CHAPTER II
SPECIAL CONSTITUTIONAL PROVISIONS FOR PROTECTION AND DEVELOPMENT OF THE SCHEDULED CASTES AND THE SCHEDULED TRIBES

A section of people in the Indian Society were denied of certain basic right since ancient times with the result they remained economically, socially and educationally backward. Because of the fundamental disparities between the Scheduled Castes and the Scheduled Tribes as compared to other communities and the urgent need for special measures to uplift their status, a clear distinction has been made in the Constitution itself in respect of the SCs and STs and 'Special Provisions Relating to Certain Classes' has been incorporated in Part XVI of the Constitution. Similarly special provisions have been made for the Scheduled and Tribal areas in Part X of the Constitution. The Constitution provides for protection and promotion of their social, economic, educational, cultural and political interests to bridge the disparities and to bring them at par with other sections of the society. In addition, many Articles in Parts III, IV, IX, IXA and in the Fifth and Sixth Schedule of the Constitution reinforce the Constitutional concern for the Scheduled Castes and the Scheduled Tribes.

2.2 Article-14 provides that “The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India”.

2.3 Article-15 is one of the specific applications of this equalisation process for Scheduled Castes and Scheduled Tribes. It says:

“(1) The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.

(2) No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to-

(a) access to shops, public restaurants, hotels and places of public entertainment; or

(b) the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public.

(3) Nothing in this article shall prevent the State from making any special provision for women and children.

(4) Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.”

2.4 The Constitution of India contains provision, which guarantee certain minimum rights, which must be enjoyed by every citizen and also contains duties of the State for socio-economic development of the backward classes, especially Scheduled Castes & Scheduled Tribes. The rights are guaranteed under Fundamental Rights contained in Part III of the Constitution and duties of the State are incorporated under Directive Principles of State Policy. Article 46 under Directive Principles of State Policy provides that “The
State shall promote with special care the educational and economic interests of the weaker sections of the people and in particular of Scheduled Castes & Scheduled Tribes and shall protect them from social injustice and all forms of exploitation.” For achieving the objectives enshrined in the Preamble to the Constitution and for accelerated development of the weaker sections of the society, especially the Scheduled Castes and Scheduled Tribes, certain safeguards and protective measures have been provided in the Constitution so as to bring them into mainstream.

2.5 Who constitute the Scheduled Castes & the Scheduled Tribes are defined under Articles 366(24) & 366(25) of the Constitution. How these are identified and decided is contained in Article 341 & 342 of the Constitution.

Article 366(24)  “Scheduled Castes” means such castes, races or tribes or parts of or groups within such castes, races or tribes as are deemed under article 341 to be Scheduled Castes for the purposes of this Constitution;

Article 366(25)  “Scheduled Tribes” means such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under article 342 to be Scheduled Tribes for the purposes of this constitution.

Article 341  (1) The President may with respect to any State or Union Territory, and where it is a State after consultation with the Governor thereof, by public notification, specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to that State or Union Territory, as the case may be.

(2) Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued under clause (1) any caste, race or tribe or part of or group within any caste, race or tribe, but save as aforesaid notification issued under the said clause shall not be varied by any subsequent notification.

Article 342  (1) The President may with respect to any State or Union territory, and where it is a State, after consultation with the Governor thereof, by public notification, specify the tribes or tribal communities or parts of or groups within tribes or tribal communities which shall for the purposes of this Constitution be deemed to be Scheduled Tribes in relation to that State or Union Territory, as the case may be.

