

Reference:.....167...../cor.

(5) PUC is a U.O Note No. 3-4(104)/2012-2013-IDA(PMO) dated 2.7.2013 enclosing therewith a copy of the reply furnished by this department on the issues raised by the Hon'ble Member of Parliament, A & N Islands received from the Principal Secretary (Plg), A & N Administration. We are requested to furnish the updated status on the issues by 3.7.2013.

(6) The updated status on the following issues are discussed as under:

Point (c) Recognition of Schedule Tribes status:

The Ranchi Association of A&N Islands had represented to this Administration as well as the Government of India in the past seeking recognition of the migrated Ranchi community (Scheduled Tribes in relation to the States of Bihar & Jharkhand) as Scheduled Tribes of A&N Islands but their demand/ request could not be acceded to as they are migrant and are not original inhabitants of these island and the interest of the aboriginal tribes of this UT being more backward will adversely be affected.

Being aggrieved, they filed a writ petition in the High Court of Calcutta in 2006 which was dismissed with the observation that none of the Ranchis nor any tribes who have migrated from the mainland have been included in the presidential order (The Constitution (A&N Islands) Scheduled Tribes order 1959).

The Ranchi Association filed an appeal being MAT No. 023 of 2006 before the Division Bench of High Court of Calcutta Circuit Bench at Port Blair, which too was dismissed on 07.08.2006 on the same ground. The Ranchi Association further filed a Review Petition being No. 01 of 2007 in the High Court of Calcutta Circuit bench at Port Blair which was disposed of on 14.2.2007 declining to entertain the Review petition.

In the wake of dismissal of their writ petitions they have filed Appeal (C) 9845-9847 of 2008 in the Hon'ble Supreme Court and the said appeal have been tagged along with similar appeal namely Appeal (C) 4494 of 2006 by the Hon'ble Supreme Court. The two Judges Bench comprising Mr Justice B. Sudershan Reddy & Mr Justice Surender Singh Nijjar in their order dated 7.10.2010 has directed the Registry to place the papers before the Hon'ble Chief Justice of India for constituting a bench of appropriate strength to resolve the extent and nature of interplay & the interaction among Articles 16 (4), 341 (1) and 342 (1) of the Constitution in the matter of enlistment of Scheduled Tribe migrated to another State from the State of their origin.

As such, the matter regarding recognition of migrant Ranchi Community as Scheduled Tribe in relation to the A&N Islands is sub-judice in the Hon'ble Supreme Court of India. However, a proposal for grant of special status to Chotanagpuri (Ranchi Community) for 4% reservation in posts/services of the A&N Administration was submitted to the Govt. of India, Ministry of Home Affairs vide this Admn's letter No.1-554/2010-TW/43 dated 13th Jan, 2012. Home Ministry vide letter dated 13th September, 2012 has sought some clarification regarding the term 'Special Status' and constitutional /legal provision of this proposal. A reply has been furnished to the MHA vide letter dated 13.12.2012. Subsequently a DO letter has been issued by the Chief Secretary, A & N Administration on 16.4.2013. The Deputy Secretary, MHA vide letter dated 30.4.2013 has informed that " since the matter is sub-judice in Hon'ble Supreme Court of India, the proposal for grant of special status to the Chotanagpuri (Ranchi