



**KERALA STATE COMMISSION FOR RECOMMENDING THE CRITERIA FOR  
DECIDING RESERVATIONS TO ECONOMICALLY WEAKER SECTIONS  
(EWSs) IN THE GENERAL CATEGORY IN KERALA**

**SHRI.K.SASIDHARAN NAIR**

**(Rtd. Judge, and Former State Election Commissioner)**

**CHAIRMAN**

**ADV.M.RAJAGOPALAN NAIR,**

**(Chairman, Devaswom Recruitment Board)**

**MEMBER**

**REPORT OF THE COMMISSION CONSTITUTED FOR RECOMMENDING THE CRITERIA  
FOR IDENTIFYING THE ECONOMICALLY WEAKER SECTIONS (EWSs) IN THE  
GENERAL CATEGORY IN KERALA**

**29<sup>TH</sup> NOVEMBER, 2019**

**THIRUVANANTHAPURAM**

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Memorandum  
Date 29<sup>th</sup> November, 2019

To  
The Hon'ble Chief Minister of Kerala

From

Shri.K.Sasidharan Nair,  
Chairman.

&

Adv.M.Rajagopalan Nair,  
Member.

Sub: Report of the Commission constituted for recommending the criteria for reservations to Economically Weaker Sections (EWSs) in the general category in Kerala.

Ref: G.O.(M.S) No.5/2019/ P & ARD dated 12.03.2019.

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The Commission constituted for recommending the criteria for identifying the Economically Weaker Sections in General Category as per reference cited is furnishing the report on this the 29<sup>th</sup> day of November, 2019. After making an in-depth study on all relevant issues and related aspects, the Commission is submitting the report recommending the criteria for identifying the Economically Weaker Sections in General Category for implementing reservation of 10% in direct recruitment in civil posts and services and admission in Educational Institutions.

The Commission acknowledges with sincere thanks and gratitude to the Hon'ble Chief Minister of Kerala for the unstinting support given to us for completing our work.

The Commission is also grateful to Sri.K.John Britto, who is engaged as the Consultant and Sri.Praveen.P., who is engaged as the data analyst, for their contribution and assistance in completing this work.

Our thanks are also due to all those who had responded to the paper publication and questionnaire and also for their participation in the discussion held on 30.9.2019 at Government Guest House, Thiruvananthapuram.

We also place on record our sincere thanks to all our Staff members who had given full support and co-operation in completing the work of the Commission.

K.SASIDHARAN NAIR (Chairman)

ADV.M.RAJAGOPALAN NAIR ((Member)

## EXECUTIVE SUMMARY

The Government of Kerala, as per G.O.(MS) No.5/2019/P & ARD dated 12.03.2019, constituted a Commission consisting of K.Sasidharan Nair (Retired Judge and former State Election Commissioner) as Chairman and Advocate M.Rajagopalan Nair (Chairman, Devaswom Recruitment Board) as Member, for recommending the criteria for deciding the Economically Weaker Sections in the General Category for the purpose of implementing the reservation up to 10% provided as per the Constitution (103<sup>rd</sup> Amendment) Act, 2019. General Category referred to in this report relates to all classes of citizens other than Scheduled Castes, Scheduled Tribes and Other Backward Classes. The term of the Commission was for 3 months. The Chairman and member took charge on 18.3.2019 and in the meeting held on that day, it was resolved to request the Government to provide necessary staff, funds, office and other infrastructural facilities.

2. As the Model Code of Conduct in connection with the elections to the Parliament was in force from 10.03.2019 till 25.5.2019, the Commission could not proceed with its work effectively. So the term was extended for another 3 months by the Government vide G.O(MS)10/2019/P&ARD dated 07.06.2019. After withdrawal of the election Model Code of Conduct, the Commission started its work in right earnest, at first by making paper publication on 12.06.2019 inviting the views and suggestions from Associations of Forward

Communities and from general public. A lot of representations were received and based on such feedback, a questionnaire was prepared and supplied to the Associations of forward communities and published through the web site launched for this Commission. More than 400 individuals and 30 Associations have given replies. A discussion was held with the representatives of the Associations, who had responded to the questionnaire, at the Government Guest House, Thiruvananthapuram on 30.09.2019 from 10.a.m. The data obtained from Entrance Commission, Directorate of Employment Exchange, Directorate of Civil Supplies, Public Service Commission, Economics and Statistics Department etc. have been analysed with the help of Sri.Praveen P. who is engaged as data scientist. The reports of the Commissions for the backward classes headed by Mr.Justice (Rtd) Kumara Pillai, Mr.Justice (Rtd) Narendran, Mr.Justice (Rtd) R.Rajendra Babu, Mr.Justice (Rtd) Sivarajan were collected and evaluated. The report of the Commission constituted by the Central Government for identifying and suggesting welfare measures to the Economically Backward Classes in General Category headed by Major Gen. S.R.Sinhu also has been evaluated. The Judgments of the Apex Court in Indra Sawhney and Asok kumar Thakur cases and other relevant judgments of Apex Court and Kerala High Court on reservation have also been considered by this Commission. Detailed discussions were held with the Chairman, Mr.Justice (Rtd) M.R.Hariharan Nair and Members, Adv.Sri.N.Manoharan Pillai and Mr.A.G.Unnikrishnan of the Commission for Economically Weaker



Sections in Forward Communities at the office of that Commission, Sri.R.Balakrishna Pillai, the Chairman of the Kerala State Welfare Corporation for Forward Communities, P.S.C.Chairman Adv.M.K.Zakeer, former Chairman, Sri.Gangadhara Kurup and also with eminent personalities in the field of reservation, social justice and political leaders. The Commission has convened 15 sittings. The entire work was done by the Commission with the help and assistance of the staff of the Law Reforms Commission and utilising its funds as permitted by the Government.

The Commission, after having made an in-depth study of various legal and factual aspects and the circumstances prevailing in the State and evaluating the primary and secondary data collected through different sources and considering all the annexures and appendices and the materials on record, has made an earnest endeavour to identify the economically weaker sections in the General Category and prepared the report. The gist of the recommendations are the following:

1. Persons who are not covered under the scheme of reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes and whose family has gross annual income up to Rs. 4 lakhs (Rupees Four Lakhs only) are to be identified as Economically Weaker Sections for the benefit of reservation provided under Clause (6) of Article 15 and Clause (6) of Article 16 of the Constitution of India. The identification of persons under

Economically Weaker Sections as above shall be subject to certain exceptions here in after enumerated.

2. The term “family” for the purpose of reservation to admissions in educational institutions and public employment covered under Clause (6) of Article 15 and Clause (6) of Article 16 of the Constitution of India shall include the person who seeks the benefit of reservation, his/her parents, siblings below the age of 18 years as also his/her spouse and their children below the age of 18 years.
3. Income from all sources, subject to the following exemptions are to be taken for computing the annual income of the family.

#### Exemptions

1. Agricultural income from house plots in Municipality or Municipal Corporation of which the ceiling limit is specified.
  2. Amounts received as social security pensions.
  3. Family Pension.
  4. Unemployment Wages.
  5. Festival Allowance.
  6. Terminal benefits.
  7. Travelling Allowance.
4. Persons whose family owns or holds an extent of more than 2.5 Acres of land in Grama Panchayat area or more than 75 cents in Municipal area or 50 cents in Municipal Corporation area are excluded from being identified as Economically Weaker Sections in General Category.

The lands in all locations shall be clubbed together to ascertain the extent.

If the applicants' family is having lands in Panchayat area as well as in Municipality or Municipal Corporation limits, such lands shall be clubbed together and if the extent is more than 2.5 acres, he shall be excluded from being identified as Economically Weaker Sections.

If the applicants' family is having lands both in Municipal area and Municipal Corporation area, the above lands shall be clubbed together and if the total extent is more than 75 cents, he shall be excluded from being identified as Economically Weaker Sections in General Category.

“Land” shall include all types of lands.

5. Persons whose family owns or holds house plots having an area of more than 20 cents in a Municipality or 15 cents in Municipal Corporation area shall be excluded from being identified as Economically Weaker Sections in General Category.

If more than one house plot is owned or held by the family, all such plots shall be clubbed together to ascertain the extent of house plot.

If the family has house plots in Municipality and also Municipal Corporation limits, then all such plots shall be taken together and if the area of such plots is more than 20 cents, the person belonging to such family shall be excluded from being identified as Economically Weaker Sections in General Category.

House Plot is defined as a plot where a house is situated or a house can be built.

6. Applicants whose names are entered in the Ration cards issued to the families in the category of Anthyodaya Annayojana (AAY) or Priority House Holds (PHH) shall be identified as belonging to Economically Weaker Sections in General Category.

Such applicants need to produce only a certificate stating that his/her name is included in the Ration Card issued under such category.

The Village Officer concerned shall be the officer competent to issue such certificate. A model form of the Certificate is attached along with the report as Model Form No.II

7. Commission recommends to provide 10% reservation to Economically Weaker Sections in General Category in all educational institutions, other than minority institutions, where reservation is provided to Other Backward Classes.
8. The Scheme for reservation of Economically Weaker Sections in General Category in the State of Kerala can be made effective from the date as fixed by the Government.
9. The criteria for identification of Economically Weaker Sections in General Category may be reviewed and modified periodically, preferably by following a time frame of 3 years.

## **CHAPTER I**

### **INTRODUCTION**

#### **1.1 General Category.**

As per Clause (6) of Article 15 and Clause (6) of Article 16 of Constitution of India, introduced as per the Constitution 103<sup>rd</sup> Amendment Act 2019, reservation up to 10% is provided to the Economically Weaker Sections (EWSs) of citizens in classes other than Scheduled Castes (SC), Scheduled Tribes (ST) and Other Backward Classes (OBC) for admission to educational institutions and public employment. The above class in which the Economically Weaker Sections are to be identified is here in after referred to in this report as “General Category” (G.C). This General Category would include all classes of citizens who are not coming under the Scheduled Castes, Scheduled Tribes and Other Backward Classes. So there is no need to identify the communities or classes coming under the General Category. Suffice to say that the term General Category used in this report will include all classes and communities which are not covered under clauses (4) and (5) of Article 15 and clause (4) of Article 16 of the Constitution of India.

#### **1.2 Background History.**

Providing reservation on the basis of economic backwardness is a new concept and a departure from the arrangement which existed prior to the 103<sup>rd</sup> Constitutional Amendment. Till then the

reservation provided were only to the Scheduled Castes, Scheduled Tribes and Other Backward Classes which was on the basis of the Mandal Commission report. Thereafter the Central Government issued a Memorandum on 25.9.1991 providing 10% reservation in jobs to Other Economically Backward classes of people who were not covered by any of the existing reservation schemes. This was declared as unconstitutional by the Supreme Court in Indra Sawhney case, (1992 AIR SCW 3682) , by stating that backward class citizens cannot be exclusively identified by economic criteria. But at the time of deciding the Indra Sawhney case, there was no constitutional provision enabling reservation to the economically weaker sections in General Category. Thereafter the Central Government constituted a Commission for economically backward classes headed by Justice V.P.Singh in the year 2004 and it was later reconstituted in the year 2006 with Maj.Gen.(Rtd) S.R.Sinhu as Chairman who gave its report in July, 2010. It was after such a longstanding demand that the present amendments have been brought in Articles 15 and 16 of the Constitution of India.

### **1.3 Constitutional provision.**

Article 46 of the Constitution specifically provides for promotion with special care for the educational and economic interest of the weaker sections of people. But the economically weaker sections of citizens in General Category were unable to get the benefits of reservation till the introduction of Clause (6) of Article 15 and Clause

(6) of Article 16 of the Constitution of India by way of the Constitution (103<sup>rd</sup> Amendment) Act, 2019 (**Appendix VII**). The above Amendment Act is extracted below:

**“THE CONSTITUTION (ONE HUNDRED AND THIRD AMENDMENT) ACT, 2019**

An Act further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:--

**1. (1) This Act** may be called the Constitution (One Hundred and Third Amendment) Act, 2019.

**(2) It shall** come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2. In article 15** of the Constitution, after clause (5), the following clause shall be inserted, namely:--

‘(6) Nothing in this article or sub-clause(g) of clause (1) of article 19 or clause (2) of Article 29 shall prevent the State from making,--

(a) Any special provision for the advancement of any economically weaker sections of citizens other than the classes mentioned in clauses (4) and (5); and

(b) any special provision for the advancement of any Economically Weaker Sections of citizens other than the classes mentioned in clauses (4) and (5) in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in clause (1) of Article 30, which in the case of reservation would be in addition to the existing reservations and subject to a maximum of ten per cent of the total seats in each category.

Explanation.-- For the purpose of this article and article 16, “economically weaker sections” shall be such as may be notified by the State from time to time on the basis of family income and other indicators of economic disadvantage.’

- 3.** In article 16 of the Constitution, after clause (5), the following clause shall be inserted, namely:--
- “(6)** Nothing in this article shall prevent the State from making any provision for the reservation of appointment or posts in favour of any economically weaker sections of citizens other than the classes mentioned in clause (4), in addition to the existing



reservation and subject to a maximum of ten per cent. of the posts in each category.”

#### **1.4 Need for the study.**

The economically weaker sections of citizens in the General Category in the State have largely remained excluded from getting public appointments and securing admissions in educational institutions on account of their economic backwardness to compete with the persons who are economically more forward. But the Schedule Castes and Scheduled Tribes and Other Backward Classes were receiving benefits of reservation under clauses (4) and (5) of Article 15 and Clause (4) of Article 16. Now as per the 103<sup>rd</sup> Amendment to the Constitution of India, the Economically Weaker Sections in General Category also are coming under the reservation groups. As per the explanation to clause (6) of Article 15, the economically weaker sections have to be notified by the State on the basis of family income and other indicators of economic disadvantage. The Central Government has issued office Memorandums dated 19.01.2019 and 31.01.2019 deciding the Economically Weaker Sections for getting the benefit of reservation to the Central Government posts and services and persons whose family has a gross annual income below Rs.8 lakhs has been thus identified as EWS (**Appendix VIII & IX**). It is also stipulated in the above OMs that persons whose family owns or possesses any of the

following assets shall be excluded from being identified as Economically Weaker Sections irrespective of the family income:

- (1) 5 acres of agricultural land and above
- (2) Residential flat of 1000 square feet and above
- (3) Residential plot of 100 square yards and above in notified municipalities.
- (4) Residential plot of 200 square yards and above in areas other than the notified municipalities.

The above Government of India notifications relate only to civil posts and services under the Government of India. The Government of India has extended the benefit of this reservation to Central Educational Institutions other than Minority Institutions vide Office Memorandum issued by the Ministry of Social Justice and Empowerment F.No.20013/01/2018-BC11 dated 17.01.2019.

