

4. National Commission for Schedule Tribes – Polity

The National Commission for Scheduled Tribes (NCST) is forming a committee to address eight crucial functions assigned to it in 2005. This move comes after nearly two decades of institutional inaction, where the NCST cited a lack of staff and resources for its failure to fulfill this extended mandate.

NCST to Examine Additional Functions

The National Commission for Scheduled Tribes (NCST) has established a special committee. Its purpose is to evaluate how the Commission can effectively undertake eight additional functions that were assigned to it by the Ministry of Tribal Affairs through a notification in 2005.

Institutional Response to the 2005 Notification Over the Years

The NCST's handling of these additional responsibilities has been marked by significant delays and inaction since they were first assigned.

Initial Limitation (2005) – Immediately after the notification, the NCST stated that it was “severely handicapped” due to a critical lack of staff and financial resources, making it impossible to conduct the required studies for these new functions.

Neglect in Annual Reports – The first annual report in 2005 acknowledged this inability to fulfill the extended mandate. However, subsequent annual reports have made no mention of the issue or any steps taken to address it, indicating a long-term neglect of these crucial duties.

Additional Duties Assigned to NCST (2005 Notification)

The Ministry of Tribal Affairs entrusted the NCST with the following eight specific responsibilities to deepen its work on tribal welfare –

1. Suggest measures to protect the ownership rights of tribal communities over minor forest produce.
2. Formulate policies to safeguard the rights of Scheduled Tribes to natural resources, including water and minerals.
3. Take steps to prevent the alienation of land belonging to tribals and to effectively rehabilitate those affected.
4. Recommend viable livelihood strategies to uplift tribal communities.
5. Assess the progress and impact of rehabilitation efforts for tribal groups displaced by development projects.
6. Ensure the full and effective implementation of the Panchayats (Extension to Scheduled Areas) Act, 1996 (PESA).
7. Promote measures to increase the participation of tribal communities in forest conservation.
8. Explore and recommend methods to reduce and eventually eliminate the practice of shifting cultivation by providing alternative, sustainable livelihoods.

About the National Commission for Scheduled Tribes (NCST)

Constitutional Status –

Provision – The NCST is a constitutional body established under Article 338A of the Constitution.

Genesis – It was created through the 89th Constitutional Amendment Act, 2003, and officially came into being in 2004.

Separation from NCSC – Prior to the amendment, a single commission existed for both Scheduled Castes and Scheduled Tribes under Article 338. The 89th Amendment bifurcated the commission to create a dedicated body (NCST) to focus exclusively on the issues of Scheduled Tribes.

Composition – The Commission consists of a Chairperson, a Vice-Chairperson, and three other Members. It is mandatory for at least one member to be a woman. All members are appointed by the President of India.

Functions and Powers of the NCST

Core Functions under Article 338A

Safeguard Monitoring – To investigate and monitor all matters relating to the constitutional and legal safeguards provided for Scheduled Tribes.

Inquiry into Complaints – To inquire into specific complaints concerning the deprivation of rights and safeguards of the STs.

Advisory Role – To participate in and advise on the socio-economic development planning of STs and to evaluate the progress of their development under the Union and any State.

Annual Reporting – To present annual reports to the President on the working of these safeguards. These reports are then tabled in Parliament along with an action-taken memorandum from the government.

Program Evaluation – To review and monitor the implementation of welfare schemes and programs designed for STs.

Powers of the Commission

Powers of a Civil Court – While investigating any matter or complaint, the NCST has all the powers of a civil court, including summoning and enforcing the attendance of any person, examining them on oath, and receiving evidence on affidavits.

Investigative Authority – The Commission can initiate investigations on its own accord (**suo motu**) or based on petitions and complaints it receives.

Direct Reporting – The NCST reports directly to the President of India, which ensures its constitutional autonomy and insulates it from direct executive influence.

Challenges and Limitations Facing the NCST

Despite its constitutional mandate, the NCST faces several significant challenges that impede its effectiveness.

Staffing Gaps – The Commission is severely understaffed. It currently has only two nominated members out of the required five and lacks a permanent Chairman and a Financial Adviser.

Administrative Weakness – It suffers from limited financial authority, inadequate office space, and a shortage of essential supporting staff, which hampers its day-to-day operations and investigative capacity.

Overlapping Jurisdiction – Many tribal communities are also classified as Scheduled Castes (SC) or Other Backward Classes (OBC), which creates confusion in the delivery of benefits and sometimes limits the NCST's mandate to intervene.

Advisory Role Only – The recommendations made by the NCST are not legally binding on the central or state governments. This advisory nature often leads to weak enforcement and poor implementation of its suggestions.

Source – <https://www.thehindu.com/news/national/ncst-forms-panel-to-examine-extra-duties-assigned-to-it-20-years-ago/article70065563.ece>