

Other Backward Classes in West Bengal (1993-2026): Policy Developments and Constitutional Challenges

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ABSTRACT

This article explores the evolution of the OBC reservation policy in West Bengal, from the 1993 West Bengal Commission for Backwards Classes Act to the recent legal and political changes in 2026. Using legislative records, court rulings, ethnographic research, and policy analysis, it demonstrates that West Bengal serves as a key example of the constitutional tensions present in India's affirmative action policies. The state's path shows how political motives, executive actions, judicial oversight, and social movements have shaped a policy environment marked by regular expansion, legal disputes, and procedural uncertainties. The developments between 2024 and 2026, including the National Commission for Backwards Classes proposal to remove 35 Muslim communities from the Central OBC list and the Supreme Court's intervention, point to a significant redefinition of how state political majorities and constitutional rules influence backwards class designations.

Keywords: *Other Backward Classes, Reservation Policy, Constitutional Law, Judicial Review, Muslim Backward Classes, Creamy Layer*

The implementation of the OBC reservation policy in West Bengal occupies a distinctive position within India's affirmative action landscape. Unlike states such as Tamil Nadu, where a consolidated OBC list has remained relatively stable since the 1980, Bihar, where the implementation of the Mandal Commission recommendations produced immediate political realignment, West Bengal has experienced a unique trajectory characterised by gradual institutionalisation under the Left Front (1977-2011), followed by accelerated expansion under the Trinamool Congress (2011-present), and culminating in sustained judicial contestation that has fundamentally reshaped the policy (Tillin, 2007).

This distinctiveness derives from three intersecting factors. First, West Bengal possesses one of India's largest Muslim populations, constituting 27.01% according to the 2011 Census, and the state's OBC policy has increasingly become a site for addressing Muslim socio-economic backwardness. This feature distinguishes it from northern Indian states, where OBC lists remain predominantly organised around Hindu caste categories (Census of India, 2011). According to recent political analyses, Muslim voters constitute approximately 27% of the state's population and have historically formed a consolidated vote bank for the Trinamool Congress (Banerjee, 2026). Second, the state's political economy, shaped by decades of Left

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Front governance, produced a distinctive approach to social welfare that prioritised class-based redistribution while simultaneously accommodating caste-based affirmative action, thereby generating internal contradictions (The Indian Express, 2024). Third, the state's judiciary, particularly the Calcutta High Court, has emerged as a particularly active site of constitutional review, producing a series of judgments that have progressively narrowed the scope of executive discretion in OBC identification (News on AIR, 2025).

This article traces the historical trajectory of OBC policy in West Bengal across three analytical phases (1) the foundational period (1993-2011), during which the institutional framework was established and the initial OBC list was consolidated, (2) the expansionary period (2011-2024), marked by significant enlargement of the OBC list, particularly among Muslim communities, and the enactment of enabling legislation and (3) the juridical period (2024-2026), characterised by sustained judicial intervention that has called into question the constitutional validity of the state's approach, including recent developments involving the National Commission for Backward Classes (NCBC) and the Supreme Court (Dhyeya IAS, 2025). The central argument is that the West Bengal experience illuminates fundamental tensions within India's constitutional framework between executive flexibility and procedural rigour, between political responsiveness and constitutional principle, and between state-level policy innovation and centralised judicial oversight.

REVIEW OF RELATED LITERATURE

Tillin (2015) analyses asymmetry in Indian federalism, showing how states adopt varied approaches to policies such as reservation, which is relevant for understanding differences in OBC policy in West Bengal.

Hasan (2009) examines affirmative action and identity politics, highlighting how caste and minority inclusion shape reservation policies in India, relevant to OBC dynamics in West Bengal.

Jaffrelot, in *India's Silent Revolution: The Rise of the Lower Castes in North India* (2003), analyses the political rise of lower castes and the expansion of affirmative action, providing insights relevant to OBC mobilisation and policy in West Bengal.

Moinuddin (2003) critically examines the estimation and representation of the OBC population in West Bengal, highlighting gaps in data and policy relevance for reservation frameworks.

Galanter in *Competing Equalities: Law and the Backward Classes in India* (1984) provides a foundational analysis of reservation policy, arguing that affirmative action in India reflects a balance between formal equality and social justice. His work highlights the legal and constitutional basis for identifying backward classes, which is crucial for understanding OBC policy developments in West Bengal.

Objectives

- To examine the evolution and implementation of the OBC policy in West Bengal from 1993 to 2026.
- To assess the constitutional challenges arising from it, particularly in light of *Indra Sawhney vs Union of India* and the 2024 judgment of the Calcutta High Court.

METHODOLOGY

This study identifies a qualitative, interdisciplinary methodology that combines legal, historical, and socio-political analysis. It employs a doctrinal approach to examine constitutional provisions and judicial decisions, particularly *Indra Sawhney vs Union of India* and the 2024 judgment of the Calcutta High Court. The research is based on secondary sources, including government reports, policy documents, academic literature, and media articles. A historical method is used to trace the evolution of OBC policy in West Bengal from 1993 to 2026, while analytical and interpretative techniques are applied to assess issues such as the creamy layer principle, inclusion criteria, and constitutional challenges.

- **The Constitutional Backward Classes Policy:**

The constitutional basis for OBC reservation lies in Articles 15(4), 16(4), and 340 of the Constitution of India. Article 15(4), inserted by the First Amendment in 1951, empowers the state to make special provisions for the advancement of any socially and educationally backward classes of citizens, or for the Scheduled Castes and the Scheduled Tribes. Article 16(4) similarly permits the state to make provisions for the reservation of appointments or posts in favour of any backward class of citizens that, in the opinion of the State, is not adequately represented in the services under the State (Mitra, 2026).

The interpretive flexibility of these provisions has generated sustained constitutional litigation. The foundational judgment in *State of Madras vs Champakam Dorairajan* (1951) initially struck down caste-based reservations, prompting the First Amendment that introduced Article 15(4) (OBC Rights, 2026). The subsequent evolution of jurisprudence has progressively refined the criteria for backward class identification, with the *Indra Sawhney vs Union of India* (1992) judgment representing the watershed moment that established the creamy layer exclusion, mandated that backwardness be determined by social and educational criteria rather than economic factors alone, and upheld the 50% ceiling on total reservations (Nath, 2026).

