

Reservation, Conversion and the Constitution

Lekshmi Parameswaran



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भारत नीति प्रतिष्ठान
India Policy Foundation

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PREFACE

The *Varna* classification is an old feature of Hindu society and has shaped social roles and interactions for centuries. With the passage of time, amid socio-political upheavals, a broader *Varna* system got disintegrated into the system of *Jāti* (later translated into English as Caste), where social identity was tied to birth and profession. Over time, this *Jāti* structure further twisted into a rigid hierarchical system which gave certain privileges to some groups, termed *uchch varna* (higher class), but put several restrictions on other groups, some of whom were later termed as 'untouchable' and further marginalised.

Although Untouchability was formally abolished with the adoption of the Constitution under Article 17, its social, political, and economic impact is still visible in many parts of the country. Caste-based discrimination remained one of the fundamental challenges facing India at the time of independence, giving rise to the enduring dilemma of how to address historical injustices through constitutional means while preserving social cohesion, equality, and national unity. At the heart of this debate lies the delicate balance between justice and progress.

Affirmative action, in the form of 'reservations', emerged as a response to social marginalisation. The framers of the Constitution recognised that legal equality alone would not dismantle entrenched social hierarchies, and that targeted measures were necessary to ensure a level-playing field for those who had borne the heaviest burdens of caste-based discrimination.

Reservations were envisaged as a compensatory and transitional mechanism, designed to correct historical wrongs without permanently institutionalising social fragmentation. Over time, as religious conversions of Hindus became more widespread, a section began to demand that Scheduled Caste reservations should be made available to the 'converts' also, which led to concerns about the risk of entrenching new divisions within the social fabric.

This paper seeks to revisit the origins, evolution, and contemporary challenges of the reservation framework in India, with particular attention to the debate surrounding religious conversion and eligibility for Scheduled Caste status. Drawing on historical sources, constitutional debates, legal developments and contemporary social realities, this study seeks to explain why reservations were introduced, the limits envisioned by the Constitution's framers, and why these issues continue to generate debate in contemporary India.

A central theme of this work is the distinction between *Jāti* (caste) as a socio-religious institution that is historically rooted in Hindu society alone and the absence of clearly defined similar structures in Islam and Christianity. The framers of the Constitution

clearly understood that Scheduled Caste status was linked to the practice of untouchability, a form of social disadvantage that emerged from specific historical conditions within Hindu society and its related practices.

Reservations were not meant to become benefits based on religion, nor were they intended to be extended in ways that would dilute their original purpose or introduce communal considerations into the constitutional framework. By examining the views of Dr. B.R. Ambedkar, the debates of the Constituent Assembly, and the teachings of different religious traditions, this paper aims to clarify contemporary arguments that often confuse caste, religion, identity, and political power.

The relevance of this inquiry has been underscored in recent years by renewed political and legal attention to the issue of reservations and conversions. The subject gained particular prominence during the Lok Sabha election campaign of 2024, when demands for extending reservations to Muslims and Christians featured prominently in political speeches and public discourse. Calls by certain sections of Christian and Muslim communities to be included under the Scheduled Caste category, along with their demands for access to reservations in education, employment, and elected bodies, have generated significant public debate and controversy.

Prior to this, in October 2022, the Union Government constituted a three-member Commission headed by Justice K.G. Balakrishnan, former Chief Justice of India, to examine whether individuals belonging to Scheduled Castes who convert to Islam or Christianity should continue to get the benefits associated with Scheduled Caste status after religious conversion. The constitution of this Commission reignited long-standing debates on the relationship between caste, religion, and affirmative action. While opinions remain sharply divided on the inclusion of religious converts within existing reservation categories, the issue has acquired renewed urgency in light of evolving social realities and political arguments.

Against this background, the study examines the idea of reservations, their constitutional basis, and how they have developed through law and policy over time. It looks at the Constituent Assembly debates, the recommendations of various commissions, court judgments, and government orders that have shaped India's reservation system. It also explores whether social divisions within Christianity and Islam are comparable to the *jāti* (caste) system in Hindu society, and whether these religions have a history of birth-based discrimination similar to untouchability. It also examines the role of transnational networks in providing various forms of support to individuals who convert to Christianity or Islam.

The purpose of this analysis is not merely to recount historical developments or legal provisions, but to contribute meaningfully to an ongoing national conversation. By revisiting historical foundations, constitutional debates, and contemporary challenges, it seeks to promote a more informed and reasoned public discourse and to distinguish fact from misrepresentation. It is hoped that the perspectives offered in this work will assist policymakers, scholars, and citizens in engaging thoughtfully with the issue of reservations and conversions, and in reflecting on how the principles of justice, equality, and national unity can be upheld without compromising the spirit and intent of the Constitution.

Untouchability and Classification of Scheduled Castes

Hindu society, one of the oldest surviving social systems, is identified by its universally inclusive spirituality, numerous traditions, and diverse customs. Historically, it also consisted of the varna and jāti structures, which governed roles, hierarchy and interactions. The varna system classified society into four broad categories—*Brahmin*, *Kshatriya*, *Vaishya*, and *Shudra*—while the jāti system consisted of thousands of localised and occupation-based sub-groups.

Over time, the relatively fluid varna system transitioned into the more rigid jāti system, where social identity became closely tied to birth and profession. Further stratification led to entrenched hierarchies and restrictions, particularly impacting those on the margins of the socio-economic structure, who were later labelled as “lower caste”, some of whom were further marginalised as “untouchable”. This labelling reinforced a system of discrimination and marginalisation, the repercussions of which continue to be seen even in the twenty-first century.

The Evolution of Untouchability

The practice of untouchability has played a divisive role in the social structure of Hindu society, although its origins and evolution remain subject of scholarly debate. A critical analysis of Hindu practices suggests that concerns regarding extreme ritual purity and hygiene may have contributed to early forms of social segregation.

The emphasis on maintaining bodily and environmental purity is evident in several long-standing customs, such as purification rituals for individuals after touching a dead body of any animal, eating meat, or attending a funeral. Putting menstrual restrictions on women attending religious ceremonies, or entering kitchens, were also quite common. Frequent pandemics and spread of infectious diseases used to take huge toll on human and animal lives, which also resulted in putting extra emphasis on maintaining distance from sick or dead bodies, and from those individuals and communities who disposed the dead. These practices, which have persisted into the twenty-first century in some communities, indicate that early notions of purity and pollution were not necessarily rooted in systemic social exclusion but rather in hygiene and ritualistic concerns.

However, over time, some of these practices corrupted into a rigid and codified system of untouchability, leading to the marginalisation of specific communities. Textual

evidence from ancient Indian literature suggests that early social divisions were not as inflexible as they later became. There are several instances of marriage between individuals from different varna and occupations. For instance, in the Mahabharata, Satyawati's father, a fisherman, exercised considerable influence by imposing a condition on King Shantanu that if he wanted to marry Satyawati, the king's beloved son, Devavrata (Bhishma), must renounce his claim to the throne in favour of future offspring of Satyawati. This episode suggests that varna or caste identity, at least during that period, did not necessarily preclude individuals from exerting political influence or negotiating social mobility. Nevertheless, the transition from a relatively fluid system to a more rigid hierarchical order was influenced by later texts which reinforced jāti-based occupational and social restrictions.

Many writers claim that it was Rigveda that provided the conceptual framework for the varna system. However, the Purusha Sukta hymns describes Purusha as the all-pervasive Universal Being. It says:

- *The Purusha (Universal Being) has Thousand Heads, Thousand Eyes and Thousand Feet (Thousand signifies innumerable which points to the omnipresence of the Universal Being). (1:1)*
- *He envelops the World from all sides (i.e. He pervades each part of the Creation), and extends beyond in the Ten Directions. (1:2)*
- *The Brahmanas were His Mouth, the Kshatriyas became His Arms. (12:1)*
- *The Vaishyas were His Thighs, and the Shudras were His Feet. (12:2)*
- *The Moon was born from His Mind and the Sun was born from His Eyes. (13:1)*
- *Indra and Agni (Fire) were born from His Mouth, and Vayu (Wind) was born from His Breath. (13:2)*
- *His Navel became the Antariksha (the intermediate Space between Heaven and Earth), His Head sustained the Heaven. (14:1)*
- *From His Feet the Earth (was sustained), and from His Ears the Directions (were sustained); in this manner all the Worlds were regulated by Him. (14:2)*

In the above verses, it is clear that the Purusha is described as an all-inclusive, all-pervasive being, encompassing all living beings, celestial bodies and knowledge. All the four Varnas are shown as part of this Universal Being, as are Sun, Moon and Earth, including water, air and fire. So, it is a deliberate twist to claim that Rigveda gave Shudra a lower status, of feet of Purusha, because it further says that from Purusha's feet the Earth was sustained. And the Earth provides for all living beings.

The Vedic Period does not have any explicit mentions of untouchability in its rigid form, though certain activities were deemed impure but type of work never excluded any person from society.¹ Even the term mleccha that was originally used in this period was used only to refer to foreigners or invaders, or those considered impure due to their non-adherence to Vedic principles and beliefs.

1. Michael Witzel, Early Sanskritization: Origin and Development of the Kuru State (1995)

Dharma Shastras and Smritis, believed to be written much later, and possibly updated and revised several times during reigns of Shunga dynasty (187-57 BC), Gupta dynasty (320-550 CE), under various Buddhist and Muslim rulers and finally under British colonial administration, articulate stricter divisions between varnas and the roles of those outside this structure. The available copy of Manusmriti (changed with the course of time) categorise certain groups as antyajas (those outside the varna system) and prescribe restrictions on their interaction with people from all four varnas.² Tasks that were considered impure from hygiene perspective, like handling corpses, or tanning leather, were handled by the antyaja and it mentioned purification rituals for individuals who came into contact with them, leading to the marginalisation of these communities.

The Buddhist and Jain Texts (500 BCE–200 CE) also indicated jāti or occupation-based exclusion. Buddhist texts like Sutta Pitaka highlighted the plight of marginalised groups like Chandals that are often associated with untouchability. Jain scriptures also had mention of untouchables, referring to groups engaged in occupations like hunting or butchery, which were condemned by Jain principles of non-violence.

In the Mauryan period (321–185 BCE), the Arthashastra by Kautilya has reference to Chandals, where they are described as living on the outskirts of villages, performing tasks like disposing of dead bodies, which were considered a health-hazard.

Some historians claim that untouchability took on an institutionalised form during the Gupta period (320–550 CE). There was more emphasis on the ritual purity of Brahmins which lead to stricter segregation of those deemed impure.³ Inscriptions and texts from this period mention the segregation of Chandals and their relegation to stigmatised occupations. In Katyayana Dharma Shastra which belonged to the Gupta period, the term *asprasya* (*asprishya*) or untouchable was first mentioned.⁴

From here on, there was more emphasis on ritual purity and certain food practices came to be regarded as pure (*shuddh*) and impure (*ashuddh*). The different professions that the jatis were engaged in also influenced their diet. The Shudras and those outside the varna system who were engaged in professions involving leatherwork, butchery, or scavenging, consumed a diet that was considered unhealthy and they began to be considered as impure. During this period, strict food sharing restrictions also came into place, probably due to the fear of contamination.

Frequent attacks by Arab, Turk and Mongol invaders in the second millennium and subsequent Muslim rule reinforced social hierarchies. The Delhi Sultans and Mughals appointed Brahmins, Kshatriyas and Vaishyas as administrators, scholars and revenue collectors. Further, the imposition of the *jizya* tax (a tax on non-Muslims) widened the already existing economic disparities as the Hindus in positions of power, and most Brahmins, often received tax exemptions.

In addition to this, the Kshatriyas formed alliances through marriage and military service with Mughals, and the Vaishyas continued their business activities by paying taxes to

2. Patrick Olivelle, *Manu's Code of Law: A Critical Edition and Translation of the Manava-Dharmasastra* (2005)

3. R.C. Majumdar, *The History and Culture of the Indian People, Volume III: The Classical Age*.

4. Hindu College Gazette, Symposium Society, Hindu College.

successive rulers. However, the Shudras had to face additional stress due to the brutal governance and incessant violence during Muslim rule. Even in military recruitment, those from lower jatis were relegated to menial labour. This also allowed privileged groups to maintain a stronghold on their professions and prevent others from entering into their domain, a practice that was not originally in place.

Despite the social divisions that existed, it was not until the British conducted the Census of India in 1871 that the jati or caste identities were classified into rigid categories.⁵ Though the British claimed that the exercise was carried out for administrative ease but what it did in reality was to solidify caste identities. Based on occupation, ritual status, and hereditary identity, they ensured that caste mobility was no longer possible through social and economic means.⁶ They introduced the Permanent Settlement (1793) and Ryotwari System (1820), which granted land rights mostly to upper-caste zamindars and landlords, leaving lower castes as landless labourers with little access to even basic amenities.

Economic exploitation was a major part of the British rule as they preserved caste-based labour system to ensure that they had enough workforce in railways, construction, sanitation, and agriculture. Additionally, announcement of Communal Award by the British government, which was opposed by Mahatma Gandhi, and followed by the signing of Poona Pact on 1932, resulted in reserved seats for Depressed Classes, further alienating them from the mainstream Hindu society.⁷

The term 'Scheduled Castes' was introduced during the British colonial era, formalised in the Government of India Act, 1935, and later enshrined in independent India's Constitution. Scheduled Castes (SCs) primarily included communities historically subjected to untouchability and systemic discrimination due to their perceived position at the margin of the Varna system.

As is clearly seen, what initially began as a system rooted in hygiene and ritualistic concerns gradually transformed into a powerful socio-economic instrument in the hands of those with power and privileges, thereby deepening divisions within Hindu society. Over time, this rigid stratification became a severe form of oppression—one whose consequences persist even eight decades after India's independence.

Discrimination Faced by Untouchables

During medieval period, untouchability became deeply entrenched in Hindu society. Initially, social segregation was linked to occupational roles, but it took on a rigid and oppressive form when jati became hereditary. Those deemed 'untouchable' faced not only economic exploitation but also profound dehumanisation. Stripped of authority, they were confined to the outskirts of cities and villages, often forced to live in unhygienic conditions. Any physical contact with an upper-caste person was forbidden. In cases of accidental contact, purification rituals were mandated.

5. Sumit Sarkar. *Modern India: 1885–1947*.

6. Dirks, Nicholas B. *Castes of Mind: Colonialism and the Making of Modern India*. Princeton University Press, 2001.

7. B.R. Ambedkar, *The Annihilation of Caste* (1936)

Their entry into temples, educational institutions etc. was restricted and they were relegated to the margins of society.⁸ They were compelled to undertake degrading jobs, such as manual scavenging, leatherwork, and corpse disposal. Access to public resources, including wells, water tanks, and community halls was restricted. In tea stalls and eateries, separate utensils were kept for 'untouchables'.⁹ Additionally, untouchables faced disproportionately severe punishments for petty crimes, had limited access to formal education, and were confined to menial jobs considered "impure" by the upper castes. They were even denied the right to wear garments and footwear similar to those worn by upper-caste individuals.

The consequences of violating caste norms were often brutal. It resulted in public beatings, social boycotts, arson attacks on homes, and in some cases it ended in killings. Women belonging to this community were particularly vulnerable, facing sexual violence with little hope of justice.¹⁰ Religious exclusion was another harsh reality, with untouchables being strictly prohibited from temple entry and participation in rituals.

Recognising the deep-rooted injustices with the untouchables, the members of the Constituent Assembly emphasised on the need for affirmative action while drafting the Indian Constitution. Their objective was not just to provide temporary relief but to ensure the full assimilation of historically marginalised communities into mainstream society, ultimately fostering equality and social integration. Due to such persistent efforts, Untouchability was officially abolished under Article 17 of the Indian Constitution, making such discrimination illegal.

However, caste-based atrocities remain a pressing concern even in the present times. Incidents of violence on caste basis, honour killings in the name of caste pride, and instances of institutional discrimination reflect the persistence of caste-based biases. India has taken significant steps to address these issues and foster inclusivity. Affirmative action policies, including reservations in educational institutions, government jobs and elected bodies for Scheduled Castes and Tribes have been instrumental in providing equitable opportunities. Additionally, financial inclusion initiatives have been launched to promote social integration of marginalised communities. Changing societal attitudes, especially in urban areas, indicate a slow but steady shift toward social equality.

Although the condition of Scheduled Castes has considerably improved compared to the pre-independence era, the efforts for true equality continue, as deep-seated biases persist in various forms. Compounding this issue is the way caste identities are sometimes manipulated for religious and political agenda to create divisions in society. While jati or caste is historically rooted in Hindu social structures, its politicisation by external entities for vested interests contradicts both its social context and the vision of India's founding leaders, who sought to build a society anchored in unity, equality, and social justice.

8. Ambedkar, *The Annihilation of Caste*, 1936

9. Report of the Simon Commission, 1930

10. Ramaswamy, *Women and Caste Discrimination in India*, 2016

Constituent Assembly Debates on the Abolition of Untouchability

The debates on the abolition of Untouchability were among the shortest during the framing of the Indian Constitution, as all members of the Constituent Assembly unanimously agreed that the practice must be abolished. It was agreed by most members that the untouchables faced extreme oppression due to perversion of the caste system. They were regarded as “impure” and were forced to live on the outskirts of villages, they were relegated to the most degrading and hazardous jobs, such as manual scavenging, leatherwork, and corpse disposal. Any attempt to challenge these norms would result in brutal punishment, with the perpetrators often going unpunished.

The debates on Draft Article 11 (now Article 17) which was about the removal of Untouchability started on 29 November 1948. Earlier the issue was discussed at length during the debates on the Interim Report on Fundamental Rights on 29 April 1947. The arguments presented focused heavily on the moral, social, and legal implications of such a discriminatory practice. The first and foremost argument in favour of abolition was that Untouchability was a direct violation of human dignity and fundamental rights.

Constituent Assembly members like Dr. B.R. Ambedkar and K. Santhanam argued that it deprived millions of individuals of their basic freedom, including access to public places, education, and employment. They emphasised that equality is at the core of the constitutional principles and for this, caste-based discrimination needs to be eliminated. Additionally, leaders like Jawaharlal Nehru and Sardar Vallabhbhai Patel pointed out how untouchability was antithetical to democracy. They asserted that a democratic nation could not sustain itself if a section of its population was treated inferior and excluded from social and political participation.

Another important aspect highlighted by the members was how untouchability created deep social divisions and weakened national unity. H.C. Mookherjee in his observations stated that independent India needed solidarity among its citizens and the practise of untouchability would weaken the nation's moral foundation.¹¹ Dr. Rajendra Prasad drawing on Indian philosophy argued that religious scriptures emphasised human dignity and the practice of untouchability goes against the very essence of the nation's values and traditions.¹²

11. 21 January 1947. Constituent Assembly Debates. Election of the Steering Committee.

12. Ibid

The members recognised that social reforms will need to be backed by constitutional safeguards to ensure justice and prevent discrimination. Ultimately, these arguments led to the unanimous adoption of Article 17, marking a significant step towards social justice in independent India.

The debates on the abolition of untouchability are significant as they have laid the foundation for a just and equitable society. Here, it is pertinent to note that the word 'untouchability' has no legal meaning. In view of this, Naziruddin Ahmad moved an amendment - That for Article 11, the following article be substituted:

No one shall on account of his religion or caste be treated or regarded as an “untouchable”; and its observance in any form may be made punishable by law.

Professor K.T. Shah also echoed similar sentiments and stated that the definition of untouchability is not provided in the Constitution and argued that it could create confusion about what constitutes untouchability. He suggested replacing the word 'untouchability' with a term that is more descriptive. He questioned if a person is subjected to disability for a certain period, will he or she be considered an untouchable?¹³

Dr S.C. Banerjee also pointed out that 'untouchability' requires clarification as sometimes it means merely taking a glass of water and at other times it can be used in the context of admission to temples or even inter-caste marriages. He stressed that the root cause of this evil is caste distinction and it is this which needs to be abolished.¹⁴ Bhupinder Singh Man stated that fundamental rights will be incomplete if places of worship are not included in the list.¹⁵

However, the proposed amendments were not accepted by the framers as they did not see any merit in incorporating the changes. The makers stressed that any form of untouchability is punishable by law and the practice of social inequality must be completely eliminated. They maintained that the practice of untouchability in any form must be eradicated.

