

Important Facts / Legal Positions on BCs, OBCs and Creamy Layers

1. Everyone must know that State list of Backward Classes (BCs) and Central list of Other Backward Classes (OBCs) are not the same. For example, Tamil Nadu Government has notified 258 Communities (143 BCs – 115 MBCs) as Backward Classes whereas the Government of India has notified 182 Communities alone as Other Backward Communities in Tamil Nadu.
2. Tamil Nadu State Government provided the following reservation:
 - I. For Backward Classes (137 Communities) - 26.5% ; for BC Muslims - BCM (6 Communities) – 3.5%, for Most Backward Classes - MBC's (115 Communities) - 20%.
 - II. Government of India provides 27% reservation for OBCs (182 Communities) – notified by the Government of India.

3. What is the OBC reservation eligibility?

- Non-Creamy Layer candidates from OBC are entitled to reservations in jobs as well as educational institutions. However, many candidates (and even some bureaucrats) are ignorant about the provisions of the OBC reservation.
- If you are a deserving candidate belonging to the OBC category, you should not miss the benefits of an OBC reservation (due to ignorance). In this post, we shall see the criteria for determining whether you fall under OBC Creamy Layer or OBC Non-Creamy Layer.

Other Backward Classes (OBC)

- Other Backward Classes (OBC) are socially and educationally backward classes in India. OBCs are distinct from Scheduled Classes (SC) or Scheduled Tribes (ST).
- The Central Government of India maintains a list of castes/communities to be considered as OBC and notified the same.

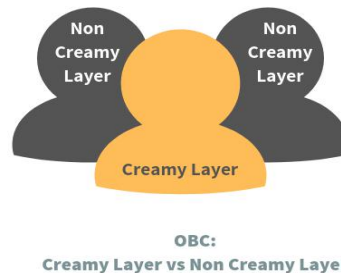
4. Benefits of being included in the OBC List:

To uplift Other Backward Class (OBC) Communities, both the Central Government and State Governments are running lot of programs and schemes, Some benefits include:

- **27% Reservation Quota** with respect to the seats in Government Jobs (like [IAS](#), [IPS](#) etc) and in Government Institutions (like the IIMs and IITs).
- There is relaxation with respect to the [upper age limit](#) for various examinations like [UPSC Civil Services Exam](#).
- There is relaxation with respect to the number of attempts for exams.
- There is relaxation with respect to cut-off marks ([only lower cut-off marks](#) are usually needed to clear exams).

5. Will all OBCs get the reservation benefits?

- No.
- Only if only you belong to **Non-Creamy Layer OBC**, you will get the reservation in jobs as well as in educational institutions.
- If you fall under the **Creamy Layer of OBC**, you will not get the benefit of an OBC reservation.
- **Origin of Creamy Layer concept with respect to OBC**



- Due to the recommendations of the Mandal Commission, the Central Government issued an Office Memorandum to reserve 27% posts in central government services. The order was challenged by Indra Sawhney (Indra Sawhney and Others Vs Government of India) in Supreme Court (1992).
- The constitutional bench of the apex court upheld the decision to reserve 27% reservation for OBC's in Central Government service. But in the verdict, Honorable Supreme Court declared a condition that the Creamy Layer among OBC's should be excluded from the reservation.
- Central Government constituted a commission chaired by Justice Ram Nandan Prasad to identify the Creamy Layer among OBC's. The commission recommendations were as such approved by the Central Government.
- Based on this, the Central Government issued an order regarding the guidelines and criteria for excluding Creamy Layer among OBC. The same criteria and guidelines are still in force for identifying Creamy Layer among OBC's.
- **Note: There is no concept of Creamy Layer with respect to SC/ST reservation.**

6. How do you know that you can get OBC Reservation?

- Central Government maintains a list of castes or communities which are given OBC status. Check the Central List of OBCs – based on your state. If your caste or community is mentioned there, you can apply under OBC quota – provided you meet the Non-Creamy Layer criteria as well.

