

SOCIAL WELFARE SECRETARIAT

Sub: Reservations for admission to the Educational Institutions as per Article 15(4) and Employment as per Article 16(4) of the Constitution of India and New Creamy Layer Policy Orders....reg

- Read:**
1. G.O. No. SWD 150 BCA 94 Dated: 17-09-94
 2. G.O. No. SWD 251 BCA 94 Dated: 31-01-95
 3. G.O. No. SWD 394 BCA 94 Dated: 14-02-96
 4. Letter No. KSCBC:MS/Reports/2000-01 Dated: 14-12-2000 of the Member Secretary Karnataka State Commission for Backward Classes.

Preamble:

In Govt. Order Dated: 17-09-94 read (1) above, Govt. have formulated reservation policy for Schedule Casts and Scheduled Tribes and other Backward Classes for admissions to professional courses for the year 1994-95 as per the lists of castes enclosed thereto as follows:

CATEGORY-I	4%
CATEGORY-II (A)	15%
CATEGORY-II (B)	4%
CATEGORY-III (A)	4%
CATEGORY-III (B)	5%
SCHEDULED CASTES	15%
SCHEDULED TRIBES	3%

2. Under the said order Dated: 17-09-94 it has also been stated that no person other than belonging to Scheduled Castes, Scheduled Tribes and Category-I of Backward Classes shall be entitled to the benefit of reservation for admission to professional courses unless he/she satisfies the conditions of the creamy layer specified there under.

3. In G.O. Dated: 31-01-1995 read at Sl. No. 2 above, the aforesaid reservation and creamy layer policy envisaged in the order Dated: 17-09-94 read at Sl. No. (1), has been made applicable to the employment too, under Article 16(4) of the Constitution of India.

4. In G.O. Dated: 14-02-96 read at Sl. No. (3) above the Creamy Layer Policy existed as on 01-01-95 for the purpose of admission to the professional courses was also made applicable to employment with retrospective effect from 01-01-94.

5. In Writ Petition No. 438/94 the Hon'ble Supreme Court of India have passed an interim order stating that the reservation in any case should not exceed 50%. Similar writs bearing No. 417/94, and 694/94 are pending disposal before the Hon'ble Supreme Court. Therefore, in G.O. No. SWD 61 BCA 95 Dated: 28-12-95 the currency of the 50% reservation specified in G.O. Dated: 17-09-94 and 13-01-95 has been extended till the final decision in WP No. 438/94, 471/94 and 694/94 is taken by Hon'ble Supreme Court.

6. Now the Karnataka State Commission for Backward Classes have submitted special report and 71 advices vide their letter Dated: 04-12-2000 read at Sl. No. 4 above. Pending consideration of the entire report, the Government have examined in detail the Creamy Layer Policy contained in the Special Report and 71 Advices, relating to inclusions, deletions, correction of spellings etc. and have made the following orders.

I-5-0

G + 10,500 + 6000 SC

ANNEXURE-II to G.O. No. SWD 225 BCA 2000 dated 30th March 2002
NEW COMPREHENSIVE CREAMY LAYER

Under Article 15(4) and 16(4) of the Constitution of India, the following persons shall not be eligible for reservation of seats of posts categorised under IIA, IIB, IIIA and IIIB.

NOTE:

1. This rule will not apply to direct recruitments to posts which insist on a prescribed period of service in a lower post or experience in a post, profession or occupation as a qualification or eligibility.
2. This rule applies to son(s) or daughter(s) of the persons specified below:

1	<p>(a) President of India</p> <p>(b) Vice President of India</p> <p>(c) All functionaries holding Cabinet rank in Government of India or Government of any State or Union Territory.</p> <p>(d) Chairmen of Council of States and the State Legislative Councils</p> <p>(e) Governors of States</p> <p>(f) Speakers of Lok Sabha and Legislative Assemblies</p> <p>(g) Judges of supreme Court and High Courts</p> <p>(h) Chairmen of Public Service Commission</p> <p>(i) Attorney General of India</p> <p>(j) Advocate General</p> <p>(k) Chief Election Commissioner</p> <p>(l) Comptroller and Auditor General of India</p> <p>(m) Members of Parliament atleast for a period of five years - during the period of their office.</p> <p>(n) Members of State Legislature atleast for a period of five years - during the period of their office.</p>
2	The Candidate and either of whose parents / guardian is a Group-A or Group B officer in the services of the Government or holds an equivalent post in public sector undertakings or an employee of a private industry / Institution and draws a salary which is not Less than that of a Group B officer (Pay scale Rs. 6000-11200)
3	The Candidate and his/her father's mother's/Guardian Gross Annual income exceeds Rs. 2.00 lakhs.
4	The candidate and his/her father, mother / guardian holding 10 units of Agricultural Land as Specified in the Karnataka Land Reforms Act 1961, and such of those holding more than 20 acres of plantation land.

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