

SECTION-D

INSTRUCTIONS REGARDING

SC/ST CERTIFICATE

SECTION- D
SC/ST CERTIFICATE
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Government of Himachal Pradesh
Tribal Development Department

No. TBD.H(6)1-2/2008

dated Shimla-2, 13th July/2015

ADDENDUM

In continuation of this department letter of even No. dated 5th February, 2014 vide which a booklet “ Compendium of instructions and Guidelines on Tribal Development in Himachal Pradesh” has been supplied. In the above booklet at page 271 wherein letter No. TBD(F)4-5/2002 dated the 13th January 2003, para No. 2 may be read as under :-

As per the Scheduled castes and Scheduled Tribes Order (Amendment)Act, 2002 the area restriction with respect to entry-2 and 3 above has been removed and hence Gaddis and Gujjars belonging to the areas of erstwhile Punjab merged with Himachal Pradesh are also declared as Scheduled Tribe. In Addition, two more entries have been included by inserting entry-9 and 10 as under:-\

Sd/-
Deputy Director(TD)
Himachal Pradesh, Shimla

संख्या रैव0डी (एफ0)11-13/2005
हिमाचल प्रदेश सरकार
राजस्व विभाग

प्रेषक

प्रधान सचिव (राजस्व)
हिमाचल प्रदेश सरकार।

प्रेषित

समस्त उपायुक्त
हिमाचल प्रदेश।

दिनांक

शिमला-2

24-05-2014

विषय:- गुज्जर समुदाय को हिमाचली व अनुसूचित जन-जाति प्रमाण पत्र जारी करने बारे।

महोदय,

उपरोक्त विषय पर आपका ध्यान इस विभाग के पत्र दिनांक 16.10.2006 की ओर आकर्षित करते हुये आपको सूचित किया जाता है कि गुज्जर समुदाय को हिमाचली व अनुसूचित जन-जाति प्रमाण पत्र जारी करने का मामला 12 जुलाई, 2006 को हुई गुज्जर कल्याण बोर्ड की बैठक में विचारा गया था। इस बैठक में यह निर्णय भी लिया गया कि जो गुज्जर सर्दियों में हिमाचल से बाहर रहते हैं तथा परमिट के आधार पर हिमाचल की धारों में निवास करते हैं तथा किन्ही अन्य राज्यों के निवासी नहीं हैं व अन्य राज्यों में जिनकी अचल सम्पत्ति नहीं है तथा कई वर्षों से हिमाचल के मतदाता पंजीकृत हैं और मतदान करते रहे हैं ऐसे मामलों का परीक्षण करने के बाद उन्हें हिमाचली प्रमाण पत्र देने की प्रक्रिया अपनाई जावे। इस सम्बन्ध में उक्त समुदाय के लोगों ने दुबारा माननीय मुख्य मन्त्री महोदय को ज्ञापन देकर सूचित किया है कि उन्हें उक्त पत्र के आधार पर प्रमाण पत्र जारी नहीं किये जा रहे हैं। अतः आपसे अनुरोध है कि समुदाय के लोगों को इस विभाग द्वारा जारी पत्र संख्या: रैव0डी (एफ) 11-13/2005 दिनांक 16-10-2006 (प्रति सलग्न) के अनुरूप प्रमाण पत्र जारी किये जाये। इस सम्बन्ध में की गई कार्यवाही से इस विभाग को भी सूचित किया जाये।

भवदीय,

हस्ता/-
(नरेन्द्र कुमार)
उप-सचिव(राजस्व)
हिमाचल प्रदेश सरकार।

FAX Message

**Immediate
Personal Attention**

No. Div. Commr. (SML)LR-13(3)2012-5727-30
Office of the Divisional Commissioner
Shimla Division

Dated Shimla-2 23 November 2013

To

The Deputy Commissioner
Shimla, Solan, Sirmour & Kinnaur

**Subject;- (1) Certificate of bonafide Himachali- strict verification thereof.
(2) Issue of certificates of new format under Scheduled Tribes and other Traditional Forest Dwellers(Recognition of Forest Rights Act FRA 2006.**

Sir,

I am to invite your attention to letter No. Per(A.P.B)A(3)-1/2000 Vol-II dated 12.11.2013 from the Principal Secretary (Personnel) to the Govt. of H.P. and letter No. FFE-B-F(5)2/2002, dated 12.11.2013 from the Principal Secretary(Forest) to the Govt. of Himachal Pradesh on the subject cited above.

