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Evolution of the National Commission for Scheduled Castes: Constitutional Amendments and Institutional Development in India

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Abstract:

The protection and advancement of historically marginalized communities have been a core objective of India's constitutional framework since independence. Among these groups, Scheduled Castes have faced deep-rooted social exclusion, discrimination, and structural inequalities arising from the caste system. To address these challenges, the Constitution introduced a range of safeguards and institutional mechanisms aimed at ensuring their protection and socio-economic development. One of the most significant among these is the National Commission for Scheduled Castes (NCSC), a constitutional body entrusted with monitoring the implementation of safeguards and addressing grievances related to caste-based discrimination.

This study examines the evolution of the NCSC through three key dimensions: constitutional amendments, institutional design, and the historical context that shaped its development. The origins of institutional safeguards can be traced to colonial policies, particularly the Government of India Act, 1935, which first recognized the disadvantaged position of the "Depressed Classes." After independence, Article 338 of the Constitution established the office of a Special Officer for Scheduled Castes and Scheduled Tribes to oversee the implementation of constitutional protections. However, the limitations of this single-member arrangement led to demands for a more robust institutional framework.

The Sixty-fifth Constitutional Amendment Act, 1990, replaced the Special Officer with a multi-member National Commission for Scheduled Castes and Scheduled Tribes, granting it enhanced authority and constitutional status. Subsequently, the Eighty-ninth Constitutional Amendment Act, 2003, bifurcated the Commission into two separate bodies, enabling focused attention on Scheduled Castes and Scheduled Tribes.

The study further evaluates the structure, powers, and functions of the NCSC, including its role in investigating complaints, monitoring safeguards, and advising the government. Despite its importance, challenges such as limited enforcement powers and administrative constraints persist. The paper concludes that while constitutional reforms have strengthened the NCSC, further measures are necessary to ensure effective protection and realization of rights for Scheduled Castes.

Keywords: National Commission for Scheduled Castes, Constitutional Amendments, Article 338, Social Justice, Constitutional Safeguards.

Introduction:

The protection and advancement of historically marginalized communities have been central concerns of the Indian constitutional framework since independence. Among these communities, Scheduled Castes have faced centuries of social exclusion, discrimination, and structural inequality. Recognizing the need for a dedicated institutional mechanism to safeguard their rights, the Constitution of India established special provisions to monitor and promote their welfare. One such important institution is the National Commission for Scheduled Castes (NCSC), which functions as a constitutional watchdog to ensure that the safeguards provided to Scheduled Castes are effectively implemented.

The legal foundation of the NCSC lies in Article 338 of the Constitution of India. This article empowers the Commission to investigate and monitor matters relating to constitutional and legal protections available to Scheduled Castes, inquire into specific complaints regarding deprivation of rights, and advise the government on policy measures aimed at their social and economic development. Over time, constitutional amendments and policy reforms have shaped the structure, authority, and functioning of the Commission, reflecting the evolving commitment of the Indian state toward social justice.

This study seeks to examine the making of the NCSC through three key perspectives. First, it traces the constitutional amendments that led to the formation and reorganization of the Commission, highlighting the legislative intent behind strengthening institutional safeguards for Scheduled Castes. Second, the study analyzes the institutional design of the Commission, including its powers, functions, and relationship with the government. Third, it situates the development of the NCSC within the broader historical context of caste discrimination, social reform movements, and state-led efforts to address inequality.

The significance of this research becomes evident in the context of continuing caste-based discrimination, social exclusion, and reported atrocities against Scheduled Castes. Despite constitutional guarantees and welfare policies, gaps in implementation and accountability persist. Understanding the historical evolution and institutional framework of the NCSC therefore helps evaluate its effectiveness as a guardian of constitutional rights and as an important instrument in India's pursuit of social justice and equality.

Historical Foundations:

The historical foundations of institutional safeguards for marginalized communities in India can be traced back to the late colonial period. During British rule, increasing awareness of the severe social discrimination faced by the so-called "Depressed Classes" led to the introduction of limited protective measures in colonial legislation. One significant step was the Government of India Act 1935, which recognized the political and social disadvantages faced by these communities and introduced

certain safeguards, including provisions for representation in legislative bodies. Although these measures were limited in scope, they marked an early attempt to acknowledge structural inequalities within Indian society and laid the groundwork for later constitutional protections.