(2) Parliament may by law include in or exclude from the list of Scheduled Tribes specified in a notification issued under clause (1) any tribe or tribal community or part of or group within any tribe or tribal community, but save as aforesaid, a notification issued under the said clause shall not be varied by any subsequent notification.
Safeguards for SCs & STs

2.6 All the measures contained under various Articles of the Constitution could be grouped under following heads:

- Social Safeguards
- Economic Safeguards
- Educational & Cultural Safeguards
- Political Safeguards
- Service Safeguards
- Special Safeguards for Scheduled Tribes

Social Safeguards

2.7 The provisions under these safeguards are contained in Article 17,23,24 and 25(2)(b) of the Constitutions.

2.8 As per 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 law". There are two important legislations relating to this Article viz. the Protection of Civil Rights Act, 1955, and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The Protection of Civil Rights Act has been enacted with the objective of providing punishment for the preaching and practice of "untouchability", for the enforcement of any disability arising therefore and for matter connected therewith. The SCs and STs (POA) Act, 1989 is an Act to prevent the commission of offences of atrocities against the member of Scheduled Castes and the Scheduled Tribes. to provide for Special Courts for the trial of such offences and for the relief and rehabilitation of the victims of such offences and for matters connected therewith or incidental thereto. Through this enactment, the rights of victims were recognised. The SCs and STs (POA) Act 1989 provides for stringent and enhanced punishment to the accused and also for rehabilitation of victim(s) or his family. The SCs & STs (POA) Rules 1995 framed thereunder contains provisions for the rehabilitation and economic assistance to victim(s) or his family.

2.9 The objective of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 inter-alia is to provide for Special Court for the speedy trial of such offences. Prior to the Supreme Court judgement dated 28-1-2000 in the case of Gangula Ashok and ANR V/s State of A.P. SLP (Crl.) No.829 of 2000, the Special Courts were accepting the chargesheet directly. As a result of the judgement given in this case by the Supreme Court of India, which states that "unless it is positively and specifically provided differently no Court of Session can take cognizance of any offence directly, without the case being committed to it by a magistrate, the pace of disposal of atrocity cases by the Courts is likely to be slow down. Since this is a Central Act, the Government of India should amend the Act and add specific provision keeping in view the judgement of the Hon’ble Supreme Court, so that the cases of atrocities may be tried by the Special Courts directly without committal proceedings.

2.10 Article 23 prohibits traffic in human beings and 'begar' and other similar forms 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 SCs & STs but since the majority of bonded labours belong to SCs/STs, this Article has a special significance for them. In pursuance of this Article, Bonded Labour System (Abolition) Act, 1976, has been enacted and there is a Centrally Sponsored Scheme for identification, liberation and
rehabilitation of bonded labourers. However, even after the working of this Act for the last twenty-five years, incidence of bonded labour still exists and preventive and rehabilitation activities need to be geared up further.

2.11 **Article 24** provides that no child below the age of 14 years shall be 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. Since substantial portion of child labour engaged in hazardous employment belong to SC/ST, this Article is significant for SCs/STs. It may be mentioned that despite the existence of these legal instruments and publicity to check this evil, child labourers are engaged in Glass Bangle Industry, Carpet Weaving work and Beedi industry etc. The pitiable conditions of these children and the violation of these laws have received wide coverage in the Press and the Television. Unfortunately, the problem of child labour still continues and for complete eradication of this evil, special measures are required for bringing about social awareness through voluntary efforts. At the same time implementation of the legal provisions and vigilance on the part of the Labour Department of the Central and State Governments needs to be intensified.

2.12 **Article 25(2)(b)** provides that Hindu religious institutions of a public character shall be open to all classes and sections of Hindus. The term Hindu includes persons professing Sikh, Jain and Buddhist religions. This provision is relevant as some sects of Hindus claim that members belonging to SC/ST had no right to enter the temples. Though this social evil is gradually vanishing yet incidents of prohibiting SC/ST people from entering the temple are sometimes reported in the press and have also been brought to the notice of the Commission. Collective efforts of all sections of society are necessary for providing unhindered access for SCs/STs to Hindu temples and Hindu religious institutions.

**Economic Safeguards**

2.13 The provisions of Articles 23, 24 & 46 form part of the economic safeguards for the Scheduled Castes and Scheduled Tribes.

**Article 46** - The States shall promote with special care the educational and economic interest of the weaker sections of the people and in particular of SCs & STs and shall protect them from social injustice and all forms of exploitation.

