

SECRET

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

exercise of his judgment in enacting paragraph 3 of the Constitution (Scheduled Castes) Order, 1950. It is now well established that when a violation of Article 14 or any of its related provisions is alleged, the burden rests on the petitioner to establish by clear and cogent evidence that the State has been guilty of arbitrary discrimination. Having regard to the state of the record before us, we are unable to hold that the petitioner has established his case. The challenge must, therefore, fail."

2.8. The issue of inclusion of Scheduled Castes converts to Christianity was, however, taken up by the then Ministry of Welfare in their Cabinet Note dated 06.03.1996, which was considered by the Union Cabinet in its meeting held on 07.03.1996 and the Cabinet had approved the proposal for inclusion of Christian converts in the list of Scheduled Castes. The Government, thereafter proceeded to introduce a Bill in Lok Sabha to include Christians of Scheduled Castes origin as Scheduled Castes and the then Minister of Welfare on March 9, 1996 had given notice of his intention to move for leave to introduce the Bill, namely the Constitution (Scheduled Castes) Orders (Amendment) Bill, 1996 for the said purpose during the Session. The Speaker, Lok Sabha, however, declined to grant permission to introduce the said Bill, as the statutory seven-day notice for the Bill had not been given to him and a copy of the document was not given to him two days in advance. The said Bill could not, thus, be introduced in the Lok Sabha and both Houses of the Parliament adjourned sine-die on 12.03.1996.

2.9. The Cabinet, subsequently in its meeting held on 14th March, 1996 approved the proposal of the Ministry of Welfare to seek promulgation of an Ordinance to amend the Constitution (Scheduled Castes) Orders so as to include Scheduled Castes converts to Christianity as Scheduled Castes therein. However, assent of the President was not received and the Ordinance could not be promulgated.

2.10 On being pointed out by the then National Commission for Scheduled Castes and Scheduled Tribes (NCSCST), a Constitutional body, that they had

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