

Government of West Bengal
Backward Classes Welfare Department
Administrative Building of SDO, Bidhannagar
DJ-4, Sector- II, Salt Lake City, Kolkata – 700091
Website : www.anagrasarkalyan.gov.in

No. 1204-SBCW/MR-67/10

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M E M O R A N D U M

Updated Guidelines for issuance of OBC Certificates

Guidelines for issuance of Other Backward Classes Certificates were issued vide Memo No. 1464-BCW/MR-59/10 dated 30.04.2010. Since then there have been a number of modifications / changes in the orders and notifications necessitating modification of such guidelines.

Therefore, in supersession of the previous guidelines issued in this respect and in compilation and amplification of the provisions already altered the Governor is pleased to issue the following guidelines for receipt and disposal of applications for issuance of OBC Certificates.

1. **Provision for Identification**-There is no Act regulating identification of persons belonging to Other Backward Classes (OBC). The relevant procedures and provisions applicable for identification of SC & ST as entailed in The SC&ST (Identification) Act 1994 and rules framed there under will be applicable for identification of OBC persons *mutatis mutandis* with appropriate modifications.
2. **Nomenclature**: Caste Identification Certificate issued to OBC person is popularly called as Caste Certificate. A format of Caste Certificate to be issued to OBC person is appended to these guidelines. The certificate format is enclosed.
3. **Certificate Issuing Authority**: As per Notification no-374 (71) –TW/EC/MR-103/94 dated 27/7/1994, the Sub Divisional Officer of a Sub-Division in a District is certificate issuing authority. In Kolkata such certificate is issued by such an officer as the State Government by modification authorizes. Accordingly, the District Welfare Officer, Kolkata and Ex-officio Joint Director, BCW has been notified to act as the certificate issuing authority in respect of Kolkata covering the jurisdiction of the Kolkata Municipal Corporation.
4. **Recommending Authority**: In a Block area, Block Development Officer is the Recommending Authority in respect of issuance of certificate. In Municipal areas, a Deputy Magistrate under a Sub-Division acts as Recommending Authority. In Kolkata, Backward Classes Welfare Officer, Kolkata acts as Recommending Authority. Backward Classes Inspectors or any other Officer of the same rank acts as enquiring officer in respect of issuance of caste certificate.
5. **Entitlement**:
 - a. Any person belonging to any of the category of communities as entailed in orders in the State of West Bengal may be identified to be a member of the OBC provided the incumbent does not belong to the 'creamy layer' i.e. his family income does not exceed the prescribed limit of Rs 6 Lakh subject to provision from time to time.
 - b. There is no age restriction for being eligible to apply for caste certificate. So no age proof for this purpose is necessary.
6. **Application**: Application for issuance of Caste Certificate can be filed online in the website address at www.castcertificatewb.gov.in. When an application is made online, the applicant gets an acknowledgement with a receipt number and with information as to the steps to be

taken by him to obtain the certificate. After filing the application, the applicant will have to download a copy of the filled in application along with the acknowledgement and then submit the filled in application duly signed along with the documents, if any, in support of his claim on the 2nd and 4th Wednesdays of a month within **60 days** from the date of filing of his online application. The applicant will have to upload his current passport size photograph at the time of filing the application. On the date of his appearance at the concerned Block/Sub-Division Office he will have to bring originals as well as copies of his documents for verification by the officials. Self attested copies of all the documents, excepting attested copies proving his non-creamy layer status for each application as required will be accepted subject to verification with the originals. In addition to these documents, proof of residing in West Bengal prior to the cut-off date (15/03/93) is also required.

7. **Intimation under Right to Public Services Act:** As issuance of Caste Certificate has been brought under the purview of the West Bengal Right to Public Services Act, 2013, (WBRTPSA 2013) a receipt in Form 1 will also be given to the applicant on submission of the physical copy of the application along with all the documents. (Form 1 will be issued subject to Rule 5, WB RTPS Rules, 2013)
8. **Requirements for obtaining a Caste Certificate:** In order to obtain a Caste Certificate for OBC an applicant has to fulfill the following criteria:
 - a) The applicant must be a citizen of India.
 - b) He has to be a permanent resident of West Bengal since 15/3/1993.
 - c) He is an ordinary resident at the address currently residing.
 - d) He belongs to the said category he/she claims to belong to.
 - e) His identity.
 - f) That the applicant does not fall under 'creamy layer'.

