

**STATE, SOCIETY AND HUMAN RIGHTS: A STUDY ON THE  
DEMAND FOR SCHEDULED CASTE STATUS BY DALIT  
CHRISTIANS AND DALIT MUSLIMS IN INDIA**

*Dissertation submitted to the Jawaharlal Nehru University  
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**MASTER OF PHILOSOPHY**

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## **DECLARATION**

I declare that the dissertation entitled, “**STATE, SOCIETY AND HUMAN RIGHTS: A STUDY ON THE DEMAND FOR SCHEDULED CASTE STATUS BY DALIT CHRISTIANS AND DALIT MUSLIMS IN INDIA**” submitted by me in partial fulfillment for the award of the degree of **Master of Philosophy** of Jawaharlal Nehru University is my own work. This dissertation has not been submitted for any other degree of this University or any other university.

**PHILIP VARGHESE**

## **CERTIFICATE**

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

Chairperson

Prof. Pralay Kanungo

Supervisor

Prof. Zoya Hasan

**Dedicated to my  
Parents**

## CONTENTS

*Abbreviations*  
*Acknowledgement*

	<b>Page No:</b>
<b>Introduction.....</b>	<b>1</b>
<b>Chapter I – Overview of Caste System and its impact .....</b>	<b>23</b>
❖ <b>Caste System in India.....</b>	<b>24</b>
❖ <b>Caste System and its impact on Islam and Christianity .....</b>	<b>31</b>
❖ <b>The Presidential Order, 1950 .....</b>	<b>38</b>
<b>Chapter II – Socio – Economic Status and Exclusion of Dalit Christians and Dalit Muslims.....</b>	<b>43</b>
❖ <b>Socio – Economic Status of Dalits.....</b>	<b>44</b>
❖ <b>Discrimination and Exclusion.....</b>	<b>51</b>
❖ <b>Educational Exclusion.....</b>	<b>58</b>
❖ <b>Economic Backwardness.....</b>	<b>60</b>
❖ <b>Occupational Structure.....</b>	<b>65</b>
<b>Chapter III - Movements and Mobilizations by Dalit Christians and Dalit Muslims for SC Status.....</b>	<b>68</b>
❖ <b>Conversion.....</b>	<b>69</b>
❖ <b>Movements and Mobilization by Dalit Christians.....</b>	<b>74</b>
❖ <b>Movements and Mobilizations by Dalit Muslims.....</b>	<b>76</b>
❖ <b>Resistance to SC status for Dalit Christians and Dalit Muslims.....</b>	<b>80</b>
<b>Chapter IV – Judicial Perspectives.....</b>	<b>85</b>
❖ <b>Constitutional Provisions on Dalit Christians and Dalit Muslims.....</b>	<b>91</b>
<b>Conclusion.....</b>	<b>98</b>
<i>Bibliography</i>	<b>103</b>
<i>Annexure I</i>	
<b><u>Abbreviations</u></b>	

AICU - All India Catholic Union  
BDM - Board of Diakonia Ministries  
BHU – Banaras Hindu University  
BPL – Below Poverty Line  
BSP – Bahujan Samajwadi Party  
CBCI - Catholic Bishops’ Conference in India  
CERD - Committee on the Elimination of Racial Discrimination  
CMP - Common Minimum Programme  
CPR - Common Property Resources  
CSCO - Christians of Scheduled Caste Origin  
CSI – Church of South India  
CSW - Christian Solidarity Worldwide  
DCLM - Dalit Christian Liberation Movement  
DMK - Dravida Munnetra Kazhagam  
DWD - Discrimination based on Work and Descent  
HRLN - Human Rights Law Network  
MDRM – Muslim Dalit Reservation Movement  
NCAER - National Council for Applied Economic Research  
NCCI - National Council of Churches in India  
NCDC - National Council of Dalit Christians  
NCM – National Commission of Minorities  
NCR – National Capital Region  
NCRLM - National Commission For Religious And Linguistic Minorities  
NDA – National Democratic Alliance  
NGO – Non Governmental Organizations  
NHRC - National Human Rights Commission  
NRHM - National Rural Health Mission  
NSSO – National Sample Survey Organization  
OBC – Other Backward Castes  
PCR – The Protection of Civil Rights  
PM – Pasmada Movement  
POA – Prevention of Atrocities Act  
SC – Scheduled Caste  
SHG – Self Help Group

SRC – Socio Religious Communities

ST – Scheduled Tribe

UPA – United Progressive Alliance

WCAR - World Conference Against Racism

WCC – World Council of Churches

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## Introduction

The multi- ethnic, multi- religious, multi-linguistic, multi- cultural fabric of India was intended to be spun efficiently and this diversity and composite culture could be in itself, the soul of India. But unfortunately, apprehensions and discontentment are ever increasing for minorities of their identity and further for outcastes within minorities, they fall victim of default discrimination<sup>1</sup> from their own religion, state and society. Despite the fact that ‘untouchability’ was abolished under Indian Constitution, segregation and exploitation on the ‘basis of birth’ in a particular caste remains a crucial social problem even today in India. The religious institutions also have hierarchies within themselves so that converts are further looked upon within their new religion. i.e.; for example, separate churches for the new converts and back seats in churches for converts etc. However, twenty first century India lives in an illusion to be having done away with caste and its heinous practices but existential reality shows otherwise in urban areas too and thus it beckons a systematic study into the socio – economic status of Dalits of non – indigenous religious groups with reference to the issue of conversion.

Today, caste affects one- sixth of India population constituting 200 million people (Census, 2011), they are eschewed by the society and live an insecure life. The crux of the problem here is the basis of denial of affirmative action or protective discrimination to Christian Dalits and Muslim Dalits. The Presidential Order of Government of India, 1950 effectively prevents those practicing religions other than Hinduism to be denied of Schedule Caste status. This is fundamentally a clear violation of right to equality principle (religion based violation) i.e.; *Articles 14, 15, 16 and 25 of the constitution.*<sup>2</sup> In this way, this denial of justice is against the letter and spirit of our constitution and the Indian constitution pledging secularism has been confronted with a serious blot and a paradox to its secularist & egalitarian principle. The demand

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<sup>1</sup> Default Discrimination is resultant discrimination by the dominant caste groups on the dalits which need not be based on provocation and conspiratorial tactics always but it is the outcome of a natural way of thinking which the community has developed towards dalits.

<sup>2</sup> Article 14: The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India, Article 15 that prohibits discrimination on grounds of religion, race or caste, Article 16: There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State, and also, Article 25 that gives right to all citizens to profess and practice any religion according to his/ her choice.



is to move beyond this formal equality principle to substantive equality measures for Dalits irrespective of their religion.

Many Indian intellectuals like Nehru and Ambedkar were influenced by the western thinkers such as Rousseau and J. S Mill, thus, they rejected the basis of Hindu orthodoxy and advocated the concept of equality in nationalist movement. And it was mainly due to Ambedkar's efforts towards the cause of the depressed classes that the framers of Indian constitution readily incorporated the policies of compensatory discrimination i.e.; "policies of positive discrimination have been introduced in an effort to reduce historically persistent lags in the social and economic welfare of relatively poor communities."<sup>3</sup>

Ambedkar described the 'Untouchables' as belonging to the same religion and culture, yet shunned and ostracized by the community they lived in. Ambedkar observed that the 'untouchables', recognised the sacred as well as the secular laws of India, but they derived no benefit from this. They lived in the outskirts of a village. Segregated from the rest, bound down to a code of behavior, they lived a life appropriate to a servile state. According to this code, an untouchable may not do anything, which raised him above his appointed station in life. The caste system stamped an individual as untouchable from birth. Thereafter, observed Ambedkar, his social status was fixed, economic condition set.

The tragic part was that not just Hindus, even the Muslims, Parsis and Christians shunned and avoided the Untouchables. Ambedkar acknowledged that caste system wasn't universal absolute in his time; it was true, he wrote, that some Untouchables had risen in Indian society above the low status, but the majority had limited to no mobility during the British colonial rule. According to him, the caste system was an irrational system. The evils attributable to caste system are that it isolated people, infused a sense of inferiority, divided humanity. Caste system was not merely a social problem, it traumatized India's people, its economy, the discourse between its people, preventing India from developing and sharing knowledge, its ability to create and enjoy the fruits of freedom.

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<sup>3</sup> Thomas E. Weisskopf. 2006. 'Is Positive Discrimination a good way to Aid Disadvantaged ethnic communities.' *Economic and Political Weekly (EPW)*, February 25.

The philosophy underneath the social stratification system in India had discouraged critical thinking and cooperative effort, encouraging instead treatises that were full of absurd conceits, quaint fancies, and chaotic speculations. The lack of social mobility, notes Ambedkar, had prevented India from developing technology which can aid man in his effort to make a bare living, and a life better than that of the brute. The resultant absence of scientific and technical progress, combined with all the transcendental and fate nonsense, perpetrated famines, desolated the land, degraded the consciousness from respecting the civic rights of every fellow human being. Chatterjee (1997) referred to two different strategies that have been adopted by Indian nationalists: one is to accept caste as essential to the characterization of Indian society, which will 'wither away' under the impact of modernization; the second is to accept it as a basis for civilizational identity and as an attempt at harmonizing the distinct parts of society. Both these approaches have worked differently in the context of modernity and it is obvious that neither of the two has succeeded in its aims. Instead caste has worked itself into some contradictory positions and encouraged separatist tendencies. It has played a major role in mobilizing vote banks and in the rise of separatist movements such as Periyar's for Dravidsthan, which surfaced in 1930's to be pursued later by the DMK. In 1967 the DMK was voted to power on this count and now the Bahujan Samaj Party is riding high on this wave. The Gujjar- Meena confrontation in Rajasthan, apparently a caste issue and a struggle for space, is also a political move. Jati panchayats have also continued to exercise a hold on individual choices, marriage alliances and kinship patterns. In fact, caste has resisted the impact of modernization and has not transformed itself into class.<sup>4</sup>

Castes existed in India only by disintegrating the Indian society. Castes divided people, and then disintegrated them, which is the curse of caste according to Ambedkar. Even the so-called upper caste Brahmin divided itself and disintegrated. The curse of caste, according to him, split Brahmin priestly class into well over 1400 sub-castes according to census data collected by colonial ethnographers in British India.

Gandhi, an admirer of Ambedkar, and who worked together to non-violently protest British colonial rule in India, disagreed with some of the observations, rationale and interpretations of

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<sup>4</sup> Harihar Bhattacharya (et.al). 2010. Ed. 'The politics of Social Exclusion in India: Democracy at crossroads'. *Routledge Publications*. Abingdon.

Ambedkar on the caste system in India. Caste, claimed Gandhi, had nothing to do with religion. The discrimination and trauma of castes is the result of custom, whose origin is unknown, and whose origin one does not need to know to spiritually sense that this custom was wrong, that any caste system is harmful to the spiritual well being of man and economic well being of a nation. The reality of colonial India was, Gandhi noted, that there was no significant disparity between the economic condition and earnings between members of different castes, whether it was a brahmin or an artisan or a farmer of low caste India was poor, Indians of all castes were poor. The cause of trauma wasn't in the caste system, it lay somewhere else. Judged by the standards being applied to social discrimination in India, claimed Gandhi, every living human society would fail. He acknowledges that caste system in India spiritually blinds some Indians, then adds that this does not mean every Indian or most Indians blindly follow caste system and everything from ancient Indian scriptures of doubtful authenticity and value. India, or any other society, cannot be judged by a caricature of its worst specimens. One must consider the best it produced as well, along with vast majority in impoverished Indian villages struggling to make ends meet and with woes of which there is little knowledge.

### ***Review of Literature***

Yoginder Sikand's in his article 'Indian Dalit Muslims' Voice: A voice against upper caste atrocities' which looks into the caste system among Indian Muslims. To understand the situation better this article trace back the historical evolution of the Muslim community in India. It also analyse how the notion of Kafa'a caste and caste based social hierarchy were sought to be accepted as normative and binding by important sections of the 'Ulama'. It also provides a critique of widely- held notions of Kafa'a and caste based on the principle of Quranic egalitarianism.

This article suggests how Islamic faith gradually incorporated local traditions. There was a large impact of Hindu culture 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.

This writing points out that how the Ashraf – Ajlaf divide ie the noble and so called inferior divide has been there form medieval period. There was a racial discrimination to the dark

skinned people. The Ashraf belonged to the dominant political elites and the Ajlaf remained associated with ancestral occupations such as artisans and peasants which were looked down upon.

In order to give higher stature to Ashraf's, the Indian Ashraf scholars wrote numerous text themselves and interpreted the Quran in such a way that they could justify this social differences. Barani is considered to be a champion in this and he interpreted the Quran in such a way that he legitimized the existence of the 'Low borns in the community. Barani also pointed out that in order to bolster his assertion that the Sultan should ensure that the Ajlaf remain subservient to the Ashraf, Barani seeks appropriate religious sanctions. He also elaborates a theory of the innate inferiority of the Ajlaf. So from Medieval times many scholars have upheld the theory of low born. So it is easy to trace back the explanation of a caste structure among the Muslim community in India.

Over time the different schools of Muslims have brought this hierarchical difference in marriage as well. They put down elaborate measures on the 'equals' whom one could legitimately marry an inter marriage within the different community were frowned upon.

Such ideas have a direct bearing on how the Indian Muslim 'Ulama have looked at the questions of Caste, caste endogamy and inter caste relations. This paper has brought out the visions of few Muslim scholars who have criticized the hierarchical structure among Indian Muslims. A contemporary Muslim Scholar "Abdul Hamid Nu'mani have pointed out that the single most important factor for the spread of Islam in India was the Quran's message of radical social equality and respect for all humankind. Numani quotes extensively from Barani's Fatwa – I Jahandari to show hoe discriminatory attitudes towards low caste converts were widely shared by Medieval Muslim elites. This article in detail discusses Numani's work. Numani have discussed the implication of these structured system in day to day life of this marginalized group. He specially discusses the implication of such rules in the occupational structure. According to Quran a person pursuing any legitimate profession may be considered the Kafa'a of any other similar person for the purpose of marriage.

Family, tribe or ethnic group have also been considered by several classic fuqaha as well as Indian Ulama as an essential basis for deciding Kafa'a. Yet, Numani writes, not one of the

several traditions attributed to the prophet that have been adduced for this purpose have been provided to be fully genuine. Numani examines five traditions attributed to the prophet that are generally used to argue the case for nasb to be inclined in Kafa'a. They are all said to be very weak and even fabricated. Numani have pointed out it's because of this hierarchical structure that Ambedkar, the leader of Dalits declined to convert to Islam and chose Buddhism instead. Numani also bring out how there is a difference in power structure between 'Old Muslims' and 'New Muslims' who are newly converted to Islam. Usually old converts refused to inter marry to New Muslim family and they are considered to be lower in stature. He says after analyzing all the schools of Sunni jurisprudence only 'piety' should be the only basis for the marriage and not any other factors.

He says that there should be a re-reading of Quran and prophetic traditions to develop a new fiqhi perspective on Caste and Kafa'a. He re-emphasizes the fact that piety should be alone considered to be the basis of Kafa'a. This he vehemently criticizes the notion of caste.

This paper in detail have looked into the work of Numani and concluded that how Quran and prophetic traditions suggest a radically egalitarian social vision. The existence of different hierarchical social divisions has crept into later with misinterpretation of the Quran. The author brings out the relevance of Numani's work in order to recover the original Islamic vision that is opposed to social hierarchy determined by birth, the very basis of the Indian Caste System.

Zoya Hasan's chapter 'Social Discrimination and the Reservation Claims of Muslim and Christian Dalits' in her book 'Politics of Inclusion: Caste, Minorities and Affirmative Action'. This analysis looks into the 'uneven approach towards the disadvantaged groups by the society as well as the government. The pertinent question pointed out over here is can a Dalit Muslim or Dalit Christian attain reservation or SC status like Hindu, Sikh and Buddhist Dalits. It dwells into the claim of these two communities and the counter forces which are against their demand of SC status and is there a standing for these claims under the constitutional provisions and considering the socio economic status of these groups.

This study states the present conditions of both the groups by analyzing the different classification of Scheduled Castes, judicial perspectives, political campaigns and challenges and also a detail analysis on the present opposition to SC Status for Dalit Muslims and Christians and

the state response to it. Later it scrutinizes the caste inequalities and social disabilities with respect to these two community and why there should be social justice system responding to it in utmost urgency.

The reservation policy itself is excluding Dalit Christians and Muslims who face similar socio – economic problems as other Dalits. According to the present condition we see a clear preferential mode to certain section of the society and thereby denying the reservation status to Dalit Christians and Muslims. There is a long standing demand for this reservation policy but government has continuously denied the claim by stating that the official framework looks upon caste as a feature of Hindu society and hence excludes them. Falling outside the purview of reservation these groups are further marginalized in every facet. This study compels to question whether the state policy protects the vested interest of certain privilege categories.

The long struggle of Dalit Muslims and Dalit Christian groups on attaining reservation have obviously garnered tensions between SC's on the one hand and Christian and Muslim Dalits on the other and also within the religion as well. Dalit Hindus are opposed to this demand as they fear that their share of benefits and entitlements would be eaten up by adding new groups. Some sections of Christians and Muslims within the community oppose it as they are against recognizing caste within their religion as it professes egalitarianism.

In administrative realm Schedule Caste is a legal and administrative category. It should comprise those disadvantaged and marginalized people who faced exclusion and untouchability. The Constitution does not provide any specific standard for the selection of groups other than that they are untouchables. But in 1950 the presidential order “no person professing a religion different from the Hinduism shall be deemed to be a member of a Scheduled Caste” but the order was amended twice to include Dalit Sikhs and Buddhist. The rationale given for this were that they are recent converts and hence caste was still the basis of their social identity but it doesn't seem to apply to Dalit Christians and Dalit Muslims.

The other areas that this study looks into are the judicial perspectives on the issue. The courts have been concerned with three main issues and they are “the caste status of converts from Hinduism, the specific nature of social disabilities and the fact that the extension of the SC status hinges on the nature of evidence of social disability in this regard. A petitioner pointed out that

how conversion cannot be a legal basis for denying them the benefits available to other SC person as the socio economic disabilities do not cease after conversion and how this position is inconsistent with Articles 14, 15, 16 and 25 of the constitution.

The position of both Dalit Christians and Dalit Muslims are clearly pointed out here. They claim that social and educational backwardness persists even after conversion. And if state is having reservation policy on the basis of their religion then state itself is discriminating under the ground of religion, which is violative of fundamental rights enshrined in the constitution.

This study gives a new reading to this problem i.e., selective inclusion of certain groups for the reservation policy. The notion of 'indigenous' and 'foreign' religion; Islam and Christianity considered to be foreign in nature and others are given the status of indigenous religion. So it was important for the majority to pin down and connect 'caste structure only to Hinduism. "The emphasis on oppression and victimization of Hindu Dalits in this context was actually a strategic use of discrimination to sidetrack the issue of communal prejudice". It becomes clearly evident that the prime reason for the hostility to reservations for Dalit Muslims and Dalit Christians arise from the 'fear of conversion'. Somehow it turns out to be that the reservation for SC Hindus is like an inducement to keep Dalits from converting to other religion. To go one step ahead the author points out that the basic issue is not conversion but the discriminatory attitude towards indigenous and non- indigenous religions.

In 2004, Attorney General's submission to the petition filed by the Centre for Public Interest Litigation points out that the SC list is based on 'extreme social, educational and economic backwardness arising out of untouchability and in 1976 the home minister said that the concept of SC s in one of backwardness stemming from untouchability. This study talks about various commission reports which came from time to time. A study headed by Justice Ranganathan Mishra points out that "Caste is a social phenomenon shared by all communities irrespective of the religious persuasions. The caste system should be recognized as a general social characteristic of Indian society as a whole, without questioning whether the philosophy and teachings of any particular religion".

These study further points out the need of recognizing the caste inequalities and social disabilities that Dalit Muslims and Dalit Christians are facing. Quantitative analysis is important

to substantiate the socio economic disabilities these communities are facing and no remarkable changes have happened to them by converting to another religion. It is important to have such ethnographical evidence to back up the demand of these communities. The NCM report talks about a four criteria for comparative analysis of the community and they are proportions of population in poverty, average consumption levels, broad occupational categories and levels of education.

This study clearly illustrates that there should be no reason not to give reservation benefits to Dalit Muslims and Dalit Christians. The fact that they are Dalits first and Muslims and Christians later cannot be denied. The grounding of such reservation policies should be having secular thrust and not religious and ritual backgrounds and in that case it will uphold the spirit of constitution as well.

Prakash Louis's work 'Caste-based Discrimination and Atrocities on Dalit Christians and the Need for Reservations' explains the urgent need of bringing Dalit Christians and Dalit Muslims under the ambit of reservation like Dalit Sikhs and Buddhist. He also discusses about the nature of marginalization that Dalits have undergone and also Dalit Christians in particular. In order to substantiate his point he draws the similarity between the caste Based Discrimination faced by the Dalits in general and Dalit Christians in particular.

The paper went on to discuss about the Christianization of Dalits, looking into the conversion and further alienation Dalit faced due to conversion. He talks about how Ambedkar himself talked about how all the doors of socio economic upliftment for Dalits are closed and how Ambedkar strongly believed that only the path of conversion to other religion will be helpful.

But in further analysis he discusses about the conversion and the subjugation of Dalits had to face later. Here he talks about the multiple forms of discrimination that Dalit Christians face from dominant caste Hindus for being a Dalit and also the discrimination by Caste Christians. He brings out interesting nuances on caste based discrimination faced exclusively by Dalit Christians and also the traditional and contemporary exclusionary practices followed in the society.



He illustrates this point with caste study and also criticizes the notion of caste Christians as such. He points out that the existence of caste Christians, Brahmin Christians; Syrian Christians clearly elaborate the existence of fully fledged caste system in Christianity. He reflected from S. Clarke study on Conversion to Christianity in Tamil Nadu that the entry of Dalits into the new symbolic vision of Christianity did not eventuate into a real world of missionary promised equality , freedom and dignity” and how Dalits are continued to get discriminated by the fellow caste Christians and English church members.

This paper also looks into the institutionalized discrimination faced by Dalit Christians from church authorities and the government and the discrimination from Hindu Dalits as well. He puts across the Dalit Christians demand for equality, dignity and human rights and also discusses why it is still not achieved. He brings out specific discriminatory practices undertaken in different churches. Maintaining separate cemeteries, separate seating arrangements in the place of worship. Another area where caste differences are quite implicit is when it comes to marriage alliances. Dominant caste Christians never allow for an alliance from a lower caste Christians. It is also evident when it comes to the recruitment of priests and nuns and also important posts held in the church. Some Dalit community maintain a separate church altogether. Here Prakash Louis points out that Hindus convert to Christianity to get rid of the Caste structure and the oppression but even after converting, they face ‘cultural alienation’. And when Dalit Christians assert their rights, they have to face violence from the dominant caste.

Another interesting observation is that on the occupational structure. Most of the Dalit Christians are still in unorganised sector. This establishes that most of the Dalit Christians are not in service sector are engaged in unorganised sector. 11.48 percent Dalit Christians are still engaged in Manual Scavenging. There are numerous institutions established for different purposes like education, health etc and they get financial helps from many donor agencies under the appeal to help underprivileged. But in these entire organisation Dalit Christians themselves are not important position other than having maintenance jobs. So, this proves how there are restrictions within faith based organisation in order to have social mobility. This has also percolated down to faith based NGO’s and Civil Societies as well.

The one reason for all this problem he points out is the lack of liberation movement within the community. He points out to one liberation movement i.e., Dalit Christian Liberation Movement (DCLM) in Tamil Nadu which managed to create some ripples in other south Indian states and how church should take the responsibility of addressing this social problem. He cites the 10 recommendations made by Pastoral Letter of the Tamil Nadu Bishops' for the problem.

He discusses all the existing constitutional, judicial and all the governmental provisions which discusses the reservation status to Dalit Christians in detail and substantiate how the true spirit of the Indian constitution have not passed on when it comes to Dalit Christians and Muslims. He explains in detail the obstacles and the objections still prevalent in extending the reservation status to Dalit Christians.

He bring into the light that how there is a discrimination attitude towards conversion itself. It is a myopic view to look at it. Dalit Christians are denied not only of reservation but also to redressal as they don't fall into any category. He also discusses the vested interest of each group behind not extending reservation for Dalit Christians and Muslims and also lack of political will and lack of representation of the community in political decision is a critical problem to get the issue addressed.

Here he points out the responsibility of National Commission of Linguistic and Religious Minorities towards the Dalit Christian community which has also come into the criticism as how it is an appeasement policy to Dalit Christians and Muslims as vote banks and also how it is made to slow down the momentum of the demand for the reservation.

This article gives an overview of the problems especially of Dalit Christians and their rightful demand of reservation.