- If the candidate's community is mentioned in the above list, then the next step is to check whether he/she belongs to the Creamy Layer or to the Non-Creamy Layer. You should note that reservations are offered only to candidates belonging to the OBC Non-Creamy Layer.
 - a. **The Creamy Layer is based on the status of your parents and not your salary or status.**
 - For the jobs under the Central Government, if the parents of an applicant entered the service as Class I officer before the age of 40 (direct recruitment), the applicant is considered in a Creamy Layer.
 - Also, if both the parents of the candidates entered into service as class II officers, before the age of 40 (direct recruitment), and entered into Class I service before the age of 40, the applicant is considered as a Creamy Layer.
 - b. **Who comes under Non-Creamy Layer OBC?**
 - Except for the above children of the above-mentioned employees, almost all get the benefit of "Non-Creamy Layer" Status.
 - If your parents are not directly recruited Class1 (Group A) or Class2 (Group B) officers OR they do not occupy any constitutional posts (like that of President, Vice President, Governor etc.,) you are most likely to fall under Non-Creamy Layer OBC.
 - If your parents are not employed in the government, and if their income is within the limits specified by the government to be treated as Non-Creamy Layer OBC.
 - c. **Income limit of determining the Non-Creamy Layer Status of OBCs.**
 - In order to qualify as an OBC Non-Creamy Layer candidate, the applicant's parents' annual income should be less than Rs. 8 lakhs.
 - As far as the Government employees are considered, the entry cadre/post is to be taken into consideration. **Salary and agricultural income are not to be considered as income for calculating annual income for Creamy Layer status.**
 - 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. It means that if income from other sources other than the salary and agriculture exceeds the income limit, then only the candidates shall be treated as Creamy Layer.**
 - Note: When the Creamy Layer concept was introduced, the income limit was set at Rs 1 lakh per annum (1993). Thereafter, it was raised to Rs 2.5 lakhs p.a (2004). It was subsequently increased to Rs 4.5 lakhs p.a. in 2008 and then to Rs 6 lakhs p.a in 2013. The current limit is Rs.8 lakhs per annum.

Who is the authority to issue the OBC Non-Creamy Layer Certificate?

Proforma-II

The form of certificate to be produced by Other Backward Classes candidates applying for appointment to posts under the Government of India.

This is to certify that Shri/Shrimati/Kumari*son/daughter* of
Shri of village/town*in District/Division* of the State/Union
Territory*belongs to theCommunity which is recognised as a backward
class under :

@ Government of India, Ministry of Welfare Resolution No. 12011/68/93-BCC (C) dated 10th September, 1993
published in the Gazette of India Extraordinary Part-I, Section-1, No. 186 dated 13th September, 1993.

@ Government of India, Ministry of Welfare Resolution No. 12011/9/94-BCC dated 19-10-94, published in
the Gazette of India Extraordinary Part-I, Section-1, No. 163 dated 20-10-1994.

@ Government of India, Ministry of Welfare Resolution No. 12011/7/95-BCC dated 24-5-95, published in the
Gazette of India Extraordinary Part-I, Section-1, No. 88 dated 25-5-1995.

@ Government of India, Ministry of Welfare Resolution No. 12011/96/94-BCC dated 9th March, 1996
published in the Gazette of India Extraordinary Part-I, Section-1, No. 60 dated 11th March, 1996.

@ Government of India, Ministry of Welfare Resolution No. 12011/44/96-BCC dated 6th December, 1996
published in the Gazette of India Extraordinary Part-I, Section-1, No. 210 dated 11th December, 1996.

@ Government of India, Ministry of Welfare Resolution No. 12011/99/94-BCC dated 11th December, 1997
published in the Gazette of India Extraordinary Part-I, Section-1, No. 236 dated 12th December, 1997.

@ Government of India, Ministry of Welfare Resolution No. 12011/13/97-BCC dated 3rd December, 1997
published in the Gazette of India Extraordinary Part-I, Section-1, No. 239 dated 17th December, 1997.

Usually, the Non-Creamy Layer Certificate is issued by the Tahsildar of the concerned State Government. The procedure for obtaining the Non-Creamy Layer Certificate may differ from State to State.