In this connection, I am directed to say that while issuing of certificates on new format under Schedule Tribe and other traditional forest dwellers (recognition) of Forest Rights Act FRA 2006, and certificate of bonafide Himachali the directions/instructions of the Govt. issued vide their letter referred to above may please be ensured in letter and spirit please.

Yours faithfully,

Sd/-
(Sandeep Negi) HAS
Assistant Commissioner to the
Divisional Commissioner Shimla
Shimla Division.

Government of Himachal Pradesh
"Department of Home"

No. Home-B(B)15-2/2009-HC. Dated;

Shimla-2, the 18/11/2009

NOTIFICATION

In exercise of the powers vested in her under Sub-Section (i) of the Section 20 of the Code of Criminal Procedure, 1973, the Governor, Himachal Pradesh is pleased to authorize all the Executive Magistrates in the Pradesh to issue the Minority Community Certificate subject to the conditions as contained in the Home Department's Himachal Pradesh Government letter No. Home-B (B)-12-5/84 dated 4-12-84 & 28-12-84.

By Order,

Pr. Secretary(Home) to the
Govt of Himachal Pradesh.

F.NO. 12026/20/06-C&I.MI
Government of India
Ministry of Tribal Affairs

Shastri Bhawan, New Delhi
Dated: 13th February 2008

To,

The Principal Secretary
Tribal Development Department
Government of Himachal Pradesh
Shimla-171002

Subject :- Issuance of Scheduled Tribes Certificates.

Sir,

I am directed to say that the National Commission for Scheduled Tribes has brought to the notice of this ministry that illiterate/ignorant members of STs often commit mistakes while spelling their names in their applications and the decision of the district authorities to reject their applications merely on the ground of spelling mistakes has been harshly operating against them.

Further, it is also to be noted that the original nomenclature, of a person belonging to a Scheduled Tribe is invariably in the local language and a problem arises when this is translated by settlement or revenue authorities into English and if it does not confirm to the spelling of the community in the Presidential Scheduled Tribes Order, the person is then deprived of its benefit. This issue also needs to be kept in the mind while processing papers for issue of ST certificates.

In view of the above, it is necessary that proper verification, based primarily on revenue records and in accordance with the name of the community as notified in the Presidential Order, is carried out before such certificates are issued .It may also be ensured that the necessary certificates are issued to the deserving ST persons without undue delays and difficulties.

Yours Faithfully,

SD/-
(Dr. N.K. Ghatak)
Joint Director

No.TBD (F)1-5-2002-II
Government of Himachal Pradesh
Tribal Development Department

From

Principal Secretary (TD) to the
Government of Himachal Pradesh

To

The Deputy Commissioner,
Una Himachal Pradesh

Shimla-2

15th March, 2008

Subject: Guidelines issued by the Govt. of India regarding issue of schedule Tribe certificate (Clarification)

Sir,

I am directed to refer to your letter No.9511/Misc./MC-I dated 5.12.2007 on the subject cited above and to say as per guidelines of the Govt. of India on this subject issued and circulated by this Department amongst all the Deputy Commissioners vide this Department letter of even number dated 28th September 2007. where in it is clearly mentioned that schedule Tribe is primarily a community and no caste and hence a community notified as Schedule Tribe under community is notified as Scheduled Tribe in Himachal Pradesh as per order and such community may profess any religion . Hence it is necessary to establish that a member of Gujjar applying for Schedule Tribe certificate belonged to Gujjar community prior to notification of Presidential order i.e 6.09.1950 and such member of Gujjar community irrespective of religion is Scheduled Tribe.