S. M Michael studied the kind of changes that has been brought with the help of education, schools and hostel facilities being provided by some of the missionaries and how that touched upon the lives of converts after they embrace Christianity. And he argues through these initiatives Dalit Christians may be able to achieve some degree of occupational mobility. For instance, some of them manage to leave behind menial and manual forms of labour and enter

into slightly more respectable occupations. Though, while converts may develop a greater sense of self-esteem, their lives are usually little altered. That is they continue to face varied forms of discrimination. He shows that government commissions have also recorded this discrimination but they continue to ignore their plight by refusing to admit them into under the purview of benefits accorded to SC or to legally protect them from caste oppressions. Church authorities have also turned a blind eye to forms of discrimination sometimes more by the fear of bad publicity. Publicly, the church has always condemned because caste, but tends to argue that caste exists among Christians because they are unable to shed this particular vestige for their Hindu past.<sup>5</sup>

He also tries to show how secular visionaries such as Phule and Ambedkar were both influenced by certain aspects of Christianity as well as played a huge role in influencing Dalit Christians struggle for equality within and outside the church. He proposes that the presence of strong Dalit leaders today has helped Dalit Christians gain the courage to carry on their struggle in different states. Further Michael traces the three forms of indigenization attempted within the church – the missionary, the monastic and the ecclesiastical – have all privileged Brahmanical, Sanskrit Hinduism. As such, Dalits have shown little interests in these forms of indigenization and have, in effect, rejected them.

Jose Kalapura's work "Margins of Faith: Dalit and Tribal Christians in Eastern India" analysis considers the 'popular' and 'elite' religious traditions in their mutual interaction rather than in their exclusion. He views the 'great' and 'little' traditions as 'constantly negotiating and interacting with each other and with the social milieu within the contours of a specific ethnographic situation'. The term 'margins of faith', in author's view, privileges the perceptions of the upper caste Christians who most often downgrade their faith and religiosity of Dalit and tribal Christians. Thus, he contends that the term shows elements of Eurocentrism and colonialism. He observes that there are imbrications of their earlier religions in the socio – religious life of Dalit and Adivasi communities even as they follow a new religion such as Christianity. He locates the life of Dalit and Adivasi Christians in a historical perspective in the states of Bihar and Jharkand in eastern India. Unlike many similar projects, he analyses the

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<sup>5</sup> S. M Michael, 2010. 'Dalit Encounter with Christianity: Change and Continuity' in Rowena Robinson (et al) Ed. 'Margins of Faith – Dalit and Tribal Christianity in India' published by Sage publications. New Delhi.

significance of Christian beliefs and practices in their lives thereby ushering a new social world and new worldviews. The question of identity formation in the new community of Christians becomes crucial. While comparing the Dalit Christians and Adivasi Christians, the author argues that unlike Dalit Christians of Bihar, the tribal Christians do not experience a crisis of identity in Jharkhand as they remain tribals socially and ethnically. Further, he argues that they do not lose their constitutional entitlements despite converting to Christianity though this is debatable as tribal Christians regardless of where they are located go through processes of identity formation and transformation in diversified forms.<sup>6</sup>

John Webster looks at five Dalit congregations, which he has chosen for their diversity. Three are from Punjab, and one each from Delhi and western Uttar Pradesh. Here two are urban and three rural. His case study demonstrates that Dalit Christianity is not of a single type; each Dalit congregation is different. Each may have a different historical background and may also differ in terms of patterns of organization, class structure and forms of leadership. Depending on their location and social context, they may vary in degree and forms of discrimination and opposition from caste society. His case studies show that different congregations have distinct ways of dealing with their Dalit Identity. In one community, the Dalit identity may be rejected altogether, but accepted in another. In yet another case, it may be employed as a basis for a novel grouping. The ties of caste remains strong in several of the cases, but show signs of weakening may be the preference for Christians as brides and grooms, even if they are of dissimilar caste backgrounds. Local customs and circumstances explain some of these differences between the five communities. Webster argues that the historical trajectories of the communities would account for the rest. He notes that in some cases, members want to identify with their class and religious status rather than by their caste but on the other hand we also see movement of Bhangis and they employ with ease their identity to spread their movement; if they are committed to mobility it is more as a caste community than as individual members.

C. J Fuller analyses Christianity in Kerala and writes those who profess the Christian faith in Kerala are divided into three broad groupings-Syrian Christians, Latin Christians and New Christians which are distinguished according to two main criteria: to which caste the original

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<sup>6</sup> Jose Kalapura, 2010, 'Margins of Faith: Dalits and Tribal Christians in Eastern India' in Rowena Robinson (et al) Ed. "Margins of Faith – Dalit and Tribal Christianity in India" published by *Sage* publications. New Delhi.

converts from whom the members of each grouping claim descent belonged, and the date of these original conversions. (refers to the New Christians as 'Neo-Christians'; in Malayalam they are known as putiya kristyani- 'new Christian' or as avasa kraistava-' backward Christian').

The New Christians are mostly labourers on the land, on the roads or in factories. Very few of them possess land of their own. Economically, their position differs little from that of Hindu Harijans. They are regarded by the high castes, and by many of their own members, as being of a status more or less equal to that of the Harijans. Among the New Christians themselves, however, caste differences are of some importance. Many of my New Christian informants' families had been converted four or five generations previously and they claimed not to know from which caste they came, although they agreed that it was probable that they were from either the Pulaya or Paraya castes, the two largest Harijan castes in Travancore. But, they insisted, their caste of origin did not matter and they would marry any other New Christian. Those whose families had been converted more recently often did recall their original caste and usually said that they would not marry into a New Christian family of a different caste. The question of 'forgetting' caste is problematic and not so simply explained as, for instance, 'forgetting' genealogies, given the importance of caste membership in India.

The social conditions of the New Christians may have promoted this amnesia. In converting to Christianity, members of the lowest Hindu castes were motivated primarily by a wish to escape the indignities imposed on them by the caste system, but they then found that their condition was little changed in the Christian community. But here status is polarized – Syrians at the top, New Christians at the bottom in a way which is but rarely found in the Hindu community, where there is a gradation of status from top to bottom through many castes. It may be that this polar situation, combined with frustrated aspirations, has promoted among the New Christians solidarity against the Syrians as a whole solidarity of the lowly which the Hindu system has, in the main, more successfully prevented. The impression here is that many New Christians resented especially bitterly the Syrians' attitude towards them. All Hindu Harijans are given Scheduled Caste status under the Indian constitution. But New Christians converted from Hindu

Harijan castes are classified only among the Backward Classes, a list drawn up by the state government and not guaranteed as inviolable by the President of India.<sup>7</sup>

Further, after four generations the first being that of the original convert Backward Class status is also lost in theory. However, as no records are kept of the original conversions, few New Christians are concerned about this. Many of them feel, though, that they deserve Scheduled Caste status as they claim, correctly in my opinion, that they are as under privileged as Hindu Harijans. A considerable number of younger New Christians has actually reconverted to Hinduism, mainly in order to claim this status.<sup>8</sup>

Kumar and Robinson in their work “Legally Hindu: Dalit Lutheran Christians of Coastal Andhra Pradesh” are concerned how the Lutherans are constrained to employ Hindu names in order to gain access to benefits of reservation. Since the Indian state and the Judiciary have taken the view that Christianity is based on the principle of equality and there can be no discrimination among those who profess the Christian faith, the severely deprived and impoverished Lutherans are forced to adopt this deceptive strategy.

The authors argue that the official Hindu identity adopted by the Lutherans is an unprofessed and nominal one. It is the Dalit identity which is more close to the Lutherans everyday reality. Here in this context, i.e., caste ridden rural Andhra Pradesh, it is the legal protection of SC and ST Act, 1989 which is more crucial for people since they are severely prone to oppression and violence rather than benefits of reservation itself. The Lutherans still hold on to the Dalit identity because they find it socially and politically relevant for them. Christianity and church have given the Dalits the strength and voices to pursue their struggles and fight for their rights. Christianity enabled the Malas to carve out a distinctive space of their own and it offered them a set of cultural and symbolic resources that they could employ to shore up their identity and gain a sense of self worth. Thus, they are able to take on the battle against oppression by the dominant caste.

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<sup>7</sup> C.J. Fuller, 1976. ‘Kerala Christians and the Caste System’ published in *Economic and Political Weekly*, Vol. 11

<sup>8</sup> Ibid

In coastal Andhra Pradesh, the mass movement led to conversions, particularly among the Dalit groups of the Malas and the Madigas. The Madigas are Baptist, while the Malas turned to Lutheranism. They are each leaders of their own churches. While the denominational differences between Malas and Madigas could have divided the Dalit movement in the region, it does not appear to have had this effect. There are few everyday reasons for the battle between them, for if Madigas are dominant in one village then the Malas are in another. The church strengthens the Dalit movement rather than dissipating it and Dalits in the region are politically powerful too.

Lakshmi Bhatia's study 'Contradiction and Change in the Mizo Church' explores Christianity in Mizoram in its historicity and contemporary aspects in a comparative approach. Mizo Christianity is a unique existence of Christianity when looked at other north eastern states. The difference is in terms of growth processes and their interconnections with broader society and polity. The remarkable features of transformation in Mizoram are the high level of literacy and the close church – state interrelationship. The process of Christianization started in Mizoram in 1894 and took almost a decade to gain momentum. Author shows the three 'harhna' (revival) movements that marked the consolidation of Christianity in the state. The first revival in 1905 was through the cardinal notions of Christianity such as coming of Holy Spirit and confession of sins. This movement of confession led to the growth of Christianity in spite of the counter movement called Puma Zai, which is referred to as a community song of the Mizos.

The second revival was around the theme of second coming of Christ and the third (1935) one introduced the notion of soldiers of the cross. The 1919 revival again saw a counter movement initiated by one of the former mission teachers Tilra which critiqued many notions of church. The author has highlighted the particular configuration of Christianity and Mizo nationalism, civil society and state. This particular point is very crucial for the contemporary politics of Mizoram.

David Mosse in his research titled "The Catholic Church and Dalit Christian Activism in Contemporary Tamil Nadu" identifies the complex and uneven relationship between Christianity and Dalit activism in Tamil Nadu. Through conversions, they sought to overcome the oppression of caste their position as so – called 'untouchables'. Later he narrates how Dalits succeed in only becoming Dalit Christians and the very emergence of such an identity is demonstration of the failure of the church in eradicating the effect of inequality of caste. Further,

Mosse argues that Dalit Christian activism has not become prominent because of the questioning of caste by Christians themselves; rather, it was Dalit Jesuit priests who critiqued the caste first. Mosse shows, notwithstanding the denial of caste, the dominance of those considered high caste is established within the church and through their networks and alliances they successfully achieve the ordering of a variety of Catholic institutions in powerful ways. Dalit Christian activism does not permit the church to neutralize the issue of caste rather they succeeded in opening up a space for discussing caste within the church itself and have helped in bringing new leaders and a new range of symbolic resources to it.

He goes on to say about the strategic support that the Dalits got from the church on certain issues came about as a result of the Hindutva movement. When the state turned pro – Hindutva, especially on issues related to conversion, the church was in a vulnerable position without the support of Dalit Christians. And Mosse suggest that by extending support and in response church got a mass wide base to withstand the intrusions of state. And he adds such alliances are just temporary and it is more for the reason of Hindu nationalism's association with the legislations on conversion than because it was anti – church per se that Dalit Christians were opposed to those legislations.

From these above discussions what should be seen as significant is the continuing resistance and critiquing of caste practices from the margins of the society by the Dalit Christians. These were intended to shed light into the overarching areas of marginalization, mobilizations and movements specific to the context of Dalit Christians. Here there is definitely various possibilities of even greater disabilities and violence suffered by the communities at the periphery due to the failure of developing a new self. New equations and of hierarchy and new ways of social exclusion keep emerging in this caste ridden society – perspectives and practices need to develop for the Dalit Christians to control cultural and political prospects and resources.

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

The problem at the heart of all these discussions is that whether it is possible for Dalit Muslims and Dalit Christians to be Scheduled Caste? Earlier, in the Constitutional Order of 1950 listed SCs and STs using the list employed by the Government of India (Scheduled Castes) Order of 1936. The order specifies that no person professing a religion other than Hinduism may be



deemed a Scheduled Caste member. The limitation has been understood in terms of the logic that religions such as Islam and Christianity claimed the principle of human equality and therefore, there could strictly not be any “Scheduled Castes” in these communities. Apart from all its other problems, such as an argument cannot any longer be defended since the order has already been amended in 1956 to include Sikh Dalits and again in 1990 to include Buddhist Dalits. These are religions that promote the idea of equality. In the light of these amendments it would appear that the continued exclusion of Christians and Muslims from the benefits of reservation amounts to religion based discrimination and contravenes constitutional principles prohibiting discrimination on the grounds of religion, race, caste, sex or place of birth. The idea of reservations for Dalit Muslims and Dalit Christians or affirmative action for other sections of the community should not be considered religion-based decisions. Marginalisation, discrimination, violence and social exclusion have further depressed the minority groups and pushed down levels of achievement.<sup>9</sup>

Dalit Muslims and Dalit Christians are Dalits first and Muslims and Christians only later,<sup>10</sup> thus they are no exception to get victimized in this crime. It should also be remembered that in several cases of atrocities committed against Dalits, majority of the victims were Dalit Christians as in the case of Kandamal, Karamchedu and Tsundur massacres.<sup>11</sup> These victims were attacked not because they were Christians but because they were untouchables. Therefore the problem is more a social problem than a religious one. Despite their conversion their socio-economic status has not altered or changed. Rather, it has worsened their condition without constitutional legal support and religious institutions exerting their own institutional hierarchies and discriminatory practices. Thus when we talk about rights, only civil, political and economic rights come in forefront but we tend to neglect social and cultural rights also. Caste based discrimination is definitely more of a social issue and government should bring in legislations and policies which

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<sup>9</sup> Indian Social Institute (A sponsored Publication). 2010. ‘Dalit Muslims: Double Exclusion – A study on Dalit Muslims in Selected States of India’, New Delhi. p. 15.

<sup>10</sup> S. Japhet & Y. Mosses – ‘The Unending Struggle of Dalit Christians and Dalit Muslims for Equality’ published in *Kafila.org*, July 28<sup>th</sup>, 2011

<sup>11</sup> Eight Dalits were hacked to death in broad day light on August 6<sup>th</sup>, 1991, with over 400 people chasing them. Special Court assembled, and felt this is not the rarest of the rare cases, which attracted death penalty and 21 of them got life imprisonment for this massacre.

ensure the essence of these rights as well. Therefore the struggle of Dalit Christians and Dalit Muslims is a rightful demand for substantive equal rights and full citizenship.

The Dalit Christians and Dalit Muslims tried the judicial process, there were writ petitions challenging the 1950 Presidential Order in Supreme Court. Governments year after year have been following evasive methods and tactics of constituting commissions and committees to deal with the issue. Later, Justice Ranganath Mishra Commission was set up in 2005 and submitted report in 2007; thereafter it was further referred to National Commission of Scheduled Caste. These reports were tabled in parliament in December 2009; both the commissions were in favour of extending constitutional protection and safeguards to Dalit Christians and Dalit Muslims as available to their counterparts professing Hinduism, Sikhism and Buddhism. Apart from these, the Chinnappa Reddy Commission Report, the Mandal Commission, the Sachchar Commission Report and other studies have highlighted the marginalisation of Dalit communities irrespective of religion<sup>12</sup>. But despite all these, governments keep mulling over these reports for ever and have not shown the confidence and sincerity to step up and implement the recommendations through an amendment. They do not wish to make the majority unhappy since they feel this extension of support would eat in to their appercart. It is high time that a secular state stops giving preferences in favour of the majority religion (reservation policy to Hindu Dalits) primarily weighing their returns in terms of vote banks and entrust the marginalized Dalit Christian and Dalit Muslim communities too.

Efforts of Dalit human rights organizations and activists have made United Nations to take cognizance and thus recognize caste as an issue very recently, although the caste based discrimination has been there forever; it was just ten years back that U.N started with mechanisms to tackle it. Though in 1996, Committee on the Elimination of Racial Discrimination (CERD) was concerned about the violence against SCs and STs, only in 2002 after the World conference Against Racism, made its first reference to caste discrimination, and untouchability. “The committee affirms that the situation of SC and the ST fall within the scope of this convention.” Since then Dalit Human Rights organizations have advocated for this to be addressed at the UN level, significant achievements have been made. Some of them are:

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<sup>12</sup> Ambrose Pinto, ‘Should Dalit Christians/Muslims be excluded from Reservation?’ Mainstream Vol. XLVIII, No 17, April 17, 2010. Source: <http://www.mainstreamweekly.net/article1977.html>

- General Recommendation 29 of the Committee on the Elimination of Racial Discrimination (CERD) addressed Discrimination based on Work and Descent and Caste based discrimination;
- Other Treaty Bodies including, the Committee on the Elimination of Discrimination Against Women and the Committee on Economic, Social and Cultural Rights have also addressed Discrimination based on Work and Descent (DWD) while examining country reports; and
  - Special Rapporteurs on DWD, which suggest clear policies, drafted Principles and Guidelines for the Effective Elimination of Discrimination Based on Work and Descent and actions have been submitted to the Human Rights Council; and Caste discrimination issues have been addressed in the reports of Special Procedures mandate holders (including the Independent Expert on minority issues and the Special Rapporteur on racism) and mandates have conducted country visits to caste affected countries.<sup>8</sup>

### ***Aim of the Study:***

The aim of the study is to analyse the demand for SC status by Dalit Christians and Dalit Muslims by exploring the impact of caste on the Dalit Christian and Dalit Muslim communities i.e., their caste status with respect to the issue of conversion. Also to assimilate the limited studies/ reports conducted on them which would reveal the nature of discrimination faced and also their socio – economic status; with respect to their counterparts in Hindu religion.

### ***Objectives of the Study***

The objectives of the study are as follows:

- a) To narrate the existence of caste among Muslim and Christian communities – how & why caste has impacted so much and what is the present caste status of these communities?

- b) To examine the several dimensions of discrimination and exclusion faced by Dalits (Hindu) and to evaluate how different or similar it is for the Dalit Christian and Dalit Muslim communities of the present day.
- c) To assess the socio – economic status of Dalit Christians and Dalit Muslims vis – a- vis that of Hindu Dalits.
- d) To assimilate and analyze the limited information available in the forms of books, articles, reports and monographs conducted on these communities.
- e) To sketch the movements and mobilizations that the Dalit Muslim and Dalit Christian communities have managed in order to assert themselves and also to trace the debates on the issue of conversion.
- f) To evaluate the judicial processes post 1950 with respect to constitutional provisions on Dalit Christians and Dalit Muslims.

### ***Methodology***

The study adopts an analytical and descriptive method. It is diagnostic and non-experimental in scope of analysis. Given the scope of the issue, the study explored the secondary sources identifying the major categories of literature which was available in the form of books, articles, monographs, book reviews and reports. The second source of material was available from newspaper articles, commentaries, news briefs which also formed an equally important part of this study. The elicited information was analyzed in accordance to the needs of the research questions.

Libraries constituted the major repositories of secondary sources of documentation. They were accessed and retrieved from the following centres, the Jawaharlal Nehru University library and the Indian Social Institute Library in New Delhi.

## ***Research Plan***

The thesis is presented as follows:

Introduction – would be containing the historical background, review of literature, aim of study, objectives and the methodology adopted.

Chapter I – *Overview of Caste system and its impact*: This chapter would try to explain the existence of caste among Muslim and Christian communities – why caste has impacted so much and what is the present caste status of these communities? Also to examine the several dimensions of discrimination and exclusion faced by Dalits (Hindu) and to evaluate how different or similar it is for the Dalit Christian and Dalit Muslim communities of the present day.

Chapter II – *Socio – Economic Status and Exclusion of Dalit Christians and Dalit Muslims*: Here an attempt is made to understand the socio – economic status of Scheduled Castes and rest of this chapter would look into the aspects of educational exclusion, economic backwardness and occupational structure of these communities and try to co-relate or highlight the fact that there exists similar social status/ stigmatization and economic disabilities/ standards for both the Hindu Dalits as well as their counterparts in the other religions. It is pertinent to state here that there are very limited information available about these communities partly because these communities are not recognized by the state in the similar manner as of Dalit Hindus and they have not managed to gain that much importance in the eyes of government and as the resistance within community have also gone unheard.

Chapter III- *Movements and Mobilizations by Dalit Christians and Dalit Muslims for Scheduled Caste Status*: This chapter aims to trace the movements and mobilization made by Dalit Christians and Dalit Muslims in asserting for their Scheduled Caste Status and will also highlight the voices against this move demand from within and outside these groups.

Chapter IV – *Judicial Perspectives*: Looks at the constitutional provisions available for Dalit Christians and Dalit Muslims, discussions centered around the various cases that has been filed both at the centre and state courts and also the judicial course the demand has till date.

Conclusion - would be the summation of trends visible in the concourse and would also comprise chapter conclusions with research pointers to the future.

## Chapter I

### Overview of Caste System and its impact

Originally the classical Hindu texts divided the Hindu population into four ranked categories called varnas: the Brahmins, or priests; Kshatriyas, the warriors and kings; Vaishyas, the farmers and merchants; and the Sudras, the laborers and servants to the three higher caste categories. Below the Sudras is a fifth category, ati-Sudras-today known as untouchables (out castes), Harijans, or Dalits, though Dalits prefer to call themselves as 'Dalits' which means 'Broken People' which portrays their struggles. Dalits are not actually one caste, but a category that includes many hierarchically arranged castes, all of which are considered by dominant castes to be ritually polluted, or untouchable. According to the 2001 Census there were about 168.6 million Dalits in India and they constituted about 16.8% of the entire population of India. The total population has risen to over one billion, but we do not know yet the precise Dalit head count in the country. However, the common conjecture is that there are roughly about 250 million Dalits in India.<sup>1</sup>

While varna denotes the ideal type category, people are grouped in terms of actual membership into many discrete castes called jatis. Jatis number in thousands across India. Some are localized, occurring in only one village, while other jatis are found throughout India. These are further subdivided into (generally endogamous) marriage circles. The caste system is actually thousands of caste systems that vary village by village across the sub-continent. However, all these local caste systems represent closed, self referencing, hierarchical stratification schemes.<sup>2</sup> For some scholars, caste is no longer defined in terms of endogamy, hereditary and relative rank (although such identities are implied), but seen as a "political faction" in competition with "other such factions for some common economic or political goal".<sup>3</sup>

This chapter aims to provide an overview of caste system in India so as to explore its deep rootedness in the society and thereby to analyse its impact on the non – indigenous religions such

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<sup>1</sup> Oliver D'Souza, 'Dalit Muslims and Caste System among Indian Muslims' – Accessed on 7/02/2012. Source: [http://www.truthaboutdalits.com/Dalit\\_Muslims/dalit\\_muslims\\_castes\\_system.htm](http://www.truthaboutdalits.com/Dalit_Muslims/dalit_muslims_castes_system.htm).

<sup>2</sup> Syed Ali, 'Collective and Elective Ethnicity: Caste among Urban Muslims in India', Source: Sociological Forum, Vol. 17, No. 4 (Dec., 2002), pp. 598 - 599, Published by: *Springer*.

<sup>3</sup> Deepa S. Reddy, 'The Ethnicity of Caste', Source: *Anthropological Quarterly*, Vol. 78, No. 3 (summer, 2005), pp. 548. The George Washington University Institute for Ethnographic Research Publication.

as Islam and Christianity. The narrative would be arranged in such a way to explain the existence of caste among Muslim and Christian communities – why caste has impacted so much and what is the present caste status of these communities? Also to examine the several dimensions of discrimination and exclusion faced by Dalits (Hindu) and to evaluate how different or similar it is for the Dalit Christian and Dalit Muslim communities of the present day.

