

Statutory Commission

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Description of Module

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Statutory Commission

NATIONAL COMMISSION FOR SCHEDULED CASTES:

Lowest rank: The framers of the Constitution took note of the fact that certain castes, races or tribes in the country, who occupy the lowest rank in the ritual of Indian society, were suffering from extreme social, educational and economic backwardness arising out of age-old practice of **untouchability**, lack of **infrastructure facilities** and **geographical isolation**, and who need special consideration for safeguarding their interests and for their accelerated socio-economic development.

Article 341 & 342 :These communities were notified as scheduled Castes as per provisions contained in Clause 1 of Articles 341 and 342 of the Constitution

Five Years Plan in the mainstream: Since Independence, several strategies for sustainable development have been evolved and during last ten Five Years Plan several programmes and schemes have been implemented with a view to bring the Scheduled Castes in the mainstream of the Indian Society.

The Scheduled Castes population: according to **2001 Census is 166.6 million** constituting **16.23 per cent** of the total population of India. Uttar Pradesh has the highest concentration of Scheduled Castes population 40%; Punjab with **28.9 per cent** Scheduled Castes population occupies the first position in terms of percentage of SC to the state population.

Literacy Rate: literacy rate among SC population is **54.70 per cent** as compared to **64.80 per cent** among total population. Literacy among SC female is quite low i.e. **41.90 per cent** against **53.70 per cent** of general female, which is a cause of great concern.

Economic Conditions: So far as economic conditions are concerned, it is reported that most of SC families are living below poverty line. In Rural India, Bihar and Orissa are some of the states where more than **50 per cent** SC population is living below poverty line. Most of the SC families are duty-bound to survival on manual labour as they have no practical economic

resources for their livelihood. SC families living in urban area have also been reported in poor conditions and are subjected to exploitation.

Special provisions: With a view to provide safeguards against the exploitation of SCs and to promote and protect their social, educational, economic and cultural interests, special provisions have been made in the Constitution.

Equitable participation in governance : Due to their social disability, educational and economic backwardness, they were grossly handicapped in getting reasonable share **in elected offices, Government jobs and educational institutions** and, therefore, it was considered necessary to follow a policy of reservations in their favour to ensure their equitable participation in governance.

Special Officer Article 338: For effective implementation of various safeguards provided in the Constitution for the SCs and various other protective legislations, the Constitution provided for appointment of a Special Officer under Article 338 of the Constitution.

Commissioner for SC & ST: The Special Officer who was called as Commissioner for SCs & STs was assigned the duty to monitor and investigate all matters relating to the safeguards for SCs and STs in various statutes and to report to the President upon the working of these safeguards.

Multi Member commission: On constant demand of the Members of Parliament that the Office of the Commissioner for SCs & STs alone was not enough to monitor the implementation of Constitutional safeguards, the Government decided to set up a Multi-Member Commission through an administrative decision .

The first Commission : for SCs & STs was, therefore, set up in August, 1978 with Shri Bhola Paswan Shastri as Chairman and other four Members.

The first Commission under the Constitution: (65th Amendment) Act was constituted on 12-3-1992 replacing the Commissioner for Scheduled Castes and Scheduled Tribes and the Commission set up under the Ministry of Welfare's Resolution of 1987. The first Commission consisted of Shri Ram Dhan as the Chair person,

The Second Commission: was constituted on 5-10-1995 with Shri H. Hanumanthappa as Chair person and Smt. Omem Moyong Deori as Vice-Chairperson.

The Third Commission : was constituted in December, 1998 vide Ministry of Social Justice and Empowerment's Notification No.5035(E) dated 27th January,1999 consisting of Shri Dileep Singh Bhuria as the Chair person,

The Fourth Commission was constituted: in March, 2002 vide Ministry of Social Justice and Empowerment's Notification No. S.O. 351 (E) dated 21-3-2002 consisting of Dr. Bizay Sonkar Shastri as the Chairperson,

National Commission for Scheduled Castes & Scheduled Tribes :Consequent upon the Constitution (Eighty-Ninth Amendment) Act, 2003 (**Annexure-II**) coming into force on 19-2-2004 vide Notification of that date (**Annexure-III**) the erstwhile National Commission for Scheduled Castes & Scheduled Tribes has been replaced by (1) National Commission for Scheduled Castes, and (2) National Commission for Scheduled Tribes. The Rules of the National Commission for Scheduled Castes were notified on 20th February, 2004 by the Ministry of Social Justice & Empowerment.

The First National Commission for Scheduled Castes was constituted with S/Shri Suraj Bhan, Chairperson.

The Commission consists: The commission shall consist of Chairperson, Vice Chairperson and five other Members. The chair person and Vice Chair person are socio-Political workers. Out of Five members two must be SC and one must be a women.

Appointment: The chair person and other members of the commission shall be appointed by the president under his hand seal.

Term of Office: the Chairperson, the Vice-Chairperson and other Member shall hold office for a term of three years. not be eligible for appointment for more than two terms.

Duty of the commission:

1. **To investigate:** and monitor all matters relating to the safeguards provided for the Scheduled Castes 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;
2. **Specific complaints:** to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes.
3. **Advise on the planning process:** To participate and advise on the planning process of socio-economic development of the Scheduled Castes.
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. **Effective implementation:** 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

Organizational Chart

The National Commission for Scheduled Tribes functions from its Headquarters at New Delhi and from the Regional Offices of the Commission located in six States.

