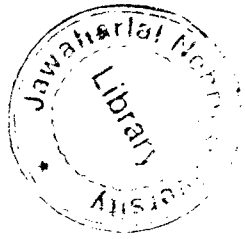


Discrimination and Recognition: A Case Study of Dalit Muslims in Bihar

Thesis Submitted to Jawaharlal Nehru University in fulfillment of the requirements for the award of the degree of

Doctor of Philosophy

Md. Aftab Alam



**Centre for Political Studies
School of Social Sciences
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New Delhi-110067
India
2011**

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Submitted by

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Under the supervision of

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**India
2011**



Date: July 20, 2011

DECLARATION

I do hereby declare that the thesis entitled “**Discrimination and Recognition: A Case Study of Dalit Muslims in Bihar**” submitted to Jawaharlal Nehru University by me for the award of Doctor of Philosophy is my original work and it has not been submitted so far, in part or in full, for any other degree or diploma of any University/Institution.


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We recommend that this thesis be placed before the external examiners for evaluation.



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Dedicated to
“the sufferings of the excluded communities”

For Ammi-Abbu

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I am solely responsible, however, for any errors of fact or interpretation that remain.

Md. Aftab Alam

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Introduction

This study explores the issues related to the silence imposed historically, socio-economically and politically on the Dalit Muslims. It brings to the fore their voices and visions, issues and struggles, shares their achievements and critically highlights weaknesses and limitations. There is an attempt to address questions of Dalit Muslims' exclusion, their identity, their ambiguous relationship with other Dalits and the assertion of their rights and dignity.

Muslims are the largest religious minority in India. According to 2001 census, they constitute 13.4 percent of India's total population. However, due to lack of sufficient research, we do not know much about the socio-political dynamics of this religious minority group which is a diversified community. There has been an attempt to represent Muslims as a single, monolithic, homogenous group not only in political terms, but also in social science discourses. Issues surrounding infringement of religious freedom and questions about State bias towards Muslims has been subject to scholarly scrutiny. These kinds of representations have been facing a serious challenge in recent times due to the emergence of the perspective of understanding Muslim society from below/its margins. Various studies point out the discrimination faced by certain sections within Muslims due to their caste background.

The Indian Constitution refers to SC, ST, and backward groups but we do not find any mention of 'Dalit Muslims' as a category. They are also absent from academic discourses and the debates of mainstream politics. The census report usually enumerates the different castes included as Scheduled Castes.¹ But in these reports, we do not find even a reference to the category of 'Dalit Muslims'. We need to discuss their problems, sufferings, and in a way expand Habermas' notion of 'public sphere'. The deeply disturbing fact however is that the public sphere of our society does not even deem it necessary to hold discussions on this group. The media have never included this group within the ambit of their discussion. That is why, it is important to underline at the outset

¹ Census of India, 2001, Office of the Registrar General & Census Commissioner, India.

that the issue of Dalit Muslims in India is a highly deficient area of study within the domain of social sciences.

Indian democracy, despite its various pitfalls, has over the years unleashed forces of democratization among various social groups including marginalized ones.² The current political and democratic assertion of hitherto underprivileged sections of society like the dalits, other backward classes/castes and women reflects their aspiration for intra-democratization (social and educational reform) as well as inter-democratization (recognition of equal social status in society).³ This awakening is partly a result of politicization of identity unleashed by electoral democracy and partly due to social fragmentation. However, the paradox of Indian democracy is that the social and political position of the Indian Muslims has been left untouched by the working of Indian democracy. Moreover, it has not unleashed forces of democratization within the community. Thus, the initiation of wider social and educational reform within the community is yet to start. Through this kind of research we can successfully create a congenial condition for serious discussion on multi-faceted problems faced by Dalit Muslims.

Historical Background

The need for a proper understanding of the caste dynamics at play among Muslims has been addressed by some organizations. Among them, the All India Backward Muslim Morcha (henceforth AIBMM) has questioned the discrimination inflicted on the Dalit Muslims. Sociologists have recently studied caste dynamics within Indian Muslims.⁴ In a paper entitled '*Social Stratification Among Muslims in India*', Zarina Bhatti observes that Muslims in India are divided into two broad categories, *Ashrafs* and *Non-Ashrafs*. *Ashrafs* are upper castes by virtue of their foreign descent. And *Non-Ashrafs*, being the

² Atul Kohli (ed.), 2001, *The Success of India's Democracy*, Cambridge University Press, India.

³ Anwar Alam, 2003, 'Democratization of Indian Muslims: Some Reflections', *Economic and Political Weekly*, Vol. 38, No. 46, Nov. 15-21, pp.4881-4885.

⁴ See a) Imtiaz Ahmad, 1967, 'The Ashraf-Ajlaf Categories in Indo-Muslim Society'. *Economic and Political Weekly*, 11:887-90. b) Imtiaz Ahmad (ed.), 1973, *Caste and Social Stratification among Muslims in India*, Manohar, New Delhi. c) Zarina Bhatti, 1996, 'Social Stratification among Muslims in India', in M.N. Srinivas (ed.), *Caste: Its Twentieth Century Avatar*, Viking Publication, New Delhi, pp.242-262.

alleged converts, constitute the lower castes.⁵ Further, while the *Ashrafs* are divided into four castes, *Sayyads*, *Sheikhs*, *Mughals* and *Pathans*, the Non-*Ashrafs* are divided into a number of 'occupational castes'. In Non-*Ashrafs*, writes Bhatta, 'the superiority or inferiority of a caste is determined by the relative pure or impure nature of the occupation associated with each.'⁶ Despite being in an overwhelming majority, the Non-*Ashrafs* have no particular voice of their own; their social and political situations are largely determined by a handful of upper caste, English-speaking elites, who in order to keep the whole Muslim community together, have consequently done away with their identity as Dalits, thereby depriving them of their claim to social justice and political privileges.⁷

Various studies about the 'backwardness'⁸ of any community in India have overlooked the caste inequality persisting within it. The backwardness of middle and lower caste groups constitute a large share in the overall retarded growth of any community in India. The same argument can be forwarded about the Muslim community, whose middle and lower social units (caste/class) have been the worst affected. Yet, most studies analyzing the poor performance of the Muslim community hide the evident fact of underlying inequalities within this minority community. This is due to the assumption that Muslims are a single homogenous category/community which is essentially a colonial construction, sustained by the Indian State and its policy makers.

The origins and evolution of backward and Dalit Muslims consciousness can be traced to the colonial period. In the 1920s the Momins (caste of handloom weavers) who formed around twenty per cent of Muslim population of Bihar, under the leadership of the All India Momin Conference, forcefully supported the Congress instead of the Muslim

⁵ Zarina Bhatta, 1996, 'Social Stratification among Muslims in India', in M.N. Srinivas (ed.), *Caste: Its Twentieth Century Avatar*, Viking Publication, New Delhi, pp.242-262.

⁶ Ibid: p.249.

⁷ See a) Imtiaz Ahmad, 2003, 'The Democratic Problem of the Muslim Community', in Safdar imam Quadri (ed.), *Marginalisation of Dalit Muslims in Indian Democracy*, Booklet, Deshkal Society, New Delhi. B) Imtiaz Ahmad, 2006, *Recognition and Entitlement: Muslim Castes Eligible for Inclusion in the Category 'Scheduled Castes'*, Paper presented at the workshop on 'Conferment of SC Status to 'Untouchables'/Dalits converted to Christianity/Islam: Issues and Challenges' held at TISS, Mumbai, on August 18-19. c) Asghar Ali Engineer, 1996, 'OBC Muslim and their Problems'. *The Hindu*, September 12.

⁸ I have used it in terms of socio-economic, political and educational backwardness of a community.

League.⁹ During the same period, Momins of Bihar and eastern UP formed an All India Momin Conference. In the first decade after Independence, the Momins of Bihar floated the Bihar State Backward Muslim Federation, but the Federation turned inactive in the subsequent years.¹⁰

Thus the question of Dalit Muslims is linked to the movement of backward Muslims. e.g. movement of Momins in Bihar in early decades of 20th century. This movement never supported the Muslim League. Indeed, its leaders such as Abdul Qaiyum Ansari, always opposed and debunked Jinnah's two-nation theory. Ali Anwar, one of the leading figures amongst Dalit Muslims, in his book, draws the attention to a striking fact; both the Hindu Mahasabha and Muslim League opposed the enumeration of caste in the census arguing that it would weaken the 'community'.

A survey of the history and practices of a few Muslim institutions reveals their gross neglect of the interests of Dalit groups. Ali Anwar deals with the ways in which Muslim religious fora and government institutions meant for Muslims in Bihar, have been monopolized by the *Ashraf*. The fora and institutions discussed in his book, include Imarat-e-Sharia, Phulwari Sharif, Idar-e-Sharia, Patna, All India Milli Council, All India Muslim Personal Law Board, Urdu Academy, Sunni Waqf Board, Minorities Commission, Madrasa Board, and Urdu Advisory Council. In support of his argument, the author furnishes secondary data that vividly depict the absolute marginalisation of the groups at the bottom.¹¹ There is an urgent need to democratise these institutions thoroughly and to make them more socially representative in terms of backward and Dalit Muslims. He also explains how and why backward and Dalit Muslims have been deliberately kept out of the legislative assembly and government services, IAS and IPS. While upper-caste Muslims in pre-independent India sided with the Muslim League and its two-nation theory, the backward Muslims, under the leadership of Momin Conference and Abdul Qaiyum, by contrast, firmly stood for a united India. Backward and Dalit

⁹ Imtiaz Ahmad, 2003, 'The Democratic Problem of the Muslim Community', in Safdar Imam Qadri ed., *Marginalisation of Dalit Muslims in Indian Democracy*, Booklet, Deshkal Society, New Delhi, p.6.

¹⁰ Maulana Wahiduddin Khan, 1997, *Indian Muslims: A Need for a Positive Outlook*, Al-Risala Books, New Delhi, pp.65-6.

¹¹ Ali Anwar, 2001, *Masawaat ki Jung*, (in Hindi) Vani Prakashan, New Delhi.

Muslims never got their due, politically as well as economically, even though they numerically formed 80 per cent of the total Muslim population. This situation continued even during the regime of Laloo Prasad Yadav, the messiah of the backward groups in Bihar. Anwar criticises him for his refusal to support the cause of Muslim backward castes in the same way as he does for their counterparts among Hindus. He, however, notes with a sense of satisfaction that the scenario is now changing and there is a great social churning within Muslim society with the solid assertion of the backward and Dalit Muslims.

Dalit Muslims became aware of the gap between their viewpoint and that of upper caste Muslims in the early 1990s with the coming up of backward and Dalit Muslim organisations. Implementation of the Mandal Commission Report also provided impetus to it. As a consequence, a Dalit Muslim perspective that challenges the establishment has emerged within the Muslim community. This research analyses this new perspective, their assertion and the distinct identity of Dalit Muslims that it has produced, with an emphasis and central focus on Bihar.

The organizations like AIBMM & PMM (Pasmanda Muslim Mahaz) are platforms to express protest against unjust social structures and to put forward an alternative framework. Thus, the idea of Dalit Muslim organizations as a means to agitate for recognition and to seek legitimate space for Dalit Muslims was raised in the early 1990s.

These new leaders call themselves 'Dalit Muslims', a term that includes the descendents of 'untouchable' converts and lower caste converts. Ejaz Ali, another leading figure, in fact, demands that SC status should be extended to Dalit Muslims and calls for a non-violent *Jihad* to be fought by Dalit Muslims in alliance with non-Muslim Dalits and the secular forces in the country. Ejaz Ali says that it is against the secular credentials of Indian Constitution to exclude the Dalit Muslims from the Scheduled Caste list.¹² He is of the view that the 1950 Presidential Order was a direct violation of the principles of

¹² Ejaz Ali, 2003, 'The Dalit Muslim in the Eyes of the Constitution', in Safdar Imam Quadri ed., *Marginalisation of Dalit Muslims in Indian Democracy*, Booklet, Deshkal Society, New Delhi, p.59.

secularism. The Presidential Order excluded Dalit Muslims from the Scheduled Caste list on the ground of religion. Many of these emerging leaders¹³ of 'Dalit Muslims' regularly write in *Dalit Voice*, a periodical devoted to the question of the human rights of persecuted nationalities in India.¹⁴

The rise of OBC and Dalit Muslims has radical repercussions for Muslim politics as they constitute the majority within the Muslim minority population of the country. This basic shift in Muslim politics has been examined in this study on the basis of activities of backward and Dalit Muslim organizations in the country. Muslim OBC movement in Maharashtra was the first one to realize that the real problems of the vast majority of the Indian Muslim population are economic, social and political rather than religious. It was the first Muslim movement that focused on the educational, economic and political empowerment instead of focusing on religious or minority issues.¹⁵

A number of organizations have come up in the last few years with the intention of promoting the interests of Dalit Muslims. Among the many issues on their agenda, the main one is to get OBC and SC status for abused Muslims. Therefore, the questions of Dalit Muslim identity and its recognition are of central importance.

Statement of the Problem: The Question of 'Dalit Muslims'

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 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

¹³ Leaders like Ali Anwar, Ejaz Ali, and Shabbir Ansari etc.

¹⁴ Rajendra Vora, 2008, 'Multiple Identities of Backward-caste Muslims in India', in Manu Bhagavan & Anne Feldhaus ed., *Claiming Power from Below*, Oxford University Press, New Delhi, p.45.

¹⁵ S. R. Mondal, 2003, 'Social Structure, OBCs and Muslims', *Economic and Political Weekly*, Nov.15-21, p.4894.

Hindus, the various *jatis* among the *Ajlaf* Muslims maintain a strong sense of *jati* identity.¹⁶

Many studies demonstrate that Muslims in India are separated into several caste or caste-like groups. Descendants of indigenous lower-caste converts are discriminated against by “noble”, or “*Ashraf*” Muslims who trace their descent to Arab, Iranian, or Central-Asian ancestors. There are several groups in India working to emancipate the lower castes from upper-caste Muslim discrimination.¹⁷ Dalit Muslims are referred to by the *Ashraf* and *Ajlaf* Muslims as *Arzal* or “ritually degraded”. They were first recorded in the 1901 census as those “with whom no other Muhammadan would associate, and who are forbidden to enter the mosque or to use the public burial ground”. They were relegated to “menial” professions such as scavenging and carrying night soil.¹⁸ Dr. Babasaheb Ambedkar, the framer of the Constitution of India, wrote about the Dalit Muslims and was extremely critical of their mistreatment by upper-caste Muslims. According to him “within these groups there are castes with social precedence of exactly the same nature as one finds among the Hindus”.¹⁹

It is our own experience that there is a Dalit section among the Muslims. Until 1931, we find the description of castes in the census in Bihar still existed. The census had listed those caste groups which we recognize as Dalit Muslims.²⁰ But later on, the Dalit Muslim castes were not listed in the census. The list given by Francis Buchanan²¹ can be of considerable help in identifying the Dalit groups among Muslims of Bihar. He provides a detailed list of Muslim castes in the 19th century. Further help can be taken from the census Lists of those years where the caste-data is recorded. It would be more meaningful

¹⁶ Himansu Charan Sadangi, 2008, *Dalit: The Downtrodden of India*, Gyan Publishing House, Delhi, pp.71-72.

¹⁷ Oliver Mendelsohn & Maria Vicziany, 1998, *The Untouchables, Subordination, Poverty and the State in Modern India*, Cambridge University Press, Edinburg, pp.4-28.

¹⁸ Tanweer Fazal, 2006, ‘Dereseve these Myths’, *Indian Express*, September 7.

¹⁹ B.R. Ambedkar, 1990. *Writing and Speeches*, Vol. 8, Reprint of: *Pakistan or Partition of India*, Educational Department, Government of Maharashtra, Bombay, p.229.

²⁰ Imtiaz Ahmad, 2003, ‘The Democratic Problem of the Muslim Community’, in Safdar imam Quadri (ed.), *Marginalisation of Dalit Muslims in Indian Democracy*, Booklet, Deshkal Society, New Delhi, p.2.

²¹ Francis H Buchanan, 1928, *An Account of the Districts of Bihar and Patna in 1811-12*, English, NULL. Patna.

to first identify with greater certainty the Dalits among Muslims and then to consider their problems, such as those of marginalization, denial of political and economic empowerment, lack of education and other facilities, before we can work out a final strategy for their greater assimilation into politico-social mainstream and extension of development opportunities to them.

The expression 'Dalit Muslims' has emerged in some writings but 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.

The Mandal Commission compounded and reinforced this confusion. As is already well-known, the Commission's task was to identify Other Backward Classes/Castes and determine whether they should be eligible for reservation along the lines of the Scheduled Castes and Scheduled Tribes. There was no difficulty in this with respect to Hindu castes because administrative policy clearly recognised a distinction between Scheduled Castes and Other Backward Classes/Castes. Since the Presidential Order of 1950 clearly and arbitrarily laid down that 'no person who professes a religion different from the Hindu religion shall be deemed to be a member of a Scheduled Caste', the Mandal Commission lumped the severely stigmatised and extremely excluded among the Muslims with Muslim Other Backward Classes/Castes for purposes of affirmative action. Therefore, when the urge for equality and social justice seized the imagination of the lowest social groups in other religious traditions and the word Dalit came to be seen as a short-cut carrier of that aspiration, the expression 'Dalit Muslims' came to be used for a wide variety of groups other than those severely stigmatised and excluded and on that ground comparable to Hindu 'ex-untouchable' castes for whom the term 'Scheduled Castes' was reserved.

The emergence of democratic politics is, however, bringing about a radical change in the manner in which this sense of identity is articulated. The political mobilization of backward and Dalit Muslims has begun under the new leaderships of those who have experienced marginalization for along time. Backward and Dalit Muslims are not today what they were 60 years ago. They are conscious of their fundamental rights and are sensitive to discrimination both within and outside the community. A time has come when, it seems, they will not take any more of this oppression and discrimination. It seems they are prepared to assert themselves as citizens of this country.

There is a need to further this inquiry on issues related to Dalit Muslims. There is definitely a need for greater sharing and association with larger struggles, movements, and the politics for social justice. Apart from political alliances, the need for Dalit Muslims is also to form alliances in social, economic, educational and cultural fields on the basis of programmes, issues and campaigns.

Before discussing the constitutional provisions in respect of Dalits and exclusion of Dalit Muslims from those provisions, I think we must define the term 'Dalit Muslim' as used in this study. Dalit means downtrodden, oppressed, suppressed and backward. Also, Dalit stands for the untouchable and depressed classes. The term "Dalit" applies to members of those menial castes that have been graded lowly and which they have inherited by accident of birth.²²

The significant part of this research is to focus and analyse the term 'Dalit Muslims' which is now bringing a new discourse in the public sphere and in the process raise questions for the politics of Muslim community in India. The question of Dalit Muslims may start a new era of politics for Muslims which is distinctly located within the Muslim community and which face caste discrimination. The politics of Dalit Muslims strives for a socially just and democratic society. There is, therefore, the need to extend the

²² Gopal Guru, 2001, 'The Language of Dalit-Bahujan Discourse', in Ghanshyam Shah ed., *Dalit Identity and Politics*, Sage Publications, New Delhi, pp.97-107.

discussion to those Muslim castes which share the attributes of the Scheduled Castes but are denied recognition and entitlement as 'Scheduled Castes'.

Many activists believe that inclusion of Dalit Muslims in the mainstream social and political life will lead to the democratization of Muslim community in particular and Indian polity in general. Dalit Muslims and other backward sections among Muslims (*Pasmanda*) have begun to unite both politically and socially against the *Ashrafs* of the community and their brand of politics. Their assertion and participation will possibly weaken the domination of *Ashrafs* (upper caste) and the systematic discrimination of Dalit Muslims. It will help the lower castes in participating in the decision making process of the community. The assertion has been strong in Hindi-belt, especially Bihar. Due to this reason, Bihar has been selected as the location for the case study.

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 and 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 All India Backward Muslim Morcha (AIBMM) seeks to articulate. 'Lower' caste Muslim ideologues and activists in the AIBMM 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.²³ The AIBMM 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. The

²³ Yoginder Sikand, 2002, 'The 'Dalit Muslim' and the All India Backward Muslim Morcha', www.qalandar.com.

issue of democratic rights and dignity of Dalit Muslims has gone through a complex process at historical, social and constitutional levels in the public sphere especially in Bihar. Even in the other parts of the country, issues pertaining to Dalit Muslims, both within and outside the Muslim society have led to serious discussions.

The question of democratization, political mobilization and assertion of Dalit Muslim identity is of central importance for this study. The study looks at specific and concrete instances in which the hegemony of the *Ashraf* is countered by Dalit Muslim assertion. One can look at specific institutions that have been dominated and hegemonised by the *Ashraf* like the Imarat-e-Shariah in Phulwarisharif, Patna or the Waqf Boards etc. Looking at concrete institutions highlights the hegemony exercised by the *Ashrafs* and how the Dalit Muslims respond to this.

The Muslim OBC movement in Maharashtra was the first one to realize that the real problems of the vast majority of the Indian Muslim population are economic, social and political rather than religious. On February 5, 1984, Shabbir Ahmad Ansari, head of All India Muslim OBC Organisation (henceforth AIMOBCO), held a massive rally of Muslim OBCs and dalits at Jalna in Maharashtra where his organization received massive support from intellectuals, social activists, and politicians.²⁴ But at the same time they faced opposition from traditional Muslim leadership of higher classes. In spite of difficulties, the Muslim OBC movement in Maharashtra has maintained close ties with the movements of backward classes and focused keenly on educational and economic development of the Muslims as much on reservation issues. Maharashtra Muslim OBC organizations won in 1993, when implementation of the Mandal quota was explicitly extended to backward classes in all religions including Muslims. From 1993 the scope of organization extended to all India level and Shabbir Ahmad Ansari began to tour different parts of the country and build organizations in different states with the objective of repeating the Maharashtra pattern. On August 29, 1996 AIMOBCO organized, under the leadership of its convener, Shabbir Ansari, a conference in New Delhi's Mavlankar

²⁴ S. R. Mondal, 2003, 'Social Structure, OBCs and Muslims', *Economic and Political Weekly*, Nov.15-21, p.4894.

Hall. Its main objective was to build public opinion in favour of extending the existing provision of reservation for other backward classes to their Muslim counterparts. Barely a week after the conference, *Dawat*, the biweekly Urdu organ of the Jamaat-e-Islami Hind (JIH), front-paged an alarming story- “Do not Create Further Disunity in Problem-Ridden Millat”.²⁵

However, voices of backward and Dalit Muslims have been making themselves heard. The first demand of these voices is precisely that their voices be heard. These voices have begun questioning the views of the established Muslim leaders on issues of religion, caste, democracy. In a way, this struggle registers the voices of protest raised by the exploited groups in the contemporary political scene. The rise of marginalized Muslim groups in India is a clear indication that the subalterns of the community now want to raise their profile against the elites of the community and of the country too.

A Case Study of Dalit Muslims in Bihar

It is important to study assertions of Dalit Muslims which has become crucial to the social and political life of Bihar. The awakening of Muslim backward classes and Dalit Muslims can be seen from the movements launched in Bihar. Dalit Muslims in Bihar have launched a movement against the exploitative upper class and Ulemas in their own society under the banner of Pasmanda Muslim Mahaz (PMM) and All India Backward Muslim Morcha (AIBMM).

The AIBMM (Bihar) demands that disadvantaged Muslim groups be included within the SC category. The AIMOBCO (Maharashtra) as well as PMM (Bihar) are opposed to the demand of religion based quota for all Muslims, and preferred to press the claims of the dalits within the religion.

²⁵ Irfan Ahmad, 2003, ‘A Different Jihad: Dalit Muslims’ Challenge to Ashraf Hegemony’, *Economic and Political Weekly*, Nov.15, p.4887.

The activities of AIBMM and PMM are largely confined to state of Bihar. Their primary concerns and demands are to include all backward communities among Muslims in the OBC and SC lists at the state and central levels. They also seek to pressurize the mainstream political parties to give more representation in their organizational structure, in ticket distribution at all levels of elections – municipal, assembly and Parliament, in the council of ministers and in other state aided minority bodies. Anwar Alam²⁶ notes that these organizations and their politics have a few noteworthy features. First, their primary character, concerns and leadership are secular with a commitment to building an equitable society. Second, they take the stand that a secular social structure and class/caste hierarchy comes before religious identity. It is these structures that provide the foundation for political organization and interest articulation. Third, as Asghar Ali Engineer has noted²⁷ that with the assertion of these organizations Muslim politics will become more grass root and issue oriented and will cease to be the reactionary politics that it has been since independence. Finally, there is a conscious effort to forge relations between Dalit and OBC Muslims and OBC Hindus and Dalits to create bonds of solidarity across the religious divide. This has the potential of helping large number of Muslims break out of the ‘ghetto’ in which their ‘traditional’ leaders and many parties have placed them.²⁸

Although Dalit Muslims are excluded from the SC list, they are a separate class within the Muslim society. The question of Dalit Muslims is inextricably linked to the ongoing democratization process, both within the Muslim community as well as in the larger Indian context. It is important to recognize that history, social behaviour and popular debate has played an equal role, along with research studies in understanding sensitive and significant issues such as this one.

²⁶ Anwar Alam, ‘Democratization of Indian Muslims: Some Reflections’, *Economic and Political Weekly*, Nov.15, pp.4881-4885.

²⁷ Ashgar Ali Engineer, 1996, ‘OBC Muslim and their Problems’. *The Hindu*, September 12.

²⁸ AIBMM and PMM have taken up the cause of the Dalit Muslims. Ejaz Ali says that in 1994 they were alone, but in the 1998 conference, they got the support of the different sections of society. After that, they organised a conference in Lucknow. He says that it is to their benefit that they have got the support of Ram Vilas Paswan, Nitish Kumar, Sharad Yadav and Laloo Prasad Yadav.

Many voting-behaviour surveys have pointed out that relatively backward Muslims may support a party with a radical programme. In the 1999 Lok Sabha elections in Uttar Pradesh, the upper class generally favoured the Congress, while the majority of working-class Muslims, such as the weavers in eastern UP, went with Mulayam Singh Yadav's Samajwadi Party.²⁹ It has been found that backward and Dalit Muslims supported JD(U) in 2005 Assembly elections in Bihar.

It is not surprising then to see that for the first time in December, 2000, the Bihar Legislative Assembly passed a unanimous proposal to recognise few castes as Dalits by a constitutional decree.³⁰ This is a landmark step taken with regard to Dalit Muslims. These castes are: 1) *Halalkhor*, 2) *Lal Begi*, 3) *Bhatiyara*, 4) *Gorkar*, 5) *Bakho*, 6) *Mirshikar*, 7) *Cheek*, 8) *Rangrez*, 9) *Darg*, and 10) *Nat*. Some of these castes have been discussed in chapter three.

Outline of the Chapters

The main objective of the study would be to 'overcome the lacunae' in research on Dalit Muslims. This study aims to understand the social conflicts (class/caste differences) within the Muslim community. The issues of the Dalit Muslims have become central in the public sphere especially in Bihar. It has raised significant social and political questions. Even in other parts of the country, issues pertaining to Dalit Muslims, both within and outside the Muslim society have led to serious discussions.

This research looks at the category of Dalit Muslims and how this identity is being mobilised and constructed in Bihar. By doing so it is able to challenge the dominance of the *Ashrafs*. It thereby opens up the possibility of extensive democratisation, not just within Muslims by asserting a radical politics of equality but also by linking the Dalit Muslims with the Dalit Hindus and other oppressed groups across religious lines.

²⁹ Cited in Rajendra Vora, 2008, 'Multiple Identities of Backward-caste Muslims in India', in Manu Bhagavan & Anne Feldhaus ed., *Claiming Power from Below*, Oxford University Press, New Delhi, p.42.

³⁰ Safdar Imam Quadri, & Sanjay Kumar (ed.), 2003, *Marginalisation of Dalit Muslims in Indian Democracy*, Booklet, Deshkal Society, New Delhi.

At the outset, I wish to mention that the area of study I have chosen is a sensitive subject as it involves discrimination by the Indian state as well as caste discrimination faced by Dalit Muslims. In this context, I have examined the constitutional provisions for deprived classes and marginalization of Dalit Muslims through discrimination on the ground of their faith by the Indian state.³¹

The first chapter examines the prevalence of caste among Indian Muslims and its historical background. It deals with the social inequality among the Muslim community as widely accepted phenomenon. This chapter has tried to critically analyze the well-accepted categorization of Muslim society into three broader units i.e. *Ashraf*, *Ajlaf* and *Arzal*. Many Muslim scholars find that, tenets of caste that exist in the community are a result of Hindu social influences.³² But these kinds of arguments have oversimplified the problem of caste among Muslims and hold the 'low born' Hindu converted to Islam responsible for maligning pure Islam.

The second chapter aims to provide a theoretical framework for justifying the politics of recognition. The chapter begins with an outline of current paradigms of toleration, recognition and inclusion. It then moves on to explore the Dalit Muslim question and the issues of discriminations, social exclusion/inclusion, and recognition. It also focuses on how caste becomes a source of discrimination and exclusion from the mainstream. And finally, it highlights the issues of backwardness and then moves on to critically engage with the question 'Why did the State not recognize Dalit Muslims?'. It demonstrates how a politics of recognition is crucial for understanding the origins, character, and trajectory of modern Indian democracy. It tries to relate the theoretical discourse on discrimination and recognition with that of (vis-à-vis) Dalit Muslim question. How recognition can be used in this context to open up the avenues for Dalit Muslim community.

³¹ One wonders that "Special Provisions Relating to Certain Classes" incorporated in part 16 of our constitution are indirectly inducing Dalit Muslims to embrace Hinduism.

³² M.S. Madani, 1993, *Impact of Hindu culture on Muslims*, M.D Publications, New Delhi, p.90. Madani draws the conclusion that influenced from Hindus, "Muslims are also divided into broad categories of *Ashrafs* and non-*Ashrafs*. It is obvious that this system of social hierarchy among the Muslims has been borrowed from the social hierarchy of the Hindu society and it has been the contact between the Hindus and Muslims that has been responsible for this type of social differentiation and distribution of the social status". However, my argument differs from that of M. S. Madani and others in the first chapter.

The theoretical chapter on Dalit Muslims acknowledges the existence of caste inequality among Dalit Muslims. It raises the question, 'Why Dalit Muslims as a category has not been recognized yet by Indian State?' Drawing on the work of Muslim *Ajlaf* (mean and lowly) intellectuals and activists, my own insights and field work, I suggest the existence of a category Dalit Muslims in India. This work contends that most sociological research on caste among Muslims is impressionistic, lacking proper empirical research; castes (*zat/biradari*) among them have territorial specificities with their respective associations or *biradari* panchayats and marriage restrictions; there is an occupational hierarchy corresponding to caste; caste among Muslims is as rigid as among the Hindus; the caste system and system of *biradari* and *zat* cannot be separated from each other. It suggests that there is a need for rich and in-depth ethnographic research on Dalit Muslim castes or *Arzal* category, including the attitude of non-*Arzals* towards *Arzals*. The fact that their non-representation and absence from every sphere is linked to exclusion, which brings us to the debates surrounding inclusion/exclusion, discrimination and finally/specifically recognition of this deprived masses.

The third chapter attempts to provide an ethnographic profile of Dalit Muslim castes/communities, an oscillating community, between the Hindu and Islamic religions. The problems faced by them because of this, in socio-economic and religious fields are also discussed. It studies the forms of discrimination, stigma, social distance and structure of domination faced by Dalit Muslims in Bihar. There is no work on untouchability among Muslims, but it exists, although the forms and nature of untouchability has changed in recent times. These marginalized communities, have not been studied so far due to lack of data, lack of social categorisation, and background status or variety of other reasons.

The fourth chapter, 'Politics of Dalit Muslims in Bihar: All India Pasmada Muslim Mahaz & All India Backward Muslim Morcha' provides a detailed analysis regarding the role that has now been played by the social forces (Dalits Muslims) in the arena of politics. There have been continuous efforts by various personalities in some regions of the country to unite the Dalit Muslims not only against the politics of *Ashraf* Muslim

elites, but in favour of their due rights under the influence of general process of democratization and implementation of Mandal Commission recommendation to come out of degrading socio-economic position. The chapter looks at the growing consciousness, democratization, assertiveness and political mobilization of Dalit Muslim castes. 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. The AIBMM & PMM seek to position themselves in the context of debates over Muslim identity in India as well as how it relates itself to the wider multi-religious Dalit community. The chapter deals with the rise of various backward Muslim organizations and political formations (for Dalit Muslims) under the present situation, their contribution in the upliftment of the downtrodden Muslims and critically analyses and reviews the activities and ideology of Dalit Muslim organizations in Bihar.

The fifth chapter deals with the question of Dalit Muslims, Presidential Order of 1950 and Judicial Perspectives. As we know that Dalit Muslims have faced discrimination within the Muslim community, this chapter argues that they have also been discriminated by the Indian State. Moreover, excluding the Muslims of Scheduled Caste background from the purview of the policy of protective discrimination leads to political marginalisation. Therefore, recognition of this hitherto marginalized community can be helpful to reduce their backwardness. The chapter argues that a secular State that does not concern itself with religious differences and has no preference for one religion over another, can not go into the details of religious prejudices of one section against the another. It needs to treat equally various sections which are similarly located in the society or have suffered the same kind of discrimination, exclusion and marginalization. Therefore, in this context, Dalit Muslim needs to be treated by Indian State identically. The rest of this chapter summarises the specific constitutional grounds on which special treatment for SCs is based, the major constitutional issues involved, and provides a summary of some of the major cases that have come up on these issues.

Chapter I

Caste among Indian Muslims: An Overview

Introduction

This chapter examines social stratification on castes amongst Muslims in India. The chapter claims that social stratification among Muslims does not flow from the principles of Islam enshrined in the Qur'an; it questions the claim that this is solely due to the cultural influence of Hinduism. It ignores the role of a section of *ulema*, scholars of Islamic jurisprudence, belonging to the *Ashraf* category (high castes) who justified the prevalence of inequality among Muslims in the light of the rules of *fiqh* (Islamic jurisprudence) associated with notion of *kafa'a* (matters of marriage) which seeks to prohibit marriage among unequals, i.e., the low and high caste Muslims. The chapter argues that such an interpretation is a misinterpretation and distortion of Islam and it needs serious radical revision.

In India caste is one of the most important basis of social categorisation. Though caste is believed to have originated in a division of people on the basis of their supposed natural inclinations and occupations it has turned out in course of time to be hereditary, and has created social groups based on kinship and ethnicity. In fact, caste did not originate due to natural basis, rather it was forced. The hereditary occupations have created vested interests in the form of socio-economic dominance/monopolies and have bred an extreme form of exploitation and exclusion. The caste system is also overburdened with considerations of purity and pollution, and this in turn has engendered inflexibility, rigidity and feelings of superiority and inferiority.

How does one define caste? Although the social scientists have done much work on the Indian caste system, they found it difficult to define it. They also differ on the meanings of caste. Some scholars hold that caste is a particularly rigid form of class and think its

existence to be worldwide. Others believe caste to be a system peculiar and central to Indian society.

Historically, the caste system has produced the social and economic framework of life for the people of India. In its essential form, caste as a system of social and economic governance is based on distinct principles and customary rules. It involves the division of people into social groups (or castes) in which the social and economic rights of each individual caste are pre-determined or rather forced by birth. The division of these rights among castes is highly unequal and hierarchical. The Scheduled Castes/untouchables/Dalits who are placed at the lowest in the caste hierarchy, go through the greatest suffering: they are excluded from the mainstream.

Review of Literature

The caste system is based on a religious philosophy, which supports a functional division of society. The word used in all the scriptures is '*Varna*'. The '*Purushasookta*' in the *Rigveda* says that after the primeval sacrifice, the *Brahmana* came out of face of the *Purusha* or the primeval person, the *Kshatriya* sprang from His arms, the *Vaishya* arose from His thighs, and the *Shudra* emerged from His feet (*Rig Veda* 10:90). The first three, having had their origin in the upper part of the body of the *Purusha*, acquired the status of twice born. The *Shudra*, having emerged from the lowest part of the *Purusha*, remained at the lowest rung of the hierarchy.

Castes are local endogamous groups: *Varnas* are categories of an all India frame of division of the Hindu society. *Varna* meaning, 'colour' was originally used to differentiate the Aryans from the non-Aryans. Later the term 'caste' became popular after the coming of the Portuguese. The Portuguese word 'casta' is used to denote breed, race and kind.

Five different theories have been propounded about the origin of the caste system. The first is the Hindu religious view of *Manu* and others; the second is the occupational explanation of Nesfield; the third is the tribal and religious explanation given by Ibetson,

the fourth is the family or gentile explanation offered by Senart; and the last is the racial and heterogamous explanation advanced by Risley.

The British historian H.H. Risley¹ propounds a racist theory of caste. He argues that there was basic racial and physical difference among the various castes. This theory traces the origin of the caste system to the Aryan invasion of India and links it to the process by which the invaders could subordinate the indigenous inhabitants and integrate them as peasant and slaves within a stratified society. Their theory fails to explain the taboo on food and marriage.

During the British colonial period H.H. Risley defined caste as a collection of families or groups of families bearing a common name, claiming a common descent from a mythical ancestor, human or divine, and professing to follow the same hereditary calling, and regarded by those who are competent to give an opinion as forming a single homogeneous community.² He finds the caste name as generally associated with a specific occupation.

J.H. Hutton questions this definition on the ground that descent from a mythical ancestor is claimed rather by the *gotra* (small segment), the internal exogenous division of the endogamous caste, than by the caste as a whole. Caste is usually defined in terms of cultural characteristics or traits. E.A.H Blunt³ characterizes caste in terms of hereditary, endogamy and restrictions on commensality.

Edmund R. Leach⁴ considers caste a cultural or a structural phenomenon. Max Weber⁵ regards it as a fundamental institution of the Hindus and of the other communities native

¹ Herbert Risely, 1969, 'Sacred Laws of the Aryas', in W. Crooke. (ed.) *The People of India*, Oriental Books Reprint Corp, Delhi, First edition, 1915. pp.367-91.

² J. H. Hutton, 1963, *Caste in India: Its Nature, Function and Origin*, Oxford University Press, London, p.47.

³ E.A.H. Blunt, 1969, *The Caste System of Northern India with Special reference to the United Provinces of Agra & Oudh*, Chand & Co, Delhi.

⁴ Edmund R. Leach, 1960, 'Introduction: What Should We Mean by Caste?', in E.R.Leach ed., *Aspects of Caste in South Asia, Ceylon & North West Pakistan*, Cambridge University Press, England, pp.1-6.

⁵ H. H. Gerth, & C. W Mills (ed.). 1958, *From Max Weber: Essays in Sociology*. Oxford University Press, New York, pp.398-404.

to India. Louis Dumont⁶ looks upon caste as a part of the pan Indian civilization. Caste is embedded in Hindu religion, culture and society. Dumont defines it on the basis of its four characters, such as (1) hierarchy (2) commensality (3) restrictions on marriage and (4) hereditary occupation. He explains caste as an ideological or cultural system based on conceptions of purity and pollution derived from the scriptures. Refuting Dumont's view, Dipankar Gupta⁷ argues that caste does not imply any "hierarchy". Castes are, according to him, "discreet" groups, each with an independent ideology of its own. The notion of "hierarchy" is part of the upper caste ideology.

On the other hand, G.S. Ghurye⁸ says that caste is strictly limited to the Hindus. He gives six outstanding features of the caste system: (1) segmental division of society (2) hierarchy, (3) restrictions of feeding and social inter-course, (4) civil and religious disparities and privileges of different sections, (5) lack of unrestricted choice of occupation, and (6) restrictions on marriage.

The caste system is one of the oldest and the most elaborate systems of social organization. The position of individual in the ritually determined hierarchy defines the entire course of his life. Kingsley Davis⁹ gives seven features of caste system. These are hereditary caste membership, fixed membership of caste, endogamy, commensal restrictions, caste ethno-centrism, common traditional occupation, and hierarchy.

Morton Klass¹⁰ has explained the origin of the caste system in terms of the development of an economic surplus. The caste system, according to him, turned a tribal equalitarian society into an inequality-generating society. He considers caste a part of the social superstructure. When people started a settled life and the cultivation of rice and wheat,

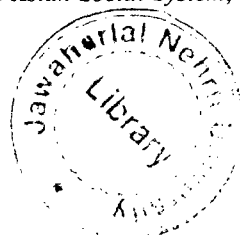
⁶ Louis Dumont, 1970, *Homo Hierarchicus: The Caste System and Its Implications*, University of Chicago Press, Chicago.

⁷ Dipankar Gupta, 1984, 'Continuous Hierarchies and Discrete Castes'. *Economic and Political Weekly*, Vol. 19, No. 47, Nov. 24. pp.2003-5 The paper is a critique of Louis Dumont's views on the caste system.

⁸ Ghurye G.S., 1957, *Caste, Class and Occupations*, Popular Book Depot, Bombay, pp.2-17.

⁹ Kingsley Davis, 1967, *Human Society*, Macmillan, New York, pp.377-8.

¹⁰ Morton Klass, 1985, *Caste: The Emergence of the South Asian Social System*, Institute for the Study of Social Issues, Philadelphia, p.23.



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the use of iron provided them with an economic base. This ushered in a division of labour and provided the caste system with an ideological foundation.

M.N. Srinavas, like Dumont and Leach, discussed earlier, considers caste a cultural phenomenon. He refers to four features of caste as embodied in Varna: (a) There is a single all India hierarchy without any variations between one region and another (2) There are only four Varnas, the harijans, who are literally “beyond the pale”, constitute a fifth category – Panchnama. (3) The hierarchy is clear. (4) it is immutable. He further observes that “caste is undoubtedly an all India phenomenon in the sense that there are everywhere hereditary, endogamous groups which form a hierarchy, and that each of these groups has a traditional association with one or two occupations”.¹¹

In the Hindu religious texts, Brahmins have a superior position. However, in many parts of the country they do not enjoy social superiority; it is the dominant caste, which has power, if not social prestige. In the words of M.N. Srinivas: “For a caste to be dominant it should own a sizeable amount of the arable land locally available, have strength of numbers, and occupy a high place in the local hierarchy. When a caste has all the attributes of dominance, it may be said to enjoy decisive dominance.”¹² He further observes that factors affecting dominance such as western education, jobs in the administration and urban sources of income significantly contribute to the prestige and power of a caste group in a village.

Ghanshyam Shah¹³ uses the term “caste” as a social group based on dominance and distinguished by economic and educational conditions. To him, the caste system has become weak and its traditional structure has been eroded. He feels that “caste consciousness” in the sense of “we ness” among the members of a particular caste still persists. He does not consider it a “false consciousness”. Upendra Baxi considers caste

¹¹ M. N. Srinivas, 1982, *Social Change in Modern India*, Orient Longman, New Delhi, p.3.

¹² Srinivas, *Ibid*.

¹³ Ghanshyam Shah, 1985, ‘Caste, Class & Reservations’, *Economic and Political Weekly*, January 19, p.132.; Ghanshyam Shah et al (eds.), 1985, ‘Caste in Contemporary India’, in *Caste, Caste Conflict & Reservations*, Ajanta Books, New Delhi, p.1

consciousness as the “we they” feeling within the same caste group between its “upper” or “dominant” stratum and its “lower” or ‘subject stratum.’¹⁴

F.G. Bailey¹⁵ in his study of an Orissa village identifies the warrior caste (Rajput) as the dominant. The Rajputs are superior in large areas of Bihar, Rajasthan and Uttar Pradesh. The Nayars are the leading caste on the Malabar Coast and the Vokkaligas and the Lingayats are the commanding castes in different parts of Karnataka.

The Marxists attempt to assimilate the broad fourfold *Varna* division to a class system. Paul Rosas¹⁶ explains that the caste system obscures the nature of class. According to him, the feudal forms often conceal the character of India as an Asiatic society. The Marxists do not consider caste a primordial reality of Indian society. The caste system is said to conceal the contradictions between the various classes in society and to provide a rationale for exploitation. It justifies the exploitation of an inferior caste by the superior classes on the basis of the myth of natural superiority.¹⁷ The Marxist approach does not deny the relevance of caste. However, as it seeks the origin of the caste system in material history,¹⁸ it believes that the ideology of the caste system is rooted in a sort of ruling class myth.

To sum up, the caste system is a segmental division of society into endogamous, hereditary descent groups. These groups constitute a hierarchy in which the *Brahmin* occupies the top position and the *Shudras* the bottom one. Conceptions of purity and impurity are the basis of the hierarchy. Secondly, the different castes all over India have their place in the Varna system as well. The hierarchical ranking of castes, however, depends upon the region also. Thirdly, the origin, development, and the present status of castes are related to occupations also.

¹⁴ Upendra Baxi, 1985, Caste, Class & Reservations, *Economic and Political Weekly*, Vol. XX, No. 10, March 9, pp. 426-428.

¹⁵ F.G. Bailey, 1960, *Tribe, Caste & Nation: A Study of Political Activity & Political Change in Highland Orissa*, Manchester University Press, Manchester, pp.257-63

¹⁶ Paul Rosas, 1943, *Caste and Class in India*, Science and Society, Vol.7, Delhi, pp.141-167.

¹⁷ Dipankar Gupta, 1981, ‘Caste, Infrastructure and Super Structure: A Critique’, *Economic and Political Weekly*, Vol. XVI, No. 59, Dec 19, p. 2093.

¹⁸ Gail Omvedt, 1978, ‘Class Struggle of Caste War’, *Frontier*, Vol.2, September 30, Calcutta, p.10.

Methodological Issues

Gail Omvedt argues about the challenges facing the integrity of Indian sociologists. She writes in her essay entitled, 'Caste, Race and the Sociologists,' that 'the most haunting lacuna of contemporary Indian sociology remains the lack of data...the apparent lack of concern for even gathering data.'¹⁹ It is in fact this lack of understanding among Indian sociologists that has for long put the idea of the existence of something called 'Dalit Muslims' under the cover.

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.²⁰

In the case of Muslims²¹, sociological findings indicate two views. The first view is that casteism among Muslims is on the pattern of the Hindu caste system. Gaus Ansari,²² the exponent of this view notes four caste divisions- *Ashraf*, *Muslim Rajput*, clean occupational castes and unclean castes. The other view is that not caste but caste-like features exist among Muslims. Imtiaz Ahmed considers castes among Muslims not as a structural feature but as a feature characteristically associated with the Hindu caste.²³

¹⁹ Gail Omvedt, 2001, 'Caste, Race and Sociologists – II', *The Hindu*, New Delhi, October 19.

²⁰ Yoginder Sikand, 2003, 'The 'Dalit Muslims' and the All India Backward Muslim Morcha', *www.qalandar.com*, September 20.

²¹ Ambedkar had referred about caste in non-Hindu religions in *Annihilation of Castes*, however he argued that the castes in these religions are fundamentally different from the Hindus. Louis Dumont and Imtiaz Ahmad in the later stages did important ethnographic works on caste among non-Hindu religions

²² Ghaus Ansari, 1960, *Muslim Caste in Uttar Pradesh: A Study of Culture Contact*, The Ethnography and Folk Culture Society, Lucknow, p.35.

²³ Imtiaz Ahmad, ed., 1973, 'Introduction' in *Caste and Social Stratification among the Muslims*, Manohar, New Delhi, p.XIX

In a major systematic attempt to look at Muslim status groups in local communities on the basis of data collected through field studies was by Imtiaz Ahmad in '*Caste and Social Stratification among Muslims in India*'. Evidently, the work was undertaken with the presumption that the status groups found among Muslims in local communities were castes or analogues to caste among Hindus. As its editor, noted, "this collection of papers on caste and social stratification among the Muslims was planned with a view to bringing together studies dealing with the structure and functioning of social stratification among Muslims in particular localities so that we could form some idea of the extent to which caste could be said to be in existence among them and to explore the degree of the similarity of their social stratification to caste among Hindus".²⁴

Accounting on the basis of an understanding of caste as a structural phenomenon, Imtiaz Ahmed used the evidence to analyze the question of whether the status groups found among Muslims could be compared to caste. He showed that most of the attributes of the caste stratification such as endogamy, occupational specialization, hierarchical gradation of status groups, ritual considerations in social gradation and commensal restrictions characterized Muslim groups. There were variations in emphasis and the specific nature of these attributes, but they were nevertheless found to be present.

Scholars like Yoginder Sikand²⁵ states that 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

²⁴ Imtiaz Ahmad, ed., 1973, *Caste and Social Stratification among Muslims in India*, Manohar, New Delhi, pp.1-2.

²⁵ Yoginder Sikand, 2007, 'Islam and Caste Inequality among Indian Muslim', in Imtiaz Ahmad and Shashi Bhushan Upadhyay (eds.), *Dalit Assertion in Society, Literature and History*, Deshkal Society, Orient Longman, New Delhi, pp.268-77.