### **Caste System in India**

As discussed above the cause of discord and animosity that affected various sections of society is non-discrimination between the two segments ‘Jāti’ (caste by birth) and ‘Varna’ (caste by profession). One may claim to have been born in a particular Jāti and consider oneself as ‘uddha’ (pure) or ‘ubha’ (auspicious) and those sharing a common caste identity may subscribe to at least a notional tradition of common descent, as well as a claim of common geographical origin and a particular occupational ideal. For instance, an individual claiming Brahman parentage is not obliged to follow a priestly or preceptorial livelihood. A man professing princely descent automatically is not expected to wield a sword. But those claiming Brahmin or Kshatriya origin do not expect others to think that their ancestors were humble labourers or providers of menial service, as would be the case for an individual identified by a low-caste Jāti designation such a Paraiyan or Chamar. In theory at least, civilized ‘caste Hindus’ regard it as wrong and unnatural to share food or have other intimate social contact with those who are dissimilar to them in terms of caste.<sup>4</sup>

The implication is that to be of a high or low caste is a matter of innate quality or essence. This is what is stated in many Indian scriptures dealing with caste ideals. But in real life, these principles have often been widely contested and modified. The implication would be that all who are born into the so-called ‘clean’ castes rank as high and pure, regardless of wealth, achievement or other individual circumstances. M.N. Srinivas has brought in the ‘theory of Sanskritization’, an historical process of a group moving upward socially through the embrace of

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<sup>4</sup> M. Narasimhachary – ‘The Caste System: An Overview’ - A summary of the first lecture in the IK Foundation Lecture Series, ‘Indian Culture in the Modern World’. 23rd October 2002, Oxford Centre for Vaishnava and Hindu Studies. London.

the high or 'Sanskritic' practices, as opposed to local or popular forms of social and religious practices. Thus in his view, caste-society is mobile and fluid, rather than static and inflexible.<sup>5</sup>

Caste is explained by many specialists as a system of elaborately stratified social hierarchy that distinguishes India from all other societies. It has achieved much the same significance in social, political and academic debates as 'race' in the United States, 'class' in Britain and 'faction' in Italy. It has thus been widely thought of as the paramount fact of life in the subcontinent, and for some, it is the very core or essence of south Asian civilization.<sup>6</sup>

The term "Dalit" was introduced in the nineteenth century and it broadly means the oppressed and the downtrodden that are deprived. So, in its broader sense Dalit can be Scheduled Castes (S.C's) and Scheduled Tribes (S.Ts') and OBCs (Other Backward Castes). They are treated as sub-human in Indian society and caste system in society is definitely a unique causal factor of social exclusion. There have been spirited debates about whether caste is an ancient Indian institution, or largely an outgrowth of colonial rule; whether caste is primarily a religious and ritual phenomenon, or has important economic functions or causes; whether it is a holdover that is in decline in today's India, or is a meaningful feature of present day social structure; whether castes are ordered hierarchically, or are mainly horizontal groupings; and whether caste is best conceptualised as a kind of familialism, or a pseudo-ethnicity, or an occupationally-based grouping, or a system of patronage. These aspects have been discussed extensively in the works of Bayly (1999), Deshpande (2005), Dudley-Jenkins (2003), Mendelsohn and Viczaiany (1998), Searle-Chatterji and Sharma (1994), Srinavas (1996) and Sharma (1999).<sup>7</sup>

There are various forms of social exclusion experienced by the Dalits (in general) in different spheres. Historically, they were deprived of education as well as right to possess assets. Stratification and inequality is common in almost every society as the Indian society. Our society is primarily characterized by a high degree of structural inequalities. Stratification signifies a multi-layered phenomenon and is generally considered to be similar to the earth's crust.<sup>8</sup> For Dumont, hierarchy implies the regular ordering of a phenomenon on a continuous scale 'such

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<sup>5</sup> Ibid

<sup>6</sup> Ibid

<sup>7</sup> Sukhadeo Thorat, et. al 2009. 'Urban Labour Market Discrimination', Working paper series – volume III, number 1, 2009. *IDSN*.

<sup>8</sup> André Béteille. 1977. 'Inequality among men'. *Oxford*, Basil Blackwell. U.K. p. 129.



that the elements of the world are ranked in relation to the whole' but for Gupta (2001), hierarchy is one kind of stratification where the strata's are arranged vertically. So, social stratification is the ordering of social differences with the help of a set of criteria or just a single criterion. Whereas Hooda (2001) remarks that "in any society, culture and power are the two main sources of society, which is a cultural construct and is maintained by power apparatus".

Indian society has changed a lot since independence but nothing much has been achieved on the front of eradicating caste based discrimination and stigmatization associated with it. Discrimination and aversions to Dalits has taken new forms and continue to persist in both rural and urban places. Education has not been completely successful in bringing about an attitudinal shift in Indian people. For Dalits, SC status and the extended reservation policy till date has been one of the strongest safeguards for SC & ST people irrespective of all the odds.

The criteria for consideration and inclusion of a particular caste into the schedule were based on its social, educational and economic backwardness arising out of the traditional customs related to the practice of untouchability. The Government of India Act, 1935, determined these forms of deprivation, particularly social and economic, on the basis that; they occupy a low position in the Hindu social structure; their representation in government services is inadequate; they are inadequately represented in the fields of trade, commerce and industry; they suffer from social and physical isolation from the rest of the community; and there is a general lack of educational development amongst the major section of this community.<sup>9</sup> As stated earlier, Scheduled Castes (SCs) constitute about 16.8 percent of the Indian population.<sup>10</sup> And this way and it would be impossible for any nation to move ahead by completely neglecting their share.

Dalits are identified with communities of their own. Majority of them living in villages and is engaged in agricultural production. They till the land and produce crops as agricultural labourers. The rural economy of India is dependent on Dalits but controlled by dominant caste Hindus. As far as Dalit women are concerned, they equally contribute along with their male counterparts to nation building but faces triple discrimination – as in exclusion instigated by society, state and gender based discrimination and renders them the vulnerable most. Dalits both in rural and urban

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<sup>9</sup> Sukhadeo Thorat, 2009. 'Dalits in India: Search for a common destiny'. Sage Publications. New Delhi. pp. 2

<sup>10</sup> Census of India. 2001. New Delhi: Registrar General of India. Source: <http://censusindia.gov.in/>

areas live their lives as construction workers, slum dwellers, bonded laborers, scavengers and in other related jobs. The Dalits living in villages and cities are primarily engaged in production. Caste Hindus call them as impure and polluted even today and therefore Dalits tend to live together as a group wherever they are in order to protect themselves from atrocities committed on them by the caste Hindus.

Historically, because Dalits were viewed by dominant caste people as physically and spiritually polluting, they were not allowed to live close to persons of dominant caste, or to use the same water supply, or to enter the temples. They could not own land or be educated and were excluded from many occupations. Even their presence was polluting; in public places, they had to keep physical distance from dominant caste. They were not allowed to eat or drink in the same establishments as other castes did or use the same utensils. As noted in the works of S. K Thorat and Umakant, 2004, Dalits worked in stigmatized occupations that handled 'impure' materials such as human faeces, dead animals, hides etc. Tanning, scavenging, sweeping, and cleaning jobs remain distinctively Dalit's occupations in modern India. However, the majority of today's 167 million Dalits work as landless or near-landless labourers in agricultural production or in the lowest paid kinds of manual labour.

The socio-economic conditions of Dalits are wretched though they constituted 16.2 per cent of the Indian population according to the 2001 Census. In the modern time, Dalits have won important legal rights, including "reservation" system that provides quota system for job positions in government and universities but not in private sector. This has led to the emergence of a stratum of university-educated and professional Dalits, known as "the creamy layer," but census data document that the great majority of Dalits remain in or close to poverty, with rates of illiteracy and malnutrition that are substantially higher than the rest of the Indian population.

The problems of the lower castes (the Scheduled Castes – SC – and the OBC's) are unique and distinct and as such have to be understood in terms of their being excluded from having equal rights in the past. Also, such forms of exclusion, even if not in all their original forms, continue to perpetuate themselves in the present. In social sciences literature, there is reasonable agreement on the definitive features of social exclusion and the means by which it perpetuates

poverty and inequality. Social exclusion is conceived as a process, which unfavourably denies opportunities to certain groups. It is embedded in societal relations and manifests itself by “wholly” or “partially” excluding certain groups from full participation in the activities of a society. It is necessary to recognize that social exclusion based on identities is a process independent of income status, productivity or the merit of individuals. Identity based exclusion eventually leads to the economic and social deprivation. In contextualizing social exclusion in the Indian perspective, what comes to the fore is that the process revolves around certain social relations that discriminate, isolate and deprive some groups on the basis of their identities such as caste and ethnicity. Among other things, exclusion in the Indian context is closely linked with the institution of caste. Caste as a customary form of governance with its fundamental characteristics of fixed, unequal and hierarchal arrangement of rights, leads to the “exclusion” of one caste from the rights that the other castes enjoy.

Dalits are not Hindus because Hindu religion is premised on Chaturvarna system in which the Dalits stand at the bottom or are considered as outcaste. Hindu religion divides human beings on caste lines. The caste system prevents common activity. The Dalits possess common beliefs, customs, habits and ideas. Inter – dining and inter marriages are popular among the Hindus. But no such marriages are possible between a Dalit and a dominant caste Hindu. Dalits are condemned to be lowly. Not knowing the way of escape from caste oppression and they have accepted as their inescapable fate.<sup>11</sup> Though not all of them have accepted their fate but lot converted to the non – indigenous minority religions.

Unsurprisingly, the common feature in the minority communities in India - Muslim, Sikh, Christian, Buddhist and Jain - is that a majority of the population comprises of Dalit and Sudra converts. The conversions of these segments of society to non-Hindu faiths primarily took place to escape the caste system as all these faiths believe in the universal equality and brotherhood of man. The first minority community into which the Dalits converted to was Christianity, as early as the first century AD. St. Thomas, one of Jesus twelve disciples brought Christianity to India, landing in the Malabar Coast in modern day Kerala. Historical records show that while Thomas entrusted discipleship functions to five Namboodri Brahmin families because of their education

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<sup>11</sup> Rana, Mahendra Pratap, 1999, ‘Dalit Economy and Identity’ in Ambrose Pinto Ed. “Dalits: Assertion for Identity”, *Indian Social Institute* sponsored publication, New Delhi.

and literacy levels, members of the Dalit and Sudra communities embraced the faith in larger numbers than the dominant caste Hindus of the time. The substantial growth of the Dalit and Sudra Christian population, however, took place during the colonial periods, with conversion taking place to Catholicism and Protestantism as well.<sup>12</sup>

In India of about 20 million Christians at least 14 million are of Dalit origin which means about 70 percent of conversions made to Christianity has occurred from Dalits. Their encounter with Christianity and along with various social, cultural, economic, political and religious reasons have resulted in mass movement of religious conversions. Christianization of Dalits has been continuing for many centuries. But another fact is that the conversion to Christianity has come to a halt after Independence. Though, conversion has come to an end, yet most of the debate of conversion to Christianity is placed against Dalits and tribals. Moreover, it is the conversion of Dalits to Christianity, which leads to conflict and crisis within the church and wider society.<sup>13</sup>

While Hindu fundamentalist organizations through their assimilation policy claim that tribals and Dalits are Hindus, a large number of tribals and Dalits on the other hand reject this superimposed new identity. Dominant caste Hindus, while trying to get the services of the Dalits and tribal paid less attention to their deprived condition. Even in academic literature, they have been addressed as 'Backward Hindus'. Rejecting this identity, many tribals and Dalits have found their own ways to move up the social ladder of Indian society and conversion movements among Dalits and tribals have shown the potential for social change of religion.

These movements represented an effort on the part of the Dalits to gain dignity, self respect and ability to choose their own destiny for themselves. It is rightly said by John Webster that "the mass movements among Dalits constituted the first stage in the modern Dalit movement." These were group decisions to belong to a new community which not only had a religious tradition comparable to that of the caste Hindus, but which promised new dignity and esteem. These movements were also a revolt against a socio – religious system, which failed to provide a meaningful response to Dalit needs and aspirations.

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<sup>12</sup> Oliver D'Souza, 'Dalit Muslims and Caste System among Indian Muslims' – Accessed on 7/02/2012. Source: [http://www.truthaboutdalits.com/Dalit\\_Muslims/dalit\\_muslims\\_castes\\_system.htm](http://www.truthaboutdalits.com/Dalit_Muslims/dalit_muslims_castes_system.htm).

<sup>13</sup> Prakash Louis. 2007. 'Caste based Discrimination and Atrocities on Dalit Christians and the need for reservations.' Working Paper Series Vol II/ Number 04/07. Devoted to Studies on Social Exclusion, Marginalized Social Groups and Inclusive Policies. *Indian Institute of Dalit Studies (IIDS)*, New Delhi.

To take note of the primary reasons why reservation to Dalit Christians is being denied is for the fear of many Dalits converting to Christianity. This does not seem to be true on two accounts. Firstly, a careful reading of the demographic profile of various religious communities in India from 1961 to 2001 reveals that the population of various religious groups over time has, in fact, declined. Despite all the ‘pull factors’, which were supposed to have been offered to the weaker sections in India, Christianity remains a marginal religious community. Secondly, even the small groups of people who converted to Christianity from Dalit origin have been kept in a depressed and peripheral location.<sup>14</sup>

The greatest benefit that the Dalit Christians have received would be education. Though illiteracy is still high among Dalit Christians in comparison to other caste Christians, yet, the school and hostel facilities in the mission stations in several parts of India have helped the Dalit Christians in their aspiration for education. An empirical study undertaken in Bihar points out that

*“an overwhelming majority of Dalit Christians work as agricultural coolies as their main occupation; just a handful of Dalits as cobblers, watchmen, cooks, carpenters, drivers, petty businessman, construction labourers, sweepers, gardeners, house servants, hostel wardens and so forth. ...Consequently, the Dalit Christians who have been looked down on as **no body** in the society, have become **somebody**.”<sup>15</sup>*

The Dalit Vankar community in Gujarat, for example, which practiced child marriage began a process of reform after their conversion to Catholic Christianity. The catholic started the Catholic Sudharak Mandal. They held annual general meetings where all the members participated. The association, in one of its general meetings, decided to institute a kind of life insurance society for its members. They also initiated a fund for promoting higher education for children. These efforts helped the Vankar Christians to improve their socio – economic conditions. Similar changes have been brought about among Dalit Christians in Tamil Nadu, Andhra Pradesh and

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<sup>14</sup> Ibid

<sup>15</sup> S. M Michael, 2010. ‘Dalit Encounter with Christianity: Change and Continuity’ in Rowena Robinson (et al) Ed. “Margins of Faith – Dalit and Tribal Christianity in India” published by *sage* publications. New Delhi.

other parts of India. Though Dalit Christians have made significant socio-economic progress, this has often not gone well with dominant caste Christians and caste Hindus. Dalit Christians in many parts of India continue to be badly treated.

The second minority community into which the Dalits converted was the Muslim community. Islam was brought into India first by traders, but it was only when Muslim invaders came to the country that conversion of Dalits and other Sudra communities to Islam took place in large numbers. Some of them converted to escape the caste system while others converted to escape the taxes levied by Muslim rulers on non-Muslims. Similarly, conversions to Buddhism, Jainism and Sikhism took place later to escape caste as all these new faiths were a reaction against caste discrimination. It also remains that a much smaller number of dominant-castes who saw the egalitarian values in these faiths too converted to them. Although the conversion has benefited the converts in many ways, they have not altogether escaped it because caste has also infected these minority faiths because many of the converts brought caste into their new religious communities.<sup>16</sup>

### **Caste System and its Impact on Islam and Christianity**

In India, social behavioural digression can be seen and justified on the basis of caste hierarchy and ethnic origin irrespective of religious groups. In the present social complexity, the Muslims and Christian societies are not impervious to this. Both these communities are also divided on numerous camps on caste lines. The lower caste in any religion are in general, socially and economically marginalized by their own community members on one hand, and the Hindus discriminate, exclude and marginalize them on the basis of religion, caste and even at times political grounds on the other hand. This also means these lower caste people are on the margins of Indian social order.

Despite this teaching of Islam, the Muslims in India are divided into "noble", or "ashraf" Muslims whose roots go back to Arabia, Irani and other parts of Central Asia and the 'arzal' Muslims who comprise of Dalit and other low caste Muslims. Muslim Dalits make up 80-85% of the Muslim population in India. Part of this population embraced Islam to escape taxes levied on

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<sup>16</sup> Oliver D'Souza, 'Dalit Muslims and Caste System among Indian Muslims' – Accessed on 7/02/2012. Source: [http://www.truthaboutdalits.com/Dalit\\_Muslims/dalit\\_muslims\\_castes\\_system.htm](http://www.truthaboutdalits.com/Dalit_Muslims/dalit_muslims_castes_system.htm).

non-Muslims by erstwhile Muslim rulers. This included 'high caste' Hindu converts. Some others became Muslims through coercive campaigns by Muslim Kings. A majority of the Muslim population, however, comprises of Dalit and Sudra low caste converts to the faith. They embraced Muslims to escape oppression under the Hindu caste system. They were impressed by the brotherhood of the early Muslims, particularly the Sufis, whom they saw eating together from the same plate and praying together in the same mosques. They also saw that there was spiritual equality as demonstrated by the fact that anyone could become the Imam to lead prayers. The descendants of these converts today form the overwhelming majority of the present Muslim population in India. These are the Dalit Muslims. Indian Muslims who claim foreign descent assert a superior status for themselves as ashraf or 'noble'. These Muslims are the ones who are accused of meting out discrimination to the Dalit and other low caste Muslims. The ill treatment of the Dalit and low caste Muslims has resulted in a movement for their recognition as Scheduled Castes, as is the case with the lower castes in the Hindu society. A survey by the National Council for Applied Economic Research (NCAER) said that three out of every 10 Muslims were below poverty line and lived on less than Rs 550 a month in the year 2004-05.<sup>17</sup>

The various Christian and Muslim backward castes and communities are, namely, Arekatika, Katika, Quresh (in Andhra Pradesh); Maimal Manipuri (including Manipuri Brahmin and Manipuri Muslim) in Assam; 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 (in Bihar); Makrana in Dadra and Nagar Haveli; Julaha-Ansari, Kasai, Qassab, Quraishi in NCT; Bafan Dafer, Fakir or Faquir, Gadhai Galiara, Ganchi, 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 in Gujarat; Meo in Haryana, Julaha-Ansari in Himachal Pradesh; 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 in Karnataka; Other Muslims excluding i) Bohra ii) Cutchi iii) Menmon iv) Navayat v) Turukkan vi) Dakhani Muslim in Kerala; Rangrez, Bhishti, Bhishti- Abbasi, Chippa/Chhipa,

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<sup>17</sup> Ibid

Hela, Bhatiyara, Dhobhi, Mewati, Meo, Pinjara, Naddaf, Fakir, Faquir, Behna, Dhunia, Dhunkar, Mansoori, Kunjara, Raine, Manihar, Kasai, Kasab, Kassab, Quasab, Qassab, Qassab- Qureshi, 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 in Madhya Pradesh; Chapparband, Julaha, Momin, Julaha- Ansari, Momin- Ansari in Maharashtra; Kasai-Qureshi in Manipur; Julaha in Rajasthan; Dekkani Muslim in Tamil Nadu; Momin (Ansar, Ansari), Julah, Muslim Kayastha, Qassab (Qureshi), Sheik Sarvari (Pirai), Teli Malik in Uttar Pradesh and Jolah (Ansari Momin), Kasai-Quraishi in West Bengal.<sup>18</sup>

The Dalit converts to Christianity were called the Christians of Scheduled Caste Origin (CSCO). This name became common after the first National Convention of Christian Leaders on the Plight of Christians of Scheduled Caste Origin in 1978 (NBCLC 1978). Christian circles began to use the term 'Dalit' for Scheduled Castes at the end of the 1970s and in the early 1980's. The concept and category of 'Dalit Christians' and the slogan 'Dalit is dignified' were formulated by the Christian Dalit Liberation Movement in 1985. National Churches Ecumenical Councils (World Council of Churches) have become familiar with the term since 1986. Though the concept and the use of the term Dalit Christians were common among the Protestants from the end of the 1970's onwards, the Catholics began to use this term a little later. The National Convention of All India Catholic Union (AICU) in 1989 decided to refer to Scheduled Caste Christians as Dalit Christians.<sup>19</sup>

Christianity has mostly the Scheduled Castes converts to Christianity and their progeny and in some cases there are even converts from other backward classes otherwise there are Christian Chamar, Christian Mahar in Daman and Diu, Christian Dhobis and Christian Kharvi in Goa, Latin Catholic, Nadar belonging to Christian religious denominations other than SIUC Scheduled caste converts to Christianity in Kerala, Christian Kolis in Maharashtra, Christian Nadar and Paravan in Puducherry, Converts to Christianity from Scheduled Castes irrespective of the generation of conversion Christian converts from any Hindu backward classes Latin Catholic

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<sup>18</sup> Source: Website of the National Commission for Backward Classes. <http://www.ncbc.nic.in/> Accessed on 24/04/2012.

<sup>19</sup> Michael, S.M (2010). 'Dalit Encounter with Christianity: Change and Continuity' in Rowena Robinson (ed.) 'Margins of Faith – Dalit and Tribal Christianity in India' Sage Publication, New Delhi.



Pattanavar, Sembadavar, Mukkuvan, Mukkuvar or Mukayar, Christian Nadar, Christian Shanar, Christian Gramani, Paravar (converts to Christianity) in Tamil Nadu.<sup>20</sup>

Caste distinctions among Indian Christians are breaking down at about the same rate as those among Indians belonging to other religions. There exists evidence to show that Christian individuals have mobility within their respective castes. Though in some cases social inertia cause old traditions and biases against other castes to remain, causing caste segregation to persist among Indian Christians. About 70–80 per cent of Indian Christians are Dalit Christian, members of the Dalit or backward classes.

Caste discrimination is strongest among Christians in South India and weaker among urban Protestant congregations in North India. This is due to the fact that in South India, whole castes converted altogether to the religion, leaving members of different castes to compete in ways parallel to Hindus of the Indian caste system. There are separate seats, separate communion cups, burial grounds, and churches for members of the lower castes, especially in the Roman Catholic Church. Catholic churches in India are largely controlled by dominant caste priests and nuns. Presently in India, more than 70 per cent of Catholics are Dalits, but the higher caste Catholics (30% by estimates) control 90 per cent of the Catholic churches administrative jobs. Out of the 156 catholic bishops, only 6 are from lower castes.

Islam entered India almost immediately after its birth in the 7th century A.D and made its way into different parts of the country. In the south it entered through the present day state of Kerala situated on the Malabar Coast in South India. Its carriers were the Arab traders who had been involved in trade activities with India even before the times of Prophet Muhammad. During their numerous voyages to the Malabar region, the Arab traders established matrimonial relationships with the local women and had many progeny from these marriages. This resulted in the spread of Islam to different parts of the region. In the North, Islam came along with the invasion of Muhammad bin Qasim, a general of Yusuf bin Hajjaj, the governor of Iraq during the Umayyad period. This was followed by the many invasions of Muhammad Ghori and Mahmud Ghazni, both interested merely in the enormous wealth and riches that India offered. The two were never interested in occupying and ruling the land of India. Their main focus was to plunder, pillage and

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<sup>20</sup> Ibid

transfer as much wealth as possible to their respective capitals since this was crucial for them to maintain their large armed forces and entourage used in their frequent military campaigns.

The history of Islam in India is well over a thousand years old today. It has blended beautifully into the background of its adopted land and contributed immensely to the formation of a composite Indian culture and the building of the Indian nation. But this Islam and its practitioners are not a homogeneous entity as is widely believed. In fact there is a great deal of diversity in the manner in which Islam is practiced and perceived throughout India. This is hardly surprising considering the facts that Islam in India is almost as old as the faith itself and that its followers in different regions of the country represent a myriad of cultures. In this process of adapting to the variety of cultural milieus, Islam has acquired many hues and should not be considered as a monolithic entity. Nevertheless, Muslims in India have responded well to the challenges of living as a minority in a religiously plural society. But threat the most important challenge that confronts the community today is the caste-based discrimination practised by certain sections of Muslims in India.

*The Holy Quran says,*

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

*(The Holy Quran, Surah al-Hujuraat, verse 13)<sup>21</sup>*

This verse makes it quite clear that though Islam accepts differentiation based on gender and tribe, it does not recognise social stratification. But in reality, the Muslim community remains diversified, fragmented and as caste-ridden as any other community of India.<sup>22</sup> In fact the levels of stratification witnessed within the Muslim community of India totally negate this Quranic edict. Imtiaz Ahmad's seminal work, *Caste and Social Stratification Among Muslims in India* (1973) and more recently, Ali Anwar's *Masawat ki jung: Pasemanzar Bihar ka Pasmanda*

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<sup>21</sup> Salil Kader. 2004. 'Social Stratification among Muslims in India' source: <http://www.countercurrents.org/dalit-kader150604.htm>.

<sup>22</sup> Anwar Alam. 2003. 'Democratisation of Indian Muslims: Some Reflections' published in *Economic and Political Weekly*.

Musalman (2001) in Hindi have convincingly demonstrated the reality of caste among Indian Muslims. However, it should be acknowledged that this discriminatory practice among Muslims, observed more in North India than South India, is not as much pronounced, oppressive and widespread as amongst the Hindus. But that is hardly comforting. The fact that discrimination based on caste lines exists within the Muslim community of India is cause enough for contestation.

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.<sup>23</sup> Muslims who claim foreign descent assert 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'.<sup>24</sup> Going by this classification, an overwhelming 75% of Muslim population of India would fall into the ajlaf category.<sup>25</sup> But conversion to the egalitarian faith of Islam has not helped their cause. The ajlaf continue to be discriminated against by the Muslim upper caste.<sup>26</sup> The ill treatment meted out to the lower and backward caste Muslims has led to a movement for recognition of the lower caste Muslims or 'Dalit Muslims' as Scheduled Castes, on par with the lower castes in the Hindu society. The leaders of this movement have demanded reservations for 'Dalit Muslims' based on the concept of positive discrimination enshrined in Article 341 of the Indian Constitution, which authorises the President to declare certain castes as Scheduled Castes for special benefits (Diwan, 1979: 370). At the same time, one of the leaders of this movement Ejaz Ali, rather curiously, protested the denial of burial rights to lower caste Muslims in Bihar by stating that it was 'against the basic tenets of Islam' and that there was 'no basis of caste in Islam'.<sup>27</sup>

While there is no denying the fact that the despicable custom of discrimination on the basis of a person's birth is prevalent in the Muslims of India, demanding a separate identity and other benefits based on caste is no panacea for this iniquity. This move is fraught with great danger. It

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<sup>23</sup> Yoginder Sikand. 2003. 'The 'Dalit-Muslims' and the All India Backward Muslim Morcha'. Qalandar, September. Source: [www.islaminterfaith.org](http://www.islaminterfaith.org). Accessed on 18/04/2012.

