

the socio-economic development of the socially and educationally backward classes both in letter and spirit as contained in the different clauses of the Bill.

66. The Committee feels that the Constitutional Amendments proposed in this Bill would further strengthen affirmative action in favour of socially and educationally backward classes as well as further boost concept of cooperative federalism between the Centre and States.

67. The Committee observes that the amendments do not in any way affect the independence and functioning of State Backward Classes Commissions' and they will continue to exercise unhindered their powers of inclusion/exclusion of other backward classes with relation to State List.

68. The Committee also took note of the concerns raised by some Members regarding the composition of the Commission and would like to impress upon the Ministry that while addressing the concerns of the Members the rules framed for the Chairperson and Members of the National Commission for Scheduled Castes and National Commission for Scheduled Tribes may be taken into consideration. The Committee is of the view that while framing the rules for composition of the proposed Commission and selection of its Chairperson it should be ensured that the persons belonging to socially and educationally backward classes be given due representation who inspire confidence amongst the socially and educationally backward classes. It may further be ensured that at least one woman member is part of the Commission.

69. The Committee hopes that the Bill would bring a sea change by putting in place effective and efficient delivery mechanism for the welfare of socially and educationally backward classes.

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Note of Dissent

Sukhendu Sekhar Roy, M.P.

To

DATE: 14<sup>th</sup> July 2017

SRI BHUPENDER YADAV  
Hon'ble Chairman  
SELECT COMMITTEE ON  
THE CONSTITUTION (ONE HUNDRED  
AND TWENTY THIRD AMENDMENT) BILL 2017  
PARLIAMENT HOUSE  
NEW DELHI

Sub: Note of Dissent

Re: Constitution (One Hundred and Twenty Third Amendment) Bill, 2017

Sir,

As per the RULES OF PROCEDURE AND CONDUCT OF BUSINESS IN THE COUNCIL OF STATES and as a member of the SELECT COMMITTEE I am forwarding herewith a note of dissent.

Kindly incorporate my note of dissent in the report of the select committee in relation to Constitution (One Hundred and Twenty Third Amendment) Bill, 2017.

Encl: As Stated.

Regards,

Sd/-

Sukhendu Sekhar Roy, M.P.

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Re: The Constitution (One Hundred and Twenty Third Amendment) Bill,  
2017 (As passed by Lok Sabha)

Sub: Note of Dissent


In Paragraph 3 of the statement of Objects and Reasons of the above referred Bill, it is inter alia mentioned that "..... the Supreme Court of India in the matter of Indra Sawhney and Others Vs. Union of India (AIR 1993, SC 477) had directed the Government of India to constitute a permanent body for entertaining, examining and recommending requests for inclusion and complaints of over - inclusion and under - inclusion in the Central List of other Backward Classes.... Now, in order to safeguard the interests of the socially and educationally backward classes more effectively, it is proposed to create a National Commission for Backward Classes with constitutional status at par with the National Commission for Scheduled Casts and the National Commission for Scheduled Tribes."

In fact, the Hon'ble Supreme Court delivered the said judgment directing inter alia to constitute a permanent body, in the nature of a Commission or Tribunal, both at the Central Level and at the level of the States under Article 16(4) read with Article 340 as a concomitant of the power to identify and specify backward classes of citizens in whose favour reservations are to be provided.

The operative portion of the said order and judgment has been more fully described in the Paragraph 117 of the Supreme Court judgment, which is reproduced below for ready reference:

Paragraph 117 of the judgment - Indra Sawhney & Ors. Vs. UOI (AIR 1993, SC 477)

"we are of the considered view that there ought to be a permanent body, in the nature of a Commission or Tribunal, to which complaints of wrong inclusion or non-inclusion of groups, classes and sections in the lists of other Backward Classes can be made. Such body must be empowered to examine complaints of the said nature and pass appropriate orders. Its advice / opinion should ordinarily be binding upon the Government. Where, however, the Government does not


