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***For 6th sem. (Major), paper-6.6.***

**TOPIC:**

**National Commission for Scheduled Tribes (NCST):**

**Introduction:** The National Commission for Scheduled Tribes is a [constitutional body](https://en.wikipedia.org/wiki/Constitutional_body) was established through Constitutional (89th Amendment) Act 2003, to protect the interest of the Scheduled Tribes and came into force on 19 February 2004. The National Commission for Scheduled Tribes has been set up under Article 338A on bifurcation of erstwhile National Commission for Scheduled Castes and Scheduled Tribes to oversee the implementation of various safeguards provided to Scheduled Tribes under the Constitution. By this amendment, the erstwhile National Commission for Scheduled Castes and Scheduled Tribes was replaced by two separate Commissions namely- (i) The [National Commission for Scheduled Castes](https://en.wikipedia.org/wiki/National_Commission_for_Scheduled_Castes) (NCSC), and (ii) The National Commission for Scheduled Tribes (NCST).

The First commission constituted on March, 2004 with Kunwar singh as the chairperson. The second commission constituted on 2007 with Urmila Singh as the Chairperson. The third Commission constituted on 2010 with [Rameshwar Oraon](https://en.wikipedia.org/wiki/Rameshwar_Oraon) as the Chairperson.

**Composition:** The NCST comprises a Chairperson, a Vice-Chairperson and three full-time Members. At least one other Member shall be appointed from amongst women.

**Tenure:**

1. The term of office of Chairperson, Vice-Chairperson and each member is three years from the date of assumption of charge.
2. The Chairperson, the Vice-Chairperson and other Members shall not be eligible for appointment for more than two terms.

**Qualifications:**

1. The Chairperson, the Vice-Chairperson and the Members shall be appointed from amongst persons of ability, integrity and standing who have had a record of selfless service to the cause of justice for the Scheduled Tribes.
2. Subject to the provisions of sub rule (1)-(a)The Chairperson shall be appointed from amongst eminent socio-political workers belonging to the Scheduled Tribes, who inspire confidence amongst the Scheduled Tribes by their very personality and record of selfless service. (b)The Vice-Chairperson and all other Members out of whom at least two shall be appointed from amongst persons belonging to the Scheduled Tribes.

**Salaries and allowance:**

1. The Chairperson shall have the rank of a Cabinet Minister and the Vice-Chairperson that of a Minister of State and other Members shall have the rank of a Secretary to the Government of India unless otherwise specified.
2. The Chairperson, the Vice-Chairperson and other Members shall be entitled to such salaries and allowances as admissible to a Secretary to the Government of India:

**Resignation and Removal:**

1. The Chairperson, Vice-Chairperson and any other Member, may be noticed in writing under his hand addressed to the President, resign his post.
2. (a) The Chairperson shall only be removed from his office by order of the President on the ground of misbehavior after the Supreme Court, on reference being made to it by the President, has on inquiry held in accordance with the procedure prescribed by it under sub-clause (i) of clause (1) of article 145 of the Constitution, reported that the Chairperson ought on any such ground to be removed. (b) The President may suspend from office the Chairperson in respect of whom a reference has been made to the Supreme Court under this sub-rule until the President has passed orders on receipt of the report of the Supreme Court on such reference. (c)Notwithstanding anything in clause (a) the President may order remove from office the Chairperson if the Chairperson- (i) is adjudged an insolvent; (ii) engaged during his term of office in any paid employment outside the duties of his office; (iii) is, in the opinion of the President, on unfit to continue in office by reason of infirmity of mind or body.

Provided that the Chairperson shall not be removed under this clause until he has been given a reasonable opportunity of being heard in the matter.

1. The President shall remove a person from the office of Vice- chairperson or Member, if that person.- (a)becomes an un-discharged insolvent; (b)gets convicted and sentenced to imprisonment for an offence which in the opinion of the President involves moral turpitude; (c)is in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body; (d)refuses to act or becomes incapable of acting; (e) is without obtaining leave of absence from the Commission, absent from three consecutive meetings of the Commission; (f) in the opinion of the President, has so abused the position of Vice-Chairperson or Member as to render that persons continuance in office detrimental to the interest of the Scheduled Tribes.

Provided that no person shall be removed under this clause until he has been given reasonable opportunity of being heard in the matter.

**Powers of the Commission: Under Clause (8) of Art. 338A of the Indian constitution, for** investigation and inquiry, the Commission is vested with powers of a Civil Court having authority to:

1. Summon and enforce attendance of any person and examine on oath;
2. Discovery & production of any documents;
3. Receive evidence on affidavits;
4. Requisition any public record or copy thereof from any court or office;
5. Issue Commissions for examination of witnesses and documents; and
6. Any matter which President, by rule, may determine.

**Power to regulate its own procedure:**

Clause 4 of the Article 338A of the Constitution empowers the Commission to regulate its own procedure for a meaningful performance. The Rules of Procedure of the National Commission for Scheduled Tribes have been notified on 17 September, 2004.

**Functions:-**The following functions are performed by the Commission under Clause (5) of Art. 338A:

1. To investigate and monitor all matters relating to the safeguards provided for the [STs](https://en.wikipedia.org/wiki/Scheduled_Tribes) under the 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;
2. To inquire into specific complaints with respect to the deprivation of rights and safeguards of the STs;
3. To participate and advise in the planning process of socio-economic development of the STs and to evaluate the progress of their development under the Union and any State;
4. To present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;
5. 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 and other measures for the protection, welfare and socio-economic development of the STs, and
6. To discharge such other functions in relation to the protection, welfare and development and advancement of the STs as the President may, subject to the provisions of any law made by Parliament, by rule specify.

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