

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

WRIT PETITION (CIVIL) NO.180 OF 2004

CENTRE, PUBLIC INTEREST LITIGATION & ANR

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(With appln(s) for intervention and impleadment)

with Writ Petition (C) No.94 of 2005

(With office report)

Date: 28/11/2005 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.K. THAKKER

HON'BLE MR. JUSTICE R.V. RAVEENDRAN

For Petitioner(s)

Mr. Prashant Bhushan,Adv.

In WP 180/2004:

Ms. Kamini Jaiswal,Adv.

In WP 94/2005:

Dr. M.P. Raju,Adv.

Mr. Ashwani Bhardwaj,Adv.

In WP 625.2005:

Ms. Kamini Jaiswal,Adv. - Mentioned by

For Respondent(s)

Mr. T.L.V. Iyer,Sr.Adv.

Ms. Pinky Anand,Adv.

Mr. A. Raghunath, Adv.

Mr. Bhaskar Y. Kulkarni, Adv.

Mr. Gopal Subramaniam, ASG.

Mr. Gaurav Agrawal, Adv.

Mr. B. Krishna Prasad, Adv.

Mr. Bhupender Yadav, Adv.

Mr. R.C. Kohli, Adv.

Mr. Chinmoy Khaladkar, Adv.

Mr. S.K. Nandy, Adv.

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Ms. Pinky Anand, Adv.

Mr. D.N. Goburdhun, Adv.

Ms. Geeta Luthra, Adv.

Dr. M.P. Raju, Adv.

Mr. S.P. Sharma, Adv.

In-person

UPON hearing counsel the Court made the following

O R D E R

The challenge in these matters is to the constitutional validity of Paragraph (3) of the Constitution (Scheduled Castes) Control Order, 1950. In substance, the grievance projected by the petitioners is that the scheduled castes, on conversion of their religion to Christianity, lose all their benefits as of the scheduled castes on account of the operation of Paragraph (3) of the aforesaid order and, thus, the order is constitutionally invalid. We may

examine, if necessary, this question after we are informed as to the progress made in the proceedings before the National Commission for Religious and Linguistic Minorities [for short, "the Commission"]. It has been pointed out that on 28th September, 2005, terms of reference of the Commission have been amended and the Commission has been asked to give its recommendation on the issues raised herein as also in the context of the ceiling of fifty per cent on reservation in terms of the decision of this Court in Indra Sawhney vs. Union of India & Ors. (1992 Suppl. (3) S.C.C.217). On the issues involved, at this stage, we express no opinion. We may have to hear the matter in detail after the information is supplied, as aforementioned.

We are not linking the examination of the issue by this Court only on the recommendation by the Commission and have directed for the aforesaid information because that may facilitate the examination by this Court.

List the petitions for directions in the third week of February, 2006 on a non-miscellaneous day.

List Writ Petition (C) No.625 of 2005 along with the writ petitions.

[ T.I. Rajput ]  
Court Master

[ V.P. Tyagi ]  
Court Master