In view of the above, you are, therefore, requested to take necessary action in the matter.

Yours faithfully,

Sd/-

Social Secretary (TD) to the
Govt. of Himachal Pradesh.

No.TBD (F)4-5-2002-II
Government of Himachal Pradesh
Tribal Development Department

From

Principal Secretary (TD) to the
Government of Himachal Pradesh

To

All Deputy Commissioner,
Himachal Pradesh

Shimla-2

20th March, 2008

Subject: Issuance of Scheduled Tribe certificate.

Sir,

I am directed to enclosed herewith a photocopy of letter No.12026/20/06-C&LM-I dated 13.2.2008 received from Joint Director, Ministry of Tribal Affairs, Govt. of India on the subject cited above and to request you that necessary instructions may kindly be issued in this regard to all the concerned under your kind control and ensure that the necessary certificate are issued to the deserving Scheduled Tribe persons without undue delay and difficulties.

Yours faithfully,

Sd/-

Social Secretary (TD) to the
Govt. of Himachal Pradesh.

Government of Himachal Pradesh
Department of Panchayati Raj.

PCh-HB(1)17/02-T.S.III

Shimla

Dated

6th May 2008

NOTIFICATION

Whereas the various schemes notified by the Rural Development and Panchayati Raj Departments for engaging staff at various levels on contract basis provides for weightage in terms of marks, to be allotted by the Selection Committee for the candidate belonging to a family having no member in the employment of the Government and/or candidate who is resident of concerned Panchayat or Block.

And whereas no authority has been specified by the Government/ Department to issue such certificates due to which these certificates are being issued by different authorities i.e. SDO(C)/Tehsildars and Pradhan Gram Panchayat, thus creating confusion in the field regarding validity of the certificates issued by the different authorities and its acceptance by selection committee.

Therefore, it has been decided to authorize respective Gram Panchayats to issue certificates to the candidate belonging to a family having no member in the employment of Government service and/or resident of concerned Panchayat or Block, as the case may be. Certificate will be issued to the concerned by the Panchayat Secretary or Panchayat Sahayak on the basis of Panchayat record. These certificates will be countersigned by the Pradhan/ Up-Pradhan of the concerned Panchayat.

Penal action will be taken against the Panchayat Secretary/Panchayat Sahayak and Panchayat Pradhan/Up-Pradhan in case the certificates so issued are found incorrect. The person availing the benefit of such certificate will be dismissed from the service and criminal case will be registered against such person.

By Order

Sd/-

Secretary (Panchayats) to the
Government of Himachal Pradesh

No.PER (AP)-C-F (4)-14/2006
Government of Himachal Pradesh
Department of personnel (AP-III)

From Dated Shimla -171002 the 24th May,2007,

To The Secretary (Pers.) to the
Government of Himachal Pradesh

All Deputy Commissioners
Himachal Pradesh

Subject:- Instructions regarding issuance of scheduled Caste/Tribe certificates.

Sir,

I am directed to say that the National Commission the Schedule Tribes, Govt of India, has made certain recommendations to be followed on the above subject.

1. Pursuant to the suggestions of the said Commission. it is emphasized upon the competent authorities that the community certificates should be issued to the applicants within a maximum period of 30 days from the date of receipt of applications. Further, the certificate issuing authorities may be directed that the son/daughters of such person who are already having the caste/tribe certificates duly issued by the competent authority, may be issued community certificates without fresh enquiry. Besides if the practice of issuing the temporary caste/tribe certificate, valid for a period of six months prevails at any level. The same may be stopped forthwith and the community certificate be issued within a period of 30 days on the prescribed Performa after full verification of community status of the applicant.
2. In the wake of above narration. It is stressed upon you to direct all the authorities empowered in issue the caste/ community certificates to follow these instructions in letter and spirit.