**Educational and Cultural Safeguards**

2.14 **Article 15(4)** empowers the State to make special provision for the advancement of any socially and educationally backward classes of citizens and for SCs & STs. This provision was added to the Constitution through the Constitution (First Amendment) Act, 1951, which amended several Articles. This provision has enabled the State to reserve seats for SCs/STs in educational institutions including technical, engineering and medical colleges. In this article as well as 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 Communities (Vimukta Jatiyan) and Nomadic/Semi-nomadic Communities.

2.15 **Article 29(1)** provides that “any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same.” This Article has special significance for the Scheduled Tribes as many of them have distinct languages and some communities such as Santhals have a script of their own viz., Olchiki. However, this provision need not be understood to
mean that the tribals should be educated only in their language and thereby isolating them further. They should also be educated in the language of the State as well as the national languages to facilitate their integration with the national mainstream.

2.16 **Article 350(A)** provide “It shall be the endeavour of every local authority within the State to provide adequate facilities for instructions in the mother tongue at the primary stage of education or 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 a different family of languages than the one to which the State’s official language belongs.** With a view to improve the accessibility and acceptance of education among tribal communities, it is desirable that they are given education in their own dialect, to the extent possible, and measures are initiated for developing curricula, training material, etc. for this purpose on top priority basis.

**Political Safeguards**

2.17 **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. **With the creation of new States of Jharkhand and Chhatisgarh, which have a high concentration of tribal population, Article 164(1) needs to be suitably amended.**

2.18 **Article 330** provides for reservation of seats for SCs & STs in the Lok Sabha. In pursuance of this Article, out of 545 seats in the Lok Sabha, 79 seats are reserved for SCs and 41 for STs.

2.19 **Article 332** provides for reservation of seats for SCs & STs in the State Vidhan Sabhas (Legislative Assemblies).

2.20 **Article 334** lays down the provision relating to the reservation of seat for SCs and STs in the Lok Sabha and the State Vidhan Sabhas (and the representations of the Anglo-Indian Community in the Lok Sabha and the State Vidhan Sabhas by nomination). This reservation has been extended by amending the Constitution every ten years. The provision of reservation in Lok Sabha and State Assemblies has been extended till 2010.

2.21 **Under Article 243-D** which came into existence with the Constitution (Seventythird Amendment) Act, 1992, seats in Panchayats from village Panchayats to Zila Parishads will be reserved for SCs & STs in proportion to their population at respective level, in direct election. Out of the seats reserved for SCs & STs one-third seats will be reserved for women of these communities. These reserved seats for SCs/STs shall be allotted by rotation to different constituencies in a Panchayat at each level.

2.22 With the enactment of the Panchayats (Extension to the Scheduled Areas) Act, 1996. (No. 40 of 1996), the provisions of Part IX of the Constitution relating to Panchayats have been extended to the Scheduled Areas subject to exceptions and modifications that a Legislature of a State shall not make any law inconsistent with any of the following features:-

- Customary law, social and religious practices and traditional management practices of the tribal communities. The Act confers ownership of Minor Forest Produce on the local communities, who should also be consulted before acquiring their lands and also with regard to rehabilitation measures in case of their displacement under any project.
2.23 **Article 243-T.** In accordance with the Constitution (Seventy-Fourth Amendment) Act, 1992, out of total seats to be filled by direct elections, seats shall be reserved for SCs/STs in proportion to their population in the Municipal Bodies at each level. Out of these reserved seats for SCs/STs at least one-third shall be reserved for SC/ST women.

2.24 **Article 371** contains special provision with respect to Nagaland.

2.25 **Article 371B** contains special provisions with respect to Assam.

2.26 **Article 371C** contains special provisions with respect to Manipur.

2.27 **Article 371F** contains special provisions with respect to Sikkim.

2.28 **Article 371G** contains special provisions with respect to Mizoram.

2.29 **Article 371 H** contains special provisions with respect to Arunachal Pradesh.

**Service Safeguards**

2.30 The general and abstract principle of equality laid down in Article 14 is spelt out for certain situation in greater detail in Article 16. It creates a Constitutional right to equality of opportunity in employment or appointment to an office ‘under the State’ with special provision for the Scheduled Castes and the Scheduled Tribes.

