



GOVERNMENT OF KERALA

Abstract

P&ARD - Report submitted by Justice (Rtd) K.Sasidharan Nair Commission, constituted in connection with the implementation of 10% reservation for Economically Weaker Sections in General Category in the State –Recommendations - Approved - Orders issued.

PERSONNEL AND ADMINISTRATIVE REFORMS (RULES) DEPARTMENT
G.O.(P)No.1/2020/P&ARD Dated,Thiruvananthapuram, 03/01/2020

- Read:-
1. Office Memorandum No.12-4/2019-U1 dated 17th January, 2019 of the Ministry of Human Resource Development and Department of Higher Education, Government of India.
 2. Office Memorandum No.20013/01/2018-BC-II dated 17th January, 2019 of the Ministry of Social Justice and Empowerment and Department of Social Justice and Empowerment, Government of India.
 3. Office Memorandum No.36039/1/2019-Estt. (Res) dated 19th January, 2019 and 31st January, 2019 of the Ministry of Personnel, Public Grievances and Pensions and Department of Personnel and Training, Government of India.
 4. G.O(Ms)No.5/2019/P&ARD dated 12th March, 2019.

ORDER

Government, as per Government Order read as 4th paper above, have constituted a Commission with Justice (Rtd) K.Sasidharan Nair (formerly Secretary, Law Department) as Chairman and Adv.M.Rajagopalan Nair (Chairman, Devaswom Recruitment Board) as member, for examining and recommending the criteria for deciding the Economically Weaker Sections in the General Category and the mode of implementation of such reservation in the State, in pursuance to the Constitutional amendment and the consequent Notifications issued by the Central Government for implementation of 10% reservation to the Economically Weaker Sections in General

Category.

2. After making an in-depth evaluation of various aspects and the data collected in this regard, the Commission submitted a detailed report in three volumes to Govt. on 29.11.2019 along with recommendations, Model of Rosters for maintaining the turn of rotation in PSC appointment of Economically Weaker Sections in General Category, the model of Income and Asset Certificate to be produced by the said categories for the benefit of reservation, model of Anthyodaya Annayojana (AAY) and Priority House Holds (PHH) Certificates to be produced by the Economically Weaker Sections.

3. Government have examined the Report and found that some modifications in some of the entries in the Model Roster I & II recommended by the Commission for fixing turn of rotation for Economically Weaker Sections are required, as they are inconsistent with the same entries in the Annexure I & II to Rule 15 of Part II of the Kerala State and Subordinate Services Rules, 1958 and hence the same are to be modified at par with the said rules.

4. In the circumstances, Government are pleased to approve the following recommendations of the Commission along with Model Rosters (with some modifications), formats of Income and Asset Certificate, Anthyodaya Annayojana (AAY) and Priority House Holds (PHH) Certificate to be produced by the Economically Weaker Sections for availing the benefit of reservation which are appended as Annexures I to III to this Order.

Recommendations

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. The format of Certificate is appended as Annexure III.

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. Model rosters for turn of reservation is appended as Annexure I.

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 forthwith 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 Annexure II.

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.

5. Government are also pleased to authorise the following Administrative Departments in the Government Secretariat to take further necessary action on the above recommendations as noted against each:-

<u>Department</u>	<u>Recommendations</u>
Personnel and Administrative Reforms Department	7,& 1-6, 10-18, 22 (orders will be issued in consultation with Revenue Department)

Planning and Economic Affairs Department	7 (reservation in PSUs)
General Education Department Higher Education Department	8,9
General Administration (Co-Ordination) Department	19, 20, 23

(By order of the Governor)
K.GOPALAKRISHNA BHAT
SECRETARY

To:

Justice (Rtd) K.Sasidharan Nair, former Law Secretary, 'Krishna',

T.C 85/46 (New), M.K.K.Nair Road, Pettah, Thiruvananthapuram.

Shri.M.Rajagopalan Nair, Advocate, 'Kalyani', BNRA 184A, Golf

Link Road, Kowdiar, Thiruvananthapuram.

The Secretary, Kerala Public Service Commission,

Thiruvananthapuram (with C/L).

The Law Department (vide U.O (f)No.28013/Leg.B2/2019/Law)

The General Administration (SC) Department.(vide item No.3641
dated 31.12.2019)

The General Administration (Co-ordination) Department.

The General Education Department.

The Higher Education Department.

The Revenue Department.

The Planning and Economic Affairs Department.

The Information & Public Relations (Web & New Media) Department
(for wide publicity through media).

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The Special Secretary to Chief Secretary.

The Personal Assistant to Secretary, P&ARD.

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Section Officer