

No. 12018/4/2005-SCD (R.L.Cell)
Government of India
Ministry of Social Justice and Empowerment

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NOTE FOR CABINET COMMITTEE ON POLITICAL AFFAIRS

Subject: Finalization of stand to be taken on behalf of the Union of India in the Supreme Court in W.P. (C) No. 180 of 2004 and related cases regarding specification of certain categories of converts to Christianity and Islam, as Scheduled Castes.

1. Introduction

The present proposal seeks directions of the Cabinet Committee on Political Affairs (CCPA) for taking a stand by the Government on the writ petitions filed in the Supreme Court of India, challenging the validity of para 3 of the Constitution (Scheduled Castes) Order, 1950, under which persons practicing Islam and Christianity cannot be specified as Scheduled Caste. Similar provision exists in five other Constitutional Orders specifying Scheduled Castes for various States/UTs.

2. Background

2.1 Article 366(24) of the Constitution defined 'Scheduled Castes' as "such castes, races or tribes or parts of or groups within such castes, races or tribes as are deemed under article 341 to be Scheduled Castes for the purpose of the Constitution."

2.2 The test applied for inclusion in the list of Scheduled Castes is 'extreme social, educational and economic backwardness arising out of traditional practice of untouchability.'

2.2.1 The Advisory Committee on the revision of Lists of Scheduled Castes and Scheduled Tribes of the Government of India in its Report submitted in 1965 (also known as Lokur Committee), also stated that : -

SECRET