Yours faithfully,

Sd/-
Deputy Secretary (Pers.) to the
Govt. of Himachal Pradesh

No. TBD(F)4-5-2002-II
Government of Himachal Pradesh
Tribal development Department.

From

Principal Secretary (TD) to the
Government of Himachal Pradesh

To

1. All the Deputy Commissioners
In Himachal Pradesh.
2. The Residential Commissioner Pangi
District Chamba, H.P.
3. ADC Kaza.

Dated Shimla-2 28th September, 2007

Subject:- Government of India Guidelines of issue of Schedule Tribe Certificate.

Sir,

Clarification have been sought From time to time on issue of Schedule Tribe Certificate . As per Article 366 (25) of the constitution of India, Schedule Tribe are those communities who are scheduled in accordance with the article 342 of the Constitution i.e only those communities who have been declared as such by the President through an initial public notification will be consider as Scheduled Tribes.

With respect to Himachal Pradesh , the following communities have been declared as Scheduled Tribes as per the constitution (Scheduled Tribes) order 1950 (C.O 22) notified on 6.9.1950.

-
- | | |
|-----------------------------|----------------------------|
| 1. <u>Bhot Bodh</u> | 5. <u>Kanaura Kinnara.</u> |
| 2. <u>Gaddi</u> | 6. <u>Lahaula</u> |
| 3. <u>Gujjar</u> | 7. <u>Pangwala</u> |
| 4. <u>Jad. Lamba Khampa</u> | 8. <u>Swangla</u> |

Area restrictions for Gujjar and Gaddi Communities of erstwhile area of Punjab merged in H.P. in 1966 have been removed as per Schedule Caste and

Scheduled Tribe orders (amendment Act, 2002 of 8.1.2003.) Accordingly all these 8 community are Scheduled Tribes throughout Himachal Pradesh.

The Guidelines issued by the Ministry of Tribal Affairs, Govt. of India on issue of S.T Certificates as contained in Chapter 3 of the Annual Report for the year 2005 -06 of the Ministry of Tribal Affairs , Govt. of India is enclosed. The main features of the guidelines are the Scheduled Tribe is a community and he may profess any religion that a person should belong to such community and should have permanent abode of their parents at the time of notification of the Presidential order i.e prior to 6.9.1950 in H.P. and that no person who was not Scheduled Tribe by birth will be deemed to be a Scheduled Tribe merely because he or she has married a person belonging to a Scheduled Tribe .

You are, requested to take necessary action as per the guidelines of Mo IA Government of India of the issue of Scheduled Tribe Certificate.

Yours faithfully,

Sd/-

Pr. Secretary (TD) to the
Government Himachal Pradesh

संख्या रैव0डी (एफ0)11-13/2005
हिमाचल प्रदेश सरकार
राजस्व विभाग

प्रेषक

अति0 मुख्य सचिव एवं वित्तायुक्त (राजस्व)
हिमाचल प्रदेश सरकार।

प्रेषित

समस्त उपायुक्त
हिमाचल प्रदेश।

दिनांक

शिमला-2

16-10-2006

विषय:-

गुज्जर समुदाय को हिमाचली व अनुसूचित जन-जाति प्रमाण पत्र जारी करने बारे।

महोदय,

उपरोक्त विषय पर मुझे आपको यह कहने का निर्देश हुआ है कि गुज्जर समुदाय को हिमाचली व अनुसूचित जन-जाति प्रमाण पत्र जारी करने का मामला माननीय मुख्य मन्त्री महोदय की अध्यक्षता में 12 जुलाई, 2006 को हुई गुज्जर कल्याण बोर्ड की बैठक में विचारा गया तथा यह निर्णय लिया गया कि जो गुज्जर सदियों से हिमाचल से बाहर रहते हैं तथा तथा परमिट के आधार पर हिमाचल की धारों में रहते हैं तथा किसी अन्य राज्यों के निवासी नहीं हैं और अन्य राज्या में जिनकी अचल सम्पत्ति नहीं है तथा कई वर्षों से हिमाचल के मतदाता पंजीकृत हैं और मतदान करते रहे हैं ऐसे मामलों को परोक्षण करके उन्हें हिमाचली प्रमाण पत्र देने की प्रक्रिया अपनाई जावे। इस सम्बन्ध में की गई कार्यवाही से इस विभाग को भी सूचित करें।

