

‘Creamy Layer’ Principle: A Comment

The matter of excluding the “creamy layer” from quotas is the subject of two comments and the author of the original article (November 11) replies to the comments.

K SUNDARAM

In an elegant note (*EPW*, November 11, 2006), S Subramanian offers a strong case for not excluding the so-called “creamy layer” from the benefits of affirmative action for the socially disadvantaged groups in India.

In arguing his case, Subramanian sets up a mechanism of compensatory discrimination in a format akin to a handicap race with a common finishing line with only those crossing that line being selected – in his example, for admissions to higher education courses. In particular, in his scheme, there are no pre-assigned quotas for any socially disadvantaged groups.

Now the issue of exclusion of the “creamy layer” has come up precisely in the context of a quota regime with strong restrictions on the transferability of seats/jobs from the quota pool to the general category. In the context of admissions to the graduate and postgraduate courses, typically, this regime is operated with lower eligibility requirements for the reserved category students. To illustrate, for admission to the master’s programme in economics in Delhi University, while the minimum eligibility requirements for the general category is 50 per cent in an honours programme, for the reserved category student, it is a pass in the BA programme. In this respect, the reservation system in operation is similar to the scheme of compensatory positive discrimination outlined in Subramanian’s note. However, and this is the crucial difference, in a quota regime, the quota seats will first be filled from all eligible reserved category students, with the further provision that, all those among them making the “cut” on the basis of

the cut-offs for the general category students are not to be counted towards the filling-up of the quota. It is only when the number of eligible applicants falls below the number of reserved seats that they get transferred to the general category. In fact, in the matter of jobs, the reserved jobs are not transferable at all.

In the sort of quota regime outlined above, two issues seem to be important in deciding on the creamy layer principle.

First, whether, in a non-quota regime, the creamy layer gets a fair representation in, say, the admissions to the undergraduate and postgraduate courses. Second, whether the exclusion of the creamy layer so depletes the pool of the eligible candidates that there are not enough of them to fill the quota.

Both of these are essentially empirical questions. In seeking an answer, it is important to define the creamy layer more narrowly than a simple poor-rich categorisation where the latter category covers over 50 per cent of the population – over 70 per cent in the case of the OBCs.

Extending the analysis reported in my recent paper (*EPW*, December 16-22, 2006), I have looked at the picture for those located in the expenditure class interval that defines the top 5 per cent of the total population as per the

NSS 55th Round Survey, 1999-2000.

To form a judgment of outcomes in the absence of a quota regime, I will focus on the OBCs.

Focusing on the urban youth in the 17-25 age-group (the relevant age-group for analysing representation in higher education) in the expenditure class defining the top 5 per cent of the all-India urban population, the OBCs, with a 19.4 per cent share of the total population (all social groups taken together), have a 20.3 per cent share in the population with a higher secondary certificate in that expenditure class and, a 20.6 per cent share of those attending undergraduate courses with higher secondary as their highest level of completed education and located in that class-interval.

Clearly, in such a situation the creamy layer among the OBCs would, as they indeed did in 1999-2000, have their fair share of undergraduate seats even when they are kept out of the ambit of a quota system.

Among the OBCs, those located in the expenditure class defining the top 5 per cent of the total all-India urban population (with a 3.1 per cent share in the total OBC population in the 17-25 age-group) accounted for 7.9 per cent of the OBCs in this age-group with a higher secondary certificate and for 12.2 per cent of OBCs with a higher secondary certificate and attending undergraduate courses, also in the same age-group. Excluding this creamy layer of the OBCs from the ambit of quotas will, therefore, still leave over 92 per cent of the OBCs with a higher secondary certificate available to fill the “quota” seats without “risking” transferring seats to the “general category” and, without denying those in the creamy layer their fair share of seats in higher education.

Table: Intra-Social-Group Inequality in Access to Higher Education of Population in the 17-25 Age-Group in Urban India: 1999-2000
Value of Gini Coefficient

S No	Social-group	ST	SC	OBC	Others
	Access to Higher Education				
1	Completed higher secondary	0.3577	0.3951	0.2816	0.2397
2	Attending “graduate and above” courses	0.5466	0.4756	0.3966	0.3247
3	Completed “graduate and above”	0.5601	0.4610	0.4527	0.3534

In such a scenario, with the creamy layer getting their fair share of seats in the absence of a quota and their exclusion still leaving enough number of eligible candidates from the disadvantaged groups to fill the quota seats, it is less than obvious that the exclusion of the creamy layer from the ambit of a quota regime will exacerbate prevailing caste disparities in the access to higher education.

Finally, a brief comment on Subramanian's assertion that: "It is well known that intra-group distribution of resources is more unequal among the forward than the backward castes" (p 4645). This again is an empirical issue. In the area of higher education, (whether in terms of completed levels of education or in terms of access to higher education in terms of proportions attending under-graduate courses), the evidence does not support this assertion. As can be seen in the accompanying table in respect of urban youth in the 17-25 age-group, relative to the distribution of population of each

social group across expenditure groups defining quintiles of the total urban population, the distribution of population with a higher secondary certificate or of those currently attending undergraduate courses or of those with a "graduate and above" level of completed education, is in fact more unequal among the backward castes than among the forward castes. So that, even as one accepts the need to address inequalities in access to higher education among the forward castes by substantially expanding the availability to them of means-based scholarships, there is a strong case for excluding the creamy layer of the backward castes in a quota regime. Such an exclusion will significantly raise the access to higher education of the overwhelming majority of eligible backward caste population, even as their creamy layer gets its fair share of opportunities for higher education while being kept out of the quota regime. **EPW**

Email: sundaram@econdse.org