After independence, the framers of the Constitution sought to create a stronger institutional mechanism to monitor the welfare of historically oppressed communities. As a result, Article 338 of the Constitution of India was included when the Constitution came into force in 1950. This provision established the office of a Special Officer for Scheduled Castes and Scheduled Tribes. The primary responsibility of this officer was to investigate and report on the implementation of constitutional safeguards provided to these communities. Importantly, the Special Officer reported directly to the President of India, ensuring that the issues concerning Scheduled Castes and Scheduled Tribes received attention at the highest level of government.

Despite this constitutional recognition, the early institutional arrangement faced several practical limitations. The office of the Special Officer functioned mainly in an advisory capacity and lacked strong enforcement powers. Moreover, the system relied on a single officer supported by a small administrative structure, which limited its ability to effectively monitor the conditions of Scheduled Castes and Scheduled Tribes across a vast and diverse country. By the 1960s and 1970s, growing social movements and increased political mobilization among marginalized communities began to highlight these institutional weaknesses. As demands for stronger protections and better implementation of safeguards intensified, it became increasingly clear that a more robust and representative institutional framework was required to address the persistent challenges faced by these communities.

From Advisory Body to Statutory Commission:

The period between 1978 and 1990 marked an important transition in the institutional framework designed to safeguard the interests of marginalized communities in India. During this time, the earlier system of relying on a single Special Officer proved inadequate for addressing the complex and widespread challenges faced by Scheduled Castes and Scheduled Tribes. Growing social awareness, political mobilization, and demands for more effective monitoring mechanisms encouraged the government to rethink the existing institutional arrangement.

A significant development occurred in 1978 when the Ministry of Home Affairs issued a resolution establishing a multi-member body known as the Commission for Scheduled Castes and Scheduled Tribes. Unlike the earlier structure under which a single Special Officer functioned, the new commission consisted of a Chairman and four members. This arrangement aimed to broaden representation, improve institutional capacity, and enable more systematic monitoring of safeguards provided to these communities. The commission was expected to examine issues relating to the implementation of constitutional protections, investigate complaints, and advise the government on

policies affecting the welfare and development of Scheduled Castes and Scheduled Tribes.

Further institutional strengthening took place in 1987 when the Ministry of Welfare issued another resolution renaming the body as the National Commission for Scheduled Castes and Scheduled Tribes. This change reflected an effort to give the institution greater national visibility and expand its advisory responsibilities. The Commission was increasingly involved in reviewing development programmes, evaluating the implementation of reservation policies, and providing policy recommendations aimed at improving socio-economic conditions for these communities.

The move toward a stronger institutional mechanism was influenced by broader policy debates and critical assessments of existing safeguards. Reports produced by bodies such as the Kalelkar Commission and the Mandal Commission highlighted significant shortcomings in the implementation of reservations and other protective measures. These findings revealed persistent gaps between policy commitments and actual outcomes, reinforcing the need for a more structured and effective commission to monitor government actions and ensure that constitutional safeguards translated into meaningful social progress.

Key Constitutional Amendments:

65th constitution amendment -

A major institutional transformation in the protection of Scheduled Castes and Scheduled Tribes occurred with the passage of the Sixty-fifth Constitutional Amendment Act, 1990. This amendment significantly strengthened the mechanism that monitored the implementation of constitutional safeguards for these communities. Before this amendment, the responsibility rested mainly with a single Special Officer appointed under Article 338 of the Constitution of India, whose role was largely limited to reporting and advisory functions. However, this arrangement was widely viewed as insufficient to address the persistent social discrimination and policy implementation gaps affecting Scheduled Castes and Scheduled Tribes.

