

Examrace

Competitive Exams: Political Science Study Material National Commission for Scheduled Tribes

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National Commission for Scheduled Tribes

- By the 89th Amendment of the Constitution on 19th February 2004, the National Commission for Scheduled Tribes has been set up under Article 338A on the bifurcation of the erstwhile National Commission for Scheduled Castes and Scheduled Tribes to oversee the implementation of various safeguards provided to Scheduled Tribes under the Constitution.
- The Commission comprises a Chairperson, a Vice-Chairperson and three full time Members (including one lady Member).
- The term of all the Members of the Commission is three years from the date of assumption of charge:

Duties and Functions

Constitution of India under Article 338A has assigned the following duties and functions to the Commission:

- To investigate and monitor all matters relating to the safeguards provided for the Scheduled Tribes under the 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
- To inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Tribes
- To participate and advise in the planning process of socio-economic development of the Scheduled Tribes and to evaluate the progress of their development under the Union and any State
- To present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards
- To make in such reports, recommendations as to the measures that should be taken by the Union or any State for effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Tribes
- To discharge such other functions in relation to the protection, welfare and development and advancement of the Scheduled Tribes as the President may, subject to the provisions of any law made by Parliament, by rule specify.

Powers of the Commission

1. The Commission have all the powers of a Civil Court trying a suit. Consultation by the Union and State Governments with the Commission: In accordance with clause 9 of Article 338A of the Constitution, Union and every State Government shall consult the Commission on all major policy matters affecting Scheduled Tribes.
2. Monitoring: The Commission while investigating matters relating to the safeguards provided under the Constitution monitors the implementation and working of safeguards which include: Acting upon Article 23 of the Constitution which prohibits traffic in human beings and forced labour, etc. in respect of STs Prohibition of child labor under Article 24; in respect of STs
3. Educational safeguards under Article 15 (4) for reservation of seats in educational institutions
4. Economic safeguards under Article 244 and working of Fifth and Sixth Schedules and release of grants for raising the level of administration in tribal areas To safeguard the distinct language, script or culture under Article 29 (i)
5. Working of service safeguards provided under Articles 16 (4), 16 (4A), 16 (4B) and 335 providing for adequate representation of Scheduled Tribes in appointments or posts
6. Enforcement of various laws such as:
 - a. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989
 - b. Bonded Labor System (Abolition) Act, 1976 (respect of Scheduled Tribes)
 - c. The Child Labor (Prohibition and Regulation) Act, 1986 (in respect of Scheduled Tribes)
 - d. State Acts and Regulations concerning alienation and restoration of land belonging to Scheduled Tribes
 - e. Forest Conservation Act, 1980 (in respect of Scheduled Tribes)
 - f. The Panchayat (Extension to the Scheduled Areas) Act, 1996
 - g. Minimum Wages Act, 1948 (in respect of Scheduled Tribes)