

PRESS RELEASE

Text of the D.O. letter dated 9.8.2013 addressed by **Selvi J Jayalalithaa**, Hon'ble Chief Minister of Tamil Nadu to **Dr.Manmohan Singh**, Hon'ble Prime Minister of India is reproduced below:-

"I had written to the then Prime Minister of India on 28th November, 1995, urging that Scheduled Caste persons professing Christianity should be included in the list of Scheduled Castes/Scheduled Tribes through an Act of Parliament, meeting the requirements of Articles 341(1) and 342(2) of the Constitution. The issue of inclusion of the Scheduled Caste Christians within the definition of the term Scheduled Castes has been the subject of repeated representations by Scheduled Caste Christian groups and protracted correspondence initiated by the Government of Tamil Nadu with the Government of India. The substantive grounds that I had listed in my first letter on this issue still hold good. In fact, they have been reiterated and endorsed by the National Commission for Religious and Linguistic Minorities appointed by the Government of India, headed by Justice Ranganath Misra.

Tamil Nadu is one of the most progressive States in the Country in the matter of implementing policies and schemes for the uplift and empowerment of the Scheduled Caste population, including Scheduled Caste Christians. Under my leadership, the Government of Tamil Nadu accords the topmost priority to the welfare of the Scheduled Castes. We have been implementing an integrated and comprehensive programme for Scheduled Castes, including the provision of house sites, housing, amenities, drinking water supply, link roads, street lights and hut electrification, which is one of the best in the Country. Scheduled Caste students, including Scheduled Caste Christian students are also accorded benefits like Scholarships, Fee Concessions, Special Incentives for Scheduled Caste Girl Students, Supply of Free Text Books and study material, Note Books, Uniforms, Footwear, Bi-cycles, and Laptop Computers. As a result of these comprehensive policy initiatives, we have ensured the steady flow of benefits and opportunities for the development and growth of the Scheduled Castes in the State.

However, as a result of the restrictive nature of the definition of the term "Scheduled Castes" found in para 3 of the Constitution (Scheduled Castes) Order, 1950, as amended from time to time, the various welfare measures and policies designed for the Scheduled Castes have largely benefited only those amongst the Scheduled Castes who profess Hinduism, Sikhism and Buddhism. A sizeable population of Scheduled Castes who profess Christianity has been excluded and remains outside the purview of all the Centrally assisted welfare and ameliorative measures and most importantly is excluded from the benefit of reservation in educational institutions and employment in public services for the Scheduled Castes.

Since my Government is committed to a policy of affirmative action in favor of the Scheduled Castes, **irrespective of creed or religion**, we have done our utmost to implement schemes that will benefit Scheduled Castes converted to Christianity on par with other Scheduled Castes. The cornerstone of Indian democracy is secularism, which rests on the three pillars of equality, social justice and equity for all its citizens, **without discrimination on the basis of caste, creed, sex or religion**. The position of Scheduled Caste persons belonging to the minority religions is very similar to Scheduled Caste persons professing Hinduism, Sikhism or Buddhism. Yet, they are being unfairly kept out of the purview of the constitutional scheme of protection and reservation envisaged by the Constitution (Scheduled Castes) Order, 1950.

The National Commission for Religious and Linguistic Minorities headed by Justice Ranganath Misra concluded that, on a careful examination of prevalence of the caste system among various sections of the Indian citizenry, caste is in fact a social phenomenon shared by almost all Indian communities irrespective of their religious persuasions. Many of the particular castes are found simultaneously in various religious

communities, equally facing problems of social degradation and mistreatment both by their co-religionists and the others. The Commission further found that the Constitution of India prohibits any discrimination between citizens on the basis of caste, and yet it sanctions special affirmative measures for Scheduled Castes. At the same time the Constitution prohibits any discrimination on the ground of religion. The Commission concluded that any religion-based discrimination in selecting particular castes for affirmative action will conflict with the letter and spirit of the Constitutional provisions.

The Constitution (Scheduled Castes) Order, 1950, issued by the President of India derives its sanction under Article 341 of the Constitution. The term "Scheduled Castes" has been defined in Article 366 (24) read with Article 341(1) as:

"Scheduled Castes means such castes, races or tribes or parts of or groups within such castes, races or tribes as are deemed under article 341 to be Scheduled Castes for the purposes of this Constitution". It is apparent that the **Constitution of India does not confine the category of Scheduled Castes to any select religion**. By extending the benefits of positive affirmation to a certain category of persons and then to proceed to confine the benefits under the Constitution Order, 1950, to citizens professing only specified religions like Hinduism, Sikhism or Buddhism and excluding from its purview citizens professing other religions, is not only ultra vires Article 341 but also militates against the fundamental rights guaranteed by the Constitution to liberty of thought, expression, **belief, faith and worship to all its citizens**.

The Constitution (Scheduled Castes) Order, 1950, is not carved in stone. In the context of the changing nature of the socio economic structure of Indian Society since 1947, the Order can and must be amended so as to be in tune with the socio economic realities of modern day India. Continuing to keep the benefits of reservation in education and public services out of the reach of Scheduled Caste Christians because of the restrictive definition of Scheduled Caste found in the Constitution (Scheduled Castes) Order, 1950, is an ongoing injustice which must be ended forthwith.

The social tensions over the status of unbalanced growth between the Hindu Scheduled Castes and the Christian converts have only aggravated over time and the sense of alienation amongst the minority communities has further deepened. Therefore, I wish to emphasize that the matter cannot brook any further delay. I, therefore, request that Scheduled Caste Christians be treated on par with Hindus, Sikhs or Buddhists, and should be included in the list of Scheduled Castes annexed to the Constitution (Scheduled Castes) Order, 1950. To enable this, as recommended by the Ranganath Misra Commission, para 3 of the Constitution (Scheduled Castes) Order, 1950, must be deleted. Early disposal of the pending Writ Petitions in the Supreme Court filed by or on behalf of Scheduled Caste converts to Christianity challenging the validity of para 3 of the Constitution (Scheduled Castes) Order should also be ensured by the Government of India by filing its counter affidavit supporting the request of Scheduled Caste Christians.

Prompt action should now be taken by the Government of India to initiate the necessary statutory steps to include all Scheduled Castes irrespective of religion within the ambit of the status of Scheduled Castes listed in the Constitution (Scheduled Castes) Order, 1950, and bring in necessary legislation in the current session of Parliament."

Issued by : Director of Information & Public Relations, Chennai – 9.
Date : 9.8.2013