

Select Committee Report Summary

The Constitution (123rd Amendment) Bill, 2017

- The Select Committee (Chairperson: Mr. Bhupinder Yadav) constituted to examine the Constitution (123rd Amendment) Bill, 2017 submitted its report on July 19, 2017. The Bill was passed by Lok Sabha on April 10, 2017, and referred to the Select Committee by Rajya Sabha on April 11, 2017.
- The Bill seeks to establish the National Commission for Backward Classes under the Constitution. It provides the Commission the authority to examine welfare measures and complaints affecting socially and educationally backward classes.
- The Select Committee recommended that the Bill be passed, without any amendments. It noted that the proposed amendments would strengthen affirmative action in favour of socially and educationally backward classes.
- **Composition:** Currently the Bill specifies that the National Commission will have five members appointed by the President. However, it does not mention the eligibility criteria of the members. In light of this, the Select Committee noted that the central government should ensure that persons belonging to socially and educationally backward classes are given due representation in the National Commission (by framing rules in this regard). It also recommended that the Commission have at least one woman member.
- **Notes of dissent and additional recommendations:** Four members of the Select Committee (Sukhendu Sekhar Roy, Digvijaya Singh, B.K. Hariprasad, Husain Dalwai) submitted notes of dissent and one member (Sharad Yadav) submitted additional recommendations. Some of the observations and recommendations made by these members include:
 - (i) The Bill encroaches upon the states' role of identifying the backward classes. For example, it allows the President to specify the backward classes for a state in consultation with the Governor of the state. Some members recommended that it must be mandatory for the President to obtain the Governor's consent in such cases.
 - (ii) Further, it was recommended that the advice of the National Commission on inclusion and exclusion of castes from the list of backward classes should be binding on the government; and
 - (iii) The Bill provides the National Commission will have five members. Some Select Committee members recommended that the Commission should have seven members, which includes five members from backward classes, one woman member, and one member from a minority community.

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