<sup>24</sup> Zainuddin Sayyed. 2003. 'Islam, Social Stratification and Empowerment of Muslim OBC's 'in *Economic and Political Weekly*, November 15.

<sup>25</sup> Alam, Anwar. 2003. 'Democratisation of Indian Muslims'. *Economic and Political Weekly* xxxviii (46) Nov 15

<sup>26</sup> Sahay, Anand Mohan. 2003. 'Backward Muslims Protest Denial of Burial'. News report in [www.rediff.com](http://www.rediff.com). Mar 6th. Source: [www.rediff.com/news/2003/mar](http://www.rediff.com/news/2003/mar). Accessed on 12/05/2012

<sup>27</sup> Ibid

will only end up providing another dimension to the already existing divisions within the community. Schisms based on Shi'a-Sunni, Deobandi, Barelwi, Ahl-i-Hadith, Jamaat-i-Islami etc., are enough that we are now seeking to create categories like 'Dalit Muslim' and 'forward caste Muslim'. Matters have reached a position where an organisation called the All India United Muslim Morcha led by Ejaz Ali has gone ahead and proposed a unique 'give-and-take' formula for securing job reservations for Muslims while at the same time solving the Ram Janmabhoomi-Babri Masjid tangle. Ali has proffered the handing over of the disputed land at Ayodhya to Hindus in return for removing religious restrictions from Article 341 of the Indian Constitution to include Dalit Muslims in the scheduled caste category! It is a fact that all Muslims are looking for a lasting and peaceful solution for the Ayodhya problem, but this kind of 'bargaining' does nothing more than reflect the unreservedly myopic view that Ali and his supporters have with regard to the issue.

A duplication of the social stratification based on caste being practised by the Hindu community of India, is the last thing that the Muslims of India need. History has great lessons for us. The V.P. Singh government implemented the proposals of the Mandal Commission, which recommended reservations in government jobs and educational institutions based on caste. This was followed by large-scale pro and anti-Mandal demonstrations all over the country, largely involving the student community. While the reservations provided succour to many belonging to the Scheduled Castes and Tribes, it also sharpened the already existing divide between the caste Hindus and Dalits. This was so because many persons belonging to dominant castes, who could qualify only based on merit, felt that the reservations had further reduced their chances of securing jobs or seats in educational institutions. The animosity, fuelled by centuries of discrimination faced by Dalits and the recent reservation policy where the caste Hindus felt short changed, is quite visible even to the undiscerning eye.

While the current controversies concerning the SC status for Dalit Christians and Dalit Muslims are reminiscence of the debates in the Constituent Assembly over the nature of religious and caste identities and primacy given to caste identity for the purpose of reservations where also the representatives of religious minorities did not participate significantly in early debates on quotas in the services, the restriction of provisions for quotas in the services to the backward classes in the later stages of Constitution making was vigorously opposed by some Sikh and Muslim

representatives. Their arguments for these provisions including all minorities as originally contemplated and invoked grounds from the dominant legitimating vocabulary and thus, it was asserted that the religious minorities, or sections within these communities, were backward and that quotas were required to give effect to the principle of equality of opportunity for individuals when such individuals belonged to groups discriminated against in matters of recruitment to the public services. It was also argued that such provisions would assuage minority fears and thereby promote national integration.<sup>28</sup>

However, the dominant opinion during this period regarded only grounds relating to backwardness as constituting a legitimate basis for claims for special provisions, and these grounds were regarded as attaching to lower castes and tribals and not to the religious minorities. Further, the claims of the religious minorities for reservation in the services appealed to the now discredited vocabulary of the intrinsic importance of giving representation to every community in the administration, to the duty of the state to balance the interests of different communities. These notions, which had guided colonial policy on the subject had few supporters in nationalist circles during this period.<sup>29</sup>

In the dominant opinion in the house, quotas in the public services could not be endorsed as a general principle of governance but were admissible for a limited purpose. They were viewed as a mechanism that would reduce disparities in the levels of development between different sections of the population and thus assist in the assimilation of these groups into the rest of the population as well as in the development of the nation. These grounds were regarded as creating a case for quotas for the scheduled castes, the scheduled tribes and the other backward classes but not for the religious minorities. This mentality eventually led to the enactment of the Presidential Order of 1950.

### **The Presidential Order, 1950**

In the year 1950, the president of India issued the “Constitution (Scheduled Castes) Order, 1950” specifying the castes to be recognised as the Scheduled Castes by exercising the authority

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<sup>28</sup> Rochana Bajpai. 2000. ‘Constituent Assembly Debates and Minority Rights’. *Economic and Political Weekly*. May 27.

<sup>29</sup> Ibid

conferred on him under the article 341(1) of the Constitution India. The third paragraph of the order however qualifies that “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”.

Subsequent amendments to the 1950 Presidential Order in 1956 and 1990 provided for the inclusion of Sikhs and Buddhists respectively within the Scheduled Caste category to avail the benefits of reservation. The Constitution, however, does not recognise SC converts to Islam and Christianity as eligible for benefits of affirmative action and this has been the site of struggle for Dalit Muslims and Christians who have challenged the constitutional validity of para ‘three’ of the 1950 order. The main point of this argument by the section demanding SC status are that the denial of SC status to Dalit Muslims and Dalit Christians constitutes a violation of Articles 14 (equality before the law); 15 (prohibition of discrimination on grounds of religion); and 25 (freedom to profess and practice any religion) of the Constitution.

The exclusion of other SCs who adhere to other religions than Hinduism from their basic and fundamental rights has caused great concern and debate from the very beginning of its promulgation. If providing reservation is a way of including the excluded; denying this opportunity merely on the basis of religion is not legal. It is quite contrary to the spirit of the Constitution that promotes secularism and freedom of religion. The third paragraph of the Order has violated the constitutional rights of Dalit Christians and Dalit Muslims.

On the basis of this argument, a petition was filed in the Supreme Court. The High Court of Madras had also admitted a plea filed by a Dalit who challenged the exclusion of Dalit Christians from the ambit of the PCR Act, 1976. Christians feel that this religion-based discrimination is a violation of Article 15(1) and contravenes the provisions of Article 15(4) of the Constitution of India. Constitutional principles prohibit discrimination on the grounds of religion, race, caste, sex or place of birth. This is not the end of the story. These rights and benefits that were supposed to be available for all the SCs were later extended to Dalit Sikhs. By amending the Constitutional Order 1950 in September 1956, Dalit Sikhs were included into this category of persons to benefit from reservation in the name of being SCs.

Again in 1990, the Constitutional Order was amended and the Buddhists were included under the umbrella of reservation. This clearly shows the partiality exhibited by the ruling class with regard to SCs. Dalit Christians and Dalit Muslims should be given the SC status and privileges so that they can enjoy the same political rights and socio-economic benefits as all other SCs. Various state Governments and Commissions like the Mandal Commission and the Backward Class Commission of Andhra Pradesh, recommended to the Central and the state Governments to extend SC reservation privileges to Dalit Christians.

This is what the Mandal Commission debate had to say about the continuation of caste based discrimination even after religious conversion, “the change of religion did not always succeed in eliminating castes. The converts carried with them their castes and occupations to the new religions. The result has been that even among Sikhs, Muslims and Christians, casteism prevails in varying degrees in practice, their preaching notwithstanding. Casteism has thus, been the bane of entire Indian society, the difference in its rigidity being of a degree varying from religion to religion”.

It could be argued that the Presidential Order, as it was enacted in 1950 had two important limitations. The intentions of these two restrictions are not difficult to understand. One was that of SCs restricted to certain areas/ regions and the other being the religion they belong to. The President had been given power to choose the castes, tribes, races or parts thereof, as SCs. Accordingly, it was perfectly within his rights to include or exclude certain particular groups from the lists of the SCs. The main criterion used in preparing the lists of the SCs seems to have been the consequences of the practice of untouchability from which the target groups suffered.

This criterion and the list itself have been taken from the Government of India (SC) Order, 1936. Since this criterion was to be applied to groups and not to individuals, the President had to choose such castes, tribes and races and groups or parts there-of, which he ascertained to be the most downtrodden and had been suffering from the practices of untouchability in society. From this point of view, the President could have excluded a certain group of people who were suffering from the practices of untouchability, but had improved their position in society to such

an extent that they had in the eyes of the State overcome the disabilities. He could have applied this criterion also to any particular group of SCs, who as a group were practicing any religion. But he could not exclude any single individual or family or automatically provide for their inclusion if certain criterions were violated or fulfilled. Nor could he exclude altogether whole sections of the SCs in every part of the country, for all times to come, only on the grounds that they practiced some particular religion.

The consequences of the two limitations were very different. They were interpreted to mean that an individual member of a SC will continue to be a SC only as long as he stayed in the restricted area or professed a particular religion. The area restriction within the States has since been removed in most cases. Thus, now a SC person is recognized as a SC in the whole state. Therefore, he can now move, more freely within the state, without the fear of the state debarring him or denying him the protection that he is eligible to.

The second limitation, however, has been subjected to various misinterpretations. The President himself had made the criterion open to criticism as being discriminatory while stipulating that only those who profess Hinduism would be deemed to be members of SCs. Constitutional experts have pointed out that while making such a sweeping and far-reaching limitation for all times to come, the President has violated the fundamental right to freedom of the individual SCs to profess and practice any or no religion.

The consequences of this rule were that a person who belonged to a community recognized as a SC would cease to be so if he changed his religion to any, other than Hinduism at any time. This seems to be a blatant discrimination based only on religious consideration. This led to a number of protests from various groups. For some strategic and political considerations, Sikhs could prevail upon the Government, and this provision in favour of Hinduism was amended in 1956 to include Sikhism also. As a result, the Order now allows a SC to be recognized by the State as a SC if he professes either Hinduism or Sikhism or Buddhism. Thus, in its modified form the



religious criterion has stayed.<sup>30</sup>

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<sup>30</sup> Louis, Prakash. 2007. 'Caste based Discrimination and Atrocities on Dalit Christians and the need for reservations'. Working Paper Series Vol II/ Number 04/07. Devoted to Studies on Social Exclusion, Marginalized Social Groups and Inclusive Policies. *Indian Institute of Dalit Studies (IIDS)*, New Delhi.

## Chapter II

### Socio – Economic Status of Dalit Christians and Dalit Muslims

Socio - economic conditions includes the social status and the financial choices and privileges that individuals may select without prohibitions. The occupational structure of an individual or a group of people decides their economic status, thus deciding their living standard. Dalit Muslims and Dalit Christians are one of those communities who are forced to have one type of occupation through generations. Most of them are generally involved in low grade occupations. Poor economic conditions affect their day to day life standards and this low income restrict their access even to basic rights like access to education, water and sanitation etc. One of the worst affected sections is Dalit Muslims with absolutely no occupational mobility and they are forced to ghettoize themselves restricting their residential mobility.

This chapter would initially try to understand the socio – economic status of Scheduled Castes and rest of this chapter would look into the aspects of educational exclusion, economic backwardness and occupational structure of these communities and try to co-relate or highlight the fact that there exists similar social status/ stigmatization and economic disabilities/ standards for both the Hindu Dalits as well as their counterparts in the other religions. It is pertinent to state here that there are very limited information available about these communities partly because these communities are not recognized by the state in the similar manner as of Dalit Hindus and they have not managed to gain that much importance in the eyes of government and as the resistance within community have also gone unheard.

Some of the important works within the scope of this study includes NCM report ‘Dalits in the Muslim and Christian Communities - A Status Report on Current Social Scientific Knowledge’. Indian Social Institute’s sponsored publication ‘Dalit Muslims: Double Exclusion – A study on Dalit Muslims in Selected States of India’. Yoginder Sikand’s article – ‘Indian Dalit Muslims Voice - A voice against upper caste atrocities’. Zoya Hasan’s chapter ‘Social Discrimination and the Reservation Claims of Muslim and Christian Dalits’ in her book ‘Politics of Inclusion: Caste,

Minorities and Affirmative Action’. And Prakash Louis’s work ‘Caste-based Discrimination and Atrocities on Dalit Christians and the Need for Reservations’.

### **Socio – Economic Status of Scheduled Castes**

The relentless practice of untouchability has caused imposition of social disabilities on persons for the reason of been born to a particular caste still persists on Dalits, which cuts across all religions. Untouchables are still not allowed to use the same wells, same temple, drink from the same cups in tea stalls (double tumbler system), or have right to own a piece of land. . The Dalits are downgraded and oppressed with the most menial tasks of manual scavenging, street sweepers, leather workers, cobblers and removers of human waste. Dalit children are also seen with disgust and mostly sold off to dominant caste groups to get rid off their debts. And lastly, Dalit girls face the brunt of triple burden such as oppression and humiliation of caste, class and gender. These atrocities are often done with the help of state, who pay loyalty to the dominant caste groups. And the point to be driven is that such discrimination is not religion based, but this cuts across the entire Dalit community – Hindu Dalits and converted Dalits. Caste oppression and discrimination have been the problems for India and Indians for a very long time despite a multitude of efforts at reform, rationalization and resistance has been taken.

Even today, news of violence and discriminatory practices stare one in the face as, despite the provision in Article 17 of the Fundamental Rights in the Constitution, the implementation of the recommendations of the Mandal Commission in 1990 and the upward graph of reservations, and the rise in economic and educational levels, caste discrimination continues to persist, so much so that it has also infiltrated such professedly egalitarian groups as the Muslims, Sikhs and Christians. The category of caste has been variously defined – as ‘Varna’ and ‘Jati’- and umpteen justifications offered by practicing Hindus, including Gandhi,<sup>1</sup> on the grounds that is functional, but in day to day practices caste is more than mere occupational identification.<sup>2</sup>

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<sup>1</sup> Dirks (2004/2001) refers to Gandhi’s public statement on caste and his acceptance of the four varnas along with endogamy. Periyar described Gandhi’s wishes to reform religion and his acceptance of varnas as contradictory to each other. p.p – 260 -261.

<sup>2</sup> Harihar Bhattacharya (et.al). 2010. Ed. ‘The politics of Social Exclusion in India: Democracy at crossroads’. *Routledge Publications*. Abingdon.

The caste system based on occupations has also formed the economic framework of India. In its essential form, the caste system is based on certain customary rules and norms that structured production, organization and distribution. In economic spheres the three unique features of the traditional caste system includes, a) fixed occupation for each caste by birth and its hereditary continuation; b)unequal distribution of economic rights related to occupation, property, trade, employment, wages, education, etc.; and c) hierarchy of occupation based on social stigma of high and low. Thus, the caste system is based on three interrelated elements, namely predetermination of social and economic rights of each caste by birth; the hierarchical division of these rights among the castes; and the provision for strong social exclusion as a means of enforcement.<sup>3</sup>

The caste system's characteristics of fixed and compulsory occupation with fixed economic rights for each caste, implies "exclusion" and also violates one human rights of choosing what occupation they want to do. The Dalits being at the bottom of the caste hierarchy are excluded from access to any economic rights except manual labour or service to the caste above them. Therefore, chronic poverty and continuing inequality of the Dalit have its roots both in historical exclusion whose impact is carried forward to the present and also in continuing economic exclusion and discrimination in the present, particularly in land, capital, labour market and non – market transactions.<sup>4</sup>

In economic terms, all Dalits are basically the same irrespective of their religion. When looked at the average level consumptions there is not much difference. Only in the top 25% there is seen difference, but overall: 75% are economically indistinguishable from each other, both in the urban and specially the rural areas.<sup>5</sup>

Economic exclusion and discrimination are the process through which individuals or groups are wholly or partially excluded from full participation in economic activities. In India, the caste system involved the exclusion and discrimination of the Dalit in multiple market and non –

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<sup>3</sup> Indian Social Institute (A sponsored Publication). 2010. 'Dalit Muslims: Double Exclusion – A study on Dalit Muslims in Selected States of India', New Delhi.

<sup>4</sup> Ibid

<sup>5</sup> National Commission of Minorities Report. 2008. 'Dalits in the Muslim and Christian Communities - A Status Report on Current Social Scientific Knowledge' prepared for Government of India.

market exchanges by the compulsory attribution of occupational and economic rights and exclusion from access to all sources of livelihood, except manual labour and services to other castes. In the whole sphere of life, the Dalit are the victims of economic exclusion and discrimination.

The Dalits face exclusion and discrimination in jobs, in sale and purchase of agricultural land, consumer goods, in Common Property Resources (CPRs) such as water bodies, grazing lands etc. The caste based occupations are very rigid in India. There is the least possibility of occupational mobility for Dalits. In the capital markets, the Dalits are excluded and discriminated in the investment and share in occupation of other castes. Whether the Dalit are sellers or buyers there is a price difference for them. Generally, they have to pay a higher price while buying goods and received lesser prices while selling goods. Even on account of untouchability they face discrimination and exclusion in use of public economic and social services like water, electricity and health services and remain backward.<sup>6</sup>

People, who hold privileged positions within large organisations, develop a sense that a certain kind of persons are especially effective in their role, leading many managers to favor potential recruits who are socially similar to themselves, a process that is termed “homosocial reproduction.” Conversely, employers hold stereotypes about certain out-groups as being unsuitable for employment. One corollary is that a person’s social networks prove important for finding jobs in the US, both at the professional end and at the blue-collar end of the labour market because social networks often run along status group lines, sponsoring people who are “like us”.<sup>7</sup>

This macro-sociological view of stratification and employment opportunity is paralleled by an extensive social psychological literature about the cognitive processes of prejudice and stereotyping that underlie both in-group preferences and social exclusion. And additional body of

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<sup>6</sup> Ibid.

<sup>7</sup> Sukhadeo Thorat (et. al). 2009. ‘Urban Labour Market Discrimination’. Working paper series – volume III, number 1, 2009. *IDSN*.

research charts the consequences of social exclusion for those groups at the bottom of the status order.<sup>8</sup>

Taken as a whole, social favouritism in hiring is not a matter of aberrant or unfair individuals but rather a consequence of widespread in-group out-group dynamics. Favouritism only recedes when bureaucratic practices limit the discretion of those who hire. A reliance on exams or tests, reporting to superiors about applicant pools and hiring outcomes, and formalised collective decision-making, enhance universalistic hiring. Absence of these mechanisms to ensure fairness, favouritism and discrimination are likely to proliferate.<sup>9</sup>

Inadequate access to land, finance and market lead to high dependence of the Dalits on manual wage labour. In 2000, the Dalit wage labour accounts 65 percent of all Dalit households in rural and urban area. However, the urban and industrial occupations and professions have attracted members of diverse castes. But the dominant caste tends to be prominent in particular occupations. Such clustering of prominent castes in white collar occupations considerably perpetuated of caste hegemony and identities. They are the dominating actors in planning, organizing and supervision, communication, commanding and budgeting in any organizations.

The phenomenon of caste clustering occurs in the professions of engineering, medicine, banking, journalism, colleges, universities and research institutes. The dominant castes are heavily represented in these categories. In these sectors, the Dalit has been totally marginalized.

In the organized private sector employers prefer to recruit workers “known” to them. The idea is that workers selected through personal contacts can be more effectively controlled. Personal contacts that are articulated also include caste and kinship ties. Membership of a caste makes a person part of a person-based social network, which control insider’s information about economic opportunities, transmits skills and provides varied human and material support. Hence, the social network of a caste itself becomes an important social resource for its members. Further, it is argued that conditions created by the socialist economic regime reinforced the tendency for a person who becomes channel to knowledge of a certain economic opportunity or

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<sup>8</sup> Ibid

<sup>9</sup> Ibid

for a person who gains access to new economic opportunity to retain such advantages largely for the benefit of members of his kin and caste networks.

In the Indian labour market some people are being kept while some people are being included even by force with unfavourable terms and conditions. These situations can be described as “unfavourable exclusion” and “unfavourable inclusion”. Under the “unfavourable inclusion” one can observe unequal treatment and it carry the same adverse effects as the unfavourable exclusion does. Due to unequal treatment in the labour and other markets, the Dalit labourers face both situations.

The lower wage payment, over work with compulsion knotted with caste obligations were just not confined to the agrarian situation associated with semi-feudal relations found in Bihar, but also in U.P, M.P and Maharashtra, wherein, new and oppressive forms of capitalist agrarian relations were found to be originating. However, the exclusion of Dalit in employment and lower wage rates are the major factors of the higher unemployment and low wage earnings. The consequences are the high incidence of poverty and starvation among Dalit. It is necessary to recognize the exclusionary and discriminatory character of our society and economy, a creation largely of differences arising from caste, ethnicity, religion and other group identities. But to design appropriate remedial policies, an understanding of contemporary forms of discrimination in multiple spheres and their consequence is very necessary.

The worlds of Dalit Christians offer us the opportunity to examine the ways in which they might create counter – cultures or manifest their opposition and resistance both to Sanskritic Hinduism as well as to authoritative, elite Christian missionary discourses. For Dalits, religious conversion especially in the 19<sup>th</sup> century was often perceived as one of the ways of escaping caste oppression. However, it is a moot point as to whether such expectations were fulfilled. As around 65 – 70 percent of the Indian Christians have Dalit roots and around 15 – 20 percent are tribals.<sup>10</sup> Despite such large numbers, however, these sections have not been in the centrality of studies from sociological, anthropological or even political point of view to bring out works on the distinctiveness of Dalit and tribal Christianity, although, very few works have been found and discussed below.

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<sup>10</sup> Rowena Robinson (et al) Ed. 2010. ‘Margins of Faith – Dalit and Tribal Christianity in India’ published by Sage publications. New Delhi. p. 5.

The report commissioned by NCM “Dalits in the Muslim and Christian Communities - A Status Report on Current Social Scientific Knowledge” prepared for National Commission for Minorities - Government of India presents crucial evidences on social disabilities suffered by Dalit Christians and Muslims. This study states that compared to Dalit Christians, Dalit Muslims have relatively low caste inequality practices but ‘caste like groupings and social divisions’ are present in both the community.

This report shows that how courts have repeatedly asked for concrete evidences from Dalit Muslim and Christian community to show that the social disabilities and humiliation are comparable to Dalit Hindus. And even if it is there, they have asked for enough evidences to prove that it caused due to the caste system and no other biases.

This report in order to cover the nature of deprivation suffered by this group they have come up with four areas of comparison like: Proportions of population in poverty, Average Consumption Levels, Broad occupational Categories, Levels of education.

The statistical report shows that the Muslim Dalits are socially and economically deprived and poor in comparison with Dalits in other communities. Dalit Christians have substantial numbers of poor people, but they also have also some in the affluent category. But when it comes to Dalit Muslims, they are badly off compared to the OBC and dominant castes in the community. Similarly, Dalit Christians are worse off than their non Dalit co – religionist. In terms of rural and urban area, Dalit Muslims are worst among all in the urban areas. Since Hindu Dalits have been receiving benefits they are better off compared to Dalit Muslims.

Indian Social Institute’s sponsored publication “Dalit Muslims: Double Exclusion – A study on Dalit Muslims in Selected States of India gives a theoretical and an overview understanding of the socio economic conditions of Dalit Muslims. The study focuses on a qualitative and quantitative analysis of ‘Social structure of Muslims and Behaviour with the Dalit Muslims’, economic situation and occupational structure of Dalit Muslims, access to social and physical infrastructure and analyses the accessibility to civil and physical infrastructure. This study also suggests recommendations and a way forward to this particular problem. By analyzing all these factors it explores more into the question of exclusion and discrimination with regard to Dalit



Muslims in perspectives of civil, cultural and economic, welfare and development schemes and programmes.

This study again and again emphasis on the factor that there is a major lack of data available on this particular issue and this is one of the major hurdles to understand the magnitude and level of exclusion and discrimination against Dalit Muslims. This study has done on the basis of primary and secondary research.

This study talks about the constitutional positive discrimination and highlights how Dalit Muslims have no place in it. Muslims are divided on numerous sects, regional, class and caste lines. The lower caste Muslims are socially and economically marginalized by their own community members on one hand and the Hindus discriminates, exclude and marginalize on the basis of religious, caste and some political grounds on the other hand. It is quite evident that the lower caste Muslims or Dalit Muslims are on the margins of the Indian social order. The general Hindus are against the benefits from government policies, policies, programmes and schemes arise, the overall Hindus are against these. On the other hand, the dominant caste Muslims are opposed to government's policies aimed at backward classes in the name of equality in Islam and simultaneously pressurize the government for equal benefits to all Muslims.

This study in detail discusses about the occupational structure of the Dalit Muslim community. The Dalit Muslims are generally involved in low grade occupations and the low income does not permit them to have better education, sanitation and health facilities. This study clearly shows that till now it's difficult for Dalit Muslims to have mobility in their occupation and therefore they are tied up with the same stature and this also restricts to have residential mobility and they are concentrated in one particular locality and these localities are even deprived of basic amenities and this majorly affects their access to education and also to move ahead in the society along with the others.

They are also restricted from other physical access to basic amenities like health, communication, transport services etc. This study report illustrates the day to day problems that a Dalit Muslim faces in the society.

They are facing the same kind of problems as the Hindu Dalit from the dominant caste Hindus. The hierarchical social institutions in the Muslim community are as strong as the Hindu

community. The dominant caste Muslims do not abide by the basic Islamic principles and they maintain a distance with the lower caste Muslims in a non Islamic way. This study shows how even in Muslim community they practice two tumbler system and therefore untouchability is prevalent. The socio economic, cultural and public interactive spaces of the Dalit Muslims are very ‘demoralizing’. They carry a double burden of being Muslims and then being Dalits. They face discrimination outside and within the community.