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 mass conversion 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. Ayesha Jalal writes, in her book, "Democracy and Authoritarianism in South Asia", that "despite its egalitarian principles, Islam in South Asia historically has been unable to avoid the impact of class and caste inequalities persisting in the region."²⁶

The foregoing discussion clearly demonstrates caste as a system of social stratification among Muslims in India. This aspect of Indian Muslims is in sharp contradiction to the egalitarian ideology of Islam. The bulk of the *shudras*, backward castes and erstwhile untouchables converted themselves to Islam with the hope of escaping from the ritual degradation and caste oppression of Hindu society. Contrary to their expectations, these converted Muslims were subject to a variety of prejudices and discrimination by the Muslim ruling classes. The conversion of these groups of people remained largely confined to the realm of faith and did not succeed in mitigating their socio-economic backwardness and exploitation. The Muslim elites merely took an interest in the religious education of these converts and did not encourage their secular education. As a result of their social and educational backwardness, these backward groups continue to practice their traditional menial and servicing occupations. Their representations in educational institutions and government jobs are grossly inadequate. It is these backward groups with their attendant age-old economic and cultural legacies which constitute the vast majority

²⁶ Ayesha Jalal, 1995, *Democracy and Authoritarianism in South Asia: A Comparative and Historical Perspective* (Contemporary South Asia), Cambridge University Press, New Delhi, pp.1-23.

of Indian Muslims. These groups are known by their occupation as *julahas, kasabs, dhobis, hajjams, lohars, rangrez, malis and lal begis etc.*

However, this is not to deny that the Scheduled Caste converts to Islam and Christianity did experience limited upward mobility. But the beneficiaries were those who succeeded in crossing the pollution line. Those who remained below the pollution line rarely experienced any collective upward mobility even when they converted to Islam or Christianity. The vast majority, argues T K Oommen, did not succeed in crossing the pollution line in spite of conversion. This being so, to exclude the Muslims and Christians of Scheduled Caste background from the purview of the policy of protective discrimination is illogical and not supported by facts. Oommen further argues that the denial of the benefits of reservation to SC Christians and Muslims is legally inconsistent, unsustainable in terms of the doctrines of reformist Hinduism and not supported by empirical evidence. If so, why is it advocated and practiced? Prof. Oommen suggests that the advocacy and practice smacks of deep-rooted prejudices and is politically motivated.²⁷ N. Jamal Ansari supports him when he claims that ‘...it is an established fact that the Indian Muslim community is divided into castes and has a large deprived section. This fact is sufficient ground to analyze objectively the status of Dalit Muslims within Indian democracy and the constitutional provisions.’²⁸

The major reason for exclusion from constitutional benefits is the historical background to the constituent assembly. From 1936 onwards religious minorities such as Muslims and Christians as well as Scheduled Castes enjoyed political reservations. But the partition of the country in 1947 created understandable misgivings about continuation of this arrangement with regard to religious minorities. Thus during the Constituent Assembly Debates (1947-49) the SCs were removed from the category of minorities and were made an integral part of Hinduism. At the same time reservations for religious minorities were abolished. In this process Muslims and Christians of Scheduled Castes

²⁷ T. K. Oommen, 2007, ‘State Policy and the Socially Deprived in India: Situating Muslims and Christians of Scheduled Caste Origin’, *Indian Journal of Federal Studies*, January, pp.19-28.

²⁸ Jamal N. Ansari, 2004, ‘Oppression of Dalit Muslims through Indian Constitution’, *Mainstream*, March 13.

origin fell between the two stools. They lost entitlement to reservation both as religious minorities and as Scheduled Castes.²⁹ This is the anomaly committed by the Indian state with regard to Muslims and Christians of Scheduled Caste Origin. Oommen suggests it is high time to rectify it. Even after their conversion their social status continues to be the same.³⁰

The Indian Constitution stands for equality before law, it forbids discrimination on the basis of caste, creed, religion, region or language. However, contrary to the spirit of the Constitution a discriminatory provision in Article 341 was included in it through a Presidential Order of 1950. According to this Presidential Order once a person belonging to Scheduled Caste or Tribe converts to any other religion he forfeits all facilities he was entitled to as a Hindu SC/ST under Section 341 of the Constitution. Later, amendments were made. If the converted person adopts Buddhism or Sikhism his or her privileges remain intact, but if he or she embraces Islam or Christianity, the privileges are forfeited. This seems to be in consonance with Veer Savarkar's theory of Hindutva which discriminates between Indians practicing Indian religions and "foreign religions".

By bringing into sharp focus the plight of backward and Dalit Muslims, recent Dalit Muslim scholars and their organizations³¹ address the economic question but also attempts to redefine the very grammar of Muslim politics in favour of a democratic and progressive agenda. This redefinition, if successful, augurs well for India's destiny. It is framed in a distinctively secular language and envisions a socially just, plural society. This may inaugurate a departure of some sorts from the old style reactive politics. The need for such a departure hardly needs to be stressed in the face of two major challenges confronting Indian polity- near triumph of Hindutva on the one hand and reactive Muslim politics on the other. Politics of Dalit Muslims calls for a 'radically different jihad'³² —

²⁹ This is the evidence of how Dalit Muslims and Christians have been discriminated by Indian State.

³⁰ T. K. Oommen, 2007, 'State Policy and the Socially Deprived in India: Situating Muslims and Christians of Scheduled Caste Origin', *Indian Journal of Federal Studies*, January, pp.19-30.

³¹ See Ali Anwar, 2001. *Masawat ki Jung*. (Battle for Equality) Vani Prakashan, Delhi.

³² See Irfan Ahmad, 2003, 'A Different Jihad: Dalit Muslims' Challenge to Ashraf Hegemony', *Economic and Political Weekly*, Vol 38, No. 56, November 15, p. 4890. The term used by Irfan Ahmad while referring to Ali Anwar's book, *Masawat ki Jung*.

jihad for the social empowerment of the downtrodden Muslims and the restoration of honour to them.

Ashfaq Hussain Ansari in his book³³ deals with three aspects of the predicament of Muslim Backward Classes (MBCs) and Dalit Muslims in India, viz. (a) whether Muslims are a monolithic community and whether it should be considered a minority; (b) whether casteism has affected the Muslim community; (c) whether MBCs should be given reservations. He argues that, firstly, nobody can deny the social and caste stratification among the followers of Islam in India³⁴; secondly, discrimination is faced by all Muslims in India, irrespective of indigenous and non-indigenous categories of Muslims; and finally Muslims of non-indigenous category should not demand “their pound of flesh” reserved for the bulk non-indigenous Muslims.³⁵ The non-indigenous Muslims should, in fact, fight for their OBC brethren since the political representation of MBCs is “practically nil”.³⁶ According to Nadeem, ‘an overwhelming majority of Indian Muslim population came from the lower Hindu castes to escape from social persecution and oppressive socio-economic disabilities. Yet the goal of social equality proved a mirage. Moreover, in most of the cases, the people embracing Islam gave up their religious faith but not the caste. Therefore, the Indian Muslims do have caste.’³⁷

The National Commission for Religious and Linguistic Minorities (NCRLM) presided over by Justice Ranganath Mishra has taken cognizance of the objective reality that Muslims as a community exist and need affirmative actions on a legal basis. By all available evidence it found the caste system to be an all-pervading social phenomenon of India shared by almost all Indian communities irrespective of religious persuasions. NCRLM has recommended that both Christian and Muslim Dalits should be given

³³ Ashfaq H Ansari, ed., 2007, *Basic Problems of OBCs and Dalit Muslims*, Serial Publishers, Delhi.

³⁴ Ibid, p.20

³⁵ Ibid, p.18

³⁶ Several contributors to the book, e.g., Madhu Limaye and Prof. Imtiaz Ahmed, confirm that caste system has affected the Muslim community. A number of other intellectuals and commentators in the book subscribe to the views of Mr. Ansari, though on the basis of their own perceptions.

³⁷ Nadeem Hasnain, 2005, ‘Muslims in India: Caste Affinity and Social Boundaries of Backwardness’, in H.S Verma (ed.), *The OBCs and the Ruling Classes in India*, Rawat Publications, Jaipur. p.33

scheduled caste status.³⁸ There has been another report by National Commission for Minorities which has looked into the question of Dalit Muslims.³⁹

The Sachar Committee Report highlighted the fact that some sections of Muslim society are more unequal than others. It draws attention to “the presence of descent-based social stratification” on the lines of the Hindu caste system among Indian Muslims and identified three social segments - *Ashrafs*, *Ajlafs* and *Arzals*.⁴⁰ The traditional occupation of *Arzals* is similar to that of SCs; most of them work as butchers, washer men, barbers and scavengers. *Ajlafs* are engaged in occupations similar to that of the Hindu OBCs, and a sizable section of them are also landowners. *Ashrafs* have suffered no social deprivation as they are converts from the Hindu upper-castes or have “foreign blood”.

The report said that *Arzals* are essentially converts from ‘untouchable’ Hindu communities and that the “change in religion did not bring about any change in their social or economic status”. The report also points out that *Arzals* have been clubbed with *Ajlafs*, and that while the three groups require different types of affirmative action, the *Arzals* require multifarious measures, including reservation. The committee maintains that *Arzals* are “cumulatively oppressed”. As such, the report has suggested that it would be “most appropriate” to absorb the lowest category ‘*Arzal*’ Muslims, suffering maximum social deprivations, among the Scheduled Castes by amending the Constitution (Scheduled Caste) Order of 1950 that has kept Muslims and Christians converts from among the Hindu Dalits out of its purview and thus, denying them any benefits of reservation. “It would be most appropriate if they (the lowest Muslim groups known as ‘*Arzal*’ mostly working as butchers, watermen, barbers and scavengers) are absorbed in

³⁸ NCRLM Report, Government of India, 2007, National Commission for Religious and Linguistic Minorities, Ministry of Minority Affairs, (headed by Justice Ranganath Mishra), pp.140-155.

³⁹ Satish Deshpande, 2008, *Dalits in the Muslim and Christian Communities: A Status Report on Current Social Scientific Knowledge*, National Commission for Minorities Report on Dalit Muslims and Christians, Government of India, pp.xi, 6-15., National Commission for Minorities’ Report on Dalit Muslims and Christians came to the conclusion that there can be no doubt whatsoever that Dalit Muslims and Dalit Christians are socially known and treated as distinct groups within their own religious communities. Nor is there any room for disputing the fact that they are invariably regarded as ‘socially inferior’ communities by their co-religionists. In short, the report emphasizes, in most social contexts, Dalit Muslims and Dalit Christians are Dalits first and Muslims and Christians only second.

⁴⁰ Sachar Committee Report, 2006, *Social, Economic and Educational Status of the Muslim Community of India*, Prime Minister’s High Level Committee, Government of India, pp.213-14.

the Scheduled Caste list, or at least in a separate category, Most Backward Classes,⁴¹ says the report.

Instead of getting the benefits given to the SCs, the '*Arzals*' were clubbed with Muslim '*Ajlafs*' (meaning degraded or unholy social groups classified as backward), signifying converts to Islam from low social ranking Hindus. The report notes that sociological studies have affirmed the presence of "descent based social stratification" among Muslims.

'Scheduled Castes' is a legal and administrative term denoting castes among Hindus, Sikhs and Neo-Buddhists which possess three principal attributes: engagement in traditionally defiling occupations, exclusion from the main residential areas within localities and untouchability practiced against them by other castes on account of a presumed superiority of ritual status.

There is, therefore, need to extend the discussion to those Muslim castes which share the attributes of the Scheduled Castes but are denied recognition and entitlement as 'Scheduled Castes'. Several issues require discussion for an understanding of the situation of those Muslim castes which share the attributes of the Scheduled Castes, but are denied recognition and entitlement as Scheduled Castes. These issues will be discussed before going on to reflect on their situation in contemporary India.

It is undisputed that there are groups of people among the Muslims who are organised more or less like the Hindu castes but this is also true that many of them are less rigid because Islam, theoretically at least, permits marriage between different classes of believers.

If one assumes that Hindus live under 'the caste system' and Muslims only use castes labels, several theoretical and empirical questions are raised by this assumption. First, how is this assumption made? Is it made on the basis of a piece of empirical research? Or,

⁴¹ Ibid, p.195.

is it made on entirely *a priori* grounds. According to Prof. Imtiaz Ahmad, there has to date been no empirical research which can be said to have established beyond the shadow of a doubt that Muslims do not live under a caste system and only use caste labels. Indeed, if such empirical research existed, the dilemma many authors face over how to characterise Muslim social stratification in India would not exist. It exists because available empirical research has demonstrated that Muslim social stratification in India and beyond is marked by features of the caste system. It is, therefore, clear that the assumption is made on *a priori* grounds.⁴²

Justifications for Caste System in Muslims

Pre/Colonial Period

Tracing the origins of casteism to the Aryan invasions in India, Masood Alam Falahi begins with a discussion of its conception in Hindu religion and how it managed to keep a whole swathe of masses under its yoke. So forceful and assimilative was the Brahminical social order that it even scuttled efforts towards reform by egalitarian movements like Buddhism and Jainism. Under such an unjust order Muslim traders brought the liberating force of Islam to shores of India which led to incremental rise in the 'low-castes' adopting Islam. The author contends that the Arab invaders who first came were completely free from casteism and believed in complete equality of mankind as clearly elaborated by Islamic teachings. It was only after the non-Arab rulers took over in 995 CE that proponents of the Brahminical social order were able to smuggle their concept of Varn Ashram into the Muslim society. The inroads were made through a sophisticated manipulation of the concept of Kafa'a (suitability and compatibility in marriage) to the extent that it became synonymous with the Varna Ashram.⁴³

The traditional, medieval and late 19th century Muslim scholars covertly and overtly, provided a number of arguments to *justify* the practice of the caste system. One such

⁴² Imtiaz Ahmad, 2006, *Recognition and Entitlement: Muslim Castes Eligible for Inclusion in the Category 'Scheduled Castes'*, Workshop on 'Conferment of Scheduled Caste Status to 'Untouchables'/Dalits converted to Christianity/Islam: Issues and Challenges' held at Tata Institute of Social Sciences, Mumbai, on August 18-19.

⁴³ Masood Alam Falahi, 2007, *Hindustan Mein Zaat-Paat Aur Musalmaan* (in Urdu), Al-Qaazi Publisher, New Delhi, pp.107-138.

principle which has continuously and successfully been used by the earlier *Ashraf* scholars, which helped greatly to establish the caste tenets in Indian Muslims, is *kafa'a* (plural of *Kuf*) means “an equal” or “one alike”. This principle is applied mainly to define who equals whom, for the purpose marriage. In pre-Islamic Arabia, it was regarded with some rigidity and disapprobation shown towards ill-assorted matches. In the words of W. Robertson Smith: “It was a point of honour not to give away a woman in any unequal match. If you cannot find an equal match, says Cais Ibn Zohair to Namir the best marriage for them is the grave”⁴⁴. But, the advent of Islam leveled distinctions based on colour, creed and racial factors. Later Sunni (Four Imam viz. Hanafi, Shafi, Maliki, and Hanabal) and Shia jurists, however, considered these doctrines in various shades, each offering diverse interpretations and justifications for his point of view.

The Hanafi School strictly adhered to the doctrine of *kafa'a*, regarding unequal marriages so objectionable as to open them to dissolution under certain circumstances. The Hanafi School is most particular regarding equality, and is strict in conditions with respect to an appropriate match. The Shafis’ stand is close to that of the Hanafis although the Hanafis are stricter in regard to reputation. But, Malikis, Hanabalis and the Ithna Ashari Shiah are less exacting than the Hanafis in this respect. Imam Malik considered piety (*din*) as the only relevant criterion to use in the *Kafa'a* theory. Imam Malik, in support of his argument, referred to Quranic Verses 49:13: ‘*The noblest among you in the sight of God is the most godfearing of you*’⁴⁵. Differing with Imam Malik’s idea, Abu Hanifa had elaborately mentioned what constitutes *kafa'a*. Under Hanafi Law six requisites are necessary to establish *Kafa'a*: family descent, faith in Islam, noble profession, freedom, good character and means of livelihood. And as most of the Muslim population of the World follows the Hanafis rule of Law, these requisites are well recognized beyond doubt, in determining the *Kafa'a*.

As we see sections of the ulema (scholars of Islamic jurisprudence) provide religious legitimacy to caste with the help of the concept of *kafa'a*. A classical example of

⁴⁴ W.R. Smith, 1903, *Kinship and Marriage in Early Arabia*, A & C Black, London.

⁴⁵ *Inna akrama-kum 'inda Allah atqa-kum*. I quoted the English Translation, *The Koran* (Oxford, 1983) by A.J. Arberry.

scholarly declaration of the Muslim caste system is the *Fatawa-i-Jahandari*, written by the fourteenth century Turkish scholar, Ziauddin Barani, a member of the court of Muhammad bin Tughlaq, of the Tughlaq dynasty of the Delhi Sultanate. Barani was known for his intensely casteist views, and regarded the Ashraf Muslims as racially superior to the Ajlaf Muslims. He divided the Muslims into grades and sub-grades. In his scheme, all high positions and privileges were to be a monopoly of the high born Turks, not the Indian Muslims. Even in his interpretation of the Koranic verse “Indeed, the pious amongst you are most honored by Allah”, he considered piety to be associated with noble birth. Barani was specific in his recommendation that the “sons of Mohamed” (i.e. *Ashrafs*) “be given a higher social status than the low-born (i.e. *Ajlaf*).⁴⁶

The debates on Kafa’a have a direct bearing on the Indian Muslim Ulema, and their understanding of Kafa’a, as most of the Muslims are followers of the Hanafi Law. In India, the Muslim masses (excluding *Ashrafs*) initially converted from Hinduism (mainly from lower castes) did not change their old environment, which was deeply influenced by caste distinction and a general social exclusiveness. The idea of Kafa’a based on Hanafi Law propagates endogamy between existing social units. Thus, taking a spouse from outside one’s Kafa’a was strongly frowned upon, if not explicitly forbidden by the fuqaha⁴⁷. It was the result of regarding caste (Biradari), known as hereditary occupational groups, as an essential factor in deciding Kafa’a by Indian ‘Ulema’. We have enormous literature dealing with the practice of endogamy among Indian Muslims. Risley (1901), Maulana A.A. Thanwi (1973), Imtiaz Ahmad (1973), Z. Bhatti (1996), Y.Sikand (2000), etc. are few examples. Thanwi, using the Kafa’a system mentioned that, though Syed, Sheikh, Mughals and Pathans, are all counted as belonging to the *Ashraf* category, they are not equal. Each of them is a separate class, so Mughals and Pathans married to Syed and Sheikh girls is declared as unequal⁴⁸. He also talks about Non-*Ashrafs*. According to him, weavers are not of equal class with tailors and so also barbers, washer-men etc. are

⁴⁶ Arbind Das, 1996, *Arthashastra of Kautilya and Fatwa-i-Jahandari of Ziauddin Barrani: An Analysis*, Pratibha Publications, Delhi, pp.124-143.

⁴⁷ It means scholars of Islamic Law/jurisprudence.

⁴⁸ Maulana Ashraf Ali Thanwi, 1973, *Bahishti Zewar*, (Heavenly Ornaments) translated by R. Ali Al-Hasmi, p. 409.

not equal to tailors.⁴⁹ Two points can be drawn from the Thanwi's argument. Firstly, that Muslim society of that time was clear cut based on hierarchy. Secondly, these social units (occupation based caste groups) were theoretically as well as practically bound by the endogamy.

Post-colonial Period

In the post-independence period, due to lack of concrete, substantial data and a fresh look into the matter of endogamy, a situation of confusion persists. However, the nature of endogamy varies from region to region, and ultimately dependent on the local social and cultural milieu of that area. For instances, Abdul Waheed argues that, the so-called *Ashrafs* of U.P. have begun to marry their daughters off to the sons of the Banjara caste (otherwise lower in caste hierarchy) because of their strong economic position. Banjara, by contrast, do not give their daughters in marriage to the *Ashraf* castes⁵⁰. The situation of Malyar, i.e. vegetable farmer (a Kashmiri Muslim caste) is, exactly opposite to the above mentioned instance. Malyars job is to clean the privies of the citizens and collect the night soil and carry it in large wicker baskets on their backs to their fields. In terms of monetary status the Malyar would be richer than those fellows whose privies they clean and carry away, but are looked down by people (poor) due to their occupation in which they are involve. The Malyar's son may, after college education rise to the position of a magistrate but the clerk in his office, school teacher and the small constable would not give his daughter in marriage to him because the magistrate's father used to go from house to house for collection of the night soil and this stigma would be attached to his family for several generations⁵¹.

From the above discussion, we can find that, *endogamy is one of the most agreed upon elements of caste stratification among Muslim, though it is not the replica of Hindu social tradition*. There are a number of scattered instances of inter-caste marriages among Muslims, but it's not enough to prove the nature of endogamy today; hence this requires

⁴⁹ Ibid., p. 410.

⁵⁰ As quoted in Irfan Ahmad, 2003, 'A different Jihad: Dalits Muslims' challenge to Ashraf Hegemony', *Economic and Political Weekly*, Vol. 38. No. 46. November, p.4889.

⁵¹ G.H. Khan, 1973, 'The Kashmiri Mussulman', Falah-E-Aam Press, Srinagar, p. 41-42.

more close observation. Groups of individuals defend endogamy by pushing forward the argument of economic and class position. But, caste and class both intertwine together in the case of Indian Muslims. After the proselytisation of local people to Islam, they did not experience many changes in their social and economic position. The *Ashrafs* continued to be mainly involved in the respectable (social and economic) jobs, whereas lowly converted Muslim population carried forward their hereditary occupations, which were either less respectable or menial jobs in comparison to *Ashraf*. So there always remain class differences between these social units. Perhaps, that's why, Maulana Ashraf Ali Thanwi⁵² considered caste as class and had forbidden any marriages contract between two unequal social units, whether they belong to *Ashraf*, *Ajlaf* and *Arzal* categories.

Theoretical Debates of Caste System and Caste Labels

One cannot deny that, the caste system is predominantly a peculiar feature of Hindu social and cultural milieu which has cast its shadow on the social structure of Non-Hindus (Muslims, Sikhs, Christian, Jainism, Buddhists etc.) almost on the same line⁵³. If we carefully observe the archives of pre-independent British India and censuses that were recorded by British officials we can clearly spell out the names of occupational castes and sub-castes and the reflection of caste characteristics during the normal interaction between different caste groups of the Muslim community. 1901⁵⁴, 1911, 1921, 1931 Censuses⁵⁵ have record of various castes grouping in different parts of the country. Jolaha (Weaver), Dhuniya (Cotton Carder), Pathan, Sayyad, Sheikh⁵⁶, Arain, Chuhra, Jat, Jhinwar, Kashmiri, Kumhar, Lohar (Ironsmith), Mochi, Nai, Rajput, Teli (Oil Presser), Mirasi, Meo, Darzi, etc. The 1931 Census of Bengal has recorded the caste names of Muslim community based on race and function. Behara, Jolaha, Kulu (Oil Presser), to the

⁵² Maulana Ashraf Ali Thanwi, *Ibid.*, p. 409.

⁵³ Feature of Caste in Muslim community differs from region to region. It hasn't shown uniformity on a broader level.

⁵⁴ The Census of India 1901 listed 133 castes, wholly or partially Mohammadan; Vol. I, part I, p-543-544.

⁵⁵ The entire names given below belonging to the Muslim community have been mentioned on page 199-230. The name of caste groups in the Muslim community sometimes matched with Hindu caste groups, for e.g. Nai, Mochi, Rajput, Teli etc.

⁵⁶ *Sheikh* in Arabic means a man of note or chief. Orthodox Muslim literature has no term equivalent to Hindi *Guru*. But in mystic terminology the term *Sheikh* was used for this purpose. Accurately speaking a *Sheikh*; was a mystic man whom his spiritual teacher had given a written and properly witnessed document, called *Khilafat-nama (deed of succession)* authorizing him to enroll disciples to his *Silsilah*.

latter category and Sayyad, Sheikh, Moghul, Pathan to former one⁵⁷. Moreover, Muslim society also had hierarchies on account of their claim to foreign descent and types of occupations they were involved in. So, Muslims from Arab, Persia, Afghan and Turkey were believed to be higher in social ranking than indigenous people who converted to Islam. The Muslims from outside were rulers and were mainly involved in administrative work, whereas converted Muslims stuck to their traditional occupation. There were some kinds of reservation for non-interference into each others work. A survey among Muslims of Nadia District mentioned that, "The *Ashraf* will not adopt cultivation for their living"⁵⁸. In the census for the same year H. H. Risley wrote, "Like the higher Hindu caste, the *Ashraf* consider it degrading to accept menial service or to handle the plough"⁵⁹. In the system related to marriages, endogamy was followed by Muslims of all strata. Risley noted that, "just as in the traditional Hindu system men of higher groups could marry women of the lower while converse process was vigorously condemned, so within the higher ranks of Muhammadans a Sayyad will marry a Sheikh's daughter but will not give his daughter in return, and inter-marriage between the upper circle of *soi-disant* foreigners and the main body of Indian Muhammadans is generally reprobated, except in parts of the country where the aristocratic element is small and must arrange its marriages as best it can"⁶⁰. Perhaps, this is why, Dr. B.R. Ambedkar had reached the conclusion that, "Mohammedans observe not only caste but also untouchability"⁶¹.

Since the most elaborate expression of a system of social stratification wherein groups are ranked as superior or inferior and individuals are forced to carry the burden of their group status is found in the caste system, one way of characterizing the presence of *Arzal* communities could be in terms of caste. However, since Islam in popular imagination is seen as the harbinger of social equality, such characterization is open to contestation on

⁵⁷ Government of India, *Census of Bengal*, 1931, p.421-425.

⁵⁸ 'Reports on the Religion and Social Divisions amongst the Mohammedans of Bengal', 1968, India Office Library Risley Collection, European MSSE 295, London, 9-88.

⁵⁹ E.A.Gait, 1901, 'Muhammadan Caste and Tribes', *Census of India*, 1901.

⁶⁰ H. Risley, 1915, *The People of India*, p.121.

⁶¹ B.R.Ambedkar, 1990, *Writing and Speeches*, Vol. 8, Reprint of: *Pakistan or Partition of India*, Educational Department, Government of Maharashtra, Bombay, p.220.

ideological grounds. Two recent writings by Hasnain⁶² and Nazir⁶³ exemplify the tendency to apply the term in a very loose sense.

Hasnain locates his discussion in the context of the question whether the concept of caste can be applied to the system of social stratification of a community professing a faith other than Hinduism. He concludes that the 'egalitarian social order of Islam stands in sharp contrast with the ideology of caste yet the 'Indian Islam' and 'Hindu Caste System' have been able to achieve a substantial compatibility'.⁶⁴ He then goes on to offer a host of explanations for why this should be the case. He writes:

Hutton sounds convincing when he says that when Muslims and Christians came to India, the caste was in the air and the followers of even these egalitarian ideologies could not escape the infection of caste. Moreover, the overwhelming majority of Indian Muslim population comes from the lower Hindu castes who have been coming into the fold of Islam to escape from social persecution and the oppressive socio-economic disabilities. They were also attracted and lured by the social egalitarianism of Islam but the search for equality proved a mirage. In many cases there were improvements in their socio-economic condition yet the goal of social equality remained illusive. Moreover, in most of the cases the people embracing Islam gave up their religious faith but not the caste that was brought forward even to a new socio-religious milieu. Thus, it would be apt to say that while Islam may not be having castes or caste-like groupings, the Indian Muslims do have.⁶⁵

No sooner that he has made this sociological formulation, Hasnain becomes uncomfortable. As if fearing that he might have committed an almost sacrilegious act by declaring that there is caste among Indian Muslims, he wishes to recoil from it. Cryptically, he adds:

But in the present paper an attempt is being made to stay clear of the issue whether the model of social stratification among the Indian Muslims is the replica of the Hindu caste system or not. The author, in this paper, shall be using the term caste and caste system among the Indian Muslims in

⁶² Nadeem Hasnain, 2005, 'Muslims in India: Caste Affinity and Social Boundaries of Backwardness', in H.S Verma (ed.), *The OBCs and the Ruling Classes in India*, Rawat Publications, Jaipur, pp 84-97.

⁶³ Parvaiz Nazir, 1993, 'Social structure, Ideology and Language: Caste among Muslims', *Economic and Political Weekly*, Vol. xxviii, No. 52, December 25, p.2898.

⁶⁴ Husnain, *Ibid.*, p. 2

⁶⁵ Hasnain, *Ibid.*, pp. 207-08.

a conveniently loose manner. It is undisputed that there are groups of people among the Muslims who are organised more or less like the Hindu castes but this is also true that many of them are less rigid because Islam, theoretically at least, permits marriage between different classes of believers.⁶⁶

He also argues that:

. . . . It is necessary to make a distinction between a caste system and caste labels: the former refers to a local system of hierarchically ordered corporate groupings involving division of labour, occupational specialisation, unequal dependence, and recruitment by birth only; the latter refers to a set of non-local, non-corporate named groups which provide a ranking hierarchy, and which do not involve occupational specialisation, unequal dependence, and recruitment by birth only.⁶⁷

‘Perhaps,’ concludes Hasnain, ‘the “caste system” and “caste like groupings” among the Indian Muslims with all its fluidity may be better analysed and better understood through this observation’.⁶⁸

This assumes that Hindus live under ‘the caste system’. Muslims only use castes labels. Several theoretical and empirical questions are raised by this assumption. First, how is this assumption made? Is it made on the basis of a piece of empirical research/inquiry? Or, is it made on entirely *a priori* grounds. As far as I am aware, there has to date been no empirical research which can be said to have established beyond the shadow of a doubt that Muslims do not live under a caste system and only use caste labels. Indeed, if such empirical research existed, the dilemma these authors (and others) face over how to characterise Muslim social stratification in India would not exist. It exists because available empirical research has demonstrated that social stratification of Muslim communities in India and beyond is marked by features of the caste system. It is, therefore, clear that the assumption is made on *a priori* grounds. As believing Muslims committed to upholding the widely proclaimed Islamic egalitarianism as axiomatic, they cannot face up to the behavioural reality that Muslims live under a caste system. They not

⁶⁶ Hasnain, pp. 207-08.

⁶⁷ Parvaiz Nazir, Ibid.

⁶⁸ Husnain, Ibid., p. 208.

only assume the distinction between 'the caste system' and 'caste labels' but go on to suggest that it constitutes a viable framework for analysing and understanding Muslim social stratification in India. It is used as a smokescreen to avoid facing the harsh behavioural reality of caste among Muslims in India.

Second, is there an empirical basis to the assertion that Muslim social organisation in India is 'a set of non-local, non-corporate named groups which provide a ranking hierarchy, and which do not involve occupational specialisation, unequal dependence, and recruitment by birth only'?⁶⁹ Nazir does not make explicit the level at which he is talking. Is he talking about the categorisation of Muslims into the broad categories of *Ashraf*, *Ajlaf* and *Arzal*. If that is his point of reference, then his characterisation of Muslim social organisation as a set of non-local, non-corporate groups can be said to have some validity. However, it would invalidate the distinction between 'the caste system' and 'caste labels' since similar broad division exists in the form of *varna* categories in 'the caste system'. Ansari used the three broad categories of *Ashraf*, *Ajlaf* and *Arzal* in the collective sense but clearly recognised that they were divided into smaller named groups that were distinguished from one another by occupation, endogamy and sociability. Thus, if Nazir's reference is to the groups at this level, then his description of Muslim groups is wholly erroneous. Let us look closely at the empirical evidence in order to determine whether the distinction he posits between 'the caste system' and 'caste labels', and by implication between Hindu and Muslim modes of social organisation, is confirmed by available studies.

On System of *Biradari* amongst Muslims

Sociological research on Muslims in India as opposed to lay and impressionistic writings continues to be thin. Evidence brought together by Ahmad⁷⁰ and subsequent research demonstrates that Muslim groups which are the point of reference here, for which words *biradari* and *zat* are commonly used, are local and corporate entities. Even *biradaris* or *zat* such as Saiyyid, Sheikh and Ansaris, which are dispersed widely and found in

⁶⁹ Nazir, p. 2898.

⁷⁰ Ahmad, Ibid. 1973

different parts of a district, state or the county, are identified by their affiliation to a particular territory and restrict their marriages to members within that territory. Of course, how that territory is distinguished varies widely. For Sayyids, Shiekhhs and Pathans, which resent being characterised as *biradaris* and prefer to be described as *zats*, the association to territory is expressed through appending the name of the territory to its name. Thus, one hears of Sayyids of Satrikh, Sheikhs of Allahabad, Kidwais of Baragaon or Kasauli and Pathans of Malihabad. In the case of *biradaris* that have an internal organisation of government and social control (called *biradari* or *zat panchayat*) this territorial association is defined by the jurisdiction of the *biradari panchayat*. The Ansaris in Rasulpur, where I carried out fieldwork, were divided into concentric circles of three and thirteen villages. They confined their marriages to thirteen villages though Ansaris existed in neighbouring areas as well.

This is not all. Considerable evidence exists to show that the *biradaris* or *zats* are associated with particular occupations, are inter-dependent (tied into patron-client relationships of the *jajmani* type), and are endogamous. This does not mean that all members of a *biradari* or *zat* necessarily practice the occupation with which their group is traditionally associated. There has been much variation throughout history among *biradaris* and *zats*, as indeed there has been within castes, in the extent to which their members remain tied to the practice of their traditional occupation. *Biradaris* and *zats* higher up in the social hierarchy did not usually have a traditional occupation and there was no close association between *biradari* or *zat* and traditional occupation. On the other hand, *biradaris* and *zats* further down the social ladder had traditional occupations and their association with occupation was strong. This was not significantly different from the picture of groups in what Nazir would characterise as 'the caste system'. Risley's following observation makes this explicit:

In theory each caste has a distinctive occupation, but it does not follow that this traditional occupation is practised by its members The traditional occupation of the Brahmans is the priesthood, but in practice they follow all manner of pursuits. Many are clerks or cooks, while some are soldiers, lawyers, shop-keepers and even day-labourers, but they remain Brahmans all the same. The Chamars of Bihar are workers in skin, but in Orissa they are toddy-drawers. In Orissa and the south of Gaya the Dhobi is often a hewer of splitter of wood. In Bihar and Bengal

the Dom is a scavenger or basket maker, but in the Orissa states he is a drummer or basket maker and has nothing to do with the removal of nightsoil: in Chittagong and Assam he is a fisherman, in Cashmere a cultivator and in Kumaon a stone mason.⁷¹

The argument that Muslim groups, *biradaris* and *zats*, are not based on recruitment by birth only is equally fallacious. Like the groups in what Nazir would call 'the caste system', Muslim *biradaris* and *zats* are based on recruitment by birth only. There is no process by which one can become a Saiyid, Shiekh or Julaha except that of birth. It is for this reason that when someone marries into another *biradari* or *zat*, he is not integrated into another *biradari* or *zat* but retains his or her original *biradari* or *zat* association. There exists a possibility in the case of *biradaris* and *zats* to attempt social mobility and end up becoming a Sayid, Shiekh or Pathan in course of time through inventing a rationale and a genealogy. Where such social mobility occurs, the basis of recruitment to the *biradari* or *zat* does not change. The *biradari* or *zat* just ends up becoming another *biradari* or *zat*, and comes to be known by another name, to which recruitment continues to be based on the principle of birth. This is again not significantly different from the situation in 'the caste system' where castes have the possibility of changing their antecedents and name through the process of social mobility. Thus, the point that both *biradaris* and *zats* are 'less rigid, because Islam, theoretically at least, permits marriage between different classes of believers'⁷² is not empirically established. It is commonly asserted without a substantial basis in any empirical research.

This raises fundamental questions. Why Husnain and Nazir as well as a host of other researchers who have worked on the sensitive question of the existence of caste among Muslims are so strongly persuaded to posit that there are significant differences between 'the caste system' and the system of *biradaris* and *zats*? Is it that these differences actually exist but empirical research has so far failed to unearth them? Or, is it that they are persuaded into asserting these differences contrary to empirical evidence out of extraneous considerations? Is it that they are prone to emphasising these differences because as believing Muslims they are familiar with the Islamic discourse that asserts that

⁷¹ Census of India, 1902, pp. 350-51.

⁷² Hasnain, pp. 208.

Islam preaches social equality and are afraid to take a contrary position? Or, is it that asserting these differences is a defence mechanism whereby they can simultaneously adhere to their disciplinary obligation as social scientists as well as their religious obligation to uphold what is commonly considered the Islamic view on social stratification? My own view has been that the tendency to emphasise differences between 'the caste system' and the system of *biradaris* and *zats* arises from some such considerations, but I would refrain from making any such point here. I would like, instead to explore whether their starting point that Islam is an egalitarian religion and preaches social equality theologically and sociologically valid. This is central to understanding their standpoint.

Islam and Social Stratification

There is need to ask three different questions of the Islamic text if we are to understand Islam's position with respect to social stratification and social equality. First, whether Islam is opposed to social stratification as such or is merely opposed to social inequality. Second, what is truly the Islamic attitude towards social inequality that existed in the society in which Islam evolved and took root. Finally, whether the social equality that it proclaims, and to which reference is always made when it is suggested that Islam is an egalitarian religion, is a description of an existing state of affairs in society or is merely an ideal that is given to mankind as a direction in which it should strive. It is necessary to ask these questions in order to understand the nature of the emphasis on egalitarianism and social equality in Islam. Basic to these questions is the sociological dictum that no society beyond the most primitive in the sense of lacking any kind of economic surplus can be truly egalitarian. This was the point at the heart of Veblen's *Theory of the Leisured Class* wherein he argued that as societies generated economic surplus there almost always developed some form of social stratification. Of course, Veblen's concern was an analysis of the lifestyle and consumption pattern of the class that controlled the economic surplus and the symbolic and behavioural expressions of its privileged position. Even so, the substantive theoretical point of his analysis was that once a society starts

generating economic surplus some form of social stratification is bound to emerge.

Pitirim A. Sorokin articulated this point as a general statement:

Any organised social group is always a stratified social body. There has not been and does not exist any permanent social group which is “flat”, and in which all members are equal. Unstratified society, with a real equality of its members, is a myth which has never been realised in the history of mankind. This statement may sound paradoxical and yet it is accurate. The forms and proportions of stratification vary, but its essence is permanent, as far as any permanent and organised social group is concerned.”⁷³

On even the most casual reading of the Islamic scriptural text one is struck that quite irrespective of the emphasis it places on equality of human beings Islam’s orientation is remarkably hierarchical. Its hierarchical orientation comes in a wide variety of fields. First, the relationship of the believers with non-believers is conceived in strictly hierarchical terms with the believer, the *dhimmi* and the *kafir* constituting a clear hierarchy. Second, the relationship of Allah to the believer is conceived in hierarchical terms. It is a relationship of subordination and subservience so much so that the individual believer must prostrate before Allah in daily prayers and must at the same time see himself as utterly powerless in relation to Him. Any number of passages exist in the Islamic scriptural text that endorse the relatively lowly standing of the believers, whether as individuals or as a collective entity, in relation to Allah. Second, the relationship of the wife to her husband is clearly conceived in hierarchical terms even if the text does not distinguish between them in terms of the religious duties enjoined upon them. This is sometimes cited by Muslim feminists and Muslim modernists to argue that Islam guarantees equality of gender and does not place a Muslim woman in any inferior position to a man. However, in reality a woman is subordinate to a man and the relationship between them is seen as constituting a hierarchy wherein the woman stands in relation to a man in the same position as the individual stands in relation to the community and the community stands in relation to Allah. Fatima Mernissi characterises this orientation of Islam in relation to women by the concept of *nusuz*, which implies an unequal relationship. Islam makes a distinction between the wives of the Prophet and

⁷³ Pitirim A. Sorokin, 1959, *Social and Cultural Mobility*, The Free Press, New York, pp. 13-14.

other women and the responsibilities placed on them are also distinctly varied. Indeed, the Quranic verse that orthodoxy used at a later stage in the development of Islam to impose the custom of veiling for Muslim women originally related to the wives of the Prophet. Finally, the relationship between the master and slave is conceived in clearly hierarchical terms even if the master is called upon to deal with the slave with kindness and merit is assigned to those who would free their slaves. Thus, it is clear that the framework of Islamic thinking is deeply imbued with the notion of hierarchy and social stratification.

It is true that the Arab society in which Islam evolved did not possess great differences of wealth, but economic differentiation between ordinary Bedouins and the trading classes did exist. One can easily imagine that they would have differed with respect to their wealth, material possessions and lifestyles and Islam could not have brushed them under the carpet. It would have been required to deal with them, as they would have been reflected in their behaviour and mutual attitudes. As far as the Islamic scriptural text is concerned, it clearly recognises such distinctions in society and prescribes appropriate forms of behaviour for each. It asks those deprived in social and economic terms to be content and to live according to their means. It is repeatedly said in the text that Allah is All-seeing and would reward the poor for their poverty on the day of judgement. At the same time, the wealthy and rich, while they are allowed to live in their riches and to spend according to their economic standing, are warned not to be too proud of their material possessions. Moreover, they are asked to show kindness to those who are deprived and poor and to part with a portion of their wealth and income for the poor. Even the poor are conceived in hierarchical terms: first come the near ones followed by orphans and then the destitute and the deprived. If some kind of social stratification had not existed in society, Islamic scriptural text would neither have referred to those differences, nor indicated appropriate forms of behaviour for them. It would also not have sought to devise an economic framework for the redistribution of wealth in a manner that the poor are able to make both ends meet. It is, thus, clear that the emphasis that Islamic scriptural text places on social equality does not describe an existing state of affairs.

If the worldview of the Islamic scriptural text is hierarchical and it admits of social and economic differences in society, then how should we interpret its emphasis upon social equality? One way to interpret this can be to ignore that Islamic orientation is hierarchical and to argue that it stands for egalitarianism as an absolute value. I would argue that those who maintain that Islam contemplates no social stratification are interpreting Islam in precisely this way. Even when they encounter social differentiation and stratification, they glibly ignore it and flash the proclaimed egalitarianism of Islam as a social reality. The other way of interpretation can be to recognise a fundamental difference. This is the difference between the society as it exists and as it ought to exist and to maintain that the Islamic proclamation in favour of social equality is more in the nature of an ideal for the future than a description of an existing state of affairs. My own position is that drawing this distinction is important in any consideration of the question of the presence or absence of caste and caste-based social stratification in Indo-Muslim society. It enables us to see that a distinction has to be made between the society which exists, and where caste- or class-based distinctions may exist, and a future state of society where they are expected to disappear and give rise to an egalitarian society. This distinction applies to Islam as much as to any other ideological system that proclaims social equality as an ideal.

This distinction should not be entirely unfamiliar to us in India. 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.

Islam as a South Asian Construction

Scholars at various point of time have often argued about the heterogeneity of Indian Muslims. W. C. Smith, in his book "Islam in Modern History", cites extensively that, there are various modes of Islamic practices in South Asia. It is divided on the basis of religion, culture and region. Late colonial ethnographers⁷⁴ have recorded caste practices among the Muslims, but, the communal politics around the creation of Pakistan, and the idea of a homogeneous community overshadowed the issue of casteism. Since then, the communal politics has had its grip over the Muslim masses controlled by the feudal upper castes. They have thwarted all attempts at democratization of the community. The major political parties entertained these upper castes/classes for political mileage.

Islam spread in India due to its message of equality and brotherhood. The majority of Indian Muslims are descendants of 'untouchables and low' caste converts, with only a small minority tracing their descent to Arab, Iranian and Central Asian settlers and invaders. Although Islam is fiercely egalitarian in its social ethics, insisting on the radical equality of all believers, Indian Muslim society is characterized by numerous caste-like features, consisting of several castes –like groups (jatis, biraderis). Muslims who claim foreign descent, such as the Sayeds, Shaikhs, Mughals and Pathans, claim a superior status for themselves as *Ashraf* or noble'. Descendants of indigenous converts are commonly referred to as '*Ajlaf*' or 'base' or 'lowly' and '*Arzal* or Dalits'.

⁷⁴ See, W. Crooke, 1921, *The Qanune Islam*, Oxford edition and W. Hunter, 1915, *The People of India*. And also H. Risley, E. A. Gait (1901); E.H.A. Blunt (1931); J. Talke (1914).

The origins of this peculiarly South Asian construction of what it means to be among the *Ashraf* are unclear. Before the nineteenth century there were various terms among Muslims in India to distinguish people with aristocratic, religious or literary claims to deference from the broader society of commoners.⁷⁵ Far more common, however, in the social theory associated with Muslim rule was the sharp distinction between the *Ashraf*, 'respectable', and the *Arazil*, 'vulgar'.⁷⁶ There were also numerous ethnic designations that played a role in determining the composition of military units, the distribution of administrative offices, and the formation of factions. Muslims in the Mughal ruling class were often categorized broadly as Turani, Irani, Afghan and Hindustani; Hindus included Rajputs, Kayasths, Khattris, Marathas and others. Such designations had, in turn, subdivisions based on geographical origins, descent, religious affiliation and language.⁷⁷

Early in the nineteenth century, probably about 1815, Mirza Muhammad Hassan Qatil wrote about the four *firqa* or classes of the *Ashraf*, Sayyids, Shaikhs, Mughals and Pathans, by way of pointing out just how insecure such designations were. Those who pursued crafts or businesses in the bazaars, making and selling perfume or bread, caring for elephants, for example, could not be included among the *shurafa*; whatever their ancestry, they were considered *paji*, 'contemptible', not worthy of social intercourse with people of greater wealth and status.⁷⁸ Qatil was himself a convert to Islam, accepted at least by some as a Mughal, hence the title 'Mirza'. For the poet Mirza Ghalib, however, he was just Dilvali Singh, the *khatri* of Faridabad.⁷⁹

In 1832, the *Qanoon-i Islam or the Customs of the Mussalmans of India*, written by Jaffur Shurreef in Dakhani Urdu at the behest of a British physician, G.A. Hercklots, but only published in English, presented all Muslims within the framework of this four-fold

⁷⁵ See, Edward C. Sachau, 1910, *Alberuni's India*, (Translation), London, p.100., Al-Biruni, writing in the earliest phase of Muslim rule in India in the early eleventh century, noted the similarity between Indian concepts of *varna* and the stratified social theory of Sassanian Iran. 'We Muslims, of course, stand entirely on the other side of the question, considering all men as equal except in piety . . .'

⁷⁶ Muhammad Baqir Najm-i Sani, 1989, *Advice on the Art of Governance*, edited and translated by Sajida Sultana Alvi, Albany, pp. 20-21, 170.

⁷⁷ M. Athar Ali, 1966, *The Mughal Nobility under Aurangzeb*, Asia Publishing House, Bombay, pp. 14-33.

⁷⁸ Mirza Muhammad Hassan Qatil, 1875, *Hafi Tamasha*, [Persian], Lucknow, p. 117; discussed in Sudipto Sen, 1998, *Empire of Free Trade*, University of Pennsylvania Press, Philadelphia, p. 29.

⁷⁹ Altaf Hussain Hali, 1963, *Yadgar-e Ghalib*, [Urdu], Reprint Edition, Universal Books, Lahore, p. 29.

division, indicated in honorifics attached to their names, while noting that there were marriages that crossed such boundaries.⁸⁰ In *Rasum-i Hind*, a popular text book compiled by Master Pyare Lal for the Punjab Department of Public Instruction and published in 1862, there is an elaborate explication of the four fold division and further subdivisions, referred to as *nasl*, 'lineage or pedigree': Mughals are said to be descendants of the Biblical Noah; ancestors of the Pathans were Israelites from the time of Solomon. Frequently reprinted for use in the schools, this text was also part of the vernacular training in Urdu for British military and administrators.⁸¹

Left out of this categorization were patrilineal descendants of converts to Islam, even prominent Rajput families who otherwise commanded high social status. More clearly excluded were the large majority of Muslim peasants and artisans that British social analysis lumped into the pejorative category, *Ajlaf*, from *jalaf* or *jilf*, meaning 'base or vile': 'the low Muhammadan rabble', and 'the bigoted *julaha*', 'weaver', who the British associated with rebellion and disorder.⁸² It was noted in *Rasum-i Hind* and the census reports that the term *shaikh* was commonly extended to male converts and their descendants who could claim no Arab ancestry. British accounts frequently quoted a Persian saying that may in fact have arisen in response to their inquiries: 'The first year I was a butcher, the next a Shaikh; this year, if the prices fall, I shall become a Sayyid'.⁸³ Among Muslims, descent was only one criterion among others in claims and attributions of social status. Nor did the concept of *sharafat*, respectability, create a single unit of social solidarity that could override other sorts of social division based on kinship, locality, religious affiliation, ideology or economic interest.

⁸⁰ Jaffur Shurreef, 1831, *Qanoon-i-Islam or the Customs of the Mussalmans of India*, written by Jaffur Shurreef in Dakhani Urdu at the behest of a British physician, G.A. Hercklots, but only published in English, London, pp. 5-10.

⁸¹ Ibid. Reprint Edition, Lahore, 1961.

⁸² Gyanendra Pandey, 1990, *The Construction of Communalism in Colonial North India*, Oxford University Press, Delhi, pp. 66-108.

⁸³ E.A.H. Blunt, 1969, *The Caste System of Northern India*, S. Chand & Co, Reprint Edition, Delhi, p. 184.

Identifying Muslims

Distinctions between high and low status Muslims were too variable to fit these census demarcations. Sayyid and Shaikh, as well as Mirza for Mughal, and Khan for Pathan, could be attached to a person's name as a title of address, but these were imperfect indications of social status. Although social status and previous kinship ties were serious considerations, among others, in matrimonial alliances, Muslim social groups were not sufficiently endogamous or socially exclusive for most British definitions of caste, particularly within the framework of four-fold concept of *Ashraf* and its differentiation from *Ajlaf*.⁸⁴

Writing about pre-colonial Bengal, Richard Eaton claims that *Ashraf* status based on 'Arab, Central Asian or Afghan origin' is not merely a colonial construction but has deeper historical roots. He cites a late fifteenth century Bengali text by Vipra Das that mentions the Sayyids, Mughals and Pathans of Satgaon.⁸⁵ The secondary source from which Eaton derives this information, however, casts doubt on the authenticity of the text, specifically whether terms like Mughal (actually Mongol in the Bengali quotation) or Pathan could have been used in 1495, the date of the poem, and notes that the other categories in the same verse, *makhdum*, *Sayyid*, *mulla* and *qazi* refer to piety and learning, not descent.⁸⁶ Another source that Eaton uses is the late sixteenth century Bengali poet Mukundarm who lists fifteen Muslim occupational groups using the term *jati*, which Eaton characterizes as endogamous and 'socially distinct from the *Ashraf*'.⁸⁷ But again, the secondary source from which Eaton derives this information does not warrant such explicit characterizations of these social categories with respect to social

⁸⁴ Imtiaz Ahmed, 1966, 'The Ashraf-Ajlaf Dichotomy in Muslim Social Structure in India', *Indian Economic and Social History Review*, Vol. 3, pp. 268-78; I. Ahmad, ed., 1973, *Caste and Social Stratification among the Muslims*, Manohar, Delhi.

