

CHAPTER I

SETTING UP OF THE NATIONAL COMMISSION AND ITS FUNCTIONS

Historical background

Article 338 of the Constitution of India originally provided for the appointment of a Special Officer for the Scheduled Castes and Scheduled Tribes charged with the duty 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 these safeguards at prescribed intervals. In pursuance of this provision a Special Officer known as the Commissioner for Scheduled Castes and Scheduled Tribes was appointed for the first time on 18th November, 1950. By 1965 the Commissioner for Scheduled Castes and Scheduled Tribes had 17 regional offices located in various States, headed by Assistant Commissioners for Scheduled Castes and Scheduled Tribes who were, in July 1965, redesignated as Deputy Commissioners. This field organisation of the Commissioner was reorganised into 5 Zonal Offices in June 1967 and placed under the control of the newly created Directorate General of Backward Classes Welfare in the Department of Social Welfare. Each Zonal Office was headed by a Zonal Director, Backward Classes Welfare (newly created posts) and the erstwhile regional Deputy Commissioners for SC & ST were redesignated as Deputy Directors, Backward Classes Welfare, and placed under the control of the Zonal Directors located at Chandigarh (Northern Zone), Bhopal (Central Zone), Patna (Eastern Zone), Baroda (Western Zone) and Madras (Southern Zone). The Eastern Zone office had two branches at Bhubaneswar and Shillong and later a branch office of the Central Zone office was set up at Lucknow. Each of these branch offices was headed by a Deputy Director. The Western Zone office was shifted to Ahmedabad in 1969. This arrangement continued till November 1978. With effect from 1-12-78 the field offices were transferred to the newly set up Commission for SC & ST and the Zonal Directors, BCW, and the Deputy Directors, BCW, were rechristened as Directors for SC & ST and Deputy Directors for SC & ST respectively. After some time the zonal set-up was abolished and the Commission once again came to have 17 field offices. Since the field Directors were also working for the Commissioner for SC & ST, they were redesignated as Director for SC & ST and ex-officio Deputy Commissioner for SC & ST.

Setting up of the Commission for Scheduled Castes and Scheduled Tribes

1.2 There had been a persistent demand by representatives of SC & ST in the Parliament and elsewhere that instead of one single officer to handle the entire responsibility under Article 338 there should be a multi-member Commission with adequate powers to be effective. This was felt necessary in view of the

magnitude and vastness of the problems relating to the Constitutional safeguards provided for SC and ST. In July 1978 the Government of India decided to set up the Commission for Scheduled Castes and Scheduled Tribes, consisting of a Chairman and four Members including the Special Officer appointed under Article 338 of the Constitution. This was done by the Ministry of Home Affairs Resolution No.13013/9/77-SCT(I) dated 21st July, 1978 (Annexure 1.I) which listed the functions of the Commission as follows:

- (i) To investigate all matters relating to safeguards provided for Scheduled Castes and Scheduled Tribes in the Constitution. This would, inter alia, include a review of the manner in which reservations stipulated in public services for Scheduled Castes and Scheduled Tribes are, in practice, implemented.
- (ii) To study the implementation of Protection of Civil Rights Act, 1955, with particular reference to the objective of removal of untouchability and invidious discrimination arising therefrom within a period of five years.
- (iii) To ascertain the socio-economic and other relevant circumstances accounting for the commission of offences against persons belonging to Scheduled Castes or Scheduled Tribes with a view to ensuring the removal of impediments in the laws in force and to recommend appropriate remedial measures, including measures to ensure prompt investigation of the offences.
- (iv) To enquire into individual complaints regarding denial of any safeguards provided to any person claiming to belong to Scheduled Castes or Scheduled Tribes.

