

Difference between Creamy Layer and Non-Creamy Layer of OBC

The Constitution does not define Other Backward Classes. However, in pursuance of the judgment of the Supreme Court in **Indira Sawhney's case**, the Government enacted the National Commission for Backward Classes (NCBC) Act in April 1993. As per Section 2 of the NCBC Act, "Backward classes" means such backward classes of citizens, other than the Scheduled Castes and Scheduled Tribes, as may be specified by the Central Government in the lists.

The **Ministry of Social Justice and Empowerment** has notified the lists of Castes / Communities which are treated as Other Backward Classes.

Other Backward Classes is a collective term used by the Government of India to classify castes that are educationally and socially disadvantaged. It is one of several official classifications of the population of India, along with Scheduled Castes and Scheduled Tribes (SCs and STs).

The major difference between the creamy layer and the non-creamy layer of Other Backward Classes are as follows

Creamy Layer of OBC	Non-Creamy Layer of OBC
The members of the Other Backward Classes who fall in the creamy layer shall not get the benefit of reservation.	The members of the Other Backward Classes who fall in the non-creamy layer shall avail the benefit of reservation.
Acronym: OBC-CL	Acronym: OBC-NCL
Income Limit - Above 8 Lakhs	Income Limit - Below 8 Lakhs
Family Income Limit - Total family income is more than the 8 lakh per annum (Income from salaries or agricultural land shall not be clubbed)	Family Income Limit - Total family income is less than the 8 lakh per annum (Income from salaries or agricultural land shall not be clubbed)
They are treated as a General category in the case of competitive exams and are not subjected to any kind of relaxation given to OBCs.	They enjoy all the benefits which include age relaxation and attempt relaxation in the competitive exams.

No such certificate is required to be submitted by the person if he/she is not claiming any kind of reservation.	Every person seeking reservation as OBC is required to submit a certificate regarding his/her 'OBC status and non-creamy layer status' issued by an authority mentioned in DOPT Office Memorandum.
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These are the main differences between Creamy and Non-creamy Layer of OBC.

Other important points:

- Sons and daughters of parents who are included in the creamy layer on the basis of the service status of their parents shall continue to be treated in the creamy layer even if their parents have retired or have died after retirement.
- While applying the Income/Wealth Test to determine the creamy layer status of any candidate, income from the salaries and income from the agricultural land shall not be taken into account.
- The Government in 1993 introduced reservation for Other Backward Classes in direct recruitment, broadly at the rate of 27%.
- The creamy layer status of a candidate is determined on the basis of the status of his parents and not on the basis of his own status or income or on the basis of the status or income of his/her spouse. Therefore, while determining the creamy layer status of a person, the status or the income of the candidate himself or of his/her spouse shall not be taken into account.