



# Constitutional Social Justice and Inclusion: A Critical Study of Equality and Reservations for Marginalized Communities in India

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## 1. Introduction / Background

The Constitution of India, adopted in 1950, is a transformative living document that aims to create an egalitarian society founded on the values of justice, liberty, equality, and fraternity. Seventy-five years after its adoption, the promise of social justice for marginalised communities—particularly Scheduled Castes, Scheduled Tribes, and other disadvantaged groups—remains a fragmentary goal.

The provisions under Articles 12, 13, 14, 15, 16, 17, 25, 46 and 300A form the foundation of substantive equality and social justice. Judicial pronouncements such as *Kesavananda Bharati v. State of Kerala*, *Indra Sawhney v. Union of India*, and *Samatha v. State of Andhra Pradesh* have significantly shaped the vision of equality and affirmative action through the Fundamental Rights and Basic Structure Principles.

The greatest hinders of, The Indian Constitution – 1950, Article 341 (1) - Paragraph 3 of the Constitution (Scheduled Castes) Order, 1950, states that “no person who professes a religion different from Hinduism shall be deemed to be a member of a Scheduled Caste”. This means that the order, as originally formulated, limited Scheduled Caste status to those following the Hindu religion alone.

However, persistent caste-based discrimination, socio-economic inequalities, and the exclusion of Dalit Christians and Muslims from Scheduled Caste benefits raise concerns about the fulfilment of constitutional guarantees. Such exclusion, guided by the maxim “*Expressio Unius Est Exclusio Alterius*” (“the express mention of one implies the exclusion of others”), highlights arbitrariness and inconsistency with constitutional morality.



***"The Constitution stands on its own merits, while amendments try to encroach upon them."***

This research seeks to critically analyse the constitutional vision of social justice, evaluate judicial interventions, identify gaps in existing policies, and propose reforms to ensure inclusivity and equality for all marginalized communities. The subject matter is ongoing still in debate and arguments at Hon'ble Supreme Court of India.

## **2. Objectives**

1. To analyse the constitutional vision of social justice and substantive equality in India.
2. To evaluate the role of the judiciary in Article: 142 through Complete Justice - shaping affirmative action and equality.
3. To examine the exclusion of Dalit Christians and Muslims from Scheduled Caste benefits in light of constitutional provisions.
4. To suggest reforms for a more inclusive and constitutionally consistent approach to social justice.
5. The presidential Order (SC) – 1950, para. 3 is an Unconstitutional and Struck down by the Article 13, 15(4), 16(4) and 25 of the Constitution.
6. The truth revealed of **"Reservation"** the word and concept widely misunderstood, misguided and misused among the Legislatives and authorities of nation.

## **3. Hypothesis**

The current legal framework and policies regarding Scheduled Caste as well as Scheduled Tribe **Reservations** benefits are arbitrary and discriminatory, as they exclude Dalit Christians and Muslims without reasonable justification still 75Years stands, thereby violating the constitutional principles of Secularism, Justice, Equality, social and natural justice, Basic Structure Principles, transformative constitutionalism and Fundamental Rights.

## **4. Research Questions**

1. How has the Constitution of India envisioned social justice and equality for marginalized communities?
2. What role has the judiciary played in strengthening affirmative action and inclusive policies? And still suspicious among the three words and concepts: **Conversion, Empirical data and Amendment.**
3. Is the exclusion of Dalit Christians and Muslims from Scheduled Caste benefits Constitutionally with Social and Natural Justice valid?
4. What reforms are necessary to ensure that affirmative action fulfils the transformative spirit of the Constitution?

### **Substantive Question of Law:**

**a. Para 3, of presidential order (SC) 1950 – under Article 341(1) of Indian Constitution - 1950 is an Ultra Virus,** beyond the presidential power that provided only the list out of Caste SC/ST not the power given to list out the Religion but here the word Religion list out like included or excluded. whether the president having the absolute power or unconditional?

**b. Religion and Caste are absolute distinction each word recorded in Article 15; The Discrimination grounds of Religion, Race, Caste, Sex, Place of birth and Decent (Art. 16(3) added. So that throughout entire reservation provisions in Indian Constitution 1950 the president or state having the power to list out or work out inside the caste not on the word of religions.**

**c. Reservations is a not Religions one and never finding out in entire Constitution Article 330 to 342A. Its recorded only has to Socially & Economic weaker sections, Marginalized people. Who has become and effect from discrimination and**



untouchability, oppressed and slave, dominated by pagans which are highly religious people encroaches all Human rights and basic needs rights. It's a totally human disaster not by nature by birth.

**d.** Reservations are purely full of merits or mercy, grace, alarms, freely handouts? Reservation is a full of merit? The cause of Justice and Social Justice is that Return back which has over lost. That a Right?