**(Appendix-X series.)** The State Government has to at first identify the Economically Weaker Sections in the General Category for implementing reservation for admission to educational institutions and for appointment of posts and services under the Government of Kerala. Such identification has to be made in the facts and circumstances prevailing in the State. As the Government of Kerala has considered that the criteria evolved by the Government of India for identifying the Economically Weaker Sections in General Category are not compatible in the Kerala scenario, the State Government has constituted the present Commission.

## **1.5 Commission constituted.**

The Government of Kerala, as per G.O.(MS) No.5/2019/P & ARD dated 12.03.2019, constituted a Commission consisting of K.Sasidharan Nair (Retired Judge and former State Election Commissioner) as Chairman and Advocate M.Rajagopalan Nair (Chairman, Devaswom Recruitment Board) as Member, for recommending the criteria for deciding the Economically Weaker Sections in classes not covered under clauses (4) and (5) of Article 15 and Clause (4) of Article 16 of the Constitution of India, ie. in the General Category, for the purpose of implementing the reservation up to 10% provided as per the **Constitution (103<sup>rd</sup> Amendment) Act, 2019. (Appendix-1)**

## **1.6 The terms of reference of the Commission:**

- (1) The criteria to be evolved for deciding the Economically weaker Sections, for short the 'EWSs', in General Category, i.e. in classes other than the scheduled castes, scheduled tribes and Other Backward Classes, in the State of Kerala.
- (2) The mode of implementing the reservation up to 10% for the EWSs in the General Category.
- (3) Other related matters for implementing the 10% reservation.

**1.7 Office and Staff of the Commission:** The Chairman of the Commission being the Vice-Chairman of the Kerala Law Reforms Commission is having an office at C.S.I. Buildings 3<sup>rd</sup> Floor,

T.C.25/2450, Puthenchanta, Thiruvananthapuram-695001. This Commission started the work during the month of March, 2019 by utilising the infrastructure and space available to the Law Reforms Commission under intimation to the Government. On the request of the Chairman, as per G.O.(MS) No.10/2019/P&ARD dated 07.09.2019 the Government ordered that the office of the Law Reforms Commission can be utilised for functioning this Commission also and an expert consultant and data analyst also are allowed to be used as and when needed for this Commission **(Appendix-II)**. As per G.O.(MS) No.11/2019 dated 27.09.2019, the Government has allowed to avail the service of the Additional Secretary/Joint Secretary working on deputation in the Law Reforms Commission as the Secretary cum Drawing and Disbursing Officer of this Commission **(Appendix III)**. The Government, vide G.O.(M.S.) No. 12/2019/P&ARD dated 18.10.2019, granted sanction to utilise the funds of Law Reforms Commission for this Commission also. **(Appendix IV)**. As per G.O.(MS) No. 13/2019/P&ARD dated 16.11.2019 the service of the Computer Assistant P.Jagadeesa Prasad and office Attendent V. Vinod of the Law Reforms Commission also is allowed to be availed for the working of this Commission **(Appendix V)**. Thus with the limited staff and infrastructure facilities and under considerable constraints and difficulties the Commission has proceeded with and completed the work.

**1.8 The term of the Commission:** As per GO (MS) No.5/2019/ dated 12.03.2019 while appointing the Chairman and Member of the

Commission, a period of 3 months from 12.03.2019 was allowed to submit report of the Commission. The first meeting of the Commission was held on 18.03.2019 and the Government was requested to make available necessary staff, furniture and infrastructural facilities. But as the Model Code of Conduct in connection with the Parliament Elections was in force from 10.03.2019, the Commission could not effectively function and therefore the term of the Commission was extended for 3 months from 12.06.2019 as per G.O.(MS) No.7/2019/P&ARD dated 02.07.2019 **(Appendix VI)**. The Government did not provide necessary staff and other facilities and no funds also was allotted and therefore as per G.O(MS) No.11/2019 dated 27.09.2019 the term of the Commission has been extended up to 30.11.2019. With considerable effort, the Commission has proceeded with and completed the work within the said extended term and this report is being filed.

**1.9 Constraints faced by the Commission.** As already noted, the Commission could not effectively function during the initial period on account of the Model Code of Conduct then prevailing and also due to the reason that the Government could not provide sufficient staff, funds or other infrastructural facilities as required by the Commission. Even in the first meeting of the Commission dated 18.03.2019, the Government was requested to extent such facilities. In the meeting held on 05.04.2019, it was decided again to request the Administrative Department to allot necessary staff, funds and

other infrastructural facilities and that also went unheeded. Despite repeated demands, even a Secretary to the Commission was not appointed and the communications were sent by the Chairman himself. Since the proposal for providing staff, which means creation of posts, would take considerable time, the Commission in the sitting held on 25.06.2019 decided to request the government to use the office premises of the Kerala Law Reforms Commission and use the service of the Computer Assistant and Office Attendant and also to appoint the Joint Secretary of the Law Reforms Commission as the Secretary cum Drawing and Disbursing Officer of this Commission and also requested to allot funds and gave such a proposal to the Hon'ble Chief Minister. Even though the above proposal was agreed to and decided by the Cabinet in the meeting held on 10.07.2019, no orders were issued till 07.09.2019. Suffice to say that even the file of this Commission was being shuttled in between G.A.D Co-Ordination and P&ARD and finally P&ARD-A.R 11 Section was entrusted with the same. Then the Administrative Department started issuing piecemeal orders, on 07.09.2019, 27.09.2019 and 18.10.2019. The order permitting the Commission to avail the service of the Computer Assistant and Office Attendant was again delayed and it was issued only in this month i.e. on 16/11/2019. Only after filing this report, the Government could taken steps to implement the reservation and we were fully aware of the urgency. Even though the Hon'ble Chief Minister and the Cabinet gave full support by agreeing to the proposal of the

Chairman, the indifferent and casual approach on the part of the Administrative Department and Finance Department made our task difficult. However, with utmost earnestness and hard work, the Commission was able to complete the work with in a period of none months.

**1.10 Methodology adopted by the Commission.** The scope of study in the light of the terms of the Commission involves reviewing the economic positions of the people of the State as received from the responses obtained on the basis of publication in paper dated 12.06.2019 and the supply of questionnaire to the Associations of forward communities and published through web site of the Commission (**Appendix XI**), analysis of the data received from the Commissioner of Entrance Examination, the Economic reviews of the State, the data received from Public Service Commission (**Appendix XII series**), Director of Employment Exchange (**Appendix- XIII**), and Directorate of Civil Supplies (**Appendix XIV series**). An in-depth study of the reports of the Commissions for Backward Classes, the report of Major (Gen) S.R. Sinhu Commission and the judgments of the Hon'ble Supreme Court and High Court of Kerala on reservation including Indra Sawhney and Asok Kumar Thakur cases and constitutional debates and discussions in relation to Articles 15 and 16 of the Constitution of India with eminent personalities in the relevant field has also been done. Primary and secondary data also were used for the study.

## CHAPTER II

### **2. Identification of Economically Weaker Sections in General Category**

#### **2.1 Kerala State - An over view**

Kerala State is having an area of 38863 Sq.k.m. including 11585 Sq.k.m. of forest area. The population of the State is 33387677 as per the 2011 census. The population per Sq. km. comes to 1224. The average literacy in our State is more than 90% of which male literacy is 94% and female literacy is 88%. As per the record received from the Employment Directorate, the number of applicants registered, up to 31.8.2019 is 3625852 which comes to more than 10% of the whole population. The actual unemployed persons will be far more because a good number will not register their names in the Employment Exchange.

#### **2.2 General Category – Population**

Data on castes/communities/classes other than the Scheduled Castes/Scheduled Tribes are not available as the census of India did not project the population of all castes/communities/classes after 1931 census. Empirical research-based information on such classes also was not available. Thus lack of authentic data and non availability of sample survey reflecting status of the Economically Weaker Sections in General Category makes the task of this commission rather difficult. The only possible data available regarding the population of backward classes in General Category is from the National Sample Survey Organisation (NSSO) which had



reported the estimated population of Scheduled Castes, Scheduled Tribes and Other Backward Classes and also that of General Category. As per the report of the NSSO, 2004-2005 as noted in the report of the S.R.Sinhu Commission, the population of General Category in Kerala is 27.73% of the total population. Of course, this data may not be accurate. However, this was based on the census report of 2001 wherein the total population of Kerala was noted as 31838619 and out of this, the population of general category shown is 8829074. The above data which alone is available can be relied on as estimated percentage for the purpose of evaluating the population of General Category in Kerala.

### **2.3 Criteria of Income and Assets.**

Based on the paper publication dated 12.06.2019 inviting views and suggestions from general public and Associations of Forward Communities, a lot of representations have been received. On an evaluation of such feed back, it is found that they had taken into account the Office Memorandum issued on 31.01.2019 by the Government of India and suggested their views based on the same. On the above feed back, a questionnaire was prepared by the Commission and the same was published in the Web Site of the Commission and also forwarded the same to the Associations of Forward Communities who had responded to the paper publication. In the 103<sup>rd</sup> Constitution Amendment Act, 2019 it is stated that the claim for the benefit of reservation is to be considered based on the family income of the applicant. So to decide the income, the first

question to be addressed is as to who all should constitute the term 'family' for the purpose of reservation.

## **2.4 Family**

**2.4.1** The explanation to clause (6) of Article 15 of the Constitution of India states that for the purpose of this Article and Article 16, Economically Weaker Sections shall be such as may be notified by the State from time to time on the basis of family income and other indicators of economic disadvantage. In the office memorandum dated 31.1.2019 issued by the Government of India, Ministry of Personal Public Grievance and Pension, Department of Personal and Training, the term 'family' is defined, as follows:-

“4.3 The term "Family" for this purpose will include the person who seeks benefit of reservation, his/her parents and siblings below the age of 18 years as also his/her spouses and children below the age of 18 years.”

**2.4.2** A response analysis of the individual representations and the representations of various Associations of Forward Communities also is to be made in this respect. In the individual representations and representations of the Associations, the members to be included in the family has been stated in various ways. Some of the Associations, for example Thrichengannur Grama Malayala Brahmana Samajam, Gowda Saraswatha Brahmana Mahasabha, Syro Malabar Youth Movement, Eparchy of Pala, Kanjirapalli Roopatha Pastoral

Council, Syro Malabar Major Archy Episcopal Church, Commission for Laity, Syro Malabar Sabha (RCSC) etc. have suggested to include the members stated in the Ration card under the term family. Several other Associations have suggested to include father, mother, wife, son and daughter under this term. The Nair Service Society (N.S.S.) has noted that family should include the applicant, applicant's parents and applicant's spouse and his or her minor children. The Brahmana Maha Sabha has suggested to include only the parents of the applicant under the term family. The Ernakulam Karayogam has suggested that the family should consists of father and mother in the case of dependent unmarried children and in the case of married individuals, his/her spouse taken together. The Pathukudi Service Society has suggested to include father, mother their sons and daughters for the purpose of deciding the income of the family. The Kerala Nadar Mahajana Sangham (KNMS) has suggested to include father, mother and unmarried children under the term family. According to the Samsthanathala Munnokka Kshemavikasana samithy (SMKBS), father, mother, husband and wife are to be included under the term 'family'. But according to the Tharakan Pathukudi Mannadiar Service Society, father, mother and minor children are to be the members of the family. According to Yoga Kshema Sabha Reg.No.83/76, family should include father, mother, their dependent children and the dependent parents of children. According to National Forward Communities United Front, family is to include father, mother and children. In the individual

representations also there are different suggestions as to the persons who are to be included under the term family.

**2.4.3** So, one suggestion is that the term family may consist of all the persons included in the ration card. Ration card is a document prepared under the provisions of the Kerala Rationing Order, 1966. It is issued to the head of a house hold. House hold is defined under Rule 2(m) of the Kerala Food Security Rules 2018 as a domestic unit consisting of one or more persons related either by blood or by marriage or by legal process living in the same dwelling and sharing meals from a common kitchen. So house hold includes persons who are living under the same roof and sharing meals from a common kitchen. Even persons who are not having close relationship and otherwise residing along with them also can be included as member of a household in a ration card. Separate ration cards are being issued to parents and children depending on their separate residence. So the suggestion that the term family can include the persons in the ration card is unsustainable. In the hearing held on 30.09.2019 with the representatives of the associations of forward communities, certain associations raised a point that in the case of an applicant who is married, his family should include only his/her spouse and their children and according to them the father, mother and the minor siblings of such applicant being a different family unit should not be included. This point also cannot hold good. Even if the applicant is married his/her family status and dependency with their parents will not come to an end. The sharing of properties also will

happen in a family only long afterwards. Another point raised in the hearing was that Brahmins are following 'Kudiveyppu' form of marriage wherein the female children will lose all their rights in their original family and they will become only members of their husband's family and so when they become the applicant, their parents should not be included under the term family. In the representations submitted by these Associations, no such point was canvassed. Moreover it has not been clearly brought out whether even now such a form of marriage is being continued and which are the communities that are following such custom. The reservation covered under clause (6) of Article 15 and Article 16 are regarding admission to educational institutions and public employment. In respect of admission to educational institutions, the applicants normally will be under the age of 25 years. As regards reservation to employment, most of the applicants will be under the age of 35 years. No differential approach is to be made in respect of the members who should be included under the term family while considering the claim for admission to educational institutions and for public employment. On a careful analysis of the entire materials on record and also on the basis of the analysis of the representations and other data available, we think it proper and appropriate to accept the term family covered under the Central notification for the purpose of reservation for admission to educational institutions and public employment in this State. **Therefore this Commission comes to a conclusion that the term 'family' for the purpose of**

**reservation to admissions in educational institutions and public employment covered under Article 15(6) and Article 16(6) of the Constitution of India will include the person who seeks the benefit of reservation, his/her parents, siblings below the age of 18 years as also his/her spouse and their children below the age of 18 years.**

## **2.5 Income Limit.**

**2.5.1** The core issue to be addressed by this Commission is regarding the limit of annual family income of the applicant for becoming eligible to be included under the Economically Weaker Sections in General Category. It is significant to note that in the reservation to Scheduled Castes, Scheduled Tribes and Other backward classes under the Constitution of India, no separate section is identified on the basis of economic backwardness. Of course in respect of Other Backward Classes, as per the decision of the Hon'ble Supreme Court in Indra Sawhney Case, a creamy layer has to be identified for excluding such a section from the purview of reservation. As regards the reservation to Economically Weaker Sections in General Category, it is to be understood that while the General Category remains out of the purview of reservation, the economically weaker sections in that category alone has reservation and so they have to be separately identified. While identifying that section, care has to be taken to include the most deserving persons and to exclude others who are in a better advanced position in that category.

**2.5.2** As already pointed out, Kerala is one State which has the highest literacy, highest higher educational qualifications and high rate of

educated unemployment. Though Kerala is considered to be an advanced State when compared to other States, being a consumer state, the percentage of persons who are economically poor are very large. So, for the purpose of assessing the annual family income limit, an in-depth study is needed. This Commission has resorted to various methods for evaluating this issue. The main source is the responses from individuals and Associations of Forward communities.

