CHAPTER VI
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SPECIAL PROVISIONS RELATING TO SCHEDULED CASTES
AND SCHEDULED TRIBES IN THE CONSTITUTION

The Constitution of India is concentrated by the ideals of equality and justice both in the social and the political field. Accordingly, it abolishes any discrimination to any class of persons on the ground of religion, race or place of birth. It is in pursuance of this ideal that the constitution had abolished communal representation or reservation of seats in the legislature or in any public office on the basis of religion.

"It would have been blunder on the part of the constitution makers, if, on logical application of the above principle " they had omitted to make any special provision for the advancement of those who are socially and economically backward. For the democratic march of nation would be impossible if those who are handicapped are not aided at the start. The principle of democratic equality, indeed can work only if the nation as a whole is brought on the same level as far as that is practicable. Our constitution, therefore, provides certain temporary measures to help the backward sections to come up to the same level with the rest of the nation, as well as certain permanent safeguards for the protection of the cultural, linguistic and similar right of any section of the community who might be said to constitute 'minority' from the numerical, not communal point of view in order to prevent the democratic machine from being used as an engine of oppression by the numerical majority."

In the Constitution of India special provisions have been made for Scheduled Castes and Scheduled Tribes according to which seats are reserved for those communities in educational institutions and Public Employments (Article 15(4) read with 24(2) and Article 16). In the democratic form of Government real power vests in people at large as they
elect their Government to take decision for the welfare of people and other internal and external matters of the country. It was therefore, thought essential by the framers of the Constitution to grant special protection to socially and economically depressed classes of people so as to enable them to secure due recognition amongst other people. By doing so the people of Scheduled Castes/ Scheduled Tribes have acquired substantial importance in day to day functioning of the government at centre as well as state level. It was also thought that people of Scheduled Castes and Scheduled Tribes find it difficult to contest due to their social, education and economic backwardness and therefore it is essential to give them the protection by way of reservation of seats in Parliament, Legislative Assembly and Semi-Government Institutions. With this background in view Article 330 of the Constitution was enacted to provide reservation of seats for SC and ST in the house of people except for the ST in the tribal areas of Assam, in the Legislative Assembly State.

Article 331 of the Constitution provides for the nomination of not more than two members of the Anglo-Indian community, if President is of opinion that the community is not adequately represented in the House of People. In the first instance it was provided in Article 334 of the Constitution that the provision for reservation of seats from SC and ST as well as nomination of members of the Anglo-Indian community shall cease after 20 years from the commencement of the constitution. But keeping in view the existing conditions of these people and political activities the period of reservation initially provided was extended from time to time and it holds good even today. The relevant provisions of the Constitution with deals will the reservation of SC and ST in House of People and Legislative Assembly etc. are as follows:
RESERVATION OF SEATS FOR SC AND ST IN THE HOUSE OF THE PEOPLE

The Constitution of India treats the Scheduled Castes and Scheduled Tribes in India with special favour and affords them some safeguards. The Scheduled Castes are the depressed section of the Hindus who have suffered for long under social handicaps and thus need special protection and help for the amelioration of their social, economic and political condition.

The constitution provides some reservation for the Scheduled Castes and Scheduled Tribes in the Legislature.

Article 330 of the Constitution lays down as follows:-

1. Seats shall be reserved in the House of the People for
   (a) the Scheduled Castes
   (b) the Scheduled Tribes except the Scheduled Tribes in the tribal areas of Assam and the Scheduled Tribes in the autonomous districts of Assam.

2. The reservation for Lok Sabha seats for the Scheduled Castes and Scheduled Tribes has to be made in each state and Union territory on population basis. The number of Lok Sabha seats reserved in a state or Union territory on population basis. The number of Lok Sabha seats reserved in a state or Union territory for such castes and tribes is to be bear as nearly as possible the same proportion in the total number of seats allotted to that State or Union territory in the Lok Sabha as the
population of the Scheduled Castes and the Scheduled Tribes in the State or Union territory bears to the total population of that State or Union territory.

