

General Studies-2; Topic– Appointment to various Constitutional posts, powers, functions and responsibilities of various Constitutional Bodies.

National Commission for Backward Classes (NCBC)

1) Introduction

- Parliament has passed the Constitution (One Hundred Twenty-third Amendment) Bill, 2017 seeking constitutional status to the National Commission for Backward Classes.

2) Present Status

- The backward class communities make up 52% of the population of India.
- The Supreme Court, in its final verdict in the Indira Sawhney (Mandal Commission) case, had directed the establishment of the NCBC as a statutory body.
- The NCBC was set up under the National Commission for Backward Classes Act, 1993.
- The NCBC was given limited powers - only to recommend to the government inclusion or exclusion of a community in the central list of OBCs.
- The power to hear complaints of the OBCs and protect their interests remained with the National Commission for Scheduled Castes.

3) Key Features of Bill

- Grant the NCBC constitutional status, at par with the National Commission for Scheduled Castes (NCSC) and the National Commission for Scheduled Tribes.
- Remove the power of the NCSC to examine matters related to backward classes.
- It provides the NCBC the authority to examine complaints and welfare measures regarding socially and educationally backward classes.
- President to specify socially and educationally backward classes in various states and union territories.
- He can do this in consultation with Governor of concerned state.
- However, a law of Parliament will be required if the list of backward classes is to be amended.
- The NCBC will comprise of five members appointed by the President. Their tenure and conditions of service will be decided by the President through rules.
- The NCBC will have the powers of a civil court while investigating or inquiring into any complaints.
- These powers include: summoning people and examining them on oath, requiring production of any document or public record, and receiving evidence.
- **Functions:**
 - a. Investigating and monitoring how safeguards provided to the backward classes under the Constitution and other laws are being implemented.
 - b. Inquiring into specific complaints regarding violation of rights.
 - c. Advising and making recommendations on socio-economic development of such classes.
 - d. The central and state governments will be required to consult with the NCBC on all major policy matters affecting the socially and educationally backward classes.
 - e. The NCBC will be required to present annual reports to the President on working of the safeguards for backward classes.
 - f. These reports will be tabled in Parliament, and in the state legislative assemblies of the concerned states.

4) Merits

- It is aimed at providing justice to the socially and educationally backward sections of the society.
- Address the concerns of the backward classes and bring social equality in the society.
- It would help the backward classes people fight atrocities against them and ensure quick justice to them.
- Including a woman member from the backward classes in the proposed Commission is a welcome move.
- It would also not encroach upon the rights of state governments as they would have their own backward class commissions.
- It brings the NCBC on par with the National Commission for Scheduled Castes and the National Commission for Scheduled Tribes.

5) Demand for Constitutional Status

- There was demand for a constitutional status to OBC Commission from the 1980s and Parliament had held discussions several times.
- It has been discussed by the Standing Committee.

6) Concerns / Challenges

- Many states have not implemented 27 per cent reservation to the OBCs.
- Mere Acts will not do as they did not percolate down to the grassroot level, as recent data showed that only 7 out of 100 teachers in the Central Universities belonged to SC/ST and OBC categories.
- OBCs have negligible presence in the Supreme Court and high courts.
- Skewed representation of OBCs in various committees, commissions, boards and other different fora of government.
- The recommendations of the commissions are not binding on the government.
- Critics argue about the scope of reservation when NITI Aayog is promoting public-private partnership and privatisation of public sector undertakings.

7) Way Forward

- We need a proper representation to backward classes of the deprived sections to join the national mainstream.
- The government must make public the findings of the caste census and implement reservation accordingly.
- The sub-categorization of OBCs will ensure increased access to benefits such as reservations in educational institutions and government jobs for less dominant OBCs.
- Political parties should "rise above vote bank politics and work towards social justice".