**2.5.3** The Commission started its work by making paper publication inviting the views and suggestions of the general public for the purpose of identifying the Economically Weaker Sections in the General Category. In response to the same, a lot of individual representations and representations from Associations of Forward Communities and classes were received. On a careful analysis of such responses, it appears that the persons who sent the same were under the premises that the Central Notification issued in this respect in fixing the amount of Rs.8 lakhs as income limit may have to be followed by this State also. After analysing the responses received on the basis of the said paper publication, the Commission prepared a questionnaire and the same was published in the Web Site of the Commission as well as sent to the Associations of Forward Communities who had responded to the paper publication. A lot of individual replies and replies from Associations have been received. Thereafter a discussion was held with the representative of the Associations of Forward Communities on 30<sup>th</sup> September, 2019 at the

Guest House, Thiruvananthapuram. About 30 Associations of forward communities had sent their representations. Out of them Syro Malabar Sabha (RCSC), Syro Malabar Youth Movement, Archdiocese of Palai, Syro Malabar Major Archdiocese Episcopal Church, Commission for Laity, Kanjirapally Roopatha Pastoral Council and Catholic Congress, Thrissur have submitted one and the same representation and several persons belonging to Syro Malabar Sabha (69 numbers) have also, after copying and signing the same representation, submitted before the Commission. The stand taken by the Syro Malabar Sabha and their connected Associations is to fix the annual income limit at Rs.8 lakhs and they have also suggested that the income limit fixed for Other Backward Classes is to be adopted by this Commission also. Kanimangalam Nair Welfare Society, Kunchom Sree Baghavathi Kavayal Nair Samajam, Gowda Saraswathi Brahmana Mahasabha Kerala State Committee, Sivalli Brahmana Sabha, Guptan Sevana Samajam also have suggested to fix the annual income limit at Rs.8 lakhs. Ernakulam Karayogam has originally requested to follow the Central norms and thereafter requested to fix the income at Rs.12 lakhs. Pathukudi Service Society has suggested Rs.10 lakhs as the limit of the annual income.

**2.5.4** The Nair Service Society (N.S.S), Thrichengannur Grama Malayala Brahmana Samajam, Brahmasree Ayyaguruswami Dharma Parishath and Tharakan Pathukudi Mannadiar Service Society, have suggested to fix the annual income limit at Rs.5 lakhs. The Brahmana Sabha has taken a view that all those who pay income tax should be excluded



from the category of Economically Weaker Sections. Kerala Nadar Mahajana Sangham and Samsthanathala Munnokka Kshema Vikasana Samithy suggested to fix the annual income at Rs.4 lakhs. The suggestion of Muthon Service Society is to fix the annual income at Rs.3 lakhs and Gowda Saraswatha Brahmana Sabha, South Zone has requested to fix the annual income at Rs.3,60,000/-. So altogether 16 Associations are found to have suggested to fix Rs.8 lakhs and out of them four Associations are connected Associations of Syro Malabar Sabha. 11 Associations have suggested to fix the amount at Rs.5 lakhs or less. The Associations which have suggested to fix the income limit at Rs.8 lakhs have also stated to adopt the creamy layer method in this matter also. The Central notification suggesting Rs.8 lakhs as income limit also has been referred to by the above Associations.

**2.5.5** Whether the creamy layer concept introduced by way of Indra Sawhney case has any application for deciding the income limit of the Economically Weaker Sections in General Category deserves consideration. As already pointed out, Article 15(4), 15(5) and 16(4) the Constitution of India have provided reservation to the Other Backward Classes and no distinction has been drawn in respect of creamy layer under such provisions. The Hon'ble Supreme Court in Indra Sawhney case has introduced the creamy layer concept and at para 792 of the said decision it has been held as follows:

*“792. In our opinion, it is not a question of permissibility or desirability of such test but one of proper and more appropriate identification of a class – a backward class. The very concept of a class denotes a number of persons having certain common traits which distinguish them from the others. In a backward class under Clause(4) of Article 16, if the connecting link is the social backwardness, it should broadly be the same in a given class. If some of the members are far too advanced socially (which in the context, necessarily means economically and, may also mean educationally) the connecting thread between them and the remaining class snaps. They would be misfits in the class. After excluding them alone, would the class be a compact class. In fact, such exclusion benefits the truly backward.”*

In the decision in WPC No.29271/2012 the Hon’ble High Court of Kerala has held at Para 170 as follows:

*“170. It is to be understood that “creamy layer” principle is introduced merely to exclude a section of a particular caste on the ground that they are economically advanced or educationally forward. They are excluded because unless this segment of caste is excluded from that caste group, there cannot be proper identification of the backward class. If the “creamy layer” principle is not applied, it could easily be said that all the castes that have been included among the socially and educationally backward classes have been included*

*exclusively on the basis of caste. Identification of SEBC for the purpose of either Articles 15(4), 15(5) or 16(4) solely on the basis of caste is expressly prohibited by various decisions of this Court and it is also against Article 15(1) and Article 16(1) of the Constitution. To fulfil the conditions and to find out truly what is socially and educationally backward class, the exclusion of "creamy layer" is essential."*

In the Indra Sawhney case at Para 520 which has been extracted in the above decision at Para 172 reads as follows:

"520..., at least some individuals and families in the backward classes ..... gaining sufficient means to develop their capacities to compete with others in every field ..... Legally, therefore, they are not entitled to be any longer called as part of the backward classes whatever their original birthmark ..... to continue to confer upon such advanced sections from the backward classes the special benefits, would amount to treating equals unequally violating the equality provisions of the Constitution. Secondly, to rank them with the rest of the backward classes would equally violate the right to equality of the rest in those classes, since it would amount to treating the unequal's equally ..... It will lead to perverting the objectives of the special constitutional provisions since the forwards among the backward classes will thereby be enabled to lap up all the special benefits to

the exclusion and at the cost of the rest in those classes, thus keeping the rest in perpetual backwardness.”

**2.5.6** So, from the settled position of law it is found that the creamy layer is an excluded section from a reserved category. The reservation allowed as per Clause 15(6) and 16(6) of the Constitution of India is only to the Economically Weaker Sections in General Category. When creamy layer concept requires identification of those who are to be excluded, with regard to EWSs, the attempt should be to identify those who are to be included. With respect to OBC reservation the reason for such exclusion is that such excluded section has attained the status, socially, educationally and economically, to that of General Category. On an appreciation of the entire facts and legal aspects, it is clear that the criteria to be applied for identifying the Economically Weaker Section is totally different from the criteria adopted for identifying the creamy layer in the Other Backward Classes. Since the States are at liberty to fix the annual income for identifying the economically weaker sections taking into account the facts and circumstances prevailing in such States, the same has to be fixed for which a rational and reasonable approach has to be made in the light of the materials available before the Commission.

**2.5.7** The questionnaire was forwarded to the members of the Legislative Assembly, Members of Parliament in Kerala and all political parties. But only few responses have been received. The Opposition Leader

in the Kerala Legislative Assembly, Sri.Ramesh Chennithala has given response and his suggestion is for fixing the income limit at Rs.5 lakhs. Sri.N.Vijayan Pillai, Member of the Legislative Assembly representing Chavara Constituency has suggested to fix the income limit at Rs.3 lakhs, and Sri.K.B.Ganesh Kumar the member of Legislative Assembly representing Pathanapuram Constituency has suggested to adopt the creamy layer criteria for fixing the income limit of the economically weaker sections and Sri.P.C.George, Member of the Legislative Assembly representing Poonjar Constituency has suggested to fix the income limit at Rs.10 lakhs and Sri.C.Divakaran, Member of the Legislative Assembly representing Nedumangad Constituency has suggested to get the advice of the Planning Board for fixing the annual income.

**2.5.8** On the request of this Commission to the Chief Secretaries of other States, the Order/Scheme regarding the implementation of reservation for the Economically weaker Sections based on the Constitutional Amendment have been forwarded by several states. Certain States have adopted the same yardsticks as contained in the Central notification. But some States are found to have taken different approach in identifying the Economically Weaker Sections in their States. The Government of Haryana is found to have fixed a gross annual income below Rs.6 lakhs for the benefit of reservation and the Government of Himachal Pradesh is found to have fixed a sum of Rs.4 lakhs as the income limit for identifying the Economically Weaker Sections for the benefit of this reservation. Some of the

States have not responded to the request for forwarding such Orders and in spite of reminders their responses have not been received.

**2.5.9** The secondary data in this regard also has to be evaluated for arriving at a proper decision regarding the annual income for identifying the Economically Weaker Sections. The data received from the National Employment Service, Kerala, forwarded by the Employment Director would reveal that the total number of applicants registered with the employment Exchange as on 31.08.2019 is to 3625852. Out of them 2022278 are S.S.L.C. holders and 331192 are graduates and 94,590 are post graduates. The caste wise number as on 31.08.2019 is as follows:

Scheduled Castes	--	627692
Scheduled Tribes	--	44943
Other backward classes	--	1957524
General Category	--	995693

A candidate who registers in the National Employment Service has to renew his registration in every 3 years with the exception to schedule castes and schedule Tribes for whom the period is 4 years. The General Category candidates would come to about 27.5% of the total candidates.

**2.5.10** The data received from the Kerala Public Service Commission also is relevant in this context. They have forwarded the list of persons who have submitted applications in response to 12 notifications. Among them, under category No.414/16 relating to L.D.Clerk, Various

Department for Thiruvananthapuram District, the total number of applicants is shown as 229103 and out of them the general category candidates are 76889, which is more than 33% of the total number. Under category No.071/17 for Last Grade Servants for various department for Thiruvananthapuram District, the total number of applicants is found to be 141028 and out of them 42651 is from general category which is found to be more than 30% of the total number of candidates. Under category No.545/17 for the post of Secretariat Assistant, the total number of applicants is found to be 683588 and out of them 223615 is from General Category. Category No.161/15 relates to Sub Inspector (Trainee). The total number of candidates is 121339. Out of them the General Category would come to 41509 which is more than 33% of the total number of candidates. So the candidates from General Category is found to be about 33% of the total number. The General Category candidates are calculated by deducting the candidates shown under SC, ST and OBC. The details furnished from Public Service Commission would reveal that the candidates from General Category, especially to higher posts, are more in percentage than in other classes compared with their percentage of population. Even though the estimated vacancies are not stated in such notifications, there cannot be any doubt that the number of applicants are very huge. As of now, public employment is considered to be a dream of every Keralite.

**2.5.11** The analysis of the data collected from the Entrance Commissioner also would be beneficial in this context. The data of the applicants, in

general category for the years 2017 to 2019 have been obtained. Of course the data regarding all the applicants could not be obtained and so only the available data received can be analysed. Out of the 28196 applicants in General Category for the year 2017, 14677 applicants belong to income groups of less than Rs.1 lakh, 4699 applicants are from income group between Rs.1 lakh to Rs. 2 lakh, 1299 applicants are from income groups from Rs.2 lakh to Rs.2.5 lakh, 847 are from Rs.2.5 lakhs to Rs.3 lakhs, 533 from Rs.3 lakh to Rs.3.5 lakh, 626 are from Rs.3.5 lakhs to Rs.4 lakh. Only 3848 applicants out of 28196 of which data has been received are from income group beyond 4 lakhs. It is important to note that out of 28196 applicants, 24348 are from income group up to Rs.4 lakhs.

**2.5.12** Out of the 31257 applicants for the year 2018 in General Category, whose data alone was received, 18937 belong to the income group up to Rs.1 lakh, 5026 applicants are from income group between Rs.1 lakh and Rs.2 lakh, 1328 are from income group between Rs.2 lakh and Rs.2.5 lakh, 867, 497 and 634 are from income groups between Rs.2.5 lakh and Rs.3 lakh, Rs.3 and Rs.3.5 lakh, Rs.3.5 and Rs.4 lakhs respectively. Out of the total number of 31257 applicants in General Category, 27289 applicants belongs to the income group up to Rs.4 lakhs and only 3968 applicants belong to the income group beyond Rs. 4 lakhs



## Economically Weaker Section Analytics – KEAM MBBS 2017 to 2019

### Overall Data Analysed

- 2019 Application count - **152103**
- 2018 Application count - **154493**
- 2017 Application count – **145515**

The Raw data was processed Cleaned and Transformed according to the inputs from CEE IT cell.

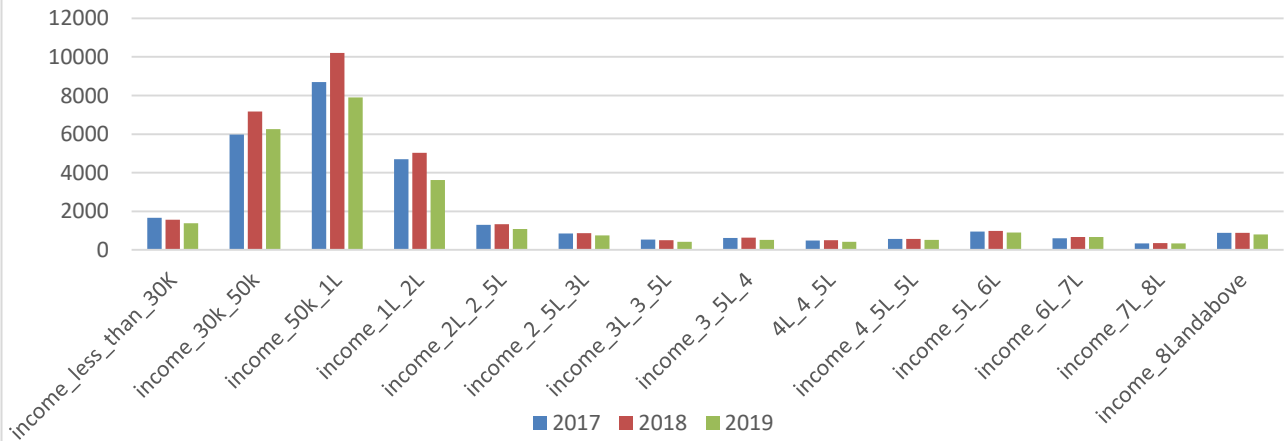
### KEAM MBBS Analytics 2017 to 2019– General Category

Income

	2017	2018	2019
income_less_than_30K	1667	1559	1376
income_30k_50k	5985	7179	6259
income_50k_1L	8692	10199	7906
income_1L_2L	4699	5026	3615
income_2L_2_5L	1299	1328	1082
income_2_5L_3L	847	867	748
income_3L_3_5L	533	497	424
income_3_5L_4	626	634	513
4L_4_5L	491	506	423
income_4_5L_5L	577	568	520
income_5L_6L	950	984	897
income_6L_7L	610	663	666
income_7L_8L	333	358	342
income_8Landabove	887	889	796