The 65th Amendment replaced the office of the Special Officer with a multi-member body known as the National Commission for Scheduled Castes and Scheduled Tribes. The new commission consisted of a Chairperson, a Vice-Chairperson, and several members, which enabled broader representation and greater institutional capacity. Importantly, the amendment granted the Commission powers similar to those of a civil court while conducting investigations or inquiries. These powers allowed the Commission to summon witnesses, require the production of documents, and examine evidence, thereby strengthening its ability to investigate complaints related to violations of safeguards.

The Commission obtained constitutional status through this amendment, making it a more authoritative body within India's institutional framework. The first commission under this new arrangement was formally constituted on March 12, 1992. With enhanced authority and legal backing, the Commission's role expanded from merely advising the government to actively investigating issues

concerning the rights and welfare of Scheduled Castes and Scheduled Tribes.

89th constitution amendment-2003:

A significant reform in the institutional framework for protecting marginalized communities occurred with the enactment of the Eighty-ninth Constitutional Amendment Act, 2003. Prior to this amendment, a single body the National Commission for Scheduled Castes and Scheduled Tribes—was responsible for monitoring safeguards and addressing issues concerning both Scheduled Castes and Scheduled Tribes. However, over time it became clear that the needs, challenges, and policy concerns of these two groups required more specialized attention. The growing complexity of welfare programmes and rights-based protections also created a demand for separate institutions that could focus more effectively on each community.

To address this issue, the 89th Constitutional Amendment reorganized the earlier commission by creating two independent constitutional bodies. Under this amendment, Article 338 of the Constitution of India was redesigned to establish the National Commission for Scheduled Castes (NCSC), while a new provision, Article 338A of the Constitution of India, created the National Commission for Scheduled Tribes (NCST). This bifurcation ensured that each commission could concentrate on the specific social, economic, and political concerns of the respective communities.

As a result of this restructuring, the National Commission for Scheduled Castes began to focus exclusively on matters relating to Scheduled Castes, including monitoring constitutional safeguards, investigating complaints, and advising the government on policies affecting their welfare and development. The Commission was structured to include a Chairperson, a Vice-Chairperson, and three other members. The President of India determines their tenure, service conditions, and other related aspects, ensuring the commission functions within the constitutional framework while maintaining institutional continuity and authority.

Institutional Design and Powers:

The institutional design of the National Commission for Scheduled Castes (NCSC) reflects the constitutional commitment to safeguard the rights and welfare of Scheduled Castes in India. The Commission derives its authority from Article 338 of the Constitution of India, which outlines its composition, powers, and functions. As a constitutional body, the NCSC is expected to function as an independent watchdog that monitors the implementation of safeguards designed to protect Scheduled Castes from discrimination and social exclusion.

In terms of composition, the Commission consists of a Chairperson, a Vice-Chairperson, and three other members. All members are appointed by the President of India through an official warrant. Their service conditions and tenure are also determined by the President, which provides a formal constitutional framework for their appointment. This structure aims to ensure that the Commission operates with a certain level of autonomy while remaining accountable within the constitutional

system. The multi-member arrangement also allows the Commission to bring diverse perspectives and expertise to issues concerning the rights and development of Scheduled Castes.

An important aspect of the Commission's institutional design is the set of investigative powers granted to it under Article 338. While conducting inquiries into complaints related to the violation of safeguards, the Commission is empowered with authority similar to that of a civil court. According to Article 338(8) of the Constitution of India, the Commission can summon individuals, require the production of documents, examine witnesses under oath, and request the discovery of evidence. These powers strengthen the Commission's capacity to investigate cases of discrimination, denial of rights, or failure in the implementation of government policies intended to benefit Scheduled Castes.

The functions of the Commission are broad and cover several aspects of social justice and governance. One of its primary responsibilities is to investigate complaints regarding the deprivation of rights and safeguards available to Scheduled Castes. The Commission also monitors the implementation of constitutional and legal protections provided to these communities. Among the most important safeguards are those related to equality and social justice, including Article 15 of the Constitution of India, which prohibits discrimination on grounds such as caste; Article 17 of the Constitution of India, which declares the practice of untouchability illegal; and Article 46 of the Constitution of India, which directs the state to promote the educational and economic interests of Scheduled Castes and other weaker sections.

