

SECRET

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Government of India
Ministry of Social Justice and Empowerment

Comments of the ORGI on the proposal of demand of persons of Scheduled Castes origin and converts to Christianity for inclusion in Scheduled Castes list.

Article 341 of the Constitution of India is explicit in the matter of specification of Scheduled Castes. According to clause (1) of Article 341 of the Constitution, the President may with respect to any State or Union Territory, and where it is a State, after consultation with the Governor thereof, by public modification, specify the castes, races or tribes or parts of or groups within the castes, races or tribes which shall for the purpose of the Constitution be, deemed to be Scheduled Castes in relation to that State or Union territory.

In drawing of the list of Scheduled Castes of any State or Union Territory the test applied was extreme social, educational and economic backwardness arising out of the traditional practice of untouchability'.

Further, Clause (2) of Article 341 of the Constitution provides provision that Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued under Clause (1) any caste, race or tribe or part of or group within any caste, race or tribe.

Thus, for the purpose of specification of Scheduled Caste(s) in relation to any State or Union Territory, stress has been given on social, educational and economic backwardness arising out of the traditional practice of untouchability and also for inclusion of a specific caste, race or tribe or part of or group within a caste, race or tribe in the Scheduled Castes list.

As it is, well-known, the caste system and associated practice of untouchability was a feature of Hindu society and perhaps because of this reason the Constitution (Scheduled Castes) Order which was issued in 1950 under Article 341 of the Constitution stipulated as follow:-

"...no person who profess a religion different from Hinduism shall be deemed to be a member of a Scheduled Caste."

However, it contained the following proviso:-

"Provided that every member of Ramdasi, Kabirpanthi, Mazhabi or Sikligar caste, resident in Punjab or the Patiala and East Punjab State Union shall in

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