Polity & Governance · GS - II

Whether National Commission for Scheduled Castes (NCSC) can enforce the implementation of constitutional reservation for the Scheduled Castes in the religious minority institutions? Examine.

EXAM YEAR	PAPER	SUBJECT
2018	GS - II	Polity & Governance

MARKS	WORD LIMIT
10	~150 words

Answer Hint

Article 338; NCSC mandate; minority educational institutions; Article 30; reservation policy; constitutional interpretation; enforcement powers; social justice

Model Answer

Introduction

The National Commission for Scheduled Castes (NCSC) is a constitutional body established under Article 338 to safeguard Scheduled Castes' rights and investigate issues concerning constitutional and legal protections.

Constitutional Position

1. **NCSC mandate:** The Commission monitors safeguards for Scheduled Castes, investigates complaints and advises governments on corrective measures.
2. **Investigative powers:** It can summon persons, require documents and exercise specified civil-court-like powers during investigations.
3. **Minority institutions:** Article 30 protects the right of religious and linguistic minorities to establish and administer educational institutions of their choice.
4. **Reservation question:** The applicability of reservation depends on the institution's constitutional and legal status, the relevant service or admission rules, and applicable judicial interpretations.

5. **Limits of enforcement:** The NCSC can investigate complaints and recommend remedial action, but it cannot independently override constitutional protections or enforce reservation in every minority institution merely by issuing a direction.

Way Forward

The Commission should examine complaints institution by institution, clarify applicable legal obligations, recommend appropriate corrective action and approach competent authorities or courts where necessary.

Conclusion

The NCSC plays an important role in protecting Scheduled Castes' rights, but its powers must operate within the constitutional framework. The issue requires balancing substantive equality with the protections available to minority institutions.

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