chapter iv

Struggle of Dalit Christians against Government Discrimination
CHAPTER IV
STRUGGLE OF DALIT CHRISTIANS AGAINST GOVERNMENT DISCRIMINATION

The entire struggle of the Dalit Christians against the Central Government is to amend the Constitutional (Scheduled Caste) Order 1950 which excludes the Dalit Christians from enjoying the benefits of the Scheduled Castes.

EVOlUTIONARY BACKGROUND OF THE DISCRIMINATION

The struggle of the Dalit Christians against the discrimination of the Government of India can be clearly understood only when a detailed study is made right from the British Government of India Act, 1919 which provided separate representation for the depressed classes on a number of public bodies for the first time in India. The British Government used the term “depressed classes” to refer to the untouchables, socially and economically Backward Sections of the society such as the aboriginal tribes.¹

In the British officialese sometime late in the 19th century the term “Depressed Classes” remained the most commonly used, though vague, name for the above group for many decades. The Governor Generals and Viceroy of British India nominated the members of the depressed classes in their councils. Thus the untouchables had an opportunity to represent the Government for the first time in the British rule. Thus the system of concession for the untouchables began in India.²

¹ Harold R. Issacs, op. cit., pp.35-36.
² Ibid., p.38.
In 1928 a Royal Commission was appointed under the Chairmanship of Sir Johan Simon to investigate the working of the 1919 Act. After the commission submitted its report, Indian representatives were called to London for a Round Table Conference. The work of the conference was distributed among nine committees. One of these committees was called the Minorities Committee to which the most difficult work of finding a solution to the communal question was assigned. Having perceived the importance of the committee, the Prime Minister of England, Ramsay Macdonald assumed its Chairmanship.

The deliberations of the committee became a significant factor when Dr. Ambedkar submitted a memorandum to this committee. As per the memorandum a separate electorate for the untouchables and a change of nomenclature of untouchables as “Protestant Hindus or Non-Conformist Hindus” was demanded by him.

It was just about this time that the term “Depressed Classes” was replaced by “Scheduled Castes”. This came out because the British Government, already engaged in a number of programmes for the benefits of this lowest group, was preparing to include it in the array of communal separate electorates (for Muslims, Christians and Anglo Indians). Special efforts were made in the 1931 census and by a special committee to draw up a “Schedule” of the castes entitled to benefit from these various special arrangements. Thus the list of “Scheduled Caste” was prepared for the first time in India by the British Government.

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his Communal Award on 16 August 1932 for the electoral representation of different communities. In lieu of the depressed classes, the communal award indirectly gave effect to the term coined in the 1931 census as Scheduled Caste. Thus the untouchables were known as Scheduled Castes and given separate electorate by the Communal Award of the British.

Gandhi was completely against the Communal Award announced by the British Government. He declared that the British made an attempt to separate the untouchables from the Hindu main fold which cannot be accepted at any cost. Hence he observed fast unto death to change the decision of the Government. As a result the famous Poona Pact was signed on 24 September 1932 between Congress leaders and Dr. B.R. Ambedkar in Yervada Jail of Poona to save the life of Gandhi.

It opened a new era to make others think that caste is a powerful factor in Indian politics. It was one of the greatest achievements of Dr. Ambedkar to free the servile classes of India from the clutches of inhuman bondage and slavery. The Act of 1935 recognised the principle of Communal representation. But the sad part of the Act was that no Indian Christian shall be deemed to be a member of Scheduled Caste. The seed of segregation of the Christian and Hindu untouchables as given in the Act flourished in the soil of the caste-ridden society even after Independence. Thus the Hindu untouchables alone enjoyed the benefits of Schedule Caste during the British rule in India.

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The question of reservation had an important part in the Constituent Assembly constituted after the Independence. Having given reservation to the Hindu Scheduled Castes, the question of reservation of minorities remained a problem. Sardar Patal was the Chairman of the Minority Committee of the Constituent Assembly. The majority members of the committee recommended the abolition of the reservation of the minorities. Therefore the reservation for the minorities guaranteed during the British rule was ended by the Government of India.

The grave error committed by the members who represented the Christians in the minority committee was, not demanding any reservation for the Dalit Christians. As a result the question of reservation for the Dalit Christians did not arise in the discussion of the minority committee. If the Christian members of the minority committee had demanded reservation for the Dalit Christians, the Government of India would have seriously considered their demands before the promulgation of the Presidential Order 19 of 1950.

