

47 National Commission for SCs

The National Commission for Scheduled Castes (SCs) is a constitutional body in the sense that it is directly established by Article 338 of the Constitu-tion¹. On the other hand, the other national commissions like the National Commission for Women (1992), the National Commission for Minorities (1993), the National Human Rights Commission (1993) and the National Commission for Protection of Child Rights (2007) are statutory bodies in the sense that they are established by acts of the Parliament².

EVOLUTION OF THE COMMISSION

Originally, Article 338 of the Constitution provided for the appointment of a Special Officer for Scheduled Castes (SCs) and Scheduled Tribes (STs) to investigate all matters relating to the constitutional safeguards for the SCs and STs and to report to the President on their working³. He was designated as the Commissioner for SCs and STs and assigned the said duty.

In 1978, the Government (through a Resolution) set up a non-statutory multimember Commission for SCs and STs; the Office of Commissioner for SCs and STs also continued to exist.

In 1987, the Government (through another Resolution) modified the functions of the Commission and renamed it as the National Commission for SCs and STs⁴.

Later, the 65th Constitutional Amendment Act of 1990⁵ provided for the establishment of a high level multi-member National Commission for SCs and STs in the place of a single Special Officer for SCs and STs. This constitutional body replaced the Commissioner for SCs and STs as well as the Commission set up under the Resolution of 1987.

Again, the 89th Constitutional Amendment Act of 2003⁶ bifurcated the combined National Commission for SCs and STs into two separate bodies, namely, National Commission for Scheduled Castes (under Article 338) and National Commission for Scheduled Tribes (under Article 338-A).

The separate National Commission for SCs came into existence in 2004. It consists of a chairperson, a vice-chairperson and three other members. They are appointed by the President by warrant under his hand and seal. Their conditions of service and tenure of office are also determined by the President⁷.

FUNCTIONS OF THE COMMISSION

The functions of the Commission are:

- (a) To investigate and monitor all matters relating to the constitutional and other legal safeguards for the SCs and to evaluate their working;
- (b) To inquire into specific complaints with respect to the deprivation of rights and safeguards of the SCs;
- (c) To participate and advise on the planning process of socio-economic development of the SCs and to evaluate the progress of their development under the Union or a state;
- (d) To present to the President, annually and at such other times as it may deem fit, reports upon the working of those safeguards;
- (e) To make recommendations as to the measures that should be taken by the Union or a state for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the SCs; and
- (f) To discharge such other functions in relation to the protection, welfare and development and advancement of the SCs as the president may specify.

REPORT OF THE COMMISSION

The commission presents an annual report to the president. It can also submit a report as and when it thinks necessary.

The President places all such reports before the Parliament, along with a memorandum explaining the action taken on the recommendations made by the Commission. The memorandum should also contain the reasons for the non-acceptance of any of such recommendations.

The President also forwards any report of the Commission pertaining to a state government to the state governor. The governor places it before the state legislature, along with a memorandum explaining the action taken on the recommendations of the Commission. The memorandum should also contain the reasons for the non-acceptance of any of such recommendations.

POWERS OF THE COMMISSION

The Commission is vested with the power to regulate its own procedure.

The Commission, while investigating any matter or inquiring into any complaint, has all the powers of a civil court trying a suit and in particular in respect of the following matters:

- (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 document;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record from any court or office;
- (e) issuing summons for the examination of witnesses and documents; and
- (f) any other matter which the President may determine.

The Central government and the state governments are required to consult the Commission on all major policy matters affecting the SCs.

The Commission is also required to discharge similar functions with regard to the Anglo-Indian Community as it does with respect to the SCs. In other words, the Commission has to investigate all matters relating to the constitutional and other legal safeguards for the Anglo-Indian Community and report to the President upon their working⁸.

Till 2018, the commission was also required to discharge similar functions with regard to the other backward classes (OBCs). It was relieved from this responsibility by the 102nd Amendment Act of 2018.

NOTES AND REFERENCES

1. Article 338 is contained in Part XVI entitled as 'Special Provisions Relating to Certain Classes'.
2. The years in the bracket indicate the years of their establishment.
3. The constitutional safeguards for the SCs and STs are explained in [Chapter 68](#).

4. It was made as a National Level Advisory Body to advise the Government on broad policy issues and levels of development of SCs and STs.
5. The Act came into force on 12-03-1992.
6. The Act came into force on 19-02-2004.
7. Under the Rules, they hold office for a term of three years.
8. Clause 10 of Article 338 reads as follows: "In this article, references to the Scheduled Castes shall be construed as including references to the Anglo-Indian Community".