There were members who questioned whether the definition of untouchability would cover persons suffering from epidemic or contagious diseases, or whether it would allow for the suppression of Islam, as certain customs and practices within the religion treated women as “untouchables.”

Responding to this, K.M. Munshi argued that in the draft Constitution, the word 'untouchability' had been placed within quotation marks – thus making it clear that the ideas was to “deal with it in the sense in which it is normally understood” (i.e., the narrow, specific sense).¹⁶ He explained that the quotation marks around the word in the draft Constitution were meant to emphasise this narrower definition, thus excluding any broader interpretations that might apply to other forms of discrimination, such as that against women in some religious practices. He further stated that the proposed amendment is so “worded that if it is accepted, it will make any discrimination even on the ground of place of birth or

13. 29 November 1948. Constituent Assembly Debates. Vol VII. Pg 669.

14. 29 April 1947, Debate on the Interim Report on Fundamental Rights

15. 29 November 1948. Constituent Assembly Debates. Vol VII. Pg 644.

16. Gautam Bhatia. “Untouchability” and the Constituent Assembly Debates. Constitutional Law & Philosophy.

caste or even sex untouchability.”¹⁷

Dr. Mono Mohan Das argued that the removal of untouchability was an important fundamental right and till the time it is not abolished, Swaraj will have no meaning. He added that the purpose of the Article was to save most of the people from humiliation and disgrace. At the same time, he stressed that minority communities must not be extended any special privileges and safeguards.

“This clause does not propose to give any special privileges and safeguards to some minority community, but it proposes to save one-sixth of the Indian population from perpetual subjugation and despair, from perpetual humiliation and disgrace. The custom of untouchability has not only thrown millions of the Indian population into the dark abyss of gloom and despair, shame and disgrace, but it has also eaten into the very vitality of our nation,” he added.¹⁸

Muniswamy Pillai advocated for the complete eradication of untouchability, insisting that this should be a part of Article 11 of the Constitution.

“Sir, under the device of caste distinction a certain section of people have been brought under the rope of untouchability, who have been suffering for ages under the tyranny of the so-called caste Hindus and all those people who style themselves as landlords and zamindars, and were thus not allowed the ordinary rudimentary facilities required for a human being. The sting of untouchability went deep into the hearts of certain sections of the people and many of them had to leave their own faiths and seek protection under religions which were tolerant. I am sure, Sir, by the adoption of this clause many a Hindu who is a Harijan, who is a scheduled class man will feel that he has been elevated in society and he has now got a place in society. I am sure that the whole country will welcome the inclusion of Article 11 in this Constitution,” he said.¹⁹

P.S. Deshmukh while giving his response during the debate on the Interim Report of Fundamental Rights²⁰ gave reasons for why such long clauses cannot be drafted as it will throw “a shadow of untouchability over the whole Constitution of India.” He said that the Assembly should confine itself to rights which are and must be fundamental. He opined that the following clause will cover all aspects:

*That the State shall not make nor permit any discrimination against any citizen, on mere grounds of religion, race, caste or sex.*²¹

From the above arguments it is clear that the makers did not regard every practice of exclusion as untouchability. It extended only to the practices within the Hindu caste system and the focus was on restriction of physical contact and its impact on the economic, political and social aspects.

Despite the diverse views expressed during the debates, the framers of the

17. 29 November 1948. Constituent Assembly Debates. Vol VII. Pg 696-97.

18. 29 November 1948. Constituent Assembly Debates. Vol VII. Pg 666.

19. 29 November 1948. Constituent Assembly Debates. Vol VII. Pg 665.

20. 29 April 1947, Constituent Assembly Debates. Book I. Pg. 427

21. 29 April 1947, Constituent Assembly of India Book I. Pg 427

Constitution were clear in their intention to abolish untouchability as a practice that had long perpetuated social inequality. They recognised that caste-based discrimination was the root cause of untouchability and that it had to be addressed at the constitutional level to bring about genuine social reform.

While the term "untouchability" originated in the Government of India Act of 1935, where it was used to refer to specific Hindu castes, Article 17 of the Indian Constitution laid down no such conditions. It categorically stated that untouchability was to be abolished in all its forms and criminalised.

These powerful arguments culminated in the unanimous adoption of Article 17, which became a landmark moment in the struggle for social justice in post-independence India. It marked the beginning of a new era in which discrimination on the basis of caste could no longer be legally tolerated. Article 17 states:

Untouchability is abolished and its practice in any form is forbidden. The enforcement of any disability arising out of untouchability shall be an offence punishable in accordance with law.

It needs to be noted that an important underlying argument during the Constituent Assembly debates was that untouchability was a unique and specific feature of Hindu society and, therefore, the constitutional provision addressing it would not extend to minority religious communities. Several members emphasised that the practice of untouchability had evolved historically within the rigid structures of the Hindu caste system, where social hierarchies were strictly enforced through notions of purity and pollution. Thus, the abolition of untouchability under Article 17 was intended specifically to dismantle caste-based discrimination among Hindus and was not meant to interfere with the customs, practices, or religious freedoms of minority groups such as Muslims, Christians, or others. This distinction was crucial because it prevented any misinterpretation that the provisions of this Article would apply to other religions.

Constituent Assembly members like K.M. Munshi and Dr. B.R. Ambedkar made it clear that the focus of Article 17 was on eliminating caste-based oppression that had subjugated millions of people for centuries. Moreover, it was stressed that Article 17 was not about granting special privileges or safeguards to minority communities, but rather about ensuring that a significant portion of the Hindu population, historically marginalised and degraded, was finally afforded equality, dignity, and freedom.

Later, the lack of a precise legal definition for untouchability was addressed through laws such as the Protection of Civil Rights Act, 1955, and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. These laws not only defined acts of untouchability more clearly but also widened the scope of the term, penalising a broader range of discriminatory practices, thus ensuring the constitutional promise of equality for all citizens.

Constituent Assembly Debates on Reservations

The discussion on reservations first began in 1882, when Jyotirao Phule proposed before the William Hunter Commission the idea of affirmative action in education for backward communities. However, Rajarshi Shahu Maharaj (1874-1922), the king of the princely state of Kolhapur from 1894 to 1922, was the first ruler in India to give a historic order on 26 July 1902 to reserve fifty per cent government jobs for backward castes in his princely state of Kolhapur. He has earlier taken initiative to provide free education to all and opened hostels for the benefit of poor students.

Below is the translation of the said order by Rajarshi Shahu Maharaj:

Proclamation of reserved seats for Backward Castes

The Kolhapur State Gazette

“Currently in the Kolhapur princely state, steps have been taken to educate the people of all varnas and to encourage them towards education. However, looking at the condition of the underprivileged, the government feels sorry that these efforts haven't had the kind of success that was expected.

After thinking carefully about the subject, the government has reached the conclusion that there aren't enough opportunities available after completing one's higher education.

As a solution for this and to encourage the backward classes (varnas) of the government's subjects to opt for higher education, His Highness has decided that a higher portion of the princely state's employment opportunities should be kept aside for these classes.

In this regard, His Highness orders that, of all the seats that go vacant from the date of this proclamation, 50% should be filled with the backward classes. In all the offices where backward class employees number less than 50%, all the next appointments should go to the backward classes.

After the publication of this order, the chiefs of each department should send a tri-monthly report of all the appointments (in their departments) to His Highness.

Note – The backward classes should be understood as all classes except Brahmin, Prabhu, Shenvi, Parsi and other advanced classes.”

On the orders of His Highness,

Nagesh Pandurang Bhide,

Personal secretary

(As published in the volume Rajarshi Shahu Gaurva Granth (p 1077) by the Maharashtra government)

Few years later, in 1918, the ruler of Mysore, Nalwadi Krishna Raja Wadiyar IV, formed a committee to implement reservations for non-Brahmins in government jobs and education. The reservation was implemented in 1921 in colleges and state services. On 16 September 1921, the first Justice Party government in Madras Presidency passed the first Communal Government Order (G. O. # 613), thereby becoming the first elected legislative body in India implementing caste-based reservations in government jobs.

The Indian Councils Act 1909 (Morley-Minto Reforms) recommended separate electorates on the basis of religion, primarily for Muslims. A decade later, the Depressed Classes received reserved seats under the 1919 Government of India Act (Montford Reforms).

The Communal Award, announced by British Prime Minister Ramsay MacDonald on 16 August 1932, provided separate electorates for Muslims, Sikhs, Indian Christians, Anglo-Indians, Europeans, and Depressed Classes (SCs). It extended separate electorates given in 1909 and 1919 to more groups, including Depressed Classes. But Mahatma Gandhi opposed separate electorates for Hindu castes under the Communal Award. He suspected that it was a British ploy to fragment Hindu society.

So, in September, 1932, he signed 'Poona Pact' with Dr. B.R. Ambedkar. It replaced the British Communal Award's separate electorates for Depressed Classes with reserved seats in joint electorates, increasing provincial legislature seats for Depressed Classes from 71 to 148, and 18 per cent seats in Central Legislature. The Government of India Act 1935 retained separate electorates for Muslims, Sikhs, Christians, etc., but unified Scheduled Caste representation within general constituencies, as per Poona Pact. All these developments influenced the debates in the Constituent Assembly on the issue of Reservation.

Debates in the Constituent Assembly

After independence, the issue of reservations emerged as a central topic of discussion during the Constituent Assembly debates which held its first meeting on 9 December 1946. While the Constituent Assembly was unanimous in abolishing untouchability, the question of reservations was more complex. The debate covered not only those groups who had suffered historical injustices but also the minorities. This called for a nuanced approach as it was important to define the exact nature and beneficiaries of affirmative actions.

At the time of independence, Indian society was deeply fractured along lines of caste, religion, and socio-economic status. Prior to this, the British colonial policy of

separate electorates for minorities, instituted under the Communal Award of 1932, had sowed deep divisions and had culminated in events like Partition. Therefore, while the need for safeguards was acknowledged, there was also a simultaneous fear that continuing communal divisions in independent India could have long lasting social and political implications.

An Advisory Committee on Fundamental Rights, Minorities, and Tribals and Excluded Areas was formed on 24 January 1947 to meet the requirements laid down by the Cabinet Mission Plan of 1946. Initially, the Committee was to consist of only fifty members, but the President of the Constituent Assembly was authorised to nominate more members to the Committee. To efficiently manage its workload, the Advisory Committee appointed five sub-committees, including one on Minorities.

The Sub-Committee on Minorities was established on 27 February 1947, with H.C. Mookherjee, a Christian, as its Chairman. The Sub-Committee was to consider the question of representation in legislature, joint versus separate electorates and weightage, reservation of seats in the Cabinet and in the services, and the administrative machinery required to ensure protection of minority rights. The pressing question before the Committee was whether the separate electorates for different communities, which were introduced during the colonial period, must be continued or not.

The report of the Sub-Committee on Minorities was submitted to the Advisory Committee on 28 July 1947. The Sub-Committee rejected separate electorates for minorities and reservation of seats in the Cabinet. However, as a compromise solution, it recommended reservation for different recognised minorities in Central and Provincial Legislatures and in the services, but denied reservation in the services where competitive examinations are held, except for Scheduled Castes. It stated that this reservation shall be for a period of ten years, at the end of which the position is to be reconsidered.

It also recommended the appointment of an Officer by the President at the Centre and by the Governors in the Provinces to report about working of safeguards provided for the minorities. It is important to note here that this report was submitted before India's partition and independence. Notably, several decisions were taken in the sub-committee by narrow margins which indicated an absence of unanimity. Despite this, the Advisory Committee broadly accepted the sub-committee's recommendations and forwarded it to the Constituent Assembly.

The report was taken up for discussion by the Constituent Assembly on 27 and 28 August 1947, few days after India's partition and independence. In the debate that followed, the observations made by Govind Ballabh Pant and Sardar Patel are significant.²² It throws light on not just the majority versus minority debate, but also on whether religion can become a deciding factor in democracies. Articulating the broader democratic and national considerations underlying the position of rejecting communal electorates, Pant said:

“...In the new status that we have now secured, every citizen in this country should in my opinion be able to rise to the fullest stature and always have the opportunity of

22. Constituent Assembly Debates (Proceedings) - Volume VIII

influencing the decisions effectively; so I believe separate electorates will be suicidal to the minorities and will do them tremendous harm. If they are isolated forever, they can never convert themselves into a majority and the feeling of frustration will cripple them even from the very beginning. What is it that you desire and what is your ultimate objective? Do the minorities always want to remain as minorities or do they ever expect to form an integral part of a great nation and such guide and control its destinies? If they do, can they ever achieve that aspiration and that ideal if they are isolated from rest of the community?

...After all, what is the essence of democracy? For the success of democracy one must train himself in the art of self-discipline. In democracies one should care less for himself and more for others. There cannot be any divided loyalty. All loyalties must exclusively be centered round the state. If in a democracy, you create rival loyalties, or you create a system in which any individual or group, instead of suppressing his extravagance, cares not for larger or other interests, then democracy is doomed. So, separate electorates are not only dangerous to the State and to society as a whole, but they are particularly harmful to the minorities."²³

Even though the Advisory Committee rejected separate electorates, discussions on minority safeguards continued in the Constituent Assembly, particularly with regard to the scope and nature of reservations. So, in order to look further into it, the Advisory Committee on Fundamental Rights, Minorities, and Tribals and Excluded Areas met on 24 February 1948 and Dr. Ambedkar proposed that a small committee may be formed on the subject of certain political safeguards for minorities. He proposed that apart from him, the sub-committee should consist of: Sardar Vallabhbhai Patel, as its Chairman; Pandit Jawaharlal Nehru; Dr. Rajendra Prasad and K.M. Munshi. The suggestion was agreed to, and the sub-committee met on 23 November 1948, and its report was submitted to the Advisory Committee, which discussed it on 30 December 1948.

Some members felt that conditions having vastly changed since the Advisory Committee made their recommendations in 1947, it was no longer appropriate in the context of free India and the existing conditions that there should be reservation of seats for Muslims, Christians, Sikhs, or any other religious minority. However, some minority groups wanted more time to discuss it and so the Advisory Committee met again on 11 May 1949 and passed a resolution, "*That the system of reservation for minorities other than Scheduled Castes in Legislatures be abolished.*" It was also decided that the earlier recommendations with regard to representation of tribals in the Legislatures will not be affected by this resolution. In his letter to the President of the Constituent Assembly, Sardar Patel wrote:

*"The Committee are fully alive to the fact that decisions once reached should not be changed lightly. Conditions have, however, vastly changed since August 1947 and the Committee are satisfied that minorities themselves feel that in their own interests, no less than in the interests of the country as a whole, the statutory reservation of seats for religious minorities should be abolished."*²⁴

Advisory Committee submitted this report to the Constituent Assembly, which

23. 27 August 1947. Constituent Assembly Debates. Book No 1. Pg 222-224

24. 25 May 1949. Constituent Assembly Debates. Book No 1: Pg 312

discussed it for two days, on 25 and 26 May 1949. Speaking on the need to do away with communal reservations, Sardar Patel said:

"The Committee considering the whole situation came to the conclusion that the time has come when the vast majority of the minority communities have themselves realised after great reflection the evil effects in the past of such reservation on the minorities themselves, and the reservations should be dropped".

Interestingly, after Sardar Patel's speech, some Muslim members shared their views and moved amendments. Naziruddin Ahmad articulated a forward-looking vision, asserting that Muslims must integrate with the broader national life and reject any constitutional arrangement that marked them out as a "statutory minority." This consensus helped to strengthen the secular, integrative approach to Indian citizenship and democracy. Some of these are quoted below:

Z.H. Lari (United Provinces) said:

*"... the Constitution should contain no provisions which would have the effect of isolating any section of the people from the main stream of public life. I concede that a minority must aspire to be an integral part of the nation."*²⁵

Naziruddin Ahmad (West Bengal) said:

*"...I think that reservations of any kind are against healthy political growth. They imply a kind of inferiority. They arise out of a kind of fear-complex, and its effect would be really to reduce the Muslims into a statutory minority. Then, again, Muslim reservation is psychologically linked up with separate electorates, which led to so many disasters. Therefore, I should submit that to carry on reservation would only serve to perpetuate the unpleasant memory of those separate electorates and all the embitterments that accompanied them. I submit that it will be bad even for ten years.... I therefore submit that reservation for Muslims would be undesirable.... Sir, reservation is a kind of protection which always has a crippling effect upon the object protected. So, for all these reasons, I should strongly oppose any reservation for Muslims.... Those of my honourable friends who think that there should be reservations, have their eyes on the past. They are looking behind. But our eyes, the eyes of the Indian Muslims, should be facing the future. We should have a progressive outlook."*²⁶

In this regard, the views of Jawaharlal Nehru are crucial to understand where the Congress party stood on the question of reservations for minorities. He opined:

"...I would like you to consider this business, whether it is reservation or any other kind of safeguard for the minority, objectively. There is some point in having a safeguard of this type or any other type where there is autocratic rule or foreign rule. As soon as you get something that can be called political democracy, then this kind of reservation, instead of helping the party to be safeguarded and aided, is likely actually to turn against it. But where there is a third party, or where there is an autocratic monarch, or some other ruler, it is possible that these safeguards may be good. Perhaps the monarch may play one off against the other or the foreign ruler. But where you are up against a full-blooded democracy, if you

25. 25 May 1949. Constituent Assembly Debates. Book No: 3. Pg 282

26. 25 May 1949. Constituent Assembly Debates. Book No: 3. Pg 295-96

seek to give safeguards to minority, and a relatively small minority, you isolate it. Maybe you protect it to a slight extent, but at what cost? At the cost of isolating it and keeping it away from the main current in which the majority is going, —I am talking on the political plane of course—at the cost of forfeiting that inner sympathy and fellow-feeling with the majority.... It is a bad thing for any small group or minority to make it appear to the world and to the majority that "we wish to keep apart from you, that we do not trust you, that we look to ourselves and that therefore we want safeguards and other things". The result is that they may get one anna in the rupee of protection at the cost of the remaining fifteen annas.

...Frankly I would like this proposal to go further and put an end to such reservations as there still remain. But again, speaking frankly, I realise that in the present state of affairs in India that would not be a desirable thing to do, that is to say, in regard to the Scheduled Castes. I try to look upon the problem not in the sense of a religious minority, but rather in the sense of helping backward groups in the country. I do not look at it from the religious point of view or the caste point of view, but from the point of view that a backward group ought to be helped and I am glad that this reservation also will be limited to ten years.

*...Therefore, I think that doing away with this reservation business is not only a good thing in itself—good for all concerned, and more especially for the minorities – but psychologically too it is a very good move for the nation and for the world. It shows that we are really sincere about this business of having a secular democracy....*²⁷²⁸

Here, leaders like Nehru and Pant indicated various negative consequences of minority-specific reservations. They feared that such measures would go against integrating minorities in the national mainstream and deepen communal divisions. Instead, they argued, full participation and integration into the democratic process would best serve minority interests in an inclusive India.

In addition to the above, a critical distinction was drawn: reservations based on religious identity were rejected, but reservations for Scheduled Castes and Tribes were justified based on backwardness and social marginalisation. Religious minorities like Muslims, Christians, Sikhs, and others were given the protection of their cultural, educational, and religious rights under the Constitution, but giving political reservations on the basis of religion was considered as detrimental to building national character and unity. Scheduled Castes and Tribes, on the other hand, were given political reservations because their marginalisation was deeply entrenched in social structures rather than religious affiliation alone.

Debates on Reservation for Scheduled Castes and Scheduled Tribes

As is evident from the above discussion, the Constituent Assembly firmly rejected religion-based reservations. But in the matter of reservations for the Scheduled Castes and Scheduled Tribes, it adopted a more sympathetic and nuanced approach. The Constituent

27. Dr. Makkhan Lal Reservation based on religion is anti-constitution. Vivekananda International Foundation (VIF).

28. 26 May 1949. Constituent Assembly Debates. Book No: 3. Pg 330-31

Assembly members were clear that the Scheduled Castes and Scheduled Tribes had suffered from deep and systemic social exclusion within the caste system. The fundamental question that had to be addressed was that of historical injustice and social transformation.