  
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agree with its recommendation, it must record its reasons therefor. Even if any new class / group is proposed to be included among other backward classes, such matter shall also be referred to the said body in the first instance and action taken on the basis of its recommendation. The body must be composed of the experts in the field, both official and non-official, and must be vested with the necessary powers to make a proper and effective inquiry. It is equally desirable that each State constitutes such a body, which step would go a long way in redressing genuine grievances. Such a body can be created under Clause (A) of the Article 16 itself - or under Article 16(4) read with Article 340 - as a concomitant of the power to identify and specify backward class of citizens, in whose favour reservations are to be provided. We direct that such a body be constituted both at Central level and at the level of the states within four months from date..... (emphasis supplied)

Needless to mention that the aforesaid judgment is, for all practical purposes, considered to be a law declared by the Supreme Court under Article 141 of the Constitution of India.

It would appear from the spirit of the verdict that the Hon'ble Supreme Court vide the said judgment directed both the Centre and the States to perform their respective duties and functions in the matter of identifying and specifying backward classes of citizens in whose favour reservations are to be provided within their respective jurisdictions. Needless to say that the provisions under Articles 16(4) and 300 are constitutional provisions.

The Supreme Court vide Paragraph 119(b) of the said judgment observed inter alia that "Strictly speaking, appointment of a Commission under Article 340 is not necessary to identify the other backward classes. Article 340 does not say so. According to it, the Commission is to be constituted to investigate the conditions of socially and educationally backward classes .... And the difficulties under which they labour and to make recommendations as to the steps that should be taken of the Union or any State to remove such difficulties...."

  
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In spite of the orders and directions contained in the aforesaid judgment and / or the observations made therein, which also form part of the said judgment, more fully described hereinabove, the present Bill proposes to amend Article 338A and to insert article 338B in the Constitution of India to form a National Commission with sweeping powers and centralised authority not only " to investigate and monitor all matters relating to the safeguards provided for the socially and backward classes under the Constitution or under any other law", but also " to advise on the socio-economic development of the socially and educationally backward classes and to evaluate the progress of their development "Under the Union and any State, and to discharge such other functions as may be prescribed.

The Bill also proposes to insert Article 342A whereby the President may specify the socially and educationally backward classes which shall be deemed to be socially and educationally backward classes and where it is a State the President may do so in consultation with the Governor.

On a careful analysis of the provisions of the present Bill vis-à-vis the Hon'ble Supreme Court's judgment in Indra Sawahney and Others Vs. Union of India as referred to above and in the light of the discussions made hereinbefore, I am of the view that The Constitution Amendment (one Hundred And Twenty Third Amendment ) Bill 2017 will deprive the States in making provisions for the socially and educationally Backward Classes under Article 15 (4) of the Constitution of India.

Secondly, the proposed amendments to the Constitution of India through the present Bill appear to be against the spirit of co-operative federalism.

Thirdly, the proposed amendment to the Constitution through this Bill undermine the role of the State Governments and the State Commissions for Backward Classes.

  
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Fourthly, the proposed amendments to the Constitution of India through this Bill will be a hindrance to the development of particular communities who may have inadequate representation in the State.

Fifthly, Article 1(1) of the Constitution of India envisages that "India, that is Bharat, shall be a Union of States" and not a unitary state. But the Constitution (One Hundred and Twenty Third Amendment) Bill 2017 prescribes for a unitary authority which in effect shall encroach upon the jurisdiction of the States in the matter of identifying and specifying the socially and educationally backward classes and promotion of welfare thereof and affect thereby the federal character which is the basic structure of the Constitution.

In view of the aforesaid, I am not in favour of of the Constitution (One Hundred and twenty third) Amendment Bill, 2017 and hence it is opposed.

Sd/-

Sukhendu Sekhar Roy, M.P.

## Note of Dissent

Digvijaya Singh, M.P.  
B.K. Hariprasad, M.P.  
Husain Dalwai, M.P.

To,  
The Chairman  
Select Committee on the Constitution (One Hundred and Twenty-  
Third Amendment) Bill, 2017  
New Delhi

Dear Sir,

We fully support giving Constitutional Status to the Socially and Educationally Backward Classes Commission.