**e.** After the para 3 Reservations became “**A Law**”, from the commencement of reservations originally Art. 15 (4) & Art. 16 (4) it was “**The Law**”. Who has given this kind of power to the president?

**f.** Reservations is all about Special provision for the Advancement of any – Socially & Educationally backward classes of Citizens for the SC/ST? or Only Religion? According to Art. 15 (4)

**g.** Any Provision for the Reservations of “Appointments or Post” in favor of any backward class of “Citizens”? or only for Religion? According to Art.16(4).

**h.** DPSP of Article 46; whether it's all about Promotion of “Educational & Economic” Interests of SC/ST and Weaker section (Here SC/ST also not comes under weaker section that much they are below poverty line of people by strangers? Or it's all about religion? “Special care & Protect” then from – Social Injustice & All forms of exploitation (Religion).

**i.** “Special Provisions Relating to Certain Classes” According to Article – 330 to 342A. it's all about religion? And Article - 338 (National Commission for Scheduled Caste) & 338(A) – (National Commission for Scheduled Tribes) & Article – 338 (B) (“National Commission for Backward Classes” Socially and Educationally backward classes. All has to comes under only Religion?

**j.** Article 342 A (2) – Parliament may not (Shall) be Law “Include or Exclude” from the central list. Whether it comes under Religion?

## 5. Brief Literature Review

### Indigenous Anguish in India (Brief Summary)

- 1. Pre-1600s:** Tribes lived autonomously, resisting integration into major empires.
- 2. Colonial Era (1757-1947):** British land laws and forest acts dispossessed tribes; forced labour and revolts like the Santhal (1855) and Munda (1899) uprisings occurred. *Criminal Tribes Act* (1871) labelled tribes as criminals.
- 3. Post-1947:** Constitutional protections exist, but displacement from industrial projects and weak law enforcement continue. *Forest Rights Act* (2006) provided some land rights.
- 4. Evidence:** UN reports show tribes are India's poorest. Key legal cases like *Samatha* (1997) and *Vedanta* (2013) upheld tribal rights. (7)

Indigenous (ST/SC) peoples in India have suffered for centuries, from the pre-colonial era to British rule and even in modern India due to displacement, land alienation, and exploitation. Although legal protections exist, implementation is weak, and challenges remain.

Every indigenous communities living with discrimination, untouchability, derogations, land dispossession, and loss of identity treated has barbarians. So that they are became by others has a vulnerable group. Displacement from ancestral lands, Cultural and economic marginalization, Lack of political representation. Now it has Indigenous which has mentioned in Indian Constitution – Schedule Tribes and Schedule Caste.



## "Exploring the Roots of Indigenous Heritage of Injustice approx. above 2000 years"

Indigenous peoples in India, commonly referred to as Adivasis (Scheduled Tribes) etc., have faced historical injustices for centuries, particularly since the colonial period and even before. Their suffering has manifested in land dispossession, economic marginalization, forced assimilation, and cultural erosion. The greatest tragedy is that women, who face double jeopardy agony, are mistreated by their caste and tribe, due to the curse of being born female, are brutally and severely sexually abused.

*"ST/SC peoples are suffering like small birds—sparrows and swallows. These small, innocent birds always feel panic from storms, strong winds, and the rainy season, as they do not have permanent nests. Their livelihood changes day by day, filled with fear and panic. Similarly, in our country, indigenous ST/SC citizens are still living under such conditions. Easily they can evict in the name of eminent domain" No, human can comprehend this pain except Constitution.*

***The Hon'ble Supreme Court which has submitted – the ratio "...from 1 January 2022 to 31 December 2023, around 7.4 lakh people lost their homes as a result of state-driven demolitions. The scale and pace of these evictions reached unprecedented levels in 2023, with 515,752 people evicted and 107,449 homes demolished across the country. The data also reveal that 31% of the people forcibly evicted during this period belonged to historically marginalized groups, including Scheduled Castes, Scheduled Tribes, Other Backward Classes, nomadic communities, migrant workers, and religious minorities."***

- Austin, Granville (1999). *The Indian Constitution: Cornerstone of a Nation* – Discusses the transformative character of the Constitution and its emphasis on justice.

- Marc Galanter (1984). *Competing Equalities: Law and the Backward Classes in India* – Provides a critical analysis of affirmative action and social justice policies.

- Upendra Baxi & Madhav Khosla – Extensive writings on constitutional morality and equality.

- Landmark Cases: Kesavananda Bharati (1973), Indra Sawhney (1992), and Samatha (1997) illustrate judicial efforts in strengthening social justice, (Soosai case 1985, and Chamapkam Dorairajan case 1951 – both cases are contradictions judgments)

- Reports: The Mandal commission, The Sachar Committee Report (2006) and Ranganath Misra Commission Report (2007) highlight socio-economic conditions of Dalit Christians and Muslims and recommend their inclusion in affirmative action policies.

