

123rd Constitutional Amendment Bill, 2017

The Constitution (123rd Amendment) Bill, 2017 seeks to grant the National Commission on Backward Classes (NCBC) constitutional status, at par with the National Commission for Scheduled Castes (NCSC) and the National Commission for Scheduled Tribes.

Current situation of the Bill:-

The bill has been recently passed by both Lok Sabha and Rajya Sabha and awaiting president's approval.

Present Status of National Commission for Backward Classes:-

The NCBC is a body set up under the National Commission for Backward Classes Act, 1993. It has the power to examine complaints regarding inclusion or exclusion of groups within the list of backward classes, and advise the central government in this regard.

The Bill seeks to establish the NCBC under the Constitution, and provide it the authority to examine complaints and welfare measures regarding socially and educationally backward classes.

Backward classes

The Constitution Amendment Bill states that the President may specify the socially and educationally backward

classes in the various states and union territories. However, a law of Parliament will be required if the list of backward classes is to be amended.

Functions

Under the Constitution Amendment Bill, the duties of the NCBC will include:

1. Investigating and monitoring how safeguards provided to the backward classes under the Constitution and other laws are being implemented,
2. Inquiring into specific complaints regarding violation of rights, and advising and making recommendations on socioeconomic development of such classes.
3. The NCBC will be required to present annual reports to the President on working of the safeguards for backward classes. These reports will be tabled in Parliament, and in the state legislative assemblies of the concerned states.
4. Under the Constitution Amendment Bill, the NCBC will have the powers of a civil court while investigating or inquiring into any complaints.

Impacts and Challenges of this Amendment

1. Politically, this effects two major changes: First, it shifts responsibility for amending the list of Other Backward Classes (OBCs) from the government to Parliament;

second, it effectively takes away the power that the states currently have to determine their own OBC lists.

2. Moreover, the burden of handling the inevitable conflicts arising from a zero-sum situation - where the entry of new castes necessarily implies a decline in the share of castes already included - could also be shifted from the ruling party to Parliament.

The modest agenda would protect reservations as a tiny and increasingly irrelevant island in the neo-liberal ocean of jobless growth, while the ambitious agenda would reduce reservations to absurdity in ways that will inevitably impact the SCs and STs. But both courses of action are framed by the larger contradiction in the Indian state's attitude towards caste - the willful misrecognition and truncation of exclusion and discrimination as merely deprivation and disadvantage.