

No 18012/1/07-C&LM7

National Commission for Scheduled Tribes

Sub: **Delegation of financial powers of a Ministry/Department to National Commission for Scheduled Tribes (NCST).**

Dy. No. 36/104 JIS(RF)
Date 27/1/09

The National Commission for Scheduled Tribes has been set up under Article 338A of the Constitution of India w.e.f. 19 February 2004 vide the Constitutional (89th Amendment) Act, 2003. The duties assigned to it, inter-alia, include (a) investigating and monitoring all matters relating to the safeguards provided for the Scheduled Tribes under the Constitution or under any order of the Govt. and evaluating the working of such safeguards, (b) inquiring into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Tribes, (c) participating and advising on the planning process of socio economic development of the Scheduled Tribes and evaluating the progress of their development under the Union and any State.

2. The Commission has to discharge multifarious functions in fulfilment of its Constitutional mandate. Six Regional Offices with jurisdiction over different States/UTs all over India are assisting the Commission. To ensure the functioning of the Commission in a smooth and effective manner, it deserves maximum financial autonomy which has not been granted to it. In the absence of adequate financial powers, the Commission is facing a lot of difficulties in meeting its day-to-day needs, as a number of proposals having financial implications have to be referred to the Internal Finance division of M/o Tribal Affairs through its administrative division for obtaining the approval of the competent authority. A lot of time and manpower has to be devoted in pursuing the routine proposals with the Ministry of Tribal Affairs. Delay in clearance of the proposals often put the Hon'ble Chairperson, Vice-Chairperson and Members of the Commission to a lot of avoidable inconvenience. It is also adversely affecting the smooth functioning and focus of the Commission on thrust areas, as well as administrative efficiency as the disposal of work is hampered on account of non-availability of adequate logistic support.

3. The Ministry of Tribal Affairs have mentioned in the OM enclosed with their d.o. letter No. 17014/03/05-C&LM I, dated 04.11.2008 in the context of the Study on the performance of NCST conducted by the Centre for Policy Research, New Delhi, that NCST has been conferred the powers of a Ministry/Department of the Central Government under the Delegation of Financial Powers Rules, 1978 except for a few specific purposes. M/o Tribal Affairs was requested vide Commission's d.o. letter dated 07.11.2008 (copy enclosed) to furnish a copy of the same. The Commission has not received any response from M/o Tribal Affairs and it appears that formal orders for conferring the powers of the Ministry/Department to the Commission are yet to be issued.

4. It may also be pertinent to mention that in paras 1.27 and 1.28 of its Thirty-third Report (14th Lok Sabha) on the Ministry of Tribal Affairs, the Committee on the Welfare of Scheduled Castes and Scheduled Tribes has also, inter-alia, strongly recommended that the Commission should be given full administrative and financial powers so that it is not dependent on the administrative Ministry for every proposal having financial implications.

5. In view of the position detailed in the preceding paragraphs, the Ministry of Tribal Affairs are requested to notify the NCST as a Department of the Central Government under Rule 3(1)(d) of the Delegation of Financial Powers Rules, 1978 so that it can exercise all the financial powers delegated to the Ministries/Departments of the Central Government. The Commission has an officer of the rank of the Secretary to the Govt. of India as its administrative head and, therefore, there should not be any difficulty in conferring the above powers to the Commission. This would also implement the recommendation of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes, cited in para 4 above.

6. This issues with the approval of Secretary, NCST.


(R.P. Vasishtha)
Deputy Secretary
Tel: 24620638

Ministry of Tribal Affairs, (Smt. Ruchira Pant, Joint Secretary)
NCST U.O. No.13/1/NCST/2009-Admn. Dated 21.01.2009

Pl. Smt. Ruchira Pant
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