⁸⁵ Richard M. Eaton, 1993, *The Rise of Islam and the Bengal Frontier, 1204-1760*, University of California Press, Berkeley, pp. 97-103. A more explicit example of reading colonial ethnography back into the past is in Asim Roy, 1983, *The Islamic Syncretistic Tradition in Bengal*, Princeton University Press, Princeton, p. 59. See also J.R.I. Cole, 1988, *Roots of North Indian Shi'ism in Iran and Iraq*, University of California Press, Berkeley, pp. 69-91.

⁸⁶ Abdul Karim, 1985, *Social History of the Muslims in Bengal (Down to A.D. 1538)*, Asiatic Society, Chittagong, pp.193-94.

⁸⁷ Richard M. Eaton, 1993, *The Rise of Islam and the Bengal Frontier, 1204-1760*, University of California Press, Berkeley, p.101.

status or marriage practices.⁸⁸ Eaton furthermore offers evidence that ‘the *Ashraf* perspective on Bengali culture’ was as condescending as the colonial British, but he probably overemphasizes the significance of descent as opposed to language and cultural style. Derogatory and satirical remarks about other places and categories of people, not least Turanis and Afghans, were certainly widespread in Mughal society, but it would be an unwarranted leap to pick out a few nasty quotations as evidence of deep structural principles.⁸⁹

In the centuries of Muslim rule in India, the ‘*Ashraf*’ and ‘high’ caste Hindu converts played a key role in the state administration, as advisors, ministers, governors, army officials, and estates managers, as well as sufis and ‘ulama’. On the other hand, despite their conversion to Islam, the social and economic conditions of the mass of the ‘*Ajlaf*’ and ‘*Arzal*’ Muslims hardly changed and they remained tied down to their traditional occupations as artisans, peasants, labourers and sweepers. Many great ‘ulama and intellectuals, past as well as present, belonging to the various Muslim sects and formations, including Shia and Sunni, Aligarh Tahreek, Deobandi, Barailvi, Ahl-e-Hadith, Jamaa’t-e-Islami and the All-India Muslim Personal Law Board (AIMPLB) supported the caste system either in the name of the supposed superiority of the *sadat/ahl-e-bait* (people tracing their origin to the Prophet’s daughter, Hazrat Fatima Rz.) or the belief that only a person of Quraish descent (Sayeds and Shaikhs) could be the Caliph or through caste-based kufu (endogamy).

Having knowledge about the caste like tradition in Muslims of India, if we turn our attention towards the question of origin of this stratification, we find that a group of scholars adhere to the theory that, caste in its present form was moulded by the colonial rule. Since the mid-1980s several scholars have written on caste and the ways in which it was shaped and reshaped by the metropolitan modernity; and its intricate relationship with colonial statecraft, the decennial census being perhaps, most powerful technology in

⁸⁸ Edward C. Dimock, Jr. and Ronald B. Inden, 1989, ‘The City in Pre-British Bengal’ in Edward C. Dimock, Jr. (ed.), *The Sound of Silent Guns and Other Essays*, Delhi, pp. 121-25.

⁸⁹ Eaton, *Ibid.*, pp. 167-71; cf. Athar Ali, pp. 18, 20-21; for a compendium of ethnic slurs and stereotypes, see Muhammad Umar, 1998, *Muslim Society in Northern India During the Eighteenth Century*, Aligarh, pp. 1-37.

its storehouse. A. Appadurai highlights the deep inter-relationship between the rise of caste consciousness and the enumerative technologies of the colonial states: “The enumerations of the social body, conceived as aggregations of individuals whose bodies were inherently both collective and exotic”, contends Appadurai⁹⁰. Nicholas Dirks, continues this rhetoric with more power, as according to him “under colonialism, caste was thus made out to be far more – far more pervasive, far more totalizing, and far more uniform than it had ever been before, at the same time that it was defined as a fundamentally religious order...”.⁹¹ It seems Dirks got inspired by G.S.Ghurye⁹², who has made a similar argument.

In fact, during the colonial rule (as early as 20th century), both the communal forces viz. Hindu Mahasabha and Muslim League, sensed a conspiracy to divide the respective community by a caste based census. Both the organizations appealed the members of their communities to make their religion count, rather than their caste. Ali Anwar in his book “*Masawat Ki Jung*” gave a historical account of such effort made by Muslim League’s leader. On the eve of the 1941 Census, the provincial Secretary of the Bihar Muslim League, Syed Badruddin Ahmad – an *Ashraf* – issued an appeal to the Muslims to mention their religion but not their caste. He saw the inclusion of the caste category in the census as something divisive and hence against the ‘community’. Taj Muhammad, a district leader of the low-caste Muslim movement called Jamiatul Momenin, forcefully countered the Muslim League’s appeal. In open opposition to the Muslim League’s position, he appealed to the colonial, ‘ethnographic state’ that *Momins* must necessarily be counted and registered as a separate caste⁹³. In a letter published in *The Searchlight* on September 10, 1941, Taj Muhammad pleads his case:

Frightened with the numerical strength of the Momins, the veterans of the Muslim League, who have always looked down upon Momin as a class have left no stone unturned to enlist them not as

⁹⁰ Arjun Appadurai, ‘Number in the Colonial Imagination’, in Peter van der Veer and Carol Breckenridge, eds., *Orientalism and the Post-colonial Predicament*, University of Pennsylvania Press, pp.314-39.

⁹¹ Nicholas. Dirks, 2001, *Castes on Mind: Colonialism and the Making of Modern India*, Princeton University Press, p.13.

⁹² G.S. Ghurye in his book ‘*Caste and Race in India*’ blamed colonial master for raising caste consciousness among the Indians.

⁹³ Ali Anwar, 2001, *Masawat Ki Jung*, (Battle for Equality) Vani Prakashan, New Delhi, page 24-30.

Momins but merely as Muslims...In this context, the exploited and the deprived Momins make a humble request to the government that to maintain their representative character, which others want to annihilate, it directs the census department to register the Momins as a separate caste⁹⁴.

However, social stratification in Indian Muslim should not be considered as a colonial construct. Because if we look at the words designed to categorize the Indian Muslim society i.e. '*Ashraf*', '*Ajlaf*' or '*Atlaf*' and '*Arzal*' or '*Ardhal*', all have purely Arabic roots and remained in use in pre-Islamic Arabia. *Ashraf* came out of the word '*Sharif*'⁹⁵, which means 'noble' or 'respected person'. There is no substantive research material dealing with the early use of this word. But one can safely say that, the word '*Ashraf*' was used by people who trace their genealogy from the prophet's son-in-law Ali, through his martyred son Hussein. Their modern representative is the Sayyad who, in the fourteenth century, adopted as the outward sign of their claim to distinction- the green turban which was so noticeable in some Muslim lands⁹⁶. Similarly, '*Ajlaf*', came out of the root word '*jilf*' means uncivil or unjust or brutal. Whereas, '*Arzal*', is derived from the word '*Razl*', or '*Radl*', means impure, mean or lowest of all. The word '*Arzal*' came into use in the context of India. Once Islam came to India, the meaning and the context of use of these words changed, which will be discuss later on. However, these words were certainly not in use to categorize the Arabian society on caste basis. Making the study of early Arabia, W. C. Smith, produced evidence, which clearly indicates that, "Arab society at the time was undoubtedly organized on the basis of tribal groups which shared the 'notion of honour and status' but were not necessarily vertically stratified". These words began to associate with the 'caste' like features meant to encompass higher status in India and evolved gradually.

*Ashraf*⁹⁷ consisted of four birth-defined strata, supposedly in descending order of status:

- 1) Sayyid, descendants of the Prophet Muhammad, usually claiming patrilineal descent from his daughter Fatima and her husband Ali;

⁹⁴ *Ibid.*

⁹⁵ '*Ashraf*' is used in superlative degree. Its plural is '*Surf*'. In India, Iran and central Asia, however, the word '*Sharif*' extended to wider categories of respectability.

⁹⁶ Reuben Levy, 1969, *The Social Structure of Islam*, University Press, p.65-66.

⁹⁷ Generally they could claim their ancestry outside India.

- 2) Shaikh, descendants of the companions of the prophet, that is, also of Arab origin, but also used as a term for sufi religious figures and extended more widely to people who have converted to Islam, perhaps in association with their sufi preceptors;
- 3) Mughal, which might refer to Chagatay Turks or more broadly to people of Central Asian and even Irani background who were associated with the Timurid dynasty; and
- 4) Pathan, people descended from Afghan migrants to India.

Other Muslims were classified on the basis of indigenous Indian origin, often sharing the caste designations of their Hindu ancestors. Starting in 1847, British census operations set about locating and counting the population according to these ranked divisions.⁹⁸ Moreover, a clear identification of Dalit Muslims and recognition of their political and social needs will help them come out of their degraded situation.

The 1901 Census

The Superintendent of the census for 1901 for the Province of Bengal records the following interesting facts regarding the Muslims of Bengal:⁹⁹

“The conventional division of the Mohammedans into four tribes—Sheikh, Saiad, Moghul and Pathan—has very little application to this Province (Bengal). The Mohammedans themselves recognize two main social divisions, (1) Ashraf or Sharaf and (2) Ajlaf. Ashraf means ‘noble’ and includes all undoubted descendents of foreigners and converts from high caste Hindus. All other Mohammedans 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 Mohammedan would associate, and they are forbidden to enter the mosque or to use the public burial ground”.

⁹⁸ For example, A.A. Roberts, 1847, ‘Population of Delhie and its Suburbs’, in *Selections from the Records of Government, North-Western Provinces*, No. XIII, July 18, pp. 152-57

⁹⁹ Cited in, B.R. Ambedkar, 1990, *Writing and Speeches*, Vol. 8, Reprint of: *Pakistan or Partition of India*, Educational Department, Government of Maharashtra, Bombay, pp.225-234.

“Within these groups there are castes with social precedence of exactly of same nature as one finds among the Hindus.

1. Ashraf or better class Mohammedans
 - (1) Saiads
 - (2) Sheikhs
 - (3) Pathans
 - (4) Moghul
 - (5) Mallik
 - (6) Mirza
2. Ajlaf or lower class Mohammedans
 - (1) Cultivating Sheikhs and others who were originally Hindus but who do not belong to any functional group, and have not gained admittance to the Ashraf Community, e.g. Pirali and Thakrai.
 - (2) Darzi, Jolaha, Fakir, and Rangrez.
 - (3) Barhi, Bhathiara, Chik, Churihar, Dai, Dhawa, Dhunia, Gaddi, Kalal, Kasai, Kula Kunjara, Laheri, Mahifarosh, Mallah, Naliya, Nikari.
 - (4) Abdal, Bako, Bediya, Bhat, Chamba, Dafali, Dhobi, Hajjam, Mucho, Nagarchi, Nat, Panwaria, Madaria, Tuntia.
3. Arzal or degraded class

Bhanar, Halalkhor, Hijra, Kashi, Lalbegi, Maugta, Mehtar.”

The Census Superintendent mentions another feature of the Muslim social system, namely, the prevalence of the “panchayat system”. He states :-

“The authority of the panchayat extends to social as well as trade matters andmarriage with people of other communities is one of the offenses of which the governing body takes cognizance. The result is that these groups are often as strictly endogamous as Hindu castes. The prohibition on inter-marriage extends to higher as well as to lower castes, and a Dhuma, for example, may marry no one but a Dhuma. If this rule is transgressed, the offender is at once hauled up before the panchayat and ejected

ignominiously from his community. A member of one such group cannot ordinarily gain admission to another, and he retains the designation of the community in which he was born even if he abandons its distinctive occupation and takes to other means of livelihood..... thousands of Jolahas are butchers yet they are still known as Jolahas.”

Similar facts from other Provinces of India could be gathered from their respective Census Reports and those who are curious may refer to them. But the facts for Bengal are enough to show that the Mohammedans observe not only caste but also untouchability. There can thus be no manner of doubt that the Muslim Society in India is afflicted by the same social evils as afflict the Hindu Society.¹⁰⁰

Concluding we can argue that the early phase marked the division of Muslims into two broader categories i.e. *Ashraf* and *Ajlaf*. The Muslims like Arabians, Iranians, Central Asian, and Turkish who claim their origin from foreign descent belong to former category and the dark-skinned local converts belong to the latter one. Here one can notice that, in India, the orb of the word '*Ashraf*' has included the entire Muslim races who came from outside, unlike its restricted use for Sayyad in Islamic Arabia.

But the question is whether these units of distinction are really meaningful in understanding the pattern of social distinctions that existed in medieval Indian Muslims or today's social stratification on the line of *Ashraf*, *Ajlaf* and *Arzal*. They are probably not. These units of distinction presented the complex social stratification among the Muslims in an over-simplified manner. According to Ahmad, "...the greater emphasis placed on the distinction of Muslim society between *Ashraf* and *Ajlaf* has tended to produce a wrong and distorted picture of the nature and complexity of Indian Muslim social stratification"¹⁰¹. While the distinction between Muslims of foreign origin and local descent became real in the government and administration, at the social plane each of these broad categories were in turn divided into a number of small units which were

¹⁰⁰ Cited in, B.R. Ambedkar, 1990, Writing and Speeches, Vol. 8, Reprint of: *Pakistan or Partition of India*, Educational Department, Government of Maharashtra, Bombay, pp.225-234.

¹⁰¹ Imtiaz Ahmad, 1966, 'The Ashraf-Ajlaf Dichotomy in Muslim Social Structure in India', *The Indian Economic and Social History Review*, July, pp.268-78, (p.273)

form a 'community' in the anthropological/sociological respect. The Indian Muslims are differentiated among themselves into various groups and subgroups on the basis of ethnic, social and cultural distinctiveness among them. The groups and subgroups in Muslim society are arranged in stratified order and social inequality is rampant among them.

Chapter II

Dalit Muslims: Some Theoretical Issues of Discrimination and Recognition

Introduction

Iris Marion Young, in her book, 'Inclusion and Democracy'⁵⁵ rightly contends that democratic theory has not sufficiently thematised a problem that people frequently identify with democratic processes that formally satisfy basic normative conditions of the rule of law, free competitive elections, and liberties of speech, association, and the like. Many criticise actually existing democracies for being dominated by groups or elites or majoritarians that have unequal influence over decisions, while others are excluded or marginalised from any significant influence over the policy-making process and its outcomes. She argues that inclusive political discussion should recognise and attend to social differences in order to achieve the wisest and the most just political judgement for action. On this view, one of the purposes of advocating inclusion is to allow transformation of the style and terms of public debate and thereby open the possibility for significant change in outcomes.⁵⁶

The makers of Indian Constitution associated democracy with the politics of non-discrimination. Hence, they tried to ensure that in independent India no one is discriminated against on grounds of colour, caste, religion, and gender; i.e. no one would be excluded arbitrarily from public life and all would be equal before the law. Within this general framework, they distinguished between differences that arise from specific caste practices and differences of religious and moral belief. The former were regarded primarily as a source of discrimination, while the latter were associated with distinctions and cultural pluralism. Among caste practices, special attention was given to the practice

⁵⁵ Iris Marion Young, 2000, 'Inclusion and Democracy' *Oxford Political Theory*, Oxford University Press, New York, pp.8-15

⁵⁶ *Ibid.* pp.81-120.

of untouchability. The forced segregation and exclusion of the lower castes from all aspects of societal life was identified as the major source of inequality, discrimination, disadvantage and finally exclusion.

Despite being a successful 'new' democracy, India continues to remain a deeply unequal society in both social and material terms. There are groups, which have historically been victims of 'active exclusion', and continue to face deliberate discrimination due to the operation of retrograde social processes like the caste system. There are also other groups which have become victims of 'unfavourable exclusion' in post-colonial India primarily due to their minority status in a divergent social plurality. In the light of these premises, Zoya Hasan examines the concept of 'politics of inclusion' from the perspective of policies and political processes.⁵⁷ She takes this position with the purpose of offering constructive intervention in the debate on social exclusion and argues for a democratic pluralistic refashioning of political communities in India. The Indian Constitution included only Hindus and Tribes under the Scheduled Castes (SCs) and Scheduled Tribes (STs). In 1956, Sikhs were included as well after they agitated and much later in 1990, Buddhists too were included. The three reasons why other minority groups in India like Christians and Muslims were not considered backward and hence not included in these categories are as follows:

1. Theologically there is no caste system in these religions.
2. It would be incompatible with the concept of Indian 'secularism' if religious criteria were to be used to define backwardness.
3. It would undermine national unity.

Apart from the official reasons listed above, it is also true that these religions are not considered Indian since they originate from outside the region though there is the apprehension, especially espoused by the right-wing *Hindutva* forces, that reservation for Muslims and Christians would lead to religious conversion.

⁵⁷ Zoya Hasan, 2009, *Politics of Inclusion: Caste, Minorities and Affirmative Action*, Oxford University Press, New Delhi, pp. 227-39.

I have argued that there is divergence among the Muslim leadership as well as to who should be included within the SCs. There is an argument for including the entire community since they are highly disadvantaged overall. On the other hand, leaders of the Dalit Muslim movement especially propose that only the backward occupational groups be included. It is true that Ashraf Muslims belonged to an elite section, but most of the Ashraf left at the time of Partition and those who remained in India are largely Muslims from the lesser *biradris* (endogamous occupational groups). This also highlights the need for more anthropological and ethnographic research on Muslim *biradris/zat* in India, which is one of the concerns of the present work.

For India's minorities, especially Muslims, issues move around two basic dimensions. One, minority politics is seen within the framework of homogenisation. Second, security concern is the only axis of politics for our political system. It limits the minorities issue to secularism. It is the limit of Indian democracy as well. However, if we look at the social structure of minorities they are not homogenised and basically caste-ridden. Indian state in 1956 and 1990 recognised caste attributes among Sikhs and neo-Buddhists. However, it failed to do so for Muslims. This discriminatory attitude is a hindrance to raise the issues of recognition and social justice vis-à-vis with Dalit Muslims.

Redistribution and Recognition

Fraser describes four points which differentiates the two (Recognition and Redistribution). First, the two paradigms assume different conception of injustice. The redistribution paradigm focuses on injustices it defines as socio-economic and presumes to be rooted in the economic structure of society. Examples are exploitation, economic marginalization, under-paid work, whereas, the recognition paradigm targets injustices it understands as cultural, which it presumes to be rooted in social patterns of representation, interpretations and communication, for example, cultural dominations (being subject to patterns of representation and communication that are associated with

another culture and hostile to one's own), non-recognition and disrespect (routinely maligned in stereotypic public cultural representation).

Second, the two paradigms propose different remedies for injustice. In the distributive paradigm, the remedy for injustice is economic restructuring of some sort. In recognition paradigm the remedy for injustice is cultural or symbolic change.

Third, the two paradigms assume different conceptions of the collectivities that suffer injustice. In the redistributive paradigm, the collective subjects of injustice are classes or class like collectivities. In the recognition paradigm, the victims of injustice are more like Weberian status groups than Marxian classes. Gays, minorities, women are a few examples.

Fourth, the two paradigms assume different understandings of group differences. For redistribution paradigm the difference is a socially constructed result of an unjust political economy, whereas, for the paradigm of the recognition differences are benign and pre-existing cultural variations which turn into value hierarchy due to malicious interpretation.

What can be done to assimilate/combine recognition and redistribution?, she asks. Four important questions must be dealt with for this project. a) Is recognition really a matter of justice, or is it a matter of self-realisation? b) Do distributive justice and recognition constitute two distinct, normative paradigms or can either of them be subsumed within the other? c) How can we justify from unjustified claims for recognition? d) Does justice require the recognition?

Till now the theorists dealing with recognition linked it with self-realisation. According to Charles Taylor, recognition or misrecognition can be a form of oppression, imprisoning someone in a false, distorted, reduced mode of being. Nancy Fraser proposes to conceive recognition as a matter of justice. For this purpose she treats it (recognition) as an issue of social status. This means examining institutionalised patterns of cultural

value for their effects on the relative standing of social actors. If institutionalised patterns of cultural value treat actors as peers, capable of participation in social life then we can speak of reciprocal recognition and status equality. If institutionalised patterns of cultural value do not treat actors equally then it is misrecognition and status subordination.

Neither of them can be subsumed into other. In that case Fraser used a two dimensional conception of justice. Answering the first question, Fraser argued about *parity of participation*, which is based on two conditions i.e. *Objective condition* – the distribution of material resources must be such as to ensure participants’ independence and “voice” and *intersubjectivity condition* – institutionalised patterns of cultural value which ensure equal respect for all participants and ensure equal opportunity for achieving social esteem. Both the conditions are necessary for participation parity. Neither alone is sufficient.⁵⁸

Hence, social justice via redistribution and recognition try to include the effected groups or individual. It is a policy for socially excluded and it can be implemented with regard to Dalit Muslims in India. It is significant to note that ‘Dalit Muslims have raised their voices for social justice’.⁵⁹

The Limits of Recognition

Nancy Fraser in her book ‘*Redistribution or Recognition? A Political-Philosophical Exchange*’⁶⁰ argues that the discourse of social justice, once centered on distribution, is now increasingly divided between the above two, with recognition having predominated/dominant position. Fraser successfully tried to bring it to the complementary role of recognition. She finds that recognition and redistribution combiningly bring the idea of social justice to completeness.

⁵⁸ Nancy Fraser and Axel Honneth, 2003, *Redistribution and Recognition? A Political-Philosophical Exchange*, Verso, New York.

⁵⁹ Vidhu Verma, 2010, ‘Reinterpreting Buddhism: Ambedkar on the Politics of Social Action’ *Economic and Political Weekly*, Vol. XIV, No. 49, December 4, p.61.

⁶⁰ Nancy Fraser and Axel Honneth, 2003, *Redistribution and Recognition? A Political-Philosophical Exchange*, Verso, New York.

The notion of recognizing identities arose out of a perceived weakness of toleration. Toleration is built upon the idea of non-interference with practices of minority groups in the private sector that the state (or the majority) dislikes or disapproves. In accordance with this, the state cannot interfere in practices merely owing to its dislike; instead, it has to use other justifications, such as the harm principle.⁶¹ This enmity towards a culture posed a problem. By refusing to challenge the negative perceptions of other identities, toleration reinforced inequality between majority and minority.⁶² Members of minority groups that were tolerated, whilst free from formal discrimination in theory, continued to suffer owing to a lack of esteem.

Their identity continued to be disliked and they were seen as inferior to the majority. This affected their ability to achieve success and, therefore, equality with other groups. Toleration, by consigning difference to the private realm and refusing to challenge the majority's prejudices, was perceived to be out of date in the context of modern problems of identity.⁶³ In its place, the concept of recognition was proposed.⁶⁴

Charles Taylor locates the origins of the politics of recognition in the notion of authenticity.⁶⁵ As it was no longer considered to reside in a realm external to the subject, identity became linked to the quest for authenticity. The quest for authenticity demanded that one be true to one's self, to one's own way of being human.⁶⁶ For theorists of a more strictly individualistic mindset, this involved obeying one's own, rationally-derived moral compass. However, Taylor sees individual identities as being formed through a dialogical process of interacting with one's culture and society, which allows one to make sense of the world and to build his moral compass. Therefore, recognition needs to be extended to

⁶¹ Anne Phillips, 1999, 'The Politicisation of Difference: Does this Make for a More Intolerant Society,' in John Horton & Susan Mendus eds., *Toleration, Identity and Difference*, Palgrave Macmillan, Hampshire, p.127.

⁶² Ibid, p.129

⁶³ Ibid, p.127-9.

⁶⁴ Anna Elisabetta Galeotti, 1993, 'Citizenship and Equality: The Place for Toleration,' *Political Theory*, Vol. 21, No.4, p.596.

⁶⁵ Ibid, p.47.

⁶⁶ Charles Taylor, 1994, 'The Politics of Recognition,' in Amy Gutmann ed., *Multiculturalism: Examining the Politics of Recognition*, Princeton University Press, Princeton, pp.30-32.

people's differing identities and cultural backgrounds.⁶⁷ Rather than viewing each individual as possessing his own moral compass, this viewpoint takes a Herderian approach, arguing that each *volk* has its own way of being human. People should not, according to this viewpoint, seek to mimic the practices and languages of other *volks* but, rather, should be true to their own ways of life.⁶⁸ Since identities are formed through a process of dialogical interaction, to refuse to extend recognition towards or to misrecognise the identities that play such a fundamental role in one's worldview and self-perception is seen by Taylor as constituting a form of oppression.⁶⁹ Therefore the recognition of the value in different ways of being is seen as being a necessity in order to avoid oppressing less powerful groups in society.

For Taylor, this process was given additional impetus from the rise of democratic culture. This democratic culture began to replace the ancient regime concept of honour, whereby some individuals had high titles such as lord or lady to the exclusion of others. The exclusion of others was a necessary aspect of this, if the titles were to be granted to all, they would cease to possess their original significance. In place of this, the democratic culture brought with it a notion of equal dignity for all. Instead of some members in society possessing titles, all were now granted the generic titles of Mr. or Mrs./ Miss and, increasingly, Ms. The idea behind such a change was that each individual was of equal worth and entitled to equal dignity as recognition of his status as a citizen or as a member of humanity.⁷⁰

Multiculturalism and the Politics of Recognition posed a significant question: whether classical liberal theories, institutions, and practices could promote social equality and civic freedom in deeply diverse democracies. Taylor believed that a universal liberal conception of politics, where equality meant granting individuals uniform treatment, rights, and entitlements, was ill-equipped to deal with the challenges of integrating

⁶⁷ Ibid, pp.32-34.

⁶⁸ Ibid, p.31.

⁶⁹ Charles Taylor, 1991, *The Ethics of Authenticity*, Harvard University Press, Cambridge, pp.49-50.

⁷⁰ Charles Taylor, 1991, *The Ethics of Authenticity*, Harvard University Press, Cambridge, pp.46-50.

minority communities in multicultural societies. This was for two reasons⁷¹. On the one hand, the philosophy of liberalism was reluctant to extend special compensatory rights to individuals belonging to communities that suffered grave historical injustices. To consider the descendants of slavery, indigenous nations, and other subaltern groups with equal respect and reverse the damage inflicted upon these communities by centuries of exploitation, oppression, and humiliation, enjoined granting their members special treatment. Treating individuals from such communities identically, in short, jeopardized the promise of genuine social equality. On the other, the principle of neutrality in liberal societies reflected, in practice, the prerogatives of a dominant culture in a given society, or at least allowed it to express its preponderance through the weight of numbers or by imposing a self-justifying hierarchy of values. Worse, it could threaten the survival of subsidiary minority cultures, whose distinctiveness was a source of well-being for their members, which thus required protection and encouragement. Ultimately, liberal democratic societies might need to grant collective rights to particular communities to compensate for long-standing historical injustices or to ensure their cultural survival.⁷²

In contrast to the atomistic conception of a person, which conceives of individuals as socially rootless beings,⁷³ our identity “is partly shaped by recognition [by others] or its absence, often by the misrecognition of others”.⁷⁴ The lack of proper social recognition could take various forms. It could mean the absence of significant cultural ties—bound by language, ethnicity, race, region, and religion—which diminished the lives of individuals in historically marginalized communities. It could also manifest itself through inferior, demeaning, or dehumanizing beliefs and images of, and behavior toward, particular social groups. Addressing these forms of misrecognition and their sources, consequently, became an imperative for liberal democratic societies. This was particularly the case in contemporary Western democracies in the late twentieth century that exhibited deep social diversity.

⁷¹ Charles Taylor, 1994, ‘The Politics of Recognition’ In Amy Gutmann ed., *Multiculturalism: Examining the Politics of Recognition*, Princeton University Press, Princeton, pp.37–43.

⁷² *Ibid*: 58.

⁷³ Charles Taylor, 1985, *Atomism. Philosophy and the Human Sciences: Philosophical Papers 2*, Cambridge University Press, Cambridge, pp. 187–211.

⁷⁴ Charles Taylor, 1994, ‘The Politics of Recognition,’ in Amy Gutmann ed., *Multiculturalism: Examining the Politics of Recognition*, Princeton University Press, Princeton, p.25.

Taylor's pioneering thesis/work drew admiration from scholars pursuing similar projects.⁷⁵ But it also found critics, sympathetic and otherwise. Classical liberal proponents questioned the legitimacy of granting special rights or collective entitlements to particular social groups on ascriptive grounds in order for these communities to survive.⁷⁶ Some criticized the static, bounded, and homogenous notion of culture that allegedly informed Taylor's argument.⁷⁷ Such a conception threatened to obscure the hierarchies of power, wealth, and status within particular communities—a matter of concern to feminists in particular—and the fact that all cultural formations were sites of political contestation and historical change. Indeed, some even argued that the disempowerment of historically subordinate groups was caused by structures of exclusion, making cultural protection a moot point⁷⁸. Most significantly, liberals defended the right of any individual to “cut loose”⁷⁹ from their communities, as Taylor put it, to pursue their own conception of self-realization. The search for authenticity that defined the modern self, according to Taylor, often compelled individuals to struggle against forms of convention in their communities of belonging. Consequently, liberals maintained that individuals, and individual rights, remained the foundation of any defensible theory of justice.

Traditional Marxism offered a second line of critique.⁸⁰ The problem with a politics of recognition based on specific group identities was its failure to tackle the material economic bases of inequality in society. The rise of identity-based politics even

⁷⁵ See Will Kymlicka, 2000, *Multicultural citizenship: A Liberal Theory of Minority Rights*. Clarendon Press, Oxford.; Bhikhu Parekh, 2000), *Rethinking Multiculturalism: Cultural Diversity and Political Theory*, Harvard University Press, Cambridge, Massachusetts.; Anne Phillips, 1995, *The Politics of Presence*, Clarendon Press, Oxford.; J. Tully, 1999, *Strange Multiplicity: Constitutionalism in an Age of Diversity*, Cambridge University Press, Cambridge.; I. M. Young, 1990, *Justice and the Politics of Difference*, Princeton University Press, Princeton.

⁷⁶ See B. Barry, 2000, *Culture and Equality: An Egalitarian Critique of Multiculturalism*, Polity Press, Cambridge.

⁷⁷ See S. Benhabib, 2002, *The Claims of Culture: Equality and Diversity in the Global Era*, Princeton University Press, Princeton.

⁷⁸ C. Jung, 2008, *The Moral Force of Indigenous Politics: Critical Liberalism and the Zapatistas*, Cambridge University Press, Cambridge.

⁷⁹ Charles Taylor, 1994, 'The Politics of Recognition,' in Amy Gutmann ed., *Multiculturalism: Examining the Politics of Recognition*, Princeton University Press, Princeton, p.58.

⁸⁰ See T. Gitlin, 1995, *The Twilight of Common Ideals: Why American is Wracked by Culture Wars*, Henry Holt.; Nancy Fraser, 2000, 'Rethinking Recognition', *New Left Review*, 3, May-June, pp.107–121.

threatened to displace the politics of redistribution in liberal democratic societies based on class, whose political fortunes were already embattled due to the ascendancy of capital, multinational corporations, and elite social networks in an increasingly global economy.⁸¹ In fact, proponents of the politics of identity neglect the material economic basis of misrecognition, as if it were a “free-standing cultural harm”.⁸² The insights, history, and commitments of traditional Left politics were still crucial to achieving democratic equality and it also holds good for Indian context while recognizing the excluded and minority groups.

Lastly, the politics of recognition as propounded by Taylor clashed with some principal tenets of the civic republican tradition.⁸³ The politics of recognition sat uneasily with civic republican arguments. Taylor’s claim that modern liberal democracies could justifiably grant special rights to specific minority groups, either to ensure their cultural survival or rectify historic injustices, but could easily collide with the notion of a single common good or a civic political culture. The politics of recognition based on particular group identities threatened to fragment the national frame of modern democratic states. The potential centrifugal tendencies of the politics of recognition, understood as preserving group differences within a larger political community, could jeopardize the sense of commonality, belonging, and fraternity such communities required.

Some of these critical responses raised significant issues that Taylor overlooked. His understanding of the sources of inequality and misrecognition emphasized the cultural, not the economic. For us, it is important to see all kinds of inequalities and redress the situation. This is not to say that he was unconcerned with the costs of severe material deprivation and dynamics of class in advanced capitalist societies. But his original essay

⁸¹ Nancy Fraser, 2000, ‘Rethinking Recognition’, *New Left Review*, 3, May-June, pp.107–121, (pp.110–112)

⁸² Nancy Fraser, 2004, *Institutionalizing Democratic Justice: Redistribution, Recognition and Participation*. In S., Benhabib, N., & Fraser (Eds.), *Pragmatism, Critique, Judgment: Essays for Richard J. Bernstein*, MIT Press, Cambridge, Massachusetts, p.128.

⁸³ For this kind of criticism, see R. Beiner, 1995, *What’s the Matter with Liberalism?*, University of California Press, Berkeley.; M. J. Sandel, 1982, *Liberalism and the Limits of Justice*, Cambridge University Press, Cambridge.; M. Walzer, 1983, *Spheres of Justice: A Defense of Pluralism and Equality*, Basic Books, New York.

failed to address the potential clash between a politics of recognition and a politics of redistribution and ask if they might be squared.⁸⁴ In addition, the tension between individual liberties and collective rights could also pose serious challenges. In practice, the protection of particular social communities would clash with the rights of individuals in many scenarios. Given these conflicts, many scholars remained wary of the politics of recognition based on particular group rights.

The question of whether to grant differential collective rights and whether to recognize these rights on the basis of particular social identities, was an imperative that faced many postcolonial nations upon their independence several decades earlier. The manner in which India's political elites resolved these questions and issues shaped the fate of India's democratic experience. Democratic experiment in India has largely been successful but there are anomalies, for example, non-recognition of Dalit Muslims and Christians as Scheduled Castes.

Taylor notes that, "a group of people can suffer real damage, real distortion, if the people or society around them mirror back to them a confining or demeaning or contemptible picture of themselves."⁸⁵ This situation is particularly pertinent to the Dalit Muslim example, given the manner in which the Dalit Muslims are represented and viewed by mainstream society, *Ashraf*, and the State. The disparaging representations of Dalit Muslims appear to play a significant part in reinforcing inequalities and stigmatization, both on levels of esteem, dignity and in socio-economic areas as well as the realm of political power.

It is important to outline/make a case for a form of recognition in the context of the Dalit Muslims. It seems toleration as failing to take adequately into account the complexity of the issue. By framing the issue in terms of toleration, this approach would fail to recognize the real issues and plight of Dalit Muslims. Therefore, toleration alone cannot provide the framework for Dalit Muslims' emancipation.

⁸⁴ In contrast, see Nancy Fraser and Axel Honneth, 2003, *Redistribution and Recognition? A Political-Philosophical Exchange*, Verso, New York. Fraser's criticism is well taken. incomplete

⁸⁵ Charles Taylor, 1994, *Ibid.*, p.25.

This criticism exposes the weakness in toleration-based arguments for marginalized and excluded minority/groups. Toleration is built upon the notion of a majority or a state as one entity tolerating the existence of the minority group. The minority group's demands are therefore excluded from mainstream political discourse. The minority becomes effectively disenfranchised from a role in the construction of the State and society.

For this kind of situation, Galeotti would propose one type of recognition, that of 'toleration as recognition'.⁸⁶ This conception of recognition is based on the differentiation made by Galeotti between the needs of the old and new forms of difference in society. During the time in which the classical formulations of toleration were being drawn up, the differences were primarily in the area of beliefs; those between Catholics and Protestants.⁸⁷ The solution of classical liberals was to subdue these differences to the private realm and to ensure that the state did not interfere in this private arena. Today's differences are primarily in the area of identity, rather than purely belief systems.⁸⁸ Galeotti's formulation of 'toleration as recognition' bears similarity to Taylor's understanding in that it seeks to improve the esteem of the cultural community and in a way dignity of the stigmatized social groups (and it bears well for the future of Dalit Muslims). To achieve this, we need to convince the State to tolerate minority cultural practices, and also recognize the Dalit Muslim identity as 'depressed'⁸⁹, include them in Scheduled Caste category and carve out the policies for the same. The benefits in this would not only be as an increased realm of individual autonomy but due to the recognition such a policy would bring substantive change in the conditions Dalit Muslims in India.

Recognition can take a number of other forms. Peter Jones outlines some of these. Perhaps the simplest form of recognition is general (as opposed to specific) recognition, wherein a given identity group is recognized through their membership of a larger group,

⁸⁶ Anna Elisabetta Galeotti, 2002, *Toleration as Recognition*, Cambridge University Press, Cambridge.

⁸⁷ Peter Jones, 2006, 'Toleration, Recognition and Identity', *The Journal of Political Philosophy*, Vol. 14, No. 2, p.125.

⁸⁸ Ibid.

⁸⁹ As B.R. Ambedkar had termed all these communities as 'depressed'.

for example as members of humanity⁹⁰ or for that reason as Indian citizens. Recognition as members of humanity was particularly relevant in the debates on the emancipation movement for African slaves. In today's mainstream political discourse, the extreme forms of biological racism are largely absent. However, general recognition is still relevant today in providing a means for extending citizenship rights to as yet unrecognized groups. In the context of this discussion, general recognition will be understood as extending full citizenship rights to those who as yet have been denied them.

The second important distinction is between mediated and unmediated recognition. Unmediated recognition is the direct recognition of the value in another's identity. This form of recognition is necessary for ascriptive forms of identity such as race and sex⁹¹ because it is not sufficient for one's existence as a black man or as a woman to be merely tolerated; the value in their existence must be recognized.⁹² Mediated recognition involves a more complicated process. In recognizing the importance of factors such as culture in building one's identity, one recognizes the importance another person's beliefs have for that person, without accepting that these values have any inherent worth. It is built upon an ideal that recognizes the value in the existence of difference and value pluralism.⁹³ The form of specific and unmediated recognition provides the greatest benefit for minority cultures in terms of increased esteem.

However, what option do we have for recognition outside the specific, unmediated form? We also have the possibility of what Jones labeled general recognition.⁹⁴ This involves recognizing the Dalit Muslim communities as part of an already recognized larger group, in this instance as Scheduled Caste.

⁹⁰ Peter Jones, 2006, 'Toleration, Recognition and Identity', *The Journal of Political Philosophy*, Vol. 14, No.2, pp.31-32.

⁹¹ Here, for our analysis, we can consider caste also as one of these identities.

⁹² Anna Elisabetta Galeotti, 2001, 'Do We Need Toleration as a Moral Virtue?' *Res Publica* 7, No.3, p.280.

⁹³ *Ibid*, pp.133-35.

⁹⁴ Peter Jones, 2006, 'Toleration, Recognition and Identity', *The Journal of Political Philosophy*, Vol. 14, No.2, pp.31-33.

The current discrimination by mainstream society, State and *Ashraf* against Dalit Muslims is unsustainable. The Dalit Muslim community is growing rapidly, raising their voice in socio-political arena and their demands, to be recognized and included, have become increasingly significant especially in the context of second democratic upsurge. Through, the politics of recognition, Dalit Muslims can find an effective way forward.

The Question of Recognition and Indian Experience

To bring equality in various realms, three major forms of identity-based politics in were undertaken in Independent India. Each was essential to the consolidation, strengthening and ‘deepening’⁹⁵ of its nascent democratic regime. The first concerned the politics of language and region. In the 1950s and 1960s, several non-Hindi speaking movements in various regions protested against plans to impose Hindi as the official state language, demanding that New Delhi recognize their dominant regional vernaculars as official subnational languages.

The Indian State agreed to reorganize its federal system along distinct linguistic lines, however, on the condition that these popular regional movements abandoned secessionist aspirations.⁹⁶ It was a providential decision. Rather than instigating the break-up of India, the recognition of these regional linguistic demands fashioned over time the creation of vernacular public spheres in the states, with their own parties, political idioms, and party systems.

The survival of India as a nation and the deepening of its democracy, in other words, required the recognition of its distinct regional communities. The integrity of the whole depended on the survival of its parts.

⁹⁵ Atul Kohli, 2001, *The Success of India's Democracy*, Cambridge University Press, Cambridge. Kohli uses this term in this book.

⁹⁶ J. Dasgupta, 2001, ‘India’s Federal Design and Multicultural National Construction’. in Atul Kohli ed., *The Success of India's Democracy*, Cambridge University Press, Cambridge, pp. 49–78.

The second form of political recognition that anchored Indian democracy after independence was understanding of secularism: a regime that sought to maintain “principled distance” from and between different religious communities.⁹⁷ As previously mentioned, the postcolonial state intervened in the affairs of the majority Hindu community in order to eradicate barriers against lower-caste groups. It also refused to reorganize states, allocate public quotas, or reserve electoral constituencies on grounds of religion⁹⁸. But it allowed minority religious communities— Muslims in particular—to retain personal laws governing their practices of marriage, inheritance, divorce, and so on.

Finally, the third form of the politics of recognition that deepened Indian democracy involved the traditional caste order. The Indian Constitution legally abolished untouchability. It reformed various Hindu practices that denigrated the standing of members of formerly untouchable castes—Dalits, literally “the downtrodden,” and adivasis, indigenous tribal peoples—in various public domains. The most significant of these measures was the Hindu Code Bill, which legalized inter-caste marriage and divorce, granted equal rights of inheritance to sons and daughters, and banned polygamy. Other acts protected the right of Dalits to enter Hindu temples and authorized the state to handle their administrative affairs. Collectively, these provisions created a new single code of personal law that broke with the idea that traditional Brahminical principles applied to all Hindus. Finally, the postcolonial state recognized individuals belonging to these subaltern groups as deserving special treatment. It established strict numerical quotas—known as “reservations” in India—for the most historically oppressed communities in higher educational institutions, legislative assemblies, and government posts. Indeed, the State recognized these subaltern classes through constitutionally defined categories: Dalits as Scheduled Castes; Adivasis as Scheduled Tribes. The justification of such recognition was to compensate for, if not redress, the brutal historical injustices suffered by individuals in these groups and to promote the integration of

⁹⁷ See Rajeev Bhargava, 2000, ‘Democratic Vision of a New Republic, 1950’. In F. R. Frankel, Z. Hasan, R., Bhargava, & B. Arora (Eds.), *Transforming India: Social and Political Dynamics of Democracy*, pp. 26–60, Oxford University Press, New Delhi.

⁹⁸ Bhargava 2000: 50

society.⁹⁹ Significantly, it was based on grounds that one could lessen discrimination against specific individuals only by empowering the groups to which they belonged.

In another development, the decision to extend similar recognition to other lower caste groups, designated as “Other Backward Classes,” was taken by Central Government which ignited fierce intellectual debate and political conflict, and whose ramifications continue to unfold during Mandal-II. The recognition of caste-based identities by the State, however, has proven to be salutary in several crucial respects. Since the 1970s, lower caste political leaders have formed their own parties, which have become a vehicle for the participation, empowerment and self-representation of traditionally subordinate groups in political society. Indeed, members of lower caste groups tend to vote in greater numbers in elections than the better off people—a striking contrast to the record of minority electoral participation in advanced industrial democracies in the West.¹⁰⁰ The greater representation of lower caste individuals in government offices, state assemblies, and the national parliament has expanded the realm of democracy by infusing popular idioms into national political discourse, undermining old hierarchies of rule and demonstrating the possibilities of collective self-representation. In short, the politics of recognizing caste-based identities has ushered a “silent revolution” in modern Indian democracy.¹⁰¹ However, there has been democratic deficit as well, during this entire journey of politics of recognition. There are other caste-based identities which have been discriminated against. The recognition of Dalit Muslims and Dalit Christians will lead to further consolidating, strengthening and deepening of democracy.

As Charles Taylor correctly observes, social recognition is central to the individual’s identity and self-worth and misrecognition can gravely damage both. This raises the question as to how the demeaned minorities can secure recognition, and here Taylor’s

⁹⁹ Marc Galanter, 1991, *Competing Equalities: Law and the Backward Classes in India*, Oxford University Press, Delhi.

¹⁰⁰ See Yogendra Yadav, 2000, ‘Understanding the Second Democratic Upsurge: The trends of Bahujan Participation in Electoral Politics in the 1990s’ in F. R. Frankel, Z. Hasan, R.. Bhargava, and B. Arora eds., *Transforming India: Social and Political Dynamics of Democracy*, Oxford University Press, New Delhi, pp. 120–146.

¹⁰¹ Christophe Jaffrelot, 2003, *India’s Silent Revolution: The Rise of the Lower Castes in North Indian Politics*, Permanent Black, New Delhi.

analysis falters. He seems to take the rather naive liberal view that the dominant group can be rationally persuaded to change its view of them by intellectual arguments and moral appeals. This is to misunderstand the dynamics of the process of recognition. On the other hand Bhikhu Parekh argues that misrecognition has both a cultural and a material basis.¹⁰² Misrecognition, therefore, can only be countered by undertaking a rigorous critique of the dominant culture and radically restructuring the prevailing inequalities of social, economic and political power.

Mis/Recognition of Dalit Muslims in India

Indian state recognises the deprivation among Hindus, Sikhs and neo-Buddhists based on discriminatory social laws of *varna* system. But this is a paradox beyond comprehension that state does not recognise the Dalit Muslims. It is not that the State does not find caste like practices within the Muslim community. If that was the case then the central Other Backward Castes (OBCs) list would not have incorporated Muslims castes. The problem is at the political level and to some extent legal as well. In case of Dalit Muslims the State has mis-recognised the entity and wrongly clubbed together with OBCs. Now if we treat this as case of mis-recognition then, according to Charles Taylor, “It is a form of oppression, imprisoning someone in a false, distorted, reduced mode of being”.

While discussing social structure of Indian Muslims prominent scholars like Imtiaz Ahmad and Zoya Hasan brought forth the theoretical debate “can there be a category called Dalit Muslims”.¹⁰³ Analysing the socio-economic situation of Dalit Muslims vis-à-vis other socio-religious groups (SRG) Hasan identifies the Dalit Muslims and argued for their inclusion in the Scheduled caste list. She pointed out that “from the evidence marshalled in the NCM report (2008), there is a strong case for including Dalits in the Muslim and Christian communities in the SC category because, as the report says, they are Dalits first and Christians and Muslims only later”.¹⁰⁴

¹⁰² Bhikhu Parekh, 1999, Op.cit. p.12.

¹⁰³ See, Imtiaz Ahmad, 2007, Zoya Hasan, 2009

¹⁰⁴ Zoya Hasan, 2009, *Politics of Inclusion: Caste, Minorities and Affirmative Action*, Oxford University Press, New Delhi.

On the other hand Imtiaz Ahmad looking at the *Arzal* category among the Indian Muslim wondered “Should they be seen in strictly occupational terms as practitioners of a distinct occupation that in their case happened to be lowly and demeaning without status connotations? Or, should it be seen as arising from more fundamental and intrinsic considerations requiring evaluation of groups into a ranked social order?”¹⁰⁵

I argued in chapter one that the position that Muslim groups, *biradaris* and *zats*, are not based on recruitment by birth is equally fallacious. Like the groups in what Nazir would call ‘the caste system’, Muslim *biradaris* and *zats* are based on recruitment by birth alone. There is no process by which one can become a *Saiyid*, *Shiekh* or *Julaha* except that of birth. It is for this reason that when someone marries into another *biradari* or *zat*, he is not integrated into another *biradari* or *zat* but retains his or her original *biradari* or *zat* association. There exists a possibility in the case of *biradaris* and *zats* to attempt social mobility and end up becoming a *Sayid*, *Shiekh* or *Pathan* in course of time through inventing a rationale and a genealogy. Where such social mobility occurs, the basis of recruitment to the *biradari* or *zat* does not change. The *biradari* or *zat* just ends up becoming another *biradari* or *zat*, and comes to be known by another name, to which recruitment continues to be based on the principle of birth. This is again not significantly different from the situation in ‘the caste system’ where castes have the possibility of changing their antecedents and name through the process of social mobility. Thus, the point that both *biradaris* and *zats* are ‘less rigid, because Islam, theoretically at least, permits marriages between different classes of believers’ is not empirically established. It is commonly asserted without substantial basis in any empirical research.

Following structuralist theoreticians we can find that whole of South Asia has caste practices. Jodhka & Shah (2010) argued that “...while caste indeed has a religious dimension and it finds legitimacy in religious texts of the Hindus, it is also a socio-economic system which shaped local economies, social and cultural entitlements and political regimes. In other words caste was much more than an ideological system. The

¹⁰⁵ Imtiaz Ahmad, 2007, ‘Can there be a Category called Dalit Muslim?’ in Imtiaz Ahmad and Shashi Bhushan Upadhyay eds., *Dalit Assertion in Society, Literature and History*, Deshkal Society, Orient Longman, New Delhi, pp.258-265.

idea of caste and associated social and economic structures persisted with varied religious tradition of the South Asian region”¹⁰⁶. Therefore, casteism is a South Asian phenomenon.

Issues of Backwardness

Members of the Constituent Assembly saw democracy as a powerful instrument of emancipation. To end existing forms of discriminatory practices, particularly those of exclusion and segregation resulting/embodied in the caste system, the Constitution provided for equality before the law. Simultaneously, to overcome the effects of years of segregation and subordination, they envisaged/devised a system of reservations, as part of its policy of positive discrimination.

Kaka Kalelkar Committee Report, in one of its sections dealt with the issues of ‘the backward amongst the non-Hindus’.¹⁰⁷ The Report admitted that Muslims and Christians also practice the caste system. It highlighted the fact that the bulk of the Muslim and Christians in India are converts from the Hindu fold. This conversion was encouraged by the fact that Islam and Christianity were fundamentally opposed to caste. The ‘lower castes’ in the Hindu fold left their traditional religion of the ruling race because they felt assured that in that way they would be free from the tyranny of caste and caste prejudices. The Report noted that except for the four upper castes, namely *Sheikh*, *Syed*, *Moghul* and *Pathan*, all the other Muslim castes were inferior and backward.

Non-recognition of the socio-economic nature of the Muslim backwardness issue was indeed a major roadblock in changing this environment. The 1955 Kaka Kalelkar report on the backward classes had, for the first time, recognized the Muslim OBCs on par with their Hindu counterparts; and said that they were eligible for job reservations, since “there are a number of communities amongst them that are suffering from social inferiority in their own society and social backwardness”.