Setting up of the National Commission for Scheduled Castes and Scheduled Tribes w.e.f.1-9-87

1.3 The functions of the Commission for SC & ST in the Home Ministry's Resolution dated 21-7-78 and those of the Special Officer appointed under Article 338 of the Constitution overlapped considerably. In July 1987 the Government announced its decision to demarcate the functions of the two organisations, to rename the Commission for SC & ST as the National Commission for SC & ST and to strengthen the organisation of the Commissioner for SC & ST. Accordingly the National Commission for Scheduled Castes and Scheduled Tribes was set up vide Ministry of Welfare Resolution No.BC-13015/12/86-SCD-VI dated 1-9-1987 (Annexure 1.II).

1.4 The Ministry of Welfare Resolution dated 1-9-1987 listed the functions of the National Commission as under:

- (i) To study the extent and ramifications of untouchability and social discrimination arising therefrom and effectiveness of the present measures and recommend further measures to be taken,

- (ii) to study socio-economic and other relevant circumstances leading to the commission of offences against persons belonging to Scheduled Castes and Scheduled Tribes and to recommend appropriate remedial measures to ensure prompt investigation of such offences,
- (iii) to take up studies on different aspects of development of the Scheduled Castes and Scheduled Tribes with a view to ensuring integration of these groups with the mainstream of the society in all aspects. These would include studies in the fields of socio-economic development, education, commerce, trade, art, literature, language, housing, communication, agriculture, forestry, horticulture, fisheries, rehabilitation, pollution and environment, and
- (iv) such other functions as may be entrusted to the National Commission for Scheduled Castes and Scheduled Tribes in evolving general policies relating to any aspects of development of the Scheduled Castes and Scheduled Tribes as may be thought proper by the Central Government.

Setting up of the Constitutional National Commission for Scheduled Castes and Scheduled Tribes

1.5 Though the Commissioner for Scheduled Castes and Scheduled Tribes had been functioning as a Constitutional authority under Article 338 since 1950, the Government of India, keeping in view the magnitude of the problems of the Scheduled Castes and Scheduled Tribes, decided to set up a broad based multi-member body as a Constitutional authority in place of a single person to make it more representative and strong. It was intended that the organisation of the Special Officer (Commissioner for Scheduled Castes and Scheduled Tribes) would merge with that of the Commission. The Government of India introduced the Constitution (Fortysixth Amendment) Bill, 1978 (Bill No.119 of 1978), in the Lok Sabha on 3-8-1978 with the intention of amending Article 338 of the Constitution. This Bill could not be taken up in the 1978 Winter Session of the Parliament due to lack of time and was brought up again in the Lok Sabha as the Constitution (Fiftyfirst Amendment) Bill, 1979. It was debated in the Lok Sabha on 16-5-1979 but during voting on 17-5-1979 the Bill fell through for want of the requisite majority. In these circumstances the two organisations, viz., the Commission for Scheduled Castes and Scheduled Tribes set up by a Resolution of the Government of India and the Commissioner for Scheduled Castes and Scheduled Tribes set up under Article 338 of the Constitution, co-existed till March 11, 1992. A fresh Bill was passed by the Parliament as the Constitution (Sixtyfifth Amendment) Act, 1990, and received the assent of the President on 7-6-1990 (Annexure 1.III). This Act was given effect to on March 12, 1992.

1.6 The Rules made under the amended Article 338 of the Constitution provide that the Commission shall consist of a Chairperson, a Vice-Chairperson and five other Members. The Ministry of Welfare, vide Notification No.13040/2/90-SCD-VI dated 12-3-1992, announced the appointment of the following persons who took over charge on the dates shown against each:

(1)	Shri Ram Dhan	Chairperson	12-3-1992
(2)	Shri T.Muchi Rai	Vice-Chairperson	(expired before assuming office)
	Munda		
(3)	Shri B.Sammaiah	Member	20-3-1992
(4)	Dr.Sarojini	Member	1-4-1992
	Mahishi		
(5)	Chaudhry Hari	Member	16-3-1992
	Singh, M.P.		
(6)	Shri Phanindra	Member	3-4-1992
	Nath Brahma		
(7)	Shri Jhinabhai R.	Member	24-3-1992
	Darjee		

Shri Bandi Oraon, MLA (Bihar), was appointed Vice-Chairperson vide Ministry of Welfare Notification No.13014/2/90-SCD-VI dated 16-6-1992. Shri Oraon assumed office on 26-6-1992. Shri Ram Dhan has been given the status of a Union Cabinet Minister and Shri Bandi Oraon that of a Union Minister of State. Such status is personal to them.

