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6/1/20



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 Government 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 situate 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 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 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
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(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

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).

The Stock File/Office copy.

Forwarded/By order,


Section Officer.

M ✓

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.)

I. For Direct Recruitment to posts other than those 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. 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 Included in SIUC
- 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. Hindu Nadars
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

II. 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. Dheevaras
- 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 Billvas
35. Open Competition
36. Muslims
37. Open Competition
38. Nadars Included in SIUC
- 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. Hindu Nadars
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 included in SUCI
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

Annexure-II

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 ofis 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.

Annexure-III

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)



രഹസ്യം

കേരള സർക്കാർ

മന്ത്രിസഭായോഗത്തിന്റെ നടപടിക്കുറിപ്പുകൾ

തീയതി : 31-12-2019

ഫയൽ നം. റൂൾസ്-1/382/2019/ഉ.ഭ.പ.വ.

ഇനം നം: 354i

വിഷയം : ഉദ്യോഗസ്ഥ ഭരണ പരിഷ്കാര വകുപ്പ് - മൂന്നാക വിഭാഗങ്ങളിലെ പിന്നാക്കക്കാർക്ക് (Economically Weaker Sections) 10% സംവരണം സംസ്ഥാനത്ത് നടപ്പിലാക്കുന്നതുമായി ബന്ധപ്പെട്ട് രൂപീകരിച്ച റിട്ട. ജസ്റ്റിസ് ശ്രീ. കെ. ശശിധരൻ നായർ കമ്മീഷൻ സമർപ്പിച്ച റിപ്പോർട്ട് അംഗീകരിക്കുന്നത്.

തീരുമാനം : കുറിപ്പിലെ നിർദ്ദേശങ്ങൾ അംഗീകരിച്ചു.

(ഒപ്പ്)

പിണറായി വിജയൻ
മുഖ്യമന്ത്രി

(ശരിപ്പകർപ്പ്)

Handwritten signature and date: 31/12/20

Handwritten signature: Jom K
ടോം ജോസ്
ചീഫ് സെക്രട്ടറി

സെക്രട്ടറി, ഉദ്യോഗസ്ഥ ഭരണ പരിഷ്കാര വകുപ്പ്.

Handwritten note: 31/12/20 4:30 pm.

