

Government of West Bengal
Backward Classes Welfare Department
Writers' Buildings, Kolkata – 700 001
Website: www.anagrasarkalyan.gov.in

M E M O R A N D U M

No. 1464-BCW/MR-59/10

Dated 30th April, 2010

Guidelines for issuance of OBC Certificate

The Government has been considering for some time past to issue comprehensive guidelines for disposal of applications for issuance of OBC Certificates, including fixing up the nature of documents required for establishing eligibility for getting such certificate.

Now, in compilation of orders issued from time to time as well as modification and amplification of such orders, the Governor is pleased to frame the following guidelines for receipt and disposal of applications for issuance of OBC Certificates:

1. Procedure for issuance of OBC certificates was issued vide Order No. 374(71) – TW / EC / MR – 103 / 94 dated 27th July, 1994. As per the said order, SDOs of the Sub-Divisions concerned and ADM, South 24 Pgs as assigned by DM, South 24 Pgs, are the competent authorities for issuance of OBC certificates in respect of Sub-Divisions and Kolkata respectively. A format of application form was also set up in the said order. The same competent authorities and the said format for application shall continue.
2. As regards the format for OBC certificate, the format circulated vide No. 899(85)-BCW/MR/42/10 dated 12/03/2010 shall continue. The format of OBC certificate is appended to this memorandum.
3. As regards recommendation for issuance of OBC certificates, BDOs in respect of concerned Blocks are the Recommending Authorities. In respect of municipal areas excluding Kolkata, such officers not below the rank of a Deputy Magistrate, as assigned by the SDO, are the Recommending Authority. In Kolkata, District Welfare Officer, Kolkata is the Recommending Authority.
4. It was also mentioned in the said order that the existing procedure for issue of caste / tribe certificate to the members of the SC/ST community shall be applicable, mutatis mutandis, in case of issue of certificates to the members of Backward Classes. This will also be generally applicable subject to modifications / clarifications issued vide this order.
5. Application for OBC certificate can be submitted by applicants living in Block areas to the concerned Block Offices, and by applicants living in municipal areas within a Sub-Division, to the concerned SDO offices. For Kolkata, such applications can be submitted to the office of the District Welfare Officer, Kolkata, who may also arrange to receive application in Borough offices of the Kolkata Municipal Corporation also. Concerned offices receiving applications shall invite the applicants for hearing on 2nd or 4th Wednesdays within 60 days from the date of application and ask them to come personally with all original documents furnished in support of their claims.

6. Now, for disposal of an application for OBC Certificate six criteria are required to be fulfilled. These are:
- a. The applicant must be a citizen of India.
 - b. He is a permanent resident of West Bengal since 15-03-1993.
 - c. He is an ordinary resident at the address currently residing.
 - d. He belongs to the said community/ class.
 - e. His identity.
 - f. The applicant does not fall under 'creamy layer'.

7. It is often alleged that the issuing authorities claim numerous documents in order to prove a single criterion. To remove any confusion on the requirement of documents to prove any of the criteria mentioned at point 6 above, it is clarified that any one of the documents listed below against each of the items shall be sufficient to prove that criterion. These are:

- a. For Citizenship-
- i. Citizenship Certificate.
 - ii. Voter I card of self or parent(s)
 - iii. Authenticated Voter list of self or parent(s)
 - iv. PAN Card of self or parent(s)
 - v. Birth Certificate from Competent Authority
 - vi. Caste certificate of parent(s)
 - vii. Any Govt. Document proving citizenship.

Note: Validity 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. For Permanent residence-
- i. Land deed or land tax receipt
 - ii. Voter list proving residence since 1993
 - iii. Birth Certificate proving residence since 1993
 - iv. Ration Card proving residence since 1993
 - v. Caste certificate of parent(s)
 - vi. Any Govt. Document proving permanent residence since 1993.
- c. For local residence-
- i. Land deed or land tax receipt
 - ii. Voter I 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 Nationalised Bank, Gramin Bank, Post Office or Co-operative Bank
 - ix. BPL Card
 - x. Any Govt. Document proving local residence

- d. Class identity –
 - i. Caste certificate of any paternal blood relation and proof of such relation
 - ii. Copy of old land deed (prior to 1950) specifying community name in that document
 - iii. Any Govt. Document proving class identity

- e. For identity -
 - i. Admit Card
 - ii. Voter I card
 - 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

- f. Creamy Layer -
 - i. Income Certificates of parents from employers (not more than three months old from the date of filing application)
 - ii. Income Tax Return for last three years of parents
 - iii. If not employed, income certificate from any competent authority (not more than three months old from the date of filing application)
 - iv. Any Govt. Document proving income of parents

8. In the lists above, certificate from Prodhan, Chairman of Municipality or Councillor of Municipal Corporation, MLA, MP etc. has not been included. In case of non-availability of certificates as mentioned at 7 (a) to (f), any of these certificates together with reports of enquiry and hearing are to be taken into consideration for determination of eligibility.

9. 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 class identity, residence or citizenship. In such cases, certificates from the Prodhan of the local Gram Panchayat, Chairman of the local Municipality or the local Councillor of the Municipal Corporation along the findings of the enquiry shall be considered to be sufficient.

10. As per existing orders, an applicant for OBC certificate has to be within the age bracket of 4 to 40 years to be eligible for applying. However, considering the fact that persons belonging to Other Backward Classes require OBC certificates beyond the age of 40 years also as job opportunities are open beyond this age limit, the orders imposing age restriction for being eligible to apply for OBC certificate is hereby withdrawn. Hence, no age proof for granting OBC certificate will be necessary.

11. 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 good number of classes being recently 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, 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.

- 12.** It is often alleged that an applicant is asked to furnish declarations by five or even ten persons of the applicant's locality certifying the applicant's class identity. Sometimes such declaration is demanded from Teachers or Govt. Officials. This causes undue harassment to the applicants. 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 or public hearing is to be held. In such enquiry / hearing, evidences from local persons are to be recorded. Depositions from local persons may also 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 / hearing together with affidavit and certificate from local Panchayat / Municipality.
- 13.** To facilitate timely disposal of all applications for OBC certificate, special camps are to be held at regular intervals. In such camps, receiving of applications, public hearing and distribution of certificates are to be made. Camps are to be organised in such a manner so that all applications are disposed of within eight weeks from the date of submission of such application. Such camps are to be organised in all the High and Higher Secondary Schools, as most of the applicants for OBC certificates are School or College students.
- 14.** Regarding determination of 'Creamy Layer', the following points shall be considered:

 - a. 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'.
 - b. 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.
 - c. 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. 4.5 lakh.

- d. 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.4.5 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.4.5 lakh per annum and income from other sources is also less than Rs.4.5 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. 4.5 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 their service status not being comparable with that of the Central or State Government.
- 15.** Ordinarily, an application for OBC certificate is to be disposed of within eight weeks from the date of its submission. The applicant has a right to know the status of his application, once filed. Hence, if demanded, status of his application, has to be provided to the applicant.
- 16.** A new format of application form for OBC certificate (with minor modifications on the existing format) has been developed and communicated to all concerned. Both the formats can be used for filing application for OBC certificate. The format is also available in the BCW Department website www.anagrasarkalyan.gov.in. The website may be visited regularly to find out the latest developments in this matter. All major policy decisions in respect of OBC certificates including latest lists of OBCs are available in the website.

Sk. Nurul Haque
Principal Secretary
to the Government of West Bengal

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.