In addition to monitoring safeguards, the Commission plays an advisory role in the legislative and policy-making process. It reviews the effectiveness of existing welfare programmes, suggests improvements to policies aimed at the socio-economic development of Scheduled Castes, and provides recommendations to the central and state governments. The Commission also prepares an annual report on the status of safeguards and submits it to the President of India, who then places it before Parliament for discussion. Through these reports, the Commission highlights policy gaps, administrative shortcomings, and emerging issues related to the welfare of Scheduled Castes.

Despite these responsibilities and powers, the effectiveness of the NCSC faces certain institutional limitations. One major constraint is that the Commission's recommendations are not legally binding. Although it can investigate issues and submit detailed reports, the final decision regarding implementation rests with the government. As a result, the Commission functions largely as an advisory body rather than an enforcement authority. Another challenge relates to administrative capacity, including limitations in funding, staffing, and logistical support, which can affect the Commission's ability to conduct thorough investigations and follow-up actions. Over time, efforts have been made to strengthen the institutional reach of the Commission. Regional offices have been established in different parts of the country to improve accessibility and monitoring at the grassroots level. The expansion of these offices, which began gradually in the decades following the mid-1960s,

has helped the Commission address complaints from various states and regions more effectively. Even so, debates continue about how to enhance the Commission's authority and resources so that it can more effectively protect the rights and dignity of Scheduled Castes in India.

Case Studies of Early Functioning:

The early functioning of the National Commission for Scheduled Castes (NCSC) after its institutional separation provides an important perspective on how the Commission began to operate as an independent constitutional body dedicated exclusively to the protection and advancement of Scheduled Castes. The restructuring that created the NCSC followed the enactment of the Eighty-ninth Constitutional Amendment Act, 2003, which divided the earlier combined commission for Scheduled Castes and Scheduled Tribes into two specialized institutions. This reform was intended to improve the efficiency of oversight mechanisms and ensure that the unique socio-economic challenges faced by Scheduled Castes received focused attention at the national level.

A significant figure in the early phase of the reconstituted Commission was Suraj Bhan, who assumed office as the first Chairperson of the NCSC in 2004 after the constitutional bifurcation. Under his leadership, the Commission worked to strengthen its role as a monitoring body responsible for examining the implementation of constitutional safeguards and welfare programmes designed for Scheduled Castes. One of the key priorities during this period was the review of the enforcement of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. This law was enacted to address violence, discrimination, and social humiliation faced by members of Scheduled Castes and Scheduled Tribes. The Commission examined reports from different states, interacted with victims and administrative officials, and highlighted cases where enforcement of the Act remained weak. Through its recommendations, the Commission called for improved investigation procedures, faster trials, and better protection for victims and witnesses.

The NCSC also paid close attention to the implementation of reservation policies, which are a central component of India's affirmative action framework. The Commission evaluated whether reservations in government employment, educational institutions, and legislative bodies were being properly implemented. In many cases, it found that government departments had not filled reserved positions or had allowed backlog vacancies to accumulate. As a result, the Commission recommended stricter monitoring of recruitment procedures, regular reporting by ministries and public sector institutions, and greater accountability to ensure that the benefits of reservation policies reached eligible members of Scheduled Castes.

In addition to monitoring policies and laws, the Commission played a role in advising the government on legislative and administrative reforms aimed at improving the socio-economic conditions of Scheduled Castes. It studied issues such as access to education, land rights, economic opportunities, and social protection. The Commission's reports submitted to the President and

Parliament often highlighted persistent problems such as discrimination in rural areas, lack of effective rehabilitation for victims of caste violence, and uneven implementation of development programmes.

An important way to understand the functioning of the NCSC is to compare it with the National Commission for Scheduled Tribes (NCST), which was established at the same time through the constitutional amendment. While the NCSC concentrated on issues related to caste-based discrimination, reservation policies, and enforcement of protective laws, the NCST focused on matters specific to tribal communities, including land alienation, forest rights, and development challenges in tribal regions. The bifurcation allowed both commissions to develop specialized expertise and to examine the policy concerns of their respective communities in greater depth. The early years of the NCSC demonstrated the potential advantages of institutional specialization. By concentrating solely on the issues faced by Scheduled Castes, the Commission was able to conduct more focused investigations, produce detailed reports, and engage more directly with policy debates related to social justice. At the same time, the experience also revealed certain challenges, such as limited enforcement authority and dependence on government cooperation for implementing recommendations. Nevertheless, the establishment and functioning of the NCSC represented an important step in strengthening India's constitutional commitment to equality, dignity, and protection for historically marginalized communities.