കേരള സർക്കാർ
(ശ്രീ. പിണറായി വിജയൻ മന്ത്രിസഭ)
മന്ത്രിസഭാ യോഗത്തിനുള്ള കുറിപ്പ്

1. ഫയൽ നമ്പർ : റൂൾസ്-1/382/2019/ഉ.ഭ.പ.വ.
2. വകുപ്പ് : ഉദ്യോഗസ്ഥ ഭരണപരിഷ്കാര (റൂൾസ്) വകുപ്പ്
3. വിഷയം : മൂന്നാക്ക വിഭാഗങ്ങളിലെ പിന്നാക്കക്കാർക്ക് (Economically Weaker Sections) 10% സംവരണം സംസ്ഥാനത്ത് നടപ്പിലാക്കുന്നതുമായി ബന്ധപ്പെട്ട് ശ്രീ.കെ.ശശിധരൻ നായർ രൂപീകരിച്ച റിട്ട.ജസ്റ്റിസ് ശ്രീ.കെ.ശശിധരൻ നായർ കമ്മീഷൻ സമർപ്പിച്ച റിപ്പോർട്ട് അംഗീകരിക്കുന്നത് - സംബന്ധിച്ച്
4. മന്ത്രിസഭാ യോഗത്തിൽ സമർപ്പിക്കാനുള്ള മുഖ്യമന്ത്രിയുടെ ഉത്തരവ് തീയതി : 25/12/2019
5. (i) ഇത് സാമ്പത്തിക ബാധ്യതയുള്ളതാണോ? : അല്ല
- (ii) സാമ്പത്തിക ബാധ്യതയുള്ളതാണെങ്കിൽ ധനകാര്യ വകുപ്പുമായി ആലോചിച്ചിട്ടുണ്ടോ? :
 ഉണ്ടെങ്കിൽ അവരുടെ അഭിപ്രായം :
 മന്ത്രിസഭാ യോഗത്തിനുള്ള കുറിപ്പിൽ ഉൾക്കൊള്ളിച്ചിട്ടുണ്ടോ?
6. മറ്റേതെങ്കിലും വകുപ്പുമായി ആലോചിച്ചിട്ടുണ്ടോ? : ഉണ്ട്, നിയമ വകുപ്പ്.
 ഉണ്ടെങ്കിൽ അവരുടെ അഭിപ്രായം മന്ത്രിസഭാ യോഗത്തിനുള്ള കുറിപ്പിൽ ഉൾക്കൊള്ളിച്ചിട്ടുണ്ടോ?
7. കുറിപ്പ് സമർപ്പിച്ച അഡീഷണൽ സെക്രട്ടറിയുടെ പേര് : ശ്രീമതി. സീനത്തു ബീവി. എസ്.
8. കുറിപ്പ് അംഗീകരിച്ച പ്രിൻസിപ്പൽ സെക്രട്ടറിയുടെ പേര് : ശ്രീ. കെ.ആർ. ജ്യോതിലാൽ (ലിങ്ക് ഓഫീസർ)
9. മന്ത്രിസഭയ്ക്കുള്ള കരട് കുറിപ്പ് പ്രിൻസിപ്പൽ സെക്രട്ടറി അംഗീകരിച്ച തീയതി : 28/12/2019
10. കുറിപ്പ് അംഗീകരിച്ച ചീഫ് സെക്രട്ടറിയുടെ പേര് : ശ്രീ. ടോം ജോസ്
11. മന്ത്രിസഭയ്ക്കുള്ള കരട് കുറിപ്പ് ചീഫ് സെക്രട്ടറി അംഗീകരിച്ച തീയതി : 29/12/2019
12. കുറിപ്പ് അംഗീകരിച്ച മന്ത്രിയുടെ പേര് : ശ്രീ. പിണറായി വിജയൻ (ബഹു. മുഖ്യമന്ത്രി)
13. മന്ത്രിസഭയ്ക്കുള്ള കരട് കുറിപ്പ് മന്ത്രി അംഗീകരിച്ച തീയതി : 29/12/2019
14. കുറിപ്പിന്റെ പകർപ്പുകൾ സമർപ്പിക്കുന്ന തീയതി : 30/12/2019
15. മന്ത്രിസഭാ യോഗം തീരുമാനമെടുത്ത തീയതി : 31/12/2019
16. തീരുമാനം പുറപ്പെടുവിച്ച സർക്കാർ ഉത്തരവ്/കത്തിന്റെ നമ്പരും തീയതിയും : സ.ഉ.(പി)നം.1/2020/ഉഭപവ തീയതി: 03.01.2020

മന്ത്രിസഭായോഗത്തിനുള്ള കുറിപ്പ്

മൂന്നാക്ക വിഭാഗങ്ങളിലെ പിന്നാക്കക്കാർക്ക് (Economically Weaker Sections) 10% സംവരണം സംസ്ഥാനത്ത് നടപ്പിലാക്കുന്നതുമായി ബന്ധപ്പെട്ട് രൂപീകരിച്ച റിട്ട.ജസ്റ്റിസ് ശ്രീ.കെ.ശശിധരൻ നായർ കമ്മീഷൻ സമർപ്പിച്ച റിപ്പോർട്ട് അംഗീകരിക്കുന്നതുമായി ബന്ധപ്പെട്ടിരിക്കുന്നതാണ് ഈ കുറിപ്പ്.

