

**Department of Personnel and Training O.M. No.36036/2/97-Estt.(Res),  
dated the 1<sup>st</sup> January, 1998, to all Ministries/Departments, etc.**

Subject:- National Commission for SCs/STs has no powers to direct withholding operation or orders of the Government.

The undersigned is directed to say that in terms of this Department's O.M. No. 36011/15/79-Estt. (SCT), dated 6-1-1981, if other Ministries/Departments intend to depart from the policies laid down by the Department of Personnel, it is mandatory for them to consult the Department of Personnel in terms of sub-rule 4 of Rule 4 of the Transaction of Business Rules; otherwise the policies laid down by the Department of Personnel are binding on them.

2. The instructions contained in this Department's Office Memoranda, dated July 2, July 22, August 13 and August 29, 1997 continue to be in operation and there is no proposal to withhold or to keep in abeyance their implementation.

3. In the All India Indian Overseas Bank Scheduled Castes and Scheduled Tribes Employees' Welfare Association and others v. Union of India and other (Civil Appeal No. 13700 of 1996), the Supreme Court has held that the National Commission for the Scheduled Castes and the Scheduled Tribes has no power of granting injunctions, whether temporary or permanent. The Court also held that the powers of the Commission in terms of Article 338 (8) of the Constitution are all the procedural power of a Civil Court for the purpose of investigating and inquiring into the matters and that too for that limited purpose only.

4. In view of the judgment of the Supreme Court referred to in Para. 3, the National Commission for the Scheduled Castes and the Scheduled Tribes has no powers to direct withholding of the operation of the operation of any orders issued by the Government.

5. Ministry of Agriculture, etc., may, therefore, keep in mind the directions contained in this Department's OM, dated 6-1-1981 and the judgment of the Supreme Court referred to above while dealing with the directions given by the National Commission for the Scheduled Castes and the Scheduled Tribes. Ministries/Departments, etc., must, however, in all fairness consider the recommendations of the Commission in the light of policies laid down by the Department of Personnel and Training.