- **The Principle of Creamy Layer & Non-Creamy Layer:**

The creamy layer, established in *Indra Sawhney* and reaffirmed in *Jarnail Singh vs Lachhmi Narain Gupta* (2018), requires excluding more advanced sections within OBC communities from reservation benefits. As of 2026, the income threshold for creamy layer exclusion is set at ₹8 lakh per annum for the family, excluding agricultural income and salary for government jobs. This threshold has evolved: it was ₹1 lakh in 1993, ₹2.5 lakh in 2004, ₹4.5 lakh in 2008, ₹6 lakh in 2013, and ₹8 lakh in the current framework. Children of Group A/Class I government officers, constitutional post-holders, and families exceeding the income limit are classified as the creamy layer and are not entitled to reservation benefits. The doctrine is designed to ensure that affirmative action benefits reach the truly disadvantaged, preventing them from being captured by already advantaged groups (OBC Rights, 2026).

- **Muslim inclusion in OBCs policy:**

On 9 March 2005, the PMO issued the Notification for the constitution of the High-Level Committee to prepare the Report on the Social, Economic and Educational Status of the Muslim Community of India (Prime Minister's High-Level Committee, 2006). The Sachar Committee Report (2006) provided authoritative empirical documentation of Muslim socio-economic deprivation, revealing that Muslims across India lagged behind Hindus, Scheduled Castes, and Scheduled Tribes on virtually all development indicators (Sachar Committee Report, March, 2005). For West Bengal, the report documented that Muslim OBC

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representation in state government employment remained disproportionately low despite the state's large Muslim population and existing OBC provisions.

The constitutional legitimacy of religion-based classification has been a persistent source of litigation. The Supreme Court's judgment in *Indira Sawhney* had explicitly rejected religion as a permissible basis for backward class classification, holding that religion cannot be the sole basis for identification (*Indira Sawhney vs. Union of India*, 1992). However, subsequent jurisprudence has permitted the inclusion of Muslim communities where the classification is based on social and educational backwardness that correlates with religious identity but does not treat religion as the exclusive criterion. This distinction has generated the central constitutional dilemma at the heart of the West Bengal controversy, whether the inclusion of Muslim communities in OBC lists constitutes impermissible religion-based classification or permissible recognition of social backwardness that happens to correlate with religious identity (Government of West Bengal, 1993).

- **The Period of OBC Policy Development (1993–2011):**

The enactment of the West Bengal Commission for Backwards Classes Act, 1993, represented a significant departure from the state's previous ad hoc approach to OBC identification. Before 1993, backward class lists had been maintained through executive notifications under the Bengal General Clauses Act, lacking statutory institutional support (National Commission for Backwards Classes, 1993). The 1993 Act established a three-member commission comprising a chairperson (mandated to be a retired High Court judge), a member with expertise in social sciences, and a member with administrative experience, charged with investigating claims for inclusion or exclusion from the OBC list and recommending policy measures for backward class advancement (National Commission for Backwards Classes, 1993).

The Commission's mandate extended beyond mere list maintenance to encompass broader advisory functions, including (1) periodic revision of the OBC list based on empirical investigation, (2) examination of complaints regarding improper inclusion or exclusion, (3) recommendations on the quantum of reservation and (4) advice on measures for economic and educational advancement of backward classes (National Commission for Backwards Classes, 1993). This institutional design reflected the influence of the Mandal Commission framework while adapting it to West Bengal's specific political context.

- **Initial OBC List: Composition & Features:**

The initial OBC list promulgated under the 1993 Act comprised approximately 60 communities, predominantly drawn from the existing list maintained through executive notifications. The composition reflected the distinctive social structure of West Bengal, with significant representation of Muslim occupational groups, including weavers (*jola*), butchers (*qasai*), and agricultural labourers (*malah*), among others, alongside Hindu castes traditionally classified as backwards (Hoque, 2015).

This early inclusion of Muslim communities distinguished West Bengal from most other states, where OBC lists remained predominantly organised around Hindu caste categories. This distinctive feature has been attributed to two factors: first, the Left Front's ideological commitment to secularism and its sensitivity to Muslim socio-economic concerns; second, the pragmatic political calculus of accommodating Muslim constituencies that had become increasingly important electorally (Hossain & Moinuddin, 2017).

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By the end of the Left Front period, the OBC list had expanded to approximately 100 communities, with Muslim communities constituting a substantial proportion of them. This expansion, however, proceeded without systematic socio-economic surveys, relying instead on political representations and Commission recommendations that varied in their empirical rigour (Backward Classes Welfare Department, Government of West Bengal, 2013).

- **Political Transformation and the Restructuring of Policy (2011–2024):**

The electoral defeat of the Left Front in 2011, after 34 years of continuous governance, produced a fundamental reorientation of OBC policy. The incoming Trinamool Congress government, led by Mamata Banerjee, adopted a markedly more expansive approach to identifying backward classes, reflecting both ideological differences and electoral calculus (Kenneth, 2011).

Three considerations shaped the Trinamool Congress's approach. First, the party's social base included significant Muslim and OBC constituencies that had been mobilised against the Left Front's perceived neglect of their interests. Second, the Sachar Committee Report had provided authoritative documentation of Muslim backwardness, creating political space for affirmative action policies explicitly targeting Muslim communities. Third, the party's competitive relationship with the Bharatiya Janata Party (BJP), which was increasingly mobilising Hindu caste identities, created incentives to consolidate Muslim and OBC support through tangible policy benefits (The Economic Times, 2026, March 30).

- **The Enactment of the 2012 Reservation Act:**

A pivotal development during this period was the enactment of the West Bengal Backwards Classes (Reservation of Vacancies in Services and Posts) Act, 2012. The Act sought to place the state's OBC reservation policy on a statutory footing, moving beyond the previous reliance on executive notifications and Commission recommendations (Government of West Bengal, 2013).

