

**Declaration/undertaking by Non Creamy Layer OBC Candidates
(for candidates admitted against OBC quota seats)**

I, _____ son / daughter of Shri _____ resident of village/town/city _____ district _____ State hereby declare that I belong to the _____ community which is recognized as a backward class by the Government of India for the purpose of reservation for admission in the state of Rajasthan. It is also declared that I do not belong to persons/sections (Creamy Layer) mentioned in Column 3 of the orders contained in Department of Personnel and Training Office Memorandum No. 36012/22/93- Estt. (SCT), dated 8/9/1993. Schedule to the above referred Office Memorandum, dated 8/9/1993, which is modified vide Department of Personnel and Training Office Memorandum No. 36033/3/2004 Estt. (Res.) dated 9/3/2004.

I declare that status/income of my parents/guardian is below the prescribed limits for creamy layer as on financial year ending on March 31, 2008.

That in the event of declaration being found false, misleading or incorrect during or after MBA programme, I will not have any objection whatsoever against the action taken in the matter, which I understand, shall not be less than termination of the program and if the degree of the programme has been awarded, the same shall be cancelled forthwith.

Place:
Date:

Signature of the Candidate

Name of the candidate

Declaration by Candidates Father/Guardian

Declared that the information provided by my son/daughter/ward is true to the best of my knowledge & belief.

Name of Father/Guardian: _____

Designation/Profession: _____ Department: _____

Organization: _____ Annual Income (2007-2008): _____

Details of property owned by self: _____

Signature of Father/Guardian

Declaration / undertaking not signed by Candidate and Father/Guardian will be rejected.

**Excerpt from the website of National Commission for Backward classes
(<http://www.ncbc.nic.in>)**

Persons/Sections Excluded from Reservation which constitute Creamy Layer of the Society

Creamy Layer	
Description of category	To whom rule of exclusion will apply
I. Constitutional Posts	Sons and daughter(s) of – (a) President of India; (b) Vice-President of India; (c) Judges of the Supreme Court and of the High Courts; (d) Chairman and Members of UPSC and of the State Public Service Commission; Chief Election Commissioner; Comptroller and Auditor-General of India; (e) Persons holding constitutional positions of like nature.
II. Service Category A. Group 'A'/Class I Officers of the All India Central and State Services (Direct Recruits)	Son(s) and daughter(s) of – (a) parents, both of whom are Class I officers; (b) parents, either of whom is a Class I officer; (c) parents, both of whom are Class I officers, but one of them dies or suffers permanent incapacitation; (d) parents, either of whom is a Class I officer and such parents dies or suffers permanent incapacitation and before such death or such incapacitation has had the benefit of employment in any International Organisation like UN, IMF, World bank, etc., for a period of not less than 5 years; (e) parents, both of whom are Class I officers die or suffer permanent incapacitation and before such death or such incapacitation of the both either of them has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc. for a period of not less than 5 years; Provided that the rule of exclusion shall not apply in the following cases :- (a) Sons and daughters of parents either of whom or both of whom are Class I officers and such parent(s) dies/die or suffer permanent incapacitation; (b) A lady belonging to OBC category has got married to a Class I officer, and may herself like to apply for job.
B. Group 'B'/Class II Officers of the Central and State Services (Direct Recruitment)	Son(s) and daughter(s) of – (a) parents, both of whom are Class II officers; (b) parents of whom only the husband is a Class II officer and he gets into Class I at the age of 40 or earlier; (c) parents, both of whom are Class II officers and one of them dies or suffers permanent incapacitation and either one of them has had the benefit of employment in any International Organisation UN, IMF, World Bank, etc., for a period of not less than 5 years before such death or permanent incapacitation; (d) parents of whom the husband is a Class I officer (direct recruitment or pre-forty promoted) and the wife is a Class II officer and the wife dies; or suffers permanent incapacitation; and (e) Parents, of whom the wife is a Class I officer (Direct Recruit or pre-forty promoted) and the husband is a Class II officer and the husband dies or suffers permanent incapacitation; Provided that the rule of exclusion shall not apply in the following cases: - Sons and daughters of – (a) Parents both of whom are Class II officers and one of them dies or suffers permanent incapacitation. (b) Parents, both of whom are Class II officers and both of them die or suffer permanent incapacitation, even though either of them has had the benefit of employment in any International Organisation like UN, IMF, World Bank, etc, for a period of not less than 5 years before their death or permanent incapacitation.
C. Employees in	The criteria enumerated in A and B above in this category will apply mutatis mutandis to

