

GOVERNMENT OF INDIA  
(MINISTRY OF TRIBAL AFFAIRS)  
**RAJYA SABHA**  
**UNSTARRED QUESTION NO. 3483**  
TO BE ANSWERED ON 25.03.2021

**FUNCTIONING OF NATIONAL COMMISSION FOR SCHEDULED TRIBES**

3483. SHRI K.J. ALPHONS:

Will the Minister of TRIBAL AFFAIRS be pleased to state:

- (a) the functions of the National Commission for Scheduled Tribes;
- (b) the action taken by the Commission to safeguard the rights of tribal communities over mineral resources; and
- (c) measures taken by the Commission to improve the efficacy of relief and rehabilitation measures for tribal groups displaced by development projects?

**ANSWER**

MINISTER OF STATE FOR TRIBAL AFFAIRS  
(SMT. RENUKA SINGH SARUTA)

- (a) 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 at **Annexure - I**.
- (b) 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 (attached at **Annexure-II**). 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.
- (c) 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.
  - (i) Indira Sagar Polavaram Project Affected Tribal People and
  - (ii) Rourkela Steel Plant on Rehabilitation & Resettlement of Displaced Tribal.

## Annexure-I

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:-

- (a) To investigate and monitor all matters relating to the safeguards provided for the Scheduled Tribes under this Constitution or under any order of the Government and to evaluate the working of such safeguards;
- (b) To inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled tribes;
- (c) To participate and advise on the planning process of socio-economic development of the Scheduled Tribes and to evaluate the progress of their development under the Union and any State;
- (d) To present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;
- (e) 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 tribes; and
- (f) To discharge such other functions insulation to the protection, welfare and development and advancement of the Scheduled tribes as the President may, subject to the provision of any law made by Parliament by rule specify

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:-

- (i) Measures that need to be taken over conferring ownership rights in respect of minor forest produce to STs living in forest areas.
- (ii) Measures to be taken safeguard rights of the tribal communities over mineral resources, water resources etc. as laid down by law.
- (iii) Measures to be taken for the development of tribal to plug loopholes and to work more viable livelihood strategies.
- (iv) Measures to be taken to improve the efficacy of relief and rehabilitation measures for tribal groups displaced by development projects.
- (v) Measures to be taken to prevent alienation of tribal people from land and to effectively rehabilitate such people in whose case alienation has already been taken place.
- (vi) Measures to be taken to elicit maximum cooperation and involvement of tribal communities for protecting forests and undertaking social afforestation.
- (vii) Measures to be taken to ensure full implementation of the provision of Panchayat (Extension to Scheduled Areas) Act, 1996.
- (viii) Measures to be taken to reduce and ultimately eliminate the practice of shifting cultivation by tribal that lead to their continuous disempowerment and degradation of land and the environment.

## Annexure-II

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)]

(iii) 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)]

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