¹⁰⁶ S.S.Jodhka & Ghanshyam Shah, 2010, ‘Comparative Contexts of Discrimination: Caste and Untouchability in South Asia’, *Working Paper Series*, Vol. IV, No. 5, IIDS, New Delhi, 2010.

¹⁰⁷ Government of India, 1955, *Report of the Backward Classes Commission*, headed by Kaka Kalelkar, Government of India Publications, March 30.

These recommendations remained only on the paper and it was for the Mandal Commission later to give a due recognition to the problems of these classes. Importantly, the Mandal Commission treated majority of the Muslim population as OBC deserving reservation in government jobs and educational institutions. This worked out to be much more than the proportion of Hindu population treated as OBC.

Later on, when the Supreme Court upheld the Mandal quota, the Muslim OBCs automatically came under the purview of reservation, But still, there were a lot of implementation issues to be sorted out. The working guidelines used by the bureaucracy in most States and their ignorance about the issue - as well as the lack of awareness amongst the Muslim OBCs - were coming in the way of the actual implementation of the Mandal recommendations.

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.

While enumerating the data to identify backwardness Mandal Commission put up eleven criteria. They were as given below:¹⁰⁸

Social

- (i) Castes/classes considered as socially backward by others.
- (ii) Castes/classes which mainly depend on manual labour for their livelihood.
- (iii) Castes/classes where at least 25 per cent females and 10 per cent males above the state average get married at an age below 17 years in rural areas and at least 10 per cent females and 5 per cent males do so in urban areas.
- (iv) Castes/classes where participation of females in work is at least 25 per cent above the state average.

¹⁰⁸ Government of India, *Report of the Backward Classes Commission*, (Chairman: B. P. Mandal), Vol. 1, New Delhi, 1980

Educational

- (v) Castes/classes where the number of children in the age group of 5–15 years who never attended school is at least 25 percent above the state average.
- (vi) Castes/classes where the rate of student drop-out in the age group of 5–15 years is at least 25 percent above the state average.
- (vii) Castes/classes amongst whom the proportion of matriculates is at least 25 per cent below the state average.

Economic

- (viii) Castes/classes where the average value of family assets is at least 25 per cent below the state average.
- (ix) Castes/classes where the number of families living in kuccha houses is at least 25 per cent above the state average.
- (x) Castes/classes where the source of drinking water is beyond half kilometer for more than 50 per cent of the households.
- (xi) Castes/classes where the number of households having taken consumption loans is at least 25 per cent above the state average. Also known as “Creamy layer,” these criteria of separation is ignored by the government which is known as the most controversial issue of reservation.

Based on Mandal Commission Report 84 Muslim OBC castes were included in the Central lists for reservation policy in 1991. Dalit Muslims too got an entry into the list. One and half decade later Sachar committee has presented the socio-economic facts about the Muslim OBCs (including dalits) which are given below.

Table 1 Representation in Public Employment¹⁰⁹

Department/Undertaking/Institution	H-OBC	M-OBC
Central Security Agencies	11.4 (33)	3.6 (82)
Railway	9.3 (27)	0.4 (9)
Central PSU	8.3 (24)	0.6 (14)
SPSC - Recommended for selection	27.0 (77)	0.9 (20)
University Faculty	17.6 (50)	1.4 (32)
University-non teaching	24.9 (71)	1.7 (39)

Though, Hindu-OBCs are underrepresented in proportion to their population in India. But they are well ahead of Muslim-OBCs group (which also include Dalit Muslims) in public employment. It is important to highlight that Dalit Muslims lag far behind OBC Muslims and they have not benefited from this clubbing together of two unequal partners/groups within the OBC category.

Table 2: Average Daily wages and Salary for Casual and Regular Workers (Rupees)¹¹⁰

Earning Category	Gender	H-OBCs	M-OBCs
Wages	Total	39	49
	Male	45	52
	Female	27	32
Salary-Public	Total	190	176
	Male	199	177
	Female	138	173
Salary-Private	Total	85	79
	Male	92	83
	Female	48	39

Salaries paid to Hindu-OBC and Muslim employees in both the public and private sectors are lower than the average salaries. Muslim-General Category employees are marginally better off than Hindu-OBC employees.¹¹¹ Muslim-OBC employees receive salaries that

¹⁰⁹Government of India, 2006. 'Sachar Committee Report', *Prime Minister's High Level Committee on Social, Economic and Educational Status of the Muslim Community of India*, p.210.

¹¹⁰Government of India, 2006, 'Sachar Committee Report', *Prime Minister's High Level Committee on Social, Economic and Educational Status of the Muslim Community of India*, pp.208-9.

¹¹¹'Sachar Committee Report', 2006, Chapter X, p. 209.

are significantly lower than the other two SRCs (Socio-religious category) i.e. Muslim-Gen & Hindu-OBCs. This is true for both the public as well as the private sector thus indicating that more Muslim OBCs tend to be in low salaried jobs as compared to other SRCs. Among male regular workers, Muslim-OBCs are relatively more deprived than other two SRCs; differences between Muslim-Gen and Hindu-OBCs, however, are marginal. In the case of women workers, Muslim-OBC workers are less deprived in the public sector vis-à-vis the other two SRCs; in the private sector, on the other hand, they are deprived to a greater extent.

Table 3: Distribution of Persons (aged 6+ years) in each caste unit by level of education¹¹²

Educational Level	H-OBCs	M-OBCs
Illiterate	33.4	37.4
Just literate	1.2	2.9
Below Primary	0.8	1.5
Primary	15.9	17.5
Middle	16.0	16.0
Secondary	15.0	13.1
Higher Secondary	7.4	5.1
Diploma/Certificate	3.9	2.5
Graduate and above	3.2	1.9

Table 3 presents the proportion of persons in each SRC classified according to the highest level of education attained. A comparison across SRCs suggests that the educational levels of Muslim-OBCs and Muslim-Gen are lower than those of Hindu-OBCs. In general, educational levels among Muslim-OBCs are lower than the other two SRCs; illiteracy is the highest among this group and a lower proportion of persons in this group complete school education or undertakes graduate studies. The situation for Dalit Muslims is grim; however, it remains un-located due to the absence of any specific data on them. Now the question is why has the State till now failed to design any specific policy for the Dalit Muslims.

¹¹²Government of India, 2006, 'Sachar Committee Report', *Prime Minister's High Level Committee on Social, Economic and Educational Status of the Muslim Community of India*, p.206.

Why did the State not recognize Dalit Muslims?

A secular State that does not concern itself with religious differences and has no preference for one religion over another, cannot go into the details of religious prejudices of one section against the another. It needs to treat equally various sections which are similarly located in the society or have suffered the same kind of discrimination, exclusion and marginalization. Therefore, in this context, Dalit Muslims need to be treated by the Indian State identically.

Marc Galanter, in his book,¹¹³ notes that religion was introduced as a qualification into the first Scheduled Castes Order in 1936, which provided that no Indian Christian (nor, in Bengal, those professing Buddhism or a tribal religion) should be deemed as a member of a Scheduled Caste. Earlier, it was often recognized that there were comparable depressed groups among Christians and Muslims. But in the disputes leading up to the listing of Scheduled Castes, it was agreed that Muslims and Christians should be excluded. Galanter points out that this execution was readily understandable, for the major purpose of the list was to provide for electoral representation, and Christians and Muslims were the beneficiaries of the special electoral treatment as minorities. Very rightly, he further goes on arguing that in spite of the constitutional ban on religious discrimination, the elimination of separate representation for religious minorities and the change in purpose of the list from electoral to administration of welfare, the religious qualification (or, more properly, disqualification) was retained after Independence. The President's 1950 Order provides that 'no person professing a religion different from Hinduism shall be deemed a member of a Scheduled Caste.'¹¹⁴ The religious test for Scheduled Castes is employed, not as a positive test for selecting appropriate groups/caste for inclusion, but as a disqualification of individuals and groups who otherwise meet the criteria, thereby, inevitably discouraging conversion. Many scholars, including Imtiaz Ahmad, are of the view that there is reason to think that this was at least part of its purpose. An exception was made for Sikh members of four castes. In 1956, all Sikhs untouchables were included

¹¹³ Marc Galanter, 1991, *Competing Equalities: Law and the Backward Classes in India*, Oxford University Press, Delhi.

¹¹⁴ Constitution (Scheduled Caste) Order 1950. 2.

to Scheduled Caste and in 1990, neo-Buddhists were included into the category of Scheduled Caste. However, Dalit Muslims and Christians are yet to be recognized.

There are many other factors which cumulatively act against the case of Dalit Muslims: a) Elite Muslim leadership, b) Homogenized politics, c) Assertion of Hindutva politics. d) a piecemeal approach of democratization,

a) *Elite Muslim Leadership*: From class/caste perspective, there had been almost no change in the socio-economic profile of the Muslim leadership after independence. Muslim politics has been continuously dominated by upper class and caste. According to one analysis done by Theodore P. Wright, Jr., out of 58 (Rajya Sabha member) twenty-five were upper class; Nawabs and Zamindars with titles from the British or from Muslim princely states like Hyderabad, Bhopal, or Rampur; twenty claim relationship by blood or marriage to famous Muslim figures of the past or to princely houses; twenty-four others report parental middle class callings: business, professional, or civil service; nine admit the poverty of the lower class.¹¹⁵ These leaders filled with reactionary heritage of past and mixing religion with politics, resisted any attempt of democratization or never raised such issue as caste practices among the Muslim. In the changed circumstances, these leaders were more conscious about how to maintain their political power without annoying other communities and mobilize masses for the parties they belongs to. They appeal to maintain the unity, without which neither individuals nor society could progress.¹¹⁶ They never came out of their belief of a homogeneity feeling about Indian Muslims. Demands made by these leaders from government, crystallize their understanding. According to their analysis, the problems faced by the individuals in the community are same. For instance, during a convention held in Delhi on 10 and 11 June 1961 attended by delegates belonging to various parties, the most vital issue before them was one of securing a 'due share' for Muslims in government services and other walks of

¹¹⁵ Theodore P. Wright Jr, 1997, 'A New Demand for Muslim Reservation in India', *Asian Survey*, Vol. 37, No. 9, p. 854.

¹¹⁶ This is a line used by Syed Mahmud during All India Muslim Consultative Convention on August 8, 1964. Reported in *The Times of India*, August 9.

life.¹¹⁷ In other examples, political party like All-India Muslim Majlis-e-Mushawarat, in its objective mentioned that, “to ensure that *Muslims as a community live up to the high ideals of Islam* and do not let themselves drift from the mainstream of the social, cultural, economic and political progress of the country but play their part in all activities ultimately leading to the country’s advancement in the world and of humanity at large.” Its irony is that, a Muslim political party suggesting individuals to live up to the high ideals of Islam, does not even dare to recognize the existence of casteism as a social evil among the Muslims which is never sanctioned by Islam. Those leaders who did not tire to describe overall backwardness of Muslims as a ‘symbol of ill health of the nation’¹¹⁸, failed to describe the casteism among Muslims as ‘symbol of ill health of the community’.

“The co-option of Congress Muslims in governmental structures restricted their ability to keep up their links with large segments of the Muslim people. They eschewed involvement in all issues which were seen to be specifically Muslim and were likely to leave them vulnerable to charges of promoting sectarian causes.”¹¹⁹ In particular, in first three general elections, “the nomination and election processes work[ed] to put into the legislatures Muslims who [were] inclined to be docile and not raise embarrassing issues too persistently, lest they either not “[get] the ticket” next election or [are] shifted to less safe constituencies”.¹²⁰ The lacuna shown by the secular parties and Muslim leaders in raising the caste issues has sheer political motives. Once Nehru was out of the scene, the communal polarization became more and more sharp and Indian politics once again witnessed the mixing of religion with politics. Once conservative forces took over the community politics, the Congress in spite of countering positively with them, made underhand dealing with these forces. For electoral gain, Congress invariably relied upon these conservative elements amongst Muslims. In addition, Muslims were appeased by elevating a few from the community to exalted positions in government. These forces consistently propagated the idea of a homogenized Muslim community putting forth the

¹¹⁷ A.G.Noorani, 2003, *The Muslim of India: A Documentary Record*, Oxford University Press, p.119.

¹¹⁸ Maulana Hifzar Rahman, used this phrase while briefing about the convention to be held on 10 June. For detail see Noorani’s *The Muslim of India*, op. cit., pp.116.

¹¹⁹ Mushirul Hasan, 2002, *Islam in the Sub-continent*, Manohar Publication.

¹²⁰ Wright 1966:110.

argument that, in Islam there is no such concept of caste; in its fold all are equal.¹²¹ Moreover, the communally charged atmosphere allowed them to ask for unity among the Muslims. Resultantly, issues like women rights, caste practices, democratization of various Muslims institutions, and agitation for modern education have been neglected throughout the decades.

b) *Homogenised Politics*: British rulers established Muslims as a homogenised category in Indian sub-continent. The process began immediately after 1857 revolt and shaped with 1909 communal award of separate electorate. Formation of Pakistan perfected this process. After independence rise of communalism strengthened this proposition. Politics of Urdu, AMU, Haj subsidies, Personal Laws are few issues Muslims were racked with.¹²²

c) *Assertions of Hindutva Politics*: Creation of Pakistan satisfied Muslim communalism; however, India did not turn into a Hindurashtra, the dream of Savarkar. This pinches the Hindu communalists in India, who vigorously tried to achieve it. But nationalist leadership certainly did not give room to these divisive elements, although they failed to write them off. They maintain their propaganda against the Muslims, which actually feed Muslims elite leadership to control their grip over the community.

d) *A piecemeal approach of democratisation*: A Government run by a single party for such a long period set certain trends which became the characteristics of the state. Government considers each social group as a vote bank which facilitates them to ride the power. The government associated various projects of upliftment with different social groups to make a balance. Thus, reservations associated with SCs/STs, development fund to north-east region, militancy with Jammu and Kashmir, language problem (anti-Hindi) with South India and security issue for minorities (Sikhs, Muslims and Christian). As Sikhs and Christian communities have high development indicators, security is their main

¹²¹ The rise of Dalit Muslim movement is a clear cut blow to the ideal of homogenization. The *Ashraf* (upper caste) Muslims view the division of community into *Ashraf/Ajlaf/Arzal*, as a conspiracy to divide the Muslims. And in effect, in the absence of recognition, no policies and strategies have been devised for Dalit Muslims of this country.

¹²² Manjur Ali, 2010, (Unpublished article). 'Muslim 'homogenized' Politics in India: Caste Perspective'.

concern. However, Muslims have the problems of identity, security and development. But the State is not objective in its treatment to the Muslims. This led/prompted eminent political scientist and former Member of National Commission for Minorities, Zoya Hasan to raise the question “does state policy reflect objective realities or does it reinforce and privilege certain categories over others?”¹²³ Whenever Muslims have started weaning away from Congress it came up with some populist measure to show its concern for minorities. For instances, Indira Gandhi’s 15 point programmes, UPA government’s new 15 point programme, and Sachar Committee, etc. The policies generated from these programmes lack any will for implementation in a holistic way and always ended up pacifying the anger against the government.

In contemporary politics organisations like the All India Pasmanda Mahaz (backward Front) are making great effort to make the caste question heard, a pertinent problem of the Muslim society, however, the community remains divided over its approach to solve the community problem. The *Ashraf* view the division of community into *Ashraf/Ajlaf/Arzal*, as a conspiracy to divide the Muslims.¹²⁴ “In my view, the entire Muslim community in the country forms a backward class,” wrote Sayed Shahabuddin, an M.P. and a leader of the demand for affirmative action for all Indian Muslims, in a letter to the welfare Minister in 1995.¹²⁵ Organisations like Islamic Council of India, as well as, the All India Milli Council, formally ‘demanded the government to declare the entire community as economically backward and grant reservations to it accordingly’.¹²⁶ Authors like Salil Kader¹²⁷ argued that there are other problems in front of Muslims, they should concentrate on that rather than caste issue. This could be seen as hiding from the problem.

On the other hand, the forces who sided with *Ajlaf & Arzal* arguing for the reservation only for the backward or insist upon “Dalit” Muslims, while rejecting the *Ashraf*’s

¹²³ Zoya Hasan, Op. cit, p.197.

¹²⁴ There are other parts, which do not want to recognise this division, by giving reference to the Quran. Most of them are Ulama’.

¹²⁵ Syed Sahabuddin, 1996, *Muslim India*, February, p. 78.

¹²⁶ *The Hindu*, April 13, 1996.

¹²⁷ Salil Kader, 2004, ‘Social Stratification among Muslims in India’, www.countercurrents.org., June 15,

proposal of reservation to Muslims in toto, they claimed that reservation for all would affect the share of backward and “Dalit” Muslims. They very rightly feared about the communal polarization in the society, as Theodore P. Wright, Jr., mentioned. He elaborates about five points on the reaction of the Hindu militants¹²⁸ (Sangh Parivar): First, they argued that Dalits (former untouchable) are a Hindu problem. If Muslims (or Christians) want to be awarded reservation, they should get reconverted by Shuddhi (purification) to Hinduism. Second, because Muslims make such a point of their equality within the *Umma*, how can there be a backward Muslim sub caste? Third, if the demand for reservations is for the whole community, how can they claim that their pampered “creamy layer” (the educationally, economically, and politically advantaged Muslim elite) deserves this privilege? Fourth, by making these demands the convention¹²⁹ is “walking in the elders’ footsteps...going back to 1906” (referring to the foundation of the Muslim League) and “heading towards another Pakistan”. Finally, they argued, the convention is nothing but a Congress ploy to win back their lost Muslim vote bank.¹³⁰ To resist the hegemony of the *Ashraf* in all sense, the *Pasmanda* forces are also making a conscious effort to relate Dalit Muslims and Hindu OBC and Dalits to create bonds of solidarity across religious divides. This movement has a great potentiality to redefine the very grammar of Muslim politics in favour of a progressive agenda. It is framed in a distinctively secular language and envisions a socially just, plural society. This may inaugurate a departure of some sorts from the old-style reactive politics. The need for such a departure hardly needs to be stressed in the face of two major challenges confronting Indian polity- near triumph of Hindutva on the one hand and reactive Muslim politics on the other. Secondly, this movement will help in making the community more democratized. As many political and sociological theorists have rightly pointed out that if caste has been historically an instrument of oppression it has also served as tool of liberation (though of limited nature) in a changed context. The post-Mandal phase has shown that even this backward looking ideology of casteism has some democratizing element in terms of its being a tool of political mobilization and assertion. How much they will succeed in their assertion is the question whose answer lies in the future. But

¹²⁸ Wright, 1997, Op. Cit. p.857.

¹²⁹ In the convention, in which these demands were formulated and announced.

¹³⁰ *Organiser*, 1994, October 16-23, November 20, December 4, 25, and 1995, January 8, February 26.

one should be very clear that the help of the State is very much required to fulfill their agenda. Theoretically, Dalit Muslims as a discriminated, marginalised and excluded category has been established. They share and face all the attributes of Hindu Dalits and the State needs to recognise their deprivation and socially degraded condition.

Chapter III

Dalit Muslims In Bihar: An Ethnographic Profile

Introduction

In India Muslims occupy an important place and form the largest minority group. According to the 2001 Census the Muslim population in India was 13.4 per cent of the total population of the country. According to 2001 census, the Muslims in Bihar numbered 137.2 lakhs, constituting 16.5% of the State's total population and 9.9% of the country total Muslim population. 87% of the Muslim populations in Bihar live in rural areas, and the rest in towns and cities. Dalit Muslims constitute a significant part of the Muslim population in Bihar.¹

The present chapter attempts to provide an ethnographic profile of Dalit Muslim castes/communities, an oscillating community, between the Hindu and Islamic religions. It examines the problem of inequality and discrimination faced by the Dalit Muslims of Bihar. The problems faced by them because of this, in socio-economic and religious fields are also discussed here in brief. It studies the various forms of discrimination, stigma, social distance and structures of domination faced by them in Bihar in order to understand their awareness of their own identity as Dalit Muslims and their relationship with the changing social structure. This chapter also studies their customs, rituals, beliefs and other cultural practices. There is no work on untouchability among Muslims, but it exists, although the forms and nature of untouchability have changed.

These marginalized communities, have not been studied due to lack of data², lack of social categorisation, background status or variety of other reasons. While social and

¹ Yoginder Sikand, 2005, *Muslims in Bihar: Findings of a Survey*, Accessed on July 7, 2010, http://www.indianmuslims.info/reports_about_indian_muslims/bihari_muslims_2005.html; MEGA-Sky Report of Bihar, <http://equityasia.net/activity/MEGA%20PROJECT%20NEEDS%20ASSESSMENT.pdf>

² There is a complexity over the exact population of the Dalit Muslims. The Dalit Muslim population in most of the research surveys and reports is estimated around two percent of the total Muslim population which is not significant enough. However, this assumption has been contested some scholars and the groups who demand special recognition to the Dalit Muslims. They argue that almost 80 percent of the Muslim population is lower caste and majority amongst them are *Arzals* ('untouchables').

economic conditions of Dalits have been extensively studied, intensive ethnographic studies of specific Dalit communities have been rarely undertaken. This tradition did exist in the past which we find in the writings of British ethnographers and has been continued to some extent by the anthropological survey of India. But most of the contemporary literature has not addressed the problems faced by Dalit Muslim communities.

Methodology

During the course of my fieldwork in Bihar, I interviewed 100 Dalit Muslim households. Although, I visited and stayed in several Dalit Muslim localities and spoke to different Dalit Muslim castes, I conducted the detailed personal interviews of mainly five Dalit Muslim castes i.e. *Nat*, *Bakkho*, *Halalkhor*, *Rangrez* and *Dhobi*. The centre/focus of my fieldwork was in Phulwari Sharif area of Patna district (especially sub-urban areas) in Bihar. The first time I visited the area, it was in July 2009 to have an idea regarding these communities. I remained in the field for three months during February-April 2010, and observed their socio-economic conditions, lifestyle and the kind of discrimination they face in the society.³ I again visited the area in August, 2010 and remained there for another ten days and collected some more information. The methodologies employed in this study range from formal survey methods with structured questionnaires, through less formal community-based investigations and enquiries, to long-duration fieldwork using ethnographic techniques. Following are the names of castes and the number of households interviewed:

Name of Caste	Number of Households
Nat	20
Bakkho	30
Halalkhor	30
Rangrez	8
Dhobi	12

³ Apart from my confederates/samples, I interviewed Dalit Muslim leaders, activists etc. e.g. Ali Anwar, (President, AIPMM); Usman Halalkhor (General Secretary-AIPMM); Dr. EJaz Ali (President, AIBMM); Reyazuddin (General Secretary, AIBMM); Kamal Ashraf (PMM); Mahmood Alam Ansari (Member, Bihar State Minorities Commission and an AIPMM activist) and several other office-bearers and concerned individuals working in the area.

After my fieldwork on Dalit Muslims, it is worthwhile to ask, does caste system still prevails among Muslims, and to what extent it is rooted in the Muslim society? The answer is yes. Casteism among Indian Muslims is deeply rooted. We can observe it at all fronts in the Muslim society. I would like to provide some major incidents of casteism among Muslims before I go on discussing my own findings in detail. These instances also substantiate what this study has found during the course of research.

Some Observations on Prevalence of Casteism among Muslims

Presently there are three major categories among Indian Muslims, (1) *Ashraf* (2) *Ajlaf* (3) *Arzal*. Among these categories there are many sub-castes and in every category there are lower castes and upper castes like Hindu caste system. Masood Alam Falahi highlights that some 25 years ago there was a sufi Shah Masood (pupil of famous sufi Shaikh Abdul Qadir Raipuria) in a village Behat of district Saharanpur. He never allowed low caste Muslims to make Pakka (with cement and brick) houses in his village.⁴ In different parts of Bihar villages, the *Arzal* Muslims eat in a separate line in marriage ceremony. The same condition is in Phulwari Sharif area of Patna district. Many Dalit Muslims narrated that they still have to stand in the separate line to eat during ceremonies in their villages/mohallahs in Bihar.⁵ Dr. Azmat Siddiqi from Centre for Women Studies of Jamia Millia Islamia, New Delhi, told in her speech that in her village Phoolpur of Allahabad, U.P, the *Ashraf* do not eat food from sweeper/*halalkhor* community. She was against casteism and once she ate with them. Her cousins boycotted her as she ate with Halalkhor community. Professor Imtiaz Ahmad told me the following incident in a meeting, he has also written about it in one of his articles:

“We had a Lalbegi woman who used to come to clean the toilets in our house. She was on the best of terms with my mother and would sit for hours together gossiping with my mother. Whenever my mother would offer her pan, she would wrap her hand with her dupatta to receive it. My mother used to drop the pan in her hand, making sure that her hand did not touch the Lalbegi woman’s hand. On occasions of marriage her family would come and sit in a corner and wait until all the guests had eaten and left. They

⁴ Masood Alam Falahi, 2009, ‘*Caste among Indian Muslims: Causes and Consequences*’, paper presented at Columbia University, New York in ‘Caste and Contemporary India’ Conference on October 17.

⁵ Interviews with my respondents in different areas during my field work.

would then be given food in vessels they brought with them. They did not eat the food there, but instead took it with them to be eaten at home. On sacrificial Eid the family was not given any portion of the meat. They were given the intestines which were kept aside for them. It is possible that some of these forms of discrimination have changed, but there is no evidence to show that they have disappeared.”⁶

It has been mentioned by many observers that such groups often have their own mosques.⁷ N. Jamal Ansari notes that ‘in certain areas of Uttar Pradesh and Bihar there are separate mosques and burial grounds’ for these castes.⁸ Establishment of own mosque would call for a level of prosperity for the groups as a whole. Whether they have attained such levels of prosperity is something on which very little information exists.” Dr. Ghaus Ansari writes about some cases of caste based discrimination in U.P. He also adds that even ‘low’ caste Muslims are not allowed to pray in the mosque. They pray outside the mosque.⁹ The former editor of ‘Qawmi Morcha’ Daily (National Front, Urdu News Paper) (Banaras) Tajuddin Ash’ar Ram Nagri wrote that before independence of India, Muslim sweepers were not allowed to enter the mosque in Banaras, U.P.¹⁰

For my fieldwork, I visited Naya Tola in the suburb of Patna district. This is a Muslim dominated area. I saw a small mosque with a small madrasa. On the mosque was written ‘Masjid-e-Rayeen’ (Mosque of vegetable sellers). In front of this mosque there is an Imam Barah of Imam Baqir, and a Mazaar. This small mosque shows that there is discrimination against the vegetable seller caste, so they made a separate mosque and it was shared by the respondents.

⁶ Imtiaz Ahmad, 2007, ‘Can there be a category called Dalit Muslim?’ in Imtiaz Ahmad and Shashi Bhushan Upadhyay eds., *Dalit Assertion in Society, Literature and History*, Deshkal Society, Orient Longman, New Delhi, pp.258-265.

⁷ Ibid, Imtiaz Ahmad further points out that some evidence exists to show that there is discrimination against these Muslim castes in the religious spheres. He found during his fieldwork in eastern Uttar Pradesh that members of these castes did not go to the mosque for prayers and if they went they had to stand in the back rows.

⁸ N. Jamal Ansari, 2004, ‘*Oppression of Dalit Muslims through Indian Constitution*’, Paper presented at the seminar on Dalit Muslims organized by Deshkal Society, New Delhi.

⁹ Ghaus Ansari, 1960, *Muslim Caste in Uttar Pradesh: A Study of Culture Contact*, The Ethnography and Folk Culture Society, Lucknow.

¹⁰ Cited in, Masood Alam Falahi, 2009, ‘Caste among Indian Muslims: Causes and Consequences’, paper presented at Columbia University, New York in ‘Caste and Contemporary India’ Conference on October 17.

In Desna village of Nalanda, Bihar, low castes are not allowed to sit in the first row of the mosque. Even low castes like *Ansari* and *Kalal* do not allow those from the *Pamariya* caste to sit in the first row while offering Namaz in the Pandara village of Lohar Dagga district. In 'Ouchwa' the village of Gorakhpur, upper castes wash the mosque in case somebody from the low castes enters the mosque.

Tehelka New Delhi reports in its issue dated 18 Nov. 2006:

"In Bihar, the *Bakkho* sub-caste- formally a nomadic tribe- is held by other Muslims to be untouchables despite Islam categorically forbidding any such division... when someone in an upper caste family dies; we go to his house to condole, like we would go to any other Muslim home. But when someone from our caste dies, the upper castes people never come for the same."¹¹

My own findings substantiate the above mentioned facts.

In Rampur Bariya village of Champaran District of Bihar, a low caste groom was insulted and beaten up by upper caste Muslims because he was sitting on a horse. In the same village upper caste Muslims destroyed the mosque built by low caste Muslims. They also burnt their houses.¹²

In Naya Tola village which was part of my field area, there is only one graveyard and every caste has a specific place for burial purpose. There were various complaints/grievances from my respondents that upper caste Muslims do not allow lower caste Muslims to bury dead bodies in the common graveyard for community. Hence, low caste Muslims have their separate graveyards.

In Mohabbat Pur village of Vaishali District in Bihar, Jugal Khalifa died. His dead body was not allowed by those from Shaikh caste to be buried in the common graveyard as he

¹¹ Anand ST Das, 2006, Unequals in an Equal Religion, *Tehelka*, 18th November.

¹² Mentioned in, Masood Alam Falahi, 2009, 'Caste among Indian Muslims: Causes and Consequences', paper presented at Columbia University, New York in 'Caste and Contemporary India' Conference on October 17.

was a *Nat*, a low caste Muslim. Police took action and arrested many of the upper caste members and only after that his dead body was buried.

A few news reports also came regarding certain cases which surfaced where the backward or lower caste Muslims faced trouble over easy entry for burial in graveyards and in two or three cases they were not allowed to bury. They finally resorted to burying the body outside the graveyard.¹³ Mahaz president Ali Anwar expressed deep concern over the denial burial rights at different graveyards in the name of caste in more than six districts in Bihar. AIUMM president Dr. Ejaz Ali, also raised the issue of denial of burial rights. Anwar claimed that some people have been denied access to a graveyard despite having a *vasiyatnama* (validity for entry) in Jahanabad district a few months ago. "Some powerful people disallowed burial of Salim Ansari in the graveyard on ground of his caste," he said. He stated that he has recorded instances in which people belonging to lower Muslim caste have been stopped from burying their dead."¹⁴ Usually, there is a common graveyard for all Muslims in a Muslim village or mohalla where all of them bury their dead for ages. But there are still a few villages where the backward and Dalit Muslims are forced to create a separate graveyard for themselves.

In some places the low caste Muslims are not considered as Muslims by upper caste Muslims. In my district Samastipur, Bihar, *Sheikhs* an upper caste consider themselves only as Muslim and others as non Muslims. They use the term "we Muslims" for themselves and for others 'low castes' and used to call them with derogatory names like *Julaha*, *Dhuniya*, *Kujda*, *Kasai*, *Nai* etc.¹⁵ In some places lower caste Muslims are also performing '*badhuwa Mazdoori*' (bonded labour) for upper caste Muslims. There are instances of abuse of lower caste women by upper caste men.¹⁶

¹³ Anand Mohan Sahay, 2003, '*Backward Muslims Protest Denial of Burial*', March 6. News report in www.rediff.com, www.rediff.com/news/2006/dec

¹⁴ Ibid.

¹⁵ From my observations of growing up in a Muslim family I am able to recall a number of instances of both open and silent discrimination practiced against these castes.

¹⁶ Op cit. Masood Alam Falahi.

There are various incidents of caste atrocities among Muslims. We can find many such examples in Indian newspapers. Few of them are highlighted below.¹⁷

1. A boy of *darzi* (tailor) caste and a girl from an upper caste got married in Munger district of Bihar. Then the boy was tortured, beaten up and burnt by cigarette by some upper caste members which left him became handicapped for the rest of his life. Many people and media criticized it, but All India Muslim Personal Law Board which was conducting its annual function near the place of this incident on March 1, 2003, didn't say a single word against this atrocity.
2. A young girl Maimoon Bhaskari of Quraishi (Butcher) caste and a boy of Idrees of Meo caste got married in Sudka village of Nooh, Haryana. Because of this inter-caste marriage they were attacked by their family members and villagers.
3. An MBBS doctor boy of Ansari caste and an MBBS girl of Quraishi (Butcher) girl of Muzaffar Nagar UP got married. Because of this the girl family cut both of them into pieces and burnt them in front of hundred people.
4. Imran of Muzaffar Nagar and Shaheen of Meerat got married. The brother of the girl brutally killed Shaheen using scissors. The reason of this brutal killing was that the boy was from Quraishi caste and girl was from Teli (oil presser) caste.
5. We are aware of the biggest incident of Mukhtaran Mai of Gujar caste in Pakistan. She was gang-raped in front of 300 villagers by four people on order of village panchayat in June 2002. It was just for the reason that her brother was blamed for having love affair with an upper caste 'Mastooi' girl. The whole world cried on this shameful incident. But no one heard that any Muslim organization in India and Pakistan has ever condemned this act and caste atrocity.

We see that even among 'low' caste Muslims there are too many caste boundaries. My friend Dr. Wasi Azam Ansari from JNU told me that 'in Mau Aaimah town of U.P., Ansaris hate other castes. They tease and boycott a doctor only because he belongs to a Dhuniya caste which is a lower caste in the caste hierarchy.

¹⁷ Op cit. Masood Alam Falahi.

There are lots of such cases of caste based discrimination among Muslims (especially in Bihar) which could be read in news papers from time to time. My research attempts to reveal/highlight caste-based discrimination against Dalit Muslims in Bihar.

There is need for rich and focussed ethnographic research on such castes in order 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 the latter 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. Several of these aspects have been addressed in this research study and the data from the field reveals that Dalit Muslims are at the bottom of social hierarchy and suffer discrimination in day to day life.

Untouchability is alive in the countryside though fear of law and rising Dalit Muslim assertion seem to have curbed its crude manifestations. It can be observed during marriage ceremony or entry into mosque. Dalit Muslims' participation in social activities has improved, some people are invited for wedding feasts. But the improvement stops there. Around half of the respondents said they wait for others to finish eating before they can eat while many said that they are expected to wash their plates after eating. The primitive manifestations of untouchability still exist, but in a different form.

As many as one third respondents said they were not served food and water in non-Dalit Muslim homes while many claimed being served in separate vessels. Some of the Khan and Ansari families, I spoke to, concurred this.

Dalit Muslim children are still growing with the stigma of being from an inferior caste. While seating arrangements are common in schools, Dalit Muslim kids in many cases are

asked to take the back benches. Also, many are served mid-day meals separately from other children. Upper caste Muslims too agreed that there were no Dalit Muslim teachers in their village schools. Vestiges of medieval society became apparent when upper castes and OBCs, if only a handful, revealed they served Dalit Muslims in towels or their upper garments; while some poured water directly into the cupped Dalit Muslim hands for drinking instead of giving a tumbler. A few cases showed that barbers used separate instruments for haircut of Dalit Muslims. Dalit Muslims are still forced into services seen as “menial” like sweeper, scavenger, grave digging, carry out animal sacrifice etc. “There can be no doubt whatsoever that Dalit Muslims are socially known and treated as distinct groups within their own religious communities and are invariably regarded as ‘socially inferior’ communities by their co-religionists.”¹⁸

Universally practiced forms of discrimination and exclusion include social and cultural segregation, expressed in various forms of refusal to have any social interaction; endogamy, expressed through the universal prohibitions on Dalit-non-Dalit marriages and through severe social sanctions on both Dalits and non-Dalits, who break this taboo. Social segregation also extends to the sphere of worship and religious rituals, with separate mosques and priests not being uncommon among Dalit Muslims.

In short, in most social contexts, Dalit Muslims are Dalits first and Muslims only second. Forms of discrimination of Dalit Muslims include various modes of subordination in mosques, as well as insistence on separate burial grounds. Occupational segregation and economic exploitation are also very common and usually related practices, though somewhat less widespread than segregation or marriage bans. Untouchability is sometimes practiced, but is not widespread, and its forms vary greatly.

¹⁸ Government of India, 2008, National Commission for Minorities Report on Dalit Muslims and Christians, *Dalits in the Muslim and Christian Communities: A Status Report on Current Social Scientific Knowledge*, prepared by Satish Deshpande.

Dalit Muslim Castes: A Brief Profile

Let me present an outline of the social dilemma of the Dalit Muslim castes in Muslim society. In that sense, it also presents a poignant portrait of the everyday humiliation and plight of the Dalit Muslims. In this section, brief profiles of few Dalit Muslim castes have been provided. This chapter focuses on five Dalit Muslim castes which have been mentioned in the beginning viz., *Halalkhor*, *Bakkho*, *Nat*, *Rangrez*, and *Dhobi*. However, it provides some insights regarding other Dalit Muslim castes as well which reside around the same localities.

Halalkhor

Halalkhor is the name of a community among Muslims, who earn their living through 'hard work' and 'rights'. In Bihar, the *Halalkhors* mostly work as sweepers and this backward group in the Muslim community is generally considered the counterpart of the Dalit Hindu '*Halkhor*'. The community has a sizeable presence in Bihar's Patna, Gaya, Bhojpur, Champaran, Muzaffarpur, Darbhanga and Rohtas districts. Francis Buchanan had identified 34 families of the *Halalkhor* family in Shahabad district.

As the name indicates, a *Halalkhor* is someone who does not sponge off other people. But H.H. Risley has given it a completely different meaning in his book, *Tribes and Castes of Bengal*.¹⁹ He says, it refers to people for whom all kinds of eating are legal. This view is shared by the entire upper class section among Muslims. Buchanan and Risley have put this backward and challenged section of the Muslims into the sweeper, Mehter and Bhangi category. Professional singers also come under this group.

Phulwari Sharif, the centre of my fieldwork, which is next to Patna, houses a sizeable number of this caste as well. This is also the headquarters of the Bihar, Orissa and Jharkhand chapters of the *Imarat-e-Sharia* (a well known Muslim body). Like the hundreds of other villages in Bihar, Phulwari Sharif's south side also has thatched huts in the home cluster of *Halalkhors*. No one has a brick house. Education and electricity have

¹⁹ H.H. Risley, 1892. *The Tribes and Castes of Bengal: Anthropometric Data*, Printed at the Bengal Secretariat Press, Calcutta.

not reached here. In this slum of 100 families, not a single boy is a matriculate. It is only now that people have started sending their children to schools.

The *Halalkhor* slum has its own lifestyle. Of course, the Imarat-e-Sharia headquarters is here, but not for the *Halakhors*. If you see this from the point of view of the elite Muslims, it is the lower caste that have come and settled here. As I am told, in August 1996, drinking water from the well led to a cholera epidemic and six people died. Munna Halakhor of the slum laments the fact that despite the existence of such a big institution like Imarat-e-Sharia, let alone help, no one even came forward to express condolences although the SDO (Sub-Divisional Officer) of the area, Dipti Gaur took pity and set up two water pumps.

In the eastern and southern outskirts of the colony of Phulwari Sharif, some 200 Muslims, from the *Nat* and *Bakkho* families have settled down. Earlier they had been living in Khagaul Phulwari near BMP 16. The district authorities removed them from there and put them near Nausha Karbala. In the monsoons of 1996, four people from the *Nat* and *Bakkho* community died of snakebites. No one from the Phulwari Colony even came to find out what had happened. The Sayyids from the opposite side screw up their noses and say, 'Due to the presence of *Nat*, *Bakkho* and *Halalkhors*, the surroundings of the colony have been completely spoilt.'

The Badi Sarai area of Gaya boasts of many *Halalkhor* families. Despite the presence of movements like the uprooting of the practice of earning a living by cleaning human excreta and Bhangi Mukti Yojanam and despite the ban on these professions, one continues to see the persistence of these practices. A few old women from the *Halalkhor* families are still compelled to practice this profession to eke out a living. The people of this colony ask, 'Why doesn't the Government make proper houses for them just like they do for the *harijans*?'

Bakkho

Bakkho is originally a gypsy tribe. Even though they are Muslims, one can find a deep influence of Hindu rituals and customs in their life ways. Not only are they landless, but

the majority of them don't have a fixed home. The lack of education among them is so appalling that in the entire community, there are only two boys who have been to college. One of them is a B.A., another one has passed Intermediate. One girl has done her Madhyama (Matriculation). No one of them have till now secured a job in any post in any department of the state.

The extent of the social neglect of this community is evident from the fact that till now the name of this caste was missing from all official records and files. On the advice of the Bihar Backward Community Board, the state government has included the name of this caste in the list of the Schedules Castes under Resolution 83 dated 26 November, 1996.

The Board has sent the relevant facts pertaining to the *Bakkhos* along with the recommendation to include them in the list to the Bihar government on 30 March 1996: Jinnat Bakkho²⁰ rued that, "As far as social backwardness is concerned, we read the *namaz* together in the mosque, but the *Sheikhs*, *Sayyids*, *Pathans* and *Malliks* don't mingle or eat with us. We are not even considered suitable for the cook's job as we are considered unclean." In the official and non-official services, the contributions of this caste are practically negligible. That is why, due to social backwardness, being regarded as lowly by other Muslims, educational vacuum and negligible contribution to the national resource, it is suggested that the *Bakkho* caste be included in the list of the schedule-1.

This caste has had an identity in Bihar down the ages. In the 1901 Census too, this caste was mentioned. The main occupation of this caste is to go to the people's houses where a child has been born and sing songs. The *Bakkhos* carry a *Khanjari* (instrument) and the women from this caste carry a low seat to sing the *Badhawa* in houses where a child is born. The *Khanjari* and *Machiya* are inextricably linked to the *Bakkho*'s identity. Risley has written in his book, *The Castes and Tribes of Bengal*: 'Both Hindus and Muslims adopt this profession. On the occasion of a child's birth, the *Bakkho* carries *Khanjari*

²⁰ An interview with the respondent. Jinnat Bakkho, Bakkho Panchayat/Sardar Qabila, February 16, 2010, Patna.

while his wife carries a stool. They sit on the doorway and sing songs'. The people give them some grains, old clothes and a little money when they are pleased with them. The people of *Bakkho* caste claim that they earn a very nominal income through this profession in today's time. That is why a lot of them have turned to hard labour options in order to make a living. In recent times, the women of this community have taken to becoming vendors of stainless steel items. Thus very slowly, the *Khanjari* and *Machiya* have been replaced by the bundle of stainless steel utensils as the identity of the *Bakkhos*.

This community has a sizeable population in Patna, Nalanda, Gaya, Begusarai, Samastipur, Muzaffarpur, Mahubani, Saharsa, Supaul, Gopalganj, Chhapra, Siwan, Kishanganj, Araria, and other districts. Earlier, this caste was a nomadic one, but now they tend to set up huts everywhere. 160 families of the *Bakkhos* have been living in the Kamala Nehru Nagar, and near Adalatganj in Patna for several years now. Under the Indira Aawas Yojana scheme, the Laloo Government made around 55 brick houses for the people of the community in the Shahaganj Dargah locality of Patna.

The *Bakkhos* of Patna and the neighboring suburbs have their own community panchayat. The members of the community still settle their disputes through this panchayat. There is no scope for court cases and legal battles. Medieval practices and methods exist. There is one special method through which guilt is established. People accused in sensitive cases are publicly brought before the panchayat, then half a peepul leaf is placed on their palm and it is folded up with a fine thread. After this, a red hot iron piece of 250 grams is kept on it and the condition is that they should walk seven steps with that iron. If the accused's hand is burnt, then his guilt is proven, otherwise he is released from the charges with immediate effect. There is another way through which guilt is established. According to this, a copper coin is placed inside two and a half litres of boiling mustard oil. The accused is then asked to ferret out the coin from the boiling cauldron of oil. If his hand is burnt in the process, he is guilty, else not. When a woman is accused of adultery or a man of rape and molestation, the Panchayat uses these devices to prove guilt. In lesser crimes such as teasing and a little roughing up, a fine is declared and in heavier crimes, they may be exiled as well.

Amongst the people of the *Bakkho* caste, marriages are considered opulent occasions. The kith and kin have to be fed fourteen times. A *Nikah* wedding is also solemnized but the practice of giving money to the bride is still not prevalent. If the boy leaves the girl after the wedding, then he has to pay her family the entire expenses of the wedding. This is known as 'Sudama'. If the girl wants to leave the boy after the marriage, then she has to pay the boy's side the entire wedding cost. The chief, Yateem Mian tells us that they have a code number as well. Number 12 signifies that the person belongs to their Panchayat. The number refers to the 12 castes. Apart from the *Bakkhos*, this includes the *Nat*, *Gulgulia*, *Zaidi*, *Tirkutaha*, *Lodhra*, *Kungra*, *Chau Bhayya*, *Girhara*, *Tikulhara*, *Kudaria* and *Banwaria*. In all these sub groups, the ways of proving guilt and punishing the guilty are more or less same. But they don't marry amongst each other.

Nat

Even after a person dies, the politics of high and low continues to play over his body. The corpse of Jugal Khalifa kept lying in the graveyard from morning till night. The *Sheikhs* (an upper caste) would not allow him to be buried in the graveyard as it was the corpse of a *Nat*. This incident of hatred occurred in the Mohabbatpur village of Ganga Bridge station in Vaishali district on February 19, 1995. Only after the district administration intervened and ten *Sheikhs* had been arrested could the body of Jugal Khalifa be buried there.²¹

The *Nat* families of village Sherpur appeared to have cleaner surroundings as compared to *Nats* of other villages. But till now, there is neither education nor any electricity in these villages. There is no pump water tap for drinking water installed from the government's side. Their children don't go to school so there is no question of getting government jobs. The traditional occupation of the *Nats* is to perform, wrestle and rear livestock. But the *Nats* who settle down in one place often give up performing for which one has to be constantly on the move. Among the *Nat* families in Sherpur, some of them

²¹ Conversation with Nazim Nat, Chatni Nat, Bablu Nat, Chhablu Nat, and Pardesi Nat during my field work.

earn a living by slaughtering and selling goat meat and in Bhatan Khalifa Hajipur town, they work as rickshaw-pullers while their families engage in looking after animals.

In Chak Sikandar, lifestyle, occupation, eating habits and their socio-economic situation of Hindu *Nats* and Muslims is almost identical. The men usually chop wood, extract honey and deal in the sale and the purchase of cattle and work as labourers in the fields. The women are street vendors. All the *Nats*, both Hindus and Muslims of the village unanimously declare they are not allowed to cast their votes. The village middle school is always used as the polling booth. Phagu says, "We keep staring at the proceedings. But we are not allowed to vote".

Rangrez

The *Rangrez* or dyers do not enjoy a respectful status in Muslim society. Since *Rangrez* turned into an offensive term, the people of the community renamed themselves 'Sabbag' to regain respect. *Sabbag* derives from Arabic and means one who dyes. But it is highly ironic that a person who makes different colours and puts colour into the world should be so devoid of it. In short, they are an artistic community mixing colours together to produce different shades but they haven't still received the accolades that they should have been accorded long ago. The upper castes still count this profession in the lowly category. According to them, their work is close to what the *Dhobi* does. The cloth has to be washed before dying and afterwards it has to be dried. The glaze paper that is used while printing the clothes is made from rotting leather and hence it stinks a lot. It is known as the silver *tabak* printer. A *Rangrez* spends nearly 12 to 14 hours in this environment. He spends nearly his whole life in a lungi and vest.

After the arrival of mill cloth, their profession is almost on the brink of dying. Now people go to the *Rangrez* only for the clothes that are worn during marriages. The four months of rains is a reason of despair for them. They suffer from a lack of education due to their abject poverty. And those who acquire a little education don't have any jobs. Their organization '*Jamiyatul Sabbag*' (organization of dyers) had demanded that their name be struck off from the backward category list no. 2 and placed in the list 1. On the

urging of the State Backward Commission, this group has been included in the Schedule-I of the Backward Castes by the state government.

Dhobi

The Muslim Dhobi are a community that is traditionally involved in washing clothes. They claimed themselves to be Muslim converts from the Hindu Dhobi caste. The community is also known as Hawari. The word Dhobi is derived from the Hindi word *dhona*, which means to wash. Little is known as to when they converted to Islam, but they were among a number of artisan Hindu castes that undertook conversion to Islam during the period of the Sultanate of Delhi. In this study, it was found that many of them still have their title as 'Rajak' which is also used by their counterparts in Hindu religion. However, Hindu Dhobi is included in the SC list in Bihar. They continue to depend on their traditional occupation of washing clothes. The more enterprising elements within the group have set up dry cleaning businesses, but they are in minority. In Naya Tola and Easa Nagar areas of Phulwari Sharif where I interviewed some Dhobi households, I found that they are going through a tough time. They do not have enough income in this profession and are exploring other options. Like Muslim artisan castes, they have established a caste association, the All-India Jamiat al-Hawareen, which acts as a pressure group for the community. The Dhobi are an endogamous community, marrying among themselves, or occasionally with members of other artisan castes such as the Hajjam/Nai.

Lalbegi Muslims

The *Lalbegi* Muslims who belong to Uttar Pradesh are sweepers. *Lalbegis* are there in Bihar as well. There are some soldiers who are attached to regiments while others are always wandering for jobs. The *Lalbegis* used to work in the homes of the Europeans and the other servants would call them *jamadar*. Risley writes, of these groups that "the religious rituals of the *Lalbegis* resemble those of Hindus as well as Muslims... They keep *roja* (fast) during the time of Ramazan. Despite this, they do not dare to enter public

mosques. Their dead are not buried in the Muslim graveyards but buried in some barren stretch or deep jungle”.²²

Abdul Gani Miyan’s family, which belongs to the *Lalbegi* group, is settled in Yarpur, Patna, but it is completely cut off from the Muslim community. No Muslim ever flocks near their house. Four generations have passed but their fate still remains the same. The roof of the room that was allotted in the name of Abdul Miyan has long since blown away. The big family of the two brothers lives around this structure in thatched huts. This is surrounded on all sides by similar huts and quarters of the Hindu *Doms*. There are piggeries next to this area. Filth is rampant and the open sewers keep reeking. Their own relatives too avoid visiting them. One woman expresses her sorrow and suffering, “Our religious brethren might keep away from us but the neighboring Hindus participate and attend our marriages, funerals and festivals”.

