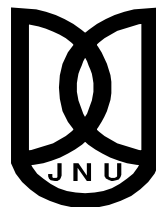


**A SOCIOLOGICAL STUDY  
OF  
DALITMUSLIM IN INDIA**

*Dissertation submitted to the Jawaharlal Nehru University in Partial fulfillment of  
the requirements for the award of the degree of*

**MASTER OF PHILOSOPHY**

**HUMA HASSAN**



**CENTRE FOR THE STUDY OF SOCIAL SYSTEM  
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INDIA  
2012**

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**Dedicated to**

**My parents who have been the constant source of Inspiration  
and their Affection, Care and Discipline made me**

**What I am today.**

---

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At last, I would like to take complete responsibility of all kinds of errors in this thesis.

New Delhi

25 July, 2012

HUMA HASSAN

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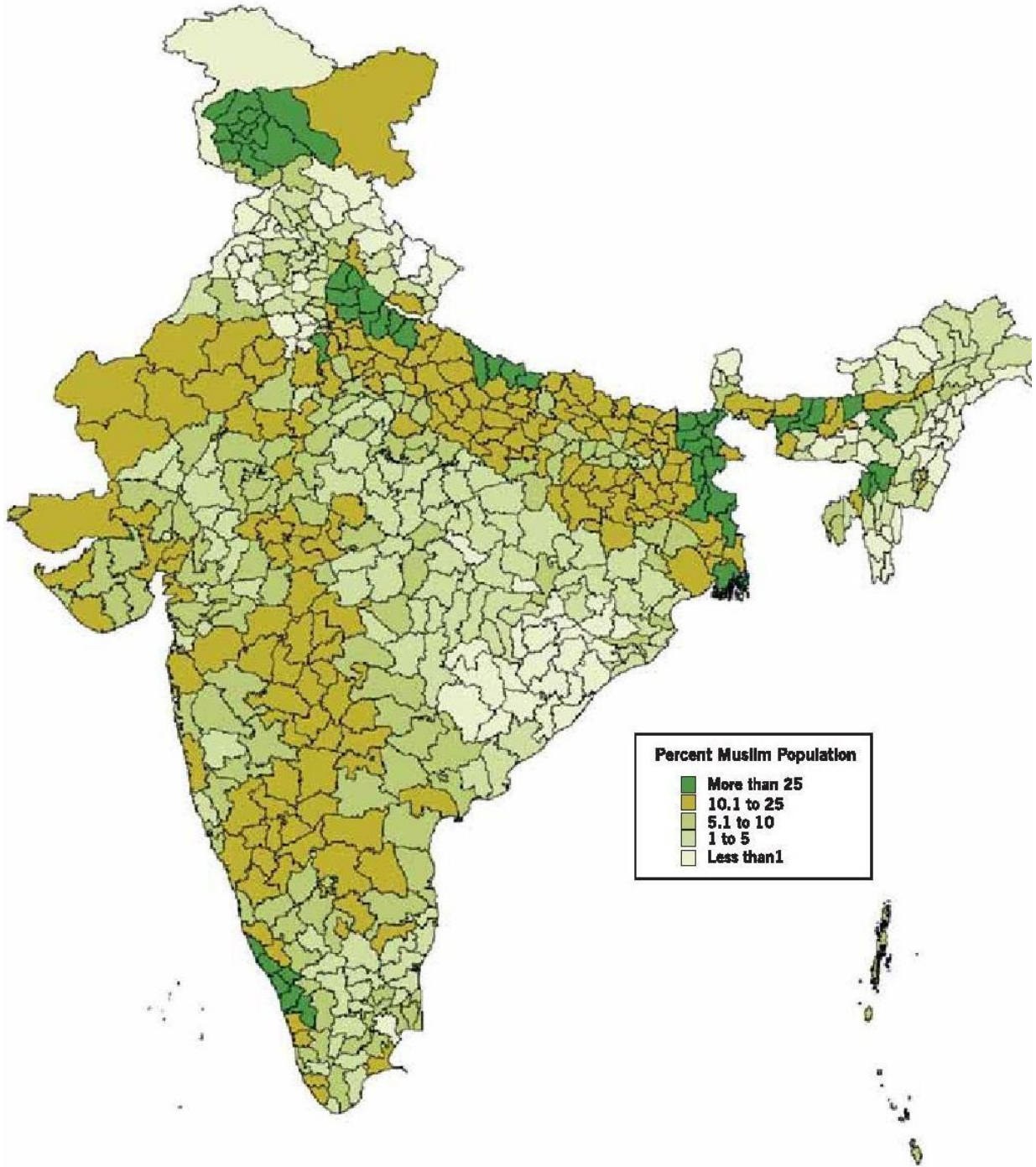
CES	ConsumptionExpenditureSurvey (oftheNSSO)DC,DCsDalitChristian,DalitChristians
DM,DMs	DalitMuslim,DalitMuslims
EUS	Employment&UnemploymentSurvey(oftheNSSO)GoI GovernmentofIndia
MPCE	MonthlyPercapitaConsumptionExpenditure
NCBC	NationalCommissionfor BackwardClasses
NCM	NationalCommissionfor Minorities NSSONationalSampleSurveyOrganisation OBC Other Backward Classes
SC	ScheduledCastes
ST	ScheduledTribes
UC	‘Upper’ Castes(i.e.,notbelongingtoST,SCorOBC)

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### District-wise Concentration of Muslim Population



## CHAPTER ONE

### Introduction

<sup>1</sup>Dalit is a designation for a group of people traditionally regarded as untouchable. The word "Dalit" comes from the Sanskrit, and means "ground", "suppressed", "crushed", or "broken to pieces". It was first used by Jyotirao Phule in the nineteenth century, in the context of the oppression faced by the erstwhile "untouchable" castes of the twice-born Hindus.<sup>2</sup>

According to Victor Premasagar, the term expresses their "weakness, poverty and humiliation at the hands of the upper castes in the Indian society."<sup>3</sup>

Mohandas Karamchand Gandhi coined the word Harijan, translated roughly as "Children of God", to identify the former Untouchables. The terms "Scheduled castes and scheduled tribes" (SC/ST) are the official terms used in Indian government documents to identify former "untouchables" and tribes. However, in 2008 the National Commission for Scheduled Castes, noticing that "Dalit" was used interchangeably with the official term "scheduled castes", called the term "unconstitutional" and asked state governments to end its use. After the order, the Chhattisgarh government ended the official use of the word "Dalit".<sup>4</sup>

In the context of traditional Hindu society, Dalit status has often been historically associated with occupations regarded as ritually impure, such as any involving leatherwork, butchering, or removal of rubbish, animal carcasses, and waste. Dalits worked as manual labourers cleaning streets, latrines, and sewers.<sup>5</sup> Engaging in these activities was considered to be polluting to the individual, and this pollution was considered contagious. As a result, Dalits were commonly segregated, and banned from full participation in Hindu social life. For example, they could not enter a temple nor a school, and were required to stay outside the village. Elaborate precautions were sometimes observed to prevent incidental contact between Dalits and other castes.<sup>6</sup> Discrimination against Dalits still exists in rural areas in the private sphere, in everyday matters such as access to eating places, schools, temples and

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<sup>1</sup>John Webster (1999). *Untouchable, Dalits in Modern India* (Ed: S. M. Michael). p. 11-19. ISBN 978-1555876975.

<sup>2</sup>Oliver Mendelsohn, Marika Vicziány. *The untouchables: subordination, poverty, and the state in modern India*, 1998: Cambridge University Press, p. 4 ISBN 0-521-55671-6, ISBN 978-0-521-55671-2

<sup>3</sup>Victor Premasagar in *Interpretive Diary of a Bishop: Indian Experience in Translation and Interpretation of Some Biblical Passages* (Chennai: Christian Literature Society, 2002), p. 108.

<sup>4</sup>"Dalit word un-constitutional says SC" . *Express India*. 2008-01-18. Retrieved 2008-09-27.

<sup>5</sup>^ "*Manual scavenging – the most indecent form of work*" .*Anti-Slavery.org*. 2002-05-27.Retrieved 2010-06-10.

<sup>6</sup>"*India: "Hidden Apartheid" of Discrimination Against Dalits*" .*Human Rights Watch*. 2002-05-27. Retrieved 2008-09-27

water sources.<sup>7</sup> It has largely disappeared in urban areas and in the public sphere.<sup>8</sup> Some Dalits have successfully integrated into urban Indian society, where caste origins are less obvious and less important in public life. In rural India, however, caste origins are more readily apparent and Dalits often remain excluded from local religious life, though some qualitative evidence suggests that its severity is fast diminishing.<sup>9</sup>

## Modern India

Since 1950, India has enacted and implemented many laws and social initiatives to protect and improve the socio-economic conditions of its Dalit population.<sup>10</sup> By 1995, of all jobs in India, 17.2 percent of the jobs were held by Dalits, greater than their proportion in Indian population.<sup>11</sup> Of the highest paying, senior most jobs in government agencies and government controlled enterprises, over 10 percent of all highest paying jobs were held by members of the Dalit community, a tenfold increase in 40 years. In 1997, India democratically elected K. R. Narayanan, a Dalit, as the nation's President.<sup>12</sup> In last 15 years, Indians born in historically discriminated minority castes have been elected to its highest judicial and political offices.<sup>13</sup> The quality of life of Dalit population in India, in 2001, in terms of metrics such as access to health care, life expectancy, education attainability, access to drinking water, housing, etc. was statistically similar to overall population of modern India.<sup>14</sup> In 2010, international attention was drawn to the Dalits by an exhibition featuring portraits depicting the lives of Dalits by Marcus Perkins.

In India's most populous state, Uttar Pradesh, Dalits have revolutionised politics and have elected a popular Dalit chief minister named Mayawati. Ambedkar controversial cartoon published by UPA govt in 2006 rocked the parliament of India in may, 2012 is considered as the modern form of discrimination against Dalits by Congress.

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<sup>7</sup> Dasgupta, Manas (2010-01-28). "Untouchability still prevalent in rural Gujarat: survey" .The Hindu (India). Retrieved 2010-04-01.

<sup>8</sup> "Hindus Support Dalit Candidates in Tamil Nadu" . Indianchristians.in. 15 October 2006. Retrieved 20 November 2011.

<sup>9</sup> By Somini Sengupta (29 August 2008). "Crusader Sees Wealth as Cate for Caste Bias" .The New York Times (India). Retrieved 20 November 2011

<sup>10</sup> "Constitution of India" .Ministry of Law, Government of India. Retrieved 2012.

<sup>11</sup> "Status of caste system in modern India" .Dr. B.R. Ambedkar and His People. 2004.

<sup>12</sup> ibid

<sup>13</sup> "Profile: Mayawati Kumari" . BBC News. 16 July 2009.

<sup>14</sup> Darshan Singh (2009). "DEVELOPMENT OF SCHEDULED CASTES IN INDIA – A REVIEW" . Journal of Rural Development 28 (4): 529–542.

Dalits<sup>15</sup> are the deprived, dispossessed and dehumanized segments of Indian society. They are, not only, deprived of the basic minimum facilities of lifelike education, housing and health, but are also dispossessed of access and control over resources. They are also outcasted to a dehumanized existence. Thus, culturally too, they are the most destitute section of Indian society. Further, in terms of culture, Dalits of India are deprived of their own way of thinking, behaving and living. The motivational aspects and the thought patterns about themselves, the society and their worldviews are imposed upon them by the dominant castes of the region. It is a historically proven fact that Dalits are the productive classes of the Indian society, but their very products have been alienated from them by the dominant castes and more often than not, Dalits are reduced to obliteration. It needs to be reiterated that the genesis of Dalit discourse are the atrocities and brutalities that are heaped upon Dalits in everyday existence.<sup>16</sup>

Existentially speaking, Dalits are subjected to discrimination, deprivation and dehumanization. It is this individual and collective, social and historical experience of oppression and exploitation, which stimulates Dalit movement and also Dalit discourses. But this presents only one side of the story. It is understood that Dalit movements and Dalit discourses begin with the atrocities and the heinous inequalities that they are subjected from birth to death, in day to day operations and in the mind sets that control and colour their behaviour. Coupled with these is the innate power within the community to resist atrocities. While this is the case with Dalits in general, it is also the case with non-Hindu Dalit.<sup>17</sup>

The Sachar Committee report of 2006 revealed that scheduled castes and tribes of India are not limited to the religion of Hinduism. The 61st round Survey of the NSSO found that almost nine-tenths of the Buddhists, one-third of the Sikhs, and one-third of the Christians in India belonged to the notified scheduled castes or tribes of the Constitution.<sup>18</sup> On the face of it, the expression 'Dalit Muslims' would appear to be a contradiction in terms. It is

---

<sup>15</sup> The term 'Dalit' in the present times as in the past has been defined both, exclusively and inclusively. There are some Dalits and non-Dalits, which under the former definition refer only to the SCs or erstwhile untouchables. There is another group of Dalits and non-Dalits, which includes SCs and STs under the category Dalits. Thus, 160 million SCs and 80 million STs are at times clubbed together and called Dalits. The term Dalit at times in extension also includes all the exploited masses within the fold of Dalit. In this dissertation, the term Dalit has been used only in exclusive sense and thus, refers to the erstwhile untouchables and it refers to the MSCOs. The term is also used by some individuals and segments among the Dalit community while some others consider it to be derogative. Here, the term is used in the affirmative sense of assertion of Dalits for equal status, rights and dignity.

<sup>16</sup> Louis, Prakash, *Casteism is more Horrendous than Racism - Durban and Dalit Discourse*. Indian Social Institute, New Delhi, 2001.

<sup>17</sup> Ibid

<sup>18</sup> Sachar, Rajindar (2006). "Minority Report" (PDF). Government of India

commonly held that Islam is an egalitarian religion and there are no status differences among Muslims. As such, there is no question of the prevalence of untouchability among them and a category called ‘Dalit Muslims’ cannot be said to exist. This is the standard line that is handed down whenever any reference to ‘Dalit Muslims’ is made.

Table 1

<b>Religion</b>	<b>Scheduled Caste</b>	<b>Scheduled Tribe</b>
<u>Buddhism</u>	89.50%	7.40%
Christianity	9.00%	32.80%
<u>Sikhism</u>	30.70%	0.90%
<u>Hinduism</u>	22.20%	9.10%
<u>Zoroastrianism</u>	–	15.90%
<u>Jainism</u>	–	2.60%

Source:

Sachar, Rajindar (2006). "Minority Report" (PDF). Government of India.

This would be a perfectly understandable position to take were it not for the fact that considerable evidence exists to suggest that a category called “Dalit Muslims’ does exist in India. Ghaus Ansari argued on the basis of evidence from the decennial censuses that Muslims in India were divided into three broad categories that he called the ashraf (noble born), ajlaf (mean and lowly) and arzal (excluded). Each of these categories was further divided into a number of groups which, following the practice of the decennial censuses, he chose to designate as castes. Since Ansari was relying on the evidence supplied by the decennial censuses, he could not examine the process of mutual interaction among these castes. He generally suggested that the three broad categories he had identified constituted a hierarchy in which the castes were ranked in an order of social precedence.<sup>19</sup>

Dalit Muslim of Scheduled Caste origin (MSCO) or Dalits converted to Islam have been asserting their rights for utilizing Constitutional provisions pertaining to Dalits in India. Such assertions have been denied to them historically and even in contemporary times. Similarly, Christian of Scheduled Caste origin (CSCO) are also making similar demands and want the Government to bring them under the purview of reservations since they too are being treated as Scheduled Castes (SCs) even today. Thus, the demand for including Dalit Christians and

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<sup>19</sup>Ansari, Ghaus, 1960, Muslim Caste in Uttar Pradesh (A Study of Culture Contact). Lucknow: Ethnographic and Folk Culture Society, p. 66. Cited in Dilip Karanth, “Caste Among India Muslims”, in Ashfaq Hussain Ansari (ed.), 2007

Dalit Muslims like Dalit Hindus, Dalit Sikhs and Dalit Buddhists into the ambit of reservations has been reverberating in the last two decades.<sup>20</sup>

To contextualize and comprehensively understand the problematic of Dalit Muslim, Dalit Muslim Movement has begun in the Muslim community. It refers to the contemporary caste/class movement among Indian Muslims. Though the history of caste movement among Muslim can be traced back to the commencement of the Momin movement in the second decade of the twentieth century it is the Mandal decade (the 1990's) that saw it getting a fresh lease of life. That decade witness the formation of two frontline organisation in Bihar – the all India Muslim Morcha (1993) led by Dr. Ejaz Ali and the All India Pasmanda Muslim Mahaz (1998) led by Ali Anwar—and various other organisations elsewhere. Pasmanda, a word of Persian origin, literally means 'those who have fallen behind', 'broken' or 'oppressed'. For our purposes here it refers to the 'dalit' and 'backward' caste Indian Muslims who constitute, according to most estimates, 85% of Muslim population and about 10% of India's population.

By invoking the category of 'caste' Dalit Muslim Movement (DMM) interrogates the notion of a monolithic Muslim identity and consequently much of 'mainstream' Muslim politics based on it.

By and large, mainstream Muslim politics reflects the elite-driven symbolic/emotive/identity politics (Babri Mosque, Uniform Civil Code, status of Urdu, the Aligarh Muslim University and so on) which thoroughly discounts the developmental concerns and aspirations of common Muslim masses. Groups such as the Jama'at-i-Islami and the Tablighi Jama'at represent the outward, external form, peripheral or cosmetic issues, divorced from the actual spirit of Islam. It focuses on petty externalities, such as how one should eat and sleep, how long one should grow one's beard, and what it sees as 'proper' 'Islamic' dress and other such external markers of identity and do not struggle for social justice and against oppression.

There is no Muslim leadership at all today, and the void is sought to be filled by the politics of religion by elite Muslims. Almost all India-wide Muslim religious organizations, such as the Jama'at-i-Islami, the Tablighi Jama'at, the Deobandis and the Barelwis have attempted to expand through the rest of the country to bring the rest of the Muslims in the country as a whole under their own leadership. They see themselves as having been rulers of India for a thousand years, and now, because they have lost power to the 'upper' caste Hindus, seek to compensate for this by establishing their control over the Muslims in the rest of the country

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<sup>20</sup>Louis, Prakash, Casteism is more Horrendous than Racism - Durban and Dalit Discourse. Indian Social Institute, NewDelhi, 2001

through the politics of religion. They insist that Muslims must unite, but they themselves are divided into mutually bickering jama'ats and tanzeems. These religious groups are incapable of providing the community with political leadership.

Whenever an issue arises that concerns Muslims, the media approaches certain name-sake and un-elected Muslim 'leaders' in Delhi, who do not have the confidence and support of the Muslims, and presents them as 'spokesmen' for the 150 million Muslims of India. Muslims in India are regionally divided, and are organizing at the regional level.

By emphasising that the Muslim identity is segmented into at least three caste/class blocks—namely, ashraf (elite upper-caste), ajlaf (middle caste or shudra) and arzal (lowest castes or dalit)—DMM dislodges the commonplace assumption of any putative uniform community sentiment or interests of Indian Muslims. It suggests that just like any other community Muslims too are a divided house with different sections harbouring different interests. It stresses that the emotive issues raised by elite Muslims engineer a 'false consciousness' (to use a Marxian term) and that this euphoria around Muslim identity is often generated in order to bag benefits from the state as wages for the resultant de-politicisation of common Muslim masses. When DMM raises the issue of social justice and proportional representation in power structures (both community and state controlled) for the Dalit Muslims it lends momentum to the process of democratisation of Muslim society in particular and Indian state and society in general.

Besides, the DMM also takes the forces of religious communalism head on: one, by privileging caste over religious identity it crafts the ground for fomenting solidarities with corresponding caste/class blocks in other religious communities, and, two, by combating the notion of a monolithic Muslim identity it unsettles the symbiotic relationship between 'majority' and 'minority' fundamentalism.<sup>21</sup>

### **Statement of the problem:**

Dalit, the term has to be defined subjectively. It is a debatable question who they are? Christian and Muslim have no privileges in the constitution. This goes on to mean that those who do not subscribe to caste ideology are excluded from the special provision granted on the constitution of India.

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<sup>21</sup> Ansari, khalid. " Rethinking Pasmada Movement. 18 Feb 2009, [www.countercurrents.org](http://www.countercurrents.org)

Almost all Muslims in India are descendants of local converts. Our ancestors did not come from Arabia. They were locals who converted to Islam. One could categorise them into two broad groups. Firstly, Dalits who converted to Islam en masse, to escape from caste oppression under the Brahminical order. They were visibly impressed by the simplicity and brotherhood of the early Muslims, especially the Sufis. They saw them eating together from the same vessel, praying together shoulder-to-shoulder in the same mosque. They saw that anyone could become the Imam to lead the prayers. The Sufis welcomed them with open arms. The other Muslims in India are descendants either of Muslims who came to the country over the centuries from Iran, Central Arabia or Iran, or of local converts from 'high' caste Hindu families or else from the groups collectively known today as the Other Backward Castes. They form only a small minority of the Indian Muslim community<sup>22</sup>

Indian Dalit Muslims are a part of society, which is completely absent from the constitution, parliamentary democracy and the debates of mainstream politics. The census report usually records the number count of the different castes included as Dalit and a brief outline on their present status .But, in these reports ,we find not even a trace of the population of Dalit Muslims. The deeply disturbing fact however is that public sphere of our society doesn't even hold discussion on this group.It is a myth that Islam is egalitarian. It is hierarchical, pro-stratification.<sup>23</sup>

Hence to take those as a single unit and to deny these internal differences would only perpetuate them and to further reinforce structures of marginalisation.Thus the argument is that the denial of internal caste differences among Muslims is a means to perpetuate the 'hegemony' of 'upper' caste Muslim leader and 'ulama, who present an image of Muslims as seamless monolithic.

### **Review of the literature**

To review the literature is an imperative part of any research in social sciences hence rationalization of present study can be clarified on the basis of literature review.

The first issue to consider is the social ideology of Islam and whether and if so when and how social stratification, contrary to its social ideology, arose in Muslim society.

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<sup>22</sup>YOGINDER SIKAND INTERVIEWS EJAZ ALI 'Dalit Muslims' june 20,2010,www.outlookindia.com

<sup>23</sup>Ahmad, Imtiaz, National seminar on 'Dalit Studies and Higher education', February 28,2004



Every religion has many facets – ontological, metaphysical, spiritual, doctrinal, ceremonial, ethical or moral and socio-ethical, etc. Islam is a revealed egalitarian faith. It stresses Equality, Devotion and Fraternity. It is against the concept of privileges based on birth. The worth of a man is based on his piety and conduct. The idea of Fraternity is central to the social ideology of Islam. It has come from the Prophet himself. In the Sermon of Arafat, one of his most important sermons, he said, “Know that all Muslims are brothers unto one another. Ye are one brotherhood ---- guard yourself from committing injustice”.<sup>24</sup> Another Quranic verse reads as follows emphasising Equality and putting differences in their place and perspective:

“O mankind! We (God) created you from a single pair of male and female; and made you into peoples and tribes, that ye may know each other, not that ye may despise each other. Verily the most honoured in the sight of God is he who is the most righteous among you.  
...<sup>25</sup>

By this injunction, piety has been elevated above heredity as a criterion for the determination of a person’s status in society. There are a number of other exhortations and injunctions in the Quran which emphasise brotherhood of all Muslims. Thus, there is no doubt that Islam upholds the Egalitarian principle and instructs all believers that in evaluating an individual what matters is piety and adherence to the teachings of the Quran and importance should not be accorded in evaluating an individual to race, nationality or ancestry. Thus, the social ideology of Islam is no prop for any type of practice of inequality. Irrespective of social aberrations from the norm, this ideal and social ideology always retained its appeal and validity.<sup>26</sup>

M. K. A. Siddiqui notes that the concept of caste is fundamentally antithetical to Islamic ideology which stands for the perfect equality of all individuals and groups in the social and religious spheres.<sup>27</sup> Siddiqui continues, “Early Islam brought about radical changes in the society under its influence and put its egalitarian principles into practice so that the traditional foundations of Arab hierarchy, as shown by Ibn-e-Khaldun, the philosopher-historian of the fourteenth century, were completely shaken ... Birth as a basis of superiority or inferiority

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<sup>24</sup>Guillame, A, (1955), *The Life of Muhammad* (Translation of Ishaq’s *Sirat Rasul Allah*), Oxford University Press, 1955, p. 651; Amir Ali, *Spirit of Islam*. London: Allen and Unwin, 1891, p.214. Cited in Satish C. Mishra, *Muslim Communities in Gujarat*. Delhi: Munshiram Manoharlal, 1985, first published 1963, p. 130.

<sup>25</sup>The Holy Quran, Surah al-Hujuraat, verse 13.

<sup>26</sup> Mishra, Satish C., *Muslim Communities in Gujarat*. Delhi: Munshiram Manoharlal, 1985, first published 1963. pp.130-131.

<sup>27</sup> Siddiqui, M. K. A., “Caste among the Muslims of Calcutta”, in Imtiaz Ahmad (ed.), *Caste and Social Stratification among Muslims in India*. New Delhi: Manohar, 1978, pp. 243-258.

was deemed absolutely irrelevant and piety alone came to be regarded as a criterion of individual distinction.... Koranic injunctions rendered immaterial the distinction of colour, race and religion”.<sup>28</sup>

A. R. Momin, whose research is specialised inter alia in Indo-Islamic tradition, also bemoans that one of the basic tenets of Islam relating to the equality and brotherhood of mankind was relegated to the background by its followers.<sup>29</sup>

“The prophet vehemently condemned all hereditary and ancestral privileges which divide mankind; yet, once Islam spread to various parts of the world, it soon developed elements of hierarchy and stratification”.<sup>30</sup>

As observed by the Arab historian Ibn-e-Khaldun, pre-Islamic Arabs were overly conscious of their ancestral status and privileges, an ethnocentrism which Khaldun terms as *asabiyyah*. “The Islamic message of egalitarianism struck at the roots of this ethnocentrism which was based on notions of ancestral purity. However, it could not be totally obliterated from Arab consciousness. Soon after the passing away of Muhammad, this deeply-entrenched sentiment reasserted itself and found expression in the emergence of groups claiming superior status on the basis of heredity and descent”.<sup>31</sup>

Another factor was the conversion of millions of people in the early centuries of Islam. Momin cites Manazir Ahsan Gilani<sup>32</sup> who observed that large sections of people carried with them their traditional beliefs and practices when they were converted to Islam. These beliefs and practices were “deeply rooted in notions of superiority and inferiority”, leading to the re-emergence of such notions in Muslim society and the “creation of stratified social systems throughout the Muslim world”.<sup>33</sup> Momin mentions contact with people like Iranians and the Spaniards who already had a well- defined system of hierarchy, as having particularly influenced the emergence of stratification among Muslims.

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<sup>28</sup>ibid, p. 243.

<sup>29</sup> Momin, A. R., “Muslim Caste in an Industrial Township of Maharashtra”, in Imtiaz Ahmad(ed.),1978, op.cit., pp.117-140.

<sup>30</sup>ibid, p. 136

<sup>31</sup>ibid, p. 137.

<sup>32</sup>Manazir Ahsan, Gilani, 1960, The Story of Muslim Scisms (Urdu). Delhi.

<sup>33</sup>Cited in Momin, op.cit., p. 137.

Imtiaz Ahmad rightly refers to the sociological dictum that no society beyond the most primitive can be truly and fully egalitarian.<sup>34</sup> He cites Veblen<sup>35</sup> in support of this. According to Veblen, as societies generate economic surplus, some form of social stratification develops.<sup>36</sup>

The Arab society in which Islam evolved was relatively simple and did not have great differences of wealth, but there was some economic differentiation between ordinary Bedouins and the trading classes.<sup>37</sup> As Islam spread outside its original territory, power groups proliferated inevitably.<sup>38</sup>

The early Muslim community was marked by simplicity and characterized by inspiration towards justice and equality, but after the expansion of early Muslim conquests and the stabilization of the early Muslim empire with the Umayyad Khalifs (AD 671 to 750), wealth and power grew, which was perceived as a departure from the simplicity of the early Muslim community and its inspiration towards justice and equality. Sufism began as a protest movement against this. The Sufis got their name from their garments of coarse woolen known as *suf*, which they wore as a symbol of their protest against wealth and power and as an assertion of their ideals of simplicity and justice and equality.

Ghaus Ansari, an early and oft-quoted pioneer in the study of Muslim society, traces the origins of inequality in Muslim society – as contra-distinct from Islamic social ideology – to the period even prior to its arrival in India.<sup>39</sup> Social structure and social behaviour of Muslim society are not uniform in all countries. It has been to some extent coloured by the social structure and patterns of social behaviour existing in each country prior to the arrival of Islam and formation of Islamic societies. Ghaus Ansari particularly refers to the established and deep-rooted institution of social segregation in Persia. He cites reputed Persian Muslim scholars like Nasir-ud-Din at-Tusi, who preached the division of society and whose classification of society was the same as it was during the pre-Islamic Sassanian period. In his

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<sup>34</sup>Ahmad, Imtiaz, "Recognition and Entitlement: Muslim Castes Eligible for Inclusion in the Category of 'Scheduled Castes'", Paper presented at the workshop on 'Conferment of Scheduled Caste Status to 'Untouchables'/Dalits converted to Christianity/Islam: Issues and Challenges' held at the Tata Institute of Social Sciences, Mumbai on August 18-19, 2006. Reproduced at pp. 3-26 in Ashfaq Hussain Ansari (ed.), *Basic Problems of OBC & Dalit Muslims*. New Delhi: Serials Publications, 2007, at p. 15.

<sup>35</sup> Veblen, 1932, *Theory of the Leisured Class*, cited by Imtiaz Ahmad in Ashfaq Hussain Ansari(ed.), 2007, op.cit., p. 15.

<sup>36</sup>Ahmad, Imtiaz, op.cit. p. 15.

<sup>37</sup>Ahmad, Imtiaz in Ashfaq Hussain Ansari, op.cit., p. 16.

<sup>38</sup>Mishra, Satish, C., op.cit., p. 131.

<sup>39</sup>Ansari, Ghaus, 1960, *Muslim Caste in Uttar Pradesh (A Study of Culture Contact)*. Lucknow: Ethnographic and Folk Culture Society, p. 66. Cited in Dilip Karanth, "Caste Among India Muslims", in Ashfaq Hussain Ansari (ed.), 2007, op.cit., p. 66.

book *Akhlaq-i-Nasiri*, shortly before the fall of the Caliphate, at-Tusi considers that each of the social classes should be kept in its proper place.<sup>40</sup> Ghaus Ansari cites also *Jami-i-Mufidi*, a seventeenth century work, which retains the same four-fold division of society as in pre-Islamic Persia, with a slight modification to give warriors precedence over priests. Nizam-ul-Mulk, a noted Persian statesman, in his *Siyasat Nama*, instructs his subordinates to maintain the people in their proper ranks.

M. K. A. Siddiqui makes the same point with some other details about stratification of Muslim society before its arrival in north India: "...with the passage of time and as Islam spread to distant lands, some sort of stratification re-appeared in Muslim society, though it took various shapes and forms according to the nature of the adjustments which Islam made; on coming into contact with regional traditions and other civilizations, as also to the nature of its historical development. For example, veneration of the Prophet led to the development of a new criterion of nobility based on kinship with him. Such categorizations as 'Arab' and 'Ajam', 'Sarih' and 'Mawali' also led to conflicts which have sometimes resulted in the victory of the under-privileged, as for example the Mawalis in Iran who secured an equal status with the Arabs for themselves. This trend towards stratification was strengthened by the introduction of the practice of limiting marriage relationships within a specified range of kins known as *kufv*".<sup>41</sup>

Hasan Nishat Ansari, Head of the Department of History, SMD College, Magadh University, Punpun (Patna), Bihar, says that "the cult of 'high born' and 'low born' or 'forwards' and 'backwards' was propounded by the medieval ruling Muslim classes of Persia, Central Asia and Afghanistan., which was the main subject of Ziauddin Barani, the famous fourteenth century historian and political theoretician in his work 'Fatawa-e-Jahandari', completed in circa 1358-59 AD".<sup>42</sup>

M. Mohd. Irfan Basha<sup>43</sup> also explains the two aspects of the basic egalitarian principle of Islam and the development of social stratification in Muslim society. On the latter aspect, he points out that Islam originally developed in a nomadic sociocultural milieu which had a tribal egalitarian character. The structure of these tribal groups was not highly stratified. At

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<sup>40</sup> Ansari, Ghaus, cited by Dilip Karanth in Ashfaq Hussain Ansari, 2007, op.cit., p. 78.

<sup>41</sup> Siddiqui, M. K. A., op.cit., pp. 243-44.

<sup>42</sup> Ansari, Hasan Nishat, "Social Classification of Indian Muslims: Genesis and Consequences", in Ashfaq Hussain Ansari (ed.), 2007, op.cit. (253-259), pp. 253-254.

<sup>43</sup> Basha, M. Mohd. Irfan, *Socio-Economic Conditions of the Muslims of Rayalaseema*, Ph.D. Thesis, Department of Islamic Studies, Osmania University, 2005.

Madina, the nomadic economic base of Islam was exposed to the more complex mercantile and agrarian economy and social structure of Madina. As Islam expanded, the structure of Muslim society got affected considerably and “many of the structural and cultural characteristics that pre-existed in the societies before conversion to Islam were added on to its structure”. In the course of its expansion, Islam came under heavy Persian influence in Iraq. Persian society was already stratified on a hierarchical principle. He cites Ghaus Ansari<sup>44</sup> on the division of Persian society continuously since the Avesthan period to the last pre-islamic period of Sassanian rule (3rd century to 7th century AD upto its defeat by Islamic forces in 650 AD) into four major groups, viz., priests, warrior, commoner and serf. In the Sassanian rule, bureaucracy became the third group and the fourth group consisted of peasants and shepherds. According to him, although politically Islamic forces defeated Sassanian rule in 650 AD, yet Muslim Society in Persia had to compromise in the face of the established and deep-rooted institution of Persian social segregation and a noted scholar of that period Nasir-ud-din at Tusi preached

Therefore we can conclude by arguing that the above review of literature is very essential in the present study. Now we would look into the relevance of the study that would substantiate the findings in a foresaid arguments.

### **Relevance of the study**

This study is extremely significant from the point of view of understanding the social conflict within the Muslim community. The issue of Dalit Muslim is now acquiring the form of social and political question in the public sphere, the social, economic and educational status of the Dalit Muslims remains pathetic. Under centuries of Mughal rule they remained as neglected as their Hindu counterparts. The Mughals were interested in ruling, not in improving the conditions of the Dalit Muslims. That is why one find that while they built hundreds of massive palaces and forts and the Taj Mahal, not a single school was set up by any Muslim ruler for the education of the Dalit Muslims. Under the British the situation remained the same, and it still continues to be the same even after 1947.

At present, a one-point agenda--to undo the injustice that is being done to the Dalit Muslims by the unfair laws that have been promulgated denying them their rights. As the law stands today, Dalit Muslims are denied reservation rights as Scheduled Castes although their

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<sup>44</sup> Ansari, Ghaus, Muslim Castes in Uttar Pradesh - A Study in Cultural Contact. Lucknow: Ethnographic and Folk Culture Society, U.P., 1960.

conditions are the same as the Hindu Dalits. Under the Government of India Act of 1935, a list or schedule was drawn up of castes which were recognised as extremely backward. These were the scheduled castes. They included castes which were considered Hindu, Muslim, animist, Christian and Sikh. Some of these castes, such as Dhobi (washermen), Mochi (cobblers) and Halalkhor (sweepers), had both Hindu as well as Muslim members. Special provisions were made for their social and economic uplift. However, in 1950 a Presidential Order was passed according to which these special benefits would be available only to those Scheduled Castes who professed to be Hindu, and, accordingly, an amendment was made to Article 341 of the Constitution of India that authorises the President to declare certain castes as Scheduled Castes for special benefits. With one stroke of the pen, non-Hindu Scheduled Castes were henceforth denied the benefits that the 1935 Government of India act had provided for them. Dalit Muslims are struggling to have the Presidential Order rescinded so that all Dalits, irrespective of religion, enjoy the same benefits. In 1956, Article 341 was amended to extend the same benefits that Hindu Dalits enjoy to Sikh Dalits, and in 1990 this was extended to the neo-Buddhists. If these communities can enjoy Scheduled Caste status despite belonging to theoretically egalitarian religions, then why not Dalit Muslims and Dalit Christians?<sup>45</sup>

This study would create a congenial condition for serious discussion on multi-facet problems of Dalit Muslim and would lead a step towards facilitating the recognition of Muslim as a distinct social category in our constitution, policy and public discourse.

### **Objectives of the study**

From the very outset we have been clear in our minds that Dalit Muslim Movement struggle has to be conducted within the ambit of the Indian Constitution. The Constitution declares India to be a secular country, where all people have the freedom of religion and enjoy equality in the eyes of the law. If reservations are given only to Hindu Dalits but not to Muslim Dalits, although their socio-economic conditions may be identical, is this not a gross violation of the very basic premises of the Constitution and its principles of secularism and equality? Under the law as it stands today, if a Dalit Christian or Muslim converts to Hinduism he is automatically entitled to special benefits, but if a Dalit Hindu changes his religion and accepts Christianity or Islam, he loses such benefits at once. What is this but an inducement for Dalit Muslims and Christians to accept Hinduism, and a threat of punishment

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<sup>45</sup>Ibid4

to Dalit Hindus seeking to convert to other religions in search of social equality? Is this not a gross violation of the secular principle? Our argument is that the law as it stands today is completely at odds with the basic principles of the Constitution which guarantee equal rights for all in theory

Based on the above discussion, the broad objective of the study is to understand the issue of the caste, in the context of the backward Muslim community and the complete marginalisation of the groups and also highlight the social dynamics among Muslims and the plight of downtrodden segments of the community, with particular reference to their struggle for new identity and equality.

The aim of the study is to understand the issue of Dalit Muslims which is acquiring the form of social and political questions in the public sphere. This study would create a congenial condition for serious discussion on multi-facet problems of Dalit Muslim and also lead a step towards facilitating the recognition of Muslim as a distinct social category in our constitution, policy and public discourse.

This study also aims at investigating the proposal, put forward mainly by 'upper' caste Muslim leaders, that all Muslim of India must be declared as 'backward class', and hence be eligible for reservation and also looks at the various recent debates of Muslim reservation. Thus it attempts in this regard to understand the Pasmanda (Dalit) Muslim Movement in a holistic manner.

The specific objectives of the research paper are:

1. To outline the history of caste struggles and to reflect on M.K Gandhi and D.R Ambedkar's contribution in the elimination of untouchability.
2. To present a historical perspective on the issue of caste and caste based stratification and discrimination among Muslims and to understand why the issue of Dalit Muslim becomes significant?
3. To understand Dalit discourse and examine socio-economic structure, social inequality and situation of Dalit Muslim classes.
4. To analyse the present agenda and major trends of Dalit Muslim movement.

## **Methodology**

The methodology of research for data collection is based on both primary and secondary sources. Primary sources include various field study reports, government documents and census data. The government document includes reports of the national commission for minorities, national commission for backward classes and census data are used to know the population, literacy, occupation, caste structure and so on. The secondary sources of data collection include the existing literature like books, articles, journals, and newspapers which is relevant to this study.

