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SECRET

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

Secret

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".....no person who professes 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 Ramdas, Kabirpanthi, Mazhabi or Sikligar caste, resident in Punjab or the Patiala and East Punjab State Union shall, in relation to that State be deemed to be a member of the Scheduled Castes whether he professes the Hindu or the Sikh religions."

By an amendment made in September 1956 to the above Presidential Order of 1950, the Hindu and the Sikh religions were placed on the same footing with regard to specification of the Scheduled Caste.

Later on, as per the amendment made in the Constitution (Scheduled Castes) Orders (Amendment) Act, 1990, the Buddhist religion was also brought under the realm of Scheduled Caste and the Hindu, the Sikh and the Buddhist religions were placed on the same footing with regard to the recognition of the Scheduled Castes.

The Supreme Court of India, while examining a significant question whether in confining the declaration to members of the Hindu and the Sikh religions, para 3 of the Constitution (Scheduled Castes) Order, 1950 discriminates against members of the Christian religion in the Writ Petition, Suoani Vs. Union of India & Others (WP No.9596 of 1983 and also in the connected WP No.1017 of 1984) explained the importance and also the basic objectives of the said para in greater detail. It is observed that it cannot be disputed that the caste system is a feature of the Hindu social structure. It is a social phenomenon peculiar to Hindu society. The division of the Hindu social order by reference at one time to professional or vocational occupation was moulded into a structural hierarchy which over the centuries crystallised into a stratification where the place of the individual was determined by birth. Those who occupied the lowest rung of the social ladder were treated as existing beyond the periphery of civilised society, and were indeed not even "touchable". This social attitude committed those castes to severe social and economic disabilities and cultural and educational backwardness. And through most of Indian history the oppressive nature of the caste structure has denied to those disadvantaged castes the fundamentals of human dignity: human self-respect and even some of the attributes of the human personality. Both history and latter day practice in Hindu society are heavy with evidence of this oppressive tyranny, and despite the efforts of several noted social reformers, specially during the last two centuries, there has been a crying need for the emancipation of the depressed classes from the degrading

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