

**GOVERNMENT OF INDIA
MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT
LOK SABHA**

**UNSTARRED QUESTION NO. 2455
TO BE ANSWERED ON 03.08.2021**

IDENTIFICATION OF BACKWARD CLASSES

†2455. SHRI DULAL CHAND GOSWAMI:

Will the Minister of SOCIAL JUSTICE AND EMPOWERMENT be pleased to state:

- (a) whether the Union Government proposes to empower the States to identify and prepare list of backward classes on socio-economic basis through a constitutional amendment;
- (b) if so, the time by which it is likely to be done;
- (c) whether the States had the said power in the past; and
- (d) if so, the reasons therefor?

ANSWER

**MINISTER OF STATE FOR SOCIAL JUSTICE AND EMPOWERMENT
(SUSHRI PRATIMA BHOUMIK)**

(a & b) : Yes Sir. Government is in consultation with legal experts and the Ministry of Law and Justice for examining ways to protect the power of the States in determining the State list of OBCs for their respective States.

(c & d) : Yes Sir. Hon'ble Supreme Court in W.P. 938/2020 has, on 5th May 2021, interpreted the Constitution (One Hundred and Second) Amendment Act 2018 and ordered that Central list specified by the President shall be the only list of SEBCs (OBCs) for all purposes of the Constitution, in relation to each State and Union Territory. The court has concluded the States do not have any power to publish their list of SEBCs.