Distribution of General Category Applicants 2017 to 2019

## Overall\_Income\_Distribution of General Category 2017 to 2019



### 2019 – KEAM MBBS Analytics – General Category

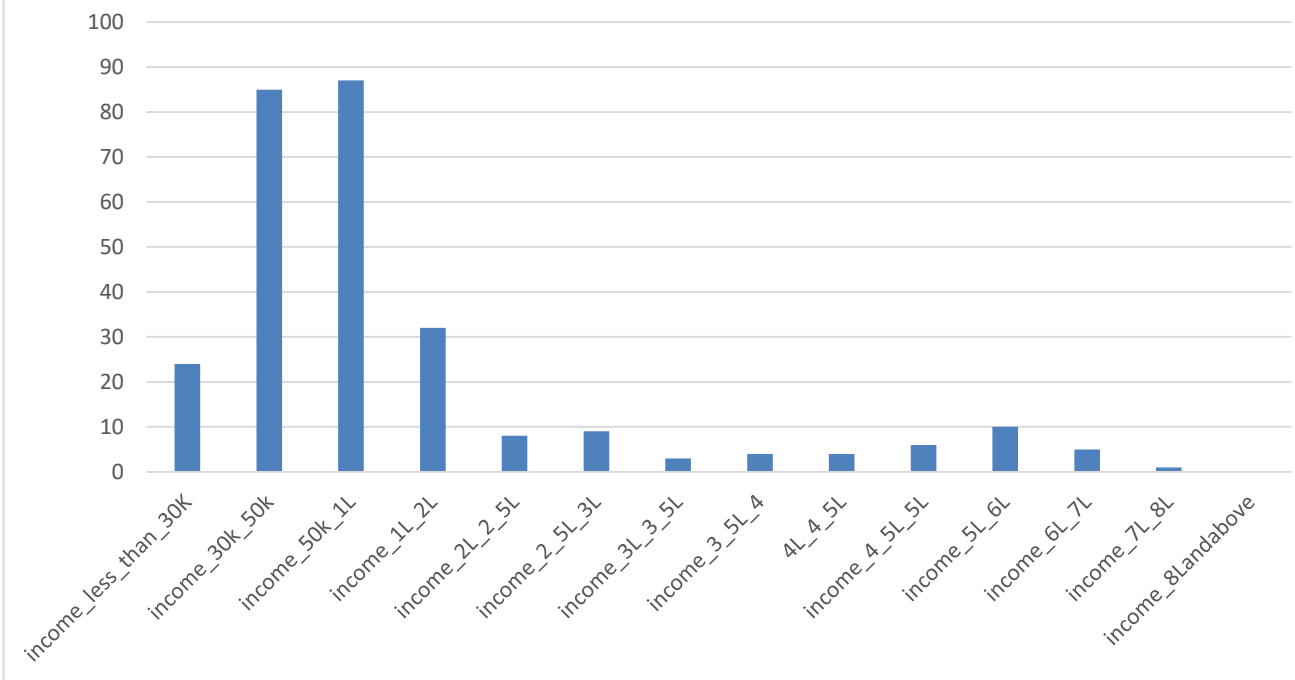
#### Application Distribution

Seat Category name	Total Seats
Total KEAM Applicants 2019	59068
Total EWS Applicants 2019	321

#### Allocation Distribution

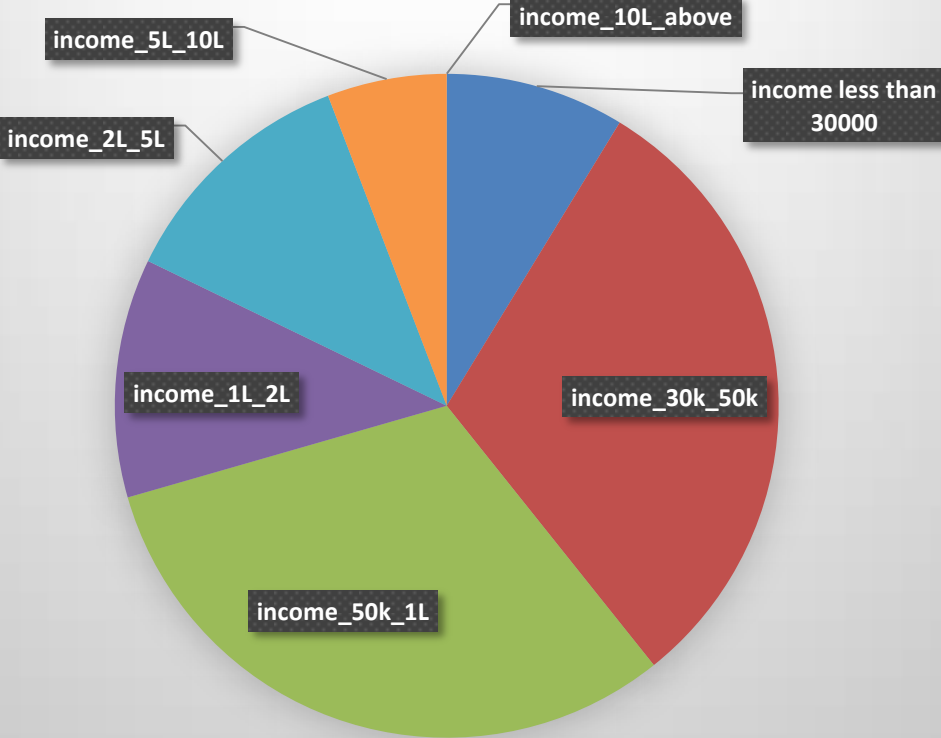
Seat Category name	Total Seats
Total MBBS Seat	1245
MBBS Merit Government Seat	381
Self-Financing Seats	864
EWS	131

## Income Range of EWS Applicants 2019



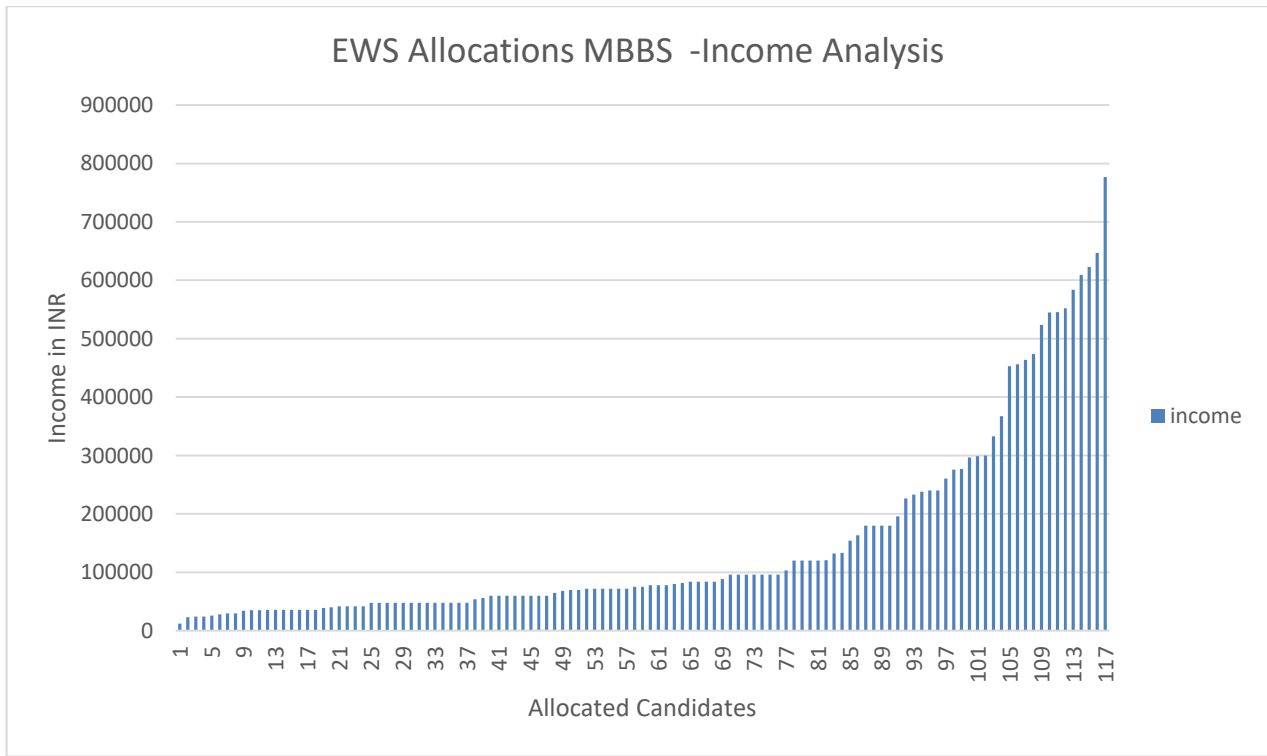
Insights - Seems to be the distribution of less than 2L is the more than 75% of the applicants

# Income Range of EWS Applicants 2019

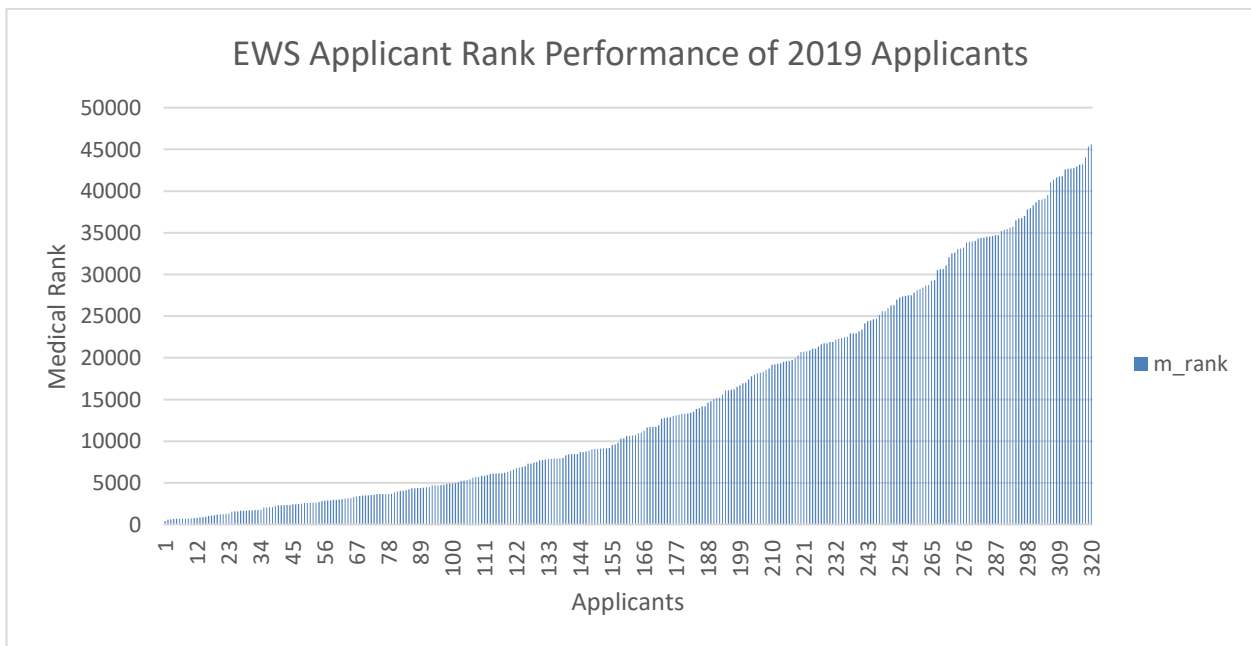


EWS Applicant Income Distribution

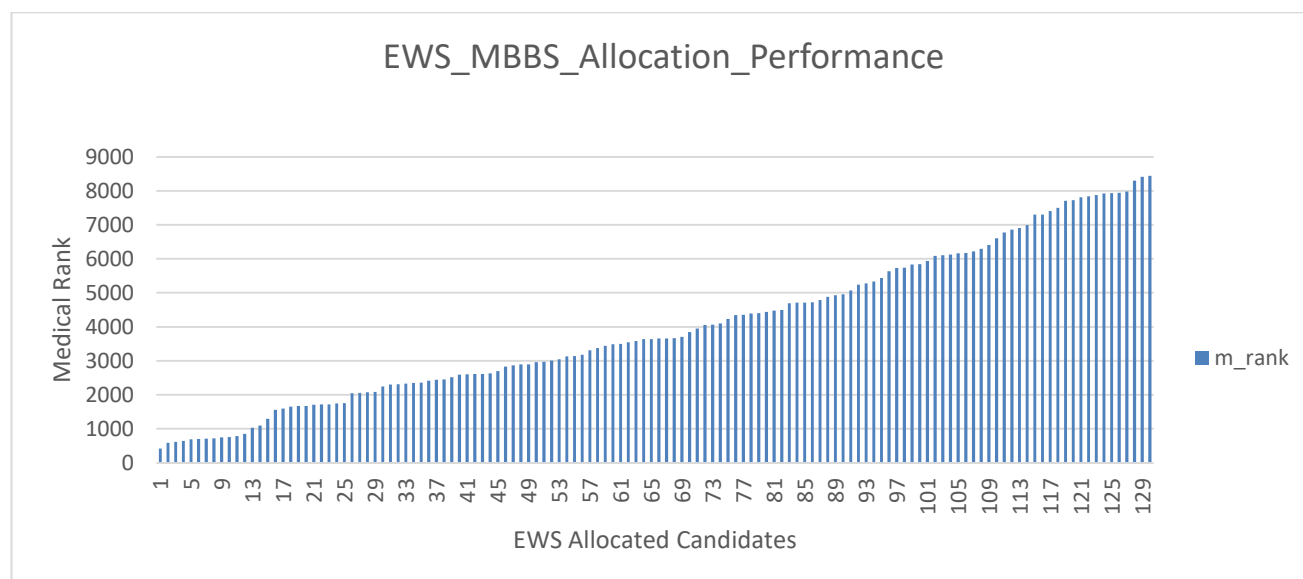
income_less_than_30K	24
income_30k_50k	85
income_50k_1L	87
income_1L_2L	32
income_2L_2_5L	8
income_2_5L_3L	9
income_3L_3_5L	3
income_3_5L_4	4
4L_4_5L	4
income_4_5L_5L	6
income_5L_6L	10
income_6L_7L	5
income_7L_8L	1
income_8Landabove	0



The income of the allocated candidates analysis shows that more than 100 Allocated out of 131 allocations are below 4 Lakh of Annual income



The Applicants performance shows 50% of the candidates got allocated among the total candidates So the performance and criteria should enable the most deserved candidates with performance too.



