



## OBC Concerns in the Women's Reservation Bill, 2023

**For Prelims:** [Women's Reservation Bill, 2023](#), [Sub-Categorisation of OBCs](#), [Supreme Court](#), Geeta Mukherjee report, [Mandal Commission](#), Constitutional Status for NCBC, Justice G. Rohini Commission.

**For Mains:** Arguments in Favour and Against the Reservation of Seats for Women from OBCs, Historical Development of OBC Reservation.

### Why in News?

The recent [Women's Reservation Bill, 2023](#) has garnered attention **due to its omission of a quota for Other Backward Classes (OBC) women**. Critics point to the underrepresentation of OBCs individuals in **key governmental positions** as a related concern.

### What are the Concerns Raised Concerning the Representation of Other Backward Classes?

#### ▪ Context:

- The women's reservation bill 2023, which reserves **33% of seats for women in the Lok Sabha and state assemblies**, does not include a quota for women from the OBCs.
  - Also, unlike [Scheduled Castes \(SCs\)](#) and [Scheduled Tribes \(STs\)](#), **the Constitution does not provide for political reservation for OBCs** in the Lok Sabha or state assemblies.

#### ▪ Issues Raised:

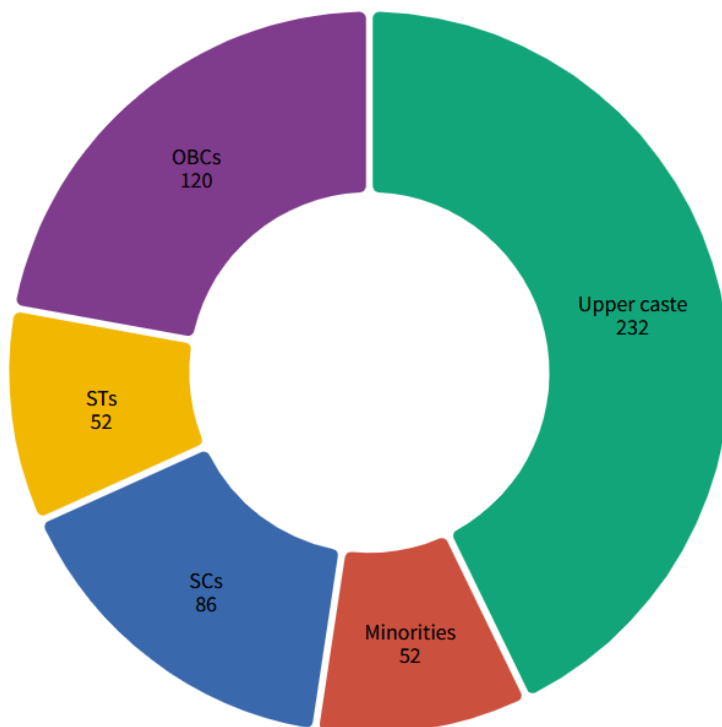
- Critics argue that OBCs who constitute **41% of the population** ( National Sample Survey Organisation Survey 2006) **are inadequately represented in the Lok Sabha, State Legislatures and Local governments**.
  - They have been **demanding a separate quota for themselves in the Lok Sabha and state assemblies**, similar to the reservation for SCs and STs.
  - However, the **government has not implemented such a quota, citing legal and constitutional hurdles**.
- Several State Governments like **Uttar Pradesh and Maharashtra** have provided them **representation in Local Body elections**.
  - But the [Supreme Court](#) has put **a cap of 50% on the overall reservations (Vikas Kishanrao Gawali vs State of Maharashtra)** which limits OBC reservation to **27%**.
    - This 50% upper limit is in line with the *Indira Sawhney vs Union of India* judgment.
    - This decision has been criticized as **27% reservation is disproportionate to the OBC population in the states**.

#### ▪ Current Strength of OBCs in Lok Sabha:

- The 17th Lok Sabha has around 120 MPs from the OBC community, which **accounts for approximately 22% of the total Strength** of Lok Sabha.