In recent times ‘status groups’ and ‘class divisions’ are also conspicuous among the Muslims. Dalit Muslims have been facing ‘multi layered discrimination’ for a long time and this have even hampered their creativity in life.

The study points out to that the Muslims have been excluded from the financial sectors. Loans and credits are not easily accessible to them. Lack of access to credit is a serious problem as majority of them are self employed, especially home based work. All this stop the Dalit Muslims to have any kind of mobility in their socio economic process. This can have far reaching implications in their day to day life. They are also facing exclusion and discrimination in availing government’s welfare schemes and programmes and they have negligible share in any of the schemes.

This study recognizes the role of civil societies in this problem. Civil societies need to engage in more research and community development programmes to develop substantial evidence so that the claim for SC status for Dalit Muslims can be much stronger and also they have an important role to play within the community.

### **Discrimination and Exclusion**

This section would elaborate on the nature of discrimination and exclusion suffered by Dalits (Scheduled Castes), in general first so as to lead the way to the discussion on the kind of exclusions faced by Dalit Christians and Dalit Muslims in particular.

Buvinic (2005) summarizes the meaning of social exclusion as “the inability of an individual to participate in the basic political, economic and social functioning of the society and goes on to add that social exclusion is the “denial of equal access to opportunities imposed by certain groups of society upon others”. The definition captured the three most distinguished features of

social exclusion, namely, that it affects culturally defined “groups”, that is embedded in social interrelation (the process through which individuals or groups are wholly or partially excluded from full participation in the society in which they live), and that its outcome is deprivation, low income and high degree of poverty of the excluded groups. Amartya Sen also differentiated between active and passive exclusion. For the casual analysis, and policy response, Sen argued, “it is important to distinguish between “active exclusion”, i.e., fostering of exclusion through the deliberate policy interventions by the government, or by any other willful agents (to exclude some people from some opportunity) and “passive exclusion”, which works through social process in which there are no deliberate attempts to exclude, nevertheless, that may result in exclusion from a set of circumstances”.<sup>11</sup>

Amartya Sen further distinguishes the “constitutive relevance” of exclusion from that of “instrumental importance”. In the former, exclusion or deprivation has an intrinsic importance of its own. For instance, not being able to relate to others and to take part in the life of the community can directly impoverish a person’s life, in addition to the further deprivation it may generate. This is different from social exclusion of “instrumental importance”, in which the exclusion in itself is not impoverishing, but can lead to impoverishment of human life.<sup>12</sup>

Although here the Indian constitution offers provisions for Dalits to have equal representation in all posts and positions of the country so that they can help to build up a strong national life there and also for their overall development but they fail to avail those opportunities. And as a result in recent times we see Dalit identity emerging in the form of politics and an eagerness to capture political power where not to limit themselves to as of representatives but also to become fully phased rulers. It is primarily because Dalits face multi – dimensional discrimination and their peculiar identity may be discussed under four heads – a) Social, b) Religious, c) Economical and d) Political.

Socially they are as same as the Dalit Hindus and are/were at the bottom of the caste hierarchy and they never belonged to any of the Chaturvarna of Indian Hindu Society i.e., Brahmins,

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<sup>11</sup> Sukhadeo Thorat (et al), 2008. ‘Graded Inequalit and Inclusive Policy: An Overview’ in Sukhadeo Thorat (et al) Ed. “In Search of Inclusive Policy” – Addressing Graded Inequality”. *Rawat Publications*. Jaipur.

<sup>12</sup> Ibid

Kshatriya, Vaisya and Sudra. They are called Panchamas, the 5<sup>th</sup> Varna. They live in separate bastis in rural areas of India. They have separate wells, ghats, or tanks to hold ceremonies.

Dalits do not belong to any one religion. They are in Hinduism, Christianity, Buddhism, Sikhism and in Islam. They are not treated at par in any of the above religion except in Buddhism. They are not rigid followers of any religion. Only to satisfy some of their temperaments and to fulfill need of the time they change their religion without much trouble. This is also a shortcoming on their part for their full identity.<sup>13</sup>

Economically most of the Dalits are backward. It is because they were not given right to education for the last thousands of years. As a result they are not found in higher posts in services. They do not possess large industry or large business. Their maximum percentages are found in agriculture as labourers, marginal farmers, in small business, cottage industries, leather works, and as manual scavengers. Due to economic deprivation their children are deprived of any sort of technical education and most Dalits enter into the lowest kind of services just after their school studies to earn a livelihood. In most of the families in rural areas not even a single child is found to receive education to show their identity or aspiration for mobility in the social hierarchical system and that is primarily due to their economic backwardness.

And politically they are divided and do not come under any single party. Even if suitable candidates are there, they are rarely given party tickets in general constituencies. On the other hand, if at all they get to contest and win from their reserved constituencies the caste system works in a psychological way and helps dominant castes to exert power over the depressed caste and thus retain their authority and control over all the political activities. Therefore, the Dalit candidates loses their identity after wining from any party and dominant caste leaders starts controlling and retaining their hegemony.

The caste system's fundamental characteristic of fixed social and economic rights for each caste, with resistance for change, implies "forced exclusion" of one caste from the civil, economic and educational rights of other caste. Exclusion in civil and economic spheres thus is internal to the system, and is a necessary outcome of its governing principles. In the market economy

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<sup>13</sup> Jyotsna Rani Jema. 1999. 'Multi – dimensional Exploitation', in Ambrose Pinto (ed.) 'Dalits: Assertion for Identity' published by *Indian Social Institute*. New Delhi Lodi Road. p.p:81

framework, the occupational immobility would operate through restrictions in various markets such as land, labour, capital, credit, other inputs, and services necessary for any business and education. This interpretation of caste system implies that in its original form, unlike many other human societies, the caste system does not recognize the individual and his/her distinctiveness as the centre of the social purpose. In fact, for the purpose of rights and duties, the unit of the Hindu society is not an individual (except for the purposes of marriages and inheritance). To quote “Ambedkar, the primary unit in the Hindu society is caste, and hence the rights and privileges (or the lack of them) of an individual are on account of his/her being a member of a particular caste. Also due to the hierarchical or graded nature of the caste system, the entitlements to civil, economic and educational rights for different castes become narrower and narrower as one goes down in hierarchical ladder in the caste system”. Various castes in their rights and duties get artfully interlined and coupled with each other in a manner such that the rights and privileges of the higher castes becomes the causative reasons for the disadvantage and disability of the lower castes, particularly the untouchables and other backward castes located at the bottom of caste hierarchy in this sense, caste does not exist in a single number, but only in plural. Castes exist as a system of endogenous groups, which are interlinked with each other in unequal measure of rights and relations in all walks of life. Caste at the top of the order enjoys more rights, at the expense of those located at the bottom. Therefore, the lower castes, such as former untouchables are located at the bottom of the caste hierarchy, have much less economic, educational and social rights.<sup>14</sup>

Caste segregation tends to be a rule rather than the exception in the Indian villages, and the dwellings are usually clustered more on caste basis. However, the SC neighbourhoods are unique, in the sense that they are subjected to specific and very severe sanctions that are not imposed on the other clusters. The starkest form of locational sanction is social expulsion – expressed in palpably physical – spatial terms – of the SC settlement beyond the social boundaries of a village.<sup>15</sup> The Action Aid study found that such ‘outcasting’ of the SC wada or cheri or basti (colonies) was a common feature not only in Delhi but for the whole country. Furthermore, the study also found that there were often explicit customs about which particular

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<sup>14</sup> Sukhadeo Thorat (et al), 2008. ‘Graded Inequality and Inclusive Policy: An Overview’ in Sukhadeo Thorat Ed. ‘In Search of Inclusive Policy – Addressing Graded Inequality’. *Rawat Publications*. Jaipur.

<sup>15</sup> Sukhadeo Thorat. 2009. ‘Dalits in India: Search for a common destiny’. *Sage Publications*. New Delhi. pp. 134 - 135.

direction (relative to the 'main' village) the SC settlements could or could not occupy. While these customs were not always enforced or followed very strictly, their very existence was indicative of the deeply legitimized nature of untouchability across India.<sup>16</sup> And if there was SC neighbourhood located within the village parameters, then they would be denied of government programmes and subjected to severe sanctions dictated by the dominant caste 'tradition'. The main indicators of such forms of untouchability and segmentation are [denial of] access to water facility, entry to village shops, access to restaurants, entry into private health clinics, entry into public transport and entry to cinema halls etc. which reveals the glaring picture of discrimination practiced in India.

The nature of multi-dimensional discrimination is slightly more different in the context of Dalit Christians as has been indicated earlier, caste Christians ill-treat Dalit Christians due to their social origins. Being a part of the same religion does not reduce the antagonism and volume of atrocities. Dining and marriage among Christians of various castes is a far cry. Every opportunity is used to discriminate against Dalit Christians. Like the caste Hindus who consider the special provisions made to Dalits by the Government as a wastage or at the most part of vote bank politics, the caste Christians too, consider even minimum provisions being extended by the church to Dalit Christians as waste.<sup>17</sup>

The caste Hindus also discriminate against Dalit Christians as they do against Dalits in general. Since Dalits in general and Dalit Christians in particular, are forced to be dependent upon them for their livelihood, they have to suffer multiple discriminations without raising their voice against it. The Government argues that Dalit status is essentially part of the Hindu religion and that it plays no part in the non-Hindu religions. So a Dalit who adopts a non-Hindu religion like Christianity ceases to be a Dalit. In other words, it is not possible to be a Christian and simultaneously, an untouchable. But, the actuality is on the contrary same. Caste system in its

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<sup>16</sup> Ibid

<sup>17</sup> Prakash Louis. 2007. 'Caste based Discrimination and Atrocities on Dalit Christians and the need for reservations.' Working Paper Series Vol II/ Number 04/07. Devoted to Studies on Social Exclusion, Marginalized Social Groups and Inclusive Policies. *Indian Institute of Dalit Studies (IIDS)*, New Delhi.

principle and operation is fully alive and active even in Christianity and Dalits are thus, the victims of this.<sup>18</sup>

The church authorities come from the dominant castes and they are inherently discriminatory towards Dalit Christians. Moreover, they want to keep Dalit Christians confined as a segregated group and this inclusiveness works counter to the interest of Dalits. Though, in principle, Christianity favors equality and equal opportunity; caste discrimination does not die out at the time of conversion from Hinduism, but still prevails in multiple forms in Christianity.

Dalits who follow Hinduism also discriminate against the converted Dalits. This is done on many accounts. Firstly, Dalits who follow Hinduism believe or are made to believe that Dalit Christians are infidels since they rejected their ‘original’ religion and have embraced another religion. Secondly, they believe that Dalit Christians receive support from the church and hence, should not be entitled for any provisions made by the Government for Dalits. Thirdly, Dalits fear if reservation is extended to Dalit Christians, they will have to share the cake with them. These fears force Dalits to be discriminatory towards Dalit Christians. It is interesting to take note of a case at this juncture, which is in June 2006, newspapers reported the case of a Dalit woman, Rima Singh, whose husband, Mukesh Kumar, had converted to Islam and taken the name of Muhammad Sadiq. The woman had recently been elected as sarpanch on a reserved seat in a village in Uttar Pradesh and wanted to follow her husband and become a Muslim. However, if she did so, she would have to resign from her post because, as the law stands, Dalit Muslims (as well as Dalit Christians) are not considered Scheduled Castes by the state.<sup>19</sup>

The state envisaged systemic discrimination is very much clear while analyzing Constitutional Provisions on Dalit Christians and Dalit Muslims, The Presidential Order, 1950 and Judicial Outcomes post 1950. Right from the time, when the Constitutional provisions were being implemented in this country, discrimination was practiced against all Dalits except those adhere to the beliefs of Hinduism. The Sikhs and the Buddhists were brought under the scheme of reservation in 1956 and 1990 due to political pressures. Also, these two religious groups are ‘considered’ to be offshoots of Hinduism, which is under the scanner today. Further, the

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<sup>18</sup> Ibid

<sup>19</sup> Zoya Hasan. 2009. ‘Politics of Inclusion: Castes, Minorities and Affirmative Action’. Oxford University Press, New Delhi.

Constitution speaks of SCs as a social category in Articles 330, 332, 334, 335, 338 and 341. In these Articles there is no mention of religious background of the SC communities. Thus, the denial of reservation to Dalit Christians since they adhere to Christianity is totally contrary to the rights provided in the Constitution.<sup>20</sup>

Dalit discrimination got visibility in the international arena and now it has become pertinent to draw parallels to the caste based discrimination suffered by Dalit Christians. The discrimination suffered by Dalits of south Asia was never brought to the international arena since those who represented India came from caste Hindu community. But, in the World Conference Against Racism (WCAR) held in Durban, South Africa in 2001, Dalit and human rights activists took the issue to international platform for the first time. Justice K. Ramasamy, Member, National Human Rights Commission (NHRC) who represented NHRC observed, “There has never been a United Nations Conference where there has been such a strong quest for the recognition of historical injustices. In different parts of the world, people are hurt because of problem of inequality or injustice and are pressing their case at this Conference.”<sup>21</sup>

Such an uneven approach towards disadvantaged groups has created new arenas of conflict not just on the desirability of reservations and defining the relevant groups based on concepts such as caste and caste based discrimination but also with regard to the fairness of these policies and the exclusion of non- Hindu groups. Dalit Christians and Dalit Muslims have for several years been demanding inclusion in the SC category; however, successive governments have not paid heed to these demands. These groups claim to occupy a position comparable to those officially designated as SCs, but the official framework looks upon caste as a feature of Hindu society and hence exclude them. This has led to controversies regarding the nature of social disabilities and the framework of special treatment arising out of it. It would appear that officially some identities count for the purpose of reservation, and the recognition of these identities is implicitly or explicitly linked to the non-recognition of others.<sup>22</sup>

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<sup>20</sup> Ibid

<sup>21</sup> Ibid

<sup>22</sup> Zoya Hasan. 2009. ‘Politics of Inclusion: Castes, Minorities and Affirmative Action’. Oxford University Press, New Delhi.



Therefore, caste/ untouchability and ethnicity – based exclusion thus reflects inability of individuals and groups like former untouchables and OBCs and other similar groups to interact freely and productively with others and to take part in full economic, social and political life of community. Incomplete citizenship or denial of civil rights (freedom of expression, rule of law, right to justice), political rights (right and means to participate in the exercise of political power), and socio- economic rights (right to property, employment and education) are the key dimensions of impoverished lives.

### **Educational Exclusion**

*“Poverty must be seen as the deprivation of basic capabilities rather than merely the lowness of incomes.” – Amartya Sen*

In *Development as Freedom* (1999), Amartya Sen defines poverty as “a situation that severely decreases a person’s capabilities”. In this approach, capabilities that relate to health, education, shelter, clothing, nutrition and clean water can reasonably be regarded as basic. As per this argument educational exclusion can be called ‘capability deprivation’ and also is a severe violation of one’s fundamental right to develop and enrichment of his personality. In other words, the inability to interact freely with others is an important deprivation. Its implications are that it narrows down social relations which further limit living opportunities.

In general, on a range of economic criteria’s – poverty, means of livelihood, occupational structure and educational attainments – there is a clear hierarchy among the four social groups, namely, the Scheduled Castes, Scheduled Tribes , the Other Backward Castes (OBC’s) and the residual category of Others. The OBC’s are sandwiched between the SC/STs at the lower end of the scale and the Others (non SC/ST) at the top. Separating the poor households within each social group, we find that for the poor among them, there is more of a continuum across the caste groups with strikingly small differences between the OBC’s and the Others. This directly suggest that with SC/ST already recognized as disadvantaged groups, the poor among the OBC’s and the Others should be treated together as a single backward class rather than divided them further along caste lines. On the focal issue here, that is, access to education, since entry into it is conditional on completion of the preceding stage of education so that the extent of under representation of a social group can only be judged by the comparison of a groups share in

enrolments in a given level of education with their share in the population eligible for entry into that level of education.<sup>23</sup>

Since Independence, the Muslim community in general, has been severely facing discrimination and exclusion from the main stream of education. The participation of Muslims in the private schools of the National Capital Region (NCR) Delhi is hardly 1.5 percent. More or less the situation is same all over the country. We see category columns are present in the application forms both in academic institutions and for jobs, that is, caste and religious categories which are considered as the most disastrous in Indian scenario. In fact, these two columns are considered as the starting point for discrimination and exclusion processes in India.<sup>24</sup>

Dalit Muslims are the worst off in rural India in terms of illiteracy, but are closely matched by Hindu Dalits in both rural and urban India. Dalit Christians are slightly better off in rural, and significantly better off in urban India. At the other end of the educational spectrum, there are no major differences across Dalits in rural India (except Buddhists, who seem to have comparatively high proportions with graduate or higher degrees). Dalit Christians are significantly better off than other Dalits except for Buddhists, who are much better off and by far the best among Dalits in this respect. However, in both rural and urban India, and at both ends of the educational spectrum, all Dalits except Muslims do much worse than their non-Dalit co-religionists, specially the dominant castes. According to the economic data, intra-Muslim differences are the least.

Now if we see in particular, the Dalit Muslims are excluded from admissions in the school education. Apart from the reservation policy of government, there seems to be no other alternative ways to attain their dues. If at all opportunities comes it is taken away by other Hindu Dalits. Right to education and access to education is very crucial for benefiting from other emerging opportunities that are accompanied by economic growth. The annexure tables – **N**, **O**, **P** and **Q** on education reveal the educational deprivation experienced by Dalit Muslims and Dalit Christians in a comparative way and shows how they are not much different from the Dalit Hindus. From lower levels to higher levels of education one can notice a sharp decline in participation levels of Dalit Muslims and as stated above the problem is more acute among

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<sup>23</sup> K. Sundaram, 2008. 'On Backwardness and Fair Access to Higher Education' in Ed. work of S.K Thorat and Narendra Kumar 'In Search of Inclusive Policy: Addressing Graded Inequality'. Rawat Publications. Jaipur

<sup>24</sup> Indian Social Institute (A sponsored Publication). 2010. 'Dalit Muslims: Double Exclusion – A study on Dalit Muslims in Selected States of India', New Delhi.

females belonging to these communities. There could be varied reasons for this but few definite aspects restricting the community from advancing for higher studies would be the household expenditure patterns, occupational structure and labour market discrimination which eventually results in the alienation from schools and overall mainstream education system.

Muslim castes especially, are socially, educationally and economically on par with the SCs. They suffer from stigma and social exclusion due to their status. Such groups experience cumulative disabilities. The SCR recommends that these groups be treated as Most Backward Classes and several measures including reservation be made available to them. Muslims are among the most deprived of India's social groups. Marginalization, violence and discrimination are implicated in producing and sustaining these low levels of attainment, in depressing Muslim aspirations and pushing down levels of achievement. While we are beguiled with the rhetoric of growth, a substantial section of the population is being left out and this may ultimately prove very costly.<sup>25</sup>

### **Economic Backwardness**

‘Dalits in the Muslim and Christian Communities - A Status Report on Current Social Scientific Knowledge’ prepared for National Commission for Minorities - Government of India - a study done by Satish Deshpande reveals the material status of Dalit Christians and Dalit Muslims from two vantage points such as i) Poverty profiles and ii) Average consumption levels. Poverty profiles of the different socio-religious groups with the main focus on Dalit Muslims and Dalit Christians. Evidence of this sort mainly involves looking at the distribution of the population of a group across the economic spectrum. (Please refer to tables in annexure I)

Dalit Muslims do slightly better than Hindu Dalits, but the difference is not significant. Thus, Dalit Christians in rural India have substantial numbers of poor, but they also have a small proportion in the affluent category. Dalit Muslims have more in the poor and less in the affluent category than Dalit Christians, but they are broadly comparable to all other Dalits except Sikhs. The most striking feature is that Dalit Muslims are by far the worst off among urban Dalits. About 47% of them are in the BPL category – significantly more than Hindu Dalits who are the

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<sup>25</sup> Roweena Robinson, 2008. ‘Religion, Socio-economic Backwardness & Discrimination: The Case of Indian Muslims’. Source: Indian Journal of Industrial Relations, Vol. 44, No. 2 (Oct., 2008), pp. 194-200 Published by: Shri Ram Centre for Industrial Relations and Human Resources.

next at about 41%. But the really striking fact is that there seem to be almost no Dalit Muslims at all in the affluent category, so much so that they don't register as a significant proportion of population. Dalit Christians are better off than Dalit Muslims and all other groups except the Sikhs, who are once again the best off among urban Dalits.<sup>26</sup>

In comparative study of Dalit Muslims and Dalit Christians with non- Dalit members of their own communities, it was found that Dalit Muslims were the worst off compared to their OBC and dominant caste counterparts. A notable feature of the study is that caste inequality is relatively low among Muslims and the reason quoted was that "Muslims as a whole i.e., regardless of caste distinctions are generally poorer or worse off than almost all other communities in almost all contexts.

And further it is also clear that Dalit Christians are considerably worse off than their non – Dalit co-religionist's. Indeed, the differences are so wide that Dalit Christians may almost be living in a world different from other Christians. And Dalit Christians in urban India are even worse off relatively to other Christians than their rural counterparts. The Below Poverty Line (BPL) percentage is two and a half times that of the OBC and about four and a half times that of the dominant castes. So in a nutshell, less caste inequality necessarily does not come in as a positive sign for Dalit Muslims as Muslims are generally badly off and more caste inequality does not mean Dalit Christians are worse off in absolute terms, they in fact tend to be slightly better off than other Dalits except Sikhs.

Average consumption levels are the second set of criteria considered in study though here the focus is not so much on the proportion of population falling in particular class segments but on the absolute levels of average consumption. While comparing Dalit Christians and Dalit Muslims to other Dalits it is found that there is not much difference in the economic profiles of rural Dalits. It is only the Dalit Sikhs who appear to be distinctly better off than other Dalits throughout the class spectrum. In Monthly Per-capita Consumption Expenditures, it is in 75<sup>th</sup> and 95<sup>th</sup> percentile that Dalit Christians suddenly improve their consumption levels and their 95<sup>th</sup>

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<sup>26</sup> National Commission for Minorities Report 'Dalits in the Muslim and Christian Communities - A Status Report on Current Social Scientific Knowledge' prepared for Government of India.

percentile is higher even than the Sikhs. Otherwise, apart from the exceptions it is found that other Dalits such as Buddhists, Hindus, Muslims and seventy five percentage of Dalit Christians are seen fairly close to each other.<sup>27</sup>

Urban Dalit communities are seen fairly closely bunched at the median. Here too Dalit Muslims are clearly seen as the worst among urban Dalits. Top five percentages are seen with clear cut hierarchy in terms of consumption level topped by the Dalit Christians and moving down through Sikhs, Buddhists and Hindus to be followed by Muslims at the bottom. And it is also found that there is much greater inter – Dalit inequality in urban than in rural India.

It is found that inequality across religion is at least among the Dalit castes, increasing with the OBC's and is found maximum among the 'dominant' caste and here it is also noted that Dalit Sikhs remains the only exception throughout the spectrum. The striking fact is that Dalits of all communities except Muslims are well below their non – Dalit co- religionists, specially the 'dominant' caste Muslims are remarkably less compared to others.

Although the above stated is the case, differentiation is more visible in urban than in rural India. Another striking feature is that Dalit Christians in urban India are clearly the worst off – they are at the bottom of every caste group and the distance between them and the rest of society is marked among the 'dominant' caste.

When comparing Dalit Muslims and Dalit Christians with non – Dalit Muslims and Dalit Christians, as stated before, caste inequality among Muslims is relatively low, especially in rural India. However, the climb to higher level of consumption is steep in urban India. Caste inequality is higher among rural India and is more significant than that in urban India. The climb towards higher consumption is steepest and highest for 'dominant' caste.

Thus, it is possible to draw a complete and composite overview of caste and religious inequalities in India. In rural India, caste inequalities within religion seem to be the most among the Christians followed by the Sikhs. Muslims have the least caste inequality so far; they are also

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<sup>27</sup> Ibid

positioned at a significantly lower level of consumption than other groups. Needless to say that in every religion Dalits are at the bottom of the hierarchy of consumption both in rural and urban India and the gap between the 'dominant' caste and other caste are much wider in urban than in rural India.