In V.V. Giri, V.D.S. Dora, the Supreme Court held that a Scheduled Tribe candidate can contest an election for both the seats reserved as well as open. At the same time it was also held that a non Scheduled Tribe candidate residing in a constituency for which there is a reserved seat will be unable to contest for election to that seat. It may however be noted that elections are to be held on the basis of a single electoral roll, and each voter in the reserved constituency is entitled to vote. There is no separate electorate, e.g. it is not for the Scheduled Castes and Scheduled Tribes only to elect their representatives. The system is that though a person belonging to such castes and tribes is to be elected to a voters in the constituency. This has been done with a view to discourage the sharpening of differentiation between the Scheduled Castes and Scheduled Tribes from the other people to lead to their gradual integration in the main stream of national life. In 1961, Parliament enacted legislation provided for the division of two members constituency and thus a non Scheduled Caste person will be debarred from contesting election to a reserved seat even though residing in that constituency. It further held that sec-54 of the Representation of people Act is not opposed to Article 330 of the Constitution when it is admitted that a Scheduled Tribe candidate could compete for a general seat. Also a member of
the Scheduled Castes or Scheduled Tribes is not debarred from contesting any seat other than the reserved one.

(ii) RESERVATION OF SEATS FOR SC/ST IN THE LEGISLATIVE ASSEMBLY

Article 332 of the Constitution deals with the reservation of seats for the Scheduled Castes and Scheduled Tribes in the Legislative Assemblies of the state. This Article lays down as follows:-

(1) Seats shall be reserved for the Scheduled Castes and Scheduled Tribes, except the Scheduled Tribes in the tribal areas of Assam in the Legislative Assembly of every state.

(2) Seats shall be reserved for the Scheduled Castes or the Scheduled Tribes in the Legislative Assembly of Assam.

(3) The number of seats reserved for the Scheduled Castes or the Scheduled Tribes in the Legislative Assembly under clause (1) shall bear as nearly as may be, the same proportion to the total number of seats in the Assembly as the population of the total number of seats in the Assembly bears to the total population of the state.

(4) The number of seats reserved for an autonomous district in the Legislative Assembly of the state of Assam shall bear to the total number of seats in Assembly in
proportion not less than the population of the district bears to the total population of the state.

(5) The Constitution for the seats reserved for any autonomous district of Assam shall not comprise any area outside that district.

(6) No person who is not a member of a Scheduled Tribe of any autonomous district of the state of Assam shall be eligible for election to the Legislative Assembly of the state from any Constituency of that district.

The total number of seats in Legislative Assemblies in state and the Union Territories in the year 1968-69 was 3,563 out of which 503 seats were reserved for SC's and 262 for ST's.

(iii) EXTENSION OF THE TERM OF RESERVATION:

Article 334 of the Constitution deals with the reservation of seats to Scheduled Castes and Scheduled Tribes originally Article 334 provided for the reservation of seats to the Scheduled Castes and Scheduled Tribes for a period of ten years from the date of commencement of the Constitution but by the Constitution right amendment 1959 the duration was then increased for ten more years, and by an amendment of the Constitution 4. The duration of this reservation has been extended for ten more years i.e. until Jan. 25, 1980. Forty Fifth Amendment Act, 1980, this Amendment has substituted the word “forty” for the word “thirty” in Article 334 of the Constitution. Recently by an Amendment 5, the duration of this reservation has been extended for ten more years. Accordingly, it has submitted the word ‘fifty’ for the word ‘forty’ in Article 334 of the Constitution. It has been felt that the handicaps and disabilities
under which these people function have not yet been removed and that they need this reservation for some time more, so that their condition may be ameliorated and they may catch up with the rest of the nation. Thus we find that the reservation for Scheduled Castes and Scheduled Tribes candidates which was originally to cease after ten years from 26th January, 1950 will now cease after 50 years. Thus this Article has since been amended four times, extending the said period of 10 years an each occasion. This provision is now to expire in January, 2000.

(iv) CLAIMS OF SCHEDULED CASTES TO SERVICES AND POSTS:

The secularism, egalitarianism integrity and unity as their basis objects of the constitutional philosophy could not permit horizon division of the country into backward and non backward for the sake of job reservations. Article 16(4) empowers the state to make 'any provision for the reservation of appointments or posts in favour of any backward class of citizens which in the opinion of the state, is not adequately represented in Services under the state.

The Government of India’s policy has been to make reservation for candidates belonging to Scheduled Castes and Scheduled Tribes for posts/services under the Central Government in accordance with the provisions of Article 16(4) and Article 335 of the Constitution.

