

AS INTRODUCED IN THE RAJYA SABHA
ON THE 5TH AUGUST, 2016

Bill No. XXII of 2016

THE CONSTITUTION (AMENDMENT) BILL, 2016

A

BILL

further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-seventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 2016.

Short title
and com-
mencement.

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

2. After article 338A of the Constitution, the following new article shall be inserted,
namely:—

Insertion of
new article
338B.

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

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 five 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. 5

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

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

(a) to investigate monitor all matters relating to the safeguards provided for the 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; 10

(b) to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Backward Classes;

(c) to participate and advise on the planning process of socio-economic development of the Backward Classes and to evaluate the progress of their development under the Union and any State; 15

(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 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 Backward Classes; and 20

(f) to discharge such other functions in relation to the protection, welfare and development and advancement of the Backward Classes as the President may, subject to the provisions of any law made by Parliament, by rule specify. 25

(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. 30

(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. 35

(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), 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; 40

(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; 45

(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 Backward Classes."

STATEMENT OF OBJECTS AND REASONS

Under article 338 and 338A of the Constitution, the National Commission for the Scheduled Castes and the National Commission for Scheduled Tribes were established with the objective of monitoring all the safeguards provided for the Scheduled Castes and the Scheduled Tribes under the Constitution or other laws.

There are ample schemes and special provisions for the welfare of the Backward Classes in the country. However, there has not been any paradigm shift in their socio-economic conditions. In such a situation, need is being felt for a better and strong institutional system to put an end to their exploitation and ensure their overall development. There are provisions for the National Commission for the Scheduled Castes and the National Commission for the Scheduled Tribes in the Constitution. Similarly, there should be constitutional status for the National Commission for the Backward Classes. The Parliamentary Committee on the Welfare of the Backward Classes in its first report (2012-2013) had also recommended for giving constitutional status to the National Commission for the Backward Classes.

The Bill, therefore, seeks to amend the Constitution with a view to provide constitutional status to the National Commission for Backward Classes.

B. K. HARIPRASAD

FINANCIAL MEMORANDUM

The Bill seeks to confer constitutional status to the National Commission for the Backward Classes set up as a permanent body in the year 1993 under the National Commission for Backward Classes Act, 1993. Therefore, the Bill, if enacted, is not likely to involve any recurring or non-recurring expenditure.

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(Shri B.K. Hariprasad, M.P.)