Guidelines for obtaining OBC certificate

Mains syllabus: *GS1 - population and associated issues, poverty and developmental issues, their problems and their remedies.*

GS2 – Governance and Social justice

Why in news?

Recently, the Supreme Court had flagged the lack of guidelines on issuing Other Backward Class (OBC) certificates to the children of single mothers.

What is an OBC Certificate?

- **OBC certificate** – It is a certificate, which are *issued to Backward Class communities* which are listed by the Indian central Government as OBC (Other Backward Castes).
- **Issued by** – State government authorities, including the District Magistrate, Sub-Divisional Magistrate, and Tehsildar, among others.
- **Classification** – It is further classified into ***creamy layer and non-creamy layer.***
- **Criteria for classification** – It is based on *wealth, income limits, government employment criteria* etc.

S.No	Creamy Layer	Non-creamy layer
1	**Income-** Above 8 lakh	**Income-** Below 8 lakh
2	**Family income-** Above 8 lakh (agriculture income will not include)	**Family income-** Below 8 lakh (agriculture income will not include)
3	In the case of any competitive exam, you are not eligible to take a relaxation	You enjoy the benefits including age relaxation and competitive exam
4	No requirement for any certificate	For reservation, you need to require to submit an OBC certificate

- **Applicability –** *Only Non-creamy layer* classified person will be eligible to get an OBC certificate.
- **Usage** - This Certificate can be used for *scholarship in education and reservation in employment* under government.

Article 15 and article 16 *of the Indian constitution deals with reservations in education and employment for people belongs to Scheduled Caste (SC), Scheduled Tribes (ST), Economically Weaker Sections (EWS), and Other Backward Castes.*

Article 15 *of Indian Constitution deals with 'Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth'.* ***Article 16*** *deals with 'Equality of opportunity in matters of public employment'.*

To know about sub-categorization of OBC, click here

What are the existing guidelines for issuing OBC Certificate?

- **Existing provisions** – A child who is born from an inter-caste marriage typically *inherits the caste of the father*.
- A copy of an OBC certificate *from the father or blood relatives on the paternal side* should be attached to the application form for obtaining OBC Certificate for a child.

A woman who marries a man of a different caste cannot take on the caste of her husband.

- **Judicial basis** – In ***Rameshbhai Dabhai Naika vs. State of Gujarat*** case, the court examined the allocation of caste status of children born from inter-caste marriages, specifically *between SC/ST/tribal and non-SC/ST partners*.
- **Court Observation** – It held that, in an inter-caste marriage or a marriage between a tribal and a non-tribal, there may be a *presumption that the child has the caste of the father*.
- **Exception** – It also observed that, it is open to the child of such marriage to lead evidence to show that he/she was brought up by the *mother who belonged to the SC/ST*.
- If a *couple separates or divorces*, and the child is raised by a mother belonging to the SC or ST, the child may then assume her caste, if she is the sole caregiver.

Rumy Chowdhury v. The Department of Revenue, Government of NCT Delhi (2019)
• **Judgement** – For children to inherit the mother's caste, they have to produce *cogent evidence of being subjected to deprivation and disadvantages.*
Smti. Moonsoon Barkakoti v. The State Of Assam (2024)
• **Judgment** – It reaffirmed that caste identity in inter-caste scenarios depends *on actual lived experience and community integration*, not just paternal lineage.

What is the current issue?

- **Petition** – It is a pleas by a *single mother holding an OBC certificate* seeking the issuance of an OBC certificate to her child based on her own status.
- It also requested amending the current guidelines, which give primacy to patrilineal lineage on caste certification.
- **Issue** – The case raises *questions on gender equality under Article 14*.

Article 14 *of Indian Constitution deals with 'Equality before law'.*

- **Support from Centre** – The central government had issued that, ‘any child born to an OBC parent, either divorced or separated, should be entitled to an OBC certificate based on either parent credentials under whom he is in custody or being raised’.
- **Ministry of Social Justice** – In its affidavit, it said that *OBC castes and its related subjects are matters of individual states* in the country and states need to roll out the mechanism for the same.
- It also informed that, to issue OBC certificate based on the mother's credential alone, it must be clear that the child has been living with and has been brought up by mother alone.
- **Supreme Court** – It made clear that a *uniform framework is needed* in this aspect and it *would lay down guidelines* on the matter, refusing to leave the issue entirely to the states.

Reference

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