## **Limitation of the study**

Dalit Muslims suffer from the vicious circle of lack of formal recognition as a social category leading to absence of authoritative data (specially statistical data), and the lack of such authoritative data in turn creating difficulties for their recognition as social categories. While considerable information including statistical data is available for the constitutional categories of the SCs and STs, and more recently (and to a lesser degree) for the OBCs, there is an almost complete data vacuum when it comes to DMs. As is well known, the Constitution originally recognised all the tribes and castes listed in the official Schedules that were part of the Government of India Act of 1935. In these Schedules, persons belonging to any and all religions were enumerated as STs, while only Hindus could be enumerated as SCs. In 1956, a Presidential Order was passed to include within the purview of the Schedules those ex-untouchables belonging to the Sikh faith. In 1990, a similar Presidential Order served to include ex-untouchables of the Buddhist faith. As a result of these constitutional decisions, the Census offers data on the STs and SCs, including on individual castes or tribes within these categories, but does not enumerate any other caste category. The Census also offers data on religious communities, but these



data do not identify members of religious communities by caste. Therefore, with the partial exception of those included in the official Schedules, it is not possible to crosstabulate the caste or tribe data in the Census with the religion data. There is in short no data whatsoever on DMs in the Census.

### **Scheme of chapterisation**

The second chapter begins by briefly touching on the historical background of the caste system and the origin of untouchables in India followed by an outline the history of caste struggles and social reform movements and their contribution in the contemporary Indian society. The next part of this chapter will give a very briefly account of Gandhi (1869-1948) and Dr. B. R. Ambedkar's (1891-1956) contributions to the elimination of untouchability and how they fought against untouchability in India and their influence on current Dalits movements. It will also discuss their contradictions and ideological differences regarding the removal of the cast system and untouchability and its implication for the Muslims.

The third chapter begins with brief note on caste among the Indian Muslims, seeking to provide an explanation of the phenomenon based on historical evolution of the Muslim community in India. It also tried to understand that how Muslim writings, and the Muslim ruling elites more generally, in collaboration with so called upper caste Hindus supported the caste system and the oppression of the so called 'low' castes, both Hindu and Muslims.

The fourth chapter attempts to understand the Dalit discourse in the contemporary times, caste-based discrimination suffered by the Dalit Muslim and examine the socio-economic structure, social inequality and situation of Dalit Muslim with particular reference to Muslim Indians. This chapter highlight the social dynamics among Muslims and the plight of downtrodden segment of the community.

The fifth chapter focuses on the political dimensions of Dalit Muslim Movements and examines the way the state, political parties and interest groups influence and in turn gets influenced by the movements. . looks at the growing consciousness and assertiveness of a conglomerate of Muslim castes, some of whose leaders are now seeking to advance them for a new identity as 'Dalit Muslim'. It examines the politics, programmes and broader agendas

that advocates of this new identity seek to put forward on behalf of a large section of India's Muslim population. We deal here with Muslim organisations, to see how this new identity seeks to position itself in the context of debates over Muslim identity in India as well how it relates itself to the wide religious Dalit community.

Finally, Concluding Chapter reflects a brief summary of the study with the researcher's views and comments with some remedial suggestions.

## CHAPTER TWO

### HISTORICAL BACKGROUND OF DALITS IN INDIA

#### 2.1 Introduction

This chapter begins by briefly touching on the historical background of the caste system and the origin of untouchables in India. In the chapter I will outline the history of caste struggles and their contribution in the current Indian society. The next part of this chapter will reflect M. K. Gandhi (1869-1958) and Dr. B. R. Ambedkar's (1891-1956) contributions to the elimination of untouchability and how they fought against untouchability in India and their influence on current Dalits movements. I will also discuss their contradictions and ideological differences regarding the removal of the cast system and untouchability.

#### 2.2 Historical development of Dalit problem

History of the Dalits began almost 3,500 years ago. H.G. Wells tells how at that point of history, one group (the nomad folk) defeated the other groups (the settled folk) and how as a result the history of both the groups was completely changed. He wrote:

Down pour the united nomads on the unwarlike unarmed plains; there ensues a war of conquest. Instead of carrying off the booty, the conquerors settle down on the conquered land which becomes all booty for them; the villagers and townsmen are reduced to servitude and tribute-paying, they become hewers of wood and drawers of water, and the leaders of the nomads become kings and princes, masters and aristocrats.<sup>46</sup>

A number of other writers have also made the same point. The Dalits have been reduced to their present state "by centuries of exploitation and servility".<sup>47</sup>

Indian history starts along with the history of caste system. Indian history is also based on differences according to religious beliefs. The Vedas<sup>48</sup> and the Manuscript<sup>49</sup> (Manusmriti)

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<sup>46</sup> (a) Quoted in *The Land of the Five Rivers* by Huge Kennedy Trevaskis, Oxford, 1928, p.21

Also see:

(b) Desikachar, S.V: *Caste, Religion and Country*, New Delhi, 1993, p.116

<sup>47</sup> (a) Chanda, Ramprasad: *The Indian Aryan Races, A study of the Origin of Indo- Aryan People and Institutin*, Calcutta, p.3

(b) Mukherjee, Prabhati: *Beyond The Foue Varnas, The Untouchables in India* 1988, pp.78,79.

(c) Thapar, Romila: *From Lineage to State*, Bombay, 1990, p.42.

<sup>48</sup> One of the oldest Hindu scriptures

<sup>49</sup> Ibid

tell us about the (mythic) origin of the caste system and the duties of the various castes, but they do not reveal much about why untouchability came into being. The Manusmriti explains that Untouchables are those born of a 'defiled womb', which means that untouchable castes originated from the intermixture of the different pure Varna<sup>50</sup> 'colours'.

From a traditional Hindu point of view this might be sufficient explanation, but for most social scientists, something is lacking in the equation. Most will agree on exploitation being the defining factor, but that still leaves the question of who these people singled out for the most oppressive and degrading positions in a system of structural inequality were. There is no consensus response to this question. The various answers proposed go hand in hand with different religious beliefs and interpretations of historical information.

In Indian Vedic scriptures, one of the earliest religious literary forms, we find the "caste system" or "Varna system" outlined in detail. Varna is generally translated as "colour" and meant to refer to the skin colour and figuratively to the moral status of the different castes descending from the light skinned Aryans and the darker Dravidians. As we shall see, the origin of the caste system is an intensely debated topic, and likewise the meaning of Varna<sup>51</sup>. And it is first called or mention in Vedas.

The word caste is not mentioned in any ancient Sanskrit scriptures. This word brought in use by Portuguese upon their arrival to India in 16th century.<sup>52</sup> The word caste derived from the Latin word 'castus', meaning "pure".<sup>53</sup> The Vedas are generally thought to have been composed around 1500 – 1000 B.C.<sup>54</sup>

In the Rigveda, which is supposed to be the oldest literary source available to us, the famous Purusasukta hymn mentions the existence of four castes when it says: "The Brahman was his mouth, of both his arms was the Rajanya (Ksatriya) made, His thighs became the Vaishya, from his feet the Sudra was produced."

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<sup>50</sup> Ibid2

<sup>51</sup>5. Kiertzner, A. (2006). Dalit: Caste or Consciousness? Copenhagen: University of Copenhagen.

7 Bhardwaj, A. (2002). Welfare of Scheduled Caste in India. New Delhi: Deep & Deep Publication, and Thapar, R. (2002) Early India: From the origins to AD 1300. New Delhi: penguin Books.

8 Kiertzner, A. (2006): P. 19

9 Ibid & Bhardwaj, A. (2002): p.6-7

On the basis of this hymn, orthodox people believe that the fourfold division of Indian society exists from the earliest times; but according to some scholars, this hymn was composed at a later time and therefore, does not represent the state of the Rigvedic period.<sup>55</sup>

This may be true, but it is also true that the Dalit problem took root right in the Rigvedic times as a result of the conflict between two hostile peoples.

The text of Rigveda pre-dates 1000 B.C., which is followed by Upanishadic period, which begins around 800 B.C. and closed towards the end of the sixth century B.C.<sup>56</sup>

There are references and testimony in the text of the Upanishads that by the time these texts came into existence, the problem of the Dalits was getting entrenched. For example, the Chandogya Upanishad, not only refers to the three upper castes, but also compared Chandala (outcaste) with a dog or a swine. In the tenth khanda, verse seven reads as follows:

Accordingly, those who are of pleasant conduct here – the prospect is, indeed, that they will enter a pleasant womb, either the womb of a Ksatriya, or the womb of a Vaisya. But those who are of stinking conduct here – the prospect is, indeed, that they will enter a stinking womb – either the womb of a dog, or the womb of a swine or the womb of an outcaste (chandala).<sup>57</sup>

This verse testifies not only to the existence of caste but also, in the way an outcaste is compared to a dog or a swine or the manner in which the “womb” of the upper caste is addressed as “a pleasant” one and the womb of an outcaste as “a stinking” one, to the further degradation of the Dalits. It also makes clear that from now onwards the caste status also depends upon one’s conduct in one’s previous birth.

The two great epics, Ramayana and Mahabharata, explicitly tell us how far the condition of the Dalits had deteriorated by the time these were composed. The period of composition of the Ramayana scholars have fixed around fifth century B.C.<sup>58</sup> the period of Mahabharata too, scholars have prescribed according different stages.

Leaving out the early stage, the second and the third stage, the stage with which this discussion is concerned is the stage of the Pandu heroes and of the divine hero Krishna. The period of Pandu stage is between 600 B.C. and 200 B.C. and the Krishna stage 200 B.C. to A.D. 500.<sup>59</sup>

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<sup>55</sup>Massey,James,*Dalits in India:Religion As A Sourceof Bondage or Liberation with Special Reference to Christian*,Manohar 1995,pp 40

<sup>56</sup>ibid

<sup>57</sup>Ibid,pp 40

<sup>58</sup>Ibid,pp40

<sup>59</sup>Massey,James,op.cit,pp41

Valmiki, in his text of the Ramayana tells through a story, how much the Sudras, the fourth caste, had become degraded (not to speak of the Dalit or outcaste). According to this story, in Lord Rama's time only the three upper castes were allowed to do tapasya (penance and meditation). Yet a Sudra undertook penance in order to attain divinity, as a result of which, a Brahman boy of 15 years died. The bereaved father complained to Lord Rama, who after learning of the cause of the death, went in search of the Sudra. On meeting him, Lord Rama said to him:

You are indeed blessed. Tell me in which caste you have been born. I am Rama, son of Dasaratha. Out of curiosity I have asked you this question. Tell me the truth. Are you a Brahman, Ksatriya or a Sudra?

The ascetic replied, "O King! I am born of Sudra caste. I want to attain divinity by such penance. When I want to attain divinity, I won't tell lies. I am a Sudra by caste, and my name is Samvuka."

As soon as the ascetic uttered those words, Rama drew forth his sword and severed Samvuka's head.<sup>60</sup>

In the continuing narrative it is said that Lord Rama asked the gods to restore the Brahman boy to life and he was told that he had already been revived the moment the Sudra ascetic was killed.

In the Mahabharata also there is a reference to the degraded state of the Dalits. The story of Ekalavya, an indigenous boy, tells how he had to lose his right thumb because he had learned archery and was in no way inferior to Arjuna in his skill. Again the main point of the story is how at the time of the Mahabharata low castes or the Dalits did not have the right to education.<sup>61</sup>

Srimad Bhagavad Gita also not only affirms faith in the four castes (chaturvarnyam), but also tells that these had been created by Lord Krishna himself.<sup>62</sup> It also advised members of each caste to follow faithfully the duties prescribed for them on the basis of their caste. The only difference one finds in the Bhagavad Gita is that by taking refuge in Lord Krishna, the outcastes, women, Vaisyas and also Sudras can attain the highest goal.<sup>63</sup>

Among the literary sources which throw light on the degraded state of the Dalits is the Manusmriti (the Ordinances of Manu), which was possibly composed during the period A.D. 1-700.<sup>64</sup> It is the author(s) of Manusmriti, who now onward even removed the human identity of the Dalits, who till then were considered outside the pale of the chaturvarnyam, but their existence at least was recognized. The Manusmriti accepts only the twice-born three castes:

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<sup>60</sup> Ibid, pp 41

<sup>61</sup> Masey, James, op.cit, pp, 42

<sup>62</sup> Ibid

<sup>63</sup> Ibid

<sup>64</sup> Ibid

Brahman, Ksatriya and Vaisya, but the fourth, Sudra has only one birth. It says, “There is no fifth (caste)”<sup>65</sup>. To explain the existence of those who were not of the four castes, Manusmriti put forward the concept of “mixed castes” which included those who were born out of intercaste marriages. The main divisions of such unions were named anuloma, where the male partner belonged to the upper caste and the female to the lower caste; and pratiloma, where the male partner belonged to the lower caste and the female to the upper caste. The offspring of pratiloma were considered most degraded.<sup>66</sup>

According to the Manusmriti, the most hated groups were Chandala and Sapaka, who were the offspring of a Sudra male from a Brahman woman, and Chandala male and a Pukkasa female respectively.<sup>67</sup> The Manusmriti 10.51.52 narrates the degraded nonhuman state of these groups in the following words:

The dwelling of Chandalas and Cavpacas (sapaka) (should be) outside the village; they should be deprived of dishes (apapatra); their property (consists of) dogs and asses. Their clothes (should be) the garments of the dead, and their ornaments (should be) of iron, and their food (should be) in broken dishes; and they must constantly wander about.<sup>68</sup>

By the time the Manusmriti’s composition was complete (around A.D. 700), the negative development of the Dalits state had reached its climax.

Against the supremacy of Brahmans even the revolt of Mahavira (540-468 B.C.) and Gautama Buddha (563-483 B.C.), the founders of Jainism and Buddhism, more or less failed.<sup>69</sup> About Gautama Buddha a French scholar, Luis Dumont says, “That Buddha himself, if he transcended caste, did not attack or reform it.”<sup>70</sup> According to G.S. Ghurye “Thus Buddha is represented as being inclined to accept the divisions, basing them only in the individual’s actions and not on his birth.”<sup>71</sup> There is no doubt that Jainism and Buddhism were the first attacks or revolt in general against the caste system. But Dumont’s observation also seems

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<sup>65</sup> Ibid

<sup>66</sup> Ibid

<sup>67</sup> Ibid

<sup>68</sup> Ibid.

<sup>69</sup> See for detailed discussion

(a) Rao, R. Sangeeta : *Caste System in India*, New Delhi, 1989, p.23ff

(b) Ghurey, G.S: *Caste and Race in India*, Bombay, 1979 (5<sup>th</sup> edn) p.75ff

<sup>70</sup> Quoted in Froster, Duncan B : *Caste and Christianity*, London, 1980, p.11.

<sup>71</sup> Ghurey, G.S ; *Opp cit.*, p.71

true, that “A sect cannot survive on Indian soil if it denies caste.”<sup>72</sup> It was because of this phenomenon, according to Dumont, that Buddhism could not survive as a force beyond the fourteenth century. The Jain strategy to deal with the Hindu influence, according to Marcus Banks, “was to ‘Hindu-ize’”. Jinasena (a Digambara scholar ascetic) not only rewrote Hindu mythological history, he also included all the major Hindu samskaras (life-cycle rituals) within the Jain ritual system by giving them a Jain gloss.” In fact “Jinasena created the notion of a Jain ‘caste system’, which he legitimated as an institution of Rishabhas.”<sup>73</sup> In other words, even Jainism ultimately could not divest itself from the influence of the Hindu caste system. In Gujarat, even today two groups of Jains known as Visa and Dasa will not inter marry.<sup>74</sup> With such caste distinctions Jainism could contribute little to ameliorate the problem of the Dalits.

Buddhism faced a different kind of problem, because by the time of the Manusmriti, the followers of Gautama Buddha were also considered untouchables.<sup>75</sup> By and by Buddhism also got influenced by the caste system.<sup>76</sup> In post-Independence India, the hundreds of thousands of Mahar Dalits of Maharashtra who became Buddhists, in 1956 and later and their progeny are known as Bauddh, which in Marathi has become a synonym for Mahar (untouchable).<sup>77</sup> Thus the protest of Jainism and Buddhism, against Brahmanism or the caste system was in course of time diluted.

### **2.3 Origin of Caste and Varna**

There are several theories about the origin of Caste in India, one of which is the historical theory of Dalit origin described by Anil Bhardwaj in his book, “Welfare of Scheduled Caste in India,” which says that: In ancient India there were two cultures, the Indo-Aryan and the Dravidian. Literary records of the Indo-Aryan culture are not only the earliest but contain both the first mention and a continuous history of the factors that makes up caste. Dravidian culture, when examined records that they are immensely influenced by the Indo-Aryan

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<sup>72</sup> Quoted in froster, Duncan B:opp cit.p.11

<sup>73</sup>Banks,Marcus:Organising Jainism in India and England,oxford,1992.p.27

<sup>74</sup> Ibid.,p.52

<sup>75</sup> Ambedkar,Dr.B.R: The Untouchable, p.315

<sup>76</sup> Narasu,P.Lakshmi: The Essence of Buddhism,1948,p.98

<sup>77</sup>Zelliot,Elenor:“The Psychological Dimension of the Buddhist Movement in India” in G.A Oddie(ed),Religion in South Asia- Religious Conversation and Revival Movements in South Asia in Medieval and Modern Times,New Delhi,1991,p.204



tradition. The Brahmanism variety of the Indo-Aryan civilization, it is the most widely spread and deeply rooted aspect, was developed in the Gangetic plain.

It is established fact that caste originated in this region. According to Anil Bhardwaj: Around 5000 BC the peoples who lived in or inhabited this area was known as the Indo-Aryans, a member of the larger Indo-European or Indo-German linguistic family. This family includes the Celts, the Anglo-Saxons, the Tautens, the Romans and the Iranians among others. They lived in one fairly define region and for various reasons they dispersed from their home land with various groups heading in different directions and resettling under various circumstances. One of these groups reached India around 2500 BC with the kind of religion represented in the early Vedic tradition. Vedic Indians and Iranians lives together and called themselves “Aryan”.<sup>78</sup>

It is seen that the favorite word for certain groups and others of among Indo-Aryans was ‘Varna’ ‘Colour’. Thus, they spoke of the DAHA and ‘DASA Varna’ or more properly DASA peoples. The Iranian spoke of the peoples whom they captured as ‘Daha’. Iranian Daha is exact equivalent of Vedic ‘Dasa’, making allowance for the linguistic values of the sounds of last syllable. Like Vedic Aryans the spoke of themselves as Arya or ‘Ariya’ whose connection to the Sanskrit word ‘Arya’, meaning high Varna, is obvious.

The Vedic Aryans also developed on exclusive social attitude toward native populations and cultivated a partiality for ideas of ceremonial purity. Some Aryan communities actually elaborated them into exclusive social stratification, though of rather limited extent and depth. This behavior of Vedic Aryan is analogous and comparable for sake of clarity with native peoples. In spite of the egalitarian and democratic preaching of recent centuries, wherever the Europeans went as conquerors they manifested exclusiveness varying from utter contempt and strict social restriction to condescension and hypergamous attitude and practice. Whenever they condescended they at best took native women as wives but never even considered that their own women marry to native males. Even in this hypergamous practice they took care to separate the progeny of “half-breeds”.<sup>79</sup> The attitude of exclusive pride toward conquered peoples of whatever culture status or racial class met within the doings of

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<sup>78</sup>Bhardwaj, A. (2002): p.7

<sup>79</sup> Bhardwaj, A (2002) : p.8-9

so many Indo-European peoples appears in the attitudes and practices of the Aryans of the Gangetic plains of the Vedic or post Vedic age in particular.<sup>80</sup>

Overall this theory is basically based on “Aryan Invasion Theory” which states that Aryans come and attacked the native Indians and make them slaves or “Das”, and that “das” people over a period of time became untouchables and Shudras. These theories develop because over the last couple of centuries the stories narrated in the Rig Veda have commonly been believed to relate to historical circumstances of an Aryan people from Central Asia entering India. It all began when the British East India Company sent Judge William Jones to Calcutta in the 1770’s. He had extensive knowledge of ancient European languages and upon learning Sanskrit in India he soon found many similarities with languages he already knew.

In years to follow several scholars, most notably Max Mueller, have built on these theories of a common Indo-European language and culture.<sup>81</sup> In short, it is argued that the fights described in the Rig Veda took place between light skinned Aryans and dark skinned indigenous peoples. As a mechanism to maintain racial segregation the caste system came into being, and as such race functions as a biological indicator of caste. Today the ‘Aryan Invasion Theory’ is being challenged, largely referring to the same linguistic, historical and archaeological sources, but with different interpretations of these.

An Archaeological expedition in the 1920’s of the ancient cultures in Harappa and Mohenjo-Daro in the Indus Valley. Found very advanced settlements dating back to 3000 B.C. Now Hindus nationalists or fundamentalists claim that Aryans didn’t come from outside but they are the native or indigenous peoples of India and they further migrated to the others parts of Asia, several groups even claim that this Indus valley civilization is the first civilization. Some even go as far as to say that the ancient civilizations in Europe, the Middle East and North Africa have Indian ancestry, India being, in their view the centre of the world and the oldest culture on earth. Therefore they argue that Aryan invasion theory is basically Christian or colonialist propaganda which attempts to discredit everything indigenous to India while highlighting positive foreign influence.

On the basis of historical facts, Dalit scholars have mixed opinions, Jyotirao Phule in the late nineteenth century, argued that Dalits have been suppressed by Sanskrit speaking Brahmins

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<sup>80</sup> ibid

<sup>81</sup> Ibid

descended from the invading Aryans<sup>82</sup>. In contrast Therefore Dr. B. R. Ambedker refuted the western thesis linking caste to race. According to him, all the castes descend from a common stock and untouchable castes emerged in the wake of Buddhism as persecuted Buddhists. They were steadfast followers of Buddha after began preaching in the sixth century B.C. and they remained Buddhists while the rest of society returned to the Hindu fold under Brahmin pressure. As all other theories of caste and the origins of untouchability this theory is lacking in strong historical evidence .<sup>83</sup>

M. C. Raj, a Dalit leader and guru in Karnataka in South India, has a different strategy. In his recent book Dalitology he implicitly dismisses the whole debate and simply states:

“The Puranas are saying that Brahmin was born from the head of Brahma, Kshatriya was born from the shoulders of Brahma, Vaishya was born from the thigh of Brahma and Shudra was born from the feet of Brahma. But we Dalits are born from the earth and we shall go back to the earth. What he says is very scientific, rational and environmental. Therefore, we Dalits do not have any god and goddesses. Our stand is that nature is our source of power [...] Dalitology is the answer to those who have created the illusion that Dalits do not have a history of their own”<sup>84</sup>

Besides relating Dalits to history, the quote also contains an encouragement to Dalits to reject the Hindu religion. But the paradox is most Dalits profess Hinduism, the very religion prescribing their predicament: they worship Hindu’s gods and follow the rules laid down by Hindu scriptures. They even practice the untouchability among sub-castes.

The origin of caste in India is highly debatable and very interesting. We can see how explanations relate to the position of the author in relation to the caste system and how they invariably serve socio-political purposes. Like “Aryan Invasion Theory”, brought forward by William Jones and directly or indirectly adopted by Jyotirao Phule and Dr. B. R. Ambedker to create a historically verifiable picture of the untouchable condition and claiming original ancestry of India, this is a source of pride and assertion of forgotten worth deserving recognition. On the other hand fundamentalist upper caste and dominant caste Hindu theory claiming original ancestry of India through “Indus-valley” civilization is very politically

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<sup>82</sup>Jyotirao Phule (1827-1890) was from Maharashtra and known for his work for the upliftment of women and lower castes.

<sup>83</sup>Thapar, R. (2002): p.15; Massey (1995):23-24 and 66-72

<sup>84</sup>Raj, M. C. (2001). Dalitology: The Book of the Dalit People. Tumkur: Ambedkar Resource Center, REDS. : p.20

established. In that situation, it is not possible to give a historically correct and verifiable picture of the untouchables. But we can see that the Untouchables have occupied a distinct place in Indian society for at least two millennia. What is interesting to note is how the explanations relate to the position of the author in relation to the caste system and how they invariably serve socio-political purposes. Dalits and non-Dalits alike might assert that Dalits are a natural category, but their rationales and purposes will differ. For Dalits claiming original ancestry of India, this is a source of pride and assertion of forgotten worth deserving recognition. For non-Dalits, the 'naturalness' of untouchability serves to justify unequal treatment. Whenever notions of exploitation enter the discourse it is recognized that 'social engineering' plays a role. In the discourses of both Dalits and their oppressors we find elements drawing legitimacy from both natural and social categories, depending on the question at hand.

#### **2.4 Dalits in Muslim period**

As seen above, by the time the Manusmriti (A.D. 700) reached its final literary form with its strict social and religious discipline to govern the graded Indian society, the religion of Prophet Mohammad also came into existence in the Arab world. The Arabs' first conquest of Sind was in A.D. 712, but only in A.D. 1206 the Slave Dynasty established its rule in Delhi. The Muslim invaders continued to come and go with their leaders like Sultan Mahmud of Ghazni and Muhammad Ghori. After the Slave Dynasty, India was ruled by different Muslim rulers and dynasties, such as Khiljis, Sayyids, Suris and Moghuls till the death of the last Mughal King Bahadur Shah in 1862.<sup>85</sup> During this long period of Muslim domination in India, one would have expected some changes in the lot of the Dalits as Islam upholds the principle of equality of all human beings.<sup>86</sup> But after going over the social and religious conditions of the Muslim period, one sees that more or less the state of the Dalits continues as before. Al-Biruni, writing on his visit to India around A.D. 1030, describes the treatment received by the Dalits as follows:

The people called Hadi, Doma (Domba), Chandala, and Badhatau (sic) are not reckoned amongst any caste or guild. They are occupied with dirty work, like the cleaning of the villages and other services, They are considered like as one sole class, and distinguished only by their occupations. In fact, they are considered like illegitimate children; for according to

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<sup>85</sup> Massey(1995),pp.44

<sup>86</sup> Ahmad Imtiaz (ed.): Caste and Social Stratification among Muslims in India, New Delhi, 1978, p.14.

general opinion they descended from a Sudra father and a Brahmani mother as the children of fornication; therefore they are degraded outcastes.<sup>87</sup>

More to the point, a number of well-known research works have confirmed that Muslim society itself was divided into a number of different grades/classes, though not exactly like the Hindu caste system. The highest grade, which was and is comparable to the Hindu “twice-born” upper castes were Ashrafs (meaning honorable), Shaikhs (chiefs) and Mughals and Pathans (corresponding to the Hindu Ksatriyas). The middle group was made up of those who have clean occupations. The last group included the converts from the untouchables, who do scavenging, sweeping and other menial tasks. This division among the Muslims was confirmed by later historians and scholars who include J.S. Grewal.<sup>88</sup> J.S. Grewal has also observed that the differences.

On the basis of religion or race or occupation were reflected in the morphology of cities and towns. Urban centres were divided into separate quarters for the various social groups. On the outskirts of towns generally lived the scavengers, the leather dressers and the poor beggars...The Respectable social groups among Muslims lived apart from the common populace...<sup>89</sup>

Why did caste distinctions continue during the Muslim period in India and no change came even in the case of those Dalits who embraced Islam? “Acculturative influence of Hinduism” may be one reason. The other possible reason “are those elements in Islam itself which support such distinctions”. Imtiaz Ahmad, in the introduction to his edited work *Caste and Social Stratification among the Muslims*, has summarized these elements (based upon traditions) in these words:

- (a) an Arab was superior to a non-Arab,
- (b) among Arabs, all quraishites were of equal social standing in a class by themselves, and all other Arabs were equal irrespective of their tribes,
- (c) among non-Arabs, a man was by birth the equal of Arabs, if both his father and grandfather were Muslims, but only if he were sufficiently wealthy to provide an adequate mahr (endowment),

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<sup>87</sup> Massey(1995),pp.44

<sup>88</sup> ibid

<sup>89</sup> Ibid,pp.45

- (d) a learned non-Arab was equal to an ignorant Arab, even if he was a descendant of Ali, “for the worth of learning is greater than the worth of family” and
- (e) a Muslim Kazi or theologian ranked higher than a merchant, and a merchant higher than a tradesman.<sup>90</sup>

Different contributors to the above work have shown how even at present social distinctions among the Muslims continue in Bombay, Rajasthan, Haryana, Tamilnadu, Uttar Pradesh and West Bengal.

Besides Islam, during the Muslim period, there were other religions practiced in India. The religions which came from outside India included Christianity, Judaism and Zoroastrianism. Christianity had already arrived before the Muslim presence got established here, and Judaism and Zoroastrianism came around the same time when Islam entered India. The indigenous religions which came into existence during the Muslim period were Lingayatism and Sikhism. Baha’i religion, which originated in Iran with its founder Baha’u’llah (1819-92), is to be found in the Malwa region of Central India.

Where Judaism is concerned, there have been two ancient settlements of Jews, one in Cochin (in south India in the state of Kerala) and the other in and around Bombay in the state of Maharashtra of Western India. Historically their presence in India is confirmed from A.D. 1020 onwards. This date is known from the date inscribed on a set of copper plates which were given to a Jewish leader named Joseph Rabban by a Hindu king. These copper plates had inscribed on them 72 privileges which he granted to the Jewish community. These included: “the right to ride an elephant, to be carried in a litter, to be preceded by drums and trumpets, to have a crier call out before their approach so that the lowly might withdraw from the streets”.<sup>91</sup> Similar privileges were granted to a group of Syrian Christians by the same Hindu king, which thus gave both the communities the status of caste Hindus. Jewish scholar, Shalva Weil, says about this phenomenon:

In terms of the larger order of ranking, both these groups individually have had to internalize caste perceptions in order to provide legit Imation for their ascribed status. As intermediaries in a ranked order of things between the local king and inferior castes, they have both, individually, shared what Fuller (1976) has termed a common “orthopraxy” with Hindus,

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<sup>90</sup> Ibid, pp.46

<sup>91</sup> Ahmed, Imtiaz (ed.): op. cit., 1973, pp.xxx-xxxii (Introduction).

while at the same retaining theoretical adherence to the egalitarianism of the Judeo-Christian tradition.<sup>92</sup>

Jews, both of Cochin and Bombay are divided into two main castes or jatis (groups) known as Gora (white) Jews and Kala (black) Jews According to Mandelbaum, these two groups of Jews, “did not interdine or intermarry, though they did worship in the same synagogues. Those of the higher jati claimed poorer Jewish ancestry. The lower, the alleged, was of mixed origins.”<sup>93</sup> These facts were also confirmed during a visit to the Cochin Jewish community by the present author.<sup>94</sup> Shalva Weil also has confirmed that till 1950 there was a sizeable Jewish community in Cochin, but as most of these have migrated to Israel, their number now is very small.<sup>95</sup>

The other religious community which needs mention here are the Parsees, who are followers of Zoroastrianism. Their ancestors emigrated from Persia during seventh century A.D.<sup>96</sup> Eckehard Kulke has pointed out in his work *The Parsees in India* that Parsees before they came to India, were divided into four classes on the pattern of the Hindu caste system which were as follows:

Clergy (Athravans = Gurdians of the fire)

---- corresponding to the Brahmans among the Hindus.

Warriors (Rathaeshstars = He who is standing on a warchariot)

---- corresponding to the Ksatriyas.

Peasants (Vactrya = He who cultivates the land)

---- corresponding to the Vaisyas.

Artisans (Huiti = someone who produces objects)

---- corresponding to the Sudras.<sup>97</sup>

The forefathers of the Parsees, when they emigrated to India were allowed by the local king Sanjan Jadi Rana to settle in a place named Sanjan in Gujarat, under certain strict conditions, which they accepted. Since the Parsees did not believe in conversion,<sup>98</sup> there was very little

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<sup>92</sup> Ibid,pp.47

<sup>93</sup> Ibid

<sup>94</sup> ibid

<sup>95</sup> ibid

<sup>96</sup> ibid

<sup>97</sup> ibid

<sup>98</sup> Ibid., p.48.

chance for them to influence the social order in India based on the caste system. So Parsees or Zoroastrianism may be considered to be more or less unconcerned with the problem of the Dalits.

Lingayatism, or Veerashaivism as it is better known, is a religious sect whose heartland is northern Mysore in the state of Karnataka. Lingayatism is an egalitarian religion and the Lingayats treated everyone, including women as equal. Lingayats worship Shiva and according to their rule all members must always wear the Shiva emblem, the lingam. But according to Mandelbaum, Lingayats' jatis or groups are similar to those of Hindus. He says: "Despite the explicit rejection of caste-ordering in Lingayat scripture, Lingayats group themselves into ranked jatis. The highest are the Jangamas, hereditary priests and teachers."<sup>99</sup>

In any case, as Lingayatism was limited to a small part of one state, Karnataka in the south, and also since its followers were not free from the Jati distinctions, their role in the area of the Dalit problem is also limited.

The other religion which came into existence during the Muslim period was the Sikh religion, which also upholds the concept of egalitarianism.<sup>100</sup> The founder of the Sikh religion Nanak "did away altogether with caste distinctions and ceremonies".<sup>101</sup> But there are a number of testimonies available which show that by the time of the first half of the nineteenth century, the caste hierarchy among the Sikhs was well established.<sup>102</sup> While summing up the discussion on caste hierarchy among Sikhs, Ethne K. Marengo says:

To sum up, therefore from the evidence of the Sikh Empire period, the many sources show that the Sikhs maintained caste practices, despite the fact that their religious dogma was against caste... The original conversion to Sikhism was striving for upward mobility, particularly when the lower Hindu caste converted. This type of corporate caste mobility, where whole groups convert to a religion that promises them an escape from their low caste position, has occurred more than once in India, and it was the phenomenon which was involved in the original conversion of Jat Hindus or Chuhra and Chamar Hindus or Chura Muslims (Mazhabis) to Sikhism.<sup>103</sup>

Marengo finally has observed that to some extent there is upward mobility among the Sikh Dalits, but it was not because they embraced Sikhism: "For the most part, their advance in Sikh society was due

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<sup>99</sup> Ibid,pp.47

<sup>100</sup> Ibid,pp47

<sup>101</sup> Ibid,pp.47

<sup>102</sup> Ibid,pp.48

<sup>103</sup> Ibid,pp48



to the special favour they held with the British, on whose side they had fought during the Sepoy Mutiny.<sup>104</sup>

An egalitarian religion which came from outside in Baha'i. Its members are limited to Malwa villages in Central India and also it has got indigenized fully under the influence of Hindus. Therefore Baha'i egalitarian religion made very little positive contribution. A quotation from the work of W. Garlington will be helpful to clarify this point further:

Therefore, by presenting Baha'u'llah as an avatar who has come to revitalize Hinduism rather than denounce it, Baha'i teachers do not make declarants forsake their Hindu heritage, and in effect they can psychologically remain Hindus: they are Hindus who believe in the Yugavatar, Baha'u'llah.<sup>105</sup>

Garlington adds:

On the normative level the Baha'i Faith is an egalitarian religion, all believers are considered equal in the eyes of God, and therefore they all assume a similar status – that of God's servant. This ideal is in direct contrast to the traditional Hindu view as practiced in Malva villages, whereby an individual is ranked according to his status group (caste) . . .<sup>106</sup>

## **2.5 Dalits in the Colonial Era**

The British, through East India Company, came and colonized to India for their own profit and ruled for about 200 years till 1947. In this era Dalits history and political theory of Dalits came in to the picture, because at that time all political resistance and war took place for control over the state, and all social resistance and struggle happened against discrimination and untouchability. This is also the time when the ancient cultures in Harappa and Mohenjodaro in the Indus Valley came in to the picture. That provides opportunity to the fundamentalist forces to counter the struggle and resistance of Dalits and Untouchables in India to manipulate and further legitimize them.

We find the first systematic ethnographic studies of the caste system in the census and gazetteers of the 19th century. We have already seen how the administrative tasks of the colonial administration spurred academic interests. The vehicle of much of this administrative scholarship was the census, which began on a nationwide basis in 1871-2. British census officials became obsessed with the question of whether Untouchables were properly classifiable as "Hindus". It may well have been the first time such a question was asked. Until

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<sup>104</sup> Ibid., p.49

<sup>105</sup> Ibid., p.49

<sup>106</sup> ibid

Indian civilization was defined relative to a world outside, there was no need for a concept of “Hindu” at all. The origin of the word Hindu is disagreed upon by historians and linguists, but it is generally accepted as having originally been a Persian word for someone who lives beyond the river Indus, i.e. any inhabitant of the Indian subcontinent (before the partition of India). Until the 19th century, the term Hindu implied a culture and ethnicity and not religion alone thus clubbing all people living in India into a single group called Hindus. When the British government started a periodic census and established a national legal system, the need arose to for Hinduism to be clearly defined as a religion, along the lines of Christianity and Islam.<sup>107</sup>

As the time when British censuses started and during the first 2-3 censuses, there was no general model of how to register Untouchables. In the 1871-2 census the Chamars, long since recognised as the largest untouchable caste in India, were in the province of Bengal lumped into a category called ‘Semi-Hinduised Aborigines’. In other provinces untouchable castes, e.g. the Mahars of Maharashtra and the Pariahs of Tamil Nadu were placed with Buddhists and Jains into a category called “Outcastes or Not Recognising Caste”. The British census officers saw themselves as simply trying to answer the question of who was a Hindu, and they often felt their job was made harder by the attitudes of their native assistants, the complaint being that high caste Hindus did not want to recognise untouchable castes as belonging to the Hindu religious community at all. By 1911 the British noticed that a complete reversal had occurred, whereby the leaders of Hinduism were adamant that the untouchable castes were a regular part of Hinduism. The spur to change was the arithmetic of parliamentary representation. In 1909-10 under the Morley-Minto Reforms .<sup>108</sup> The Muslim League had sought to argue that the Hindu population was artificially inflated by inclusion of the Untouchables, and in response the Hindus now laid vehement claim to these people. The British ended up registering the Untouchables as Hindus, but in a separate “schedule”, thereby coining the term Scheduled Castes (SC). This designation appeared for the first time in the Government of India Act, 1935. Constitutional reforms elaborated by the British administration made it mandatory to have a schedule of all castes considered untouchable

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<sup>107</sup>Mendelsohn, O. & Marika V. (1998). *The Untouchables: Subordination, Poverty and the State in Modern India*. Cambridge: Cambridge University Press. : p.27

<sup>108</sup>The Government of India Act of 1909, better known as the Morley-Minto Reforms (John Morley was the secretary of state for India, and Gilbert Elliot, fourth earl of Minto, was viceroy), gave Indians limited roles in the central and provincial legislatures, known as legislative councils. Indians had previously been appointed to legislative councils, but after the reforms some were elected to them.

who were from then on to be granted the right to education and reserved seats in various legislative assemblies, from parliament to the local village council (panchayat).<sup>109</sup>

Indian literature is full of colonial influences in general Caste, politics and Democracy. But it shows two aspects. One the one hand it shows the positive side of British rule and their contributions to Dalits rights and on the other hand their relations ship with Brahmins and others upper caste peoples. In assessing the implications of colonialism for Untouchables Mendelsohn and Vicziany and Basil Fernando represent opposite poles on a continuum. Mendelsohn and Vicziany are mainly positive about the side effects of colonialism for Untouchables and the Indian state:

“What the census commissioners accomplished, on the other hand, was to carve out an ideological space that could accommodate [...] what we are calling the Untouchables. It is difficult to exaggerate the importance of this approach for the success of Ambedkar’s political strategy in the late 1920s and 1930s. The census Commissioners had established the Untouchables as a legitimate social category, and it was then a matter of political concession rather than ideological imagination to treat them as entitled to the kind of advantages bestowed on other groupings – the Muslims, above all. Whereas Kabir and the other great bhakti thinkers had looked towards an ultimate equality of all individuals in the eye of God, the Anglo-Indian state had created a more practical basis for untouchable progress. The British had provided the instruments with which the Untouchables could assert themselves as a political collectivity, rather than merely pressing their moral worth as individuals”.<sup>110</sup>

Mendelsohn and Vicziany talk of the British policy toward Untouchables is seen as one of holding up a mirror to Indian society, thereby presenting fresh images to modernising Hindus and Untouchables themselves.<sup>111</sup>

Conversely Basil Fernando portrays the positive impact of colonialism as a myth created by self-congratulatory British, having no basis in fact. The kind of democracy they introduced in India and other parts of South Asia was a perverted kind, which only consolidated the powerful high caste elites and destroyed the power of resistance of the people by increasing and further institutionalising the suppression mechanisms of pre-colonial times.<sup>112</sup> The logic

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<sup>109</sup> A social and political group of Muslims in colonial India and they are very influences in Muslims

<sup>110</sup>Perez, R. M. (2004). *Kings and Untouchables: A Study of the Caste System in Western India*. New Delhi: Chronicle Books. : p.14, 24 – 25; Mendelsohn & Vicziany (1998): p.27-29

<sup>111</sup>Mendelsohn & Vicziany (1998): p.29.