Apart from the above indicators, expenditure on health is one of the main indicators of human resource development. Poverty has created constraints on Dalit Muslims and Christians but to take note of the vision and mission of the government towards health is quite different. The National Rural Health Mission is a major flagship programme of the central government. Over the last three years of implementation, the NRHM has brought about a comprehensive rejuvenation of public health system in the country but absence of proper civic amenities and infrastructure facilities are major problems in Muslim community dominated areas. Poor roads and lack of proper transport, sanitation, water, electricity and public health facilities pervade Muslim localities. These generally are said not to have any type of health facilities. Generally it is seen that officials denied any discrimination in the provision of these services in Muslim areas. The health of Dalit Muslims, especially women, is directly linked to poverty and the absence of basic services like clean drinking water and sanitation – leads to malnutrition, anemia, a variety of diseases and poor life expectancy. In conflict – prone areas there is alarming evidence of a host of psycho – social problems, including stress, depression and post – traumatic disorders among women. Health services for women living in Muslim concentration areas are much worse than for women from the SRCs. Even primary health facilities are available only at long distances. One of the most unacceptable behavior is that many Muslim women encounter discrimination at public health care providers from their own community, particularly for gynaecological problems, even though they may not be as qualified. This hesitation on the part of the Muslim women to access public health facilities often leads to their exploitation by private doctors. The few health care centers staffed by women doctors are concentrated in urban areas, forcing rural populations to survive with virtually no public health care. The poor quality of drinking water and sanitation in areas of Muslim concentration is another concern in itself and this non – availability of safe drinking water and sanitation facilities are directly associated to the health expenditure incurred by Dalit Muslims, which are mostly borrowed money. And thus they

even face systemic discrimination even in the access to health care schemes and remain as disadvantaged as ever.

Indebtedness is a chronic problem of all poor people but it affects Scheduled Caste and Scheduled Tribes and Dalit Muslims more severely. Indebtedness arises because of their poverty and therefore, they need to borrow for subsistence and to meet other urgent social expenditures like illness, marriage, etc. Since no credit is available from institutional sources, money is borrowed from private money – lenders who charge exorbitant rates of interest. Due to their inability to pay back the borrowers are enmeshed in a vicious cycle of debt – bondage.<sup>28</sup>

Access to credit is critical for individuals, households and firms for consumption, production and investment needs. Unfair access to public and private banking institutions across Socio – Religious Communities can perpetuate disparities. As per Rajinder Sachar Committee Report, “after a careful study of the Prime Minister’s 15 – Point Programme in 44 minority concentration districts the Reserve Bank of India found lack of thrust for increasing the credit flow to minority communities in the lead banks. It also noted that no officers were designated to cater to the special needs of the minority borrowers. Even the District Consultative Committee meetings were not held in about half the districts and the banking staff was not sensitized to address the exclusive needs of the minority communities and it was found that various Entrepreneurship Development Programmes were also not promoted.”<sup>29</sup>

The Sachar Committee Report stated that “discrimination by both public and private sector banks in providing bank credit is widespread and the issue was raised in most of the states. It was alleged that in some states that many banks have designated Muslim concentration areas as ‘negative or red zones’, where they do not give loans. Moreover, Muslims also find it difficult to get a guarantee from a government official (which is a stipulated requirement laid down by the banks) as they do not have easy access to government officials either because the non – Muslim government officials are not willing to give even nationalized banks, it was said, hesitated to sanction loans under government sponsored schemes to Muslims. The government never assesses the functioning of these schemes with respect to benefits that have flowed to Muslims

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<sup>28</sup> Indian Social Institute (A sponsored Publication). 2010. ‘Dalit Muslims: Double Exclusion – A study on Dalit Muslims in Selected States of India’, New Delhi.

<sup>29</sup> Ibid

and other Minorities. This needs to be done regularly and action should be initiated against defaulters. These ‘imperfections’ in the credit markets get further accentuated by the absence of nationalized, private and cooperative banks in Muslim populated areas. Some felt that it was desirable to create separate financial institutions for Muslim entrepreneurs but others argued that the existing minority financial institutions have been a failure and a decentralized micro – credits schemes through self help groups is the most viable option. Some existing SHGs for women entrepreneurs that have been successful were cited as examples that could be emulated.<sup>30</sup>

Therefore, occupational structure, either of the individual or group of people decides the economic status and again this decides the living standards. The Dalit Muslims are generally involved in low grade occupations. This not only puts them in lower economic strata but also prevents them to uplift their skills. In other words, the poor income does not permit better education, sanitation and health facilities. The lower caste Muslims has no occupational mobility. Still they are involved in their age-old traditional occupations. Generally it is seen that the traditional practices never ever permit residential mobility. Therefore, they are concentrated in particular localities as clusters. The poverty of this section of society does not permit them to go beyond more than Rs. 500 per month in terms of household expenditure and thus deprived of basic amenities.

### **Occupational Structure**

This provides a rough sense of the economic condition of a social group. In both the rural and urban sectors, there are some occupational categories that indicate relatively higher economic status than others; so comparing the proportions of population of each group that fall in these categories tells us about their relative condition. For rural India, the NSSO provides a broad classification of households into the following types: a) self-employed in agriculture; b) agricultural labour; c) other labour; d) self-employed in non-agricultural activities; and e) others, which is obviously a residual category. For urban India, the categories provided are: a) self-employed; b) regular wage or salaried employment; c) casual labour; and d) others.

All other things being equal, it is generally true that households in the ‘self-employed in agriculture’ category are much better off than households in the ‘agricultural labour’ category.

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<sup>30</sup> Ibid



The former usually implies landownership or at least some sort of stable access to land, while the latter usually indicates landless labour. Similarly, in the urban sector, the category 'regular wage or salaried employment' is clearly a better place to be than 'casual labour'. Comparing the proportions of households in different social groups that are in these 'better' or 'worse' occupational groupings gives us some sense of their relative status.

Here occupational structure has been looked at as reflected in the data on type of household. This is indirect evidence as far as material status is concerned. It is noted that Dalit communities have a large proportion of their population in the 'agricultural labour' category. However, both Dalit Muslims and Dalit Christians are different in that they have a much smaller proportion in the 'self – employed in agriculture' category; they are anomalous again in this respect.

Dalit Muslims are poorest in urban areas is a combination of Dalit Muslims having the highest proportions in the 'casual labour' category and the lowest in the 'regular wage and salaried' category. On the other hand, Dalit Christians present exactly the opposite profile i.e., they have the highest proportion among the salaried and the lowest in the 'casual labour'. The Dalit Christian profile closely resembles the Dalit Sikh profile. Dalit Buddhists are different in that they also have high proportions in the 'casual labour' category.

By comparing Dalit Muslims and Dalit Christians with non- Dalit Muslims and Christians i.e., in intra – religious comparisons differences across caste groups, we find rural Dalit Muslims to be very different from other caste within the Muslim community, reiterating the point about low internal differentiation among Muslims. Urban Dalit Muslims, however, present the standard profile of having more households in the salaried segment compared to Muslims of other caste groups.

Thus it is possible to infer that in rural India, Dalits of all communities are distinctly different from other caste groups, having much larger proportions in agricultural labour and much lower proportions among the self employed in agriculture. And urban India shows that incidence of 'casual labour' households is significantly higher for all Dalits, with Muslims being particularly noteworthy in this respect, including the 'dominant' caste segment. And it portrays a distinctive

profile of urban Muslims in that they are significantly below others in every caste category when it comes to the ‘regular wage and salaried’ category.<sup>31</sup>

Thus, in short, the NCM report traces a low internal differentiation among Muslims. Dalit Muslims are only slightly worse off than non – Dalit Muslims. Dalit Muslims are only slightly worse off than non – Dalit Muslims. Dalit Christians are moderately better off but less so than Dalit Sikh. Therefore, the social and economic vulnerability of Dalit Muslims and Dalit Christians is similar to that off among all Dalit in both rural and urban areas. Since Hindu Dalits have received special status, it is obvious that their conditions are better. This makes the argument for the SC status stronger and the differential treatment of Dalit Christians and Dalit Muslims as compared to Dalit Hindus and Dalit Sikhs hard to retain.

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<sup>31</sup> National Commission for Minorities Report ‘Dalits in the Muslim and Christian Communities - A Status Report on Current Social Scientific Knowledge’ prepared for Government of India.

## Chapter III

### Movements and Mobilizations by Dalit Christians and Dalit Muslims for SC Status

In General, attempts were begun by the Dalits from the late 19th century to organise themselves and the various sections of the Dalit liberation movement really began to take off from the 1920s, in the context of the strong social reform and anti-caste movements which were penetrating the middle caste peasantry and the national movement which was beginning to develop a genuine mass base. The most important of the early Dalit movements were the Ad-Dharm movement in the Punjab (organised 1926); the movement under Ambedkar in Maharashtra mainly based among Mahars which had its organisational beginnings in 1924; the Nama-shudra movement in Bengal; the Adi-Dravida movement in Tamil Nadu; the Adi-Andhra movement in Andhra which had its first conference in 1917; the Adi-Karnataka movement; the Adi-Hindu movement mainly centered around Kanpur in UP; and the organising of the Pulayas and Cherumans in Kerala.<sup>1</sup>

In most of the cases the Montague Chelmsford reforms provided a spark for the organisation of Dalits but the crucial background was the massive economic and political upheavals of the post-war period. The movements had a linguistic - national organisational base and varied according to the specific social characteristics in different areas, but there was considerable all-India exchange of ideas and, by the 1930s, this was beginning to take the shape of all-India conferences with Ambedkar emerging as the clear national leader of the movement. The founding of the Scheduled Castes Federation in 1942, and its later conversion into the Republican Party, gave Dalits a genuine all-India political organisation though this remained weak except in certain specific localities and did not by any means constitute the entire Dalit movement.<sup>2</sup> C. B Webster remarks that the first mass movement of Dalits happened with their initiation with conversion and this would be a break in history. Conversion is the focal point to this issue and recognition of Christian and Muslim Dalits as SC's would encourage conversion to Islam and Christianity. Historically, in India, conversion to non-Hindu faiths, including Buddhism, Sikh, Christianity and Islam has been a means for Dalits and

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<sup>1</sup> Bharat Patankar and Gail Omvedt (Feb 1979). 'The Dalit Liberation Movement in Colonial Period'. Economic and Political Weekly, Vol. 14, No. 7/8, Annual Number: Class and Caste in India.

<sup>2</sup> Ibid

other oppressed castes to overcome caste Hindu oppression. This is obvious from the fact that majority of people in Buddhism, Sikhs, Christians and Muslims are descendants of converts from these castes.

## **Conversion**

*“Religions are not alike in their answers to the question ‘what is good’. One religion holds that brotherhood is good, another caste and untouchability is good...Are all religions agreed in the means and methods they advocate for the promotion and spread of good? Are they not religions which advocate violence? Given these facts how can it be said that all religions are the same and there is no reason to prefer one to the other.”<sup>3</sup>*

- Dr Babasaheb Ambedkar

In spite of Article 25 of the Constitution which clearly lays down “freedom of conscience and free profession and propagation of religion”, to the right-wing chauvinists conversion is anathema. Even the more progressive sections, Gandhians and at times even socialists seem to be uncomfortable with Article 25. The criticism is focused on the methods of conversion. It is held that missionaries and Christians utilise large amounts of funds to convert the poor to Christianity. Whether it is right or wrong is not the core issue. The Sangh parivar has even justified violence to the Christian community on the pretext that Christians and missionaries are converting Hindus. There are five arguments put forth by opponents of conversion: (a) India is Hindu and the country has a Hindu heritage which is a part of the national culture. To convert therefore is against the national Hindu identity. The BJP’s slogan therefore is ‘one nation, one culture and one people’. (b) All those who are born in this country must have a sense of belonging to the country. And such a sense of belonging or patriotism is a quality of Hindus. If one drifts from Hinduism, then he or she cannot remain patriotic. (c) Those who convert normally join Islam or Christianity. Both these are foreign religions. Since their sacred places are outside the country, they have no loyalty to the land. Their loyalties are extra-territorial. (d) All religions are equal,

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<sup>3</sup> Dr Babasaheb Ambedkar, Writings and Speeches, Vol: V, Education Department, Government of Maharashtra, 1989, pp. 405-06.

why then resort to conversions? (e) Conversions take place due to inducement, coercion or compulsion. Therefore, they need to be banned since they are not genuine.<sup>4</sup>

For Ambedkar and his followers conversion is not for economic or political gain. It is a device of protest to gain social acceptance. Socially the untouchables will gain absolutely and immensely, Ambedkar felt, because “the untouchables will be members of a community whose religion has universalized and equalised all values of life”.<sup>5</sup>

And isolation leads to social segregation, humiliation, discrimination and injustice. Kinship is the way of enlisting the support of the kindred community to meet the tyrannies and oppression by the Hindus which the untouchables have to bear as long as they remain in the Hindu fold. By joining a non-Hindu community that does not believe in caste, Ambedkar holds that liberation of untouchables is possible.

Bond of kinship in a community is the consequence of allegiance to a common religion. Kinship is developed through eating and drinking together. Because the new religion upholds equality, it will also gradually free the untouchables from inferiority complex. The sense of inferiority of the untouchables is the result of discrimination and hostility. Once he is out of the religion of injustice, he will slowly assert his identity. As far as Ambedkar was concerned, he strongly held that conversions would raise the social status of the untouchables. What is essential is that while the untouchable chooses a new religion, he also takes on a new name. A new name besides being a denunciation of Hinduism, changes the outlook of the individual. Conversion therefore can solve the problem of untouchability.<sup>6</sup>

Most of the tensions between communities arise from a slow growth in employment opportunities and incomes of particularly the poor. While economic growth has to some extent accelerated, eradication of poverty seems to have slowed down. Such a situation can be explosive, particularly when aspirations are arising fast and disparities are widening in the course

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<sup>4</sup> Ambrose Pinto. 2000. ‘Hindutva vs Ambedkarism: Views on Conversions’. *Economic and Political Weekly*, Vol.35 (41):3633-3636.

<sup>5</sup> Dr Babasaheb Ambedkar, Writings and Speeches, Vol: V, Education Department, Government of Maharashtra, 1989. pp. 413.

<sup>6</sup> Ambrose Pinto. 2000. ‘Hindutva vs Ambedkarism: Views on Conversions’. *Economic and Political Weekly*, Vol.35 (41). p.p. 3634.

of economic growth. Not only conversions are no solution to this problem, but they also divert attention from its solution. Both the state and the advantaged sections, including the elite among dalits, have to find ways of meeting the aspirations of the poor, removing all vestiges of untouchability by strict implementation of the law, by encouraging the urbanization of dalits and by ensuring a fair share to them in the benefits of economic and social development.<sup>7</sup>

One of the important aspects is the connections between religion, identity, daily life, government and street politics, as well as multiple levels of relationships in eastern and sub-continental cultures. Matters regarded as being of such deep moment in one's whole being, call forth passionate and sometimes destructive responses, out of kilter with the universal mantra of most religions: love, peace and justice. Particularly in India, religion is a dynamic reality, suffusing the whole of life. As such, Indian religion holds the dual potential to be a battleground, as various sects seek to strengthen their numbers by multiple conversions or as a model for tolerance if the sheer diversity of its faith traditions is allowed to unfold naturally. Heredia argues for a 'religious disarmament' and a constructive interaction between faiths rather than the aggressive proselytisation that has been characteristic of inter-religious relationships in India's past. He is not opposed to conversion per se, understanding that there will always be real reasons for people to change, but arguing that there is 'no religious merit in political posturing or conversion for socio-economic gain', nor is there humanity in coercive conversion practices. What he does argue against is conversion involving people in the 'politics of hate' and conflict. In fact, the matter of religious conversion has become politicised as anti-conversion laws have been introduced in some Indian states to prevent mass conversions through improper means such as coercion or financial inducements. Such laws, according to Heredia, tread a fine line between protecting people against unwanted violation of their identity, and actually violating their freedom to make choices based on personal conviction.<sup>8</sup>

The question of identity and resistance are implicit in these debates. The opposition/resistance and interrogation took various forms. The most visible were the adivasi rebellions that dot Orissa in the 19th century. The period up to the mid 19<sup>th</sup> century saw major offensives taken against the

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<sup>7</sup> M.V. Nadkarni, 2003. 'Ethics and Relevance of Conversions: A Critical Assessment of Religious and Social Dimensions in a Gandhian Perspective'. *Economic and Political Weekly*, Vol.38 (3): 227-235.

<sup>8</sup> Rudolf C. Heredia. 2007. 'Changing Gods: Rethinking Conversion in India', *Penguin Books*, New Delhi.

hill people and here the idea of 'civilizing' the 'barbarian' seems to have made the colonial machinery resort to brute terror. The price for being 'civilised' included unpaid labour that was extracted to build the communication links, crucial to extend power and control the hills. This included erosion of traditional rights over forests which were a particular problem for the pahariah adivasis. Resistance was also visible in the development of popular cults like the Mahima Dharma, as a counter to Hinduisation and upper caste domination. This was especially triggered off by the post-1866 famine context, which struck terror even for those who survived - if they had accepted relief ('chattrā') since they were excommunicated. We witness the emergence of chattrā khia as a new caste (outcaste), directly associated with this period. The Mahima cult not only resisted the varna order but posed a serious challenge to it. It attracted the kandhas as well.<sup>9</sup>

The socio-reformist movement that united the western and the coastal tract was also marked by its ambiguity vis-a-vis colonialism. This latter aspect is perhaps demonstrated in the way its followers, did not take up Christianity, which made its presence particularly felt in the coastal tracts in the immediate context of the famine and also in the western tracts over the 19th century. Here one has to keep in mind the question of selectivity- Christianity was, after all, closely identified with colonialism and the process that had devastated the world of the adivasis and the outcastes. At the same time, its stress on the missionary character perhaps reveals an attempt to draw from this component of Christianity. What we see in the cult is a coexistence that relates to an aloofness from Christianity, a silence vis-a-vis colonialism and an opposition that was directed against the varna order and the process of Hinduisation.

The association of Christianity with colonialism was the most serious stumbling block and this perhaps explains why it was never seen as a serious option, although serious efforts were made in this direction and many outposts were created for the purpose. In a context of uncertainties and insecurities the Oraons, for example, felt that Christianity protected them from the witches and 'bhoots', who were powerless against this system. Moreover, like the converts to the varna order who participated in the Hindu as well as tribal festivals, the converts to Christianity observed certain customs and beliefs that were antithetical to the basic tenets of Christianity.

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<sup>9</sup>Biswamoy Pati. 2001. 'Identity, Hegemony, Resistance: Conversions in Orissa', 1800-2000. *Economic and Political Weekly*, Vol.36 (44):4204-4212.

They participated in tribal festivals and when asked about their identity, mentioned their tribe, suppressing the Christian connection.

We learn that Ambedkar's conversion efforts had sent a shock wave throughout the country. Hindu revivalist organizations and other Hindu leaders were very much worried as they understood the deleterious consequences of untouchables fleeing the Hindu fold. The upper castes were well aware of the fact that the untouchables are the ones who carry the burden of this oppressive hierarchical caste order. Though, they have been cast out of the society, it is they who constitute the work force, the laboring classes and the backbone of the Brahmanical social order. If they move out of the structure, then the entire edifice will crumble. They were in fact, fundamentally frightened to forego such cheap, free, obedient and ever loyal work force. The situation has not changed even today. Rather, it has become more rigid. A group of Dalits in Haryana protesting against dominant caste discrimination were determined to convert to Christianity. Hearing this news, various leaders of the frontal organizations of the Sangh Parivar, which is the Hindutva force, rushed to the spot and tried to dissuade Dalits not to carry out their threat. They also implored the dominant castes to behave 'humanly' with Dalits. Thus, Dalits do not have freedom within the existing social order and if they want move out of it, they are dissuaded from embracing a foreign religion.<sup>10</sup>

Cultural conflicts also arise when cultural norms, that is, the specified mannerisms of behavioural patterns are not conformed to or are violated. In extension it can be stated that conversion is an attempt to defy the dictate of the upper castes to continue to follow the caste order. By moving away from the Hindu social system to Christianity, Dalits assert their right to lead their socio-religious life as they deem legitimate. Given the socio-economic, political and cultural milieu Dalits cannot subsist in isolation. Hence, the sense of cultural alienation is reinforced in various ways. This situation, often, leads to conflict within themselves, with their own caste members, with the caste Hindus and with the church authorities.<sup>11</sup>

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<sup>10</sup> Prakash Louis. 2007. 'Caste based Discrimination and Atrocities on Dalit Christians and the need for reservations.' Working Paper Series Vol II/ Number 04/07. Devoted to Studies on Social Exclusion, Marginalized Social Groups and Inclusive Policies. Indian Institute of Dalit Studies (IIDS), New Delhi.

<sup>11</sup> Ibid



## **Movements and Mobilizations by Dalit Christians**

The resurgence of Dalit consciousness has not been limited to those defined according to the law as SCs but includes Dalits of all religions. It is mainly the awareness of the relevance of affirmative action and the political and economic benefits that stem from it which has made the Dalit movement over the past two decades to be wider in its support base i.e., it sought to establish and promote a much wider sense of Dalit identity.

It was the All India Christian Council, the Catholic Bishops Conference of India and several other Christian groups that played immense role in mobilizing the campaign in support of the demand that Dalit Christians be recognized as SCs and given the benefits associated with this. Their contention for recognition is that there is no change in their social status after conversion. For the past many decades, through memoranda, delegation, rallies and conventions they have sought to convince the government to amend the Constitution to broaden the definition to include them in the SC category. They have made representations to all political parties and governments in the centre and states to extend the concessions granted to SCs to Dalit converts to Christianity on the grounds that social disabilities and educational backwardness and not religion should be the basis for special treatment. Since the early 1990s Christian groups have intensified the campaign and organized numerous demonstrations and rallies in different parts of the country, not only for job reservation, but also to establish equal rights with other Dalits.<sup>12</sup>

The government interaction with Christians is primarily through heads of the churches, which tend to act separately as denominational leaders, rather than as representatives of the whole Church in India. While heads of Roman Catholic Sectors speak or act on behalf of or under the auspices of a well structured and coordinated body called Catholic Bishops' Conference in India (CBCI), the Protestant heads of the Churches, even within National Council of Churches in India (NCCI) continue to act as representatives of their own denominations. The Evangelical Federation of Churches has their own separate organizations, and the independent Christian fellowships are not members of national councils. This indicates there is a need for change in the process of collective response to such issues which is imperative for Churches today.

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<sup>12</sup> Zoya Hasan. 2009. 'Politics of Inclusion: Castes, Minorities and Affirmative Action'. *Oxford University Press*, New Delhi.

To mention some of the initiatives taken by the CSI-Synod are starting a department called 'Board of Diakonia Ministries' (BDM) and along with this there is another committee which is called as 'Board of Dalit and Adivasi Concerns', Board of Social Concerns, functions both at diocesan and Synod level. Their main goal is to organize empowerment programs both at Diocesan and Synod level. It looks into the concerns of the Dalit and Adivasi Christians in the CSI as a whole. The major activity of this is to bring empowerment and be in solidarity with these oppressed groups of the society through community development programs for Dalits and Adivasis (Tribals). CSI Synod is also known for producing Christian literature time to time basing on the contextual issues such as women, children and other contemporary issues that are pertinent both in the Church and Society. There are other regional organizations, such as AICC, Andhra Christian Council and other representative bodies like Human Rights forums and other government and non-government agencies to mediate between the Church and the Government and Society at large. However, here we are reminded of caution given by George Oommen, he points out very succinctly, that the Indian Church hasn't made many significant attempts to engage in struggles for Dalit emancipation, except 'defending the right to convert and looking after Christian communal minority rights'.<sup>13</sup>

Christian groups have been more proactive in protesting their exclusion from the SC list and continue to petition the government for inclusion, but they have not succeeded in changing the Central government's stand on the issue and the state governments have taken similar stand. The position of both Dalit Christians and Dalit Muslims boils down to the claim that social and educational backwardness persists even after conversion. They claim that the state denies recognition to them only because the concerned groups profess Islam and Christianity. The National Council of Dalit Christians (NCDC) submitted a memorandum to the UPA government in 2006 to extend SC status to Dalits converted to Christianity. The memorandum states:

*"The Constitution of India does not distinguish or discriminate the untouchables (Dalits) on the basis of religion. It clearly upholds secularism in India. But it is the presidential Order (Scheduled Caste) 1950 which discriminated them on the basis of religion. If all religions are treated equal in the Constitution, then Dalits in all religions must be also treated equal. The*

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<sup>13</sup> P. Surya Prakash. 2010. 'Christianity in India: A Promised Land for Dalits?' Sourced: [http://www.ev-akademieboll.de/typo3conf/ext/naw\\_securedl/secure.php?u=0&file=fileadmin/res/otg/doku/641010Prakash.pdf&t=1286117305&hash=9d1b149718eb52599bd12ea5f993f785](http://www.ev-akademieboll.de/typo3conf/ext/naw_securedl/secure.php?u=0&file=fileadmin/res/otg/doku/641010Prakash.pdf&t=1286117305&hash=9d1b149718eb52599bd12ea5f993f785).

*religious ban in the Presidential Order, 1950, para – 3 must be removed forthwith. The Union Government is saying that there should be no reservation based on religions, but bastes on castes. Why then the Government delays (sic) to remove the discrimination on the basis of religion imposed by the Presidential Order (SC) 1950.”*

### **Movements and Mobilizations by Dalit Muslims**

Though of recent origin, Muslim Dalit Movement gained momentum in 1990's and owe its genesis to the bandwagon created by the Christian movements. Relevant umbrella organizations include the Pasmada Muslim Mahaz, headed by MP Ali Anwar of Bihar; the Backward Muslim Morcha headed by Dr Ejaz Ali, also of Bihar; and the much newer and more overtly political Pasmada Muslim Samaj headed by Anis Mansuri of Pratapgarh UP (former BSP politician). All three of these claim to represent a broad swath of backward caste and Dalit Muslims, though all have been criticized for favoring one particular caste or another. Then there are organizations particular to specific castes, like the various Halalkhor organizations in eastern UP. The most effective Halalkhor organization is like so many caste-based organizations, less an organization than an individual with a network of supporters from his own community; this is Murtuza Alam in Varanasi (an administrator at BHU), and his organization is Dalit Muslim Halalkhor Kalyan Parishad and he has been quite successful in lobbying the UP state government to grant the Halalkhors recognition - but while they have obtained OBC status, they still do not have the SC status that they should.