The reflections of the Dalit Christians on the manner in which the status of the Scheduled Castes was defined in the constituent Assembly raise some important questions. When there was an almost unanimous agreement among the members of the

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7. The section of Hindu Community referred to as Government of India Act. 1935, shall have the same rights and benefits which are herein provided for minorities specified in the Scheduled to para 1.
8. The amended resolution read; “that the system of reservation for minorities other than Scheduled Castes in Legislature be abolished” (Vol.8:311).
Advisory Committee as to "the civil effects of reservation", and readiness to abolish reservation even with joint electorates, how was it that the request from the Scheduled Caste members that the reservation in their case be continued was accepted so readily by Sardar Patel. Once it was accepted that reservation should continue for them "because of the peculiar position of the scheduled castes", why was the notion of the "Scheduled Castes" restricted only to those Scheduled Castes who professed Hinduism?

How was it that reservation for the Scheduled Castes who were Hindus was regarded as something which they deserved because of their "peculiar position" in society, while reservation given to the Scheduled castes who were not Hindus, but suffered the same disabilities, was regarded as a "concession"? Finally, why did Sardar Patel appeal to the Scheduled Caste Hindus not to resent or grudge "the concession being granted to the Sikhs, as if he needed their Permission?" why did he not, instead remind the Hindu Scheduled Caste members who opposed the extension of reservation for Scheduled Castes who were not Hindus that what was in justice to them, they should not oppose being granted to others who suffered the same disabilities as they did; that, as a secular state, the Government could not distinguish between groups who professed different religions?

If one may be allowed to read between the lines and attempt to explicate the assumption behind Sardar Patel's speech in the constituent Assembly and the Report he submitted to the Assembly the following Principles seem to stand out: (1) the Hindu

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11 Ibid., p.333.
community, which makes up to vast majority; (2) for the stability and peace in the nation, it may be necessary to grant certain concessions to the "minority community", but the sooner these communities realise that they are "concessions" and willingly surrender them the better; (3) the Scheduled Castes who are Hindus are a part of the "real community", and therefore concessions granted to them are actually for the betterment of the community as a whole; (4) concession granted to the Scheduled Castes who are not Hindus, on the other hand, are concessions granted to the "minorities" and must be evaluated in that context.

Looking at the whole issue from a more theoretical point of view, it can be said that the Advisory Committee on Minorities was hardly laying the foundations of a secular state which recognises the cultural pluralism of India.\textsuperscript{12} Both intolerant posture of the majority and intransigent demands of some minorities made a meeting of "cultures" more difficult.\textsuperscript{13} If there was an ideal, it was the ideal of an abstract concept of democracy with the ideas of individual freedom of a homogeneous culture. While the fundamental rights of the individual were defined with "completeness" and "thoroughness", and safeguarded by the power of the "Supreme Judicature", the cultural content of that democracy was left as vague as possible. The dominating group identified their culture as the national culture.

\textsuperscript{12} Mutual recognition and acceptance of cultural groups, of course, can not brought within a short span of time. "Rather, it must be the product of generations of education and interaction between the majority and minority communities.

\textsuperscript{13} It is usual to blame the British for the creation of Pakistan as a separate nation. Not many are willing to ask what extent was the Hindu Chauvinism responsible for the Muslim resurgence and vice versa.
The minority cultural groups either thought in terms of their survival or tried to visualize a democracy abstracted from its cultural content.

When the Advisory Committee Triumphanty returned to the Constituent Assembly and asked the House to reopen the question of reservation for minorities, they found that the atmosphere was beneficial for abolishing all kinds of reservation. However, the members were thinking more in terms of "generosity" of the majority towards the minorities, "confidence" of the minorities in the majority, and "sacrifice" on the part of all in order to make the democracy work. It was hardly a sense of equality and dignity which each group felt that the other groups were willing to give it, or was itself willing to grant to others.

Once the House decided to reopen the question on reservation, a matter which had been once discussed and decided, heated discussion followed especially from the Muslim members. However, there was no unity among them, since some were speaking for the abolition, while others were continuing to support reservations except for the Scheduled Caste Hindus, and the Scheduled Castes Sikhs in Eastern Punjab.

14 The concluding words of Jawaharlal Nehru on the second report on minorities dated 26 May 1949 were: I would remind the house that this is an act of faith, an act of faith for all of us, an act of faith above all for the majority community because they will have to show after this that they can behave to others in generous, fair and first way. Let us live in that faith.

