

F.No. U-13028/31/2006-Delhi-I
Government of India/Bharat Sarkar
Ministry of Home Affairs/Grih Mantralaya

North Block, New Delhi.
Dated the 27th November, 2009.

1. Shri R.S. Sirohi,
Secretary,
National Commission for Scheduled Tribes,
6th Floor, Lok Nayak Bhawan,
Khan Market, New Delhi – 110003.
2. Shri T. Theethan,
Joint Secretary,
National Commission for Scheduled Castes,
5th Floor, Lok Nayak Bhawan,
Khan Market, New Delhi – 110003.

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Subject: Civil Writ Petition No.507/06 titled Sarv Rural & Urban Welfare Society Vs Union of India regarding grant of reservation to migrant SCs/STs in civil posts under the Government of NCT of Delhi.

Sir,

I am directed to say tht the Hon'ble Supreme Court in its judgment dated 4.8.2009 in SLP No.24327/2005 titled 'Subhash Chandra & Anr Vs. Delhi Subordinate Services Selection Board & Ors' clubbed with Writ Petition(Civil) No.507 of 2006 titled 'Sarv Rural & Urban Welfare Society Vs. UOI & Ors' in the matter of reservation to migrant Scheduled Castes and Scheduled Tribes in NCT of Delhi has held that reservation in State or UT under Article 15(relating to education) and Article 16(relating to employment) can be given only to those SCs or STs who figure in the notified list under Article 341 or 342 for the State or UT, as the case may be. A copy of judgment dated 4.8.2009 is enclosed for ready reference.It may be added here that, eventhough certain castes are notified as SCs in respect of Delhi, the Government of NCT of Delhi has been following the all India pattern for a long time now in respect of reservation to civil posts under that Government and thereby giving reservation to all categories of SCs and STs irrespective of nativity.

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2. Since the implementation of the said Supreme Court judgment may involve a major shift in the policy decision, it has been decided that we may approach Cabinet posing all options. Keeping in view the unique case of NCT of Delhi, being the national capital attracting migrants, it was felt that the scope for inclusion of migratory SCs and migratory STs in the lists notified under Article 341 and Article 342 in respect of all UTs including Delhi may be explored in consultation with the National Commissions for STs and SCs while also looking for the possibilities for providing a common reservation policy in respect of migratory SCs and STs be made applicable to all UTs including Delhi.

3. In these circumstances, National Commission for Scheduled Tribes and National Commission for Scheduled Castes are requested to look into the matter and furnish their views in this regard to this Ministry expeditiously keeping in view the said judgment of Hon'ble Supreme Court.

Encl.: as above

Yours faithfully,



(A.K. Saxena)

Director(Delhi)

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