

ANNEXURE VII

Haryana Government

WELFARE OF SCHEDULED CASTES AND BACKWARD CLASSES DEPARTMENT

Notification

The 16th July, 2024

No. 40/13/2024-1SW.--- In exercise of the powers conferred under clause (d) of Section 2 and Sub-section (2) of Section 5 of the Haryana Backward Classes (Reservation in Services and Admission in Educational Institutions) Act, 2016 (15 of 2016), and in supersession of the Haryana Government, Welfare of Scheduled Castes and Backward Classes Department, notification No. 491-SW(1)-2021 dated the 17th November, 2021, the Governor of Haryana hereby specifies the following criteria for exclusion of persons within the Backward Classes as Creamy Layer as per Annexure appended hereto.

DESCRIPTION OF CATEGORY		TO WHOM RULE OF EXCLUSION SHALL APPLY
1.	2.	3.
I.	CONSTITUTIONAL POSTS	Son(s) and daughter(s) of (a) President of India; (b) Vice President of India; (c) Judges of the Supreme Court and of the High Court; (d) Chairman and Members of UPSC and of the State Public Service Commission; - Chief Election Commissioner; Comptroller & 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 parent dies or suffers permanent incapacitation and before such death or such incapacitation has had the benefit of employment in any International Organization like U.N, I.M.F, 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 Organization like U.N, I.M.F, 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 BC category has got married to a Class-I officer, and may herself like to apply for a 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 Organization like U.N, I.M.F, 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 Recruit 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:- Son(s) and daughter(s) of (a) Parents both of whom are Class II officers and one of them dies or suffer 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 Organization like U.N, I.M.F, World Bank, etc. for a period of not less than 5 years before their death or permanent incapacitation.
	C. Employees in Public Sector Undertaking etc.	The criteria enumerated in A and B above in this Category shall apply mutatis mutandi to officers holding equivalent or comparable posts in PSUs, Banks, Insurance Organizations, 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 shall apply to the officers in these institutions
II.	ARMED FORCES INCLUDING PARA MILITARY FORCES: (Persons holding civil posts are not included)	Son(s) and daughter(s) 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 Para Military Forces: Provided that:- (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; (ii) the service ranks below Colonel of husband and wife shall not be clubbed together; (iii) If the wife of an officer in the Armed Forces is in civil employment, this shall 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.

III.	PROFESSIONAL CLASS AND THOSE ENGAGED IN TRADE AND INDUSTRY (I) Persons engaged in profession as a Doctor, Lawyer, Chartered Accountant, Income Tax Consultants, Financial or Management Consultants, Dental Surgeon, Engineer, Architects, Computer Specialists, Film Artists and other Film Professionals, Author, Play Writer, Sports person, Sports Professionals, Media Professionals or any other vocations of like status. (II) Persons engaged in trade, business and industry.	Criteria specified against category VI shall apply. Criteria specified against category VI shall apply. Explanation: (i) Where the husband is in some profession and the wife is in a Class II or lower grade employment, the income/wealth test shall apply only on the basis of the husband's income. (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 shall apply only on the basis of the wife's income and the husband's income shall not be clubbed with it.
IV.	PROPERTY OWNERS A. Agricultural holdings B. Plantations (i) Coffee, tea, rubber, etc. (ii) Mango, citrus, apple plantations etc. C. Vacant land and/or buildings in urban areas or urban agglomerations	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 shall apply where the precondition exist 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 precondition of not less than 40% exists, then only the area of unirrigated land will be taken into account. This shall be done by converting the unirrigated land on the basis of 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 shall apply and disentitlement will occur; (ii) The rule of exclusion shall not apply if the land holding of a family is exclusively unirrigated. Criteria of income/wealth specified in Category VI below shall apply. Deemed as agricultural holding and hence criteria at A above under this category shall apply. 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 Explanation: Wherever the expression “permanent incapacitation” occurs in this Schedule, it shall mean incapacitation which results in putting an officer out of service.	Son(s) and daughter(s) of (a) Persons having gross annual income of Rs.8 lakh or above or possessing wealth above the exemption limit as prescribed in the Wealth Tax Act, 1957 (Central Act 27 of 1957) 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 shall 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 shall be modified taking into account the change in its value every three years. If the situation, however, so demands, the interregnum may be less.
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Dated Chandigarh Haryana,
The

G. ANUPAMA,
Additional Chief Secretary to Government Haryana,
Social Justice, Empowerment, Welfare of Scheduled Castes and Backward
Classes and Antyodaya (SEWA) Department.