The online application covers all such points and allows the applicant to submit documents / evidence in support of his claim.

9. **Eligibility Criteria (Criteria in details):**

- a) For Citizenship : Citizenship of an applicant may be ascertained from any of the following documents:
 - i) Citizenship Certificate
 - ii) Voter Identity Card of self or parent(s) (EPIC)
 - iii) Authenticated Voter List of self or parent(s)
 - iv) Permanent Account Number (PAN) Card of self or parent(s)
 - v) Birth Certificate from Competent Authority
 - vi) Caste Certificate of father/ Caste Certificates of persons having direct blood relations with the applicant from paternal side
 - vii) Any Govt. Document proving citizenship

Note: Validity and veracity of any of these documents can only be questioned only when there is valid reason to believe that such document might have been procured through misrepresentation of facts.

- b) Permanent residence : Permanent residence of an applicant may be ascertained from any of the following documents:
 - i) Land deed or land tax receipt
 - ii) Voter List proving residence since 15/03/1993
 - iii) Birth Certificate proving residence since 15/03/1993
 - iv) Ration Card proving residence since 15/03/1993

- v) Caste Certificate of parent(s)
- vi) Any Govt. Document proving permanent residence since 15/03/1993.

Note: Normally a person with authentic documents can be accepted as a permanent resident of West Bengal if no contrary evidence is available.

- c) For local residence : One of the following documents may be accepted
 - i) Land deed or land tax receipt
 - ii) Voter Identity Card of self or parent(s)
 - iii) Certificate from Competent Authority
 - iv) Caste Certificate of parent(s).
 - v) Birth Certificate
 - vi) Ration Card
 - vii) Rent receipt
 - viii) Pass Book of a Nationalized Bank, Gramin Bank, Post office or Co-operative Bank
 - ix) BPL Card
 - x) Any Govt. Document proving local residence.
- d) Caste identity : One of the following documents may be accepted:-
 - i) Caste certificate of any relatives having blood relation with the applicant from paternal side and proof of such relation (genealogical tree/ chart)
 - ii) Copy of old land deed (prior to 1950) specifying community name in that document
 - iii) Any Govt. Document proving Caste identity.
- e) For identity : One of the following documents may be accepted:-
 - i) Admit Card
 - ii) EPIC of the applicant.
 - iii) PAN Card
 - iv) Birth Certificate from Competent Authority
 - v) Identity Card by Employer /Educational Institution
 - vi) Pass Book of Bank Account
 - vii) BPL Card.
 - viii) Any Govt. Document proving identity

Note 1: *In the lists above, certificate from Prodhan, Chairman of Municipality or Councilor of Municipal Corporation, MLA, MP etc. has not been included. In case of non-availability of certificates/documents as mentioned at 8 (a) to (e) , any of these certificates together with reports of enquiry and hearing are to be taken into consideration for determination of eligibility.*

Note 2: *It is to be mentioned here that the applicant has the right to apply even without any documentary proof in support of his claim and no application shall be rejected merely on the ground of non-availability of documentary evidences about caste identity, residence or citizenship. In such cases, certificates from the Prodhan of the local Gram Panchayat, Chairman of the local Municipality or the local Councilor of the Municipal Corporation along the findings of the enquiry shall be considered to be sufficient. Proper accent, in these instances should be given to the local enquiry and hearing of the applicant.*

Note 3: *One document like EPIC can be a proof of a number of items like identity, address, citizenship etc.*

10. Procedure for disposal :

- A. An application filed online is received in Block offices in respect of the applicants living in Block areas and in Sub-Division offices for applicants living in Municipal areas within the

