



**NATIONAL COMMISSION
FOR
SCHEDULED TRIBES**

March, 2014

National Commission for Scheduled Tribes

1.1 The National Commission for Scheduled Tribes has been set up with effect from 19th February, 2004 by amending Article 338 and by inserting a new Article 338A in the Constitution through the Constitution (89th Amendment) Act, 2003 which, *inter-alia*, enjoins upon the Commission to oversee the implementation of various safeguards provided to Scheduled Tribes under the Constitution or under any other law for time being in force or under any other order of the Govt. and to evaluate the working of such safeguards. The Commission comprises a Chairperson, a Vice-Chairperson and three full time Members (including one lady Member).

Composition of the present Commission

Name	Designation	Date of joining
Dr. Rameshwar Oraon	Chairperson	01.11.2013
Shri Ravi Thakur	Vice-Chairperson	13.11.2013
Smt.K. Kamla Kumari	Member	01.11.2013
Shri Bheru Lal Meena	Member	01.11.2013
Vacant	Member	

1.2 The term of office of Chairperson, Vice-Chairperson and each member is three years from the date of assumption of charge. The Chairperson has been given the rank of Union Cabinet Minister, the Vice-Chairperson that of a Minister of State and other Members have the ranks of a Secretary to the Government of India.

Duties and Functions of the Commission:

2.1 Constitution of India under Clause (5) of Article 338A has assigned the following duties and functions to the Commission:-

- (a) 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;
- (b) To inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Tribes;
- (c) 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;
- (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, 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, and
- (f) 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.

2.2 The National Commission for Scheduled Tribes has been assigned certain additional functions vide the Ministry of Tribal Affairs Notification dated 23.8.2005 in exercise of the powers conferred by sub-clause (f) of Clause (5) of Article 338A. There duties relate to measures to be taken:

- (i) to confer ownership rights in respect of minor forest produce to STs living in forest areas.
- (ii) to safeguarding the rights of the tribal communities over mineral resources, water resources etc. as laid down by law.
- (iii) to plug loopholes and to work more viable livelihood strategies.
- (iv) to improve the efficacy of relief and rehabilitation measures for tribal groups displaced by development projects.
- (v) to prevent alienation of tribal people from land and to effectively rehabilitate such people in whose case alienation has already taken place.
- (vi) to elicit maximum cooperation and involvement of tribal communities for protecting forests and undertaking social afforestation.
- (vii) to ensure full implementation of the provision of Panchayat (Extension to Scheduled Areas) Act, 1996
- (viii) to reduce and ultimately eliminate the practice of shifting cultivation by tribal that lead to their continuous disempowerment and degradation of land and the environment.

Powers of the Commission:

3.1 While investigating the matters referred to in sub-clause (a) or inquiring into any complaint referred to in sub-clause (b) of clause 5, the Commission 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 documents;
- c) Receiving evidence on affidavits
- d) Requisitioning any public record or copy thereof from any court or office;

- e) Issuing summons/communications for the examination of witnesses and documents;
- f) Any other matters which the President may by rule determine.

3.2 The Hon'ble Supreme Court of India in their judgment dated 31.10.1996 in All India Overseas Banks SC & ST Employees Welfare Association and others V/s Union of India & Others have, interalia, observed that "all the procedural powers of a Civil Court given to the National Commission for Scheduled Castes and Scheduled Tribes by Article 338(8) of the Constitution of India are for the limited purpose of investigating any matter under Article 338(5)(a) or inquiring into any complaint under Article 338(5)(b). The powers of a Civil Court of granting injunctions temporary or permanent do not inhere in the Commission nor can such a power be inferred or derived from a reading of clause (8) of Article 338 of the Constitution. The Commission having not been specifically granted any power to issue interim injunctions lacks the authority to issue any order to stay any proceeding.

Consultation by the Union and State Governments with the Commission:

4. In accordance with clause 9 of Article 338A of the Constitution, the Union and every State Government shall consult the Commission on all major policy matters affecting Scheduled Tribes.