The 2012 Act established a reservation quota of 17% for Category A OBCs (communities with demonstrated, persistent backwardness) and an additional 5% for Category B OBCs (communities with emerging backwardness requiring transitional support). The Act also incorporated the creamy layer principle, providing for the exclusion of advanced sections from reservation benefits, though the implementing mechanisms remained contested (Government of West Bengal, 2013).

Critically, the Act empowered the state government to modify the OBC list through executive notification based on Commission recommendations, without requiring legislative approval for each inclusion or exclusion. This provision became a central point of legal challenge in subsequent litigation, with petitioners arguing that it delegated legislative power to the executive without adequate safeguards (*Amal Chandra Das v. State of West Bengal*, 2025).

- **The Expansion of the OBC List:**

Under the 2012 Act and subsequent executive notifications, the OBC list expanded substantially, reaching approximately 159 communities by 2014. The expansion disproportionately affected Muslim communities, with numerous Muslim occupational groups added to Category A and Category B lists (Hossain & Moinuddin, 2017). By the time of the 2024 High Court judgment, the state had classified 77 communities as OBCs between April 2010 and September 2010, with an additional 37 classes created under the 2012

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Reservation Act (The Indian Express, 2024, May 23). According to recent political statements, the Trinamool Congress government has included approximately 97% of West Bengal's Muslim population within the OBC category (The Economic Times, 2026, March 30).

The state government justified this expansion based on socio-economic surveys conducted by the West Bengal Backwards Classes Commission, though the methodology and rigour of these surveys became contested. Critics argued that the surveys lacked adequate empirical foundation, relied excessively on political representations, and failed to apply the creamy layer principle systematically (The Indian Express, 2025, June 18).

- **The Calcutta High Court's 2024 Judgment:**

The expansionary phase culminated in sustained judicial challenge, with multiple petitions filed before the Calcutta High Court challenging the constitutional validity of the 2012 Act and the expanded OBC lists. The Court's judgment of May 22, 2024, represented a watershed moment, fundamentally reshaping the legal landscape of OBC policy in West Bengal (Amal Chandra Das v. State of West Bengal, 2024).

The Court's reasoning proceeded along three principal lines. First, the Court held that the inclusion of numerous Muslim communities lacked adequate empirical justification, with the state failing to produce rigorous socio-economic data demonstrating their social and educational backwardness distinct from their religious identity. The Court emphasised that while Muslims as a community might experience backwardness, the Constitution required identification of backwardness through specific criteria rather than a religion-based presumption (Amal Chandra Das v. State of West Bengal, 2024).

Second, the Court found that Section 16 of the 2012 Act, which empowered the State Executive to amend any schedule of the Act, violated the principle against excessive delegation of legislative power. The Court struck down this provision, holding that each inclusion or exclusion of communities should be subject to legislative scrutiny, particularly given the substantive implications for constitutional rights (Amal Chandra Das v. State of West Bengal, 2024). Consequently, the 37 classes included under the exercise of Section 16 were struck out of Schedule 1 of the 2012 Act.

Third, the Court held that the state had failed to apply the creamy layer principle consistently, allowing advanced sections within OBC communities to continue receiving reservation benefits. The Court directed the state to rigorously implement the creamy layer exclusion, in line with the Supreme Court's mandate in *Indira Sawhney* and subsequent judgments (Amal Chandra Das v. State of West Bengal, 2024).

The Court clarified that OBC certificates issued before 2010, covering 66 classes, were not interfered with because they were not challenged in the petitions. However, approximately five lakh OBC certificates issued since 2010 were effectively invalidated by the judgment (The Telegraph. (2024, May 28).

- **The 2025 High Court Developments:**

The state government responded to the 2024 judgment by issuing fresh notifications seeking to reconstitute the OBC list in compliance with the Court's directions. On June 10, 2025, Chief Minister Mamata Banerjee presented a revised OBC list in the Legislative Assembly,

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adding over 70 new groups, bringing the total to 140 subsections, 49 under OBC-A and 91 under OBC-B. According to reports, 80 of these communities were Muslim (Bar and Bench, 2025, July 28).

However, these notifications were again challenged, leading to further litigation in 2025. On June 17, 2025, the Calcutta High Court issued an interim stay on the operation of multiple executive notifications issued between May 8 and June 13, 2025 (Law Street Journal, 2025, June 19). The Division Bench of Justice Rajasekhar Mantha and Justice Tapabrata Chakraborty made critical observations on the state's attempt to reintroduce OBC classifications that the court had previously struck down.

The Court observed *Prima facie*, it appears that the respondents are proceeding in hot haste and are attempting to bring in the self-same classes and to reintroduce the percentage of reservation, which have been struck down by this Court, by executive orders and not in exercise of the State's legislative functions (SCC Online Blog, 2025, June 20). The Court emphasised that after the commencement of the 2012 Act, only the State Legislature is empowered to make provisions for reservations in State services (News on AIR, 2025, June 17).

- **The Supreme Court Intervention (July 2025):**

The West Bengal government challenged the High Court's stay order before the Supreme Court. In July 2025, a Bench comprising the Chief Justice of India, BR Gavai, and Justices K Vinod Chandran and NV Anjaria expressed surprise at the High Court's decision (News on AIR, 2025, July 28).

The Chief Justice remarked This is surprising. We will issue a notice on this. How can the High Court stay? Reservation is a function of the Executive. Since Indira Sawhney, the Supreme Court has said this. We will direct the High Court. We will request the Chief Justice to place it before some other Bench (News on AIR, 2025, July 28). The Supreme Court ordered that the status quo be maintained and directed that a final decision be taken by the High Court in a time-bound manner, albeit by a different Bench than the one that had passed the stay order (Bar and Bench, 2025, July 28).

- **The December 2025 High Court Order Certificate Validity:**

On December 24, 2025, the Calcutta High Court issued a critical order clarifying which OBC certificates would be considered valid for electoral and administrative purposes. The Court established a three-tier framework for the validity of certificates (Mitra, 2026, January 1).