Bhatiyara

Bhatiyara is both a swear word and the name of a community. Risley²³ writes about the community in his book, speculating that probably the word derived from *Bhaat* or rice. The people who looked after the food needs of the travelers and provided them with food, shelter and tobacco were known as *Bhatiyara*. Risley writes that their women were usually of doubtful character. In the olden days, there were *sarais* (inns) for the wayfarers to retire. However, not everybody could afford these. As a result, a number of people stayed in places like the line hotels which came to be known as *Bhatiyarkhana*. The people who ran these small hotels were named as *Bhatiyaras*. In time, this changed into a caste group. Owing to poverty, all the family members, including the men, women and children of the house together ran these places. That is why the women of the community were dubbed loose and the address ‘*Bhatiyara*’ itself became a swear word.

The people of this community are spread out in Bihar, Uttar Pradesh and many other states. In Bihar, there are colonies of the *Bhatiyaras* in Patna, Gaya, Sasaram, and many

²² H.H. Risley, 1892. *The Tribes and Castes of Bengal: Anthropometric Data*, Printed at the Bengal Secretariat Press, Calcutta.

²³ H.H. Risley, 1969. *The People of India*, W. Crooke (ed) edition 2, Delhi.

other cities even today. But these people have renamed themselves under the surname 'Farooq'. Md. Kalim Farooqi Advocate of the Badi Sarai locality tells us that they organized themselves under the banner of 'Bihar Pradesh Jamiyatul Farooqi' in 1980 to promote their community interests. The state of their community is worse than Hindu Dalits. Mr. Farooqi claims that the size of their community in Bihar is nearly one lakh strong. The majority of the people live in Sasaram. Less than 5% of this community is educated. In Gaya, there are almost a hundred families, but till date, no one has ever got a respectable job.

When I went around the locality, I found that a lot of women still engage in making *tikiya* or mixture powder. *Tikiya* is made of coal dust and it is used in the hookah smoking pipe. Earlier, this work was done on an extensive scale by the women of this community, but owing to the practice of hookah becoming obsolete, their income also stopped.

Gorkan

Gorkani is the name given to a person who digs a grave. In Bihar, people from the *Sai* or *Fakir* community usually do this work. In exchange for this work, they would get food, grains, old clothes, rags and a portion of the *Jakat* (donation for the poor) amount. The surname Shah is also included in this group. Over the course of time, a lot of them have declared themselves as *Sayyids*. People also claim that a *Gorkan* feels joyful when he is asked to dig a grave. But this is not true. He does this work out of compulsion. It has been assumed that this is his caste and hereditary occupation. He is needed from birth and death rituals to rituals during the several festivals.

A *Gorkan* does not merely dig a grave. He also takes care of the graveyard. He keeps a watch to see that wild animals don't drag away bodies and also ensure that no one grabs a portion of the graveyard through illicit means. Usually, graveyards are located far from the town or village. That is why there is always a danger of this. This is the reason why a *Gorkan* always lives close to the graveyard. In many places, they have a home inside the graveyard itself. They spend the night fearlessly in a place where people are afraid to venture even in the daytime. Those graves that develop a crack or break down are

repaired by the *Gorkan* as well. They get a little extra sum for these jobs. During *Shabebarat*,²⁴ people go to graveyards to read the *Fatiha*. *Gorkans* clean up the graves during this time by clearing grass, thorns and leaves. They are familiar with every inch of the ground. No one knows better than the *Gorkan* about which part of the ground is strong enough to be dug.

Despite doing so much, the families and relatives of the dead person only gives them a single meal per day for forty days depending upon their financial situations or desires. The blanket which covers the corpse and his clothes are also given to the *Gorkan*. In many places, the *Gorkan* also does the job of waking up the people who keep a Roza for the *Sehri* or predawn supper. Only then is he assured of getting a portion from the *fitra* and *zakat* (charity). The condition of the *Kantaha* Brahmin and *Dom* in Hindu society is equivalent to the condition of the *Gorkan* or *Sai* in Muslim society.

According to Hanif Sai, a *Gorkan*, “Can one survive the entire year in the sum received from digging graves and a portion of the *fitra-jakat*? I couldn’t educate my five daughters. I have a son. I have just started sending him to school somehow by cutting cloth. If the government or society were to fix a monthly salary for the *Gorkan*, then we will make a garden of the graveyard”.²⁵

Mirshikar

In the Muslim period, the love of pigeon flying and cockfights had reached its height. The *Bahelias* had existed in the Hindu social structure from earlier times. A section among the Muslims known as *Mirshikars* also came up not only to catch birds and animals but also to satisfy the great demand which suddenly surfaced in this business. While flying pigeons and cock fighting were the preserve of the upper classes, *teetarbaji*, fighting spotted leopard were the pastimes of the lower classes. With the demise of the Mughal Empire and the start of the British, the business of the *Mirshikars* started

²⁴ An occasion when Muslims pray to God and go to graveyard to remember them (dead) and make ‘dua’ (prayer) for those who have died.

²⁵ An interview with the respondent, Hanif Sai, March 4, 2010, Patna.

becoming scarce. Although even in Mughal times, they used to be counted among the lowly groups. But in the British period, their situation became even worse.

After Independence, while the *Bahelias* were included in the Scheduled Castes, the *Mirshikars* continued to remain where they had been. In the Mandal Commission list, they have been listed under the OBC groups. But the greatest injury to the community happened when the government banned the hunting, buying and selling of forest animals and birds. The Sultanganj Police Station area in Patna, which used to be alive with the bustle of the *Mirshikars* has now fallen completely silent. The people of this community are now hard pressed for even two meals a day. A resident of this locality, Abdul Majeed expressed, “We don’t know the reason why the Government has put a ban on our profession, but it is our demand that they should lift the ban on the sale and purchase of parrots and the *Lalmuniya* so that we get bread and salt at least”. There are only two people from the community who are in government jobs, that too in third and fourth grade positions.

Chik

Even though the *Khasi* or tender goat finds the knife of the *Chik* very heavy on his throat, the *Chiks* have to deal with the elite within the Muslim community; they look even more vulnerable than the goats that are being slaughtered. The Bihar Quresh Welfare Society has been demanding for years that the contract for all the *hats* and markets that come up in the state for the sale of *Khasi* goats should be given over to the people of the *Chik* community. Everyone knows that the contracts for such deals have been taken over by the upper caste Muslim contractors, who exploit the *Chiks* completely.

When Laloo Prasad Yadav became the Chief Minister of Bihar, the *Chiks* expected that they would finally get some justice. On March 27, 1992, the Chief Minister announced in the Legislative Council: “For all those who come from the *Chik* community, who sell meat, cut *Khasi* goats, we have decided that from now on they will be formed into a society and we shall give them the settlement for the goat market, whether they are from the Patna market or from Bokaro, Dhanbad or Chhapra. This is to enable the poor

sections in their advancement. The government has decided this and we are issuing the orders”.

After the Chief Minister’s Declaration, the city Development Board and the Patna Municipality came into action and it released an official rental of 15000 rupees per month in the name of Bihar Quresh Welfare Society from July 1992. There was a wave of enthusiasm among the *Chik* community following this and they deposited a sum of 15000 rupees in the state treasury for the month of July. But their euphoria did not last very long. Very soon, the Patna High Court issued a writ petition and stay order to maintain status quo on behalf of the old contractors. From then till now, the old contractors have the monopoly over the market. The only difference is that the market has been shifted to the locality of the old contractors.

Darzi

Towards the end of 17th century in district Shahabad, near Dumrao in a village Dharkanda, Daria Sahab was born in a *Darzi* family. Legend has it that after living for hundred years, he died in 1780. Daria Sahab was a follower of Kabir. Like Kabir, he criticized idol worship and spoke against caste discrimination. Daria Sahab can then be called the Kabir of Bihar and his teachings could go a long way in solving the problem of Hindu Muslim unity.

A conference of the All India Federation of the Idrisia (*Darzis*) was held in Patna recently. Rasoolan, the widow of Shahid Abdul Hamid was present in this seminar. Abdul Hamid, the martyr of Indo-Pakistan war and honoured with the Paramvir Chakra posthumously was born in a *Darzi* family in the house of Usman Mian in village Dhampur (UP) which is located very close to the Bihar province of Gazipur. Ali Imam Bharati, the executive director of the Bihar chapter of the federation told us that many upper echelons of Bihar Muslims spread rumours objecting to the fact that the federation has observed the *shahadat* or martyrdom day of Shahid Abdul Hamid and also to the presence of Bibi Rasoolan. Had they had their way, they would have rechristened Abdul Hamid as Abdul Hamid Khan.²⁶

²⁶ Observations from the respondents and also a report in, *Times of India*, 2001, Veer Abdul Hameed Remembered, September 11.

Food and Food Habits

Most of the Dalit Muslims eat both vegetarian and non-vegetarian foods. There is a popular saying among them that a Muslim will definitely eat beef, if he does not eat he is not a Muslim. It clearly means that the Dalit Muslims are beef eaters. Islamic code of conduct forbids them from eating pork and carrion. Beef is cheaper than mutton and chicken and they can sometime afford to have only beef as a non-vegetarian dish. It also reflects their acute poverty. They expressed their inability to buy any other meat. Their staple food is rice. They also consume all types of pulses of grams. They try to buy at lower price by fair price shops run by the government at a cheaper rate. Men often consume alcoholic beverages.

Social Divisions, Hierarchy and Stratification

The Dalit Muslim communities are endogamous. They are further divided into various sub-castes which has been mentioned elsewhere in the chapter. Stratification on the basis of caste is the characteristic feature of Hindu society.²⁷ Another characteristic feature of the Hindu society is its 'institutionalized inequality' or 'hierarchical gradation'. Within a caste society each group is ranked in relation to the other²⁸. The Indian Muslims also have caste-like groups. However, unlike Hindu castes which are essentially based on the traditional varna model, the Muslim 'castes' lack both the comparable ideological frame and the tendency towards rigid elaborateness.²⁹ In case of the present study the Muslim castes are occupationally and culturally different. The respondents narrated their plight and ill-treatment of their caste fellows being seen as low and people looked down upon them and treated them as inferior. Dalit Muslim sub-castes are varied and engaged in different occupation and are endogamous etc.

I have seen that there is practice among Dalit Muslims of having names similar to Hindus. Economic activities, mechanism of social control (panchayats etc), religious

²⁷ K.G. Gurumurthy, 1976, *Kallapura: A South Indian Village*, Karnataka University Press, Dharwad. and 1982, 'Indian Peasantry: Anthropological Essays on Peasantry', B R Publishing Corporation, Delhi.

²⁸ Surajit Sinha, 1967, 'Caste in India: Its Essential Pattern of Socio-Cultural Integration' in Anthony de Reuck and Julie Knight (eds), *Caste and Race, Comparative Approaches*, Ciba Foundation, London.

²⁹ Imtiaz Ahmad, 1973, *Caste and Social Stratification among the Muslims in India*, Manohar, Delhi.

attributes, and inter-community linkages etc have already been discussed while presenting sub-caste-wise profile of Dalit Muslims.

One question raised by this research is how the presence of groups called *Arzal* can be explained. Should they be seen in strictly occupational terms as practitioners of a distinct occupation that in their case happened to be lowly and demeaning without status connotations? Or, should it be seen as arising from more fundamental and intrinsic considerations requiring evaluation of groups into a ranked social order? Opinions on this significant point were substantially determined by how one viewed the position of Islam in relation to social stratification. Those who took the position that Islam was against any social stratification and posited the inherent equality of all human beings tended to represent the presence of *Arzal* communities as merely an occupational division without any status implications.³⁰ From their point of view, the disabilities and exclusion characterizing the *Arzal* communities applied to individuals and were relevant only in the occupational realm. Once their members move outside the occupational realm they are on par with everyone else. Others did not flatly take the position that Islam was against social stratification. They viewed the existence of *Arzal* communities as reflecting a system in which groups were ranked as superior and inferior and individuals carried the burden of their group status through having to suffer disabilities and exclusion as members of groups. At this point, it needs to be highlighted that the presence of *Arzals* cannot be seen simply in occupational terms without status connotations attached to it and being considered 'lowly' and 'demeaning'. Moreover, it is a system where groups are ranked as superior and inferior.

³⁰ (See Charles Lindholm, 1965, 'Paradigms of Society: A Critique of Theories of Caste among Indian Muslims', *European Journal of Sociology*, pp.131-140). Charles Lindholm has argued that many of the features found in Muslim society are similar to those found among Muslims in other parts of South Asia and on that basis has argued that the Muslim social stratification found in India is an extension of the system found elsewhere. Many Muslims are themselves inclined to take a similar line of argument. This argument would have been tenable if Islamic scriptural sources had provided a blue-print of an Islamic social stratification system. This not being the case, the argument fails to sustain itself. It is plausible that Islam did modify certain social practices including that of caste. Whatever practices were not sanctified by Islam but existed in India were attenuated. Whatever practices existing in India and were in conformity with the Islamic ethos became more rigid. Thus, *purdah* practices, which already existed even in India, were rendered more rigid and strict and caste principles were relaxed or made less restrictive.

There are roughly about 17 Muslim castes distributed in different parts of India who would qualify to be eligible for inclusion in the category 'Scheduled Castes'. On what basis are they distinguishable from the Muslim Other Backward Castes? Ansari did suggest in this early work that 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. He mentioned that the 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* castes had minimal and limited interaction with the members of the other castes. Once again, Ansari was constrained into not saying anything more than this by the nature of the evidence that came out of the enumerations of the decennial censuses and some stray observations the census authorities offered in their reports from time to time.

Considering the severely stigmatised and extremely excluded so-called *Arzal* castes, two questions need to be disposed off. One is whether these castes should be recognised and entitled to benefits currently given to the 'Scheduled Castes'? One argument often advanced is that Muslims do not have castes and therefore the benefit of reservation to 'Scheduled Castes' cannot be extended to them. This is a fallacious argument to say the least. Public policies are not based on ideologies, which is an extremely contested arena with no ground for believing that the State's understanding of the Islamic ideology is necessarily correct. Public policies are based on objective realities and seek to address social problems as they exist at the ground level. If extremely excluded and severely stigmatised castes exist among Muslims, there is no ground that the strategy of ameliorating such groups should not be applied to them. There exists a strong case for extending the benefits of the 'Scheduled Castes' to severely stigmatised and extremely excluded Muslim castes, and any attempt to shy away from this obvious action would expose the State to the allegation that it is indirectly seeking to prevent the depletion of the 'Hindu community' by ensuring that the Schedule Castes stay within the Hindu fold and if they hanker for those benefits they should change over to Hinduism and one of the

other religions of Indian origin whose deprived sections are included in the category 'Scheduled Castes'. The State's secular credentials will remain in doubt so long as this argument is adhered to.

The second question is whether these Muslim castes should be recognised as 'Scheduled Castes' only when there is demonstrable evidence that they converted from one of the Scheduled Castes. This was also the test applied in the determination of Sossai's claim to be granted concessions being extended to the 'Scheduled Castes'. Among other things, his claim was rejected as he could not demonstrate beyond the shadow of a doubt that he or his ancestors had necessarily descended from one of the 'Scheduled Castes'.³¹ It is necessary to remember that in most of these cases we are dealing with castes whose caste histories are wholly unrecorded. Moreover, where is the basis for presuming that all such castes in other religious traditions are necessarily descendants of the 'Scheduled Castes'? It is possible that they may have come into existence autonomously as a result of subsequent colonisation under Muslim domination. Muslim elites may have forced some groups, irrespective of whether they earlier belonged to the 'Scheduled Castes' or not, to perform certain functions for them and their current stigmatisation may not be the result of their conversion to Islam but may owe itself to their subsequent domination. Under the circumstances, requiring the severely stigmatised and extremely excluded castes, whether among Muslims or Christians, to pass the test of originating out of the 'Scheduled Castes' would amount to failing them on *a priori* grounds. This would militate against the spirit and intentions of the Constitution.³² The scale of justice has to be balanced to ensure that

³¹ Government of India, 2008, National Commission for Minorities Report on Dalit Muslims and Christians. *Dalits in the Muslim and Christian Communities: A Status Report on Current Social Scientific Knowledge*, prepared by Satish Deshpande.

³² In *Parasram V. Shivchand* case it was held that in order to determine whether a particular caste is a Scheduled Caste one has to look at the notification issued by the President on that behalf. This questionable view calls for a review. This view was indeed reviewed in the *Palghat Jilla Thandan Samudhaya Samrakshana Samithi vs. State of Kerala* [(1994) 1 SCC 359]. It was ruled in that case that it is not open to the court to scrutinize any evidence whether a person who is described as of one caste also falls within a specified caste. Therefore, in the absence of the public notification issued by the President, a person described as 'Mochi' in Punjab does not fall within the caste of 'Chamars' as included in the said order of 1950 issued by the President. The courts, it was explained, would not scrutinize the gazetteers and the glossaries on the Punjab castes for this purpose. Any change in the Presidential Order by the state government is also impermissible and unconstitutional. After this position, any caste wishing to be included in the category 'Scheduled Caste' would have no avenue of appeal against a Presidential Order no matter how arbitrary it might be.

similarly placed social groups are treated equally and evenly without religion (an anathema in a secular state) being brought into play to deny some of them equal treatment under the law.³³ It is intriguing to see the plight of Dalit Muslims in Bihar. They are worse off in terms of any indicator. No study can claim to be totally representative because of social and regional diversity. But I am trying to make it as comprehensive as it can be as an empirical study.

NCM study and the Sachar committee report endorsed that Dalit Muslims were the worst off as compared to Dalit Christians and their counterparts in other communities like Hindus, Buddhists and Sikhs. Their condition was worse in urban areas. Dalit Muslims are completely absent in the affluent group for urban India, it highlighted. The report said there was enough evidence to justify the Scheduled Caste status for the Dalit Muslims. If no community had already been given SC status, and if the decision to accord SC status to some communities were to be taken today through some evidence-based approach, then it is hard to imagine how Dalit Muslims could be excluded. These kinds of studies which focus on ethnography of discrimination can be considered/used as evidence.

Dalit Muslims: Encountering Various Forms of Caste Based Discrimination

There are various forms of caste based discrimination which a Dalit Muslim faces in his/her day to day life. One can safely argue, and particularly, based on the findings of this research that there is now considerable evidence of Dalit Muslims being deprived and discriminated in every sense of the terms. Various forms of caste based discrimination is highlighted below.

³³ The caveat in Shukla is worthwhile mentioning in this context. He writes: 'The general rule is that conversion operates as an expulsion from the caste because caste is predominantly a feature of the Hindu society. But ultimately it depends on the structure of the caste and its rules and regulations whether a person would cease to belong to the caste on his abjuring Hinduism. If, having regard to its structure, a caste may consist not only of Hindus but also persons belonging to other religions, conversion from Hinduism to other religion may not necessarily involve loss of caste because persons belonging to other religions can as well be members of that caste. This might happen where caste is based on economic and occupational characteristics. Therefore, the correct test to be applied in such cases is to determine what are the social and political consequences of such conversion and that must be decided in a common-sense practical way rather than on theoretical and theocratic grounds (See V. N. Shukla, 2001, *Constitution of India*, 10th. Edition, Eastern Book Company, Lucknow, p.826).

Untouchability

Concepts of purity and impurity; clean and unclean castes do exist among these Muslim groups. Dalit Muslims are seen as unclean and impure by *Ashraf* Muslims. Some of the respondents confirmed that Untouchability in its evident forms has declined; some still consider it as widely prevalent and practiced by *Ashraf*. Nevertheless, different forms of Untouchability are still experienced by the Dalit Muslims. Many of the respondents narrated regarding refusal to drink water from the same glass/vessel by *Ashraf*. Further higher castes had to be addressed using honorific terms and bodily deference in front of them became an important marker of caste identity. It was very much evident while this research was going on. Many a time, I observed that when an upper caste Muslim used to cross from a Dalit Muslim locality, they used to offer 'salam' (greetings) with respect but the attitude of upper caste revealed how lowly and mean they considered them. An upper caste Muslim does not even deem it fit to sit with the Dalit Muslims.

The caste group maintains separate utensils and does not share the same utensils with lower castes and in some cases do not allow the latter to touch the water source. They are often given left over food to eat.

Nats and *Bakkhos* were segregated in separate hamlets and were denied basic amenities available to the rest of the mohallah. Even other Dalit Muslim castes were segregated largely in the outskirts of the village/mohallah. They were discriminated in the mosque as well. In few cases, they were asked to sit in the last row. Some of the Dalit Muslims have built their own mosques, although, a kaccha built mosque. This is what I saw in Taj Nagar area. Distance and differentiation in social life was maintained between the lower and higher castes through various means. Further, a large majority felt that there was no significant difference in the attitude of the upper caste Hindus towards Dalit Muslims, although, they had good terms with their counter parts among Hindus. Moreover, majority of Dalit Muslims argued that they suffered discrimination at the hands of co-religionists. It is important to highlight, that generally practices of untouchability continue to persist and defines social interaction among different caste groups even though they are not manifest. For instance, amongst the *Dhobi* caste of Muslim origin

based in Patna it is felt that other Muslims do not come to attend their wedding feasts because they serve meat with their hands. Also, low castes celebrate festivals in seclusion of the upper castes and there is little social intercourse between them. There is a constant rue that if there is a death or a wedding amongst the upper caste Muslims, the Dalit Muslims make it to the occasion even without being called. However, even if the latter, send special invitations for such occasions, no one from the upper castes turns up. The exclusion is experienced more as an indifference of the higher castes.

Dalit Muslim colonies are segregated from the upper castes' localities and most of the civic amenities like hospital and school etc. are centred around the upper castes' residences. Furthermore, there is a spatial discrimination, in few cases, towards the Dalit Muslims in allowing them entry into the mosque. Even in graveyards there are at times, walls/divisions that separate the Dalit Muslim graves from the upper caste ones.

Endogamy

It is evident from the findings that conversion did not bring about a fundamental change in the institution of family and marriage among Dalit Muslim converts. Rules of marriage, inheritance and social customs remained unchanged. No inter-caste marriage in these villages/mohallas was witnessed and endogamy was observed. It needs to be pointed out that endogamy, hereditary membership, distinct ritual status are features of Muslim communities. The *Ashrafs* used endogamy for reinforcing group identity and subsequently were able to raise their social standing in the hierarchy of Muslim groups by employing endogamy. All these Dalit Muslim castes are characterised by endogamy, and are hierarchically ranked. Social exclusiveness was practiced among these groups.

This study shows that how caste identity remains an important determinant in shaping marriage practices in Muslim society. By and large, inter caste marriages are rare and have caste backlash through religiously backed panchayats. There are instances of such marriages, the opposition meted out to them; their survival at the face of these oppositions and the partial acceptance of the couples by their communities long after their marriages. In one such instance, a boy from a Dalit Muslim family fell in love with

a girl of a Sheikh family. However the caste barriers between the couple remained insurmountable and they decided to elope. However, the village communities found them and the couple had to undergo separation.³⁴ Further, though modes and methods of marriages are not discussed in detail, it appears that Dhobis, Halalkhors, Bakho, Pawariyan, Machuaara, Naalwaara and Nats all are mainly endogamous caste groups.

Occupational Segregation

Caste based occupational segregation is evident amongst Dalit Muslim groups. Groups bearing distinct names are associated with traditional occupations. Dalit Muslim groups are organised more or less like Hindu Dalit castes. Occupational hierarchy based upon caste and status is determined by that nature of occupation.

Representation of Dalit Muslims in state and central government services as well as other services like police, civil, defence and public enterprises political parties as well as secular politics, religious bodies, ministerial berths, government institutions, minority educational institutions etc seems to be almost nil and on an average more members are dependent upon lesser number of earning members. *Ashraf* Muslims monopolise high social rank and become culturally assertive in terms of sharing public spaces like mosques, graveyards etc. In this context, the following castes of *halalkhors*, *lalbegis*, *bhatiyaras*, *gorkhan*, *bakkho*, *mirshikaris*, *chik*, *rangrez*, and *darzis* constitute the most stigmatised castes among the Muslims. Even though most of these caste members are in transition from their older professions but they feel that they are still recognized by others (upper caste Muslims) in relation to their older professions. Thus they say for e.g. that a *halalkhor*'s progeny is seen as *halalkhor* always and is denied social position available to others. This study shows that out of hundred Dalit Muslim households with a population of more than 600, only 8 are educated at higher than matriculation level and all are unemployed, only 5 are in government jobs in total — two of them as peons, another two as sweepers and one as a constable in police. Historically, there has been discrimination in office, government and administration between high and low born Muslims. Mosque and dargah etc draw its clergy primarily from the upper castes.

³⁴ An interview with the respondent, Amiruddin Nat, Urf 'Pathak', February 27, 2010, Patna.

Social and Cultural Segregation

Dalit Muslim castes such as *Halalkhors*, *Lalbegis*, *Nat*, *Bakkho* while not refused permission directly (in most of the cases) in religious places, these distinctions are observable in social gatherings. In some cases, separate mosques were built for different castes. Social life is segregated around caste lines. The division between high born versus low born Muslims was important in determining social status. Further, status was marked by social exclusiveness. There was existence of separate quarters, intimate social intercourse was dictated by the status groups. Mostly, separate seating arrangements are observed at social functions. Social groups that are low in the hierarchy need to provide deferential treatment to those above them. Among few Dalit Muslim castes, like *Bakkho*, *Nat* etc. there has been a survival of Hindu rituals centering around birth, marriage and death even after embracing Islam. During this study, it was found that quite often than not, their names are found to be a Hindu name or partially Hindu name. In few cases, in situations of great social distance between groups there are separate mosques, Qazis (priests) religious organisations and burial grounds as well as segregated residential quarters. Social life is defined along caste lines viz occupation, commensal relations, social intercourse governed by caste. Some restrictions around commensality and inter dining operate, though these are less elaborate than their Hindu counterparts. Commensal restrictions are based upon notions of social hygiene and cleanliness. Subordination of Dalit Muslims are expressed through forms of dress, terms of address as well as by physical posture. Dalit Muslim Castes represent social, political, economic as well as ritual status. In few instances, minor disputes were settled by caste panchayats.

Dalit Muslims experience deep forms of social and cultural segregation within society. These assume several different forms that mark their everyday life. There are cases where the derogatory puns are hurled at Dalit Muslims. For instance terms like *Bhatiyara* are both an abuse as well as the name of a caste. The group, historically considered as keepers of working classes inns, besides the upper castes' sarais, where their women (were) are seen as to be indulgent into prostitution, is sexually stigmatized. The social positions of various castes like *Bakkho*, *Nat*, *Manihar*, *Halalkhor* etc. are demeaning. All

the Dalit Muslim castes face a constant ridicule and denigration and excluded from mainstream and high occasions of the communities, including weddings and festivals.

During interviews with lower caste Muslims, I was reminded of this social fact time and again.³⁵ While it would be fair to criticize the Ashraf Muslims for practicing caste endogamy, lower caste Muslims too are not free from it. During my stay in a predominantly Muslim area i.e. Phulwari Sharif (large locality) and other areas, I noticed that lowest caste Muslims (Dalits) were abused by the intermediate caste Muslims freely. The lowest caste Muslims lived in a separate area of the town, and the locality was known by its caste name, Bakkho Toli, where Bakkho reside, chamrauli, an area where the chamars (an untouchable Hindu caste) live. Lalbegi and Halalkhor (Dalit Muslims) also lived there. *Ansaris* and *Iraqis*, of somewhat higher rank, who are in substantial numbers, have minimal and functional contacts with these Dalit Muslims; for the most part they have their own separate worlds. Yet the Pasmada Muslim Mahaz has a sympathetic following here and one wonders if such practices do not defeat the very purpose of its politics. As we know, PMM tries to foster a broad alliance of backward and Dalit Muslim castes (*Ansaris* constitute a backward caste), but these kinds of gaps between both the communities will weaken their politics. However, it needs to be pointed out that many of the respondents admitted that they are closer to *Ansaris* (a backward caste) compared to any other Muslim castes (upper castes-*Ashrafs*).

Further, caste based discrimination takes its most evident form in practices around worship and burial. Though the mosques are not exclusively for one caste or a set of castes, the upper castes are expected to offer their prayers from first few rows and Dalit Muslim castes behind their backs. As stated by the respondents, in the times of conflict, the Dalit Muslim castes stand to lose from the mosque space as well. The dead of the Dalit Muslim castes, in most cases are to be buried separately under the supervision of the Dalit/backward Muslim Maulvis. The *Halalkhors* based in Phoolwari Sharif in Patna say that they can cremate their dead only in the cemetery allocated to their caste

³⁵ The observation is based on fieldwork conducted in Feb-April, July 2010 in Patna district and adjoining areas in Bihar.

members. Otherwise the common grievance is that upper caste Muslims evade attending feasts, social functions, mosques, funeral etc. and this is accentuated by the fact that most of the Dalit Muslims are geographically segregated.

This study finds that majority of the respondents did not have access to safe drinking water, further while *Ashraf* and *Ajlaf* castes lived in better houses than Dalit Muslims (*Arzals*), majority of the Dalit Muslims lived in mud houses. Their houses are mainly found in the suburb of villages/mohallahs and outskirts areas. *Nat* and *Bakkho* got few houses built under Indira Awas Yojna under Laloo Prasad Yadav's regime.

Economic Discrimination

It has been found that political power, economic advantages and social privileges centre around Ashraf castes. Occupational castes that are low in the hierarchy have a very low standard of living. Ashrafs maintain hegemony over resources and institutions of the community. And there is a deliberate exclusion of Dalit Muslim castes from sharing of resources. Dalit Muslims' landholdings are found to be dismal. Due to physical (or residential) segregation and social exclusion on account of the notion of untouchability and impure, they suffer from a general exclusion.

Most of Dalit Muslim women work as daily wage labourers marked by insecure livelihoods and employment. These women often engage in selling toys, plastic chairs and other small items door to door, mostly these are barter like transactions. They collect garbage, scraps and other rejected/old stuff from these household and sell them in the scrap market.

Economic marginalisation of the Dalit Muslim communities is perpetuated and coincides with their social and cultural marginality. Thus, as stated above, occupational representation in government and state services is almost negligible. Most caste groups subsist on occupations and professions that are of lowly scale and are often viewed disparagingly by society. This is compounded by the fact that on the whole there is

increasing deprivation in the absence of opportunities of education, employment on the one hand and lack of any social cultural or economic capital on the other.

Dalit Muslims are also excluded from participation in certain categories of jobs (the sweeper being excluded from jobs inside the household such as cooking) and cannot purchase certain consumer goods (such as vegetables or milk) because their occupation and physical touch is considered 'polluting' or 'unclean'.

Social Change and Forms of Protest and Resistance

Social Change: Over a period of time, there has been social change taking place within the Dalit Muslim community. With introduction of cash economy, loss of traditional occupations, the former dependencies associated with jajmani system have been undermined. There was a greater dependence on market for work and credit (to some extent). The State intervention with regard to Dalit Muslims will help in the social mobility of these excluded groups. However, withdrawal from village services like grave digging, carrying fire pots at funerals etc; withdrawal from patron client relations; from generalised dependence as village servants; has led to further deterioration in some cases.

While there has been a gradual diminishing of traditional caste roles, these have been substituted by minor and lowly professions that come to be the share of Dalit Muslim castes and on the whole there is an increasing deprivation. For example, the *Bakkhos* used to sing praises at the time of childbirth in families but overtime have picked to selling steel utensils in exchange of old clothes from people. For *Bhatiyaras*, they have started making *Tikiyas* of coal for the *Hookah* but with the hookah also going out of vogue they have taken to horse carting (*Tanga*) and putting food stalls at the railways platforms. Most communities articulate that much has not changed except those who were nomadic like *Bakkhos* and *Nats* have been granted land under Indira Vikas Yojna (single-room accommodation) but the overall social condition has only deteriorated.

Forms of Protest over caste based discrimination: There has been an emergence of Dalit Muslim movement for the self assertion of Dalit Muslims. There have been agitations

through mass mobilisations. There exist both organised and unorganised forms of protest by Dalit Muslims. Forms of protest were addressed to the state including both organised mass action as well as appeals to the state.

In few cases, there has been formation of Dalit Muslim mosques. Dalit Muslim leaders, like Ali Anwar and Dr. Ejaz Ali are also adopting various religious strategies to achieve greater equality, dignity and respect. These include critiquing *Ashrafs*, attacking caste discrimination, highlighting the notion of equality enshrined in Islam and inner transformation.

The last two decades has seen an increasing mobilisation of Dalit/backward Muslims especially in some parts such as Bihar, Uttar Pradesh and Maharashtra. Political and social struggle has been undertaken by Dalit Muslims and their leaders with an attempt to bring the issue of social discriminations faced by them to the fore of society as well as politics. Many Dalit leaders have tried to convince the upper caste Muslim members that caste exists within Muslims but such leaders are often marginalised and sometimes also threatened. Resistance on a daily basis centres around being more assertive towards articulating their neglect by upper caste communities. This has often produced intense caste conflict between different groups such as conflicts over burial space, cremation, rights over place of worship etc.

The prominent political leaders among them are; Ali Anwar, Rajya Sabha M.P. and Dr. Ejaz Ali, former Rajya Sabha M.P. These leaders are working with the Dalit Muslim castes on which this study is based. While interacting with the Dalit Muslims in the localities and being in the field, it came to the notice that certain facilities in these areas were provided by Ali Anwar and Ejaz Ali. In certain Dalit Muslim localities, where there was no road, Ali Anwar built the roads with the help of his MPLAD funds. In certain areas, it was noted that tube well was provided by Dr. Ejaz Ali. It is important to emphasise that these political leaders are responsible for making the Dalit Muslim movement heard and mobilising their masses. They are rooted in their constituency and people in these areas admit the fact that now at least they are able to raise their voices.

This study has tried to trace and establish a linkage between these Dalit Muslim castes and two prominent leaders of Bihar (and their organisations) representing Dalit Muslims' concerns. Moreover, all the shortcomings and failings of the movement apart, they have made their point that Dalit Muslims are lagging far behind in every sense of the term and have faced the worst forms of discrimination by their co-religionists in general and the Indian State in particular.

Conclusion

The main conclusions that can be drawn from this study are the following. Significantly, these conclusions are on the lines of the findings of NCM report on Dalit Muslims and Christians. There can be no doubt whatsoever that Dalit Muslims are socially known and treated as distinct groups within their own religious communities. Nor is there any room for disputing the fact that they are invariably regarded as 'socially inferior' communities by their co-religionists. In short, in most social contexts, Dalit Muslims are Dalits first and Muslims and Christians only second.

While the overall status imposed on Dalit Muslims is always that of an inferior group, the manner in which social distance or superiority is asserted by non-Dalits (and specially the 'upper' castes) varies across different castes also across regions and contexts. Such variation is present in all Dalit communities of all religions. Thus, despite the universal presence of practices of discrimination and exclusion against Dalit Muslims, it is harder to generalize about the specific content and intensity of such practices.

Universally practiced forms of discrimination and exclusion include social and cultural segregation, expressed in various forms of refusal to have any social interaction; endogamy, expressed through the universal prohibitions on Dalit-non-Dalit marriages, and through severe social sanctions on both Dalits and non-Dalits who break this taboo. Social segregation extends to the sphere of worship and religious rituals, with separate mosques and priests not uncommon among Dalit Muslims. There are various modes of subordination of Dalit Muslims in mosques and other religious bodies, as well as insistence on separate burial grounds. Occupational segregation and economic

exploitation are also very common and usually related practices, though somewhat less widespread than segregation or marriage bans. Untouchability proper is sometimes practiced, but is not widespread, and its forms vary greatly.

There is now considerable evidence of Dalit Muslims being deprived and discriminated in every sense of the terms.

1. Untouchability
2. Endogamy
3. Occupational Segregation
4. Social and Cultural Segregation
5. Economic Discrimination
6. Social Change and Forms of Protest and Resistance

As already indicated, this evidence is variable. On some criteria, like untouchability, there is a lot of inter-regional and inter-community difference in existing practices. On others like endogamy and social and cultural exclusion, there is much greater uniformity, since these seem to be universally practiced. It is to be stressed again that similar patterns of variation will be found on examining Dalit and non-Dalit relations among any of the officially recognized groups such as Hindus, Sikhs or Buddhists. Moreover, the question of setting a threshold for determining whether a practice is widespread is a complex one and cannot avoid some degree of arbitrariness. Thus, no matter what the set of criteria employed it is unlikely that Dalit Muslims will be substantially different from their Hindu, Sikh or Buddhist counterparts, at least in so far as their social status and standing in the community are concerned. But, nevertheless, they would be found to be worst off among the Muslim community. Looking at the findings of this research, one can argue that Dalit Muslims are of the most marginalised and excluded community today and they need further State intervention.

Chapter IV

Politics of Dalit Muslims In Bihar: All India Pasmanda Muslim Mahaz and All India Backward Muslim Morcha

Introduction

This chapter provides a detailed analysis of the role that has been played by Dalit Muslims in the arena of politics since 1990s. There have been continuous efforts by various personalities¹ in some regions of the country to unite the Dalit Muslims not only against the politics of *Ashraf*² Muslim elites, but also in favour of their due rights under the influence of the general process of democratization. This also includes implementing Mandal Commission recommendations³ to come out of their degrading socio-economic position.

The emerging solidarity amongst Dalits and OBC Muslims had an uneven impact on the State and civil society. In Maharashtra, for instance, this movement had its origin before the implementation of Mandal Commission. Under the guidance of Shabbir Ahmed Ansari, national President of All-India Muslim OBC Organization, activists like Vilas Sonawane tried hard to organize Dalit and the Muslim OBCs. Similarly, in West Bengal, various organizations worked to raise the consciousness of OBC and Dalit Muslims, the Uttar Bango Anagrasar Muslim Sangram Samity (UBAMSS) being the most active one. However, activism of Dalit Muslims and OBC organizations in Bihar has been highly influential at State level politics. These emerging caste categories within Muslim community as one unit, engendered a sense of unity and produced a consciousness about their strength in arena of electoral politics. Many Dalit and OBC Muslim leaders like Ali

¹ Activists, like Ali Anwar, Dr. Ejaz Ali and Shabbir Ansari etc.

² *Ashraf* came out of the word '*sharif*', which means 'noble' or 'respected person'. There is no substantive research material dealing with the early use of this word. But one can safely say that the word '*Ashraf*' was used by the people who trace their genealogy from the prophet's son-in-law Ali through his martyred son Hussein.

³ Highlighting the fact that caste is present in non-Hindu religions.

Anwar & Ejaz Ali have worked tirelessly, to consolidate these scattered and benign masses and transformed them into a class for themselves.

The result of February 2005 Bihar Assembly election is evidence of the success of Mandal Commission in fostering the seeds of democratization within the Muslim community. It is due to the strong current support for Dalit Muslims' movement in Bihar, that this State has been selected as a case study. This chapter will also try to trace the trajectory of ideological shifts i.e. from communal and identity politics to a kind of secular politics among the Muslims of Bihar. In other words, this chapter is an attempt to locate the direction of Bihar politics in general and Muslim in particular in post-Mandal phase and to draw its wider implications for the Indian political process.

Socio-Economic and Political Profile of Bihar's Muslims

At the theoretical level, to understand the political orientation and behaviour of any community or group, it is mandatory to have a clear picture about their socio-economic position, as it broadly shows their level of interaction as well as participation in the mainstream political process and their share of state resources. In case of the Muslims of Bihar, who constitute 16.5% of the State's total population and 9.9% of the country's total Muslim population, it is a matter of concern that they rank among the poorest communities in the State, many of them (approximately 80-90 per cent) being descendants of 'middle' and 'low' caste converts. As per record, 28 Muslim castes viz. Abdal, Bhatihara, Chik, Churihara, Dafalange, Dafale, Dhunia, Faqir, Gadihar, Dhobi, Nai or Salaami, Qassar, Darzi or Idrisi, Julaha or Momin, Kasai, Lalbegi or Bhangi or Mahtar, Madari, Miriasin, Mirshikar, Mukro, Nalband, Nat, Pamaria, Rangrez, Rayeen or Kunjra, Sayee and Thakurai, from Bihar got itself listed in Central list of OBC.⁴

⁴ Government of India, 1991. *Mandal Commission Report of the Backward Classes Commission, 1980*. Akalank Publications, New Delhi, p.307-08. The First Backward Classes Commission (Kalelkar Commission) had recorded 21 Muslim castes from Bihar in Annexures I and II. But the lists prepared by the state and central governments are bit erroneous, as they have included both the Dalit and OBC Muslims together with long list of Hindu OBCs. Now Dalit Muslim organisations are demanding that Dalit Muslims be put in the SC's list.

Recently, ADRI (Asian Development Research Institute, Patna) Report⁵ has recorded a total of 43 castes among Muslims in Bihar. These castes either possess no land or are involved in low-paid jobs. The survey indicates a very high degree of landlessness among the Muslims living in rural Bihar, as well as a high ratio of Muslims with very small landholdings. Only 35.9% of the Muslim households in rural Bihar possess any cultivable land, the corresponding figure for the general population being much higher, at 58%. The percentage of rural Bihar's Muslims actually holding some land is even lower, at 28.8%. In other words, for about one-fifth of the land-owning Muslim households the amount of land owned is so marginal that they have no option but to lease out their land to a cultivator with larger landholding. As a result, nearly three-fourth of the rural Muslim households is dependent largely on agricultural wage employment and, to a smaller extent, on whatever limited self-employment is available outside the agricultural sector. Muslims' marginalization in rural Bihar is more apparent when one considers the size of their landholdings, the study points out. According to the 1990-91, Agricultural Census of Bihar, the average landholding of Bihar was 2.32 acres. The survey finds the average size of landholding of cultivating Muslim households to be much lower, at 1.91 acres. Further, barely 8.2% of the Muslims households in rural Bihar have landholdings over 2.0 acres. The percentage of Muslim households having at least five acres of land (generally considered to be the minimum size of an economic holding) is miniscule. The survey also finds that although land ownership is much lower for rural Muslim households than for the general population, relatively better irrigation facilities available to the former in some districts, partially compensates for this disadvantage.

According to the same report, 28.4 per cent of rural Muslim workers are landless laborers, and 19.9 per cent of Bihari Muslims are acutely poor. The crux of the report is that, Muslims of Bihar are characterized by a high degree of poverty and deprivation. Their per capita income is estimated at Rs. 4640 in rural areas and 6320 in urban areas. 49.5% of rural Muslims and 44.8% of urban Muslims in Bihar are estimated to live below the poverty line. 41.5% rural Muslim households and 24.9% urban Muslim households

⁵ ADRI Report on "Socio-economic and Educational Status of Muslims in Bihar". ADRI, Patna, 2004. 273 pages. (sponsored by Bihar State Minorities Commission)

are said to be indebted, the average outstanding loan for the two categories being Rs. 6790 and 4990 respectively, which, as a percentage of the annual income, works out to 21.5% and 11.45% respectively.⁶ The combination of being lower castes with low income has placed Muslims in a vulnerable situation. On the one hand, they are the victims of caste-based discrimination by their own upper castes groups and on the other; the government's poverty alleviation programs practically do not exist for Muslims of Bihar. In short, the State is indifferent to their condition.

Out of five such programs, that are essentially employment and income-oriented, IRDP is the only one which has reached some rural Muslim households (5.3 per cent). This is a very limited reach considering that nearly 48.5 per cent of the rural Muslim population lives below the poverty line. Barely one out of 10 poor and deserving households has benefited from this programme. The remaining welfare-oriented poverty alleviation programmes are practically non-existent for Muslims, both in rural and urban areas. Even the Minority Finance Corporation scheme, specially designed to help Muslims and minorities, practically does not exist in Bihar.⁷

The political history of Bihar indicates that in general the political leadership has been controlled by the forward castes, whether they belong to the Hindu or Muslim community. Table 1 given below points out that the domination of Hindus upper caste ended/declined since 1990 Assembly election onwards, though, Muslims upper castes hegemony continues till today.⁸ The data below shows that how the domination of upper caste Hindus declined over a period of time. However, the same has not happened in case of Muslims.

⁶ This data is based on Bihar's Muslim as a whole. rather than caste based. But, having already recognized that, approx. 80-90 % population belong to Dalit and OBC Muslims, then, this data can be used to figure out the social as well as economic position of this group.

See: Census of Bihar 1990-1991, Five Year Plan, and ADRI Report on "Socio-economic and Educational Status of Muslims in Bihar". ADRI, Patna, 2004. 273 pages. (sponsored by Bihar State Minorities Commission)

⁷ Pranava K Chaudhary, 2005, 'Muslims remain deprived of Govt schemes', *Times of India*, January 23.

⁸ This can be clearly understood after looking at the greater participation and representation of Hindu OBCs over the years, but Dalit and OBC Muslims' are far behind.

Table 1: Caste Background of Members of the Bihar Assembly

YEAR	UPPER CASTE MLAs	PER CENT	OBCs MLAs	PER CENT
1967	133	41.82	82	25.78
1969	122	38.36	94	29.55
1972	136	42.78	76	23.89
1977	124	38.27	92	28.39
1980	120	37.03	96	29.62
1985	118	36.41	90	27.77
1990	105	32.40	117	36.11
1995	56	17.28	161	49.69

Source: Prasan Kumar Chaudhary and Srikant, *Bihar me Samaajik Parivartan Ke Kuch Aayaam*⁹

After partition, many Muslim League leaders joined the Congress. Along with them, in Bihar, prominent leaders like, Jafar Imam, Mazhar Imam, Mohd. Shafi and Maqbool Ahmad joined the Congress.¹⁰ This act was not taken in the right spirit by the nationalist elite Muslims of Bihar, and factionalism developed among Muslim leaders in Bihar. The cleavage was very sharp and it was not unusual to find these two groups fighting publicly, accusing each other by using epithets like, 'traitor', 'pro-Pakistani', and 'anti-Indian'.¹¹ Commenting on one such event which took place in August 1965, the editor of *The Searchlight* observed:

“Patna has a band of Muslims who are over anxious to show their patriotism. Calling themselves ‘Congress Muslims’ they organized a convention on August 7. Very belligerent and provocative statements and counter-statements marked the pre-

⁹ Prasan Kumar Chaudhary and Srikant, 2001, *Bihar me Samaajik Parivartan Ke Kuch Aayaam* [in Hindi] (Some points of social change in Bihar) (Vaani Prakashan, Delhi) p.316.

¹⁰ Joining the Communist Party was out of the question for them since the Communists in principle, had not only no faith in religion-oriented politics but were averse to communal interests. There were Muslim leaders from Bihar, like, Maulvi Usman Ghani and Maulvi Syed Ayub, who emphasized on the independent role of Muslim leaders in politics, rather joining any party for permanence.

¹¹ This was not for the first time that they used such language against each other. During the Movement of Pakistan, nationalist Muslims were called as 'enemy of Islam' and 'Gaddar'. See; Ayesha Jalal (1997, 1998) & Mushirul Hasan (1988, 1991, 1993, 1997)

convention days. 'Congress –Muslims' attacked other Muslims for being pro-Pakistani and 'other Muslim' quickly retaliated.... The 'Congress-Muslims' were led by a senior Minister of the Bihar cabinet and had full backing of the Congress Party.... As a result 'Congress-Muslims' and 'other Muslims' came to blows in front of the convention hall and police had to restore order. Passions were aroused to a dangerous pitch."¹²

The act was nothing but the clash of interest between the Muslim elite for the control over community leadership. In 1960s, the period, when Nehru and Muslim nationalist bourgeoisie left the political scene and communal riots were the order of the day and religion became the mode of political mobilization - the second generation of Muslim leadership in Bihar appeared on the political scene. Jamiat-Ulema-Hind, after long time, came back to active politics, along with Jamaat-e-Islami Hind.¹³ In 1967, Bihar had already seen a new set of leaders such as Ghulam Sarwar, Betab Siddiqui, A. Moghani, Shah Mushtaque Ahmad, Moin Ansari, and Taqui Rahim rallying around the Urdu cause. After close observation, it was found that Urdu had never been the language of Muslim masses and the vast majority of Muslims in the country did not speak Urdu. It remained confined to the minority upper strata of the community. Hence the question is that who benefits from projecting the issue of Urdu as a Muslim issue? Who gains from making Urdu a symbol of cultural identity of Muslims at national level? The answer was very obvious. The *Ashraf* leaders never dared to go against those (religious and cultural) issues which had been projected as an issue of the whole community. In a fact finding study about the socio-economic profile of Muslim leadership of Bihar in 1983, Ali Ashraf pointed out that more than two-thirds of the elite belong to the conventionally designated upper castes among Muslims.

¹² T. J. S. George. 1965. *Revolt in Bihar: A Study of the August 1965 Uprising*, Perspective Publication, New Delhi, p.8.

¹³ These organizations along with Indian Union Muslim League (IUML); Tamir-i-Millat; Ittehad-ul-Musalmeen; Muslim Majlis; Muslim Block (Members of Parliament); Ahl-i-Hadith; Representative of Shia community; Representative of Barelwi school; & Some prominent Muslim dignitaries were part of the Muslim Majlis Mushawarat.

Table 2: Socio- Economic Profile of Different Muslim Castes in Bihar

Caste	Number	Percentage
Syed	114	38.4
Sheikh	69	23.2
Mallick	09	3.0
Pathan	11	3.7
Momin(Julaha)	22	7.4
Rayeen (Kunjada)	03	1.0
Others	15	5.1
Not Mentioned	54	18.2
Total	297	100.0

*Source: Cited from Ali Ashraf, *The Muslim Elite*, 1983, p.71.

Sayyads and Sheikhs alone account for 61.6 per cent of the elite members and together with Mallicks and Pathans they account for 68.3 per cent of the total elite. In terms of rural-urban point of discussions, 91.2 per cent of elite reside in urban areas leaving 8.8 per cent with rural background.¹⁴ This domination of upper caste Muslims (elite) continues even today, in spite of the demise of the Congress in maintaining one party system. The regional parties, who took over from Congress, maintained similar strategic alliances with forward caste/*Ashraf* Muslims to ensure their victory. In 1995 Bihar Assembly, 17 out of 23 were upper castes Muslims i.e. 73.91 % and only 6 belonged to middle and lower castes. Similarly, in 2000, the Bihar Assembly had only 22.58 % backward Muslims who got elected to the State legislature. Showing a bit of improvement in 2005 election, 31.25 per cent backward Muslims got elected in the October re-election.¹⁵

¹⁴ Ali Ashraf, 1982, *The Muslim Elite*, Atlantic Publishers, New Delhi, p.68. As there is no recent study done on the Muslim elite of Bihar. I am relying on the old data provided by Ali Ashraf.