Dr. B.R. Ambedkar's interventions are significant in shaping this understanding. He consistently emphasised that without social democracy, the promise of political democracy will remain hollow. He opined that by merely granting formal equality, entrenched patterns of exclusion cannot be dismantled. He observed:

*“On the 26th of January 1950, we are going to enter into a life of contradictions. In politics we will have equality and in social and economic life we will have inequality. In politics we will be recognizing the principle of one man one vote and one vote one value. In our social and economic life, we shall, by reason of our social and economic structure, continue to deny the principle of one man one value. How long shall we continue to live this life of contradictions? How long shall we continue to deny equality in our social and economic life? If we continue to deny it for long, we will do so only by putting our political democracy in peril. We must remove this contradiction at the earliest possible moment or else those who suffer from inequality will blow up the structure of political democracy which this Assembly has to laboriously built up.”*²⁹

Dr. Ambedkar viewed reservations for the Scheduled Castes as a necessary means to achieve equality. Without it, he believed that those who were historically denied access to education, employment and governance will not be in a position to participate meaningfully in public life.

His view found support among several members of the Assembly. Dr. Sarvepalli Radhakrishnan during the debates regarding the treatment of marginalised communities said:

*“Softness, gentleness—that is the greatest weapon which will wear out the highest kind of opposition. We have not been true to it. We have betrayed and done wrong to millions of our own fellow beings. It is now time for us to make atonement for all our past guilt. It is not a question of justice or charity, it is atonement—that is how I would put it.”*³⁰

This view is important because it reframed the discourse away from benevolence towards rights. The demand for reservations for Scheduled Castes and Scheduled Tribes was seen as a claim centred in the idea of equal citizenship.

The position of the Scheduled Tribes, while different from that of the Scheduled Castes, was equally compelling. Jaipal Singh Munda hailing from Chota Nagpur was one of the most prominent tribal voices in the Assembly. While debating the Preamble of the Constitution, he brought attention to their unique historical and cultural experience. He recognised that tribal communities faced marginalisation within the modern state and required safeguards to prevent exploitation. In a powerful assertion of dignity, he remarked:

*“You cannot teach democracy to the tribal people; you have to learn democratic ways from them.”*³¹

29. Constituent Assembly Debates, Vol 11. 25 November 1949

30. Constituent Assembly Debates, Vol 11. 11 December 1946

31. The Most Democratic People on Earth: An Adivasi Voice in the Constituent Assembly. 16 December 1946

His opinion reflected a dual concern: the preservation of tribal identity and the necessity of representation within national institutions.

An underlying argument of the support for reservations was that it was essential in ensuring representation in governance. It was feared that without reservations social hierarchies would simply reproduce themselves within political institutions, thereby deepening inequalities.

However, while there were several members who supported reservations for Scheduled Castes and Scheduled Tribes, there were others who expressed caution regarding the long-term implications of such measures. There were fears that if reservations are allowed to continue indefinitely, it might become self-sustaining and counterproductive. It might also institutionalise caste identities within the constitutional framework.

Alladi Krishnaswamy Ayyar emphasised that reservations should not be a substitute for deeper structural reforms. He observed:

*“The reservation of seats for certain communities is only a transient phase in the evolution of our Constitution... We must not forget that the ultimate object is to see that the different components of the nation are so integrated that there will be no more talk of reservations or of separate interests. No amount of reservation can be a substitute for that spirit of service and that sense of social justice which must animate the state and the people.”*³²

With this, he underlined that reservations were a partial remedy at best but it cannot achieve lasting equality.

T.T. Krishnamachari, addressed the ambiguity of who exactly would qualify for these protections and the risks involved. He stated:

*“It is a fact that we have to provide for these people... but I do not want this Constitution to be a paradox of privileges. We must see that these reservations are used to bridge the gap, not to widen it. If we allow these provisions to become a permanent feature, we are not building a democracy, but a collection of interests.”*³³

Leaders such as Jawaharlal Nehru made it clear that the objective was not to perpetuate divisions, but to enable the upliftment of backward groups so that they could eventually integrate fully into the national mainstream. He acknowledged the necessity of reservations for Scheduled Castes in the prevailing circumstances, while also expressing hope that such provisions would not be required indefinitely.

A similar emphasis on temporariness and integration can be seen in the views of Sardar Vallabhbhai Patel, who supported safeguards but cautioned against their indefinite continuation. The underlying idea was that reservations should facilitate inclusion, not create permanent structures within the polity. Many members believed that over time, as equality progressed, reservations would not be needed. Hence, provisions like the ten-year review clause for Scheduled Castes and Scheduled Tribes were inserted, with the hope that their upliftment would render reservations obsolete.

32. Constituent Assembly Debates. Volume V. 28 August 1947

33. Constituent Assembly Debates. Volume VII. 25 November 1948.

The debates thus reveal a careful balancing act. On one hand, the makers viewed reservations as instruments of justice and inclusion. While on the other hand, there were strong concerns that such measures should not undermine the goal of a casteless and unified society. The debates demonstrate that reservations were conceived only as temporary, corrective measures to address caste-based exclusion without perpetuating social divisions.

After prolonged discussions, the Constituent Assembly decided to reject all reservations based on religion and to retain only temporary provisions for the upliftment of Scheduled Castes and Scheduled Tribes. The makers feared that religion-based reservations would isolate communities, reinforce separateness, and weaken foundations of Indian society.

There was a principled distinction drawn between reservations based on religious identity and those grounded in social and historical disadvantage. The underlying constitutional philosophy was that reservations were not intended to recognise or preserve group identities, but to dismantle structural barriers arising from caste-based exclusion. The basis of affirmative action that followed was social justice rather than communal identity.

In the light of the above discussions, it can be argued that once Schedule Castes or Schedule Tribes persons convert to a non-Hindu religion, they consciously distance themselves from the ritual and social structures that once subjected them to caste-based discrimination. To extend Schedule Castes or Schedule Tribes reservations to such converts would not only dilute the original constitutional intent but also mix religious identity with social backwardness, something the framers were fundamentally opposed to. It risks reintroducing communal criteria through the backdoor, undermining the very idea of reservations which is to ultimately erase all divisions.

Dr. Ambedkar's Views on Reservations and Conversions

A debate on reservations for Christians and Muslims converted from Hindu Scheduled Caste origin will remain incomplete if the views of Dr. B.R. Ambedkar on these issues are not carefully considered and analysed. However, followers of Dr. Ambedkar are divided about the issue of whether to extend reservations based on religion. While a section claims that reservations should be extended to those who convert as the social stigma remains, there is another section that has vociferously taken a different viewpoint. So, it is important that Dr. Ambedkar's views be analysed in the right historical context.

Dr. Ambedkar was vested with both 'real and symbolic authority at the highest level'.³⁴ The positions that he held as the Law Minister and Chairman of the Drafting Committee was used by certain Constituent Assembly members to put forth the argument against reservations stating that Dr. Ambedkar's presence in the Assembly is proof that India has progressed and does not need reservations. However, the senior leaders believed that reservations were needed to reach the goal of an egalitarian society as the socially backward classes or Depressed Classes have had limited opportunities in the past. The majority opinion was that special provisions should be made in the educational, economic and even political fields to ensure fair representation of the Depressed Classes. Hence the inclusion of the provision of 'Untouchability' in the draft Constitution was wholeheartedly welcomed and the equality of opportunity became a fundamental right.

Dr. Ambedkar's own stand on the issue, emanating both from personal experiences and as a policymaker give deeper insights into the purpose of reservations. He firmly believed that reservations were primarily meant to address the injustices faced by the Scheduled Castes (SCs) and Scheduled Tribes (STs) due to the caste system. During the debates on reservations, a few observations made by Dr. B.R. Ambedkar need to be highlighted as those give an insight into the vision that the makers had for the nation. Dr. Ambedkar repeatedly stated that reservations should be seen as a means to address historical social and economic inequalities faced by certain groups, particularly the Scheduled Castes and Scheduled Tribes. He further added that these historically oppressed groups have been denied equal access to resources and opportunities and therefore, affirmative action was needed to address the historical injustices. He was clear that by merely abolishing untouchability, social and economic disparities will not be addressed.

34. Nesiiah, Devanesan: Discrimination with Reason? Caste and Law in India, 1984.

However, his stance on the issue was equally focussed on maintaining the integrity of the reservation policy and ensuring that it effectively addressed the historical disadvantages faced by SCs and STs due to the caste system. While arguing for reservations, he was also clear that it should only be for a limited period. He also cautioned that such reservations must be limited to minority of seats so that the principle of equal opportunity is not destroyed. This became evident when in one of the proposed amendments, it was suggested by Dr. Mono Mohan Das and Muniswamy Pillai that there should not be an expiration period for reservations. Dr. Ambedkar rejected this amendment stating that the legislature had unanimously agreed on an expiration period and any changes to the section would require a constitutional amendment.

Furthermore, his views on why Scheduled Castes were given extension of benefits and why none of the minorities were included are even more significant. He argued that minorities had enjoyed privileges in the past for a longer period of time, such as Muslims since 1892 and Christians since the 1920 Constitution. However, the Scheduled Castes were given privileges only in 1935 and practically since 1937, which had also been discontinued by 1939. He stated that even though the Scheduled Castes received benefits for just two years compared to other minorities, he will not oppose the resolution to end the ten-year period as it had already been enacted. He added that, if necessary, the option to extend the time frame will always be available.

The Risks of Conversion: Ambedkar's Perspective

It is argued that Constitution will have to be interpreted using the doctrine of Originalism. This means the intent of the framers need to be taken into consideration while analysing a clause. So, it becomes important to understand the views of Dr. Ambedkar on conversions as well. When it comes to the question of Christians and Muslims of Scheduled Caste origin, caste and religion are deeply entwined and need to be studied simultaneously. Dr. Ambedkar has written extensively on the issue of Depressed Classes converting to other religions. He argued that conversions are not done for any economic or political gain but only to achieve social equality.

The following is an excerpt from a speech Dr. Ambedkar gave on 13 October 1935, at the Yeola Conference, Nasik³⁵ which indicates his stand on the issue:

“The opponents of conversion are determined not to be satisfied even if the logic of conversion was irrefutable. They will insist upon asking further questions. There is one question which they are always eager to ask, largely because they think it is formidable and unanswerable: what will the Untouchables gain materially by changing their faith? The question is not at all formidable. It is simple to answer. It is not the intention of the Untouchables to make conversion an opportunity for economic gain. The Untouchables, it is true, will not gain wealth by conversion. This is, however, no loss, because while they remain as Hindus, they are doomed to be poor. Politically the Untouchables will lose the political rights that are given to the Untouchables. This is, however, no real loss, because they will be entitled to the benefit of the political rights reserved for the community which they would join

35. Babasaheb Ambedkar Writings and Speeches, Vol V

through conversion. Politically there is neither gain nor loss. Socially, the Untouchables will gain absolutely and immensely, because by conversion the Untouchables will be members of a community whose religion has universalised and equalised all values of life.”

A critical analysis of his speeches and writings reveal that for him conversion was not a theological issue but a moral and political act. He argued that conversion was the means by which the Depressed Classes trapped within the rigid hierarchy of the Hindu caste system could consciously reject social humiliation and inequality. But even when he urged them to “leave Hinduism altogether,” his reflections on which religion they should embrace reveal a deep dichotomy. On one hand, he saw religious conversion as a means for liberation and on the other hand, he recognised its potential dangers — particularly pertaining to abandoning the civilisational framework of India. He believed that conversion alters that social context of disadvantage, a perspective that becomes pertinent when debating the issue of reservations.

In most of his speeches and writings, Dr. Ambedkar was critical of the caste system of Hindu religion and argues that the untouchables would not be able to escape the caste system unless they abandoned the Hindu religion and became a part of 'another community which does not recognise caste'. He further stated that by joining another community, the untouchables would not only gain a new anthropological status, but also a new ethical possibility, of becoming another.

Dr. Ambedkar's Dilemma

Dr. Ambedkar's revolutionary call of leaving the Hindu fold, gave rise to the next question: which religion should the Depressed Classes embrace? He considered four possibilities — Islam, Christianity, Sikhism, and Buddhism. While each religion offered equality in principle, he analysed these options as civilisational choices and the implications it carried for national identity, social integration, and political autonomy.

While comparing Islam, Christianity and Sikhism, initially he thought Islam would give the Depressed Classes all that they need in terms of social, financial and political support. He also found Christianity equally attractive as the Christian countries of the West will pour immense resources if the Depressed Classes show their interest to embrace Christianity. Compared to Christianity and Islam, he believed Sikhism had only few attractions. Being a small community, the Sikhs will not be in a position to provide the finance and are confined to Punjab which means the Sikhs will get no social or political support. During this time, he also rejected Buddhism and Arya Samaj. He stated:

“By becoming Buddhist or Arya Samajist, there is not going to be any significant impact on the prejudices of the people who call themselves as belonging to upper varna (ucchavarniya) and therefore we do not see much sense in accepting that path.”

Conversion and Indianness

Over a period of time, Dr. Ambedkar's views on conversions changed drastically. In 1956, after two decades of study, he chose Buddhism over other religions. He feared that if

the Depressed Classes converted to non-Indic religions, they will become “denationalised” - the idea that conversion to non-Indic religions could detach converts from the cultural unity of India. He believed that this would betray the folds of 'Indianness'. It was this strong view that led him to publicly embrace Buddhism on 14 October 1956, at Deeksha Bhoomi, Nagpur in Maharashtra.

Dr. Ambedkar realised that if the Depressed Classes converted to Islam, it will increase Muslim dominance and if they converted to Christianity, the influence of British on India will increase. A compendium of his thoughts on Islam and Muslims in India could be found in the seminal book, *Pakistan or the Partition of India*, first published in 1940, with subsequent editions in 1945 and 1946. The book, a collection of his writings and speeches, lays bare a staggering account of what Dr. Ambedkar thought about Islam. He said:

“What the consequences of conversion will be to the country as a whole is well worth bearing in mind. Conversion to Islam or Christianity will denationalise the Depressed Classes. If they go over to Islam, the number of Muslims would be doubled; and the danger of Muslim domination also becomes real. If they go over to Christianity, the numerical strength of the Christians becomes five to six crores. It will help to strengthen the hold of Britain on the country.”

This warning was born out of political foresight. He recognised that the Abrahamic religions as transnational religions, with external centres of power, could potentially align Indian converts with global interests which would weaken the unity of Indian society. His critique of Islam was rooted in its exclusivist social philosophy. In his book, *Pakistan or the Partition of India*, he wrote:

“Hinduism is said to divide people and in contrast, Islam is said to bind people together. This is only a half-truth. For Islam divides as inexorably as it binds. Islam is a close corporation and the distinction that it makes between Muslims and non-Muslims is a very real, very positive and very alienating distinction.”

Dr. Ambedkar also realised that Islam was against the universal brotherhood and complete assimilation may not be possible within Islamic society. He wrote:

“The brotherhood of Islam is not the universal brotherhood of man. It is the brotherhood of Muslims for Muslims only. There is a fraternity, but its benefit is confined to those within that corporation... Islam can never allow a true Muslim to adopt India as his motherland... There is no organised movement of social reform among the Musalmans of India...”³⁶

Dr. Ambedkar also elucidated the incompatibility of Islam with local self-government. Underscoring the Islamic ideology of Muslim Ummah, Dr. Ambedkar said loyalty of a Muslim is not based on his domicile in the country but on the faith to which he belongs. This, of course, was the cornerstone of the two-nation theory propounded by the Muslim League, which inevitably led to the partition of the country.

When it came to Christianity, he took a less severe but equally cautious view. His views in this regard kept wavering, perhaps a reflection of his foreign education and the

36. M. G. Chitkara, *Dr. Ambedkar and Social Justice*, APH Publishing Corporation, 2002

influence that it had on his thinking. He used to expressed deep appreciation for the religion but also urged missionaries to fight for political rights of Christians.³⁷ Speaking to Christians at Sholapur in January 1938, Dr. Ambedkar declared that from his study of comparative religion, only two personalities had been able to influence him – the Buddha and Christ. He said:

“From the available religions and personalities in the world, I consider only two- Buddha and Christ for conversion. We want a religion for me and my followers which will teach equality freedom among men, and how man must behave with men and God, how a child should behave with father etc.

Missionaries feel they have done their duty when they convert an untouchable to Christianity. They do not look after their political rights. I find this is a big fault in Christians because they have not entered into politics until now. It is difficult for any institution to survive without political support. We, Untouchables, though are ignorant and illiterate, we are in movement.”

His changing positions always revealed a duality - he sought liberation from Hinduism's caste hierarchy while remaining deeply invested in India's cultural and political unity. He argued that conversion must not only liberate the individual but also preserve collective integrity. To convert to Islam or Christianity, he felt, was to trade one form of bondage (caste) for another (foreign authority). He said,

“If the Depressed Classes join Islam or Christianity, they not only go out of the Hindu religion but also out of the Hindu culture.”

Dr. Ambedkar's decision to embrace Buddhism in 1956 was therefore not accidental. It was the resolution of this lifelong dilemma, a synthesis of social freedom and cultural rootedness. Buddhism allowed Dalits to reject caste while remaining within the civilisational fold of India. His acceptance of Buddhism was not merely a social choice but a civilisational strategy. It was a rejection of both caste system and foreign domination.

In the essay *Buddha and the Future of His Religion* which was published in 1950 in the monthly magazine of Kolkata's Mahabodhi Society, Dr. Ambedkar praised Buddha as “the only teacher who did not claim divinity.” For him, Buddhism was rational, ethical, and inherently democratic. He viewed it as a religion of equality without submission to foreign authority. It rejected caste but did not estrange its followers from their cultural soil.

Implications for the Reservation Debate

Dr. Ambedkar's journey from the 1920s to the 1950s shows a progressive reversal which exposes the deeper paradox of his political theology: the balance between *existential pragmatism* (seeking immediate relief from caste humiliation) and *civilisational idealism* (seeking an Indian religion compatible with liberty and equality).

From his arguments, it is evident that Dr. Ambedkar viewed Islam as fostering separatism and Christianity as creating dependency. Though he expressed admiration for the

37 Siddharth. Why Ambedkar chose Buddhism over Hinduism, Islam, Christianity. The Print. 20 May 2019.

teachings of Christ, he emphasised that missionaries bore the responsibility to address the internal challenges faced by Christian communities. Similarly, he regarded social stratification within Muslim society as an internal issue. At no point in his speeches or writings did he suggest that such matters required state intervention.

His idea of justice was distributive and proportional. He would not have approved of one group benefiting twice at the expense of those still oppressed by caste. His logic was clear, that is, reservations are instruments of social repair; not religious entitlement and the benefits given were time-bound. His insight demonstrates that the struggle against caste must be fought within India's own civilisational context, not through alignment with external powers. To extend them beyond their intended framework is to distort their purpose and risk perpetuating the very inequalities they were designed to abolish. Dr. Ambedkar's intellectual legacy thus calls for clarity rather than expansion in reservation policy.

Debates in Constituent Assembly on Conversions

The debate on whether reservations should be provided to 'untouchables' who converted to other religions can be understood only if the views of members of the Constituent Assembly on religious conversions are also taken into account. During the time of the drafting of the Constitution, mass religious conversions were a point of concern. However, the Constitution framers believed that the right to voluntarily change their religion was linked to freedom of conscience. Whether the same principle applied to mass conversions was widely debated and differing views came to light which are vital in interpreting whether special provisions should be provided for converted people from backward classes.

Sharing his views during a debate on Article 19 of the Draft Constitution, K. Santhanam stated that if any man is converted voluntarily owing to a freedom of conscience, there could be no objection. But he warned that an “unlimited right to conversion” was not bestowed by the Constitution. Following him, political leader K.M. Munshi addressed the House that the word “propagate” brought back memories of missionaries in the old regime. Many leaders of the national movement had repeatedly voiced out their concerns in the early part of the twentieth century regarding the evangelising activities of the missionaries and how they posed a threat of national disintegration. The leaders saw the activities of the missionaries as divisive which were carried out to hinder the goal of self-rule.