Sub-Division. In case of Kolkata, such applications are received at the office of the District Welfare Officer, Kolkata. On the appointed date i.e. on 2nd and 4th Wednesdays of a month and within 60 days from the date of filing the application, the applicant has to appear with physical copy of the application and documents for verification. The concerned B.C.W. Inspector / authorized officer under WBRTPSA, 2013 shall receive such application, issue receipt, verify documents and upload scanned copies of such documents as presented by the applicant and felt relevant by the official in disposing of the application. He will put his recommendation therein. The concerned BCW, Inspector / Addl. Inspector / Extension Officer etc. if satisfied, with the documentary evidence shall forward his recommendation online to the BDO. He will mention specifically as to how he has been satisfied about each of the criteria and relate documents to each of them. Obviously the recommendation needs to be clear, specific and speaking.

- B. **Procedure for disposal of application when no documentary evidence is available**-It is apparent that most of the applicants for OBC certificates are unable to produce such certificate of paternal blood relation as a proof of class identity. This is more so in view of a number of classes being added to the list of OBCs. In those cases, their class identity is to be decided on field enquiry and public hearing. In such cases, to facilitate easy identification, in deserving cases, an affidavit from the applicant in the format attached to this order, may be obtained wherein the applicant is to declare his eligibility to obtain OBC certificate. Unless there is any contrary evidence received during field enquiry and hearing, normally the affidavit shall be acceptable for ascertaining his class status and eligibility. In case of subsequent determination of resorting to falsehood in procuring the caste certificate the applicant may also be charged with perjury as is provided for in the law of the land.
- C. It is often alleged that an applicant is asked to furnish declarations by five to ten persons of the applicant's locality certifying the applicant's class identity. Often such declaration is demanded from Teachers or Govt. Officials. It is hereby clarified that such declaration is not needed for disposal of an application for OBC certificate. Where documentary proof as to eligibility to obtain OBC certificate is not available, field enquiry and/or public hearing is to be held. In such enquiry, evidences from local persons are to be recorded and depositions from local persons may be taken. An application for OBC certificate without any documentary proof or with insufficient documentary proof submitted along with the application is to be disposed of as per findings of the field enquiry / subsequent hearing together with affidavit and certificate from local Panchayat / Municipality. An alternative approach can be issuance of OBC certificates in camp mode, wherever it is applicable, as the camp itself draws independent crowd.
- D. When an application is accompanied by a caste certificate issued to a relative of the applicant from paternal side having blood relation with the applicant and the relationship as well the veracity of the certificate thus submitted is established, the application for caste certificate can be accepted without further enquiry subject to the applicants' belonging to non-creamy layer. In case there is doubt as to genuineness of the certificate submitted as reference or the non-creamy layer status the matter needs to be enquired into in detail. In that case, acceptance of the application shall strictly be subjected to findings of such enquiry.
- E. **Regarding determination of 'Creamy Layer', the following points shall be considered:**
- i. **First, status of the parents (not of the applicant) is to be ascertained.** If any of the parents of the applicant holds a constitutional post or belong to Class I or Group 'A' service of the Central or State Government before the age of 40, he is considered to belong to 'creamy layer'. If both of the parents belong to class II or Group 'B' service the

