

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

WRIT PETITION (CIVIL) NO.180 OF 2004

CENTRE, PUBLIC INTEREST LITIGATION & ANR

Petitioner(s)

VERSUS

UNION OF INDIA

Respondent(s)

(With appln(s) for intervention, intervention/impleadment,  
impleadment and office report)

With Writ Petition (C) No.94 of 2005  
(With office report)

Writ Petition (C) No.625 of 2005  
(With office report)

Writ Petition (C) No.47 of 2006  
(With office report)

S.L.P. (C) No.....CC 9732/2007  
(With appln.(s) for c/delay in filing SLP and office report)

Civil Appeal No.323 of 2004

Civil Appeal No.326 of 2004

Civil Appeal No.328 of 2004

Civil Appeal No.327 of 2004

Civil Appeal Nos.329-330 of 2004

Civil Appeal Nos.324-325 of 2004  
(With prayer for interim relief)

Civil Appeal Nos.2429-2430 of 2005  
(With appln(s) for exemption from filing c/c of the impugned  
judgment and permission to file additional documents)

Writ Petition (C) No.579 of 2009  
[For Directions)

Date: 21/01/2011 These Matters were called on for hearing today.

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CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE K.S. PANICKER RADHAKRISHNAN  
HON'BLE MR. JUSTICE SWATANTER KUMAR

For Petitioner(s) Mr. Prashant Bhushan,Adv.

Dr. M.P. Raju,Adv.  
Mr. K.K. Mishra,Adv.  
Mr. Ashwani Bhardwaj,Adv.

Mr. Balaji Srinivasan,Adv.

Mr. Mushtaq Ahmad, Adv.

Mr. M.A. Chinnasamy, Adv.

Mr. D. Vidyanandam, Adv.

Mr. V.N. Raghupathy, Adv.

For Appellant(s)

Mr. Sachin J. Patil, Adv.

Ms. Chandan Ramamurthi, Adv.

Mr. Shivaji M. Jadhav, Adv.

Mr. Nitin K. Gupta, Adv.

Mr. Rameshwar Prasad Goyal, Adv.

Mr. Sanjay Jain, Adv.

For Respondent(s)

Mr. A. Raghunath, Adv.

Mr. A. Subba Rao, Adv.

Mr. Bhaskar Y. Kulkarni, Adv.

Mr. Aman Vachher, Adv.

Mr. Ashutosh Dubey, Adv.

Mr. R.D. Puri, Adv.

Mr. Rajshri Dubey, Adv.

Mr. Dhiraj, Adv.

Mr. P.N. Puri, Adv.

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Mr. A. Mariarputham, Sr. Adv.

Ms. Sadhana Sandhu, Adv.

Mr. S.S. Rawat, Adv.

Mr. S.W.A. Qadri, Adv.

Ms. Rashmi Malhotra, Adv.

Ms. Asha G. Nair, Adv.

Ms. Sunita Sharma, Adv.

Mr. D.S. Mahra, Adv.

Mr. B. Krishna Prasad, Adv.

Mr. Bhupender Yadav, Adv.

Mr. S.S. Shamsberry, Adv.

Mr. R.C. Kohli, Adv.

Dr. M.P. Raju, Adv.

Mr. P. George Giri, Adv.

Mr. S.P. Sharma, Adv.

Ms. T. Anamika, Adv.

Ms. K.V. Bharathi Upadhyaya, Adv.

Mr. S.C. Birla, Adv.

Mr. A.S. Bhasme, Adv.

Mr. Shakil Ahmed Syed, Adv.

Mr. Sanjay V. Kharde, Adv.

Ms. Asha G. Nair, Adv.

Mr. Vishwajit Singh, Adv.

Mr. Shivaji M. Jadhav, Adv.  
Mr. Amit Singh, Adv.

Mr. S.U.K. Sagar, Adv.  
Ms. Bina Madhavan, Adv.  
Mr. Karan Kanwal, Adv.  
M/s. Lawyers' Knit & Co., Advs.

Mr. Venkateswara Rao Anumolu, Adv.

In-person (N/P)

Mr. D.N. Goburdhan, Adv.

Ms. Lata Krishnamurthy, Adv.

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Mr. Manjit Singh, AAG.  
Mr. Tarjit Singh, Adv.  
Mr. Kamal Mohan Gupta, Adv.

Ms. A. Subhashini, Adv.

UPON hearing counsel the Court made the following  
O R D E R

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

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

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

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

Let notice be issued to the newly added respondents.

Notice to newly added parties be served via Dasti.

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

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

[ Alka Dudeja ]  
A.R.-cum-P.S.

[ Madhu Saxena ]  
Assistant Registrar