



Supreme Court: Quota for Dalit Muslims and Christians – Story so Far

Published On: 20-09-2022

What's in News?

The Centre is likely to soon decide on setting up a **national commission to study the social, economic and educational status of Dalits who converted to religions other than Hinduism, Buddhism and Sikhism**

Rationale and Quota for SC community:

- The **original rationale behind giving reservation to Scheduled Castes** was that these sections had **suffered from the social evil of untouchability, which was practised among Hindus**.
- Under **Article 341 of the Constitution**, the **President** may *"specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall...be deemed to be Scheduled Castes"*.
- The first order under this provision was issued in **1950, and covered only Hindus**.
- Following demands from the Sikh community, an order was issued in **1956, including Sikhs of Dalit origin** among the beneficiaries of the SC quota.
- In **1990, the government acceded to a similar demand from Buddhists of Dalit origin**, and the order was revised to state: *"No person who professes a religion different from the Hindu, the Sikh or the Buddhist religion shall be deemed to be a member of Scheduled Caste."*
- But, **Dalits who convert to Christianity and Islam doesn't get Quota benefits**.

ST and OBC's Convert Quota:

- The **religion-based bar does not apply to converted STs and OBCs** as well
- As per the Department of Personnel and Training (DoPT), *"The rights of a person belonging to a Scheduled Tribe are independent of his/her religious faith."*
- Following the implementation of the Mandal Commission report, several Christian and Muslim communities have found place in the Central and state lists of OBCs.

Efforts that have been made to include Muslims and Christians of Dalit origin among SC:

- After 1990, a number of Private Member's Bills were brought in Parliament for this purpose.
- In 1996, a government Bill called The Constitution (Scheduled Castes) Orders (Amendment) Bill was drafted, but in view of a divergence of opinions, the Bill was not introduced in Parliament.
- The UPA government headed by Prime Minister Manmohan Singh set up two important panels:
- (i) the **National Commission for Religious and Linguistic Minorities**, popularly known as the **Ranganath Misra Commission**, in October 2004; and
- (ii) a seven-member high-level committee headed by former Chief Justice of Delhi High Court **Rajinder Sachar** to study the social, economic, and educational condition of Muslims in March 2005.
- The **Sachar Committee Report** observed that the social and economic situation of Dalit Muslims and Dalit Christians did not improve after conversion.
- The **Ranganath Misra Commission**, which submitted its report in May 2007, recommended that SC status should be *"completely de-linked...from religion and...Scheduled Castes [should be made] fully religion-*

neutral like...Scheduled Tribes”.

- The report was tabled in both Houses of Parliament on December 18, 2009, but its recommendation was not accepted in view of inadequate field data and corroboration with the actual situation on the ground.
- Later, a report by a **team of sociologists led by Satish Deshpande** said in January 2008 that there was a strong case for extending SC status to Dalit Christians and Dalit Muslims.

News Summary:

- The proposed commission may have three or four members with its chairman holding the rank of a Union Cabinet Minister — and a possible timeframe of well over a year to submit its report.
- Apart from mapping the changes in status and situation of Dalits who have converted to Christianity or Islam, the proposed commission will also study the impact of adding more members to the current SC list
- The Scheduled Castes enjoy a 15 per cent reservation in direct recruitment to central government jobs against 7.5 per cent quota for STs and 27 per cent for OBCs.
- The proposal to set up a panel is guided by an understanding that there is no definitive data available with the government to arrive at a clear position on the matter.