Sensing the dangers that conversions could pose to India's social fabric, K.M. Munshi sought to prohibit the conversion of all minors. Algu Rai Shastri and Purushottam Das Tandon supported his views and spoke in favour of an amendment to prohibit conversion of minors. Tajamul Hussain sought to proscribe religious conversions through educational institutions reliant on public funds. T.T. Krishnamachari, was of the view that conversion itself may not be an issue in independent India as the system of caste discrimination will eventually be removed by the Constitution.³⁸

Sardar Vallabhbhai Patel when discussing the Interim Report on Fundamental Rights proposed an amendment to Article 19 to prohibit any conversion brought about by fraud, undue influence, or coercion. However, despite acknowledging the problem, Patel added:

“Now, we need not go into all the reasons or the forces that led to these conversions, but if the facts are recognised, we who have to live in this country and find a solution to build up a nation, we need not introduce any heat into this controversy to find a solution.”

38. Dhruva Gandhi. Yes, Constitutions makers strongly debated conversion. But here's what Up's new law misses. *The Print*.

Lokanath Misra also shared his views on the issue. He said:

"...this unjust generosity of tabooing religion and yet making propagation of religion a fundamental right is somewhat uncanny and dangerous. Justice demands that the ancient faith and culture of the land should be given a fair deal, if not restored to its legitimate place after a thousand years of suppression. We have no quarrel with Christ or Mohammad or what they saw and said. We have all respect for them. To my mind, Vedic culture excludes nothing. Every philosophy and culture has its place but now it denominates, it divides and encamps people to warring ways.

Islam has declared its hostility to Hindu thought. Christianity has worked out the policy of peaceful penetration by the back-door on the outskirts of our social life. This is because Hinduism did not accept barricades for its protection. Hinduism is just an integrated vision and a philosophy of life and cosmos, expressed in organised society to live that philosophy in peace and amity. But Hindu generosity has been misused and politics has overrun Hindu culture. Today religion in India serves no higher purpose than collecting ignorance, poverty and ambition under a banner that flies for fanaticism. The aim is political, for in the modern world all is power-politics and the inner man is lost in the dust. Let everybody live as he thinks best but let him not try to swell his number to demand the spoils of political warfare. Let us not raise the question of communal minorities anymore. It is a device to swallow the majority in the long run. This is intolerable and unjust."

Though none of these amendments were accepted by the Assembly, they brought to light how the makers were concerned about the misuse of the provision of conversions even when they supported an individual's right to convert.

V.I. Muniswamy Pillai shared his views at length when this topic was being debated. He stated that reservations were given to Scheduled Castes, because for ages they have been victims of the social evil called untouchability that was practiced by the Hindu community. He said:

"...I would like to inform this House of the background which brought out the special name of Scheduled Castes. It was the untouchability, the social evil that has been practised by the Hindu Community for ages, that was responsible for the Government and the people to know the section of people coming under the category of Hindus and who were kept at the outskirts of the Hindu society.

Going backwards to 1916 it was in that year when Government found that something had to be done for the untouchable classes, and they had to be recognised. In Madras there were six communities that came under this classification. During the Montagu Chelmsford Reforms, they were made ten. In 1930 when the great epoch-making fast of Mahatma Gandhi came about, then only the country saw who were the real untouchable classes. And in the 1935 Act, the Government thoroughly examined the whole thing and as far as the Province of Madras is concerned they brought 86 communities into this list or category, though there were some touchable classes also.

Now, after further examination, the Provincial Governments have drawn up a list and I think according to the amendment mover's suggestions, all those communities that come under the category of untouchables and those who profess Hinduism will be the

Scheduled Castes, because I want to emphasise about the religion.

I emphasise this because of late there have been some movements here and there; there are people who have left Scheduled Castes and Hinduism and joined other religions and they also are claiming to be scheduled Castes. Such convert cannot come under the scope of this definition. While I have no objection to Government granting any concessions to these converts, I feel strongly that they should not be clubbed along with Scheduled Castes.”

It is important to note here that when Pillai raised this point, there were no differing opinions in the Constituent Assembly about the non-inclusion of religious converts. Also, Pillai who is among the signatories to the Poona Pact, advocated for the reservations for the Depressed Classes. Furthermore, the Constituent Assembly had made it amply clear that if a need arises, the President of India will have the powers to specify the list of communities to be included in the list of SCs/STs. In fact, the original draft of the Constitution had included a long list of SCs and STs, together with its definition. It was omitted as per the suggestion of Dr. Ambedkar.³⁹ It was felt that the inclusion of so many details will make the Constitution cluttered and also restrained. The end goal was not to add more categories but to reduce the number of categories and to have an egalitarian society.

39. Constituent Assembly Debates. 16 September 1949

Religious Conversions Among SCs and STs

The history of religious conversions in India is long and has deeply affected its social, cultural, and political fabric. In the early Vedic period, Sanātana Dharma was more a fluid way of life than a rigid, codified religion. The notion of conversion as a deliberate act began to emerge more distinctly with the rise of Buddhism and Jainism in the 6th century BCE. Since both Gautam Buddha and Mahavir Swami were from royal families, their followers received support and patronage by many kingdoms. In fact, a large number of Hindu kings accepted Buddhism and Jainism as their state religion more out of kinship with their proponents, than for any spiritual reason. Following the decision of their kings, most state officials and ordinary people also converted. Though, there were instances when Buddhist kings and monks, using state power, would indulge in aggressive and coercive conversion campaigns, but overall conversion remained a personal decision, generally accompanied with renunciation of materialistic life.

However, situation changed in medieval India. Islamic invasions beginning in the 8th century BCE and the subsequent violence against non-Muslims after the establishment of Muslim rule over Delhi, changed the nature of religious conversions. Fear and greed became the key drivers for conversions. This was because conversion to Islam came with lesser risks of atrocities, as well as many social and economic benefits - including tax exemptions, access to state patronage, and survival under oppressive rule. During the colonial period (1757–1947), Christian missionary activity began in earnest. European missionaries also used various methods to convert educated elites, as well as tribals and untouchables on a large scale.

Using the tools of English education, medical aid, food distribution, along with brutal misuse of administration, the missionaries attacked the civilisational core of the nation and created religious minorities loyal to the White people. Many of these conversions had no spiritual thread attached and were largely transactional in nature and lured the poor away from the Hindu fold. Over a period of time, they succeeded in making those who left Hinduism feel disconnected from their ancestors, festivals, and languages. Converts were encouraged to oppose Indian culture and traditions which would make their alienation complete from the Hindu society. It is also important to note that conversions are part of a larger agenda – to alter India's demographic balance and weaken its cultural unity.

However, irrespective of the reasons for conversions, the nature of religious conversion is such that once a person exits the Hindu fold, he/she also exits its social

categories, both symbolically as well as legally. The Constitution had made it evident that Scheduled Caste status can only be given to those within the fold of Hindu dharma as the backwardness arises out of the traditional practice of untouchability. The Quran and the Bible do not mention untouchability or a caste hierarchy whereas many scriptures of Sanātana Dharma mention the Varna and Jati system. And it is based on the experiences of those SCs and STs within the Hindu framework that the Constitution provided reservations.

Labelling of Converts as Dalits

The problem arises when those who have embraced other religions call themselves as 'Dalit Christians' and 'Dalit Muslims', terms that are not just contradictory but are against India's constitutional principles of equality. It also goes against the tenets of the religions that they have embraced. These identities hide the very purpose of religious conversion, which is often stated as a path to social equality. If one continues to claim caste identity even after adopting a religion that explicitly rejects caste differences, it exposes the deep contradiction in the argument.

First and foremost, attaching the term 'Dalit' to other religions is problematic because it creates narratives that take a reductionist view of history. Such labelling also perpetuates the caste lens even within faiths that project themselves as egalitarian to induce people to convert.

Secondly, the persistent use of terms like 'Dalit Christian' and 'Dalit Muslim' shifts the focus away from the original intent of affirmative action. The primary purpose of extending reservations to Scheduled Castes was to uplift the historically marginalised Hindu communities who were subjugated to centuries of discrimination. So, when attempts are made to artificially extend caste identities to religions where caste as a concept is absent, it opens the door to opportunistic claims. It puts pressure on limited resources reserved for those who have chosen to remain within the Hindu fold despite the adverse effects of the caste system.

Thirdly, it paves the way for identity politics. It has the potential to lead to a situation where more communities start claiming victimhood in the name of caste and leverage it for political and economic gains. It could also encourage mass conversions while retaining reservation benefits and upset the societal balance. This would introduce significant administrative complexities as it may become difficult to verify conversions as the system itself will be prone to manipulation. The Office of the Registrar General of India (RGI) had taken cognizance of the situation and cautioned the Union government that by giving reservations to converted people and their family members, it will result in a surge in the SC population. Such a move may result in communities that suffer from social disabilities arising out of the practice of untouchability being robbed of benefits. The inclusion of more categories would adversely affect the existing reservation quotas for Hindu, Sikh and Buddhist SCs. The RGI also pointed out in 2001 that SCs who converted to Islam or Christianity are not a single ethnic group as they belong to different caste groups.

The RGI further stated that since the practice of “untouchability” was a feature of the Hindu religion and its branches, allowing the inclusion of converted Muslims and

Christians as SCs could result in being “misunderstood internationally” as India trying to “impose its caste system” upon Christians and Muslims. The 2001 note also stated that Christians and Muslims of SC origin had lost their caste identity by way of their conversion and that in their new religious community, the practice of untouchability is not prevalent. Moreover, extending reservations to more communities will make it a perpetual entitlement instead of it being seen as a transitional tool of empowerment.

Notably, there is stiff resistance from a section of Scheduled Caste leaders too against the inclusion of religious converts in the SC list. They claim that the existing 15 per cent quota for SCs, who accounts for 16.6 per cent of the population will get squeezed further if converts are onboarded.⁴⁰ They will also be able to avail the benefits available to both minorities as well as Scheduled Castes. This will create an unfair advantage for a section of population at the cost of others. There will be dilution of benefits. Muslims and Christians are already eligible for benefits under the ST and OBC category.

Caste Reservations and the Debate Over Religious Neutrality

To counter the above perspective, a point that is repeatedly raised in support of granting reservations to those from Scheduled Castes who have converted to Islam and Christianity is that caste reservations were meant to be religion neutral. Certain sections of Muslims and the Christians argue that Article 341 of the Constitution does not mention any exclusion based on religion. However, such an argument has several flaws. Both Christianity and Islam do not have a formal caste system and therefore those who converted cannot claim inclusion in Scheduled Castes. As seen earlier, both these religions promise equality of status for their followers. In a country that promises freedom of religion to all, the theoretical idea of religion cannot be dismissed.

Also, a majority of those wanting reservations to be religion neutral is doing so keeping an eye on quota for employment, education and legislative representation. The Schedule Caste status provides opportunities to contest in reserved constituencies for state assemblies and Parliament. A comparative study of the existing government schemes would reveal that both Scheduled Castes and minorities almost get similar benefits and no group is disadvantaged in comparison to the other. For example, both groups receive scholarships and financial assistance for education provided by governments at the Centre and in the states. While Scheduled Castes have specific reservations in government jobs, minorities have special privileges in the form of minority educational institutions. They also receive special funds through various schemes for education, skill development and employment. Further, it is important to note that discrimination and atrocities have not featured in the arguments that were put forth in favour of providing communal reservations.

In this context, legislative representation becomes the most important factor as most of the Muslims are either skilled labourers or are self-employed, running family business, and so could be more inclined for political power than government jobs. When it comes to the Christian communities, the members get the support of the Church for their education and employment. So, it can be argued that what is at stake here is political power and giving

40. Shemin Joy: Dalit converts and the looming battle for reservation benefits. Deccan Herald. 19 November 2022

reservations to those who converted to other religions from the Scheduled Caste will give them an unfair advantage as they will get dual benefit of being a minority as well as the reserved category. This can change the nature of Indian polity in drastic ways as regional parties will use it to create more divisions along caste and religious lines. Moreover, titling the balance in favour of a particular community or religion will also encourage conversions. It is evident from the existing laws that the Indian Christians and Muslims do not legally qualify for SC status.

In a country where caste lines are unfortunately so stark that even after 76 years of independence, there is a need to debate whether further categories should be introduced in a system that is already so complex. Thus, any policy decisions regarding reservations for converted SCs/STs must carefully balance historical inequities, constitutional principles, and social cohesion.

Dimensions of Religious Conversion

Religious conversions in the contemporary times cannot be understood without taking into account the global context. Global institutional structures and transnational networks play an important role in the spread of religions. Over the centuries, both Christianity and Islam have developed extensive network that goes beyond spirituality. The network consists of missionary organisations, charitable institutions, educational networks, religious endowments, and community-based systems that operate across national boundaries. Many of these have substantial financial backing that allows them to sustain long-term engagement in diverse regions.

In particular, Christian missionary activity has evolved into a global enterprise. They operate through schools, hospitals, NGOs etc. and function as providers of social services especially in regions where the state cannot cater to the needs of the population.⁴¹ While such efforts are often presented as acts of service and compassion, they in turn create environments where their religion becomes part of everyday life and their religious influence is strengthened. Propagation efforts often become a cover for conversion. Many times, they take advantage of the economic vulnerabilities of the population and facilitate a slow and gradual shift in the belief system of communities. Often, religion is used as a medium to cater to the social mobility aspirations of a population. In the Indian context, this is especially true for the north-eastern region where states like Nagaland, Mizoram, and Meghalaya have witnessed a substantial rise in Christian populations over the past century, to the extent that Christianity now constitutes the dominant religion in these states.⁴² The transition was not abrupt but a result of sustained missionary activity over several decades, institutional engagement through education and healthcare, and long-term community-level outreach. Therefore, the demographic change cannot be viewed as just a reflection of individual religious choices but as the cumulative impact of organised and continuous engagement over generations.

41. Rowena Robinson. *Conversion, Continuity and Change in Indian Christianity*. New Delhi: Sage Publications, 2003.

42. Census of India. *Census of India 2011: Religion Data*. New Delhi: Office of the Registrar General and Census Commissioner, 2011

Islamic outreach also follows a similar pattern. Through a network of religious institutions, charitable organisations, and transnational community linkages, it connects the local population to a broader religious identity. In addition to religious guidance, they provide avenues for education, financial assistance, and social mobility. This often creates a sense of belonging to a larger global community but it comes at the cost of alienating individuals from the social structures they were familiar with. In the Indian context, the foundation of the Sanatana way of life lies in helping others and does not need formal structures like that of organised religions. The intrinsic element is in being connected to one's roots. But religions like Christianity and Islam though claim to help others, but does so after portraying a negative picture of the person's original belief system. They also often rely on materialistic support to encourage more people to join their fold by promising them a discrimination free society. In this sense, conversion is not just a personal decision but it is a process that takes place within a structured ecosystem where religious messaging is combined with social, economic, and institutional support. In this case, access to education, healthcare, livelihood opportunities, or social dignity is closely associated with religious affiliation. So, conversion becomes a more incentive driven choice than purely for religious factors.

In India, conversion efforts have historically been concentrated in regions and communities that face social and economic disadvantages, including Scheduled Castes and Scheduled Tribes. Through better quality education, medical care, financial aid or social protection, the organisations are often able to establish a strong presence in these regions. Over time, they become an inevitable part of the community and create a feeling that the material perks are closely tied to the choice of religion. They begin shaping individual and community decisions and their interventions are often framed as welfare activities. However, the sustained engagement results in ideological shifts and they are encouraged to view the ecosystem that they belonged to with apprehensions. Regions within several states of India have shown how this can lead to demographic changes which are portrayed as natural outcomes of religious freedom and personal choice. These have long-lasting implications for social cohesion, cultural continuity, and political dynamics.

An argument that is often used to justify conversions is that the Indian Constitution guarantees the right to freedom of religion, including the right to profess, practice, and propagate one's faith. Even though this is a fundamental part of India's democratic framework, there are no specific guidelines on conversion. When there are organised efforts involving material inducements and social pressures that aid in conversion, it undermines individual autonomy and goes against the principle of pluralism that is both part of the Constitution and Sanatana dharma. These conversion efforts are also combined with the fear of other-worldly consequences or the promise of exclusive salvation which raises important ethical questions on the nature of consent and the credibility of such efforts.

The idea of conversion that religions like Christianity and Islam propound rests on the idea of exclusivity which is in stark contrast to Sanatana Dharma. Their philosophies do not acknowledge that there are multiple paths to the divine. They insist on conversion to attain salvation. Instead of encouraging spiritual growth through an inward exploration, the religious preachers emotionally blackmail their followers to convert 'others'. Moreover,

there is also the assumption that individuals must be guided or persuaded into a particular religious path in order to achieve spiritual fulfilment. This raises deeper questions about the nature of faith itself. Spirituality has for centuries been understood as arising from inner conviction and personal experience. But when external factors begin influencing an individual's decision-making process, especially in situations marked by inequality and vulnerability, then conversion essentially becomes a product of circumstance.

When conversion is linked to access to resources or opportunities, there arises ethical concerns. Religious affiliation becomes an important factor for individuals who have limited access. Another important concern is how conversions have the potential to alter local social structures and power dynamics. In a diverse and plural society like India, such changes can influence political mobilisation and give rise to broader identity-based questions which can impact social cohesion.

It is also important to recognise that debates around conversion are not unique to India. Across the world, questions have been raised about the relationship between conversions, cultural identity, and social change. In countries where external organisations operate within vulnerable communities, the challenge lies in balancing the right to freedom with the need to protect individuals from coercion and exploitation. In this context, the Indian experience presents a unique case. The country's civilisational ethos have historically accommodated diversity and the pluralism is among its greatest strengths. Ultimately, it has to be ensured that a clear distinction is drawn between voluntary belief and influenced choice when it comes to conversion. These dynamics must be taken into consideration with the broader debate on reservations, as they directly influence questions of identity, eligibility, and the distribution of state benefits.

The Power and Reach of Islam and Christianity

Religious conversion is often presented by its advocates as a way to gain both tangible and intangible benefits, offering converts access to wider networks, opportunities and new identities. They claim that people from Scheduled Castes struggled with societal stigma in Hinduism, but after conversion they are able to get access to a global support system that provides them freedom from caste discrimination and help them achieve upward social mobility. In view of these arguments, those who convert to religions with transnational reach cannot legitimately claim to experience the same degree of social oppression they faced within the Hindu caste system.

Reach of the Church

Christianity, with over 2.3 billion followers, is the most widely spread and the largest religion in the world. It is also the richest and the most resourceful religion, spending billions of dollars every month for proselytization efforts. A Christian not just gets entry to the local church, but he/she gets access to resourceful networks across the world. By mandating the converts to participate regularly in church services, prayers, and religious activities, Church officials ask them to disconnect from their previous religious beliefs, practices and community networks. The converts are encouraged to feel as part of the large global Christian community which brings a sense of power to them. The highly resourceful Church offers financial aid, scholarships, or stipends, in addition to material assistance such as food, clothing, housing, healthcare or emergency relief to induce conversion, mostly such offers extend far beyond national borders.

The Church also provides educational, economic and vocational support to neo-converts. It plays a protective role for recent converts facing social backlash from their families and communities. By pushing the neo-converts to move away from previous beliefs and customs, the Church officials ensure that the converted individuals are gradually cut off from their roots to acquire a new identity and assimilate into the Christian society. It naturally implies that the converts no longer face any of the discriminative practices that they might have faced in the Hindu caste system.

It is a well-known fact that Christianity in India is deeply embedded within the larger global church framework. International missionary organisations, NGOs and transnational funding bodies play an active role in giving financial aid, scholarships, and development initiatives to local dioceses to induce conversion and to support the converts. A

report from 2012, approved by the then Union Home Secretary R. K. Singh revealed that major donors from abroad as well as receivers in India were Christian Missionaries and Church-sponsored NGOs.

According to the report, the four largest donors were all evangelical Christian organisations with a mandate to convert people to Christianity. Maximum funds came from USA (Rs. 3105.73 crore), followed by Germany (Rs. 1046.30 crore) and the UK (Rs. 1038.68 crore). The other donor nations include Italy, Netherlands, Spain, Switzerland, Canada, France, Australia and UAE. Such continued support ensures the long-term integration of converts into the global Christian community.⁴³ In effect, conversion is not merely a religious shift but also a social, cultural and economic shift.

