

(refer para 2.4, page 2 of the Note)

The Historical background for inclusion of only three religions in para 3 of the Constitution (Scheduled Caste), Order 1950

1. In the year 1931, in context of the Census of India, the Census Commissioner for India had given following, instructions for the purpose of categorization of 'Depressed Classes': -

" I have explained depressed castes as castes, contact with whom entails purification on the part of high caste Hindus. It is not intended that the term should have any reference to occupation as such but to those castes which by reasons of their traditional position in Hindu society are denied access to temples, for instance, or have to use separate wells or are not allowed to sit inside a school house but have to remain outside or suffer similar social disabilities."

2. In para 3 of the Government of India (Scheduled Castes) Order, 1936, it was provided that " no Indian Christian shall be deemed to be members of the Scheduled Castes."

3. Later in 1985, the Hon'ble Supreme Court of India in their judgment in the case of Soosai Vs. Union of India & others (AIR 1986 SC 733), relied upon the Constituent Assembly proceedings during framing of the Constitution, which recognized "that the Scheduled Castes were a backward section of the Hindu community who were handicapped by the practice of untouchability" and that "this evil practice of untouchability was not recognized by any other religion." The Apex Court had further observed that: -

"Now 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