- Central or State Government before the age of 40, he is considered to belong to 'creamy layer'. If such parents retire or die after retirement, the status will remain unchanged. If, however, parents die or suffer permanent incapacitation during service, the applicant shall not fall under 'Creamy Layer'.
- ii. Criteria prescribed for determining creamy layer status of sons and daughters of persons in Government service *mutatis mutandis* applies to the sons and daughters of persons holding equivalent or comparable posts in PSUs, Banks, Insurance Organisations, Universities, Educational Institutions and also holding equivalent or comparable posts in private employment. Where such comparison is not possible, Income /Wealth test as prescribed is to be applied.
 - iii. **When creamy layer status of an applicant is determined on the service / post held by his parent(s)**, their income from salaries are not to be taken into account. Thus, the employees in Government Departments, PSUs, Banks, Insurance Organisations, Educational Institutions, will not fall under the 'Creamy Layer' category unless income from other sources alone (without clubbing the income from salaries or agricultural land) touches the prescribed limit of Rs. 6 lakh.
 - iv. **As per Income / Wealth Test, income of the parents from the salaries and from the other sources [other than salaries and agricultural land] is determined separately.** If either the income of the parents from the salaries or the income of the parents from other sources [other than salaries and agricultural land] exceeds the limit of Rs.6.0 lakh per annum or possess wealth above the exemption limit prescribed in the Wealth Tax Act for a period of three consecutive years, the sons and daughters of such persons shall be treated to fall in creamy layer. But the sons and daughters of parents, whose income from salaries is less than Rs.6 lakh per annum and income from other sources is also less than Rs.6 lakh per annum, will not be treated as falling in creamy layer even if the sum of the income from salaries and the income from the other sources is more than Rs. 6.0 lakh per annum for a period of three consecutive years. It may be noted that income from agricultural land is not taken into account while applying the Test. This test is applicable to persons not having salary income or having salary income but having salary income but their service status not being comparable with that of the Central or State Government.
- F. An application for caste certificate shall ordinarily be disposed of within four weeks from the date of receipt of the application (Subject to Rule 4, 5, of RTPS Rule 2013). The date on which the physical copy of the application along with all the supporting documents is received shall be treated as the date of receipt of the application in respect of issuance of Form 1 and the stipulated time shall be calculated on the basis of that date.
 - G. The certificate issuing authority needs to keep in mind that the caste certificate is either issued or denied on the basis of Sec 7 of the West Bengal Scheduled Castes and Scheduled Tribes (Identification) Act, 1994 which applies *mutatis mutandis* in case of issuance of OBC certificate. So it is desirable that a reasoned order of the issuing authority be kept with the case records (So that it can be referred to in case of exigency).
 - H. In any case, proper record of the information/evidence collected has to be kept and specific recommendation either in favour or against the applicant has to be forwarded to the Superior Authority. In case of hearing, the hearing has to be conducted by a Magistrate (In case of Kolkata BCWO Kolkata can conduct the hearing). All hearings must be arranged fixing date, time, place of hearing and persons to be heard beforehand. Record of the persons attending the hearing, summary of their deposition and the findings of the hearing are to be recorded for arriving at proper conclusion regarding the applicant.

11. Caste Certificate to migrants:

- a. When a person migrates from one State to another after the dates of notification introducing reservation for Other Backward Classes (15/03/1993), he can claim to belong to Other Backward Classes only in relation to the State he originally belonged and not in respect of the State to which he has migrated. A person of OBC community migrated to West Bengal from other States after 1993, is not entitled to the benefits provided by the State Government to the persons belonging to OBC, though the class he or she belongs to is listed as OBC in West Bengal. In case of such persons who are born after the date of notification of the relevant Order, the place of residence for obtaining OBC status is the permanent abode of their parents at the time of the notification. In case of issuance of OBC certificate to migrated persons the caste to which he or she belongs should be categorically mentioned, both as far as their caste in Central List of the state of origin as well as the State List is concerned.
- b. Issuance of caste certificate to the migrants is not covered under the on-line system. Caste certificate to such a person can be issued in a different format also appended to these guidelines. In these cases, on application, the certificate issuing authority may issue caste certificate on production of genuine certificate issued to the **father** by the prescribed authority of the concerned State of father's origin. The certificate issuing authority may also cause detailed enquiry in the applicant's State of origin. The certificate will be issued irrespective of whether the caste / tribe in question are scheduled in west Bengal. However, this certificate holder is not entitled to benefits of reservation granted by the Govt. of West Bengal.

12. **Scrutiny Committee and District Vigilance Cell:** State Scrutiny Committee set up by the State Government with the Secretary, BCW Department as the Chairperson shall deal with matters relating to issuance of OBC certificates also. The State Scrutiny Committee verifies the social status of a person in whose favour a certificate has been issued. There is also a Vigilance Cell constituted in every district with the Additional District Magistrate as Chairperson to enquire into the social status of a person in whose favour a certificate has been issued.

The Scrutiny Committee and District Vigilance Cell shall exclusively deal with cases arising out of complaints in regard to impounding / revocation of certificates.