Public Sector Undertakings, etc.	officers holding equivalent or comparable posts in PSUs, Banks, Insurance Organisations, Universities, etc., and also to equivalent or comparable posts and positions under private employment, pending the evaluation of the posts on equivalent or comparable basis in these institutions, the criteria specified in Category VI below will apply to the officers in these Institutions.	
III. Armed forces including Paramilitary Forces (Persons holding civil posts are not included).	<p>Son(s) and daughter(s) of parents either or both of whom is or are in the rank of Colonel and above in the Army and to equivalent posts in the Navy and the Air Force and the Paramilitary Forces;</p> <p>Provided that –</p> <p>(i) If the wife of an armed forces officer is herself in the armed forces (i.e., the category under consideration) the rule of exclusion will apply only when she herself has reached the rank of Colonel;</p> <p>(ii) the service ranks below Colonel of husband and wife shall not be clubbed together;</p> <p>(iii) if the wife of an officer in the armed forces is in civil employment, this will not be taken into account for applying the rule of exclusion unless she falls in the service category under item No. II in which case the criteria and conditions enumerated therein will apply to her independently.</p>	
IV. Professional class and those engaged in Trade and Industry (i) Persons engaged in profession as a doctor, lawyer, chartered accountant, income tax consultant, financial or management consultant, dental surgeon, engineer, architect, computer specialist, film artists and other film professional, author, playwright, sports person, sports professional, media professional or any other vocations of like status.	Criteria specified against Category VI will apply	
(ii) Persons engaged in trade, business and industry.	<p>Criteria specified against Category VI will apply.</p> <p>EXPLANATION –</p> <p>(i) Where the husband is in some profession and the wife is in a Class II or lower grade employment, the income/wealth test will apply only on the basis of the husband's income.</p> <p>(ii) If the wife is in any profession and the husband is in employment in a Class II or lower rank post, then the income/wealth criterion will apply only on the basis of the wife's income and the husband's income will not be clubbed with it.</p>	
V. Property Owners A. Agricultural holding.	<p>Son(s) and daughter(s) of persons belonging to a family (father, mother and minor children) which owns-</p> <p>(a) only irrigated land which is equal to or more than 85% of the statutory ceiling area, or</p> <p>(b) both irrigated and unirrigated land, as follows:-</p> <p>(i) The rule of exclusion will apply where the pre-condition exists that the irrigated area (having been brought to a single type under a common denominator) 40% or more of the statutory ceiling limit for irrigated land (this being calculated by excluding the unirrigated portion). If this pre-condition of not less than 40% exists, then only the area of unirrigated land will be taken into account. This will be done by converting, the unirrigated land on the basis of the conversion formula existing, into the irrigated type. The irrigated area so computed from unirrigated land shall be added to the actual area of irrigated land and if after such clubbing together the total area in terms of irrigated land is 85% or more of the statutory ceiling limit for irrigated land, then the rule of exclusion will apply and disentitlement will occur.)</p> <p>(ii) The rule of exclusion will not apply if the land holding of a family is exclusively unirrigated.</p>	
B. Plantations (i) Coffee, tea, rubber, etc. (ii) Mango, citrus, apple plantations, etc.	<p>Criteria of income/wealth specified in Category VI below will apply.</p> <p>Deemed as agricultural holding and hence criteria at A above under this category will apply. Criteria specified in Category VI below will apply.</p>	
C. Vacant land and/or buildings in urban Agglomerations.	EXPLANATION: - Building may be used for residential, industrial or commercial purpose and the like two or more such purposes.	

VI. Income/Wealth Test	<p>Son(s) daughter(s) –</p> <p>** (a) Persons having gross annual income of Rs. 1 lakh or above or possessing wealth above the exemption limit as prescribed in the Wealth Act for a period of three consecutive years. (b) Persons in Categories I, II, III and V-A who are not disentitled to the benefit of reservation but have income from other sources of wealth which will bring them within the income/wealth criteria mentioned in (a) above.</p> <p>EXPLANATION: - (i) Income from salaries or agricultural land shall not be clubbed; (ii) The income criteria in terms of rupee will be modified taking into account the change in its value every three years. If the situation, however, so demands, the interregnum may be less.</p> <p>EXPLANATION—Wherever the expression “permanent incapacitation” occur in this schedule, it shall mean incapacitation which results in putting an officer out of service.</p>
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Note: ** The Income limit has since been raised from Rs. 1 lakh to Rs.2.5 lakhs w.e.f. 09.03.2004 vide DOP2T O.M, No. 36033/3/2004-ESTT(Res) dated 09.03.2004.

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PUBLIC NOTICE

The Supreme Court in its Judgement on 16-11-1992 in Indira Sawhney and Others Vs. Union of India and Others directed the Government of India to exclude the Socially Advanced Persons/Section (“Creamy Layer”) from OBCs. Pursuant to this, the Government of India had constituted an Expert Committee to make recommendations on socio-economic criteria to be adopted for excluding the “Creamy Layer” from amongst OBCs. The Report of the Expert Committee was considered and accepted by the Government of India. Subsequently, Government of India vide Dept. of Personnel & Training’s (DOP&T) O.M. No.36012/2293-Estt. (SCT) dated 8-9-1993 inter-alia notified that the reservation of 27% of the vacancies in civil posts and services under the Government of India to be filled through direct recruitment shall not be admissible to different categories of “Persons/Sections Excluded From Reservations” (Creamy Layer). One of the category of persons/sections inter-alia mentioned in the Schedule to the DOP&T’s O.M. dated 08-09-1993 and amended vide O.M. No.36033/3/2004-Estt (Res) dated 09th March, 2004 and excluded from reservation is:

“Son(s) and daughter(s)___

- (a) **Persons having gross annual income of Rs.2.5 lakh or above or possessing wealth above the exemption limit as prescribed in the Wealth Act or a period of three consecutive years.**
- (b) Persons in Categories I, II, III and V-A who are not disentitled to the benefit of reservation but have income from other sources of wealth which will bring them within the income/wealth criteria mentioned in (a) above.

According to the explanation given in the said Schedule to the aforesaid DOP&T’s OMs dated 08.09.93 & 09.03.04 , “(i) **Income from salaries or agricultural land shall not be clubbed**”; and “(ii) **The Income criteria in terms of rupee will be modified taking into account the change in its value every three years. If the situation, however, so demands, the interregnum may be less.**”

The Government of India has entrusted the task of reviewing the existing ceiling of income/wealth to determine the “Creamy Layer” amongst OBCs to this Commission vide Office Order No.F.12015/13/2007-BCC dated December, 2007. Accordingly, the Commission invites suggestions from individuals, organizations and associations etc. in the matter of the appropriate income/wealth limit to determine the “Creamy Layer” within a month of the publication of the Public Notice in the Newspapers.

Sd/-
(P.S. Ranga)
Director