

Reservation Eligibility After Religious Conversion

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Why in News?

The Supreme Court dismissed Tamil Nadu's appeal against a 2024 order extending reservation benefits to BC, MBC, DNC, and SC converts to Islam.

Reservation Eligibility After Religious Conversion		SHANKAR IAS PARLIAMENT
PARTICULAR	DETAILS	
 Court	Supreme Court of India	
 State involved	Tamil Nadu	
 Government order	March 2024	
 Constitutional provision on public employment reservation	Article 16(4)	
 Constitutional provision governing SC lists	Article 341	
 Relevant legal instrument	Constitution (Scheduled Castes) Order, 1950	
 Core issue	Whether conversion automatically preserves or confers reservation eligibility	
 Outcome	Tamil Nadu government's appeal dismissed.	

- The Court determined that religious conversion does not inherently grant membership in a different notified Backward Class or maintain Scheduled Caste status.
- An individual cannot claim reservation under Article 16(4) solely based on social backwardness linked to their former religious or community identity.

Article 16(4)

- Article 16(4) serves as an enabling provision rather than conferring an automatic individual entitlement to a specific reserved position.
- This provision addresses backward classes that, according to the State's assessment, are inadequately represented in State services.
- Eligibility is determined by the relevant constitutional and legal framework.

Scheduled Caste Status in Relation to Religious Conversion

- The Constitution (Scheduled Castes) Order, 1950 serves as the primary legal framework governing this issue.
- Paragraph 3 of the Order restricts Scheduled Caste recognition to individuals who profess the religions explicitly listed in the Order.
 - Hinduism
 - Sikhism
 - Buddhism
- Consequently, individuals who profess Islam, Christianity, or any religion not specified in the Order are generally ineligible to claim Scheduled Caste status solely based on their caste of origin.

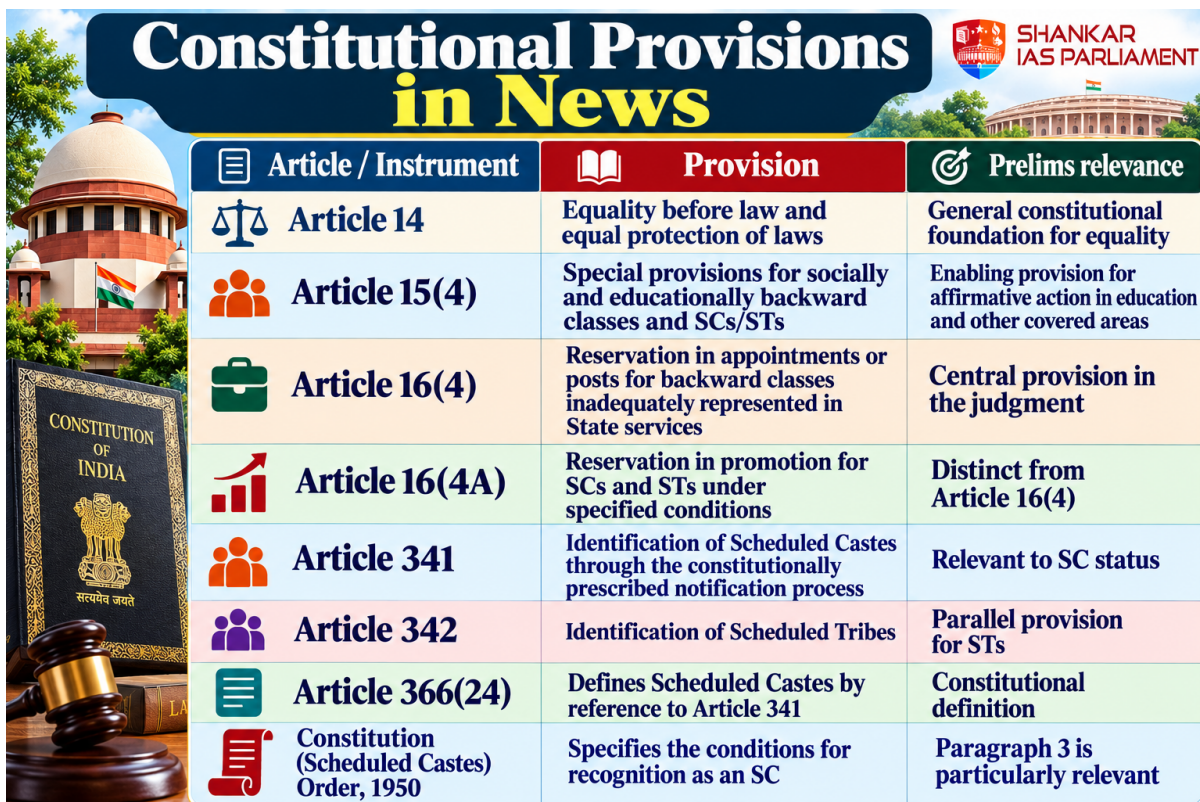
Key Observations of the Supreme Court

- **Religious Conversion Does Not Ensure BC Status** - An individual from a Hindu Backward Class does not become a member of a notified Muslim Backward Class solely by converting to Islam.
- Membership in a notified community must be demonstrated in accordance with the relevant legal framework.
- A conversion certificate by itself does not constitute sufficient evidence of eligibility for reservation under Article 16(4).
- **Historical disadvantage and community membership** - The Court differentiated between an individual's prior social identity and membership in a distinct community recognized for reservation purposes.
- Prior membership in a Hindu Backward Class (BC), Most Backward Class (MBC), or Denotified Community does not, by itself, establish eligibility for inclusion in the notified Muslim Backward Classes.
- The State is required to establish a legally sustainable basis for identifying the relevant community and determining eligibility for reservation.
- **Limitations of Executive Orders** - A State government order cannot unilaterally confer Scheduled Caste status in a manner that contravenes the constitutional framework.
- The March 2024 order was criticized for considering prior community membership as adequate to establish eligibility for inclusion in another notified Backward Class.

BC/MBC and SC Status

Feature	BC/MBC reservation	Scheduled Caste status
Governing framework	Applicable Central or State backward-class lists and eligibility rules	Article 341 and the Constitution (Scheduled Castes) Order, 1950
Community recognition	Must establish membership of the relevant notified community	Must satisfy the applicable constitutional and statutory conditions

Effect of conversion	Does not automatically establish membership of another notified BC	Conversion to a religion outside Hinduism, Sikhism and Buddhism generally prevents continued SC recognition under the existing Order
Can a conversion certificate alone establish eligibility?	No	No
Can a State executive order independently create SC status?	Not applicable in the same manner	No

		
Article / Instrument	Provision	Prelims relevance
 Article 14	Equality before law and equal protection of laws	General constitutional foundation for equality
 Article 15(4)	Special provisions for socially and educationally backward classes and SCs/STs	Enabling provision for affirmative action in education and other covered areas
 Article 16(4)	Reservation in appointments or posts for backward classes inadequately represented in State services	Central provision in the judgment
 Article 16(4A)	Reservation in promotion for SCs and STs under specified conditions	Distinct from Article 16(4)
 Article 341	Identification of Scheduled Castes through the constitutionally prescribed notification process	Relevant to SC status
 Article 342	Identification of Scheduled Tribes	Parallel provision for STs
 Article 366(24)	Defines Scheduled Castes by reference to Article 341	Constitutional definition
 Constitution (Scheduled Castes) Order, 1950	Specifies the conditions for recognition as an SC	Paragraph 3 is particularly relevant

Reference

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