<sup>112</sup>Mendelsohn & Vicziany (1998): p.26.

behind this line of argumentation is that by definition there can be no enlightened colonialism. Colonialism looks only at the moment and its motivations are: ‘how much can be extracted and how quickly?’.

Accordingly the British have in fact impeded democracy. They bear responsibility not only for the past but also for the present, due to their consolidation of the caste system and destruction of local resistance to inequality. According to Fernando a ‘true’ democracy should grow from the imagination and creativity of the people and be founded on ideas of taking control over ones own destiny, but this process never took place in South Asia. This argument is basically give the picture of British how they established in India and for their establishment British needed the cooperation of the feudal elites, who had a long experience in controlling and suppressing their own people, but the latter demanded a price for their support, namely that the British would not interfere with the existing systems of inequality.

Both Mendelsohn and Vicziany and Basil Fernando highlight valuable points, and upon closer inspection they are perhaps not as incongruent as they might seem at first. I think there is no doubt that the British helped create a space for the Untouchables that they had not had before, but Fernando’s harsh comments on the nature of democracy and the political system in India help us understand why, in spite of new opportunities, the Untouchables still occupy the bottom rungs of society more then 60 years after independence. As we shall see in coming chapters, it is an uphill struggle to utilize a space only formally recognized by the more powerful groups in society.<sup>113</sup>

## **2.6 Dalit in the Post-Independence Period**

The problem of the Dalits and the struggle for liberation is continuing in the post-Independence period with equal fervor, because even India’s political freedom in 1947 was not able to help them in getting out of their condition. Prior to Independence, the British rulers used the policy of “non-interference” in local, cultural and religious practices, in order to rule the people of India, and for that they even created a new vocabulary. The new rulers of independent India have continued to use the same vocabulary and expressions which in no way have helped the masses, particularly the Dalits.

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<sup>113</sup>Fernando, B. (2002). *An Examination of Caste Discrimination in India.*: Hastrup, Kirsten & George Ulrich (eds.), *Discrimination and Toleration: New perspectives*. The Hague: Kluwer Law International. p.155.

This was perhaps the reason why most of the Dalit movements and their leaders were not supportive of the freedom movement led by the upper castes under the Indian National Congress.<sup>114</sup> While piloting the Constitution of independent India on November 4, 1948 Ambedkar did say it was “workable” and “flexible” but even this character of the Constitution has been used only to maintain the status quo of the set rules of life in Indian society because it has only gone in favour of the powerful, not the mass of powerless people. The Constitution itself, as Ambedkar said, is not “bad”, it is the use of its flexibility which has proved bad. It is because of this truth, that the condition of the Dalits, even after Independence, has not improved. In order to clarify this a few examples are considered and discussed from the post-Independence (1947) efforts. This discussion will be confined to three major examples, which hopefully will help to understand the issue:

- I. The Constitution (Scheduled Castes) Order, 1950.
- II. Report of the first Commissioner for Scheduled Castes and Scheduled tribes for the period ending 31st December, 1951.
- III. Report of the Backward Classes Commission, 1980 (popularly known as Mandal Commission).

### **2.7 The Constitution (Scheduled Castes) Order, 1950**

The Indian Constitution as per Article 341 (I) empowers the President of India, “...by public notification, (to) specify the castes, races or tribes or parts or of groups within castes, races or tribes which shall, for the purpose of this Constitution be deemed to be Scheduled Castes...”<sup>115</sup> Again the Constitution, without defining in Article 366(24) only refers back to the power given to the President of India in Article 341.<sup>116</sup> But once the President has given such an order, this list prepared on the basis of Article 342(2) or Scheduled Castes can be changed only through an Act of Parliament.

While exercising the powers conferred in Article 341(1) on him, the President of India promulgated an Order in 1950, known as The Constitution (Scheduled Castes) Order, 1950. In the list of the Scheduled Castes this order almost re-enacted the list of the Government of India (Scheduled Castes) Order, 1936.<sup>117</sup> Concerning the Scheduled Caste people the Constitution has followed the basis the British Government laid down in 1936. This applies

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<sup>114</sup>Gupta, S.K.: The Scheduled castes in Modern Indian Politics, New Delhi, 1985, pp.211-12.

<sup>115</sup>The Constitution of India: op. cit., p. 178.

<sup>116</sup>Ibid., p. 203.

<sup>117</sup> Galanter, Marc: *Competing Equalities in Law and the Backward Classes in India*, Delhi, 1984p. 132.

not only to the list, but also the criterion, which the British Government used to define “Scheduled Caste”, because the same is followed for the Order of 1950. On that basis the third paragraph 2, no person who professes a religion different from Hindu, shall be deemed to be a member of a Scheduled Caste.” This paragraph was changed in 1956 by Parliament to “Hindu or Sikh” and again in May 1990 to “Hindu or Sikh or Buddhist”.

So the positions of the President and Parliament are the same as that of the British Government in 1932-36, because it has used “religion” as the criterion to define the Scheduled Castes, but a political party like the Bharatiya Janata Party (BJP) has a still more orthodox and biased criterion in regard to the Scheduled Castes, or the Dalits. On June 12, 1990 at Thiruvananthapuram in South India, a senior leader of the BJP, L.K. Advani stated his party’s criterion on this question, which was reported by the Indian Express:

The BJP leader, however, said that his party was stoutly opposed to any move by the V.P. Singh government to extend reservation to converts to Islam and Christianity from Scheduled Castes and Scheduled Tribes. It had supported the extension of reservation to SC/ST converts to Buddhism because under the Constitution Buddhists and Sikhs and Jains were classified as Hindus. Reservation to converts to other religions would violate the recommendation of the Constituent Assembly, he added.<sup>118</sup>

This is the basic contradiction India has, which the Constitution of the country and those responsible for its implementation are faced with, because the view expressed above, and decisions based on such views, not only violate the fundamental rights (Article 15.1), they also raise the question of human rights based on the principle of equality .

Regarding the criterion, the point made by Ram Vilas Paswan needs to be noted. Paswan, who was then Union Minister of Welfare and Labor, made the remark while stating the objects and reasons for proposing to include neo-Buddhist converts from Scheduled Caste background in the list of Scheduled Castes. He said:

“New-Buddhists” are a religious group which has come into existence in 1956 as a result of a wave of conversions of the Scheduled Castes under the leadership of Dr. Babasaheb Ambedkar. Upon conversion to Buddhism, they became ineligible for statutory concessions... Various demands have been made...for extending all the concessions and facilities available to the Scheduled Castes to them also on the ground that change of religion

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<sup>118</sup>Indian Express, New Delhi, June 13, 1990, p. 9.

has not altered their social and economic conditions... As they objectively deserve to be treated as Scheduled Castes for the purpose of various reservations, it is proposed to amend the Presidential Orders to include them therein.<sup>119</sup>

In May 1990 the amendment was passed by Parliament and now neo-Buddhists also get the same concessions which Scheduled Castes belonging to the Hindu and Sikh religion were getting. But the point here is that the basis of the amendment has changed from what the 1950 Order says about “religion”.

The Presidential Order looks good on the surface from all aspects, but if one looks deep into the spirit of this Order, one realizes how it has become the basis for the continuity of the Dalits’ problem, supported by the powerful religious lobby. As far as the Constitution is concerned, one may agree with Ambedkar that there is nothing bad in it, because it rightly maintained the spirit of secularism while guaranteeing full freedom of religion to every citizen (Articles 25, 26, 28, 30), and it also has forbidden any kind of discrimination by the State on the basis of religion (Articles 15, 16, 29, 325). But then, the above Presidential Order had not only violated the sacred spirit of these Articles of the Constitution, but also has literally gone against every word of these articles. Interestingly, to commit these constitutional violations, the Supreme Head of the country has been used.

The other fact which needs to be noted is that by adding in the Presidential Order the term “Hindu” in 1950, once again officially, India as a nation, constitutionally has upheld the system of caste (varna). In this way what Gandhi won through his “fast unto death” in 1932 has been won in post-Independence India by those interested in carrying on such a system through the Presidential Order.

Somehow, for more than four decades now, the Dalits have also fallen into this trap. On the other hand, those who have not fallen into the trap have been deprived even of their basic human rights or equality, including constitutional fundamental rights. The best examples of this are the Christian and Muslim Dalits. To some extent, the Sikh Dalits and the Buddhist Dalits have won their rights and in a way have paved the way for others. But it seems, for the fuller restoration of the human rights of the Dalits, they have to still wait and work.

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<sup>119</sup>Taken from the proposed text of ‘The Constitution (Scheduled Castes) Orders (Amendment) Bill, 1990.

## **2.8 Report of the first Commissioner for Scheduled Castes and Scheduled Tribes for the period ending 31st December, 1951**

The Constitution of India also empowers the Government in Article 338(1) to appoint a Special Officer for the Scheduled Castes and Scheduled Tribes. This Article in the second clause states the duty of the Special Officer in these words:

It shall be the duty of the Special Officer to investigate all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under the Constitution and report to the President on the working of those safeguards at such intervals as the President may direct, and the President shall cause all such reports to be laid before each House of Parliament.<sup>120</sup>

Under this Article the President of India appointed L.M. Shrikant as the first Commissioner (Special Officer) on November 18, 1950, with the responsibility stated in the second clause of Article 338. This work is concerned with the Dalits (Scheduled Castes) and with that part of the report of L.M. Shrikant covering the period up to December 31, 1951, which helps in knowing the state of the Dalits in the early period of post-Independence. Shrikant opens his report with these words, which are worth noting:

Caste in Hindu society is still the most powerful factor in determining a man's dignity, calling or profession. Such a rigid caste system is not found anywhere else outside India. All such professions involve handling of the so-called dirty jobs like tanning and skinning of hides, manufacture of leather goods, sweeping of streets, scavenging, etc. allotted to some castes, also known as Harijans, who are about 5 crores according to the latest figures available.<sup>121</sup>

The most important statement of the report is found on the opening page. It reads as follows:

By the force of habit the Harijan (Dalit) has lost his self-respect to such an extent that he regards his work to which his caste is condemned not as a curse from which he should extricate himself but as a privilege or preserve, which he must protect. He has not much courage to seek another job in field or factory. He has thus become lazy in mind and body and callous to his own condition; and he will not educate his children.<sup>122</sup>

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<sup>120</sup>The Constitution of India: op. cit., p. 176.

<sup>121</sup>Shrikant, L.M.: Report of the Commissioner for scheduled castes and scheduled Tribes for the period ending 31st December, 1951, p. 1.

<sup>122</sup>Ibid., p. 1



These words reveal the inner nature of the dalitness (state) of the Dalits which they have reached by the ongoing oppression of the caste and the social system which Indian society continues to maintain. Part of the statement reads that a Dalit “has lost his self-respect to such an extent that he regards his work to which his caste is condemned not as a curse from which he should extricate himself but as a privilege...” These words also reveal the power of the caste system which can transform the person into such a self-captivity or a slavery from which it seems almost impossible to be liberated. The second important truth about the Dalits that Shrikant has stated is that the Dalit has “become lazy in mind and body, callous to his own condition”. Of course being “lazy in mind” and to feel “callous” for his/her own condition are part of the inner nature or dalitness of the Dalits which really is responsible for many problems of the Dalits, which cannot simply be dealt with by mere passing of legislation or providing economic facilities. Shrikant has provided one possible suggestion to deal with the problem, namely “education” which he says, a Dalit is not willing to give to his children. This non-willingness is again part of the inner nature of dalitness, which needs to be dealt with first, when one talks of making a provision for the education of Dalit children.

Shrikant, as the first Commissioner, undertook an extensive tour to get first-hand information about the Dalits, on whom he spent much space in his report, describing what he had observed and had seen personally. For example, about the implementation of the Social Disabilities Removal Acts adopted by various states, he says that very few crimes committed against the Dalits have come to light. The main reason for this is that Harijans (Dalits) have no courage to come forward either to draw water from the common wells or to go to shops, public restaurants, hotels etc., as they are generally economically dependent on non-Harijans in one way or the other. At places where offences committed under these Acts have not been made cognizable, it is very difficult for the Scheduled Caste people to take any action against culprits because the police are incapable of taking any action if a report is made to them.<sup>123</sup>

Shrikant’s view again gets support from the Report of the Commissioner for Scheduled Castes and Scheduled Tribes of April 1985-March 1986. This report, 35 years after the first report of 1951, proves that these atrocities against the Dalits continue as in 1950-51 or

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<sup>123</sup> Ibid., p. 12.

before.<sup>163</sup> Even the later Commissioners observed that while 15 per cent of the posts were reserved for the Scheduled Castes, only 2.2 per cent were filled.<sup>124</sup>

These Commissioners' reports show that historically the development of the Dalits' problem is continuing on the same pattern as in the past. It is because no effort has been made to change the religious-cum-social-cum-cultural features of Indian society that the Dalits' problem is perpetuated.

## **2.9 Report of the Backward Classes Commission,1980 (popularly known as Mandal Commission)**

Marc Galanter helps in understanding the underlying values of the Mandal Commission Report when he opens his work on *Competing Equalities: Law and the Backward Classes in India*, with these words:

India's system of preferential treatment for historically disadvantaged sections of the population is unprecedented in scope and extent. India embraced equality as a cardinal value against a background of elaborated, valued, and clearly perceived inequalities. Her constitutional policies to offset these proceeded from an awareness of the entrenched and cumulative nature of group inequalities. The result has been an array of programmes that I call, collectively, a policy of compensatory discrimination.<sup>125</sup>

Galanter's statement is possibly the best summary of the Mandal Commission's efforts. Mandal and other Commissions' reports are part of an array of programmes launched by the Indian Government to uplift those people or citizens of India, who in the history of India, have been kept forcibly and systematically at a disadvantage. To deal with this historical evil, which is an on going reality in the Indian society, independent India accepted "equality as a cardinal value" for all her citizens. The truth has been stated right in the Preamble of our Constitution. Also, as mentioned earlier Articles 15.1-3 and 16.1-3 offer "equality" as a fundamental right to all citizens of India.

But in the same Articles, clauses 15.4 and 16.4 make a special provision for the care of those citizens who are socially and educationally backward, along with the Scheduled Castes and Scheduled Tribes. Article 38 under the Directive Principles of State Policy states it clearly

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<sup>124</sup>Report of the Commissioner for Scheduled Castes and Scheduled Tribes (April 1985-March 1986). Eighth Report, Government of India, New Delhi, pp. 35-43.

<sup>125</sup>*Ibid.*, p. 17.

that it is the duty of the State to promote the welfare of the people by securing a just and equitable social order. In the same Article in clause 2 it is also said: “That the State shall, in particular, strive to minimise the inequalities in income, and opportunities...” The constitutional declaration under Article 38.1 also has an implied meaning that there was an unjust order in India before the advent of the India Constitution. Also the Constitution, through its Article 46 has placed an obligation on the State for the special care of the weaker sections of people in areas of economic and educational interests and for their protection from social injustice and all forms of exploitation. It has also made provision for how to deal with the whole situation. For example, Article 341 takes care of Scheduled Castes and Scheduled Tribes (already referred to) and Article 340 deals with the question of “socially and educationally backward classes”. Article 340 gives power to the President of India to appoint a Commission to investigate the condition of the people of backward classes and also recommend steps which can help improve their condition.

Under Article 340, the first Backward Classes Commission was appointed by the President on January 29, 1953 with Kakasaheb Kalelkar as its chairman, This Commission submitted its report on March 30, 1955.<sup>126</sup> The task of the Commission included determining the criteria for identifying sections of people who could be included in the list of Backward Classes, and also to suggest steps to improve their condition. About the criteria for identifying the classes, this Commission suggested “caste” as a criterion, on which all the members of the Commission did not agree.<sup>127</sup> At the same time, the Central Government also could not fully agree with its recommendation, so it came to the conclusion that no all-India list of backward classes was possible. Ultimately the Central Government told the State Governments, that they could fix their own criteria for defining backwardness and prepare a list of Backward Classes. As a result a number of states, Andhra Pradesh, Bihar, Gujarat, Uttar Pradesh and Tamil Nadu, set up their state level commissions. Eight other states and Union territories also notified their lists of Backward Classes. They are: Assam, Delhi, Haryana, Himachal Pradesh, Meghalaya, Orissa, Pondicherry and Rajasthan. All these states fixed their reservation quotas for the Backward Classes between 66 per cent (which is the highest, is Karnataka) and 5 per cent (which is the lowest, in Punjab) in government services, and educational institutions.<sup>128</sup>

The second Backward Classes Commission (known as Mandal Commission, 1980), under the chairmanship of the late B.P.Mandal, was officially appointed on January 1, 1979, and the

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<sup>126</sup>Galanter, Marc: op. cit., p.1.

<sup>127</sup>Report of the Backward classes Commission, Government of India, First part, Volumes I & II, 1980, p.1.

<sup>128</sup>Ibid., p. 2.

report of the Commission was submitted on December 31, 1980. Besides presenting the report to the President, the Commission's main tasks included, (1) to determine the criteria for defining the socially and educationally backward classes, (2) to recommend steps to be taken for the advancement of the socially and educationally backward classes of citizens so identified, and (3) to examine the desirability or otherwise of making provision for the reservation of appointments or posts in favour of such backward classes which are not adequately represented in public services and posts in connection with the affairs of the Union or of any state.<sup>129</sup>

The Mandal Commission before making its recommendations, made a thorough analysis of the causes of the backwardness of those sections of the people whom it ultimately recommended to be included in the list. According to the Commission, the caste system is the root cause of all kinds of backwardness. Its effects have gone right into the being of people. It says: "The real triumph of the caste system lies not in upholding the supremacy of the Brahmin, but in conditioning the consciousness of the Lower Castes in accepting their inferior status in the ritual hierarchy as part of the natural order of things."<sup>130</sup>

In the Commission's view the caste system is not merely a social phenomenon, it is a well worked out scheme based on scripture, mythology, rituals. According to it:

The above scheme of social organization, transfixed for over 3,000 years, had far-reaching effects on the growth and development of various castes and communities. For instance, as exclusive custodians of higher knowledge, the Brahmins grew into a highly cultivated community with a special flair for intellectual pursuits. On the other hand, the Sudras, being continuously subjected to all sorts of social, educational, cultural and economic deprivation, acquired all the unattractive traits of unlettered rustics.<sup>131</sup>

The Commission's discussion on the "Social Dynamics of Caste" makes it clear "that despite the resolve of our Constitution-makers to establish a casteless society, the importance of caste has increased in some of the most important spheres of our national life".<sup>132</sup> The Commission has also recognized the weakening aspects of the caste system, particularly where the traditional features of the caste system are concerned. But to this fact the Commission adds a note of caution in these words:

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<sup>129</sup>Ibid., pp. 5-11.

<sup>130</sup>Ibid., p. VII (Introductory).

<sup>131</sup>Ibid., p. 14.

<sup>132</sup>Ibid., p16.

But what caste has lost on the ritual front, it has more than gained on the political front. This has led to some adjustments in the power equation between the high and low castes and thereby accentuated social tensions. Whether these tensions rent the social fabric or the country is able to resolve them by internal adjustments will depend on how understandingly the ruling high castes handle the legitimate aspirations and demands of the historically suppressed and backward classes.<sup>133</sup>

According to the Mandal Commission Report the institution of caste contains in it a large “element of inequality and discrimination”.<sup>134</sup> The principle of equality is the factor which the Commission has considered important for the understanding of the condition of the people belonging to backward classes. About this principle the Report says: “On the face of it the principle of equality appears very just and fair, but it has a serious catch. It is a well-known dictum of social justice that there is equality only amongst equals. To treat unequal’s as equals is to perpetuate inequality.”<sup>135</sup>

Here the Commission has raised a vital question which actually leads towards a contradiction of interests between fundamental rights, which are individualistic in nature, and the interests of society, which are given under the Directive Principles of State Policy. Also the Commission’s overall concerns relating to Article 15.4, it seems, are also in direct conflict with the fundamental rights, But this conflict is there, or at least has been felt from the beginning, since the Constitution came into existence. The Commission quotes from a debate which went on at the time of the First Amendment Bill in 1951, when Jawaharlal Nehru highlighted this conflict in these words:

...If in the protection of individual liberty, you protect also individual or group inequality, then you come into conflict with the Directive Principle which wants, according to your Constitution, a gradual advance or let us put it another way, not so gradual but more rapid advance, whenever possible, to a state where there is less inequality and more and more equality. If any kind of an appeal to the continuation of the existing inequality is made, then you get into difficulties. Then you become static, the idea of an egalitarian society which I hope most of us aim at.<sup>136</sup>

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<sup>133</sup> Ibid., p. 48.

<sup>134</sup> Ibid., p. 20.

<sup>135</sup> Ibid., p. 14.

<sup>136</sup> Ibid., p. 21.

Nehru's words help us to see the positive side of The Mandal Commission's Report. Regarding the tests of a just and equitable order, the Commission also is clear that both equality of opportunity and of treatment are not real tests. About the first it says, "Equality of opportunity promised under Article 16(1) of the Constitution is actually liberation and not an egalitarian principle as it allows the same freedom to everybody in the race of life."<sup>137</sup> About the second, the Commission quotes from H.B. Gans (*More Equality*, New York, 1973), who says, "...equality of treatment suffers from the same drawback as equality of opportunity for to treat the disadvantaged uniformly with the advantaged, will only perpetuate their disadvantage."<sup>138</sup> The Commission talks about the third test also, about which it says:

If a tree is to be judged by its fruits, equality of results is obviously the most reliable test of our aspiration and efforts to establish a just and equitable order. A formidable task under any circumstances, it becomes particularly so in a society which has remained segmented in a finely graded caste hierarchy for centuries.<sup>139</sup>

About questions of "merit" and "privilege", the Commission makes a concluding remark in these words:

In fact, what we call merit in an elitist society is an amalgam of native endowments and environmental privileges... The conscience of a civilized society and the dictates of social justice demand that 'merit' and 'equality' are not turned into a fetish and the element of privilege is duly recognized and discounted for when "unequals" are made to run the same race.<sup>140</sup>

On August 7, 1990 when the former Prime Minister V.P. Singh announced the implementation of the Mandal Commission Report (of course only partly), it shook Indian society to its very foundations. The various assessments and views both "for" and "against" were pronounced and are being pronounced even after-wards. Two such pronouncements are referred to here: the Indian Express (August 18, 1991) published two short articles under the title "Is Mandal still a burning issue" by S.S. Gill "for", and Hiranmay Karlekar "against". Both the articles can be summed up by two expressions used by the two writers, "Mandalisation is basically a question of sharing power..." and "It was clearly a cynical

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<sup>137</sup> Ibid., p. 22.

<sup>138</sup> Ibid

<sup>139</sup> Ibid

<sup>140</sup> Ibid

political move..." respectively.<sup>141</sup> To some extent, both these writers are correct: "sharing power" and "a cynical political move" are in a way judgements upon those who try to implement the Mandal Commission with their own agenda before them, but where the Dalits are concerned, the struggle about the Mandal Commission Report or its recommendations are really a part of the age-old struggle of oppressed human beings who, for more than 3,000 years, have been losing. This fact has been stated by a number of thinkers. For example, Brindavan Moses on September 15, 1990 in the Economic and Political Weekly wrote:

The extremely disturbing fact to be reckoned with in this context is that the upper and middle classes are not merely up in arms against the proposed reservations for the backward classes/castes in government jobs, but are also asserting their right to over lordship in perpetuity over those whom they treat with contempt as the incompetent and unqualified.<sup>142</sup>

Gali Omvedt put the same issue differently, but in more aggressive language.

Writing on the Mandal Commission and the "caste war" going on around it... The twice born outnumber the Dalits and Sudras in the forums which produce the war of words, but the Dalits and Sudras outnumber the twice-born in the street...<sup>143</sup>

There are many other conflicting views about the Mandal Commission which show that the struggle in which opposing forces or groups were or are involved, is not about a few thousand jobs, it was actually about the very being of two different groups of people ----- on one side a "being" who thousands of years ago enslaved the others, and on the other side a "being" who now has awakened or is awakening out of his/her enslavement and is struggling to get out of it. Besides, the Mandal Commission Report brings out the role of religion while linking it with the past, and how it continues in the present to contribute to the development of the Dalit problem.

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<sup>141</sup> Indian Express, New Delhi, August, 18, 1991, p.8

<sup>142</sup> Moses, Brindavan C: "New Delhi's Elite's Battle for Status quo", in Defences of Mandal Commission, A Collection of Articles, Views and News, Documentation by LEAS, Madras, n.d., pp-33-4

<sup>98</sup> Omvedt, Gail: "Twice-Born", Riot Against Democracy, in *ibid*, pp.54-55

<sup>99</sup> The Adi movements of the 1920's were in important ways forerunners to this decisive break from Hinduism. The activists of the Adi movements claimed to be the original inhabitants of India, Adi meaning ancient or original, defeated by the Aryans. These movements were found across the country, e.g. Adi Andhra in Andhra Pradesh, Adi Dravida in Tamil Nadu and Ad Dharm in Punjab, but were largely unrelated. Most of the movements adopted a clear stand that they were not Hindus, but they also took a lot of their inspiration from Hindu poetry, including from the Bhakthi saints, and are therefore not easily categorised into either an autonomous anti-caste anti-Hindu tradition or a Hindu caste-reform tradition (Hardtmann 2003: 46-47).

<sup>100</sup> Kiertzner, A. (2006): p.35

## **2.10 Approaches for the welfare of Dalits**

India Approaches to the welfare of Dalits are based on two ideologies: that of Dr. B. R. Ambedkar and M. K. Gandhi, two approaches. The first autonomous anti-caste anti-Hindu stance crystallized in the 1930's<sup>144</sup>, epitomized by the controversies between the two historical figures B.R. Ambedkar and M.K. Gandhi. These controversies are of significance for an understanding of today's Dalit movement, because Dalit activists in their discourses now constantly refer back to this historical period.<sup>145</sup> Most Dalits' NGOs and members of civil society who are working for Dalit Human rights and elimination of the caste system in India follow approaches based upon the ideologies of Gandhi and Ambedkar. And also today's Indian government policy towards welfare of SC and ST is reflection of this Gandhi/Ambedkar ideological straggle.

Before I start to write about these legendary leaders and their contribution to the Indian society and Dalits, first I have to accept the fact I am not capable enough to write and comment about them. I will just try to see them and their work according to my little knowledge and understanding of their ideological approaches and their contribution to the Indian society.

## **2.11 Contribution of M. K. Gandhi in Dalit Movement**

In 1919, when Gandhi appeared as a shining star on the Indian political horizon, His magnetic personality gave a new life to the Indian freedom movement as well as the old congress. Under Gandhi Indian Congress got face lift and was converted into a mass organization, adopting the policies of non-cooperation and civil disobedience.

In the beginning, Gandhi was firm in his belief that if the untouchables were permitted to enter the temples, the blot of untouchability would vanish. It was this belief which prompted Gandhi to incorporate temple entry as a part of his anti-untouchability campaign which was intensified during post-Poona Pact period.<sup>146</sup>

Therefore Gandhi's anti-untouchability campaign started when he was released from Yervada prison, Gandhi made fervent appeals to the orthodox and Santana caste Hindus to open up their hearts and treat the untouchables as their brothers and sisters. He also undertook the tour

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101Bhardwaj, A. (2002): p.24.

102Perez 2004: 15-17 and Hardtmann 2003: 51



which is commonly referred to as the Harijan tour during the period of November 1933 to August 1934. On this tour Gandhi addressed 161 places and covered a distance of 12650 miles.<sup>147</sup>

Gandhi was a devoted Hindu, and strongly believed that untouchability was a corruption of Hinduism. His aim was social reform, transforming the Untouchables into a Varna and removing their former stigma, thereby rectifying the original spiritual corruption of Hinduism. He believed this would change the attitude of caste Hindu, encouraging the acceptance of Untouchables as children of God, or “harijan”, a term coined by Gandhi in 1933, and used much more by other castes than Untouchables themselves.<sup>148</sup>

After a long campaign for Untouchables, Gandhi also realized the ugly reality of the caste system and there was a considerable reconceptualization of the issue. In 1935 he became a critic of the caste system but continued to be a votary of Chaturvarna<sup>149</sup> in Varna dharma. That is the time when his all the comments still criticize by many Dalits activist to dominate and ignore what Gandhi did for untouchables but we forget that the same Gandhi who in 1930 fully opposed to inter-dining and inter-marriage as he felt that such things should be left to the unfettered choice of the individuals. In 1935, he was against creating artificial little groups which would neither inter-dine nor inter-marry.<sup>150</sup> However, by 1946 there was a complete volte-face in his approach. It was in this year Gandhi made a startling announcement to the effect that in Sevagram, his Ashram at Wardha, no marriage would be celebrated unless one of the parties was untouchable by birth. And he said:

“Untouchability is the sin of the Hindus. They must suffer for it, they must purify themselves, and they must pay the debt they owe to their suppressed brothers and sisters. Theirs is the shame and theirs must be glory when they purged themselves of the black sin. The silent loving suffering of one single pure Hindu as such will be enough to melt the hearts of millions of Hindus; but the suffering of thousands of non-Hindus on behalf of the untouchables will leave the Hindus unmoved. Their blind eyes will not be opened by outside interference, however well-intentioned and generous it may be; it will not bring home to them

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103 The Varna system is based on four Varna so it's also called Chaturvarna system.

104 Harijan, November 16, 1935: p.316

105 the collected works of Mahatma Gandhi (New Delhi: government of India, ministry of information & Broadcasting), 1967, Volume xxIII, p515-16

106 Yang India, 4th May, 1921, p.144

the sense of guilt. On the contrary, they would probably hang the sin all the more for such interference. All reforms to be sincere and lasting must be from within”.<sup>151</sup>

Gandhi in the name of reborn he also said:

“I do not want to be reborn, but if I have to be reborn, I should be born as untouchable, so that I share their sorrow and suffering, and the affronts leveled at them in order that I may endeavour to free myself and them from the miserable conditions. I, therefore, pray that if I should be born again, I should do so not as a Brahmin, Kshatriya, Vaishya or Shudra, but as an Atishudra (untouchable)”.<sup>152</sup>

## **2.12 Contribution of Dr. B. R. Ambedkar in Dalit Movement**

Ambedkar was born in Mahow Indore on 14th April 1891, an untouchable Mahar, and a caste group that traditionally worked as village servants in Maharashtra. With the help of the Maharaja of Baroda who was impressed with his intellectual capacities, and due to the fact that his father had worked in the British army and had some financial means, Ambedkar gained access to an education traditionally inaccessible to someone of his social position.<sup>153</sup> Still, his education and later his professional life were strongly marked by the stigma of untouchability. In primary school he had to sit outside the classroom and was not allowed to drink from the common water tanks and later, at secondary school, there was objection to his studying Sanskrit, the language of the scriptures, strictly forbidden for an Untouchable. He had difficulty finding accommodation both at university hostels, and later when he was stationed in different parts of the country as a government official. Even when he was appointed Minister for Finance in Baroda (a political post never before occupied by an Untouchable), he was discriminated against by his peers, who refused to touch any document he may already have handled.<sup>154</sup>

Based on his own experiences, Ambedkar adopted a social and political perspective contrary to Gandhi's; to him, the problem of untouchability was intrinsic to the whole construction of

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107 Bhardwaj, A.(2002): p.40.

Ambedkar obtained a Ph.D. in economics at Columbia University, New York, in 1916, and a D.Sc. in economics from London School of Economics and Political Science in 1923, the same year he became a barrister at law and was admitted to the British Bar.

110 A full exposition of this view can be found in Ambedkar's "*Annihilation of Caste: With a reply to Mahatma Gandhi*" (1936)

111 Kuber, W. N. (1963): p.18.

Hinduism, and he believed there would be no emancipation of Untouchables without the destruction of the caste system.<sup>155</sup>

Ambedkar was popularly known after completing his education he started to work for his people. First, in 1919, he gave evidence before the South Borough Committee to constitute separate electorates for untouchables. He started a weekly paper 'Mooknayak' (Leader of Dumb) on 31st January 1920, to mobilise untouchables for their struggle.<sup>156</sup>

Ambedkar deeply craved a new social order based on the lofty principals of "liberty, equality, fraternity and justice". These principals are the core of his philosophy. In 1924, he established the 'Bahishkrit Hitkarini Sabha', the untouchable's welfare forum. The aim of which was to prepare the untouchables for future struggle. Through this Sabha, Ambedkar gave a clarion call to his peoples to "Educate, organize, and agitate".<sup>157</sup> He looked upon law as a vital means for social change or social engineering, the aim of which should, of course, be social justice. The concept of social justice is at the center of Ambedkar's socio-legal philosophy.

Though analyses of the problems of untouchables as put forth by Ambedkar may only be an indicator of the prevailing system and condition of his times, His ideas continued to guide the successive government in formulating the welfare policies for Dalits and others depressed classes.

### **2.13 Differences of Gandhi and Ambedker**

The difference between Gandhi's and Ambedkar's approaches to the welfare of untouchables was intangible in the beginning, but it was crystallized in 1932, and the resulting pact between Gandhi and Ambedkar still plays a core role for the welfare of Dalits in India. In 1931, at the second Round Table Conference held in London, held by the British Government regarding the proposed reforms of the new constitution of India,<sup>158</sup> they were both present and both claimed to represent the Untouchable castes. At this conference, the so-called "Communal

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112 Bhardwaj, A. (2002): p.45

113 The India Act of 1935 quoted by Bhardwaj, A. (2002):

114 Muslims had been granted separate electorates with the India Act of 1909 also known as the Morley-Minto reforms, and we see how the issue of separate electorates is a continuation of the already mentioned debate on how to categorize Untouchables in the census.

115 See e.g. the book *The Chamcha Age – An Era of the Stooges* written by Kanshi Ram, founder and leader of the Bahujan Samaj Party (BSP), in 1982, the fiftieth anniversary of the Poona Pact. The title itself is revealing of his views. See also Jaffrelot (2003), Hardtmann (2003): p.55-57, Perez (2004): p.18, Mendelsohn & Vicziany (1998): p.104-105 and Kiertzner, A. (2006): p.37-38.

Award” was announced introducing separate electorates for the untouchable castes. Ambedkar was strongly in favour; Gandhi, on the other hand was strongly opposed arguing that separate electorates in any form for the untouchable castes implied the risk of splitting Hindu society and destroying Hinduism.<sup>159</sup>

Gandhi’s response was to enter into perhaps the most famous of his ‘fasts unto death’ on 20 September 1932. Faced with the martyrdom of the Great Mahatma, Ambedkar had no choice but to back down. He agreed in the Poona Pact to give up on separate electorates for Untouchable voters in return for a substantial increase in the number of general seats to be reserved for candidates from the untouchable castes. But it was a bitter compromise and Ambedkar later commented on Gandhi’s fast in his book ‘What Congress and Gandhi Have done to the Untouchables (1945), saying there was nothing noble in the fast, rather it was a foul and filthy act constituting the biggest betrayal of Untouchables in history. Ambedkar’s concern was that in the general constituency Untouchables would always be a minority. Without separate electorates there was an overwhelming risk that the caste Hindu majority would come to choose the representatives among the untouchable castes who were seen to be most loyal to their own interests and not to the interests of the Untouchables. Unfortunately, the current political climate only serves to confirm Ambedkar’s apprehensions.<sup>160</sup>

Ambedkar’s motives for the fight for separate electorates for Dalits have been frequently questioned and unjustly linked with an anti-nationalist agenda. His stance was deliberately misconstrued, and he had to bear the burden of being labeled a traitor simply because of his plea that the rights of the Dalits should be made a pre-condition for independence from the British. The visual images produced of Ambedkar and Gandhi, loaded with cultural references, further serves to set them apart. Ambedkar is always portrayed in western attire, suit and tie, with a book under his right arm whereas Gandhi is portrayed in a simple loincloth sitting next to the spinning wheel used to produce khadi, the symbol of a united Indian people against colonial powers .<sup>161</sup>

Where Gandhi became known as ‘Mahatma’ Gandhi, the Great Soul, or the Father of Independence, Ambedkar became known as ‘Babasaheb’ Ambedkar, the Great Man, and as Father of the Indian Constitution, because he was the first Law Minister in independent India

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<sup>159</sup> Kiertzner, A. (2006): P.38.

<sup>16</sup>Hardtmann, E. M. (2003). *Our Fury is Burning: Local Practice and Global Connections in the Dalit Movement*. Stockholm: Stockholm Studies in Social Anthropology. <sup>160</sup>: p.51

<sup>161</sup> Ibid

as well as chairman of the committee that drafted the Indian Constitution. But compared to Gandhi, Ambedkar has been unknown outside India until quite recently. It is only with the intensified activities of the Dalit movement in the 1990's that his name has become somewhat better known. Among Dalit activists there is today a lot of hatred towards Gandhi and resentment that their hero, Ambedkar, is so little recognized within as well as outside India. It is felt that Ambedkar would have been recognised as a great social reformer on par with Gandhi, or perhaps rather Karl Marx, if only high caste Indians had not 'kept him a secret'.

## **2.14 Conclusion**

There are many historical theories and definitions of the background of Dalits in India and its roots in the dominant Brahmanical culture in India. There are few facts of Dalit history in Hindu religious books and all that do exist are narrated in a derogatory way. In Indian society and culture, as I reflected upon, a fairly large amount of contextual information is necessary in order to understand the practices of society as well as Dalit organizations and the conflicts that characterize the contemporary Dalit movement. Although the problem of caste must be one of the oldest in the world, the history of the Dalits' present problem began around 1500B.C and far more than 3,500 years they have suffered and continue to suffer multiple oppressions, which have always been supported by religion directly or indirectly. Because of the long history of oppression the Dalit's have lost their self-identity as full human beings, which they have now accepted "as a part of the natural order things" or "as a privilege "and this in a real sense is the inner captivity of their being from which they need liberation or release.

It was left to the outspoken Dr. Ambedkar to point out that responsibility of fighting the iniquities of the caste system on the subcontinent devolve equally on Muslim and Hindu:

The existence of these evils among the Muslims is distressing enough. But far more distressing is the fact that there is no organized movement of social reform among the Musalmans of India on a scale sufficient to bring about their eradication. The Hindus have their social evils. But there is this relieving feature about them – namely, that some of them are conscious of their existence and a few of them are actively agitating for their removal. The Muslims, on the other hand, do not realize that they are evils and consequently do not agitate for their removal.