2. മൂന്നാക്ക വിഭാഗങ്ങളിലെ പിന്നാക്കക്കാർക്ക് (Economically Weaker Sections) 10% സംവരണം ഏർപ്പെടുത്താൻ ആവശ്യമായ ഭരണഘടന ഭേദഗതിയും തുടർ വിജ്ഞാപനങ്ങളും കേന്ദ്ര സർക്കാർ പുറപ്പെടുവിച്ച സാഹചര്യത്തിൽ പ്രസ്തുത സംവരണം സംസ്ഥാനത്ത് നടപ്പിലാക്കുന്ന വിധം, മൂന്നാക്ക വിഭാഗങ്ങളിലെ പിന്നാക്കക്കാരെ നിശ്ചയിക്കുന്നതിനുള്ള മാനദണ്ഡങ്ങൾ തുടങ്ങിയ കാര്യങ്ങൾ പരിശോധിച്ച് സർക്കാരിന് ശുപാർശ സമർപ്പിക്കുന്നതിനായി മുൻ നിയമവകുപ്പ് സെക്രട്ടറിയും റിട്ട.ജഡ്ജിയുമായ ശ്രീ.കെ.ശശിധരൻ നായർ ചെയർമാനായും, ദേവസം റിക്രൂട്ട്മെന്റ് ബോർഡ് ചെയർമാൻ അഡ്വ.എം.രാജഗോപാലൻ നായർ മെമ്പറായും ഒരു കമ്മീഷനെ നിയോഗിച്ച് 12.03.2019-ലെ സ.ഉ (കൈ)നം.5/2019/ഉ.ഭ.പ.വ പ്രകാരം ഉത്തരവായിരുന്നു.

3. കമ്മീഷന്റെ പരിഗണനാ വിഷയങ്ങളുടെ അടിസ്ഥാനത്തിൽ ശേഖരിച്ച വിശദാംശങ്ങൾ അപഗ്രഥിച്ച് വിശദമായ റിപ്പോർട്ട് (മൂന്ന് വാല്യം) 29.11.2019-ൽ കമ്മീഷൻ സർക്കാരിന് സമർപ്പിച്ചിട്ടുണ്ട്. പ്രസ്തുത റിപ്പോർട്ടിലെ ശുപാർശകൾ അനുബന്ധം-1 ആയി ചേർക്കുന്നു.

4. കമ്മീഷന്റെ ശുപാർശകളും (അനുബന്ധം-1), മൂന്നാക്കക്കാരിലെ പിന്നാക്ക വിഭാഗങ്ങളുടെ പി.എസ്.സി. നിയമനങ്ങളിലെ ഊഴം നിശ്ചയിച്ചുകൊണ്ടുള്ള മോഡൽ റോസ്റ്ററുകളും (അനുബന്ധം-2), സംവരണാനുകൂല്യത്തിനായി പ്രസ്തുത വിഭാഗം ഹാജരാക്കേണ്ട Income and Asset Certificate-ന്റെയും (അനുബന്ധം-3), Anthyodaya Annayojana (AAY), Priority House Holds (PHH) വിഭാഗക്കാർക്കുള്ള സർട്ടിഫിക്കറ്റിന്റെയും (അനുബന്ധം-4) മാതൃകകൾ അംഗീകരിക്കാവുന്നതാണോ എന്നതിന്മേലുള്ള ഉത്തരവുമായി ഫയൽ ബഹു.മുഖ്യമന്ത്രിയ്ക്ക് ചംക്രമണം ചെയ്തപ്പോൾ, ഇക്കാര്യത്തിൽ നിയമവകുപ്പിന്റെ അഭിപ്രായം ആരാഞ്ഞത് 01.01.2020-ൽ ചേരുന്ന മന്ത്രിസഭായോഗത്തിൽ സമർപ്പിക്കുവാൻ ഉത്തരവായിരുന്നു.

5. ഈ വിഷയത്തിൽ നിയമവകുപ്പ് ചുവടെ ചേർക്കുന്ന അഭിപ്രായം രേഖപ്പെടുത്തി:

"കമ്മീഷൻ സമർപ്പിച്ച നിർദ്ദേശങ്ങൾ അംഗീകരിക്കുന്നതിന് നിയമതടസ്സമില്ല.

എന്നാൽ, കമ്മീഷൻ റിപ്പോർട്ടിനോടൊപ്പം സമർപ്പിച്ച model roster No.I ൽ 38, 60 എന്നീ entry കൾ താഴെപ്പറയും പ്രകാരമാണ് നൽകിയിരിക്കുന്നത്.

