

NCBC - National Commission for Backward Classes

[UPSC Notes]

What is NCBC?

102nd Constitution Amendment Act, 2018 provides constitutional status to the NCBC. It has the authority to examine the welfare measures and complaints regarding the educationally and socially backward classes.

National Commission for Backward Classes was formerly managed by the Ministry of Social Justice and Empowerment.

Historical Background of NCBC

As per Article 340 of the Indian Constitution, it is crucial to identify the educationally and socially backward classes, understand their situations, and take necessary steps to deal with the difficulties they encounter.

- In the 1950s and 1970s, two Backward Class Commissions were formed under Kaka Kalekar and B.P. Mandal respectively.
- The NCBC was an outcome of the Indra Sawhney Case of 1992 in which the supreme court had directed the Government to create a permanent body that would take care of the various backward classes for the purpose of benefits and protection.
- Due to this, Parliament passed National Commission for Backward Classes Act in 1993, and National Commission for Backward Classes (NCBC) was established on August 14, 1993, under the NCBC Act 1993, and it is headquartered in Delhi.
- 123rd Constitution Amendment bill of 2017 was introduced in Parliament that had the objective of safeguarding the interests of backward classes in a more effective manner. In simple words, it strengthened the NCBC to protect the interests of backward classes in a better way.
- 123rd amendment bill of 2017 got presidential assent, and NCBC got constitutional status in August 2018.
- NCBC recommended, that OBC can be sub-divided into- Backward, more backward, and extremely backward categories. The number of backward castes in 2016 increased to 5013 in the central list of OBCs.

Structure of NCBC

- NCBC is considered of five members including the National Backward Commission Chairman, Vice-Chairperson, and three members who are appointed by the President.

- The conditions of service and tenure of office of these five members can be decided by the President.

NCBC- Constitutional Provisions

Article 340 deals with the need to inter alia, identify those “educationally and socially backward classes”, make necessary recommendations to remove the difficulties of these classes, and understand the conditions of their backwardness.

- 102nd Constitutional Amendment Act is inserted in two new articles- Article 338 B and 342 A. it also brings about changes in Article 366.
- Article 338 B- It empowers NCBC to examine welfare and complaints measures regarding educationally and socially backward classes.
- Article 342 A empowers the President to assign backward classes in different states and union territories as well. President can do this in consultation with the governor of that particular state. However, a parliamentary law is needed for amending (removal/inclusion) the list of backward classes

Powers and Functions of NCBC

The NCBC has the following powers and functions.

- To monitor, investigate, and evaluate all matters relating to the socially and educationally backward classes under the constitution.
- To engage in the advice on socially and educationally backward classes' socio-economic growth, and evaluate their progress.
- NCBC is also responsible to reports to the President on the safeguards and effectiveness for socially and educationally backward classes. After that, the president will provide that report to the parliament, and if the findings are relevant to the state, then a copy of the report will be sent to the state government questioning that matter.
- National Commission for Backward Classes has the power of a civil court.
- National Commission for Backward Classes (NCBC) also accounted for the protection, development, welfare, and advancement of the socially and educationally backward classes.

How Does the new NCBC Different from its Earlier Version?

The 102nd Amendment Act recognizes that the BCs requires equality and development in all criteria. Due to this, it includes all the provisions for the formation of Socially and economically backward classes and the involvement of new NCBC in that process.

- The new NCBC has the power of the civil court, which would allow it to effectively address the problems of BCs. the NCBC is entrusted with additional functions as well to help out backward classes,
- Article 342 (A) talks about better transparency, and it has made it mandatory to take the concurrence of the parliament for deleting or adding any community to the backward classes list.

- The addition of one woman and at least two people with an understanding of the backward class is a great step towards making NCBC more effective and democratic in advancing the interest of Socially and Educationally backward classes.

Concerns Relating to New NCBC

One of the main concerns is that the new NCBC may not provide an effective and credible social justice architecture due to following reasons.

- The recommendations of the National Commission for Backward classes are not legally obligatory on the government.
- It has no power to add or remove classes from the backward list or define backwardness,
- There are many states who have failed to implement the 27% reservation for OBCs.
- OBCs are underrepresented in numerous boards, commissions, government committees, and other fora.
- The high courts and supreme court have a small representation of OBCs.
- The Act has no mention of periodic revision of the backward class list in consultation with the backward class commission.
- Features of the expert body are not provided in the composition of the new NCBC.

Benefits of NCBC

The benefits of the National Commission for Backward Classes are as follows:

- It provides justice to the educationally and socially backward population of our society.
- NCBC addresses the issues and problems faced by the backward classes and brings social equality to society.
- It helps the backward classes to cruelty against them and ensures justice.
- Including a woman member in the backward classes in the commission is a great move.

NCBC- Way Forward

The proper implementation of reservations for EWS among the OBS is the need of the hour.

- The government needs to put information in the public domain about the findings of the caste census and implement the reservation system accordingly.
- The composition of NCBC must reflect on the gender sensitivity and stakeholders' representations
- Sub-categorizing OBCs will make sure better access to benefits such as reservations in government jobs and educational institutions for less dominant OBCs.
- Political parties need to adopt value-based politics rather than vote-bank politics to work toward social justice.