Article 335 of the constitution lay down as follows:-

"The claims of the members of the Scheduled Castes and Scheduled Tribes shall taken into consideration,"
consistently with the maintenance of efficiency of administration, in making appointments to services and posts in connection with the affairs of the Union or of the state”.

Various instructions are issued from time, in implementation of this policy indicating the reservation for candidates of SC/ST, in all vacancies in posts/grades under the Central Government filled by direct recruitment, and subject to certain condition, in vacancies filled also by promotion both on the basis of seniority-cum-fitness and selection. These orders have generally referred to the posts/grades under the Central Government as those belonging to Class I, II, III and IV.

The Government of India’s intention has always been that the scheme of reservation for SC/ST should embrace all the posts and grades under the Central Government irrespective of whether they have been classified as Class I, II, III and IV or not, and never to exclude posts in the industrial establishments whether classified or not from the purview of the scheme of reservations. The incumbents of the posts in the industrial establishments whether classified or not, are also governed usually by the normal services rules and regulations of Central Government on the same lines as other employees holding posts in Classes I, II, III and IV. The various instructions issued by the Department of Personnel and Administrative Reform in regard to reservations for SC/ST therefore must apply mutandis to such posts/grades also.
SPECIAL OFFICERS FOR SCHEDULED CASTES AND SCHEDULED TRIBES FOR THE ENFORCEMENT OF SAFEGUARDS:

Article 338 lays down that there shall be a special officer for the Scheduled Castes and Scheduled Tribes to be appointed by the President. If further lays down it shall be the duty of the special officer to investigate all matters relating to safeguards provided for the Scheduled Castes and Scheduled Tribes under this constitution and report to the President upon the working of the safeguards at such interval as the President may direct, and the President shall cause all such reports to be laid before each House of Parliament. It further adds that references to such other backward classes as the President may on receipt of the report of a commission appointed under clause (1) of Article 340, by order specify and also to the Anglo-Indian community.

Article 338 makes provision for appointment of special officer. In accordance with Article 338 the post of special officer was for the very first time filled in U.P. on 18th November, 1950 and designated as commissioner for Scheduled Castes and Scheduled Tribes. The first commissioner was Sri L.M. Shrikant who remained in the office till the end of December, 1961. The first Report of the Commissioner covered the calendar year 1951. The Commissioner in his First Report stated:

'It has since been decided by President that I shall submit my report once a year for each calendar year and that the First Report should be for the calendar year ending December, 1958. 6.'
(vi) APPOINTMENT AND FUNCTIONS OF COMMISSIONER FOR SCHEDULED CASTES AND SCHEDULED TRIBES:

Article 338 of the Constitution provides for a special officer for the SC and ST to be appointed by the President, whose duty is 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 upon the working of those safeguards at such intervals as the President may direct, and present all such reports to be laid before each House of Parliament.

The original Article 338 of the Constitution read as follows:

1. "There shall be a special officer for the Scheduled Castes and Scheduled Tribes to be appointed by the President."

2. "It shall be the duty of the special officer to investigate all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under this Constitution and report to the President upon the working of those safeguards at such intervals as the President may direct, and the President shall cause all such reports to be laid before each House of the Parliament."

3. "In this Article references to the Scheduled Castes and Scheduled Tribes shall be construed as including references to such other backward classes as the President may on receipt of the report of a commission under clause (1) of Article 340 by order specify and also to the Anglo-Indian community."
Under Article 339 the President is empowered to appoint at any time, and is under an obligation to appoint at the expiry of ten years from the commencement of the constitution, a commission to report on the administration of the Scheduled Areas and welfare of the Scheduled Tribes in the states. Article 339(2) provides that the executive power of the Union extends to give directions to a state as to the drawing up and execution of schemes specified in the direction as essential for the welfare of the SC/ST in the state. Article 340 provides for the appointment of a commission to investigate into the conditions of backward classes. “The Commission is to report on the facts found by them to make such recommendations as they think proper and Article 340(3) provides:

“The President shall call a copy of the report so presented together with a memorandum explaining the action taken thereon to be laid before each House of Parliament”.

The Liaison Officers who have been nominated in the Ministries etc., for work relating to representation of SC and ST should ensure the extension of necessary assistance to the Commissioner for SC and ST in the investigation of complaints received by the latter in regard to service matters.

