT)</a>	23.6.1975
13.	<a href="#">DP&amp;AR O.M. No.8/7/74-Est.(SCT)</a>	22.8.1975
14.	<a href="#">DP&amp;AR O.M. No.36021/9/76-Estt.(SCT)</a>	10.2.1977
15.	<a href="#">DP&amp;AR O.M. No.36012/7/77-Est.(SCT)</a>	21.1.1978

16.	<a href="#"><u>DP&amp;AR O.M. No.36011/18/81-Est.(SCT)</u></a>	16.7.1981
17.	<a href="#"><u>DP&amp;AR OM No.36011/39/81-Estt.(SCT)</u></a>	30.11.1981
18.	<a href="#"><u>DP&amp;AR OM No.36011/14/83-Estt.(SCT)</u></a>	30.4.1983
19.	<a href="#"><u>Dep. Per &amp;AR O.M. No.36011/13/83-Est.(SCT)</u></a>	30.9.1983
20.	<a href="#"><u>Dep. Per &amp;AR O.M. No.36011/14/83-Est.(SCT)</u></a>	30.4.1983
21.	<a href="#"><u>Dep. Per &amp; Trg OM No. 36011/13/88-Estt(SCT)</u></a>	22.8.1988
22.	O.M.No.49014/12/1988-Estt( C )	22/08/1988
23.	<a href="#"><u>DOP&amp;T O.M. No.36022/4/93-Estt.(SCT)</u></a>	1.6.1993
24.	<a href="#"><u>DOP&amp;T O.M. No.41015/9/93-Estt.(SCT)</u></a>	7.6.1993
25.	<a href="#"><u>DOPT OM No. 36012/22/93-Estt(Res)</u></a>	8.9.1993
26.	<a href="#"><u>DOPT OM No.36012/22/93-Estt(Res)</u></a>	15.11.1993
27.	<a href="#"><u>DOPT OM No. 36012/27/94-Estt(SCT)</u></a>	13.5.1994
28.	<a href="#"><u>DOPT OM No. 36012/18/95-Estt(Res) Pt.II</u></a>	13.8.1997
29.	<a href="#"><u>DOPT OM NO. 36012/27/2000-Estt(Res)</u></a>	15.3.2002
30.	<a href="#"><u>DOPT OM NO. 36033/3/2004-Estt(Res)</u></a>	14.10.2008

**CRITERION FOR DETERMINING CREAMY LAYER****[O.M.No.36012/22/93-Estt(SCT) dated 08/09/1993]**

Category	Description of Category	Who will fall in Creamy Layer
1.	2	3
I.	CONSTITUTIONAL POSTS	<p>Son(s) and daughter(s) of</p> <ul style="list-style-type: none"> <li>(a) President of India;</li> <li>(b) Vice President of India;</li> <li>(c) Judges of the Supreme Court and of the High Courts;</li> <li>(d) Chairman &amp; Members of UPSC and of the State Public Service Commission; Chief Election Commissioner; Comptroller &amp; Auditor General of India;</li> <li>(e) Persons holding Constitutional positions of like nature.</li> </ul>
II.	<p>SERVICE CATEGORY</p> <p>A. Group A / Class I officers of the All India Central and State Services (Direct Recruits)</p>	<p>Sons(s) and daughter(s) of</p> <ul style="list-style-type: none"> <li>(a) parents, both of whom are Class I officers;</li> <li>(b) parents, either of whom is a Class I officer;</li> <li>(c) parents, both of whom are Class I officers, but one of them dies or suffers permanent incapacitation.</li> <li>(d) Parents, either of whom is a Class I officers 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.</li> <li>(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 UN, IMF, World Bank, etc. for a period of not less than 5 years.</li> </ul> <p>Provided that the rule of exclusion shall not apply in the following cases:</p> <ul style="list-style-type: none"> <li>(a) Sons and daughters of parents either of</li> </ul>

		<p>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>
	<p>B. Group B/Class II officers of the Central &amp; State Services (Direct Recruitment)</p>	<p>Son(s) and daughter(s) of</p> <p>(a) Parents both of whom are Class II officers.</p> <p>(b) parents of whom only the husband is a Class II officers and he gets into Class I at the age of 40 or earlier.</p> <p>(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;</p> <p>(d) Parents of whom the husband is a Class I officer (direct recruit or pre-forty promoted) and the wife is a Class II officers and the wife dies; or suffers permanent incapacitation; and</p> <p>(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 and the husband dies or suffers permanent incapacitation</p> <p>Provided that the rule of exclusion shall not apply in the following cases:</p> <p>Sons and daughters of</p> <p>(a) Parents both of whom are Class II officers and one of them dies or suffers permanent incapacitation.</p> <p>(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.</p>
	<p>C. Employees in Public Sector Undertakings etc.</p>	<p>The criteria enumerated in A&amp;B above in this Category will apply mutatis mutandis to officers holding equivalent or comparable posts in PSUs, Banks, Insurance Organisations, Universities, etc. and also to equivalent or comparable posts and positions under private employment, pending the evaluation of the posts on equivalent or comparable basis in these institutions, the criteria specified in Category VI</p>