**Article 16**

(1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.

(2) No citizen shall, on grounds, only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.

(3) Nothing in this article shall prevent Parliament from making any law prescribing, in regard to a class or classes of employment or appointment to an office (under the Government or any local or other authority within a State or Union Territory), any requirement as to residence within that State or Union territory prior to such employment or appointment.

(4) Nothing in this article shall prevent the State from making 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 the services under the State.

2.31 **Article 16(4A)** The Supreme Court in their judgement dated 16.11.1992 in Indira Sawhney case held that the existing policy of reservation in promotion is not sustainable under Article 16(4) of the Constitution. The Supreme Court, however, allowed that the existing policy of reservation may continue for a period of five year i.e. upto 15.11.1997. The Government of India, however, considered it necessary to continue with reservation in promotion in the case of SCs/STs as their representation in services had not reached the required level. Accordingly Article 16 was amended vide Constitution (Seventh-Seventh Amendment) Act, 1995 empowering the Government to provide for reservation in promotion for SCs & STs by inserting Clause 4A as under:

“Nothing in this article shall prevent the State from making any provision for reservation in matter of promotion to any class or classes of posts in the services under the State in favour of the Scheduled Castes and Scheduled Tribes which in
the opinion of the State are not adequately represented in the services under the
State.”

2.32 Article 16(4B) As per Supreme Court’s Judgement not more than 50% vacancies
should be reserved. DoPT vide OM No. 36012/5/97-Estt.(RES) dated 29th August, 1997
laid down that 50% limit on reservation shall apply to current as well as backlog vacancies
and that backlog of reserved vacancies shall not be treated as distinct group for the
purpose of 50% limit on reservation. The Parliament vide the Constitution (Eightyfirst
Amendment) Act, 2000 amended the provision of Article 16 of Constitution and inserted
the following provision below Clause (4A) of Article 16 of the Constitution.

“Nothing in this article shall prevent the State from considering any unfilled
vacancies of a year which are reserved for being filled up in that year in
accordance with any provision for reservation made under clause (4) or clause
(4A) as a separate class of vacancies to be filled up in any succeeding year or years
and such class of vacancies shall not be considered together with the vacancies of
the year in which they are being filled up for determining the ceiling of fifty per
cent reservation on total number of vacancies of that year.”

2.33 Keeping in view the spirit of the amendment it was expected that reservation in
promotion would be extended to all levels and all classes of posts, including those above
the lowest rung of Group A upto which the present policy of reservation in promotion is
restricted, as the Scheduled Castes and Scheduled Tribes are not adequately represented in
services, especially in Group A & B. Upon consultation on this issue, the National
Commission for Scheduled Castes and Scheduled Tribes had sent its comments to
Department of Personnel Govt. of India stating that reservation in promotion should be
extended to all levels, including within Group A. However, the DoPT’s OM
No.36012/18/95-Estt.(RES) Part II dated 13-8-97 did not incorporate this recommendation
and merely extended the “existing policy of reservation”. In this regard it is observed that
the Govt. of India has not implemented amendment in its true spirit. The order was issued
ignoring the advice of the Commission and a separate report in this regard was submitted
to the President. In its Fourth and Fifth Reports, Commission had recommended that
the reservation in promotion should be extended to all levels in all classes of posts by
modifying the DoPT O.M. dated 13-8-97. Commission reiterates its recommendation
to ensure that the most downtrodden sections of the society get its due share and the
opportunity to work and contribute in the management.

2.34 Article 335 provides “The claims of the members of Scheduled Castes and
Scheduled Tribes shall be taken into consideration, consistently with the maintenance of
efficiency of administration, in the making of appointments to services and posts in
connection with the affairs of the Union or of a State.”

