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STATUS PAPER ON RESERVATION FOR DALIT CHRISTIANS

The Scheduled Castes

The term "Scheduled Castes" appeared for the first time in the Government of India Act, 1935. Prior to that these cases were called "Depressed Classes". The Government of India (Scheduled Castes) Order 1936 was issued by the British Government specifying certain castes, including the "Depressed Classes" as Scheduled Castes. In pursuance of the powers under clause (1) of the Article 341 of the Constitution of India the list of Scheduled Castes was revised in the Constitution (Scheduled Castes) Order, 1950 and the criteria for inclusion of a community in the list of Scheduled Castes were social, educational and economic backwardness arising out of the traditional practices of untouchability. Section 3(a) of the Government of India (Scheduled Castes) Order, 1936 specified that no Indian Christian shall be deemed to be a member of Scheduled Caste, presumably on the analogy that caste-system and the practice of untouchability was not followed in Christianity.

Under the Constitution (Scheduled Castes) Order, 1950 no person professing a religion different from Hinduism shall be deemed to be a member of Scheduled Caste. The Presidential Orders specifying the Scheduled Castes have been amended from time to time and seven such Orders have so far been issued. In 1956, the Scheduled Castes of Sikh religion were specified as Scheduled Castes and the Buddhists of Scheduled Caste origin or the Neo-Buddhists were given the status of Hindu Scheduled Castes by the Constitution (Scheduled Castes) Order (Amendment) Act, 1990.

Constitutional Provisions

With a view to help the Scheduled Castes and the Scheduled Tribes for their all round development various provisions were made in the Constitution of India. Article 15(4) directed the States to make special provisions for the advancement of any socially and educationally backward citizens or for the Scheduled Castes and the Scheduled Tribes and the Directive Principle contained in Article 46 of the Constitution provided that:-

"The State shall promote with special care the educational and economic interests of the weaker sections of the people, and in particular of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation".