

**Ministry of Home Affairs O.M. No.8/2/69-(SCT)(I),
dated the 1st October, 1974, to all Ministries/Departments, etc.**

Subject :—Question whether the Commissioner for Scheduled Castes and Scheduled Tribes can call for original records and files in specific cases where complaints have been made to him and whether Scheduled Castes and Scheduled Tribes Government servants can write to him direct.

The Commissioner for Scheduled Castes & Scheduled Tribes has been appointed under article 338 of the Constitution to investigate all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes in the Constitution and report to the President upon the working of these safeguards. In regard to the safeguards relating to the appointment of Scheduled Castes and Scheduled Tribes to services and posts, the Commissioner had raised the following two questions :—

- (i) Whether he can call for the original records and files in specific cases where complaints have been made to him so that he can satisfy himself that the safeguards provided for the Scheduled Castes and Scheduled Tribes in the Constitution have not been violated; and
- (ii) Whether Scheduled Caste and Scheduled Tribe Government servants can write to him direct bringing their grievances to his notice.

2. Occasions for consulting the original files of the Ministries or Departments by the Commissioner for Scheduled Castes and Scheduled Tribes would probably be few and far between as usually the full facts of the cases are furnished to the Commissioner for Scheduled Castes and Scheduled Tribes whenever enquiries are made by him in such matters. However, there may be cases where the Commissioner might require to see the original records and files in order to satisfy himself that no injustice has been done. There may, in general, be no difficulty in making files available to him, but in some cases, it may not be possible to show him the files for reasons of public security etc.

3. Taking all aspects into consideration and in the light of the advice given by the Committee of Secretaries on Internal Affairs which has been approved by the High Power Committee set up by the Department of Personnel & Administrative Reforms, it has been decided as follows :—

- (a) Files relating to the appointment of candidates belonging to the Scheduled Castes and Scheduled Tribes against the reserved quota should, on demand, be made available to the Commissioner for Scheduled Castes and Scheduled Tribes.
- (b) In all other cases, comprehensive notes explaining position may be furnished to him;
- (c) Should the Commissioner have any reservations or doubts in regard to the explanations given, the matter may be referred to the Home Secretary, who will go through the original records and answer the queries by the Commissioner; where possible, he will also send the record with the reply, and
- (d) Scheduled Caste and Scheduled Tribe Government employee may be permitted to write to the Commissioner for Scheduled Castes and Scheduled Tribes direct on matters relating to appointments against the reserved quota.

4. The expression "reserved quota" will include matters relating to confirmation promotion, grant of other concessions allowed to Scheduled Caste and Scheduled Tribe employees by the Department of Personnel & Administrative Reforms from time to time.

5. These decisions may kindly be brought to the notice of all the concerned authorities.
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