2.35 The Department of Personnel & Training vide OM No. 36012/23/96-Estt.(RES)
dated 22nd July 1997 withdrew instructions issued for providing lower qualifying
marks/lesser standards of evaluation in matters of promotion for candidates belonging to
the Scheduled Castes and the Scheduled Tribes in response to the Supreme Court’s
Judgement in the case of S.Vinod Kumar Vs Union of India. The Parliament vide the
Constitution (Eightysecond Amendment) Act, 2000 amended the provisions contained in
Article 335 and inserted the following provisions at the end:

“Provided that nothing in this article shall prevent in making of any provisions in
favour of the members of the Scheduled Castes and Scheduled Tribes for
relaxation in qualifying marks in any examination or lowering the standards of
evaluation. for reservation in matters of promotion to any class or classes of services or posts in connection with the affairs of the Union or of a State.”

Special Safeguards for Scheduled Tribes

2.36 Tribal affairs have been assigned a special position in the Constitution. While the States are generally responsible for the welfare and development of Scheduled Tribes, the Union Government also has a direct responsibility. Soon after independence it was found that there have been large alienation of tribal lands to non-tribals for paltry sums. Thus tribals faced severe problem of land alienation. The Constitution makers foresaw these difficulties and made special provisions in the Constitution regarding governance of tribal affairs and tribal lands.

2.37 The Fifth Schedule to the Constitution under Article 244 provides for legislation for the special problems of the Scheduled Area.

**Article 244**

1. lays down that the provisions of the Fifth Schedule shall apply to the administration and control of the Scheduled Areas and Scheduled Tribes in any State other than the State of Assam, Meghalaya, Tripura and Mizoram.

2. The provisions of Sixth Scheduled shall apply to the administration of the tribal areas in the State of Assam, Meghalaya, Tripura and Mizoram.

2.38 The Fifth Schedule contains provisions regarding 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 special responsibilities and powers. These States have Tribes Advisory Councils.

2.39 Fifth Schedule to the Constitution under Article 244(1) provides special provisions for legislation for the special problems of the Scheduled Areas. Para 5(1) of the said Schedule authorises the Governor to direct by public notification that any particular Act of Parliament or of the Legislative Assembly of the State shall not apply to the Scheduled Area or any part there of or shall apply to the said area subject to such exceptions and modifications as he may specify. Para 5(2) authorises the Governor to make regulation for peace and good Government in the Schedule Areas of the State and in particular in respect of matters specified therein. The exact version of the law applicable to Scheduled Areas is:

(1) Notwithstanding anything in this Constitution, the Governor may by public notification direct that any particular Act of Parliament or of the Legislature of the State shall not apply to a Scheduled Area or any part thereof in the State or shall apply to a Scheduled Area or any part thereof in the State subject to such exceptions and modifications as he may specify in the notification and any direction given under this sub paragraph may be so as to have retrospective effect.

(2) The Governor may make regulations for the peace and good Government of any area in a State, which is for the time being a Scheduled Area. In particular and without prejudice to the generality of the foregoing power, such regulations may –

(a) prohibit or restrict the transfer of land by or among members of the Scheduled Tribes in such area;
(b) regulate the allotment of land to members of the Scheduled Tribes in such area;

(c) regulate the carrying on of business as money-lender by persons who lend money to members of the Scheduled Tribes in such area.

(3) In making any such regulation as is referred to in sub-paragraph (2) of this paragraph, the Governor may repeal or amend any Act of Parliament or of the Legislature of the State or any existing law which is for the time being applicable to the area in question.

(4) All regulations made under this paragraph shall be submitted forthwith to the President and, until assented to by him, shall have no effect.

(5) No regulation shall be made under this paragraph unless the Governor making the regulation has, in the case where there is a Tribes Advisory Council for the State, consulted such Council.

2.40 In addition to these eight States, Tamil Nadu and West Bengal who do not have any Schedule Areas also have statutory Tribes Advisory Council. After the creation of new States of Chattisgarh and Jharkhand, which have a large tribal population, the Constitution needs to be amended to extend Scheduled Areas to these States also and also to provide for tribal Advisory Councils in these States.