In a meeting held under chairmanship of Anis Ansari, IAS (formerly APC) on March 24, 2010 at Sana Palace, Shahnajaf Road, Lucknow, a group of intellectuals and well wishers of Muslim Dalits decided to setup a body called Muslim Dalit Reservation Movement. The participants showed their deep concern on the fact that since independence Muslim community in India has been declining in all spheres of public life. They realized that the root cause of decline of Indian Muslims has been their low representation in institutions and organs of governance such as parliament, assemblies, zila panchayats and boards of banks etc. in proportion to their population. It was decided that concerted and focused efforts must be made to ensure adequate

representation of Muslims in all government institutions specially parliament, assemblies, panchayats etc.<sup>14</sup>

Though various movements under different nomenclatures were started, and are still continuing for redressing the grievances of the community, these could be more fruitful if better coordination is achieved among them. Therefore, it was decided that a fresh, forceful and concerted endeavour must be launched with the cooperation of all like-minded people, so that the scattered groups may be brought on one platform in order to intensify the struggle in this direction.

To carry out the mission of the Movement (MDRM), a coordination committee comprising Mr. Anis Ansari, I.A.S., formerly A.P.C. – Convener, Mr. Zafaryab Jilani, Mr. Khan Mohd. Atif, Mr. Javed Khan, Mr. Rais Ansari, Dr. M.K. Sherwani, Mr. Salahuddin Sheebu, Dr. M.A. Siddiqi, Mr. Abdul Naseer Nasir and Mr. Abdul Najeeb and Mr. Seraj Ansari was constituted.

In order to facilitate enhancement of Muslim representation in Parliament and Assemblies and gain economic advantages for Muslims, it is essential that discrimination against Muslim Dalits on the basis of their religion, perpetrated by clause 3 of Constitution (Scheduled Castes) Order 1950 is abolished. This clause, as amended in 1956 and 1990, provides that no person who possesses a religion different from the Hindu, Sikh or Buddhist religion shall be deemed to be a member of Scheduled Caste. Thus this clause closes the doors of reservation provided by the Constitution under Article 341 to Muslim (and Christian) Dalits, even though they carry on the same traditional occupations as are carried out by their Hindu, Sikh or Buddhist counter-parts and suffer from similar social and educational backwardness. There is a clear case to remove this religious discrimination against Muslim and Christian Dalits as this clause has been found to be unconstitutional and unfair by Ranganath Mishra Commission. Ranganath Mishra Commission found that all the Muslim and Christian communities who have been carrying on same family occupations traditionally as those carried on by Hindu, Sikh or Buddhist scheduled castes and suffer from similar social and educational backwardness and thus must be treated at par with

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<sup>14</sup> Indian Muslim Observer Website, March 30, 2010, ‘Muslim Dalit Reservation Movement’ launched to fight religious discrimination against Muslim Dalits - <http://www.indianmuslimobserver.com/2010/03/indian-muslim-news-dalit-muslims.html>

their Hindu counter-parts. This clause can be deleted by a simple majority of parliament without any constitution amendment.<sup>15</sup>

Many Muslim communities have been recognized by Union / State Governments as Other Backward Classes (OBC). They are eligible to be benefited by 27% reservation given by Government of India as also State Governments in matter of public employment. However, due to prevailing caste system and also the influence of money Muslim OBCs have not been able to get due share in Government jobs.

Under the present constitutional provisions, reservation cannot and should not be granted on the basis of religion to Muslims or any other community. Only such classes of Muslims who are socially and educationally backward should be brought within reservation coverage. This approach, besides being in consonance with the judicial interpretations, is also a non-communal approach to reduce the handicaps of socially and educationally backward sections of Muslims. This approach would also be more easily acceptable to large segments of Hindus and other communities which will facilitate achieving the objective.

The meeting authorized the Coordination Committee to work out the strategy through various democratic means to educate masses about the comprehensive benefits from the fulfillment of these demands, and will send a clear message to all the political parties that they will get the electoral support of the people only if they make a solemn commitment in this regard publicly and work to secure these objectives. The coordination committee has been empowered to seek the support from all fair minded individuals and bodies whose credentials as the sympathizers of justice and fair play for all classes of citizens are well-established and who aspire to build India on the pillars of equality and fraternity.<sup>16</sup>

The contemporary caste/class movement among Indian Muslims is known as the Pasmanda movement. 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 leaf of life. That decade witnessed the formation of two frontline organisations in Bihar—the All India United Muslim Morcha (1993)

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<sup>15</sup> Ibid

<sup>16</sup> Ibid

led by Ejaz Ali and the All India Pasmanda Muslim Mahaz (1998) led by Ali Anwar—and various other organisations elsewhere. Pasmanda, a word of Persian origin, literally means ‘those who have fallen behind’, ‘broken’ or ‘oppressed’. For our purposes here it refers to the ‘Dalit’ and ‘backward’ caste Indian Muslims who constitute, according to most estimates, 85% of Muslim population and about 10% of India’s population.<sup>17</sup>

By invoking the category of ‘caste’ Pasmanda Movement (PM) 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 emphasizing 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)—Pasmanda 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 Pasmanda Movement raises the issue of social justice and proportional representation in power structures (both community and state controlled) for the pasmanda Muslims it lends momentum to the process of democratisation of Muslim society in particular and Indian state and society in general.<sup>18</sup>

Besides, the Pasmanda 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. In short, Pasmanda Movement holds the promise of bringing

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<sup>17</sup> Khalid Anis Ansari, 2009, ‘Rethinking the Dalit Muslim Movement’ published in *Economic and Political Weekly* and also available on <http://www.countercurrents.org/ansari170809.htm>

<sup>18</sup> Ibid

back Muslim politics from the abstract to the concrete, from the imaginary to the real, from the heavens to the earth.

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 Pasmanda 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 pasmanda communities.<sup>19</sup>

### **Resistance to SC Status for Dalit Christians and Dalit Muslims**

As stated earlier, the socio economic status of Dalit Christians and Muslims are comparable to Dalits who has been given reservation benefits. The demand to bring them also under the ambit of the constitutional measures is therefore, necessitated. Further, Dalit Christians and Muslims are not only deprived of reservation, they are also denied redressal when atrocities are committed against them since they do not fall under the category of SCs. This discrimination on the basis of conversion to another religion deprives Christian Dalits and Muslims the right to seek civil protection and safeguards provided to all Dalits under the PCR Act, 1976, the POA Act, 1989.

Including Christians in the Dalit list has become highly controversial and political, especially on account of the politics of the extreme right. The Union Social Justice Minister Satya Narain

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<sup>19</sup> Ibid

Jatiya in the NDA government stated in 2003 that the attempts to include Dalit Christians are an international conspiracy. Jatiya also said that the Registrar General of India and the Chairman of the National Commission for SC's and ST's have advised against giving any reservation rights to Dalit Christians. The All India Christian Council then denounced the Union Minister for misleading the parliament. They observed that Jatiya had committed a breach of privilege by withholding vital information and concocting half truths to hide the real motives of the NDA regime.<sup>20</sup>

Taking into consideration these facts, Dalit Christians have been knocking at all doors demanding that justice would be done to them. These also constitute some compelling reasons that forced Dalit Christians to approach the Supreme Court to fight for their equal rights. They have also presented their case forcefully and based on facts to the NCRLM asking them to recommend their case for reservation.

Like Dalit Christians, Dalit Muslims too, have been demanding for equal rights of being Dalits first and Muslims later. In 2000, the activists of the All India Backward Muslim Morcha demonstrated before the Parliament to press their demand for an amendment of the Constitution and to provide reservation in the SC category for 'Dalit Muslims'. The members of the Morcha claim that amendments made to the 1950 Presidential order initially 'limiting SC status to only Hindus should be extended to Dalit Muslims. Members of the Morcha submitted memorandums to Rashtrapati Bhawan and the Prime Minister's office'. From the above facts it becomes apparent that the demand for reservation for Dalit Christians and Muslims is all but a demand.

Though, the demand of Dalit Christians and Dalit Muslims to be brought under the safeguards of reservation is just and legitimate, it is not going to be easily granted. There are many vested interests who have been and are going to oppose this legitimate move. I now briefly deal with the nature of opposition to this demand.

Opposition to the demand of the Dalit Christians for reservation could come from the following quarters – a) Sangh Parivar has been opposing reservations to Dalit Christians and Dalit Muslims

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<sup>20</sup> Ambrose Pinto, 2008. 'Reservation and Social Justice', in Sukhadeo Thorat (et al) Ed. 'In Search of Inclusive Policy – Addressing Graded Inequality'. *Rawat Publications*. Jaipur.



on the pretext that if Dalits from these religious backgrounds are given reservation, then they would en masse leave Hinduism and join other religions; b) Dalits who are following Hinduism, Sikhism and Buddhism will oppose this move since they feel that they will have to share reservation with this additional group. Instead of exploring the possibility of how to bring in all Dalits into one banner and find greater solidarity to fight for their rights, these people are playing on the stipulated 15.5 per cent reservation. This stipulation of 15.5 per cent for the SCs or the 49 per cent reservation for all the weaker sections is not a holy cow that cannot be reexamined; c) caste Christians will oppose such a move fearing the equalization of Dalits with them. All along history, caste Christians have opposed any move to bring in change in the discriminated state of Dalit Christians. They opposed the church when it tried to introduce change in the lives of Dalit Christians and they will do the same when the Government is made to adhere to the principles of the Constitution; d) The bureaucracy will also oppose this move fearing backlash from Dalits who are following Hinduism, Sikhism and Buddhism and caste Hindus and caste Christians. Especially, they will faint ignorance regarding this demand since they do not want to be on the wrong side of the Hindutva forces. Since most of the officials are known for maintaining status quo, it is less possible they will support this move; and e. Finally, the politicians will remain uncommitted on this issue since Dalit Christians and Dalit Muslims do not constitute a comprehensive vote bank. Conferring or denying reservation to Dalit Christians and Dalit Muslims will be predominantly determined by the electoral prospects.

The UPA keeping its promise made under the Common Minimum Programme (CMP) has constituted a committee, namely, NCRLM to obtain facts about caste based discrimination of Dalit Christians and Muslims. This is a very progressive step. But the move in itself is full of criticism. Some see this as move to appease the Muslim and Christian vote bank. Others view it as a step to slower the processes or to curtail the processes of development. While different groups perceive the issue in a different light, the task of the Commission is to listen, observe, and empathize with Dalit Christians and Dalit Muslims. The Commission should also interact with various people who are proponents and opponents of this move. But ultimately adhering to its wisdom the Commission has to recommend the case of Dalit Christians and Muslims to the Government so that they can be brought under the purview of reservation since they like other Dalits – whichever religion they belong to – were and are being subjected to caste based

discrimination. Change of religion has only resulted in cosmetic change in their social fabric, while socioeconomic and political discrimination continues unabated. If the Commission musters enough political will to recommend the inclusion of Dalit Christians and Muslims for reservation it would have fulfilled its constitutional mandate.

Major political parties have expressed support for the campaign to recognize equal rights for Dalits in the Christian and Muslim communities. Meetings and demonstration organized by the All India Christian Council and Catholic Bishops Conference of India have seen leaders from various parties pledge their support for legal and legislative action in favour of these groups. However, BJP and certain segments of the congress have opposed the inclusion of converts from Islam and Christianity in the SC list. The most organized and vocal opposition has come from Hindu nationalists, however. In 2002, the BJP – led National Democratic Alliance (NDA) rejected the demand to include Dalit Christians in the SC list. Building on a policy of selective inclusion, they favour inclusion of certain religions they consider Indian indigenous and therefore, whereas they oppose Islam and Christianity, constructed as foreign. The party spokesmen argue that those who had opted out of Hinduism had done so because of their claim that the new religion they were converting into was not caste – based or discriminatory. Once the converts are out of caste based society, they cannot revert and seek benefits from the same religion which they have given up. The legal recognition of Dalits in the Christian and Muslim communities as SCs would violate constitutional provisions and a Supreme Court judgment that ‘caste discrimination and oppression was a feature unique to Hindu society, not applicable to Muslims or Christians. For them caste as a category is specific to Hindu society and hence is SC is Hinduism specific. In other words, when a Hindu Dalit converts to a new faith which professes to possess a casteless character, the stigma of being a Dalit disappears. In this view, reservations were principally reparations for those who were the victims of discrimination and injustice in the Hindu caste system.’<sup>21</sup>

BJP at the same time was eager to amass support from lower castes too and hence it was keen to separate Dalits of various faiths and thus draw the Hindu Dalits firmly into its fold by claiming

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<sup>21</sup> Zoya Hasan. 2009. ‘Politics of Inclusion: Castes, Minorities and Affirmative Action.’ *Oxford University Press*, New Delhi. p. p: 205 - 206.

to protect their entitlements. This way Hindu Dalits they were able to turn aside the charges that their resistance to affirmative action was basically communal.

The main purpose of emphasizing on oppression and victimization of Hindu Dalits in this context was actually a strategic use of discrimination to sidetrack the issue of communal prejudice in order to exhibit that SC's will be hurt with such policies and also to separate these groups by drawing rigid boundaries.

This hostility towards extending SC status to Dalit Christians and Dalit Muslims stems from the fear of conversions. This also means that such policies would encourage conversions to Islam and Christianity and this will be equivalent to providing incentives for conversion. Certainly, this implies that the restrictions in SC reservations are an inducement to keep Dalits in the Hindu fold, with the religion bar being a device to prevent Dalits from converting to other religions.

It has always been a means for the oppressed people of India to convert to non – Hindu faiths such as Buddhism, Jainism, Christianity and Islam. This is obvious from the fact that majority of the people in these religions are descendents of converts from these castes.

Conversion, however, remains an important focus of opposition; very few untouchables have actually converted, for example, to Islam, since Independence. This is true because as stated in previous chapters there has not been any remarkable change or increase in the demographic profile of various religious communities in India from 1961 to 2001 and this reveals that no major increase in the population of religious minorities although the fear of conversion remains as the main reason for the hostility to reservations for Dalit Christians and Dalit Muslims.

## Chapter IV

### Judicial Perspectives

The arguments based on social status, economic situation and educational backwardness were raised by various movements and mobilizations to impress upon the government that it has the constitutional responsibility to bring these communities under the umbrella of reservation. So now that makes it pertinent to examine the various legal processes and provisions with regard to Dalit Christians and Dalit Muslims in particular and also to examine various judgments, though courts have largely deferred such litigations to the executive and upheld the exclusion of non-Hindus.

The view of social groups demanding SC status for Christians and Muslims are that conversions does not end social and educational backwardness but co-exists within the new religion as these are foreign religions constructed out of Indian society itself and not an artificial creation. It is interesting to note here that, Ambedkar too was quite critical of the inability of Christianity in changing the mentality of the converts: “But the fact remains that Christianity has not succeeded in dissolving the feeling of caste from among the converts to Christianity. There is no gain saying the fact that caste governs the life of the Christians as much as it does the life of the Hindus. There are brahmin Christians and non-brahmin Christians. They are as much caste ridden as the Hindus are”.<sup>1</sup>

Denial of Scheduled Caste status is a violation of constitutional provisions that is articles: 14, 15 and 25 are contravened while refusing SC status on the grounds that these concerned groups profess Islam and Christianity.

As we have already discussed, similar benefits have been extended to converts from Hinduism to Sikhism and Buddhism. Even though these religions do not recognize caste system, it has been justified on the grounds by stating that these religions are an off-shoot of Hindu religion itself and those sections have converted recently as compared to the converts in Christianity and Islam. Therefore, state discrimination on the grounds of religion is against the fundamental rights and secular aspirations of the people of India.

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<sup>1</sup> Ambrose Pinto, October 7, 2000. “Hindutva vs Ambedkarism - Views on Conversions” published in Economic and Political Weekly.

It was in *Kailash Sonkar vs. Smt Maya Devi (1983) SC 295* the issue was raised i.e., “what happens if a member of a scheduled caste or tribe leaves his present fold (Hinduism) and embraces Christianity or Islam or any other religion – (a) does this amount to a complete loss of the original caste to which he belonged, and (b) if so, if he or his children choose to abjure the new religion and get reconverted to the old religion after performing the necessary rites and ceremonies, could the original caste revive?”<sup>2</sup>

This judgment was followed in 16 cases that meant this question posed here and the consequent decisions laid the precedent starting from the year 1861, traversing a period of about a century and a half and culminating in a decision in the case of *G. M. Arumugham v. S. Rajagopal*.

The court held that on reconversion caste automatically revives. Even if a person was born of Christian parents, on voluntary reconversion caste revives. The court also ruled that the views of the community are not all that important and one cannot insist upon the acceptance of the community as a pre requisite for membership within the caste. The main test rather is the expression of a genuine intention of the reconvert to abjure his new religion and completely disassociate him from it. He must express a genuine intention to adopt the customs and practices of the old fold.<sup>3</sup>

Another important litigation was that of the *‘Soosai Vs Union of India and others (1985) (supp) SCC 590’* where, 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

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<sup>2</sup> Satish Deshpande. ‘Dalits in the Muslim and Christian Communities - A Status Report on Current Social Scientific Knowledge’ prepared for National Commission for Minorities - Government of India.

<sup>3</sup> Ibid

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 'three' of the Constitution (Scheduled Castes) Order, 1950 and that the provision was constitutionally invalid as being violative of Articles 14 to 17. To this 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".<sup>4</sup>

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. Court here maintained that, "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 religions community. References have been made in the material before us in the most cursory manner to the character and incidents of the castes within the Christian fold, but no authoritative and detailed study dealing with the present conditions of Christian society have been placed on the record in this case. It is, therefore, not possible to say that the President acted arbitrarily in the exercise of his judgment in enacting paragraph 'three' of the Constitution (Scheduled Castes) order, 1950. It is now well established that when a violation of Article 14 or any of its related provisions is alleged, the burden rests on the petitioner to establish by clear and cogent evidence that the State has been guilty of arbitrary discrimination."<sup>5</sup>

Later it was in '*State of Kerala and another vs. Chandra Mohan (2004) 3 SCC 429*' that the question before the Supreme Court was whether a person on conversion to another religion (here

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<sup>4</sup>Ibid

<sup>5</sup> Ibid

Christianity) continues to remain a member of his tribe. And the reasoning was that: “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.”<sup>6</sup>

Judicial perspectives on the status of Dalit Muslims and Dalit Christians have been shaped by three main considerations: i) the caste status of converts from Hinduism; ii) the specific nature of social disabilities, iii) nature and quantum of the admissible evidence of social disability in this regard <sup>7</sup> and also iv) the Presidential Order of 1950 (and its subsequent amendments);

The original rationale for including only Hindu castes in the SC list (as per the first such list prepared in 1936 by J.H. Hutton, the Census Commissioner for the 1931 Census) was directly linked to the practice of untouchability and other caste sanctions against the lowest castes. Since caste as an institution was said to be native to Hinduism, not being part of the scripture or core beliefs of any other religion, only Hindu Dalits qualified to be designated as SCs. However, the later extension of this designation to Sikhs and then to Neo-Buddhists seems to have been justified on the grounds that these groups were recent converts, and their caste was still the predominant aspect of their social identity.<sup>8</sup>

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, 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), they have allowed that it is retained despite conversion and re-conversion (as in the S. Anbalagan Vs B. Devarajan and others case). 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 at issue in the courts.

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<sup>6</sup> Ibid

<sup>7</sup> Zoya Hasan. 2009. ‘Politics of Inclusion: Castes, Minorities and Affirmative Action. *Oxford University Press*, New Delhi. p. p: 201.

<sup>8</sup> Satish Deshpande. ‘Dalits in the Muslim and Christian Communities - A Status Report on Current Social Scientific Knowledge’ prepared for National Commission for Minorities - Government of India.

These remain the most contentious issues. The extension of SC 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.” This distinction is related to the one that is analysed with admirable clarity by Marc Galanter (1984, p.189ff), 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 judgment 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 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: 1) that they are worse off than their non-Dalit co-religionists, and that this is due to their caste status; and 2) 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 heterogeneous 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.

The consequences of the historical denial of rights to the lower castes still remain as residual effects and are visible in the poorer representation of the lower castes with regard to ownership of land, business, and in education. The continuation of caste discrimination in modified forms, if not in its traditional forms, also persists<sup>9</sup>. 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 judgments) 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 something that needs to be explicitly noted and addressed. It is encouraging to see that what have mattered for the courts are the actual empirical practices associated with caste rather than a simplistic reference to belief systems or rigid rules of formal evidence. This willingness to consider competent evidence provides ample opportunities for further action on this front.

The state may provide special treatment for the advancement of socially and educationally backward classes of citizens or for Scheduled castes and Scheduled tribes. The state to promote the educational and economic interests of the weaker sections of the people, and in particular SC’s and ST’s and protect them from social injustice and all forms of exploitation. The object of Ar. 341(1) is to provide additional protection to the members of the scheduled castes,

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<sup>9</sup> Sukhadeo Thorat. 2006. ‘Paying the Social Debt’. *Economic and Political Weekly (EPW)*. June 17

recognising the educational and economic backwardness from which they suffer. Criteria for inclusion of any community in the list of scheduled castes is that such a community should suffer from extreme social, educational and economic backwardness arising out of traditional practices of Untouchability.

### **Constitutional Provisions relevant to Dalit Christians and Dalit Muslims**

When the Indian Constitution was drafted some special rights and privileges were extended to the social category, which was then known as SCs in a bid to ensure equality and dignity. It was a compensation for the historical injustices and discrimination that the SCs were subjected to for many centuries. Further, it was seen as a way of equalizing opportunities to those who were denied such opportunities. By making reservation available for them it was hoped by the framers of the Constitution that such provisions would improve their lives and that the SCs would gain both, social and economic status.

Though, the entire Constitution addressed the issues of the weaker sections, some of the articles spelt out specific provisions. Article 46 gives the rights of educational and economical benefits. Article 17 provides protection from caste related violence and atrocities. Article 15(4) provides reservation for the SCs in educational institutions. Articles 330 - 334 provide reservations of seats in the state legislative assemblies and the Parliament. Articles 16(4), 335 and 320(4) recommend reservation in government services and posts. Social Safeguards and protections were earmarked under the Protection of Civil Rights (PCR) Act, 1976, the Untouchability (Offences) Act 1955, and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989. But, the SCs by virtue of following other religions than Hinduism were denied these privileges and rights. Hence, the demand that Dalit Christians and Muslims also should be brought under this purview has been foreground these days.<sup>10</sup>

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: (a) Position of those claiming SC status; and (b) Perspectives of the State on the issue concerned.

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<sup>10</sup> Prakash Louis, 2007. 'Caste based Discrimination and Atrocities on Dalit Christians and the need for reservations'. Working Paper Series Vol II/ Number 04/07. Devoted to Studies on Social Exclusion, Marginalized Social Groups and Inclusive Policies. Indian Institute of Dalit Studies (IIDS), New Delhi.

Position of social Groups demanding SC status for Christians and Muslims are that 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.

And perspectives of the State are such that 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 is 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 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.

According to Sukhadeo Thorat, "the government's approach towards the SCs primarily draws from provisions in the Constitution, which legally abolished the practice of untouchability and the discrimination arising out of untouchability (article 17). The Constitution guarantees equality before the law (Article 14); provides for the promotion of the educational and economic interests of SCs and for their protection from social injustice and all forms of exploitation (Article 46); provides for special measures through reservation in government service; and also reserves seats in democratic political institutions (Articles 330 and 335, 73rd Amendment Act, 1992). Finally, the Constitution provides for the establishment of a permanent body to investigate and monitor the social and economic progress of SCs on an annual basis. Both the scope and extent of the reservation policy are confined to the state-run and – supported sectors. The SC workforce in the

private sector, which employs more than 90 per cent of the SC workers, remains unprotected from possible exclusion and discrimination.”<sup>11</sup>

In this regard, lack of authoritative and detailed study on the nature and extent of social disabilities, including Untouchability prevalent in the Christian community in India was crucial for courts. 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. In case SC converts to Christianity are accorded the status of SCs, administrative difficulties would arise at the time of issuing caste certificates because of the difficulty, in many cases, of determining their pre-conversion caste standing. The difficulties in precise and objective determination of pre-conversion caste origin would open the floodgates for issuance of bogus SC certificates which is a cause for concern. In contrast, the nature of conversion to Buddhism has been different. Neo-Buddhists embraced Buddhism voluntarily at the call of Dr Ambedkar in 1956 on account of social political imperatives. The original caste/community of such converts can be clearly determined.