38. Nadars (Hindu Nadars and Nadars included S.I.U.C.)

60. Nadars, Hindu Nadars and Nadars included in S.I.U.C.

എന്നാൽ, 1958-ലെ Kerala State and Subordinate Service Rules - ലെ Annexure പ്രകാരം പ്രസ്തുത entry കൾ താഴെപ്പറയും പ്രകാരമാണ്.

38. Nadars included in S.I.U.C.

60. Hindu Nadars.

സമാനമായി കമ്മീഷൻ റിപ്പോർട്ടിലെ Model roster No.II ൽ താഴെപ്പറയും പ്രകാരമാണ് entry കൾ നൽകി കാണുന്നത്.

38. Nadars (Hindu Nadars and Nadars included in S.I.U.C.)

60. Nadars (Hindu Nadars and Nadars included in S.I.U.C.)

80. Nadars (Hindu Nadars and Nadars included in S.I.U.C.)

എന്നാൽ, 1958-ലെ Kerala State and Subordinate Service Rules - ലെ Annexure II പ്രകാരം പ്രസ്തുത entry കൾ താഴെപ്പറയും പ്രകാരമാണ്.

38. Nadars included in S.I.U.C.

60. Hindu Nadars.

80. Muslims.

1958-ലെ ചട്ടങ്ങളിലെ Annexure-I, Annexure-II എന്നിവയ്ക്കനുസൃതമായി കമ്മീഷൻ റിപ്പോർട്ടിലെ model roster No.I ലും model roster No.II ലും ഭേദഗതി വരുത്തേണ്ടതാണെന്ന് കാണുന്നു.

മേൽപ്രസ്താവിച്ചതിനു വിധേയമായി കമ്മീഷൻ സമർപ്പിച്ച നിർദ്ദേശങ്ങൾ അംഗീകരിക്കുന്നതിന് നിയമതടസ്സമില്ല."

തീരുമാനിക്കേണ്ട സംഗതി

1. മൂന്നാക്ക വിഭാഗങ്ങളിലെ പിന്നാക്കക്കാർക്ക് (Economically Weaker Sections) 10% സംവരണം സംസ്ഥാനത്ത് നടപ്പിലാക്കുന്നതുമായി ബന്ധപ്പെട്ട് രൂപീകരിച്ച റിട്ട.ജസ്റ്റിസ് ശ്രീ.കെ.ശശിധരൻ നായർ കമ്മീഷൻ സമർപ്പിച്ച റിപ്പോർട്ടിലെ, ഈ കുറിപ്പിന്റെ അനുബന്ധം -1 ആയി ചേർത്തിട്ടുള്ള ശുപാർശകൾ നിയമ വകുപ്പ് നിർദ്ദേശിച്ച ഭേദഗതികളോടെ അംഗീകരിച്ച് ഉത്തരവ് പുറപ്പെടുവിക്കാമോ?

2. അങ്ങനെയെങ്കിൽ ചുവടെ ചേർത്തിട്ടുള്ള ഓരോ വകുപ്പിന് നേരെയും സൂചിപ്പിച്ചിട്ടുള്ള ശിപാർശകളിന്മേൽ നടപടി സ്വീകരിക്കുന്നതിന് പ്രസ്തുത വകുപ്പുകളെ ചുമതലപ്പെടുത്തി ഉത്തരവാകാമോ?

<u>വകുപ്പ്</u>	<u>ശിപാർശകൾ</u>
ഉദ്യോഗസ്ഥ-ഭരണപരിഷ്കാര വകുപ്പ്	7, 1-6, 10-18, 22 (റവന്യൂ വകുപ്പുമായി കൂടിയായാലോചിച്ച് ഉത്തരവ് പുറപ്പെടുവിക്കേണ്ടത്)
ആസൂത്രണ-സാമ്പത്തികകാര്യ വകുപ്പ്	7 (പൊതുമേഖല സ്ഥാപനങ്ങളിലെ സംവരണം)
പൊതുവിദ്യാഭ്യാസ വകുപ്പ് } ഉന്നത വിദ്യാഭ്യാസ വകുപ്പ് }	8, 9
പൊതുഭരണ (ഏകോപന) വകുപ്പ്	19, 20, 23