Functions of the Commission

1.7 Clause (5) of the amended Article 338 provides that it shall be the duty of the Commission:

- (a) to investigate and monitor all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under this 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;
- (b) to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes and Scheduled Tribes;
- (c) to participate and advise on the planning process of socio-economic development of the Scheduled Castes and 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 Castes and Scheduled Tribes; and

- (f) to discharge such other functions in relation to the protection, welfare and development and advancement of the Scheduled Castes and Scheduled Tribes as the President may, subject to the provisions of any law made by Parliament, by rule specify.

Clause (4) of Article 338 empowers the Commission to regulate its own procedure.

1.8 According to clause (8) of Article 338 the Commission shall, while investigating any matter referred to in sub-clause (a) or inquiring into any complaint referred to in sub-clause (b) of clause (5), have all the powers of a civil court trying a suit and in particular in respect of the following matters, namely:

- (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 documents;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any court or office;
- (e) issuing commissions for the examination of witnesses and documents;
- (f) any other matter which the President may by rule, determine.

1.9 Clause (9) of Article 338 provides that the Union and every State Government shall consult the Commission on all major policy matters affecting the Scheduled Castes and Scheduled Tribes.

1.10 The Commission's function in clause 5(a) regarding investigation and monitoring of all matters relating to Constitutional and other safeguards provided for the Scheduled Castes and Scheduled Tribes has the following three components:

- (i) Investigation
- (ii) Monitoring
- (iii) Evaluation

Investigation

1.10(a) The Article provides unlimited scope for the Commission to investigate any matter relating to safeguards. The phrase

"all matters" is a broad enabling provision and the Commission would have to take decisions regarding the matters that it would take up for investigation from time to time. The procedure and methodology of investigation are to be determined by the Commission itself.

Monitoring

1.10(b) The Commission has been entrusted with the responsibility of monitoring the working of the safeguards. The two predecessor Commissions constituted in 1978 and 1987 had not been given this function.

1.10(c) Articles 15(4), 16, 17, 19(5), 46, 164(1), 244, 244A, 275, 330, 332, 334, 335, 338, 339, 341, 342, 371A, 371B and 371C of the Constitution provide various safeguards for the Scheduled Castes and Scheduled Tribes. In addition, there are the Fifth Schedule, the Sixth Schedule and a number of Acts and various executive orders of the Central and the State Governments for protection of the interests of the Scheduled Castes and Scheduled Tribes. Some of these Acts like the PCR Act, 1955, the Bonded Labour System (Abolition) Act, 1976, the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, the Forest Conservation Act, 1980, excise policies, the laws governing alienation of lands belonging to SC & ST, provision of reservation in the allotment of retail agencies like Public Distribution System, petrol, kerosene, L.P.G. outlets, reservation in admission to educational institutions in general and professional educational institutions are all safeguards which are intended to take care of the interests of persons belonging to SC & ST.

1.10(d) It is not difficult to see that monitoring of all the matters covered by the Constitutional provisions, laws and Government orders has such a big canvas that it would require a very big organisation with a lot of personnel and processing systems. Meaningful monitoring requires keeping a watch on certain matters and pointing out the deficiencies so that midcourse correctives can be applied immediately. Such concurrent evaluation is intended to improve the quality of implementation of a programme. Mere collection of statistics or figures is not monitoring. During the year under report the Commission did not have the required staff support to take up any monitoring work.

Evaluation

1.10(e) When a programme has been completed it is studied to find out its impact and its good and bad features. It is a kind of postmortem which helps the planner and the administrator in formulation of future programmes. The Programme Evaluation Organisation, Planning Commission, some research institutes and academicians have developed evaluation techniques which can be utilised by the Commission.