15 The previously agreed provision for the Anglo-Indian was to continue, namely, that the President of India or the State Governments may nominate their representatives at the centre and in the provinces if they failed to secure adequate representation in the legislatives in general elections.
As far as the Scheduled castes were concerned, the constituent Assembly made them like orphans adopted to a royal family. Those Scheduled Castes who paid allegiance to Hinduism became legally part of the great Hindu family. Those who refused to offer allegiance to it did not exist in the law. Yet the adoption was far from being a generous outpouring of the royal bounty to the Scheduled castes. It did not make them members of the royal family. The acceptance of the "Hindu' Scheduled Castes as part of the Hindu community and the granting of special rights to them seem to have been more the results of a Hindu apprehension and a response to the growing disenchantment of the Scheduled Castes with Hinduism. Granting reservation to "Hindu" Scheduled Castes, and only to them, was one way of checking the leakage from Hinduism.

In the constitution of India, the following articles guarantee the rights for the Scheduled Castes.\(^{16}\) Article 330. Reservation of seats for Scheduled Castes in the House of the people:

1. Seats shall be reserved in the house of the people for the scheduled castes
2. The number of seats reserved in any State or Union territory for the Scheduled Castes under Clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats allotted to that State or Union territory in the house of the people as the population of the Scheduled Castes in the State or Union territory or part of the State or Union territory as the case may be, in respect of which seats are so reserved, bears to the total population of the State or Union territory.

Article 332. Reservation of seats for Scheduled Castes in the legislative assemblies of the States:

1. Seats shall be reserved for the Scheduled Castes in the legislative assembly of every state.

Article 335. Claims of Scheduled Caste to services and posts:

The claims of the members of the Scheduled Castes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to service and posts in connection with the affairs of the Union or a State.

Article 338. Special Officer for scheduled Castes:

1. There shall be a Special Officer for the Scheduled Castes to be appointed by the President.

2. It shall be the duty of the Special Officer to investigate all matters relating to the safeguards provided for the Scheduled Castes under this Constitution and report to the President upon the working of those safeguards at such intervals as the President may direct, and the President shall cause all such reports to be laid before each House of Parliament.
Further, the following privileges are also enjoyed by the Scheduled Castes.

The Scheduled Caste Hindus are entitled to special privileges in educational institutions. These privileges are (1) Exemption from tuition fees in the academic, professional and technical colleges (2) Central Government Scheduled Caste Scholarships (3) Reimbursement of special fees paid at the time of admission (4) Sanction of fees for the public examination or collegiate final examinations (5) Reservation of seats in General Education, Professional and Technical Colleges and Post Graduate Colleges. But all these privileges are denied to the Dalit Christians. What little they get is out of grace or favour and not as a matter of right.\(^{17}\)

In order to obtain these privileges the Dalit Christians launched their struggle against the Central Government.

**DALIT CHRISTIANS AND BACKWARD CLASS COMMISSIONS**

Soon after independence the Central Government took upon itself the perceived responsibility of bringing about a uniform, effective and all-India criterion to designate the Backward Classes.

As per the Article 340 of the Indian constitution the President of India is empowered to appoint a commission consisting of such persons as he thinks fit to investigate the conditions of socially and educationally Backward Classes within the territory of India and the difficulties under which they labour and to make

recommendations as to the steps that should be taken by the Union or any state to remove such difficulties and to improve their conditions subject to which such grants should be made, and the order appointing such commission shall define the procedure to be followed by the commission.\(^{18}\)

A commission so appointed shall investigate the matter referred to them and present to the President a report setting out the facts as found by them and making such recommendations as they think proper. The President shall cause a copy of the report so presented together with a memorandum explaining the action taken thereon to be read before each House of Parliament.

Accordingly, a number of commissions were appointed by the then Presidents of India on different occasions. The Government of Tamil Nadu and other State Governments also appointed such commissions. The following were the extracts from the commissions' reports. The findings in the reports made the Dalit Christians fight further against the discrimination of the Central Government.

A Backward class commission was appointed in January 1953 consisting of eleven members with Kaka Saheb Kalelkar as the Chairman.\(^{19}\) The commission submitted its Report in 1955. The list of Backward Communities in the Report included 2,399 groups comprising a total of more than 116 million people, about 32 per cent of the total

\(^{19}\) Jose Kananaikil, *op.cit.*, 1982, p.9.
population of India.\textsuperscript{20} The Commission's report, submitted in 1956, did not find acceptance by the Government. The minister for Home Affairs, G.B. Pant, observed that the caste criterion displayed the "dangers of separation", that it was unfair to Backward Class people outside the caste communities selected by the commission and that it may only "serve to maintain and perpetuate the existing distinctions on the basis of caste".\textsuperscript{21}

The following passages in the Kaka Saheb Kalelkar commission's report relating to castes among Christians are extracted below:

