

SUPREME COURT OF INDIA

Centre, Public Interest Litigation

Vs.

Union of India (UOI)

(2011) 1 SCC 0560

(S.H.Kapadia,C.J., K.S.Panicker Radhakrishnan and Swatanter Kumar,JJ.,)

21.01.2011

ORDER

1. On oral application made by Mr. Prashant Bhushan, learned Counsel for the Petitioners, National Commission for Minorities and National Commission for Scheduled Castes are to be added as party Respondents since for following constitutional issues are arising:

“[1] Whether Paragraph (3) of the Constitution (Scheduled Castes) Order, 1950 issued in exercise of Article 341(1) of the Constitution of India, which says that "Notwithstanding anything contained in paragraph 2, no person who professes a religion different from Hinduism, Sikhism and Buddhism shall be deemed to be a member of a Scheduled Caste" is unconstitutional and void, being violative of Articles 14, 15, 16 and 25 of the Constitution of India?

[2] Whether a Scheduled Caste professing a religion different from Hinduism, Sikhism and Buddhism can be deprived of the benefit of Paragraph 3 of the Constitution (Scheduled Castes) Order, 1950, in violation of Articles 14, 15, 16 and 25 of the Constitution of India?

[3] Whether non-inclusion of "Christians" and "Muslims" in Paragraph (3) of the Constitution (Scheduled Castes) Order, 1950, along with Hinduism, Sikhism and Buddhism, is discriminatory and violative of Articles 14, 15, 16 and 25 of the Constitution of India?”

2. Let notice be issued to the newly added Respondents.

3. Notice to newly added parties be served via Dasti.

4. Since very important constitutional issues are arising in these cases, we request Shri T.R. Andhyarujina, learned senior counsel, to assist the Court as amicus. Copies of the Paper Books and other compilation in the main matter be given to Shri T.R. Andhyarujina.

5. Place these matters for final disposal on 24th February, 2011, subject to over-night part-heard.