¹⁵ This data is drawn upon the Election Commission of India's list of winning candidates and the castewise data of candidates mentioned in Ali Anwar, Pasmanda Awaz (Pasmanda Muslim Mahaz, March 2005).

The upper caste domination has been the historical legacy of colonialism and partition and it continued in the post-independent India. During the colonial struggle, the leaders of Muslim League and Congress belonged to socially high strata and represented the interests of upper caste/class people. For instance, Muslim leaders of Bihar, such as Syed Noorul Huda (Zamindar/upper caste), Syed Sharfuddin (urban/whose sister was married to Nawab Imdad Imam), Sir Ali Imam (Nawab/Syed by caste), Hasan Imam (Nawab), Mazharul Haque, Sir Sultan Ahmad (high caste Syeds), Sir Syed Fazl Ali (upper caste), Shah Mohammad Zubair (Zamindar), Syed Mahmud (upper caste), Nawab Ismail of Patna and others, drew their lineage from upper castes and classes.¹⁶ There were leaders who came from the middle class families of lawyers, businessmen, government officials, but generally belonged to Ashraf castes, with exception of some like Abdul Qaiyum Ansari, leader of Momin Conference.¹⁷ Yet during the freedom movement they were representing Muslims as whole. But, their meager mass base until the last phase of the movement put a big question mark on their claim. The well recorded history refutes their claim to represent Muslim masses in India (It was meant more as a propaganda against each other - Muslim league against the Congress and vice versa).¹⁸ As per the record, in 1927, total membership of the Muslim League was 1,330.¹⁹ Its annual expenditure did not exceed Rs. 3,000.²⁰ In 1931, the annual subscription was reduced from Rs 6 to 1 and the admission fee of Rs 5 was abolished to attract new members. The quorum was reduced from 75 to 50. In terms of socio-economic profile, its membership was limited to the landlords, lawyers and business communities. According to Khalid B. Sayeed, Muslim League at all India level had single largest group from landlords. Out of a total membership of 503 members, there were as many as 163 landlords; next group of 145 members belonged to lawyer.²¹

¹⁶ At the all India level, Muslim League had leaders like, Nawabzada Liaquat Ali (a big landowner from the united Provinces), Nawab Ismail Khan (another big landowner from U.P.), Nawab of Mamdot, Sir Muhammad Saadullah (President of Assam provincial Muslim League), and Sir Abdoola Haroon (President of Sind Provincial Muslim League).

¹⁷ Ali Ashraf, *Ibid.*, pp.58-70.

¹⁸ The Muslim League claimed to represent the Muslim, whereas to show its all India character Congress made efforts to bring Muslims under its influence.

¹⁹ R. Palme Dutt, 1955, *India Today and Tomorrow*, Lawrence and Wishart, London, p.234.

²⁰ Annual Report of the All India Muslim League for the years 1932 and 1933, Delhi: n.d., p.10.

²¹ Khalid B. Sayeed, 1968, *Pakistan: The Formative Phase 1857-1948*, Oxford University Press, London, p.207.

The case was similar with the Congress as well. Now the question is, why, Muslims fought shy of the Congress. The answers are wide-ranging from economic, social and cultural. According to C.A. Bayly, the pre-colonial ideologies and institutions had contributed to the structural formation of the colonial and post-colonial society. It made two culturally different groups i.e. a Muslim service gentry and a unified Hindu merchant class, reside in *Qashbah* and *Ganj* respectively. They operated in sharply differentiated economic contexts. Their separateness compelled them to avoid joining the Hindu based Congress. The second line of argument provided by S.A.A. Rizvi and Barbara Metcalf, is that it was Muslim revivalism that stopped them from joining Congress. Revivalists created a form of Islam in which the state was irrelevant and in this formulation any form of contact with Hindu religious practices were avoided. It is true that Muslim reformists supported Congress, but it was more because they feared to live in British India or a state run by Islamic modernists, whose policies could verge on the purely secular, than because they had any wide-ranging identity of purpose with the Congress. Third argument was proposed by Farzana Sheikh, that the political values of north Indian Muslim elites, which derived in large part from their Islamic background, were profoundly opposed to those of Western liberalism.²² Muslims, generally focused on the communal group as the basic unit of representation rather than the individual, who only had rights within the framework of the Muslim community. Such political values, whatever weight we give to other factors such as the interest of imperial policies, were bound to make it difficult for Muslims to join the Congress. Thus, the Congress representation of national aspiration has been contested.

The main concern for upper castes Muslim politicians was the protection of religious and cultural interests of Muslims, which included preservation of Urdu language, continuation of Muslim personal law in governing community life, and reservations based on religious grounds. Through their wide network, they tried successfully to make it a vital issue, as if its existence meant the continuation of Islam in India. Any attempt to reform was projected as an 'affront on Islam'.

²² Francis Robinson, 2000, *Islam and Muslim History in South Asia*, Oxford University Press, New Delhi, p.218.

The glaring example was Mohd Ahmad Khan vs Shah Bano Begam case in which Supreme Court held that if a divorced woman is able to maintain herself, the husband's liability ceases with the expiry of the period of *iddat* (three menstrual courses after the date of divorce, that is, roughly three months), but if she is unable to maintain herself after the period, she is entitled to have recourse to Section 125 CrPC. This decision led to a controversy and in order to dilute the judgment in the Shah Bano case, the Muslim Women's Bill, later became the Muslim Women (Protection of Rights on Divorce) Act, 1986, was passed.²³ The role played by Ulema and so-called Muslim leaders of secular credential, was devastating not only for Muslim women, but to the community as a whole.

Thus, it was a serious drawback, on the part of Muslim leadership dominated by upper castes that they failed to infuse the secular and democratic ideas in the Muslim community, both at the national and state level. They failed to realize the changed circumstances caused by the partition, and consequently continued to pursue a communal agenda such as demand for separate electorates or reservations for their community. They did not mould their politics to the altered situation and grasp the opportunities afforded by a democratic constitution and a free and fair electoral process.²⁴ Obsessed with self-interest and such community matters that were essentially 'communal' there was a tendency to ignore issues which were secular and of common interest, whether in the field of economic development or social reforms. The lack of effort had much to do with the kind of socio-economic background they belonged to.

²³ Zoya Hasan and Ritu Menon, (eds.), 2005, *In a Minority: Essays on Muslim Women in India*, Oxford University Press, Delhi, pp.1-15

²⁴ A .G. Noorani, 2004, 'The Constitution of India and Muslim Politics', *Studies on Islam*, Vol. I, No. 1, pp. 1-8.

Political Rise of Dalit Muslim Organisations in Bihar

Unlike Hindu OBCs, who continue their struggle against the forward castes domination²⁵, Pasmanda Muslims' struggle against the *Ashrafs* of the community is a 1990s phenomenon. Although, these lower and middle castes got enlisted by the State government in Most Backward Caste/OBC lists, firstly, in 1951 and then in 1978 for preferential treatment,²⁶ it is only after the implementation of Mandal Commission that the Dalit Muslims and backward caste Muslims began to organize themselves in a real sense. The All-India Muslim OBC (Other Backward Classes) Sangathan took a pioneering step in organising its first national convention in Delhi on August 29, 1996. This Convention was for the first time able to involve Muslims, having similar socio-economic status together based on caste. The Julaha of Uttar Pradesh, Bakho of Bihar, Ghanchi of Gujarat, Dhunia of West Bengal, Barber of Andhra Pradesh, showed similar interests: "The meeting was successfully ended with the demands that include, predictably, extension of Mandal Commission Recommendations to all Muslim OBCs, more scholarship etc; and less predictably, land reforms, funding for small entrepreneurs and restoration of concessions to Scheduled Caste (i.e. non-OBC) Muslims which were withdrawn in 1950".²⁷ In States like Bihar where caste had been involved in each and every sphere of life, the self-realization of their vast strength among OBC and Dalit Muslims quickly began to show in numbers.

In Bihar, many organizations came into existence to raise the consciousness of backward Muslims and to unite them to fight for their rights. The All-India Backward Muslim Morcha (AIBMM) was set up by Ejaz Ali, in 1994, in Patna Bihar.²⁸ The importance of

²⁵ Hindu OBCs had their fight against the forward caste prior to the independence through different caste forum. Yadavas, Kurmi and Koeri of North India formed Triveni Sangh in 1920s to challenge forward caste political domination. The Sangh also contested municipal elections during 1920s which was seen by these forums as majorly representing forward castes.

²⁶ In year 1951, through an order, government gave some facilities and seats in educational institutions to some 79 most backward castes and 30 backward castes, (See Annexure) which included lower and middle Muslim castes. With the coming of Karpoori Thakur - a backward- as a State CM, through a G.O. in November 1978, he implemented the Mungeri Lal Commission recommendations. For the purpose of recruitment to jobs, 8% and 12 % seats were reserved for the OBCs and MBC respectively.

²⁷ Praful Bidwai, 1996. 'Age of Empowerment: Muslim OBCs Discover Mandal', *Times of India*, September 12.

²⁸ Now it is also known as All India United Muslim Morcha (AIUMM).

AIBMM lies in the context of lower/middle Muslim castes' extreme poverty and stigmatization which turned these destitute masses into daily wage labourers, manual workers, artisans and petty peasants. It was AIBMM who coined the term 'Dalit Muslims' for the descendent of indigenous converted population, belonging to lower castes.

Currently, 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.²⁹ It recognises 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'. Hence, the AIBMM is careful to project its demands, which aim at integrating the 'Dalit Muslims' into the 'national mainstream', for social and economic progress, along with other deprived sections of Indian society. Due to its serious effort, AIBMM in less than a decade of its origin, it has had already emerged as an umbrella group of over forty organizations claiming to represent backward and Dalit Muslim castes.

The second important organization which has transformed the cause and concern of backward and Dalit Muslims into a movement is '*Pasmanda Muslim Mahaz*' (*Marginalized Muslim Front*). Organized by Ali Anwar³⁰, *Pasmanda Muslim Mahaz* like AIBMM is an umbrella organization of a number of Dalit and Backward Caste Muslim organizations from different states of India, particularly Bihar, Uttar Pradesh, Jharkhand, West Bengal and Delhi. However, Bihar has been its centre of activities. The *Mahaz* since its existence i.e. in 1998 has been pressing the demand that the State should include

²⁹Yoginder Sikand, 2004, *Islam, Caste and Dalit-Muslim Relations in India*, Global Media Publication, New Delhi, p. 52.

³⁰ A well-known Hindi journalist; he is the author of *Masawat ki Jang* (The struggle for equality) and *Dalit Musalman* (Dalit Muslims) and writes regularly on issues related to Backward Caste/Dalit Muslims, who form the majority of the Muslim population in India; see Ali Anwar, 2001, *Masawaat ki Jung* (The Struggle for Equality), [in Hindi] Vani Prakashan, New Delhi and Ali Anwar, 2004, *Dalit Musalman* (Dalit Muslims), (Booklet), Vani Prakashan, New Delhi.

Dalit Muslims and Dalit Christians in the Scheduled Castes list, as there was no religious restriction in the law passed in 1935 for the same purpose. Dalits of all religion were entitled to avail of this facility. In 1950, members of all minority communities were debarred from this facility by a Presidential Order through which a religious ban was imposed. *Pasmanda Muslim Mahaz* (henceforth, PMM) argues that the extremely discriminatory Presidential Order of 1950 is essentially anti-secular.

To realize the aim, PMM participated in several peoples' struggles through staging demonstrations, presenting memorandums and bringing out publications. These organizations (AIBMM & PMM) received positive response from the Muslim masses and were able to generate pressure on Bihar government to provide SC status to Dalit Muslims. Responding to the raised demand, in July 2000 the Legislative Assembly of Bihar passed a resolution, which was sent to the President of India for his approval. However, it has not been approved yet. The movement continues to awaken the ignorant masses, through seminars, meetings and rallies in each district and talukas of Bihar.

Attempt in this direction has been made by Deshkal Society by organizing a seminar in association with Heinrich Boll Foundation, titled '*Marginalization of Dalit Muslims with Special Reference to Democracy, Identity and Livelihood*'. The intention of this seminar was to weave the stray thoughts into an ideological framework. Organized on 14 July, 2002 in Patna, the entire seminar proceedings reflected on the fact that Dalit Muslims were a separate class within Muslim society. The attempt was to foreground various aspects of Muslim society vis-à-vis the dalit class as no less significant. On 20th March 2004, PMM organized 'Pasmanda Jagao Mulk Bachao' rally, in Patna, which was also attended by national and international social activists including Medha Patker and Pakistani writer Fauzia Said.

The wider reach of these 'initially' regional organizations across the country encouraged them to organize programmes at an all India level too.³¹ Like, the Insaaf Sammelan

³¹ It was also possible because, these organizations during their period of activity were able to gain support from various sections like academic, concern citizens, Dalit activists & organizations and NGOs.

(Justice Conference) organized by AIBMM in Delhi, in 2002, the main demand was the removal of the religious ban from article 341. The conference was attended by Muslim leaders of all hues, including Maulana Asad Madani of Jamiatul Ulema-e-Hind, Maulana Asrarul Haq Qasmi of Milli Council, Shia leader Kalbe Jawwad, and others. Besides them, several Hindu leaders also came up in support of the demand. Former Union Minister Chaturanan Mishra and dalit leaders Udit Raj and J.N. Nishad made fervent appeals to the Union government to amend the article in favour of Muslims and Christians. Supporting the demand of underprivileged Muslims, chairman of All India Confederation of SC/ST Organization, Udit Raj said, “We have to fight together to remove this religious ban from Article 341, which will bring all dalits under one category in the Constitution also”.³² On similar lines, PMM organized ‘Dalit Muslim Mahapanchayat, in December 2004. Along with this demand, Mahapanchayat also asked for the rehabilitation of victims of communal riots, pro-farmers and workers policies and employment to the youth. Certainly, PMM has an edge over the other backward and Dalit Muslim organizations.³³ It is simply because PMM has been more active and visible compared to other backward and Dalit Muslim organizations.

The organizational effort for the first time in the post-independent India, stirred the psychological bondage of Dalit and OBC Muslims. They began to speak against the reactionary politics of *Ashraf* Muslim leaders, and started demanding their long delayed rights from the state.

“Ram Kumar Hindu dhobi hai. Use sarkar ne saari sahulat de rakhi hai. Use naukri se lekar padhai tak har jagah sahualt militi hai. Lekin main ek Musalaman dhobi hoon isliye mai in tamam sahulaton se mahroom hoon”. (Ram Kumar is Hindu dhobi. From education to job, the government has given him all facilities. But I am a Muslim dhobi. So I have been debarred from all these facilities.)—Ghulam Rasool from Bihar.”³⁴

³² Andalib Akhter, 2002, ‘Muslim Dalits Demand Parity with Other Dalits’, *Milli Gazette*, October 15.

³³ The PMM leader Ali Anwar had been associated with CPI for almost 20 years. The long time association helped him in establishing balance between caste and class; see Yoginder Sikand, 2005, ‘Voice of the Oppressed’, *Communalism Combat* 12, No. 112, November.

³⁴ Andalib Akhter, 2002, ‘Muslim Dalits Demand Parity with Other Dalits’, *Milli Gazette*, October 15.

These kinds of statements reflect the aspirations of millions of underprivileged Indian Muslims, who have been prevented from getting reservations and other benefits from government that other dalits get under the Article 341 of the Constitution.

Dalit Muslims and Bihar Assembly Elections 2005

As the Assembly elections of 2005 approached, the Muslim vote became a major concern in Bihar for all the political parties to form the government. On the other hand, the Dalit and backward Muslims as a conscious (both politically and socially) mass, were ready to take on the forward caste in politics. This election was the test for Dalit Muslim movement in Bihar. “*Vote hamara fatwa tumhara, nahi chalega*” and “*jo Pasmanda ki haat karega, wahi Bihar pe raaj karega*”, and other political slogan reflected the mood of poor masses.

Just before the election, PMM along with Bihar *Momin* Welfare Society, called a meeting on 23rd July 2005, in Shri Krishna Memorial Hall on the issue of “reservation for Dalit Muslims”. Both Lalu Prasad Yadav and Nitish Kumar attended that meeting in which the latter very clearly supported the cause of the meeting, whereas Lalu Prasad Yadav missed the opportunity to promise anything for them. Disappointed by the attitude of a secular leader like Lalu Prasad Yadav, seven backward and Dalit Muslim parties/organisations gave a call to defeat RJD alliance. On 8th October, 2005, in a joint statement made by the representatives of Bihar *Momin* Welfare Society (Danapur), All India *Momin* Welfare Organization (Hajipur), *Momin Ekta Munch* (Momin Unity Forum, Aara), Bihar Pradesh *Momin* Youth Majlis (Patna), Abdul Qaiyum Ansari Memorial Committee (Patna), and All India *Pasmanda Muslim Mahaz* (Bihar unit), they contended that, during the 15 years rule Lalu had done nothing for the poor Muslims. In the Bihar assembly elections 2005 the Mahaz decided to support Nitish Kumar’s JD(U). According to these pressure groups, after the defeat of the Congress, Lalu Prasad Yadav took over power in 1990, to carry forward his politics on the notion of social justice and secularism for dalits, OBCs and Muslims respectively. However, nothing substantial was delivered by his government for backward and Dalit Muslims. It was alleged that Lalu Yadav in the name of M-Y

(Muslim-Yadav) alliance, had promoted FM-Y (Forward Muslim-Yadav) alliance, where major benefits were cornered by *Ashraf* Muslims in the name of the community.

During 15 long years of RJD (Rashtriya Janata Dal) rule which came to power with the slogan of social justice lacked enough enthusiasm for economic development. This is as true for Muslims as it is for other sections of people who voted for him. Unemployment, poverty and apathy of State towards their problems, was never raised by the Bihar *Ashraf* political elites; it was unlikely that they will ever do so, as it was this section of minority which got maximum benefits out of fifteen years rule of Lalu/Rabri Devi. During his tenure as Chief Minister, RJD made 14 Muslims M.L.C., out of which 12 belonged to upper caste Muslims. Again, there were seven appointments made for the post of Vice Chancellor, all from upper castes. Similarly, appointments for government posts like, teachers, police departments and in minority institutions were allotted to these *political elites*.³⁵ In turn, Lalu Prasad received blessing from religious leaders belonging to the upper castes for electoral victory.

The rise of Hindutva/communal forces in 1990s brought Muslims closer to each other (irrespective of heterogeneity of various types); they tried out a secular alternative other than Congress in Bihar. The sense of insecurity worked for Lalu, as it has done earlier for Congress. By default, it was a golden moment for the feudal and reactionary leaders of the community to use this opportunity to stop any kind of democratization process on the pretext of 'Islam/Muslims in danger'. The fear of communal riots or violence always brought the Muslims together and it helped in projecting homogeneity among Muslims as claimed by *Ashraf* politicians.

The Dalit Muslim movement gathered so much of strength in Bihar that it challenged the mighty Lalu Prasad Yadav. Without paying any attention towards the grievances of backward and Dalit Muslims, Lalu continued to raise the fear of communalism. For this Lalu paid the price as he lost the election in 2005, which seemed as impossible sometime back.³⁶ Not many political commentators were certain of his steep decline because of his

³⁵ Ali Anwar, 2005, *Pasmanda Aawaz*, PMM, March, p.4.

³⁶ 'The position of the RJD at the helm of power in Bihar is secure. Moreover, the opposition is highly divided and the setting up of a strong anti-RJD front presently appears to be unlikely'; see Cyril Robin, 2004, '2005 Bihar elections: Laloo Against Who?', *Economic and Political Weekly*, Vol. 39, No. 51, December 18.

strong support base and caste/community combination. According to Muneshwar Yadav, the anti-Laloo vote could pose little challenge to the formidable alliance of castes (upper caste-yadav-Muslim) that Laloo Prasad was able to shape during the run-up to the Lok Sabha elections-2004.³⁷

Table 3: Statistics related to Representation of Muslim Candidates in February and October 2005 elections³⁸

Party	Muslim Winners (Oct 05)	Total Winners (Oct 05)	%age of Muslim Winners (Oct 05)	Muslim Winners (Feb 05)	Other Winners (Feb 05)	%age of Muslim Winners (Feb 05)
RJD	4	54	7.4%	11	75	14.66%
JDU	4	88	4.5%	4	55	7.27%
INC	4	9	44.4%	3	10	30.0%
BJP	0	55	0.0%	0	37	0.0%
NCP	1	1	100.0%	2	3	66.7%
LJP	1	10	10.0%	0	29	0.0%
BSP	0	4	0.0%	1	2	50.0%
CPI	0	3	0.0%	0	3	33.3%
SP	0	2	0.0%	1	4	25.0%
CPM	0	1	0.0%	0	1	0.0%
CPI-ML	1	5	20.0%	1	7	14.3%
Ind.	1	11	9.1%	1	17	5.9%
Total	16	243	6.58%	24	243	9.87%

Table 3 clearly shows that, in the October 2005 re-election for Bihar Assembly, 63.63% Muslims who contested election from RJD lost. There was a rush for parties to award

³⁷ Muneshwar Yadav, 2004, 'Politics from Below', *Economic and Political Weekly*, Vol. 39, No. 51, December 18, p.5510.

³⁸ Source: Calculated by the author based on ECI data (February and October 2005 Elections; www.eci.gov.in).

tickets to Muslims. For example, LJP fielded the highest with 43 Muslim candidates, next was RJD when combined with its allies (RJD: 27 out of 175 total contested seats; INC: 12 out of 51 + NCP: 4 out of 8). Highest success rate for Muslim contestants was achieved by JD (U) i. e. 44.4% and the lowest by LJP i. e. 2.3%. However, the situation is strange – the party with highest success rate allots the minimum percentage seats to Muslims (combined with its allies, JD-U allotted just 4.1% seats to Muslims), and the party with lowest success rate allots the highest percentage of seats to Muslims. This time too, the number of forward Muslim MLAs, has outnumbered the backward castes, but it is for the first time backward and Dalit Muslims were able to challenge the forward castes agenda based politics.

The Dalit Muslim organizations were in favour of Nitish Kumar led Janta Dal (United); following the commitment shown by him towards their demands. Due to this decision, the charge of joining hands with Hindutva forces has been raised against Dalit Muslim leaders. In broader terms they are labeled as ‘anti-Islam’ for raising the issue of caste practices amongst Muslims. Organizations like All Indian Muslim Personal Law Board (AIMPLB), All India Milli Council, Majlis-e-Mashawrat, Jamaat-i-Islami Hind, Jamiat-Ulema-e-Hind (JUH), Imarat-e-Sharia, Adara-e-Sharia have been spearheading the charges of anti-Islamism. In response, the Dalit Muslim leaders and concerned intellectuals think that, raising the issue of caste, which is a sociological fact rather than sanctioned by religion, is not against Islam. In fact, rooting out the problem of social hierarchy which is never sanctioned by religion is a step towards strengthening Islam. Of late, there has been change in the position of some of these organizations/institutions/bodies with regard to the demands of AIBMM and PMM. They have started supporting or rather stopped opposing the cause of Dalit Muslims which they were averse in the beginning on several grounds.

There are changes in the assertion of Dalit Muslims in the following way. In the social as well as political spheres, they are trying to come out of the old methods of communal and identity politics, which was used by Muslim politicians to foment the venom of communalism. Dalit Muslims are mainly concentrating on issues like employment, land

reform, education, health, which in themselves are secular in nature. In other words, they take the stand that a secular social structure and class/caste hierarchy comes before religious identities. It is these structures that provide the foundation for political organization and interest articulation.³⁹ For example, in his statement to Justice Rajinder Sachar, Ali Anwar tried to attract the attention of Sachar Committee towards the worsening situation of backward and Dalit Muslims. He suggested some measures to handle the problem, so that people can get a new means of livelihood. He highlighted the impact of globalization on artisans and small traders, mostly Muslims. 'It is very sad to note that among those who get license to export vegetables and fruits there is not even one from the community of those who have made cultivation as their profession. Similar things are going on with the other Backward Caste and Dalit Muslim communities too. The situation of the Muslims, who are weavers, cultivators, tailors, washer-men, butchers, barbers, and artisans, is worsening day-by-day. The government must take proper steps to check this. The onslaught of globalization is being acutely felt by the Indian industries. The loom owners need and demand continuous supply of electricity where as large amount of electricity is being consumed by the elites for their comforts and lavish living. There has to be assured supply of electricity to the sector on priority. The electricity has to be subsidized'.⁴⁰

These assertions indicate the beginning of a new era of Muslim politics at an all India level. In electoral democracy number does matter, and since these social groups had large numbers, political parties in the coming days will not dare to avoid them. Finally, there is a conscious effort to forge relations between Dalit and OBC Muslims and OBC Hindus and Dalits, to create bonds of solidarity across religious divides. This has the potential of helping large number of Muslims break out of the 'ghetto' in which their 'traditional' leaders and many parties had placed them.

³⁹ Praful Bidwai, 1996, 'Age of Empowerment: Muslim OBCs Discover Mandal', *Times of India*, September 12.

⁴⁰ Ali Anwar, 2005, 'Letter to Justice Rajinder Sachar—Pasmanda and Dalit Muslims', *Human Rights Commission, Religious Groups for Human Rights* 7, No. 45, November 7. www.asianhumanrightcommission.org.

Birth of an Autonomous Dalit Muslim Movement: PMM & AIBMM

PMM and Ali Anwar's struggle⁴¹

There are various organizations and individuals struggling for Dalit Muslims' cause. Ali Anwar Ansari, son of a labourer, has come a long way since his bidi-rolling days. He has been a Member of Parliament of Rajya Sabha since 2006. In between, he has been a Grade IV government employee, activist, journalist, author and fathered/steered a movement for Dalit or Pasmada Muslims.

In 1996, he received KK Birla Foundation fellowship to study condition of Dalit Muslims of Bihar. Anwar toured Bihar and what he found was documented in his book '*Masawaat ki Jung*' (The Struggle for Equality) (New Delhi: Vani Prakashan, 2001). The book created shock-waves among Muslims as it confronted them about the practice of caste among Muslims of India. This is an area that was not discussed prior to this book,⁴² though caste was always present in society. A look at the matrimonial pages of any newspaper or Muslim magazines will attest to this fact. The book claims that contrary to tenets of Islam, caste practices are prevalent in Muslims in social, religious and even in death. He claims to have found examples of even separate graveyards for different castes.

In 1998, All India Pasmada Muslim Mahaz (Downtrodden/Marginalised Muslim Front) was formed by Ali Anwar and others. But Mahaz was not the first organization to champion Dalit Muslim causes, All India Momin Conference (started in 1930s, but later on it did not remain active) and All India Backward Muslim Morcha (now United instead of Backward) were already there.

Mahaz and other organizations have worked over the years to create awareness about issues of Dalit Muslims. The 1950 Presidential Order has in effect kept Christians and Muslims of Dalit background away from the benefits provided to other Dalits. So, all the

⁴¹ Personal interview with Ali Anwar, President of All India Pasmada Muslim Mahaz, 28th March 2010, Patna, and discussions with him at several other occasions.

⁴² The only exception we can find is Imtiaz Ahmad, (ed.), 1973, *Caste and Social Stratification among Muslims in India*, Manohar: New Delhi and Ghaus Ansari, 1960, *Muslim Caste in Uttar Pradesh: A Study of Culture Contact*, The Ethnography and Folk Culture Society, Lucknow.

organizations have focused in getting this order repealed. The work done by these leaders and organization has yielded result. Assemblies of Bihar, Uttar Pradesh, and Andhra Pradesh have passed resolutions supporting the demand for inclusion of Christian and Muslim Dalits among Scheduled Castes.

Ali Anwar Ansari was fielded by Janata Dal (United) in 2006 for Rajya Sabha seat and he became Member of Parliament. Ansari, who started his political career in a Communist organization, entered Parliament with the help of a political party that is in partnership with the right-wing Bharatiya Janata Party (BJP). Ansari says that he has become an MP to help the movement and support from JDU was nothing but a tactical alliance.

But has he been successful in pushing the Dalit Muslim agenda by being in Parliament? Of the 102 questions asked by Ali Anwar in the last three years, only 18 questions were directly related to minorities' issues. He spoke on reservation issue a few times but he has been unable to form a united front of either Muslim MPs or Dalit MPs to talk on this topic.

Support by a political party also means that member cannot go against the party line. In this instance, in 2008, Bihar government of JDU recognized Maliks as one of the backward caste in Bihar. Though, until recently Maliks have always considered themselves higher caste and have generated body of works to prove that they are Syeds. Champions of Dalit Muslim cause and Rajya Sabha MPs, both Ali Anwar Ansari and Dr. Ejaz Ali did not say anything publicly against this move.

During the personal interview,⁴³ Mr. Ansari acknowledged that calling Malik as a backward community is incorrect and it should not have been done but absolved Bihar government of all responsibility by saying that it was work of Bihar Backward Classes Commission.

⁴³ Personal interview with Ali Anwar Ansari, President of All India Pasmanda Muslim Mahaz, 28th March 2010, Patna.

When asked, how he will respond to the charges that his movement is an attempt to divide the Muslims in terms of caste. He says that we can not deny that caste exists among the Muslims of India. What his movement is asking for is to get constitutional benefit as it is given to a Dalits of Hindus, Sikhs and Buddhists. The benefit will help a large number of Muslims to get educated and access to employment. Their progress will help lift Muslims out of the economic and educational backwardness they find themselves in.

Mr. Ali Anwar, the founder and national president of PMM was working with Dr. Ejaz Ali's organisation AIBMM. Later on he got separated and launched All India Pasmada Muslim Mahaz (All India Marginalised Muslim Front). The interesting thing is that both of them (Dr. Ejaz Ali and Mr. Ali Anwar) are criticised by other Dalit OBC leaders of all over India blaming them that they were working for their own benefits. Neglecting Dalit OBC Muslims aims on the basis of which they became MPs, they had joined hands with a BJP alliance a well known right-wing party, who do not oppose reservations to upper castes. Bihar State Backward Commission under Chief Minister Nitish Kumar's (JDU) government recently gave reservation to an upper caste Muslim community 'Mallik' (Afzal Sayed) declaring them to be the oil presser (teli) caste. But as mentioned earlier, both of them didn't oppose it.

Ali Anwar⁴⁴ belongs to the Ansari community, which is one of the largest Muslim communities in India. The ancestral profession of the Ansaris is weaving. They are considered as a 'Backward Class' for purposes of reservation. His family is from the Shahabad district in Bihar. His grand-father was a horse-cart driver and father was a mill-worker, and he was the first matriculate in his family. The Ansaris in his area had practiced weaving as a profession for generations, but, with the onset of British rule and with the sort of capitalist 'development' that India went through after 1947, their

⁴⁴ Personal interview with Ali Anwar Ansari, President of All India Pasmada Muslim Mahaz, 28th March 2010. Patna. Ali Anwar who is the founder of the Pasmada Muslim Mahaz ('Marginalised Muslim Front'), Patna, Bihar, a union of several Dalit Muslim and Backward Caste Muslim organizations, responded to several important questions related to Dalit Muslims Movement and his organization PMM. In this interview, he talks about his involvement in the struggle for the rights of the Dalit Muslims.

profession almost totally decimated. His parents, he as a child and his relatives were forced to take to rolling beedis to supplement the meager income of his family.

As a child itself he was sensitized to the crass oppression and poverty that he saw all around him. As a student he got involved in leftist politics. This was partly, he admits, due to the influence of his father, who was a trade unionist, associated with the All-India trade Union Congress of the Communist Party of India (CPI). His first involvement in people's struggles was when some students of his high school in Dumraon started a movement against the Maharaja of Dumroan, a dreaded feudal lord who was also the manager of the school. Thereafter, he joined the CPI, and remained a card-holder of the party for party for around 20 years.

Regarding the PMM and its establishment and major objectives, he describes that 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. In the course of conducting the research for the book that he was doing, he realized that the Dalit/Backward Caste Muslims were hardly organized and 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 had, as he said, taken no particular interest in addressing their pathetic socio-economic conditions. Like their 'upper' caste Hindu counterparts, they wanted Dalit and OBC Muslims 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 also seek to build alliances with non-Muslim Dalit/Backward Caste groups so that this movement (leadership) can engage in a broad united struggle for Dalit and OBC Muslims' rights.

Mr. Ali Anwar also discussed the sort of works the Mahaz been engaged in. He says that his organization had participated in several people's struggles for justice to the

Dalit/Backward Caste Muslims through staging demonstrations, presenting memorandums and bringing out publications. Recently, they launched a Hindi magazine 'Pasmada 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 their (Dalit Muslims') issues, such is the indifference to the problems and plight of these people.

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 reservations 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, he asks, 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 and that 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.

Five major questions confront the rise of Dalit Muslims: First, in response to the fear of other Dalits of the demand of including Dalit Muslims and Dalit Christians in the Scheduled Caste list and also the possibility that the former might oppose this on the

grounds that this would result in a reduction of whatever little benefits they are able to procure from the state, Ali Anwar argues that this problem can easily be solved: While including Dalit Muslims and Christians in the Scheduled Caste list, the Scheduled Caste quota should be proportionately increased. In this way, the other Dalits would not oppose this demand. In fact, they would welcome it because in this way the Dalit movement would itself be strengthened. After all, all the Dalits, irrespective of religion, belong to the same race and the blood of their common ancestors flows in their veins.

Further, he says that unlike the so-called *Ashraf* Muslims, who take great pride in their claim of foreign links, the Dalit and Backward Caste Muslims are all of indigenous origin, being descendants of converts from the oppressed castes. "This is why we don't use the words 'Dalit minority' or 'Dalit Muslim minority' or 'Backward Caste Muslim minority'. We Dalits and Backward Castes are not a minority at all. In fact, taken together, we are in the majority, the 'Bahujan', forming over 85% of the Indian population, despite the fact that we might follow different religions. We see that the politics of communalism, fuelled by both Hindu and Muslim elites, is aimed at dividing us, making us fight among ourselves, so that the elites continue to rule over us as they have been doing for centuries. This is why we in the Mahaz have been seeking to steer our people from emotional politics to politics centred on issues of survival and daily existence and social justice, and for this we have been working with non-Muslim Dalit and Backward Caste movements and groups to struggle jointly for our rights and to oppose the politics of communalism fuelled by Hindu and Muslim 'upper' caste elites."⁴⁵

Second, leaders from upper caste Muslim groups are demanding reservation for all Muslims in government jobs and educational institutions. To this Ali Anwar was totally opposed, and argued that the Constitution explicitly says that the reservation policy is meant for socially and educationally marginalized communities. How can anyone seriously argue that all Muslims in the country are socially and economically backward? Many of those who do argue in this way actually seek thereby to promote the interests of

⁴⁵ Detailed personal interview with Ali Anwar Ansari, President of All India Pasmanda Muslim Mahaz, 28th March 2010, Patna.

the educationally and economically better-off Ashraf, who would inevitably hog the lion's share if a separate quota in jobs and educational institutions was made for all Muslims, although they form only a small proportion of the Muslim population. This demand is also un-Constitutional, because nowhere in the Constitution is there any provision for reservation on the grounds of religion. Further, such a demand is bound to fuel the fires of communalism and Hindu-Muslim conflict, which would inevitably hurt the Dalit/Backward Caste Muslims the worst, they being the principal victims of communal violence.

Third, the demand for a separate Muslim Backward Caste quota within the larger Other Backward Caste (OBC) quota, on the grounds that the Muslim OBCs have not been able to benefit much from the general OBC quota has been made. Ali Anwar is opposed to this demand as well. He thinks that this is a crafty move to create and promote communal strife between Hindu and Muslim Backward Castes, which can only work to the benefit of the 'upper' caste Hindu and Muslim elites.

The claim that Muslim Backward Castes have not been able to benefit much from the 27% quota set apart for Backward Classes by the Mandal Commission because these benefits have been cornered by some more powerful and influential Hindu Backward Castes first needs to be established. He says that we have to conduct surveys to show this, and this is something that has not been done so far. Now, this claim might well be true, but we can think of this later. He admits that we can't take up too many issues at the same time. He believes that instead of a separate Muslim quota in among the OBCs, we should think of dividing the 27% quota that OBCs now have into two, on the Bihar model: one for the 'Most Backward Classes' and the second for other OBCs. Both categories would have Hindu and Muslim castes as well as from other religions, depending on their socio-educational conditions.

Fourth, that some Muslims, particularly from the so-called Ashrafs, see the Dalit/Backward Caste Muslim movement as 'divisive' and 'un-Islamic'. Some of them even go so far as to claim that it is a 'Hindu' or 'Jewish' conspiracy to set Muslims

against each other. Ali Anwar's response was that this was an accusation that he has been hearing ever since he started the movement. It was branded as 'anti-Islamic'. Numerous maulvis, mostly of so-called *Ashraf* background, branded it as 'divisive' and 'dangerous' and appealed to Muslims to stay away from these people. Urdu newspapers, almost all controlled by the so-called *Ashraf*, also boycotted them, and refused to publish anything about them. However, once the movement expanded and grew into a powerful force, their open opposition somewhat declined.

In this interview, he reiterated, "Dalit/Backward Caste Muslims are believing Muslims. They take their faith in Islam seriously. Islam, as the Qur'an says and as the Prophet Muhammad showed in his own life, stands for social equality and justice. It is completely opposed to social hierarchy. So, when we are protesting against inequality and injustice, how can we be said to be going against Islam? On the contrary, what we are doing is, in my view, actually mandated by our religion. On the other hand, those who keep silent on the plight of the Dalit/Backward Caste Muslims are actually working against Islam, for they are indifferent to its mandate of social justice and equality. Among these are several maulvis who have elaborated fanciful theories to argue the case for caste hierarchy in the name of what they call in Arabic *kafa'a*! And few of these maulvis take any interest in our plight, being more concerned with the details of minor *fiqh* or jurisprudential issues or with promoting their own sectarian brand of Islam while denouncing other Muslim sects as deviant."

Fifthly, there is a charge by some Muslims that caste has no sanction in Islam and the movement had injected the poison of caste into Muslim society and in effect dividing Muslims. Again, Ali Anwar argued, "Islam has no conception of caste, but Indian Muslim society was, by and large, characterized by the existence of multiple castes. And the so-called *Ashraf*, for centuries, have taken pride in being of foreign origin, Arab or Iranian or whatever, and considering the other Muslims, who are all of indigenous Indian extraction, as being of 'low' caste. So, all this while the so-called *Ashrafs* have been championing caste and division among Muslims based on caste, but this does not strike our opponents as 'casteism' or as 'un-Islamic', but the moment non-*Ashrafs* begin to

oppose this system of *Ashraf* hegemony they are dubbed as divisive and ‘anti-Islam’ and so on. This reaction is no different from that of many ‘upper’ caste Hindus, who brand the Dalit movement as ‘divisive’, accusing it of reinforcing caste, simply because the Dalit movement seeks to do away with ‘upper’ caste hegemony.”

Ali Anwar contends that his response to those who falsely accuse him and his organization of dividing Muslims is wrong. They are trying to unite the dozens of Dalit/Backward Caste Muslim communities who have been kept divided for centuries! They are trying to bring Ansaris, Halalkhors, Kunjeras, Kalals, Dhuniyas, Mochis, and who knows how many more such castes-together on a common platform to voice their demands and concerns. The Dalit/Backward Caste Muslims were not against the so-called *Ashraf* Muslims. The movement was not directed against them but it sought to strengthen and empower Muslims, to enable them to speak for themselves and to secure their rights and justice from the state. He concluded: “We welcome well-meaning people of so-called *Ashraf* background as well as non-Muslims who are concerned about the plight of our people to join us in our struggle.”⁴⁶

He says that when we are accused of dividing Muslims, our response is, “You so-called *Ashraf* have kept us divided for centuries by fanning sectarian (maslaki) differences. Why don’t you put an end to this instead of telling us what to do? You have created and magnified these sectarian divisions for your own interest, to run your own little religious and political shops, for which you have not stopped even at promoting bloodshed and hatred. First you put an end to this sectarian hatred and division that you have created and then talk to us”.

Today, numerous maulvis of different maslaks (sects), Deobandi, Barelvi, Jamaat-i Islami, Shia, Ahl-i Hadith issue statements against each other, some going to the extent of branding all Muslims but themselves as ‘apostates’ and even as ‘enemies of Islam’! Is that not ‘dividing the Muslims’? He asks, “why don’t those who accuse the

⁴⁶ Detailed personal interview with Ali Anwar Ansari, President of All India Pasmanda Muslim Mahaz, 28th March 2010, Patna.

Dalit/Backward Caste movement of dividing Muslims condemn the way these maulvis are spreading such serious sectarian conflict and dividing Muslims? Is it because the vast majority of the leaders of these maulvi groups are from the so-called *Ashraf*, so that when they fight on sectarian lines it is okay because this does not threaten so-called *Ashraf* hegemony, but when they see the Dalit/Backward Caste Muslims getting together to struggle for their rights, they set apart their sectarian differences for the time being and come together to condemn them as ‘divisive’?”

He clarifies that having said this; “Let me point out that not all so-called *Ashraf* Muslims behave this way. Not all of them are opposed to our demands. In fact some of them, as well as some Hindus of so-called ‘upper’ caste background, have been supporting our movement and demands. Yet, I cannot help saying with deep regret that while several ‘upper’ caste Hindus have been supporting the Dalit movement in different ways, very few ‘upper’ caste Muslims have taken any interest in the concerns of the Dalit/Backward Caste Muslims.”

In a recent development, Bihar Chief Minister Nitish Kumar pitched for Muslim quota and inclusion of Dalit Muslims in SC category at a conference held by All India Pasmanda Muslim Mahaz (Ali Anwar Ansari, MP, Rajya Sabha) on July 1, 2010 at Patna. The conference was called to demand inclusion of Dalit Muslims and Christians into Scheduled Caste category. “In India caste has deep root, people change their religions but not castes. So, persons belonging to SC category whether they are Muslims or other should be treated in the same manner. Discrimination on the basis of religion is not good for democracy. At the time when I was MP, I had raised the issue to remove the condition of religion from Article 341, but unfortunately it has not been done till date,”⁴⁷ said Chief Minister Nitish Kumar while addressing the conference. Ali Anwar appealed to the Chief Minister to solve the problems of Dalit Muslims.

⁴⁷ http://twocircles.net/2010jul02/bihar_cm_supports_muslim_reservation_sc_status_dalit_muslims.html Indian Muslim. Accessed on July 17, 2010.

All India Backward Muslim Morcha and Dr. Ejaz Ali

AIBMM has been at the forefront for articulating the Dalit Muslims' agenda. This section 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 a particular Muslim organisation, the 'All-India Backward Muslim Morcha' (AIBMM)⁴⁸ 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. 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. It 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 seeks to articulate. 'Lower' caste Muslim ideologues and activists in the AIBMM 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.

The AIBMM was set up in 1994 by Ejaz Ali, a Muslim doctor from Patna, capital of the eastern state of Bihar, belonging to the Kunjera caste of Muslim vegetable-sellers. 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.

⁴⁸ Now it is also known as All India United Muslim Morcha (AIUMM).

In an interview,⁴⁹ pointing out that most Indian Muslims are descendants of 'low' and 'middle' class converts, 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.

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.

⁴⁹ Personal interview with Dr Ejaz Ali, convener of All India Backward Muslim Morcha, 4th April 2010, at his residence, Patna.

Aims and Objectives of the AIBMM

Similar to PMM, the foremost priority for the AIBMM is to get recognition from the Indian state for the over 100 million 'Dalit Muslims' as Scheduled Castes. This should allow them to 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 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 backwardness, 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.

A New Indian Muslim Leadership and Changing Discourse of Community Identity

The AIBMM 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. Ali sees 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 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.⁵⁰ 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'.

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

⁵⁰ Personal interview with Dr Ejaz Ali, convener of All India Backward Muslim Morcha, 4th April 2010, at his residence, Patna.

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'. 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. 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 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'. 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".

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'. 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'.⁵¹ 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 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.

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

⁵¹ Personal interview with Dr Ejaz Ali, convener of All India Backward Muslim Morcha, 4th April 2010, at his residence, Patna.

interests and demands to the centre of the Indian political agenda and put an end to atrocities against them. 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. 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.

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. 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 'communities' 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). 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-communal harmony, might well provide a key to what has so far seemed the intractable communal problem in India.

Conclusion

The Dalit Muslim Movement here refers to the contemporary caste/class movement among Indian Muslims. Though the history of caste movements among Muslims 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 witnessed the formation of two frontline organisations in Bihar—the All India United 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. Despite Dr Ejaz Ali being the pioneer of this movement, it is Ali Anwar who has been

widely discussed in recent times due to his much celebrated articulation of this movement in his book *Masawaat Ki Jung* (2001) and in the editorials of the Mahaz's journal, *Pasmanda Awaz*.

By invoking the category of 'caste' the Dalit Muslim Movement 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. 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)—Dalit Muslim Movement 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 the Dalit Muslim Movement raises the issue of social justice and proportional representation in power structures (both community and state controlled) for the Dalits and backward Muslims it lends momentum to the process of democratisation of Muslim society in particular and Indian state and society in general.

Besides, the Dalit Muslim Movement 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.

But despite these brave promises Dalit Muslim Movement has been unable to make the impact that was expected of it. Any mass movement must strive to maintain a balance

between the 'social' and 'political'. Apart from raising radical political demands like the one for a separate electorate for the depressed castes, Ambedkar is also remembered for social campaigns like the Mahad Satyagraha and also for raising labour and gender issues on more than one occasion. Periyar too raised the social question when inspired by a rationalist worldview he put to fire religious texts (which he considered exploitative) on the streets of Madras. Phule too defied the standard conventions of his day when he decided to open a school for the education of girls. One can scarcely fail to notice the vigorous social and cultural critique of Indian society that they offered both in theoretical terms and in action. The Dalit Muslim Movement has unfortunately not taken this aspect seriously.

Right from the days of the All India Momin Conference (its pre-eminent leader being Abdul Qayyum Ansari) way back in the 1930's to its present post-Mandal avatars, the Movement has singularly concentrated on affirmative action (now the politics around Article 341 of the Constitution) and electoral politics at the expense of other pressing issues. It has been completely ineffective in developing a comprehensive alternative social/cultural/economic agenda and the corresponding institutions and mass mobilisation that it necessitates. As a result of this perennial weakness it has failed to preserve an independent outlook and has incessantly been subsumed by one political formation or another. If the Momin Conference was assimilated by the Congress, both Ali Anwar and Ejaz Ali have been co-opted by Nitish Kumar's Janata Dal (United) in Bihar. Moreover, it has been lackadaisical in forging alliances with corresponding caste/class movements in other communities thereby shying away from the task of forming a broad coalition of suppressed communities across religious identities or the Bahujan alternative as Phule labelled it. Consequently, it remains captivated by its limited electoral agenda and has been transformed into an easy route for realising the petty political ambitions of the nascent middle-class elite in dalit and backward communities.

All in all, the crux of the argument is that Dalit Muslim Movement 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. Dalit Muslim Movement needs to engage in a balancing act between the political and social. This will create the much desired synergy necessary for launching the liberatory promise of Movement on track.

The Dalit Muslim Movement which started as a 'social movement' could not stay away from electoral politics for long. In the last assembly elections in Bihar (2005) the Mahaz decided to support Nitish Kumar's JD(U). This was a problematic move for an organisation claiming to be practitioners of secular ethics and yet ironically supporting a party that was contesting elections in alliance with a right-wing party like the BJP. Moreover, as the Dalit Muslim Movement was still in its formative years with its presence restricted to only a few districts of South West Bihar the decision apparently seemed to lack in political wisdom. Was it a classic case of a premature entry into politics? Any farsighted movement requires at least a minimum consolidation of its constituency to achieve a meaningful bargaining power in the political market. This arguably the Mahaz had not done. In hindsight, this urgency of the Mahaz's leadership to plunge into political waters could only be attributed to the petty ambition and greed of its leaders.

However, Ali Anwar has tried to rationalise this move in his own way subsequently. In the editorials of his journal and speeches, he has often dubbed Laloo Yadav's apparent M-Y (Muslim-Yadav) alliance as being an FM-Y (Forward Muslim-Yadav) alliance in substantive terms. There is a constant reference in his speeches to a conference which the Mahaz organised just before the elections to discuss the implications of 'Ranganath Mishra National Commission for Religious and Linguistic Minorities'. This Commission was allegedly seen as a move by the Centre to grant reservations to the Muslims as a whole, a position which the Mahaz has consistently opposed. In this conference he invited both Laloo Yadav and Nitish Kumar and asked them to express their stand. While Nitish Kumar was forthright in supporting the demand for scrapping the Ranganath Mishra Commission, Laloo Yadav on the other hand treaded cautiously and was circumspect regarding it. (This was understandable as the Commission was set up by the

UPA Government of which Laloo was a part.) However, this feeble gesture from Laloo Yadav on the issue of scrapping the Commission was sufficient ground, the Mahaz has subsequently argued, to lend its weight behind JD (U) in the ensuing elections which it won handsomely. The Mahaz has since been taking credit for the JD (U)'s victory, an emotion which has been recently reiterated after the results of the Vikramgunj by-election. Another rationalisation and one often offered in private conversations has been that if Ambedkar could support the British colonial masters in his efforts to challenge the caste system, what sin has the Mahaz committed in supporting the JD(U) if its agenda is being furthered by doing so?

Many questions remain even if we agree to purchase Ali Anwar's rationale momentarily for argument's sake. As the Mahaz was not yet a political party (which it still is not) but a loose social formation could it not have taken a principled stand of taking a neutral position (or supporting RJD candidates) in the seats where the BJP had fielded its candidates while supporting JD (U) candidates in others? What prompted Ali Anwar from not considering this position? What made him campaign for the BJP's Shahnawaz Hussain in Bhagalpur Lok Sabha by-election?