## Caste profile of 17th Lok Sabha

Upper caste Minorities SCs STs OBCs



Source: Lok Sabha

### ▪ Geeta Mukherjee Report:

- The [Geeta Mukherjee report](#) was a comprehensive review of the **Women's Reservation Bill** that was first introduced in the Parliament in 1996.
- The report contained **seven recommendations** to improve the bill, which aimed to provide 33% reservation for women in both the Lok Sabha and state assemblies.
- **Some of the recommendations are as follows:**
  - **Reservation for a period of 15 years**
  - Including sub-reservation for Anglo Indians
  - **Including reservation in cases where the state has less than three seats in Lok Sabha** (or less than three seats for SCs/STs)
  - Including reservation for the Delhi assembly
  - Reserving seats in Rajya Sabha and Legislative Councils
  - **Providing sub-reservation for OBC women** after the Constitution extends reservation to OBCs

## What are the Arguments in Favour and Against the Reservation of Seats for Women from OBCs?

Arguments in Favor	Arguments Against
<ul style="list-style-type: none"> <li>▪ They <b>face multiple forms of discrimination and oppression</b> based on their caste, class and gender. They are often denied access to education, health, employment, political representation and social justice.</li> <li>▪ They constitute a large and diverse section of the population, with different cultures, languages, religions and regions. They have <b>different needs and</b></li> </ul>	<ul style="list-style-type: none"> <li>▪ The <b>Bill already provides for the reservation of seats for SC/ST women</b>, who are the most disadvantaged and vulnerable groups in the society. <b>Adding another quota for OBC women would reduce the seats available for the general category of women, who also face discrimination and challenges</b> in the male-dominated political system.</li> </ul>

aspirations that may not be adequately represented by women from other categories.

- They have been **historically underrepresented and marginalized in the political sphere**, both at the national and state levels. They have **faced barriers such as patriarchal norms, caste prejudices, violence and intimidation**, lack of resources and awareness, and low self-confidence.

- The idea of having a **separate reservation for OBC women would create further divisions and conflicts** among the women's movement. It would also undermine the solidarity and unity of women as a collective force for social change.
- Separate reservation for OBC women **would not address the root causes of their problems**, such as poverty, illiteracy, violence, patriarchy, casteism and corruption.
- It would also **not guarantee their effective participation and representation in the political arena**, as they may still face obstacles such as **tokenism, co-option, manipulation and domination** by the male leaders of their parties and communities.

## What is the Historical Development of OBC Reservation in India?

- **Kalelkar Commission (1953)**: The journey began with the **establishment of the Kalelkar Commission in 1953**, recognizing backward classes beyond SCs and STs on a national level.
- **Mandal Commission (1980)**: The **Mandal Commission Report** estimated the **OBC population at 52%** and identified 1,257 backward communities. It recommended increasing quotas from **22.5% to 49.5% and extending reservation to OBCs**.
  - Following these recommendations, the **central government implemented the reservation policy**, reserving **27% of seats in union civil posts and services for OBCs under Article 16(4)**.
  - This policy was also enforced in central government educational institutions under **Article 15(4)**.
- **"Creamy Layer" Exclusion (2008)**: The Supreme Court directed the **exclusion of the "creamy layer" among OBCs** to ensure reservation benefits reach the most disadvantaged.
- **Constitutional Status for NCBC (2018)**: The **102<sup>nd</sup> Constitution Amendment Act granted constitutional status to the National Commission for Backward Classes (NCBC)**, elevating its authority and recognition in safeguarding the interests of backward classes, including OBCs.
- **Justice G. Rohini Commission**: The **Justice G. Rohini Commission**, inaugurated on **October 2, 2017**, in accordance with **Article 340 of the Constitution and chaired by Justice G. Rohini**, has recently submitted its report following nearly six years of work.
  - The report underscores the imperative for sub-categorization among OBCs.
  - This sub-categorization aims to **allocate quotas within the existing 27% reservation to enhance opportunities for historically underrepresented OBC communities**.

## UPSC Civil Services Examination, Previous Year Question:

**Q. Consider the following organizations/bodies in India: (2023)**

1. The National Commission for Backward Classes
2. The National Human Rights Commission
3. The National Law Commission
4. The National Consumer Disputes Redressal Commission

How many of the above constitutional bodies?

- (a) Only one
- (b) Only two
- (c) Only three
- (d) All four

**Ans: (a)**

PDF Refernece URL: <https://www.drishtias.com/printpdf/obc-concerns-in-the-women-reservation-bill-2023>