(vii) COMMISSIONER FOR SC & ST:

The special officer mentioned in Article 338(1) was designated as the Commissioner for Scheduled Castes and Scheduled Tribes by the first President, Dr. Rajendra Prasad, Sri L.M. Shrikant appointed as the first Commissioner on 18-11-1950 continued till the end of 1961.
The organization of the Commissioner for Scheduled Castes and Scheduled Tribes was weakened by the decision of the Government of India in June, 1967 to take away all the 17 field officers which functioned as “eyes and ears” of the Commissioner and regrouping them into five Zonal Offices of Backward Classes welfare and putting them under the Central of a newly created post of Director General, Backward Classes welfare, under the Union Department of Social welfare. This step was detrimental to the interests of the Scheduled Castes and Scheduled Tribes as the Commissioner was not left with any independent agency to collect reliable information and assessment of the problems of these disadvantaged groups and the developmental programmes under taken for them. In its first Report (1969) the Parliamentary Committee on the welfare of Scheduled Castes and Scheduled Tribes deplored this action of the Government and wanted the hands of the Commissioner strengthened. However, the Government did not restore the field organization to the Commissioner for SC & ST whose effectiveness was thus undermined.

(viii) COMMISSION FOR SC & ST (NON-STATUTORY):

There was a persistent demand by SC & ST representatives particularly the Members of Parliament, that the special officer under Article 338 should be replaced by an effective multi-member commission with increased functions and powers. The Ministry of Home Affairs by Resolution No. 13013/9/77-SCT(I) dated 21.7.78 decided to set up a commission for Scheduled Castes and Scheduled Tribes. The first Commission was constituted in August, 1978 with Shri Bhola Paswan Shastri as Chairman. However this step was taken without abolishing the office of the special officer for SC &
ST. On 3.8.1978 the Government introduced the Constitution (six Amendment) Bill, 1978 in the Lok Sabha to amend Article 338 along with Article 350(B). This Bill could not be taken up in 1978 winter session of the Parliament. It was brought up again in the Lok Sabha as the Constitution (Forty First Amendment) Bill, 1979, but could not secure the requisite majority. However, in their keenness to get the Bill passed the Government advanced the monsoon session by a week. But before any other business could be taken up a no-confidence motion was moved leading to fall of the Government. The Commission set up by an executive resolution, however continued to function. It was an unsatisfactory situation with the statutory office of the special officer for SC & ST and the non statutory commission for SC and ST co-existing charged with the same functions. After then Commissioner for SC & ST demitted his office in November, 1981 the post was not filled up for more than four years.

(ix) NATIONAL COMMISSION FOR SC & ST (NON-STATUTORY):

On 1.9.1987 the Government decided to demarcate the functions of the special officer for SC & ST and the commission for SC and ST. It was decided that only the commissioner for SC & ST would be submitting the (Annual) Reports to the President and the Parliament and the Commission which was re-christened as the National Commission for SC & ST would conduct studies. The Ministry of welfare Notification No. BC-13015/12/86-SCD. VI dated 1.9.81 laying down the functions of the National Commission for SC & ST the 1st. Chairman of the Commission. Shri Bhola
Paswan Shastri, was succeeded by Shri K. Raja Mallu (17-8-81 to 24-3-83).

(x) NATIONAL COMMISSION FOR SC & ST (STATUTORY):

The Constitution (Sixty eight Amendment) Bill, was passed unanimously by the Lok Sabha on 30.5.1990 and the Rajya Sabha on 31.5.1990. It received the President’s assent on 7.6.1990 and was notified as the constitution (Sixty fifth Amendment) Act, 1990, in the official Gazette on 8.6.1990.

The Chairperson, the Vice-Chairperson and the Member of the new Constitutional National Commission for SC & ST (herein after referred to as the Commission) were to be appointed by the President of India in accordance with the conditions of service and tenure of office as the President might by rule determine. These rules were notified on 3.11.1990. The Commission was, however, reconstituted in accordance with these rules only on 12.3.1992.