"Even a change of religion often does not destroy caste. For instance converts to Christianity sometimes carry caste practices with them, though their religions do not recognise any such distinction. The advent of Christianity into India also brought about some change in the outlook of Hindu society. A large number of people belonging to lower castes, and in particular from among the untouchables, became converts to Christianity 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. Caste clung to them and even now there are clearly discernible caste influence among Christians.\textsuperscript{22}

In practice we found that segregation of converts from Scheduled Caste was not successfully overcome in certain parts of South India. We were

\textsuperscript{20} \textit{Ibid.}, p.10.
\textsuperscript{21} Government of India, Ministry of Home Affairs 1956, pp. 3-4.
informed that this segregation has spread even beyond the secular side of life and sometimes Harijan converts were not allowed to pray together with the upper class Christians. We were also told that in some places in the South, these classes are forced to have a separate cemetery for their dead, we could not refuse to recognise this unchristian state of affairs.

Even Christianity could not escape from the all pervasive influence of caste. They too found it necessary for social prestige to observe untouchability and thus they condemned a section amongst their converts to remain backward and neglected. “In the south, Scheduled Caste converts into Christianity were found to be generally backward and there was no free social intercourse with the rest of the Christian Community.

We discovered to our pain and sorrow that untouchability did obtain in the extreme south among many Indian Christians and Indian Christians were prepared in many places to assert that they were still guided by caste not only in the matter of untouchability but in social hierarchy of high and low.”

The Kumara Pillai commission appointed by the Government of Kerala in 1965 observed as follows in para 25 of its report says,

"The evidence is that the degree of segregation of the new convert from Scheduled Caste is almost as high as before his conversion …… We are convinced that in practice, converts from scheduled caste are treated as socially backward".24

The Elayaperumal Commission constituted by the Government of India in 1969 went into the question of untouchability and economic and educational development of the Scheduled Caste. In para 32 of its reports it observed:

"The Committee found during tours, that all Scheduled Castes who got themselves converted to religions other than Hinduism should be given all concessions which are available to Scheduled Castes. This is because the committee found during tours that they suffer from the same disabilities which the scheduled castes suffer".25

The Government of Tamil Nadu constituted the Backward Classes commission under the Chairmanship of Mr. Satanathan in 1970. In its report it observed:

"While there may be progress in the field of elementary education, the converts have not made much progress in the field of high school education or collegiate education as their Hindu brothers. The same

spirit of renaissance which animates the Hindu Scheduled Castes has not spread to the Christian sections and that, due to the absence of employment opportunities similar to those reserved for scheduled castes, there was no great temptation for the converts to go into higher education. It is claimed that they have not been able to make any headway in Government any they stand now, where the scheduled castes stood 20 years ago”.  

The Janata Government set up a new Backward Classes Commission in December 1978. The commission consisted of five members with B.P. Mandal as the Chairman.

In its report it observed,  

“There is no doubt that social and educational backwardness among non-Hindu Communities is more or less or the same order as among Hindu communities. Though caste system is peculiar to Hindu Society. Yet in actual practice it also pervades the non-Hindu communities in India in varying degrees. There are two main 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 modes. Consequently even after conversion ex-Hindus carried with them their

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deeply ingrained ideas of socio-hierarchy and stratification …… It was observed that “even after conversion lower caste converts continued to be treated as Harijans by all sections of society …… Lower caste converts to a very egalitarian religion like Christianity ever anxious to expand its membership, even after generations, were not able to efface the effect of this caste background.”

The seminar on social reforms arranged by the Government of Andhra Pradesh in 1972 and presided over by the Advocate General of the State recommended that,

“Parliament may enact a law to modify the Scheduled Caste Order 1950 so as to remove the restriction that one should necessarily profess the Hindu religion”.

In June 1975, the evaluation report on intensive Agriculture Area Programme in Tamil Nadu, by Mr. Chidambaram reported in para 2 section on Harijan Christian as follows:

“Harijan Christians, as the term itself denotes are those who belong to the Scheduled Castes and have embraced Christianity. Though Christianity recognizes no caste, we found in the course of our tour covering the districts of Tirunelveli, Kanyakumari, Ramanathapuram,

28 C.P.Thangaraj, op.cit., p.4.
29 Ibid., p.5.
Thanjavur, Tiruchirappalli and South Arcot that casteism is practised widely among the members of Christian fold as judged by the characteristics of the caste system, viz the prohibition of social mobility between members of different castes, inter-marriage between them, dining with the 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 Christian religion."

