

No.U-13034/127/2005-ANL
GOVERNMENT OF INDIA
MINISTRY OF HOME AFFAIRS

1148/Dirf.w/
H/10/05

New Delhi, the 27th September, 2005

To

Shri D.S. Negi
Chief Secretary,
A&N Administration,
Secretariat,
Port Blair.

2291
37/10/05

FEDERAL WELFARE SECTION
R. D. No. 5653
Date: 5/10/05
Secretariat, Port Blair

Sub: Representation dated 18th March, 2005 of Ranchi Association seeking recognition of the Ranchi tribe as a Scheduled Tribe of A&N Islands and resultant benefits therefrom in the light of Supreme Court's order dated 11-2-2005 in Civil Appeal No.6-7 of 1998 - Regarding.

Sir,

I am directed to refer to A&N Administration's letter No.1-554/2004/TW/1317 dated the 19th July, 2005 on the above cited subject and to say that the question whether the Supreme Court's judgement dated 11-2-2005 in Civil Appeals No.6-7 of 1998 - S. Pushpa and others Vs Sivachanmugavelu and others is applicable to the A&N Islands has been examined in consultation with the Ministry of Law & Justice (Department of Legal Affairs). Department of Legal Affairs has observed that the SLP filed by the Ministry of Home Affairs before the Hon'ble Supreme Court against the order dated 1-7-96 of the Hon'ble High Court of Calcutta in FMAT No.3/96 was dismissed in limine vide order dated 14-3-97 and the Review Petition filed in the matter was dismissed by the Hon'ble Supreme Court vide their order dated 28-7-98 on the ground of delay as well as on merits. Since the SLP has been dismissed by the Hon'ble Supreme Court in limine, it is not a law declared by the Supreme Court u/a 141 of the Constitution (Kunhayammed & Ors. Vs State of Kerala and Anor., AIR 2000 SC 2587). Further the SLP and Review Petition were dismissed by a two Judges Bench, whereas, the decision in S. Pushpa case is of three Judges Bench and is a law declared by the Supreme Court u/a 141 of the Constitution. In view of this, the law declared by the Supreme Court in its judgement dated 11-2-2005 is equally applicable to all the UTs including A&N Islands.

2. The A&N Administration are, therefore, advised to take further appropriate action on the representation submitted by Ranchi Association for extension of the benefits provided to the notified STs of the A&N Islands to them being ST of another

Please take appropriate action

Sy (W)

Encl 300

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Rd (S)
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