The situation has changed much since the days when Dr. Ambedkar wrote these words. The battle against inequality on the subcontinent, however, is far from won. There is every indication that the battle will yet prove to be long and costly. As a very first step, it is hoped that intellectuals will rise up to examine the institution of caste with an unbiased mind, and rid us of all illusions in this matter.

## **CHAPTER THREE**

### **Social Stratification Among Muslims In India**

#### **3.1 Introduction**

In the previous chapter it had been seen how the problem of today's Dalit's started, how throughout history it developed systematically into its present state mainly through the sanction of religion.

Forming almost a fifth of the Indian population, the Scheduled Castes or the Dalits, a conglomeration of numerous caste groups considered as untouchable, by caste Hindus, are victims of the most sternly hierarchical social order that human beings have ever devised. Since the social and economic oppression of the Dalits has been so closely intertwined with the Hindu religion, over the centuries many Dalits have sought to escape from the shackles of the caste system by converting to other religions. Consequently, a considerable majority of India's Muslims, Buddhists, Christians and Sikhs today consist of descendants of Dalit and other 'low' caste converts.

The vast majority of the Indian Muslims are descendants of converts from what is today called 'Hinduism'. Individual conversions to Islam in medieval times were rare. Rather, typically, entire local caste groups or significant sections thereof underwent a gradual process of Islamisation, in the course of which elements of the Islamic faith were gradually incorporated into local cosmologies and ritual practice while gradually displacing or replacing local or 'Hindu' elements. In other words, conversion was both a social as well as a gradual process. Because it was a collective social process, the original endogamous circle prior to conversion was still preserved even after the group undergoing the process had witnessed a significant degree of cultural change. Hence, even after conversion to Islam marriage continued to take place within the original caste group. This is how Muslim society came to be characterized by the existence of multiple endogamous caste-like groups. Because massconversion to Islam was also rarely, if ever, a sudden event, but, rather, generally took the form of a gradual process of cultural change, often extending over generations, many of the converts retained several of their local, pre-Islamic beliefs and practices. It was thus not the influence of Hinduism among a previously 'pure', 'uncontaminated' Muslim community as such, but, rather, the continued impact of Hindu beliefs and customs on the converts who still remained within a largely Hindu cultural universe and retained many of its associated beliefs

and practices, that explains the continued hold of caste-related practices and assumptions among large sections of the Indian Muslim community.

However Muslim share common roots with the Dalits in general. The Muslim religion opposes any kind of discrimination on the basis of race or sex or otherwise. It is supposed to be the most egalitarian faith.

This egalitarian principle is possibly one that Muslims in India have through ignored. This is one reason why the case of Muslim Dalits becomes special as compared to that of Dalits in general. As we have seen, by the constitution (scheduled castes Order, 1950).The Muslim Dalit on the basis of religion have been deprived of their basic human rights including the constitutional fundamental rights, which the constitution gives to other Dalits who profess Hinduism, Sikhism or Buddhism. Not only are they deprived of their basic rights of equality in Indian society, they are also equally deprived of their rights within Muslim society.

Most studies of caste in India deals with the classical Hindu caste system or with its present form among Hindus. Since caste is the basis of Hindu social order and is written into the Brahminical texts, studies of caste have been largely Hindu centric. Following from this, the existence of caste-like features among non-Hindu, including Muslims in India is generally seen as a result of the cultural influence on these communities of their Hindu neighbours or of Hinduism itself. This claim is based on the untenable assumption of a once pure, radically egalitarian Muslim community in India later coming under the baneful impact of Hinduism. However, as several studies on caste among the India Muslim have shown, while the influence of Hindu social mores on the Muslim might partially explain the continued salience of caste among them it does not fully explain how the Muslims of the region came to be stratified on the basis of caste in the first place. It also ignores the role of sections of ‘ulama, scholars of Islamic jurisprudence, in providing religious legitimacy to the notion of caste.<sup>162</sup>

This chapter provide a historical perspective on the issue of caste and caste based discrimination among Muslims and also providing quotations from works which were written in the so called Islamic period of Indian history. It attempts to understand that how Muslim elites in collaboration with so called upper caste Hindus supported the caste system and the oppression of the so called ‘low’ castes, both Hindu and Muslims.

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<sup>162</sup> Sikand, Yoginder. 2004. Islam, Caste and Dalit-Muslim Relations in India. New Delhi: Global Media Publications.



### **3.2 CASTE AMONG INDIAN MUSLIM**

The caste system, however, exists even among Indian Muslims. But many a scholar traces it to Hindu influence:

The Muslim caste system is a result of Hindu influence; the Indian Muslims have acquired the system, ..., from the Hindus through constant and continuous culture contact; the system of caste groupings itself resulted in the concept of social distance between the two communities, the Hindus and the Muslims.<sup>163</sup>

This chapter will try to collect some background information which will hopefully help in sparking a debate regarding caste. That a debate is necessary is clear from a recent book by Marc Gaborieau, *Ni Brahmanes Ni Ancêtres*, in which the author presents his detailed findings, after several years of field work in Nepal, studying the *Curaute*, a caste of banglemakers.

Writing about the dominant trend in British ethnography, Gaborieau claims that the British took a simplistic view of castes and presented Hinduism, taken as a whole, as inherently hierarchical in structure, as opposed to Islam, taken as a whole, taken to be inherently egalitarian.<sup>164</sup> Any elements of hierarchy in Islamic society is taken to be a relic from Hinduism, just as Ansari has done in the quote above. This idea has become very strongly rooted in the literature on caste. This idea has been championed particularly by Muslim scholars in the 19th century, as they defended their faith against criticism by Western scholars.

### **3.3 Division of Castes among Muslims**

The best example of this theory is presented in the book by Arnold, *The Preaching of Islam*, for which the author collaborated with two influential Indian Muslim thinkers, Sayyid Ahmad Khan (d. 1898) and Shibli Nu'mani (d. 1914). The book, which was written in Aligarh and was first published in 1896, says among other things: "A Hindu will naturally be attracted by a religion which receives everybody without discrimination" (Arnold, 1965, 291-291); and: "It is this absence of class prejudice which constitutes the real force of Islam in India and which allows it to win so many converts from Hinduism" (pp. 118-119).

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<sup>163</sup>. Muslim Caste in Uttar Pradesh (A Study of Culture Contact), Ghaus Ansari, Lucknow, 1960, Page 66.

<sup>164</sup>Ni brahmanes ni ancêtres: Colporteurs musulmans du Nepal by Marc Gaborieau, Nanterre, Société d'ethnologie

In Arnold's book we clearly see the formulations of a theme that had been or would be elaborated by many other scholars, such W.W. Hunter<sup>165</sup> and James Rice. In the context of conversions to Islam in Bengal, Rice wrote that the Islamic armies "were welcomed by the out-cast Chandals and Kaibarrta."<sup>4</sup> In the face of numerous such claims, it could be expected that modern Muslim society in Bengal would present an egalitarian picture. However, it turns out that such is not at all the case. No less a man than Dr. B. R. Ambedkar took cognizance of the existence of castes even in Muslim Bengal. Quoting the Superintendent of the Census for 1901 for the province of Bengal, Ambedkar noted:

"The conventional division of the Mahomedans into four tribes – Sheikh, Saiad, Moghul and Pathan – has very little application to this Province (Bengal). The Mahomedans themselves recognize two main social divisions, (1) Ashraf or Sharaf and (2) Ajlaf. Ashraf means 'noble' and includes all undoubted descendants of foreigners and converts from high caste Hindus. All other Mahomedans including the occupational groups and all converts of lower ranks, are known by the contemptuous terms, 'Ajlaf', 'wretches' or 'mean people': they are also called Kamina or Itar, 'base' or Rasil, a corruption of Rizal, 'worthless'. In some places a third class, called Arzal or 'lowest of all,' is added. With them no other Mahomedan would associate, and they are forbidden to enter the mosque or to use the public burial ground.

"Within these groups there are castes with social precedence of exactly the same nature as one finds among the Hindus."<sup>166</sup>

Bengal would become the seat of intense political activism and lobbying in the years after Ambedkar wrote these words. Caste would become a much talked-of political commodity, politicians would campaign for the loyalties of the masses, the province would go on to be partitioned, and yet even as late as 1973, caste would be an abiding feature of Bengali Muslim life.

M.K.A. Siddiqui, who contributed an essay<sup>167</sup> to an important book on the caste phenomenon among Indian Muslims<sup>168</sup> points out that there are several caste groups among the Muslims in

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<sup>165</sup>. See, for instance, Sir W.W. Hunter, "The Religions of India", The Times, (London), February 25, 1888. Dr. James Wise, "The Muhammadans of Eastern Bengal", J.R.A.S.B, (Calcutta: Asiatic Society of Bengal, 1894), No. 1, p. 32

<sup>166</sup> Pakistan or The Partition of India, B. R. Ambedkar, Thacker & Co., Ltd., Bombay, pp. 218-219

<sup>167</sup> Caste among the Muslims of Calcutta, M.K.A. Siddiqui, in Caste and Social Stratification among the Muslims, Imtiaz Ahmad (ed.) (see next footnote).

Calcutta. Siddiqui discusses several different ways in which inequality manifests itself – restrictions on commensality, hypergamy, pollution by contact, etc. He divides the castes into three categories. The castes in any one category can accept food from the others in the category, but not from castes in lower categories.

The Dafalis who work as priests for the Lal Begis, or the Qalanders who sometimes live in their neighbourhood, refuse to accept food or water from Lal Begis.<sup>169</sup>

The groups are descent groups, "with or without occupational specialization". For example, the Lal Begis (who roughly correspond to the Bhangi caste in Hindu society) are generally regarded as unclean on account of their humble occupation – "they often experience difficulty in getting their dead buried in the common Muslim burial ground."

Hypergamy is widely practiced in the highest category, meaning that women from lower castes can be married into the higher castes (Sayyad and Sheikh), but not vice versa. The children of these mixed marriages are called "Sayyadzada" and "Sheikhzada" respectively. They do not attain the full status of their fathers, and are expected to make alliances of with people of their status.

The situation in Bengal was similar to that in central regions of India, as shown by studies by Zarina Bhatti<sup>170</sup> and by Imtiaz Ahmad. Bhatti studied the case of a village Kasauli in the state of Uttar Pradesh, and found the village society to be deeply caste-riven. At the top of the hierarchy was a lineage of Sayyads, and a subcaste of the Sheikhs, namely the Kidwais. These were the only Ashraf castes in the village. Elsewhere in India, the Ashraf castes include Sayyads, Sheikhs, Mughals and Pathans. These are communities claiming descent from population groups hailing from outside India. Bhatti points out that all four noble castes permit interdining, but commensality with the lower castes, consisting of groups descended from Indian converts, is not allowed. Also Sayyads and Sheikhs intermarry, but marriages between Sayyads and Sheikhs on the one hand, and Mughals and Pathans on the other, are not socially acceptable. In the village of Kasauli, there are eighteen other castes, consisting of groups defined by occupation. Closely linked to occupation is a notion of pollution, depending on the materials handled by persons following the occupation. A kind of hierarchy is defined, with castes who come into proximity with the Ashraf regarded as higher.

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<sup>168</sup>Caste and Social Stratification among the Muslims, Imtiaz Ahmad (ed.), Manohar, 1973

<sup>169</sup>M.K.A. Siddiqui, in Caste and Social Stratification among the Muslims ... op.cit., pp. 149-150.

<sup>170</sup>Status and Power in a Muslim Dominated Village of Uttar Pradesh, Zarina Bhatti, in Caste and Social Stratification among the Muslims ... op.cit.

Nats, who skin dead animals and make drums, find a place close to the bottom of the scale while Julahas and Darzis are at the top end. Dhobis, who must wash soiled clothes, are closer to the Nats than to the Julahas.

Bhatty discusses the interesting case of a divide in the musician community. The Mirasis who perform for the higher Ashraf castes, are regarded as superior to the Nats, who perform the same social functions, but for the public at large. The Mirasis have adopted the dress of the Ashraf, and have learned to speak Urdu, while the Nats converse in the local dialect. Thus the Mirasis have improved their social standing by the imitation of and association with the upper castes, who set the norms for the whole society.<sup>10</sup>

In his article on the Siddique Sheikhs of Uttar Pradesh, Imtiaz Ahmed informs us of the various considerations taken into account when determining hierarchy within the status group called the Sheikhs. There are at least four of them:

Affiliation with an Arab tribe.

Descent from a person of Arab origin who is known to have close ties to the Prophet.

Relationship to a place in Arabia or Persia.

Descent from someone who is said to have entered India along with the early Muslim armies. According to Ahmed, the Sheikh subgroups emphasize their foreign origin and links to some Islamic personage of repute. The groups who claim to be descended from the Prophet's own tribe, Quraish, are regarded as the highest. Then follow the descendants of first Caliph, Abu Bakr Siddique. Next in rank are those who count the next two Caliphs, Usman and Umar among their ancestors. They are followed by descendants of the close friends and associates of the Prophet. Descendants of other Persians or Arabs who may have come with the Muslim armies are ranked last.

### **3.4 New Muslim**

Ahmed makes some other very interesting observations about the Siddique Sheikhs:

Convert groups to Islam are generally characterized as New Muslims and they are looked down upon by the social groups which are known to be descendants of foreign sources or who have succeeded in eliminating the stigma of recent conversion. This gave rise to certain differentiations in the adjustment of the Sheikh Siddiques after their conversion to Islam in the different villages. In villages that were largely or predominantly Hindu, the Sheikh

Siddiques were excluded from the framework of interaction with the Hindu castes but they continued to enjoy a somewhat superior status as a Muslim group. But in villages where there were numerous other Muslim groups of superior status, the Sheikh Siddiques were not merely excluded from the social hierarchy of Hindu castes, but were also relegated to a somewhat lower position even within the hierarchy of Muslim castes.

Ahmed's observations regarding the inferior status of "New Muslims" seems to be applicable widely in India. We find confirmation of this generalization in places as far removed from Uttar Pradesh as the Moplah-dominated regions of Kerala. The hierarchies in Moplah society have been studied by Victor D'Souza.<sup>171</sup> He reports that there are five distinct sections among the Moplahs: Thanghals, Arabis, Malbaris, Pusalars and Ossans. The Thangals who are at the top of the pyramid, are a small group of people who trace their descent to the Prophet, through his daughter Fatima. The term Thangal is a respectful term of address, usually applied to Brahmins in Kerala. The Arabis are a group of people mostly concentrated in Quilandy (a town north of Calicut), who are descendants of Arab men and local women, but who have preserved the memory of their descent. The association of the Arabis with Arabia entitles them to a respect in Moplah society second only to that of the Thangals. The Malabaris also claim descent from Arabs, but they are those who followed a matriarchal system – the so-called "mother-right" culture. As for the Pusalars and the Ossans, D'Souza writes:

The so-called Pusalars are converts from among the Hindu fishermen, called Mukkuvans. Their conversion took place relatively late. Because of their latter conversion and their low occupation of fishing they are allotted a low status in the Moplah society. The Pusalars are spread all along the coastline of Kerala and they still continue their traditional occupation of fishing.

The Ossans are a group of barbers among the Moplahs and by virtue of their very low occupation they are ranked the lowest. Their womenfolk act as hired singers on social occasions like weddings.

Gaborieau brings to the discussion the results of his own long years of field work in Nepal. He has seen Muslim Curautes redoing their ritual ablutions if they happened to touch a [Muslim] untouchable by mistake. He has also studied the phenomenon of ritual uncleanness

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<sup>171</sup>ibid., p. 95.

associated with some professions, and social hierarchy based on profession, at work in Muslim society. One of his examples concerns the Kashmiri Muslims in Nepal who pass for Ashraf. Periodically, these high born Muslims send for a barber from India, at great expense. However, the barber becomes wealthy, and turns his back on the profession in favour of something more respectable. He refuses to perform circumcisions, and the need for another barber is acutely felt. A new barber is sent for, and he despised, he faces the same stereotypes, and the cycle is repeated. The stereotypes, applied to barbers and weavers, are an old Islamic tradition.<sup>172</sup>

While individual social mobility is attested, collective mobility is virtually impossible, because there is a kind of "barrier" separating the Ashraf castes from the artisan castes:

Nowhere have I sensed this barrier as strongly as in my field work in Nepal. The oldest Ashraf of Kathmandu, the Kashmiri, traditionalists and devoted to the cult of the saints, totally refuse all socially significant transactions with other Muslims of low status from the valley, who are collectively called Hindustani and who are recruited from various artisan castes. At the most they sometimes accept, under the rubric of hyper gamy, some of their daughters as secondary wives who are never any more than concubines. A primary marriage would be unthinkable. The Kashmiris have always been opposed, even in multiple proceedings in front of Nepalese tribunals composed of Hindus, to having common mosques and even a common cemetery with the Hindustani . This is a clinching argument when we remember that the total number of Muslims in the valley does not ever exceed twelve hundred persons. The Hindustani may well be reformed, instructed in religion and devout, they can never cross the barrier

### **3.5 Caste inequalities in Islam before it entered India**

Gaborieau calls for a frankness in studying the phenomenon of caste in Indian Muslim society. The Muslims who entered did not seem to be shocked by the institution of caste, and if they were not shocked by it, it must be that they were not unfamiliar with such arrangements themselves. Even writers such as Ansari (whom we have quoted on the first page), who trace the caste inequalities in Indian Muslim society to Hindu influence, admit however that Islam was not egalitarian when it entered India.

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<sup>11</sup>Gaborieau, op.cit., p. 370

The ideal of equality among Muslims was practicable only in the then prevailing conditions of Arabia. In the course of the expansion of Islam and its contact with other complex cultures the democratic forms of political organization and social equality within the community gradually disappeared.<sup>173</sup>

The idea of social hierarchy, Ansari says, had already become part of Islamic society by the time it entered India in the twelfth century. Over the centuries attitudes only hardened, until at last even untouchability entered Islamic society. The plight of Muslim untouchables is described by Ansari in moving detail:

A Bhangi, either Muslim or non-Muslim, is not permitted to enter a mosque no matter how clean he may be at the time. Although in theory a Muslim Bhangi or Chamar is allowed to offer his prayer[s] in a mosque, but in usual practice their entrance into such pious places as mosques and shrines of Muslim saints is socially disapproved and thus it is resisted. Even if they could get into a mosque or shrine, provided they have had a bath and are dressed in clean clothes, they do not usually proceed beyond the entrance steps. In contrast to the Hindu caste system, Muslim Bhangis are allowed to learn the Quran, but they are not expected to teach it.

It is a common practice observed in almost all the households of Ashraf, Muslim Rajputs, and the clean occupational castes, that Bhangis, either Muslim or non-Muslim, are generally served food in their own containers. If they do not have their own bowls they are served in clay pots which are not again used to serve clean caste members. Bhangis are given water to drink in such a way that the jar does not touch even their lips.<sup>174</sup>

However Ansari never explains how caste structures in India can be attributed to Hindu influence alone, if Muslim society had also stratified into hierarchies, before Islam's advent in India. Several such problems in the literature need explanation. Gaborieau offers perspective:

... While we have good contemporary studies of Hindu untouchables, no work was done on Muslim untouchables during the colonial period. The absence of work on this key point deserves reflection. This refusal to consider the reality is understandable on the part of Muslim scholars; the problem of untouchability clashes against their ideological convictions

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<sup>173</sup>.Ansari, p. 28.

<sup>174</sup>Muslim Caste in Uttar Pradesh (A Study of Culture Contact), Ghaus Ansari, Lucknow, 1960, Page 50.

on the ecumenical character of Islam. And what is more, any conversion even of untouchables involves burning political complications. On the part of western researchers, this omission is less excusable: I regard it as a manifestation of the prejudice according to which Muslim social order must necessarily obey a different logic than the Hindu social order, and also by the illusion of believing that the enumeration of castes is done from top down, whereas in reality it happens from the bottom up, starting from the untouchables.<sup>175</sup>

Gaborieau also explains that advent of Islam did not spell the demise of hierarchical structures in Indian society. The Muslims allowed the hierarchical structures to remain, and were not even shocked by it; not only that, they occupied the apex of the pyramid (in the form of the Ashraf castes), without otherwise undermining it.<sup>176</sup>

### **3.6 Caste in the Islamic World**

The same caste system practiced by Indian Muslims is practiced in Pakistan, with divisions into tribes such as the Pushtun, Pathan, as well as divisions by religious denomination such as Ahmadiyya, Mojahir, and so forth. Pogroms against Ahmadiyya Muslims and Mojahir Muslims in Pakistan have occurred. Gang-rapes of lower caste women such as Mukhtaran Mai by upper caste men have also occurred in Pakistan. The ethnic Balochi in Pakistan are often discriminated against by the Punjabi and Sindhi people in Pakistan, leading to an armed separatist insurgency in Balochistan formerly led by the late Nawab Akbar Bugti.

Educated Pakistani women from the lower castes are often persecuted by the higher castes for attempting to break the shackles of the restrictive system (that traditionally denied education to the lower castes, particularly the women). An example is the case of Ghazala Shaheen, a low caste Muslim woman in Pakistan who, in addition to getting a higher education, had an uncle who eloped with a woman of a high caste family. She was accosted and gang-raped by the upper-caste family. The chances of any legal action are low due to the Pakistani government's inability to repeal the Huddood ordinance.<sup>177</sup>

The social stratification among Muslims in the "Swat" area of North Pakistan has been compared to the caste system in India. The society is rigidly divided into subgroups where

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<sup>175</sup>Gaborieau, op. cit., p. 393.

<sup>16</sup> Gaborieau, op. cit., p. 387, p. 415.

<sup>177</sup> Pakistani graduate raped to punish her low-caste family The Sunday Times. (September 24, 2006). Retrieved August 3, 2007.

<sup>18</sup> Edmund Ronald Leach. Aspects of Caste in South India, Ceylon and North-West Pakistan! (Cambridge University Press, 1971).



each Quom is assigned a profession. Different Quoms are not permitted to intermarry or live in the same community.<sup>178</sup>

These Muslims practice a ritual-based system of social stratification. The Quoms who deal with human emissions are ranked the lowest.

The facile practice of regarding all hierarchies in the Islamic world as a substratum from pre-Islamic societies does not always work. Hierarchies (in other words, castes) exist even in places like Yemen and the rest of the Arabian Peninsula.

As a perusal of the informative entry on "Bedouin" in the Encyclopaedia Britannica<sup>179</sup> reveals, Bedouin society in twentieth-century Arabia was also divided into various groups. While the nomads have been settled after the formation of the modern states, the societal hierarchical and patriarchal structure has been retained. The Bedouin tribes were classified on the basis of the species of animal on which they depended. Camel nomads were highest in prestige. They were spread on extensive territories in the Sahara, Syrian and Arabian deserts. Sheep- and goat-herding nomads, rank below, and live closer the cultivated zones in Jordan, Syria and Iraq. The noble tribes are proud of their ancestry, and are divided into "Qaysi" (northern Arabian) or "Yamani" groups. In addition to the noble elements, the Bedouin society also includes vassal tribes, which are "ancestorless" (i.e., tribes whose heredity is not prestigious). These groups are subservient to the noble tribes and include professional groups such as artisans, blacksmiths, entertainers, etc.

In Yemen there exists a caste-like system that keeps Al-Akhdam social group as the perennial manual workers for the society through practices that mirror untouchability.<sup>180</sup> Al-Akhdam (literally "servants"; Khadem being plural) is the lowest rung in the Yemeni caste system and by far the poorest.

The Khadem are not members of the three tribes (Bedouin, Berber, and Rif) that comprise mainstream Arab society. They are believed to be of Ethiopian ancestry. Some sociologists theorize that the Khadem are descendants of Ethiopian soldiers who had occupied Yemen in the fifth century but were driven out in the sixth century. According to this theory the al-Akhdam are descended from the soldiers who stayed behind and were forced into menial labor as a punitive measure.

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<sup>179</sup> <<http://www.britannica.com/eb/article?eu=14268>>

<sup>180</sup> Akhdam: Ongoing suffering for lost identity Yemen Mirror Retrieved August 3, 2007.

The Khadem live in small shanty towns and are marginalized and shunned by mainstream society in Yemen. The Khadem slums exist mostly in big cities, including the capital, Sana'a. Their segregated communities have poor housing conditions. As a result of their low position in society, very few children in the Khadem community are enrolled in school and often have little choice but to beg for money and intoxicate themselves with crushed glass. A traditional Arabic saying in the region goes: "Clean your plate if it is touched by a dog, but break it if it's touched by a Khadem. Though conditions have improved somewhat, the Khadem are still stereotyped by mainstream Yemenese society, considering them lowly, dirty, ill-mannered and immoral."<sup>181</sup>

### **3.7 Legitimation of Caste by the Indian 'ulama**

Scholarly writings on caste among Indian Muslims generally note the division that is often made between the so-called 'noble', 'respectable' castes or ashraf and those labeled as inferior, or razil, kamin or ajlaf. The ashraf-ajlaf division is not the invention of modern social scientists, for it is repeatedly mentioned in medieval works of ashraf scholars themselves. To these writers, Muslims of Arab, Central Asian, Iranian and Afghan extractions were superior in social status to local converts. This owed not just to racial differences, with local converts generally being dark-skinned and the ashraf lighter complexioned, but also to the fact that the ashraf belonged to the dominant political elites, while the bulk of the ajlaf remained associated with ancestral professions as artisans and peasants, and as such were looked down on as inferior.

In order to provide suitable legitimacy to their claims of social superiority, medieval Indian ashraf scholars wrote numerous texts that sought to interpret the Qur'an to suit their purposes, thus effectively denying the Qur'an's message of radical social equality. Pre-Islamic Persian notions of the deviance right of kings and the nobility, as opposed to the actual practice of the Prophet and the early Muslim community, seem to have exercised a powerful influence on these writers. A classical, oft-quoted example in this regard is provided by the *Fatawa-i Jabandari*, written by the fourteenth century Turkish scholar, Ziauddin Barani, a leading courtier of Muhammad bin Tughlaq, Sultan of Delhi. This text is the only known surviving Indo-Persian treatise exclusively devoted to political theory from the period of the Delhi Sultanate.

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<sup>181</sup>Victor E. Dike. [1]. internationaldalitsolidarity. Retrieved May 20, 2008.

The Fatawa-i Jahandari shows Barani as a fervent champion of ashraf supremacy and as vehemently opposed to the ajlaf. In appealing to the Sultan to protect the ashraf and keep the ajlaf firmly under their control and submission he repeatedly refers to the Qur'an, from which he seeks to derive legitimacy for his arguments. His is not a rigorous, scholarly approach to the Qur'an, however, for he conveniently misinterprets it to support the hegemonic claims of the ashraf, completely ignoring the Qur'an's insistence on social equality. In the process, he develops a doctrine of the ideal Muslim ruler, which, in its implications for what he calls the 'low-born', is hardly different in its severity from the classical Hindu law of caste. As Barani's translator, Mohammad Habib, writes, 'Barani's God, as is quite clear from his work, has two aspects: first, he is the tribal deity of the Musalmans; secondly, as between the Musalmans themselves, He is the tribal deity of well-born Muslims'.<sup>182</sup> Barani's was not a lone voice in his period, however, for he seems to echo a widely shared understanding of ashraf supremacy held by many of his ashraf contemporaries, including leading 'ulama.

Barani's disdain for the 'low' born is well illustrated in his advice to the Sultan about education of the ajlaf. While the Qur'an and the traditions attributed to the Prophet repeatedly stress the need for all Muslims, men and women, rich and poor, to acquire knowledge, Barani insists that the Sultan should consider it his religious duty to deny the ajlaf access to knowledge, branding them as 'mean', and 'despicable'. Thus, he advises the Sultan:

Teachers of every kind are to be sternly ordered not to thrust precious stones down the throats of dogs or to put collars of gold round the necks of pigs and bears that is, to the mean, the ignoble and the worthless, to shopkeepers and to the 'low'-born they are to teach nothing more than the rules about prayer, fasting, religious charity and the Haj pilgrimage, along with some chapters of the Qur'an and some doctrines of the faith, without which their religion cannot be correct and valid prayers are not possible. But they are to be taught nothing else, lest it bring honors to their mean souls.<sup>183</sup>

As Barani sees it, if the ajlaf were allowed access to education, they might challenge ashraf hegemony. Therefore, he sternly warns the Sultan:

They are not to be taught reading and writing for plenty of disorders arise owing to the skill of the lowborn in knowledge. The disorder into which all affairs of the religion and the state

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<sup>182</sup> Mohammad Habib and afsar 'Umar Salim Khan, *The Political Theory of the Delhi Sultante* (Including a translation of Ziauddin Barani's Fatwa-I Jahandri Circa 1358-9 A.D), Allahabad, 1960: n.d. p.134

<sup>183</sup> Ibid, p49

are thrown is due to the acts and words of the lowborn who have become skilled. For, on account of their skill, they become governors, revenue collectors, auditors, officers and rulers. If teachers are disobedient, and it is discovered at the time of investigation that they have imparted knowledge or taught letters or writing to the lowborn, inevitably the punishment for their disobedience will be meted out to them.<sup>184</sup>

In order to bolster his assertion that the Sultan should ensure that the ajlaf remain subservient to the ashraf, Barani seeks appropriate religious sanction. He asserts:

[...] to promote base, mean, ‘low’ born and worthless men to be the helpers and supporters of the government has not been permitted by any religion, creed, publicly accepted tradition or state-law.<sup>185</sup>

Barani then goes on to elaborate a theory of the innate inferiority of the ajlaf, the superiority of the ashraf and the divine right of the Sultan to rule, based on a distorted interpretation of Islam. He writes that the ‘merits’ and ‘demerits’ of all people have been ‘apportioned at the beginning of time and allotted to their souls’ Hence, people’s acts are not of their own volition, but, rather, an expression and result of ‘Divine commandments’. God Himself, Barani claims, has decided that the ajlaf be confined to ‘inferior’ occupations, for He is said to have made them “low” born, bazaar people, base, mean, worthless, plebian, shameless and of dirty birth’. God has given them ‘base’ qualities, such as ‘immodesty, wrongfulness, injustice, cruelty, non-recognition of rights, shamelessness, impudence, blood-shedding, rascality, jugglery and godlessness” that are suitable only for such professions. Furthermore, these base qualities are inherited from father to son, and so the ajlaf must not attempt to take up professions reserved by God for the ashraf even if they are qualified to do so, for this would be a grave violation of the Divine Will. Likewise, Barani claims, God has bestowed the ashraf with noble virtues by birth itself, and these are transmitted hereditarily. Hence, they alone have the right and responsibility of taking up ‘noble’ occupations, such as ruling, teaching and preaching the faith.<sup>186</sup>

Since God is held to have made the ajlaf innately despicable and base, to promote them would be a gross violation of the divine plan. ‘In the promotion of the low and lowborn’, Barani argues, ‘there is no advantage in this world, for it is impudent to act against the

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<sup>184</sup> Ibid,p.49

<sup>185</sup> Ibid,p.95

<sup>186</sup> Ibid,pp97-8

wisdom of Creation'. Hence, he insists that if the Sultan confers any post in his court or government service to the *ajlaf*, the 'court and the high position of the king will be disgraced, the people of God will be distressed and scattered, the objectives of the government will not be attained, and, finally, the king will be punished on the day of judgment'. In this regard, he refers to a tradition attributed to the Prophet, according to which Muhammad is said to have declared, 'The vein is deceptive'. Although this tradition might be interpreted to suggest that one's social status does not depend on one's heredity, Barani offers a novel explanation of the tradition to suggest precisely the opposite conclusion, that the 'good vein and the bad vein draw towards virtue and loyalty appear, while from the man of low birth and bad birth only wickedness and destruction originate'. Likewise, he provides a novel interpretation of a Qur'anic verse (xlix:13) to support his claim of *ashraf* superiority. He quotes the Qur'an as saying that God honors 'the pious, a statement that has generally been read to suggest that superiority in God's eyes depends on one's piety and not birth, to arrive at precisely the opposite conclusion. The verse, he says, implies that '[...] it ought to be known that in the impure and impure-born and low and low-born there can be no piety'.<sup>187</sup>

As Barani's writings on the *ajlaf* so clearly suggest, many medieval *ashraf* scholars shared a common understanding of the lowborn as destined to serve the *ashraf*. Accordingly, to legitimise this claim they interpreted the Qur'an as sanctioning a sternly hierarchical social order, with the subordinate status of the *ajlaf* ascribed to the Divine Will. As H.N. Ansari, a contemporary Indian Muslim scholar and an activist of a 'low' caste Muslim organization, remarks, this represented a profoundly 'un-Islamic' reading of the Qur'an, which stresses the equality of all Muslims and lays down piety as the only criterion for merit in God's eyes. Yet, Ansari adds, men like Barani exercised a powerful influence in their times with their wrong interpretations of the Qur'an, resulting in the 'complete betrayal of the Qur'anic precepts of brotherhood'.<sup>188</sup>

To imagine, as some writers today assert, a solidly egalitarian Muslim community pitted against a sternly hierarchical Hindu community in medieval India is thus hardly convincing. Nor, for that matter, is the explanation of the existence of caste and social hierarchy among Muslims as a result of the baneful impact of the wider Hindu society on the beliefs and practices of the Muslims is obvious, in the face of hierarchical notions of religion and the

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<sup>187</sup> Ibid, pp97-8

<sup>188</sup> H.N. Ansari 'Hindustani Muslamano Ki Samaji Darja Bandi', in Ashfaq Husain Ansari, *Pasmanda Musalmano Ke Masail*, Centre of Backward Muslims, Gorakhpur, n.d. p.25

normative social order as reflected in the writings of Barani, it is obvious that the Muslim elite played an equally central role in promoting and preserving social hierarchy by seeking to provide it with suitable 'Islamic' sanction. The effort to legitimize caste in 'Islamic' terms was given further impetus by the 'Ulama' through the notion of kafa 'a, to which we now turn.

### **3.8 Kaf'aa and the legitimisation of Caste by the Indian 'Ulama**

The Qur'an and the genuine Prophetic traditions consider Muslims as equals, and hence allow for any Muslim to marry a suitable Muslim spouse. In deciding an ideal marriage partner the Qur'an suggests the criteria of piety (taqwa) and faith (iman), regarding these, rather than birth or wealth, as the only mark of a person's nearness to God. It is clear from the records of the Prophet and his companions that this principle was actually acted upon. Thus, for instance, we hear of instances of slave men or recently freed slaves marrying free women with the Prophet's consent.

Over time, however, as Islam spread to new regions outside the confines of the Arabian peninsula, the early egalitarian Muslim society was transformed into a complex, sharply hierarchical social order. This owed to several factors, including the 'feudalisation' of Islam accompanying the emergence of the Ummayyad empire; the incorporation of non-Arab groups as subordinate 'clients' (mawali) of ruling Arab tribes; and the impact of other cultures, particularly Greek and Persian, in which social hierarchies were already deeply entrenched. These developments exercised a profound influence on the emerging schools of Islamic law (mazahib). As a result, notions of social hierarchy based on birth that were foreign to the Qur'an and to the early Muslim community were gradually incorporated into the corpus of writings of Islamic jurisprudence or fiqh.

One manifestation of this was the central importance that the fuqaha or scholars of the different schools of Islamic jurisprudence now began paying to the notion of equality of status in matters of marriage or kafa'a. Elaborate rules were constructed built on the notion of kafa'a that specified the 'equals' whom one could legitimately marry. Taking a spouse from outside one's kafa'a was sternly frowned upon, if not explicitly forbidden by the fuqaha. In the face of Qur'anic and genuine Prophetic traditions that stressed that the only basis for selecting one's marital partner was piety, the scripturalist sources of Islam were suitably misinterpreted to provide legitimacy for notions of kafa'a based on wealth and birth, including ethnicity.

These debates on kafa'a have a direct bearing on how the Indian Muslim 'ulama have looked at the question of caste, caste endogamy and inter-caste relations. Since the vast majority of the Indian Muslims follow the Hanafi school, the opinions of the classical Hanafi 'ulama on kafa'a continue to determine the attitudes of the Indian 'ulama on the question of caste and social hierarchy. Most Indian Hanafis seem to have regarded caste (biraderi), understood here as hereditary occupational group, as an essential factor in deciding kafa'a, and in this way have provided fiqh legitimacy to the notion of caste.

The detailed debates among the fuqaha of the law schools about kafa'a need not detain us here, and it is sufficient to mention that they differed somewhat on the criterion for deciding it. 'Abdul Hamid Nu'mani, a contemporary Indian Muslim scholar, writes that many classical fuqaha considered the following issues to decide one's kafa'a for purposes of marriage: legal status as free or enslaved (azadi); economic status (maldari); occupation (pesha); intelligence ('aql); family origin or ethnicity (nasb); absence of bodily defects and illness; and, finally, piety (taqwa).<sup>189</sup> All these are said to have been deciding factors for kafa'a for the Hanafis and the Hanbalis, while according to Imam Malik, the real basis of kafa'a is said to have been piety. Imam Shafi' is said not to have included wealth in kafa'a. On the whole, however, most fuqaha insisted on taking factors other than simply piety in deciding kafa'a.<sup>190</sup> In the Indian context, this expanded notion of kafa'a, representing a

considerable departure from the Qur'an, was accepted as laying down the norms for deciding on the legality of a Muslim marriage. By restricting marriage to one's occupational and ethnic group, caste, which is, in theory, an endogamous birth-based occupational category, came to be regarded as essential to establishing kafa'a for purposes of marriage. In this way, the notion of kafa'a helped to provide legitimacy to the existence of caste among the Indian Muslims by effectively restricting marriage within the endogamous caste circle. This is readily apparent even in the fatwa literature produced by several recent Indian 'ulama, an issue that we now look at.

To illustrate the ways in which significant sections of the Indian 'ulama have sought to employ the concept of kafa'a to legitimize caste and social inequality I focus here on a slim Urdu tract on the subject penned by a contemporary Indian Muslim scholar, Maulana 'Abdul Hamid Nu'mani. A senior leader of the Jami'at ul-'Ulama-i Hind ('The Union of the 'Ulama of

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<sup>189</sup> Sikand, Yoginde, *Islam, caste and Dalit-Muslim Relation in India*, (2004) New Delhi

<sup>190</sup> Ibid, pp.28

India), Nu'mani belongs to the Ansari caste of hereditary weavers, traditionally considered by ashraf Muslims as 'low' in social status. His tract is a modified version of a speech that he delivered in 1994 at the request of the Anjuman Khuddam al-Qur'an, a Muslim missionary organization based at the town of Vaniyambadi in the southern Indian state of Tamil Nadu. The Anjuman had invited him to deliver a lecture on the subject of Islamic mission (tabligh) and the question of kafa'a, for the Anjuman had itself discovered that one of the major hurdles in its missionary outreach work among the low-caste Hindus of the area was that while the converts were readily accepted as religious equals by other Muslims, the latter were unwilling, on grounds of kafa'a, to intermarry with them. For the Anjuman, this problem appeared as a central concern for, by making the life of the converts difficult, it made conversion to Islam an unviable option for many. Accordingly, in order to clarify the 'true' Islamic perspective on kafa'a and to oppose notions of kafa'a that legitimize caste and social inequality, the Anjuman requested Nu'mani to deliver a scholarly paper on the subject in the light of the teachings of the Qur'an. The speech was apparently very well received, and was shortly published as a booklet, suitably titled *Masla-i Kufw Aur Isha'at-i Islam* ('The Problem of Kafa'a and the Spread of Islam').