The reports of the all the commissions repeatedly stated that the Dalit Christians are socially and economically backward even after their conversion to Christianity. Their conversion has not brought much changes in their social and economic life. This very much convinced the Dalit Christians that their struggle against the Central Government is a genuine one. Therefore they decided to continue their struggle with great hope.

Besides, the inclusion of Sikh and Neo-Buddhist Dalits in the list of Scheduled Castes further intensified the struggle of Dalit Christians. The Sikhs however, demanded that some of their backward sections, Ramdasis, Kabirpanthis and Sikligars, should be included in the list of Scheduled Caste. The demand was accepted on the basis that these sects were originally Scheduled Caste Hindu who had only recently been converted to Sikh faith and had the same disabilities as the Hindu Scheduled Caste”. The depressed classes within the fold of Hindu society and the four classes of the Sikh community were therefore made the subject of the original constitution (Scheduled Castes) order 1950. Subsequently in 1956 the constitution (Scheduled Castes) order 1950 was amended owing
to the efforts made by the Sikh Community and it was broadened to include all Sikh untouchables.\(^{30}\)

In the same way Neo-Buddhist also demanded the Central Government to include the Dalits of Neo-Buddhist in the list of Scheduled Caste. At the time of the birth centenary of Dr. B.R Ambedkar the Government of India included them in the list of Scheduled Caste by amending the constitutional (Scheduled Castes) order 1956 in 1990.\(^{31}\)

The above changes brought about by the Government of India created a lot of discontentment among the Dalit Christians which made them come to the following conclusion. The evil practice of untouchability was not recognised by any other religion and the question of any Scheduled Castes belonging to a religion other than Hinduism did not therefore arise. Further they felt that when the constitution was amended for the inclusion of Sikh and Buddhist Dalits why not for the Christian Dalits.

**Re-Conversion To Hinduism**

The provision for extending the benefits of Scheduled Castes when a Dalit Christian is reconverted to Hinduism further aggravated their struggle. The Scheduled Caste Christians when reconverted to Hinduism become eligible for all the concessions, privileges and benefits of the Scheduled Castes. The Tamil Nadu Government had directed that the Ayya Samaj might be considered as a recognised body for the grant of


certificates of re-conversion of scheduled caste converts to Christianity reconverted to Hinduism.\textsuperscript{32} Between September 1991 and November 1993 in Madras district 286 Dalit Christians had reconverted themselves as members of the Arya Samaj. There were Arya Samaj offices in Madurai, Tirunelveli and Tuticorin in Tamil Nadu. Over 1,000 members were said to have joined these centres during the two years. A major chunk of applicants for “name change” in the Tamil Nadu Gazette were these converts.\textsuperscript{33}

In the National Employment Service Manual it was stated that persons who originally belonged to Scheduled castes and were converted to another religion and later been reconverted to Hinduism should be regarded as belonging to Scheduled Caste community for purposes of benefits admissible to members of such castes in the matter of recruitment to posts and services under the Government of India.\textsuperscript{34} Many Christian converts were therefore compelled to return to Hinduism in order to be eligible for all concessions and privileges. Some even pretend to be Hindus for such purposes.

Though the Dalit Christians were not included in the list of Scheduled Caste prepared by the British Government in India, they did not ask the British to include them in the list because the Christians had been given the right of reservation for the minorities and that the Christians could represent in the British Council. Besides, the Christians missionaries had great concern for the Dalit. Besides the Scheduled Castes were given

\textsuperscript{33} M.R.Arujrja, \textit{op.cit.}, p.38.
only Communal representation as the Christian had reservation for minorities, nothing else. Therefore the Dalit Christians did not consider their exclusion from the list of Scheduled Castes a discrimination.

After independence the reservation of the minorities was replaced by the minority rights by the Government of India. Thereby the Christians lost the privilege of contesting from the constituencies allotted for the minority in the elections that was enjoyed during the British rule. The minority rights provide the Christians to establish their own educational institution and maintain it independently. The minority rights are fully enjoyed by the Christian religious heads not by the Dalit Christians. Therefore the statement very often made by the various leaders that Dalit Christians should not be given the privileges of Scheduled castes as they enjoy the minority rights, became ineffective.

When the Scheduled Castes were given a number of privileges by the constitution of India 1950, the Dalit Christians were tempted to obtain the same. The Government also changed its stand twice over the reservation issue which made the Dalit Christians feel that if they fight vigorously, their demand would be considered positively by the Central Government. The reconversion of Dalit Christians to Hinduism greatly alarmed the Church. Hence, the Church raised its voice against the Government of India to include the Dalit Christians in the list of Scheduled Castes.