

SECRET

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

"The relevant records show that in drawing up the list of Scheduled Castes, the test applied was the **Social, educational and economic backwardness arising out of traditional practice of untouchability.**"

2.2.2 The Supreme Court, in Marri Chandra Shekhar Rao Vs. Union of India [1994, SCC 244] also, inter-alia, observed that "..... **extreme social and economic backwardness arising out of traditional practices of untouchability** is normally considered as criterion for including a community in the list of Scheduled Castes.....".

2.3. The first list of Scheduled Castes after promulgation of the Constitution of India in 1950 was notified through Presidential Order of 1950 under Article 341 (1) of the Constitution. Six Presidential Orders, in all, were issued between 1950 and 1978(list in **Annexure-I, p.15**) for specifying Scheduled Castes in respect of various States/Union Territories. These Orders have been amended from time to time by Acts of Parliament enacted as per Article 341(2) of the Constitution between 1956 and 2007. Para 3 of the first Order(of 1950) says that "**no person who professes a religion different from the Hindu, the Sikh or the Buddhist religion shall be deemed to be a member of a Scheduled Caste**".

Similar paras exist in the other five Presidential Orders.

2.4. The historical background for inclusion of only three religions viz. the Hindu, the Sikh and the Buddhist at para 3 of the Constitution (Scheduled Caste) Order 1950 is at **Annexure-II, p.16-18**).

2.5. In the past, there have been demands from various quarters to specify the Scheduled Castes converted to Christianity as well as Islam, as Scheduled Castes on the analogy that this has already been done in the past in respect of Sikhs and Buddhists.

2.6. The Supreme Court in Indra Sawhney and others Vs. Union of India and others (1992 Supp(3) SCC217) upheld the reservation of 27% of vacancies in civil posts and services under the Government of India in favour of the Other Backward Classes. Besides the reservation, they also get

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