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".