13. **Cancellation, impounding or revocation of caste certificate:** The provisions and procedures as applicable for similar actions for SC&ST Certificates are applicable here *mutatis mutandis*.
14. **Renewal of Caste Certificate of OBC:** Since issuance of OBC certificate is dependent on the 'Creamy layer' status which is supposed to change in every year so the certificate holder may approach for revalidation/renewal of the certificate. In fact this revalidation/renewal is of vital importance in regard to securing an employment. Consequently if someone approaches for renewal/revalidation with an attested proof of not belonging to creamy layer status then the certificate can be renewed and fresh certificate issued. This is accommodated in the online system of issuance of certificate.
15. **Appellate Authority:** District Magistrate of the concerned district is the Appellate Authority in respect of certificates issued by a Sub-Divisional Officer of that district. In Kolkata, Divisional Commissioner, Presidency Division is the Appellate Authority. Decision of the Appellate Authority in cases of appeals is final.
16. **Some relevant points on issuance of caste certificate:**

- i. **Affidavit:** Certificate issuing authority may seek Affidavit when enquiry / hearing is inconclusive but the application contains strong possibility of being accepted. Formats have

been designed and appended to these guidelines. Though the format covers all points of eligibility, this is basically meant for cases where only the class identity requires further supporting information.

- ii. **Verification of genealogical chart:** A genealogical chart is normally submitted when an applicant submits copy of a caste certificate in support of his claim. The chart is to prove blood relationship of the applicant with the certificate holder. The chart may be certified by some authority, may be proven through some document or at times may be without any proof. The enquiring officer is to get the blood relation verified through documentary evidence, certificate or through local enquiry before recommending for acceptance.
- iii. **Cases of adoption:** Similar provisions in regard to SC/ST cases are applicable. It is advised that such cases may be referred to the administrative department with all the relevant papers, detailed case records and enquiry report for advice.

List of Annexure:-

1. Format of caste certificate
2. Format of Affidavit by the applicant himself
3. Format of Affidavit by parent of applicant.

Principal Secretary
to the Government of West Bengal



GOVERNMENT OF WEST BENGAL

OFFICE OF THE SUB-DIVISIONAL OFFICER

SUB-DIVISION

DIST. -

CERTIFICATE FOR OTHER BACKWARD CLASSES

Certificate No. -

Date :

This is to certify that son/daughter of

of village

P.O. P.S.

in the district of the state of belongs to the

community which is recognised as a Backward Class (Other Backward Class - Category A/B) by the Government of West Bengal, Under:-

and as a Backward Class by the Government of India for the State of West Bengal, under:-

and his/her family ordinarily reside(s) in the

District of of the state

This is also to certify that he does not belong to the category of persons/section (Creamy Layer) to whom reservation shall not apply as provided in Schedule II under Section 4 of the West Bengal Backward Classes (other than Scheduled Castes and Scheduled Tribes) (Reservation of Vacancies in Services and Posts) Act, 2012 or in Column No. 3 of the Schedule to the Govt. of India, Department of personnel & Training O.M. No. 36012/22/93-Estt (SCT) Dated 8-9-93, last revised vide O.M. No. 36033/1/2013 dated the 27th May, 2013.

Place :

Date :

Attach applicant's recent passport size photograph duly attested

Office Seal

Sub-Divisional Officer

DIST. -

STATE -



GOVERNMENT OF WEST BENGAL
OFFICE OF THE SUB-DIVISIONAL OFFICER

_____ SUB-DIVISION
DISTRICT _____

CERTIFICATE FOR OTHER BACKWARD CLASSES
(Issued to applicants migrated from other States)

Certificate No _____

Date : _____

This is to certify that son/daughter of
..... of village
P.O. P.S. in the District
of the state of belongs to the
community which is recognised as a Backward Class (Other Backward Class) by the Government of
..... (Mention the name of the State from which the person has migrated) under:-

.....
(mention the relevant notification/resolution of the state from which migrated)

.....
and as a Backward Class by the Government of India for the State of
(mention the name of the state from which the person has migrated) under :-
..... and his/her family ordinarily reside(s) in the District
of of the State

This is also to certify that he does not belong to the category of persons/section (Creamy Layer) to whom reservation shall not apply as provided in Column No. 3 of the Schedule to the Govt. of India, Department of personnel & Training O.M. No. 36012/22/93-Estt (SCT) Dated 08.09.93, last revised vide O.M. No. 36033/1/2013 dated the 27th May, 2013 or

.....
(quote relevant order of the concerned State Government)

This certificate is issued on the basis of the Other Backward Classes Certificate issued to
Shri/Shrimati
father of Shri/Shrimati/Kumari
of Village/town in District/Division
of the State/Union Territory who belongs to the
..... Class which is recognised as Other Backward Class of that State.