The range of MBBS RANK for the allocation can be detailed below

**Last Rank Allocated – 8444 Rank**

**First Rank Allocated - 423 Rank**

**2.5.13** For the year 2019, out of the 25567 applicants, whose data alone was received, 15541 belong to income group up to Rs.one lakh, 3615 applicants belong to income group between Rs.one lakh and Rs.2 lakh and 1830 applicants are from income group between Rs.2 lakh and Rs.3 lakh and 937 are from income group between Rs.3 lakh and Rs.4 lakhs. Out of the total number of 25567 applicants for the year 2019, 21923 applicants belong to income group up to Rs.4 lakhs and only 3644 applicants are from income group beyond Rs.4 lakhs.

**2.5.14** In 2019, 10% additional seats were allotted to the Government Medical Colleges for giving admission to the applicants from Economically Weaker Sections in General Category and the

Commission for Entrance Examinations issued notification on 29.06.2019 (**Appendix-XV**), prescribing the same criteria stated in the O.M. of Central Government dated 31.1.2019 and informing that the applicants who intend to get the benefit of the 10% reservation for Economically Weaker Sections can submit income and Assets certificate for the same. From the income range of applicants of Economically Weaker Sections in General Category of whom data was obtained, it is found that 24 are from income groups below Rs.30,000/-, 84 are between Rs.30,000/- and Rs. 50,000/-, 86 are between Rs.50,000/- and Rs.one lakh, 32 are between Rs.1 lakh and 2 lakhs and 24 are between 2 lakh and four lakhs. So, out of 278 applicants, 252 applicants belong to the income group up to 4 lakhs. It is to be remembered that the criteria regarding house plot in Panchayat and Municipal areas, i.e, about 4 cents and 2 cents respectively had prevented many of the most deserving applicants from getting certificates for applying under Economically Weaker Sections category. The income analysis of Economically Weaker Sections allocations for MBBS seats would show that more than 100 applicants in Government Medical Colleges are from income group up to one lakh. It is also found that even with the stringent condition regarding the extent of house plot and area of flats contained in the Central notification which was adopted for reservation of Economically Weaker Sections in MBBS admission, all the seats allotted in that category were filled up. Since criteria for identification of Economically Weaker Sections in general category is

both for admission in educational institutions and public employment, the data from KEAM is very relevant. The fact that for admission to MBBS, the applicants may be from better income groups than for other courses also has to be reckoned.

**2.5.15** The data obtained from Civil Supplies (B) department also is relevant in this regard. From the said data it is found that the Food and Civil Supplies (B) Department, vide S.R.O.No.356/2018 dated 16.5.2018, issued Rules in exercise of the powers conferred by Sub Section (1) of Section 14 of the National Food Security Act 2013. As per the above Rules, identification of eligible households is found to have been done under Rule 3 and Rule 3(a) deals with households to be covered under the Anthyodhaya Anna Yojana (AAY) and Rule 3(b) is the Priority House Holds (PHH) in accordance with the inclusion and exclusion criteria prescribed by the Government. Rule 4 deals with non priority (non subsidy) households and Rule 5 deals with State – priority household. Rule 6 is important in this respect and it states of exclusion from the purview of eligible household. The same is extracted as under:

“6.Exclusion from the purview of eligible households.-  
Notwithstanding the fulfilling of the eligibility criteria for the identification of eligible households specified in rule 7, the following households shall not be treated as eligible households, namely:-

(i) If any member of a household is a regular employee of Central or State Government, Public Sector



Undertakings, Co-operative sector, Government aided autonomous bodies, educational institutions getting financial aids or grants from any Central or State Governments or the local bodies or if he is a service pensioner:

Provided that this clause shall not apply to part-time employees, temporary employees, Class IV service pensioners, those who receives a pension up to five thousand rupees only and those who receives freedom fighter pension up to ten thousand rupees only;

- (ii) any member of a household is an income tax payee;
- (iii) If any member of a household or the household owns land of more than 0.40 hectare, other than Scheduled Tribes;
- (iv) If any member of a household is having a four wheeler vehicle or a heavy vehicle with a capacity of more than 600 CC, other than those having one commercial vehicle in households for earning livelihood;
- (v) If any member of a household or the household is having house or flat having an area of 1000 square feet or more;

(vi) If any member of a household or the household is having a gross monthly income of Rs.25,000/- and above, either from private employment or foreign employment.”

**2.5.16** The criteria for inclusion under the category of priority households are stated in Rule 7. As per the data collected from the Civil Supplies Department it is found that there are 587406 rations cards under AAY scheme, 3125369 rations cards under P.H.H category and 2527561 rations cards under non priority State subsidy, and 2416181 ration cards under non priority non subsidy category.

It is further found from the data relating to Kerala Civil Supplies beneficiaries distribution that out of the total beneficiaries of 36497589, the AAY beneficiaries are 23,62,297, P.H.H beneficiaries are 13076822, non-priority State subsidy beneficiaries are 10456731 and non-priority non subsidy beneficiaries are 9636759. Of course no data has been obtained from Civil Supplies Department in respect of the details of general category separately. As per Rule 6 of the above Rules, any member of a household or the households who owns more than 0.40 hectars ( 1 acre) of land and any member of household or a household having house or flat with an area of 1000 square feet and any member of a household or the household having a gross monthly income of Rs.25000/- and above shall not be treated under eligible households. An income tax payee also is excluded from the eligible limits. The fact that 13076822 beneficiaries come under P.H.H. category deserves consideration for

the purpose of deciding the economically weaker sections in the general category in our State.

**2.5.17** Under the Kerala Civil Supplies Ration Card type distribution, it is found that there are four categories. The Anthyodaya Anna Yojana (AAY), Priority House Holds (P.H.H), Non priority State Subsidy (NPSS) and Non Priority Non Subsidy (NPNS) are the four types of beneficiaries. The AAY are the most deserving, P.H.H is the next of deserving for whom the inclusion and exclusion criteria are set forth in the Rules. The Non Priority State Subsidy beneficiaries are those who get exempted with one criteria in house, land and vehicle criteria. Under this segment comes 10456731 beneficiaries. Only 9636729 beneficiaries are coming under Non Priority Non Subsidy criteria. The total beneficiaries under AAY and P.H.H. would come to 15439119. Of Course under AAY category, the General Category population will be very less. The fact that the P.H.H. beneficiaries that comes to 13076822, belong to annual income group below Rs. 3 lakh is of considerable significance while deciding the Economically Weaker Section in General Category. Certain other stringent exclusion criteria also are attached against them. Another very important aspect is regarding the non-priority state subsidy beneficiaries. They also are coming under the same income group. They happened to be excluded from P.H.H only on the reason that they do not satisfy one of the criteria in house or plot or vehicle. The total number of beneficiaries under NPSS is 10456731. The total

number of beneficiaries under AAY, P.H.H and NPSS comes to 25895852 which account for about 70% of the total beneficiaries.

**2.5.18** Even though as per the Central Notification the annual income limit has been fixed at Rs.8 lakhs, certain other criteria regarding extent of house plot, extent of plinth area of flats etc. also are available under the said notification. Extent of house plot as contained in the Central Notification is about 2 cents in notified Municipalities and 4 cents in Grama Panchayat areas and the plinth area of flats which may include residential houses also is 1000 square feet. Only on satisfying the above conditions, along with other conditions, the persons are entitled to get the benefit of reservation as members of Economically Weaker Sections under Central notification. Therefore the fixation of Rs. 8 lakhs as annual income under the Central notification is not of much importance. However as per the Constitutional Amendment, the Economically Weaker Sections in general category is to be identified mainly on the basis of their economical background i.e. their annual income and so the same should be reasonable and justifiable. The data available from the Commissioner for Entrance Examination would disclose that all the seats reserved for M.B.B.S selection in government colleges for the economically weaker sections were filled up despite the condition that the candidates should satisfy the requirements as notified by the Central Government. As regards Kerala State is concerned, the provision in the Central notification regarding the extent of the house plot as well as the extent of the building are very difficult to satisfy

and even persons having annual income below Rs.one lakh may not be able to satisfy the above conditions. A detailed examination in this respect will be made when discussing the above points. The fact that the income limit of the eligible house hold under the National Food Security Act is Rs.25000/- per month and more than 70% of our population come under the AAY, P.H.H and Non Priority State Subsidy beneficiaries taken together assumes great significance. While fixing the income limit, it is to be borne in mind that if a higher income limit is fixed, then the actually deserving `citizens will be adversely affected because they will not be able to compete with those who hail from higher income families and if the amount is very low, then there is possibility of sacrificing the merit. Moreover there should be sufficient number of candidates to fill up the reservation quota both in admission to educational institutions and for public employment. So the income limit should not be too high so as to include undeserving candidates and too low so as to exclude deserving candidates.

**2.5.19** On an evaluation of the entire materials on record and taking into account the facts and circumstances of this State it is only proper and appropriate to fix the annual income limit at Rs.4 lakhs and persons beyond the said annual income cannot be considered as belonging to Economically Weaker Sections in General Category. **Accordingly for the purpose of getting the reservation benefit provided under Article 15 (6) and Article 16(6) of the Constitution of India, persons**

**belonging to a family having annual income up to Rs.4 lakhs can be identified as Economically Weaker Sections in the State.**

**2.6 Whether income from all sources are to be taken for fixing the annual income.**

**2.6.1** In the Official Memorandum dated 31.01.2019 issued by the Government of India, it is stated that the income shall include income from all sources i.e. salary, agriculture, business, profession, etc. for the financial year prior to the year of application. Most of the persons and Associations who have submitted their responses on the basis of the paper publication and questionnaire have suggested that income from all sources are to be calculated for deciding the annual family income. Some persons and Associations have suggested that the income from agriculture is to be excluded. Some others have suggested that the same method as adopted for calculating the income for OBC reservation is to be adopted for the reservation to economically weaker sections also. Some persons and Associations have suggested to exclude the social security pensions while calculating the family income for identifying the economically weaker sections in General Category.

**2.6.2** During the discussion with representatives of the Associations of forward communities held at Guest House, some Associations have stated that agriculture is a non productive sector and the expenditure for agriculture is more than the income derived from the same and so the said income should not be calculated for deciding the family income. Even though there is some force in the

suggestion that agriculture has now become unproductive, the income from agriculture altogether cannot be excluded because that also is a source of income. It is true that for computing the annual income for deciding the creamy layer, the income from agriculture and salary are excluded. The entire method of deciding the creamy layer is totally different from the way in which Economically Weaker Sections in General Category are to be identified. As already observed, creamy layer concept has no application in identifying the Economically Weaker Sections in General Category. Another suggestion that Social Security pensions are to be excluded from the annual income of the family of course deserve consideration. From the record obtained from the Panchayat Directorate it is seen that there are 5 types of social security pensions (**Appendix XVI**) Social security pensions are given as a subsistence for the recipients. Such pensions cannot be considered as income. So the Social security pensions are to be excluded while calculating the income of the family of Economically Weaker Sections. Income would mean the regular income actually earned by the family members. While computing such income, the terminal benefits, unemployment wages, festival allowance, travelling allowance and family pension also have to be excluded.

**Hence income from all sources subject to the following exemptions are to be taken for deciding the annual income.**

### **Exemptions:-**

- 1. Agricultural income from house plot of which the ceiling limit is specified**
- 2. Amounts received from social security pensions.**
- 3. Family Pension**
- 4. Unemployment Wages.**
- 5. Festival Allowance**
- 6. Terminal benefits.**
- 7. Travelling Allowance**

### **2.7 Exclusion criteria for assets.**

**2.7.1 Extent of land:** In the Office Memorandum dated 31.1.2019 issued by the Government of India, it is stated that persons whose family owns or possesses agricultural land of 5 acres and above are to be excluded from being identified as economically weaker sections and this is irrespective of the family income. In the 103<sup>rd</sup> Constitutional Amendment, Economically Weaker Sections is stated to be such as may be notified by the State from time to time on the basis of family income and other indicators of economic disadvantage. So the assets of the family also has to be reckoned for deciding the Economically Weaker Sections in General Category. This is more so in view of the reason that the certificate being issued is Income and Assets certificate. Therefore certain prescriptions are to be laid for excluding persons who are holding land and certain other assets from



claiming the reservation provided under the Constitutional Amendment.

**2.7.2** The Kerala State has a different scenario from that of other Indian States. On account of the large scale land reforms, land regulations and land ceiling which happened in our State, the land has become a precious item. Moreover Kerala population is spread out all over the State which also is a peculiarity to our State. On the basis of the paper publication inviting views and suggestions of the associations of forward communities and the general public, a lot of representations have been received and in most of such representations, the extent of land which has to be taken for identifying the economically weaker sections also has been stated. Based on such feedback, a questionnaire prepared by the Commission which included specific questions regarding the extent of land to be taken for identifying the economically weaker sections with particular reference to Panchayat, Municipality and Corporation was published in the web site of the Commission and also supplied to the associations of forward communities and a lot of feedback has been received on the same. In the discussion held with the representatives of the associations of forward communities, different views were highlighted on this aspect. A lot of individual representations also have been received as replies to the questionnaire. In one set of such representations, mostly of which are similar representations, it is suggested to fix an extent of 15 acres of land for the family of an applicant to be included in the

Economically Weaker Sections and according to them the extent of land can be in accordance with the land ceiling limit which is 15 acres for a family. Most of these representations, are similar in all respects. In another set of 60 representations, six persons have suggested to fix the limit of the land at 15 acres while according to 11 persons the extent of land can be 5 acres and one has suggested 4 acres of land as the extent for identifying the Economically Weaker Sections. The remaining persons have suggested an extent ranging from 20 cents to 3 acres. In another set of 42 representations 17 persons suggested to fix the extent of land at 2 hectares and remaining persons have suggested to fix the limit ranging from 2 acres to 10 acres. The members of Syro Malabar Sabha have filed individual representations representing the Sabha and all these are signed photocopies of the same representation. The following suggestions are made by the Syro Malabar Sabha regarding the extent of land. If the family is having residential plot, house and commercial building in any Municipality or Corporation, their property has to be differentiated between agricultural land and other land. In the case of a family having house, residential plot or commercial building in Corporations, the extent of that plot should be limited to 15 cents and if they have land in Panchayat area, they should be allowed to hold an extent of 2 hectares and if a family has house, residential plot or commercial building in a Municipality, the limit of such land should be 50 cents and if they have land in panchayat area, the total extent can be fixed at 2 hectares. They

would also state that the properties in different locations have to be clubbed together and the total extent should be limited to 2 hectars and if such land is situate in a hilly or remote area, the extent can be up to 3 hectars.