3. കമ്മീഷൻ ശിപാർശ ചെയ്തിട്ടുള്ളതും, ഈ കുറിപ്പിന്റെ അനുബന്ധം 2 മുതൽ 4 വരെയായി ചേർത്തിട്ടുള്ളതുമായ മൂന്നാക്കക്കാരിലെ പിന്നാക്ക വിഭാഗങ്ങളുടെ ഊഴം നിശ്ചയിച്ചുകൊണ്ടുള്ള മോഡൽ റോസ്റ്ററുകളും, സംവരണാനുകൂല്യത്തിനായി പ്രസ്തുത വിഭാഗം ഹാജരാക്കേണ്ട Income and Asset Certificate-ന്റെയും, Anthyodaya Annayojana (AAY), Priority House Holds (PHH) വിഭാഗക്കാർക്കുള്ള സർട്ടിഫിക്കറ്റിന്റെയും മാതൃകകൾ നിയമ വകുപ്പ് നിർദ്ദേശിച്ച ഭേദഗതികളോടെ അംഗീകരിച്ച് ഉത്തരവ് പുറപ്പെടുവിക്കാമോ?

അനുബന്ധം-1

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 situate 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.

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 ofis 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)

**GOVERNMENT OF KERALA
(SRI. PINARAYI VIJAYAN MINISTRY)
NOTE FOR THE COUNCIL OF MINISTERS**

1. File No. : Rules-1/382/2019/P&ARD
2. Department : Personnel and Administrative Reforms (Rules) Department
3. Subject : Approval of the 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 – Reg.
4. Date of Chief Minister's order for placing before the Council : 25/12/2019
5. (i) Does the case involve financial commitments/implications : No
- (ii) If the answer to the above is in the affirmative whether Finance Department has been consulted and their remarks incorporated in the Council Note : ---
6. Are any other Departments concerned with the case and if so, have they been consulted and their remarks incorporated in the Note for the Council : Yes, Law Department.
7. Name of Additional Secretary who submitted the Draft Note : Smt. Seenathu Beevi. S.
8. Name of Principal Secretary who approved the Draft Note : Sri. K.R. Jyothilal (Link Officer)
9. Date of approval of the Draft Note for the Council by the Principal Secretary : 28/12/2019
10. Name of Chief Secretary who approved the Draft Note : Sri. Tom Jose
11. Date of approval of the Draft Note for the Council by the Chief Secretary : 29/12/2019
12. Name of Minister who approved the Draft Note : Sri. Pinarayi Vijayan (Hon'ble Chief Minister)
13. Date of approval of the Draft Note for the Council by the Minister : 29/12/2019
14. Date of submission of fair copies : 30/12/2019
15. Date of decision by the Council of Ministers : 31/12/2019
16. Number and date of the G.O./Letter communicating the decision : G.O.(P)No.1/2020/P&ARD Dated: 03.01.2020

NOTE FOR THE COUNCIL OF MINISTERS

This note deals with the approval of the 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.

2. Government, as per G.O(Ms)No.5/2019/P&ARD dated 12.03.2019 constituted a Commission with Justice (Rtd) K.Sasidharan Nair (formerly Secretary Law Department) as Chariman and Adv.M.Rajagopalan Nair (Chairman, Devaswom Recruitment Board) as a 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.

3. After making an in-depth evaluation of various aspects and data collected in this regard, the Commission submitted a detailed report to Government in three volumes on 29.11.2019. The recommendations in the Reports are appended as Annexure -1.

4. When the file was circulated for orders on whether the recommendations of the Commission (Annexure -1), model of rosters for maintaining the turn of rotation in PSC appointment of Economically Weaker Sections in General Category (Annexure -2), the model of Income and Asset Certificate to be produced by the said categories for the benefit of reservation (Annexure - 3), model of Anthyodaya Annayojana (AAY) and Priority House Holds (PHH) Certificate to be produced by the Economically Weaker Sections (Annexure - 4) may be approved, Hon'ble Chief Minister has ordered to seek the advice of the Law Department and to place the matter for the consideration of the meeting of the Council of Ministers to be held on 01.01.2020.