But must humbly submit Amendments to the proposed Bill to give it a more representative character to protect the interests of Socially and Educationally Backward Classes in India.

Therefore we are submitting our Note of-dissent.

**CLAUSE 3**

1- That at page 2 for lines 2 and 3 the following be substituted, namely:-

"338B. (1) There shall be a Commission for the Backward Classes to be known the National Commission for Socially and Educationally Backward Classes"

2- That at page 2, line 5, for the words "three other Members" the words "five other Members belonging to Backward Classes of which one shall be women and one at least shall be from Minority Community" may be inserted.

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Website: <http://rajyasabha.nic.in>

3- That at page 2, after line 11, two new sub-clauses (a) and (b) be added and the existing sub-clauses (e) to (f) be renumbered as (c) to (h). The new sub-clauses (a) and (b) be read as follows:

(a) (i) To examine the draft list of socially and educationally backward classes to be submitted to President for public notification under article 342 A(1) and tender such advice to the Central Government as it deems appropriate.

(ii) The advice tendered by the Commission shall ordinarily be binding on the Central Government.

Provided that if the Central Government doesn't agree with the advice of the Commission, it shall record its reason in writing and submit such reasons along with the draft list to the President.

(b) (i) To examine and advice the Central Government on the request of inclusion or exclusion from the list of socially and educationally backward classes for the purpose of enabling the Parliament to amend this list under Article 342A(2) and to hear complaints of over inclusion and under inclusion of any backward classes in such list and tender such advice to the Central Government as it deems appropriate.

(ii) The advice tendered by the Commission shall ordinarily be binding on the Central Government.

Provided that if the Central Government doesn't agree with the advice of the Commission, it shall record its reasons in writing and place the same before both the Houses of Parliament.

3- That at page 2, sub-clause 5(c) line 18 instead of "to advise on" add "to participate and advise on the planning process".

4- That at page 3, sub-clause (9) line 13 after "backward classes" add "NCBC should consult the State Government for any State specific issues"



CLAUSE 4

That at page 3, line 16 for the words " after consultation with" the words "after obtaining the consent of" be inserted.

That at page 3 line 20 sub-clause (2) should be replaced as "The President may, on the advice of the National Commission for Socially and Educationally Backward Classes include or exclude from the Central list of socially and educationally backward classes specified in a Notification issued under sub-clause (1)."

Also it has been noted that for long periods posts of Commission Members Vice Chairman and Chairman are left vacant. Therefore we would like to add after para 20 of page 6 another para 20A to be read as

Yours sincerely,

Sd-

Digvijaya Singh, M.P.

Sd-

B.K. Hariprasad, M.P.

Sd-

Husain Dalwai, M.P.

**SHARAD YADAV**  
Member Of Parliament (Rajya Sabha)  
**CHAIRMAN**  
Parliamentary Standing Committee on Industry



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Syadav@sansad.nic.in

After the recommendations of Mandal Commission and judgement of Hon'ble Supreme Court in the case of Indira Sahney, an expert body was constituted under National Commission for Backward Classes Act, 1993. I am of the firm view that in the end of the Bill in Parliament i.e. The National Commission for Backward Classes (Repeal) Bill, 2017 it may be mentioned that the body under this Act shall have constitutional status on the lines of National Commission for Scheduled Castes and Scheduled Tribes and there is no need of any other inclusion and exclusion of the clauses. Further, I am of the view that inclusion and exclusion of castes and approval thereof shall not be left on Governor, Parliament and the President as it will be a step backward, and as such the decision of National Commission for Socially and Educationally Backward Classes (NCSEBC) shall be binding on the Government and also there shall not be any change in the existing role of the State Governments for inclusion and exclusion of castes.

