

Report of Andaman & Nicobar Commission for Other Backward Classes containing recommendation with regard to percentage of allocation of jobs and service to the Other Backward Classes as identified by the Commission.

At the desire of the A & N Administration, the present commission being the Andaman and Nicobar Commission for Other Backward Classes has already submitted its report to the said Administration recommending that amongst those who live to the said Administration recommending that amongst those who live in these Islands(1) the pre-1942 settlers comprising (a) the Local Borns, (b) the Bhatu (c) the Moplas and the (d) the Karens and (2) the Post-1942 settlers comprising the displaced persons from East Paksitan- now Bangladesh who have been settled in these Islands under various schemes of rehabilitation by the Central government, be listed as the Other Backward Classes of these Islands. Thereafter the commission received a request from the Administration to give its considered view on the point as to what should be the percentage of jobs and services under the Islands Administration which should be reserved for the members of the Other Backward Classes.

On receiving the request the Commission has deliberated on it. Views of the representative bodies of all the Communities recommended to be listed as Other Backward Classes of the Islands-excepting the Karens-have also been taken on this point.

It appears that the Mandal commission also considered the question and gave its recommendation in Chapter XIII of its report. We quote below the relevant portion from the Judgement of the Hon'ble Supreme court in Indra Sawhney -Vs- Union of India, reported in AIR 1993 Supreme Court 477 at page 512 which runs as follows:-

“18 , chapter XIII contains various recommendation including reservation in services. In view of the decisions of the Supreme Court limiting the total reservation to 50 percent, the Commission recommended 27% percent

reservation in favour of OBCs (in addition to 22.5 percent already existing in favour of SCs and STs).....”

It appears that the govt. of India issued two office Memorandums on the basis of this recommendation of the Mandal Commission.s The first one dated 13th August, 1990 proclaims unequivocally that:

“27% of the vacancies in civil posts and services under the Government of India shall be reserved for SEBC.”

(see para 2(1) of the notification quoted in its entirety in page 514 & 515 of the aforementioned judgment of the Hon’ble Supreme Court).

The second Memorandum dated 25th September 1991 was in the nature of an amendment to the earlier memorandum dated the 13th August 1990. But it did not interfere with or vary the reservation of 27% as declared by the earlier Memorandum dated 13th August 1990; (see the Notification reproduced in para 24 in pages 515 and 516 of the aforementioned judgment).

It is quite clear, therefore, that the Govt. of India accepted the recommendation of the Mandal commission on the point of percentage of reservation of jobs for the Other Backward Classes in toto.

As stated earlier , the Commission has also heard the views of the representatives of the communities recommended by the commission to be listed as Other Backward Classes on the point of percentage of jobs and services to be reserved. Their views are as follows:-

1. Shri John Lobo, President Local Born Association; and
2. Shri Govind, Ram, Ex-General Secretary, Local Born Association.

Their views is that the OBCs should be given reservation upto 38% (ie 50% minus 12% reserved for the Scheduled Tribes of the Islands) since there are no Scheduled castes in these Islands.

3. Shri Abdul Salam, President, Andaman Mopla Service Organization.
4. Shri Nelson Prasad, Pradhan Ferrargunj.
5. Shri Sukh Lall Monal, Pradhan, Kadamatala; and
6. Smti. Savita Sarckar, Pradhan, Sabri Gram Panchayat.

Their views are that the OBCs of the Islands should be given 38% reservation in the jobs and services.

7. Pradhan, Kalighat
8. Pradhan, Shibpur Gram Panchayat
9. Pradhan Hari Nagar Gram Panchayat
10. Pradhan Niel Kendra Gram Panchayat

These four did not appear before the Commission for reasons not known.

11. Shri Dulal Chander Naskar, Pradhan Govind Nagar, Gram Panchayat, Havelock
12. Smti. Sandhya Baroi, Pradhan, Vijaya Nagar, Gram Panchayat, Havelock

Their view is that the quota which is given to the members of the Scheduled Castes, may be given to them.

The view expressed by the above mentioned community's strike the commission as very reasonable. The Mandal Commission arrived at the figure of 27% after deducting 22.5% from the ultimate limit of 50%. This 22.5% comprised 15% of the SCs and 7.5% for the STs. In these Islands there are persons among the post 1942 Settlers –overwhelming in number—who would have come under the category of the SCs had they been living in West Bengal. The Commission has identified them as the OBC of the Island and lumped them with the other communities (pre-1942 settlers) who have been identified as OBC of these islands. In all fairness therefore, the percentage, which should have gone to the members of the Scheduled Castes should also be allotted to the OBCs of the Islands.

The Commission will recommend, therefore, 38% of the jobs and services under the A & N administration should be reserved for the OBC of the Islands. This percentage is very reasonable since the total number of the population of the OBCs appears to be about half of the population of the Islands(see the schedule appended herewith). Since the percentage of reservation of OBCs of these Islands include the quota meant for the SCs, that quota whatever that may be- should be deducted from the said percentage if at any time in future, any constituent community of the OBC of the Island is given the status of Scheduled castes.

In view of what has been stated above, the commission recommends that 38% of jobs and services under the A & N Administration should be reserved for the Other Backward Classes of A & N Islands. The Commission is also of the view that if in future any of the constituent communities of the Other Backward Classes of the Islands be declared as Scheduled Caste of the Islands, the percentage of jobs and services to be reserved for them- whatever that may be shall be deducted from the 38% of the jobs and services reserved for the Other Backward Classes.

Sd/-

(Shri F.S. Riazuddin)
Non Official Member

Sd/-

(Shri Lachman Singh)
Non Official Member

Sd/-

(Smti Pritam Kumari Nanda)
Chairperson, SWAB
Non Official Member

Sd/-

(Mr. Justice S.S. Ganguly)
Chairman
OBC Commission

Sd/-

(Shri Uddipta Ray)
Secretary(TW) and
Ex-Officio Member Secretary
OBC Commission

Schedule

(I)	The Projected population of identified communities in 1998 was as under:		
	(i) Bhatu	-	1448
	(ii) Mopla	-	26,569
	(iii) Local Born (1942)	-	77,254
	(iv) Post 42 settlers(Bengali)	-	57,948
	(v) Karen	-	1512
Total		-	1,64,731
(II)	Total Population of islands as per 1991 Census is	-	2,80,661
(III)	Total Population of islands as per 2001 Census	-	3,56,265
(IV)	Annual growth of population during the decade -1991-2001 is	-	7560
(V)	And the projected total population in 1998 is	-	3,33,581
(VI)	Thus percentage of OBCs in Islands Works out as on 1998	-	49.38%