

Subject:

Para
No.

(87)

May please peruse notes from para 60/n onwards. This is regarding representation dated 18.3.2005 of the Ranchi Association seeking recognition of the Ranchi Tribe as Scheduled Tribe of A & N Islands and extension of all resultant benefits in the light of the Judgment dated 11.2.2005 of the Supreme Court in Civil Appeal No. 6-7 of 1998 (with Civil Appeal NO. 4.5 of 1998 in respect of S. Pushpa & Others -Vs Sivasanmugavelu & Others.)

(88)

The clarification given by Ministry of Home Affairs vide their letter dated 27.9.2005 at page 188-189/c regarding implementation of Supreme Court 's Judgment dated 11.2.2005 in the case of S.Pushpa and others - Vs - UOI & others of Pondicherry was referred to the Personnel Department of the Administration seeking their opinion.

(89)

They have expressed their views that unless the constitutional Amendment is made to the existing reservation policy, no caste or community even if they are backward in all respects, can be included in the list of Scheduled Tribes to extend the benefits of reservation. Law Department may advice in the matter. Personnel wing have further pointed out that with the implementation of the above judgment, not only the Ranchis will be eligible for appointment against the reserved posts under this Administration, but also the migrated Scheduled Tribes of other States / UTs, which will be detrimental to the interests of aboriginal Scheduled Tribes of the A&N Islands.

(90)

Further they have pointed out that the extent of reservation to be given to the migrated scheduled tribes has not been indicated in the clarification received from Ministry of Home Affairs. (Please refer to the notes dated 14/11/2005 at para 80-86 on prepage 25-26/n of the Personnel Department of the Administration)

(91)

As far as the Supreme Court Judgment dated 11th February, 2005 is concerned, it contains direction for extension of benefits of reservation to the migrated Scheduled Tribes of other states and UTs because the posts under Union Territory of Administrations, which are governed by the President of India, are held to be the Central Government posts. Accordingly, the posts under the Andaman & Nicobar Administration are to be treated as Central Government posts for the purpose of reservation.