  
( SHARAD YADAV )

**Shri Bhupender Yadav, M.P,**  
Hon'ble Chairman,  
Select Committee on the Constitution (One Hundred and Twenty-third  
Amendment) Bill, 2017,  
New Delhi

Bill No. 71-C of 2017

THE CONSTITUTION (ONE HUNDRED AND TWENTY-THIRD  
AMENDMENT) BILL, 2017

BILL

*further to amend the Constitution of India.*

Enacted by Parliament in the Sixty-eighth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (One Hundred and Second Amendment) Act, 2017.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In article 338 of the Constitution, in clause (10), the words, brackets and figures "to such other backward classes as the President may, on receipt of the report of a Commission appointed under clause (1) of article 340, by order specify and also" shall be omitted.

Amendment of article 338.

Insertion of  
new article  
338B.

National  
Commission  
for Backward  
Classes.

3. After article 338A of the Constitution, the following article shall be inserted, namely—

"338B. (1) There shall be a Commission for the socially and educationally backward classes to be known as the National Commission for Backward Classes.

(2) Subject to the provisions of any law made in this behalf by Parliament, the Commission shall consist of a Chairperson, Vice-Chairperson and three other Members and the conditions of service and tenure of office of the Chairperson, Vice-Chairperson and other Members so appointed shall be such as the President may by rule determine.

(3) The Chairperson, Vice-Chairperson and other Members of the Commission shall be appointed by the President by warrant under his hand and seal.

(4) The Commission shall have the power to regulate its own procedure.

(5) It shall be the duty of the Commission—

(a) to investigate and monitor all matters relating to the safeguards provided for the socially and educationally backward classes under this Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards;

(b) to inquire into specific complaints with respect to the deprivation of rights and safeguards of the socially and educationally backward classes;

(c) to advise on the socio-economic development of the socially and educationally backward classes and to evaluate the progress of their development under the Union and any State;

(d) to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;

(e) to make in such reports the recommendations as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the socially and educationally backward classes; and

(f) to discharge such other functions in relation to the protection, welfare and development and advancement of the socially and educationally backward classes as the President may, subject to the provisions of any law made by Parliament, by rule specify.

(6) The President shall cause all such reports to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any of such recommendations.

(7) Where any such report, or any part thereof, relates to any matter with which any State Government is concerned, a copy of such report shall be forwarded to the Governor of the State who shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any of such recommendations.

(8) The Commission shall, while investigating any matter referred to in sub-clause (a) or inquiring into any complaint referred to in sub-clause (b) of clause (5),

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have all the powers of a civil court trying a suit and in particular in respect of the following matters, namely:—

- (a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;
  - (b) requiring the discovery and production of any document;
  - (c) receiving evidence on affidavits;
  - (d) requisitioning any public record or copy thereof from any court or office;
  - (e) issuing commissions for the examination of witnesses and documents;
- and
- (f) any other matter which the President may, by rule, determine.

(9) The Union and every State Government shall consult the Commission on all major policy matters affecting socially and educationally backward classes.

4. After article 342 of the Constitution, the following article shall be inserted, namely:—

*Insertion of new article 342A.*

"342A. (1) The President may with respect to any State or Union territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the socially and educationally backward classes which shall for the purposes of this Constitution be deemed to be socially and educationally backward classes in relation to that State or Union territory, as the case may be.

*Socially and educationally backward classes.*

(2) Parliament may by law include in or exclude from the Central List of socially and educationally backward classes specified in a notification issued under clause (1) any socially and educationally backward class, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification."

5. In article 366 of the Constitution, after clause (26B), the following clause shall be inserted, namely:—

*A new clause of article 366.*

"(26C) "socially and educationally backward classes" means such backward classes as are so deemed under article 342A for the purposes of this Constitution."