Inquiry into specific complaints

1.11 Clause 5(b) requires the Commission to inquire into specific complaints with respect to deprivation of rights and safeguards of SC & ST. The Commission has been receiving a large number of complaints/representations from individuals or from associations/organisations about the various grievances of SC & ST relating to service safeguards, atrocities, social, educational, economic, political and other miscellaneous matters. While dealing with these complaints the Commission initiates enquiries to keep a watch on the working of the safeguards provided in the Constitution, laws, etc. It had been the experience in the earlier Commissions and the Commissioner's office that their letters did evoke positive response from the concerned authorities and many of the wrongs were corrected during the course of the enquiry. In a formal and technical sense the inquiry and investigation by this Commission have to be held on the pattern of the inquiry conducted under the Commissions of Inquiry Act. The Commission may gather facts and take evidence on oath, if it becomes necessary, and call for documents from any authority or even a court. The powers of the civil court are given to the Commission to enable it to compel the presence of persons or production of documents or deposition on oath, but it may not be necessary to use these powers in all cases. A large number of complaints have been handled with positive results without having to invoke these legal processes.

Participation in the planning process

1.12 In Clause 5 (c) of Article 338 the Commission has been entrusted with a very important function of participating in and advising on the planning process of socio-economic development of SC & ST and evaluating the progress of their development under the Union and any State. At the Centre the Commission has to be associated with the Planning Commission and the various Union Ministries in formulation of developmental programmes for SC & ST exclusively or the Tribal Sub-Plan and the Special Component Plan for the Scheduled Castes. The State Governments and U.T. Administrations are also required to associate the Commission with the process of Plan formulation right from the beginning. In this exercise the Commission and its field offices will have to get involved intimately. In the year under report the procedure for this was not fully established.

Consultation with the Commission by Governments on all major policy matters

1.13 Clause (9) of Article 338 makes it obligatory for the Central Government and every State Government to consult the National Commission on all major policy matters affecting SC & ST. This provision implies that the Central Government as well as the State Governments must consult the Commission before taking any major legislative or executive measure affecting the interests of SC & ST. In the year under report only one case of such consultation (setting up of the National Commission on Safai Karmacharis) came to the Commission.

ANNEXURE 1.1

MINISTRY OF HOME AFFAIRS

(GRIH MANTRALAYA)

New Delhi-110001

Dated 21 July, 1978/30 Asadha, 1900

RESOLUTION

No. 13013/9/77-SCT.I

Article 338 of the Constitution provides for the appointment of a Special Officer for the Scheduled Castes and Scheduled Tribes who is charged with the duty 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 these safeguards at prescribed intervals. In pursuance thereto, a Special Officer, commonly known as Commissioner for Scheduled Castes and Scheduled Tribes, is appointed by the President from time to time. Considering the magnitude of the problem the Government are of the view that in addition to the functioning and authority of the Special Officer, these matters should appropriately be entrusted to a high level Commission consisting of persons of eminence and status in public life. The functioning of the Commission will not be lessening the authority of the Special Officer.

2. Government have accordingly decided to set up a Commission for this purpose which shall consist of a Chairman and not more than four other Members, including the Special Officer appointed under Article 338 of the Constitution. The term of office of the Chairman and the Members of the Commission will not ordinarily exceed three years.

3. The headquarters of the Commission will be located at New Delhi.

4. The functions of the proposed Commission will broadly correspond with the functions at present entrusted to the Special Officer under Article 338 of the Constitution and will be as follows:

- (i) To investigate all matters relating to safeguards provided for Scheduled Castes and Scheduled Tribes in the Constitution. This would, *inter alia*, include a review of the manner in which reservations stipulated in public services for Scheduled Castes and Scheduled Tribes, are, in practice, implemented.
- (ii) To study the implementation of Protection of Civil Rights Act, 1955, with particular reference to the objective of removal of untouchability and invidious discrimination arising therefrom within a period of five years.
- (iii) To ascertain the socio-economic and other relevant circumstances accounting for the commission of offences against persons belonging to Scheduled Castes or Scheduled Tribes with a view to ensuring the removal of impediments in the laws in force and to recommend appropriate remedial measures including measures to ensure prompt investigation of the offences.
- (iv) To enquire into individual complaints regarding denial of any safeguards provided to any person claiming to belong to Scheduled Castes or Scheduled Tribes.