Existing literature shows that while affirmative action has benefitted several communities, the exclusion of Dalit Christians and Muslims remains a major gap in achieving substantive equality.

## 6. Methodology

### Type of Research:

- The study adopts a ***mixed-method approach***, combining ***doctrinal research*** (analysis of constitutional provisions, statutes, and case laws), ***analytical research*** (critical evaluation of reservation policies), and ***empirical research*** (use of statistical data and reports to understand the real impact on marginalized communities). With **logical, analytical, cyclical, critical, replicable, empirical, and methodical**.

## "Indigenous (ST/SC) Rights Infringed by Contemporary Diplomatic Deception".

If the Presidential Order of 1950, under Article 341(1) of the Indian Constitution, still remains in effect, then crimes have only increased rather than decreased. Indian prisons are filled with people—who are they? What kind of individuals? Almost all of them are those struggling to survive, their families trapped in poverty. The majority belong to the below-poverty-line category. We rarely find individuals from higher castes in prisons.



As a result, fundamental rights, basic needs, education, and welfare have become increasingly difficult to access for ST/SC communities. A rigid and discriminatory system has been created, one that remains beyond their reach.

Among Indigenous (ST/SC) people and their families, has even a majority been able to become officers in government departments, private companies, the armed forces, IPS & IAS, doctors, etc.? The only way to ensure their rightful opportunities is through reservations, which have been encroached upon and denied to them by centuries.

- STs and Conversion: ST status is based on ethnicity, culture, and geography, not religion. However, converted STs face administrative challenges, potentially affecting their indigenous rights.
- SCs and Conversion: The 1950 Constitution Order limits SC status to Hindus, Sikhs, and Buddhists, excluding converts to Islam or Christianity, denying them affirmative action despite ongoing discrimination.
- Creamy Layer and Indigenous Rights: The creamy layer concept, originally for OBCs, is being applied to SCs/STs, despite their unique caste-based discrimination, potentially undermining their rights.

"How can the concept of the creamy layer serve as a parameter for reservations in an unstable economy, when birth right remains unchanged?"

Applying the creamy layer to SC/STs overlooks persistent social stigma, risking dilution of constitutional protections and infringing upon the birth right to social justice.

The Constitution (Scheduled Castes) Order, 1950, also known as the Presidential Order of 1950, is an official document issued by the President of India under Article 341(1) of the Indian Constitution. This order lists the castes recognized as Scheduled Castes (SCs) and outlines the conditions for their inclusion.

Original Text of Clause 3: "No person who professes a religion different from the Hindu religion shall be deemed to be a member of a Scheduled Caste". Amendments: 1956: Extended SC status to Sikhs, 1990: Extended SC status to Buddhists, Exclusion: Converts to Islam or Christianity are excluded from SC status.

"The entire subject matter pertains to questions of law and questions of fact." - (7-1) The presidential order of Reg. No: D-481, Friday, August, 11, New Delhi 1950. Whether it breaches fundamental rights of Indian Constitution – 1950, Article – 25? "All persons are equally entitled to freedom of conscience and the right freely to profess, practice, and propagate religion."

Article – 25; Freedom of religion with Article – 341, Presidential Order is an ultra-virus?

Constitutional Provision (Article 341): The law is based on Article 341, which gives the President constitutional authority to specify SCs. Hence, unless the Supreme Court strikes it down or a constitutional amendment is passed, it is not ultra vires. However, with ongoing legal challenges and increasing recognition of caste discrimination across religions, the Supreme Court could revisit this issue and potentially declare it ultra vires in the future. But here need to review again with Mischief Rule, Fundamental Rights, Basic structure Doctrine, Rule of Law, Natural Justice. With the Complete Justice – Article – 142, Constitution of India - 1950.

***"Whether, the Supreme Court exercise Article 142 to deliver complete justice?"*** - Applying the Mischief Rule, the Doctrine of Colourable Legislation, and arguments on the breach of religious freedoms, Article: 15(4) and 16(4) it can be strongly argued that the 1950 - Presidential Order under Article: 341(1) of Indian Constitutional is unpredictable with Article – 13 and 25 and constitutional principles, Fundamental Rights, Legal Rights and Basic Structure Doctrine.



## 1. Indigenous Rights Are Birth rights:

Indigenous status and protection should not be conditional upon religious identity. Denying SC/ST status post-conversion is a violation of birthrights rooted in social justice. If a person is born into an indigenous community recognized as SC/ST, how can mere changes in religious belief, economic status, or matrimonial circumstances strip them of benefits tied to their birthright? Many people are presently anguish due to this issue, by dominated their own will.