## Parliamentary Bulletin Part-II

No. 56562

Wednesday, April 12, 2017

Committee Co-ordination Section

Reference of the Constitution (One Hundred and Twenty-third Amendment) Bill, 2017, to a Select Committee of Rajya Sabha

As members are aware that the Rajya Sabha, at its sitting held on the 11<sup>th</sup> April, 2017, adopted the following motion referring the Constitution (One Hundred and Twenty-third Amendment) Bill, 2017 to a Select Committee of the Rajya Sabha:-

"That the Bill further to amend the Constitution of India, as passed by Lok Sabha, be referred to a Select Committee of the Rajya Sabha consisting of the following Members:-

1. Shri Bhupender Yadav
2. Shri Chunibhai Kanjibhai Gohel
3. Dr. Vikas Mahatme
4. Shri Ram Narain Dudi
5. Shri B. K. Hariprasad
6. Shri Madhusudan Mistry
7. Shri Digvijaya Singh
8. Shri Husain Dalwai
9. Prof. Ram Gopal Yadav
10. Shri Sharsd Yadav
11. Shri Sukhendu Sekhar Roy
12. Shri A. Navaneethakrishnan
13. Shri Satish Chandra Misra
14. Shri T.K. Rangarajan
15. Shri Dilip Kumar Tirkey
16. Shri C. M. Ramesh
17. Shri Pratul Patel
18. Shrimati Kanimozhi
19. Shri Anil Desai
20. Shri Naresh Gujral
21. Mir Mohammad Fayaz
22. Shri Biswajit Daimary
23. Shri Rajeev Chandrasekhar
24. Shri Swapan Dasgupta
25. Shri Ram Kumar Kashyap

with instructions to report to the Rajya Sabha by the last day of the first week of the next Session".

2. The Chairman, Rajya Sabha has appointed Shri Bhupender Yadav, Member, Rajya Sabha, to be the Chairman of the committee.

Shumsher K. Sheriff  
Secretary-General

**List of witnesses who appeared before the Select Committee**

1. Dr. K. Veeramani, President, Dravidar Kazhagam;
2. Justice (Retd.) V. Eswaraiah, Former Chairman, National Commission for Backward Classes (NCBC);
3. Shri S.K. Kharventhan, Ex-M.P. (Lok Sabha) & Former Member, NCBC;
4. Shri G. Karunanidhy, General Secretary, All India Federation of OBC Employees' Welfare Association;
5. Shri Kapil Harishchand Patil, MLC, Maharashtra Legislative Council
6. Shri Ryaga Krishnaiah, MLA, Telangana Legislative Assembly
7. Shri Haribhau Rathod, Ex M.P. and MLC, Maharashtra Legislative Council
8. Shri P.S. Krishnan, Former Secretary, Ministry of Welfare
9. Shri Sahu Akshay Bhai, Chief Co-ordinator, National Council for Most Backward Classes
10. Shri Guduri Venkateswara Rao, President, All India BC Praja Welfare Association
11. Prof. P.C. Patanjali, Chairman, Pichada Varg Vikas Manch
12. Shri Hasib A. Aziz Nadaf
13. Prof. Prakash Sonawane
14. Shri Hansraj, President, Most Backward Classes Mahasangh
15. Shri Vishvanath Patil, President, Kunbi Sena Ram Wadi
16. Shri Shabbir Ahmed Ansari, All India Muslim OBC Organisation
17. Dr. Kailash Goud, Ex-Member, Maharashtra State Backward Class Commission
18. Shri Haji Shoukat Bhai Tamboli

Dr. Dilip Kumar Tirkey

Padamsree L Arjun Awardee

Member of Parliament, Rajya Sabha



Sh. Bhupender Yadav  
Hon. Chairman,  
Select Committee on the Constitution (123<sup>rd</sup> Amendment) Bill, 2017

Date: 09<sup>th</sup> June, 2017Sub: Suggestion of amendments in the aforesaid Bill.

Respected Sir,

I, as a member of the Select Committee of Rajya Sabha constituted for examining the Constitution (123<sup>rd</sup> Amendment) Bill, 2017, wish to offer following suggestions and amendments in the present Bill:

1. On page 3, in line 16, "after consultation with the Governor thereof" may be substituted with "only with prior recommendation of the State Government and giving due regard to such recommendation."
2. On page 3, in lines 17 and 18, the phrase "for the purpose of this Constitution" may be omitted.
3. On page 3, in line 18, after "deemed to be", the phrase "the central List of" may be inserted.
4. On page 3, after line 23 following two paragraphs may be inserted:

(3) "Every state Government may, by public notification, specify the socially and educationally backward classes in that State which shall be deemed to be the State List of socially and educationally backward classes in relation to that State.

