

SOCIAL WELFARE SECRETARIAT

Sub: Reservations for admission to the Educational Institutions as per Article 15(4) and Employment as per Article 16(4) of the Constitution of India and New Creamy Layer Policy Orders....reg.

- Read:**
1. G.O. No. SWD 150 BCA 94 Dated: 17-09-94
 2. G.O. No. SWD 251 BCA 94 Dated: 31-01-95
 3. G.O. No. SWD 394 BCA 94 Dated: 14-02-96
 4. Letter No. KSCBC:MS/Reports/2000-01 Dated: 14-12-2000 of the Member Secretary Karnataka State Commission for Backward Classes.

Preamble:

In Govt. Order Dated: 17-09-94 read (1) above, Govt. have formulated reservation policy for Schedule Casts and Scheduled Tribes and other Backward Classes for admissions to professional courses for the year 1994-95 as per the lists of castes enclosed thereto as follows:

| | |
|------------------|-----|
| CATEGORY-I | 4% |
| CATEGORY-II (A) | 15% |
| CATEGORY-II (B) | 4% |
| CATEGORY-III (A) | 4% |
| CATEGORY-III (B) | 5% |
| SCHEDULED CASTES | 15% |
| SCHEDULED TRIBES | 3% |

2. Under the said order Dated: 17-09-94 it has also been stated that no person other than belonging to Scheduled Castes, Scheduled Tribes and Category-I of Backward Classes shall be entitled to the benefit of reservation for admission to professional courses unless he/she satisfies the conditions of the creamy layer specified there under.

3. In G.O. Dated: 31-01-1995 read at Sl. No. 2 above, the aforesaid reservation and creamy layer policy envisaged in the order Dated: 17-09-94 read at Sl. No. (1), has been made applicable to the employment too, under Article 16(4) of the Constitution of India.

4. In G.O. Dated: 14-02-96 read at Sl. No. (3) above the Creamy Layer Policy existed as on 01-01-95 for the purpose of admission to the professional courses was also made applicable to employment with retrospective effect from 01-01-94.

5. In Writ Petition No. 438/94 the Hon'ble Supreme Court of India have passed an interim order stating that the reservation in any case should not exceed 50%. Similar writs bearing No. 417/94, and 694/94 are pending disposal before the Hon'ble Supreme Court. Therefore, in G.O. No. SWD 61 BCA 95 Dated: 28-12-95 the currency of the 50% reservation specified in G.O. Dated: 17-09-94 and 13-01-95 has been extended till the final decision in WP No. 438/94, 471/94 and 694/94 is taken by Hon'ble Supreme Court.

6. Now the Karnataka State Commission for Backward Classes have submitted special report and 71 advices vide their letter Dated: 04-12-2000 read at Sl. No. 4 above. Pending consideration of the entire report, the Government have examined in detail the Creamy Layer Policy contained in the Special Report and 71 Advices, relating to inclusions, deletions, correction of spellings etc. and have made the following orders.

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