

AS INTRODUCED IN THE RAJYA SABHA
ON 19TH DECEMBER, 2008

Bill No. XLI of 2008

THE CONSTITUTION (SCHEDULED CASTES) ORDER
(AMENDMENT) BILL, 2008

A

BILL

further to amend the Constitution (Scheduled Castes) Order, 1950.

BE it enacted by Parliament in the Fifty-ninth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Scheduled Castes) Order (Amendment) Act, 2008. Short title.

5 **2.** In paragrah 3 of the Constitution (Scheduled Castes) Order, 1950, for the words "the Sikh or the Buddhist", the words, "the Sikh, the Buddhist or the Muslim" shall be substituted. Amendment of
Para 3 of the
Constitution
(Scheduled
Castes) Order,
1950.

STATEMENT OF OBJECTS AND REASONS

Dalit Muslims *i.e.* Arzals are at the bottom of Muslim hierarchy. The Sachar Committee report has indicated that their population is around 0.78% of total Indian Population and their educational, economic and social status is worse than their counterparts in the Hindu community. The fact is that at present, Dalit Muslims have been given this status of the other backward classes (OBC).

2. Bone of contention really began when the Presidential Order in 1950 added religious ban thereby restricting the benefit only to the Scheduled Castes professing Hinduism. Even Muslims, Sikhs and Buddhists were expelled out from this category. Thereafter, Sikhs and Neo-Buddhists were re-included in this Order in 1956 and 1990, respectively. So by now, para-3 of the Order of 1950 contains words like Hindu, Sikh and Neo-Buddhists.

3. The Cabinet on the 18th May, 2007, decided that the matter of inclusion of Arzals in Scheduled Castes category will be considered after seeing the report of the Rang Nath Mishra Commission.

4. The Rang Nath Mishra Commission Report was submitted to the Prime Minister Office on the 21st May, 2007, which has recommended strongly in favour of religions of not only Dalit Muslims but also Christians, Parsis and Jain Dalits.

5. National Commission for Scheduled Castes has also recommended positively to the Ministry of Social Justice on the 18th December, 2007 for inclusion of Dalit Muslims in the category of Scheduled Castes.

6. The percentage of Arzals in total population is very low. If such, a microscopic population is included in Scheduled Castes by lifting the religious ban from the Presidential Order, 1950 or by adding the word Muslim alongwith Hindu, Sikh and Neo-Buddhists in para-3 of this order thus reverting back to the original Government (Scheduled Castes) Order, 1936, there would be very little shifting of population from one (OBC) category to another (Scheduled Castes) category. So for the inclusion of Dalit Muslims in Scheduled Castes, the easiest way will be to add the word "MUSLIM" along with Hindu, Sikh and Neo-Buddhists in the aforesaid Order, for which necessary amendment of para-3 of the Scheduled Castes Order 1950 is essential.

Hence, this Bill.

DR. EJAZ ALI

ANNEXURE

EXTRACTS FROM THE CONSTITUTION (SCHEDULED CASTES) ORDER, 1950

The Constitution (Scheduled Castes) Order, 1950

3. Notwithstanding anything contained in paragraph 2, no person who professes a religion different from the Hindu, the Sikh or the Buddhist religion shall be deemed to be a member of a Scheduled Caste.

RAJYA SABHA

A

BILL

further to amend the Constitution (Scheduled Castes) Order, 1950.

(Dr. Ejaz Ali, M.P.)