

Sixteenth Lok Sabha

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Tite: Secretary General reported the message that Rajya Sabha, at its sitting held on the 6th August, 2018, (i) agreed to the alternative amendments and further amendments made by the Lok Sabha on the 2 August, 2018 in the Constitution (One Hundred and Twenty Third Amendment) Bill, 2017 ; (ii) passed the National Commission for Backward Classes (Repeal) Bill, 2017 as passed by the Lok Sabha on 10 April, 2017 with amendments and returned the Bill with the request that the concurrence of Lok Sabha to the said amendments be communicated to Rajya Sabha; and (iii) agreed without any amendment the Criminal Law (Amendment) Bill, 2018 as passed by the Lok Sabha on the 30 July 2018. Rajya Sabha laid on the Table the National Commission for Backward Classes (Repeal) Bill, 2017 as returned by Rajya Sabha with amendments - Laid

SECRETARY GENERAL: Madam Speaker, I have to report the following messages received from the Secretary General of Rajya Sabha:-

(i) In accordance with the provisions of rule 132 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 6th August, 2018, agreed to the following alternative amendments and further amendments made by the Lok Sabha at its sitting held on the 2nd August, 2018, in the Constitution (One Hundred and Twenty-third Amendment) Bill, '2017 in accordance with the provisions of article 368 of the Constitution of India:-

1. That at pages 2 and 3, the following be inserted namely:-

"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 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 participate and 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 State Government which 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), 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."

ENACTING FORMULA

That at page 1, line 1, for the word "Sixty- eighth", the word "Sixty-ninth" be substituted.

CLAUSE 1

That at page 1, line 3, for the figure "2017", the figure "2018" be substituted.

(ii) 'I am directed to inform the Lok Sabha that the National Commission for Backward Classes (Repeal) Bill, 2017, which was passed by the Lok Sabha at its sitting held on the 10th April, 2017, has been passed by the Rajya Sabha at its sitting held on the 6th August, 2018, with the following amendments:-

ENACTING FORMULA

That at page 1, line 1, for the word "Sixty-eighth", the word "Sixty-ninth" be substituted.

CLAUSE 1

That at page 1, line 4, for the figure "2017", the figure "2018" be substituted.

I am, therefore, to return herewith the said Bill in accordance with the provisions of rule 128 of the Rules of Procedure and Conduct of Business in the Rajya Sabha with the request that the concurrence of the Lok Sabha to the said amendments be communicated to this House.

(iii) "In accordance with the provisions of rule 127 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha at its sitting

held on the 6th August, 2018 agreed without any amendment to the Criminal Law (Amendment) Bill, 2018 which was passed by the Lok Sabha at its sitting held on the 30th July, 2018."

Madam Speaker, I lay on the Table the National Commission for Backward Classes (Repeal) Bill, 2017, as returned by Rajya Sabha with amendments.