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

Annexure-XIII

(refer para 5, page 9 of the Note)

Recommendation of the National Commission for Religious and Linguistic Minorities

A National Commission for Religious and Linguistic Minorities (NCRLM), had been constituted vide this Ministry's Resolution dated 29.10.2004. Its terms of reference were expanded, vide Resolution dated 28.09.2005, to add the following:-

“ (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.”

The Commission submitted its report on 21.05.2007, wherein it recommended inter-alia, that para 3 of the Constitution (Scheduled Castes) Order 1950, should be deleted so as to completely delink the Scheduled Caste status from religion and make the Scheduled Caste net fully religion - neutral like that of Scheduled Tribes. The above Commission consisted of a Chairperson, three Members and a Member-Secretary.

The Member- Secretary of the Commission did not agree with the Commission's above recommendation, and, in her note of dissent averred that the list of Scheduled Castes under Article 341 is religion based. Therefore, the condition of religion should not be deleted.

It is noteworthy that the majority recommendation of the Commission on this issue was not based on any socio-ethnographic study of the matter, but on the majority's impression about the social reality and legal-Constitutional arguments.

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