- **Valid Certificates:** OBC certificates issued to 64 classes and 76 classes under government notifications dated May 27, 2025, June 3, 2025, and June 12, 2025, are valid from the dates of those notifications. OBC certificates issued to 66 classes before 2010 will continue to be accepted as valid documents.
- **Invalid Certificates:** OBC certificates issued between 2010 and 2024 for 113 classes are not valid. Since the Calcutta High Court cancelled these certificates, they have no *locus standi* under the law and therefore cannot be treated as valid documents, the order states (Mitra, 2026, January 1).

The Court further directed that only valid OBC certificates, and not those categories struck down by the High Court, should be accepted during the electoral roll revision process. This

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order has significant implications for the 2026 West Bengal Assembly elections, as it determines which OBC certificates can be used as proof of identity for voter registration (Mitra, 2026, January 1).

- **The NCBC Recommendation (March 2026):**

A significant new development occurred in March 2026, when the National Commission for Backwards Classes (NCBC) recommended that the Centre exclude 35 predominantly Muslim communities from the Central list of Other Backwards Classes in West Bengal. (Dhyeya IAS, 2025, December 17). The NCBC, established as a constitutional body under Article 338B, is empowered to advise on the inclusion or exclusion of communities in the OBC list and ensure compliance with constitutional provisions (Constitution of India, art. 338B, 2018).

The NCBC's recommendation was based on a review of the socio-economic status of communities in West Bengal. The Commission underscored that religion alone cannot be the sole criterion for reservation, in line with judicial pronouncements of the Calcutta High Court and the Supreme Court. The recommendation has sparked debates on social justice, constitutional provisions, and reservation policy, particularly regarding the criteria for inclusion in the OBC list (Dhyeya IAS, 2025, December 17).

This development highlights the growing centralisation of OBC policy oversight. While states may prepare their own OBC lists, the Central OBC list used for Central government employment, educational institutions under Central jurisdiction, and as a reference point for constitutional compliance, must conform to constitutional norms and NCBC guidelines (Dhyeya IAS, 2025, December 17). The NCBC's intervention represents a significant assertion of central authority over state-level OBC classification.

- **The 2026 Political Context:**

As West Bengal approaches the 2026 Assembly elections, the OBC issue has become central to political competition. The Special Intensive Revision (SIR) of electoral rolls has sparked intense debate, with Chief Minister Mamata Banerjee alleging that BJP agents have submitted thousands of fraudulent Form 6 applications to smuggle non-residents and outsiders into Bengal's electoral rolls (ANI News, 2026, March 31). She has demanded that the Election Commission immediately stop this undemocratic exercise and ensure that no fake voters are added after the final electoral roll was published on February 28, 2026 (ANI News, 2026, March 31).

The political landscape has become increasingly fragmented. Analysts suggest that changing ground realities, identity politics fatigue, and governance aspirations may reshape Muslim voting patterns in 2026 (Nath, 2026, March 26). For over a decade, the TMC has relied on a consolidated minority vote bank. Still, structural, political, and psychological shifts suggest that the Muslim vote may no longer be as unified or predictable as before. Factors contributing to this fragmentation include the SIR process, the emergence of new political challengers such as the AIMIM, and growing anti-incumbency sentiments (Nath, 2026, March 26).

- **The Muslim Question in West Bengal's OBC Policy:**

Muslims constitute 27.01% of West Bengal's population according to the 2011 Census, with concentrations exceeding 60% in certain districts such as Murshidabad and Malda (Census of India, 2011). The Sachar Committee Report documented that Muslims in West Bengal

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experienced socio-economic deprivation across multiple dimensions, lower literacy rates, higher dropout rates in education, lower participation in formal employment, and poorer access to public services compared to other communities (Prime Minister's High-Level Committee, 2006).

The inclusion of Muslim communities within OBC lists has generated intense political and constitutional debate. Supporters argue that such inclusion is constitutionally permissible under Articles 15(4) and 16(4), which permit special provisions for socially and educationally backward classes without specifying religion as an exclusionary criterion. They contend that where backwardness correlates with religious identity, excluding communities based on religion would perpetuate rather than remedy historical disadvantage (Hossain & Moinuddin, 2017).

Opponents, including the Bharatiya Janata Party, argue that religion-based classification violates the constitutional prohibition on discrimination on grounds of religion. BJP leader K Laxman, who also serves as the BJP OBC Morcha Chief, alleged in the Rajya Sabha that non-NDA-ruled states, including West Bengal, are giving reservations to Muslims from the OBC quota, thus eating into the share of the backward community, which deserves this affirmative action (The Economic Times, 2026, March 30). He claimed that 97% Muslims have been included as OBCs in West Bengal and argued that this practice violates the provisions of the Constitution. (The Economic Times, 2026, March 30).

Union Home Minister JP Nadda has similarly alleged that the INDI Alliance parties consider Muslims a mere vote-bank and that there is no constitutional provision for reservation for Muslims, citing B.R. Ambedkar's position that reservation was intended for Hindus. (The Economic Times, 2026, March 30).

The constitutional jurisprudence has developed a nuanced position. In *Indira Sawhney*, the Supreme Court held that religion cannot be the sole basis for backward class classification. Still, subsequent judgments have permitted the inclusion of Muslim communities where social and educational backwardness is demonstrated through empirical evidence. The West Bengal litigation thus turns on whether the state has provided adequate empirical justification for the inclusion of specific Muslim communities or whether religion has become the predominant basis for classification (*Indra Sawhney vs. Union of India*, 1992).

- **Ethnographic Perspectives on Muslim Backwardness:**

Ethnographic studies of Muslim communities in West Bengal have documented the complex intersection of religious identity, occupational structure, and social status. Scholars such as Sekh Rahim Mondal have shown that Muslim backwardness in West Bengal cannot be reduced to religious identity alone but reflects specific patterns of occupational marginalisation, educational exclusion, and social discrimination (Mondal, 2003).

