

CHAPTER I

INTRODUCTION

The need for providing safeguards for Scheduled Castes and Scheduled Tribes was duly felt by the framers of the Constitution. Special provisions were made to promote the social, educational, economic and service interests of these two weakest of the weaker sections and guidelines issued for implementation of these safeguards. Mere provision of safeguards and issue of guidelines are not enough. To ensure that the provisions made for the SCs and STs are implemented in right earnest the Constitution provided for appointment of a Special Officer under Article 338 of the Constitution to investigate all matters relating to the safeguards provided for Scheduled Castes and Scheduled Tribes and report to the President about the working of those safeguards.

1.2 The Office of Special Officer, subsequently designated as Commissioner for Scheduled Castes and Scheduled Tribes, came into being on 18.11.1950 having its Head Office at New Delhi. Field Offices were also set up under the control of Commissioner for SCs & STs for effective discharging of the duties assigned to it. By 1965, 17 field offices had been set up in different States to oversee the working of various safeguards provided to the members of SCs & STs under the Constitution or under the order of the Government.

1.3 In 1967 the field offices of the Commissioner for SCs and STs were taken out from its control and placed under the control of newly created set up known as Director General, Backward Classes Welfare under Department of Social Welfare after rearranging 17 field offices into five Zonal Offices.

1.4 In order to oversee the implementation of various safeguards provided for SCs & STs then Government in 1978 tried to amend the provisions of Article 338 of the Constitution so as to set up a Multi-Member Commission. Having failed in its attempt the Government decided to set up a Multi-Member Commission vide Ministry of Home Affairs Resolution No. 13013/9/77-SCT(I) dated 21.7.78. The first Multi-Member Commission known as Commission for SCs & STs became operational w.e.f. 1.12.78 headed by Shri Bhola Paswan Shastri. This Commission was renamed as National Commission for SCs & STs in 1987 and was made a National level Advisory Body. The erstwhile field offices of Commissioner for SCs & STs were taken out from the control of Director General, Backward Classes Welfare, Department of Social Welfare and placed under the control of Multi-Member Commission.

1.5 In 1990 a fresh attempt was made by the Government to amend the provisions of Article 338 of the Constitution so as to make the body set up under the provisions of this Act effective and have wide duties and responsibilities. In 1990 the provisions of Article 338 were amended vide the Constitution (Sixtyfifth) Amendment Act, 1990. As per the amended provisions of the Constitution first Constitutional National Commission for SCs & STs was set up w.e.f. 12.3.92 by closing office of Commissioner for SCs & STs and erstwhile National Commission for SCs & STs.

1.6 During 42 years of existence of Office of Commissioner for SCs & STs it has submitted 30 Reports containing nearly 5200 recommendations for upliftment of social, educational, economic interests and reservation in services for SCs & STs.

1.7 During 14 years of existence of Multi-Member Commission (earlier Commission for SCs & STs and later on National Commission for SCs & STs) have submitted eight Reports containing nearly 1100 recommendations. It has also submitted a Report on 'Atrocities on SCs & STs Causes and Remedies' to the President.

1.8 The present report is Fifth report of the Constitutional Commission for SCs & STs, which contains chapter on Constitutional provisions, Panchayati Raj, minimum needs and Poverty alleviation, employment and income generation, service safeguards, main issues of tribal developments, crimes and atrocities on SCs & STs, etc. Details on issues have been discussed in respective chapters of the report.