Recently, this issue solved out by Jammu & Kashmir high court judgment said that; “Similarly, a person who is a member of the SC or ST is a Birth Right would continue to be a member of the SC or ST, as the case may be even after his or her marriage with a person who does not belong to a SC or ST”, the court underscored. 07-02-2025, WP(C) No. 169/2025.

### Article 142 – The Supreme Court’s Power to Intervene:

The Hon’ble Supreme Court has the constitutional power to override discriminatory practices and ensure complete justice for indigenous communities, even if it requires reinterpreting existing laws. Currently, the Court is requesting empirical data. However, the collection of such empirical data has become impossible for the Executive, similar to what happened with the Mandal Commission Report in the 1980s. A similar situation is unfolding now with the report on the national census of caste divisions, which could lead to significant contradictions among the people.

"Therefore, I firmly believe and have strong faith in Judicial Review, as recorded in Union of India vs. R. Gandhi, President, Madras Bar Association (2010) SCC 1. Justice R.V. Raveendran said; The power of Judicial Review states: 'If impartiality is the soul of the Judiciary, independence is the lifeblood of the Judiciary.' Wow, what a powerful and effective words!

In this sense, my view is that; legislation is the bone, the executive is the flesh, and the judiciary is the blood that forms the whole human body. Similarly, India is led and governed by these three organs. Among them, the judiciary is the lifeblood, giving life to the country by upholding social justice and protecting indigenous rights and their Reservations".

\* Soosai v. Union of India (1985) / K.P. Manu v. Chairman (2015) / Current Case (Pending in Supreme Court) – 2022-Present K.G. Balakrishnan (former CJI), And

\* Mandal Commission (1980), Sachar Committee Report (2006),

Ranganath Misra Commission (2007)

\* The Constitution (Scheduled Castes) Order, 1950, issued on August 10, 1950, and published in the Gazette of India on August 11, 1950, initially restricted Scheduled Caste (SC) status only to Hindus.

Article – 341 (1).

In every case the word “Conversion” is the subject matter...

The directions of North and South, East and West cannot change through any conversions. However, the Earth's rotation around the Sun causes changes in day and night. Similarly, birth rights are like the fixed directions of North and South, while economic status, like day and night, fluctuates with economic conditions. Therefore, reservations cannot be made solely on an economic basis.



"Notwithstanding, the question of law is this: If ST/SC status by birth in Hinduism is considered tangible, then how can conversion to another religious belief only that an intangible aspect protected as a fundamental right of citizens—affect this status?"

For example, under Intellectual Property Law, patents and copyright rights apply only to tangible property, not to something that remains intangible.

•Similarly, how did legislators logically determine and decide that a religious belief, which is intangible, could override Article 341(1) and cancel a birth right that is tangible?"

Tangible vs. Intangible Debate:

•Birth into an SC/ST community is a social and legal identity (which has referred to as tangible).

•Religious belief is intangible and a fundamental right under Article 25.

•The issue is whether conversion, an exercise of an intangible right, should affect the tangible birth status of SC/ST individuals.

### **The Reason:**

The Fear of Social Justice and Indigenous Rights: always intangible and suspicious.

The subject of Social Justice and Indigenous Rights is a source of fear and discomfort for many.

The subject of Social Justice and Indigenous Rights is a source of contradiction from many.

The subject of Social Justice and Indigenous Rights is a source of paranoia.

The subject of Social Justice and Indigenous Rights is a paradox for many.

We can understand this with small illustration, From the origin of human lifestyle: Man, and nature had always worked together and live in harmony, with man innovating to meet his needs and ensure his welfare of survival his life. However, Capitalism, Egotism, Pride, Domain, Jealous, etc. has led man to dominate and exploit the rights and nature, because of human greed, jealous, pride, influence, domain spirit as the Source of survival.

This one scientifically proved by in research of Abraham Maslow (1908–1970): (8)

Abraham Harold Maslow was an American psychologist best known for developing Maslow's Hierarchy of Needs, a theory that explains human motivation based on a hierarchy of psychological and physiological needs.

Maslow's Hierarchy of Needs: What Humankind searching for his entire life? What his priority and were human runs?

A five-tiered model of human needs, arranged in a pyramid:

1. Physiological Needs – Food, water, shelter, sleep.

2. Safety Needs – Security, employment, health, property.



3. Love & Belongingness – Friendship, family, social relationships.

4. Esteem Needs – Self-respect, recognition, status.

5. Self-Actualization – Achieving one's full potential, creativity, personal growth.

He is saying; No matter, what the human religion, culture, race, cast etc, entire humankind is searching or comes end with finding out above listed survival needs.

