

SECRET

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

If relevant provisions of the Constitution (Scheduled Castes) Orders are amended to make specification as Scheduled Castes, religion-neutral, many more persons will be competing for the same reservation quota, unless the quota, itself is increased. At present, the normal ceiling of 50% on reservation, laid down by the Supreme Court has already been reached or nearly reached at the Centre as also in the States. In fact, some States have also exceeded it.

8. Consultation with State Governments.

8.1 For the following three reasons, State Governments/Union Territory Administrations are important stakeholders in the matter of amending provisions of existing six Constitution (Scheduled Castes) Orders:-

- i) Specification of Scheduled Castes is always in relation to a specific State or Union Territory as per Article 341 of the Constitution,
- ii) Under the approved modalities mentioned in para 2.11 above, process of specification of certain castes as Scheduled Castes begins in the Government of India only on receipt of proposal to that effect from the concerned State Government/Union Territory Administration
- iii) Once a caste is specified as Scheduled Caste, its members do not merely get reservation in Central Services and educational Institutions or benefits of Central Schemes, but also in State services and educational Institutions as also State Schemes.

8.2 In the light of the above, if any change is contemplated in para 3 of the Constitution (Scheduled Castes) Order, 1950, and similar provisions contained in the other five orders, it appears necessary to consult State Governments/UT Administrations before taking a further decision in the matter.

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