

Bill Summary

The Constitution (123rd Amendment) Bill, 2017

- The Constitution (123rd Amendment) Bill, 2017 was introduced in Lok Sabha by the Minister of Social Justice and Empowerment, Mr. Thaawarchand Gehlot on April 5, 2017. It 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.
- **Role of NCSC:** Currently, under the Constitution the NCSC has the power to look into complaints and welfare measures with regard to Scheduled Castes, backward classes and Anglo-Indians. The Bill seeks to remove the power of the NCSC to examine matters related to backward classes.
- **Constitutional status to 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.
- Note that this Bill was introduced alongside the National Commission for Backward Classes (Repeal) Bill, 2017 that seeks to repeal the National Commission for Backward Classes Act, 1993.
- **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. He may do this in consultation with the Governor of the concerned state. However, a law of Parliament will be required if the list of backward classes is to be amended.
- **Composition and service conditions:** Under the Constitution Amendment Bill, the NCBC will comprise of five members appointed by the President. Their tenure and conditions of service will also be decided by the President through rules.
- **Functions:** Under the Constitution Amendment Bill, the duties of the NCBC will include: (i) investigating and monitoring how safeguards provided to the backward classes under the Constitution and other laws are being implemented, (ii) inquiring into specific complaints regarding violation of rights, and (iii) advising and making recommendations on socio-economic development of such classes. 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.
- 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.
- **Powers of a civil court:** Under the Constitution Amendment Bill, the NCBC will have the powers of a civil court while investigating or inquiring into any complaints. These powers include: (i) summoning people and examining them on oath, (ii) requiring production of any document or public record, and (iii) receiving evidence.

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