Heinrich Cornelius Agrippa ideas encountered by Karl Marx: The human body works as a whole, with all its parts—hands, legs, mind, etc. contributing to its functioning. Among these, the stomach is the one that becomes fully satisfied when the body consumes food. One day, all the working parts decided to stop functioning because they felt the stomach did no work.

However, after a couple of days, all the parts began to suffer from starvation and grew weak. The stomach then spoke to the other parts, saying, "I provide the nutrients and energy that give life, strength, and vitality to all of you. Without me, you cannot function."

Realizing this truth, all the parts of the body agreed with the stomach and decided to obey it. From then on, the stomach became the leader and provider for the entire body, while the other parts continued to work as Slaves and laborers to sustain the whole system. (the critique of capitalism and class structures. He argued that the bourgeoisie (capitalist class) exploited the proletariat (working class), leading to alienation and systemic inequality. His vision of social justice involved overthrowing these oppressive systems through revolution and establishing a classless society.)

**"When the resolution took place, it was and still is Intangible and suspicious."**

The Social Justice and Indigenous Rights are declared and recorded in The Indian Constitution of 1950, which has greatly protected by Justice. Through the Justice, Equality, Liberty and Fraternity. Then which has given guarantee to entire citizens and especially vulnerable groups Woman, Children's and ST & SC enforcing by the "Fundamental Rights" – Article: 14 to 35 and other various entity. Which are deals with the Event or Issue.

**Constitution "Vision is a foresight, with insight it's based on hindsight".**

Therefore, Distinguished DR. B.R. Ambedkar, who has father and Head Chairman of Drafting committee of Indian Constitution. With his remarkable great visionary leader of mind set we need to analyse into the depth of his contribution. How he deals with the Issue, behind the structure, behind the concept.

If we need to comprehend the Event or Issue, we need to understand behind that system or structure is there, every – Event or Issue behind there is a System or Structure, every System or Structure behind there is a Concept or Theory or Policy.

Concept gives the way to System, System gives the way to Event or issue, in every Theory behind there is Structure, Structure behind Issue. For e.g. – Untouchability is an Issue, discrimination is an Issue, Inequality is an issue, injustice, slavery is an issue etc... this are the problems & Crisis which Indian constitution deals with it.

Revolution is not just change but a complete transformation that alters the foundation of an existing system. Revolution in its deep meaning refers to a fundamental, radical, and often sudden change in a system, society, or way of thinking. It



goes beyond mere reform or gradual improvement and involves a complete transformation, often driven by strong ideals, mass movements, or a radical shift in power. This what DR. B.R. Ambedkar did.

## 7. Expected Outcomes

### Restoring Justice and Rights of Indigenous Peoples

\* Polluter pay principle. (PPP)

\* Sustainable development principle...

\* A person is presumed innocent until proven guilty beyond a reasonable doubt. Or

*A person is presumed guilty until proven innocent beyond a reasonable doubt...?*

"Law and order are the medicine of the body politic and when the body politic gets sick, medicine must be administered"  
– (DR. Ambedkar)

- 1, To establish that the exclusion of Dalit Christians and Muslims from Scheduled Caste Reservations is inconsistent with constitutional guarantees of equality and justice.
2. To provide legal and policy recommendations for a more inclusive affirmative action framework.
3. To contribute to academic and policy debates on constitutional morality and social justice reforms.
4. "Crime rates in India will decrease, leading to better protection for women and children."
5. "Reservations should not be viewed as a favor, free gift, or act of mercy, but as the rightful merit that marginalized communities were deprived of."

**“For PIL on 1950 quota order, Supreme Court raps law student: ‘Focus on studies’” — from The Times of India. Nov 8<sup>th</sup> 2025.**

### Still it continued the tragedy:





DH  
DECCAN HERALD

# No SC/ST Act protection after conversion to Christianity: HC

**Says conversion nullifies benefits, regardless of any previously issued caste certificate**

**SANJAY PANDEY**  
LUCKNOW, DHNS

In a significant decision, the Allahabad High Court has held that the protective provisions of the SC/ST (Prevention of Atrocities) Act cannot be extended to persons who have embraced another faith in which the caste system is not recognised.

A single bench of Justice Praveen Kumar Giri gave this ruling while dismissing a petition filed by Jitendra Kumar Sahni, who hailed from an SC community but had converted to Christianity, challenging his prosecution under various sections for allegedly denigrating Hindu gods and goddesses. In the affidavit filed before the court, Sahni sought protection under the

## LEGAL TAKE

■ Court observes caste-based discrimination does not exist within the Christian faith

■ The provisions of SC/ST (Prevention of Atrocities) Act cannot be extended to persons who have embraced another faith wherein the caste system is not recognised

SC/ST Act on the ground that he belonged to an SC community.