Another area where the transnational support is reflected is in the contributions regulated under the Foreign Contribution Regulation Act (FCRA). The data released by the Ministry of Home Affairs indicates that thousands of crores of rupees flow into India annually through foreign contributions, with total inflows typically ranging between ₹16,000 to ₹20,000 crore in recent years. A substantial share of these funds originates from countries such as the United States, the United Kingdom, and Germany, and is channelled through organisations engaged in education, healthcare, and social development. It is important to note that many of these institutions are linked to faith-based networks that operate at both national and international levels. Such continuous financial flows enable the creation of sustained institutional ecosystems like schools, hospitals, NGOs, and welfare programmes that provide long-term support to converts and go beyond individual acts of charity. They help the integration of converts within organised religious frameworks which also brings out the stark contrast between those who are part of transnational networks and those dependent solely on domestic social structures or government welfare programmes.

Christianity's power lies in its global network, encompassing corporate philanthropy, faith-based NGOs, and transnational missionary organisations, which, through development and welfare aid, have facilitated the expansion of proselytization activities. This aid which mainly comes from the West are channelled into building welfare and religious institutions to induce and sustain conversions. Converts are given jobs in Church-controlled bodies like schools, hospitals, orphanages, and NGOs, providing them opportunities for upward social mobility. Such initiatives often claim to remove social backwardness of converts. Moreover, the church also uses education and healthcare as instruments of influence and the pathway for social upliftment.

The control that Christian groups have over educational institutions plays a particularly significant role in enabling an ecosystem where a convert gets completely assimilated. Minority-run institutions, especially in the case of Christian organisations, have always maintained a strong presence in India's schooling and higher education sectors. A large number of well-established schools, colleges, and professional institutions across urban, semi-urban and rural India are managed by Christian bodies. Most of these institutions are known for providing English medium education and better infrastructure. These institutions not only provide access to education but also function as centres of social

43. Christian Missionaries on Conversion Spree in India. Medium. 27 September 2023.

influence, cultural hub and long-term network-building. In many cases, they offer scholarships, hostel facilities, and preferential support systems to help students from vulnerable backgrounds to transition into more stable socio-economic positions.

Over time, individuals associated with these networks are able to access opportunities, both locally as well as globally. Through positions in teaching, research, and curriculum development, they contribute to shaping intellectual discourse and also influence the perspectives of future policymakers and opinion-makers. For instance, Census 2011 data indicates that literacy rates among Christians which is over 80 per cent is higher than the national average and is significantly above those of Scheduled Castes which is around 60 per cent. So, such an organised form of institutional backing distinguishes converts from those who continue to remain within socially and economically constrained environments.

A similar pattern can be observed in the healthcare sector, where religious institutions particularly Christian organisations, have built an extensive presence across India. Missionary hospitals, clinics, and charitable health centres operate in both urban and remote regions, often filling gaps left by public healthcare systems. Beyond providing medical services, they act as sustained community engagement by offering subsidised or free treatment, outreach programmes, and long-term care for converts. The support that they receive from global funding networks and charitable organisations allows them to maintain infrastructure and service delivery at a scale that cannot be replicated by local community-based systems. Easy access to healthcare systems reduces the vulnerability of families of converted people and gives them social security, factors that are not available to individuals outside this framework.

Additionally, Indian Christian communities maintain strong links with diaspora populations in the West. Remittances and donations from these diaspora groups are often funnelled into church activities that assist the converts. There are many global philanthropic foundations (for example, the Bill & Melinda Gates Foundation, Ford Foundation, or Catholic Relief Services), the activities of which overlaps with church networks on the ground. This nexus between multinational donor organisations and church affiliates provide neo-converts with access that goes beyond the benefits that they would receive from reservations as SC or ST. It can be concluded that the converts no longer remain vulnerable, instead they are placed within strong transnational support structures, setting them apart from the caste hierarchy that they or their ancestors were once part of.

Global Islamic Network

Islam, with over two billion followers is the second largest religion in the world and is growing fast in numbers. Muslims are majority in 49 countries, many of those rich with oil and gas reserves, and flush with funds to sponsor Islamic entities all over the world. Therefore, Islam, like Christianity, also has the resources and political power to push conversion efforts in countries like India, which have huge population of poor and vulnerable.

Among the various forms of support available to Islamic organisations, is *zakat* which is a mandatory form of charity, calculated as 2.5 per cent of an individual's wealth. This is of critical importance to induce religious conversion of people from economically and socially vulnerable backgrounds. Such religious funds are used to support conversion as

assistance for food, housing, education, or small business capital. In addition to this, wealthier members of the Muslim community frequently provide voluntary charity, known as *sadaqah*, which is also a form of support to the new converts.

Beyond economic support, Islamic centres also offer social support to the neo-converts who face familial rejection or social marginalisation. Some mosques and Islamic non-governmental organisations assist converts with temporary accommodation, in cases where they have been disowned by families. Efforts are made to ensure economic stability and self-sufficiency of the converts by facilitating employment opportunities through Muslim-owned businesses. They are also given vocational training and scholarships through charitable organisations. Converts are offered subsidised or free services through Islamic institutions like schools, hostels, and hospitals.

Non-governmental organisations (NGOs) also form a major component of the broader support ecosystem within Muslim communities. Numerous Islamic charitable organisations, both domestic and international, operate in areas such as education, healthcare, disaster relief, and livelihood support. The funding of these organisations is often through a combination of zakat, sadaqah, and foreign contributions, and they implement programmes that provide scholarships, vocational training, micro-finance, and welfare assistance to economically vulnerable sections. These sustained engagements help in building strong community linkages and individuals are able to access structured support systems beyond their immediate social environment. Many of these institutions also engage in community mobilisation and outreach. This layered support plays a significant role in facilitating mobility and reducing vulnerability.

Similar to Christianity, Islam also emphasises on strong communal support. The *ummah* or global Muslim community ensures that established members of the community guide the converts in learning daily religious practices, fully integrating them into the Islamic way of life by completely shunning previous beliefs and customs. Social support is extended to life-cycle events and counselling sessions are organised for those who may experience isolation or heightened vulnerability. In certain cases, legal assistance is also offered to converts.

Here, it is crucial to take into consideration the role of oil wealth when analysing the global power nexus of Islam, particularly in India. Petrodollars serve as a geopolitical and religious instrument. Since the mid-20th century, the discovery and export of petroleum in West Asia have provided certain Muslim-majority nations with immense financial resources. This wealth which has transformed their economies has been strategically deployed to expand religious, cultural, and ideological influence worldwide, including in India.

The oil money has enabled the large-scale funding of mosques, madrassas, Islamic centres, and welfare institutions across South Asia. The continuous flow of financial support from various countries not only assist existing Muslim communities but are vital for providing incentives and support systems for new converts. In addition to this, a major portion of *zakat* collected in oil-rich nations, along with *sadaqah*, finds its way into global Islamic charities and reach India through both formal and informal channels. They are used to finance education, healthcare, housing, and employment programs targeted at marginalised populations for religious conversion.

Furthermore, oil money and the religious affiliation have absorbed millions of Indian workers in the West Asian labour markets, paving the way for remittances and upward social and economic mobility. This large-scale labour migration to West Asian countries that strengthens the economic dimension of this network. The remittances contribute significantly to household incomes and community-level economic stability, particularly in regions with high migration. When this financial flow is combined with religious and institutional support, it creates an ecosystem, that facilitates upward mobility and reduces vulnerability among members of the community, including recent converts.

Several West Asian universities give preference to Muslims for many scholarships and admissions. Many new converts also get a chance to take part in religious training and cultural programs and expand their network to new regions. These opportunities often extend beyond education into pathways for employment, religious leadership, and long-term community integration, allowing individuals to access opportunities that were previously unavailable to them. By placing converts within the larger framework of the *ummah*, Islam ensures that converts are absorbed into a worldwide religious fraternity, where solidarity transcends national and cultural boundaries. This sense of belonging gets reinforced through shared religious practices, institutional linkages, and continuous social support which helps converts build networks that provide both identity and material stability within their ecosystem as well as across borders.

Converts vs Non-Converts

It is evident from the structured and multi-faceted support systems provided by Christian and Islamic institutions that converts are able to overcome the socio-economic disadvantages historically associated with the SCs and STs. The faith-based networks effectively reduce the systemic barriers and offer protection and advancement. Their case cannot be compared with the SCs and STs who stay within the fold of Hindu religion and do not have access to a robust transnational institutional support. Sanatana Dharma remains largely bound to the Indian subcontinent with focus on spiritual growth. It lacks comparable international structures and global reach that Christianity and Islam provide. Both these religions leverage global networks of finance, education, advocacy, and humanitarian aid which can provide converts with social, cultural, and economic mobility which eventually provide them upliftment in the community.

The scale of the religious networks of Christianity and Islam further reinforces their capacity to influence and determine social outcomes. The institutional presence of these religions is not just confined to places of worship but extends into education, healthcare, humanitarian aid, and development sectors. Such a vast scale enables the mobilisation of financial, social, and political resources across borders, creating support systems that are far more expansive than localised community structures.

When it comes to the Hindu religion, most of the funding is from religious and charitable trusts, the contributions of which are often localised, and spent mostly on local activities. Since the Hindu religion does not believe in religious conversion, there is an absence of a nation-wide collective welfare initiative. There is no structured inflow of finances

and the diaspora contributions are modest compared to the fund-flows of Christian and Islamic institutions. Due to the decentralised and non-proselytizing nature of the Hindu religion, there are no global institutional structures that can provide cushion to vulnerable sections.

This distinction becomes clearer when viewed alongside evidence of caste-based discrimination within Hindu society. Data from the National Crime Records Bureau shows that thousands of cases are recorded annually under laws protecting Scheduled Castes and Scheduled Tribes, including instances of violence, social exclusion, and even denial of basic rights. Such realities highlight that caste-based disadvantage continues to persist in structural forms. In contrast, individuals who convert and become part of organised religious networks gain access to institutional protection and support mechanisms that are not available to those who remain within the caste framework.

If reservation benefits meant for SCs and STs are extended to the religious converts, it will lead to a situation where affirmative action would no longer benefit those who face genuine historical and structural disadvantages. The combined social, economic, and protective support available to converts in Christianity and Islam already establishes a substantial distinction between converted SC/ST individuals and those who remain within Hindu faith. Extending the benefits of reservations for those who benefit from organised institutional assistance undermines the very rationale of affirmative action, which is to provide a level playing field for those facing systemic disadvantage.

Conversions must not be viewed through the narrow lens of individual acts of faith. In many cases, individuals convert to Christianity or Islam to gain access to the larger structures of institutional support, resource flows, and organised networks. This shapes both the decision to convert and the outcomes that follow. The issue is not of religious identity alone but of access to structured institutional support that fundamentally alters the conditions of disadvantage.

In effect, the critical distinction here lies not merely in economic outcomes but in the nature of social disadvantage itself. Scheduled Caste reservation was designed to address a specific form of exclusion that was directly connected to untouchability and the resulting social stigma. When individuals convert to religions that provide structured support, collective identity, and institutional backing, the nature of their disadvantage undergoes a fundamental shift. If these groups are accorded similar treatment, then it will undermine the conceptual clarity of affirmative action and will also risk expanding it beyond its intended scope.

Ultimately, the issue of reservation must be grounded in present realities than historical identity alone. Converts to Christianity and Islam while historically belonging to SC and ST communities are now part of transnational networks and systems that can significantly help them mitigate the challenges that they faced when they were a part of the caste system. In contrast, those who have chosen not to convert face entrenched stigma and systemic barriers without comparable institutional backing. The field remains uneven for the truly marginalised, underscoring the need for affirmative action for those who do not have any institutional support.

The Inclusion of Sikhs and Buddhists

When reservations for Scheduled Castes were first introduced in 1950, the members of the Constituent Assembly were explicit that it would apply exclusively to Hindus. However, later the same reservations were extended, first to some communities of Sikhs in 1956 and later to Buddhists in 1991. In subsequent years, those converted from Hindu Scheduled Castes to Christianity and Islam have cited this extension to argue that they too cannot be denied caste-based rights. However, it is often overlooked that the reservations for Sikhs and Buddhists are culturally and historically contextualised. They were exceptional, rooted in social realities due to cultural similarities and so, cannot be used to justify similar benefits for other religious groups.

Buddhism and Sikhism are rooted in India's socio-cultural traditions, and were always considered as similar to principles of Hindu Dharma. While the conversions to Christianity and Islam have several motivating factors like social upliftment, economic opportunity, or access to large institutional support, the conversions to Buddhism and Sikhism were mostly based on spiritual and social factors, without giving up cultural roots.

In contrast, conversions to Christianity and Islam lead to complete detachment from Hindu beliefs and practices. Both Buddhism and Sikhism have roots in India, and do not indulge in conversion attempts on a mass scale. Whereas, conversion is considered a divine duty in Christianity and Islam, occurring for centuries, the communities were spread across regions and all their converts had transnational institutional support. These networks effectively shield converts from social discrimination, ensuring that the disadvantages associated with their original caste do not persist once they embrace these Abrahamic religions.

Historical Context

Extending reservations without a clear understanding of their legal and historical basis risks undermining the very rationale on which they were established. The reservations for Depressed Classes were an outcome of the Poona Pact of 1932. It was signed on 24 September 1932 between 'untouchables', backward classes and upper caste Hindus to reserve electoral seats in the legislature for the Depressed Classes. This pact holds historic importance as this was the first time a political settlement was reached to address the practice of untouchability. It is pertinent to note that the Muslim, Christian and Sikh leaders were not parties to the Poona Pact. During this time, all the three communities had separate electorates

and the issue of untouchability was considered an internal matter of the Hindus.⁴⁴ This agreement forms the basis of reservations for SCs and STs. Furthermore, Article 25 of the Indian Constitution, for the purpose of the Hindu personal laws classifies Sikhs, Buddhists and Jains as Hindus.

During the Constituent Assembly debates, it was acknowledged by the members of the Sikh community that caste as an identity has not disappeared from their social interaction. The Sikh leaders stated that Sikhism has been unable to resolve the problem of social disability that continued due to their previous religious affiliation. They demanded inclusion of some of their backward castes among the list of SCs and eventually surrendered their communal electorate during the Constitution making process.

In the Constituent Assembly debates on 14 October 1949, demand for inclusion of backward castes of Sikhs was raised by two members, Sardar Bhupinder Singh Mann and Sardar Hukam Singh. Mann tabled a memorandum, which argued that the special needs of “the Sikh Backward Classes, namely Mazhabis, Kabirpanthis, Ramdasias, Bawrias, Sareras and Sikligars, should be placed at par with the Scheduled Castes in the matter of their political rights.”⁴⁵

This demand was the result of a meeting that was held on 10 May 1949 between the Sikh members of the East Punjab Legislative Assembly and the Constituent Assembly. In that, a unanimous resolution was passed demanding that the Sikh Backward Classes should be given the same privileges regarding representation in legislatures and other political concessions for SCs in East Punjab and in the Patiala and East Punjab States Union (PEPSU). Another important part of the demand stated that “Sikhs would be ready to give up reservation in the East Punjab if Sikh and Hindu Scheduled Castes are lumped together and seats reserved for them on the strength of their population.”⁴⁶ Dr. Ambedkar supported these demands and said that the Sikh classes would be included among SCs.

K.M. Munshi during the Constituent Assembly debates had argued that the President had under Article 300-A of the Constitution given the powers to include Sikh communities within the fold of Scheduled Castes. He pointed out that the Advisory Committee's Report had also recommended the inclusion of backward castes of Sikhs as part of the Scheduled Castes and provided with the safeguards under Article 296. The Constituent Assembly had already agreed to this demand. He stated that there is “no going back upon that pledge” and that the “the Sikh Scheduled Castes will be included in the list of Scheduled Castes and Scheduled Tribes in the Punjab.”

Sardar Patel also agreed to this view. In his speech, presenting the Report of the Advisory Committee on Minorities, Fundamental Rights, etc., stated that the Sikh Scheduled Castes were given SC status because they had recently converted to Sikhism and were suffering all the disabilities that the Scheduled Caste Hindus faced.⁴⁷

44. A Kumar. Exclusion of Pasmanda Muslims and Dalit Christians from the Scheduled Caste Quota. *South Asia Research*, 43(2), 192-209. 2003

45. Constituent Assembly Debates, 1999c: 256

46. Srinivas, M. N. *Caste in Modern India and Other Essays*. Bombay: Asia Publishing House, 1962

47. *ibid*.

While this was being debated, the Muslims and Christians never asked for inclusion. Ashok Bharti, Chairman of the National Confederation of Dalit and Adivasi Organisations while speaking to *Scroll* website argued that there is no conflict in providing Buddhist and Sikh Dalits reservations as they are still considered untouchables. He pointed to the examples of Nav-Buddhists in Maharashtra and Mazhabi Sikhs in Punjab to validate his point.⁴⁸

Another fact that is often overlooked in this debate is that the Presidential Order 1950 provided for the inclusion of certain Sikh communities. The clause 3 of the order states that notwithstanding anything contained in paragraph 2, “no person who professes a religion different from Hinduism shall be deemed to be a member of a Scheduled Caste.” This is followed by the proviso, “provided that every member of the Ramdasi, Kabirpanthi, Mazhabi or Sikligar caste resident in Punjab or Patiala and East Punjab State Union shall, in relation to that state be deemed to be a member of Scheduled Caste whether he professes Hinduism or Sikhism.” In this light, it can be seen that the Presidential Modification Order of 1956 brought further clarity to the existing laws and did not fundamentally change the definition of Scheduled Castes.

When it came to Buddhists, it was acknowledged that the Depressed Classes were driven by socio-political imperatives and had embraced Buddhism voluntarily at the call of Dr. Ambedkar in 1956. The original caste/ community of such converts could clearly be determined and so, even after conversion to Buddhism, they were unable to overcome the societal challenges. As seen earlier, the process was in stark contrast to that of Christians and Muslims whose motive was to escape untouchability as well as to gain access to opportunities for socio-economic upliftment. Unlike Buddhists and Sikhs, it was possible for them to assimilate completely into their chosen communities with no markers of discrimination being explicitly visible.

Moreover, for any demand for reservation to be taken into consideration, it would require the Christians and Muslims to accept that caste-based inequalities exist within their religion. Both Christianity and Islam have never raised this issue and have always maintained that their respective religions do not support any stratifications. The most probable reason for lack of such an admission would have been that it would have affected their right to propagate their religions and it would have also affected the conversion campaigns that they were carrying out. Also, an acknowledgement on these lines might have weakened their moral claim of the right under Articles 25 to 30 of the Indian Constitution to freely profess, practise and propagate religion. Yet another reason why they did not insist on separate reservations in the Poona Pact may be because it would have required these communities to surrender some seats from their share of the separate electorate in order to become signatories to the Pact.⁴⁹

It also needs to be noted that the step of giving up communal reservation was taken in larger interests of the nation and unlike Sikh members of the Assembly, the Muslim and

48. Nachiket Deuskar. Why proposed reservations for Dalit Muslims, Christians have sharply divided Ambedkarites. *Scroll.in*. 27 June 2023.

49. Akhilesh Kumar. *Dalit identity and politics in contemporary India*. New Delhi: Oxford University Press. 2021

Christian members did not bargain for inclusion of Muslims and Christians in the category of Scheduled Castes. The emphasis of both these communities was on their cultural rights. They wanted the right to religious freedom including propagation of religion and the right to personal laws.

Distinct Contexts, Distinct Policies

As can be inferred from the above arguments, the extension of reservations to Sikhs in 1956 and Buddhists in 1991 should be analysed through specific historical and constitutional contexts. Both the groups could demonstrate a clear continuity of caste-based discrimination even after conversion, and their claims emanated from debates during the Constituent Assembly and Ambedkar's social movement. Though the move diluted the framework of the 1950 Order, justifications provided ensure that these inclusions remain defensible in the Indian constitutional scheme. This makes the Sikh and Buddhist cases fundamentally different from those of Muslim and Christian converts and cannot be used as a precedent to justify extending reservations to them. There were specific historical and legal circumstances that led the state to consider extending the scope of reservations and state had precise knowledge of the affected groups and their continued marginalisation.

