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**No. 36036/2/97-Estt.(Res)**  
**Government of India**  
**Ministry of Personnel, Public Grievances & pensions**  
**Department of Personnel & Training**

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Dated the 30th November, 1998

**OFFICE MEMORANDUM**

**Subject:** Reservation Policy for the Scheduled Castes and Scheduled Tribes—Implementation of

The undersigned is directed to refer to this Department's Office Memorandum of even number dated the 1st January, 1998 and letter No. 4/3/98-SSW.II, dated Nil addressed to the Secretary, Department of Personnel and Training by the National Commission for Scheduled Castes and Scheduled Tribes with copies endorsed to all Ministries/Departments of the Government of India, etc. and to say that the aforesaid letter of the Commission tends to create the impression that the Commission has powers to supersede the Department of Personnel & Training Office Memorandum of even number dated January 1, 1998 for which in fact powers have not been vested in the Commission in terms of Article 338 of the Constitution. As the Commission lacks the authority to issue directions in the nature of injunction, the aforesaid action of the Commission is clearly beyond its powers and is illegal.

2. The National Commission for Scheduled Castes and Scheduled Tribes is assigned the important role of safeguarding the interests of the Scheduled Castes and the Scheduled Tribes and has been vested with certain powers in discharge of its role in terms of Article 338 of the Constitution. The Ministries/Departments' etc. are therefore expected to extend maximum cooperation to the Commission in the discharge of its role and to give its recommendations/suggestions due consideration. The Ministry of Agriculture, etc. are, however, advised to ignore such of the instructions issued by the Commission as may purport to either amend or withhold or keep in abeyance the instructions issued by the Government in implementation of the reservation policy for the Scheduled Castes and Scheduled Tribes.

(J.D. KULKARNI)  
 Director (Reservation)  
 Tel. No. 3011591

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1. All Ministries/Departments of the Government of India.
  2. Department of Economic Affairs (Banking Division), New Delhi
  3. Department of Economic Affairs (Insurance Division), New Delhi
  4. Department of Public Enterprises, New Delhi
  5. Railway Board.
  6. Union Public Service Commission/Supreme Court of India/Election Commission/Lok Sabha Secretariat/Rajya Sabha Secretariat/Cabinet Secretariat/Central Vigilance Commission/President's Office/Prime Minister's Office/Planning Commission.
  7. Staff Selection Commission, CGO Complex, Lodhi Road, New Delhi.
  8. All Officers/Sections of the Department of Personnel and Training/ Department of Administrative Reforms and Public Grievances/ Department of Pensioners Welfare.