Several commissions appointed by the government to study the plight of the Dalits report that Dalit converts to Christianity suffer from the same caste disabilities as Hindu Dalits even after their conversion. The Kaka Kalelkar Commission stated:

*Even a change of religion does not destroy caste. For instance, converts to Christianity sometimes carry caste practices with them though their religion does not recognize it. A large number of people belonging to lower castes, and in particular, from among the untouchables become converts to these religions to escape the rigour and humiliation of the Hindu caste system. It is sad to note, however, that even these converts could not easily shake off their old caste disabilities.*<sup>12</sup>

The Kumara Pillai Commission Report (Kerala Government, 1965) too states that the caste system is found among Christians. It observes: ‘...the evidence is that the degree of segregation

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<sup>11</sup> Sukhadeo Thorat, 2009, ‘Dalits in India: Search for a Common Destiny’, *Sage Publications*, New Delhi.

<sup>12</sup> S.M Michael, 2010, ‘Dalit Encounter with Christianity: Change and Continuity’ in Rowena Robinson (ed.) ‘Margins of Faith – Dalit and Tribal Christianity in India’, *Sage Publication*, New Delhi. pp. 62 - 63.

of the new convert from the Scheduled Castes is almost as high as before his conversion...We are convinced that in practice converts from the Scheduled Castes are treated as socially backward'. While studying the conditions of the Harijan Christians in Tamilnadu', Chidambaram states in his Evaluation Report on Intensive Agricultural Area Programme (1976):

*The casteism is practiced widely among the members of Christian fold as judged by the prohibition of social mobility between members of different castes, inter- marriage between them, dining with members of other castes and common work. The caste system, the most archaic but the most powerful social institution in India has also permeated into the Christian religion.*<sup>13</sup>

Later, the Mandal Commission Report makes the following observation (1991:60):

*Though caste system is peculiar to Hindu society, yet in actual practice it also pervades to non – Hindu communities in India in varying degrees. There are two reasons for this phenomenon: first, caste system is a great conditioner of the mind and leaves an indelible mark on a person's social consciousness and cultural moves. Consequently, even after conversion, the ex- Hindus carried with them their deeply ingrained ideas of social hierarchy and stratification ...non- Hind minorities living in a pre-dominantly Hindu India could not escape from its dominant social cultural influences. Thus, both from within and without, castes among non- Hindu communities receive continuous substance and stimulus.*<sup>14</sup>

However, the Justice Ranganath Misra Commission constituted by the UPA government itself has reiterated strongly supporting reservation to Dalit Christians and Dalit Muslims. The study by the University of Delhi - Dalits in the Muslim and Christian Communities: A Status Report on Current Social Scientific Knowledge by Satish Deshpande has clearly said that paragraph 3 of the Constitution (Scheduled Castes Order 1950) has to be deleted by appropriate legal means.

The National Commission for Minorities has already given a reply to the Union Government stating that Dalit Christians and Dalit Muslims should be included in the Scheduled Caste list. The National Commission for Scheduled Castes has expressed the same in April 2010 and the

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<sup>13</sup> Ibid.

<sup>14</sup> Ibid

prominent Dalit leaders Kumari Mayawati and Mr. Ramvilas Paswan have sent their letters to the Prime Minister of India.<sup>15</sup>

On 22nd December 1986 an attempt was made to introduce the Constitutional (Scheduled Caste) Orders (Amendment) Bill once again drawing the attention of the Parliament and the ruling class to look into the demands of the SCs. One of the main arguments of Prof. P.J. Kurien who moved this Bill was that socially, economically and educationally, the SC converts to Christianity are at par with and in certain cases below that of their Hindu counterparts. Prof. Kurien further argued that a convert who has reconverted to Hinduism is eligible to be a member of the SCs and for all benefits. Here the freedom of religions does not have any meaning. Prof. Kurien went on to argue that the Bill be passed, which seeks to delete para 3, which will go a long way in rectifying the distortions of our reservation policy and in providing justice to a larger number of people who are deprived of these benefits due to change of religion.<sup>16</sup>

Once again an attempt was made from 1991 to 1994 to introduce a Bill making provisions for reservation to Dalit Christians. Narayana Swamy introduced a Private Member Bill recommending the amendment of the Constitutional (Scheduled Caste) Orders so as to include Dalit Christians under this purview. This Bill made the point clear that the SCs and converted Christians from SCs are living in the same villages or towns in similar milieus. There is no reason to deny them the rights on the ground of conversion. But this Bill also could not see the light of the day.

In a Note for Cabinet dated 6.3.1996, The Ministry of Welfare had proposed to include SC converts to Christianity as SCs in the Constitutional (Scheduled Caste) Orders so as to make them eligible for all statutory safeguards and benefits accruing to the members of SCs. The Cabinet approved this proposal at its meeting held on 07.03.1996. In pursuance of this decision, the Constitutional (Scheduled Caste) Orders (Amendment) Bill 1996, (Bill No. 17 of 1996) was prepared.

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<sup>15</sup> NCCDC - NCDC Delhi Rally (National Council of Churches Website). Source: [http://www.nccindia.in/news/pressrelease/n\\_233.htm](http://www.nccindia.in/news/pressrelease/n_233.htm)

<sup>16</sup> Ibid

The Bill sought to amend the earlier Constitutional (Scheduled Caste) Orders so as to remove the bar in Christians converted from the SCs being deemed to be members of the SCs. Although, the Bill was listed for introduction as a supplementary item in the Lok Sabha on 12.03.1996, it could not be introduced. Following the adjournment of Parliament, the Cabinet decided on 14.03.1996, that an Ordinance be issued for the purpose. An Ordinance was proposed to the President, but was not promulgated.<sup>17</sup>

Subsequent governments did not bother to follow the matter irrespective of the pressure put forth by Dalit Christians and Dalit Muslims. These two communities knocked at various doors for justice. The United Progressive Alliance (UPA) Government which came to power in 2004 had initially taken the step to examine the issue. By appointing the NCRLM, the UPA government had shown some political will power that it is open to examine the demand of Dalit Christians and Dalit Muslims but which also did not eventually lead to any positive outcomes.

Moreover, The Indian People's Tribunal on Untouchability writes the following about this in its publication 'untouchability on trial' writes the following about this in its publication "The plight of Dalit Christians is the most hardly known and is seldom talked about. The community is so powerless and so small in numbers in comparison to the population of other communities that in most of the cases they have not been able to access social justice. The only way most of the atrocities have been retained is in memory...I cannot file a case under the SC/ST Act. Dalit Christians are psychologically affected by this subjugation. This make them shy away from approaching the law or the judiciary." Hence they cannot claim protection under the Untouchability Offences Act, of 1979, Civil Rights Act of 1959 and Prevention of Atrocities Act Against Scheduled Caste and Scheduled Tribe, 1989. By denying the Muslim and Christian Dalits those benefits, the state is violating its own laws that are meant to safeguard the equality of all people, irrespective of caste and creed distinctions. But that's not all. Shiri Godwin found out that Christian Dalits not only get this treatment when they plead for Scheduled Castes benefits, but also when they make a request for ordinary state benefits, meant for Other Backward Classes and for economic weaker sections. In this way the state does not only discriminate on the basis of religion and thus a denial of religious liberty, but they also punish

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<sup>17</sup> Ibid

those Dalits who have had the courage to exercise their religious liberty and convert to Christianity or Islam.<sup>18</sup>

The implications of the earlier mentioned presidential order reaches farther than the deprivation of Christian Dalits from the reservations. It also negates them the protection to which they are entitled when they would belong to the Scheduled Castes. Hence, they cannot claim protection under the Untouchability Offences Act of 1979 or the Civil Rights Act of 1955 or the Prevention of Atrocities Act of 1989. So, if Christian Dalits are assaulted, they cannot call upon any provision of the Constitution or Act. Finally, there is one other way in which the state discriminates the Christian Dalits, namely, through India's seven state-level Freedom of Religion Acts, also known as the 'anti-conversion laws'. According to the CSW (Christian Solidarity Worldwide) briefing of 2008 on religiously-motivated violence and discrimination against Christians in India, these acts 'pose a threat to freedom of religion through their restriction of religious conversions and their damaging normative effect on religious minorities.'<sup>38</sup> In addition, the UN Special Rapporteur on freedom of religion or belief, states in her 2008 report on her mission to India that these laws raise serious human rights concerns. She is concerned that these laws are being used to belittle Christians and Muslims.<sup>19</sup> All in all, despite the official abolition of discrimination based on caste and religion through laws, the discrimination still continues and even more so for the Christian Dalits and Dalit Muslims.

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<sup>18</sup> Indian People's Tribunal on Untouchability, Text Editor: Abid Shah, Untouchability on Trial (New Delhi: Human Rights Law Network (HRLN), 2008, 132. - <http://www.indianet.nl/pdf/christiandalits.pdf>

<sup>19</sup> Christian Dalits – A research on Christian Dalits in India, For the Mission Department, ICCO and Kerk in Actie, Training provider: Dick Kleinhesselink, Training instructor: Lucien van Liere, Taal- en Cultuurstudies Religie en Cultuur, Geesteswetenschappen, Universiteit Utrecht, Summer 2009.



## **Conclusion**

Dalits, irrespective of their religion are the most underprivileged and depressed section but till date we do not see a strong political will for recognizing this social reality. As we have seen in the above chapters, inclusion in the SC list is of vital importance as the claimants suffer from acute deprivation and thus their inclusion can critically affects their access to opportunities which reservations in education and government employment can facilitate.

In short the first chapter has tried to find an overview of caste system in India so as to explore its deep rootedness in the society and thereby to analyse its impact on the non – indigenous religions such as Islam and Christianity. It has revealed that there exists a firm grip of caste system even today in the realms of minority religions in India. The narrative identifies the existence of caste among Muslim and Christian communities and its impact in several ways of exploitation and oppression which is similar to that of Dalits who has SC status. The chapter deals shortly with the nature of constituent assembly debates and the discriminatory presidential order of 1950 which has been discussed to highlight the serious level of blot it has created on the constitution of India.

Second chapter highlights the socio – economic status of Dalit in general first and later through explaining the same through three cardinal issues that of education exclusion, economic backwardness and occupational structure here the study explains the kind of living these depressed castes are still undergoing. Here an effort was to bring out the poor educational exclusion, economic backwardness and occupational stagnancy within the traditional framework which collectively became the reason for unrest within the Dalit camps and thus started the attempt at asserting themselves which later led to conversions in some cases conversions throughout the length and breadth of the country.

Here the cardinal issue of conversion has been discussed along various mobilizations and movements that have been managed by various Dalit Christian groups and the bandwagon it created for the Dalit Muslims to join these struggles for asserting themselves too. It was also felt necessary to look at the judicial provisions and processes to identify the course the demand has taken and also examine various cases both at the Supreme Court level and also at the state level

and to draw an analysis of the trend of judgments it has followed to rectify this serious blot on constitution created by the discriminatory character of Presidential Order of 1950.

Going by the overall attitude of the courts the main judicial obstacle to the recognition of Dalit Muslims and Dalit Christians as SCs 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 based 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. 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.

The overall policy should be to balance the concept of social justice for the society as a whole. The analysis in the earlier chapters makes the point clear that there are no existing policies which are capable of fully rectifying the issue of exclusion emanating from the demands of non – Hindu groups such as Dalit Christians and Dalit Muslims communities. It would certainly be an important test for democracy to the extent to which it succeeds in representing a diversity of groups and redressing discrimination of a variety of disadvantaged castes, therefore the goal of social justice in a plural and diverse society has to be adequate representation of all segments of the people, irrespective of their caste and religion.

It also states the need for expanding affirmative action provided the whole system is revisited. The past two decades of unprecedented growth have been particularly dramatic in changing both the political and economic landscapes of the country in a ways that reflect dynamic class configuration and social change. . Therefore the problem is more a social problem than a religious one. Despite their conversion their socio-economic status has not altered or changed. Rather, it has worsened their condition without constitutional legal support and religious

institutions exerting their own institutional hierarchies and discriminatory practices. Thus when we talk about rights, only civil, political and economic rights come in forefront but it's high time to look into social and cultural rights also. Caste based discrimination is definitely more of a social issue and government should bring in legislations and policies which ensure the essence of these rights as well. Therefore the struggle of Dalit Christians and Dalit Muslims is a rightful demand for substantive equal rights and full citizenship. Hence, it is time to address the problem as a human rights issue for Indian government and to press for political expediency towards their inclusion in the SC list because after all they are just asking only for their fundamental right to strengthen Dalit unity and to increase their assertiveness. Government should take up both protection and promotion of their rights and thus the need for more inclusive policies.

Also, only when the civil, economic and political rights are granted, it will be possible to eliminate the exclusion and discrimination as well as inequality. The policy orientation of a state reflects in the society by using tags like majority and minority and policies of the Indian democracy and the Constitution of India have always favoured the majority through different clauses and sub – clauses. The civil, economic, political and cultural rights of the minority are placed under such vulnerable positions. The demand of equal and proportional representation, economic and civil rights of the minority are against the homogenization policies of the government. The Indian constitution had treated the political, civil and the economic rights of the minorities in the same footage that as of the majority. In spite of the features of the Indian constitution and policies in predominance, the government can adopt a neutral stand for equal chance in economic, civil and political participation of the minorities. Continued adherence to the homogenized policies prevented the government from admitting the disadvantages suffered by minorities, therefore, in the present socio – economic and political scenario, there is a need to ensure the special protection and rights.

From the evidence marshaled in the NCM report (2008), there is a strong case for including Dalits in Muslim and Christian communities in the SC category because, as the report says, they are Dalits first and Christians and Muslims only later. The report concludes that there are persuasive reasons in favour of such an inclusion based on principles of natural justice and fairness. It points out that

*“there is no compelling evidence to justify denying SC status to Dalit Muslims and Dalit Christians. 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 and Dalit Christians could be excluded. Whether one looks at it positively (justifying inclusion), the Dalit Muslims and Dalit Christians are not so distinct from other groups that an argument for treating them differently could be sustained. In sum, the actual situation that exist today – denial of SC status to Dalit Muslims and Dalit Christians, but according it to Dalit Sikhs and Buddhists in addition to Hindu Dalits – could not be rationally defended if it did already exist as a historical reality.”*

If affirmative action or positive discrimination can be defined as the provision of some amount of preference, in the processes of selection to desirable positions in a society, to members of groups that are under – represented in those positions, minorities have justifiable claim over such preferences. The constitution itself mandates affirmative action and state intervention to promote social justice and equality. Large sections of Muslims are in many ways disadvantaged and face systemic discrimination and exclusion. Yet, in India affirmative action for minorities remain the most misunderstood and controversial of strategies of social reconstruction. Affirmative action need not take the form of reservations in jobs or college quotas. However, it is not mandatory quotas alone that are considered controversial; rather, all affirmative action measures for minorities are routinely condemned and appeasement measures for vote bank politics arises. While there is much greater recognition of unjust policies that adversely affects the economic and social progress of minorities, there is tremendous opposition to affirmative action on the grounds that it violates secular principles and would increase the salience of religious identity in the public domain.

The pertinent issue is how to open up opportunities for other excluded groups in education, employment and other spheres. The focus of public policies is more on the discrimination and disadvantages of the past rather than its relation to the present disadvantages and excluded groups. Therefore the methods adopted currently should include strategies to deal with issues and concerns of the present day injustices. This is very much essential for countering policies and arguments used to systematically prevent the inclusion of various neglected groups. As seen in above chapters, the disadvantage suffered in terms of occupation and education cannot be over –

emphasized so it is of pivotal importance to re design the affirmative action policy to include the deprived sections of Dalit Christians and Dalit Muslims. However, the immediate effort should be to ensure a reasoned debate to get started on these issues at a national level tor enlarging the scope of affirmative action and narrowing the focus more on the deprived and disadvantages of the present context.

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**ANNEXURE – I**

**A. Population distribution of each religion by caste categories is as follows.**

Religion/ Caste	SCs	STs	OBCs	Others	All
Hindu	22.2	9.1	42.8	26.0	100
Muslims	0.8	0.5	39.2	59.5	100
Christians	9.0	32.8	24.8	33.3	100
Sikhs	30.7	0.9	22.4	46.1	100
Jains	0.0	2.6	3.0	94.3	100
Buddhists	89.5	7.4	0.4	2.7	100
Zoroastrians	0.0	15.9	13.7	70.4	100
Others	2.6	82.5	6.2	8.7	100
Total	19.7	8.5	41.1	30.8	100

(Source: Distribution obtained from merged sample of Schedule 1 and Schedule 10 of NSSO 61<sup>st</sup> Round Survey.)

\*\* All tables given below are computed from NSSO 61st Round data sourced from “*Dalits in the Muslim and Christian communities – A Status Report on Social Scientific Knowledge*” prepared for National Commission for Minorities, Government of India by Prof. Satish Deshpande.

<b>B. Estimated Class Composition of Dalits by Religion</b>						
<b>Rural India, 2004-05.</b>						
	MONTHLY PERCAPITA CONSUMPTION EXPENDITURE CLASSES					
Religious Communities	Below PL	Rs.357-450	451-650	651-1200	Rs.1200 +	All Classes
Hindu	37.7	23.6	25.0	11.7	2.0	100.0
Muslim	39.6	15.8	37.1	4.9	2.6	100.0
Christian	30.1	33.5	14.0	16.4	6.1	100.0
Sikh	7.6	19.1	41.2	28.5	3.6	100.0
Buddhism	45.9	21.4	23.7	6.6	2.5	100.0
All Dalits	36.8	23.5	25.4	12.2	2.1	100.0

<b>C. Estimated Class Composition of Dalits by Religion</b>						
<b>Urban India, 2004-05.</b>						
	MONTHLY PERCAPITA CONSUMPTION EXPENDITURE CLASSES					
Religious Communities	Below PL	Rs.539-800	801-1250	1251-2500	Rs.2500 +	All Classes
Hindu	40.9	28.3	21.2	8.1	1.6	100.0
Muslim	46.8	33.1	9.8	10.3	0.0	100.0
Christian	32.3	30.9	22.0	12.7	2.1	100.0
Sikh	24.8	39.6	20.1	12.3	3.2	100.0
Buddhism	28.9	28.1	28.4	13.6	1.6	100.0
All Dalits	39.8	28.5	21.5	8.6	1.6	100.0

<b>D. Estimated Class Composition of Caste Groups Muslims in Rural India, 2004-05.</b>						
Caste Groups	MONTHLY PERCAPITA CONSUMPTION EXPENDITURE CLASSES					All castes
	Below PL	Rs.357-450	451-650	651-1200	Rs.1200 +	
SC	39.6	15.8	37.1	4.9	2.6	100.0
OBC	32.1	21.0	24.3	17.7	5.0	100.0
UC	27.3	22.2	31.0	16.4	3.2	100.0
All castes	29.2	21.7	28.4	16.8	3.9	100.0

<b>E. Estimated Class Composition of Caste Groups Muslims in Urban India, 2004-05.</b>						
Caste Groups	MONTHLY PERCAPITA CONSUMPTION EXPENDITURE CLASSES					All castes
	Below PL	Rs.539 - 800	801 - 1250	1251 - 2500	Rs. 2500 +	
SC	46.8	33.1	9.8	10.3	0.0	100.0
OBC	45.7	30.7	15.2	7.4	1.1	100.0
UC	38.7	26.1	20.8	11.9	2.5	100.0
All castes	41.4	28.0	18.6	10.2	2.0	100.0



<b>F. Estimated Class Composition of Caste Groups Christians in Rural India, 2004-05.</b>						
Caste Groups	MONTHLY PERCAPITA CONSUMPTION EXPENDITURE CLASSES					All castes
	Below PL	Rs.357–450	451–650	651–1200	Rs.1200 +	
SC	30.1	33.5	14.0	16.4	6.1	100.0
OBC	13.9	14.2	23.7	30.2	18.1	100.0
UC	6.6	5.6	17.8	40.8	29.2	100.0
All castes	16.2	13.1	25.7	30.2	14.9	100.0

<b>G. Estimated Class Composition of Caste Groups Christians in Urban India, 2004-05.</b>						
Caste Groups	MONTHLY PERCAPITA CONSUMPTION EXPENDITURE CLASSES					All castes
	Below PL	Rs.539 – 800	801–1250	1251–2500	Rs.2500 +	
SC	32.3	30.9	22.0	12.7	2.1	100.0
OBC	13.0	23.4	32.2	25.1	6.3	100.0
UC	6.9	15.0	21.8	39.9	16.5	100.0
All castes	12.5	20.7	26.6	30.8	9.5	100.0

<b>H. Occupational Structure of Dalit Households, by Religion Rural India, 2004-05</b>						
Religious Community	Self Emp in Non-Agri	Agricultural Labour	Other Labour	Self Emp in Agriculture	Others	Total
Hindu	14.1	40.1	15.4	20.9	9.5	100.00
Muslim	25.1	24.8	12.4	26.6	11.1	100.00
Christian	17.1	34.7	16.5	7.4	24.3	100.00
Sikh	13.0	45.2	25.3	4.6	12.0	100.00
Buddhist	9.4	56.7	6.8	15.8	11.4	100.00
All	14.1	40.5	15.4	20.2	9.8	100.00

<b>I. Occupational Structure of Dalit Households, by Religion Urban India, 2004-05</b>					
Socio – Religious Community	Self Emp	Regular Wage/ Salary	Casual Labour	Other Labour	Total
Hindu	30.6	40.6	21.0	7.8	100.00
Muslim	31.9	15.1	38.2	14.8	100.00
Christian	13.9	51.9	24.9	9.3	100.00
Sikh	22.9	51.1	20.9	5.1	100.00
Buddhist	16.6	44.6	31.7	7.2	100.00
All	29.4	41.1	21.8	7.8	100.00

**J. Occupational Structure of Households by Caste Among Muslims Rural  
India, 2004-05**

Religious community	Self Emp in Non-Agri	Agricultural Labour	Other Labour	Self Emp in Agriculture	Others	Total
Dalits	25.1	24.8	12.4	26.6	11.1	100.0
OBC's	32.1	16.4	12.1	23.5	15.9	100.0
Upper Caste	25.1	24.9	9.6	28.2	12.2	100.0
All	27.7	21.7	10.6	26.4	13.7	100.0

**K. Occupational Structure of Households by Caste Among Muslims Urban  
India, 2004-05**

Socio – Religious Community	Self Employed	Regular Wage	Casual Labour	Other Labour	Total
Dalits	31.9	15.1	38.2	14.8	100.0
OBC's	52.7	23.4	14.4	9.4	100.0
Upper Caste	46.8	34.2	12.9	6.1	100.0
All	49.0	30.0	13.6	7.4	100.0

<b>L. Occupational Structure of Households by Caste Among Christians Rural India, 2004-05</b>						
Religious Community	Self – employment in Non - Agriculture	Agricultural Labour	Other Labour	Self Employed in Agriculture	Others	Total
Dalits	17.1	34.7	16.5	7.4	24.3	100.0
OBC's	20.7	18.9	24.6	17.4	18.4	100.0
Upper Caste	17.4	16.3	15.6	32.5	18.2	100.0
All	14.9	18.6	14.8	35.1	16.5	100.0

<b>M. Occupational Structure of Households by Caste Among Christians Urban India, 2004-05</b>					
Socio – Religious community	Self Employed	Regular Wage/ Salary	Casual Labour	Other Labour	Total
Dalits	13.9	51.9	24.9	9.3	100.0
OBC's	29.6	41.0	16.5	12.9	100.0
Upper Castes	29.2	50.8	5.9	14.1	100.0
All Christians	26.6	47.2	11.1	15.1	100.0

<b>N. Comparative Educational Profile of Castes Among Muslims, Rural India, 2004-05</b>						
Religion	Not Literate	Up-to Primary	Up-to Secondary	Higher Secondary	Diploma & Graduate +	Total
SC	48.08	32.85	15.39	2.14	1.53	100.0
OBC	47.36	33.61	15.97	1.74	1.32	100.0
UC	43.37	39.63	14.24	1.66	1.1	100.0
ALL	44.91	37.22	14.96	1.7	1.22	100.0

<b>O. Comparative Educational Profile of Castes Among Muslims, Urban India, 2004-05</b>						
Religion	Not Literate	Up-to Primary	Up-to Secondary	Higher Secondary	Diploma & Graduate +	Total
SC	31.79	36.95	25.14	1.88	4.24	100.0
OBC	35.21	36.89	21.53	3.23	3.15	100.0
UC	27.49	34.59	26.44	5	6.48	100.0
ALL	30.3	35.34	24.56	4.5	5.3	100.0

<b>P. Comparative Educational Profile of Castes Among Christians, Rural India, 2004-05</b>						
Religion	Not Literate	Up-to Primary	Up-to Secondary	Higher Secondary	Diploma & Graduate +	Total
SC	38.42	30.67	23.1	6.29	1.52	100.0
OBC	21.19	36.52	31.54	4.26	6.5	100.0
UC	12.88	30.45	39.26	6.26	11.14	100.0
ALL	24.39	36.44	29.16	4.31	5.69	100.0

<b>Q. Comparative Educational Profile of Castes Among Christians, Urban India, 2004-05</b>						
Religion	Not Literate	Up-to Primary	Up-to Secondary	Higher Secondary	Diploma & Graduate +	Total
SC	15.69	33.47	30.95	8.45	11.45	100.0
OBC	8.72	30.44	35.59	9.36	15.89	100.0
UC	6.49	23.3	36.84	10.34	23.03	100.0
ALL	8.34	27.74	35.76	10.12	18.03	100.0