

SECRET

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

Extract of the relevant recommendations of the National Commission for Religious and Linguistic Minorities

Recommendation No.16.3.5: Para 3 of the Constitution (Scheduled Castes) Order 1950- which originally restricted the Scheduled Caste net to the Hindus and later opened it to Sikhs and Buddhists, thus, still excluding from its purview the Muslims, Christians, Jains and Parsis, etc. - should be wholly deleted by appropriate action 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.

Recommendation No. 16.3.6: We further recommend that all those groups and classes among the Muslims and Christians, etc. whose counterparts among the Hindus, Sikhs or Buddhists, are included in the Central or State Scheduled Castes lists should also be covered by the Scheduled Caste net. If any such group or class among the Muslims and Christians, etc. is now included in an OBC lists, it should be deleted from there while transferring it to the Scheduled Castes - placing the same persons in the Scheduled Caste list, if they are Hindu, Sikh or Buddhist but in the OBC list, if they follow any other religion- which is the case in many States- in our opinion clearly amount to religion based discrimination.

Recommendation No. 16.3.7: As the Constitution of India guarantees freedom of conscience and religious freedom as a fundamental right, once a person has been included in a Scheduled Caste list a willful change of religion on his part should not affect adversely, his or her SC status- as it would conflict with the basic constitutional provisions, relating to equality, justice and non- discrimination on religious grounds; as also with the spirit of the old and time tested Caste Disabilities Removal Act of 1850.

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