5. Law Department has offered the following remarks in the matter :-

"കമ്മീഷൻ സമർപ്പിച്ച നിർദ്ദേശങ്ങൾ അംഗീകരിക്കുന്നതിന് നിയമതടസ്സമില്ല.

എന്നാൽ, കമ്മീഷൻ റിപ്പോർട്ടിനോടൊപ്പം സമർപ്പിച്ച model roster No.I ൽ 38, 60 എന്നീ entry കൾ താഴെപ്പറയും പ്രകാരമാണ് നൽകിയിരിക്കുന്നത്.

38. Nadars (Hindu Nadars and Nadars included S.I.U.C.)

60. Nadars, Hindu Nadars and Nadars included in S.I.U.C.

എന്നാൽ, 1958-ലെ Kerala State and Subordinate Service Rules - ലെ Annexure പ്രകാരം പ്രസ്തുത entry കൾ താഴെപ്പറയും പ്രകാരമാണ്.

38. Nadars included in S.I.U.C.

60. Hindu Nadars.

സമാനമായി കമ്മീഷൻ റിപ്പോർട്ടിലെ Model roster No.II ൽ താഴെപ്പറയും പ്രകാരമാണ് entry കൾ നൽകി കാണുന്നത്.

38. Nadars (Hindu Nadars and Nadars included in S.I.U.C.)

60. Nadars (Hindu Nadars and Nadars included in S.I.U.C.)

80. Nadars (Hindu Nadars and Nadars included in S.I.U.C.)

എന്നാൽ, 1958-ലെ Kerala State and Subordinate Service Rules - ലെ Annexure II, പ്രകാരം പ്രസ്തുത entry കൾ താഴെപ്പറയും പ്രകാരമാണ്.

38. Nadars included in S.I.U.C.

60. Hindu Nadars.

80. Muslims.

1958-ലെ ചട്ടങ്ങളിലെ Annexure-I, Annexure-II എന്നിവയ്ക്കനുസൃതമായി കമ്മീഷൻ റിപ്പോർട്ടിലെ model roster No.I ലും model roster No.II ലും ഭേദഗതി വരുത്തേണ്ടതാണെന്ന് കാണുന്നു.

മേൽപ്രസ്താവിച്ചതിനു വിധേയമായി കമ്മീഷൻ സമർപ്പിച്ച നിർദ്ദേശങ്ങൾ അംഗീകരിക്കുന്നതിന് നിയമതടസ്സമില്ല."

POINTS FOR DECISION

1. Whether the recommendations, appended as Annexure – 1 to this Note, submitted by Justice (Rtd) K.Sasidharan Nair Commission constituted for implementation of 10% reservation of Economically Weaker Sections in the State with the modifications suggested by the Law Department may be approved and orders issued accordingly?
2. If so, whether orders may be issued authorising the following Departments to take further necessary action on the recommendations as noted against each Department?

<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

3. Whether the model roster for deciding the turn of rotation of Economically Weaker Sections in General Category, the model for Income and Asset Certificate to be produced by the said categories for the benefit of reservation, Anthyodaya Annayojana (AAY) and Priority House Holds (PHH) Certificate to be produced by the Economically Weaker Sections, as recommended by the Commission and appended as Annexure 2 to 4 to this note, with the modifications suggested by the Law Department, may be approved and orders issued?

Annexure – 1

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 situate 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.

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
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13. Open Competition
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15. Open Competition
16. Muslims
17. Open Competition
18. Dheevaras
- 19. Economically Weaker Section**
20. Viswa Karmas
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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
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32. Scheduled Castes
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34. Ezhavas, Thiyyas and Billavas
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36. Muslims
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38. Nadars (Hindu Nadars and Nadars Included in S.I.U.C)
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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.Dheevaras
- 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

Annexure – 3

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 ofis 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.

Annexure – 4

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)