भवदीय,

हस्ता/-

अवर सचिव(राजस्व)

हिमाचल प्रदेश सरकारी।

No. Rev.D(F)5-5/2004-Pt-II

Government of Himachal Pradesh
Department of Revenue.

From

F.C. –cum- Secretary(Revenue) to the
Government of Himachal Pradesh, Shimla-2.

To

1. All Divisional Commissioners,
in Himachal Pradesh.
2. All the Deputy Commissioners,
In Himachal Pradesh.
3. All Sub- Divisional Magistrates,
In Himachal Pradesh.
4. All Tehsildars, in Himachal Pradesh.
5. All Naib Tehsildars, in H.P.

Dated Shimla-2, the 28-4-2005

Subject:- Issue of Minorities/ Religion Certificate Instructions thereof.

Sir,

I am directed to invite your attention to this Department Notification No. Rev.D(F)12-1/94 J Pra pa dated 15-11-1997 wherein five Minority Commission (viz. Muslims, Christians, Sikhs, Buddhists and Zoroastrians (Parsis) were notified and all the Sub- Divisional Magistrate and District Magistrate in Himachal Pradesh were authorized to issue Minority Community Certificates and to say that the National Commission for Minorities New Delhi has pointed out that the "Religion Certificates" are not being issued to the Sikh youths who want to join Army. The instruction above are reiterated and the elaborate procedure for issuing version certificates has also been prescribed in chapter 28 of the HP Land Record Manual, 1992. Further, if need be religion of the concerned person belonging to Minority Community can be got verified from the Local Panchayat/ Municipalities in addition to the Patwari concerned. District Magistrate/ Sub Divisional Magistrate will ensure that these certificates are issued as per the performa already issued vide notification ibid.

Yours Faithfully,

Sd/-
Joint Secretary(Rev)to the
Govt. of Himachal Pradesh.

Government of Himachal Pradesh
Department of Social Justice & Empowerment

No. WLF-F(1)-1/2001

Dated 9.8.2004

NOTIFICATION

In supersession of all previous Notifications issued by this Department, the Governor, Himachal Pradesh is pleased to declare the following castes/Classes and communities, other than the Scheduled caste and Scheduled Tribes, professing any religion Backward classes in the State of Himachal Pradesh.

Throughout the Pradesh

(A)

1. Aheri,Ahori,Heri,Naik, Thori
2. Ard,Pop, Popo Brahmin,
3. Bahti,
4. Bata , Hensi or Hosi ,
5. Bagria
6. Batehra
7. Bargi,Bairgi
8. Bhat or Bhatta (whether with or without the appendage Brahman) Darpi.
9. Bhuhalia
- 10.Chang
- 11.Chirimar
- 12.Dhasuli, Dosal
- 13.Daiya (deleted)
- 14.Faquir
- 15.Ghirath including chang and Bahti
- 16.Ghasi, Ghasiara or Ghosi
- 17.Gorkha (Whether with or without any appendage like Rajput, Brahman, Khatri etc.)
- 18.Ghai
- 19.Gowala, Gwala
- 20.Gadaria
- 21.Gawaria, Gauria or Gwar
- 22.Hajam, Nai
- 23.Jhiwar, Dhiwar,Jhinwar, Dhinwar, Jheur, Jheer.
- 24.Kahar
- 25.Kumhar, Ghumar,Ghumhar
- 26.Kurmi