For example, the jola (weaver) community, which constitutes a substantial proportion of the Muslim population in districts such as Murshidabad and Birbhum, has experienced sustained economic decline due to competition from mechanised textile production. Similarly, the qasai (butcher) community has faced social stigmatisation despite its economic importance. These communities experience backwardness not because they are Muslim but because of their specific occupational and social histories—histories that have shaped their access to education, employment, and social mobility (Biswas, 2015).

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These ethnographic insights suggest that the constitutional debate on Muslim inclusion may be miscast when framed exclusively as a question of religion versus secularism. The more precise question is whether the state has identified specific Muslim communities with demonstrated backwardness, or whether it has assumed backwardness based on religious identity alone. The West Bengal policy's inclusion of specific occupational groups rather than Muslims as a whole suggests the former. However, the scale and speed of inclusion have raised questions about the rigour of the identification process (Biswas, 2015).

- **Articles 15(4) and 16(4) in the West Bengal Context:**

The constitutional validity of West Bengal's OBC policy turns on the interpretation of Articles 15(4) and 16(4). Article 15(4) permits special provisions for socially and educationally backward classes, a category distinct from the Scheduled Castes and the Scheduled Tribes. The Indira Sawhney judgment established that backwardness under Article 15(4) must be determined by social and educational criteria, with economic criteria playing a subsidiary role (*Indira Sawhney vs. Union of India*, 1992).

The West Bengal policy's inclusion of Muslim communities raises the question of whether social and educational backwardness can be established for religious groups as such. The Supreme Court's judgment in *K. Krishna Murthy vs Union of India* (2010) permitted the use of economic criteria for backwardness, suggesting that the constitutional concept of backwardness is flexible and can accommodate multiple indicators (*K. Krishna Murthy vs. Union of India*, 2010).

However, the Court has consistently held that religion alone cannot be the basis for classification. Article 16(4) similarly permits reservations for backward classes in public employment, with the caveat that the state must form an opinion that the class is not adequately represented. The West Bengal government's justification for the expansion has relied on the Sachar Committee's findings regarding Muslim underrepresentation in public employment. Still, the Court has questioned whether these findings justify the specific inclusions (*Amal Chandra Das v. State of West Bengal*, 2024).

- **The Creamy Layer Doctrine:**

The creamy layer doctrine, established in *Indira Sawhney* and reaffirmed in *Jarnail Singh vs Lachhmi Narain Gupta* (2018), requires excluding the more advanced sections within OBC communities from the benefits of reservation (*Jarnail Singh v. Lachhmi Narain Gupta*, 2018). As of 2026, the income threshold for creamy layer exclusion is set at ₹8 lakh per annum for the family. Children of Group A/Class I government officers, constitutional post-holders, and families exceeding the income limit are classified as the creamy layer and are not entitled to reservation benefits (OBC Rights, 2026, February 17).

The Calcutta High Court's 2024 judgment found that West Bengal had failed to implement the creamy layer principle effectively, allowing individuals from advanced socio-economic backgrounds to claim OBC benefits. The Court directed the state to establish clear criteria for creamy layer exclusion, including income limits and other indicators of advancement (*Amal Chandra Das v. State of West Bengal*, (2024)).

The creamy layer doctrine has significant implications for Muslim inclusion, as advanced sections within Muslim communities, such as professional and business elites, may claim OBC benefits under a religion-based classification system. The identification of specific

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Muslim occupational groups rather than Muslims as a whole may address this concern, as such groups are more likely to share similar socio-economic characteristics (Biswas, 2015).

- **Judicial Review and Deference:**

The appropriate standard of judicial review for OBC policy has been contested. The Supreme Court has oscillated between deference to legislative judgment and active judicial scrutiny. In *Indira Sawhney*, the Court adopted a deferential approach, holding that the identification of backward classes was primarily a legislative function (*Indira Sawhney v. Union of India*, 1992). However, subsequent judgments, including *Ashoka Kumar Thakur vs Union of India* (2008), have subjected OBC policies to more exacting scrutiny (*Ashoka Kumar Thakur v. Union of India*, 2008).

The Calcutta High Court's 2024 judgment represents a more interventionist approach, scrutinising the empirical basis for OBC inclusion and finding it inadequate. However, the Supreme Court's intervention in 2025, questioning how the High Court could stay executive action on reservation, suggests that the apex Court may adopt a more deferential posture toward state policy in this domain. The Supreme Court clarified that a reservation falls within the domain of executive functions, disagreeing with the High Court's observation that the State was required to table reports and introduce bills before the Legislature to amend the 2012 Act (News on AIR, 2025, July 28).

- **The Federal Dimension Centre-State Dynamics:**

The relationship between the Union and state governments in OBC policy has evolved significantly over time. The 2018 constitutional amendment (102nd Amendment) gave the National Commission for Backwards Classes constitutional status, empowering it to advise the Union government on OBC inclusion and exclusion and creating potential for central oversight of state-level classification (The Constitution (One Hundred and Second Amendment) Act, 2018).

The NCBC's March 2026 recommendation to exclude 35 Muslim communities from West Bengal's Central OBC list represents a significant assertion of this central authority (Dhyeya IAS, 2025). While states may prepare their own OBC lists for state government purposes, the Central OBC list used for Central government employment, educational institutions under Central jurisdiction, such as IITs and IIMs, and as a reference point for constitutional compliance must conform to constitutional norms and NCBC guidelines. (Dhyeya IAS, 2025). This creates a dual structure in which communities may be recognised as OBCs for state purposes but not for Central purposes, potentially causing confusion and legal challenges.

The West Bengal litigation has occurred against this backdrop of evolving central authority. The Union government, through the NCBC and through interventions before the courts, has actively asserted its role in ensuring that OBC classification adheres to constitutional principles. This reflects a broader trend toward centralisation in affirmative action policy, potentially limiting the policy experimentation that had previously characterised subnational approaches (Tillin, 2013).