The Sikh and Buddhist cases can only be analysed in the post-independence context, where caste disabilities remained intact despite conversion due to cultural continuity, and the demands were initiated by the communities and its leaders during the making of the Constitution itself. So, any comparison must be made with caution recognising the unique socio-political foundations of these inclusions. History can be depicted correctly only if the fundamentally different social trajectories and material realities that shaped these measures are taken into consideration.

Commissions, Minorities and Reservation

Over the decades, multiple commissions and committees have been formed to examine the conditions of minorities in India and make policy recommendations, including on the question of whether reservations should be extended to Christians and Muslims of Scheduled Caste origin. Notable among these are the Kaka Kalelkar Commission (1955), the Mandal Commission (1980), the National Commission to Review the Working of the Constitution (NCRWC, 2002), and the Ranganath Misra Commission (2007). While these bodies largely argued for caste-neutral or religion-neutral extensions of the SC status, their analyses were fundamentally flawed. They overlooked the historical and socio-economic realities of conversion, the transnational support structures available to Christians and Muslims, and the fact that the disadvantages associated with caste do not persist in the same manner once individuals leave the Hindu fold. Consequently, their recommendations failed to adequately differentiate between genuine caste-based disadvantage and circumstances where institutional and religious support mitigates historic marginalisation.

As seen in the earlier chapters, a fact that is overlooked when arguing for additional reservations for Muslims and Christians are their historic privileges. Both Muslims and Christians were part of the ruling class and as pointed out by Dr. Ambedkar, these were communities that were far ahead in terms of access to power and opportunities. Muslims had to pay fewer taxes than Hindus for centuries and they were also recipients of additional benefits from the Muslim rulers.⁵⁰

Under Islamic rule in India, Muslims were often favoured for high-ranking political and administrative positions. They had better access to economic opportunities, including trade, land grants, and tax concessions. Islamic rulers sometimes granted tax exemptions or reduced tax rates to Muslim traders and landowners, promoting economic prosperity within the Muslim community. Islamic rulers patronised religious institutions such as mosques, madrasas and Sufi shrines. Muslims enjoyed higher social prestige and greater social mobility under Islamic rule. Converting to Islam could improve an individual's social status and access to opportunities. Muslims were frequently preferred for recruitment into the military. Serving in the military could lead to land grants (*jagir*) and other rewards, enhancing the socio-economic status of Muslim soldiers.

As seen in the earlier chapter, under the British rule, Christians enjoyed certain privileges when compared to Hindus and Muslims. It was part of the colonial administration's broader strategy of consolidating power and maintaining control. Christian

50. Praveen Gugnani. Understanding Balakrishnan committee on reservation for converts through the prism of Babasaheb Ambedkar. Organiser. 14 April 2023.

missionaries established many schools, colleges, and universities in India. These institutions often provided English medium education and were more accessible to Christian converts. Christians, particularly those who were well-educated, often found better employment opportunities in the British colonial administration. In addition to this, converts to Christianity received legal benefits and social privileges, in addition to monetary benefits. Conversion to Christianity offered a way out of the rigid caste system for lower-caste Hindus which also resulted in improved social status and greater access to resources. They also had better healthcare and social support. Christians had better opportunities for political representation and participation in advisory councils and legislative bodies.

The commissions that were constituted after independence should have taken into account the above-mentioned factors. But they took a unidimensional view of the issue. Both the Kaka Kalelkar Commission and the Mandal Commission concluded that caste discrimination persisted among the converted Muslims and Christians and so they should be considered among the Backward Classes. Here, the Kaka Kalelkar Commission relied heavily on anecdotal evidences and the widely prevalent societal perceptions. It based its views on backwardness on broad generalisations without systematic data on the socio-economic conditions of converted people. It did not examine the mitigating role of religious institutions and without empirical data argued that caste disadvantages persisted identically post-conversion. In effect, the recommendations were based on perception rather than measurable social realities, overestimating the need for Backward Classes inclusion of converts.

The Mandal Commission report also had similar flaws where the focus was primarily on backward classes. It treated converted SCs as a subgroup without taking into account their unique historical trajectories. The Commission's methodology emphasised caste and economic backwardness across India and did not take into account the privileges enjoyed by those who converted to Christianity and Islam. It failed to recognise that backwardness cannot be generalised across religions.

The Justice Ranganath Misra Commission went a step further and recommended that SC status must be made religion neutral. It stated:

"We recommend that Para 3 of the Constitution (Scheduled Castes) Order 1950 – which originally restricted the Scheduled Caste net to the Hindus and later opened it to Sikhs and Buddhists, thus still excluding from its purview the Muslims, Christians, Jains and Parsis, etc. – should be wholly deleted by appropriate action so as to completely delink Scheduled Caste status from religion and make the Scheduled Castes net fully religion-neutral like that of the Scheduled Tribes."

In addition, the Ranganath Misra Commission recommended ten per cent reservations for Muslims and five percent reservations for other minorities in government jobs, and favoured extending SC status to 'Dalit' converts of all religions. It argued that Christians and Muslims of Scheduled Caste origin face discrimination not only from upper-caste members of their own religion but also from the broader Hindu-dominated society. It further claimed that the denial of SC status to Christian and Muslim converts has led to their socio-economic and educational backwardness and deprived them of access to reservations in education and employment opportunities which violates the constitutional guarantee of equality. The Misra Commission report argued that such a move will help reinforce caste identity and make them more assertive. It suggested a sub-quota of 8.4 per cent for minorities

within the OBC quota of 27 per cent, as well as a reservation for 'Dalit' minorities within the Scheduled Castes quota of 15 per cent.

In the current times, a major argument that the Union government raised in the Supreme Court regarding the implementation of the Ranganath Misra Commission Report that was constituted in 2004 to examine the issues faced by religious and linguistic minorities in India was that the report was “flawed”, as it was composed within the “four walls of a room.” The government emphasised that there was no field study done and the Commission “took a myopic view of the social milieu in India” because of which it has not been accepted by the Centre.

The government also argued that the report failed to take into account the effect that the inclusion of Christians and Muslims in Scheduled Castes would have on the present castes listed as SCs. The identification of SC is centred around a specific social stigma and the connected backwardness which is limited to the communities recognised under the 1950 Order. According to the Centre, it would cause a grave injustice and would be an abuse of the process of law, consequently affecting the rights of the SC groups if the converts are arbitrarily given the perks of reservation without examining the aspect of social disability.

Furthermore, the government stated that Christianity and Islam do not have a caste system and claim to be egalitarian religions. Untouchability is only prevalent in Hindu society. So, when one converts to Christianity and Islam, it is essentially to ameliorate their social status and such persons can no longer claim to be discriminated on caste basis. The government also added in its affidavit that granting reservations on the basis of religion will go against those who chose to remain in the Hindu fold.

Here, the biggest flaw in advocating for religion-neutral SC status without differentiating between historic oppression and advantages gained through conversion is that it treats social discrimination as uniform across religions. It ignores the transnational networks and community support available to converts which makes its conclusions legally and historically tenuous. It also weakens the link between caste-based disadvantage and the original intent of reservations.

The National Commission to Review the Working of the Constitution (NCRWC), 2002 in its arguments said:

“In view of the fact that in some parts of the country particularly in the south, converts to Christianity from specific SCs are subjected to crimes and atrocities as their exact Hindu counterparts are (difference of religion making no difference in this regard) and the fact that trials in such cases get bogged down on the issue whether this is an atrocity since they are not SC on account of conversion. Clause (c) of section 2 of the Act should be amended by adding the following words at the end of it, 'and converts to Christianity from Scheduled Castes'.”

As is evident, the NCRWC report focussed on isolated instances of alleged crimes against Christian converts to argue for their inclusion in the list of Scheduled Castes. The commission emphasised on exceptional cases and failed to study the systemic protections provided by religious and institutional frameworks that alleviate caste disadvantages. It overstated the persistence of caste oppression post-conversion and used anecdotal evidence to justify broad policy changes.

Another similar report was given by Rajinder Sachar Committee in 2006, which observed that the social and economic conditions of the 'Dalit Muslims' and 'Dalit Christians'

did not change even after conversion, and so it was critical of the denial of the Scheduled Caste status to them. Though the Committee examined the economic and educational backwardness among Muslims and Christians, it failed to take into account the historical privileges communities enjoyed under Islamic and colonial rule. The report conflated economic disparity within community with caste-based oppression and failed to distinguish socially constructed backwardness versus relative advantage post-conversion. It did not consider whether converted SCs face comparable societal disadvantages to Hindu SCs.

In April 2023, the Supreme Court briefly mulled over whether SC status should be accorded to those who converted to Islam and Christianity. Appearing for the Union government, Additional Solicitor General of India K.M. Nataraj submitted that the court must await the outcome of the report of the Justice Balakrishnan Commission. To substantiate his argument, he relied upon the decision of the Supreme Court in *Soosai versus Union of India* (1985) in which the court observed:

“To establish that para 3 of the Constitution (Scheduled Castes) Order, 1950 discriminates against Christian members of the enumerated castes it must be shown that they suffer from a comparable depth of social and economic disabilities and cultural and educational backwardness and similar levels of degradation within the Christian community necessitating intervention by the State under the provisions of the Constitution. It is not sufficient to show that the same caste continues after conversion. It is necessary to establish further that the disabilities and handicaps suffered from such caste membership in the social order of its origin—Hinduism—continue in their oppressive severity in the new environment of a different religious community.”

The above observations are pertinent to understand the underlying bias in the arguments of various commissions and committees. The recommendations of the committees that reservations should be made religion neutral points to a dangerous trend where the system can be exploited by proselytizing religions. As pointed out in the *Soosai versus Union of India* case, sufficient grounds need to be established to prove that converted SCs face discrimination within the folds of the religion that they have chosen. Forming different committees for political agenda did not address the inherent problems of development not being equitable. It goes beyond caste and religious lines.

These flaws in the argument of the above mentioned committees were pointed out by political analyst Durga Nand Jha. In his *India Minority Report*, he said, “Establishment of a committee for a specific community— such as the Sachar Committee, Ranganath Mishra Commission, etc.— can be termed as blatantly communal. In a secular country like India, the government should have avoided communalising the problem of backwardness.”⁵¹ In addition to this, the report also points out that barring a few states, the minorities are in a better socio-economic position than the SCs and STs. So, once a person converts to another religion the advantages and the disadvantages that they have are no longer the same.

In light of the above, it may be assumed that none of the committees and commissions formed by the successive governments took into consideration the social realities accompanying conversions when formulating their conclusions.

51. Durga Nand Jha. *India Minority Report*. 2018

The Political Perspective

In the year 1967, Kartik Oraon, a tribal leader from Jharkhand gave a clarion call against converted persons taking benefits of genuine Scheduled Tribe members. His anguish made him author a book titled '*Bees Varsh Ki Kali Raat*' which detailed how STs had been denied their rights even after 20 years of independence due to the activities of the evangelical missions. As part of his fight against attempts to convert tribals, he submitted a memorandum to the government of India signed by 322 members from Lok Sabha and 26 members from Rajya Sabha in 1967. This document sought to put restriction on the reservation benefits to converted individuals. But the then Indira Gandhi government under the pressure of the Christian missionaries did not implement the suggestions despite them being in line with the recommendations of the Joint Parliamentary Committee (JPC) on Scheduled Castes and Scheduled Tribes Order (Amendment) Bill, 1967.⁵² Since then, the Congress has disregarded its own position articulated during the Constituent Assembly debates and has instead pursued a policy of minority appeasement for political objectives.

In 1990, the V.P. Singh government, facing political instability, decided to implement Mandal Commission Report which recommended 27 percent reservation for Backward Classes, which also included many Muslim and Christian castes and communities. Later, the communist parties decided to score a political goal by demanding SC reservations for Christians and Muslims converted from Hindu scheduled castes. Despite the fact that many of those who converted from scheduled castes are counted as OBCs and are eligible for all the benefits under this category, the Left organisations argued that converts still face discrimination due to the practice of untouchability.⁵³ However, along with this argument, they also kept saying that the oppression of the caste system can only be escaped if one leaves the Hindu fold.

The Rashtriya Swayamsevak Sangh (RSS) on the other hand has always opposed the demands to grant SC category status to the religious converts. Its media wing, Vishva Samvad Kendra (VSK) in a conclave to discuss the issue reiterated that the current system of reservations for the Scheduled Caste must not be tinkered with and no quota should be extended to Muslims and Christians.⁵⁴ It believes that the reservation for SCs is based on historical realities and adding other community or race will dilute the Constitutional spirit behind the reservation provisions. The position of the Bharatiya Janata Party has also been that "the very concept of Dalit or Scheduled Caste is Hindu community-specific."

52. Vivekanad Nartam. Revisiting Kartik Oraon. News18. 1 November 2020.

53. Dalit bodies, allied Left organisations back reservation for converted Dalits. The Hindu. 5 November 2022

54. Reservation benefits should not be extended to Dalits converted to Islam, Christianity, RSS body. Economic Times. 10 November 2022

In 2019, the ministry of social justice and empowerment in its affidavit filed in the Supreme Court stated that SC converts to Christianity and Islam cannot be considered as SC as there is no concept of 'backwardness' in those religions. While acknowledging the hundreds of years of oppression prevalent in the Hindu religion on account of the caste system and its constitutive practice of untouchability, the government stated that the criteria followed in deciding whether a caste or community is eligible for inclusion in the list of SCs is 'extreme social, educational, and economic backwardness arising out of the traditional practice of untouchability', practised by Hindus.

The government said, “Dalits who converted to Christianity or Islam to overcome the burdens of caste cannot claim reservation benefits enjoyed by those who chose to stay back in the Hindu religious system.” It also added that the Constitution Schedule Caste Order (1950) is legally valid.⁵⁵ It also rejected the Ranganath Misra report and constituted a new Commission headed by Justice K.G. Balakrishnan, former Chief Justice of India, giving it two years to prepare a report on the question of granting SC status to “new persons who have historically belonged to the Scheduled Castes but have converted to religions other than Hinduism, Buddhism and Sikhism”.

Dual Benefits and Implications

The issue of dual benefits is a critical factor that must be carefully weighed when considering whether converts should be counted as belonging to SC/ST origin. Some people have argued that the tribal Christians are already using the loopholes in the system to take advantage of reservations. In such a scenario, the biggest fear that has been raised is that people may convert only to exploit the reservations given to the SC community. It must be examined whether giving reservations to converted Christians and Muslims of Scheduled Caste origin will reduce the share already meant for existing SC communities. If that happens, the benefits will not reach those who still suffer caste discrimination within their birth religion.

The role of organised institutional networks also becomes relevant in understanding the broader political implications of this issue. Various organisations especially media and organisations engaged in advocacy have played a role in shaping discourse on caste, minority rights, and religious freedom. These networks contribute to framing narratives that influence both public opinion and policymaking. Certain issues such as discrimination faced by minorities or demands for expanded reservation are continuously aired in sections of mainstream and digital media and to gain the attention of the public. Over time, such sustained engagement creates an ecosystem where the perspectives they push gain greater visibility and legitimacy, thereby shaping the direction of policy debates including those related to reservation and social justice. Simultaneously, electoral politics increasingly responds to such narratives and political parties change their positions in line with emerging public discourse. As a result, debates on social justice gets shaped by perceptions rather than underlying constitutional principles and empirical realities.

The complexities need to be studied in an in-depth manner. The minorities are

55. Islam don't have 'backwardness': Converts can't get SC tag. Times of India. 12 November 2022.

already covered under the National Minority Welfare Schemes which includes the Prime Minister's 15-Point Programme, various grants, skill development and training programs. Apart from these, the respective state government's policies also include them which at times can also result in overlapping of benefits.⁵⁶ The details of the reservation benefits provided to Muslims and Christians are provided in Annexure III. While such measures are often targeted towards inclusion and socio-economic upliftment, it has led to a perception that certain groups receive focused policy attention beyond general welfare frameworks. It is often argued that whether extending additional benefits under the Scheduled Caste category would result in overlapping entitlements and disturb the balance of affirmative action.

Apart from the government welfare schemes, the minority communities also have access to minority welfare funds, and foreign donations which are often distributed based on religious identity. So, when conversions occur in large numbers, the resources shift toward the proselytising community and has a direct impact on how welfare is shared. For example, converts will be in a position to access both state benefits for minorities as well as SCs and STs in addition to the institutional support from churches or Islamic organisations. This will push those who are still in the Hindu fold further backwards as they will no longer be able to compete with those who have global influence, power and resources.

The expansion of such schemes must also be viewed in the context of electoral incentives. Over the years, many targeted welfare measures have been introduced by successive governments at both the Centre and State levels. While such benefits are launched with the aim of ensuring greater inclusion, often political parties use it for electoral advantage to consolidate support among specific minorities. This has contributed to vote-bank politics where policy decisions are influenced by electoral advantage than socio-economic needs. In such a framework, the original beneficiaries of affirmative action, the Scheduled Castes and Scheduled Tribes risk being sidelined or diluted.

Concerns have also been raised regarding differential access to institutional benefits and policy frameworks. Minority-focused schemes in areas such as education, skill development and financial assistance have created perceptions of uneven policy emphasis. In some instances, overlapping benefits across minority welfare programmes and existing reservation benefits raise questions about equity and distribution. It creates a situation where some sections of the population are able to access multiple layers of institutional support, namely, the minority-specific schemes, welfare programmes, and also caste-based reservations. This creates a situation where the intended balance of affirmative action is tilted in favour of the minorities and puts the majority at risk. Additionally, it can also have broader implications for social cohesion and policy credibility. It can lead to erosion of trust in public institutions as expanding reservations to include groups that are already beneficiaries of multiple welfare mechanisms risks will be viewed as preferential treatment and will undermine the original purpose of the reservation framework.

Notably, there is stiff resistance from a section of Scheduled Caste leaders against the inclusion of converts in the SC list. Several feel that the existing 15 per cent quota for SCs, who accounts for 16.6 per cent of the population will get squeezed further if converts are on

56. Apoorva Vishwanath. Reservation for Muslims: Andhra Pradesh case and issues before the court. The Indian Express. 25 April 2024.

boarded.⁵⁷ The converts will also be able to avail the benefits available to both minorities as well as Scheduled Castes. This will create an unfair advantage for a section of population at the cost of non-converted SC people. It will create a stark disparity in opportunities between the two sections, ensuring that the playing field is never truly at the same level. Muslims and Christians are already eligible for benefits under the ST and OBC category. Given that state resources and reservation opportunities are inherently limited, any expansion of beneficiary categories reduces the share available to those for whom the policy was originally intended.

An example of this was seen in Kerala where after inclusion in the OBC list, Christian converts from Nadar were also included in the Socially and Educationally Backward Communities (SEBC) list in the State.⁵⁸ Such a scenario may lead to mass conversions from Hinduism, Sikhism and Buddhism to Christianity and Islam, thus causing demographic imbalance and societal disharmony. Concerns have also been raised regarding differential access to institutional benefits and policy frameworks. Minority-focused schemes in areas such as education, scholarships, and institutional autonomy have created perceptions of uneven policy emphasis. While such initiatives may be justified within a broader framework of inclusion, their existence reinforces the need to maintain conceptual clarity in reservation policies. Reservations for Scheduled Castes were not conceived as a general welfare mechanism but as a targeted response to a specific form of social exclusion. Blurring this distinction by introducing religion as a criterion risk undermining both constitutional intent and administrative coherence.

Demographic Changes and Vote Bank Politics

There is yet another reason why conversions are important from a political perspective. It shifts the population balance which in turn affects vote bank and the larger polity of the nation. Even though the overall numbers look small in census data or in specific districts, states, and tribal belts, conversions can significantly change the demographic balance. For example, in parts of the Northeast (Nagaland, Mizoram, Meghalaya), tribal conversions to Christianity led to a complete transformation of the religious profile within a few decades. A report⁵⁹ has stated that almost 80 percent of Indian Christians belonged to SC/ST communities before conversion. In addition to weakening their collective bargaining power, it has a huge impact on how reservation quotas are distributed, fewer beneficiaries must share with those who have converted.