**2.7.3** An analysis of the replies from the Associations of Forward Communities also has to be made. The Syro Malabar Sabha (RCSC), Commission for Laity, Kanjirappalli Roopatha Council and Syro Malabar Youth Movement have given their response in the same words as given by their members as stated earlier. In fact all of them and their members have photocopied the same representation and signed and submitted before the Commission. They have suggested to fix the extent of land as 2 hectares and in hilly areas they would suggest a larger extent of 3 hectares. They would also state that if there is a house or house plot in Municipality or Corporation limits, there should be distinction between agricultural land and other lands and in such cases the extent should be limited to 2 hectares. The Nair Service Society (NSS) has suggested the extent of land as 3 acres, Thrichengannur Malayala Brahmana Samajam has stated that the extent of land has to be limited to 1 acre, Brahmasree Ayyaguru Parishath has suggested that the extent can be up to 5 acres in hilly areas and 20 cents in grama panchayat. Kanimangalam Nair Welfare Society has suggested to fix the extent of land at 5 acres for panchayat, 3 acres in Municipality, 50 cents in Corporation. The Ernakulam Karayogam has suggested an extent of 5 hectres as the limit for identifying the economically weaker sections.

Samsthanathala Munnokka Kshema Vikasana Samithy suggested that regarding dry land the limit should be 50 cents and that of wet land it should be one acre. Tharakan Pathukudi Mannadiar Service Society has stated that the limit can be 1 hecture of land, Kunjom Sreebhagavathykavu Nair Samajam and National Forward Communities United Front have suggested 5 acres as the upper limit of the land. The Yogakshema Sabha has suggested that in panchyat areas the extent of land can be up to 1 acre and in Municipality 75 cents and in Corporation 50 cents. According to Kerala Vellala maha Sabha, up to 5 acres of land should be fixed for identifying the EWSs. Lutheran Christhava Samsakarikavedi has suggested 5 Acres as the upper limit for identifying the Economically Weaker Sections. Akhila Kerala Thanthri Mandalam has suggested 1 acre as the limit of the land and according to Abhivridhi Sangham the extent of land can be upto 3 acres. The Sivalli Brahmana Sabha suggested 2 hectors as the limit of land and Gupthan Sevana Samajam has suggested 15 acres. According to Moothan Service Society the extent of land should be only 20 cents and Gowda Saraswatha Brahmana Maha Sabha has suggested 50 cents dry land and 1 acre wet land in Panchayat area, 20 cents dry land and 1 acre wet land in Municipality and 5 cents dry land and 5 cents wet land in corporation area.

**2.7.4** On a response analysis of the representations of the Associations of forward communities it is seen that 11 associations have suggested the limit of the land ranging from 20 cents to 3 acres and 9 associations suggested the limit ranging from 4 acres to 15 acres. A

lot of individual representations have been received in this respect. 86 persons have stated to fix the limit of land at 15 acres and they are mostly members of G.S.S., Eswaramangalam Unit. Some of them also have stated that the limit of land can be the ceiling limit under the Kerala Land Reforms Act.

**2.7.5** The Panchayat areas in Kerala have mountainous and hilly areas and also remote areas. The reservation contemplated under Article 15(6) and Article 16(6) of the Constitution of India is only for the Economically Weaker Sections in the general category. So the most deserving persons in the general category should be able to get the benefit of reservation under this category. At the same time a person who is actually very poor and is having some property in a very remote or hilly area should not be denied such reservation. Therefore a larger extent when compared to the land in Municipality and Corporation should be considered for the families residing in panchayat areas. The properties in Municipalities and Corporations are no doubt having considerable appreciation and even a small extent of land in such an area has considerable value. Since assets of the family also have to be reckoned for identifying the Economically Weaker Sections, the land and buildings owned by such families have to be taken for identifying the economically weaker sections in the general category. On an in depth study of all materials available before the Commission, we think it proper and appropriate to fix an extent of 2.5 acres in Panchayat areas, 75 cents in Municipal areas and 50 cents in Municipal Corporation areas as the limit of land for

identifying the Economically Weaker Sections in General Category. Nevertheless to say that this extent would include the house plots, if any, belonging to such families. **Hence the Commission recommends that persons whose family owns or holds more than 2.5 acres of land in Panchayat area or more than 75 cents of land in Municipal area or more than 50 cents of land in Municipal Corporation area are to be excluded from being identified as Economically Weaker Sections in General Category. The lands in all locations shall be clubbed together for ascertaining the extent. If the applicant's family is having properties in Panchayat area as well as in Municipality or Municipal Corporation, all such properties shall be clubbed together and if the total extent is more than 2.5 acres, he/she shall be excluded from being identified as Economically Weaker Section. In cases where the applicant's family is having properties in Municipality and Municipal Corporation areas, the above properties shall be clubbed together and if the total extent is more than 75 cents, he shall be excluded from being identified as Economically Weaker Section.**

## **2.8 Extent of House plot**

**2.8.1** In the criteria for income and assets as noted in the Office Memorandum dated 31.01.2019 issued by the Government of India, persons whose family own or possess residential plots of 100 square yards and above in notified Municipalities and 200 square yards and above in areas other than the notified Municipalities shall be

excluded from being identified as Economically Weaker Sections in General Category irrespective of the family income. Under Kerala scenario, if the above criteria is fixed for identifying the Economically Weaker Sections in General Category, it is trite that even the most deserving and eligible applicants will have to be excluded from the Economically weaker Sections. It is this criteria contained in Government of India official memorandum which is most objected by the general public and associations of forward communities in our state. A lot of persons have suggested that there is no need to differentiate between house plot and other lands and they request not to include such a criteria for identifying the Economically Weaker Sections. There is force in the suggestion that in Kerala most of the properties can be used for dwelling and there is not much difference between house plots and other agricultural lands. But on a careful analysis of the entire facts, this Commission is of the view that the above criteria cannot altogether be excluded for identifying the Economically Weaker Sections in the general category. However a very pragmatic and realistic approach has to be made while deciding the extent of the house plot which can be held by a family taking into account the facts and circumstances prevailing in our State.

**2.8.2** A lot of representations have been received in response to the first paper publication and subsequent questionnaire published in the Web site and supplied to the Associations of forward communities. In the individual replies to the questionnaire, about 245 persons have suggested that the criteria regarding house plot need not be

considered at all for identifying the Economically Weaker Sections in general Category. Of course most of them are members of G.S.S.Eswara Mangalam Unit. Most of the above representations are similar in all respects. The members of Syro Malabar Saba had submitted 69 numbers of representations and as noted earlier they have copied the same representation and submitted before the Commission. According to them, in Panchayat area there is no need to fix the limit of house plot separately and only the extent of the land inclusive of house plot can be fixed in such panchayat areas. They would also suggest that in Municipality, the house plot should be limited to 50 cents and in Corporation areas, the extent may be up to 15 cents. In another set of 60 individual representations, 30 persons have suggested that there is no need to consider the extent of the house plot separately and one person has suggested to fix 2 acres as house plot in panchayat areas and 2 to 25 cents in Municipality and Corporation. Others have suggested the extent of the house plot ranging from 7 cents to 1 acre in panchayat area , 4 cents to 30 cents in Municipality and 2 cents to 25 cents in Corporation. In another set of 42 individual representations, 16 persons have suggested various extent ranging from 5 cents to 1 acre in Panchayat area, 5 cents to 60 cents in Municipality and 2 cents to 30 cents in Corporation areas. Others suggested not to fix any limit for house plot.

**2.8.3** In the representations of the Associations of forward communities submitted in response to the questionnaire, varying suggestions are



found to have been made in respect of the extent of house plot for identifying the Economically Weaker Sections. As already pointed out, the Syro Malabar Sabha and their connected associations have suggested not to fix any limit for house plots in the panchayat areas and in Municipality and Corporation they would suggest to fix up to 50 cents and 15 cents respectively for identifying the economically weaker sections. According to Nair service Society (N.S.S) the limit for a house plot in Panchayat area may be 25 cents, Municipality 15 cents and Corporation 10 cents. The Thrichengannur Malayala Brahmana Sabha has suggested an extent of 50 cents in Panchayat area, 30 cents in Municipality and 15 cents in Corporation limits. According to Gowda Saraswatha Brahmana Maha Sabha, the limit of the house plot in Panchayath area may be 50 cents and in Municipality 25 cents and in Corporation 10 cents. Brahmaseree Ayyaguru Parishat has suggested an extent of 30 cents in panchayat area, 15 cents in Municipality and 10 cents in Corporation. The Kanimangalam Nair Welfare Society has suggested 4800 square feet in Panchayat area, 2400 square feet in Municipal areas and 1500 square feet in Corporation limits. According to Brahmana Mahasabha a uniform extent of 20 cents is suggested as the house plot under this head. The Ernakulam Karayogam has suggested 50 cents in Panchayat areas, 15 cents in Municipality and 7 cents in Corporation. Pathukudi Service Society has suggested an extent of 3000 square feet in panchayat area, 2500 square feet in Municipal areas and Corporation limits. According to Samsthana Munnokka

Kshema Vikasana Samithy the extent of house plot is requested to be limited to 20 cents in panchayat area, 12 cents in Municipality and six cents in corporation. Tharakan Pathukudi Manndiar Service Society has suggested 1400 square feet in Panchayat area, 950 and 550 square feet in Municipal and Corporation areas respectively. They may be suggesting the above area under a misconception to plinth area of the house or flat. The National Forward Community has suggested an extent of 10 cents in panchayat area, 7 cents in Municipality and 5 cents in Corporation. Yoga Kshema Sabha has suggested 15 cents in Panchayat and 10 cents in Municipality and 5 cents in Corporation. According to Vellala Maha Sabha, the extent of house plot can be 50 cents in panchayat area, 25 cents in Municipality and 15 cents in Corporation. The Mattathur Samastha Nair Samajam has suggested uniform limit of 10 cents all over Kerala. The Abhivridhi Sangham has suggested 10 cents in Panchayat and 7 cents in Municipality and Corporation limits. The Sivalli Brahamana Sabha has suggested 20 cents in the Panchayat area and 5 cents in Municipality and Corporation areas as the limit of the house plot. The Moothan Service Society has suggested a uniform 10 cents for the Panchayat, Municipal and Corporation areas. The Gowda Saraswatha Brahamana Maha Sabha has suggested an extent of 20 cents in Panchayat, 10 cents in Municipality and 5 cents in Corporation limits. The representatives of the above Associations highlighted their views in the discussion held at the Government Guest House on 30.9.2019.

**2.8.4** Even though in most of the individual representations they have suggested not to consider any limit for the house plot, the Associations of forward communities barring 2 or 3, have suggested to fix the limit for the house plot and most of them have suggested to fix the extent ranging from 10 to 50 cents in Panchayat areas, 7 to 25 cents in Municipal areas and 5 to 15 cents in Corporation areas. The fact that a house plot in a Municipality or Corporation is a valuable asset as regards a family is concerned cannot be lost sight of. The value of the house plot in Municipality or Corporation area is very high in our State. There is dense population in Municipal and Corporation areas. The fact that in our State the population is spread over the entire area except the forest land deserves serious consideration. More than 90% of the persons who responded to the paper publication and questionnaire have raised serious objections regarding inclusion of a criteria regarding house plot in Panchayat area and according to them there is no difference between house plot and other land in our State. The Syro Malabar Sabha has tried to impress upon this Commission by stating that in several hilly Districts, houses are located in their only land and no distinction can be drawn from a house plot and other agricultural land. The condition contained in the Central notification regarding house plot has been seriously challenged from all quarters. The Syro Malabar Sabha has stated that in panchayat areas there is no need for fixing any limit for the house plot and in Municipality and Corporation the house plot

can be up to 50 cents and 15 cents respectively. We find force in the above suggestion. It is significant to note that unlike other Indian States, in Kerala, especially in Panchayat areas, the house plot and other lands cannot be differentiated. In many of the hilly districts such as Pathanamthitta, Idukki, Wayanad, Kasaragod etc. extent of land held by a family may not be less. But that will not yield much income and the value of such land also will be less. So if the house plot is imposed as a condition for claiming EWS benefit in a Panchayat area, the deserving applicants will get excluded.

**2.8.5** On a consideration of all facts and materials on record this Commission is of the view that in Panchayat areas no condition need be imposed with regard to the extent of house plot that a family can hold and this condition need be included only in Municipality and Municipal Corporation areas and the extent can be fixed as 20 cents in Municipal areas and 15 cents in Municipal Corporation areas.

**Hence persons whose family owns or holds residential plots having an extent of more than 20 cents in a Municipality and 15 cents in a Municipal Corporation area shall be excluded from being identified as Economically Weaker Sections in General Category. If more than one house plot is owned or held by such family, all such plots shall be clubbed together to ascertain the extent of house plot.**

## **2.9 Residential Flats/Houses**

**2.9.1** In the Official Memorandum, dated 31.01.2019 issued by the Government of India, a uniform plinth area of 1000 Sq.feet for

residential flats also has been fixed as a criteria for identifying the economically weaker sections irrespective of other conditions. In the above O.M only residential flat is mentioned. However the residential flat as a general term may have to include residential house also. Regarding this criteria also there is considerable grievance.

**2.9.2** As response to the paper publication and questionnaire, a lot of individual representations as well as representations of associations of forward communities have been received in respect of this criteria also. Out of the individual representations, one set of representations numbering 245 have uniformly stated that there is no need to consider the area of the houses for identifying the Economically Weaker Sections in General Category. The members of Syro Malabar Sabha, 69 in numbers, have uniformly stated that if the plinth area of house is to be reckoned, then in the case of concrete buildings, the area can be up to 2200 square feet and in the case of residential flats in Corporation or Municipal areas the area can be up to 1000 square feet. In another set of 60 individual representations, 25 persons have suggested not to consider the plinth area of the house for identifying the Economically Weaker Sections whereas others have suggested a plinth area ranging from 1000 square feet to 2000 square feet. Some of them have suggested different plinth areas for the houses located in Panchayt, Municipality and Corporations. In another set of 42 individual representations, 3 persons have suggested an areas of 2500 square feet, and 4 persons

have suggested 2000 square feet, 2 persons have suggested 1500 square feet, 3 persons 1200 square feet, 6 persons 1000 square feet and one person 850 square feet. 14 persons have suggested that the plinth area of building should not be calculated for identifying the Economically Weaker Sections in general category. Others have not mentioned about the area of the houses under this head.

