

Reforming Caste Certification

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Reforming Caste Certification: Rights of Single Mothers and Children

Context

The Supreme Court has recently raised concerns over the absence of clear and uniform guidelines for issuing **OBC certificates** to children of **single mothers**. The issue has brought to light the challenges related to caste identity, gender equality, and constitutional rights in the certification process.

What is an OBC Certificate

- An **OBC (Other Backward Class) certificate** is issued to individuals belonging to communities identified by the **Central Government** as socially and educationally backward.
- It is issued by **state government authorities**, including the **District Magistrate, Sub-Divisional Magistrate, and Tehsildar**.
- OBCs are divided into two categories:
 - **Creamy layer**
 - **Non-creamy layer**
- The classification is based on factors such as **income level, wealth, and employment in government services**.
- Only individuals from the **non-creamy layer** are eligible for reservation benefits.
- The certificate is used to claim benefits in **education scholarships** and **reservation in**

government employment.

Constitutional Provisions:

- **Article 15** prohibits discrimination based on **religion, race, caste, sex, or place of birth.**
 - **Article 16** guarantees **equality of opportunity** in public employment, including provisions for **reservations** to SC, ST, OBC, and EWS categories.
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Existing Guidelines for Issuing OBC Certificates

- Caste is generally inherited from the **father** in accordance with traditional norms.
- To obtain an OBC certificate for a child, a copy of the **father's OBC certificate** or that of a paternal relative is typically required.
- A woman **does not acquire** her husband's caste after marriage.

Judicial Precedents:

1. Rameshbhai Dabhai Naika v. State of Gujarat

- In inter-caste marriages, a child is presumed to inherit the **father's caste.**
- However, a child raised by the **mother belonging to SC/ST** may claim her caste if there is **sufficient evidence** of upbringing and social environment.

2. Romy Chowdhury v. Department of Revenue, Delhi (2019)

- Children seeking to inherit the **mother's caste** must provide **clear evidence of social disadvantage or deprivation.**

3. Smti. Moonsoon Barkakoti v. State of Assam (2024)

- Reaffirmed that caste identity depends on **actual lived experiences** and **community integration**, rather than solely on **paternal lineage.**

Current Issue before the Supreme Court

- A petition was filed by a **single mother** who holds an **OBC certificate**, seeking the same status for her child.
- The plea also sought a revision of existing rules that give **primacy to patrilineal lineage** in caste certification.
- The case raises issues under **Article 14**, which ensures **equality before the law**.

Response from the Central Government and Ministry

- The **Central Government** clarified that a child born to **divorced or separated OBC parents** is entitled to an OBC certificate based on **either parent's caste**, depending on **custody and upbringing**.
- The **Ministry of Social Justice** stated that the matter of OBCs falls under the **jurisdiction of individual states**, and they must create appropriate mechanisms.
- It also noted that in order to issue an OBC certificate **based solely on the mother's credentials**, there must be **clear evidence** that the child is being **raised exclusively by the mother**.

Supreme Court's Stand

- The Supreme Court emphasized the need for a **uniform national framework** on this matter.
- It stated that the issue cannot be left entirely to the discretion of individual states.
- The Court has decided to **formulate guidelines** to ensure **gender-neutral** and **legally sound** implementation of OBC certification for children of single mothers.