

# THE CONSTITUTION (SIXTY-FIFTH AMENDMENT) ACT 1990

India

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### Act 065 of 1990

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***Statement of Objects and Reasons appended to the Constitution (Sixty-eighth Amendment) Bill, 1990 which was enacted as THE CONSTITUTION (Sixty-fifth Amendment) Act, 1990***

**STATEMENT OF OBJECTS AND REASONS**

Article 338 of the Constitution provides for a Special Officer for the Scheduled Castes and Scheduled Tribes to investigate all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under the Constitution and to report to the President on their working. It is felt that a high level five-member Commission under article 338 will be a more effective arrangement in respect of the constitutional safeguards for Scheduled Castes and Scheduled Tribes than a single Special Officer as at present. It is also felt that it is necessary to elaborate the functions of the said Commission so as to cover measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Castes and Scheduled Tribes and to entrust to the Commission such other functions in relation to the protection, welfare and development and advancement of the Scheduled Castes and Scheduled Tribes as the President may, subject to any law made by Parliament, by rule specify. It is also felt that the reports of the said Commission shall be laid before Parliament and the Legislatures of the States.

### 2. The Bill seeks to achieve the aforesaid objects.

An Act further to amend the Constitution of India. BE it enacted by Parliament in the Forty-first Year of the Republic of India as follows:-

### 1. Short title and commencement.-

(1) This Act may be called the Constitution (Sixty-fifth Amendment) Act, 1990. (2) It shall come into force on such date\_677 as the Central Government may, by notification in the Official Gazette, appoint.

## 2. Amendment of article 338.-

In article 338 of the Constitution, -(a)for the marginal heading, the following marginal heading shall be substituted, namely:-"National Commission for Scheduled Castes and Scheduled Tribes."; (b)for clauses (1) and (2), the following clauses shall be substituted, namely:-(1) There shall be a Commission for the Scheduled Castes and Scheduled Tribes to be known as the National Commission for the Scheduled Castes and Scheduled Tribes. (2) Subject to the provisions of any law made in this behalf by Parliament, the Commission shall consist of a Chairperson, Vice-Chairperson and five other Members and the conditions of service and tenure of office of the Chairperson, Vice-Chairperson and other Members so appointed shall be such as the President may by rule determine. (3) The Chairperson, Vice-Chairperson and other Members of the Commission shall be appointed by the President by warrant under his hand and seal. (4) The Commission shall have the power to regulate its own procedure. (5) It shall be the duty of the Commission- (a) to investigate and monitor all matters relating the safeguards provided for the Scheduled Castes and Scheduled Tribes under this Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards; (b) to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes and Scheduled Tribes; (c) to participate and advise on the planning process of socio-economic development of the Scheduled Castes and Scheduled Tribes and to evaluate the progress of their development under the Union and any State; (d) to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards; (e) to make in such reports recommendations as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Castes and Scheduled Tribes; and (f) to discharge such other functions in relation to the protection, welfare and development and advancement of the Scheduled Castes and Scheduled Tribes as the President may, subject to the provisions of any law made by Parliament, by rule specify. (6) The President shall cause all such reports to be laid before each House of Parliament along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the Union and the reasons for the non-acceptance, if any, of any of such recommendations. (7) Where any such report, or any part thereof, relates to any matter with which any State Government is concerned, a copy of such report shall be forwarded to the Governor of the State who shall cause it to be laid before the Legislature of the State along with a memorandum explaining the action taken or proposed to be taken on the recommendations relating to the State and the reasons for the non-acceptance, if any, of any of such recommendations. (8) The Commission shall, while investigating any matter referred to in sub-clause (a) or inquiring into any complaint referred to in sub-clause (b) of clause (5), have all the powers of a civil court trying a suit and in particular in respect of the following matters, namely:-(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 or copy thereof from any court or office; (e) issuing commissions for the examination of witnesses and documents; (f) any other matter which the President may, by rule, determine. (9) The Union and every State Government shall consult the Commission on all major policy matters affecting Scheduled Castes and Scheduled Tribes."; (c) existing clause (3) shall be renumbered as clause (10). [The Constitution (Sixty-fifth Amendment) Act, 1990, changed the Constitution's Article

338 to create a National Commission for Scheduled Castes and Tribes. The Commission shall consist of a Chairperson, Vice-Chairperson, and five other Members. The conditions of service and tenure of the Chairperson, Vice-Chairperson, and other Members shall be determined by the President through rules, subject to the provisions of any law made by Parliament that is in the best interests of the country. The President is required to appoint the Chairperson, Vice-Chairperson, and other Members of the National Commission established under the 65th amendment of the Indian constitution by warrant duly signed by the President and sealed. A Special Officer for Scheduled Castes and Scheduled Tribes is established under Original Article 338 of the Constitution to look into any issues about the constitutional protections for SCs and STs. This special officer is also mandated to work for the SC's and STs' welfare. Also Refer]