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Centre: UP's move on OBCs unconstitutional

'Only Parliament Has Right To Make Such Changes'

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New Delhi: In a rare pronouncement, the government on Tuesday termed as "unconstitutional" and "inappropriate" the BJP-led Uttar Pradesh government's recent move to include 17 other backward class (OBC) communities in the Scheduled Castes (SC) list, stressing that only Parliament had the right to make such changes in caste lists as per the Constitution.

"The order that the UP government has issued is neither appropriate, nor constitutional. I will request them not to issue any caste certificates based on that order...Else, the matter will go to courts and be struck down, without anybody getting any benefit," said social justice and empowerment minister Thawar Chand Gehlot in Rajya Sabha.

This came after BSP leader Satish Chandra Misra raised the Yogi Adityanath-led government's directive on June 24 to district magistrates and commissioners to issue SC certificates to the 17

Social justice and empowerment minister Thawar Chand Gehlot said the UP government should follow the proper procedure if it wanted go ahead with its proposal



OBC communities — namely Kashyap, Rajbhar, Dhivar, Bind, Kumhar, Kahar, Kewat, Nishad, Bhar, Mallah, Prajapati, Dhimar, Batham, Turha, Godia, Manjhi and Machua — ahead of the bye-elections to 12 assembly seats in the state.

Gehlot, who is also the leader of Rajya Sabha, said the UP government should follow the proper procedure if it wanted go ahead with its

proposal. "It must first send a proposal to the Centre...we will then consider it. This matter has come to Parliament two-three times in the past also but was not agreed upon," he said.

Earlier, Misra said the power to make changes in the SC list lies only with Parliament under sub-clause (2) of Article 341 of the Constitution. "Even the President (of India) does not have the power to tinker, alter or make changes...the state government cannot usurp the power of Parliament," he said.

The BSP leader said the UP government had removed 17 castes from the OBC list but they were yet to be included in the SC list. This will deprive them of benefits of either the SC or the OBC category. "The UP government should be directed to withdraw this unconstitutional order," he said, adding that his party was in favour of including the 17 castes in the SC list but only after following the prescribed procedure and increasing the SC quota proportionately.