(xi) FUNCTIONS OF THE COMMISSION:

The functions of the Commission have been laid down in clauses (5), (8), (9) and (10) of the amended Article 338 of the Constitution. These functions are briefly discussed here:

(1) INVESTIGATION INTO AND MONITORING OF SAFEGUARDS PROVIDED UNDER THE CONSTITUTION

The Commission is required to investigate and monitor all matter relating to the safeguard provided for SC & ST 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.
The important constitutional safeguards for SC and ST are mentioned in Article 46, 17, 23, 24, and 25(2)(b).

(a) DIRECTIVE PRINCIPLES OF STATE POLICY:

Article 46 is a Comprehensive Article comprising both the developmental and regulatory aspects. It reads as follows:

"The state shall promote with special care the educational and economic interests of the weaker sections of the people, and in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation".

(b) SOCIAL SAFEGUARDS:

According to Article 17 "Untouchability" is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of ‘untouchability’ shall be an offence punishable in accordance with the law.

There are two important legislation relating to this Article viz., the protection of Civil Rights Act, 1955, and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

Article 23 prohibits traffic in human beings and beggar and other similar form of forced labour and provides that any contravention of this provision shall be an offence punishable in accordance with law. It does not specifically mention SC & ST but since the majority of bonded labour belong to SC and ST, this article has a special significance for SC & ST. In pursuance of this article there is the Bonded Labour System (Abolition) Act,
1976, and there is a Centrally Sponsored Scheme for identification, Liberation and rehabilitation of bonded labour.

Article 24 provides that no child below the age of 14 Years shall employed to work in any factory or mine or engaged in any other hazardous employment. There are Central and State Laws to prevent child labour. This Article too is significant for SC & ST as a substantial portion, if not the majority, of child labour engaged in hazardous employment belong to SC & ST.

Article 25(2)(b) provides that Hindu religious institutions of a public character shall be thrown open to all sections and classes of Hindus. This provision is relevant as some sects of Hindus used to claim that only members of the concerned sects had a right to enter their temples. This was only a subterfuge to prevent entry of SC persons in such temples. For the purpose of this provision the term Hindu includes Sikh, Jaina and Buddhist.

(c) ECONOMIC SAFEGUARDS:

The provisions of Article 46, 23, and 24 mentioned also form part of the economic safeguards. The specific safeguards for the Scheduled Tribes are mentioned below:

According to Article 244(1), the provision of the fifth Schedule shall apply to the administration and Central of the Scheduled Area and Scheduled Tribes in any state other than the state of Assam, Meghalaya, Mizoram and Tripura.

According to 244(2) the provision of the Sixth Schedule shall apply to the administration of the tribal Areas in the states of Assam, Meghalaya, Mizoram and Tripura.
Article 275(1) provides that
"there shall be paid out of the consolidated Fund of India as grants-in-aid of the revenues of a state such capital and recurring sums as may be necessary to enable that state to meet the costs of such schemes of development as may be undertaken by the state with the approval of the Government of India for the purpose of promoting the welfare of the Scheduled Tribes in that state or raising the level of administration of the Scheduled Areas therein to that of the administration of the rest of the areas of that state.

A similar provision exist in this article for paying such special grants to the states covered under the Sixth Schedule out of the Consolidated Fund of India.

Fifth Schedule contains provisions regarding the administration and control of the Scheduled Areas and Scheduled Tribes. There are eight states having Scheduled Areas, viz., Andhra Pradesh, Bihar, Gujarat, Himachal Pradesh, Madhya Pradesh, Maharashtra, Orissa and Rajasthan. The Governors of these states have the power to make regulations for the peace and good government of any Schedule Area, particularly for the following purposes:

(i) to prohibit or restrict the transfer of land by or among members of the Scheduled Tribes in such area
(ii) to regulate the allotment of land to members of the Scheduled Tribes in such area
(iii) to regulate the carrying on of business as money-lender by persons who lend money to members of the Scheduled Tribes in such area.

Sixth Schedule contains provisions relating to the administration of Tribal Areas in the state of Assam, Meghalaya, Mozoram and Tripura. There are autonomous Districts Councils and Autonomous Regional Councils not only administer the various Departments and developmental programmes but they also have powers to make laws on a variety of subjects, e.g., land, forest, shifting cultivation, village or town administration including village or town police and public health and sanitation inheritance of property, marriage and divorce and social customs.