There are following six Units at the Hqrs.:

1. Administration
2. Coordination Unit
3. Research Unit-I
4. Research Unit - II
5. Research Unit-III
6. Research Unit-IV

The main functional units are Research Unit-I, Research Unit-II, Research Unit-III, Research Unit-IV, which deal with all matters pertaining to socio-economic and educational development, service safeguards and atrocities in relation to STs as per distribution of the Ministries/ Departments (including CPSEs and other Organisation/ Offices under their administrative control) and the States and UTs among these four Research Units.

Regional offices : There are 6 Regional offices of the National Commission for Scheduled tribes which work as 'eyes and ears' of the Commission. They keep a watch on the formulation of policy and issue of guidelines relating to the welfare of Scheduled Tribes in

the States/UTs and keep the Commission's Headquarters informed about the developments periodically. Policy decisions taken by any State Government/UT Administration affecting the interests of the Scheduled Tribes are brought to the notice of the concerned authorities for necessary action.

For Organisation Chart

Functions of the Commission

(Under Clause (5) of Art. 338A)

1. To **investigate & Monitor** matters relating to Safeguards provided for STs under the Constitution or under other laws or under Govt. Order, to evaluate the working of such Safeguards.
2. **To inquire into specific** complaints relating to Rights & Safeguards of STs;
3. **To participate and advise in the Planning Process** relating to Socio-economic development of STs, and to evaluate the progress of their development under the Union and any State;
4. **To submit report to the President annually** and at such other times as the Commission may deem fit, upon/ working of Safeguards, Measures required for effective implementation of Programmers/ Schemes relating to Welfare and Socio-economic development of STs;
5. **To discharge such other functions in relation to STs** as the President may, subject to the provisions of any law made by Parliament, by rule specify;
6. **welfare and development & advancement** :The Commission would also discharge the following other functions in relation to the protection, welfare and development & advancement of the Scheduled Tribes, namely:-
 - **Ownership rights**: Measures that need to be taken over conferring ownership rights in respect of minor forest produce to the Scheduled Tribes living in forest areas.
 - **over mineral resources** : Measures to be taken to safeguard rights to the Tribal Communities over mineral resources, water resources etc. as per law.
 - **livelihood strategies.** :Measures to be taken for the development of tribal and to work for move viable livelihood strategies.
 - **rehabilitation measures** to be taken to improve the efficacy of relief and rehabilitation measures for tribal groups displaced by development projects.
 - **prevent alienation** Measures to be taken to prevent alienation of tribal people from land and to effectively rehabilitate such people in whose case alienation has already taken place.

· Powers of the Commission

(Under Clause (8) of Art. 338A)

For Investigation and Inquiry, the Commission is vested with powers of a civil court having authority to:

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

(Under Clause (9) of Art. 338A)

Union and every State Govt. to consult the Commission on all major Policy matters affecting Scheduled Tribes.

National Commission for Backward Classes

National Commission for Backward Classes is an [Indian statutory body](#) established on 14 August 1993, under the provisions of *National Commission for Backward Classes Act, 1993* (Act No. 27 of 1993). The commission was the outcome of the direction of the Supreme Court in the [Mandal case](#) judgment.

The number of backward castes in Central list of OBCs has now **increased to 5,013** (without the figures for most of the Union Territories) in 2006 as per National Commission for Backward Classes.^[1] In October 2015, National Commission for Backward Classes proposed that a person belonging to OBC with an annual family income of up to **Rs 15 lakh** should be considered as minimum ceiling for OBC.^[2]

NCBC also recommended sub-division of OBCs **into 'backward', 'more backward'** and 'extremely backward' blocs and divide 27% quota amongst them in proportion to their population, to ensure that stronger OBCs don't corner the quota benefits.^{[3][4]}

“Backward classes” : means such backward classes of citizens other than the Scheduled Castes and the Scheduled Tribes as may be specified by the Central Government in the lists; The Commission, shall consist of the **following Members** nominated by the Central Government:—

- (a) a Chairperson, who is or has been a Judge of the Supreme Court or of a High Court;
- (b) a social scientist;
- (c) two persons, who have special knowledge in matters relating to backward classes; and

(d) a Member Secretary, who is or has been an officer of the Central Government in the rank of a Secretary to the Government of India.

Term of office and conditions of service of Chairperson and Members.—

(1) Every Member shall hold office for a term of **three years** from the date he assumes office.

(2) A Member may, by writing under his hand addressed to the Central Government, resign from the office of Chairperson or, as the case may be, of Member at any time.

(3) The Central Government shall remove a person from the office of Member if that person—

(a) becomes as undischarged insolvent;

Salaries and allowances to be paid out of grants.—The salaries and allowances payable to the Chairperson and Members and the administrative expenses, including salaries, allowances and pensions payable to the officers and other employees referred to in section 5, shall be paid out of the grants referred to in sub-section.

Functions of the Commission.—

(1) The Commission shall examine requests for inclusion of any class of citizens as a backward class in such lists and hear complaints of over-inclusion or under-inclusion of any backward class in such lists and tender such advice to the Central Government as it deems appropriate.

(2) The advice of the Commission shall ordinarily be binding, upon the Central Government.

Powers of the Commission.—The Commission shall, while performing its functions under sub-section

(1) of section 9, have all the power 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; and

(f) any other matter which may be prescribed.

Power to make rules.—

[\(1\)](#) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

National Commission for Backward Classes has not yet been empowered to look into the grievances of persons of Other Backward Classes.