Nu'mani begins his tract by arguing that the single most important factor for the spread of Islam in India was the Qur'an's message of radical social equality (masavat) and respect for all humankind (ihtiram-i admiyat). This naturally appealed most to the downtrodden 'low' castes who were sternly oppressed by the Brahminical religion and the caste system on which it was based. The Sufis who propagated Islam among the 'low' castes are said to have been seriously committed to their welfare, but because their scale of work was so immense they were unable to properly tend to the proper Islamic instruction of their neophytes. Therefore, Nu'mani says, the converts retained several of their pre-Islamic beliefs and practices, including notions of caste. Further, he writes, caste and related concepts of birth-based ritual status were given added legitimacy by Muslim rulers and missionaries who had come to India from the lands of 'ajam, Iran, Turkey and Central Asia, where concepts of social inequality were already well entrenched.<sup>191</sup>

Nu'mani quotes extensively from Barani's *Fatawa-i Jahandari* to show how discriminatory attitudes towards low-caste converts were widely shared by medieval Muslim elites. He also comments on the absence of any effective opposition to such views. In fact, he goes so far as

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<sup>191</sup> Ibid, pp.30



to claim that, 'From Barani's time till 1947 the notion of Muslim society being divided into ashraf and ajlaf, high and low, was continuously present'. He refers to some twentieth century Indian 'ulama of his own Deobandi School as opposing caste-based inequality among the Indian Muslims but laments that 'this sickness has not as yet been fully eliminated'. He admits that although the caste system is less severe among the Muslims than it is among the Hindus, in that untouchability is absent among the former, with caste playing a determining role only in marriage among Muslims. Yet, he pleads for Muslims to combat notions of caste based superiority and inferiority, for only then, he argues, can efforts to spread Islam among 'low' caste Hindus be effective. For this purpose, he says, a radical revisioning of the concept of kafa'a is urgently required.<sup>192</sup>

The remainder of the text consists of an elaborate discussion of the notion of kafa'a. In the process of developing a Qur'anic notion of kafa'a, Nu'mani surveys notions of kafa'a as developed by the classical fuqaha and further elaborated upon by various Indian 'ulama. Since his concern is to revive the original Qur'anic notion of kafa'a, which alone he sees as normative and binding, he engages in a process of ijtihad (although he does not refer to it as such), refusing to remain tied down by formulations of kafa'a as contained in the corpus of fiqh, including of the Hanafi school with which he is associated. In evoking what he calls the true Islamic position on kafa'a, he has four broad objectives. Firstly, to revive the original message of radical social equality of the Qur'an which he sees many later 'ulama as having distorted, willfully or otherwise. Secondly, to combat caste-based divisions among the Muslims and thereby to promote Muslim unity. Thirdly, to disprove claims of

critics that Islam is not an egalitarian religion and that, therefore, it cannot provide equality to 'low' caste Hindu converts. Finally, to provide an understanding of kafa'a that, being liberated from notions of caste, can help in integrating converts into the mainstream of Muslim society through inter-marriage and thereby remove a major hurdle in the path of Muslim missionary work, particularly among 'low' caste Hindus.

In doing so, Nu'mani has to deal with reports attributed to the Prophet and some of his close companions that seem to legitimize social inequality, as well as the writings of the classical fuqaha on the subject of kafa'a. As regards certain hadith which seem to promote discriminatory attitudes towards people who follow certain 'low' professions, Nu'mani subjects the lines of transmission (isnad) as well as content (matn) of these reports to close

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<sup>192</sup> Ibid, pp31

scrutiny, concluding that they are fabricated. He explains some statements by the companions of the Prophet that militate against social equality by reading them contextually, and hence argues that they are not applicable for all time. On the restrictive provisions related to kafa'a that the fuqaha have prescribed, Nu'mani insists that the Qur'an and the genuine Hadith should be the sole criterion for judging them. Since the corpus of fiqh is a post-Qur'anic development, and since the fuqaha were mere mortals, although they might have been well intentioned, Nu'mani suggests that Muslims should not blindly follow their prescriptions if they violate the Qur'an and the genuine Hadith. However, rather than opposing the opinions of the fuqaha directly he points to the differences between the different schools of fiqh, and within each school the varying opinions of different fuqaha, on the question of kafa'a, highlighting those views that support his own radically egalitarian understanding of kafa'a.

After providing a brief note on the varying definitions of kafa'a in different schools of Islamic jurisprudence, Nu'mani writes that according to the Qur'an, kafa'a is based only on piety. Hence, the only criterion for deciding a marriage partner should, ideally, be his or her personal character and dedication to the faith. In other words, he suggests, there is no religious bar for a Muslim man from a low caste or a low caste Hindu convert to Islam to marry a Muslim girl from a high caste or vice versa. This, of course, goes completely against dominant notions of kafa'a. Nu'mani does not openly question the schools of fiqh as such. Rather, he points to possibilities within the existing schools and to differences among the fuqaha of the different schools as well as within each school to press his claim for an egalitarian reading of kafa'a.

In arguing the case for an egalitarian interpretation of kafa'a Nu'mani has to contend with traditions that have been used by many scholars to insist on the need for people to marry within their same social class. He does not deny the veracity of such claims but interprets them in a novel way to bolster his argument that cross-class marriages are to be regarded as legitimate as well. Thus, for instance, he refers to a tradition according to which the third caliph, 'Umar, refused to let a girl from a rich family to marry a man from a lower class. Nu'mani does not say that the caliph was wrong in his pronouncement. Rather, he says, his opinion was correct because it might be difficult for such a girl to live in poor family without the comforts to which she was used to before marriage. Hence, for marital compatibility a rough equality of economic status is indeed preferable. However, Nu'mani argues, this does not mean that a girl from a rich family cannot marry a poor man or that

equality in economic status is an absolute necessity in marriage.<sup>193</sup> Nu'mani recognizes that rough equality of economic status is preferable in marriage partners, but insists that it is not absolutely essential. To use 'Umar's decision to argue the case that marriage must take place only within one's social class or caste, is therefore, untenable. Nu'mani here quotes another, conflicting report attributed to 'Umar, according to which the caliph declared that in deciding a man's marriage partner he did not consider her ethnic or economic status.<sup>194</sup>

Likewise, on the question of occupation (*pешa*) in determining *kafa'a*, Nu'mani writes that many 'ulama have adopted what he calls an 'unnecessarily restrictive' attitude, which has led to notions of caste superiority and inferiority since caste is, in theory, also an occupational category. Nu'mani remarks that this is particularly unfortunate, given that Imam Abu Hanifa, whose school of jurisprudence most Indian Muslims claim to follow, did not himself consider occupation as a factor in determining *kafa'a*. This is because one's occupation does not always remain the same and can, in theory, change. Nu'mani also refers to some Hanafi jurists who placed knowledge (*'ilm*) above profession in deciding *kafa'a*, thereby allowing a learned Muslim from a family following a 'low' profession to marry a woman from a 'respectable' family.<sup>195</sup> On the other hand, Nu'mani notes that some Hanafi 'ulama, including Imam Abu Yusuf, a student of Abu Hanifa, did include occupation in deciding *kafa'a*, going

so far as to single out the profession of weavers, barbers and tailors as 'despicable'. On the basis of this, Nu'mani says, numerous Hanafi 'ulama have issued fatwas declaring weavers, barbers and tailors to be outside the *kafa'a* of those who pursue other, more 'respectable', professions.<sup>196</sup> He notes that some fuqaha have adopted a somewhat less severe position on the matter by declaring that if a weaver gives up his profession and takes to trade, then he can be considered the *kafa'a* of a trader and can marry a trader's daughter. Not all Hanafi 'ulama were ready to provide this concession, however. Nu'mani refers to Ibn Najim who opined that even if a person were to abandon a 'low' profession he would not be able to remove the 'stains' that, allegedly, inevitably form on his character from such an occupation and hence he cannot be considered as the *kafa'a* of a person from a family that follows a 'respectable' profession. Closer to our times, Nu'mani notes, Ahmad Raza Khan (1856-1921), the founder of the Barelwi School, is said to have declared that weavers, cobblers and barbers, even if learned in religion, could not be considered the *kafa'a* of those following 'respectable'

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<sup>193</sup> Ibid,pp.32

<sup>194</sup> Ibid,pp33

<sup>195</sup> Ibid,pp.34

<sup>196</sup> Ibid,pp34

professions.<sup>197</sup> Hence, Nu'mani remarks, the notion that one should not marry outside one's occupational group, which in India is generally the caste group, is widely accepted by many Indian Hanafi 'ulama.

In discussing the Hanafi position on kafa'a being determined, among other factors, by one's profession, Nu'mani writes that Hanafi 'ulama have resorted to two sources to legitimize their argument. Firstly, popular custom or 'urf. By regarding caste-based occupation as a legitimate 'urf they have sought to incorporate it into the corpus of fiqh. This, however, says Nu'mani, is a gross violation of Islam and 'a conscious or unconscious imitation of the Indian Brahminical social system'.<sup>198</sup> The other source that the fuqaha have invoked to support their claim of kafa'a being dependent on occupation is a single hadith attributed to the Prophet. According to this narration, the Prophet is said to have declared that weavers and barbers are not to be considered as the kafa'a of others. This means, therefore, that weavers and barbers cannot marry people who belong to families that follow other professions. Nu'mani remarks that this hadith is 'very weak' (intihai za'if) and adds that numerous scholars of Hadith have argued that it is a later fabrication wrongly attributed to the Prophet. How could the Prophet, who is considered as a source of mercy for all, consider any members of his community as despicable simply because they were weavers or barbers, Num'ani asks.<sup>199</sup> Indirectly critiquing these anti-egalitarian reports, Nu'mani here refers to several prophets before Muhammad as well as numerous companions of Muhammad who engaged in occupations that some later fuqaha wrongly described as 'low'. Thus, he notes that the prophet David was an artisan and that numerous companions of Muhammad were weavers and carpenters.<sup>200</sup>

Nu'mani writes that all legitimate (halal, jai'z) occupations are noble and praise-worthy in God's eyes, and hence to claim that weaving, barbering and other such trades are 'despicable' as some fuqaha have done, is completely against basic Islamic teachings. Therefore, he argues, from a strictly Qur'anic perspective, a person pursuing any legitimate profession may be considered the kafa'a of any other similar person for purposes of marriage. In this regard he quotes Mufti Kifayatullah, a leading Indian Deobandi scholar, whom he singles out as one of the few Indian 'ulama to have taken a correct position on kafa'a, as having declared in a fatwa that 'To consider someone inferior simply because he follows a legitimate is profession

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<sup>197</sup> Ibid,pp35

<sup>198</sup> Ibid,pp35

<sup>199</sup> Ibid,pp36

<sup>200</sup> Ibid,pp36

is opposed to the teachings of Islam'.<sup>201</sup> In approvingly quoting Mufti Kifayatullah here Nu'mani does not deny that several other leading Deobandi scholars, such as Ashraf Ali Thanwi and Mufti Muhammad Shafi, had adopted a divergent stance by supporting

the dominant Hanafi position on kafa'a as being determined, among other factors, by occupation. He also admits that Thanwi had gone so far as to declare weavers and oil-pressers as 'low' castes. Yet, he claims, in contrast to their Barelwi opponents, the Deobandi 'ulama have never hesitated to correct each other's views.<sup>202</sup> Indeed, he does this himself explicitly in critiquing the views of his fellow Deobandis, renowned 'ulama such as Thanwi and Shafi, on the matter of kafa'a.

Family, tribe or ethnic group (nasb) have also been considered by several classical fuqaha as well as Indian 'ulama as an essential basis for deciding kafa'a. Yet, Nu'mani writes, not one of the several traditions attributed to the Prophet that have been adduced for this purpose have been proved to be fully genuine (sahih). They are all said to be 'very weak' and even 'fabricated' (mauzu). Nu'mani examines five traditions attributed to the Prophet that are generally used to argue the case for nasb to be included in kafa'a. All of them, he contends, are fabricated, have weak chains of narration (isnad) or else do not have any direct bearing on the question of nasb in marriage. To illustrate his argument, he focuses on one particular tradition, according to which the Prophet is said to have laid down that all members of his Qur'aish clan are of the same kafa'a; that all Arabs belong to the same kafa'a; that members of one tribe are the kafa'a of each other; and that all people are of

the same kafa'a except for weavers and barbers.<sup>203</sup> Like other similar reports, this one, too, Nu'mani claims, is not to be regarded as absolutely authentic for it has a weak narrative chain. Indeed, several Islamic scholars have insisted that it is 'completely fabricated'.<sup>204</sup> This report is said also to completely contradict the teachings of the Qur'an, the genuine prophetic traditions and the practice of the companions of the Prophet, and, for that additional reason, is not to be regarded as authentic. The Qur'an repeatedly stresses that all Muslims are equal, and one such Qur'anic verse, Nu'mani writes, is said to have been specifically revealed to the Prophet to refute the belief that people should marry only within their own tribe.<sup>205</sup> Likewise, numerous genuine Prophetic traditions are said to directly oppose the belief in nasb being

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<sup>201</sup> Ibid,pp37

<sup>202</sup> Ibid,pp37

<sup>203</sup> Ibid,pp37

<sup>204</sup> Ibid,pp38

<sup>205</sup> Ibid38

essential to kafa'a. Thus, several companions of the Prophet are said to have married outside their tribe with the Prophet's consent. The

Prophet advised one of his followers, an Ansar from Medina, to give his daughter in marriage to one of his closest companions, Bilal, a freed black slave. Abu Bakr, the first caliph, accepted the marriage proposal of Salman Farsi, a Persian companion of the Prophet, to marry his daughter. All this very clearly proves, Nu'mani writes, that it is indeed legitimate to marry outside one's ethnic group or caste and that the bar on such marriages placed by numerous fuqaha is not Islamic.

Despite the clear evidence in the Qur'an and the Hadith that nasb is not to be included in kafa'a, Nu'mani notes that several fuqaha have expressed contrary opinions. However, he writes that there is no complete consensus among the fuqaha on the matter. Thus, Imam Malik as well as some Hanafi 'ulama did not include nasb in establishing kafa'a, while Imam Abu Hanifa and Imam Shafi' did so.<sup>206</sup> There are conflicting views on Imam Ahmad ibn Hanbal's opinion. According to one report he ignored nasb in establishing kafa'a, while according to another report he regarded all Arabs as being equal for marriage purposes, and all non-Arabs ('ajamis) as equal, thus forbidding marriage between Arabs and non-Arabs. Nu'mani argues that those fuqaha who included nasb in kafa'a probably did so because of the particular social conditions prevailing at their time. However, he adds, because of the 'unnecessary importance' which the contemporary Indian 'ulama give to nasb, 'numerous social problems have been created' and non-Muslims are 'getting a wrong message' about Islam. Hence, he appeals for 'serious thinking' on the matter of nasb in establishing kafa'a. A mark of the remarkable flexibility of Nu'mani's approach to fiqh is his approval of the few Indian Hanafi 'ulama who have adopted the position of Imam Malik on the question of nasb in kafa'a in their fatwas instead of blindly following the dominant Hanafi position.<sup>207</sup>

Further on the question of linking nasb to kafa'a, Nu'mani deals with the distinction that many Hanafi scholars have established between old Muslims (jadid al-islam musalman) and new Muslims (jadid al-Islam musalman), and arguing that the two may not intermarry because they are not the kafa'a of each other. According to these scholars, a man who converts to Islam cannot marry a woman who was born to a Muslim father. The son of a convert to Islam cannot marry a woman whose paternal grandfather and father were Muslims, but the

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<sup>206</sup> Ibid38

<sup>207</sup> Ibid,pp.38

grandson of a convert can marry a woman from an 'old' Muslim family. Accordingly, a convert to Islam can only marry a fellow convert. This holds true only for non-Arabs, there being no distinction between 'old' and 'new' Muslims for Arabs.<sup>208</sup>

Nu'mani sees this restrictive provision as making life for converts to Islam even more difficult and, therefore, making conversion to Islam a difficult choice for non-Muslims. By making this distinction between 'old' and 'new' Muslims, he says, 'rather than welcoming our new guests we are insulting them'.<sup>209</sup> Accordingly, he fervently appeals to his fellow 'ulama to relax or abandon this rule, which in any case he sees as having no sanction in Islam. He reminds them that because they insisted on this un-Islamic provision, a large group of Hindus of the Tyagi caste in northern India who were ready to convert to Islam finally decided not to because the Muslim Tyagis refused to intermarry with them on the grounds that 'old' Muslims could not establish marital relations with converts. Likewise, Nu'mani writes, it was because of the discriminatory and anti-Qur'anic rules that the 'ulama have devised on kafa'a that Dr. Ambedkar, the leader of the 'low' caste Dalits, declined to convert to Islam, choosing Buddhism instead.<sup>210</sup>

Nu'mani admits that some of his fellow Deobandis have argued that 'old' and 'new' Muslims are not of the same kafa'a and so cannot intermarry. In addition, he notes that they have also argued that Muslims from different castes cannot marry on the grounds of not belonging to the same nasb. Yet, Nu'mani refuses to be bound by their views. In order to press his claim that nasb should not be regarded as an essential factor in determining kafa'a he points to alternate opinions within the broader Deobandi tradition. Thus, he refers to fatwas by such scholars Mufi Kifayatullah and Sayyed Sulaiman Nadwi asserting that nasb was not to be considered as essential component of kafa'a,<sup>211</sup> and that a convert could indeed marry into a family of 'old' Muslims on the grounds that all Muslims are equal.<sup>212</sup> Nu'mani notes the existence of what he calls 'very weak' prophetic traditions stressing nasb in kafa'a, but says that in their light 'at the most' what can be said is that it might be better to

Marry within one's ethnic group or caste (biraderi) than outside. However, he says, this clearly does not mean that marriage must only take place within one's caste but only that marrying outside one's caste is not disallowed by the shari'ah. If marriage outside one's caste

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<sup>208</sup> Ibid,pp.39

<sup>209</sup> Ibid,pp.40

<sup>210</sup> Ibid,pp.40

<sup>211</sup> Ibid,pp.41

<sup>212</sup> Ibid,pp41

were thus to be recognized, Nu'mani suggests that it would promote Muslim unity, help converts to Islam find spouses within the Muslim community, and counter the perception among non-Muslims' of the existence of caste discrimination among Muslims.

After reviewing the writings of the classical fuqaha and some influential twentieth century Indian Hanafi scholars on kafa'a being determined by wealth, occupation and ethnicity, Nu'mani writes that, notwithstanding their differences, all the schools of Sunni jurisprudence are agreed that piety should be a determining factor in deciding kafa'a in marriage. 'It should not be', he writes, 'that a pious girl who regularly says her prayers and keeps her fasts should be married to a criminal' simply because he belongs to the same ethnic or occupational group. He approvingly refers to some classical fuqaha who opined that the piety was to be the only determining factor in selecting a marriage partner. In order to further support his contention that piety alone should be the criterion for kafa'a he quotes a Prophetic tradition to the effect that a marriage proposal from a man of high morals should be accepted; otherwise it would lead to strife.<sup>213</sup> In another hadith the Prophet is said to have warned against marrying a woman simply because of her beauty or wealth. Her good looks might lead her to evil ways, while her wealth might make her rebellious and proud. On the other hand, a pious black slave girl, Muhammad declared, made a much better marriage partner. Thus, Nu'mani concludes, the Qur'an and the genuine prophetic traditions clearly suggest that it is piety alone that should be basis of kafa'a, with other factors 'having no real importance'.<sup>214</sup>

In effect, then, by subjecting the existing corpus of fiqh and the writings of the classical and later Indian 'ulama to a critical reading, Nu'mani argues for the need to go back to the Qur'an and the genuine Prophetic traditions to develop a new fiqhi perspective on kafa'a and caste. By appealing to the radically egalitarian social ethics contained in the Qur'an and the genuine Prophetic traditions, by subjecting some traditions that seem to promote social inequality to a critical contextual reading, by dismissing anti-egalitarian traditions as inauthentic, and by pointing out the divergent views of the fuqaha and 'ulama of different schools of jurisprudence and within each school on the matter of kafa'a, Nu'mani argues that piety alone should be considered as the essential basis of kafa'a. In this way, he critiques both the notion of caste as well as the arguments of the fuqaha who have sought to incorporate caste as a major factor in deciding kafa'a and thereby grant caste a Certain religious legitimacy.

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<sup>213</sup> Ibid,pp42

<sup>214</sup> Ibid,pp42



As discussed above large and varied body of social scientific literature establishes a fact that is now largely taken for granted, namely that like other religious communities, Muslims in India are heterogenous rather than monolithically homogenous communities. It is only on the basis of such evidence that one can begin to investigate whether and to what extent Dalit Muslims are a distinct social group. However, such evidence has some unavoidable limitations – while it helps to establish a concrete case, it cannot be generalised at the macro level.

The main source of the data used here is the National Sample Survey Organisation’s most recent five-yearly survey from its 61<sup>st</sup> Round, canvassed in 2004-05. These data are the latest available at the national level, and are widely used by social scientists and policy makers in a variety of contexts.

Table No. 2

Caste Religion	Number of Sample Households by Caste and Religion NSSO 61 <sup>st</sup> Round, Rural India, 2004-05						
	Scheduled Tribes	Scheduled Castes	Other Backward Classes	Upper Castes	All Castes	Missing Values	Grand Total
Hindu	6,845	12,704	26,011	15,149	<b>60,709</b>	32	60,741
Muslim	115	93	3,011	5,261	<b>8,480</b>	6	8,486
Christian	4,203	155	494	787	<b>5,639</b>	16	5,655
Sikh	17	634	493	1,076	<b>2,220</b>	1	2,221
Buddhist	533	336	27	105	<b>1,001</b>	1	1,002
Others	978	7	78	123	<b>1,186</b>	6	1,192
All Religions	<b>12,691</b>	<b>13,929</b>	<b>30,114</b>	<b>22,501</b>	<b>79,235</b>	--	--
Missing Values	3	0	2	1	--	3	9
Grand Total	12,694	13,929	30,116	22,502	--	65	79,306

NOTE: Table show sun weighted numbers of households in the 61<sup>st</sup> Round rural sample. Due to the many stages and strata in the sample design, each sample household represents different numbers of population households, and is weighted accordingly in estimation procedures. Computations involving caste and religion are limited to the 79,235 households (out of the 79,306 surveyed) for which this data is available.

Tables 2.1 and 2.2 below show the distribution of the NSSO 61st Round sample for the rural and urban sectors respectively. These are the unweighted or ‘raw’ sample sizes – they represent the actual number of households surveyed. Due the fact that the sample involves

several stages (including administrative and other regions of dissimilar size) and strata (again not of uniform size), each ‘raw’ sample household stands for or ‘represents’ differing numbers of households in the population. To take care of this variation, each household (and individual) is associated with a sampling ‘weight’ which adjusts the statistical ‘contribution’ of the household to its proper representative extent. As can be seen from Tables 1 and 2, the actual (raw) number of Muslim sample households that claimed to belong to the SC category (presumably on caste grounds, since they are not officially recognized as such) are 93 and 59 respectively. Similarly, 155 rural and 123 urban Christian households also claimed SC status. The bulk of the analysis in this Report is based, ultimately, on data from these households where DMs and DCs are concerned, and more generally, on the 79,235 rural and 45,352 urban households for whom both caste and religion data are available.

Table No 3

Caste Religion	Number of Sample Households by Caste and Religion NSSO 61 <sup>st</sup> Round, Urban India, 2004-05						Grand Total
	Scheduled Tribes	Scheduled Castes	Other Backward Classes	Upper Castes	All Castes	Missing Values	
Hindu	1,314	5,735	13,172	14,092	<b>34,313</b>	12	34,325
Muslim	161	59	2,395	3,683	<b>6,298</b>	1	6,299
Christian	1,788	123	419	586	<b>2,916</b>	4	2,920
Sikh	4	139	177	496	<b>816</b>	0	816
Buddhist	66	292	3	16	<b>377</b>	0	377
Others	176	7	66	383	<b>632</b>	4	636
<b>All Religions</b>	<b>3,509</b>	<b>6,355</b>	<b>16,232</b>	<b>19,256</b>	<b>45,352</b>	--	--
Missing Values	0	0	0	1	--	0	1
Grand Total	3,509	6,355	16,232	19,257	--	21	45,374

NOTE: Table show sun weighted numbers of households in the 61<sup>st</sup> Round urban sample. Due to the many stages and strata in the sample design, each sample household represents different numbers of population households, and is weighted accordingly in estimation procedures. Computations involving caste and religion are limited to the 45,352 households (out of the 45,374 surveyed) for which this data is available.

Table No. 4

Table 2.3	Population Shares of Castes (percent) Comparison of NSSO 2004-05 Estimates with Census 2001					
	RURAL			URBAN		
	CENSUS 2001	NSSO 2004-05	(NSSO- Census)	CENSUS 2001	NSSO 2004-05	(NSSO- Census)
Scheduled Tribes	10.42	10.26	-0.16%	2.44	3.04	+0.60%
Scheduled Castes	17.91	21.32	+3.41%	11.75	15.02	+3.27%
NSSO 2004-05 estimates are from the Employment & Unemployment Survey data (Schedule 10.0)						

Table 2. 3 compares the NSSO and the Census with respect to their respective estimation of the population shares of the STs and SCs. The Census figures are derived from the actual population counts of 2001, while the NSSO figures are estimates based on the (weighted) sample for the 61st Round survey done in 2004-05. Table 4 does the same for the major religions of India. The main point made by Table 3 is that the NSSO's estimate of the population shares of the SCs for both rural and urban India exceeds the Census figures by well over three percentage points. This is broadly in keeping with the past trend as the NSSO estimates have generally tended to be higher than the Census, specially for this category. While the scholarly debate on this continues, it is reasonable to point out that this discrepancy could be due as much to conservatism on the part of the Census as to sampling errors in the NSSO survey, or non-sampling errors induced by misreporting due to confusion about the official category of the Scheduled Castes. This is not a controversy that is easily settled, and while a difference of three plus percentage points is to be noted, it does not pose any insurmountable problems for further statistical analysis.<sup>216</sup>

Table N. 5

<sup>216</sup> Dalits have often complained that the Census officials are prone to undercount their numbers. These complaints are often reported in the press, along with the more commonly reported upper caste fears of "everyone" returning themselves as lower caste in the hope of garnering some benefit from doing so. However, it is not clear how individuals choosing to return themselves as SC in a survey such as that of the NSSO can hope to derive a personal benefit. For an example of a relatively balanced report of this kind, see the story by V. Venkatesan in *Frontline*, March 3-16, 2001 which relates to the enumeration process of the 2001 Census.

Table 2.4	Population Shares of Religious Communities (percent) Comparison of NSSO 2004-05 Estimates with Census 2001					
	RURAL			URBAN		
Religious Communities	CENSUS 2001	NSSO 2004-05	(NSSO–Census)	CENSUS 2001	NSSO 2004-05	(NSSO–Census)
Hindus	82.33	83.36	+1.03	75.60	77.40	+1.80
Muslims	11.96	11.50	<b>-0.46</b>	17.26	16.38	<b>-0.88</b>
Christians	2.14	2.07	<b>-0.07</b>	2.86	2.53	<b>-0.33</b>
Sikhs	1.90	2.01	+0.11	1.79	1.54	-0.25
Buddhists	0.66	0.59	-0.07	1.07	0.87	-0.20
Others	0.95	0.47	-0.48	1.34	1.28	-0.06
All Religions	100.00	100.00	–	100.00	100.00	–

NSSO 2004-05 estimates are from the 61<sup>st</sup> Round Employment & Unemployment Survey data (Schedule 10.0)

Table 2.4 tells us that, going by the Census, the NSSO appears to slightly overestimate the population share of Hindus (by about 1% in rural and little less than 2% in urban India), it very slightly underestimates all minorities except rural Sikhs. However the discrepancies here are very minor and well in keeping with the error margins associated with sample surveys. It should be noted in passing that Muslims on the whole tend to be underestimated the most – by almost half a percentage point in rural and a little less than one point in urban India. Christians are also marginally underestimated, more so in urban India, by about one-third of one percent. So all in all, the apparent overestimation – relative to the Census figures – of Dalits is the most significant point to be kept in mind.

Table No 6

Table 2.5	Estimated Caste Composition of Religions Rural India, 2004-05				
	Religious Communitie	Scheduled Tribes	Scheduled Castes	Other Backward Classes	'Upper' Castes
Hindu	11.2	23.4	44.6	20.9	100.0
Muslim	0.5	<b>0.6</b>	39.7	59.2	100.0
Christian	38.9	<b>9.4</b>	20.9	30.8	100.0
Sikh	1.2	34.8	24.3	39.8	100.0
Buddhist	11.4	85.0	0.6	3.1	100.0
Others	72.9	2.0	4.2	20.9	100.0
<i>All Religions</i>	<i>10.6</i>	<i>20.9</i>	<i>42.8</i>	<i>25.7</i>	<i>100.0</i>

Source: NSSO61<sup>st</sup> Round Unit level Data

Table no. 7

Table 2.6	Estimated Caste Composition of Religions Urban India, 2004-05				
	Religious Communitie	Scheduled Tribes	Scheduled Castes	Other Backward Classes	Upper Castes
Hindu	3.0	18.2	36.4	42.4	100.0
Muslim	0.3	<b>0.6</b>	38.4	60.7	100.0
Christian	17.5	<b>10.5</b>	31.8	40.3	100.0
Sikh	0.1	15.2	18.6	66.2	100.0
Buddhist	1.7	97.0	0.3	1.0	100.0
Others	10.1	1.4	1.8	86.7	100.0
<i>All Religions</i>	<i>2.9</i>	<i>15.7</i>	<i>35.6</i>	<i>45.8</i>	<i>100.0</i>

Source: NSSO61<sup>st</sup> Round Unit level Data

Table five and six shows that Compared to Muslims, Christians seem to have a much larger proportion of Dalits—around 10%, with a little less in rural and a little more in urban India. These figures are almost universally believed to be gross under estimate so for the true proportion of Dalits among Indian Christians. Most scholars and activist sput the proportion at between 50 and 75 percent to fall Indian Christians, although it is not possible to corroborate these claims in any decisive

manner due to the difficulty of the category being officially unrecognized.<sup>217</sup>

Since the lower bound of such ‘guesstimates’ seems to be 50%, its should be kept in mind that the proportion (and therefore also the number) of DCs could be at least five times what the NSSO estimates show it to be.

Table No. 8

Table 2.7 Major Religious Communities	Estimated Population of Dalit sin Major Religions (NSSO estimate of caste shares applied to Census religion totals)						
	RURAL INDIA			URBAN INDIA			ALL INDIA
	Census 2001 Count of Population (Lakhs)	NSSO 2004-05 Estimate of Dalit Popn Share (%)	Estimated Dalit Population (Lakhs)	Census 2001 Count of Population (Lakhs)	NSSO 2004-05 Estimate of Dalit Popn Share (%)	Estimated Dalit Population (Lakhs)	Estimated Dalit Population (Lakhs)
Hindus	61,12.6	23.35	14,27.3	21,63.2	18.20	3,93.7	18,21.0
Muslims	8,87.9	0.55	<b>4.9</b>	4,93.9	0.63	<b>3.1</b>	<b>8.0</b>
Christians	1,58.9	9.40	<b>14.9</b>	81.9	10.51	<b>8.6</b>	<b>23.5</b>
Sikhs	1,41.1	34.76	49.0	51.1	15.17	7.8	56.8
Buddhists	48.9	84.97	41.6	30.6	97.01	29.7	71.3

Population estimates column = ((Census count x NSSO share) ÷ 100) and rounded to nearest 10,000.

Finally, Table 9 presents the estimates of population for DMs and DCs based on the NSSO proportions already discussed in Tables 5 and 6. DMs appear to be only about 8 lakhs in all, 5 in rural and 3 in urban India. DCs are almost four times the number of DMs at 23.5 lakhs, almost 15 lakhs in rural India and a little less than 9 lakhs in urban India. As discussed earlier, the figures for DCs are very likely to be substantial underestimates. Nevertheless, it should be noted that DMs and DCs are a very small part of the Indian Dalit population. Quite apart from the huge numbers of Hindu Dalits – over 18 crores – DMs and DCs are considerably smaller than even the Buddhists (over 71 lakhs) and Sikhs (almost 57 lakhs).

<sup>217</sup> 5 Thus, for example, Father S. Lourduwamy states the Dalit Christian population in 2001 to be 18 millions out a total Christian population of 24 millions, making for a proportion of 75% (Lourduwamy 2005:20). Felix Wilfred writes: “It is a fact that about 75% of all Christians in India are of Dalit origin, and about 60% of all Catholics are dalits.” (Wilfred 1995:124). George Kuruvachira states that “About 65% of Catholics belong to the backward classes and scheduled castes and tribes”. (Kuruvachira in Sebasti L. Raj & G.F. Xavier Raj (eds) 1993:37). Jose Kannanaikil says: “According to rough estimates, more than 50 percent of the Christians in India are of Scheduled Caste origin.” (Kannanaikil 1983:1). The Dalit scholar and writer Paul Chirakarodu writes that: “In the absence of any methodological studies, we can roughly conclude that more than 50 to 60% of the Christian population are converts from the Scheduled Castes”. (Chirakarodu in E.C. John & Samson Prabhakar (eds) 2006:31). These examples could easily be multiplied. But the fact remains that there is no systematic statistical estimate of the number or proportion of Dalit Christians, and it is hard to see how such an estimate might be produced in the absence of a Census-like effort.

### **3.9 Conclusion**

As this chapter has sought to show, although the Qur'an and the genuine Prophetic traditions suggest a radically egalitarian social vision, actual Muslim social practice, including in India, points to the existence of sharp social hierarchies that numerous Muslim scholars have sought to provide appropriate 'Islamic' sanction through elaborate rules of fiqh associated with the notion of kafa'a. This was further boosted by distorted interpretations of the Qur'an and the invention of reports attributed to the Prophet that sought to legitimize social inequality based on ethnicity and occupation. In the Indian context, numerous leading 'ulama, almost all from the 'high' castes, have used these arguments to sanction caste and caste-based distinctions, particularly in matters of marriage. Yet, as Nu'mani's case shows, today at least some Indian 'ulama are willing to critically examine the corpus of medieval fiqh and seek inspiration and guidance directly from the Qur'an and the genuine

Prophetic traditions instead, in order to recover the original Islamic vision that is robustly opposed to social hierarchy determined by birth, the very basis of the caste system.

Thus it can be concluded that caste stratification, howsoever blasphemous, is a reality of the Muslim society in India. This obnoxious practice cannot be wished away. As is well known, Indian society has been the most unequal society, the social inequality being institutionalised in the caste system. India's constitution went on to declare India to be a casteless and classless society. In so doing, the constitution was not proclaiming that social inequalities of the past had entirely disappeared and the society was egalitarian from the time it was promulgated. The only sensible way would be to recognise that, while social inequalities persist, the ideal that the Constitution provides is that of egalitarianism. This is also true of Islam. It proclaims social equality to be an ideal, but recognises social inequalities existing in society. By this token, there is no contradiction between Islamic support for an egalitarian society as a future goal and presence of caste or class differences as a social reality.

Social realities have a way of prevailing over sociological and theological formulations. Contrary to the argument of some sociologists and most theologians that caste does not exist among Muslims and untouchability is disallowed in Islam, the expression 'Dalit Muslims' has been finding increasing mention in the discourse of traditionally backward Muslim communities in recent years. However, there does not yet exist any clear understanding of

what this expression actually means or which castes or groups it is supposed to denote. On the one hand, it has been used to denote a whole range of Muslim castes which are currently included in the category of the Other Backward Classes. On the other hand, it has been used to denote those Muslim castes or groups which converted from the 'untouchable' Hindu castes or are so severely stigmatised and are subjected to such extreme forms of social exclusion that would render them comparable to the Scheduled Castes.



## **CHAPTER FOUR**

### **SOCIO ECONOMIC SATATUS OF DALIT MUSLIMS IN INDIA**

#### **4.1 INTRODUCTION**

In this chapter an attempt has been made to understand the lives, nature of discrimination and exploitation suffered by Dalit Muslims. Here, I propose to examine the manner in which different Commissions and different Governments have dealt with the socially and Educationally Backward Classes of Muslims. Its main objective is to produce an overview of the available social scientific knowledge on the social and economic conditions of Dalit Muslims as presented in various reports of the Government. Within this overall framework, the study addresses the contemporary nature and extent of the deprivation, discrimination and exclusion suffered by Dalit-Muslim?

The Indian Constitution is committed to the equality of citizens and theresponsibility of the State to preserve, protect and assure the rights of minoritiesin matters of language, religion and culture. That is why our national leaders whileframing the Constitution, emphasized the doctrine of unity in diversity.

The United Nations Declaration on the Rights of Persons Belonging to National,Ethnic, Religious and Linguistic Minorities says that the promotion and protectionof the rights of persons belonging to such minorities contribute to the political andsocial stability of the countries in which they live. Meeting their aspirations andensuring their rights acknowledges the dignity and equality of all individuals and furthers participatory development. This in turn contributes to the lessening of tensions among groups and individuals. These factors are major determinants for stability and peace. All developed countries and most developing ones give appropriate emphasis to looking after the interests of minorities. Thus, in any country, the faith and confidence of the minorities in the functioning of the State in an impartial manner is an acid test of its being a just State.

As the processes of economic development unfold, pressures are likely to build up and intensify when there is unequal development and some groups or minorities lag behind in the development process. Ideally, development processes should remove or reduce economic and social obstacles to cooperation and mutual respect among all groups in the country. If development processes are misdirected, they may have the opposite effect. It is this aspect which is important and needs to be addressed so as to give confidence to minorities.

Since Independence, India has achieved significant growth and development. It has also been successful in reducing poverty and improving crucial human development indicators such as levels of literacy, education and health. There are indications, however, that not all religious communities and social groups (henceforth socio-religious communities – SRCs) have shared equally the benefits of the growth process. Among these, the Muslims, the largest minority community in the country, constituting 13.4 per cent of the population, are seriously lagging behind in terms of most of the human development indicators. While the perception of deprivation is widespread among Muslims, there has been no systematic effort since Independence to analyze the condition of religious minorities in the country. Despite the need to analyze the socio-economic and educational conditions of different SRCs, until recently appropriate data for such an analysis was not generated by Government agencies. There have been welcome change in the scope of data collection with respect to SRCs in the 1990s, which, in turn, has made this report possible. The current effort by the Sachar committee<sup>218</sup> is the first of its kind to undertake a data-based research on the Muslims in India.

In recent years there has been a significant public debate on the conditions of minorities, especially Muslims. In the absence of any systematic analysis of available data, this debate has largely revolved around perceptions and rhetoric. It is hoped that with the publication of this report, one can pursue a more informed debate on these issues for influencing public policy. A wide variety of policy initiatives and programmes have been launched by successive governments to promote the economic, social and educational development of the minority communities in India. However, while the Muslims have no doubt made some visible progress, the perception remains that the economic and educational gap between the Community and the rest of the SRCs has been widening. Once the ‘development deficit’ among Muslims is assessed policy interventions will need to be reviewed in the context of available evidence, and new initiatives launched to grapple with the marginalization of Muslims in the social, economic and political space.