(d) EDUCATIONAL AND CULTURAL SAFEGUARDS:

Article 15(4) empowers the state to make any provision for the advancement of any socially and educationally backward classes of citizens or for SC & ST. This provision was added through the constitution (first Amendment) Act, 1951, which amended several articles. This provision has enabled the state to reserve seats for SC & ST in educational institutions including technical, engineering and medical colleges. In this as well as in Article 16(4) the term 'backward classes' is used as a generic term and comprises various categories of backward classes, viz., Scheduled Castes, Scheduled Tribes, Other Backward Classes, Denotified (Vimukta Jatiyan) and Nomadic /Semi-nomadic communities. Article 29(1) provides that “any section of the citizen residing in the territory of India or any part there of or having a distinct language, script or culture of its own shall have the right to conserve the same”. This article has special significance for all the Scheduled Tribes.
Article 350 A provides that “it shall be the endeavour of every state and of every local authority within the state to provide adequate facilities for instructions in the mother tongue at the primary stage of education to children belonging to linguistic minority groups, and the President may issue such directions to any state as he considers necessary or proper for securing the provision of such facilities”. Most of the tribal communities have their own languages or dialects which usually belong to different family of languages than the one to which the state’s official language belongs. Various expert commissions and committees have recommended that instruction should be imparted to tribal children in their mother tongue in primary schools, at least in classes I and II.

(e) POLITICAL SAFEGUARDS:

Article 164(1) provides that in the states of Bihar, Madhya Pradesh and Orissa there shall be a Minister in charge of tribal welfare who may in addition be in charge of the welfare of the Scheduled Castes and Backward Classes or any other work.

Article 330 provides for reservation of seats for SC & ST in the Lok Sabha and Article 332 provides for reservation of seats for SC & ST in the Vidhan Sabha (Legislative Assemblies).

Article 332 originally laid down that that the provision relating to the reservation of seats for SC and ST in the Lok Sabha and State Vidhan Sabhas (and the representation of the Anglo-Indian community in the Lok Sabha and the State Vidhan Sabhas by nomination) would cease to have effect on the expiration of a period
of ten years from the commencement of the constitution. This article has since been amended four times, extending the said period by ten years on each occasion. This provision is now to expire in January, 2000.

Article 371 A  Contains special provisions with respect to Nagaland
Article 371 B  Contains special provisions with respect to Assam.
Article 371 C  Contains special provisions with respect to Manipur.
Article 371 D  Contains special provisions with respect to Sikkim.

(f) SERVICES SAFEGUARDS:

Article 16(4) empowers the state to make “any provision for the reservation of appointments in favour of any backward class of citizens which, in the opinion of the state, is not adequately represented in the services under the state”.

Article 320(4) provides that consultation with the UPSC or any state Public Service Commission shall not be required as respects the manner in which any provision under Article 16(4) may be made or the manner in which effect may be given to the provisions of Article 335.

2. LAWS FOR SCHEDULED CASTES AND SCHEDULED TRIBES:
There are number of laws, both Central and State, which provides safeguards for SC and ST. Some of these emanate from the various constitutional provisions. Such laws are as follows:

(i) The protection of Civil Rights Act, 1955
(v) Acts and Regulations in force in different states to prevent alienation of Land belonging to SC and ST. In some states such provision exists in the Land Revenue Code.
(vi) Acts in different states for restoration of alienated Land to SC & ST.

The Commission proposes to compile list of all such laws, both Central and State, which provides safeguards to SC and ST or protect their interests.

3. ORDER FOR SCHEDULED CASTES AND SCHEDULED TRIBES:

Similarly the commission proposes to undertake an exercise of listing such executive orders issued by the Government of India or the State Governments which are not covered by the Constitutional safeguards or the laws referred to above but which provide safeguards to SC and ST or protect their interests. For instance, in pursuance of the constitutional provisions of services safeguards. The Government of India have issued a large number of orders for reservation of seats for SC & ST in services and posts both in recruitment and promotion. Beside they have issued many orders covering various aspects of SC &
ST communities and relating to various sectors. All these orders will have to be compiled in respect of the Union and the States.

