

**GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
LEGISLATIVE DEPARTMENT**

LOK SABHA

UNSTARRED QUESTION NO.487

TO BE ANSWERED ON FRIDAY, 09TH DECEMBER, 2022

**Eligibility of Converted SC/ST for
Contesting Election from Reserved Seats**

487. SHRIMATI SHARDABEN ANILBHAI PATEL:
SHRI JAGANNATH SARKAR:
SHRI MITESH RAMESHBHAI PATEL (BAKABHAI):
SHRI VIJAY KUMAR:

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) whether the voters belonging to Scheduled Castes (SCs) or Scheduled Tribes (STs) who have converted to Christianity or Islam are eligible to contest elections from a reserved Assembly or Parliamentary Constituencies;
- (b) if not, the legal basis thereof;
- (c) whether the Government proposes to amend the Representation of the People Act, 1951 and the existing Election Manual so as to clearly mention the ineligibility of the people converting to Christianity or Islam to contest elections from a seat reserved for Dalits, SCs/STs;
- (d) if so, the details thereof; and
- (e) if not, the reasons therefor?

ANSWER

**MINISTER OF LAW AND JUSTICE
(SHRI KIREN RIJJU)**

(a) to (b): Eligibility to contest from reserved Assembly and Parliamentary constituencies are as under:—

- (i) Concerned citizen must be a member of any of the Scheduled Castes or Scheduled Tribes, as the case may be, as notified under Articles 341 and 342 of the Constitution, respectively;

(ii) As per the provisions of section 4 of the Representation of the People Act, 1951, for contesting election to Parliamentary constituency in case of a seat reserved for the Schedule Castes or the Schedule Tribes in any state, he is a member of any of the Schedule Castes or the Schedule Tribes, as the case may be, whether of that State or of any other State and is an elector for any Parliamentary constituencies;

(iii) As per the provisions of section 5(a) of the Representation of the People Act, 1951, for contesting election to the Assembly constituency from a seat reserved for the Schedule Castes or the Scheduled Tribes, he is a member of any of the Schedule Castes or the Scheduled Tribes, as the case may be, of that State and is an elector for any Assembly constituency in that State.

(iv) As per paragraph 3 of the Constitution (Scheduled Castes) Order, 1950, “ notwithstanding anything contained in paragraph 2, no person who professes a religion different from the Hindu, the Sikh or Buddhist religion shall be deemed to be a member of a scheduled caste.”

(c): No sir.

(d): Does not arise.

(e): The relevant certificate of scheduled castes or scheduled tribes are being issued under the Constitution (Scheduled Castes) Order, 1950 or the Constitution (Scheduled Tribes) Order, 1950, as amended from time to time, and the issuance of those certificates are not under the provisions of the Representation of the People Act, 1951. An elector with a valid Scheduled Castes or the Scheduled Tribes certificate is eligible to contest election from a seat reserved for them.
