

Subject:

18.

Para
No.

(92) Undoubtedly the implementation of the judgment of Supreme Court in the matter of extension of benefits of reservation to the migrated Scheduled Tribes of other states / UTs will be detrimental to the interests of the Scheduled Tribes of these Islands as not only Ranchis but also the Scheduled Tribes of other states and UTs will come forward to claim the benefit of reservation under the Andaman & Nicobar Administration. The Scheduled Tribes of this U.T being more backward will not be able to compete with the Scheduled Tribes of other States and UTs, thereby losing their legitimate right of reservation.

(93) However, the above situation could be tackled by bringing about legislation by the Parliament, in order to protect long-term interest of the Scheduled Tribes of this U.T. Legal section of the Administration may offer their views.

(94) With regard to percentage of reservation to be extended to the migrated Scheduled Tribes in the wake of the Supreme Court Judgment dated 11/2/2005, it is stated that hitherto this Administration has been following 12% reservation in respect of Group 'C' & 'D' posts prescribed on regional basis in terms of the Govt. of India O.M.No36013/4/85-Estt (SCT) dated 24th May 1985, according to which the aboriginal Scheduled Tribes notified in respect of A&N Islands are considered for appointment against the reserved posts under this Administration.

(95) This policy was further strengthened in view of the order dated 1.7.96 of the Hon'ble High Court, Kolkatta in FMAT No. 3/96 which was confirmed by the Supreme Court vide its Order dated 14/3/1997, according to which the benefit of reservation meant for Scheduled Caste/Scheduled Tribes is to be restricted to only such Castes/Tribes as have been notified in respect of the UT of Andaman & Nicobar Islands. However, the above policy stands over-ruled in the wake of the Supreme Court Judgment dated 11/2/2005.

(96) This Administration is now required to implement the above Judgment, but the percentage of reservation which is to be followed, to extend the benefit of reservation, to the migrant STs need to be notified afresh by the Govt. of India since the 12% reservation, which was prescribed in proportion to the aboriginal ST