



National Commission for Scheduled Tribes

For Prelims: NCST, Constitutional Provisions related to STs.

For Mains: NCST: Functions, Scheduled Tribes: Provisions, Initiatives.

Why in News?

The recent data presented by the [Ministry of Tribal Affairs \(MoTA\)](#) revealed that the [National Commission for Scheduled Tribes \(NCST\)](#) is currently **functioning with less than 50% of its sanctioned strength**.

What is the NCST?

- **Formation:** NCST was set up in 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.
 - By this amendment, the erstwhile National Commission for Scheduled Castes and Scheduled Tribes was **replaced by two separate Commissions namely:**
 - the [National Commission for Scheduled Castes \(NCSC\)](#), and
 - the **NCST**
- **Objective:** Article 338A inter-alia gives powers to the NCST to oversee the implementation of various safeguards provided to [Scheduled Tribes \(STs\)](#) 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 Chairperson has been **given the rank of Union Cabinet Minister**, the Vice Chairperson has the **rank of a Minister of State** and other Members **have the rank of Secretary to the Government of India**.
 - The **members are not eligible for appointments for more than two terms**.

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 the socio-economic development of the STs** and to evaluate the progress of their development.
- The **Commission shall provide reports on the operation of those safeguards to the**

President annually and as necessary.

- 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.
- The President, **subject to the provisions of any law made by Parliament**, may, by rule, discharge any other functions **relating to the protection, welfare, development, and advancement of the STs**.

What are the Provisions Related to STs in India?

▪ Definition:

- The Constitution of India does not define the criteria for recognition of STs. As per [Census-1931](#), STs 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.

▪ Constitutional Provisions:

- **Article 366(25)**: It only **provides a process to define STs**:
 - "STs 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."
- **Article 342(1)**: The President with respect to any State/UT (after consultation with the [Governor](#) in case of state) may specify the tribes/tribal communities/part of or groups within tribes/ tribal communities as a Scheduled Tribe in that State/UT.
- **Fifth Schedule**: It lays out provisions for the Administration and Control of Scheduled Areas and STs in states other than 6th Schedule States.
- **Sixth Schedule**: Deals with the administration of the tribal areas in Assam, Meghalaya, Tripura and Mizoram.

▪ Statutory 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](#).

Conclusion

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. Moreover, the lack of manpower is leading to difficulties in performing the functions as well which also makes it important to fill the vacancies immediately for the effective performance of the commission.

UPSC Civil Services Examination Previous Year Question (PYQ)

Prelims

Q1. 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)

Q2. 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)

Q3. Under which Schedule of the Constitution of India can the transfer of tribal land to private parties for mining be declared null and void? (2019)

- (a) Third Schedule
- (b) Fifth Schedule
- (c) Ninth Schedule
- (d) Twelfth Schedule

Ans: (b)

Q4. If a particular area is brought under the Fifth Schedule of the Constitution of India, which one of the following statements best reflects the consequence of it? (2022)

- (a) This would prevent the transfer of land of tribal people to non-tribal people.
- (b) This would create a local self-governing body in that area.
- (c) This would convert that area into a Union Territory.
- (d) The State having such areas would be declared a Special Category State.

Ans: (a)

Mains

Q. What are the two major legal initiatives by the State since Independence addressing discrimination against Scheduled Tribes (STs)? **(2017)**

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