An important aspect of this debate is the potential political reconfiguration that may arise if Scheduled Caste reservation benefits are extended to converts from Christianity and Islam. Such a move could create pathways for the emergence of minority candidates in constituencies reserved for Scheduled Castes. This will alter the original constitutional intent of ensuring representation for communities that had to face untouchability.

Here, a critical issue arises. Almost all the weaker sections of Christians and

57. Shemin Joy. Dalit converts and the looming battle for reservation benefits. Deccan Herald. 19 November 2022

58. Kerala Cabinet approves OBC status for Nadar Christians. The New Indian Express. 24 February 2022

59. Franklin Caesar Thomas. The agony of Dalit Christians in the Indian political field. Countercurrents.org. 2024

Muslims have been categorised as Other Backward Classes (OBCs) and given reservation. This reservation is available in both educational institutions as well as in government jobs. The total reservation for OBCs is 27 per cent, which is way higher than reservation for SCs, which is 15 per cent. In many states, reservation for OBCs is available even in elections for local bodies like Panchayats, Municipalities etc, though percentage of seats reserved for OBCs varies in different states. Still, demands are raised to include converted Christians and Muslims in the category of scheduled castes. Definitely, this demand is not to get reservation in education and employment, because that can be availed under OBC quota. Does it mean the demands to categorise converted Christians and Muslims, not as OBCs, but as SCs, is only intended to significantly increase their political representation and thereby exert influence in the Parliament and state legislative bodies?

This seems to be a hidden agenda to advance electoral influence of minorities and further contribute to identity-based politics. Already several Christian and Muslim groups and castes are covered under ST and OBC category. If SC eligibility is also expanded along religious lines, it may lead to a situation where individuals who are part of organised minority networks will contest and win from seats that were specifically designed to provide political voice to the Scheduled Castes who have remained within the Hindu fold, despite facing caste discrimination.

Over time, this will result in a gradual shift in the social and political character of reserved constituencies. Representation may no longer reflect the communities for whom these safeguards were originally intended, but instead accommodate broader identity coalitions shaped by electoral strategy. In such a scenario, reservations can become a tool for political mobilisation. This will in turn enable the expansion of electoral influence of minority groups through constitutionally protected categories and will reinforce consolidated group identities. It will raise questions on the integrity of a system that was designed to address social injustice.

Secondly, political representation is closely tied to the Scheduled Caste/Scheduled Tribe lists and population data. Conversions reduce the numerical strength of Hindu SC/ST groups. Converted groups gain more by inclusion in SC/ST quotas, as well as getting recognition as minorities, thus potentially securing a double advantage.

Thirdly, conversion can reshape cultural identities and community structures. In areas where conversion is widespread, it poses a threat of erasing traditional cultural practices and new religious institutions bring in a new form of social customs. It leads to a demographic reordering of public life where education, festivals, healthcare and social services start reflecting the dominant converted community. This significantly alter the existing vote banks and pave way for new political parties as well as politics. Political surveys prove how Muslim communities behave as voting blocs in elections. For example, a 2024 survey⁶⁰ suggests that in the 2020 Bihar elections, about 77 percent of Muslims voted for the Rashtriya Janta Dal led alliance, pointing to how conversions can aid in consolidation of votes.

In addition to this, as seen earlier, conversions are often linked to transnational

60. FeyaadAllie. Mapping Muslim Voting Behavior in India. Carnegie Endowment. 2024

networks - Christian missionary aid from the West, or Islamic funding from Arab and West Asian countries. This can create geopolitical implications, as demographic shifts can align local populations with global religious-political interests, potentially affecting national unity as well as national security.

Affirmative Action vs. Communal Politics

From the above examples, it is clear that the needs of minorities are already being met through a range of central and state government programs. People who convert to minority religions can also access these schemes, which provide them with social and economic support. In such a situation, extending caste-based reservations on religious grounds does not serve any real social purpose and seems to be more of a political move.

Broadening reservations along communal lines weakens the idea of equality and can disturb social harmony. It also shifts attention away from the true aim of affirmative action, which is to help those who are socially and economically disadvantaged. The extension of Scheduled Caste reservation to Christians and Muslims risks introducing ambiguity into a framework that was deliberately designed with precision. Over time, this could lead to shifts in political representation that move the policy away from its foundational purpose. In this sense, demands for communal reservations appear to serve short-term politics rather than the long-term welfare of the genuinely marginalised.

A further concern lies in the gradual shift from a principle-based framework of affirmative action to one that is increasingly shaped by the politics of minority appeasement. When demands begin to emerge on the basis of religious identity rather than historically defined social exclusion, it goes against the constitutional intent. It will weaken the overall coherence of the policy. This also has implications for the credibility and sustainability of the reservation system itself. Reservations can become a means of political contestation thereby undermining its effectiveness and legitimacy.

Equally important is the long-term institutional impact of redefining the scope of affirmative action. Once more categories are subsumed under the Schedule Caste and Schedule Tribes reservation, it will set a dangerous precedent for further demands from other groups seeking inclusion on varied grounds. This will lead to an expansion of claims and over time, the focus will be on accommodating competing claims driven by political mobilisation. Therefore, preserving the integrity of the reservation framework requires maintaining clear boundaries and resisting pressures that seek to transform it into a political weapon rather than a mechanism of social justice.

The Legal Aspect

The scope and limits of reservations have been primarily shaped through judicial interpretation. The courts have played a central role in balancing the ideals of social justice with the constitutional guarantees of equality. The Supreme Court and the various other courts have extensively examined the issue of reservations in a series of landmark cases. The Constitution of India provides SCs and STs with a range of protections and advantages to prevent exploitation and ensure social justice. Special courts have been established to prosecute crimes against marginalised communities and provide victims with redress and rehabilitation. Moreover, individuals belonging to these religious communities are ineligible to contest seats reserved for SCs in elections. This exclusion is grounded in Article 341 of the Constitution, read with the Constitution (Scheduled Castes) Order, 1950 which explicitly states:

No person who professes a religion different from Hindu, Sikh or Buddhist religion shall be deemed to be a member of Scheduled Caste.

The Constitution recognises caste-based discrimination as a social disability warranting remedial measures through affirmative action. Concurrently, it draws a clear distinction between caste and religion, viewing caste as a historical form of social disadvantage while religion is treated as a private matter of an individual where the interference of the state remains minimal. Courts have repeatedly been called upon to interpret this constitutional distinction while reviewing cases regarding the extension of reservation benefits to religious minorities or to individuals who have converted from Scheduled Castes to other religions.

This chapter examines the legal evolution of reservation jurisprudence by critically engaging with Supreme Court and High Court rulings on minority rights, religious conversion, and affirmative action. It traces the development of key principles such as the 50 percent ceiling on reservations, the creamy layer doctrine, the concept of substantive equality, and the requirement of empirical assessment of backwardness. It argues that reservation is not an unrestricted entitlement but is a carefully regulated constitutional tool to address the historical wrongs.

Judicial Precedents

A critical examination of judicial precedents reveals the complexity of reservation policies and the lack of consensus on their implementation. The judgement in the 1992 *Indra Sawhney & Others v. Union of India* case is considered the landmark case for reservations. In it, a nine-judge bench laid down limits on the Centre's powers. It upheld the government order which gave 27 percent reservations for Other Backward Classes (OBCs) in central government jobs. This step was implemented after the Second Backward Classes

Committee, headed by BP Mandal suggested in its 1980 report that 27 percent reservation should be given for OBCs and 22.5 percent for the Scheduled Castes/Scheduled Tribes. Indra Sawhney, petitioner in this case, made three primary arguments against the order. She stated: (i) the extension of reservation violated the Constitutional guarantee of equality of opportunity, (ii) caste was not a reliable indicator of backwardness and (iii) the efficiency of public institutions was at risk. However, the court in its judgement recognised that caste is an important factor. It ruled that "creamy layer" (the forward section of a backward class, above a certain income) will remain excluded and at no point should the reservation exceed 50 percent. It is this stipulated limit of 50 percent that becomes a point of concern when demands to include more categories in reservations are made.

Earlier cases laid the groundwork for understanding the interplay between caste and religion. In *Champakam Dorairajan v. State of Madras* (1951),⁶¹ the Supreme Court invalidated communal quotas in public employment, emphasising equality over purely communal considerations. This led to the First Constitutional Amendment, empowering states to make special provisions for socially and educationally backward classes, including SCs and STs. The ruling underscored that reservations must be guided by socio-economic realities rather than religious affiliations.

In *Balaji v. State of Mysore* (1963), the court limited reservations to 50 per cent and emphasised broader socio-economic criteria for assessing backwardness. The case arose when the Mysore government reserved 68 per cent of seats in educational institutions for backward classes, which was challenged for exceeding constitutional limits and undermining merit. This precedent highlights the importance of targeting genuinely disadvantaged groups, irrespective of religion. In its ruling, the court stated that backwardness must be assessed on broader socio-economic and educational parameters. The court also clarified that the purpose of reservations is to remedy backwardness, not to provide undue advantage to certain groups. Though not directly linked to religion, it set crucial precedents for policies for religious minorities as it emphasised that socio-economic factors outweigh factors like caste or religion and affirmative actions must benefit genuinely disadvantaged groups irrespective of religion.

Following this, in *CA Rajendran v. Union of India* (1967), the Supreme Court ruled that there would be no reservations for SCs and STs in promotions to Class I and II services in the railways, as these roles demanded higher efficiency and responsibility.

Another significant judgement of the Supreme Court that broadened the interpretation of affirmative action under the Constitution is the *State of Kerala v. N. M. Thomas* (1976). The case involved the validity of a policy granting temporary promotions to Scheduled Caste (SC) and Scheduled Tribe (ST) employees, bypassing usual seniority rules. The petitioner argued this violated Articles 14 (Equality before the Law) and 16 (Equality in Public Employment). The court upheld the ruling and stressed on the importance of substantive equality. While the judgement became the basis for addressing historic inequalities, the court also stressed that it must not be arbitrarily or solely linked to religion.

However, the case that shaped the interplay between social justice and minority rights was the *T.M. Pai Foundation v. State of Karnataka* (2002). A landmark judgment by an

61. Supreme Court of India. www.sci.gov.in

11-judge bench of the Supreme Court clarified the rights of minorities to establish and administer educational institutions under Article 30 of the Constitution and laid down that reservations cannot be based exclusively on religion. The case addressed whether private unaided institutions, including minority-run institutions, are bound to follow state reservation policies. The ruling held that minority institutions (based on religion or language) have the right to establish and administer educational institutions of their choice under Article 30(1) and are not required to implement caste-based reservations unless they receive state aid. This judgement clearly laid down that minority institutions are outside the ambit of reservations, so the calls to bring Christians and Muslims under the ambit of Scheduled Castes or Scheduled Tribes may contradict the views taken in this case as it lays down that affirmative actions within the religious communities are not matters of the state and that they have distinct constitutional rights.

Another judgement that followed similar principles is the *Pramati Educational and Cultural Trust v. Union of India* (2014) that examined the applicability of the Right of Children to Free and Compulsory Education Act, 2009 (RTE Act) to minority institutions. The court ruled that unaided minority educational institutions are exempt from the provisions of the Right to Education Act and they have the right to establish and administer their educational institutions without interference. When viewed in the larger context, this judgement has clearly laid down that Christian and Muslim-run institutions are autonomous and do not need to adhere to affirmative action. Then, how can one argue for separate reservation for those who have converted to these religions from Scheduled Castes? This judgement has in effect imposed clear boundaries on caste-based as well as religion-based reservations. It challenges the rationale for extending caste-based reservations to Christian and Muslim converts, as these communities are not subject to the same socio-religious dynamics.

Furthermore, the Supreme Court has in the *Nagaraj v. Union of India* (2006 8 SCC 212) and *Jarnail Singh v. Lachhmi Narain Gupta* (2018 10 SSC 396) observed that there are significant variations of economic status within communities. It indicated that the concept of creamy layer that was laid down in the *Indra Sawhney v. Union of India* point out that such differentiations can also be extended to SC/ST communities. Using the observations made in the *Indra Sawhney* judgement, the Supreme Court struck down the Maharashtra State Reservation for Socially and Educationally Backward Classes (SEBC) Act, 2018 that introduced reservation for Marathas in public employment and education. The court ruled the Act unconstitutional as it exceeded the 50 per cent ceiling limit on reservation in public employment and education put down in the *Indra Sawhney* judgement.

This case is also an example of how Dr. Ambedkar's words have been interpreted differently by different sections. In this case, Advocate Mukul Rohatgi, representing the Maharashtra Government argued in support of the SEBC Act and stated that Ambedkar's speech indicated that reservation was not an exception to the rule of equal opportunity but an integral part of it. On the other hand, Advocate Arvind Datar arguing for the petitioners said that Ambedkar's speech should be interpreted to mean that reservation more than 50 percent would violate the basic structure of the Constitution. The court supported the argument that reservation was an integral aspect of equality of opportunity but that exceeding the 50 per cent limit would compromise equality of opportunity. This judgement revealed that Constituent Assembly debates are still considered as an important resource by Courts and

lawyers to resolve contemporary conflicts.⁶²

In 2008, *Ashoka Kumar Thakur v. Union of India* case, challenged the 93rd Constitutional Amendment Act, 2005. The apex court in its ruling observed that reservations provide an extra advantage to those who without such support dream of university education.

In some states, whenever there were elections, separate reservations based on religious denominations were enacted. But these reservations have been struck down by the courts. For example, in 2012, 4.5 per cent sub-quota for the Muslims within 27 per cent quota for the OBCs was ruled unconstitutional by the Andhra Pradesh High Court.

Recent Rulings

The legal position on this issue has been clearly affirmed by the Supreme Court in its ruling on 24 March 2026.⁶³ The Court held that the Scheduled Caste status is constitutionally restricted to individuals professing Hinduism, Sikhism, or Buddhism. It clarified that conversion to any other religion, including Christianity or Islam, results in the immediate and complete loss of Scheduled Caste status, regardless of the individual's caste of origin. The Court further emphasised that the concept of “professing” a religion is central, meaning that an individual who actively practices a different faith cannot simultaneously claim benefits that are tied to caste-based disabilities within another religious framework. This ruling reinforced the legal position that caste-based reservation is intrinsically linked to the historical context of untouchability and cannot be extended beyond the defined constitutional boundaries.

Prior to this judgement, on 26 November 2024, the Supreme Court held that converting to another religion purely to avail reservation benefits, without genuine belief, constitutes a fraud on the Constitution. The Supreme Court said that “the reservation of seats for Scheduled Castes is a measure of affirmative action designed to address the historical and continuing discrimination faced by Scheduled Castes in Hindu society.” The Court went on to say that “this discrimination is rooted in the Hindu caste system, and it would be illogical to extend the benefits of reservation to people who have chosen to leave the Hindu caste system.” Its statement that reservation cannot be based on religion has strengthened the argument that there cannot be an interplay of caste and religion.⁶⁴

In another major decision, the Madras High Court said that a person cannot claim reservation based on caste after getting converted to another religion. The Madras HC bench gave the order, dismissing the petition by a Hindu man from the most backward community, who had converted to Islam and sought caste-based quota in state government jobs. The bench observed that once a Hindu man converts into another religion which does not recognise the caste system, the person ceases to belong to that caste in which he was born.

The complexity of the issue of conversions was revealed in the case of *C.M Arumugam vs. S. Rajgopal* where both the parties were running for election to the Mysore Legislative Assembly from the 68 KGF constituency. The appellant claimed that the first

62. Kalyani Menon, Ambedkar and the Quantum of Reservation. Supreme Court Observer.

63. Only Hindus, Sikhs & Buddhists can claim Scheduled Castes status: Supreme Court. India Today. 24 March 2026

64. Reservation can't be on basis of religion': SC on plea challenging Calcutta High Court order on OBC classification. Indian Express. 9 December 2024

respondent had converted to Christianity before the elections and was therefore not eligible to contest in a seat that was reserved for schedule castes. The question before the court was whether the first respondent who was a member of the Adi Dravida community could rejoin his caste after re-converting to Hinduism. In its ruling, the court shifted the decision-making responsibility to society. It observed that converting to another religion does not necessarily mean losing one's caste. That decision must ultimately depend on the structure of caste and its rules and regulations.⁶⁵

In 2025, the Supreme Court struck down the Calcutta High Court's verdict nullifying the West Bengal government's decision to classify 77 communities, mostly Muslim, as OBC since 2010 for reservation benefits.⁶⁶ The court stated that reservations should be based on social and educational backwardness, not religious affiliation. The ruling particularly emphasised that reservations must be based on empirical assessments of social and educational backwardness, not religious affiliation, setting a strong precedent against communalising reservation policies for political benefits. The court has made it clear that any attempt to grant reservations based solely on religion is likely to face judicial scrutiny and potential invalidation.

In December 2025, the Allahabad High Court directed the Uttar Pradesh government to ensure that anyone who converts to Christianity automatically forfeits all Scheduled Caste benefits, failing which it will be “construed as a fraud on the Constitution and contrary to the ethos of reservation policies.”⁶⁷

Constitutional Determination of Backwardness

The role of empirical assessment in identifying backwardness is an often-overlooked aspect of reservation jurisprudence. The Supreme Court has in its rulings repeatedly stressed that reservations cannot be granted on assumptions or broad generalisations but must be supported by quantifiable data that demonstrates social and educational disadvantage.⁶⁸ This principle was clearly articulated in *Indra Sawhney v. Union of India* (1992), where the Court emphasised that backwardness must be determined through “relevant material” and measurable indicators rather than mere caste labels.

In later cases like *M. Nagaraj v. Union of India* (2006), while examining reservations in promotions for Scheduled Castes and Scheduled Tribes, the Court held that the State must collect quantifiable data to demonstrate backwardness, inadequate representation, and the absence of adverse impact on administrative efficiency. In the absence of such data, the Court cautioned, would bring reservation policies under judicial scrutiny. Similarly, in *Jarnail Singh v. Lachhmi Narain Gupta* (2018), the Supreme Court reaffirmed the necessity of empirical evidence and also stated that backwardness cannot be presumed uniformly even among constitutionally recognised groups.

The requirement of empirical assessment has also played a decisive role in cases where new communities sought inclusion under reservation frameworks. In *State of*

65. Niraidoiphode. Reservation for Dalit Muslims and Dalit Christians. Legal Service India.

66. Arunima. State of West Bengal acting in hot haste, reintroducing struck-down reservations; Calcutta High Court stays OBC reclassification. SSC online

67. Stop SC benefits to converted Christians, HC instructs UP. Times of India. 3 December 2025

68. *Indra Sawhney v. Union of India*, 1992

Maharashtra v. Jaishri Laxmanrao Patil (2021), the Supreme Court struck down the Maratha reservation, noting that the State had failed to produce extraordinary circumstances supported by compelling empirical data to justify breaching the 50 percent ceiling. The Court observed that mere social assertions or historical narratives, without rigorous statistical backing, were insufficient to establish constitutional backwardness.

Such insistence on data-driven identification underscores the constitutional requirement that affirmative action must be corrective rather than symbolic. Constitutional bodies such as the National Commission for Backward Classes and the National Commission for Scheduled Castes are tasked with evaluating the conditions of communities through detailed socio-economic indicators.⁶⁹ In this context, extending Scheduled Caste status to religious converts without a proper empirical study undermines the constitutional framework governing reservations. Courts have recognised that the identification of backwardness is a specialised exercise requiring sustained empirical inquiry, and not a matter to be resolved through legislative declaration alone.

The courts have also drawn a clear conceptual distinction between caste-based discrimination and religious identity. While caste is viewed as a birth-based and immutable social disability, religion, by contrast is protected as a matter of individual conscience and choice under Articles 25 and 26. This is the reason why caste-based affirmative action has been constitutionally upheld, while religion-based reservation has been viewed with caution.⁷⁰ According to *Bal Patil v. Union of India*, (2005), granting reservation benefits on religious grounds risks communalising public policy and blurring the constitutional distinction between social disadvantage and religious affiliation. Conflating caste with religion risks diluting the constitutional rationale for reservations and may transform a targeted remedial measure into a broader entitlement defeating its original purpose.

