



## Creamy Layer: OBC

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### Why in News

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Recently, some MPs have raised the issue of defining **Creamy Layer** in the ongoing **Monsoon Session** of Parliament.

Further, the **Justice Rohini committee** is considering the sub-categorization of OBC quota and if any particular community or group of communities are benefiting most from the OBC quota and how to iron out anomalies.

### Key Points

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- **Background:**
  - Based on the recommendation of the **Second Backward Classes Commission (Mandal Commission)**, the government in August, 1990 had notified 27% reservation for Socially and Educationally Backward Classes (SEBCs) in vacancies in civil posts and services that are to be filled on direct recruitment.
  - After this was challenged, the Supreme Court in November, 1992 (**Indira Sawhney case**) upheld 27% reservation for OBCs, subject to exclusion of the creamy layer.
- **Definition:**
  - It is a concept that sets a threshold within which OBC reservation benefits are applicable.
  - While there is a 27% quota for OBCs in government jobs and higher educational institutions, those falling within the “**creamy layer**” (various categories based on income and parents’ rank) cannot get the benefits of this quota.
  - Other **than the income limit, the current definition of the creamy layer remains the same.**

- **Categories defined under Creamy Layer:**
  - **Income beyond 8 lakh:**
    - For those not in government, the current threshold is an income of Rs 8 lakh per year.
    - The income threshold is supposed to be raised every three years. It was last revised in 2017 (more than three years now).
  - **Parents' rank:** For children of government employees, the threshold is based on their parents' rank and not income.
    - For instance, an individual is considered to fall within the creamy layer if either of his or her parents is in a constitutional post; if either parent has been directly recruited in Group-A; or if both parents are in Group-B services.
    - If the parents enter Group-A through promotion before the age of 40, their children will be in the creamy layer.
    - Children of a Colonel or higher-ranked officer in the Army, and children of officers of similar ranks in the Navy and Air Force, too, come under the creamy layer. There are other criteria as well.
- **Government's Proposal:**
  - A draft Cabinet note has stated that the creamy layer will be determined on all income, including salary calculated for income tax, but not agriculture income.
  - The government is considering a consensus on Rs 12 lakh, whereas Parliament Committee has recommended to raise upto 15 lakh per year.
    - It also **recommended excluding salary and agricultural revenue** while calculating the annual income ceiling for the creamy layer category of OBCs

**Source: IE**