

**GOVERNMENT OF TELANGANA**  
**TELANGANA STATE COMMISSION FOR BACKWARD CLASSES**  
(4<sup>TH</sup> Floor, Rear Block, HMWSSB Building, Khairatabad, Hyderabad – 500004)

**From**  
Public Information Officer &  
Special Officer,  
TS Commission for BC's,  
Hyderabad.

**To**  
✓ Sri. Kareem Ansari,  
Yugantar (H7FN22AU), 3-4-142/6,  
Barkatpura, Hyderabad.

Sir,

**Lr. No. B2 / 44 / 2023, Dt:16.03.2023**

**Sub:** TSCBC – RTI Act, 2005 - Procedure to calculate Property and Income test for OBC non-creamy layer certificate – Request – Regarding.

**Ref:** RTI application of Sri. Kareem Ansari, Yugantar (H7FN22AU), 3-4-142/6, Barkatpura, Hyderabad – 500027, Dt.06.02.2023 (Received on 08.02.2023).

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With reference to your application for supply of certain information under RTI Act, 2005, the following information is furnished:

Sl. No.	Information Requested	Available Information
1.	<p>Please specify the details of how to calculate Property, Income and Wealth test for OBC non-creamy layer certificate issued for education and employment purpose.</p> <p>1) Is there any land ceiling upto specific acres, if so please specify.</p> <p>2) Is there any limit for Residential plots, open plots, flats, Houses and other buildings in Urban and Rural areas. If so, please specify in Sq.ft.</p>	<p>Please find enclosed copies of the following information:</p> <p>1. Office Memorandum No. 36012/22/93-Estt.(SCT), dt.08.09.1993 of the Joint Secretary, Ministry of Personnel, Public Grievances &amp; Pensions, Government of India.</p>



North Block, New Delhi,  
Dated: September 13, 2017

**OFFICE MEMORANDUM**

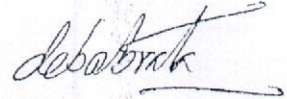
Subject: Revision of income criteria to exclude socially advanced persons/sections (Creamy Layer) from the purview of reservation for Other Backward Classes (OBCs)-reg.

The undersigned is directed to invite attention to this Department's Office Memorandum No. 36012/22/93-Estt. (SCT) dated 8<sup>th</sup> September, 1993 which, inter-alia, provided that sons and daughters of persons having gross annual income of ₹ 1 lakh or above for a period of three consecutive years would fall within the creamy layer and would not be entitled to get the benefit of reservation available to the Other Backward Classes. The aforesaid limit of income for determining the creamy layer status was subsequently raised to ₹ 2.5 lakh, ₹ 4.5 lakh and ₹ 6 lakh vide this Department's OM No. 36033/3/2004-Estt. (Res.) dated 09.03.2004, OM No. 36033/3/2004-Estt. (Res.) dated 14.10.2008 and OM No. 36033/1/2013-Estt. (Res.) dated 27.05.2013 respectively.

2. It has now been decided to raise the income limit from ₹ 6 lakh to ₹ 8 lakh per annum for determining the creamy layer amongst the Other Backward Classes. Accordingly, the expression "₹ 6 lakh" under Category VI in the Schedule to this Department's aforesaid O.M. dated 8<sup>th</sup> September, 1993 would be substituted by "₹ 8 lakh".

3. The provisions of this office memorandum have effect from 1<sup>st</sup> September, 2017.

4. All the Ministries/Departments are requested to bring the contents of this office memorandum to the notice of all concerned.



(Debabrata Das)  
Under Secretary to the Government of India  
Ph: 2304 0279

To:

1. All the Ministries/Departments of the Government of India.
2. Department of Financial Services, New Delhi.
3. Department of Public Enterprises, New Delhi.
4. Railway Board, New Delhi.
5. Union Public Service Commission/Supreme Court of India/Election Commission of India/Lok Sabha Secretariat/Rajya Sabha Secretariat/Cabinet Secretariat/Central Vigilance Commission/President's Secretariat/Prime Minister's Office/Niti Aayog.
6. Staff Selection Commission, CGO Complex, Lodhi Road, New Delhi.
7. Ministry of Social Justice & Empowerment, Shastri Bhawan, New Delhi.



No. 36012/22/93-Estt. (SCT)  
Government of India  
Ministry of Personnel, Public Grievances & Pensions  
(Department of Personnel & Training)

New Delhi, the 8th September, 1993  
OFFICE MEMORANDUM

Subject:-Reservation for Other Backward Classes in Civil Posts and Services under the Government of India—Regarding.