5. The Commission will devise its own procedure in the discharge of its functions. All the Ministries and Departments of the Government of India will furnish such information and documents and provide such assistance as may be required by the Commission from time to time. The

Government of India trusts that the State Governments and Union Territory Administrations and others concerned will extend their fullest cooperation and assistance to the Commission.

6. The Commission will submit an Annual Report to the President detailing its activities and recommendations. This will, however, not preclude the Commission from submitting Reports to the Government at any time they consider necessary on matters within their scope of work. The Annual Report together with a memorandum outlining the action taken on the recommendations and explaining the reasons for non-acceptance of recommendations, if any, insofar as it relates to the Central Government will be laid before each House of Parliament.

ORDER

Ordered that a copy of this Resolution be communicated to all Ministries and Departments of the Government of India, State Governments and Union Territory Administrations, etc.

Ordered also that the Resolution be published in the Gazette of India for general information.

Sd/-

(B.G. DESHMUKH)
Additional Secretary

300
71
72
73
74
75

ANNEXURE 1. II

GOVERNMENT OF INDIA

MINISTRY OF WELFARE

New Delhi, 1st September, 1987

No. BC-13015/12/86-SCD-VI

RESOLUTION

Whereas a Commission for Scheduled Castes and Scheduled Tribes (hereinafter referred to as the Commission) was set up under the Ministry of Home Affairs' Resolution No. BC-13013/9/77-SCT I dated the 21st July, 1978 (hereinafter referred to as the said Resolution).

2. And whereas according to the said Resolution the functions of the Commission were to broadly correspond with the functions entrusted to the Special Officer under Article 338 of the Constitution.

3. And whereas it is considered necessary to modify the functions of the Commission as originally thought of in the said Resolution to avoid any overlapping of the functions of the Special Officer and the Commission.

4. Now, therefore, in supersession of the said Resolution, the Government of India have decided to set up a National Commission for Scheduled Castes and Scheduled Tribes in place of the Commission. It shall consist of a Chairman and not more than eleven other members. The terms and conditions of the Chairman and the Members of the National Commission shall be as determined by the Government in each case, provided that their term of office shall not normally exceed three years.

5. The National Commission for Scheduled Castes and Scheduled Tribes will be a national level advisory body to advise on broad issues on policy and levels of development of Scheduled Castes and Scheduled Tribes. With this objective in view, the National Commission may include experts in the field of social anthropology, social work and other related social sciences.

6. The headquarters of the National Commission will be located at New Delhi.

7. The functions of the National Commission for Scheduled Castes and Scheduled Tribes will be as follows :

- (a) To study the extent and ramifications of untouchability and social discrimination arising therefrom and effectiveness of the present measures and recommend further measures to be taken,
- (b) to study socio-economic and other relevant circumstances leading to the commission of offences against persons belonging to Scheduled Castes and Scheduled Tribes and to recommend appropriate remedial measures to ensure prompt investigation of such offences,
- (c) to take up studies on different aspects of development of the Scheduled Castes and Scheduled Tribes with a view to ensuring integration of these groups with the main-

stream of the society in all aspects. These would include studies in the fields of socio-economic development, education, commerce, trade, art, literature, language, housing, communication, agriculture, forestry, horticulture, fisheries, rehabilitation, pollution and environment, and

- (d) such other functions as may be entrusted to the National Commission for Scheduled Castes and Scheduled Tribes in evolving general policies relating to any aspects of development of the Scheduled Castes and Scheduled Tribes as may be thought proper by the Central Government.