Monitoring:

5. The Commission while investigating matters relating to the safeguards provided under the Constitution monitors the implementation and working of safeguards which include:

- (a) Acting upon Article 23 of the Constitution which prohibits traffic in human beings and forced labour, etc; in respect of STs.
- (b) Prohibition of child labour under Article 24; in respect of STs.
- (c) Educational safeguards under Article 15 (4) for reservation of seats for STs in educational institutions;
- (d) 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
- (e) Safeguarding the distinct language, script or culture of STs under Article 29 (i)
- (f) Working of service safeguards provided under Articles 16 (4), 16 (4) (A), 16 (4) (B) and 335 providing for adequate representation of Scheduled Tribes in appointments or posts;
- (g) Enforcement of various laws such as:
 - (i) The Scheduled Castes and Scheduled Tribes (Prevention of

- Atrocities) Act, 1989.
- (ii) Bonded Labour System (Abolition) Act, 1976 (in respect of Scheduled Tribes).
 - (iii) The Child Labour (Prohibition and Regulation) Act, 1986 (in respect of Scheduled Tribes).
 - (iv) State Acts and Regulations concerning alienation and restoration of land belonging to Scheduled Tribes.
 - (v) Forest Conservation Act, 1980 (in respect of Scheduled Tribes)
 - (vi) The Panchayat (Extension to the Scheduled Areas) Act, 1996.
 - (vii) Minimum Wages Act, 1948 (in respect of Scheduled Tribes)

Working of the Commission:

6.1 The National Commission for Scheduled Tribes functions from its Headquarters at New Delhi and from the Regional Offices of the Commission located in six States.

6.2 There are following six Units at the Hqrs.:

1. Administration
2. Coordination Unit
3. Research Unit - I
4. Research Unit - II
5. Research Unit – III
6. Research Unit - IV

6.3 The main functional units are Research Unit-I, Research Unit-II, Research Unit-III, Research Unit-IV, which deal with all matters pertaining to socio-economic and educational development, service safeguards and atrocities in relation to STs as per distribution of the Ministries/ Departments (including CPSEs and other Organisations/ Offices under their administrative control) and the States and UTs among these four Research Units.

6.4 There are 6 Regional offices of the National Commission for Scheduled tribes which keep a watch on the formulation of policy and issue of guidelines relating to the welfare of Scheduled Tribes in the States/UTs and keep the Commission's Headquarters informed about the developments periodically. Policy decisions taken by any State Government/UT Administration affecting the interests of the Scheduled Tribes are brought to the notice of the concerned authorities for necessary action.

Annual Reports of the Commission

7.1 **Clause 5(d)** of Article 338A mandates the Commission “to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards” and Clause 5(e) provides “to make in such reports, 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 Scheduled Tribes.”

7.2 **Clause 6 of Article 338A provides that,** “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 such recommendations.

7.3 **Clause 7 of Article 338A provides that,** “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 Governor of the State who 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 non-acceptance, if any, of any of such recommendations.

7.4 As per provision of these Clauses it is the duty of the Commission to present annually a report upon the working of Constitutional safeguards and measures taken by the Union and the States for the protection and welfare of the Scheduled Tribes. In this series the **National Commission for Scheduled Tribes has presented Five Annual Reports to the President of India. 1st report relating to the period 2004-05 & 2005-06 was submitted on 08 August 2006, the 2nd Report for 2006-07 has been submitted on 3rd September, 2008 while 3rd Report for 2007-08 has been submitted on 29th March, 2010 and Fourth Report for 2008-09 was submitted to the President on 27th August 2010. Fifth Report for 2009-10 has been submitted on 13th July, 2011. Commission has also submitted on 18-06-2012 a Special Report titled "Good Governance for Tribal Development and Administration". Commission has recently submitted its Sixth Report to the President on 25th October, 2013. Government has so far laid in both Houses of Parliament, only three Reports, viz; First, Second and Special Report of the Commission. All these Reports are available on the Website of the National Commission for Scheduled Tribes (<http://ncst.nic.in>). These reports are also available on the Website of the Ministry of Tribal Affairs (<http://tribal.gov.in>) Those reports, which have not been laid in both Houses of Parliament, cannot be made public.**

