

127th Constitution Amendment bill

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In news- Recently, the Lok Sabha passed the 127th Constitution Amendment bill.

About the bill

- It **seeks to restore the power of State governments to identify Other Backward Classes** that are socially and economically backward after a Supreme Court order in May 2021.
- The Supreme Court had empowered only the Central government for such identification.
- The bill will amend clauses 1 and 2 of Article 342A and also introduce a new clause 3.
- The Bill will also amend Articles 366 (26c) and 338B (9).
- The 127th Amendment Bill is designed to clarify that the states can maintain the “state list” of OBCs as was the system prior to the Supreme Court judgment.

Constitutional provisions related to OBCs

- Articles 366 (26c) defines socially and educationally backward classes.
- Articles 15 (4), 15 (5), and 16 (4) of the Indian Constitution confer power on the State Government to declare and identify the list of socially and educationally backward classes.
- As a practice, separate OBC lists are drawn up by the Central Government and each State concerned.

Need for the amendment

The amendment was necessitated after the Supreme Court in its

Maratha reservation ruling in May upheld the 102nd Constitutional Amendment Act but said the president, based on the recommendations of the National Commission for Backward Classes (NCBC), would determine which communities would be included on the state OBC list. It took away the powers of state governments to do so.

102nd Constitutional Amendment Act of 2018

- It had inserted Articles 338B and Article 342A (with two clauses) after Article 342. Article 338B deals with the structure, duties and powers of the National Commission for Backward Classes.
- Article 342A says that the president, in consultation with the governor, would specify the socially and educationally backward classes.

National Commission for Backward Classes

- It is a constitutional body (created by 123rd constitutional amendment bill 2017 and 102nd amendment 2018 in constitution to make it a constitutional body).
- It was constituted pursuant to the provisions of the National Commission for Backward Classes Act, 1993
- The commission was the outcome of Indra Sawhney & Others v. Union of India 1992.
- 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

Extra

reading: <https://journalsofindia.com/commission-for-subcategorization-of-obc/>