The Court observed that caste-based discrimination does not exist within the Christian faith, and therefore, the basis for the Scheduled Caste classification stands nullified upon conversion, regardless

of any previously issued caste certificate.

## Protective provisions

“The SC/ST (Prevention of Atrocities) Act is intended to protect communities that historically faced caste-based discrimination. Consequently, its protective provisions cannot be extended to persons who have embraced another faith wherein the caste system is not recognised,” it added.

The Court directed the District Magistrate, Maharajganj, to enquire into the applicant’s religion within three months and, if he is found guilty of forgery, to take strict action in accordance with law so that such affidavits are not filed before the Court in future.

It also directed the Cabinet Secretary, Government of India, and the Chief Secretary, Government of Uttar Pradesh, to look into matters concerning Scheduled Castes, Scheduled Tribes and Other Backward Classes, and to act as required under the law.

## No Caste Benefits For Religious Conversion: Madras HC - Published on: 6:17 pm, 7 June 2021.

In a judgement that could have long term repercussions, the Madras High Court directed that employees who secure a job under caste/community quota but change their religion later should be removed from their posts.

The court delivered the sensational judgement while hearing to a case relating to irregular appointments in Bharatiyar University. Three persons filed a petition stating that a candidate not having required educational qualifications was appointed as library assistant and even given promotion immediately in the university.

The court said that people gaining benefit under caste/community but converting their religion do not have the right to continue in the job. Similarly, employees converting their religion right before appointment do not have the right to enjoy the benefits of the specific community, it said.



If Dalits of girijans, who are a part of the Hindu community, convert to Christianity, they lose their SC/ST status. They will be considered as Christians only. In Tamil Nadu, Christians fall under BC-C category. The converted Christians cannot enjoy SC reservation, the court said.

It was also made clear that the employee's argument that he/she was an SC during employment but that he/she changed the religion later cannot be accepted. Though the employee changed his/her religion after securing a job, reservation benefits due for his/her earlier community will cease to be implemented, the court observed.

Reservations were introduced for the welfare of people belonging to backward castes facing discrimination in the Hindu community. Quota should be considered as a boon by all those communities facing discrimination in terms of culture and traditions, said legal experts.

Reservation is aimed at removing the disparity and hence, it should not be thought that the community discrimination could be overcome if religion is changed. In the process of religious conversion, benefits of the community should also be foregone.

### **Conclusion:**

**"Just visualize"**

**"The Constitution as a real Living conscious Person:**

**The voice of constitution said to Humankind:**

"My dear children,

**"It is time to Revamp – Human Tradition and Customs".**

"There is no longer a need for changes to 'The Constitution of India'—whether as a revamp, necessity, requirement, obligation, prerequisite, or requisite." But some are trying to change me instead changing human traditions and customs.

The Constitution of India is not a novel, a book of philosophy, a traditional text, or a book on rituals and customs. Beyond all of these, the Constitution of India is a visionary law written book for the nation and its citizens of welfare, governed by three pillars: The Legislature, the Executive, and the Judiciary. "The Constitution with effective designed like; **"Vision is a foresight, with insight, based on hindsight"**. Then it's a Living document, In another words; it's a catalog for a Nation." The principle is; "Car runs with fuel, Nation runs with Constitution".

The highest priority of constitutional supremacy is the **"Rule of Law"**—where **"Law Rules"**—combined with the **"Due Process of Law."** In this context, the principles of **Sovereignty, Socialism, Secularism, Democracy, and Republic** are bound by the Rule of Law, while **Social Justice, Equality, Liberty and Fraternity** are upheld through the Due Process of Law.

"However, in a democratic system, there is always a risk that human-made laws may be biased in favor of the majority, as seen in the Utilitarian theory proposed by jurist Jeremy Bentham. This can lead to laws based on tradition and customs, ultimately undermining Secularism, Social Justice, Equity, Equality, Liberty, and Fraternity."

### **The Reason of Conflicts:**

For human needs today, it is time for a revamp—not of the Constitution, but of human customs and traditions. The reason is that human traditions and customs are often inconsistent, contradictory, paradoxical, and even paranoid. In contrast, the principles of the Constitution—secularism, socialism, social justice, equality, liberty, and fraternity—stand firm. There is always a conflict between human customs and constitutional principles. Human nature is often driven by greed,



dominance, untouchability, discrimination, and inequality, which inevitably lead to destruction, chaos, and abuse. However, the Constitution embodies the spirit of secularism, social justice, equity, equality, and liberty—principles that foster peace, harmony, and national prosperity.

Revamp is a by-product of an issue or event, arising from the need for amendments—amend, amend, amend—or clauses, clauses, clauses. It all reflects reformation. In this way, it aims to address current affairs, such as facts in issues or events that have taken place. This presents significant tasks and challenges for various governing bodies, including the Legislature, Executive, Judiciary, experts, politicians, leaders, and law enforcement agencies.

