

FUNCTIONING OF NATIONAL COMMISSION FOR SCHEDULED TRIBES

Relevant for: Developmental Issues | Topic: Rights & Welfare of STs, SCs, and OBCs - Schemes & their Performance, Mechanisms, Laws Institutions and Bodies

The National Commission for Scheduled Tribes have been set up under Article 338A of the Constitution of India. The functions of National Commission for Scheduled Tribes are given below:-

The Sub-clause (5) of the Article 338A of the Constitution of India provides that it shall be the duty of the National Commission for Scheduled Tribes as under:-

In addition, in exercise of the powers conferred by sub-clause (f) of clause 5 of article 338A of the Commission, the National Commission for Scheduled Tribes (Specification of other function) Rules, 2005 provide for the following other functions in relation to the protection, welfare and development and advancement of the Scheduled Tribes, namely:-

The NCST in its First Report for the year 2004-05 and 2005-06 made a recommendation for safeguarding the rights of Tribal Communities over mineral Resources (are given below). The said report was laid in Lok Sabha on 31.08.2012 and Rajya Sabha on 30.08.2012 by the Ministry of Tribal Affairs.

National Commission for Scheduled Tribes' First Report 2004-2005 & 2005-2006, the following recommendations was made for safeguarding the rights of Tribal communities over mineral Resources;

(a) There is need to issue clear guidelines for giving preference to Scheduled Tribes in the grant of mining concessions in Scheduled Areas. [Para: 3.13.2]

(b) The Deptt. Of Mines should introduce a bill to give effect to the recommendations of the Bhuria Committee 1995 to the effect that in all industrial enterprises set up in the Scheduled Areas (other than small ventures), the community should be deemed to be the owner with 50% shares in its favour by virtue of its allowing the industry to use local resources and getting established. [Para: 3.13.3]

(c) There is need to issue instructions to the State Govts.:-

(i) To comply with the judgement of the Hon'ble Supreme Court dated 11.07.1997 in Samatha vs State of Andhra Pradesh and Others (CA No. 4601-02/1996) not to transfer by way of mining lease etc. the government land in Scheduled Areas to a non-tribal and that all such mining leases should be given to the tribals only. [Para: 3.13.4(i)]

(ii) The tribals should be given vocational training and financial assistance to enable them to be in a position to run the mining operations. [Para: 3.13.4(ii)]

To make specific legal provisions in their Acts relating to mines and minerals making it mandatory for them to consult Gram Sabhas before of any lease about minor minerals.
[Para: 3.13.4(iii)]

As per provisions of Article 338A, the NCST has presented the following two reports to Hon'ble President of India on 03.07.2018 and 15.01.2020 respectively.

This information was given by Minister of State for Tribal Affairs Smt. Renuka Singh Saruta in Rajya Sabha today.

NB/SK/jk/MoTA /25-03-2021

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