- **Social Implications and Political Consequences of OBC Communities:**

The legal contestation over OBC policy has generated significant uncertainty for communities included in the expanded lists. Approximately 5 lakh individuals who obtained

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OBC certificates between 2010 and 2024 may face a potential loss of benefits (The Telegraph. (2024, May 28). The Court's December 2025 clarification that certificates issued before 2010 remain valid provides some protection, but individuals obtaining certificates after 2010 face significant uncertainty regarding their educational and employment prospects (Mitra, 2026, January 1).

For the 113 classes whose certificates were invalidated, the practical consequences are substantial. These individuals may lose eligibility for reservation benefits in state government employment, educational admissions, and other affirmative action programmes. For those currently employed or enrolled under these certificates, their status remains legally precarious pending the final resolution of the litigation.

For newly included Muslim communities under the 2025 notifications, the legal uncertainty has generated anxiety and political mobilisation. Community organisations have organised protests and petitions seeking to defend the expanded OBC list, arguing that the Court's intervention threatens hard-won gains in education and employment (The Indian Express, 2025, June 18).

- **Implications for Educational and Employment Opportunities:**

The OBC reservation framework has direct implications for educational opportunities in West Bengal. For the West Bengal Joint Entrance Examination (WBJEE) 2026, the reservation criteria specify that SC, ST, OBC-A, and OBC-B candidates with West Bengal domicile are eligible for reservation benefits. Candidates must provide valid OBC certificates and, for OBC categories, Non-Creamy Layer (NCL) certificates to prove they do not fall under the creamy layer (Jarnail Singh v. Lachhmi Narain Gupta, (2018)). The ongoing legal uncertainty regarding which OBC certificates are valid directly affects thousands of students seeking admission to engineering and pharmacy colleges across the state.

Similarly, in public employment, the validity of OBC certificates determines eligibility for reservation benefits. The December 2025 High Court order has established a framework for determining which certificates are valid, but the pending Supreme Court litigation leaves the final resolution uncertain (Mitra, 2026, January 1).

- **Political Realignment and Electoral Implications:**

The OBC issue has become central to West Bengal's political competition ahead of the 2026 Assembly elections. The Trinamool Congress government's expansionary policy was designed to consolidate Muslim and OBC support, countering the BJP's mobilisation of Hindu caste identities. The BJP has consistently opposed the inclusion of Muslim communities in OBC lists, framing it as appeasement politics that discriminates against Hindu OBCs (The Economic Times, 2026, March 30).

The legal invalidation of the expanded OBC list has created political opportunities for both parties. The Trinamool Congress can portray itself as defending Muslim and OBC interests against judicial overreach, while the BJP can claim vindication for its opposition to religion-based classification. Chief Minister Mamata Banerjee characterised the High Court's 2024 order as a kalankit chapter and declared, I do not accept the order (The Indian Express, 2024, May 23).

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However, recent political analysts suggest that the Muslim vote in Bengal may no longer be as unified or predictable as before. Changing ground realities, identity politics fatigue, and governance aspirations may reshape Muslim voting patterns in 2026 (Nath, 2026, March 26). Factors contributing to this fragmentation include the Special Intensive Revision (SIR) process, which has sparked debate around illegal immigration, the emergence of new political challengers such as the AIMIM, and growing anti-incumbency sentiments (Nath, 2026, March 26). Even partial fragmentation of the Muslim vote could significantly reshape Bengal's electoral landscape.

• The Future Policy of OBC in West Bengal:

The ongoing legal developments point toward a future OBC policy in West Bengal that is more constrained, more procedurally rigorous, and more subject to judicial and central oversight. The state government appears committed to maintaining an expansive approach to Muslim inclusion. Still, the NCBC's recommendation and the court's insistence on empirical justification and legislative scrutiny may require a more measured and evidence-based approach (Dhyeya IAS, 2025).

Potential scenarios for future policy development include (1) the Supreme Court's reversal of the Calcutta High Court's 2024 judgment, restoring the expanded OBC list (2) the Court's modification of the judgment, permitting some inclusions while striking down others (3) the state government's enactment of new legislation incorporating the Court's procedural requirements (4) a fundamental reorientation of the state's approach, moving away from OBC-based classification toward universal welfare measures or (5) a sustained divergence between the state OBC list and the Central OBC list, creating a dual system with its own complexities (Dhyeya IAS, 2025).

CONCLUSION

The trajectory of OBC policy in West Bengal from 1993 to 2026 illuminates fundamental tensions within India's constitutional framework for affirmative action. The West Bengal experience demonstrates how subnational policy innovation in OBC classification can generate constitutional dilemmas that ultimately require centralised judicial resolution and, increasingly, central executive oversight through bodies like the NCBC.

Several theoretical implications emerge from this analysis. First, the West Bengal case suggests that the distinction between religion-based and backwardness-based classification may be more elusive than constitutional jurisprudence acknowledges, as social and educational backwardness often correlates with religious identity in ways that make clean separation impossible. The NCBC's March 2026 recommendation to exclude 35 Muslim communities reflects an effort to enforce this distinction, but the empirical basis for such exclusions remains contested.

Second, the case demonstrates how political majorities at the state level may pursue expansive affirmative action policies that exceed constitutional limits as courts interpret them, generating conflicts between political responsiveness and constitutional principle. The Trinamool Congress government's repeated attempts to expand the OBC list despite judicial setbacks illustrate this dynamic.

Third, the case illustrates the growing centrality of judicial review and central oversight in shaping OBC policy. The Calcutta High Court's 2024 judgment, the Supreme Court's 2025

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intervention, and the NCBC's 2026 recommendation collectively represent a multi-layered system of constitutional constraint on state-level policy experimentation. This trend toward centralisation may limit the diversity of approaches that was once a hallmark of India's federal structure.

Fourth, the December 2025 High Court order establishing a framework for certificate validity and the NCBC's recommendation highlight the practical consequences of legal contestation for ordinary citizens. Approximately five lakh individuals whose certificates were invalidated face significant uncertainty, illustrating the human costs of policy instability.