27. Labana
28. Mahatam
29. Madari
30. Mirasi
31. Mallah
32. Mehra
33. Nai (Kulin Brahman)
34. Nar (UkM)
35. Pinja, Panja, Nudaf, Nudaaf
36. Soi
37. Tarkhan, Badhai, Ramgarhi, Dhiman (Excluding Lohar) Vishwakarma, Thawias.
38. Vanzara
39. Bujhru, Dakaut
40. Sanyasi, Gujarati, Vyas, traditionally connected with the death rituals
41. Pumba
42. Maha Brahman, Acharj, Charj, Acharya connected with the death rituals and last rites of Hindus.
43. Hadi
44. Populace living in Malana revenue village of Kullu District. H.P.
45. Populace i.e Bangahulias residing since time immemorial in Chhota Bhangal and Bara Bhangal area of Kangra District H.P.
46. Saini
47. "Chohar -ka" other than Scheduled caste and Scheduled Tribe residing in Choharghati of Mandi Distt. Constituting of 12 Gram Panchayats Bardhan, Barot, Batheri, Dhamchyan , Kathog, Latran, Lapas, Ropa, Silbadwani, Sudhar, Tikkar and Tarswan.
48. Jat/Jaat

(B) In merged area only

3. "Gaddi" (Whether with or without any appendage like Rajput, Brahman, Khatri etc. who are not listed in the Scheduled Tribes List shall continue as OBC.

The above categories of classes/communities in Himachal Pradesh shall be entitled to various facilities/concessions provided by the State Government from time to time.

The reservation in services for the notified communities as determined by the State Government from time to time will be available to the members of the Backward Classes subject to exclusion of classes/communities on the basis of creamy layer criteria specified in the enclosed Annexure 'A'. However, the rule of exclusion shall not be applicable for the purpose of census/counting of the Backward Classes and determination of percentage of Backward Classes for reservation.

Similarly the concept of creamy layer shall not apply to elections conducted through the democratic process.

By order
Sd/-
Prem Kumar
Pr. Secretary (SJ&E) to the
Govt. of Himachal Pradesh.

No. Rev.D (F)12-1/94-81-SML
Government of Himachal Pradesh,
Revenue Department,

From

Financial Commissioner –cum-Secretary (Revenue)
Government of Himachal Pradesh.

To

Deputy Commissioner Sirmour,
Himachal Pradesh.

Dated 14-1-97

Subject:- Issuing of scheduled Tribe certificate.

Sir,

I am directed to say that it has been brought to the notice of the government that tribal certificates are not being issued to the Khampa Community because this community has either wrongly been recorded in Revenue records as “ Rajput” etc. instead of “ Khampa” or the applicant does not hold land in estate .

In this context, it has now been decided that where the applicant is a tenure-holder in the estate but his “Gotra” has wrongly been recorded in the revenue record, such applicant may apply to the authority competent to issue the certificate for the correction of his “Gotra” in the revenue records. The authority to whom such application has presented shall, in turn, after making such enquiry, as is deemed fit, submit the case with his report to the State Government through the respective Deputy Commissioner and Divisional Commissioner who will also examine the matter and append their report/recommendations accordingly.

In other cases where the applicant is a tenure-holder having entry of his : Gotra” or community in the Revenue Records or where the applicant does not hold any land in the estate, provisions of paras 28.5 and 28.6 of Chapter 28 of H.P.L and Records Manual shall, mutatis mutandis, apply and the Revenue Officer competent to issue certificate shall satisfy himself about the correctness of the enquiry and report of the Patwari. He may make further enquiry as he deems necessary in the matter before issuing the certificate and shall abide by the provisions laid down in chapter 28 the manual ibid while issuing certificates.

Yours faithfully,

Sd/-

Under Secretary (Revenue)
to the Govt. of H.P.