- d. Will the candidates Income be also included while determining the family income with respect to Non-Creamy Layer Status?
- You may note that “Income” here refers only to the income of the parents and not the candidate’s income.
 - The Creamy Layer status of a candidate is determined on the basis of the status of his/her parents and not on the basis of his/her own status or income or that of his/her spouse (husband or wife). Therefore, while determining the Creamy Layer status of a person, the status or the income of the candidate himself or of his/her spouse (husband or wife) shall not be taken into account.
 - In short, the candidate’s income is not considered for determining the Non-Creamy Layer Status of OBCs.

7. How to be a Non-Creamy Layer OBC? – Detailed Explanation :

- With regard to parents under Government employment, the status of the job (Group A/B/C/D) is more important than the salary. If your parents are earning more than 8 lakhs but their rank is below that of group B officers, you will still come under the Non-Creamy Layer.
- However, regarding parents under private employment or private business, annual income is the main criterion. Nevertheless, salary and income from other sources should be considered separately.
- The main point here is to treat income from salary and income from other sources separately. Neither salary nor income from other sources should cross Rs.8 lakhs in three consecutive years.
- Check your parent's salary for the last three consecutive years. If in any of the last 3 years it is below 8 lakhs, you are qualified for OBC Non-Creamy Layer status, provided income from other sources is also less than 8 lakhs.
- As per rules, group category A & B (Service Category), the son(s) and daughter(s) of Group A/Class I Officers and both the parents of Group B/Class II Officers only are excluded from availing the benefit of reservation. All other Officers i.e. if only one of the parents is a Group B/Class II Officer and all the Officers below the Category II Officers, they are entitled to avail the rule of reservation unless their other income other than the salaries and agricultural land exceeds the income criteria limit prescribed.
- As far as Group B/Class II Officers are concerned, if one of the parents of the children while working as Group B/Class II Officer gets into Group A/Class I Officer at the age of 40 or earlier, then also the children are not entitled to the benefit of reservation. But in case the Group B/Class II Officer gets into Group A/Class I Officer after the age of 40 years, the children are entitled to get the reservation.
- In PSUs, all executive-level posts, board-level executives and managerial-level posts are treated as equivalent to Group 'A' posts in the government and will be considered 'Creamy Layer'.
- Junior management grade scale 1 and above of public sector banks, financial institutions and public sector insurance corporations will be treated as equivalent to group 'A' in the government and considered as OBC 'Creamy Layer'.
- OBC reservation eligibility is entirely different from EWS reservation eligibility. Don't mix up things. Income and Asset Certificate needed for Economically Weaker Sections (EWS) among General Category is different from the Income and Wealth certificate mandated for the Other Backward Castes (OBC) Non-Creamy Layer.

8. What is the validity of an OBC Non-Creamy Layer Certificate?

- The Non-Creamy Layer (NCL) Certificate would be applicable to OBC candidates who are covered under the Income/Wealth Test criterion. The income limit is decided on the basis of income earned during three previous financial years preceding the year of appointment.
- To illustrate, the validity of Non-Creamy Layer certificate issued during any month of the financial year 2024-25 covering 3 preceding financial years viz. 2021-22, 2022-23 and 2023-24 be accepted by the concerned authorities for any appointments or recruitments which would be valid during the period April 2024 to March 2025.
- The appointing authorities would accept the production of a self-attested photocopy of the Non-Creamy Layer certificate, subject to verification of the original Non-Creamy Layer certificate, as is the practice being followed for verification of other original documents.
- With respect to exams conducted by UPSC, the candidates are expected to possess certificates dated than the closing date of the application for the preliminary exam. For example, with respect to the year 2025, the OBC certificate should be dated before 18th March 2025.
- While the OBC status of a candidate may change only when the community of the concerned candidate is removed from the OBC list. But his/her Creamy Layer status may change at any time. Therefore, it is not possible to determine a fixed validity period for the OBC certificate.
- However, for most practical purposes, the validity of an OBC NCL Certificate is treated like 1 year. If your OBC NCL certificate was obtained before 1 year, it is always better to get a new OBC NCL before applying for exams.

Also, it is advisable to get the OBC NCL Certificate in either English (preferred) or Hindi.

9. What if you fall under OBC Creamy Layer?

- Candidates who fall under OBC Creamy Layer (parents' annual income more than 8 lakhs) are treated as General Category students. They do not have any reservations at the Government institutions.
- They can compete in general merit only in General/Merit Quota.

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.