(4) The State may by law include in or exclude from the State List of socially and educationally backward classes specified in a notification issued under clause (3) any socially and educationally backward class, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification."

With Best Regards,

(Dilip Kumar Tirkey)

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Mr. BhupenderYadav  
Member of Parliament  
Hon'ble Chairman - Select Committee on  
The Constitution (123<sup>rd</sup>) Amendment Bill 2017  
New Delhi

30 June 2017

Respected Chairman,

After careful consideration of the provisions of the Constitution (123<sup>rd</sup>) Amendment Bill 2017 and submissions made before the Select Committee, I would like to present the following submission:

The DravidaMunnetraKazhagam welcomes the passage of the Constitution (123<sup>rd</sup>) Amendment Bill 2017. This is a historic social justice legislation with the inherent power to impact hundreds of millions of Indian citizens of today and many more in years to come. While doing so, I wish to highlight the political narrative in the upliftment of backward classes and also offer some suggestions on how the Bill, in its present form, may be improved.

It is a matter of great pride to us that the predecessors of the DravidaMunnetraKazhagam (DMK) i.e. Justice Party passed the Communal G.O. during the Justice Party Government in Madras Presidency. This happens to be the first ever government to provide reservation in education and employment and set us on the path of social justice. When the Communal G.O. struck down by the Supreme Court in the case of State of Madras v.

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ChampakamDorairajan 1951, the leader of DravidarKazhagamThanthaiPeriyar led protests against the verdict. This prompted Pandit Jawaharlal Nehru and DrBabasahebAmbedkar to amend the Constitution for the very first time. This, in short, was how the provision for making special provisions, in the form of reservations, for Scheduled Castes (SC), Scheduled Tribes (ST) and Other Backward Classes (OBC) was given Constitutional sanctity. For sake of clarity and convenience, the inserted Article 15(4) is produced here:

*"Nothing in this article or in clause ( 2 ) of Article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes."*

Therefore, the definition of Other Backward Classes that was conceived is: those belonging to socially and educationally backward classes of citizens who are not Scheduled Castes or Scheduled Tribes. More than four decades later, the government order on the Mandal Commission Report, was the subject matter of the IndraSawhney v. Union of India 1992 case. In paragraph number 847 of this judgment, the Supreme Court has made the following order:

*"We are of the considered view that there ought to be a permanent body, in the nature of a Commission or Tribunal, to which complaints of wrong inclusion or non-inclusion of groups, classes and sections in the lists of Other Backward Classes can be made. Such body must be empowered to examine complaints of the said nature and pass appropriate orders. Its advice/opinion should ordinarily be binding upon the Government. Where, however, the Government does not agree with its recommendation, it must record its reasons therefor. Even if any new class/group is proposed to be included among the other backward classes, such matter must also be referred to the said body in the first instance and action taken on the basis of its recommendation. The body must be composed of experts in the field, both official and non-official, and must be vested with the necessary powers to make a proper and effective inquiry. It is equally desirable that each State constitutes such a body, which step would go a long way in redressing genuine grievances. Such a body can be created under clause (4) of Article 16 itself — or under Article 16(4) read with Article 340 — as a concomitant of the power to identify and specify backward class*

*of citizens, in whose favour reservations are to be provided. We direct that such a body be constituted both at Central level and at the level of the States within four months from today. They should become immediately operational and be in a position to entertain and examine forthwith complaints and matters of the nature aforementioned, if any, received. It should be open to the Government of India and the respective State Governments to devise the procedure to be followed by such body. The body or bodies so created can also be consulted in the matter of periodic revision of lists of OBCs. As suggested by Chandrachud, CJ in Vasanth Kumar [1985 Supp SCC 714 : 1985 Supp 1 SCR 352] there should be a periodic revision of these lists to exclude those who have ceased to be backward or for inclusion of new classes, as the case may be."*

This was the basis for setting up the National Commission for Backward Classes in 1993. The present Constitution (123<sup>rd</sup>) Amendment Bill 2017 seeks to provide a Constitutional status for the National Commission for Backward Classes along the lines of the National Commission for Scheduled Castes and National Commission for Scheduled Tribes. But, such an endeavour must not take place at the expense of the rights traditionally enjoyed by the states.