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<sup>218</sup>The Rajinder Sachar Committee, appointed in 2005 by the Indian Prime Minister Manmohan Singh, was commissioned to prepare a report on the latest social, economic and educational condition of the Muslim community of India. The committee was headed by the former Chief Justice of Delhi High Court Rajinder Sachar, including other six members. The committee prepared a report of 403 pages, and presented in the lower house (Lok Sabha) of the Indian Parliament on 30 November 2006 (20 months after obtaining the terms of reference from the PMO). The committee had highlighted and presented its suggestions and solutions to include and mainstream Indian Muslims. The online report is available from the Indian Government website. The report is first of its kind revealing the backwardness of Indian Muslims, according to Sachar Committee report some of the major concerns are:

The status of Indian Muslims are below the conditions of Scheduled Castes and Scheduled Tribes.

The overall percentage of Muslims in bureaucracy in India is just 2.5 % whereas Muslims constitute above 14% of Indian population

Worldwide, minorities tend to grapple with three types of inter-related issues: Issues Relating to Identity: Often differences in socio-cultural practices and backgrounds of minorities make them different from the rest of the population. Given the multiplicities of identities in India communities often face problems of mutual adjustment. Issues Relating to Security: Given certain conditions, a distinct set of people, small in numbers relative to the rest of the society, may feel insecure about their life, assets and well being. This sense of insecurity may get accentuated if the relations between the minority and the majority communities are not cordial.

Issues Relating to Equity: The minority community in a society may remain deprived of the benefits of opportunities that become available through economic development. The sense of inequity may be perceptual or a result of discrimination that the minority may face due to difference in “identity”.

It is also evident that identity, security and equity related concerns are not identical across all minorities. In the same vein, in a differentiated society, many of these issues are not specific to the minority communities and segments of the majority community may also have to grapple with them. Given this broad perspective, it is useful to distinguish between three types of overlapping issues, that cut across the categories described above, faced by the Muslim community in India: Issues that are common to all poor people (Muslims are largely poor) Issues that are common to all minorities Issues that are specific to Muslims For example, as we would argue several concerns relating to employment and education specific to Muslims may fall in the first category. Similarly, some aspects of identity and security may be common across minorities while some others may be specific to Muslims.

Apparently, the social, cultural and public interactive spaces in India can be very daunting for the Indian Muslims. The general sense of unease among Muslims can be seen on a number of fronts — in the relationships that exist between the Muslims and other Socio- Religious Communities (SRCs), as well as, in the variations in understanding and interpreting them. One aspect of this understanding relates to patriotism. They carry a double burden of being labelled as “anti-national” and as being “appeased” at the same time. While Muslims need to prove on a daily basis that they are not “anti-national” and “terrorists”, it is not recognized that the alleged “appeasement” has not resulted in the desired level of socio-economic development of the Community. In general, Muslims complained that they are constantly looked upon with a great degree of suspicion not only by certain sections of society but also

by public institutions and governance structures. This has a depressing effect on their psyche. Many also felt that the media tends to perpetuate this stereotypical image of the Muslims.

#### **4.2 Identity — Visibility in Public Spaces**

One of the major issues around the question of identity for Indian Muslims is about being identified as ‘a Muslim’ in public spaces. Being identified as a Muslim is considered to be problematic for many. Markers of Muslim Identity — the burqa, the purdah, the beard and the topi — while adding to the distinctiveness of Indian Muslims have been a cause of concern for them in the public realm.<sup>219</sup> These markers have very often been a target for ridiculing the community as well as of looking upon them with suspicion. Muslim men donning a beard and a topi are often picked up for interrogation from public spaces like parks, railway stations and markets. Some women who interacted with the Committee informed how in the corporate offices hijab wearing Muslim women were finding it increasingly difficult to find jobs. Muslim women in burqa complain of impolite treatment in the market, in hospitals, in schools, in accessing public facilities such as public transport and so on.

#### **4.3 Identity — Housing and Education**

Muslim identity affects everyday living in a variety of ways that ranges from being unable to rent/buy a house to accessing good schools for their children. Buying or renting property in localities of one’s choice is becoming increasingly difficult for Muslims. Apart from the reluctance of owners to rent/sell property to Muslims, several housing societies in “non-Muslim” localities ‘dissuade’ Muslims from locating there. Muslim identity also comes in the way of admitting their children to good educational institutions. This has given rise to a number of Muslim denominational schools, which according to some, are the only source of good education for Muslims today. A large majority of Muslims would apparently prefer to send their children to ‘regular mainstream’ schools. It was argued that while setting up of

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<sup>219</sup> Apart from receiving a large number of representations, the Committee interacted with several people during its visit to 13 states across the country. The states visited were: Andhra Pradesh, Karnataka, Uttar Pradesh, Rajasthan, Jammu & Kashmir, Assam, West Bengal, Delhi, Kerala, Madhya Pradesh, Gujarat, Bihar and Maharashtra. During the visits the Committee met elected & other representatives from districts, youth, women, people from the business community, NGO representatives, religious organizations, activists and academics, as well as, the Chief Ministers and their colleagues, politicians of different affiliations, senior bureaucrats & police officials and chairpersons and members of Boards and Corporations dealing with programmes for minorities/Muslims. , In some states the Committee also had a chance to visit a few localities with a considerable Muslim presence. The Committee also benefited from its interactions with select Non - Governmental and multilateral organizations about the Muslim community on issues of education, identity, gender and development. While such interactions and representations may not necessarily be 'representative' of the public opinion in the technical sense, the Committee is reasonably satisfied with the wide cross-section of views that have been received

denominational institutions is a right of minorities under the Constitution, it was not meant to become their only option.

#### **4.4 Identity and Gender**

Many suggested that gender issues in the Community are also given a Muslim slant. To the exclusion of all other aspects of a Muslim woman's life (income, jobs, education, security and even caloric intake), the rules of marriage, right to divorce and maintenance have become the benchmarks of a gender-just existence. The obsessive focus on select cases of Muslim women passionately discussed in the media results in identifying the Muslim religion as the sole locus of gender injustice in the Community. Consequently, the civil society and the State locate Muslim women's deprivation not in terms of the 'objective' reality of societal discrimination and faulty development policies, but in the religious-community space. This allows the State to shift the blame to the Community and to absolve itself of neglect. Women in general are the torchbearers of community identity. So, when community identity is seen to be under siege, it naturally affects women in dramatic ways. Women, sometimes of their own volition, sometimes because of community pressure, adopt visible markers of community identity on their person and in their behaviour.<sup>220</sup> Their lives, morality, and movement in public spaces are under constant scrutiny and control. A gender-based fear of the 'public', experienced to some degree by all women, is magnified manifold in the case of Muslim women. The lines between 'safe' and 'unsafe spaces' become rigid. The community and its women withdraw into the safety of familiar orthodoxies, reluctant to participate in the project of modernity, which threatens to blur community boundaries. It was said that for large number of Muslim women in India today, the only 'safe' space (both in terms of physical protection and in terms of protection of identity) is within the boundaries of home and community.

Everything beyond the walls of the ghetto is seen as unsafe and hostile — markets, roads, lanes and public transport, schools and hospitals, police stations and government offices. Interestingly though, in many meetings women participants emphasized that given appropriate opportunities to work and get educated, they would 'manage' all these issues.

The 'identity crisis' combined with the apparent lack of commitment on the part of the

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<sup>220</sup> The representations were first classified according to the category of concerns raised by them. Often within each category several issues were raised and for each broad issue, sub-issues were identified. Our summarization and classification has taken account of all this. For example, on the subject of education a representation refers to non-availability of schools in the vicinity as well as the problem of Urdu teaching and specific problems of girls' education. In such a situation, the representation was seen as raising three issues with respect to education.

Government often results in a perverse response even to well intended programmes. The fear of the Community with respect to accessing health programmes of the State is a case in point. The poor rate of success of the polio vaccination drive in Muslim majority areas is one such response arising out of the fear of an alleged plot to reduce the Muslim birth rate.

#### **4.5 Security Related Concerns**

Lack of a sense of security and a discriminatory attitude towards Muslims is felt widely. However, there is considerable variation in the gravity, intensity and magnitude of such a feeling across various states. Communal tension or any untoward incident in any part of the country is enough to make Muslims fear for their safety and security. The lackadaisical attitude of the government and the political mileage sought whenever communal riots occur has been very painful for the Community. The governmental inaction in bringing to book the perpetrators of communal violence has been a sore point. On the other hand, the police, along with the media, overplay the involvement of Muslims in violent activities and underplay the involvement of other groups or organizations. There is an underlying feeling of injustice in the context of compensation to riot victims. It was also suggested that the amount of compensation fixed by the government post riots has been discriminatory against the Muslims. Besides, there is also delay in giving compensation to the victims, especially when they happen to be Muslims.

#### **4.6 Public Perceptions and Perspectives**

Attitude of the Police and Law Enforcing Agencies Concern was expressed over police highhandedness in dealing with Muslims. Muslims live with an inferiority complex as “every bearded man is considered an ISI agent”; “whenever any incident occurs Muslim boys are picked up by the police” and fake encounters are common. In fact, people argued that police presence in Muslim localities is more common than the presence of schools, industry, public hospitals and banks. Security personnel enter Muslim houses on the slightest pretext. The plight of Muslims living in border areas is even worse as they are treated as ‘foreigners’ and are subjected to harassment by the police and administration. Violent communal conflicts, especially like some recent ones in a state, in which there is large-scale targeted sexual violence against Muslim women has a spread affect even in regions of the country not directly affected by the violence. There is immense fear, a feeling of vulnerability, and consequently a visible impact on mobility and education, especially of girls. The lack of adequate Muslim presence in the police force accentuates this problem in almost all Indian states as it heightens

the perceived sense of insecurity, especially in a communally sensitive situation.

#### **4.7 Ghettoisation and Shrinking of Common Spaces**

Fearing for their security, Muslims are increasingly resorting to living in ghettos across the country. This is more pronounced in communally sensitive towns and cities. However, while living in ghettos seems to be giving them a sense of security because of their numerical strength, it has not been to the advantage of the Community. It was suggested that Muslims living together in concentrated pockets (both because of historical reasons and a deepening sense of insecurity) has made them easy targets for neglect by municipal and government authorities. Water, sanitation, electricity, schools, public health facilities, banking facilities, anganwadis, ration shops, roads, and transport facilities — are all in short supply in these areas. In the context of increasing ghettoisation, the absence of these services impacts Muslim women the most because they are reluctant to venture beyond the confines of ‘safe’ neighborhoods to access these facilities from elsewhere. Increasing ghettoisation of the Community implies a shrinking space for it in the public sphere; an unhealthy trend that is gaining ground. Social boycott of Muslims in certain parts of the country has forced Muslims to migrate from places where they lived for centuries; this has affected their employability and means of earning a livelihood. Ghettoisation, therefore, has multiple adverse effects: inadequacy of infrastructural facilities, shrinking common spaces where different SRCs can interact and reduction in livelihood options. The processes of ghettoisation have resulted in another somewhat unusual side effect or an externality in states that have seen severe communal conflicts.

‘Insecure’ Muslims typically wish to move to Muslim concentration areas. A significant increase in demand for property in these areas has led to more than average rise in property prices. ‘Distress’ sales mean that the ‘migrating’ Muslims do not get the full value of their old properties but have to pay higher prices for new ones. It was suggested that often restrictions on property transfers in the ‘disturbed areas’, instead of restricting ‘distress or forced’ sales, has created opportunities for illegal transfers.

#### **4.8 Equity Related Issues**

The feeling of being a victim of discriminatory attitudes is high amongst Muslims, particularly amongst the youth. From poor civic amenities in Muslim localities, non representation in positions of political power and the bureaucracy, to police atrocities

committed against them — the perception of being discriminated against is overpowering amongst a wide cross section of Muslims. Besides, there is a perception that the socio-cultural diversity of India is often not articulated in school textbooks. This sense of discrimination combined with issues of identity and insecurity has led to an acute sense of inferiority in the Community which comes in the way of its full participation in the public arena and results in collective alienation.

#### **4.9 Low Levels of Education**

Education is an area of grave concern for the Muslim Community. The popular perception that religious conservatism among Muslims is a major factor for not accessing education is incorrect. The recognition of their educational backwardness is quite acute amongst a large section of Indian Muslims and they wish to rectify it urgently. There is a significant internal debate about how this should be done. Private minority institutions and Madarsas are seen as the only option available to the community for improving the educational status of the Muslim community. However, others find these to be questionable alternatives pursued by the State neglecting its own responsibility.<sup>221</sup> Relying predominantly on Madarsa and denominational institutions for improving the educational status of Muslims was also seen by some as violating the spirit of the Constitution.

Poverty — the Main Cause of Low levels of Education High dropout rates among Muslim students are worrisome. As with many Indians, the main reason for educational backwardness of Muslims is abject poverty due to which children are forced to drop out after the first few classes. This is particularly true for Muslim girls. Little children are expected to provide for their families by working in karkhanas (small workshops), as domestic help or by looking after their siblings while their mothers go to work. It was felt that the incidence of child labour was much higher among Muslims as compared to other SRCs. Poor and illiterate parents cannot afford tuition for their children; nor can they provide the necessary support system at home which has become so essential a part of today's educational system. The opportunity costs involved in sending children to school is also too high, making it difficult for parents to do so.

Moreover, a community-specific factor for low educational achievement is that Muslims do

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<sup>221</sup> Muslim parents often face overt discrimination from school authorities when trying to get admission or availing of scholarship schemes for their children. Small acts such as lack of civility in behavior, rude questioning, and an atmosphere which treats them and their children as 'second class' citizens - all these combine to create a powerful deterrent, distancing the Muslim community from the school system. Parents are less likely to send girls (than boys) into such a hostile environment



not see education as necessarily translating into formal employment.<sup>222</sup> The low representation of Muslims in public or private sector employment and the perception of discrimination in securing salaried jobs make them attach less importance to formal 'secular' education in comparison to other SRCs. At the same time the Community, especially the educated Muslim middle class, finds itself frustrated and alienated because of the lack of presence and opportunities in administrative, policy and political spaces.

The Central Government appointed the first Backward Classes Commission under Article 340 of the Constitution of India on 29.1.1953. The Commission also known as Kaka Kalelkar Commission was required "to investigate the conditions of socially and educationally backward classes within the territory of India and the difficulties under which they labour and to make recommendations as to the steps that should be taken by the Union or any State to remove difficulties and to improve their conditions." The Commission submitted its report on 30.3.1955. In paragraphs 5 of Chapter 4, it says "Christianity has consistently refused to recognize caste. Taboo on inter marriage, inter dining and widow marriages are systematically opposed in Christian society. And yet, in practice, we found that segregation of converts from Scheduled Castes was not successfully overcome in certain parts of South India. We were informed that this segregation has spread even beyond the secular side of life and sometimes Harijan converts were not allowed to pray together with the upper class Christians. We were told that in some places in the South. These classes are forced to have a separate cemetery for their dead. Further, para 9 says "The State should devise ways and means of helping the backward amongst the advanced communities of Christians and Muslims without forcing them to prove that caste is recognised and casteism is on the increase in their own fold. State help based on communal considerations is never without its dangers. We have accepted it as a necessity in counteracting an age old evil. We recommend with all the emphasis that we can command that help on communal basis should not be a permanent feature. However, the Central Government did not accept that report and put it in the cold storage.

That it is submitted that the President of India by an order in the year 1979 under Article 340 appointed the second Backward Classes Commission also popularity known Mandal

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<sup>222</sup> There are allegations about obstacles that are placed in setting up of teacher training institutions and colleges by the Muslim community. The non-recognition and denial of permission in a State to set up teacher training colleges are seen as part of a larger plan. Since teachers can be an effective tool in the ideological propaganda of the state, the desire to control the background of teachers is strong. It has been said that by not allowing Muslims to set up teacher training colleges, the state governments wanted to ensure that, over a number of years, no Muslims would be able to qualify as teachers!

Commission to investigate the conditions of socially and educationally backward classes within the territory of India. This Commission submitted its report on 31.12.1980. In para 10.36 it quotes Prof Madhu Dandavate who stated that conversion from one faith to another did not change the socio economic status of a person. It was, therefore, desirable that converts from scheduled castes to Buddhism and Christianity etc should be treated as Scheduled Castes. But until this change was brought about by legislation, all such converts should be listed as OBCs.” In para 12.11, the report goes on to say there is no doubt that social and educational backwardness among non Hindu communities is more or less of the same order as among Hindu communities. Though caste system is peculiar to Hindu society, yet in actual practice, it also pervades the non Hindu communities in India in varying degree.” On the basis of this report the reservation is given to socially and educationally backward classes in services under the Government of India.

That the report of the National Commission for Minorities is important in this respect. The Commission in its 3rd Annual Report, 1980 has said on page no.31 that “The Commission has prima facie felt that since the Christians, Muslims and Buddhists views on the subject.”of scheduled caste origin continue to suffer from social and economic disabilities even after their conversion, there should be no objection to their availing of the concessions admissible to them before their conversion. The Commission, however, proposes to study this subject in depth before submitting its considered

#### **4.10 Social, Economic and Educational Status of the Muslim Community of India in the Sachar Report of the National Commission for Minorities Government of India .**

The Sachar Report on Social, Economic and Educational Status of the Muslim Community of India has produced a compendium of authentic information required by the Government for planning, formulating and implementing specific interventions, policies and programmes to address issues relating to the backwardness of the community.

The National Commission for Minorities has a statutory responsibility, under Section 9(1) (g) of the NCM Act, 1992, to evaluate the progress of the development of the minorities and to suggest appropriate measures, to be taken by the Government, in respect of any community. Pursuant to this the Commission is of the view that amongst the recommendations of the Report, the following pertaining to (1) education (2) economy and employment opportunities (3) access to bank credit (4) access to physical and social

infrastructure and government programmes (5) public employment and recruitment procedures, require to be given the highest priority amongst the priorities being set by the Government for implementing the Recommendations of the Report:

## 1. Education

Access to education is critical to benefiting from emerging opportunities that go with economic growth. The right to education is a fundamental right; the Report establishes the extent of educational deprivation experienced by the Muslim community. Muslims are at a double disadvantage with low levels of education combined with low quality education. Their deprivation increases many-folds as the level of education rises. 25 per cent of Muslim children in the 6-14 year age group have either never attended school or have dropped out. At the level of higher education, less than 4 percent Muslims are graduates or diploma holders as against the national average of 7 percent for the age group 20 and above. At the post-graduate level, only one out of twenty students is a Muslim.

The improvements in educational patterns of SCs and STs suggest that they have benefited from targeted government programmes supporting their educational progress. This underscores the importance of affirmative action. While the nature of affirmative action that is required needs to be assessed, at a minimum the government may consider making available more schools in minority-concentration areas, instituting scholarships and making available free textbooks, and transport facilities etc.

## Recommendations

1.1 Emphasis on providing a minimum level of school education by the State is necessary. Regular affordable school education that is available to any other child in India should be made available to Muslims in all localities. Primary education in mother tongue is equally important.

1.2 Access to government schools for Muslim children is limited. This is particularly so in regard to girls for whom the non-availability of schools within easy reach hampers access to education at the primary level.

1.3 More schools for girls should be set up in localities of Muslim concentration, particularly for the 9-12 standards. This would facilitate higher participation of girls in school education. Induction of more female teachers, provision of hostels for girls and

transport facilities would be helpful.

1.4 Institution of more scholarships for professional and technical courses would encourage students to avail in greater measure of opportunities in higher education.

1.5 Skill development initiatives for those who have not completed school education may also be particularly relevant for some section of Muslims given their occupational structure. The pre-entry qualifications for admission to ITI courses should be reduced to Class VIII. The scope of ITI courses should be expanded to focus on emerging market needs. The eligibility of such programmes should also be extended to Madrasa educated children.

## 2. Economy and Employment Opportunities

The participation of Muslims in regular salaried jobs, especially in the government or large public and private sector enterprises, is much less than workers of other SRCs (Socio-religious Communities). Instead, Muslims have higher than average reliance on self-employment, home-based work and are concentrated in self-employed manufacturing and trade activities. Given the informal nature of their work participation, they tend to be more vulnerable than other workers with regard to work related industries in terms of type of contract, availability of social benefits and method of payment.

Since a large section of the Muslim workers are engaged in self-employment, improvements in employment opportunities for them requires a sharper focus on skill development and related matters.

### Recommendations

2.1 Specific programmes for self-employed or home-based workers to provide skill, credit, technology and market support in backward districts are needed. These programmes should effectively combine modern managerial, technical and design skills with artisanal skills to create effective intervention strategies.

2.2 ITIs, polytechnics and other institutions that provide skill training to non-matriculates need to be located in backward and minority concentration districts.

2.3 Alternative mechanisms, including but not confined to micro financing bodies, should be identified and charged with the task of providing institutional support like market linkages, skill up-gradation and funding of trades being run by Muslims artisans.

2.4 The Small Industrial Development Bank of India (SIDBI) should set aside a dedicated fund for training for minorities under its Entrepreneurial Development Programme.

2.5 Imparting skills both to those who have completed school education, and those who have dropped out of school but have completed middle education, needs to be reassessed. Most existing technical training programmes require higher secondary education. Given the school completion rates of Muslims and the significant need for skill upgradation, provision of certain types of skill training after middle education may be useful.

2.6 Given the precarious conditions of self-employed persons in the informal sector, especially the home-based workers, it is desirable to have a mandated social security system for such workers. Since the government is already in the process of drafting a scheme to cover the unorganized workers, an early implementation would benefit a large section of the Muslim population along with helping the larger segment of the informal sector workforce.

### 3. Access to Bank Credit

The access of Muslims to bank credit, including the Priority Sector Advance (PSA), is limited and this is well documented. The average size of credit is also meager compared with other groups both in public and private sector banks. The percentage of households availing banking facilities is much lower in villages where the share of Muslim population is high. While part of this could be due to lower demand for credit owing to low income levels of the community, another reason for such an outcome could be non-availability of banking facilities in these villages.

This is a serious problem as a significantly larger proportion of Muslims are engaged in self-employment, especially home-based work. Non-availability of credit can have far-reaching implications for the socio-economic and educational status of Muslims.

### Recommendations

3.1 Non-availability of banking facilities should be addressed on a priority basis by providing incentives to banks to open more branches in backward districts.

3.2 To empower Muslims economically, it is necessary to ensure smooth flow of credit/micro credit and Priority Sector Advances. Steps should be taken to specifically direct credit, create awareness of various credit schemes, organize entrepreneurial development programmes, and bring transparency in reporting of information about provision of banking services.

3.3 A policy to enhance the participation of minorities in the micro-credit schemes of NABARD should be laid down. This should spell out the intervention required by

NABARD and could be a mix of target and incentive schemes to enhance the participation of Muslims in micro-credit.

3.4 The practice of identifying ‘negative geographical zones’ where bank credit and other facilities are not easily provided needs to be reviewed to enable people to benefit fully from banking facilities in the light of government’s socio-economic objectives of inclusion.

#### 4. Access to Social and Physical Infrastructure and Government Programmes

Muslims are concentrated in locations with poor infrastructural facilities. This affects their access to basic services like education, health facilities, transport etc.

Although there are many Centrally Sponsored Schemes and Central Plan Schemes available for the welfare of SCs, STs and OBCs, such schemes for the welfare of minorities are very few, are inadequately funded and have not benefited many Muslims.

#### Recommendations

4.1 Public investment in infrastructure in Muslim concentration areas is urgently required to promote socio-economic development and access to public services.

4.2 A focus on backward districts and clusters where special artisanal groups exist will ensure a sharp reduction in disparities of access and attainment.

4.3 Central Government should introduce a few schemes with large outlays for welfare of minorities with an equitable provision for Muslims.

4.4 A periodic monitoring and assessment of welfare and development programmes, and the extent to which the benefits accrue to Muslims, is imperative. The monitoring mechanism should be multi-level and should have a civil society component. This would enhance public confidence.

#### 5. Public Employment and Recruitment Procedures

Analysis of data has shown very limited Muslim participation in government employment and other programmes. Lack of access to regular salaried jobs, especially in the public sector, has been a matter of major concern. The deficit in regular employment, especially in salaried jobs in the public sector or the much larger private sector, needs to be corrected.

It is imperative to increase the public employment share of Muslims particularly in areas requiring a good deal of public dealing. To achieve this, efforts should be made to increase the employment share of Muslims in the teaching community, health workers, police personnel, bank employees and other similar callings.

#### Recommendations

5.1 It would be desirable to have experts drawn from the Muslim community on relevant interview panels and Boards. This practice is already in vogue in the case of SCs/STs.

5.2 The earlier Government instructions about the inclusion of minority community members in Selection Committees/Boards have either not been implemented or implemented inadequately. There is therefore an imperative need to reinforce these instructions and introduce a punitive clause for non-compliance.

5.3 Measures like undertaking a visible recruitment process in areas and districts with high percentage of Muslims, job advertisements in Urdu and vernacular newspapers and other media, or simple messages like 'women, minority, and backward class candidates are encouraged to apply', should be undertaken to promote participation in public employment.

#### **4.11 Socio-economic status of Muslims in Ranganath-Mishra Report of the National Commission for Religious and Linguistic Minorities Government of India**

Religion depicts the main socio-cultural characteristics of a person. Different communities and people perceive religion differently. Some people have an established set of beliefs, rituals and traditional practices and worship one Supreme Being or deity that may be their own caste/tribe or village deity. Other people worship a number of Gods and Goddesses while some practice and perceive religion in their own way and belief others prefer to be atheist. India is a unique country where some religions like Hinduism, Buddhism, Jainism and Sikhism have originated and other religions of foreign origin flourished bringing 'unity in diversity'.

The word 'minority religion' has not been defined anywhere in the Constitution but it finds mention in various Articles in Part III of the Constitution. The U.N. Sub-Commission on Prevention of Discrimination and Protection of Minorities has defined 'minority' as one including only those non-dominant groups in a population which possess and wish to

preserve stable ethnic, religious or linguistic traditions or characteristics markedly different from those of the population. In exercise of the powers conferred by Clause (c) of Section 2 of the National Commission for Minorities Act 1992 (19 of 1992), the Central Government in 1993 notified the following communities as “the Minority communities” for the purposes of the said Act, namely: Muslims, Christians, Sikhs, Buddhists, and Zoroastrians (Parsis). However, minorities are not limited to these five religions and States are free to declare/recognise others. Jains have been recognised as one of the religious minorities in nine States.

#### **4.12 Socio-economic characteristics of Religious Minorities**

Indian social structure is characterised by unity as well as diversity. It has had numerous groups of immigrants from different parts of Asia and Europe. All the great religions of the world are represented in this country. People speak different languages. Diversity is seen in the patterns of rural-urban settlements, community life, forms of land tenure, and agricultural operations and in the mode of living. Some eke livelihood out of hills and forests, others out of land and agriculture and yet a few depend upon marine resources. The fusion of varying religions, the caste system and peoples occupational structure are the salient features of Indian society. Inter-caste relations at the village level are bound by economic ties, be it peasant, the leather worker, carpenter, blacksmith or the servicing communities.

The demography of minority communities, their rural-urban distribution, sex composition, literacy and educational status, marital status and livelihood patterns do indicate the lifestyle of the people. Pattern of landholdings, sources of income and health status narrate their quality of life. Today, socio-economic changes are taking place rapidly in the country affecting the majority as well minority communities, due to diversification of economic pursuits, urbanisation, westernisation of education, inter-caste marriages etc.

#### **4.13 Demographic Features of Religious Minorities: Population Composition**

According to 2001 census, out of country's total population of 10286.07 lakhs, the religious minorities are 2010.29 lakhs, which is approximately 18 percent. A large proportion of them belong to Muslims (13.4 percent), followed by Christians (2.3 percent), Sikhs (1.9 percent), Buddhists (0.8 percent) and Zoroastrians (Parsis) (0.0069 percent). Details are given in Table 3.1.



Population of those included in “Others”category has risen from 14.98 lakhs in 1961Census to 66.39 lakhs in 2001. Their population is significant in Jharkhand (35.14 lakhs), West Bengal (8.95 lakhs), Maharashtra (4.09 lakhs), Madhya Pradesh (4.09 lakhs), Orissa (3.61 lakhs)and Arunachal Pradesh (3.37 lakhs). Another salient feature is that as against proportion of 0.6 percent population in ‘others’ category in the country’s population, their proportion in Arunachal Pradesh is 30.7 percent, which is highest among all the States, followed by Jharkhand (13 percent). Thus, it is inferred from the above that religion-wise break-up

Table No. 9 Population of Religious Communities 2001

		Inlakh	Percentage
<b>S.No</b>	<b>Total</b>	10286.07	100
1.	Hindus	8275.78	80.5
2.	Muslims	1381.88	13.4
3.	Christians	240.80	2.3
4.	Sikhs	192.15	1.9
5.	Buddhists	79.55	0.8
6.	Jains	42.25	0.4
7.	Others	66.39	0.6
8.	Religion not stated	7.27	0.1

Source: Census2001

of ‘Other’s category may be culled out from census data, and people pursuing these religions identified so that suitable policy initiatives are thought of for these mini-minority religious sections of our society.

### Muslims

Muslims are behind other religious communities in the areas of literacy and education, industrial promotion and economic pursuits. They lack technical and vocational education as well as training in trades in demand. [Census 2001 and visit to States]

- The Villages, the Tehsils and the Districts having the concentration of Muslims community many a time lack entrepreneurial ventures and market for their products.
- The Muslims have not been able to avail of the facilities of Waqf resources in the absence of proper management.
- The work participation rate among Muslim women has been found to be low affecting the quality of their life.

- Among Muslims those who are known as Faqueer, Seengwala (traditional medicine practice), Arzals are both economically and socially backward.
- Various artisanal classes such as Weavers etc. are still languishing due to their old technique of spinning and weaving, thereby they are not able to compete with artisans of neighbouring countries.

#### **4.14 Observations of the Commission**

According to 1931 and 1941 censuses, the Parsis and Jews were mainly urban, followed by Muslims, Christians and Jains. In regard to education, the Parsis, Jains, Jews and Christians showed higher percent of literacy in that order during 1891-1931 period. Thus, it is noticeable that minority religions, except Muslims, showed a greater percent of literacy than majority religions. Among Muslims, they have lower literacy where they are predominantly located, except Kerala. In regard to occupational structure, the minorities, such as, Parsis, Jews and Jains are comparatively more advanced than others. Syrian Christians and Moplas among Muslims in Kerala yield more influence and power.

Based on the data collected and analysed in the Report of the National Commission for Religious and Linguistic Minorities, following observations emerge:<sup>223</sup>

- One fifth of the country's population consists of religious minorities. Minority communities except Sikhs and 'other religions' are more urban based.
- Against the national sex ratio of 933 females for 1000 males, ratio among Christians (1009) Buddhists (953) and Muslims (936) is higher. However, sex ratio among Sikhs (893) is lesser than the national average. Population of females among Parsis (35, 652) is higher than males (33, 949) indicating fair sex ratio.

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<sup>223</sup> The National Commission for Religious and Linguistic Minorities consisting of Justice Ranganath Mishra (Chairman) Tahir Mehmood (member) Dr. Anil Wilson (member) Dr. Mohinder Singh (member) Mrs. Asha Das (Member Secretary) Mr. M.C. Joshi Joint Secretary Appellate Authority and Shri Abdul Rashid Dy. Secretary, Public Information Officer appointed by the Ministry of Social Justice and Empowerment, Government of India vide a notification dated 15.3.2005 submitted its report and recommended, inter alia, that all those groups and classes among the Muslims and Christians etc whose counterparts among the Hindus Sikhs or Buddhists are all included in the Central or State Schedule Castes list should also be covered by the Scheduled Castes net. If any such group or class among the Muslims and Christians etc is now included in OBC list, it should be deleted from there while transferring it to the schedule castes placing the same persons in the scheduled caste lists if they are Hindus, Sikhs or Buddhist but in the OBC list if they follow any other religious which is the case in many states in our opinion clearly amounts to religion based discrimination.

- Foeticide and declining sex ratios in infants particularly female child are the major social problems with the Sikh community.
- Literacy rate among Jains, Christians, Buddhists and Sikhs is more than the national average of 64.8. However, it is less among Muslims (59.1). The female literacy rate is also very low among Muslims. The literacy rate among Muslims is better than the Scheduled Castes and Scheduled Tribes.
- It has been noticed that there has been sharp decline in the number of students from primary school stage to secondary level among Muslims, indicating higher dropout rate among them. The issue of raising level of education and arresting drop out rate of the students after the primary level needs special focus. An effective workable plan for providing primary education to all children irrespective of religion or caste is necessary.
- Religious communities have their own religious educational institutions, such as, Gurukuls by Hindus, Madarsas by Muslims, Seminaries by Christians and Monasteries by Buddhists. Some of these institutions impart normal education, in addition to religious and traditional education. Through regular curricula, others give religious education. These institutions follow their own school of thought and there is no commonality in their syllabus and teaching methodology. While the religious educational institutions of Christians, Buddhists and Hindus are limited in number, and are attuned to training for employment and religious institution and position. Madarsas are large in numbers with focus on religious education through some provide facilities for normal education at par with other State educated institutions.
- Extent of child marriages was noticed more among Buddhists and Muslims among the religious minorities.
- While Total Fertility Rate has been reported to be more among Muslims, Scheduled Castes and Scheduled Tribes, use of contraceptives is far less among them.
- The fertility rate among Parsis is very low and has affected its population. Reluctance of many couples to have children, in spite of being healthy and economically well off was responsible for a low replenishment rate to the

existing Parsi members which when compounded with the increased longevity could hasten the shrinking of the community.

- Average household size is bigger among Muslims, and smaller among Parsis.
- Infant and child mortality rates among Muslims are highest in so far as Minorities are concerned but these rank lower than Scheduled Castes and Scheduled Tribes.
- Housing conditions of minorities reveal that Parsis lived with better facilities followed by Christians. The Scheduled Castes and Scheduled Tribes have the satisfaction of owning houses. But they lacked the facility of electricity, piped drinking water supply and toilets.
- Among Minorities, about one-third Muslims are living in kutcha houses, which lack basic facilities like drinking water, toilet etc. and likewise they live in rented houses.
- National Average of Work Participation Rate is 39.1 percent and it is higher for Buddhists(40.6 percent) and Christians (39.7 percent) and less than national average for Muslims (31.3 percent) and Sikhs (37.7 percent). Further, as against all female WPR of 25.6 percent, it is only 20.2 percent for Sikh females and 14.14 percent for Muslim women.
- As regards occupational pattern, it has been observed that while Sikhs are better placed on national map as cultivators, Muslims are prominently engaged in Household Industries. Proportion of Buddhists is significant among agriculture related activities. The Christians have returned themselves as working in non-agricultural and non-industrial activities, and perhaps, they are engaged in occupations classified as other activities. However, Christians in Nagaland and Meghalaya are predominantly engaged in agricultural related work.
- Incidence of poverty is more among Muslims and Sikhs in urban areas and among Christians in rural areas. Most significant aspect of Minority population of India is declining population of Parsis over the years. As against 76,382 persons in 1991, their population has been returned as 69,601 in 2001 census. Fertility improvement measures need to be taken into consideration rather than controls.

#### **4.15 Conclusion**

Thus it can be concluded that socio economic condition of Dalit Muslims is below the conditions of Scheduled Castes and Scheduled Tribes. The overall percentage of Muslims in bureaucracy in India is just 2.5 % whereas Muslims constitute above 14% of Indian population. To ensure equity and equality of opportunities to Dalit Muslims in residential, work and educational sector, the Committee had proposed multiple suggestions to be adopted, with suitable mechanisms. There is a lot of discussions and debates goes on the Sachar Committee Report. There are follow-up actions taken based on Committee findings like then the Finance Minister P. Chidambaram action funding for National Minorities Development and Finance Corporation (NMDFC).“Last year, I made a modest contribution of Rs.16.47 crore to the equity of the NMDFC. Following the Sachar Committee report (on the status of minorities), NMDFC would be required to expand its reach and intensify its efforts. Hence, I propose to provide a further sum of 63 crore to the share capital of NMDFC.

There is considerable variation in the conditions of Muslims across states, (and among the Muslims, those who identified themselves as OBCs and others), the Community exhibits deficits and deprivation in practically all dimensions of development. In fact, by and large, Muslims rank somewhat above SCs/STs but below Hindu-OBCs, Other Minorities and Hindu- General (mostly upper castes) in almost all indicators considered. Among the states that have large Muslim populations, the situation is particularly grave in the states of West Bengal, Bihar, Uttar Pradesh and Assam. Interestingly, despite such deficits, the Community has lower infant mortality rates and sex-ratios. In addition to the 'development deficit', the perception among Muslims that they are discriminated against and excluded is widespread, which exacerbates the problem.

Thus this chapter strongly suggests that the policies to deal with the relative deprivation of the Muslims in the country should sharply focus on inclusive development and 'mainstreaming' of the Community while respecting diversity. There is an urgent need to recognise diversity in residential, work and educational spaces, apart from enhancing inclusion of the really deprived SRCs in 'spaces' created by public programmes and policy interventions. The need for equity and inclusion in a pluralistic society can never be overemphasized. But the mechanisms to ensure equity and equality of opportunity to bring about inclusion should be such that diversity is achieved and at the same time the perception

of discrimination is eliminated. This is only possible when the importance of Muslims as an intrinsic part of the diverse Indian social mosaic is squarely recognized.

The Committee strongly suggests that the policies to deal with the relative deprivation of the Muslims in the country should sharply focus on inclusive development and 'mainstreaming' of the Community while respecting diversity. There is an urgent need to recognise diversity in residential, work and educational

## **CHAPTER FIVE**

### **DALIT-MUSLIM ORGANISATION AND RECENT DEBATES**

#### **5.1 Introduction**

Forming almost a fifth of the Indian population, the Scheduled Castes or the Dalits, a conglomeration of numerous caste groups considered as untouchable, by caste Hindus, are victims of the most sternly hierarchical social order that human beings have ever devised. Since the social and economic oppression of the Dalits has been so closely intertwined with the Hindu religion, over the centuries many Dalits have sought to escape from the shackles of the caste system by converting to other religions. Consequently, a considerable majority of India's Muslims, Buddhists, Christians and Sikhs today consist of descendants of Dalit and other 'low' caste converts. Recent decades have witnessed a remarkable upsurge in radical Dalit assertiveness. This resurgence of Dalit consciousness has not been limited to those defined according to the law as Scheduled Castes, though. Rather, the Dalit struggle for human rights has had a profound impact on other communities as well, most particularly the large category of castes, the Other Backward Classes (OBCs), who form over half the Indian population, as well as the Christians and Muslims, most of whom who share, in terms of social and economic background, much in common with the Dalits.<sup>224</sup>

This chapter looks at the growing consciousness and assertiveness of a large conglomerate of Muslim castes, some of whose leaders are now seeking to advance for them a new identity as 'Dalit Muslims'. It examines the politics, programmes and broader agendas that advocates of this new identity seek to put forward on behalf of a large section of India's Muslim population. We deal here with the origins and development of Muslim organisations like All-India Backward Muslim Morcha and others to see how this new identity seeks to position itself in the context of debates over Muslim identity in India as well as how it relates itself to the wider multi-religious Dalit community.