The West Bengal experience ultimately suggests that OBC policy in India has entered a new phase characterised by greater judicial oversight, more rigorous evidentiary requirements, increased central government involvement through constitutional bodies like the NCBC, and sustained political contestation. Whether this phase produces more equitable outcomes for backward communities or entrenches procedural barriers to affirmative action remains to be determined. The ongoing legal developments, the NCBC's recommendations, and the political dynamics of the 2026 elections will shape not only the future of reservation in West Bengal but also the broader trajectory of affirmative action policy in India's constitutional democracy.

REFERENCES

- Amal Chandra Das v. State of West Bengal, (2024) (Cal. H.C. May 22, 2024). https://desikaanoon.in/wp-content/uploads/2024/05/Amal_Chandra_Das_vs_State_of_West_Bengal.pdf
- Amal Chandra Das v. State of West Bengal, (2024) (Cal. H.C. May 9, 2024). P. 164. https://desikaanoon.in/wpcontent/uploads/2024/05/Amal_Chandra_Das_vs_State_of_West_Bengal.pdf
- Amal Chandra Das v. State of West Bengal, 2024 SCC OnLine Cal 4973 (Cal. H.C. May 22, 2024).1-191. <https://indiankanoon.org/doc/77807826/>
- Amal Chandra Das v. State of West Bengal, 2025 SCC OnLine Cal 4967 (Cal. H.C. June 17, 2025). <https://indiankanoon.org/doc/184935886/>
- ANI News. (2026, March 31). Mamata Banerjee writes to EC, alleges BJP agents attempting 'voter hijacking' by flooding CEC's office. <https://www.aninews.in/news/national/politics/mamata-banerjee-writes-to-ec-alleges-bjp-agents-attempting-voter-hijacking-by-flooding-cecs-office20260331142056/>
- Ashoka Kumar Thakur v. Union of India, (2008) 6 SCC 1. <https://indiankanoon.org/doc/1219385/>
- Backward Classes Welfare Department, Government of West Bengal. (2013). Annual administrative report 2012-2013. p. 13.https://wbbcdev.webstep.in/public/frontend/readwrite/publications/annual_report_bcw_2012_2013.pdf
- Banerjee, M. (2026, March 31). Mamata Banerjee writes to EC, alleges BJP agents attempting 'voter hijacking' by flooding CEC's office. *ANI News*. <https://www.aninews.in/news/national/politics/mamata-banerjee-writes-to-ec-alleges-bjp-agents-attempting-voter-hijacking-by-flooding-cecs-office20260331142056/>
- Bar and Bench. (2025, July 28). Supreme Court questions Calcutta High Court stay on implementation of West Bengal's new OBC list.<https://www.barandbench.com/news/litigation/supreme-court-questions-calcutta-high-court-stay-on-implementation-of-west-bengals-new-obc-list>

Other Backward Classes in West Bengal (1993-2026): Policy Developments and Constitutional Challenges

- Biswas, M. Z. H. (2015). Muslim OBCs in West Bengal: Problems and prospects. *Islam and Muslim Societies: A Social Science Journal*, 8(2), 70–80. https://muslimsocieties.org/Vol8_2/Muslim_OBCs_in_West_Bengal.pdf
- Biswas, Z. H., (2015). Muslim OBCs in West Bengal: Problems and Prospects. *Islam and Muslim Societies: A Social Science Journal*, 8(2), 70-80. https://muslimsocieties.org/Vol8_2/Muslim_OBCs_in_West_Bengal.pdf
- Census of India. (2011). District Census Handbook: Kolkata (Series 20, Part XII-A, p. 45). Office of the Registrar General and Census Commissioner. https://westbengal.census.gov.in/DCHB_2011_WB_Part_A/1916_PART_A_DCHB_KOLKATA.pdf
- Census of India. (2011). *2011 census data: West Bengal* (p. 45). Office of the Registrar General. https://westbengal.census.gov.in/DCHB_2011_WB_Part_A/1916_PART_A_DCHB_KOLKATA.pdf
- Constitution of India, art. 338B. (2018). <https://www.constitutionofindia.net/articles/article-338b-national-commission-for-backward-classe/>
- Dhyeya IAS. (2025, December 17). NCBC recommends exclusion of 35 communities from West Bengal's Central OBC list. <https://www.dhyeyaias.com/current-affairs/daily-pre-pare/view/ncbc-recommends-exclusion-of-35-communities-from-west-bengals-central-obc-list>
- Government of West Bengal. (1993). *West Bengal Commission for Backwards Classes Act, 1993* (Act No. XVII of 1993). pp. 1-6. <https://www.indiacode.nic.in/bitstream/123456789/14421/1/act1-1993.pdf>
- Government of West Bengal. (2013). *The West Bengal Backward Classes (Other than Scheduled Castes and Scheduled Tribes) (Reservation of Vacancies in Services and Posts) Act, 2012* (Act No. XXXIX of 2012). pp.01-15. <https://www.indiacode.nic.in/bitstream/123456789/14368/1/2012-39.pdf>
- Hossain, M. I., & Moinuddin, S. A. H. (2017). The OBC Muslims: Some little-known marginal communities of West Bengal, India. *Bangladesh e-Journal of Sociology*, 14(1), 117–128. https://www.academia.edu/130463013/The_OBC_Muslims_Some_Little_Known_Marginal_Communities_of_West_Bengal_India
- Indra Sawhney v. Union of India, (1992) Supp. 3 SCR 454, AIR 1993 SC 477. p. 365. <https://indiankanoon.org/doc/1363234/>
- Indra Sawhney vs. Union of India. (Nov-16, 1992). Supreme Court of India pp. 01-554. https://cdnbbsr.s3waas.gov.in/s3ec0490f1f4972d133619a60c30f3559e/documents/ao_r_notice_circular/7.pdf
- Jarnail Singh v. Lachhmi Narain Gupta, (2018) 10 SCC 396. pp.01-24. <https://clpr.org.in/wp-content/uploads/2024/12/13.-Jarnail-Singh-and-Ors.-Vs.-Lachhmi-Narain-Gupta-and-Ors.pdf>
- K. Krishna Murthy v. Union of India, (2010) 7 SCC 202. <https://indiankanoon.org/doc/1451338/>
- Kenneth, B. N. (2011). In Search of Deveopment: Muslims and Electoral Politics in an Indian State. *Forum for Development Studies*, 38(3), 345-370. https://www.researchgate.net/publication/271822277_In_Search_of_Development_Muslims_and_Electoral_Politics_in_an_Indian_State
- Law Street Journal. (2025, June 19). Calcutta HC stays state notifications on OBC classifications and reservations [Read order]. <https://lawstreet.co/judiciary/calcutta-hc-stays-state-notifications-on-obc-classifications-and-reservations>
- Mitra, A. (2026, January 1). SIR Bengal 2.0: Which OBC certificates will be allowed during hearings and why? *The Indian Express*. <https://indianexpress.com/article/cities/>