**2.9.3** The Associations of Forward Communities who had responded to the questionnaire have given different areas for the house for identifying the Economically Weaker Sections. As already pointed out, the Syro Malabar Sabha stated that in the case of concrete buildings the area can be up to 2200 square feet and in the case of residential flats in Corporations and Municipalities the area can be up to 1000 square feet. Their connected associations such as Commission of Laity, Kanjirapally Roopatha Pastoral Council, Syro Malabar Youth Movement etc. also have taken the same view. According to Nair Service Society, the area of the building can be up to 1500 square feet. Thrichengannur Grama Samajam states that the area of building in Panchayat can be up to 2500., in Municipality it may be up to 1800 square feet and corporations it can be up to 1500 square feet. The Gowda Saraswatha Brahmana Maha Sabha states that the plinth area of residential buildings need not be considered at all. According to Brahmasree AyyaguruSwami Dharma Parishath, the area of residential house can be up to 1500 square metre. Probably they may be mistaking it for sq.feet. The Kanimangalam Nair Welfare Society states that in Panchayat, the plinth area can be up to 4800

square feet and in Corporation it may be up to 1500 square feet. According to Brahamana Maha Sabha the area of the house may be up to 1000 square feet. The Ernakulam Nair Karayogam has suggested an area of 2000 square feet in a village, 1800 square feet in Municipality and 1500 in Corporation. According to Pathukudi Service Society the area of residential building may be up to 2500 square feet. The Kerala Nadar Maha Jana Sangham has stated that the area of houses can be up to 1750 square feet. According to Samsthanathala Munnokkashema Vikasana Samithy, the maximum limit of the area of the house may be 1300 square feet. The Tharakan Pathukudi Mannadiar Service Society suggests an area of 1450 square feet as a maximum limit for the residential building. According to Kunjom Sree Baghavathykavu Nair Samajam, the area suggested is up to 1500 square feet. The National Forward Communities United Front suggests an area up to 1500 square feet for the houses. According to Yogakshema Sabha the area of houses beyond 50 years may not be considered for identifying the economically weaker sections. According to Kerala Vellala Sabha, the area of the house need not be considered. The Lutheran Christava Samsakarika Vedi suggests an area of 3000 square feet for the houses and The Mattathur Samstha Nair Samajam suggests an area up to 1500 square feet for identifying the Economically Weaker Sections and according to Akhila Kerala Tanthri Mandalam, the area of the houses can be up to 1060 square metre, may be mistaken for square feet. The Sivalli Brahamana Sabha and Guptan Sevana

Samajam have stated that the plinth area of the house need not be considered for identifying the Economically Weaker Sections. According to Moothan Service Society the area of the house can be up to 1200 square feet. The Gowda Saraswatha Brahmana Sabha, South Zone has suggested an area of 850 square feet for identifying the economically weaker sections. The representatives of the above Associations, in the discussion held at Government Guest House at Thiruvananthapuram on 30.09.2019 have reiterated their respective stand.

**2.9.4** As far as Kerala is concerned, a house is considered to be a dream. They even consider that their status depend upon the nature and quality of the house in which they reside. Normally the people of Kerala are eager to have a house of their own and they also feel that their house should be better than their neighbour's. Kerala is now consisting of mostly nuclear families and they are constructing houses by availing loans from all possible sources. So all these matters and the data collected from all sources are to be evaluated for arriving at a reasonable conclusion as to whether the house or flat owned by a family is to be taken at all as a criteria for identifying the Economically Weaker Section in General Category. The fact that several families, especially in Brahmin community who were very affluent in the past, due to various factors, have become very poor and they may be having big houses. Unlike other Indian States, houses are built even by poor people by arranging money from all sources and also by availing heavy loans. Simply looking at a house,



it is not possible to consider the economic state of that family. A response analysis would clearly show that more than 90% of the persons who responded to the feedback have suggested not consider the area of the residential house as a criteria for identifying the Economically Weaker Sections in General Category. In the Kerala scenario, if the area of residential house/flat is considered as a criteria for identifying the Economically Weaker Sections, several very deserving citizens will get excluded from getting the benefit of reservation provided under Articles 15(6) and 16(6) of the Constitution of India. Hence the flat or house owned by a family need not be considered for the purpose of identifying the Economically Weaker Sections in General Category.

A model form for Income and Assets Certificate is attached along with the report as Model Form No.I

## **2.10 Persons belonging to the Anthyodaya Annayojana (AAY) and Priority House Holds (PHH)**

In the explanation to Article 15(6) of the Constitution of India, it is stated that the “economically weaker sections” shall be such as may be notified from time to time on the basis of family income and other indicators of economic disadvantage. From the records obtained from the Food and Civil Supplies (B) Department, it is found that the Anthyodaya Annayojana (AAY) and Priority House Holds (PHH) are the most vulnerable segment in our society. The criteria inclusion of Priority House Hold under Rule 7 of the Kerala Food Security Rules 2018 also spell out the same. Therefore they are found to be groups

to be included under the Economically Weaker Sections in General Category notwithstanding any of the criteria for being identified as Economically Weaker Sections. The AAY category are given Yellow ration cards and Priority House Holds are having pink cards. Of course the population of General Category in these groups will be considerably less. However they as a class are entitled to be in the Economically Weaker Sections. They need only to produce a certificate in this regard.

Model Form of Certificate to be produced by persons included under the above categories is attached along with this report as Form No.II.

**Hence applicants belonging to the categories of Anthyodaya Annayojana (AAY) and Priority House Holds (PHH) are identified as coming under Economically Weaker Sections in General Category notwithstanding any of the criteria for being identified as Economically Weaker Sections. He/she need only produce a certificate stating that his/her name is included in the Ration Card issued under such category and the Village Officer concerned shall be the competent authority to issue such certificate.**

## CHAPTER III

### 3. Factors to be considered while implementing reservation to Economically Weaker Sections.

#### 3.1 Is 10% reservation justified to be implemented in Kerala?

As per Article 15(6) of the Constitution of India reservation provided to Economically Weaker Sections in General Category is up to 10% of the total seats and posts. In our State, for Other Backward Classes, the total percentage of reservation in State Services other than Class IV is 40. Percentage of reservation of seats in professional Degree Courses for SEBC is 30. According to the survey of the Indian Sample Survey Organisation (1990), the population of General Category in Kerala is about 27.73%. Through the 103<sup>rd</sup> Constitutional Amendment Act, up to 10% is provided to the Economically Weaker Section in General Category. In Kerala, Economically Weaker Sections in General Category is very high. This is clear from the analysis of the data already made. Considering the population of the General Category and the economic backwardness of citizens in General Category, this Commission is of the firm view that 10% reservation has to be extended to Economically Weaker Sections in General Category. **Hence the Commission recommends to provide 10% reservation to Economically Weaker Sections in General Category for admission to educational institutions and public employment in Kerala.**

### **3.2 Is 10% reservations in the posts in PSUs to be considered.**

The Public Sector units in which majority shares are owned by Kerala State Government and are under the control of Department of Industries are functioning in our State. Government of India vide Office Memorandum No.36039/1/2019.Estt. (Res) dated 31.01.2019 implemented the reservation scheme in respect of direct recruitment in civil posts and services in the Government of India.

Article 16(6) of the Constitution provide for reservation of appointments or posts up to 10% in favour of Economically Weaker Sections in General Category. From the data received from Public Service Commission it is seen that Kerala P.S.C is conducting selection to more than 100 Public Sector Companies and 7 Corporations and Boards.

**Hence 10% reservation in the posts in public sector units, in direct recruitment needs to be implemented in Kerala as well.**

### **3.3 Is 10% reservation to all the Educational Institutions in the State to be considered.**

As per Article 15(6) of the Constitution of India, as introduced by way of the 103<sup>rd</sup> Amendment Act, 2019, up to 10% reservation is provided to the Economically Weaker Sections in General Category for their admission to educational institutions including private educational institutions, whether aided or unaided by the Government, other than in minority educational institutions referred to in clause (1) of Article 30 of the Constitution of India. In the back

ground of high literacy and the number of school and college going students and also taking into account, the state need to extend 10% reservation for admission in educational institutions.

In the statement of objects and reasons appended to the above Amendment Act it is stated that the said Act provides for reservation for economically weaker sections in higher educational institutions, including private institutions whether aided or unaided by the State, other than the minority institutions. But the above statement of objects and reasons is not in conformity with the relevant provision of the Amendment Act. The State is to follow what is provided under Article 15(6) of the Constitution of India. Regarding reservation to Economically Weaker Sections, the provision in the Constitution is very much similar to the reservation to Other Backward Classes which is provided under Article 15(4) and (5). So the reservation up to 10% may be extended to Economically Weaker Sections in General Category in all Educational Institutions, except the minority institutions, where reservation is provided to Other Backward Classes. It is found that reservation is now given to OBC from Higher Secondary level in Government schools. Going by the tenor of the Constitutional provision the State is having liberty to provide or not to provide reservation to private or aided educational institutions. Since it is a policy matter, the Government may take appropriate decision as to whether reservation is to be extended to aided or unaided educational institutions. **So the reservation to Economically Weaker Sections in General Category is to be**

**extended to education institutions from Higher Secondary level and in higher educational institutions where reservation benefit is extended to Other Backward Classes.**

**3.4 Is any scientific or Technical posts to be exempted from reservation.**

Government of India exempted from reservation certain scientific and technical posts which satisfy the conditions specified in clause 3.1 of the office memorandum dated 31.01.2019 after obtaining orders of the Minister concerned.

There is no classification in our State as scientific or technical posts as has been done in terms of Cabinet Secretariat O.M.No.85/11/CF/CF-61(1) dated 28.12.1961.

The State Government may consider whether any such posts are to be exempted from the reservation provided under Article 16(6) of the Constitution of India.

**3.5 The year/years to be taken for computation of income.**

The income of the family for the financial year prior to the year of application need to be taken into consideration for issuing the Income and Asset certificate.

**3.6 Declaration by the applicant regarding property held by family.**

The quantum of property held by the family shall be declared by the applicant himself/herself while applying for the Income and Assets Certificate. The properties in different locations shall be clubbed together to ascertain the extent. If the verification reveals that the

claim to belong to EWS is fake/false his service/admission will be terminated forthwith without assigning any further reasons and without prejudice to such further action as it deem fit by Government.

### **3.7 The issuing authority of the Income and Asset Certificate.**

The Village Officer concerned shall be the competent Authority to issue the Income & Asset certificate. The Tahsildar concerned shall be the appellate Authority and the R.D.O, the revisional authority.

The Village Officer who is the certificate issuing authority for the purpose of issuing the certificate shall carefully verify all relevant documents and make necessary enquiries and follow the procedure prescribed in this behalf.

### **3.8 Instructions to be included in the offer of appointment.**

The appointing authorities should, in the offer of appointment to the candidates claiming to be belonging to EWS, include the following clause:-

“The appointment is provisional and is subject to the Income and asset certificate being verified through the proper channels and if the verification reveals that the claim to belong EWS is fake/false the services will be terminated forthwith without assigning any further reasons and without prejudice to such further action as may be taken under the provisions of the Indian Penal Code for production of fake/false certificate.”

The appointing authority should verify the veracity of the Income and asset certificate submitted by the candidate through the certificate issuing authority.

Instructions referred to above should be strictly followed so that it may not be possible for an unscrupulous person to secure employment on the basis of a false claim and if any person gets an appointment on the basis of such false claim, his/her services shall be terminated invoking the conditions contained in the offer of appointment.

### **3.9 Amendments in Rules 14 to 17 of K.S & S.S.. Rules, 1958.**

Economically Weaker Sections of citizens in General Category were not eligible for the benefit of reservation in our State till date. For economically weaker Sections of Citizens to get reservation benefits in educational institutions other than the minority educational institutions, and also for reservation for them in initial appointments in the Services under the State, certain amendments to Rules 14 to 17 in the Kerala State and Subordinate Services Rules, 1958 and in the prospectus for admission to Educational institutions are to be made. Government Orders and guidelines for reservation are to be issued.

In K.S&SSR, Rule 14(a), 14(b) and 14(c) and the Proviso under Rule 14(c) and also the Annexure to Rule 15 are to be amended suitably. A model roster for categories except Last Grade Servants is attached along with this report as Model Roster-I and for Last Grade Servants another model roster is attached as Model Roster-II.



**3.10 Whether exemption in age limit for Economically Weaker Sections in public employment needed.**

For Scheduled Castes, Scheduled Tribes and Other Backward Classes exemption in age limit for applying to the post has been allowed. Whether this need be allowed in the case of Economically Weaker Sections being a policy matter, the Government may consider whether exemption in age limit as given to Other Backward Classes be given to Economically Weaker Sections in General Category.

**3.11 Is adjustment against reserved/unreserved vacancies required.**

Persons belonging to Economically Weaker Sections who are selected on the basis of merit and not on account of reservation should not be counted towards the quota meant for reservation.

**3.12 Vacancies not to be carried forward.**

Where in any recruitment years, any vacancy earmarked for Economically Weaker Sections cannot be filled up due to non availability of suitable candidates belonging to Economically Weaker Sections, such vacancies shall not be carried forward as backlog and such vacancy shall be allotted to open competition. Such a condition also shall be included in the notification.

**3.13 No reservation to single post recruitment.**

There will not be any reservation to the Economically Weaker Sections in General Category for appointment to single post recruitment.

### **3.14 Furnishing periodical reports from departments and PSUs.**

All Government departments including public Sector undertakings shall forward periodical reports on the unfilled vacancies of the Economically Weaker Sections to Government in G.A.D (Co-ordination) Department. Total number of vacancies anticipated for six months shall also be forwarded.

### **3.15 Grievance Redressal Cell/Officer.**

Grievance Redressal Cell/Officer may be constituted/designated in each department/Directorates. The complaints of quantification of vacancies and reporting of them to P.S.C may be addressed. Periodical reports on the redressal of grievances may be forwarded to Government in G.A.D (Co-ordination).

### **3.16 Date of implementation of reservation.**

The scheme for reservation in the State of Kerala can be made effective from the date as fixed by the Government and shown in the Order implementing the scheme of reservation.

### **3.17 Modifying the criteria for identifying the Economically Weaker Sections in General Category.**

The Criteria for identifying the Economically Weaker Sections in General Category may be reviewed and modified from time to time, following a time frame of 3 years, on making a continuing study taking into account the fact situations existing and arising in this field.

### **3.18 Monitoring Cell.**

A monitoring cell in the Government Secretariat may be constituted to oversee the performance of the implementation of the scheme.

## **CHAPTER IV**

### **Conclusions/Recommendations**

The Commission considered General Category (G.C) as comprising that classes of citizens in Kerala who do not receive the reservation benefits provided under Clauses (4) and (5) of Article 15 and Clause (4) of Article 16 of the Constitution of India. In other wards General Category includes people of Kerala belonging to all castes, communities and classes other than Scheduled Castes, Scheduled Tribes and Other Backward Classes of citizens in Kerala. It is out of this General Category that the “Economically Weaker Sections” to whom the reservation under clause (6) of Article 15 and Clause (6) of Article 16 of the Constitution of India, have been identified.

Accordingly this Commission makes the following recommendations in identifying the Economically Weaker Sections in General Category.

- 1. Persons who are not covered under the scheme of reservation for Scheduled Castes, Scheduled Tribes and Other Backward Classes and whose family has gross annual income up to Rs. 4 lakhs (Rupees Four Lakhs only) are to be identified as Economically Weaker Sections for the benefit of reservation**

provided under Clause (6) of Article 15 and Clause (6) of Article 16 of the Constitution of India.