#### **5.2 New Identity**

Most Indian Muslims are descendants of 'untouchable and 'low' caste converts, with only a small minority tracing their origins to Arab, Iranian and Central Asian settlers and invaders. Although the Qur'an is fiercely egalitarian in its social ethics, Indian Muslim society is

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<sup>224</sup> Sikand, Yoginder. 2004. Islam, Caste and Dalit-Muslim Relations in India. NewDelhi: Global Media Publications

characterised by numerous caste-like features, consisting of several caste-like groups (jatis). Muslims who claim foreign descent claim a superior status for themselves as ashraf or 'noble'. Descendants of indigenous converts are, on the other hand, commonly referred to contemptuously as ajlaf or 'base' or 'lowly'. As among the Hindus, the various jatis among the ajlaf Muslims maintain a strong sense of jati identity. The emergence of democratic politics is, however, bringing about a radical change in the manner in which this sense of identity is articulated. Aware of the importance of numbers in order to acquire political power and the economic benefits that accrue from it, the Dalit movement has sought to establish a wider sense of Dalit identity that transcends inter-caste and inter-religious divisions and differences among the 'lower' caste majority. This wider Dalit identity does not seek to deny individual jati identities. Rather, it takes them into account but seeks to subsume them within the wider collective Dalit identity, based on a common history of suffering as well as common racial origins as indigenous people. This seems to have been a crucial factor in the emergence of a specific 'Dalit Muslim' identity that the AIBMM and others seek to articulate. 'Lower' caste Muslim ideologues and activists in such political organisations are now in the process of fashioning a new 'Dalit Muslim' identity, seeking to bring all the 'lower' caste Muslims under one umbrella, defined by their common identity as Muslim as well as Dalit.<sup>225</sup>

### **5.3 A New Indian Muslim Leadership and Changing Discourse of Community Identity**

The All-India Backward Muslim Morcha prides itself in having coined the term 'Dalit Muslims', and in this it seeks to radically refashion notions of Muslim community identity. Deconstructing the notion of Muslims as a homogenous bloc, it brings to the fore the existence of caste distinctions among the Indian Muslims, which it sees as one of the primary and defining features of Indian Muslim society. In articulating a separate Dalit Muslim identity it finds itself at odds with the traditional, largely 'high' caste Muslim leadership, which, in seeking to speak for all Muslims, sees the question of caste that the AIBMM so stridently stresses as divisive. Leading Muslim spokesmen have, not surprisingly, accused the AIBMM of seeking to create divisions within the Muslim community and of spreading 'casteism', and thus playing into the hands of militant Hindus.<sup>226</sup>

Ali sees as Islam as having historically played a key role in the emancipation of the Dalits, a role which, he says, was gradually watered down over time. Islam spread in India principally

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<sup>226</sup> Santosh Jha, 'Their Share of the Pie', *Meantime*, 1 February 2001, p.12



through the agency of the Sufis, he says, whose teachings of love and social equality attracted many Dalits to the new faith, shackled as they were by the chains of the caste system and the Brahminical religion.<sup>227</sup> It was not by the sword but through the love and compassion that the Sufis exhibited in their behaviour towards the poor, principally the Dalits, that large numbers of Hindus converted to Islam. With the establishment of Muslim political power in various parts of India, however, he says, this radical egalitarianism of the early Sufis gave way to more institutionalised forms of religious expression. 'High' caste Hindus, in order to save their properties or to secure high positions in Muslim-ruled territories, converted to Islam, bringing with them notions of caste superiority that are foreign to pristine Islam. Doctrines were developed that sought to legitimise caste inequalities by suitably misinterpreting the Qur'an. Gradually, he says, the 'spirit of Islam' was replaced by the 'rituals of Islam'.<sup>228</sup>

One of the crucial tasks before the Dalit Muslims, as Ali sees it, is to rescue Islam from the clutches of those who claim to speak in its name, the 'high' caste Muslim leadership. Thus, he calls for a revival of 'the true spirit of Islam', which fiercely condemns all caste and racial divisions. The practice of untouchability, which Islam roundly condemns, is still observed, Ali notes, to varying degrees, by 'upper' caste Muslims, who look down upon 'lower' caste Muslims as inherently inferior. While Islam calls for Muslims to share in the plight of their fellow believers and to work for their social emancipation, the Muslim 'upper caste feudal lords' are said to be 'deaf, dumb and blind to the suffering of backward Muslims'.<sup>229</sup>

Ali is bitterly critical of the traditional, largely 'high' caste, Muslim leadership, both `ulama as well as 'lay'. Over the centuries of Muslim rule, he says, the ruling class among the Muslims displayed little concern for the plight of the Dalit Muslims, who remained tied down to their traditional occupations, mired in poverty and ignorance. The only concern of the ruling class Muslims, he writes, was to perpetuate their own rule, and for this they entered into alliances with 'upper' caste Hindus, keeping the Dalits, both Hindus as well as Muslims, cruelly suppressed under their firm control. This disdain for the Dalits, he writes, carried down right through the period of Muslim rule, and continues till this very day.<sup>230</sup> He accuses the present-day Muslim 'high' caste leadership of playing the 'minority card' and practising the politics of 'minorityism' to garner power for themselves while claiming to speak on behalf of all Muslims, the vast majority of whom are Dalits. They, he says, refuse to recognise the acute

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<sup>227</sup> Ejaz Ali, 'Kyon Chaiye Musalmano Ko Arakshan?', *Veer Arjun*, 13 October, 1996.

<sup>228</sup> Interview with Ejaz Ali, Guntur, 12 January, 2001.

<sup>229</sup> Interview with Ejaz Ali, Guntur, 12 January, 2001.

<sup>230</sup> Ejaz Ali, *Jihad*, Patna: AIBMM, N.D, P.2

problem of caste within the community because 'they do not want to lose their jagirdari (power and privileges)'. Yet, they cling to their exalted caste titles simply to 'produce an impression of supremacy and to demoralise the backward caste Muslims'. In their attitudes towards the latter they are said to be hardly different from the way Hindu 'upper' castes treat their own Dalits. He sees the Indian Muslim community as a whole as having 'all the ingredients of the Brahminical order'.<sup>231</sup> The 'upper caste' Muslim leadership, he argues, thrives on championing such 'communal' 'non-issues' as the protection of the Muslim Personal Law or the Babri mosque, which have only helped militant Hindu 'upper' caste forces, resulting in terrible violence unleashed against Muslims and communal riots in which the major victims are the Dalits, both Hindu as well as Muslim. 'The time has now come', he declares, for the 'upper' caste Muslims to 'stop thinking of the entire Muslim community as they have been clearly reduced to their [own] caste leadership, which they were doing from the very beginning (sic.) under the pseudo-umbrella of Muslim unity'.<sup>232</sup>

Given the stress that Islam places on radical social equality, on the one hand, and what he sees as the failure of the traditional Muslim leadership in championing the rights and interests of the backward caste Muslims, on the other, Ali calls for a 'power shift' from the 'Arab-origin ashraf' to the 'oppressed Muslims'.<sup>233</sup> Denying that his struggle is aimed against the 'upper' caste Muslims, he says that it is directed principally at the government, to force it to grant Scheduled Caste status to the Dalit Muslims. A new, Dalit Muslim leadership is called for, for it alone is seen as able to champion the rights of the oppressed among the Muslims. By taking up the interests of the Dalit Muslims, he argues, the AIBMM is not seeking to divide the Muslim community on caste lines, as some have accused him of doing. Rather, he says, championing the cause of the oppressed is what Islam itself calls for, a radical concern for the poor and the weak, which 'is repeatedly stressed in the Holy Qur'an and in the Hadith'.<sup>234</sup> The Prophet Muhammad's early followers, he notes, were largely poor and dispossessed people, and because he spoke out on their behalf, he was fiercely opposed by the rich Quraish of Mecca. Islam, he says, insists on a passionate commitment to the poor. Hence the accusations against the AIBMM of allegedly dividing the Muslims by taking up the cause of the poor Muslims alone are dismissed as baseless. If special facilities were to be provided by the state to the Dalit Muslims, they would, he argues, be able to advance

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<sup>231</sup> Muslim Pariahs Warn of Quitting Islam, *The Times of India*, 19 July, 1994

<sup>232</sup> Ejaz Ali Letter to the editor, *Dalit Voice*, 16-30 April, 1996, p.22

<sup>233</sup> Ejaz 'Ali, Arab-Origin Ashrafs Misleading Indian Muslim, *Dalit Voice*, 16-30 June, 1997

<sup>234</sup> Ejaz 'Ali, Jihad, op.cit, p.1

economically and socially. As a result, inter-marriages between them and the 'upper' caste Muslims would increase, and gradually the caste system within the Muslim community would begin to disintegrate, this being seen as working towards the fulfilment of Islam's vision of a casteless society. By denying the existence of caste within the Muslim community, he says, the traditional Muslim leadership is only helping to perpetuate it.<sup>235</sup>

Ali calls for a struggle to be waged to fight for extending Scheduled Caste status to Dalit Muslims, and in this the Dalit Muslims would join hands with non-Muslim secular and progressive forces, in the face of the stiff opposition that is expected from many 'upper' caste Muslims as well as 'upper' caste Hindus. The struggle would need the help of non-Muslim Dalits as well, for if the Dalit Muslims gain Scheduled Caste status, they could join hands with Dalits from other religions and become one strong force, almost half the Indian population. They could, together, even capture political power, bring their interests and demands to the centre of the Indian political agenda and put an end to atrocities against them.<sup>236</sup> Ali sees the new Muslim leadership that he envisages as being drawn primarily from among the 'backward' Muslims, who form the vast majority of the Muslim population in India, for they alone can truly speak for their people.<sup>237</sup> Since the primary concerns of the backward caste Muslims are sheer physical survival, jobs, wages and the like, this new leadership would seek to bring about a 'revolution of priorities'. Instead of taking up 'communal' issues that would further exacerbate Hindu-Muslim differences by playing into the hands of fiercely anti-Muslim Hindu zealots, which only works to further their interests of the Hindu and Muslim elites, this new leadership would focus on issues such as 'employment, food, housing and elementary education', issues which affect the daily lives of all poor people irrespective of religion. In this way, Hindu-Muslim antagonisms would fade away, the Dalits of all religions, the primary victims of the politics of communal hatred, would unite, and the conditions of the poor would improve.<sup>238</sup>

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<sup>235</sup> Interview with Ejaz "Ali.Guntur,12 January,2001.Further,as the law stands today,"Ali notes, a non- Hindu Dalit can, on declaring himself or herself to be a Hindu, be eligible for availing of benefits that are associated with Scheduled Caste status. He writes there have been several cases for of Muslim Dalits passing themselves off as Hindu Scheduled Castes for this purpose. If the religious clause attached to Article 341 is not removed, he says, there is a possibility of many more such cases happening in the future, thus threatening a real reduction in Muslim members. Muslim Leaders must wake up to this looming threat,for the very existence of the Muslim community faces a grave threat from this possibility.(Ejaz Ali,Jihad,p.6)

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<sup>237</sup> AIBMM, *Hindu-Muslim Ekta Ko Todne Wali Savidhan Ki Dhara 341 Mai Sansodhon Ke Liye Jihad*, Patna Ejaz Ali,Jihad,p.6:Aibmm,nd

<sup>238</sup> Ejaz ALI Letter to the editor, *Dalit Voice*,16-30 April,1996,p.22

Since the Dalit Muslims share similar concerns of sheer survival with Dalits of other religions, this new Muslim leadership would seek to build bridges between the Muslim Dalits and those of other faiths. All Dalits, irrespective of religion, belong to the same 'nation' (qaum), Ali says. Mere change of religion cannot wipe away the common blood that runs in their veins.<sup>239</sup> The Dalit 'nation', representing the indigenous inhabitants of India who today follow various different religions, has been fractured into various antagonistic groups, but they must be united. The 'divided Dalit nation', he writes, will be united once again when all Dalits, irrespective of religion, are granted the same status as Scheduled Castes. Hence, in order to re-unify the Dalit 'nation' so that the Dalits emerge as a powerful collective force, all Dalits must unite to support the AIBMM's demand for Scheduled Caste status to the Dalit Muslims (as well, interestingly, to the Dalit Christians, who, too, are denied such status).<sup>240</sup> By joining hands with Dalits of other faiths and jointly struggling to improve their living conditions, Ali writes, the Dalit Muslims would be able to join the 'national mainstream' of Indian society. With a new Muslim leadership coming to the fore drawn from the Dalit Muslims, the community would turn its back to the communal antagonisms of the past rooted in a long tradition of exclusivism and separatism. The Dalit Muslims would begin to collaborate with other Dalits, with whom they have 'a great commonality of interests', pursuing the same occupations and facing the same economic and social problems. In this way, a joint struggle for social justice and inter-communal harmony can be launched for all Dalits, irrespective of religion.

Demanding Scheduled Caste status for the Dalit Muslims may, in itself, not be a very radical step, given the present climate of privatisation in the country, where government jobs are being sharply curtailed and public expenditure and subsidies drastically reduced. However, its wider implications are certainly more momentous in their probable consequences. The demands of the AIBMM, limited as they may well be, might actually help facilitate a radical shift in the very terms of Muslim political discourse. Its stress on secularism and human rights, which it sees as being grossly violated by the present law related to Scheduled Caste status, its call for 'integration' of the Muslims into the 'national mainstream', its radical disavowal of communal politics, and its appeal for building bridges and working in collaboration with other Dalits in order to reunify the 'Dalit nation' and working for inter-

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<sup>239</sup> Ejaz Ali, Jihad, Patna: AIBMM, ND.P2

<sup>240</sup> Muslim Parihs Warn of Quitting Islam, *The Times of India*, 19 July, 1994

communal harmony, might well provide a key to what has so far seemed the intractable communal problem in India.<sup>241</sup>

#### **5.4 Muslim OBC and Dalit leaders voices and concerns**

Activists and leaders associated with various Muslim Backward Caste (OBC and Dalit) communities from different parts of India raises their voices and concern on the problems affecting these groups, who, together, form the majority of the Indian Muslim population.

The noted Mumbai-based Islamic scholar Asghar Ali Engineer argues that while Islam does not recognise caste distinctions, Indian Muslim society is based on various caste and ethnic communities. Muslims may be a faith community, but in sociological terms are not homogenous. They are divided into numerous sects, and, in India, into various caste groups as well. Hence, to take them as a single unit and to deny these internal differences would only perpetuate them and to further reinforce structures of marginalisation. He critiqued those, mainly 'upper' caste Muslim spokesmen, who claim that raising the problems of the 'low' caste Muslim communities is 'anti-Islamic' conspiracy to divide the Muslims, seeing it as 'un-Islamic' on the grounds that Islam has no room for caste. He argued that this denial of internal caste differences among Muslims was a means to perpetuate the hegemony of 'upper' caste Muslim leaders and 'ulama, who present an image of Muslims as a seamless monolith. He also opposed the proposal, put forward mainly by 'upper' caste Muslim leaders, that all the Muslims of India be declared a 'Backward Class', and hence be eligible for reservations in government jobs. Instead, Engineer said, reservations should be available only to those Muslim communities recognised as Dalits, Tribals and Backward Castes.

A similar point was made by P.S. Krishnan, former Chairman of the Backward Classes Commission, who pointed out that caste is a pan-Indian, rather than simply a Hindu, institution. The mere fact of a Muslim or Christian OBC belonging to a non-Hindu faith, he argued, makes no difference to his or her poverty and the discrimination that he or she faces. He critiqued the state for not making publicly available data on the socio-economic conditions of the Muslims of the country, particularly of the numerous OBC Muslim communities, who rank among the poorest sections of Indian society. In fact, he questioned the necessity of the Sachar Commission itself, pointing out that the state has in its possession

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<sup>241</sup> Ejaz Ali Letter to the editor, Dalit Voice, 16-30 April, 1996, p.22

adequate data on Muslim socio-economic conditions. Despite this, he said, the state has done little at all for the Muslim OBCs, as indeed for other marginalised castes<sup>242</sup>.

Krishnan also critiqued the state for denying Scheduled Caste status to Muslim and Christian Dalit communities. He referred to the Presidential Order of 1950 according to which only those Dalits who profess Hinduism can be considered as Scheduled Castes for the purpose of reservation and other benefits from the state. Later, this was extended to include Dalits who profess Buddhism and Sikhism as well. However, millions of Christian and Muslim Dalits are still denied, by law, Scheduled Caste status, although their socio-economic conditions, and the discrimination that they are subjected to by the wider society, is not different from that of those Dalits who are recognised as Hindus. Terming this as 'anti-secular', Krishnan demanded that the state recognise Dalit Muslims and Dalit Christians as Scheduled Castes and provide them all the benefits that go with that status. In addition he stressed the need for the census to record the economic and social conditions of Dalit Muslims and Dalit Christians as well, so that the fact of their continued marginalisation is officially recognised, on the basis of which programmes for state intervention could be formulated. He commented that far from dividing Muslims, as some 'upper' caste Muslim leaders claim, reservations for OBC and Dalit Muslims will empower the most marginalised sections of the Muslim community, foster better relations between them and other communities and will also enable them to counter the challenge of Hindutva more effectively.

Ejaz Ali of the Patna-based All-India United Muslim Morcha demanded that the state make special provision for these Muslim groups, as it has for other Dalit and OBC communities. He suggested that the numerous Dalit Muslim communities that are now categorised as OBCs and made to compete with other more powerful OBC communities for government jobs be officially recognised as Scheduled Castes instead. Shabbir Ahmad Ansari of the Maharashtra State Muslim OBC Organisation, made a similar point, and spoke of the continued marginalisation of the Muslim Dalits and OBCs and the different forms of discrimination that they suffer at the hands of dominant Hindu as well as Muslim castes. He critiqued the traditional Muslim leadership, drawn mainly from the minority 'upper' castes, for ignoring the problems of these communities and, instead, raising controversial issues in order to perpetuate their own hegemony.

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<sup>242</sup> IBID

Muhammad Ibrahim Qureshi, a leader of the Qureshi butcher community from Madhya Pradesh, echoed much the same views, and opposed the demand put forward by several 'upper' caste Muslims that all Muslims be considered as a Backward Class by the state. He saw this as a means to deny OBC Muslims the benefits of reservation and argued that it would only further exacerbate Hindu-Muslim tensions. Further, he argued, this demand was unconstitutional, because the Constitution of India provides for reservations only on the basis of social and educational backwardness and not on religious lines. Adopting a somewhat different position, Zafaryab Jilani of Anjuman-e-Islahul Muslimin, suggested a separate provision for Muslim OBCs within the 27% quota in government services reserved for OBCs under the Mandal Commission. He argued that as of now Muslim OBCs have hardly benefited from the existing quota, having to compete with more influential Hindu OBC communities. Prof. Sukhdeo Thorat of the Indian Institute of Dalit Studies offered a different solution. He argued that Muslims as a whole are economically and socially marginalised as compared to Hindus and that they should be given 'special consideration' in the general economic development programmes of the state. However, reservations in government jobs should be provided only to Dalit and Muslim OBCs.<sup>243</sup>

Another suggestion, one that did not meet with unanimous approval, was proposed by Iqbal Ansari of the Minorities Council of India, who claimed that the entire Muslim community, being under-represented in all sectors of public life, should be treated as a Backward Class deserving affirmative action, including reservations in educational institutions and public sector jobs. However, the 'creamy layer', defined in terms of occupation and education, should be excluded from this. There could be a sub-quota within this category for castes that have been traditionally 'backward', with their 'creamy layer' also excluded. In case of non-availability of suitable candidates from these 'backward' castes, the remaining share in the sub-quota could be made available to the general Muslims. In case the entire Muslim community cannot be categorised as a Backward Class, Ansari argued, Muslim OBCs should be provided a separate quota within the general OBC quota.

This view was contested by Ali Anwar of the Patna-based Pasmanda Muslim Mahaz, who argued that it would only lead to conflict between Hindu and Muslim OBCs to the benefit of the 'upper' castes, both Hindu and Muslims. Instead, he suggested that OBCs be categorised into two groups, as has been done in Bihar: Other Backward Classes and Most Backward

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<sup>243</sup> *Muslim Dalit and OBC Conference: A Report* : By Yoginder Sikand  
<http://www.dalitmuslims.com/2008/07/muslim-dalit-and-obc-conference-report.html>

Classes, both of which would include various Hindu, Muslim and other castes depending on their level of marginalisation. Anwar also expressed his scepticism about the Sachar Committee, noting that successive governments have instituted several such committees in the past but yet have done virtually nothing at all for the Muslim OBCs and Dalits, using these committees simply as vote-grabbing gimmicks. 'It is the best way to do nothing and garner Muslim votes', he claimed. Like most other speakers at the conference he condemned the demand that all Muslims be declared a Backward Class for purposes of reservations. 'This is a ploy on the part of the upper caste Muslim elites to promote their own interests and deny us our rights', he insisted. Besides, he said, this demand would only promote Muslim 'separatism' and Hindu-Muslim confrontation.

While Muslims in the country, irrespective of caste, face similar 'security' and 'emotional' issues, Ashfaq Husain Ansari, former Member of Parliament, member of the Uttar Pradesh Backward Classes Commission and President of the Gorakhpur-based Centre of Backward Muslims argues that OBC and Dalit Muslims face particular problems specific to them that need to be recognised both by the state as well as other Muslims. He noted the lack of adequate political representation of Dalit and Muslim OBCs, pointing out that from the first to the present Lok Sabha, only around 400 Muslims had been elected, out of which only around 60 were Dalit and OBC Muslims, the rest being so-called 'high' caste Syeds, Shaikhs, Pathans, Mughals, Maliks and Rajputs. Likewise, in public-sector jobs reserved for OBCs and in various government commissions Muslim OBCs have hardly any presence. There is not a single OBC Muslim, he claimed, in the National Backward Classes Commission. He also critiqued the demand for 50% reservation for Muslims in the Aligarh Muslim University, pointing out that such reservation should only be for poor Muslims, particularly Muslim OBCs and Dalits.<sup>244</sup>

The renowned social scientist Imtiaz Ahmad argued that reservations in public sector employment are no solution to economic 'backwardness', given the fact that the number of government jobs is limited and rapidly declining in the face of privatisation. However, reservations for OBCs and Dalits are still important to promote democratisation in the country as a whole as within each religious community. Ahmad also stressed the need for the state to recognise Dalit Muslims and Dalit Christians as Scheduled Castes. He argued that the other Dalits would welcome such a move as it would increase their numbers and augment

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<sup>244</sup> *ibid*



their political power. On the other hand, many 'upper' caste Hindus would obviously oppose it, fearing that it might lead many Dalits to convert to Islam and Christianity. Large sections of the 'upper' caste Muslim leadership, too, he said, would also probably be against this move as it would threaten their politics based on what he called the 'artificial homogenisation of Muslims'.

Although the issue of reservations in government jobs dominated the discussions at the conference, other crucial questions were also raised. Dalit Saleem, an activist from Hyderabad holds the view that discrimination that 'low' caste Muslims are faced with, even from their own co-religionists in many parts of the country. He said that while Islam preaches equality, in India this equality is limited only to the precincts of the mosque. Among Muslims, as in the case of all other communities in India, caste is the principal factor in deciding marriages. 'Brahminised Muslims must change their attitude', he said, adding that 'Islam has no room for notions such as ashraf (superior) and razil (inferior) on the basis of birth'. He called for the extension of the Scheduled Caste and Scheduled Tribes Prevention of Atrocities Act to Muslim Dalits as well. He also stressed the need for modernisation of madrasas, claiming that a large section of madrasa students are from Muslim OBC and Dalit families, and that because of the restricted sort of education that they receive in madrasas their employment prospects are bleak.

The issue of political representation of Muslim OBCs and Dalits was raised by Hafeez Ahmad Hawari, President of the All-India Jamiat al-Hawareen, an association of Muslim Dhobis belonging to the washermen caste. He claimed that such is the prejudice that OBC and Dalit Muslims have to suffer at the hands of their 'high' caste co-religionists that many of the latter would rather allow a Hindu candidate from the right-wing Hindu Bharatiya Janata Party (BJP) win an election than vote for a 'low' caste Muslim. On the other hand, he said, 'Upper caste Muslim candidates routinely appeal to OBC and Dalit Muslims to vote for them, arguing that if they do not the BJP will win'. He lamented that while many 'upper' caste Hindus have struggled for reservations and other rights for their OBC and Dalit co-religionists, few, if any, 'upper' caste Muslims had done so for Muslim OBCs and Dalits. He demanded that Muslim Dhobis be also considered by the state as Scheduled Castes, as is the case with Hindu Dhobis with whom they share a common occupation and ancestry and similar socio-economic conditions. He recounted his own experience of filing his papers for the elections in 2001 in a reserved constituency in Delhi, only to have them rejected by the returning officer for not officially being a member of a Scheduled Caste. He pointed out that

while 'upper' caste Muslims routinely use the argument that Islam does not recognise caste to counter demands for reservations for OBC and Dalit Muslims, numerous 'ulama have, in their writings, misinterpreted Islam to argue the claim of the superiority of the so-called 'high' caste of ashraf Muslims and to denigrate the 'lower' castes. He insisted on the need to critique such 'misinterpretations' and to highlight what he called the true concept of Islamic equality. 'Muslim OBCs and Dalits', he forcefully asserted, 'now refuse to continue to be the slaves of the so-called upper castes. We will not vote as per their dictates but, instead, will support any political party or leader that is genuinely committed to our rights and demands'.<sup>245</sup>

Pointing to the fact that the terms of reference of the Sachar Committee do not include the issue of representation of Muslim OBCs in educational institutions, Fakhruddin Bennur, an activist from Osmanabad, Maharashtra argues that since Muslim OBCs could not hope to secure government jobs if they did not have access to higher education. The problem is being further exacerbated today, he said, with the rapid privatisation of education and the high capitation fees charged by professional institutes, which most OBC and Dalit families cannot afford. He called for the Committee to also look into the issue of the systematic destruction of the livelihood of millions of Muslim OBC and Dalit families as a result of privatisation and neo-liberal economic policies that are playing havoc with the poor. Another issue that the Committee's terms of reference have ignored, Parveen Abdi, a Muslim women's activist from Lucknow pointed out, were the specific problems of Muslim women. She called for state-sponsored affirmative action for Muslim women, while bitterly critiquing the conservative mullahs for what she called their 'misogynist misinterpretations of Islam'.<sup>246</sup>

### **5.5 Debating Dalit Muslim Reservation**

On reservation for Muslim Community there are two major opinions. Ashraf<sup>7</sup> Muslims, is one out of the two segments demands reservation for all Muslims. They intend reservation for the 'ashraf', because 85% of Muslims come under other backward classes (OBC), is already getting reservation as per recommendation of B.P.Mandal Commission (1980). But this group does not show its real efforts and only plays with words. Their major arguments are:

1- The Constitution talks about protective discrimination in the context of class not caste. If caste can be interpreted as class, why not religion?

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<sup>245</sup> Muslim Dalit and OBC Conference: A Report : By Yoginder Sikand  
<http://www.dalitmuslims.com/2008/07/muslim-dalit-and-obc-conference-report.html>

<sup>246</sup> ibid

2- There is no casteism among Indian Muslims, so reservation should be given to all Muslims on economic grounds.

3- All Muslims are socially and educationally marginalized, deprived & they have been sidelined from the main stream.

All profound Muslim religious and political organizations are headed by so called superior caste of Muslims (ashraf) is supporting it. It has also been supported by the majority of intellectuals and leaders of 'ashraf'.

The other group consists mainly of SC, ST and OBC Muslims who form more than 85% of the Muslim population. They demand caste-based reservation as given in the Indian constitution. They also demand for the inclusion of Muslim SCs in the scheduled caste category as par with Dalit Hindus, Sikh Dalits and Buddhist Dalits.

Their major arguments:

- 1- According to the Indian constitution religion-based reservation is invalid & not eligible. Hence providing reservation on religious ground will be unconstitutional.
- 2- If reservation will be given to all Muslims then the upper castes Muslims (syed, shaikh, pathan, mallik etc.) who have historically been forward in all aspects of life, will be benefited with the reservation and SCs, STs, and OBCs Muslims will be completely overpowered by them.
- 3- First of all 'ashraf' should demolish caste-boundaries prevailing in Muslim society and then should ask for reservation to all Muslims on economic ground.
- 4- If Hindu, Sikh and Buddhist SCs can be given reservation, why Muslim SCs kept away from that reservation.

Evaluation of arguments by both the groups:

If we go into the history of reservation, we find that Manu was the first person in Hindu India who gave 100% reservation to 'upper' caste Hindus in all respectable fields. In Muslim India generally 'upper' caste Muslims and Hindus were given reservation in all respectable fields. But neither Manu nor any Muslim ruler used the word of reservation. In 1902 Chatrapati Shahu Ji Maharaj of Sholapur in Maharashtra gave 50% reservation to non-Brahmins [the

socially and educationally deprived and marginalized sections of Indian society irrespective of religion].

In 1935 the British government gave legal status to the reservation for socially and educationally deprived sections of the society irrespective of religion. The SCs belonging to all religions were listed in that list. In 1950, after the independence of India, the Indian Constitution gave caste-based reservation to the socially and educationally backward sections of the Indian society. It was based on 1935 reservation Act. But only the Hindu SCs were included in this list and the SCs of other religions were excluded from it.

Both the commissions, the Kaka Kalelkar Commission (1955) and B.P.Mandal Commission (1980) have emphasized the lower status in the caste hierarchy as a determining factor for 'backwardness'. The state High courts as well as Supreme Court like the two Backward Class Commissions, accepted 'caste' as basis of classification in a series of their judgments.

The Andhra Pradesh (A.P) government gave 5% reservation to all Muslims. However, the A.P High court and later on the Supreme Court rejected this on the grounds that:

1. Reservations could not be given on a communal basis.
2. It is against of the Indian Constitution.

In July 2006 the Congress-led UPA government also submitted a writ in the Supreme Court that reservation on communal ground is invalid. This is a political game and this move was seen as vote bank politics. Backward Class Commissions, High Courts and Supreme Court accepted caste as a class, because there is a overlapping between caste and class and vice-versa in India.

The second argument is that there is no casteism among Indian Muslims, so reservation should be given to all Muslims, including 'ashraf', on economic grounds. It is well known fact that many 'ulama belonging to all sects supported casteism and caste-based discrimination as mentioned above.

Sachar Committee Report (which is accepted by all sections of Indian Muslim community) reports the existence of caste system among Indian Muslims. It categorized Indian Muslims into 3 major categories such as: "1- [...] Those without any social disabilities, the ashraf, 2- those equivalent to Hindu OBCs, the ajlaf and, 3- those equivalents to Hindu SCs, the arzal. Those who are referred to as Muslim OBCs combined 2 and 3."

The claim that all Muslims are equally deprived is not correct. True, by and large, Muslims are deprived and face discrimination by the hands of communal Hindu forces. But within the Muslim community Muslim SCs, STs, OBCs are more deprived than ‘ashraf’ Muslims. 99% Muslim organizations, educational institutions have been founded and headed by ‘ashraf’ Muslims. Majority of jobs in these institutions are held by them. The Sachar Committee Reports also says:

“[...] The incidence of poverty is highest among Muslim-OBC (38%) followed by Muslim General (35%) [...] Overall, the conditions of Muslim-OBCs are worse than those of Muslim-General [...] Within the Muslim community a larger percentage of Muslim OBCs fall in low income category as compared to Muslim-General [...] Within Muslims, Muslim-OBCs are slightly lagging behind the Muslim-General in high income group..The tabling of the Report of the National Commission for Religious and Linguistic Minorities (NCRLM), popularly called the Ranganath Mishra Commission report, in the Parliament recently has led to animated debates and mobilisations around the issue of reservations for the Muslim community. Within the Muslim community, there are two contending strands of opinions around this issue. The first group employs the discourse of ‘minority rights’ and inter-group inequality to argue its position for reservation for the entire ‘community’ (though complicated by the creamy layer provision). The second group approaches the issue from the perspective of ‘social justice’ and intra-group inequality and articulates that reservations should be granted based on ‘caste’ rather than ‘community’. It argues that Muslims are internally differentiated in terms of caste and foregrounds the probable conflation of the interests of forward caste ashraf Muslims with the politics of minority rights. According to this group, reservation for the entire community is a bundling of unequals and would perhaps jeopardise the interest of lower caste ajlaf (shudra) and arzal (dalit) Muslims. The apprehension is that an overwhelming share of Muslim reservations, if granted, will be cornered by upper caste Muslims with a historical cultural capital

Broadly, one may enter the present-day reservation debate around Muslims through two sets of concerns: the normative and the strategic. I will address the normative concerns first, which can be framed in terms of ‘democratisation’ or the ‘deepening of democracy’. In this respect, affirmative action (articulated for historically and socially excluded groups) is premised on interrogating the monopoly and hegemony of entrenched groups in power structures and the key terms here are recognition, representation, and integration. The rationale being that monopoly of any kind—wealth, power, or knowledge—is not only

immoral but also inefficient in the end. In historical terms, caste for obvious reasons has been a privileged category in comprehending social exclusion in India . The focus on caste for purposes of reservation was perfectly understandable when the debate around positive discrimination started in the beginning of the last century. However, societies keep on evolving and what seems liberatory at one point of time may appear 'cagey' at another.<sup>247</sup> There is now growing evidence that caste, as in the case with other identities like 'religion' or 'citizen', apart from its emancipatory potential is also acting as an equaliser in concealing internal contradictions within caste formations and in ignoring other forms of exclusions based on gender, religion and so on. Even when the theorisation around caste does in various probing ways point towards the correlation between caste and the exclusions based on gender and religion, the correlation is in no way exhaustive. Any meaningful reservation policy therefore needs to be informed by these multiple and often competing narratives around exclusion to be effective and socially acceptable.

As we know, the only meaningful Constitutional category for reservations for Muslims is the 'Other Backward Classes' (OBC) since the others like the Scheduled Castes (SC) or Scheduled Tribes (ST) are already clearly defined. Even when, as the NCLRM report argues, there are no explicit constitutional impediments to naming any religious group as a 'backward class' under article 16 (4) or including it as 'socially and educationally backward classes' under article 15 (4), the usual practise of successive governments and courts has been otherwise. In the case of article 16 (4) the only test that counts is the underrepresentation of a group in services under the State. For the purposes of article 15 (4) it is 'social' backwardness and the resultant 'educational' backwardness that is the determining factor for including a group under OBC list. Consequently, if a religious group can satisfy the qualifying conditions laid down in the two articles just mentioned it could be considered as a backward class. However, there is a dominant body of opinion that finds it '...difficult to reconcile the recommendations for reservations to religious minorities with the constitutional principle of non-discrimination on the basis of religion as enunciated in Articles 14, 15(1) and 16(2) of the Constitution.'<sup>248</sup> In such articulations the reading of these articles is curious to say the least because these articles, especially 15 (1) and 16 (2), cite other identities too in addition to religion. Moreover, even the principle of secularism cannot be an impediment as the Indian

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<sup>247</sup> *Reflections On The 'Muslim Reservation' Debate* By KhalidAnisAnsar11March,2010Countercurrents.org

<sup>248</sup> 'Reservations for Muslims', *Economic and Political Weekly* , February 20, 2010 , p.8

articulations of secularism are not necessarily anti-religion but rather put emphasis on the symmetrical treatment of all religions.

However, the debate needs to be complicated and contextualised further. Factually, lower caste Muslim groups (over 80 castes) were incorporated in the Mandal Commission Report, and subsequently with few alterations in the Central OBC list, back in the early nineties. In most of the state OBC lists they were incorporated either much before the acceptance of Mandal recommendations (in the case of Bihar they were included as back as 1978) or have been duly integrated subsequently. Since the lower caste pasmanda-dalit Muslims constitute about 85% of the Indian Muslim population one can safely pronounce that most Muslims are already covered by the reservation policy. Hence, it appears that the present demand for Muslim Reservations is an attempt to bring the ashraf sections inside the net of OBC quota since the other Muslim sections (ajlaf and arzal) are already covered by the existing reservation policy. So the only question that merits our attention is whether the ashraf sections of the Muslim community can be declared a backward community or not?

As mentioned above there are only two relevant factors for including a group in the OBC category. Firstly, it must be underrepresented in the services under the State. Secondly, it must meet the criterion of being a 'socially' and therefore an 'educationally' backward community. [The 'economic' criterion notoriously inserted by the Ranganath Mishra Commission for determining backwardness is simply a non-starter and was convincingly rebutted by the Indra Sawhney judgment of the Supreme Court (1992).]<sup>249</sup>

...In response to a Public Interest Litigation (PIL) filed by Akhil Maharashtra Muslim Khatik Samaj, stating that there were Dalits within Muslim community who needed reservation and demanded inclusion in the SC list, the Supreme Court has issued notice to the Centre seeking its reply. Further, the judge referred to the strict dictates of Quran prohibiting practice of any forms of caste system within Islam and it asked the petitioner if Islam permitted caste system.<sup>250</sup> This observation of the apex court has initiated a debate whether there is caste system in Islam or among Muslims? In the DV of March 1, 2008, the Editor has rightly said that 'Muslim leaders should not oppose quota for Backward Muslims'. The current debate on the issue in the national and Muslim media establishes the DV analysis of castes among Muslims. All social scientists agree that though there is no caste system as much in Islam, the

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<sup>249</sup> *ibid*

<sup>250</sup> *Times of India, Jan. 26, 2008*).

Indian Muslim society did develop a hierarchical structure by characterizing numerous biraderis. The Quran and the Prophet's sayings are crystal clear that all human beings are equal; all are brothers and sisters of each other. However, some Muslims established superior status for themselves as ashraf or noble on the basis of their foreign descent, while descendants of indigenous converts are commonly referred as ajlaf or 'lowly'. Some Islamic jurists too, deviating from Islamic teachings, in the name of kufu i.e. parity in marriage between the parties, legitimize castes. Even the Muslim law of marriage recognizes the doctrine of kufu in all vital respects including social status and descent, which, in India, means nothing but casteism.

The Sachar Committee Report, on the existence of castes among Indian Muslims, says:

“the present day Muslim society is divided into four major groups (i) the ashrafs, who trace their origins to foreign lands, (ii) the upper caste Hindus who converted to Islam, (iii) the middle caste converts whose occupations are ritually clean, (iv) the converts from the erstwhile Untouchable castes – Bhangi (scavengers), Mehtar (sweeper), Chamar (tanner), Halalkhor (Dom) and so on”. (p. 192) On the level of backwardness, the Sachar report finds that out of every 100 workers about 11 are Hindu OBCs, three are Muslim-general and only one is Muslim OBC (p. 209), whereas the population of OBC Muslims is as much as 75% of the total Muslims' population. Similarly, the Justice Rangnath Misra Commission finds prevalence of castes among various sections of the Indian citizenry. It concludes: “The caste is in fact a social phenomenon shared by almost all Indian communities irrespective of their religious persuasions”.<sup>251</sup>(Para 16.3)

Historically, a good number of Dalits converted to Islam. But after conversion their socio-economic status remained impoverished, backward and downtrodden. By joining the fold of Islam they did not get such a boost to their talents and abilities that they could face equal competition with all others. They were still treated as Untouchables in the society. Most of them continued with their traditional professions as artisans, peasants and labourers, except when it was considered impure or unacceptable in Shariah. Nevertheless, of late, some of these Muslim caste groups got islamised. They also became organized and given themselves Muslim nomenclatures. They identified and associated themselves with Islamic personalities. For example, the butchers designated themselves as Qureshi; the weavers as Ansari; the tailors as Idrisi; the Bhishtis as Abbasi; the vegetable vendors as Raen; the barbers as

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<sup>251</sup> Ibid



Salmani; the carpenters and blacksmiths as Saifi etc. In a democratic state, each socially identifiable group aspires to see its face in the development. Millions of Dalit Muslims, who are occupationally akin to the SCs, demand inclusion in the SC List to enable them to avail the benefits of reservation<sup>252</sup>

### **5.6 Opposition for reservation outside Muslim community**

Instead of recommendations of many state governments to include Dalit Muslims and Dalit Christians into SC lists, the Congress led UPA government - which promised several times during the election that after forming UPA government, Muslim and Christian Dalits will be included into SC list- is not sincere in its promise.