For example, consider the issue of protection: **“Protection” Is Incredibly Suspicious**—a phrase highlighting the abuse agonized by women and children. On this planet, every woman and female child craves protection. Why? Because danger exists everywhere, at any time, in countless ways. Females live in a world with full of threats. And in this world, Females are the only person silently endure frustration.

Reformation is all about temporary solutions for permanent issues. Therefore, humanity needs to shift towards Resolutions instead of the Reformative theory. The principle is: behind every issue or event, there is a system or structure; behind every system or structure, there is a concept, theory, or idea. If we need to change an issue, we must change its root concept or idea.

For example, terrorism is an idea—that is why, even when kill terrorists, cannot eradicate terrorism It is a problem of ideology. Similarly, issues like rape, sexual abuse, harassment, domestic violence, male domination, slapping a woman and other crimes are rooted in ideas. That is why they cannot be completely eliminated or reduce crimes against constitution; Ideas persist and are passed down through generations. This has now become a global crisis!

"Therefore, the principle is: 'Where bullets can't reach, ideas can.' This is the need for resolutions—it means completely demolishing the existing structure and building something new."

### **"The Foundation of the Nation Should Never Be Cracked."**

In the land mark case of Marbury Vs Madison at the United States Supreme Court which has held that: the significance of Judicial review – describe the *“Cornerstone”* of Constitutional Law. From this which I get the idea about the Constitution.

"The Constitution is the foundation of a country. When constructing a well-designed and beautiful bungalow, a firm foundation is essential to sustain the entire building. Similarly, when India gained independence on August 15, 1947, from British rule, what was the first essential need for the country? For every nation in the world, the most essential requirement for building a strong foundation is **the Constitution**, not any other aspect. Why? Because constitutional law is the foundation of a nation."

"A building may undergo reforms whenever needed, but its foundation must remain firm. If the foundation develops cracks, the entire building is in danger. Similarly, the foundation of a country depends on the strength and stability of its Constitution, Fundamental Rights, and Basic Structure, which uphold the principles of Secularism, Socialism, Sovereignty, Democracy, and Republic, along with Justice, Equality, Liberty, and Fraternity."

"The Indian Constitution is sufficient, notwithstanding with flexible and rigid for all citizens to live in peace, harmony, and prosperity while upholding the principles of secularism, democracy, social justice, equality, liberty, and fraternity. Any attempt to revamp on the Indian Constitution may lead to bias, greed, misuse of authority, dominance, diplomacy, exploitation, discrimination, and untouchability— all of which are rooted in human traditions and customs."



All laws and acts are bound by the parental law of the Indian Constitution, which serves as the ultimate parameter for all legislations and judgments. These, in turn, must adhere to fundamental rights and the basic structure doctrine, as well as the principles of natural justice, the rule of law, and due process. Otherwise, they all become meaningless.

The nature of the Constitution is the foundation of the entire nation and its citizens. It is designed to protect its people at all times. The only demand the Constitution makes of its citizens is: **“To Obey.”** Because through obedience, it ensures protection. The success of every nation depends on the obedience of its citizens to the law. The diversity of Law is that; Constitution law brings peace, health, wealth, protection, security, orders, discipline, prosperity, growth, etc. for all the nations.

"The only entity that can control human is the Law. Why is control necessary? To benefit every citizen. However, while the law can be more powerful than anything else, its effectiveness becomes null if the infrastructure fails to ensure the implementation of any law."

As the foundation of our great nation, I am deeply conscious of the historical injustices inflicted upon our indigenous communities. The struggles of the Adivasis, the Dalits, and other marginalized groups weigh heavily on my conscience. I acknowledge that the rights of our indigenous citizens have been neglected and denied for far too long. Their lands, forests, and resources have been exploited, and their cultures and identities have been erased.

But I also know that we have the power to correct these injustices. We must recognize and respect the rights of our indigenous citizens to their lands, forests, and resources. We must protect and preserve their cultures, languages, and traditions. As your Constitution, I have enshrined the principles of social justice and equality. I have guaranteed the rights of our indigenous citizens to education, healthcare, and employment. I have also established the Fifth and Sixth Schedules to protect the rights of our tribal communities.

Laws and policies alone aren't enough; we must empower indigenous communities to shape their futures. Their voices, wisdom, and experiences must be heard and respected. It's heartbreaking to see marginalized groups still facing rights violations, especially when those meant to protect them often perpetuate injustice and inequality.

I had envisioned a nation where every citizen would be treated with dignity and respect, where every voice would be heard, and where every right would be protected. But instead, I see a reality where the powerful exploit the weak, where the connected get preference, and where the marginalized are further pushed to the fringes. **I want to remind our authorities that they are not above the law, but are instead servants of the people.** They must be held accountable for their actions, and they must be transparent in their decision-making.

