



# IAS PARLIAMENT

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## National Commission for Backward Classes

### Why in news?

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The government is seeking to pass a bill that grant constitutional status to the National Commission for Backward Classes.

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### What is the new amendment about?

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- The government has introduced The Constitution (One Hundred and Twenty-Third Amendment) Bill, 2017.

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- It accords constitutional status to the National Commission for Backward Classes.

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- It seeks to repeal the National Commission for Backward Classes Act, 1993.

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- It will insert Article 338B into the Constitution after Articles 338 and 338A which deal with the National Commissions for Scheduled Castes (SC) and Scheduled Tribes (ST) respectively.

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### How does making the NCBC a constitutional body help?

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- Under the NCBC Act, the Commission merely has the power to recommend inclusion or exclusion of communities in the OBC list.

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- The new Bill will allow it to look into all matters regarding the welfare and

development of backward classes, as well as to investigate complaints.

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- Currently, the Scheduled Castes Commission, which looks into cases of atrocities against Dalits, is also in charge of hearing grievances from OBCs.

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- The amended Bill will give the Commission powers equivalent to that of a civil court.

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- The Commission, which will have a chairperson, vice-chairperson and 3 members, will regulate its own proceedings.

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### **Why has the Bill become contentious?**

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- The Bill makes Parliament the final authority on inclusion of communities in the OBC list and, therefore, takes away the authority of states which can now send requests to the.

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- Until now, the NCBC's recommendations with regard to inclusions and exclusions in the list are binding on the government.

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- Lok Sabha passed the Bill. However, when it was placed before Rajya Sabha, several members said such an important constitutional amendment could not be approved without proper study.

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- Therefore the Bill was referred to a Select Committee.

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- The 25-member Committee will submit its report during the Monsoon Session.

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- This also means that there would be no NCBC in place unless the Bill is passed.

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- The term of the last member of the NCBC ended and no appointments have been made since then in anticipation of the new Bill.

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### **A Brief History of OBC Reservations:**

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- The Kalelkar Commission, set up in 1953, was the first to identify backward classes other than the Scheduled Castes and Scheduled Tribes at the national level.
- Its conclusion that caste is an important measure of backwardness was rejected on the ground that it had failed to apply more objective criteria such as income and literacy to determine backwardness.
- The Mandal Commission report of 1980 estimated the OBC population at 52% and classified 1,257 communities as backward.
- It recommended increasing the existing quotas, which were only for SC/ST, from 22.5% to 49.5% to include the OBCs.
- A decade later, its recommendations were implemented in government jobs, a move that sparked major agitations.
- In 1991 a 10% quota was introduced for the “economically backward sections” among the forward castes.
- The Supreme Court struck this down in the Indra Sawhney vs Union of India case, where it held that the Constitution recognised only social and educational — and not economic — backwardness.
- The apex court held reservation for OBCs as valid and directed that the creamy layer of OBC should not avail reservation facilities.
- The overall reservation for SCs, STs and OBCs was capped at 50%.
- Based on the order, the central government reserved 27% of seats in union civil posts and services, to be filled through direct recruitment, for OBCs.

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**Source: The Indian Express**

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