

## Can Christians and Muslims Claim SC Status? [UPSC Current Affairs]

In March 2023, the Kerala High Court invalidated the election of A Raja, a legislator from the Devikulam Assembly constituency in the Idukki district, belonging to the Communist Party of India (Marxist). The court ruled that Raja, being a Christian who has been baptized, is not eligible to contest from a seat reserved for Scheduled Castes (SC).

This is an important topic for the [IAS exam](#) polity and governance segment.

### Reservation of Seats for SC and ST Candidates

- **Article 334** of the Constitution of India provides for the reservation of seats for Scheduled Castes (SC) and [Scheduled Tribes \(ST\)](#) in the Lok Sabha and State Legislative Assemblies.
  - The article stipulates that the provisions for reservation of seats and special representation for SCs and STs shall cease to have an effect on the expiration of a period of 70 years from the commencement of the Constitution.
  - The Constitution (Seventy-Seventh Amendment) Act, 1995 extended the period of reservation for another 10 years, i.e., till January 25, 2020. Later, the [Constitution \(One Hundred and Fourth Amendment\) Act, 2019](#) further extended the reservation for another 10 years, i.e., till January 25, 2030.
  - The objective of providing reservations for SC and ST is to ensure their adequate representation in the Parliament and State Legislative Assemblies.
  - The reservation of seats is based on the principle of affirmative action, which aims to uplift the underprivileged sections of society and promote social justice.
  - The Constitution provides for the reservation of seats for SCs and STs in proportion to their population in the country.
  - The total number of seats reserved for SCs and STs cannot exceed 15% and 7.5%, respectively, of the total number of seats in the [Lok Sabha](#) and State Legislative Assemblies.

#### The bone of contention:

- During the framing of the Indian Constitution in 1950, an order was issued under Article 341, known as the Constitution (Scheduled Castes) Order. This order authorized the President of India to publicly notify and identify the "castes, races or tribes or parts of or groups within castes, races or tribes" that would be considered Scheduled Castes (SC) for the purpose of the Constitution.

- Initially, the order recognized only Hindus as SCs. However, in response to political pressure, it was amended to include Sikhs in 1956 and Buddhists in 1990. Nevertheless, no provisions were made to include disadvantaged communities within the Muslim and Christian religions in the definition of SCs.

### Argument for not including Muslim and Christian religions in SCs

- During the November 2022 hearing of 'Centre for Public Interest Litigation and Another vs Union of India', the Central government argued that the Constitution (Scheduled Caste) Order of 1950, which was challenged in the case, was based on historical data that showed no evidence of backwardness or oppression faced by members of Christian or Islamic society.
- The government affidavit also stated that Dalits convert to Islam or Christianity to escape the oppressive system of untouchability in Hinduism, which is not present in these religions.
- Additionally, the government quoted a dissenting note from the National Commission for Religious and Linguistic Minorities report, which asserted that Islam and Christianity are foreign religions that do not recognize the caste system. According to the report, granting SC status to converts would introduce the caste system into those religions.

### Conclusion:

- To address the issue of granting Scheduled Caste status to individuals who claim to have a historical connection to the community but have converted to religions other than those mentioned in the Presidential Orders issued under Article 341 of the Constitution, the Centre has formed a three-member commission led by former CJI KG Balakrishnan.
  - The commission is set to submit its report in 2024. However, the question of whether Muslim and Christian Dalits should be eligible for reservations remains unanswered before the apex court.