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5. In this context, I may draw your kind attention towards the following provisions contained for the recruitments for SC & ST in the Constitution of India and Instruction issued time to time by the GOI:-

"The Constitution definition given under Article 366(25) clearly says that those tribes communities as are deemed or specified under article 342 (Indian Constitution) shall be known as Scheduled Tribes for the purpose of the Constitution of India."

The Ministry of Personal, public grievances & pension, Deptt. of Personnel & Trg., GOI, New Delhi has given a definition in Para 12.1. of its Brouchers of reservation (7th edition, 1987) for Scheduled Castes and Scheduled Tribes in services that is to say--

"A Person shall be held to be member of Scheduled Castes or Scheduled Tribes, as the Case may be if he belongs to a Castes or a Tribe which has been declared, under any one of the presidential order namely the constitute (Scheduled Castes) or Constitute (Scheduled Tribes) order for the area of which he/she is resident".

In our Constitution, the Article 15(1)(2) is prohibited to a state for discrimination on the grounds of race, caste, place of birth Etc.

Further the Article 16(2) is also prevent to a State that no Citizen shall be ineligible or discriminated for any employment in respect of any office under the state only on the grounds of race, caste, place of birth, residence etc.

6. His Excellency is well aware that the population of these islands is migrant from various parts of India and they are already having their Caste status and ST status in their respective district in the mainland. The above instructions of the GOI and provision exist in the Constitution of India are enough to consider the ST candidates other than Nicobari for posts being filled by the A&N Administration in the Govt. Depts. Including the above vacancies.
7. The A&N Administration has to protect the rights and privileges for recruitment and other benefits to the Scheduled Casts/Scheduled Tribes (permanent residents of this UT) and for which necessary notification to notify the Scheduled Casts and Scheduled Tribes people on the basis of their SC/ST status already they are having in their native districts in the States/Uts of mainland India. Besides, the reservation quota for various communities for the reservation in the Govt. Services has also to be notified such as 15 percent for SC, 7 -1/2 percent for ST and 27 percent for OBC instead of existing 38 percent for OBC and 12 percent for ST at present in this Ut.
8. His Excellency may appreciate that it is the A&N Administration which has to take up the Reservation Policy and implement within the norms and provisions exist in the Constitution of India as well as instructions of the GOI to avoid any