

**Department of Personnel and Training O.M. No.36036/2/97-Estt.(Res),
dated the 30th November, 1998, to all Ministries/Departments, etc.**

Subject:- National Commission for SC and ST cannot issue any instructions in the nature of injunction on implementation of the Government's orders.

The undersigned is directed to refer to this Department's Office Memorandum of even number, dated 1-1-1998 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 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 Schedule Castes and the Schedules 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 co-operation to the Commission in the discharge of its role and to give its recommendations/suggestions due consideration. They Ministry of Agriculture, etc., are, however, advised to ignore such of the instructions. 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 SCs and STs.