Other Backward Classes in West Bengal (1993-2026): Policy Developments and Constitutional Challenges

- kolkata/sir-bengal-2-0-which-obc-certificates-will-be-allowed-during-hearings-and-why-10449939/
- Mondal, S. R., (2003). Social Structure, OBCs and Muslims. *Economic and Political Weekly*, 38, (46), 4892-4897. https://www.researchgate.net/publication/262123785_Social_Structure_OBCs_and_Muslims
- Nath, P. (2026, March 26). West Bengal 2026: Cracks in Mamata's minority fortress? *ABP Live*. <https://news.abplive.com/blog/opinion-west-bengal-elections-2026-cracks-in-mamata-banerjee-minority-fortress-1832995>
- National Commission for Backwards Classes. (1993). *NCBC Act, rules & composition* (No. 27 of 1993). Government of India. pp.1-14. <https://socialjustice.gov.in/writereaddata/UploadFile/ncbcact1993.pdf>
- News on AIR. (2025, July 28). Supreme Court stays Calcutta High Court order which stayed new OBC List in West Bengal. <https://www.newsonair.gov.in/supreme-court-stays-calcutta-high-court-order-halting-bengals-revised-obc-list>
- News on AIR. (2025, June 17). Calcutta HC stays preparation of new OBC list. <https://www.newsonair.gov.in/calcutta-hc-stays-preparation-of-new-obc-list/>
- OBC Rights. (2026, February 17). OBC creamy layer: Income limit, eligibility & reservation. <https://obcrights.org/blog/reservation/obc-creamy-layer-explained-income-limit-eligibility-reservation/>
- Prime Minister's High-Level Committee. (2006). *Social, economic and educational status of the Muslim community of India*. Government of India, Cabinet Secretariat. P. xii. <https://ruralindiaonline.org/en/library/resource/social-economic-and-educational-status-of-the-muslim-community-of-india/>
- Prime Minister's High-Level Committee. (2006). Social, economic and educational status of the Muslim community of India (pp. 78–92). Cabinet Secretariat, Government of India. https://www.education.gov.in/sites/upload_files/mhrd/files/sachar_comm.pdf
- Sachar Committee Report, March 2005, PP.1-11. <https://vpmthane.org/vpmDDSS/pdf/Article/6-The-Sachar-Committee-Report.pdf>
- SCC Online Blog. (2025, June 20). 'State of West Bengal acting in hot haste, reintroducing struck-down reservations'; Calcutta High Court stays OBC reclassification. <https://www.sconline.com/blog/post/2025/06/20/calcutta-hc-stays-west-bengal-obc-reservation-reclassification-legal-news>
- The Constitution (One Hundred and Second Amendment) Act, 2018, No. 15 of 2018, 3 (India). <https://www.legitquest.com/act/constitution-one-hundred-and-second-amendment-act-2018/70f1>
- The Economic Times. (2026, March 30). BJP alleges states under INDIA parties rule wrongly giving Muslims reservation from OBC quota. <https://widget.economictimes.indiatimes.com/news/politics-and-nation/bjp-alleges-states-under-india-parties-rule-wrongly-giving-muslims-reservation-from-obc-quota/articleshow/129905790.cms>
- The Indian Express. (2024, May 23). Calcutta HC cancels OBC certificates issued in Bengal since 2010, CM protests. <https://indianexpress.com/article/cities/kolkata/calcutta-high-court-cancels-backward-classes-obc-certificates-bengal-mamata-9345112/>
- The Indian Express. (2025, June 18). Bengal quota row: HC puts stay on OBC list, asks state: 'Why not wait for SC order?' <https://indianexpress.com/article/cities/kolkata/bengal-quota-row-hc-puts-stay-on-obc-list-asks-state-why-not-wait-for-sc-order-10072964/>
- The Indian Express. (2025, June 18). Bengal quota row: HC puts stay on OBC list, asks state: 'Why not wait for SC order?' <https://indianexpress.com/article/cities/kolkata/be>

Other Backward Classes in West Bengal (1993-2026): Policy Developments and Constitutional Challenges

ngal-quota-row-hc-puts-stay-on-obc-list-asks-state-why-not-wait-for-sc-order-10072964/

The Telegraph. (2024, May 28). Ruled out: Editorial on Calcutta HC cancelling 5 lakh OBC certificates issued since 2010. <https://www.telegraphindia.com/opinion/ruled-out-editorial-on-calcutta-hc-cancelling-5-lakh-obc-certificates-issued-since-2010/cid/2022908>

The Telegraph. (2024, May 28). Ruled out: Editorial on Calcutta HC cancelling 5 lakh OBC certificates issued since 2010. <https://www.telegraphindia.com/opinion/ruled-out-editorial-on-calcutta-hc-cancelling-5-lakh-obc-certificates-issued-since-2010/cid/2022908>

Tillin, L. (2007). United in diversity? Asymmetry in Indian federalism. *Publius: The Journal of Federalism*, 73, (1), 45-67. https://www.researchgate.net/publication/5216644_United_in_Diversity_Asymmetry_in_Indian_Federalism

Tillin, L., (2013). *Remapping India: New States and Their Political Origins*. London. Hurst. PP. 156-178.

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