National Commission for Scheduled Tribes

(Location and jurisdiction of Regional Offices)

S.No	Location & Address of Office	Name & Designation of the Officer incharge	Jurisdiction
1.	Room No.309, Nirman Sadan, CGO Complex, 52-A, Arera Hills, Bhopal-462011	Shri R.K.Dubey, Assistant Director Ph: 0755 2576530 0755 2578272 (F)	M.P., Maharashtra, Karnataka, Kerala, Goa, and Union Territories of Dadra & Nagar Haveli and Lakshadweep.
2.	N-1/297, IRC Village, Bhubaneswar-751015	Shri S.R.Tiriya, Research Officer (Addl. charge) Ph:0674 2551616 0674 2551818 (F)	Andhra Pradesh, Orissa, Tamil Nadu, West Bengal and Union Territories of Andaman & Nicobar Islands, and Pondicherry
3.	Room No. 101 & 102, first floor, Kendriya Sadan, Sector-10, Vidhyadhar Nagar, Jaipur-302023	Shri Dwarka Karol Director, Ph:0141 2236462 0141 2235488(F)	Chandigarh, Gujarat, Haryana, Himachal Pradesh, Jammu & Kashmir, Punjab, Rajasthan, Uttaranchal and Daman & Diu.
4.	R-26, Sector-2, Avanti Vihar, Post Office Ravigrame, Raipur-492006	Shri R.K.Dubey, Assistant Director (Addl. charge) Ph:0771 2443334 0771 2443335 (F)	Chhattisgarh
5.	14, New A.G. Co- operative Colony, Kadru, Ranchi-834002	Shri S.R.Tiriya, Research Officer Ph:0651 2341677 0651 2340368 (F)	Bihar, Jharkhand, and Uttar Pradesh
6.	Rabekka Villa, Temple Road, Lower Lachumiere, Shillong-793001	Miss. P. Syiemlieh, Assistant Director Ph:0364 2504202 0364 2221362(F)	Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland, Sikkim and Tripura,

National Commission for Scheduled Tribes

(6th Floor, Lok Nayak Bhawan, Khan Market, New Delhi-110003.)

S. No.	Name	Designation	Office Tel.	Residence
1.	Dr. Rameshwar Oraon	Chairperson	24635721 24624628 (Fax)	26119495 9868180394
2.	Shri Ravi Thakur	Vice-Chairperson	24657474	
3.	Smt. K. Kamla Kumari	Member	24623958	9968667172
4.	Shri Bheru Lal Meena	Member	24646954	8800777551
5.	Vacant	Member	24654826 (T/Fax)	
6.	Shri R. Vijaykumar	Secretary	24635625 24624190 (F)	24675422 8800906633
7.	Shri Santosh Kumar	Joint Secretary	24603669	
8.	Shri M.S.Chopra	Director (RU-I & RU-II) & Admn	24620638	9868891820
9.	Shri Pramod Chand	Deputy Secretary		
10.	Smt. K. D. Bhansor	Director (RU-III, RU-IV & Coord)	24615012 24604689 (Fax)	27034868 9968076454
11.	Vacant	Deputy Director		
12.	Shri Rajesh Kumar	Under Secretary (Admn.)	24657271	9968255718
13.	Shri Pradeep Aggarwal	SSA (NIC)	24601346	
14.	Shri S.P. Meena	Asst. Director (Coordination)	24641639	
15.	Vacant	Asst. Director (RU-I)	24641640	
16.	Vacant	Research Officer (RU-II)	24645826	
17.	Vacant	Research Officer (RU-III)	24645826	
18.	Shri N. Balasubramanian	Research Officer (RU-IV)	24601346	
19.	Vacant	Section Officer (Administration)	24657271	
20.	Shri Rajeshwar Kumar	A. D. (OL)	24601346	
Information and Facilitation Centre :			1800117777 (Toll Free), 24620969	
Website of the Commission :			http://ncst.nic.in	