CREAMY LAYER CRITERIA

ANNEXURE 'A'

Description of category

To whom rule of exclusion will apply:

A. 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, Controller 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 officer, but one of them dies or suffers permanent incapacitation;
- (d) Parent, either of whom is a class-I officer and such parent dies or suffer permanent incapacitation and before such death or such incapacitation has had the benefit of employment in any international Organization like UN, IMF, World Bank etc. , for a period of not less than five years;
- (e) Parents, both of whom are a class-I officer 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 UN, IMF, World Bank etc. , for a period of not less than five 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 parents dies/die or suffer permanent incapacitation;
- (b) A lady belonging to OBC Category has got married to a Class-I officer and herself like to may 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 them are class-II officers and one of them dies or suffer permanent incapacitation and either one of them has had the benefit of employment in any international Organization like UN, IMF, World Bank etc. , for a period of not less than five years before such death or permanent incapacitation;
- (d) Parents of whom the husband is a Class-I officer(direct recruitment of pre-forty promoted) and the wife is a Class-II officer and the wife dies or suffer permanent incapacitation; and
- (e) Parents of whom the wife is a Class-I officer(direct recruitment of pre-forty promoted) and the husband is a Class-II officer and the husband dies or suffer permanent incapacitation;

Provided that the rule of exclusion shall not apply in the following cases:-

- (a) Parents both of whom are Class-II officers and one of them die or suffers permanent incapacitation;
- (b) Son(s) and Daughter(s)of:-
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 UN, IMF, world Bank etc., for a period of not less than 5 years before their death or permanent incapacitation.

Employees in Public Sector undertaking etc.

The criteria enumerated to A and B class of this category will apply mutatis mutandis 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 will apply to the office in these Institutions.

III Armed forces including Paramilitary Forces(Persons

Son(s) and Daughter(s)of:-

Parents either or both of whom is or are in the rank of

holding civil posts are not included).

colonel and above in the army and to equivalent posts in the Navy and the Air Force and the paramilitary forces; Provided that:-

- (I) If the wife of an armed forces officers 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 will not be taken into account for applying the rule of exclusion unless she falls in the service category under item No. II on which case the criteria and conditions enumerated therein will apply to her independently.

IV. professional class and those engaged in Trade and Industry

(I)Persons engaged in profession as a doctor, lawyer, chartered accountant, income tax consultant, consultant, financial or management consultant ,dental surgeon, engineer, architect, computer specialist, film artist and other film professional, author, play, writer, 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.

Criteria specified against Category Vi will 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 will 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 will apply only on the basis of the wife's income and the husband's

income will not be clubbed with it.

V. Property owners,
A. Agricultural holding.

Son(s) and Daughter(s)of:-

Persons belonging to family father ,mother and minor children which owns:-

(a) Only irrigated land which is equal to or more than 85% of the statutory ceiling area, or

(b) Both irrigated and un-irrigated land 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 un-irrigated portion). If this pre-condition of not less than 40% exists, then only the area of un-irrigated land will be taken into account. This will be done by converting the un-irrigated land on the basis of the conversion formula existing into the irrigated type the irrigated area so compared on un-irrigated land shall be added to the actual 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 discentitlement will occur.

(II) The rule of exclusion will not apply if the land holding of a family is exclusively un –irrigated.

B. Plantations.

(I) Coffee, Tea, Rubber etc.

(II)Mango,citrus,apple plantations, etc.

Criteria of income/wealth specified in Category VI below will apply. Deemed as agricultural holding and hence criteria at 'A' above under this category will apply. Criteria specified in category VI below will apply.

C. Vacant Land and/or buildings in bran area or 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

Son(s) and Daughter(s):-

(a) Persons having gross annual income of Rs 2.5 Lac 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 a Categories I,II,III and V-a who are not discentitled to the benefit of reservation but

have income from other sources of wealth which will bring them within the income/ wealth criteria mentioned in above.

EXPLANATION:-

- (I) Income from salaries or agricultural land shall not be clubbed;
- (II) The income criteria interest of rupee will be modified taking into account the changes 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.

Sd/-

Addl. Secretary (SJ & E) to the
Government of Himachal Pradesh