



## National Commission for Scheduled Tribes

**For Prelims:** NCST, Constitutional Provisions related to STs.

**For Mains:** NCST and its Functions, Scheduled Tribes.

### Why in News?

According to a parliamentary committee's recent report, the [National Commission for Scheduled Tribes](#) has been dysfunctional for the last four years and has not delivered a single report to [Parliament](#).

### What is the NCST?

- **Formation:** NCST was set up with effect from 19th February, 2004 by amending Article 338 and by **inserting a new article 338A in the Constitution** through the **89th Constitution Amendment Act, 2003**. Hence, it is a **constitutional body**.
- **Objective:** Article 338A inter-alia gives powers to the NCST to oversee the implementation of various safeguards provided to STs under the Constitution or under any other law for time being in force or under any other order to the Government and to evaluate the working of such safeguards.
- **Composition:** It consists of a **Chairperson, a Vice-Chairperson and 3 other Members** who are appointed by the President by warrant under his hand and seal.
  - At least one member should be a woman.
  - The Chairperson, the Vice-Chairperson and the other Members hold office for a term of 3 years.
  - The members are not eligible for appointment for more than two terms.
- The Chairperson has been given the **rank of Union Cabinet Ministers**, the Vice Chairperson has the rank of a Minister of State and other Members have the rank of a Secretary to the Government of India.

PYQ

At the national level, which ministry is the nodal agency to ensure effective implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006?

- (a) Ministry of Environment, Forest and Climate Change
- (b) Ministry of Panchayati Raj
- (c) Ministry of Rural Development
- (d) Ministry of Tribal Affairs

Ans: (d)

## What are the Duties and Functions of the NCST?

- To **investigate and monitor all matters relating to the safeguards** provided for the STs under the Constitution or under any other law for the time being in force or under any order of the Government.
- To **inquire into specific complaints with respect to the deprivation of rights** and safeguards of the STs.
- To **participate and advise in the planning process of socio-economic development** of the STs and to evaluate the progress of their development.
- 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 **discharge such other functions in relation to the protection, welfare and development and advancement of the Scheduled Tribes** as the President may be subject to the provisions of any law made by Parliament by rule specified.

PYQ

The provisions in Fifth Schedule and Sixth Schedule in the Constitution of India are made in order to (2015)

- (a) protect the interests of Scheduled Tribes
- (b) determine the boundaries between States
- (c) determine the powers, authority and responsibilities of Panchayats
- (d) protect the interests of all the border States

Ans: (a)

## What are the issues with the NCST?

- **Pending Reports:**
  - In the **financial year 2021-22**, it has met only four times. Its rate of pendency of resolution of complaints and cases that it receives is also close to 50%.
- **Manpower and Budgetary Shortage:**
  - The Committee expressed dismay over the near paralysis of the Commission's working with manpower and budgetary shortage.
  - The recruitment in the Commission was constrained **because of lack of applicants as the eligibility bar was set too high** and the rules being tweaked to enable many more candidates to apply.

## What are the Recommendations of the Panel?

- The **vacancies should be immediately filled** as there should be no reason now for any further delay since the recruitment rules have been suitably revised.
- The **budgetary allocation for the Commission needs to be reviewed** so that its functioning is not made to suffer for lack of funds.

## What is the Status of Scheduled Tribes in India?

- **About:**
  - As per Census-1931, Schedule tribes are termed as "backward tribes" living in the "Excluded" and "Partially Excluded" areas. The **Government of India Act of 1935** called for the first time for representatives of "**backward tribes**" in provincial assemblies.
  - The Constitution **does not define the criteria for recognition of Scheduled Tribes**

and hence the definition contained in 1931 Census was used in the initial years after independence.

- However, **Article 366(25) of the Constitution only provides process to define Scheduled Tribes:** “Scheduled Tribes means such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under Article 342 to be Scheduled Tribes for the purposes of this Constitution.”
  - **342(1):** The **President may with respect to any State or Union Territory**, and where it is a State, after consultation with the Governor, by a public notification, specify the tribes or tribal communities or part of or groups within tribes or tribal communities as Scheduled Tribe in relation to that State or Union Territory.
- There are over **705 tribes which have been notified. The largest number of tribal communities are found in Odisha.**
- **Legal Provisions:**
  - Protection of Civil Rights Act, 1955 against Untouchability.
  - [Scheduled Castes and the Scheduled Tribes \(Prevention of Atrocities\) Act, 1989](#)
  - [Provisions of the Panchayats \(Extension to the Scheduled Areas\) Act, 1996](#)
  - [Scheduled Tribes and Other Traditional Forest Dwellers \(Recognition of Forest Rights\) Act, 2006](#)
- **Related Initiatives:**
  - **TRIFED**
  - [Digital Transformation of Tribal Schools](#)
  - [Development of PVTGs](#)
  - [Pradhan Mantri Van Dhan Yojana](#)
- **Related Committees:**
  - [Xaxa Committee \(2013\)](#)
  - Bhuria Commission (2002-2004)
  - Lokur Committee (1965)

# Constitutional Provisions

I.A-Definition and Specification of STs	
Art.	Title
Preamble	
342	Scheduled Tribes
366	Definitions
II.B - Educational, Economic and Public Employment-related Safeguards	
15	Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth
16	Equality of opportunity in matters of public employment
19	Protection of certain rights regarding freedom of speech, etc
46	Promotion of Educational and Economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections
244	2Clause(1) Provisions of Fifth Schedule shall apply to the administration & control of the Scheduled Areas and Scheduled Tribes in any State other than the states of Assam, Meghalaya, Mizoram and Tripura which are covered under Sixth Schedule, under Clause (2) of this Article.
335	Claims of Scheduled Castes and Scheduled Tribes to services and posts
II.C- Political Safeguards	
330	Reservation of seats for Scheduled Castes and Scheduled Tribes in the House of the People
332	Reservation of seats for Scheduled Castes and Scheduled Tribes in the Legislative Assemblies of the States
334	10 years period for reservation ( <i>Amended several times to extend the period</i> )
243D	Reservation of seats (in Panchayats)
243T	Reservation of seats
II.D- Agency for monitoring safeguards	
338A	National Commission for Scheduled Tribe

PYQ

Every year, a month long ecologically important campaign/festival is held during which certain communities/tribes plant saplings of fruit-bearing trees. Which of the following are such communities/tribes? (2014)

- (a) Bhutia and Lepcha
- (b) Gond and Korku
- (c) Irula and Toda
- (d) Sahariya and Agariya

Ans: (b)

Consider the following pairs: (2013)

	<b><i>Tribe</i></b>		<b><i>State</i></b>
<b>1.</b>	<b><i>Limboo (Limbu)</i></b>	<b>:</b>	<b><i>Sikkim</i></b>
<b>2.</b>	<b><i>Karbi</i></b>	<b>:</b>	<b><i>Himachal Pradesh</i></b>
<b>3.</b>	<b><i>Dongaria Kondh</i></b>	<b>:</b>	<b><i>Odisha</i></b>
<b>4.</b>	<b><i>Bonda</i></b>	<b>:</b>	<b><i>Tamil Nadu</i></b>

Which of the above pairs are correctly matched?

- (a) 1 and 3 only
- (b) 2 and 4 only
- (c) 1, 3 and 4 only
- (d) 1, 2, 3 and 4

Ans: (a)

**[Source: TH](#)**

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