Place:

Date:

Attach
applicant's
recent passport
size photograph
duly attested



Sub-Divisional Officer

Dist. _____

State _____

Format for Affidavit by the Applicant for his / her own OBC Certificate

(To be sworn in before the 1st Class Judicial Magistrate / Executive Magistrate on NJ stamp paper of Rs.10/-)

I, Shri / Smt son / daughter of Shri
....., presently residing at (Address)
.....
....., have applied for OBC certificate for myself
and hereby declare that:-

1. I am a citizen of India;
2. I am a permanent resident of West Bengal since 1993, the permanent address being
.....
..... ;
3. I am a resident of the address declared above;
4. I belong to class which is recognized as Other Backward Class in West Bengal;
5. None of my parents is a Group A / Class I Officer under Central / State Government or belong to any service in any PSU, Bank, Insurance Company, Educational Institution or in private employment, comparable with Group A / Class I service under Central / State Government or holds any Constitutional post;
6. None / only one (Father or Mother[strike out whichever is not applicable]) of my parents is a Group B / Class II Officer under Central / State Government or belong to any service in any PSU, Bank, Insurance Company, Educational Institution or in private employment, comparable with Group B / Class II service under Central / State Government;
7. Annual income of parents from salaries is Rs. (in words)
.....;
8. Annual income of parents from other sources including business or profession is Rs..... (in words)
9. I do not belong to 'Creamy Layer' as defined in the relevant Government Order issued for the purpose of issuance of OBC certificate;

I further certify that the information given above in respect of myself is fully correct and I take full responsibility of the accuracy of this statement. If at any point of time a part of the statement is found to be incorrect, I shall have to forfeit the benefit received and shall also be liable to be punished under Section 193 of the Indian Penal Code.

Format for Affidavit by Parent for his / her ward's OBC Certificate

(When the applicant is a minor)

(To be sworn in before the 1st Class Judicial Magistrate / Executive Magistrate on NJ stamp paper of Rs.10/-)

I, Shri / Smt son/daughter
of Shri, presently residing at
(Address)
....., have applied for OBC certificate for my
son / daughter / ward and hereby declare that:-

1. My son / daughter / ward is a citizen of India;
2. I am a permanent resident of West Bengal since 1993, the permanent address being
.....
..... ;
3. My son / daughter / ward is a resident of the address declared above;
4. My son / daughter / ward belongs to class which is recognized as Other Backward Class in West Bengal;
5. Neither me nor my spouse is a Group A / Class I Officer under Central / State Government or belong to any service in any PSU, Bank, Insurance Company, Educational Institution or in private employment, comparable with Group A / Class I service under Central / State Government or holds any Constitutional post;
6. None / only one of us [me or my spouse] is a Group B / Class II Officer under Central / State Government or belong to any service in any PSU, Bank, Insurance Company, Educational Institution or in private employment, comparable with Group B / Class II service under Central / State Government;
7. Annual income of us from salaries is Rs..... (in words)
..... ;
8. Annual income of us from other sources including business or profession is Rs..... (in words)
9. My son does not belong to 'Creamy Layer' as defined in the relevant Government Order issued for the purpose of issuance of OBC certificate;

I further certify that the information given above in respect of my son / daughter / ward is fully correct and I take full responsibility of the accuracy of this statement. If at any point of time a part of the statement is found to be incorrect, My son / daughter / ward shall have to forfeit the benefit received and both my son / daughter / ward and I shall be liable to be punished under Section 193 of the Indian Penal Code.