



## Addition of More Castes to Central OBC List

**For Prelims:** [National Commission for Backward Classes](#), Constitutional provisions related to OBC.

**For Mains:** National Commission for Backward Classes, Issues related to Reservation.

### Why in News?

[National Commission for Backward Classes](#) (NCBC) is processing the request for the **approval of about 80 more castes in six States**, (Maharashtra, Telangana, Andhra Pradesh, Himachal Pradesh, Punjab, and Haryana) for the inclusion in the OBC list.

### What is Other Backward Class (OBC)?

#### ▪ About:

- The term OBC includes all classes of citizens who are socially and educationally backwards.
- Supreme Court concluded that in order to identify OBC's, the principle of exclusion of creamy layer should be applied.
  - A creamy layer can be defined as those classes of people within the OBC category who are no longer backward and are socially and economically at par with other forward classes of the country.

#### ▪ Process of Inclusion:

- NCBC is a **constitutional body that examines requests** for inclusion of castes in Central OBC list.
- NCBC **constitutes a Bench to examine proposals** and forwards its decision to the Union government.
- Cabinet approves the additions and brings legislation, President notifies the change
- Cabinet approves the additions and brings legislation, President notifies the change.

#### ▪ Constitutional Provisions:

- **Under Article 15(4)** of the Constitution, **the State has the power to make special provisions for the advancement of any socially and educationally backward class i.e., the OBC.**
  - The term "special provision for advancement" includes several aspects like reservation of seats in educational institutions, financial assistance, scholarships, free housing etc.
- **Under Article 16(4)**, the state is empowered to enact laws **for the reservation of appointments or posts in favour of OBCs.**

#### ▪ Union Government's Achievements:

- Added **16 communities to Central OBC list in Himachal Pradesh, Bihar, Jharkhand, Madhya Pradesh and Jammu and Kashmir** since 2014
- Brought 105<sup>th</sup> Amendment to Constitution to re-affirm States' right to maintain their own OBC lists, saving 671 State OBC communities from losing benefits

### What is the National Commission for Backward Classes?

▪ **About:**

- **102<sup>nd</sup> Constitution Amendment Act, 2018** provides constitutional status to the NCBC.
- It has the **authority to examine complaints and welfare measures regarding socially and educationally backward classes.**
- Previously NCBC was a **statutory body under the Ministry of Social Justice and Empowerment.**

▪ **Background:**

- Two Backward Class Commissions were appointed in 1950s and 1970s under **Kaka Kalelkar and B.P. Mandal respectively.**
  - Kaka Kalelkar commission is also known as the **First Backward Classes Commission.**
- In **Indra Sawhney case of 1992**, Supreme Court had directed the government to create a permanent body to entertain, examine and recommend the inclusion and exclusion of various Backward Classes for the purpose of benefits and protection.
- In pursuant to these directions' parliament passed the National Commission for Backward Classes Act in 1993 and constituted the NCBC.
- **123<sup>rd</sup> Constitution Amendment bill of 2017** was introduced in Parliament to safeguard the interests of backward classes more effectively.
- Parliament has also passed a separate bill to repeal the National Commission for Backward Classes Act, 1993, thus 1993 act became irrelevant after passing the bill.
- The bill got the President assent in August 2018 and provided the constitutional status to NCBC.

▪ **Structure**

- The Commission consists of **five members** including a **Chairperson, Vice-Chairperson and three other Members appointed by the President** by warrant under his hand and seal.
- The conditions of **service and tenure of office of the Chairperson, Vice-Chairperson and other Members is determined by President.**

[Source: TH](#)

PDF Refernece URL: <https://www.drishtiias.com/printpdf/addition-of-more-castes-to-central-obc-list>