Whatever the arguments and rationalisations, the bottom line is that both Ali Anwar and Dr. Ejaz Ali have been awarded with Rajya Sabha memberships for their services to the JD(U) subsequently. One is left to wonder if that would further the agenda of the Dalit Muslim Movement or seal their tongues on issues that matter.

The Dalit Muslim Movement could have worked towards mobilising and consolidating all the depressed castes/classes across religious identities (indigenous peoples) under the rubric of 'Bahujan Samaj'. However, the petty ambitions of its leaders have dissuaded them from taking this task in earnest till now.

It was shocking to note that this does not seem to be of any concern to any of the cadres or office-bearers of the Mahaz or the Morcha, I interviewed during the course of my fieldwork. Though there have been dissensions and splits in both organisations of late,

none of the various factions has raised this issue. Ershadul Haq, a member of the Mahaz and on the editorial team of their journal, has also recently fired a salvo at the Dalit Muslim Movement's leadership by publishing an article that criticises it bitterly.⁵² However, the dominant theme in all these critiques and dissensions is the material corruption that comes with power or grudges of not being treated fairly by the leadership. I would even like to suggest that none of these groups and factions is even willing to think beyond the JD(U) and is more likely to succumb to the slightest temptation offered by it.⁵³

Surely Nitish Kumar must be credited for having read the writing on the wall at the earliest. By co-opting the Dalit Muslim Movement's leadership and initiating various measures for the suppressed castes and sections (like reservations for the extremely backward castes (EBCs) and women in local bodies/panchayat elections) he has tried to rescript Bihar's political landscape. However, the Dalit Muslim Movement must chalk out a fresh strategy and pledge to defeat the BJP in the coming elections. Rather than delivering fiery speeches across the country Ali Anwar and Dr Ejaz Ali would do well to travel across Bihar and prepare their constituency for this task. If they do not act now and allow the fascists to piggyback on their shoulders to power it would be a complete betrayal of the central promise of the Dalit Muslim Movement.

Is the Dalit Muslim movement dying premature and set to repeat the history of early 60s? This question is back with another tragedy within the movement. The current fight for empowerment of Dalit Muslims would end up the same way as what happened under the leadership of Abdul Qaiyum Ansari. Ansari's Momin movement was one of the strongest for the rights of Dalit Muslim seen in post-independent India but it died, thanks to the vested interest of the leadership. Soon after Ansari secured a berth of minister in the Congress-led govt. and became busy with power politics, the movement was deserted. Some old people with the movement blamed the leadership thereby weakening the

⁵² Ershadul Haq, 2008, 'Bihar Muslim-Dalit Movement Dying?', *Dalit Voice*, June 15.

⁵³ This is what I observed during my fieldwork in Bihar. However, my confederates (Dalit Muslim respondents, not the office bearers or party cadre) were not very enthusiastic or having hope/expectation from JD(U) or any other political party.

movement. Nearly after half century, the movement faces more or less similar situation. After becoming MP (RS) on JD(U) ticket, Ali Anwar and Dr. Ejaz Ali, both have reduced the organisational activities and it seems almost dead. These two movements have⁵⁴ successfully been mobilising the extremely marginalised sections of Dalit Muslims.

It appears that the Mahaz & Morcha have no strategy through which to approach the important question of dealing with the Ashraf. In my opinion, this constitutes a fundamental problem which the Mahaz & Morcha need to address. Increasingly, through its various activities, one is being reminded that probably the Mahaz is only concentrating solely on its political goal: to make a mark in electoral politics, particularly in the North Indian states of Bihar and Uttar Pradesh. In doing this, the Mahaz has lost the character of a “movement” which it once had and has also compromised with its original agenda of democratization and equitable justice within Indian Muslim society. Two related developments have been responsible for this state of affairs. The first was a cooption by the Bihar state of Ali Anwar, the leader of the Mahaz. Although the Mahaz criticized *Ashraf* Muslims for monopolizing all the social resources; within the party, Ali Anwar was himself being criticized for being undemocratic and not sharing the privileges of his office with his long time comrades. A section of the Mahaz also felt that by joining the Janata Dal (United), which was in alliance with the Hindu rightwing Bharatiya Janata Party, the Mahaz was undermining its own secular agenda.

I would submit that Dalit Muslim leaders themselves had not realised and grasped the great potential of their movement. How the movement can bring about the transformation in the polity of the nation has not been fully grasped by its leadership. By breaking the myth of Muslim society being a homogeneous one, the Dalit Muslim movement gives a big blow to majoritarian ‘Hindu’ communalism. The social awakening that the Dalit Muslim movement can/brings along with it will also prove counterproductive to Islamic fundamentalism in the long run.

⁵⁴ Particularly, in the past.

Chapter V

Democratic Assertion and the Presidential Order of 1950

In the earlier chapters I have argued that there are a number of organizations struggling for Dalit Muslim reservation and to pressurize the government to include Dalit Muslims in SC list as they were in it before Independence. Among these organizations are the All India Backward Muslim Morcha (AIBMM) and the All India Pasmanda Muslim Mahaz. In recent years another organization, Akhil Maharashtra Khatik Samaj (AMKS) has also filed a petition in Supreme Court for the inclusion of Dalit Muslim Castes in the Scheduled Caste list. This is a newly founded organization namely Akhil Maharashtra Khatik Samaj (AMKS). Its chairman is Mr. Shamsuddin Shaikh. On 25th July 2008, a petition was lodged in the Supreme Court by the AMKS for the inclusion of Dalit Muslims in the Scheduled Caste Category which has been denied under the Presidential Order of 1950. In an important development for the PIL lodged in Supreme Court by the AMKS for inclusion of Dalit Muslims in Scheduled Caste category, the counsel court ordered Union of India to file a counter affidavit to the writ petition 13 of 2008 within the granted period of four weeks. Respondent(s) Additional Solicitor General Mr Mohan Parasaran from Union of India appeared before the Supreme Court to reply to the PIL on July 31, 2009, while Adv. Mushtaq Ahmed was present from the petitioner's side.¹ It had happened for the first time in the duration of full one year (during 2008-09) that someone from Union of India had responded to this petition. It was a positive path breaking achievement for this case. AMKS has also presented a memorandum to the President of India Mrs. Pratibha Patil for the same purpose.

¹ Mohammad Shahanshah Ansari, *'Inclusion of Dalit Muslims in Scheduled Castes: Apex Court Rekindles Hope'*, www.TwoCircles.net, Accessed on March 21, 2011.

The Struggle of Dalit Muslims for SC status

Articles 15(4) 16(4), of Indian constitution says that the state is empowered to make special provision for any socially and educationally backward class of citizens. Article 340 empowers the state to appoint a commission to investigate the condition of socially and educationally backward class. The aim of reservation is to uplift the deprived sections of society socially, not economically.

There have been two commissions appointed for backward classes at the all-India level to study the conditions of socially and educationally backward classes of the Indian society. Amongst the two the first was the Kaka Kalelkar Commission (1955). However, the Central Government did not accept that report and put it in the cold storage.

On reservation for Muslim Community there are two major opinions. Ashraf Muslims are one out of the two segments that demand reservations for Muslims. Ashraf Muslims' demand is for all Muslims. Their major arguments are that the constitution is about protection and discrimination in the context of class not caste. There is no casteism among Indian Muslims, so reservation should be given to all Muslims on economic grounds. All Muslims are socially and educationally marginalized, deprived and they have been sidelined from the mainstream. All profound Muslim religious and political organizations are headed by the so called superior caste of Muslims (Ashraf) who are 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 at par with Dalit Hindus, Sikh Dalits and Budhist Dalits. According to the Indian constitution religion-based reservation is invalid and not eligible/tenable. Hence providing reservations on religious ground will be unconstitutional. If reservations 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 SC, ST, and OBC Muslims will be completely overpowered by them. Hence first *Ashraf* should demolish caste-boundaries prevailing in Muslim society and then should ask for reservation for all Muslims on economic grounds. If Hindu, Sikh and Buddhist SCs can be given reservation, why should Muslim SCs be kept away from that reservation.

Arguments for Reservations for Dalit Muslims

If we go into the history of reservations, 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 reservations 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.² 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'.³ 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.⁴ However, the A.P High court and later on the Supreme Court rejected this on the grounds that reservations could not be given on a communal basis. In July 2006 the Congress-led UPA government also submitted a writ in the Supreme Court that reservation on communal

² Marc Galanter, 1984, *Competing Equalities: Law and the Backward Classes in India*, OUP, New Delhi.

³ See Kaka Kalelkar Commission (1955) and B.P. Mandal Commission (1980)

⁴ W. Chandrakanth, 2005, 'A Reservation Row', *Frontline*, Vol, 22, No. 14, Jul 02 – 15, <http://www.hindu.com/fline/fl2214/stories/20050715001804100.htm>, Accessed on December 11, 2009.

ground is invalid. Backward Class Commissions, High Courts and Supreme Court accepted caste as a class, because there is an 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 a well known fact that many ‘*ulama*’⁵ belonging to all sects supported casteism and caste-based discrimination as discussed in chapter one.

The Sachar Committee Report (which is accepted by all sections of Indian Muslim community) reports the existence of caste system among Indian Muslims:

“Since the Constitutional (Scheduled Caste) Order, 1950, popularly known as the Presidential Order (1950), restricts the SC status only to Hindu groups having ‘unclean’ occupations, their non-Hindu equivalents have been bracketed with the middle caste converts and declared OBC. Thus, the OBCs among Muslims constitute two broad categories. The halalkhors, helas, lalbegis or bhangis (scavengers), dhobis (washermen), nais or hajjams (barbers), chiks (butchers), faqirs (beggars) etc belonging to the ‘*Arzals*’ are the ‘untouchable converts’ to Islam that have found their way in the OBC list. The momins or julahas (weavers), darzi or idiris (tailors), rayeens or kunjaras (vegetable sellers) are *Ajlafs* or converts from ‘clean’ occupational castes.”⁶

Based on these findings, Sachar Committee 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.”⁷

⁵ Islamic religious scholar/leader.

⁶ Government of India, 2006, *Sachar Committee Report*, Prime Minister’s High Level Committee on Social, Economic and Educational Status of the Muslim Community of India, pp.193-4.

⁷ Government of India, 2006, *Sachar Committee Report*, Prime Minister’s High Level Committee on Social, Economic and Educational Status of the Muslim Community of India, pp.193-4.

Thus the claim that all Muslims are equally deprived is not correct. True, by and large, Muslims are deprived and face discrimination at the hands of communal Hindu forces. But within the Muslim community, Muslim SCs, STs, OBCs are more deprived than *Ashraf* Muslims. Almost all the Muslim organizations, educational institutions have been founded, headed and controlled 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.”⁸

Mr. Sayed Shahabuddin, who champions reservation for the ‘*Ashraf*’ in the name of all Muslims, also writes that the Muslim leadership was [and is] almost entirely in the hands of the ‘*Ashraf*’.

According to some reports there are some 35 Muslim castes that have SC background and engage in occupations traditionally associated with SCs.⁹ Dalit/OBC Muslims are demanding to amend the Constitution and include these castes in the SC category. This should not be practically difficult because the Constitution has already been amended twice, firstly in 1956 to include the Sikh SCs, and then in 1990 to include the Neo-Buddhist SCs in the SC list. This should also not be practically difficult because the Muslim SCs were included in SC list in 1935 in British period but they were excluded from this list in 1950 by a Presidential Order during Congress rule. It is a very big injustice that SCs of other religions get reservation on the basis of their caste but Muslim and Christian SCs are denied such benefits. Demand has been made for a separate quota

⁸ Government of India, 2006, *Sachar Committee Report*, Prime Minister’s High Level Committee on Social, Economic and Educational Status of the Muslim Community of India, pp.211-13.

⁹ M Naushad Ansari, *Reservation for Dalit Muslims*, <http://twocircles.net>, Accessed on January 25, 2011.

for Muslim and Christian SCs to protect them from religion-based discrimination (through Presidential Order of 1950). The Sachar Committee has also recommended for their inclusion in SC list. It says that by clubbing the *Arzals* and the *Ajlafs* among Muslims in an all encompassing OBC category, ‘the Mandal Commission overlooked the disparity in the nature of deprivations that they faced. 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, Most Backward classes (MBCs) carved out of the OBCs.’¹⁰

The UPA-I government led by Congress appointed the Ranganath Misra Commission to know the conditions of Linguistic and Religious Minorities. The Commission says:

16.3.4 “We recommend that Para 3 of the Constitution (Scheduled Castes) Order 1950 - which originally restricted the Schedule Caste net to the Hindus and later opened it to Sikhs and Buddhists, thus still excluding from its purview the Muslims, Christians, Jains and Parsis, etc. - should be wholly deleted by appropriate action so as to completely de-link Scheduled Caste status from religion and make the Scheduled Castes net fully religion-neutral like that of the Scheduled Tribes.”

16.3.5 “We further recommend that all those groups and classes among the Muslims and Christians, etc. whose counterparts among the Hindus, Sikhs or Buddhists, are included in the Central or State Scheduled Castes lists should also be covered by the Scheduled Caste net. If any such group or class among the Muslims and Christians, etc. is now included in an OBC list, it should be deleted from there while transferring it to the Scheduled Castes.”

16.3.6 “We further recommend that as the Constitution of India guarantees freedom of conscience and religious freedom as a Fundamental Right, once a person has been included in a Scheduled Caste list a wilful change of religion on his part should not affect adversely his or her Scheduled Caste status – as that would in our opinion

¹⁰ Government of India, 2006, *Sachar Committee Report*, Prime Minister’s High Level Committee on Social, Economic and Educational Status of the Muslim Community of India, p.195.

conflict with the basic constitutional provisions relating to equality, justice and non-discrimination on religious grounds; as also with the spirit of the old and time-tested Caste Disabilities Removal Act of 1850.”¹¹

Many State Governments and political parties are also in favour of granting Scheduled Caste status to the Muslim *Arzals* or Muslim Dalits (like Khatik, Mehter/Bhangi/Lal Begi/ Halakhor, Mochi, Mukri and Garudi etc.) and neo Christians converted from the Hindu Scheduled Castes. Some of the state governments have even recommended to the Government of India and have passed the resolution in assembly which includes Uttar Pradesh, Bihar and Andhra Pradesh. It is argued that originally the Hindu Dalits, Muslim Dalits (*Arzal*) and Christian Dalits were one and the same. It is a later phenomenon that some of the Hindu Scheduled Castes/Dalits converted to other religions. Humiliation and discrimination at the social level continues even after conversion from Scheduled Caste to any other religion like Islam or Christianity. Finally it is unconstitutional that similarly situated persons viz Hindu Dalits, Christian Dalits and Muslim Dalits are differentiated and discriminated though they perform the same type of ‘dirty’ jobs. For example Hindu Mehtars, Dhobi, Mochi, Khatiks, Bangaras etc have been put in the Schedule Caste category whereas their Muslim and Christian counterparts have been discriminated and denied the same Constitutional protection or privilege.

The Constitution (Schedules Castes) Order 1950 is based on religion, hence it is unconstitutional and goes against the Article 15 and 16 of the Constitution of India which prohibit discrimination based only on religion or caste. The said Presidential Order is also against the equality Article 14 of the Constitution which prohibits discrimination amongst similarly situated persons or groups. It is further not in conformity with the principle of reasonableness and propriety which has been judicially read in Article 14 of the Constitution of India. Though the religions of Islam and Christianity do not recognize the caste system like Hindus but reality is that it prevails amongst them also with a difference in degree. Thus the Order, 1950 is anti secular as it is in contradiction with the article 25

¹¹ Government of India, 2007, National Commission for Religious and Linguistic Minorities, Ministry of Minority Affairs, (headed by Justice Ranganath Mishra) pp.152-4.

of the Constitution as well. Commissions including the National Commission for Minorities and the National Commission for Religious and Linguistic Minorities have recommended that the Christian Dalits and the Muslim Dalits be declared as Scheduled caste at par with their Hindu counterparts. The Scheduled Castes converted to Sikhism enjoy reservation although Sikhism does not allow caste system and no proof was adduced that even after conversion to Sikhism the same caste disability and the former customs and traditions continued. Same is the case with Buddhists. The issue of the Scheduled Tribes is delinked from religion hence the issue of Scheduled Castes should also be delinked from religion. Hence untouchability should not be the sole criteria for the purpose of identifying the Scheduled Castes in view of the Article 17 of the Constitution Protection of Civil Rights Act and SC/ST(Prevention of Atrocities Act etc.) Instead of accepting the 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, Dalit Muslims and Christians will be included in the SC list - does not seem sincere in fulfilling its promise.

It was during the Congress government that Dalit Muslims and Christians were excluded from SC lists in 1950. Besides Congress, BJP and its mother organization RSS and its branches are opposing the inclusion of Dalit Muslims and Christians 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 the recommendation of Misra Commission for inclusion of Dalit Muslims and Christians into SC list, it has also threatened that if this status will be given to Muslim and Christian Dalits, the result will be dangerous.

The major threat to BJP, RSS and their like-minded organizations/individuals are that if Muslim and Christian Dalits are given SC reservation then all Hindu Dalits will either embrace Islam or Christianity. It is a well known fact that in the name of stopping conversions, RSS and its various affiliates are killing Muslims and Christians all over India. Imposing anti-conversion bill in various states like Gujarat, Rajasthan, Madhya

Pradesh, Tamil Nadu, Orisa and Andhra Pradesh is a part of their agenda. Not only are these right-wing organizations opposing Dalit conversions to Islam and Christianity the Congress government too is equally responsible for the same. In 1981, in Meenakshipuram, Tamil Nadu several Dalits accepted Islam during the rule of Mrs. Indira Gandhi, the Home Ministry of the then Congress Government instructed the state government to make an anti conversion law. BJP led state governments are offering Dalit Muslims reservation by asking them to reconvert to Hinduism. It is seen that many Dalit Muslims are getting and trying to get SC reservation by changing their Muslim names to Hindu names.

One of the issues the Commission on Religious and Linguistic Minorities appointed by the Government of India dealt with is the extension of affirmative action to Scheduled Caste converts to Islam. 'Scheduled Castes' is a legal and administrative term denoting castes among Hindus, Sikhs and Neo-Buddhists which possess three principal attributes: engagement in traditionally defiling occupations, exclusion from the main residential areas within localities and untouchability practiced against them by other castes on account of a presumed superiority of ritual status. There are other diacritical distinctions and restrictions that reinforce their distinctly low status. This limits the discussion to only those Scheduled Caste converts to Islam who embraced that faith after 'Scheduled Castes' became a legal and administrative entity. No doubt, cases of members of the Scheduled Castes converting to Islam are known (Meenakshipuram conversions are a case in point), but such cases have been few and far between.¹² Once such conversion

¹² Contrary to popular perceptions and State eagerness to enact legislations seeking to regulate conversions on the premise that large-scale conversions to Islam are indeed taking place Muslim proselytization efforts virtually ceased after Independence. Some Muslim groups continue to hold on to the concept of *dawat* (invitation to Islam), but are conscious that the political climate is too hot and problematic to attempt proselytization on a large scale. Unless castes come forward for reasons of their own (as happened in Meenakshipuram), conversions to Islam are now mostly individual and sporadic. For a discussion of the dynamics of the Meenakshipuram conversions, see Imtiaz Ahmad 'Threats and Responses: Conversions in Tamilnadu', *Economic and Political Weekly*, vol. 17, no. 43, 1982, pp. 1737-39 and 'The Tamilnadu Conversions, Conversion Threats and the Anti-Reservation Campaign: Some Hypotheses', *New Quest*, Vol. 34, 1982, pp. 219-26.

occurs, the proselytes are denied the recognition and entitlement of the 'Scheduled Castes'. No useful purpose is likely to be served by concentrating on this limited section both because the number of such cases is small and the more substantial question is that of those Muslims castes which share the characteristics of the castes currently included in the category 'Scheduled Castes' but are denied recognition and entitlement as 'Scheduled Castes'. There is, therefore, need to extend the discussion to those Muslim castes which share the attributes of the Scheduled Castes but are denied recognition and entitlement as 'Scheduled Castes'.

Several issues require discussion for an understanding of the situation of those Muslim castes which share the attributes of the Scheduled Castes, but are denied recognition and entitlement as Scheduled Castes. I have discussed several of these issues in other chapters and reflected on their situation in contemporary India.

Across the country there are around 35 castes of Indian Dalit Muslims which include Nutt, Bakkho, Khatik, Bhatiyara, Kunjra, Lalbegi, Dhunia, Kalal, Dafali, Halakhor, Dhobi, Gorkan, Meershikar, Rangrz, Darji, Mochis, Mukris and Garudis etc. Their condition is worse than any other community in India, a fact which was proved by the Sachar Committee Report. SC status to Dalit Muslims has been overdue for a long time now, because not only have they been a part of the same profession but it is also a fact, that they have been going through the same social discrimination as their Hindu counterparts. Many social scientists point towards increasingly good condition of Dalit Hindus, Sikhs and Buddhists, and for which they give credit to the reservations, they enjoy because of their SC status.¹³

The Case of Dalit Christians

In a Note for Cabinet dated 6.3.1996 Welfare Ministry had proposed to include Scheduled Castes converts to Christianity as Scheduled Castes in the Constitution (Scheduled Castes) Orders so as to make them eligible for all statutory safeguards and

¹³ <http://indianchristians.in/news> Accessed on November 25, 2010.

benefits accruing to members of Scheduled Castes. The Cabinet approved this proposal at its meeting held on 7.3.1996. In pursuance of this decision, the Constitution (Scheduled Castes) Orders (Amendment) Bill, 1996 (Bill No. 17 of 1996) was prepared. The Bills sought to amend the earlier Constitution (Scheduled Castes) Orders so as to remove the bar on Christian converted from the Scheduled Castes being deemed to be members of the Scheduled Castes. Although the Bill was listed for introduction as a supplementary item in the Lok Sabha, on 12.3.1996, it could not be introduced. Following the adjournment of Parliament, the Cabinet decided on 14.3.1996 that the Ordinance be issued for the purpose.¹⁴ An Ordinance was accordingly proposed to the President, but was not promulgated. Many governments have since assumed office.

Differing Perspectives on Constitutional Provisions

Article 341 of the Constitution lays down the procedure for specification of Scheduled Castes in relation to different States and Union Territories. Under Article 341(1), the first lists of Scheduled Castes in respect of different States/Union Territories are specified by notification through an executive Order of the President. Any subsequent, modification in these notifications can be effected only by an Act of Parliament under Article 341(2). Six such Presidential Orders specifying Scheduled Castes are at present in operation. These Orders, as amended to date, stipulated that “no person who professes a religion different from the Hindu, the Sikh or the Buddhist religion shall be deemed to be member of Scheduled Caste”.

The term “Scheduled Castes” appeared for the first time in the Government of India Act, 1935. The Government of India (Scheduled Castes) Order, 1936 issued under the Act specifically stated in Section (3) that no Indian Christian shall be deemed to be a member of Scheduled Castes. The first list of Scheduled Castes under Article 341(1) was notified through the Constitution (Scheduled Castes) Order, 1950. The test applied for inclusion of community in the list of Scheduled Castes was extreme social, educational and

¹⁴ See Report of the Standing Committee on Social Justice and Empowerment, 1997, Parliament Library. Lok Sabha Secretariat. New Delhi.

economic backwardness arising out of the traditional practice of untouchability. Under the Constitution (Scheduled Castes) Order, 1950, “no person who professes a religion different from the Hinduism shall be deemed to be a member of Scheduled Caste”.¹⁵ However, it originally contained the following provision:

“Provided that every member of Ramdasi, Kabirpanthi, Mazhabi caste, resident in the Punjab or the Patiala and East Punjab State shall in relation to that State be deemed to be a member of the Scheduled Castes whether he professes the Sikh religions”.

The range of constitutional issues arising from the demand of Dalit Christians and Muslims for inclusion with the Scheduled Caste category may be broadly summarized under two categories:¹⁶ (a) Position of those claiming SC status; and (b) Perspectives of the State

Social and educational backwardness persists even after conversion. State denies recognition of SC status only on the grounds that the concerned groups profess Islam and Christianity. In refusing SC status to Dalit Muslims and Christians the State violates Articles 14, 15 and 25 of the constitution that guarantees equality before the law and prohibits discrimination on grounds of religion. Such benefits have been extended to converts from Hinduism to Sikhism and Buddhism even though both these religions, like Christianity and Islam, do not recognise the caste system. Therefore, the state discriminates on grounds of religion which is violative of the fundamental rights enshrined under the constitution.

The criteria adopted for determining whether a community is eligible for inclusion in the list of SC's is extreme social, educational and economic backwardness arising out of traditional practices of untouchability. Since caste system and practices of untouchability are a feature of Hindu society, historically the system of special representations for SC's was evolved specifically in relation to the position of these castes in Hindu society who

¹⁵ Presidential Order of 1950.

¹⁶ NCM Report on Dalit Muslims and Christians, 2008.

were affected by the practice of untouchability. In conception Christianity is an egalitarian religion which does not recognise caste and is therefore antithetical to practices of untouchability.

Lack of authoritative and detailed study on the nature and extent of social disabilities, including untouchability is prevalent in the Christian community in India. Studies available at the time the Supreme or other Courts dealt with this issue did not, in the opinion of the Court, constitute adequate evidence. Similarly, studies based on subjective responses of small sample of SC Christian converts do not conclusively show that their social and economic position is the result of persistence of untouchability practices.

By an amendment to the Order in September 1956, the Hindu and Sikh religion were placed on the same footing with regard to the specification of Scheduled Castes, and the above provision was removed, in other words, persons other than Hindus and Sikhs would not be deemed to be Scheduled Castes regardless of their caste of origin. Buddhists of Scheduled Caste origin, or Neo-Buddhists, were also given the status of Scheduled Castes by the Constitution (Scheduled Castes) Orders (Amendment) Act, 1990. Prior to that various non-statutory developmental and other benefits had been extended to Neo-Buddhists over a period of time from 1971.

A large number of representations from various quarters, including Members of Parliament have been received for grant of Scheduled Caste status to Christian converts of Scheduled Caste origin. The cases related to Dalit Christians have also been cited/referred in this chapter. The arguments advanced are the same as were put forward in the case of the Neo-Buddhists, namely that their social and educational backwardness has persisted even after their conversion, and that they not only suffer from the same discrimination as their Hindu counterparts but, within the Muslim and Christians fold, they are considered “untouchables” vis-à-vis the Muslims and Christians converted from other castes, while the State denied them recognition of Scheduled Castes solely on the ground that they profess Islam and Christianity. Several Parliamentary Assurances are

also pending on the issue of benefits available to Scheduled Castes being extended to Scheduled Caste converts to Christianity and Islam.

It has also been contended that such benefits have long been extended to converts from Hinduism to Sikhism and lately, also to converts to Buddhism even though the Sikh and Buddhists religions like Islam and Christianity do not recognize the caste system. In practice, all converts from the Hinduism suffer from the same stigma which Scheduled Castes experience in the form of the traditional practice of untouchability. Further, the Muslim and Christian converts become eligible for benefits as Scheduled Castes once again if they reconvert to Hinduism. It is, thus, alleged that the denial of these benefits to the Scheduled Caste Christians amounts to discrimination by the State purely on the ground of change of religion.¹⁷

Analysis of the Demand: Criteria for Inclusion of Scheduled Castes

In various representations on the issues of statutory recognition to Scheduled Caste converts to Christianity and Islam as Scheduled Castes, the demand has been justified on the ground that despite no longer being a part of Hindu Society, Buddhists/Neo Buddhists have been granted this concession, and that Muslim and Christian converts from Scheduled Castes also suffer from the same disabilities as do the Hindu Scheduled Castes. However no authoritative and detailed study on the nature and extent of social disabilities, including untouchability, prevalent in the Muslim and Christian community in India is available. There is also no documented research to establish that the disabilities and handicaps suffered by the Scheduled Castes members in the social order of its origin (Hinduism) continues with their severity in the environment of Islam and Christianity.

Studies conducted by Ambrose Pinto in Karnataka Jose Kananaikal in Tamil Nadu have been furnished which purport to show that Scheduled Caste converts to Christianity in

¹⁷ T K. Oommen. 2007. State Policy and the Socially Deprived in India: Situating Muslims and Christians of Scheduled Caste Origin, *Indian Journal of Federal Studies*, January, p-19-30.

these States are socially, educationally and economically no better off than their Hindu counterparts. However, these studies are based largely on the subjective responses of a small sample of Scheduled Caste Christian converts, and do not conclusively show that their political social and economical situation is the result of persistence of untouchability practices against them. However, in their 1983 Report on Minorities, the High Power Panel on Minorities, Scheduled Castes and Scheduled Tribes and other weaker sections had stated that “as Scheduled Caste converted to other religions also continue to suffer from the same social and educational backwardness and recommended that the Presidential Order of 1950 be suitably amended to include the Scheduled Castes converts irrespective of the religion of their conversion so as to make eligible for all these concessions.¹⁸ No view was taken on these recommendations since it was considered to be outside the terms of reference of the Panel. The Report had looked into the educational and economic position of Christians, and separate data was presented in respect of the Scheduled Caste converts among them. The National Commission for Minorities have also recently recommended that the benefits available to Scheduled Castes be extended to converts from the Scheduled Castes to Christianity and Islam.¹⁹

“...based only on the descriptive and statistical evidence available, there is a strong case for including Dalit Muslims and Dalit Christians in the Scheduled Caste category. There are compelling arguments in favour of such an inclusion based on principles of natural justice and fairness. The balance of pragmatic considerations is also in favour of their inclusion. According due statutory recognition to Dalit Muslims and Dalit Christians would not only right a wrong, it would also remove an indefensible anomaly in our politico-legal system that can legitimately be construed as discriminatory.”²⁰

This recommendation is under consideration and no view has been taken. National Commission for Minorities has recommended this in its annual report as well. In the

¹⁸ Gopal Singh Committee Report on Minorities, the High Power Panel on Minorities, Scheduled Castes and Scheduled Tribes 1983, Government of India.

¹⁹ Government of India, 2008. National Commission for Minorities Report on Dalit Muslims and Christians. *Dalits in the Muslim and Christian Communities: A Status Report on Current Social Scientific Knowledge*. prepared by Satish Deshpande. pp.77-83.

²⁰ Ibid: 83.

context of these recommendations which apply not only to Muslim converts but also to those Scheduled Caste persons who have converted to other religions, a decision in favour of Muslim converts will open the door for others and can be challenged on the grounds of discrimination on the basis of religion.

However, the criteria of inclusion and standards of evidence remain the most contentious issues. The extension of Scheduled Caste status to Dalit Muslims and Dalit Christians appears to hinge on the question of evidence according to the crucial *Soosai* case. As Justice Pathak says in his judgement in this case, 'it is not sufficient to show that the same caste continues after conversion. It is necessary to establish further that the disabilities and handicaps suffered from such caste membership in the social order of its origin – Hinduism – continue in their oppressive severity in the new environment of a different religious community.'²¹ This distinction is related to the one that is analysed with admirable clarity by Marc Galanter,²² namely the distinction between caste as a unit designating a portion of the population (that which is to be measured) and as an indicator of status (measuring rod). Justice Pathak here appears to be assenting to the use of caste as a community unit (continuance of same identity after conversion) but questioning its use as a status marker. The contention here is that while castes (in the sense of distinct communities) may exist, this fact, which identifies a group as belonging to a particular caste, does not by itself allow us to come to any conclusion regarding the status of this caste relative to others. Relative status needs to be established independently of (or in addition to) the mere fact of belonging to a particular community.

The same judgement complains about the 'cursory' evidence placed before it, and about the absence of any 'authoritative and detailed' study on the condition of the Dalit Christians. It is also reiterated that in such cases the onus of proof is on the party that is alleging arbitrariness, not on the state. However, there are two separate issues involved here that need to be carefully considered, both individually and together. First, there is

²¹ As stated in Justice Pathak's judgement in the *Soosai* case of 1985 in the Supreme Court of India., p.10. See case summary in NCM Report on Dalit Muslims and Christians 2008.

²² Marc Galanter, 1984. *Competing Equalities: Law and the Backward Classes in India*, OUP, New Delhi. p.189.

the question of how precisely caste disability is to be established. The response to this seems to be (though it is not explicitly spelt out as such) that the claimant group (in this case Dalit Muslims and Dalit Christians) needs to establish, in addition to the fact of their caste identity, two further facts that they are worse off than their non-Dalit co-religionists, and that this is due to their caste status and that they are comparable in status to the Hindu, Sikh and Buddhist Dalits who are already recognised by the state as being in need of special consideration. Whether both these criteria are to be explicitly invoked; and if so, the relative weight that is to be attached to each (if it is not equal) are questions that need to be settled at some point if the legal debate is to make any progress.

The second issue concerns the standards of evidence on whatever set of criteria that is adopted. Here again there seem to be two issues involved. One is that of the quality of the evidence, that is, the standards of competence and levels of expertise that it demonstrates. The second issue is that of the extent (or 'quantity') of the evidence and the related consideration of arriving at an overall judgement on a body of material that is bound to present a complex and heterogenous picture. Further clarity on these issues is perhaps only possible after the fact – that is, after a body of material is presented to the courts and they come to some judgement as to their worth on the above counts. It is certainly true that in the two decades since the *Soosai* case (the judgement for which was delivered in 1985) a lot more ethnographic and other empirical evidence has been accumulated on this issue.²³

One noteworthy feature of the case history on this issue is that most of it pertains to the Christian community, and cases are mostly from south India. This reflects, perhaps, the extent of mobilisation and political consciousness amongst the community in comparison to Dalit Muslims, although the latter have also been organising of late. Finally, it needs to be pointed out that courts have been willing (specially in the earlier period rather than in more recent judgements) to rely on available social scientific studies, and have in fact done so without on their own whenever they have felt this material to be helpful. This is

²³ NCM Report on Dalit Muslims and Christians, 2008.

something that needs to be explicitly noted and addressed. It is encouraging to see that what mattered for the courts is the actual empirical practices associated with caste rather than a simplistic references to belief systems or rigid rules of formal evidence. This willingness to consider competent evidence provides ample opportunities for further action on this front.²⁴

Muslim and Christian Converts as OBCs

The Second Backward Classes (Mandal) Commission recommended that all untouchable converts to any Non-Hindu religion, and such occupational communities which are known by the name of their traditional hereditary occupations and whose Hindu counterparts have been included in the list of Hindu OBCs, should be considered as backward classes. According to these criteria, Scheduled Caste converts to Islam and Christianity are to be considered Socially and Educationally Backward Classes, to be entitled to such benefits as the Central Government and State Governments may decide from time to time.²⁵

With the implementation of the Mandal Commission Report, Scheduled Caste converts to Islam and Christianity have already become eligible for reservation in services and other facilities as Socially and Educationally Backward Classes (OBCs) in the Central (common) lists relating to the states of Andhra Pradesh, Assam, Bihar, Gujarat, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Punjab and Tamil Nadu, and UTs of Daman and Diu and Pondicherry. It is important to emphasise that it has created problem of a different kind. It has led to the clubbing together of two unequals; OBC and Dalit Muslims together in the same list.

²⁴ Ibid.

²⁵ Harish Wankhede, 2010, Unpublished PhD Thesis, *Secularism and Social Justice: Religious Minorities and Pursuit of Equality*, Submitted to Jawaharlal Nehru University, New Delhi. pp. 183-202.

Impact on Existing Scheduled Castes

So far, the policy has been to provide reservation to Scheduled Castes and Scheduled Tribes in services and educational institutions in proportion to their population vis-à-vis the total population. Currently, reservation is allowed for SCs and STs, at 15% and 7.5% respectively. However, as per the census the proportions of SCs and STs in total population has increased to 16.48% and 8.08% respectively, but the percentage of reservation for them has not yet been revised accordingly.

A large number of representations have been received for inclusion of around 1200 castes in the lists of SCs and STs. They have been pending for decision for several years and, in many cases of several decades. Appropriate modalities for deciding these cases are separately under consideration of their inclusion, if considered, will further increase the number of eligible persons among SCs and STs without any change in the percentage of reservation in view of the existing limit of reservation not exceeding 50 percent (including OBCs).

If it is decided to include SC converts to Islam and Christianity in the SC list, the existing SCs may view it as a step at their cost. This may create communal dissensions between the two groups. However, Ali Anwar argues that this problem can easily be solved: While including Dalit Muslims and Christians in the Scheduled Caste list, the Scheduled Caste quota should be proportionately increased. In this way, the other Dalits would not oppose this demand.²⁶

Government tries to avoid according SC status to Dalit Muslims and Christians. It cites the difficulty that in case the SC converts to Islam and Christianity are accorded the status of Scheduled Castes, administrative difficulties at the time of issuance of Caste Certificates would arise because of the difficulty in determining in many cases, their pre-

²⁶ Detailed personal interview with Ali Anwar Ansari, President of All India Pasmanda Muslim Mahaz, 28th March 2010, Patna.

conversion caste standing.²⁷ Christianity came to India several centuries ago and conversions have been taking place since then. The difficulties in precise and objectively deciding the determination of pre-conversion caste origin would open the floodgates for issuing bogus SC certificates which, even in the present circumstances, is a cause for concern. There has been opposition as well of the demand for inclusion of Dalit Muslims and Christian. A number of bodies like Kerala SC-ST Federation, All Kerala Pulayar Maha Sabha, the Federation of Central Government Scheduled Castes and Scheduled Tribes Employees (Kerala), Scheduled Castes Panthers of India, the Telangana Hindu Parishad, the Hindu Mathru Samiti and the Vishwa Hindu Parishad, have strongly opposed the inclusion of Scheduled Caste converts of Christianity in the list of Scheduled Castes on various grounds mentioned in this chapter. It is likely that fundamentalist Hindu organizations may project this step as an attempt to appease a minority group and foment communal unrest, pitting Hindu Scheduled Castes against Muslim and Christian converts.

A large number of representations from various organizations, members of Parliament and others have been received on the issue. Several Parliamentary Assurances are pending. Although there may be several difficulties in according Scheduled Caste status to Scheduled Caste converts to Islam and Christianity, the persistence and intensity of their demands for recognition seem to arise from an absence of improvement in their conditions even after embracing Islam or Christianity - religions which do not recognize caste and the practice of untouchability. It has been argued that a change of religion by itself does not remove the disabilities and backwardness of a community, and that SC converts to Sikhism and Buddhism have already been recognized as Scheduled Castes. Moreover, tribal converts to Christianity (and other religions) are recognized as Scheduled Tribes. The High Power Panel on Minorities, Scheduled Castes, Scheduled Tribes and other Weaker sections, in their 1983 Report referred to at para 13, had found that earlier disabilities continued even after leaving the Hindu fold. The National

²⁷ Government of India, 2008, National Commission for Minorities Report on Dalit Muslims and Christians. *Dalits in the Muslim and Christian Communities: A Status Report on Current Social Scientific Knowledge*, prepared by Satish Deshpande. pp.69-70.

Commission for Minorities has also recently recommended the extension of statutory benefits to SC Muslim converts (as also to Christian converts from these communities) as Scheduled Castes. Taking these factors into consideration, the Ministry of Welfare proposes that recognition of Scheduled Caste converts to Christianity as Scheduled Castes be accepted. This will require amendment, by an Act of Parliament, to the relevant provisions of the Constitution (Scheduled Castes) Order, 1950, the Constitution (Scheduled Castes) (Union Territories) Order, 1951, the Constitution (Jammu and Kashmir) Scheduled Castes Order, 1956, the Constitution (Dadra and Nagar Haveli) Scheduled Castes Order, 1962, the Constitution (Pondicherry) Scheduled Castes Order, 1964 and Constitution (Sikkim) Scheduled Castes Order, 1978. Consequently, Muslim and Christian converts from the Scheduled Castes will require to be simultaneously excluded from the Central list of other Backward Classes as well as the OBC lists of the concerned States.

Views of State Governments

Under Article 341 (2) Parliament may, by law, include or exclude caste/s from the lists of Scheduled Castes which had been notified after the consultation with the State Governments under Article 341 (1). The State Governments and Administrations were requested on 28.6.1996 to state their views by 8.7.1996 on the proposal to recognize SC Christian converts as Scheduled Castes. As on 20.8.1996, substantive responses had been received from sixteen State/UTs. These are summarized below:

(a) States/UTs which have concurred in the Proposal:

- 1) Madhya Pradesh
- 2) Punjab
- 3) Pondicherry
- 4) Tamil Nadu
- 5) West Bengal

States/UTs which have disagreed with the proposal:

- 1) Assam

- 2) Chandigarh
- 3) Daman and Diu
- 4) Goa
- 5) Haryana
- 6) Himachal Pradesh
- 7) Rajasthan
- 8) Delhi

Assam, Daman and Diu, Haryana and Rajasthan have opposed the proposal on the ground that there is no caste system in Christianity. Daman and Diu Administration have also pointed out that their inclusion would dilute the degree of positive discrimination in favour of the existing Scheduled Castes. The Delhi Government have also disagreed with the proposal on this ground. Goa Government has stated that there is no demand for such inclusion in their State. Chandigarh Administration have stated that their justification for the proposal since SC converts to Christianity are already listed since 1995 as OBC caste in UT (Central List of OBCs in respect of Chandigarh had not been notified.) The Government of Himachal Pradesh has stated that the population of Christians in their State is negligible.

The Government of Uttar Pradesh (on the ground that there is no popular Government at present in the State) and the Union Territories of Andaman Nicobar and Lakshadweep (on the ground that no Scheduled Castes are specified in relation to their areas), have stated that they have no comments to offer.

Four State Governments (Andhra Pradesh, Kerala, Jammu and Kashmir, and Maharashtra) had sought time to finalize their views. Response had not been received from the remaining States/UTs in a period of nearly two months of reasonable time that had been given to them, afterwards, the process of consultation might have been considered as having been completed.

Views of National Commissions

Under Article 338(9) of the Constitution, the Union and State Governments shall consult the National Commission for Scheduled Castes and Scheduled Tribes “on all major Policy matters affecting Scheduled Castes and Scheduled Tribes”. Under their letter dated 7.8.1996, the National Commission had opined that there is no justification for including Dalit Christians in the Scheduled Caste lists on the following grounds:-

- (a) Identifying Dalit Christians would present practical difficulties in the absence of authentic records with regard to their pre-conversion caste standing. This would aggravate the problem of false Scheduled Caste Certificates.
- (b) The Christians are adequately represented in the services. The proportion of Christians in IAS, IPS, Banking Services and Public Sector Undertakings is higher than their proportions in the population. They have, therefore, performed better in securing employment even without reservation benefits.
- (c) Scheduled Caste converts to Christianity are already entitled to reservation benefits as OBCs for whom reservations of 27% is available.
- (d) The proposal would result in cutting into the existing quota of SC/ST reservation, which is itself not adequate for their population which has risen to 25%.
- (e) The proposal is to amend the relevant Presidential Orders to include Christians (not Dalit Christians) in these Orders, which is not in conformity with the stated demands.

The fact that practical difficulties in issuing Scheduled Caste Certificates are likely to arise since conversions to Christianity have been taking place over several generations. With regard to Christians being adequately represented in the services even without reservations, it may be mentioned that this relates to representations of the Christian community as a whole. The number of the Christians in these services who are of Scheduled Caste origin is not known. With regard to points (c) and (d) above, the fact

that certain reservations and other benefits are already available to SC converts to Christianity as OBCs, and that their recognition as SCs would add to the number of Scheduled Castes competing for limited reservation quotas for SCs. As such, the doubts of the National Commission for SCs and STs on this score were misplaced.

Providing reservation for Dalit Christians and Muslims may not come easy for the Government with the National Commission for Scheduled Castes (NCSC) refusing to accommodate them within the prevailing 15 per cent SC quota in employment and education. The Commission headed by Buta Singh has conveyed in a report submitted to the Centre that though it supported the initiative of providing reservation to Dalit Christians, the same ought to be done without disturbing the existing quota available to the Scheduled Castes. The Government had sought the Commission's view on the Justice Ranganath Misra Commission Report on Status of Religious and Linguistic Minority submitted in May 2007²⁸ that advocated for quota for Dalit Christians. It had also forwarded Justice Rajinder Sachar Committee Report on Status of Muslims to the NCSC since both had recommended amendment in The Constitution (Scheduled Castes) Order, 1950 to include affirmative action even for other religious minorities. The issue is currently under challenge before the Supreme Court. The Centre informed the court that the NCSC report has been received. Additional Solicitor General (ASG) Gopal Subramaniam sought eight weeks time to file its response based on the view taken by the NCSC. The Bench headed by Chief Justice KG Balakrishnan had posted the matter to April 2008. The court was hearing a petition filed by an NGO, Centre for Public Interest Litigation, seeking amendment in the 1950 Order to recognise Scheduled castes among other religions besides Hindus. Backward groups among Christians, generally referred to as Dalit Christians, and low caste Muslims, who are discriminated on account of their social educational and economic backwardness have also represented in court to claim their share in reservation. Senior advocates Shanti Bhushan and Ram Jethmalani, who appeared for the petitioners, accused the Centre of dilly-dallying on the issue since the matter is pending before the court for years. Chief Justice Balakrishnan, however, refused

²⁸ Vidhu Verma. 2010. 'Reinterpreting Buddhism: Ambedkar on the Politics of Social Action', *Economic and Political Weekly*, December 4. Vol. XLV. No 4, pp.61-2.

to accept this contention stating, “The Government took a decision in 1950 and after 55 years, they (SCs) are coming to us.” Subramaniam assured that the Government will study the report and file its response within the stipulated period. Jethmalani too, on a previous occasion had accused the Government of employing delaying tactics. He pointed out a Bill being introduced by the Congress Party in 1996 seeking extension of reservation benefits to Christians. According to him, the Centre’s decision to refer the matter to the NCSC was to delay the process of implementation. “Such matters are to take minimum possible time. But the trouble is it is mixed up with politics all the time” he said, while appearing for SC Christians. The court has been firm on the demand to seek all the statistics and examine it in detail. The court had taken a stand that the issue whether there are Scheduled Castes among Christians is to be first investigated. “The Christians must say they have caste system in their religion,” the Bench had said on the previous occasion.²⁹

The National Commission for SCs has further stated that whatever reservations is proposed for Dalit Christians should be effected outside the existing reservations quota for the SCs so as to protect their interests. In particular, the Commission has also suggested that Government could either earmark a certain percentage out of the existing 27% reservation available for OBCs, or amend the Constitution to increase reservations beyond 50% to accommodate such demands. It may be mentioned that once SC converts to Christianity are recognized as Scheduled Castes, reservation benefits applicable to Scheduled Castes would automatically become available to them, and the question of a separate quota would not arise. With regard to provide separate reservations for them, over and above the existing quota this is not feasible in view of the Supreme Court rulings that total reservations cannot exceed 50%. At present, reservations for SCs, STs and OBCs taken together already amount to 49.5%.

²⁹ *Pioneer*, NCSC refuses Dalit Christians quota in employment, education, January 24, 2008; *The Hindu*, Centre gets time to decide on quota for Dalit Christians, January, 25, 2008; *Indian Express*, SC status for Dalit Christians: Centre seeks more time, January 24, 2008.

As has been mentioned earlier in the chapter, Scheduled Caste converts to Islam and Christianity are included in the Other Backward Classes in the Central lists in respect of several States. Section 11 of the National Commission for Backward Classes Act, 1993, stipulates that the Commission shall be consulted before excluding any such classes from the lists of other Backward Classes. However, there are instances when National Commission for Backward Classes has not been consulted.³⁰ The National Commission for Minorities has also recommended the extension of statutory SC benefits, not only to Scheduled Caste Muslims but also to Scheduled Caste persons who have converted to Christianity.³¹ Of late, there has been change in the position of various Ministry and Commissions with regard to the SC status to be given to Dalit Muslims and Christians.

Presidential Order of 1950

However, after constitutional denial of Scheduled Caste origins converted to Islam after the Presidential Order 1950, a million dollar question remains in the minds of Indian Dalit Muslims, 'Will the Judicial system of India give justice to Dalit Muslims now after 64 years of injustice done to them?'

After a prolonged delay, Commission on Religious and Linguistic Minorities known as Misra Commission finally submitted its report to United Progressive Alliance-I Government with recommendations that Dalit Muslims and Christians suffer socio-economic and educational backwardness, and should be given back the Scheduled Caste status and its beneficiaries to them. Upon its report and recommendation, the Supreme Court of India is yet to give its judgment.

For announcing the Constitution Scheduled Castes Order 1950, paragraph 3 as ultra vires and ultra motive against the secularism of our Indian constitution, Centre for Public Interest Litigation (Represented by former Law Minister of India and eminent Advocate

³⁰ In the case of inclusion in lists of the Koch-Rajbongshi community which was recognized as OBC, the Department of Legal Affairs had opined that consultation with the National Commission for Backward Classes would not be necessary.

³¹ See NCM Annual Reports 2008-10.

Mr. Shanthi Bhushan and Advocate Mr. Prashant Bhushan) and Franklin Caesar Thomas had collectively filed the civil writ petition in the Supreme Court on 22 March 2004. This petition was filed by CPIL for getting the Scheduled Castes status to converted Christian and Muslim members of the enumerated castes people of India.³²

Concerned with the above said civil writ petition: 180/2004, Union of India had referred this matter to National Commission for Religious and Linguistic Minorities. NCRLM had positively recommended to Union of India for granting Scheduled Castes status to the above said people by deleting the paragraph 3.³³ After agreeing in the Supreme Court, based upon the NCRLM Report, Ministry of Social Justice had asked the National Commission for Scheduled Castes to give comment regarding the extension of Scheduled Castes privileges to these people by giving one set of the NCRLM report to the National Commission for Scheduled Castes.

