

3.1.2 Pleading for SC status for converts to Islam who may originally have belonged to castes, which are currently specified as SC(hereafter referred to as "SC converts to Islam" or "Dalit Muslims").

- (i) Civil Writ Petition No. 47/2006(filed by Mohamad Sadiq & another)
- (ii) Civil Writ Petition No. 13/2008 (filed by Muslim Khatik Samaj, Maharashtra)

3.2. Main Grounds of the above Petitions

These petitions have challenged para 3 of the Constitution (Scheduled Castes) Order 1950, as unconstitutional being violative of Art.14,15, and 16 of the Constitution. The main grounds mentioned in these petitions are enclosed at Annexure-XII, p.49.

3.3. The Government expanded the terms of reference of the National Commission for Religious and Linguistic Minorities, vide notification dated 28.09.2005 to give its recommendations on issues raised in the Civil W.P. No.180 of 2004 and 94/05, as follows :-

"(d) to give its recommendations on the issues raised in W.P. 180/04 and 94/05 filed in the Supreme Court and in certain High Courts relating to para 3 of the Constitution(Scheduled Castes)Order, 1950, in the context of ceiling of 50% on reservation as also the modalities of inclusion in the list of Scheduled Castes."

4. Population of SC converts to Christianity and Islam

As per 2001 Census, the population of Christians and Muslims in the country was 2.4 crore and 13.8 crore, constituting 2.34 % & 13.43 %, respectively, of the total population. However, information regarding the number of persons converted to Christianity and Islam from castes currently specified as SCs is not available. It is noteworthy that conversions have been happening over several centuries, and in cases where this happened more than a few generations ago, it may be difficult to say with certainty which caste a converted person's forefathers belonged to, before conversion- especially where their descendants have left the original caste- related occupation at some stage.