The identification of persons under Economically Weaker Sections as above shall be subject to other exceptions here in after enumerated.

2. The term “family” for the purpose of reservation to admissions in educational institutions and public employment covered under Clause (6) of Article 15 and Clause (6) of Article 16 of the Constitution of India shall include the person who seeks the benefit of reservation, his/her parents, siblings below the age of 18 years as also his/her spouse and their children below the age of 18 years.
3. Income from all sources, subject to the following exemptions, are to be taken for computing the annual income of the family.

### **Exemptions**

1. Agricultural income from house plots in Municipality or Municipal Corporation of which the ceiling limit is specified.
2. Amounts received as social security pensions.
3. Family Pension.
4. Unemployment Wages.
5. Festival Allowance.
6. Terminal benefits.
7. Travelling Allowance.

- 4. Persons whose family owns or holds an extent of more than 2.5 Acres of land in Grama Panchayat area or more than 75 cents in Municipal area or 50 cents in Municipal Corporation area are excluded from being identified as Economically Weaker Sections in General Category.**

The lands in all locations shall be clubbed together to ascertain the extent.

If the applicants' family is having lands in Panchayat area as well as in Municipality or Municipal Corporation limits, such lands shall be clubbed together and if the extent is more than 2.5 acres, he shall be excluded from being identified as Economically Weaker Sections.

If the applicants' family is having lands both in Municipal area and Municipal Corporation area, the above lands shall be clubbed together and if the total extent is more than 75 cents, he shall be excluded from being identified as Economically Weaker Sections in General Category.

“Land” shall include all types of lands.

- 5. Persons whose family owns or holds house plots having an area of more than 20 cents in a Municipality or 15 cents in Municipal Corporation area shall be excluded from being identified as Economically Weaker Sections in General Category.**

If more than one house plot is owned or held by the family, all such plots shall be clubbed together to ascertain the extent of house plot.

If the family has house plots in Municipality and also in Municipal Corporation limits, then all such plots shall be taken together and if the area of such plots is more than 20 cents, the person belonging to such family shall be excluded from being identified as Economically Weaker Sections in General Category. House Plot is defined as a plot where a house is situated or a house can be built.

6. Applicants whose names are entered in the Ration cards issued to the families in the category of Anthyodaya Annayojana (AAY) or Priority House Holds (PHH) shall be identified as belonging to Economically Weaker Sections in General Category irrespective of any other criteria.

Such applicants need to produce only a certificate stating that his/her name is included in the Ration Card issued under such category.

The Village Officer concerned shall be the officer competent to issue such certificate -

7. 10% reservation shall be provided to posts and services of the State, and also to the posts of Public Sector Units in which majority shares are owned by the State of Kerala.
8. Commission recommends to provide 10% reservation to Economically Weaker Sections in General Category in all educational institutions other than minority institutions, where reservation is provided to Other Backward Classes.

**9. Since reservation is being given to Other Backward Classes in Government Higher Secondary Schools, the reservation up to 10% may be given to Economically Weaker Sections in General Category in Government Higher Secondary Schools.**

**The Commission also recommends to provide 10% reservation to Economically Weaker Sections in General Category to all Higher Educational Institutions other than minority institutions, where reservation to Other Backward Classes are provided.**

**10. The income of the family for the financial year prior to the year of application need to be taken into consideration for issuing the Income and Assets Certificate.**

**11. The details of the properties held by the family shall be declared by the applicant by himself/herself. If the verification reveals that the claim to belong to Economically Weaker Sections is fake/false, his/her service/admission will be terminated forth with without assigning any further reasons and this shall be without prejudice to such further action as it deem fit by the Government.**

**12. The Village Officer concerned shall be the competent authority to issue the income and Asset certificate, the form of which is shown as Model Form No.I**

**13. The Tahsildar concerned shall be the appellate authority.**

**14. The R.D.O. concerned shall be the revisional authority.**

**15. The appointing authority should, in the offer of appointment to candidates claiming to belong to Economically Weaker Sections, include the following clause;**

**“The appointment is provisional and is subject to the income and asset certificate being verified through the proper channels and if the verification reveals that the claim to belong EWS is fake/false the services will be terminated forthwith without assigning any further reasons and without prejudice to such further action as may be taken under the provisions of the Indian Penal Code for production of fake/false Certificate”**

**16. Person belonging to Economically Weaker Sections in General Category who are selected/admitted on the basis of merit and not on account of reservation shall not be counted towards the quota meant for reservation.**

**17. Where in any recruitment year, any vacancy earmarked for Economically Weaker Sections in General Category cannot be filled up due to non-availability of suitable candidates belonging to Economically Weaker Sections, such vacancies shall not be carried forward as back log and such vacancy shall be allotted to open competition.**

**18. There shall be no reservation to Economically Weaker Sections for appointment to single post recruitment.**

**19. The Commission recommends that grievance redressal cell/officer may be constituted in departments/directorates. Periodical**



reports on redressal of grievance may be forwarded to the Government in G.A.D.(Co-ordination).

20. All Government Departments/Directorates/Public Sector Undertakings shall forward periodical reports of unfilled vacancies of Economically Weaker Sections in General Category to Government in G.A.D. (Co-ordination). Total number of vacancies anticipated in six months shall also be reported.
21. The Scheme for reservation of Economically Weaker Sections in General Category in the State of Kerala can be made effective from the date as fixed by the Government.
22. The criteria for identification of Economically Weaker Sections in General Category may be reviewed and modified periodically, preferably by following a time frame of 3 years.
23. A monitoring cell in Government Secretariat may be constituted to oversee the performance of the implementation of the reservation scheme of Economically Weaker Sections in General Category.

***We submit the above report for favour of necessary action by the Government of Kerala.***

**K.SASIDHARAN NAIR (Chairman)**

**ADV.M.RAJAGOPALAN NAIR ((Member)**

## MODEL ROSTER NO.I

### MAINTENANCE OF ROSTERS. THE ORDER OF ROTATION SPECIFIED IN A CYCLE OF 100 VACANCIES

(Annexure vide Rule 15 of KS.S.R.S.)

For Direct Recruitment to posts other than those included in the Last Grade Service.

Annexure inserted by G.O.(P) 300/76/P.D dated 28.8.1976 published as S.R.O.No.926/76 in Kerala Gazette No.36 dated 14.9.'76 . This was again substituted by G.O.(P) 409/82/GAD dated 13.12.82 published as S.R.O.No.1533/82 in Kerala Gazette No.49 dated 14.12.'83

1. Open Competition
2. Ezhavas, Thiyyas and Billavas
3. Open Competition
4. Schedule castes
5. Open Competition
6. Muslims
7. Open Competition
8. Latin Catholics and Anglo-Indians
- 9. Economically Weaker Section**
10. Other Backward Classes
11. Open Competition
12. Scheduled Castes
13. Open Competition
14. Ezhavas, Thiyyas and Billavas
15. Open Competition
16. Muslims
17. Open Competition
18. Ezhavas, Thiyyas and Billavas
- 19. Economically Weaker Section**
20. Viswa Karmas
21. Open Competition

22. Latin Catholics and Anglo-Indians
23. Open Competition
24. Schedules Castes
25. Open Competition
26. Muslims
27. Open Competition
28. Ezhavas, Thiyyas, Billavas
- 29. Economically Weaker Section**
30. Muslim
31. Open Competition
32. Scheduled Castes
33. Open Competition
34. Ezhavas, Thiyyas and Billvas
35. Open Competition
36. Muslims
37. Open Competition
38. Nadars (Hindu Nadars and Nadars Included in S.I.U.C)
- 39. Economically Weaker Section**
40. Other Backward Classes
41. Open Competition
42. Ezhavas, Thiyyas and Billavas
43. Open Competition
44. Scheduled Tribes
45. Open Competition
46. Muslims
47. Open Competition
48. Scheduled Castes Converts to Christianity
- 49. Economically Weaker Section**
50. Dheevaras
51. Open Competition
52. Scheduled Castes
53. Open Competition
54. Ezhavas, Thiyyas and Billavas
55. Open Competition
56. Muslims
57. Open Competition
58. Ezhavas, Thiyyas and Billavas

**59. Economically Weaker Section**

- 60. Nadars (Hindu Nadars and Nadars included in S.I.U.C)
- 61. Open Competition
- 62. Ezhavas, Thiyyas and Billavas
- 63. Open Competition
- 64. Scheduled Castes
- 65. Open Competition
- 66. Muslims
- 67. Open Competition
- 68. Latin Catholic and Anglo-Indians

**69. Economically Weaker Section**

- 70. Viswakarmas
- 71. Open Competition
- 72. Scheduled Castes
- 73. Open Competition
- 74. Ezhavas, Thiyyas and Billavas
- 75. Open Competition
- 76. Muslims
- 77. Open Competition
- 78. Ezhavas, Thiyyas and Billavas

**79. Economically Weaker Section**

- 80. Muslims
- 81. Open Competition
- 82. Ezhavas, Thiyyas and Billavas
- 83. Open Competition
- 84. Scheduled Castes
- 85. Open Competition
- 86. Muslims
- 87. Open Competition
- 88. Ezhavas, Thiyyas and Billavas

**89. Economically Weaker Section**

- 90. Other Backward Classes
- 91. Open Competition
- 92. Schedule Tribes
- 93. Open Competition
- 94. Latin Catholic and Anglo-Indian
- 95. Open Competition

96. Muslims
97. Open Competition
98. Ezhavas, Thiyyas and Billavas
- 99. Economically Weaker Section**
100. Viswakarmas

## MODEL ROSTER NO.II

### I. For Direct recruitment to posts included in the Last Grade Service

1. Open Competition
2. Ezhavas, Thiyyas and Billavas
3. Open Competition
4. Schedule castes
5. Open Competition
6. Muslims
7. Open Competition
8. Latin Catholics and Anglo-Indians
- 9. Economically Weaker Section**
10. Other Backward Classes
11. Open Competition
12. Scheduled Castes
13. Open Competition
14. Ezhavas, Thiyyas and Billavas
15. Open Competition
16. Muslims
17. Open Competition
18. Dheeveras
- 19. Economically Weaker Section**
20. Viswa Karmas
21. Open Competition
22. Latin Catholics and Anglo-Indians
23. Open Competition
24. Schedules Castes

25. Open Competition
26. Muslims
27. Open Competition
28. Ezhavas, Thiyyas, Billavas
- 29. Economically Weaker Section**
30. Other Backward Classes
31. Open Competition
32. Scheduled Castes
33. Open Competition
34. Ezhavas, Thiyyas and Billavas
35. Open Competition
36. Muslims
37. Open Competition
38. Nadars (Hindu Nadars and Nadars Included in S.I.U.C)
- 39. Economically Weaker Section**
40. Other Backward Classes
41. Open Competition
42. Ezhavas, Thiyyas and Billavas
43. Open Competition
44. Scheduled Tribes
45. Open Competition
46. Muslims
47. Open Competition
48. Scheduled Castes Converts to Christianity
- 49. Economically Weaker Section**
50. Other Backward Classes
51. Open Competition
52. Scheduled Castes
53. Open Competition
54. Ezhavas, Thiyyas and Billavas
55. Open Competition
56. Muslims
57. Open Competition
58. Ezhavas, Thiyyas and Billavas
- 59. Economically Weaker Section**
60. Nadars (Hindu Nadars and Nadars included in S.I.U.C)
61. Open Competition

- 62.Scheduled Castes convert to Christianity
- 63.Open Competition
- 64.Scheduled Castes
- 65.Open Competition
- 66.Muslims
- 67.Open Competition
- 68.Latin Catholic and Anglo-Indians
- 69.Economically Weaker Section**
- 70.Other Backward Classes
- 71.Open Competition
- 72.Scheduled Castes
- 73.Open Competition
- 74.Ezhavas, Thiyyas and Billavas
- 75.Open Competition
- 76.Muslims
- 77.Open Competition
- 78.Ezhavas, Thiyyas and Billavas
- 79.Economically Weaker Section**
- 80.Nadars (Hindu Nadars and Nadars included in S.U.C.I)
- 81.Open Competition
- 82.Ezhavas, Thiyyas and Billavas
- 83.Open Competition
- 84.Scheduled Castes
- 85.Open Competition
- 86.Muslims
- 87.Open Competition
- 88.Dheeveras
- 89.Economically Weaker Section**
- 90.Other Backward Classes
- 91.Open Competition
- 92.Schedule Tribes
- 93.Open Competition
- 94.Latin Catholic and Anglo-Indian
- 95.Open Competition
- 96.Muslims
- 97.Open Competition
- 98.Ezhavas, Thiyyas and Billavas

**99.Economically Weaker Section**

100. Viswakarmas

**Model Form No. -I**

**INCOME AND ASSETS CERTIFICATE TO BE PRODUCED BY ECONOMICALLY WEAKER SECTIONS  
(EWSs) IN GENERAL CATEGORY**

Certificate No.....

Date .....

This is to certify that Shri/Smt/Kumari .....

Son/daughter/wife of .....is a permanent resident of  
.....

(H.E.address) .....Village ..... Taluk .....

District ..... in Kerala, Pin Code ..... whose photograph is affixed below  
belongs to Economically Weaker Sections in General Category (\*)and that his/her family income  
is at Rs. .... (in words also) for the financial year ..... and that his/her  
family does not own or possess assets exceeding the limit specified in G.O.(M.S.) No.  
..... and that he/she belongs to ..... caste/community/class  
which is not recognised as a Scheduled Castes, Scheduled Tribes or Other Backward Classes as  
listed in List I, II and III in the scheduled to Rule 2 Part I K.S & S.S.R 1958

Signature with Office Seal .....

Name .....

Designation .....

Recent  
passport size  
photograph  
of the  
applicant

(\*) General Category means and includes all castes, Communities and  
Classes of citizens other than Scheduled Castes, Scheduled Tribes and Other  
Backward Classes.



**Model Form No-II**

Office of the .....

Date: .....

**CERTIFICATE TO BE PRODUCED BY THE APPLICANTS BELONGING TO ANTHYODAYA  
ANNAYOJANA (AAY) AND PRIORITY HOUSE HOLD (PHH) CATEGORY**

This is to certify that Shri/Smt/Kumari .....  
Son/daughter/wife of ..... is a permanent  
resident of .....  
(H.E.address) .....village.....District,  
Kerala State whose photograph is affixed below, is a member of Anthyodaya  
Annayojana (AAY)/Priority House Hold (PHH) and that his/her name is included in  
the Ration Card issued under this category and that he/she does not belong to a  
caste/class recognised as Scheduled castes, Scheduled Tribes or Other Backward  
Class in the State and therefore he/she belongs to Economically Weaker Sections in  
General Category.

Recent  
passport size  
photograph  
of the applicant

Signature

Name

Designation

**(Seal)**