8. All the Ministries and Departments of the Government of India will furnish such information and documents and provide such assistance as may be required by the National Commission for Scheduled Castes and Scheduled Tribes from time to time. The Government of India trusts that the State Governments and Union Territory Administrations and others concerned will extend their fullest co-operation and assistance to the National Commission.

9. The reports of the National Commission for Scheduled Castes and Scheduled Tribes will be project based to be submitted to the Central Government as and when studies are completed.

ORDER

Ordered that a copy of this Resolution be communicated to all Ministries and Departments of the Government of India, State Governments and Union Territory Administrations, etc.

Ordered also that the Resolution be published in the Gazette of India for general information.

Sd/-

(B.K. MISRA)

Joint Secy. to the Govt. of India

ANNEXURE III

रजिस्ट्री सं. डी(डीएन)127/88

REGISTERED NO. D(DN)127/88


सत्यमेव जयते

भारत का राजपत्र

The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 1
PART II—Section 1

प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं० 31] नई दिल्ली, शुक्रवार, जून 8, 1990/ज्येष्ठ 18, 1912
No. 31] NEW DELHI, FRIDAY, JUNE 8, 1990/JYAISTHA 18, 1912

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation.

MINISTRY OF LAW AND JUSTICE

(Legislative Department)

New Delhi, the 8th June, 1990/Jyaistha 18, 1912 (Saka)

The following Act of Parliament received the assent of the President on the
7th June, 1990, and is hereby published for general information:—

THE CONSTITUTION (SIXTY-FIFTH AMENDMENT)
ACT, 1990

(7th June, 1990)

An Act further to amend the Constitution of India.

Be it enacted by Parliament in the Forty-first Year of the Republic of India
as follows :—

1. (1) This Act may be called the Constitution (Sixty-fifth Amendment) Act, 1990.

Short title and
Commencement

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. In article 338 of the Constitution,—

Amendment of
article 338

(a) for the marginal heading, the following marginal heading shall be substituted, namely :—

“National Commission for Scheduled Castes and Scheduled Tribes”;

THE GAZETTE OF INDIA EXTRAORDINARY

(b) for clauses (1) and (2), the following clauses shall be substituted, namely :—

(1) There shall be a Commission for the Scheduled Castes and Scheduled Tribes to be known as the National Commission for the Scheduled Castes and Scheduled Tribes.

(2) Subject to the provisions of any law made in this behalf by Parliament, the Commission shall consist of a Chairperson, Vice-Chairperson and five other Members and the conditions of service and tenure of office of the Chairperson, Vice-Chairperson and other Members so appointed shall be such as the President may by rule determine.

(3) The Chairperson, Vice-Chairperson and other Members of the Commission shall be appointed by the President by warrant under his hand and seal.

(4) The Commission shall have the power to regulate its own procedure.

(5) It shall be the duty of the Commission—

(a) to investigate and monitor all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under this 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;

(b) to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes and Scheduled Tribes;

(c) to participate and advise on the planning process of socio-economic development of the Scheduled Castes and 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 Castes and Scheduled Tribes; and

(f) to discharge such other functions in relation to the protection, welfare and development and advancement of the Scheduled Castes and Scheduled Tribes as the President may, subject to the provisions of any law made by Parliament, by rule specify.

(6) The President shall cause all such reports to be laid before 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.

(7) 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.

(8) The Commission shall, while investigating any matter referred to in sub-clause (a) or inquiring into any complaint referred to in sub-clause (b) of clause (5), have all the powers of a civil court trying a suit and in particular in respect of the following matters, namely :—

(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 documents;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office;

(e) issuing commissions for the examination of witnesses and documents;

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

(9) The Union and every State Government shall consult the Commission on all major policy matters affecting Scheduled Castes and Scheduled Tribes.”;

(c) existing clause (3) shall be renumbered as clause (10).

Sd/-
(V. S. RAMA DEVI)
Secy. to the Govt. of India