		below will apply to the officers in these Institutions.
III.	ARMED FORCES INCLUDING PARAMILITARY 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	PROFESSIONAL CLASS AND THOSE ENGAGED IN TRADE AND INDUSTRY  (I) Persons, engaged in profession as a 'doctor, lawyer, chartered accountant, Income Tax consultant, financial or management consultant, dental 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.  (II) Persons engaged in trade, business and industry.	Criteria specified against Category VI will apply:-  Criteria specified against Category VI will apply: Explanation:  (i) Where the husband is in some profession and the wife is in Class II or lower grade employment, the income / wealth test will apply only on the basis of the husband's income.  (ii) If the wife is in any profession and the husband is in employment in a 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.
V.	PROPERTY OWNERS  A. Agricultural holdings	Son(s) and daughter(s) of persons belonging to a

		<p>family (father, mother and minor children) which owns</p> <p>(a) Only irrigated land which is equal to or more than 85% of the statutory area, or</p> <p>(b) Both irrigated and unirrigated land, as follows:-</p> <p>(i) The rule of exclusion will apply where the pre-condition exists that the irrigated area (having been brought to a single type under a common denominator) 40% or more of the statutory ceiling limit for irrigated land (this being calculated by excluding the unirrigated portion). If this pre condition of not less than 40% exists, then only the area of unirrigated land will be taken into account. This will be done by converting the unirrigated land on the basis of the conversion formula existing, into the irrigated type. The irrigated area so computed from unirrigated land shall be added to the actual area of irrigated land and if after such clubbing together the total area in terms of irrigated land is 80% or more of the statutory ceiling limit for irrigated land, then the rule of exclusion will apply and disentitlement will occur.</p> <p>(iii) The rule of exclusion will not apply if the land holding of a family is exclusively unirrigated.</p>
	<p><b>B. Plantations</b></p> <p>(i) Coffee, tea, rubber, etc.</p> <p>(ii) Mango, citrus, apply plantations etc.</p>	<p>Criteria of income / wealth specified in Category VI below will apply.</p> <p>Deemed as agricultural holding and hence criteria at A above under this Category will apply.</p>
	<p><b>C. Vacant land and / or buildings in urban areas or urban agglomerations</b></p>	<p>Criteria specified in Category VI below will apply.</p> <p>Explanation: Building may be used for residential, industrial or commercial purpose and the like two or more such purposes.</p>
VI.	<p><b>INCOME / WEALTH TEST</b></p>	<p>Son(s) and daughter(s) of</p> <p>(a) Persons having gross annual income of Rs.6 lakh or above or possessing wealth above the exemption limit as prescribed in the Wealth Tax Act for a period of three consecutive years</p> <p>(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.</p>

		<p>Explanation:</p> <p>(i) Income from salaries or agricultural land shall not be clubbed;</p> <p>(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.</p>
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**Explanation:** Wherever the expression “permanent incapacitation” occurs in this statement, it shall mean incapacitation which results in putting an officer out of service.

**Note 1:** Sons and daughters of:

- (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 Organization like UN, IMF, World Bank, etc. for a period of not less than 5 years before their death or permanent incapacitation

shall not be treated to be falling in creamy layer. 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 to be falling in creamy layer and would not get the benefit of reservation.

**Note 2:** 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.

**Note 3:** Sons and daughters of parents of whom only the husband is a directly recruited Class II/Group B officer who gets into Class I/Group A at the age of 40 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 40 or earlier, his sons and daughters shall not be treated to be falling in creamy layer.

**Note 4:** 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.

**Note 5:** The creamy layer status of sons and daughters of persons employed in organizations where equivalence or comparability of posts vis-à-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.6 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. 6 lakh per annum and income from other sources is also less than Rs.6 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.6 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.”

**Note 6:** While applying the Income/Wealth Test to determine creamy layer status of any candidate as given in Category-VI, income from the salaries and income from the 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. 6 lakh per annum, income from agricultural land is more than Rs.6 lakh per annum, but income from sources other than salaries and agriculture is less than Rs. 6 lakh per annum, the candidate shall not be treated to be falling in creamy layer on the basis of Income/Wealth Test provided his parent(s) do not possess wealth above the exemption limit as prescribed in the Wealth Tax Act for a period of three consecutive years.

**[O.M.No.36012/22/1993-Estt(SCT) dated 8/9/1993, No.36033/5/2004-Estt(SCT) dated 14/10/2004 and 36033/1/2013-Estt(Res) dated 27/5/2013]**