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To

Shri Pranab Mukherjee
The President of India
Rashtrapati Bhavan,
New Delhi – 110 004.

Your Excellency,

Congratulations to you on your election as the 13th President of India!

I am writing to you to express my deep concern over the plight of some sections of Dalits who have been unjustly denied the *Scheduled Caste Status* – a status that ensures benefits of *Affirmative Action*. These Dalits suffer the ignominy of discriminatory exclusion solely on account of the *Constitution (Scheduled Castes) Order 1950* that was promulgated on 10 August sixty-two long years ago – a day that these victims of discriminatory exclusion choose to observe as *Black Day*.

Thankfully, the Constitution (Scheduled Castes) Order 1950 has been amended twice, in 1956 and in 1990, so as to extend the Scheduled Caste status to Dalits belonging to Sikhism and Buddhism respectively. Thus, it has been proven beyond doubt that the Constitution (Scheduled Castes) Order 1950 is *not immutable*. However, the *third paragraph* of the Constitution (Scheduled Castes) Order 1950 continues to discriminatorily exclude Dalits of Islamic and Christian origin as well as Jains and Parsis, etc from the Scheduled Caste category, for it reads: "*no person who professes a religion different from Hinduism shall be deemed to be a member of Scheduled Caste.*"

Obviously, the discriminatory Constitution (Scheduled Castes) Order 1950 violates the rights of millions of people in India as it has been *promulgated in contravention of the stipulations of the Constitution of India and those of the International Bill of Rights*:

- The Constitution of India, in its Preamble, guarantees "*EQUALITY of status and of opportunity*" to all its citizens.
- Article 15 of the Constitution of India decries discrimination on the basis of religion.
- Article 2 of the *Universal Declaration of Human Rights* urges State parties to "*disallow any kind of discrimination on the basis of religion*".
- Article 2 of the *International Covenant on Civil and Political Rights* stipulates that the State Party to the said Covenant respect, protect and fulfil the rights enshrined in the same Covenant "without distinction of any kind, such as race, colour, sex,

language, *religion*, political or other opinion, national or social origin, property, birth or other status.”

- Furthermore, the *Committee on the Elimination of Racial Discrimination* (CERD), during its Seventieth session (19 February – 9 March 2007) recommended ‘that the State party restore the eligibility for affirmative action benefits of all members of scheduled castes and scheduled tribes having converted to another religion’.

Moreover, *Justice Ranganath Misra Commission*, appointed by none other than the Government of India to study the discriminatory exclusion, has recommended, in its report, “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 de-link the Scheduled Caste status from religion* and make the Scheduled Castes net fully religion-neutral like that of the Scheduled Tribes.”

Please allow me, dear President, to draw your kind attention to *Article 2 of the International Covenant on Civil and Political Rights* that stipulates that each State Party undertake to “ensure that any person whose rights or freedoms as herein recognized are violated shall have an *effective remedy*, notwithstanding that the violation has been committed by persons acting in an official capacity; to ensure that any person claiming such a remedy shall have his rights thereto *determined by competent judicial, administrative or legislative authorities*, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy”.

However, it must be sadly and painfully admitted that the pleas of the victims of a flagrant human rights violation for an effective remedy have not favourably despites their appeals to various redress mechanisms for well over six decades.

It is against this backdrop, I appeal to you, Honourable President, to repeal *para 3 of the Constitution (Scheduled Castes) Order 1950*, which happens to be a Presidential Order, and thus to ensure justice and equality for millions of Dalit Christians and Dalit Muslims, and to Jains and Parsis as well, without further ado.

Seeking your immediate and effective intervention and thanking you in anticipation, I remain

Yours Sincerely

(Antony Arulraj)

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