OBC Groups to SC List - U.P Government Move

Why in news?

The BJP government in U.P. is making a move to include 17 OBC groups among Scheduled Castes.

What is the proposal?

- The UP Social Welfare Department recently sent a letter to all divisional commissioners and district magistrates.
- It refers to an order of the Allahabad High Court (dated March 29, 2017).
- It directs district authorities to issue caste certificates as per that order after scrutiny of documents.
- The court order was in regards with 17 OBC castes — Kahaar, Kashyap, Kevat, Mallah, Nishad, Kumhar, Prajapati, Dhivar, Bind, Bhar, Rajbhar, Dhimar, Batham, Turha, Godia, Maajhi and Machhua.

What were the earlier attempts?

- The Samajwadi Party (SP) regimes of Mulayam Singh Yadav (2003-07) and Akhilesh Yadav (2012-17) had initiated the attempt before.
- [When these 17 groups are out of the OBC list, it opens up more opportunities for the SP's core vote base within the 27% OBC quota.
- This refers to the Yadavs who comprise around 10% of the state population.
- While this can upset SCs, they are not seen as traditional SP voters.]
- The Allahabad High Court quashed the Mulayam government's amendment to the Uttar Pradesh Public Services Act, 1994 in 2005.
- It termed the amendment unconstitutional, since only Parliament has the power to make such an inclusion.
- Mulayam had also directed district authorities to issue SC certificates to these 17 OBC castes, after the move was cleared by the state cabinet.
- The Centre, however, did not clear his proposal.
- In 2013, the Akhilesh cabinet cleared the same proposal, but the Centre once again rejected it.
- Further attempts made also did not give any substantial results.

What is the present government's rationale?

- The noted 17 castes make up around 15% of the state's population.

- A caste in the SC list gets more government benefits than one in the OBC list.
- Also, since the OBC population is large, there is close competition among OBC groups for reservation benefits.
- If these 17 castes are moved to the SC list, they will face less competition because the SC population is smaller in U.P.
- The latest move comes with the risk of turning the SC voters away from the ruling BJP and towards the BSP.
- However, the BJP can hope to make gains within the 17 newly notified SC groups as it banks on non-Yadav OBC votes.
- [These 17 castes are socially most backward, and many survive on small occupations in rural areas.
- E.g. Nishads earn from fishing, Kumhars earn from making earthen pots]

What is the distinction between an OBC and an SC?

- The criteria for recognising specific castes as SC and OBC are distinct.
- Extreme social, educational and economic backwardness are common qualifications for both groups.
- However, in particular, SCs draw such backwardness from untouchability.
- For OBCs, apart from social, educational and economic backwardness, lack of adequate representation in government posts and services is a criterion.
- The positive rights guaranteed under the Constitution to SCs are to correct the historical wrongs of untouchability.
- So, there is now a concern that addition of other castes in the group would dilute this guarantee.

How is a caste listed as a Scheduled Caste?

- Between 1950 and 1978, 6 Presidential Orders were issued recognising specific caste groups as SCs.
- The name ‘Scheduled Caste’ derives from the fact that this is annexed as a Schedule to the Constitution.
- Article 341(1) of the Constitution prescribes the procedure for recognising castes as “Scheduled Castes”.
- To make additions or deletions to the Schedule by amending the concerned Presidential Order, state governments should first propose to modify the Schedule.
- Only proposals agreed by both the Registrar General of India and the National Commission for Scheduled Castes are introduced as a Bill in the Parliament.
- This procedure was adopted by the Ministry of Social Justice and Empowerment in 1999 and was amended in 2002.

- [A similar provision exists for Scheduled Tribes under Article 342.]

Source: Indian Express