**Finally: "If the Indian Constitution were a womb, it would be pregnant with..."**, it might express its emotions and thoughts on giving birth to a beautiful baby of marginalized citizens in the following way:

"I have carried the womb of pain and pressure for so long, bearing witness to the struggles and injustices faced by our marginalized citizens. But today, ***I am overwhelmed with joy and hope as I give birth to a beautiful baby through who has reading this*** symbolizing the empowerment and upliftment of our marginalized communities. But still it has been a mode of Intangible and suspicious with applications of three organ pillars which I have appointed.

"This baby represents the aspirations and dreams of our citizens, who have been marginalized and excluded for far too long. It represents the promise of a brighter future, where every citizen has access to equal opportunities and rights. "As I hold this baby in my arms, I am reminded of the struggles of our freedom fighters, who fought tirelessly for our independence and our rights. I am reminded of the sacrifices of our marginalized communities, who have endured centuries of oppression and injustice.

"But I am also filled with hope and optimism, knowing that this baby represents a new beginning, a new chapter in our journey towards a more just and equitable society. "I pledge to protect and nurture this baby, to ensure that it grows strong



and healthy, and that it realizes its full potential. I pledge to continue fighting for the rights and dignity of our marginalized citizens, until every citizen can live with pride, self-respect, and equal opportunities. "Let us celebrate the birth of this beautiful baby Nations of India, and let us work together to build a brighter future for all our citizens with four in one: Justice, Equality, Liberty, and Fraternity."

**If someone infringes or breaches the Social Justice and Indigenous Rights, it's not against doing that innocent humans. Instead, they are doing against me (Constitution) that sustaining pain in me no one comprehend that commencement of 1950, from the Idea of my beloved child DR. B.R. Ambedkar makes resolution change. who has travelled and experienced in the same path of pain. The day will come I will overcome all struggles, pain, agony etc... through my beloved child of upcoming generations finish that Incredible vision, which left over by the vision of DR. B.R. Ambedkar. Then they will know how much I am strong enough for protecting and gives life to Humankind.**

## 9. Bibliography:

### Applied in reality:

#### My First PIL: The Experience of a Indigent Law Student Who Stood Before the Supreme Court for Justice

Harry Joseph

vs.

Union of India

(Diary No. 30747-2025), Supreme Court of India.

#### W.P.(C) No. 001075 / 2025 Registered on 07-11-2025

**November 7, 2025** — a day that has become unforgettable in my life. On that day, though I was only a law student, I stood alone before the doors of the Supreme Court of India — for the foundational constitutional values of **justice, equality, and fraternity**.

I had filed a PIL petition challenging the **Constitution (Scheduled Castes) Order, 1950** — commonly known as the **Presidential Order (Scheduled Castes) 1950 – Para 3**. This order discriminates on the basis of religion in determining caste status. Because of it, **Dalit Christians and Dalit Muslims** have been **denied the constitutional guarantees** of fundamental rights, social justice, and educational benefits.

Hence, I challenged this order as **unconstitutional** and **ultra vires** — beyond the powers of the Constitution itself. I did not file this case for any personal gain, but **for the justice of poor and oppressed Dalit Christians and Muslims across India**. My aim was simple — *if they have no voice, I must be their voice*. But inside the courtroom, before my arguments could even be heard, **my identity itself became a reason for rejection**.

The Hon'ble Judge CJI Surya Kanth asked me,

"You are just a third-year law student; why did you file such a case?" And then came an accusation — "You've done this just to get media attention!"

Those words pierced me deeply.

Because I was not seeking *fame*, but *justice*. I was not chasing *publicity*, but *equality*.

My firm belief remains — **Religion may change, but caste does not**.



The Court dismissed my petition. Yes, it caused me pain — but at the same time, it became a **lesson and a new beginning**. I realized that **the real fight for justice does not end at the courtroom door — it begins there**.

I firmly declare — **My challenge to this unconstitutional Presidential Order will not end here**.

After I complete my law degree in **June 2026** and get enrolled as an **Advocate**, I will refile this case again — not merely as a petition, but as a **movement for justice** that will continue **until every Dalit receives equality and dignity**.

I will be their voice — for the voiceless, for justice, and for truth — I will never stop until justice is done.

The path of justice is difficult — but it is the only road that leads to light.  
Even if my name fades away, let the name of *Justice* live forever.

**Note:**

**'Crazy for Media Attention': Supreme Court Slams Law Student For Filing PIL Against Constitution (Scheduled Castes) Order 1950. 7 Nov 2025 3:27 PM. (LIVE LAW)**