Another constitutional concern highlighted in recent judicial observations is the presence of significant economic and social variation within communities.⁷¹ While on one hand over-inclusion will strain the limited scope of affirmative action, on the other hand, it risks excluding the most disadvantaged sections within and across communities. Extending reservation benefits to religious converts without adequate differentiation may result in a situation where the socially advanced individuals benefit disproportionately which will be contrary to the principles of equality.

In light of the judicial rulings, expanding reservations to include more categories, especially based on religion, is likely to face serious constitutional challenges, particularly under the basic structure doctrine.⁷² Reservation is seen as an instrument of constitutional balance rather than an open-ended entitlement. Any attempt to expand reservations based primarily on religious identity must be critically evaluated to ensure they serve genuine socio-economic needs rather than political interests.

69. Articles 338, 338B, Constitution of India

70. *Champakam Dorairajan v. State of Madras*, 1951

71. *Jarnail Singh v. Lachhmi Narain Gupta*, 2018

72. *Kesavananda Bharati v. State of Kerala*, 1973

The Way Forward

Caste continues to be one of India's most complex social realities and remains deeply embedded in the nation's welfare framework. The journey from untouchability to constitutional equality represents one of the most profound transformations in modern India. The framers of the Constitution recognised that centuries of systemic oppression could not be undone through legal declarations alone. Reservations were therefore conceived as a temporary, compensatory mechanism to level the playing field for those who bore the heaviest burdens of caste-based exclusion. The debates of the Constituent Assembly, the writings of Dr. B.R. Ambedkar, and the subsequent trajectory of India's social policies affirm a crucial principle: that Scheduled Caste status is intrinsically linked to the historical practice of untouchability within Hindu society and its related traditions. As is widely acknowledged, untouchability is a practice unique to the Hindu social order, and the problem must therefore be examined within that specific context.

As demonstrated in the preceding chapters, the indiscriminate expansion of reservation categories risks undermining constitutional principles and defeating the very purpose for which reservations were instituted by the makers of the Constitution. While drafting the Constitution, the makers were careful to avoid embedding new forms of communal or religious division into the fabric of Indian democracy. This is why the question of reservations must be examined through the prism of social justice rather than political expediency. Demands to extend Scheduled Caste reservations to those who have converted to Christianity and Islam must be assessed in light of the Constitution's vision and prevailing social realities.

Despite the members of the Constituent Assembly envisioning a nation where there will be no caste barriers, the Hindu society is yet to completely discard the caste hierarchy. The continuing discrimination faced by members of the Scheduled Castes and Scheduled Tribes cannot be ignored in any meaningful examination of the reservation system. In both urban and rural areas, caste-based identity is still considered an important factor for societal assimilation. There is persistence of social and economic disadvantage that some individuals face even after conversion. Yet these concerns must be addressed through existing minority rights and targeted welfare schemes, rather than by expanding caste-based reservations beyond their original scope. To do otherwise would not only strain limited resources but also undermine the principles of equality professed by the Constitution.

Among the many reasons why some people who face the adverse effects of caste hierarchy choose to embrace another religion is the hope that they will be able to find equality in all spheres. Their aim is to escape caste identities as the Abrahamic religions do not recognise any divisions. As rightly argued by the makers of the Constitution, providing separate reservations for those from Scheduled Caste and Scheduled Tribes who have

converted to other religions that do not recognise caste would result in their isolation in the social order. It will have crippling effect, which will be contrary to achieving the goals of social equality. It will disadvantage those people who chose to remain within the Hindu fold and fight for their rights.

Moreover, the institutional, economic, and transnational support systems available to converts further distinguish their circumstances from those of Scheduled Castes who continue to live within the Hindu fold. Christians and Muslims are part of wider transnational networks that provide access to diverse employment opportunities and institutional support. Such avenues are largely unavailable to those who remain within Hindu society and continue to face the enduring realities of caste-based oppression. For many, social exclusion remains a lived experience, and their situation cannot be equated with that of individuals who benefit from the privileges and protections of another religion. Equality and equitability are cardinal principles of the Indian Constitution, and no community can be disadvantaged at the expense of another.

Furthermore, as pointed out in the initial chapter, it also needs to be debated how relevant are terms like “Dalit Muslims” and “Dalit Christians”, as Abrahamic religions, by their fundamental doctrines, promote the idea of equality and reject social hierarchies or discrimination. Such terminologies are remnants of British colonial rule, which sought to divide Indian society into smaller fragments for administrative as well as strategic convenience. If there are fragmentations within these communities as argued by a section, then either it has to be resolved internally by their religious leaders or it has to be accepted publicly so that the state can intervene. Without such public acknowledgement, the state would be encroaching on religious matters which would upset the existing balance of power. It does not bode well for the democratic ideals of the nation.

At the same time, political and vested interests must not be allowed to supersede national interests. Conversions and reservations cannot be used as instruments to advance political representation. Concerns have also been raised that the continued expansion of reservation demands by multiple groups may lead to social unrest with serious implications. After nearly eight decades of Independence, successive governments have put in place extensive legal safeguards to address discrimination arising from the caste system, making demands for dual benefits following conversion untenable. Reservations for Scheduled Castes have ensured that historically disadvantaged communities are protected from discrimination and granted access to opportunities long denied to them. Similarly, reservations for Scheduled Tribes have improved their representation in state-run educational institutions, government employment, and elected bodies, while OBC reservations have enabled socially and educationally backward groups, including Christians and Muslims who were previously excluded from the SC/ST framework to access equal opportunities. Together, these measures demonstrate that reservations have been a powerful tool in addressing historic neglect and injustice without precipitating social upheaval.

In a free and democratic India, caste-based divisions should no longer define social relations. The ultimate objective must be the assimilation of all individuals into a unified social fabric. When a person converts, both legally and ethically, they ought to be recognised solely as a Muslim or a Christian, without the continued attribution of a former caste identity. Persistently invoking past caste affiliations undermines the purpose of conversion and

impedes genuine inclusion. It must also be recalled that the framers of the Constitution envisaged reservations as a temporary measure, intended to operate for a limited period of ten years. Yet, nearly eight decades after Independence, reservations continue to exist. The way forward, therefore, lies not in expanding categories within the existing reservation framework, but in ensuring deeper social transformation. Both the state and civil society must work collectively toward erasing caste boundaries and building a truly egalitarian nation.

Ultimately, India must progress toward an affirmative action framework based on socio-economic criteria rather than religious or caste identities. This approach is more equitable, aligns with the principles of the Constitution, and ensures inclusive development for all citizens. By prioritising socio-economic upliftment and moving beyond divisive identity-based reservations, India can realise the vision of a just, united, and progressive society. As Indian society looks to leave the vestiges of caste atrocities far behind, it is important to take a progressive approach that does not turn a blind eye to historical as well as current realities.

It is important to recognise that opportunities within the reservation framework are inherently limited. If eligibility is expanded with no corresponding increase in resources, it will reduce access for those who are the centre of the policy's original intent. The question must not be limited to inclusion but must also speak about fairness in distribution. At its core, the debates extending benefits must be seen in the context of preserving the integrity of a constitutional framework. Any deviation from this framework comes with the risk of transforming a targeted mechanism of social justice into a broad instrument of political negotiation.

The ultimate aim of reservations was never to perpetuate divisions but to create conditions for their eventual erasure of structural inequalities. As India moves toward equality, it must balance justice, unity, and national integrity. Only by remaining faithful to this balance can the nation honour both the sacrifices of the past and the aspirations of the future.



Annexure-I

The Constitutional provisions regarding reservations are as follows:

- **Article 14:** The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.
- **Article 15(1):** The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth, of any of them.
- **Article 15(4):** Nothing shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes. (added by First Amendment in 1951)
- **Article 15(5):** Provides reservation to the socially and educationally backward classes, including SCs/STs, in relation to admission to public and private educational institutions, other than the minority educational institutions. (Ninety-third Amendment in 2005)
- **Article 16 (4):** Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.
- **Article 16 (4A):** Nothing in this article shall prevent the State from making any provision for reservation in matters of promotion, with consequential seniority, to any class or classes of posts in the services under the State in favour of the Scheduled Castes and the Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State.
- **Article 243D:** Reservation of seats for SCs and STs in Panchayats.
- **Article 243T:** Reservation of seats for SCs and STs in Municipalities.
- **Article 330:** Reservation of seats for Scheduled Castes and Scheduled Tribes in the House of the People.
- **Article 332:** Reservation of seats for the Scheduled Castes and the Scheduled Tribes in the Legislative Assemblies of the States.
- **Article 335:** Claims of Scheduled Castes and Scheduled Tribes to services and post.
- **Part XVI:** Special Provisions Relating to Certain Classes, which include reservation for Scheduled Castes, Scheduled Tribes, and Other Backward Classes.

Annexure-II

The Constitutional Amendments regarding reservations are as follows:

- i. The Constitution (Scheduled Castes) Order, 1950, (further amended in 1956 and in 1990) under Article 341 (Scheduled Castes) of the Constitution, mandates that no person professing a religion different from Hinduism, Sikhism or Buddhism can be deemed to be a member of the SCs.
- ii. Constitution (93rd Amendment) Act, 2005: Empowered the state to make special provisions for the socially and educationally backward classes or the Scheduled Castes or the Scheduled Tribes in educational institutions including private educational institutions, except the minority educational institutions.
- iii. Constitution (95th Amendment) Act, 2009: Extended the reservation of seats for the SCs and STs and special representation for the Anglo-Indians in the Lok Sabha and the state legislative assemblies for a further ten years.
- iv. Constitution (103rd Amendment) Act, 2019: This amendment introduced a 10 percent reservation for the economically weaker section (EWS) of society in public employment and admission in public and private educational institutions.
- v. Constitution (104th Amendment) Act, 2019: This extended the deadline for the cessation of the reservation of seats for members from Scheduled Castes and Scheduled Tribes in the Lok Sabha and State Legislative Assemblies by a period of 10 years. It also removed the reserved seats for the Anglo-Indian community in the Lok Sabha and state assemblies as they are no longer considered to be an economically and socially backward class.

Annexure-III

I. Key National Schemes for Minorities⁷³

1. Prime Minister's New 15 Point Programme for the Welfare of Minorities⁷⁴
2. Scholarship Schemes by the Ministry of Minority Affairs
 - Pre-Matric Scholarship (for classes before matriculation)
 - Post-Matric Scholarship (for higher classes /college / university etc.)
 - Merit-cum-Means Scholarship (for meritorious students from minority communities)
3. National Minorities Development Finance Corporation (NMDFC)
 - Provides concessional loan schemes to minority families (notified minority communities) for self-employment and income generating activities. Eligibility criteria include income thresholds.
4. Skill Development & Livelihood Schemes
5. Deen Dayal Upadhyay Gramin Kaushalya Yojana
6. Housing & Infrastructure Schemes
 - Pradhan Mantri Awaas Yojana
 - Infrastructure for minority institutions (such as “Infrastructure Development of Minority Institutions” IDMI) including madrasa modernisation, improvements in classrooms, labs etc.⁷⁵
7. Health, Nutrition & Basic Services
 - National Health Mission
 - POSHAN Abhiyaan
8. Drinking Water-related Schemes,
 - Jal Jeevan Mission (universal rural coverage including minority-dominated areas)
9. Other Minority-Specific Programs
 - PM VIKAS under Ministry of Minority Affairs.
 - HAJ subsidies/facilities (policy shift from subsidy-based model to facilitation-based approach)
 - Waqf Board development schemes (Qaumi Waqf Board Taraqqiati Scheme, Shahari Waqf Sampatti Vikas) etc.

II. Benefits Given to Religious Minorities by State Governments

1. **Kerala:** The Kerala government provides reservation benefits to socially and educationally backward Muslim communities under the Other Backward Classes (OBC) category, including an estimated eight per cent share in admissions to state-run and aided educational institutions and

73. Press Information Bureau

74. Ministry of Minority Affairs, www.minorityaffairs.gov.in

75. minoritieswelfare.tripura.gov.in

a corresponding share in public employment. These measures aim to improve access to education and address under-representation in state services. Certain Christian communities, such as Latin Catholics, Anglo-Indians, and Nadar Christians (SIUC), are also recognised under the OBC category and are eligible for reservation benefits. In addition, the state provides financial assistance to minority communities, including scholarships and skill development programmes aimed at improving socio-economic outcomes.

2. **Tamil Nadu:** In Tamil Nadu, the government has earmarked a 3.5 per cent sub-quota within the 30 per cent OBC reservation for Backward Class Muslims and Christians. This sub-quota applies to admissions in educational institutions as well as recruitment to state government jobs. The objective of creating this category is to ensure that relatively advanced groups within the OBC framework do not dominate access to benefits meant for more disadvantaged sections.
3. **Karnataka:** In Karnataka, Muslims were historically provided a four per cent reservation under the Other Backward Classes (OBC) category, applicable to admissions in educational institutions and recruitment to state government jobs. This formed part of the broader OBC quota based on socio-economic and educational backwardness. However, in 2023, the state government abolished this four per cent reservation and shifted eligible groups to the 10 per cent Economically Weaker Sections (EWS) category, marking a move away from religion-linked reservation toward an economic criterion. Certain Christian communities in the state continue to be recognised under the OBC category and are eligible for reservation benefits.
4. **Andhra Pradesh:** In 2004, the Government of Andhra Pradesh introduced a five per cent reservation for Muslims in education and public employment under a newly created Backward Classes (E) category, targeting socially and educationally backward Muslim groups. The policy aimed to address underrepresentation and improve socio-economic outcomes. However, it faced legal challenges on the grounds that religion-based reservation may violate Article 15(1) of the Constitution. The Andhra Pradesh High Court struck down the policy as unconstitutional, and subsequent judicial scrutiny emphasised that affirmative action must be based on social and educational backwardness rather than religion alone. The state has also implemented welfare measures for minority communities, including schemes benefiting Christian minorities such as educational support and pilgrimage assistance.
5. **Telangana:** The state of Telangana provides a four per cent reservation for Muslims under the Backward Classes (BC-E) category in education and public employment, a policy framework inherited from Andhra Pradesh. This reservation applies to admissions in educational institutions, including professional courses, as well as recruitment to state government jobs, and is based on the socio-economic and educational backwardness of specific Muslim communities. The policy has been subject to legal scrutiny. In addition, the state provides welfare support to minority communities, including fee reimbursement and scholarship schemes for Christian students.
6. **Uttar Pradesh:** In Uttar Pradesh, many Muslim communities are classified under the Other Backward Classes (OBC) category, making them eligible for reservations in education and public employment based on socio-economic and educational backwardness. These communities benefit from the 27 per cent OBC quota. Unlike some other states, the reservation framework is not explicitly religion-based but applies to communities identified as backward within the OBC list.
7. **Maharashtra:** In 2014, Maharashtra introduced a five per cent reservation for Muslims in educational institutions and public employment, targeting socially and educationally backward Muslim communities. However, the policy has faced significant legal challenges and has not been consistently implemented following judicial interventions. The state has also extended reservation benefits to certain Christian communities, such as East Indian Catholics, under the OBC category.
8. **Rajasthan:** The successive Governments of Rajasthan have implemented various initiatives to

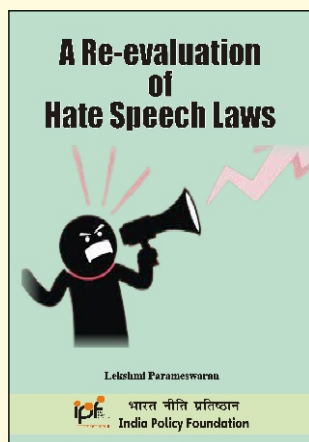
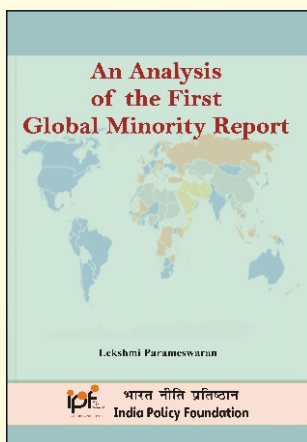
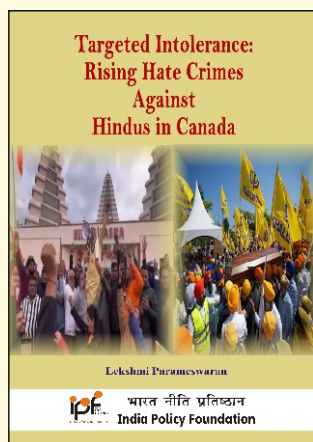
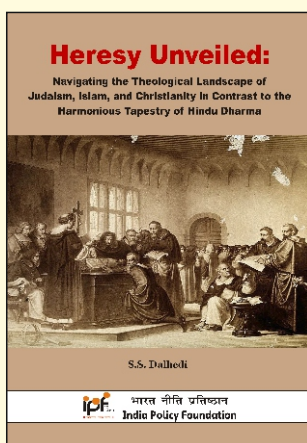
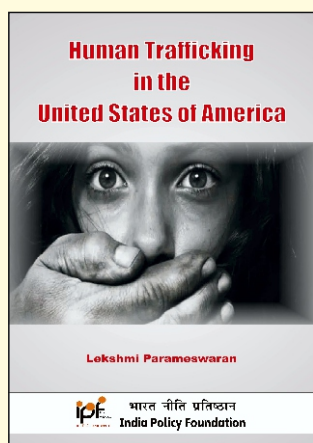
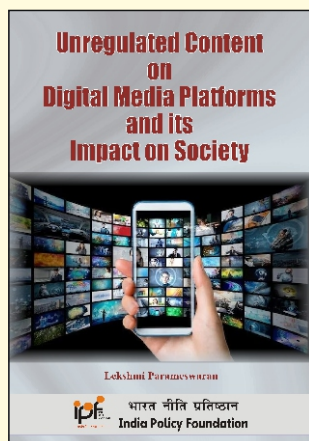
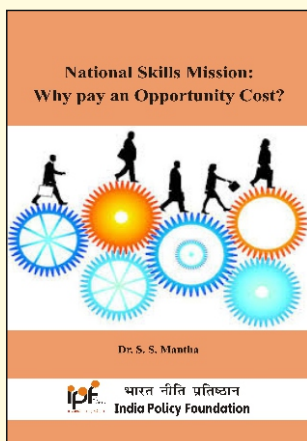
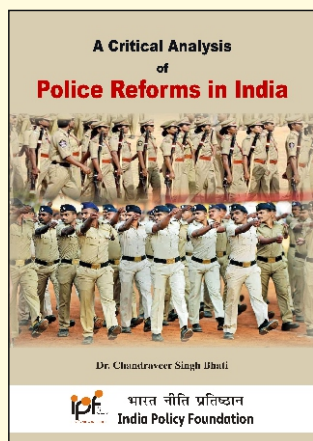
promote the welfare of minority communities, including Muslims, with a focus on education, skill development, and infrastructure. Efforts such as madrasa modernisation and support for minority educational institutions continue under broader state and central programmes. Skill development and employment-oriented initiatives for minority youth are now largely integrated into wider national and state-level schemes rather than standalone programmes.⁷⁶

9. **Goa:** In Goa, minority communities, including Christians, benefit from scholarships, educational grants, and skill development initiatives supported through both central and state programmes. The state also facilitates vocational training and provides access to financial assistance for self-employment and entrepreneurship through institutions such as the Goa State Minorities Finance and Development Corporation (GSMFDC).
10. **Assam and Northeastern States:** Tribal communities in northeastern states benefit from Scheduled Tribe (ST) status, which provides reservations in education, public employment, and political representation. In states such as Nagaland, Mizoram, and Meghalaya, where nearly 90 percent population follows Christianity, these benefits extend to tribal populations under the ST framework. State governments in the region provide a range of welfare measures, including subsidised or free education, scholarships, healthcare support, and livelihood programmes aimed at tribal development. In addition, various states offer targeted support for agriculture, cottage industries, and rural development, along with financial assistance for higher education and skill development. These initiatives are implemented as part of broader tribal welfare policies rather than religion-specific programmes, although a significant number of beneficiaries belong to Christian communities.⁷⁷

76. Press Information Bureau, Rajasthan

77. Diya Purohit. Ceiling Limit on Reservation: A Detailed Analysis. The Law Advice

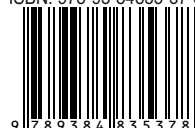
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