2.41 Three Judges Bench of Supreme Court in its judgement in Samatha Vs. State of Andhra Pradesh against Grant of Mining Lease in Government Land in Scheduled Areas to non tribal have interpreted the word ‘person’ in Section 3(1) (a) of the Regulation as amended in 1970. According to the judgement the word person would include the Government also. The word “person” in Section 3(1)(a) would therefore be construed to include not merely the natural persons in the context of tribal and non tribal who deal with the land in Scheduled Areas by transfer inter vivos but all juristic person in the generic sense, including the Corporation aggregate or Corporate sole, State, Corporation partnership firm, a company, any person with corporate veil or persons of all hues, either as transferor or transferee so that the word regulate in para 5(2)(b) of the Fifth Schedule in relation to the land in the Scheduled Areas would be applicable to them either as transferer or transferee of land in a Scheduled Areas. Thus only tribals and a Cooperative Society consisting solely of tribal members alone should be in possession and enjoyment of the land in the Scheduled areas.

2.42 Article 275(1) provides “Such sums as Parliament may by law provide shall be charged on the consolidated funds of India in each area as grants-in-aid of the revenues of such States as Parliament may determine to be in need of assistance, and different sums may be fixed for different States.

Provided that there shall be paid out of the Consolidated Fund of India grants-in-aid of the revenues of State such capital and recurring sums as may be necessary to enable that State to meet the costs of such schemes of the development as may be undertaken by the State with the approval of the Government for the purpose of promoting the welfare of the Scheduled Tribes in that State or raising the level of administration of the Scheduled Area therein to that of the administration of the rest of the areas of that State.

A similar provision exists in this article for paying such special grants to the States covered under the Sixth Schedule out of the consolidated funds of India. Sixth Schedule contains provisions relating to the administration of the tribal areas in the
States of Assam (North Cachar Hills District and Karbi Anglong District), Meghalaya, Mizoram and Tripura (Autonomous Hill District), There are Autonomous District Council and Autonomous Regional Council in these areas, which have a long tradition of self-management systems. These Autonomous Councils not only administer the various Departments and development programmes but they also have powers to make laws on a variety of subjects, e.g. land, forest, shifting cultivation, village and town administration, including village and town police, public health and sanitation, inheritance of property, marriage and divorce and social customs.

2.43 Article 338 As provided in amended Article 338 of the Constitution the functions of the Commission include investigation, monitoring and evaluation of various safeguards provided for SCs and STs, inquiry into specific complaints with respect to deprivation of rights and safeguards of SCs and STs and participation in the planning process. Union and State Governments are under obligation to consult the Commission on all major policy matters affecting the SCs and STs. According to the provisions of Amended Article 338(8) of the Constitution, 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:

(i) Summoning and enforcing the attendance of any person from any part of India and examining him on oath,
(ii) requiring the discovery and production of any document,
(iii) receiving evidence on affidavit.
(iv) requisitioning any public record or copy thereof from any court or office,
(v) issuing commissions for the examination of witnesses and documents, and
(vi) any other matter which the President may by rule determine.

2.44 The Commission is required to present to the President, annually and at such other time as the Commission may deem fit, reports upon the working of various safeguards for SCs and STs and make recommendations as to the measures to be taken for their welfare and upliftment. The Commission has so far submitted Five Reports and four Special Reports to the President containing various recommendations. Out of the Reports submitted by the Commission, First, Second, Third and Fourth Annual Reports and one Special Report have been laid in the Parliament alongwith action taken memorandum.

2.45 The Commission has been given wide ranging responsibilities that not only cover the duties of the erstwhile Commissioner for SCs/STs and the Commission for SCs/STs but also include matters such as participation in planning process and consultation on all major policies affecting SC & ST. The Commission has also been given powers of a Civil Court for investigating & monitoring matters relating to safeguards or inquiring into specific complaints with regard to deprivation of rights of Scheduled Castes and Scheduled Tribes. But the decisions of the Commission are only recommendatory in nature and not binding upon the respondent Department/ Organisation of Union or State Government, autonomous body, PSUs, Financial Institution, etc. The Commission, therefore, feels that there is an urgent need to have a fresh look on the whole issue and to empower the Commission by giving more powers to it under the Constitution itself to ensure the implementation of the recommendations.