4. INQUIRY INTO SPECIFIC COMPLAINTS:

The Commission is required to inquire into specific complaints with respect to the deprivation of rights and safeguards of SC and ST. In order to enable the commission to perform this function with manageable limits the commission would like to appeal to members of SC & ST that before submitting any specific complaint to the commission for redress of their grievances, they should clearly state if how there has been a violation of their rights and safeguards. A large number of representations are regularly received from SC & ST employees working in Government Departments, public sector undertakings and autonomous bodies. The commission would like them to know that it will be a position to inquire into their service grievances only if there has been a violation of any provision of the Acts governing reservation in services and posts for SC & ST (the state Governments of Manipur, Orissa and West Bengal have passed such legislations) or in the case of Government of India, of the orders contained in the brochures relating to reservation matters issued by the Ministry of Personal, the BPE/ administrative Ministries in relation to the Public Sector undertakings under them, the Ministry of Railways, the Banking Division etc. The Commission would not like to interfere in vigilance cases, disciplinary cases. criminal cases before a court of law, merit of adverse remarks in annual confidential reports and the like. In addition, the following guidelines are laid down for submission of specific complaints.
(i) The complaint should be directly addressed to the Chairman, National Commission for SC & ST, or the heads of its field offices. No action will be taken on representatives which are addressed to other authorities with only an endorsement to the commission.

(ii) The Complaint should disclose his full identity and give his full address. No action will be taken on an unsigned complaint.

(iii) Complaints should be legibly written and, where necessary, supported by authenticated documents.

(iv) No action will be taken on matters which are sub judice.

(v) Cases in which a court has already given its final verdict shall not be taken up a fresh by the commission.

5. SOCIO ECONOMIC DEVELOPMENT OF SC & ST:

The Commission is required to participate in and advise on the planning process of socio-economic development of SC & ST and to evaluate the progress of their development under the Union and any state. The role of the Commission in these areas will be at various levels, i.e., the Planning Commission, the Central Ministries and the State Governments. The Commission and its officers both at the Headquarters office and in the field officers would be involved with the formulation of policies and developmental programmes for SC & ST including the special component plan for the Scheduled Castes and the Tribes Sub-plan. The Commission would evolve the necessary procedures for such participation and evaluation work.
6. ANNUAL REPORT UPON THE WORKING OF THE SAFEGUARDS FOR SCHEDULED CASTES AND SCHEDULED TRIBES:

The Commission is required to present to the President, annually and at such other times as the commission may deem fit, reports upon the working of the safeguards provided for SC & ST under the constitution, various laws and orders. These reports shall contain 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 SC & ST. The President shall cause all such reports to be laid before the 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.

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.

7. POWERS OF THE COMMISSION TO ACT AS A CIVIL COURT:

While investigating any matter to in sub-Clause (a) or inquiring into any complaint referred to in sub-Clause (b) of clause (5), the Commission shall have 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 or copy thereof from any court or office,

e) issuing Commission for the examination of witnesses and documents,

f) any other matter which the President may, by rule, determine.

The Commission does not have any power to give verdict or direction. It can only give its findings and recommendations.

8. CONSULTIVE ROLE OF THE COMMISSION:

The Constitution has made it mandatory for the Union and every state Government to consult the commission on all major policy matters effecting SC & ST. This is a very important function of the Commission which has to keep track of all the major policy decisions taken by the Government of India or any State Government. These decisions could be legislative or executive. Obviously it is not possible for the commission alone to find out what all policy decisions have been or are being taken by the Government. Therefore, the commission would welcome information about this matter from all quarters so that the interests of SC & ST are not affected adversely by default.

9. INQUIRY INTO CASES OF ATROCITIES ON SCHEDULED CASTES AND SCHEDULED TRIBES:
Whenever information is received by the commission about any incident of atrocity on a person or persons belonging to SC & ST, the commission would inquire into it to determine the circumstances that led to the occurrence of the incident and to see if the law and order and other state machinery have taken proper action including distribution of relief to the affected persons or their families. The Commission would lay down the detailed procedure for conducting such inquiries at different levels. Such inquiries may be conduct directly by the members of the Commission or through the investigating teams from the Headquarters office of the Commission or the field officers of the Commission. All the concerned authorities at the centre or in the state would be expected to render assistance to the Commission in such inquiries.

The office of the commission has its Head of the Department which is Secretary to the Commission, an officer of rank of Secretary to the Government of India. The Government proposes to have a number of wings to perform the various functions laid down in the Constitution. It has submitted its proposals for sanction of additional Staff to the Government.

REFERENCES:
2. AIR 1959, S.C. 1318