State Governments have been identifying Backward Classes and taking up measures for their welfare right from Independence and even before the current National Commission for Backward Classes was instituted. In Tamil Nadu, the State Government, during the first ever DravidaMunnetraKazhagam regime, appointed Backward Classes Commission under the leadership of A.N. Sattanathan in 1969. The Sattanathan Commission report, on the basis of educational and social backwardness and occupation of members of that caste, suggested the division of Backward Classes into two: Backward Classes and Most Backward Classes. These suggestions were also adumbrated in the Judgement of Hon'ble Supreme Court of India, delivered in IndraSawhney case. Another Commission led by J.A. Ambashanker was constituted to study the extent of backwardness in 1982. Therefore, any new Constitutional body being created now must not displace the States from their traditional and integral role in the empowerment of backward classes.

Article	Bill Passed by Lok Sabha	Suggested Changes	Explanation
338B, Clause 5	Sub-clause (c) to advise on the socio-economic development of the socially and educationally backward classes and to evaluate the progress of their development under the Union and any state;	<b>Modify:</b> Sub-clause (c) to participate and advise on the planning process of socio-economic development of the socially and educationally backward classes and to evaluate the progress of their development under the Union and any state;	<i>To bring it in line with similar provisions in Article 338 and Article 33A which deal with National Commissions for Scheduled Castes and Scheduled Tribes, respectively.</i>
338B, Clause 5	No sub-clause (g)	<b>Insert:</b> (g) to examine request for inclusion of any class of citizens as a backward class in the lists and hear complains of over-inclusion or under-inclusion of any backward class in such lists and tender such aside to the Central Government as it deems appropriate.	<i>To explicitly provide National Commission for Backward Classes with powers to examine requests for inclusion and to hear complaints.</i>
338B, Clause 10	No Clause 10	<b>Insert:</b> Clause 10. Notwithstanding anything provided in Clause 9, the State Government shall continue to have the powers to identify Socially and Educationally Backward Classes.	<i>To protect the autonomy and rights of the State Governments</i>

342A, Clause 1	The President may with respect to any State or Union territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the socially and educationally backward classes which shall for the purposes of this Constitution be deemed to be socially and educationally backward classes in relation to that State or Union territory, as the case may be.	<b>Modify:</b> The President may with respect to any State or Union territory, and where it is a State, on the request made by the Governor thereof, by public notification, specify the socially and educationally backward classes for the purposes of making provisions for reservation of appointment to an office or posts under the Government of India or under any authority of Government of India or under the control of the Government of India or seats in Central Government educational institutions.	<i>To ensure that National Commission for Backward Classes advises the Central Government in a manner similar to how State Commissions advise State Governments.</i>
342A, Clause 2	The President may by law include in or exclude from the Central List of socially and educationally backward classes specified in a notification issued under Clause (1) any socially and educationally backward class, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.	<b>Insert:</b> The President may, on the advise of the National Commission for Backward Classes, include or exclude from the Central List of socially and educationally backward classes specified in a notification issued under Clause (1).	<i>The President is guided by the systematic, specialized and scientific recommendations of the National Commission in this endeavour.</i>
342A, Clause 3	No Clause 3	<b>Insert:</b> The Governor of a State, by public notification, specify the socially and educationally backward classes for the purposes of making provisions for reservation of posts under that State or under any other authority of the State or under the control of the State or seats in the educational institutions within that State.	<i>The Governor, and State Government, retain their powers to implement reservation policies as per the localised conditions and circumstances.</i>