



Criterion for SC Status

For Prelims: Criterion for SC Status, Constitution (Scheduled Castes) Order of 1950, Registrar General of India.

For Mains: Criterion for SC Status and Arguments for and against the Inclusion of Dalit Christians and Muslims.

Why in News?

Recently, the Supreme Court has sought the government's position on petitions challenging the **Constitution (Scheduled Castes) Order of 1950 (amended in 1956 & 1990)**, which allows only members of **Hindu, Sikh and Buddhist** religions to be recognised as SCs.

What is the Petition about?

- The petitions arguing for inclusion Dalit Christians and Muslims have cited **several independent Commission reports** that have documented the **existence of caste and caste inequalities among Indian Christians and Indian Muslims**.
- Petitions cited that even after conversion, members who were originally from SCs continued to **experience the same social disabilities**.
- The petitions have argued against the proposition that caste identity is lost upon conversion, noting that even in **Sikhism and Buddhism, casteism is not present and yet they have been included as SCs**.
- By citing various reports and commission, petitions argue that caste-based discrimination continues even after conversion, hence entitling **these communities to SC status**.

Who is included in the Constitution Order of 1950?

- When enacted, the **Constitution (Scheduled Castes) Order of 1950**, initially provided for recognising **only Hindus (with exceptions) as SCs**, to address the social disability arising out of the practice of untouchability. *However, the order also provided that every member of Ramdasi, Kabirpanthi, Mazhabi, or Sikligar caste resident in Punjab or the Patiala and East Punjab, be deemed to be a member of the Scheduled Castes whether he professes the Hindu or Sikh religion.*
- The Order was amended in 1956 to include Dalits who had converted to Sikhism (*in entirety*) and once more in 1990 to include Dalits who had converted to Buddhism. Both amendments were aided by the reports of the **Kaka Kalelkar Commission in 1955** and the High-Powered Panel (HPP) on Minorities, Scheduled Castes and Scheduled Tribes in 1983 respectively.
- The Union government in 2019 rejected the possibility of **including Dalit Christians as members of SCs**, rooting the exclusion on an Imperial Order of 1936 of the then colonial government, which had first classified a list of the Depressed Classes and specifically excluded **“Indian Christians” from it**.

Why are Dalit Christians excluded?

- The Office of the [Registrar General of India \(RGI\)](#) had cautioned the government that SC status is meant for communities **suffering from social disabilities arising out of the practice of untouchability, which it noted was prevalent in Hindu and Sikh** communities.
- It also noted that such a move would significantly swell the population of SCs across the country.
- In 2001, RGI referring to 1978 note and added that like Dalit Buddhists, Dalits who converted to Islam or Christianity belonged to different sets of caste groups and not just one, as a result of which **they cannot be categorised as a “single ethnic group”**, which is required by Clause (2) of Article 341 for inclusion.
- Moreover, the RGI opined that since the practice of **“untouchability” was a feature of Hindu religion and its branches**, allowing the inclusion of Dalit Muslims and Dalit Christians as SCs could **result in being “misunderstood internationally”** as India trying to “impose its caste system” upon Christians and Muslims.
- The 2001 note also stated that **Christians and Muslims of Dalit origin had lost their caste identity by way of their conversion** and that in their new religious community, the practice of untouchability is not prevalent.

What are the Arguments in favor of Religion-Neutral Reservation?

- The change in religion **does not change social exclusion**.
- The social hierarchy and specifically caste hierarchy **continues to remain within Christianity and Muslims** even though the religion forbids it.
- Considering the above scenario, the **reservation needs to be delinked from religion**.

Is this the first time the government has considered this issue?

- In 1996, the government first brought a **Bill to amend the Constitution (Scheduled Castes) Order** which could not be passed.
- The government within days attempted to include Dalit Christians as SCs through an Ordinance, which was sent to the President of India **but could not then be promulgated**.
- In 2000, the Atal Bihar Vajpayee government had sought the opinion of the Office of the RGI and the then [National Commission for Scheduled Castes and Scheduled Tribes](#) on whether Dalit Christians could be included. **Both had recommended against the proposition**.
- Apart from this, several attempts have been made from time to time but all failed.

What are the Constitutional Provisions For Upliftment of the Schedule Caste?

- [Article 15\(4\)](#) refers to the special provisions for their advancement.
- [Article 16\(4A\)](#) speaks of “reservation in matters of promotion to any class or classes of posts in the services under the State in favour of SCs/STs, which are not adequately represented in the services under the State”.
- [Article 17](#) abolishes Untouchability.
- [Article 46](#) requires the State ‘to promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and to protect them from social injustice and all forms of exploitation.
- [Article 335](#) provides that the claims of the members of the Scheduled Castes and the Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or of a State.
- [Article 330 and Article 332](#) of the Constitution respectively provide for reservation of seats in favour of the Scheduled Castes and the Scheduled Tribes in the House of the People and in the legislative assemblies of the States.
- **Under Part IX relating to the [Panchayats](#) and Part IXA of the Constitution relating to the Municipalities**, reservation for SC and ST in local bodies has been envisaged and provided.

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