It was Congress government in which Muslim and Christian Dalits were excluded from SC lists in 1950. Besides congress, BJP and its mother organization like RSS and its branches are opposing the inclusion of Muslim and Christian Dalits in SC list. Already RSS has opposed the recommendation of Sachar Committee for inclusion of Muslim Dalits in SC list. RSS has not only opposed but after recommendation of Mishra Commission for inclusion of Muslim and Christian Dalits into SC list, it threatened that if this status will be given to Muslim and Christian Dalits, its result will be dangers.

The major threat to BJP, RSS and their brands are that if Muslim and Christian Dalits are given SC reservation then all Hindu Dalits will either embrace Islam or Christianity. It's a well known fact that in the name of stopping conversion, RSS and its brand organizations are killing Muslims and Christians all over India. Imposing anti-conversion bill in various states like Gujrat, Rajisthan, Madhya Pradesh, Tamil Nadu, Orisa and Andhra Pradesh is the part of their agenda. Not only these fascist organizations are opposing Dalit conversion to Islam and Christianity but Congress government is equally responsible for the same. In 1981, in Minakshi Puram of Tamilnadu several dalits accepted Islam during the rule of Mrs. Indira Gandhi. The home ministry of then congress Govt. instructed state government to make an anti conversion law.

RSS political party BJP led state governments are offering Dalit Muslims to get Dalit reservation by returning back into Hindu religion. It is seen that many Dalit Muslims are

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<sup>252</sup> Caste-based quota to Ajlafis will strengthen Muslim unity..debating muslim reservation Posted by Mohammad Shahanshah Ansari Sunday, May 24, 2009 BY M. NAUSHAD ANSARI

getting and trying to get SC reservation by changing their Muslim names as Hindu and slowly slowly their generation will be Hindu.

### **5.7 Opposition for reservation within Muslim community**

The reservation for Dalit Muslims is not opposed only by Hinduta communal forces but also by brahminical mindset Muslim intellectuals, writers, organizations, parties and religious sects. This was proved on Aug 8, 2007 in Andhra Pradesh Vidhan Sabha (Assembly) by Majlis- e- Ithehadul Muslemin. He along with 5 Muslim members joined BJP to openly oppose 4% reservation given to Dalit Muslims.

After independence of India, Aakliyati Tahaffuz committee (Dalit Rights and Protection committee) was formed with Sardar Vallabhbhai Patel as its chairman. Muslims members of the committee were Maulana Abdul Kalam Azad [even who was against of casteism ], Maulana Habibur Rahman, Begum Ezaz Rasool, Husain Bhai Lalji and Tajmool Husain. Committee was responsible for fundamental rights and reservation of minorities, tribal and excluded areas. During decision on reservation for minorities it was suggested by Sardar Vallabhbhai Patel and Dr. Ambedkar that even Muslims include Dalits in the same fashion that Hindu do and changing ones caste does not improve his social and financial status. Therefore even Muslims Dalits should be provided with reservation. This suggestion was opposed by 5 Muslim members of the committee saying Muslims do not need reservation on the basis of their religion. Dr. Ambedkar was not in favor of this statement. He very well knew the ulterior motive of the members of the committee who were opposing the reservation. He knew that Muslim members of the committee didn't want reservation for Dalit Muslims thinking that Dalit would improve their social and financial status and would start interfering with politics.

Whereas from 1935 to 1950 all Dalit belong to any religion were provided with reservations. In Jan 26, 1950 when constitution of India came into force, members of Akliyati Tahaffuz committee said that an order is passed by Dr. Rajendra Prasad, president of India stating that only Hindu Dalits will be provided with reservations even though it is clearly stated in Act 341 that all scheduled castes are to be provided with reservation. There is freedom of religion in India but members of Akliyati Tahaffuz committee instilled in the minds of Muslims that they should maintain distance from Hindu Dalits who had converted to Islam.

Tara Singh struggled to extend the reservation to Sikh Dalits and he was successful in 1956. Buddhists were also given reservations and this work was accomplished by V. P. Singh in 1990. Following their footsteps even Dalit Muslims have formed various organisations which is working to include Dalit Muslims in scheduled caste...reference

As discussed above on this issue Muslim leaders are divided. One group demands reservation for the Muslims as a whole. They argue that the constitution talks about protective discrimination in the context of class not caste.

Syed Shahabuddin, ex-MP says: “if caste can be interpreted as class, why not religion; that all Muslims are, socially and educationally, marginalized and deprived”.

Taking same line, Dr. Abdul Haque Ansari, ex-President of Jamate-Islami, in his presidential address to the workshop on Sachar Committee Report, called the categorization of Muslim as ‘bad in taste’. He questions: ‘if the entire community stands as backward class, where does the question of other categorization on caste line arise?’

Jamia Nizamia of Andhra Pradesh had issued a fatwa against state govt. move to provide reservations for Muslims on the lines of castes. However most of the prominent ulema of the country, cutting across the lines of sects and organisations, had sharply reacted against the fatwa. Maulana Syed Ahmed Bukhari of Jama Masjid, Delhi, had declared that the fatwa will harm the interest of the community.<sup>253</sup>

### **5.8 Muslim leaders demands caste-based reservation**

The other group demands caste-based reservation as given in the Indian constitution. According to Kumar Suresh Singh Report of SCs, there are some 35 Muslim castes that have SC background and engage in occupations traditionally associated with SCs. They demand that Muslim SCs be included in the SC category. Their major arguments are that according to the Indian constitution religion-based reservation is invalid; that if the reservation will be given to all Muslims, the ashraf, who have historically been forward in all aspects, will corner the benefits of reservation; that if for endogamy and khilafat purpose caste could be criteria, why not for reservation also; that if Hindu, Sikh and Buddhist SCs can be given reservation, why not Muslim SCs? Advocating this idea Professor Imtiaz Ahmed of JNU says that ‘en

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<sup>253</sup> Give reservation to Dalit Muslims <http://www.dalitmuslims.com/2008/07/give-reservation-to-dalit-muslims.html>

bloc reservation of Muslims is not a viable idea. Inclusion of Muslim Dalits as OBCs and MBCs makes the most sense’.

They also argue that all Muslims are equally deprived is incorrect. True, by and large, Muslims are deprived and face discrimination, but within the community backward Muslims, including Muslim SCs, are more under-privileged than ashraf Muslims.

Most recently the government failed to get the nod for implementation of its controversial 4.5 per cent sub-quota for minorities from the Supreme Court which asked whether the decision could be made on the basis of religion. However court refused to stay the Andhra Pradesh High Court order quashing the 4.5 per cent sub-quota for minorities carved out of the 27 per cent OBC quota in Central educational institutions.

The order will have a direct implication on prestigious educational institutions like the IITs which can go ahead with admissions ignoring the sub-quota provision under which 325 candidates from minorities were shortlisted for counselling.

A Bench comprising Justices K.S. Radhakrishnan and J.S. Khehar said, questioning the calculation for carving out the sub-quota within the 27 per cent OBC quota and arguing that it will affect other OBCs. Further the Bench asked, referring to the data provided by the government about the ongoing counselling for IITs. It said the effect would “not be marginal.”

Before issuing notices to petitioners on whose PIL the High Court had quashed the sub-quota, the Bench felt the scheme of 4.5 per cent reservation was supported neither by constitutional nor statutory provisions. The Bench, before which the Human Resource Development Ministry placed documents forming the basis for its decision on sub-quota, asked: “Can you make classification on the basis of religion?”

The court said that unlike 27 per cent reservation for OBCs in Central educational institutions which was supported by constitutional provisions, the December 22, 2011 Office Memorandum (OM) on the sub-quota issue did not have legislative support.

The Bench, which also questioned the calculation of providing sub-quota, wanted to know whether there was any constitutional and statutory support for granting 4.5 per cent sub-quota.

It said “the second question is whether the office memorandum has constitutional and statutory support or not.” Additional Solicitor-General Gourab Banerji urged the court to consider his plea for staying the High Court order in view of the ongoing counselling for IITs.

However, the Bench said it was not inclined to stay the High Court order as carving out sub-quota from minorities would have a bearing on the OBCs.

The court once again questioned the government for not consulting statutory bodies like the National Commission for Minorities (NCM) and the National Commission for Backward Classes (NCBC) in determining the sub-quota.

The Constitution prohibits any discrimination between the citizens. Hence, any religion-based discrimination conflicts with the letter and spirit of the provisions. In the famous Indra Sawhney Case the Supreme Court had decided that ‘a caste can be and quite often is a social class in India’. Further it conceptualizes: ‘If it is backward socially, it would be a backward class for the purpose of Article 16(4). Among non-Hindus, there are several occupational groups, sects and denominations, which for historical reasons are socially backward. They too represent backward social collectives for the purpose of Article 16(4) Identification of the backward classes can certainly be done with reference to castes among, and along with, other occupational groups, classes and section of people. (AIR 582 SC 1993). Reservation in public employment is specifically covered by Article 16(4) of the Constitution, for any backward class of citizens, which are not adequately represented in the services under the State.

Hence, it is expected that the Supreme Court would analyze the issue of reservation of Dalit Muslims keeping in mind the context of Indian Constitution, findings of various commissions and social realities.<sup>254</sup>

### **5.9 Political Dalit-Muslim Organizations**

There are a number of organizations to pressurize the government for the upliftment and also to include Dalit Muslims in SC list as they were in it before 1950. Among these organizations there some of them are famous for its issue. For example:

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<sup>254</sup>DALIT MUSLIMS, ISLAM AND MUSLIM SOCIETY By Abdu Hannan <http://www.dalitmuslims.com/2009/09/dalit-muslims-islam-and-muslim-society.html>

### **5.10 The All-India Backward Muslim Morcha**

The AIBMM was set up in 1994 by Ejaz Ali, a young Muslim medical doctor from Patna, capital of the eastern state of Bihar, belonging to the Kunjera caste of Muslim vegetable-sellers. Bihar, India's poorest state, is notorious for its acute caste problem and for its >frequent anti-Dalit pogroms. Consequently, the Dalits in Bihar have been among the first to take to militant forms of struggle. The Muslims of Bihar, who form over fifteen per cent of the state's population, are also characterised by sharp caste divisions. The plight of Bihar's Dalit Muslims, whom the AIBMM estimates at forming almost ninety per cent of the state's Muslim population and consisting of twenty-nine different caste groups, is particularly pathetic. Most Bihari Dalit Muslims work as daily wage labourers, manual workers, artisans and petty peasants, barely managing to eke out an existence.

According to Ali, the plight of the overwhelming majority of the Muslims of Bihar, as well as an acute awareness of the limitations of the traditional Muslim leadership, suggested to him the need for the establishment of the AIBMM to struggle for the rights of the Dalit Muslims. He regards the destruction of the Babri mosque at Ayodhya in 1992 as a landmark event in this regard, seeing the traditional, and largely 'upper' caste, Muslim leadership as having only further complicated matters by playing into the hands of Hindu militants and as 'misleading' the Muslim masses for their own petty gains.

In less than a decade of its founding, by early 2001 the AIBMM had emerged as an umbrella group of over forty organisations claiming to represent various different Dalit Muslim castes. It now has branches in the states of Uttar Pradesh, Madhya Pradesh, West Bengal, Delhi, Rajasthan and Maharashtra, in addition to Bihar, where it has its headquarters.<sup>255</sup>

### **5.11 Aims and Objectives of the AIBMM:**

The foremost priority for the AIBMM is to get recognition from the Indian state for the over 100 million 'Dalit Muslims' as Scheduled Castes so that they can avail of the same benefits that the Hindu, Sikh and Buddhist Scheduled castes enjoy, including reserved government jobs, reserved seats in state legislatures and in the Indian Parliament, special courts to try cases of atrocities against them as well as social and economic development programmes meant specially for them. According to Indian law as it stands at present, only those Dalits

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<sup>255</sup> Sikand, Yoginder. 2004. *Islam, Caste and Dalit-Muslim Relations in India*. NewDelhi: Global Media Publications

who claim to be Hindus, Sikhs and Buddhists can be considered to be members of the Scheduled Castes and thereby eligible for the special benefits that the state has made available to these castes. The AIBMM sees this as violating the basic secular character of the Indian Constitution. It insists that its demand for Scheduled Caste status for 'Dalit Muslims' is fully in consonance with the spirit of the Indian Constitution. Recognising the fact that demands >for special legal status for Muslims have been viewed in the past as 'separatist' and 'anti-national' and even `pro-Pakistan', the AIBMM is careful to project its demands as aimed at integrating the 'Dalit Muslim' into the 'national mainstream' by enabling them to progress economically and socially, along with other deprived sections of the Indian population. Besides being considered 'anti-secular', the law as it stands today is also condemned by the AIBMM as a gross violation of human rights. Furthermore, it is seen as a ploy to keep the more than one hundred million Dalit Muslims in perpetual thralldom, a conspiracy in which both the Hindu as well as Muslim 'upper' caste elite are seen as being involved. Because they have been denied Scheduled Caste status and the benefits that accrue from such status, the Dalit Muslims are said to lag far behind the Hindu Dalits, who have been able to make considerable progress in all fields because of the special facilities that the state has provided for them.<sup>256</sup>

### **5.12 All India Pasmanda Muslim Mahaz (AIPMM)**

Its founder and national president is Mr. Ali Anwar of Bihar. He was working as with Dr. Ejaz Ali's party AIBMM. Later on he got separated and made a party All India Pasmanda Muslim Mahaz (All India 'Marginalised Muslim Front). He wrote a book 'Masavat Ki Jang' (The Struggle for Equality). In the course of conducting the research for the book that he was doing he realized that the Dalit/Backward Caste Muslims are hardly organized at all and that they have few effective leaders. Till now they have been following the lead of the so-called ashraf, both professional politicians as well as maulvis, who have taken no particular interest in addressing their pathetic socio-economic conditions. Like their 'upper' caste Hindu counterparts, they want us to focus only on communal controversies or narrowly-defined religious issues, and in this way seek to completely displace the harsh reality of the lives of Dalits and Backward Castes from political discourse. Hence, he, along with several of his friends, set up the Mahaz in Patna in 1998, to organize the Dalit/Backward Caste Muslims so as to help evolve a leadership that would be responsive to their concerns and which would

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<sup>256</sup> IBID

also seek to build alliances with non-Muslim Dalit/Backward Caste groups so that we can engage in a broad united struggle for our rights.

The Mahaz is a broad front of a number of Dalit and Backward Caste Muslim organizations from different states of India, particularly Bihar, Uttar Pradesh, Jharkhand, West Bengal and Delhi

Ali anwar raised a point that Mahaz have participated in several people's struggles for justice to the Dalit/Backward Caste Muslims through staging demonstrations, presenting memorandums and bringing out publications. Recently, we launched a Hindi magazine 'Pasmanda Ki Awaz' ('The Voice of the Oppressed'). This is the only Dalit/Backward Caste magazine in this country, although the Dalit/Backward Caste Muslim population in India is well over 100 million! Hardly any of the hundreds or even thousands of other Muslim magazines and papers, not to speak of media controlled by non-Muslims, ever talks about our issues, such is the indifference to the problems and plight of our people.<sup>257</sup>

The Mahaz has also been pressing with the demand that the State include Dalit Muslims, as well as Dalit Christians, in the Scheduled Caste list. Due to an extremely discriminatory Presidential Order issued in 1950, the state denied to Dalit Muslims and Dalit Christians all the reservation and other benefits that had been provided in the Constitution for Dalits. It declared, going completely against all notions of secularism, democracy and social justice, that such benefits would be limited only to those Dalits who claim to be 'Hindus'. Later, due to political compulsions, the state was forced to extend these benefits to Dalit Sikhs and Dalit Buddhists. So, why, we ask, should Dalit Muslims and Dalit Christians, too, not be included in the list of Scheduled Castes? The so-called ashraf Muslim leadership has never voiced this demand because they are not at all interested in the plight of the Dalit Muslims. But I think it is crucial that the Dalit Muslims be given justice and treated by the state on par with 'Hindu' Dalits. Presently, they are classified, along with several more powerful castes, as 'Backward Classes' instead of Scheduled Castes, because of which they have not been able to benefit at all from 'Backward Caste' status. This is despite the fact that they continue to practice the same occupations as 'Hindu' Dalits and face the same sort of discrimination and oppression despite following Islam, a religion that is fiercely opposed to caste and untouchability

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<sup>257</sup> PIL in Supreme Court for Dalit Muslims : By AMKS <http://www.dalitmuslims.com/2009/09/pil-in-supreme-court-for-dalit-muslims.html>



### **5.13 Akhil Maharashtra Khatik Samaj (AMKS)**

There is a newly founded organization namely Akhil Maharashtra Khatik Samaj (AMKS). Its chairman is Mr. Shamsuddin Shaikh.

On 25th July 2008, a petition lodged in Supreme Court by Akhil Maharashtra Khatik Samaj (AMKS) for the inclusion of Dalit Muslims into scheduled Caste Category which is denied under the presidential order of 1950.

In a great development for PIL lodged in Supreme Court by Akhil Maharashtra Khatik Samaj (AMKS) for inclusion of Dalit Muslims in scheduled caste category, counsel court comprising Hon'ble the chief justice, Hon'ble Mr. Justice P. Sathasivam has ordered union of India to file counter affidavit to the writ petition 13 of 2008 within the granted period of 4 weeks. Respondent(s) Additional Solicitor General Mr Mohan Parasaran from Union of India appeared before the Supreme Court to reply to the PIL on 31st July 2009, while Adv. Mr. Mushtaq Ahmed was present from the petitioner's side. It is happening for the first time in last full one year that someone from union of India has responded to this petition. It is a positive path breaking achievement for this case.

AMKS also presented a memorandum to the president of India Mrs. Pratibha Patil for the same purpose.

### **5.14 Indian Dalit Muslims Voice**

Indian Dalit Muslims' Voice ([www.dalitmuslims.com](http://www.dalitmuslims.com)) was launched on July 22, 2008 by a small group headed by Mohammad Shahanshah Ansari is a dialogic platform to enable free and frank conversation on issues concerning India's Dalit/Pasmanda Muslims. Through locating itself in the broader subaltern Bahujan movement, it is marked by its thrust on the campaign for securing a constitutional amendment for the inclusion of Dalit Muslims and Dalit Christians in scheduled caste category, a right which is denied to them owing to the notorious presidential order of 1950.<sup>258</sup>

### **5.15 IDMV's Aims and Objectives:**

IDMV demands a constitutional amendment for the inclusion of Dalit Muslims in the scheduled caste category, which is presently denied to them under a Presidential order 1950.

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<sup>258</sup> Ali Anwar's Struggle : By Ali Anwar & Yoginder Sikand <http://www.dalitmuslims.com/2009/02/ali-anwars-struggle.html>

This order, issued under Article 341 of the Constitution, is discriminatory on the ground of religion in that certain Hindu castes have been declared as Scheduled Castes whereas their Muslim counterparts have been discriminated against and denied the status of Scheduled Castes. This is an open violation of Articles 14 (equality before the law), 15 (prohibition of discrimination on grounds of religion) and 25 (freedom to profess and practice any religion) of the Constitution.

IDMV calls for the issuing of a writ mandamus commanding the Union of India to identify and include the Muslim Arzals or Muslim Dalit groups such as like Nat, Bakkho, Bhatiyara, Kunjra, Dhunia, Kalal, Dafali, Halakhor, Dhobi, Lalbegi, Gorkan, Meershikar, Cheek, Rangrz, Darji, Mochis, Mukris and Garudis etc. in the category of Scheduled Castes mentioned in the Constitution (Scheduled Castes) Order, 1950.

Political empowerment for Dalit /OBC Muslims is the need of the hour. For this, IDVM demands that the Govt. of India ensure their adequate representation in various Commissions, Govt. Organizations and in Muslim Organizations. Secular parties must give tickets to them so that their voices can be heard in the corridor of power. Emphasis should be given on due representation of Dalit and OBC Muslims in all respects and in all walks of life.

To provide a definite and explicit voice to the Indian Dalit Muslims by articulating their concerns and distress and promoting their growth and development while synchronizing and maintaining a harmonious relationship with all other Indians.

To establish a true and genuine Indian Dalit Muslim standpoint on various matters of concern on the national front.

#### **5.16 Pasmanda Muslim Forum (PMF)**

Pasmanda Muslim Forum (PMF) was launched on July 22, 2008 to provide a platform to discuss issues concerning India's Pasmanda/Dalit Muslims. The main objective of PMF is to secure a constitutional amendment for the inclusion of Dalit Muslims in the SC/ST category, a right which is denied to them under a Presidential order of 1950.

#### **5.17 Pasmanda Muslim Forum's Agenda:**

We demand a constitutional amendment for the inclusion of Dalit Muslims in the SC/ST category, which is presently denied to them under a Presidential order 1950. This order, issued under Article 341 of the Constitution, is discriminatory on the ground of religion in that certain Hindu castes have been declared as Scheduled Castes whereas their Muslim counterparts have been discriminated against and denied the status of Scheduled Castes. This

is an open violation of Articles 14 (equality before the law), 15 (prohibition of discrimination on grounds of religion) and 25 (freedom to profess and practice any religion) of the Constitution.

We call for the issuing of a writ mandamus commanding the Union of India to identify and include the Muslim Arzals or Muslim Dalit groups such as like Nutt, Bakkho, Bhatiyara, Kunjra, Dhunia, Kalal, Dafali, Halakhor, Dhobi, Lalbegi, Gorkan, Meershikar, Cheek, Rangrz, Darji, Mochis, Mukris and Garudis etc. in the category of Scheduled Castes mentioned in the Constitution (Scheduled Castes) Order, 1950.<sup>259</sup>

Although Islam and Christianity do not recognise the caste system, unlike Hinduism, the reality is that caste and caste-based discrimination prevail amongst India's Muslims and Christians also, with a difference in degree. The position of Dalit Muslims is no better than that of the Dalit Hindus. Except for congregational prayers, they remain ostracized and isolated. They are economically very poor. Educationally, they are extremely marginalised. Socially, they are despised, humiliated and looked down upon. In some places, the general Muslims hesitate to share food with them even during festivals like Eid. We demand that the Govt. of India take appropriate measures to stop this practice of untouchability that the Dalit Muslims are made a victim of.<sup>260</sup>

Political empowerment for Dalit /OBC Muslims is the need of the hour. For this, we demand that the Govt. of India ensure their adequate representation in various Commissions, Govt. Organizations and in Muslim Organizations. Secular parties must give tickets to them so that their voices can be heard in the corridor of power. Emphasis should be given on due representation of Dalit and OBC Muslims in all respects and in all walks of life.

We strive persistently for getting reservation for Dalit Muslims and OBC Muslims separately. The Central as well as State governments should be forced to amend the Constitution and pass suitable legislation for this. A clear and strong stand should be followed on the Reservation issue. We should not be confused and misguided by others with the false argument that the unity among Muslims will be harmed by reservations for Dalit Muslims. It should be clear that the foundation of Unity does not exist at all when a major chunk of people suffer from socio-economic, educational and political backwardness. These issues are sensitive and should not be compromised on.

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<sup>259</sup> Pasmanda Muslim Forum: Our Agenda Posted by Mohammad Shahanshah Ansari Tuesday, May 31, 2011

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For promoting the education and health of the Dalit and OBC Muslims, new government-funded development projects are necessary, for generally the existing projects and schemes leave them out. A separate quota for these groups must be set aside and adhered to strictly.

Steps should be taken to put an end to the caste system among Muslims and encourage inter-caste marriages. Islam gives equal status to women. This must also be put into practice and suitable social reforms be instituted to undo the damage of patriarchy.

To provide a definite and explicit voice to the Indian Pasmanda/Dalit Muslims by articulating their concerns and distress and promoting their growth and development while synchronizing and maintaining a harmonious relationship with all other Indians.

To establish a true and genuine Pasmanda Muslim's standpoint on various matters of concern on the national front.

### **5.18 Conclusion**

The growth of the AIBMM and other organisations is important in several important respects. For one, it highlights the multiplicity of voices and agendas within larger Muslim community, clearly showing how subaltern understanding of religion and identity can radical differ, in crucial respects, from those of the elites who have long been considered, in both politics as well as academic scholarship, to be the natural spokesmen of the Muslim as a whole. The rise of the debates indicates a growing assertiveness of long suppressed and now gradually emerging 'low' caste Muslims seeking to bring their own concerns, which in many ways differ from those of the Muslim elites, to the forefront of the community political agenda. A new leadership, consisting of Dalit Muslim themselves, is being actively sought to be prompted, one that seeks to bring about a radical shift in the priorities of the community, away from what it seeks as 'symbolic' 'non issues' that have only served to further exacerbate Hindu- Muslim antagonisms and serve the interest of both Hindus as well as Muslim elites, towards issues that affect most intimately the sheer survival and life chances of the poorest of the poor.

Demanding Scheduled Caste status for the Dalit Muslims may, in itself, not be a very radical step, given the present climate of privatisation in the country, where government jobs are being sharply curtailed and public expenditure and subsidies drastically reduced. However, its wider implications are certainly more momentous in their probable consequences. The demands of these organisations, limited as they may well be, might actually help facilitate a

radical shift in the very terms of Muslim political discourse. Its stress on secularism and human rights, which it sees as being grossly violated by the present law related to Scheduled Caste status, its call for 'integration' of the Muslims into the 'national mainstream', its radical disavowal of communal politics, and its appeal for building bridges and working in collaboration with other Dalit in order to reunify the 'Dalit nation' and working for inter-communal harmony, might well provide a key to what has so far seemed the intractable communal problem in India. Meanwhile, instead of shoving the issue of reservation for backward/Dalit Muslims under the carpet it is the duty of community leaders to realise that this group needs special attention and there should be no roadblock in the way of their getting fair share, for they are, as suggested by the Sachar report, 'cumulatively oppressed'. Repeated appeal to the Muslim community to maintain unity in the name of Islam, foregoing the constitutional benefits, will not be a wise idea. May be some day in the future reservations will be based solely on community's impoverishment, but until then caste-based support seems to be perfectly justified. True, the Muslim community must reject the proposition of fragmentation, but they should apply the same principles of social justice as much within the community as it demands for itself within the nation

## **CHAPTER SIX**

### **6.1 Conclusion**

In the discussion in the five chapters of this work, the first thing that becomes clear is the power of the caste system supported by the ancient written scriptures of Hinduism and its role in creating the problem of the Dalit in India. Besides affecting the Dalit human aspect deeply, the power of the caste system becomes clear from the way this system influenced the other religions, which are supposed to be egalitarian in nature, which include Buddhism, Jainism, Islam, Judaism Zoroastrianism, Sikhism, Lingyatism and Baha'I religion.

Even the most progressive egalitarian religion, Islam, was contaminated by the caste system, as a result of which, it failed to deal worth the problem of the Dalit in general and Muslim Dalit in particular.

Islam does not recognise caste system. It is egalitarian. The equality principle pervades all through the Holy Quran. It say.” O mankind we have created you from a single pair of male and female (Adam and Eve) and made you into nations and tribes that you know (recognise) each other (not that you may discriminate and despise each other.

Verify the most honoured in the sight of Allah is he who is the most righteous of you. And Allah had full knowledge and is well acquainted (with all things).

“O mankind be careful for your duty to you Lord who created you from a single being and from the same created your mate and from these he caused to spread countless men and women and be careful of your duty and be mindful of your ties of kinship, for God is ever watchful over you.”

The Holy Prophet thus declared at the Last Sermon: “No Arab has superiority over a non Arab and no non Arab has a superiority over an Arab. No blackman has superiority over a red and no red over a black. All are born of Adam and Adam was born of earth.”In another Hadith (tradition of the Prophet) the Prophet of Islam declared;“ I bear witness that all human beings are brothers to each other. “This concept of equality found expression much later in Article 1 of the UN Declaration of Human Rights (UNDHR), 1948 which declared “all human beings are born free and equal in dignity and rights.” It is a pity that despite a casteless society despite lofty ideals and preachings about the equality of all human beings, the Indian brand of Islam is caste ridden. True, Allah created different nations clans and

tribes etc. so that they could be recognised not that they be discriminated. But the lower castes amongst the Muslims are despised, looked down upon and discriminated. The reason for infiltration of the caste system amongst the Muslims in India, according to historians, is that they actually converted to Islam. Thus, the Dalit Muslims in India are the converted.

As discussed in the third chapter, Sociological studies on the social structure of Muslims in India have emphasized on the presence of descent based social stratification among them. Features of the Hindu caste system such as hierarchical ordering of social group's endogamy and hereditary occupation have been found to be amply present among the Indian Muslims as well. The census of India 1901 listed 133 social groups wholly or partially Muslim. The present day Muslim society in India is divided into four major groups The ashrafs who trace their origins to foreign lands such Arabia Persia, turkistan or afghanistan (ii) the upper caste Hindus who converted to Islam (iii) the middle caste converts whose occupations are ritually clean(iv) the converts from the erstwhile untouchable castes, Bhangi (scavenger)Mehtar (sweeper) Chamar (tanner) Dom and so on.'

These four groups are usually placed into two broad categories namely ashraf and ajlaf . The former meaning noble includes all Muslims of foreign blood and converts from higher castes. While ajlaf meaning degraded or unholy embraces the ritually clean occupational groups and low ranking converts. In Bihar, U.P. and Bengal Sayyads Sheikhs Moghuls and Pathans constitute the ashrafs. The ajlaf are carpenters artisans , painters , grazioers tanners milkmen etc. According to the census of 1901 the ajlaf category includes the various classes of converts who are known as neo Muslim in Bihar and Nasya in North Bengal. It also includes various functional groups such as that of the Jolaha or weaver Dhunia or cotton carder Kulu or oil presser Kunjra or vegetable seller, Hajjam or barber, Darzi or tailoer and the like. The 1901 census also recorded the presence of a third category called Arzal. It consists of the very lowest castes such the Halalkhor Lalbegi, Abdal and Bediya.”

Similar pattern of descent based social stratification is discernible in other regions as well. In Kerala the Mophlahs of Malabar are divided into five ranked sections called Thangals, Arabis, Malbaris, Pussalars and Ossans. The thangals trace their descent from the Prophets's daughter Fatima and are of the highest rank. Next in rank are Arabis who claim descent from the Arab men and local women and retain their Arab lineage. The Malbaris are next in rank. They have lost their Arab lineage and follow matrilineal descent. The Pusalaras are the converts from Hindu fishermen called Mukkuvan the new Muslims. They have low status.

The Ossans are the barbers and by virtue of their occupations they rank lowest. In Andhra Pradesh a field study conducted in 1987 found hierarchically arranged endogamous groups among Muslims. At the top of the ladder were those claiming foreign descent Syeds, Shaikh, Pathan and Labbai (descendants of Arab Traders who took native wives). At the lowest level were groups with unclear occupations Dudekula (cotton cleaners) Hazam (barber) and Fakir Budbudki (mendicants)”

Muslim groups currently bracketed under the category OBC come essentially from the non ashraf section of the Muslim population. They are the converts from the middle and lower caste Hindus and are identified with their traditional occupation. A study of a village in Uttar Pradesh could identify eighteen such groups for example Julahas (weaver) Mirasis (singers) Darzis (tailors) Halwais (sweetmakers) manihars (banglemakers) and so on. The 1911 census listed some 102 caste groups among Muslims in Uttar Pradesh at least 97 of them came from the non ashraf category . Many such groups such as the Rajputs Kayasthas Koeris Koris Kumhars Kurmis Malis MOchais were common among both Hindus and Muslims.

The Sachar Reports says: ‘the incidence of poverty is highest among Muslim-OBC (38%) followed by Muslim General (35%)... Overall, the conditions of Muslim-OBCs are worse than those of Muslim-General ... Within the Muslim community a larger percentage of Muslim OBCs fall in low income category as compared to Muslim-General... Within Muslims, Muslim-OBCs are slightly lagging behind the Muslim-General in high income group.’

In its recommendation the report says: “Being at the bottom of the Social hierarchy, the arzals [SCs] are the worst off and need to be handled separately. It would be most appropriate if they were absorbed in the SC list or at least in a separate category”.

Justice Misra Commission also says that ‘the caste system should be recognized as a general social characteristic of the Indian society as a whole, without questioning whether the philosophy and teachings of any particular religion recognize it or no”. It further recommends that ‘Para 3 of the Constitution (Scheduled Castes) Order 1950 should be wholly deleted by appropriate action so as to completely de-link the Scheduled Caste status from religion’. The denial of reservation to Dalit Muslims by the Presidential Order of 1950 appeared to be with an eye on the balance of power which is tilted in favour of Hindus. Hence, the required amendment will be a step towards secularism.



On the face of it, the expression 'Dalit Muslims' would appear to be a contradiction in terms. One can arrive at an assessment of the extent of confusion that prevails at present with respect to the expression 'Dalit Muslims'. My study explore that it is an established fact that Indian Muslim community is divided into castes and has a large deprived section. . . . Before discussing constitutional provisions in respect of Dalits and exclusion of all 'Dalit Muslims' from those provisions, I think we must define "Dalit Muslims". Dalit means downtrodden, oppressed, suppressed and backward. Also, Dalit stands for untouchable and depressed classes. The term "Dalit" applies to members of those menial castes that have been graded lowly which they have inherited by accident of birth'. Likewise, Ali Anwar [18] uses the words 'pasmanda' (meaning downtrodden and backward) and Dalit interchangeably and includes under 'Dalit Muslims' castes like Bhatiyara, Tikyafarosh, Itafarosh, Halalkhor, Khakrob, Mogalzada and Chirimar only some of which can be said to be severely stigmatized and excluded. In all such statements and lists, as their reading suggests, the expression 'Dalit Muslims' has been used as a generic term to denote all Muslim castes that are educationally and socially backward.

Clearly, there is need to define Dalit Muslims in more precise terms. The relationships between the ashraf and ajlaf on the one hand and the arzal on the other were shaped by considerations of social distance taking on the characteristics of untouchability. Members of the category called arzal were excluded both physically and socially. From a physical point of view, they tended to inhabit excluded localities and did not mix with the members of the other two categories. When it came to social intercourse, their relationship was characterized by strict maintenance of social distance and deference so that the members of the arzal communities had minimal and limited interaction with the members of the other communities. The expression should be restricted to refer to these castes alone. Since the expression 'Dalit' has come to acquire pejorative connotations, though it was originally used by the Dalit Panthers Movement as a short-hand way of referring to the extremely deprived and excluded castes, many Muslims may not like that expression to be used in the context of Muslim castes. Even so, there is need to recognise that the castes to whom we have here referred to as Dalit Muslims do form a class separate from the other categories of Muslim castes and need to be distinguished on account of the extreme degree of stigmatisation and exclusion suffered by them.

There is need for rich and focussed ethnographic research on such castes. This research should seek to understand the attitudes of the non-arzal castes and groups toward the

members of the arzal category and to gauge the extent and intensity of discrimination suffered by them today. It is possible that with the introduction of sanitary toilets and other technological changes the arzal castes no longer engage in the demeaning and defiling occupation of scavenging but social distance from them continues to be maintained. It is also possible that the forms of discrimination and stigmatisation practised against the arzal castes have changed, but they may have taken other forms. Only focussed social research can indicate the contemporary situation of the arzal castes in contemporary Muslim society.

Following the footsteps of BSP, Dalit Muslims are uniting at a fast pace. Reservations for Dalit Muslims are recent topic for discussion in Uttar Pradesh, Bihar, Jharkhand, Assam, Bengal, Delhi and all over India. According to Dalit intellectuals, retrogression of Dalit Muslims is because of their own people. This retrogression started soon after Independence and is continuing till is very day. Muslims who are at a much higher platform from the very beginning are passing down their status from generations to generations leaving Dalit Muslims oblivious to their rights. Islam does not discriminate between people but Muslims do. Muslims with higher status do not allow Dalit Muslims to come forward or improve their working or living status. Even Dalit Muslims in India know that Islam does not discriminate between the statuses of the people.

This was proved on Aug 8, 2007 in Andhra Pradesh Vidhan Sabha by Mazliz- e- Ittheadul Muslemin. He along with 5 Muslim members joined BJP to openly oppose 4% reservation given to Dalit Muslims. After independence of India, Aakliyati Tahaffuz committee (Dalit Rights and Protection committee) was formed with Sardar Vallabhbhai Patel as its chairman. Muslims members of the committee were Maulana Abdul Kalam Azad, Maulana Habibur Rahman, Begum Ezaz Rasool, Husain Bhai Lalji and Tajmool Husain. Committee was responsible for fundamntal rights and reservation of minorities, tribal and excluded areas. During decision on reservation for minorities it was suggested by Sardar Vallabhbhai Patel and Dr. Ambedhkar that even Muslims include Dalit in the same fashion that Hindu do and changing ones caste does not improve his social and financial status. Therefore even Muslims Dalit should be provided with reservation. This suggestion was opposed by 5 Muslim members of the committee saying Muslims do not need reservation on the basis of their religion. Dr. Ambedhkar was not in favour of this statement. He very well knew the ulterior motive of the members of the committee who were opposing the reservation. He knew that Muslim members of the committee didn't want reservation for Dalit Muslims thinking that Dalit would improve their social and financial status and would start interfering with politics.

Whereas from 1935 to 1950 all Dalit belong to any religion were provided with reservations. In Jan 26, 1950 when constitution of India came into force, members of Akliyati Tahaffuz committee said that an order is passed by Dr. Rajendra Prasad, president of India stating that only Hindu dalits will be provided with reservations even though it is clearly stated in Act 341 that all scheduled castes are to be provided with reservation. There is freedom of religion in India but members of Akliyati Tahaffuz committee instilled in the minds of Muslims that they should maintain distance from Hindu dalits who had converted to Islam.

HOWEVER, if DMM is to do justice to its potential it is imperative that it incorporates the 'social' into its agenda. I can think of at least three interventions in this regard as of now and all of them flow from the main features of caste system itself. The caste system is premised on three essential features: (a) the principle of hierarchy in accordance with the elaborate rules of purity-pollution as registered and legitimized in the canonical religious texts; (b) endogamy; and (c) hereditary occupational specialization. All these three features apply to the Muslim community too in varying degrees. While caste as a principle of social stratification is not acknowledged in the Holy Quran (the inclusion of a close category 'class' is a contentious issue though) but for all practical purposes it operates as a category in the Islamic juristic/legal corpus and interpretative tradition as it has evolved in India [ Masood Alam Falahi, *Hindustan Mein Zaat Paat Aur Musalman* (in Urdu) (Delhi: Al Qazi Publishers, 2007)]. Moreover, there is some evidence to suggest that the process of Islamisation has only worked to reinforce rather than weaken or eliminate caste distinctions. Endogamy is still rampant in Indian Muslims as the various matrimonial columns in the newspapers/internet testify. As far as the link of caste with hereditary vocation is concerned the market economy has eroded it to some extent but still a large number of Dalit Muslims find themselves engaged in caste-based callings.

All in all, the crux of the argument submitted here is that DMM needs to grow beyond quota politics and rethink its abnegation of the social/cultural/economic aspects of the movement. Along with its present accent on democratisation of the state it would do well to also consider the more far-reaching issue of the democratisation of society at large. DMM needs to engage in a balancing act between the 'political' and 'social'. This will create the much desired synergy necessary for launching the liberator promise of DMM on track.

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(Shows that some Gaddis have done well in recent years)

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