

CHAPTER 4

NATIONAL COMMISSION FOR SCHEDULED TRIBES

4.1 In addition to the Office of the Commissioner for Scheduled Castes & Scheduled Tribes created in 1950 for effective implementation of various safeguards provided in the Constitution for the SCs & STs and various other protective legislations, a multi-member Commission for SCs and STs was set up in 1978. In 1992 these two organizations were replaced by a statutory multi-member National Commission for Scheduled Castes and Scheduled Tribes. However, since the needs and problems of Scheduled Tribes and the solutions required were quite different from those of Scheduled Castes, a special approach for tribal development and independent machinery to safeguard the rights of Scheduled Tribes was considered necessary. Accordingly, a separate National Commission for Scheduled Tribes (NCST) was set up with effect from 19th February, 2004 by amending Article 338 and inserting a new Article 338A in the Constitution, through the Constitution (Eighty-ninth Amendment) Act, 2003.

4.2 The Chairman and the Vice-Chairman of the Commission have been conferred the rank of Union Cabinet Minister and Minister of State respectively, while the Members of the Commission have been given the rank of a Secretary to the Government of India. The Chairman, Vice-Chairman, and other Members of the Commission hold office for a term of three years from the date on which he/ she assumes such office.

4.3 The National Commission for Scheduled Tribes comprises of Dr. Rameshwar Oraon – Chair person and Shri Ravi Thakur – Vice Chairperson, Presently, all the three posts of Member are vacant. The functions, duties and powers of the National

Commission for Scheduled Tribes have been laid down in Clauses (5), (8) and (9) of the Article 338A of the Constitution. As per the NCST (specification of others functions) Rules, 2005 the Commission shall also discharge some other functions in relation to protection, welfare, development and advancement of the Scheduled Tribes, namely:-

- (a) Measures that need to be taken over conferring ownership rights in respect of minor forest produce to the Scheduled Tribes living in forest areas;
- (b) Measures to be taken to safeguard rights of the tribal communities over mineral resources, water resources etc. as per law;
- (c) Measures to be taken for the development of tribals and to work for more viable livelihood strategies;
- (d) Measures to be taken to improve the efficacy of relief and rehabilitation measures for tribal groups displaced by development projects;
- (e) Measures to be taken to prevent alienation of tribal people from land and to effectively rehabilitate such people in whose case alienation has already taken place;
- (f) Measures to be taken to elicit maximum cooperation and involvement of tribal communities for protecting forests and undertaking social afforestation;
- (g) Measures to be taken to ensure full implementation of the provisions of Panchayats (Extension to the Scheduled Areas) Act, 1996 (40 of 1996);¹⁸ National Commission for Scheduled Tribes

(h) Measures to be taken to reduce and ultimately eliminate the practice of shifting cultivation by tribals that lead to their continuous disempowerment and degradation of land and the environment.

4.4 The main duties of the Commission are to investigate and monitor all matters relating to the safeguards provided for the Scheduled Tribes and to evaluate the working of such safeguards; and to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Tribes. The Commission is vested with all the powers of a civil court trying a suit while investigating any matter or inquiring into any complaint relating to deprivation of rights and safeguards of the Scheduled Tribes 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 documents;
- 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;
- f) Any other matter which the President may by rule, determine;

4.5 Clause (9) of Article 338A of the Constitution of India provides that the Union and every State Government shall consult the Commission on all major policy matters affecting Scheduled Tribes.

4.6 The headquarters of the National Commission for Scheduled Tribes is located in New Delhi. The Commission has six Regional Offices, located in Bhopal, Bhubaneswar, Jaipur, Raipur, Ranchi and Shillong. The location and jurisdiction of these offices are given below:-

| S. No. | Address of the Regional Offices | Jurisdiction |
|--------|--|--|
| 1. | Room No. 309, Nirman Sadan, CGO Complex, 52-A, Arera Hills, Bhopal-462011. (Ph: 0755-2576530/Fax-0755-2578272) | M.P. Maharashtra, Karnataka, Kerala, Goa and Union Territories of Dadra & Nagar Haveli and Lakshadweep. |
| 2. | N-1/297, IRC Village, Bhubaneswar -751015 (Ph: 0674-2551616/Fax- 2551818) | Andhra Pradesh, Telangana, Odisha, Tamil Nadu, West Bengal and Union Territories of A&N Islands and Puducherry |
| 3. | Room No. 101 & 102, First Floor, Block-A, Kendriya Sadan, Sector-I 0, Vidyadhar Nagar, Jaipur-302023 (Ph: 0141-2236779/Fax- 2235488) | Gujarat, Haryana, Himachal Pradesh, Jammu & Kashmir, Punjab, Rajasthan, Uttarakhand and Union Territories of Chandigarh and Daman & Diu. |
| 4. | R-26, Sector-2, Avanti Vihar, P.O. Ravigram, Raipur-492006, (Ph: 0771-2443335) | Chhattisgarh. |
| 5. | 14, New A.G. Co-operative Colony, Kadru, Ranchi-834002 (Ph: 0651-2341677 /Fax- 2340368) | Bihar, Jharkhand and Uttar Pradesh |
| 6. | Rabekka Villa, Temple Road, Lower Lachumiere, Shillong-793001 (Ph: 0364-2504202/Fax-2221362) | Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim and Tripura. |

4.7 The National Commission for Scheduled Tribes since its creation has submitted its 1st Report for the year 2004-05 and 2005-06 on 08.8.2006; 2nd Report for 2006-07 on 03.9.2008; 3rd Report for 2007-08 on 29.3.2010; 4th Report for 2008-09 on 27.8.2010; 5th Report for 2009-10 on 13.7.2011 and 6th Report for 2010-11 on 25.10.2013 and “Special Report on Good Governance for Tribal Development & Administration” on 18.6.2012 to the President of India. In terms of Clause (6) of the Article 338A of the Constitution, these reports are required 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 reason for the non-acceptance, if any, of any of such recommendations. Accordingly, the first report for the year's 2004-05 and 2005-06 was laid before both Houses of Parliament along with the Action Taken Report. The Second Report for the year 2006-07 was laid on the table of the Lok Sabha on 26th April, 2013 and Rajya Sabha on 2nd May, 2013. The Special Report for the year 2012 was laid on the table of Rajya Sabha on 12th December, 2013 and Lok Sabha on 13th December, 2013.