The undersigned is directed to refer to this Department's O.M. No. 36012/31/90-Estt. (SCT), dated the 13th August, 1990 and 25th September, 1991 regarding reservation for Socially and Educationally Backward Classes in Civil Posts and Services under the Government of India and to say that following the Supreme Court judgement in the Indira Sawhney and others Vs. Union of India and others case [Writ Petition (Civil) No. 930 of 1990] the Government of India appointed an Expert Committee to recommend the criteria for exclusion of the socially advanced persons/sections from the benefits of reservations for Other Backward Classes in civil posts and services under the Government of India.

2. Consequent to the consideration of the Expert Committee's recommendations this Department's Office Memorandum No. 36012/31/90-Estt. (SCT), dated 13.8.90 referred to in para (1) above is hereby modified to provide as follows:

- (a) 27% (twentyseven+ percent) of the vacancies in civil posts and services under the Government of India, to be filled through direct recruitment, shall be reserved for the Other Backward Classes. Detailed instructions relating to the procedure to be followed for enforcing reservation will be issued separately.
- (b) Candidates belonging to OBCs recruited on the basis of merit in an open competition on the same standards prescribed for the general candidates shall not be adjusted against the reservation quota of 27%.
- (c) (i) The aforesaid reservation shall not apply to persons/sections mentioned in column 3 of the Schedule to this office memorandum.  
(ii) The rule of exclusion will not apply to persons working as artisans or engaged in hereditary occupations, callings. A list of such occupations, callings will be issued separately by the Ministry of Welfare.
- (d) The OBCs for the purpose of the aforesaid reservation would comprise, in the first phase, the castes and communities which are common to both the lists in the report of the Mandal Commission and the State Governments' Lists. A list of such castes and communities is being issued separately by the Ministry of Welfare.
- (e) The aforesaid reservation shall take immediate effect. However, this will not apply to vacancies where the recruitment process has already been initiated prior to the issue of this order.

3. Similar instructions in respect of public sector undertakings and financial institutions including public sector banks will be issued by the Department of Public Enterprises and by the Ministry of Finance respectively effective from the date of this Office Memorandum.

Sd/-  
(Smt. Sarita Prasad)  
Joint Secretary to the Government of India.

To

All Ministries/Departments of Government of India.

Copy:

1. Department of Public Enterprises, New Delhi : It is requested that the said instructions may be issued in respect of PSUs, Public Sector Banks & Insurance Corporation.
2. Ministry of Finance (Banking & Insurance Divisions), New Delhi.



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<p>B. <i>Group B/Class II officers of the Central &amp; State Services (Direct Recruitment)</i></p>	<p>Son(s) and daughter(s) of</p> <ul style="list-style-type: none"> <li>(a) parents both of whom are Class II officers.</li> <li>(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.</li> <li>(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 like UN, IMF, World Bank, etc. for a period of not less than 5 years before such death or permanent incapacitation;</li> <li>(d) parents of whom the husband is a Class I officer (direct recruit or pre-forty promoted) and the wife is a Class II officer and the wife dies; or suffers permanent incapacitation; and</li> <li>(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</li> </ul> <p>Provided that the rule of exclusion shall not apply in the following cases :</p> <p>Sons and daughters of</p> <ul style="list-style-type: none"> <li>(a) Parents both of whom are Class II officers and one of them dies or suffers permanent incapacitation.</li> <li>(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</li> </ul>	
<p>C. <i>Employees in Public Sector Undertakings etc.</i></p>	<p>The criteria enumerated in A &amp; B above in this Category will apply mutatis mutandi to 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.</p>	



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## V. PROPERTY OWNERS

### A. Agricultural holdings

Son(s) and daughter(s) of persons belonging to a family (father, mother and minor children) which owns

- (a) only irrigated land which is equal to or more than 85% of the statutory area, or
- (b) both irrigated and unirrigated land, as follows :

(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 80% or more of the statutory ceiling limit for irrigated land, then the rule of exclusion will apply and disentitlement will occur.

(ii) The rule of exclusion will not apply if the land holding of a family is exclusively unirrigated.

### B. Plantations

- (i) Coffee, tea, rubber, etc.

Criteria of income/wealth specified in Category VI below will apply.

- (ii) Mango, citrus, apply plantations etc.

Deemed as agricultural holding and hence criteria at A above under this Category will apply.

### C. Vacant land and/or buildings in urban areas or urban agglomerations

Criteria specified in Category VI below will apply.

*Explanation :* Building may be used for residential, industrial or commercial purpose and the like two or more such purposes.

## VI. INCOME/WEALTH TEST

Son(s) and daughter(s) of

- (a) Persons having gross annual income of Rs. 1 lakh or above or possessing wealth above the exemption limit as prescribed in the Wealth Tax Act for a period of three consecutive years.



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- (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.

*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.

*Explanation:* Wherever the expression "permanent incapacitation" occur in this schedule, it shall mean incapacitation which results in putting an officer out of service.