

Strengthening National Commission for Scheduled Castes (NCSC)

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The National Commission for Scheduled Castes (NCSC), established under Article 338 of the Constitution, is the principal constitutional body responsible for protecting the rights and safeguards of Scheduled Castes. However, rising pendency, weak enforcement powers, and institutional constraints have limited its effectiveness, making reforms essential to ensure timely justice and strengthen social justice.

National Commission for Scheduled Castes (NCSC) Evolution

Originally, **Article 338** provided for a **Special Officer (Commissioner for SCs and STs)**.

- In **1978**, a non-statutory multi-member Commission was created, followed by the **National Commission for SCs and STs in 1987**.
- The **65th Constitutional Amendment Act, 1990** granted constitutional status to a **multi-member National Commission for SCs and STs**.
- Subsequently, the **89th Constitutional Amendment Act, 2003** bifurcated it into the **National Commission for Scheduled Castes (Article 338)** and the **National Commission for Scheduled Tribes**.

(Article 338A).

- The separate **National Commission for Scheduled Castes (NCSC)** became operational in 2004.

About the National Commission for Scheduled Castes (NCSC)

The **National Commission for Scheduled Castes (NCSC)** is a **constitutional body** established to safeguard the rights, interests and constitutional protections available to Scheduled Castes and promote social justice.

- The NCSC functions under **Article 338 of the Constitution**.
- **Composition:** It consists of a Chairperson, Vice-Chairperson and three Members, appointed by the President of India by warrant under his hand and seal. Their tenure and service conditions are also determined by the President.
- **Mandate:** It investigates complaints regarding deprivation of constitutional safeguards, monitors their implementation, advises governments on welfare measures, and evaluates the socio-economic development of Scheduled Castes.
- **Powers:** While investigating complaints, the Commission enjoys the powers of a civil court, including summoning witnesses, examining evidence and requisitioning official records.
- It **submits annual and special reports to the President of India**, who places them before Parliament along with the government's Action Taken Report.

National Commission for Scheduled Castes (NCSC): Issues

Despite being a constitutional body, the National Commission for Scheduled Castes (NCSC) continues to face institutional, administrative and functional challenges that limit its effectiveness in protecting the rights of Scheduled Castes.

- **Rising Pendency:** The Commission has a **backlog of over 20,000-25,000 complaints** at the national level. High-population states such as **Uttar Pradesh, Bihar and Rajasthan account for a significant share of pending cases**.
- **Backlog of Service Matters:** Most pending complaints relate to delays in implementing reservation rosters, reservation in promotions, and denial of service benefits in government employment.
- **Delay in Atrocity Cases:** Complaints under the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act 1989 often remain pending before the Commission for years, delaying inquiry and justice for victims.
- **Emerging Constitutional Issues:** Cases relating to sub-categorisation within Scheduled Castes and the creamy layer debate, especially after recent Supreme Court judgments, have added to the Commission's workload.
- **Advisory Nature of Recommendations:** Under Article 338, the Commission can investigate complaints with the powers of a civil court, but its **recommendations are not legally binding**, reducing their practical impact.
- **Politicised Appointments:** Members are **appointed without an independent selection mechanism**, leading to concerns regarding political patronage and institutional impartiality.

- **Staff Shortages:** Many national and state commissions suffer from vacancies in the posts of members, investigators and support staff, weakening their investigative capacity.
- **Delayed Annual Reports:** Reports submitted to the President are often laid before Parliament after two to three years, making recommendations outdated before policy action can be taken.
- **Digital Exclusion:** Although online complaint filing has improved accessibility, many rural victims lack digital literacy and internet access, resulting in a **“ghost backlog”** of abandoned or untracked complaints.
- **Limited Financial Independence:** The Commission depends on the Ministry of Social Justice and Empowerment for funding, restricting its operational autonomy.

Why Strengthening the NCSC is Important?

A stronger and more empowered National Commission for Scheduled Castes is essential for translating constitutional guarantees into meaningful social justice and ensuring effective protection of the rights of Scheduled Castes.

- **Protect Constitutional Safeguards:** A robust Commission ensures effective implementation of the constitutional and legal safeguards guaranteed to Scheduled Castes under the Constitution.
- **Ensure Timely Justice:** Strengthening institutional capacity helps in the speedy disposal of complaints, preventing delays that often deny justice to victims.
- **Strengthen Social Justice:** An effective NCSC promotes substantive equality by addressing discrimination, exclusion and historical injustices faced by Scheduled Castes.
- **Improve Accountability:** Strong oversight by the Commission enhances the accountability of governments and public authorities in implementing reservation policies and welfare measures.
- **Reduce Atrocities and Discrimination:** Timely intervention and effective monitoring act as a deterrent against caste-based atrocities and violations of statutory safeguards.
- **Build Trust in Constitutional Institutions:** A responsive and independent Commission strengthens public confidence in constitutional governance and reinforces the principles of equality, dignity and inclusive development.

Way Forward

To transform the National Commission for Scheduled Castes (NCSC) from a **“paper tiger”** into an effective constitutional guardian of Scheduled Castes’ rights, the following reforms are essential:

- **Strengthen Legal Powers:** Amend Article 338 to make the Commission’s recommendations binding, or mandate the government to provide legally justified reasons before the High Court if they reject its recommendations.
- **Ensure Independent Appointments:** Establish a transparent selection committee on the lines of the **National Human Rights Commission (NHRC)** to ensure independence and credibility.
- **Decentralise the Commission:** Establish permanent regional benches in high-atrocity districts instead of relying only on the New Delhi headquarters and regional offices to ensure quicker grievance redressal.
- **Time-bound Disposal of Cases:** Introduce a statutory timeline of 180 days for complaint disposal, with cases exceeding the limit automatically subjected to judicial review.

- **Enhance Transparency through Technology:** Integrate NCSC complaint data with the National Judicial Data Grid (NJDG) to enable real-time monitoring of pendency and improve public accountability.
- **Provide Financial Autonomy:** Charge the Commission's expenditure to the **Consolidated Fund of India** instead of routing it through the Ministry of Social Justice and Empowerment to safeguard its independence from executive interference.

Conclusion

The National Commission for Scheduled Castes is a cornerstone of India's constitutional commitment to equality and social justice. However, rising pendency, advisory powers, staffing shortages, delayed reporting and financial dependence have reduced its effectiveness. Strengthening its legal authority, institutional independence, administrative capacity and accessibility can transform the Commission from a largely advisory body into a truly effective guardian of the constitutional rights and dignity of Scheduled Castes.

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