By accepting the Social, educational, economical and cultural backwardness of the Muslims and Christians of the Scheduled Castes origin people, Scheduled Castes Commission had asked the Union of India for granting them the Scheduled Castes status. As per the constitutional power of the Indian Constitution Article 338, sub division 9, National Commission for Scheduled Castes had accepted and recommended to grant Scheduled Castes status to these people.³⁴

As per the above said recommendation, the above said Dalit Muslim and Dalit Christian people are affected by the traditional practice of untouchability in the civil society and in their religious society. As per the revised modalities of the Union of India for getting Scheduled Castes status to particular communities, State Governments have to recommend to Ministry of Social Justice and Empowerment. Then Census Commissioner and the Registrar General of India have to give recommendations for these communities

³² Franklin Caesar Thomas, 2010, *The Struggle of Dalit Muslims and Dalit Christians for Scheduled Caste Status*, IDMV.

³³ Government of India, 2007, National Commission for Religious and Linguistic Minorities, Ministry of Minority Affairs, (headed by Justice Ranganath Mishra), pp.153.55.

³⁴ See NCSC Annual Reports. 2003-06.

to be treated as Scheduled Castes. Then finally, National Scheduled Castes Commission for Scheduled Castes has to give a positive recommendation regarding the proposal. Then the Group of Ministers or the Cabinet has to pass a resolution to bring the bill in Parliament.

Around twelve State Governments and Union Territories have recommended to Union of India for granting the SC status to these people. In the year 2000, Bihar State Assembly had passed a resolution for granting SC status to Dalit Muslims and Dalit Christians; in the year 2006 Uttar Pradesh State Assembly had passed a resolution in the state assembly for granting the SC status to Dalit Muslims and Dalit Christians, in the year 2009, Andhra Pradesh State Government had passed a resolution in its assembly for granting the SC status to Dalit Muslims and Dalit Christians. Without referring the matter to the Registrar General of India, directly, Union of India had asked the National Commission for Scheduled Castes to give comments, as per the Government's request, NCSC had asked the Union of India to grant SC status to these people. Scheduled Castes Commission's entire recommendation was submitted in the Apex Court of India by the Additional Solicitor of India concerned with the above said Civil Writ petition No: 180, year 2004. The Supreme Court had issued notice to the Centre on a petition challenging the constitutional validity of the 1950 Presidential Order providing quotas for Scheduled Castes only in Hinduism, Sikhism and Buddhism. A Bench consisting of Chief Justice K.G. Balakrishnan and Justice R.V. Raveendran issued the notice, returnable in four weeks, on a public interest litigation petition filed by the Akhil Maharashtra Muslim Khatik Samaj. The petitioner said there were *Arzals* (Dalits) in the Muslim community who also needed reservation. Though Hindu Khatiks (those who slaughter animals) were included in the SC category, Muslim Khatiks were denied the benefit despite being their being on the same social strata and facing similar discrimination. On 23.01.2008, the Additional Solicitor General of India had asked the Apex Court to grant the Centre eight weeks to file its response to similar petitions filed by Christian organisations and individuals seeking extension of reservation to Dalits within their community. The Samaj pointed out that the Justice Rajinder Sachar Committee and the National Commission for Religious and Linguistic Minorities headed by the former Chief Justice of India Rangnath

Misra had recommended de-linking of religion from the issue of SCs and that the quota be extended to Dalits of all religions. There was need to identify and include Muslim *Arzals* such as Khatiks, Mehters, Bhangis, Lalbegis, Halakhors, Mochis, Mukris and Garudis in the SC category.³⁵ However, even after the grant of eight weeks time to take a decision in the Cabinet, Group of Ministers meeting for bringing a reply to the Apex Court of India, the Union of India did not file any reply in the Supreme Court of India as per their commitment.³⁶

Without proper evidences, materials, Union of India had granted Scheduled Castes status to Dalit Sikhs and Dalit Buddhist. If question is raised for granting the Scheduled Castes status to Dalit Buddhist and Dalit Sikhs, it is told that Sikhism and the Buddhism are the off shoots of Hinduism. If it was so, in the year 1950 itself these people would have been treated as Scheduled Castes, why did the Union of India separately add Sikhism in the year 1956 and the Buddhism in the year 1990, particularly in the Presidential Order 1950, paragraph 3? However, as per the National Commission of Minorities Act 1993, Buddhism and Sikhism are the separate religions from Hinduism.³⁷ It is believed that like Islam and Christianity, Sikhism and Buddhism also do not recognize the untouchability and casteism, nevertheless, they had been given the Scheduled Castes status.

For proving the social, educational, economical and cultural backwardness of Dalit Muslims at par with Dalit Hindus, Union of India has with it the Mandal Commission's recommendations, NCRLM Recommendations, National Commission for Minorities Recommendations, National Commission for Scheduled Castes recommendations, detailed study done by Prof. Satish Deshpande (National Commission for Minorities Report), and Sachar Committee (High Power Committee of the Prime Minister of India) etc., recommendations regarding the extension of Scheduled Castes privileges to Dalit Muslims, and various State Governments' State Commission recommendations. The above said Commission Reports prove the traditional practice of untouchability which are

³⁵ *The Hindu*, 2008, Notice to Centre on Plea for Quota for Dalit Muslims, January, 27.

³⁶ Franklin Caesar Thomas, 2010, *The Struggle of Dalit Muslims and Dalit Christians for Scheduled Caste Status*, IDMV.

³⁷ NCM website, ncm.nic.in. Accessed on 10 July 2008.

faced by Dalit Muslims in the civil society and in their religious society at par with Hindu Scheduled Castes. Untouchability is an occupation oriented discrimination in the society. United Nations Human Rights Council's Committee on the Elimination of Racial Discrimination had strongly recommended to Union of India in the year 2007, for granting the Scheduled Castes status to these people. United Nations Socio Economic Council and the Special Rapporteur on Religious Tolerance of UN Human Rights Council had stressed that the Union of India grant the Scheduled Castes status to Dalit Christians and Dalit Muslims based up on violation of Human Rights basis.

There has been another positive development with regard to the case of Dalit Muslims. As referred earlier, the National Commission for Minorities (NCM) came up with a much-needed report on the Dalit Muslims and Christians in April 2008. The Report concludes that there is no reason to not include Dalit Muslims and Dalit Christians in the category of Scheduled Castes because these Dalits share the same socio-economic status, and stigma also, as their counterparts in the Hindu community.³⁸

The report titled "Dalits in the Muslim and Christian Communities: A Status Report on Current Social Scientific Knowledge" reveals that economically and educationally, the condition of Dalit Muslims is generally poorer than other Dalits, and Dalit Christians too lag behind upper caste Christians on that front. In an interview with Prof. Zoya Hasan,³⁹ the then Member of the NCM highlighted that the report is an important development in that the courts have been repeatedly asking for objective data for providing constitutional facilities to Dalit Muslims and Dalit Christians.

Discussing the social conditions of Dalit Muslims and Dalit Christians, the report says, "There can be no doubt whatsoever that Dalit Muslims and Dalit Christians are socially known and treated as distinct groups within their own religious communities. Nor is there any room for disputing the fact that they are invariably regarded as 'socially inferior'

³⁸ Government of India, 2008, National Commission for Minorities Report on Dalit Muslims and Christians, pp.81-2.

³⁹ Personal Interview with Prof. Zoya Hasan, the then Member of the National Commission for Minorities, on the issues related to Dalit Muslims on March 3, 2009.

communities by their co-religionists. In short, in most social contexts, Dalit Muslims and Dalit Christians are Dalits first and Muslims and Christians only second.”⁴⁰

Some may argue against the NCM report conclusions, but there is no denying the fact that Dalits in Muslim and Christian communities are not taken socially at par with other castes in them. The report further says, “While the overall status imposed on Dalit Muslims and Dalit Christians is always that of an inferior group, the manner in which social distance or superiority is asserted by non-Dalits (and specially the ‘upper’ castes) varies both across Dalit Muslims and Dalit Christians and also across regions and contexts. Such variation is present in all Dalit communities of all religions.”⁴¹ The report, however, admits that practices of discrimination and exclusion against Dalit Muslims and Dalit Christians cannot be described as intensified.

The report also talks about social, cultural and religious segregation faced by Dalit Muslims and Dalit Christians. “Social segregation extends to the sphere of worship and religious rituals, with separate churches and priests being almost the norm among Dalit Christians and not uncommon among Dalit Muslims,” the report concludes. The report has found that occupational segregation, economic exploitation and untouchability, though not intense, are also prevalent in the communities. Equipped with the much-sought after study, the NCM would like to present the case of reservation for Dalit Muslims and Dalit Christians before the government. But there are some legal hurdles in the way. Not only NCM but social and political pressure groups from the concerned communities will have to work extra time to remove these hurdles first.

It is true that Dalit Muslims and Dalit Christians cannot be included among Scheduled Castes easily, and thus they cannot be granted reservation, thanks to the Presidential Order of 1950. As mentioned earlier, the Order denies inclusion of Dalits of any community other than Hindu in the Scheduled Castes category. The third paragraph of

⁴⁰ Government of India, 2008, National Commission for Minorities Report on Dalit Muslims and Christians. pp.77-78.

⁴¹ Ibid: 78.

the order says, “notwithstanding anything contained in para 2, no person who professes a religion different from Hinduism shall be deemed to be a member of the Scheduled Castes.”

It means that Dalit Muslims and Dalit Christians can be included among the Scheduled Castes only after the amendment of the Indian Constitution. If it happens, it would not be the first time. The relevant part of the Constitution containing the order has been amended twice: first in 1956 and second in 1990. Through these amendments, Sikhs and Buddhists respectively were included in the Scheduled Caste category and thus they availed the benefits of reservation.

As of now, the Constitution does not recognise Scheduled Caste converts to Islam and Christianity as eligible for benefits availed by Scheduled Castes of Hindus. Dalit Muslims and Dalit Christians challenge the discriminatory part of the 1950 order that denies the inclusion of Dalits of any community other than Hindu in the category of Scheduled Castes. Their argument is that that part of the order runs contrary to the provisions 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.

Having said that, on what grounds the presidential order of 1950 decided, in opposite to the explicit wording of the Constitution, remains an enigma and has not been adequately researched upon. It is clear that the distinction arose out of the strong Hindu undertones of nationalism as it took shape in India. Since the idea of nationalism simultaneously propagates the notion of a national community which in this case was seen as the ‘Hindu community’, there was fear that if the extremely stigmatized and excluded castes in other religious traditions were allowed eligibility as Scheduled Castes there would remain no check on conversion of lower groups to them (already the idea that the lower groups had converted to Islam because of their lowly position in Hindu society was widespread). The idea that the term ‘Scheduled Castes’ should be restricted to Hindu ‘ex-untouchables’

was introduced to prevent conversion of lower Hindu groups to other religions and thereby to prevent any subsequent depletion of the 'Hindu community'.⁴²

Contemporary Developments

The findings in my previous chapters argue that debate on Dalit Muslim reservations has been an ongoing one in spite of repeated assurance given to Dalit Muslim communities to be included in Constitution Scheduled Caste Order 1950. The fundamental, birth and constitutional rights of Muslims from Scheduled Caste origins have been denied for many decades.

As we know, Dalit Sikhs protested to be included in Constitution (Scheduled Caste) Order 1950 and finally got their fundamental and constitutional rights (which were denied to them) of being Scheduled Caste origin converted to Sikhism. They were listed in Presidential SC/ST Order 1950 by amending Para 3 of Article 341 in 1956. Dalit Buddhists remained deprived of their fundamental and constitutional rights of Scheduled Caste status for 40 years until the Para 3 of Article 341 was amended in 1990 to include Scheduled Caste origins converted to Buddhism.

In 1979, the President of India by an Order, under Article 340 appointed the second backward commission, which is known as Mandal Commission to investigate the conditions of socially and educationally backward classes within Indian Territory. The commission submitted its report on December 31, 1980 that "conversion from the faith to another did not change the socio-economic status of a person. It was, therefore, desirable that converts from Scheduled Castes to Buddhism, Christianity and etc. should be treated as Scheduled Castes, but until this change was brought about by legislation, all such converts should be listed as Other Backward Classes (OBCs)". The Mandal Commission

⁴² What role did the presence at that time of Dr. Rajendra Prasad at the helm of affairs played in this process is also worth investigation in the context of his subsequent strong opposition to the passing of the Hindu Code Bill.

also stated that “though caste system is peculiar to Hindu society yet, in actual practice, it also pervades the non-Hindu communities in India in varying degrees.”⁴³

In 1980, The Minorities Commission in its 3rd Annual Report 1980 in page no. 31 stated that “The Commission has prima facie felt that since the Christians, Muslims and Buddhists 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.”⁴⁴

In 1984, The Supreme Court of India in the case of *S. Anbalagan Vs. Devarajan* AIR 1984 SC 411, said that “the practice of caste however irrational it may appear to our reason and however are repugnant it may appear to our moral and social sense, it is so deep rooted in the India people that its mark does not seem to disappear on conversion to a different religion.”⁴⁵ In 1993, The Union Government of India included Scheduled Caste converts to Christianity and Islam in the “Other Backward Classes” in a resolution passed on September 10, 1993 by the Ministry of Social Welfare for the purposes of the reservation on 27% vacancies in civil posts and service under the Government of India. In 1995, A memorandum signed by Members of Parliament dated May 1, 1995 was submitted to Shri. P. V. Narsimha Rao, the then Prime Minister of India, for immediate inclusion of statutory benefits to the Scheduled Caste converts to Christianity and also requested to introduce the required Bill during the current session of the Parliament. In 1996, a memorandum dated February 20, 1996 and signed by 103 Bishops of India was submitted to Shri P. V. Narsimha Rao to include statutory benefits to Scheduled Caste Converts to Christianity in Presidential SC/ST Order 1950 by promulgating an Ordinance immediately. In the same year, in a note for Cabinet dated March 3, 1996 Ministry of Social Welfare had proposed to include Scheduled Caste converts to Christianity as Scheduled Castes in the Presidential SC Order 1950 to make them eligible for all statutory safeguards and benefits available to the members of Scheduled Caste. The

⁴³ Mandal Commission Report 1980.

⁴⁴ Minorities Commission, 3rd Annual Report 1980:31.

⁴⁵ *S. Anbalagan Vs B. Devarajan and others* (1984) AIR SC 411

Cabinet approved this proposal at its meeting held on March 7, 1996 to introduce the Bill to amend the earlier Constitution Scheduled Caste Order. Although the Bill was listed for introduction on March 12, 1996, it could not be introduced as some procedural lapse and new government was expected to assume. In 2003, Ministry of Social Justice & Empowerment, Government of India in its Annual Report of 2002-2003 in Chapter 3, noted that the Scheduled Castes converted to Christianity did not avail all the schemes implemented for various developmental program for Scheduled Castes.⁴⁶ In 2004, Centre for Public Interest Litigation through its General Secretary and T. Franklin Caesar of Tamil Nadu filed a Writ Petition dated March 22, 2004 under Article 32 of the Constitution of India challenging the Para 3 of Article 341 of Constitution (Scheduled Caste Order) 1950. More than a dozen individuals and advocates have filed writ petitions challenging the same Para of the same Article. This case has been going on in Supreme Court of India ever since. Dalit Muslims and especially Christians are continuing their legal battle with Indian Judicial system.

There was a hearing on the PIL filed related to Dalit Muslims on July 12, 2010. UPA government did it yet again. It was the eighth extension, which the Central government sought for the hearing of a PIL lodged in Supreme Court, for inclusion of Dalit Muslims in Scheduled Caste category, by Akhil Maharashtra Khatik Samaj (AMKS). Representing the government side, Gopal Subramaniam, Solicitor General of India, told the apex court that the government needs some more time to take a stand on this whole issue, particularly now when Ranganath Misra Commission has submitted its report, recommending SC status to the Dalit Muslims.⁴⁷ Reportedly the government counsel said that the proposal is yet to be discussed by the concerned high power Group of Ministers (GoM) which is Cabinet Committee on Political Affairs (CCPA). Talking to TwoCircles.net, Shamsuddin Kadir from the legal cell of AMKS pointed out that, "It has been quite a journey for us in our decade old fight to get SC status to Dalit Muslims. After 8 extensions and delays the situation now is that, it is the extreme and climax of the

⁴⁶ Government of India , Ministry of Social Justice & Empowerment, Annual Report of 2002-2003, Chapter 3.

⁴⁷ Source: www.TwoCircles.net accessed on 13th July 2010.

case. The UPA government is just adopting the delay tactics, which is the easiest way out when you don't want to do any thing. In the next hearing we will request the apex court not to give further time to the government." The actual petition was filed by AMKS on January 25, 2008 but in spite of the delays and eighth extensions he sees some positive developments about the case. "There used to be a time when no body used to turn up from the government side. It is a positive path breaking achievement for this case that the government has responded to our petition."

He is also hopeful that the government doesn't have much option but to give Dalit Muslims Schedule Caste status. "One day it has to include Dalit Muslims in the SC category because its own Commission, in the form of Ranganath Misra Commission has recommended it and a constitutional body like National Commission for Schedule Caste and Schedule Tribe has cleared it. So there is nothing it can put against the proposal, besides what has been happening with Dalit Muslims is completely unconstitutional. That is why it is very clear for the apex court to see that it is out and out unconstitutional."⁴⁸

AMKS is not alone in fighting for this, Franklin Xaviers along with Center for Public Interest Litigation, had filed a PIL in the Supreme Court, way back in March 2004, for the Dalit Christians and Muslims to be included in Schedule Caste category. Their side is represented by well known human rights lawyer Prashant Bhushan. The story with their PIL is the same as that of AMKS. Franklin who is the second petitioner in this case, told that they will request the apex Court not to give further time to the government and insist for an immediate reply from the government.

Many believe that government might be delaying because of political considerations. But Franklin has a solution for that as well. "If legal means is not enough and the government wants political campaigning then for that we have called for a nation wide rally on July 21, 2010, to express the urgency and gravity of Christians' Muslims' and secular-minded peoples' for the just demand for the SC status to Dalit Muslims and Christians." I was a

⁴⁸ Source: www.TwoCircles.net accessed on 13th July 2010.

participant in the above mentioned rally. It was attended by more than 15,000 Dalit Muslims and Dalit Christians. Political leaders like D Raja, Brinda Karat, Ali Anwar prominent among others, attended and addressed the rally. In an interview with John Dayal he vehemently argued for the case and emphasized the need for a united movement of Dalit Muslims and Christians in this regard.⁴⁹

Judicial Perspectives ⁵⁰

The Courts seem to have been quite willing to concede the point that caste survives conversion, and that despite professing faith in a religion which has no scriptural sanction for caste distinctions, members of the religion may continue to be identified and treated as a member of the original caste. While they have rejected the claim that caste may be acquired by marriage (as in the *Valsamma Paul (Mrs); v. Cochin University and Others*, case summarised in the NCM report on Dalit Muslims and Christians), they have allowed that it is retained despite conversion and re-conversion (as in the *S. Anbalagan Vs B. Devarajan and others* case summarised in the NCM report on Dalit Muslims and Christians). So the caste status of persons who have converted to other religions and are no longer practising Hindus, and even of those who were born as non-Hindus and never professed the Hindu faith, is not an issue in the courts.

In *State of Kerala and another vs. Chandra Mohan* (2004) 3 SCC 42 the question before the Supreme Court was whether a person on conversion to another religion (here Christianity) continues to remain a member of his tribe. The court rules that upon conversion a person may be governed by a different law but that does not in itself result in his loss of membership of the tribe, given that it is established that a person who has embraced another religion is still suffering from social disability and following the customs and traditions of the community to which he earlier belonged.

⁴⁹ Personal Interview with John Dayal, on the issues related to Dalit Muslims and Christians on 21, July 2010.

⁵⁰ This section heavily draws from NCM Report on Dalit Muslims and Christians.

In *Soosai Vs Union of India and others* (1985) (supp) SCC 590 the Government of India set up a Special Central Assistance Scheme for the welfare of Scheduled Castes. Consequent to a proposal under this Scheme, allotment of bunk free of cost were to be made to cobblers by profession who worked on the roadside, by the State Government of Tamil Nadu. This Order specifically stated that persons belonging to the Scheduled Castes and who converted to Christianity were not eligible for assistance under the scheme. The petitioner, who was a Hindu belonging to the Adi-Dravida caste and on conversion to Christianity, continued as a member of that caste, -contended in his writ petition to the court that he had been denied the benefit of the welfare assistance intended for Scheduled Castes on the ground that he professes the Christian religion, and that such discrimination had been affected pursuant to the provision contained in paragraph 3 of the Constitution (Scheduled Castes) Order, 1950 and that the provision was constitutionally invalid as being violative of Articles 14 to 17. The court held the following: "...it cannot be disputed that the caste system is a feature of the Hindu social structure. The division of the Hindu social order by reference at one time to professional or vocational occupation was moulded into a structural hierarchy which over the centuries crystallized into a stratification where the place of the individual was determined by birth. Those who occupied the lowest rung of the social ladder were treated as existing beyond the periphery of civilised society, and were indeed not even "touchable". This social attitude committed those castes to severe social and economic disabilities and cultural and educational backwardness. Both history and latter day practice in Hindu society are heavy with evidence of this oppressive tyranny.

In *K.C Vasanth Kumar and Another vs State of Karnataka* (1985) (supp) SCC 714 opinion of the law court is sought on reservations with respect to two issues (a) How to identify backward classes for the purpose of reservation? (b) What should be the permissible extent of reservation? In this context, one such judge Chinnappa Reddy J. made a case for caste as the primary index for social backwardness. He argues that "...one must recognise the omnipresence of caste in the Indian society. So sadly and oppressively deep rooted is caste in our country that it has cut across even the barriers of religion. The caste system has penetrated other religious and dissentient Hindu sects to

whom the practice of caste should be anathema and today we find that practitioners of other religious faiths are sometimes as rigid adherents to the systems of caste as the conservative Hindus. We find Christian Harijans, Christian Madars, Christian Reddys, Christian Kammas, MujbiSikhs etc.”

Conclusion

Going by the overall attitude of the courts as summarised in the NCM Report on Dalit Muslims and Christians, the main judicial obstacle to the recognition of Dalit Muslims as Scheduled Castes appears to have been the lack of the appropriate kind of evidence regarding their relative status. The encouraging sign here is that the courts have not refused to entertain this line of argument, they have only asked for proof beyond mere caste identity. While there are important issues of evidence still to be clarified, perhaps this can be best done through direct engagement in the judicial process, in dialogue with the courts.

In the two decades since the last major judicial pronouncement on this question in the *Soosai* case, a lot more evidence has become available. While some parts may be ambiguous and others subject to wide variation, this body of evidence when taken as a whole is unambiguously clear on the fact that there is no compelling evidence to justify denying SC status to Dalit Muslims. If no community had already been given SC status, and if the decision to accord SC status to some communities were to be taken today through some evidence-based approach, then it is hard to imagine how Dalit Muslims could be excluded. Whether one looks at it positively (justifying inclusion) or negatively (justifying non-inclusion), the Dalit Muslims are not so distinct from other Dalit groups that an argument for treating them differently could be sustained. In sum, the actual situation that exists today – denial of SC status to Dalit Muslims, but according it to Hindu, Sikh and Buddhist Dalits – could not be rationally defended if it did not already exist as a historical reality.

A possible objection to the above argument could be that it is negative and counterfactual. One could insist, further, that a positive argument for adding Dalit Muslims to an already existing and ‘occupied’ – but not necessarily ‘full’ – category is required today, given that SC status is a *fait accompli* for some groups and can hardly be undone. The historical legacy of such an unjustifiable anomaly can only be addressed by robust, evidence-backed reasoning followed up with a broad-based social movement to build popular support.

It must be granted, however, that even a counterfactual argument is successful in establishing that objections or obstacles to the recognition of Dalit Muslims are matters of politics and pragmatism rather than principle. The common pragmatic objections that are raised concern the ‘feasibility’ of the move in terms of the administrative procedures involved. While these may seem difficult initially, we must remember that similar or even greater difficulties have been faced in the other cases, which tend to get forgotten because they are in the past rather than awaiting us in the future. Another pragmatic consideration is that of the numbers involved. Here the weight of the argument is in favour of rather than against inclusion. For both Dalit Muslims and Dalit Christians taken together (at least on the NSSO estimates) appear to be under three million people, constituting about one-and-a-quarter percent of all rural Dalits, and about two-and-a-quarter percent of all urban Dalits. Though it is certain that the NSSO estimates are undercounts, the eventual numbers are highly unlikely to be such that they justify a ‘lifeboat’ type argument, where further crowding must not be allowed for it would sink the boat and drown everyone.⁵¹

We are left, then, with the political factors and this is where the imponderables are. It is difficult to speculate on the political factors involved in decisions of this sort. But one procedural factor can surely be mentioned. This is the fact that, as matters stand, going the judicial route tends to pit the judiciary against the legislature and the executive, in so far as the courts would be asked to find an existing law unconstitutional. There is, of

⁵¹ Government of India, 2008, National Commission for Minorities Report on Dalit Muslims and Christians.

course, nothing in principle against such a route. But given the special circumstances that have shaped the history of this question, the political route may seem to be the more direct one. After all, the previous amendments to the Presidential Order of 1950 have been achieved through that route. And whatever may have happened as part of the procedures followed within the executive, these legislative initiatives themselves have not been explicitly and publicly justified in terms of the kind of evidence that the courts are (rightly) demanding in cases seeking inclusion of Dalit Muslims. This is not to say that the groups currently recognized would fail the test of evidence, but to point out that, in effect, different standards are being applied to different groups situated similarly on the same question.

To conclude, based only on the descriptive and statistical evidence available, and NCM report's clear cut position that there is a strong case for including Dalit Muslims in the Scheduled Caste category. There are compelling arguments in favour of such an inclusion based on principles of natural justice and fairness. The balance of pragmatic considerations is also in favour of their inclusion. According due statutory recognition to Dalit Muslims would not only right a wrong, it would also remove an indefensible anomaly in our politico-legal system that can legitimately be construed as discriminatory. Whether or not such discrimination can be proven in a court of law, it will surely weigh on the conscience of every fair-minded Indian.

Conclusion

The forgoing chapters have tried to provide an account of the growing consciousness, democratization, assertiveness and political mobilization of Dalit Muslim castes. The thesis has examined 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. It has highlighted the issues of discrimination and recognition and related questions confronting Dalit Muslims today.

Social stratification along castes is a reality among Muslims in India. The first chapter de-bunks the myth of representing/looking at Muslims as a single, monolithic and homogenous group. It also highlights the prevalence of caste among Indian Muslims and its historical background. I examined several issues for an understanding of the situation of those Muslim castes which share the attributes of the Scheduled Castes, but are denied recognition and entitlement as Scheduled Castes. I have discussed several of these issues in previous chapters and reflected on their situation in contemporary Bihar/India.

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, 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.

Significantly, different Dalit and OBC groups on the margins have started asserting the power of their vote bank and their rights. The results of these have started coming in and we can see that they have been grabbing their own slice of state power. They are conscious of their fundamental rights and are sensitive to discrimination both within and outside the community. A time has come when, it seems, they will not take any more of this oppression and discrimination. It seems they are prepared to assert themselves as

citizens of this country. This study has tried to examine their movements and argued that this augers well for a democratic, vibrant and inclusive India.

The rise of Dalit Muslims has radical repercussions for Muslim politics as they constitute the majority within the Muslim minority population of the country. This basic shift in Muslim politics has been examined in this study on the basis of activities of backward and Dalit Muslim organizations in the country.

The emergence of democratic politics is bringing about a radical change in the manner in which this sense of identity is articulated. The political mobilization of backward and Dalit Muslims has begun under the new leaderships of those who have experienced marginalization for along time. As an asymmetrical hierarchical ordering, caste informs concentration of political power in the hands of the upper caste Muslims. This Muslim elite, projects Muslims as a monolithic entity and denounces caste as an aberration rather than the norm in Indian society. However, over the last decade, this representation has increasingly been challenged by assertions from lower caste Muslims. This study has tried to understand the trajectory and political agenda of such a low caste articulation in Bihar. The organizations, viz., the All India Muslim Pasmada Mahaz and All India Backward Muslim Morcha during the last two decades, have tried to critique the *Ashraf* (upper caste) dominated Muslim politics in India and highlighted the issues of backward and Dalit Muslims. The study argues that in order that the Dalit Muslim movement develops as a counter-hegemonic force in Indian Muslim politics, it has to consistently critique the social and religious articulation of *Ashraf* dominance, something which has not been successfully delivered by these forces so far. They need to critically engage with the Indian State consistently and raise the issues of discrimination and recognition and that has been the strength of the movement. Therefore, the questions of Dalit Muslim identity and its recognition have been of central importance for this study. It would not be an exaggeration to say that the issue of Dalit Muslims has now acquired the form of social and political questions in the public sphere especially in Bihar.

Given the structure of multiple hierarchies, the Constitution of India only identified the Scheduled Caste (SC) and Scheduled Tribes (ST) as beneficiaries of positive discrimination. Although it took note of the problems faced by the backward classes, reservations in educational institutions, public services and legislative bodies was only provided for the members of the Scheduled Castes and Scheduled Tribes. In the case of the former, caste was the basis of identifying the beneficiaries of these policies and quite surprisingly, being a Hindu was a necessary condition for eligibility. It was done through the Presidential Order of 1950. This study, while relating the question of Dalit Muslims with the issue of discrimination and recognition, has tried to boldly contest the Presidential Order on several grounds. This Order, going completely against all notions of secularism, democracy and social justice, declares that such benefits would be limited only to those Dalits who claim to be 'Hindus'. However, two amendments were made in this Order and thereby two minorities, Sikhs (1956) and neo-Buddhists (1990) were re-included in this category. But Muslims and Christians have still been out. So why should Dalit Muslims too not be included in the list of Scheduled Castes?

As we are aware that reservations on the basis of religion are not permissible under the Constitution yet from the beginning religious criteria have been inherent in the process of classification and designation of beneficiary groups and the definition of backwardness since the government as well as court have conceived caste as a constituent of Hinduism. This is obvious from the continuing exclusion of Dalit Muslims from the Scheduled Castes list which has been discussed in Chapter Five in detail. A lot of evidence has become available since the last major judicial pronouncement on this question (*Soosai Vs Union of India and others* (1985) (supp) SCC 590) to justify the inclusion of Dalit Muslims in the Scheduled Castes category. Whether or not social discrimination suffered by Dalit Muslims can be proven in a court of law or not on the basis of established definitions of social disabilities, there is no compelling evidence to justify their exclusion from the Scheduled Castes category. Yet, the positive recommendation of the Ranganath Mishra Commission to amend the Presidential Order to include Dalit Muslims in the Scheduled Caste list has been put on hold. As long as the religious criterion remains in

place the Scheduled Castes category will include Dalits of certain religions and exclude others regardless of their social position.

There are roughly about 17 Muslim castes distributed in different parts of India who would qualify to be eligible for inclusion in the category 'Scheduled Castes'. On what basis are they distinguishable from the Muslim Other Backward Castes? This study has highlighted that 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. The 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* castes had minimal and limited interaction with the members of the other castes. The study points out that the *Arzals* suffer the worst forms of discrimination.

This research has tried to provide a more grounded picture of the situation of the castes that constitute *Arzals*. It demonstrates that in terms of day-to-day social interactions the *Arzals* exist on the margins of society. The range of dimensions of interaction that this research explored is related to areas of commensality, endogamy and sociality etc. It shows that the *Arzal* engaged in the lowly occupation of scavenging, confine their marriages within the group and are excluded into separate residential quarters in the villages as well as the towns in which members of the other categories do not live.

Considering the severely stigmatised and extremely excluded so-called *Arzal* castes, two questions need to be disposed off. One is whether these castes should be recognised and entitled to benefits currently given to the 'Scheduled Castes'? One argument often advanced is that Muslims do not have castes and therefore the benefit of reservation to 'Scheduled Castes' cannot be extended to them. This is a fallacious argument to say the least. Public policies are not based on ideologies, which is an extremely contested arena with no ground for believing that the State's understanding of the Islamic ideology is

necessarily correct. Public policies are based on objective realities and seek to address social problems as they exist at the ground level. If extremely excluded and severely stigmatised castes exist among Muslims, there is no ground that the strategy of ameliorating such groups should not be applied to them. There exists a strong case for extending the benefits of the 'Scheduled Castes' to severely stigmatised and extremely excluded Muslim castes, and any attempt to shy away from this obvious action would expose the State to the allegation that it is indirectly seeking to preserve the 'Hindu community' by ensuring that the Schedule Castes stay within the Hindu fold and if they hanker for those benefits they should change over to Hinduism or one of the other religions of Indian origin whose deprived sections are included in the category 'Scheduled Castes'. The State's secular credentials will remain in doubt so long as this argument is adhered to.

The second question is whether these Muslim castes should be recognised as 'Scheduled Castes' only when there is demonstrable evidence that they converted from one of the Scheduled Castes. The scale of justice has to be balanced to ensure that similarly placed social groups are treated equally and evenly without religion (an anathema in a secular state) being brought into play to deny some of them equal treatment under the law.

Clearly, there is need to define Dalit Muslims in more precise terms. Ghaus Ansari had suggested that 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. The expression ('Dalit Muslims') 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 shorthand 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.

Scholars have raised the need for rich and focussed ethnographic research on such castes. The present research has also sought to understand the attitudes of the non-*Arzal* castes and groups toward the members of the *Arzal* category and gauge the extent and intensity of discrimination suffered by them today. It finds that even with the introduction of sanitary toilets and other technological changes the *Arzal* castes still engage in demeaning and defiling occupations and social distance from them continues to be maintained. It has also studied various forms of discrimination and stigmatisation practised against the *Arzal* (Dalit Muslims) castes. This research has tried to indicate the contemporary situation of the Dalit Muslim castes in contemporary Muslim society.

A clear identification of Dalit Muslims and recognition of their political and social needs will help bring together Dalit Muslims and other marginalised and excluded communities. Over the past two decades there has been continuing struggle for the recognition of Dalit Muslims as Scheduled Castes. For Dalit Muslims their non-recognition is unjust and impinges on their religious freedom to follow any religion other than Hinduism. However, an effective theoretical framework in which the law can be challenged is yet to be articulated. This study is an attempt in this direction. It looks upon the question of recognition and Indian experience and highlights the mis/recognition of Dalit Muslims in India. This underlines the main argument of this study. It argues for a strong case for a separate Dalit Muslim identity which has come up over a period of time. This is not to say that Dalit Muslims were not there at the first place, rather they have always been part of our society, but their identity has been put under the cover for a long period now. No systematic study has been done on this neglected community.

However, there is a need to look into the Dalit Muslim movement critically at this juncture. This study has tried to analyse their strategies and activities over a period of time. It appears that these movements have no strategy through which to approach the important question of dealing with the *Ashraf*. In my opinion, this constitutes a fundamental problem which the Dalit Muslim movement needs to address. Increasingly, through its various activities, one is being reminded that probably the movement is only concentrating solely on its political goal: to make a mark in electoral politics, particularly

in Bihar. In doing this, the movement has lost the character of a “movement” which it once had and has also compromised with its original agenda of democratization and equitable justice within Indian Muslim society. The cooption of two important leaders of this movement (Ali Anwar and Ejaz Ali) with the JD-U has harmed the movement in a big way.

There are self limitations of this movement. Its obsession with quota and electoral politics and larger lack of vision are few of them. The Dalit Muslim movement has to revisit its stand on the issues of social, political, economic, and secularism. It needs to restate its objective in clearer terms. It will have to rethink about its friends and foes in this context. It already appears sans its vitality and badly stagnated now. Its consequent degeneration has already hit the Dalit Muslim masses. It needs serious self-criticism.

While there is a need for ruthless self-criticism in the Dalit Muslim movement along the above lines it should not mean denying its positive aspects. There is no denying it has completely changed the discourse of Indian Muslim politics. No matter the end results of these demands, at least the secular nature of these movements has safely been established. Also, these organizations uphold social and caste realities above religious truths. It is my belief that, owing to the attempts of these organizations, new possibilities will open up and the door of religion will be finally broken open to allow the abused castes to unite and stand together.

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Annexure I : Muslim Castes/Sub-castes and Communities Included in the Central OBC List	
State/Union Territory	Muslim Castes
Andhra Pradesh	Arekatika Katika Quresh Methar
Assam	Maimal Manipuri (including Manipuri Brahmin and Manipuri Muslim)
Bihar	Bhathiara Chik Churihar Dafali Dhobi Dhunia Idrisi or Darzi Kasab (Kasai) Madari Mehtar Lalbegi Halalkhor Bhangi Miriasin Mirishikar Momin Mukri (Mukeri) Nalband Nat Pamaria Rangrez Rayeen or Kunjra Sayee Sai Kalgar
Chandigarh	
Dadra and Nagar Haveli	Makrana
Daman and Diu	
NCT of Delhi	Julaha-Ansari Kasai, Qassab, Quraishi
Goa	
Gujarat	Bafan Dafer Fakir or Faquir Gadhai Galiara Ganchi

	<p>Hingora Jat Ansari Halari Khatki Majothi Makrani Matwa or Matwa Kureshi Mirasi Miyana, Miana Mansuri-Pinjara Sandhi Sipai Pathi Jamat or Turk Jamat Theba Hajam; Khalipha Vanzara of Dangs district only Wagher</p>
Haryana	Meo
Himachal Pradesh	Julaha-Ansari
Jammu and Kashmir	
Karnataka	<p>Chapparband Chapparbanda Other Muslims excluding i Cutchi Memon, ii Navayat, iii Bohra or Bhora or Borah, iv Sayyid, v Sheik, vi Pathan, vii Mughal, viii Mahdivia/ Mahdavi, ix Konkani or Jamayati Muslims</p>
Kerala	<p>Other Muslims excluding i Bohra, ii Cutchi, iii Menmon, iv Navayat, v Turukkan, vi Dakhani Muslim</p>
Madhya Pradesh	<p>Rangrez Bhishti, Bhishti- Abbasi Chippa/Chhipa Hela Bhatiyara Dhobhi Mewati, Meo Pinjara, Naddaf Fakir, Faquir Behna Dhunia Dhunkar Mansoori Kunjara, Raine Manihar Kasai, Kasab, Kassab, Quasab, Qassab, Qassab-Qureshi</p>

	<p>Mirasi Barhai (Carpenter) Hajjam, Nai, (Barber) Salmani Julaha- Momin, Julaha-Ansari, Momin-Ansari Luhar, Saifi, Nagauri Luhar, Multani Luhar Tadavi Banjara, Mukeri, Makrani Mochi Teli, Nayata, Pindari (Pindara) Kalaigar Pemdi Nalband Mirdha (excluding Jat Muslims) Nat (other than those included in the SC list) Niyargar, Niyargar-Multani, Niyaria Gaddi</p>
Maharashtra	<p>Chapparband Julaha, Momin Julaha- Ansari, Momin- Ansari</p>
Manipur	Kasai-Qureshi
Orissa	
Pondicherry	
Punjab	
Rajasthan	Julaha
Sikkim	
Tamil Nadu	Dekkani Muslim
Tripura	
Uttar Pradesh	<p>Momin (Ansar, Ansari), Julah Muslim Kayastha Qassab (Qureshi) Sheik Sarvari (Pirai) Teli Malik</p>
West Bengal	<p>Jolah (Ansari Momin) Kasai-Quraishi</p>

Source: Website of the National Commission for Backward Classes (<http://www.nbc.nic.in/>)

ANNEXURE II: State/UT wise list of Muslim castes got enlisted as OBCs by Mandal Commission are as follow:

ANDHRA PRADESH

S. Number	Names of the Muslim Castes
1.	Darzi
2.	Dudekula, Laddaf, Pinjari or Noor-Bash
3.	Katika, Kasai
4.	Madari
5.	Mahatar
6.	Atar
7.	Garodi

ASSAM

S. Number	Name of the Muslim Caste
1.	Banjara
2.	Chick Banik
3.	Jolha
4.	Madari
5.	Maimals (Muslim Fishermen)
6.	Manipuri Muslims
7.	Nai
8.	Teli

BIHAR

S. Number	Name of the Muslim Caste
1.	Abdal
2.	Bharbhuja
3.	Bhathiara
4.	Chik
5.	Churihara, Manihar
6.	Dafalange
7.	Dafale
8.	Dhunia
9.	Faqir
10.	Gadihar
11.	Nai or Hajjam
12.	Qassar
13.	Darzi or Idrisi
14.	Julaha

15.	Kassab (Kasai)
16.	Lalbegi, Bhangi
17.	Madari
18.	Miriasin
19.	Mirshikar
20.	Momin
21.	Mukro/Mukeri
22.	Nalband
23.	Nat
24.	Pamaria
25.	Rangrez
26.	Rayeen (kunjara)
27.	Sayee/Sai Kalgar
28.	Teli
29.	Thakurai

GUJARAT

S. Number	Name of the Caste
1.	Bafan
2.	Dafer
3.	Dhobi
4.	Fakir
5.	Gadhai
6.	Galiara
7.	Ghanchi
8.	Hingora
9.	Jat
10.	Julaya, Garana, Taria & Tari
11.	Khatki or Kasai, Chamadia-Khatki, Halarikhatki
12.	Madari
13.	Darban Majothi
14.	Makrani
15.	Mansari
16.	Matwa-Kureshi
17.	Maina, Miyana
18.	Mirasi
19.	Nat
20.	Pinjara or Mansuri-Pinjara

21.	Sandhi
22.	Shikligar
23.	Sipai, Patni Jamat or Turk Jamat
24.	Teli
25.	Theba
26.	Hajjam, Khalipha
27.	Wagher

HARYANA

S. Number	Name of the Caste
1.	Banjara
2.	Bharbhujia
3.	Bhat
4.	Dhobi
5.	Gaddi
6.	Ghasi
7.	Julaha
8.	Madari
9.	Mawati
10.	Mirasi
11.	Nai
12.	Nalband
13.	Teli

HIMACHAL PRADESH

S. Number	Name of the Caste
1.	Bhat
2.	Darzi
3.	Faquir
4.	Gaddi
5.	Ghasi
6.	Labana
7.	Madari
8.	Marasi
9.	Nai
10.	Nalband

KARNATAKA

S. Number	Name of the Caste
1.	Ansari, Julai
2.	Baagawan Tamboli

3.	Bazigar
4.	Beri
5.	Chapparband, Chapparbanda
6.	Darzi
7.	Darvesa
8.	Dhobi
9.	Faqir
10.	Teli
11.	Ghasi or Haddi
12.	Kasai, Katik, Khatik, Kasab
13.	Medara, Medari
14.	Nadafs, Ladafs, Dhunya, Mansuri, Pinjar or Pinjari
15.	Nat, Natuva
16.	Nalband
17.	Pindaras or Pendaris
18.	Qureshi (Kassab)
19.	Shikkaligar of Shikkaligar
20.	Sweepers
21.	Takaras
22.	Zargaras
23.	Mali
24.	Kumbara

In Kerala, except Bohra, Cutchi Menmon, Navayat, Turukkan and Dakhani Muslim all others are considered as OBC.

MANIPUR: Lalbegi, Teli and Mehtar

MADHYA PRADESH

S. Number	Name of the Caste
1.	Banjara
2.	Labana
3.	Bhand
4.	Bharbhujia
5.	Bhishti, Bhisty
6.	Darzi
7.	Dafali, Dholi
8.	Dhobi
9.	Dhunia, Nadaaf

10.	Fakir, Faquir, Sain
11.	Hajjam
12.	Hela,
13.	Julaha, Momin
14.	Kalal
15.	Kasab, Quraishi
16.	Kunjra
17.	Lohar
18.	Manihar
19.	Mewati
20.	Nai
21.	Mirasi
22.	Nilgar
23.	Pindara
24.	Pinjare
25.	Rangrez
26.	Sais, Sayees
27.	Sikligar
28.	Tadavi
29.	Teli

MAHARASHTRA

S. Number	Name of the Caste
1.	Banjara
2.	Bhadbhunja
3.	Bhisti or Pakhali
4.	Chippa
5.	Darzi
6.	Dhobi
7.	Fakir Bandarwala
8.	Julaha
9.	Kalal
10.	Kasai, Khatik
11.	Ladaff
12.	Momin
13.	Nai
14.	Pinjara
15.	Rangrez
16.	Teli

ORISSA

S. Number	Name of the Caste
1.	Chik
2.	Darzi
3.	Nat
4.	Pamaria
5.	Teli

PUNJAB

S. Number	Name of the Caste
1.	Arain
2.	Bharbhujia
3.	Darzi
4.	Dhobi
5.	Faqir
6.	Gaddi
7.	Julaha
8.	Madari
9.	Mewati
10.	Mirasi
11.	Nai
12.	Nalband
13.	Teli

RAJASTHAN

S. Number	Name of the Caste
1.	Banjara
2.	Chhipa
3.	Dhobi
4.	Godi
5.	Hela
6.	Julaha
7.	Kalel
8.	Lohar
9.	Merasi, Mirasi
10.	Mukri
11.	Nai
12.	Pinjara
13.	Teli

TAMILNADU

S. Number	Name of the Caste
1.	Dekkani Muslims
2.	Dhobi, Vannan
3.	Kallar

TRIPURA

S. Number	Name of the Caste
1. Bhatiya	Halalkhor
2.	Lalbegi
3.	Nat
4.	Teli

UTTAR PRADESH

S. Number	Name of the Caste
1.	Ansari
2.	Bajigar
3.	Banjara
4.	Bhathiyara
5.	Chik
6.	Chikwa (Kassab)
7.	Darzi
8.	Dhobi
9.	Dhunia
10.	Gaddi
11.	Halalkhor
12.	Kalar
13.	Kasai
14.	Kunjra, Rayeen
15.	Mirasai, Merasi
16.	Momin (Ansar)
17.	Muslim Banjara
18.	Muslim-Kayastha
19.	Nai
20.	Nat
21.	Rangrez
22.	Teli
23.	Ghosi
24.	Halwai
25.	Lohar or Luhar

WEST BENGAL

S. Number	Name of the Caste
1.	Ansari
2.	Bhathiara, Razzaqi
3.	Chik, Kasai
4.	Dafali
5.	Darzi
6.	Dhunia, Mansoori
7.	Fakir, Sain
8.	Halalkhor
9.	Ibrahimi
10.	Teli
11.	Kunjara, Rayeen
12.	Mirshikar
13.	Momin
14.	Nai, Hajjam
15.	Nalband
16.	Rangrez
17.	Banjara
18.	Bhat
19.	Gaddi, Ghosi
20.	Hela

CHANDIGARH

S. Number	Name of the Caste
1.	Dhobi
2.	Faqir
3.	Gaddi
4.	Hajjam, Nai
5.	Julaha
6.	Kassab
7.	Labana
8.	Madari
9.	Mirasi
10.	Naddaf, Pinja
11.	Nalband
12.	Teli

DELHI

S. Number	Name of the Caste
1.	Abbasi, Bhisti, Sakka
2.	Bazigar, Nat, Kalandar
3.	Bhatiara
4.	Dafali
5.	Darzi
6.	Dhobi
7.	Dhunia, Pinjara, Kadher Dhunnewala
8.	Fakir
9.	Julaha, Momin
10.	Kalal, Kalwar
11.	Kasai, Qussab, Quraishi
12.	Merasi, Mirasi
13.	Nai, Hajjam
14.	Nalband
15.	Naqqal
16.	Rangrez
17.	Saiz
18.	Teli

Sources: Mandal Commission Report, 1980; *Pasmanda Awaz*, December 2004; Shish Ram Sharma, 2002, *Protective Discrimination: OBCs in India*, Raj Publication, New Delhi.

Annexure III

Chart Showing the Occupational similarity between "Muslim OBCs" and "Hindu Scheduled Castes"

Serial Number	Muslim Castes as OBCs	Hindu Castes Who Match the Occupation of Muslim OBCs & Restricted Reservation for them	
		Name of the Caste	OBCs/SCs/STS
1.	Banjara/Bakho	Banjara	SC/ST
2.	Badhai	Badhai	OBC
3.	Bhat/Bhand	Bhand	SC
4.	Bhatia (Shershah Aabadi)	The Socio-Economic and Educational status of this regional Biradari resemble with ST	
5.	Bhathiara	Kotegar/Kotwaal	SC
6.	Bhishti	Kahar	OBC & SC (in some States)
7.	Chik	Katik	SC
8.	Churihara	Bhata/Laheri	SC
9.	Dafali (Drum Beater)	There are many caste who beats drum & all are kept in SC List	
10.	Dhobi	Dhobi	SC
11.	Dhunia (Turk Pasi)	Pasi, Dhuna	SC
12.	Darzi	Shilpkar/Damai	SC
13.	Fakir	Maang/Jogi	SC
14.	Gujar	Gujar	OBC & SC in some States
15.	Gaddi	Gaddi	OBC & SC in some States
16.	Gulguliya	Nat	SC
17.	Hajjam or Nai	Nai	OBC
18.	Julaha	Julaha	SC in Six States
19.	Kalal	Kalwar	OBC
20.	Kalandar (Madari/Bazigar)	Madari/Bazigar	SC

Annexure

21.	Kulhaiya	No Match of Occupation with Hindu Caste
22.	Kumhar	Kumhar OBC/SC in some States
23.	Kunjara	Katik SC in Ten States
24.	Kasaab	Katik SC in Ten States
25.	Lalbegi/Bhangi/Dom/Mehtar/Halakhori	Known by same name SC
26.	Lohar	Lohar SC
27.	Mali	Mali OBC
28.	Malaah	Malaah OBC
29.	Mirasi	Hurkiya SC
30.	Mirshikar	Chirimaar, Baheliya SC
31.	Mewati	Mewati OBC
32.	Mochi (Muchi)	Mochi SC
33.	Mukri	Mukri SC in 3 States
34.	Nalband	No Match
35.	Namoshudra (Bengali Muslim, holder of Mandal and Biswas title)	Namoshudra SC
36.	Nat	Nat SC
37.	Pamaria	177 Castes do singing and Dancing SC
38.	Pauds (Bengali Muslim who hold the Mandal, Chaudhary title)	Pauds SC
39.	Rangrez	Many Hindu Castes perform the occupation of Dying. All are in SC Lists
40.	Sikligar	Sikligar SC/OBC
41.	Teli	Teli OBC & SC in few States
42.	Shekhra	No Match

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