

AS INTRODUCED IN THE RAJYA SABHA
ON THE 13TH MARCH, 2015

Bill No. X of 2015

THE CONSTITUTION (SCHEDULED CASTES) ORDER
(AMENDMENT) BILL, 2015

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BILL

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

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

1. This Act may be called the Constitution (Scheduled Castes) Order (Amendment) Act, 2015.

C.O. 19.

2. In the Constitution (Scheduled Castes) Order, 1950, for paragraph 3 the following shall be substituted:—

“3. Notwithstanding anything contained in paragraph 2, a citizen of India professing a religion of Hinduism, Sikhism, Buddhism, Christian or Islam shall be deemed to be a member of a Scheduled Caste.”

Amendment
of the
Constitution
(Scheduled
Castes) Order,
1950.

STATEMENT OF OBJECTS AND REASONS

In accordance with the provisions of clause (1) of article 341 of the Constitution, six Presidential Orders were issued specifying Scheduled Castes in respect of various States and Union territories. These Orders have been amended from time to time by Acts of Parliament enacted under clause (2) of article 341 of the Constitution.

Article 15 of the Constitution mandates that the State shall not discriminate on the basis of religion, caste creed, gender, etc. in 1950, the Scheduled Caste status was created aimed at addressing historical caste based socio-economic deprivation, however, the benefits of this Presidential Order were restricted to only those citizens professing the Hindu religion. The Presidential Order has been amended and it has been realized through the National Commission for Minorities and the Ranganath Mishra Commission that this denial of Schedule Caste status on the basis of religion is discriminatory and is a breach of the equality clause guaranteed by article 14 of the Indian Constitution and is particularly egregious as article 25 empowers every person in India to practise and profess any religion.

In order to give effect to the above changes, it is necessary to amend the Constitution (Scheduled Castes) Order, 1950.

The Bill seeks to achieve the aforesaid objectives.

HUSAIN DALWAI

ANNEXURE

EXTRACTS FROM THE CONSTITUTION (SCHEDULED CASTES) ORDER, 1950
C.O. 19

In exercise of the powers conferred by clause (1) of article 341 of the Constitution of India, the President, after consultation with the Governors and Rajpramukhs of the States concerned, is pleased to make the following Order, namely:—

* * * * *

[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.]

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RAJYA SABHA

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BILL

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

(Shri Husain Dalwai, M.P.)