Critical Analysis and Challenges:

The evolution of the National Commission for Scheduled Castes (NCSC) reflects a gradual attempt by the Indian constitutional system to strengthen institutional safeguards for marginalized communities. The constitutional reforms that shaped the Commission, particularly the Sixty-fifth Constitutional Amendment Act, 1990, significantly enhanced its institutional framework. This amendment replaced the earlier single Special Officer with a multi-member commission and granted the body investigative authority similar to that of a civil court during inquiries. These changes improved the Commission's ability to examine complaints, summon witnesses, and gather documentary evidence. As a result, the NCSC gained greater visibility and legitimacy in monitoring the implementation of constitutional protections.

Despite these improvements, an important design limitation remains. The Commission's recommendations are advisory rather than binding. Although it can conduct investigations and submit reports to the government and Parliament, it does not possess direct enforcement powers. This means that the implementation of its recommendations ultimately depends on the willingness of government authorities to act upon them. Consequently, there is often a gap between the Commission's findings and the actual policy outcomes on the ground.

Another point of critical discussion concerns the broader historical context in which these constitutional amendments occurred. The restructuring of institutions for social justice coincided with

the period of economic liberalization in India during the 1990s. While economic reforms created new opportunities for growth, they also produced new forms of inequality and uneven development. In this context, critics argue that institutional reforms alone were not sufficient to address the structural disadvantages faced by Scheduled Castes in a rapidly changing economy.

In addition to these structural concerns, practical challenges continue to affect the effectiveness of the Commission. Judicial delays in cases involving caste-based discrimination or violence often slow down the delivery of justice. Moreover, effective implementation of safeguards requires strong coordination between the central government, state governments, and local administrations. Weak federal coordination sometimes results in inconsistent enforcement of laws and policies across different regions. These challenges highlight the need for continuous institutional strengthening to ensure that constitutional protections translate into meaningful social justice.

Conclusion:

The evolution of the National Commission for Scheduled Castes (NCSC) demonstrates how constitutional reforms and institutional design have gradually strengthened India's framework for protecting the rights of historically marginalized communities. From the early arrangement of a Special Officer under Article 338 of the Constitution of India to the establishment of a multi-member constitutional body through the Sixty-fifth Constitutional Amendment Act, 1990, and later its reorganization through the Eighty-ninth Constitutional Amendment Act, 2003, the institutional structure has evolved to respond to the changing demands of social justice. These constitutional amendments expanded the Commission's authority, improved its investigative powers, and provided a specialized platform to monitor safeguards meant for Scheduled Castes.

Through its mandate to investigate complaints, monitor the implementation of safeguards, and advise governments on policies, the NCSC has become a key institutional pillar supporting India's affirmative action framework. Its role in reviewing reservation policies, examining cases under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, and highlighting gaps in welfare programmes has contributed to bringing issues affecting Scheduled Castes into national policy discussions. By submitting annual and special reports to the President and Parliament, the Commission has also created an important channel for accountability within the democratic system.

However, the long-term effectiveness of the Commission depends on further strengthening its institutional capacity. One major reform that scholars and policymakers often suggest is granting the Commission limited statutory enforcement powers so that its recommendations carry greater practical impact. Another forward-looking measure would be the development of digital grievance platforms that allow victims of discrimination or rights violations to file complaints easily and track the progress of their cases. Such systems could improve transparency, accessibility, and responsiveness in addressing grievances.

In conclusion, while constitutional amendments and institutional reforms have made the NCSC a central component of India's social justice architecture, continued innovation and stronger enforcement mechanisms will be necessary to ensure that the constitutional promise of equality and dignity for Scheduled Castes is fully realized in practice.

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