Chapter II

Dalit Muslims: Some Theoretical Issues of Discrimination and Recognition

Introduction

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

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

\(^{55}\) Iris Marion Young, 2000, ‘Inclusion and Democracy’ *Oxford Political Theory*, Oxford University Press, New York, pp.8-15

\(^{56}\) Ibid. pp.81-120.
of untouchability. The forced segregation and exclusion of the lower castes from all aspects of societal life was identified as the major source of inequality, discrimination, disadvantage and finally exclusion.

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

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

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

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

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

**Redistribution and Recognition**

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

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

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

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

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

Till now the theorists dealing with recognition linked it with self-realisation. According to Charles Taylor, recognition or misrecognition can be a form of oppression, imprisoning someone in a false, distorted, reduced mode of being. Nancy Fraser proposes to conceive recognition as a matter of justice. For this purpose she treats it (recognition) as an issue of social status. This means examining institutionalised patterns of cultural
value for their effects on the relative standing of social actors. If institutionalised patterns of cultural value treat actors as peers, capable of participation in social life then we can speak of reciprocal recognition and status equality. If institutionalised patterns of cultural value do not treat actors equally then it is misrecognition and status subordination.

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

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

### The Limits of Recognition

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

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Chapter II

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

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

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

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62 Ibid, p.129
65 Ibid, p.47.
people's differing identities and cultural backgrounds. Rather than viewing each individual as possessing his own moral compass, this viewpoint takes a Herderian approach, arguing that each volk has its own way of being human. People should not, according to this viewpoint, seek to mimic the practices and languages of other volks but, rather, should be true to their own ways of life. Since identities are formed through a process of dialogical interaction, to refuse to extend recognition towards or to misrecognise the identities that play such a fundamental role in one's worldview and self-perception is seen by Taylor as constituting a form of oppression. Therefore the recognition of the value in different ways of being is seen as being a necessity in order to avoid oppressing less powerful groups in society.

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

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

67 Ibid, pp.32-34.
68 Ibid, p.31.
minority communities in multicultural societies. This was for two reasons. On the one hand, the philosophy of liberalism was reluctant to extend special compensatory rights to individuals belonging to communities that suffered grave historical injustices. To consider the descendants of slavery, indigenous nations, and other subaltern groups with equal respect and reverse the damage inflicted upon these communities by centuries of exploitation, oppression, and humiliation, enjoined granting their members special treatment. Treating individuals from such communities identically, in short, jeopardized the promise of genuine social equality. On the other, the principle of neutrality in liberal societies reflected, in practice, the prerogatives of a dominant culture in a given society, or at least allowed it to express its preponderance through the weight of numbers or by imposing a self-justifying hierarchy of values. Worse, it could threaten the survival of subsidiary minority cultures, whose distinctiveness was a source of well-being for their members, which thus required protection and encouragement. Ultimately, liberal democratic societies might need to grant collective rights to particular communities to compensate for long-standing historical injustices or to ensure their cultural survival.

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

72 Ibid: 58.
Taylor's pioneering thesis/work drew admiration from scholars pursuing similar projects. But it also found critics, sympathetic and otherwise. Classical liberal proponents questioned the legitimacy of granting special rights or collective entitlements to particular social groups on ascriptive grounds in order for these communities to survive. Some criticized the static, bounded, and homogenous notion of culture that allegedly informed Taylor's argument. Such a conception threatened to obscure the hierarchies of power, wealth, and status within particular communities—a matter of concern to feminists in particular—and the fact that all cultural formations were sites of political contestation and historical change. Indeed, some even argued that the disempowerment of historically subordinate groups was caused by structures of exclusion, making cultural protection a moot point. Most significantly, liberals defended the right of any individual to "cut loose" from their communities, as Taylor put it, to pursue their own conception of self-realization. The search for authenticity that defined the modern self, according to Taylor, often compelled individuals to struggle against forms of convention in their communities of belonging. Consequently, liberals maintained that individuals, and individual rights, remained the foundation of any defensible theory of justice.

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

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Chapter II

threatened to displace the politics of redistribution in liberal democratic societies based on class, whose political fortunes were already embattled due to the ascendancy of capital, multinational corporations, and elite social networks in an increasingly global economy.  

In fact, proponents of the politics of identity neglect the material economic basis of misrecognition, as if it were a "free-standing cultural harm". The insights, history, and commitments of traditional Left politics were still crucial to achieving democratic equality and it also holds good for Indian context while recognizing the excluded and minority groups.

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

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

81 Nancy Fraser, 2000, 'Rethinking Recognition', New Left Review, 3, May-June, pp.107-121, (pp.110-112)
failed to address the potential clash between a politics of recognition and a politics of redistribution and ask if they might be squared. In addition, the tension between individual liberties and collective rights could also pose serious challenges. In practice, the protection of particular social communities would clash with the rights of individuals in many scenarios. Given these conflicts, many scholars remained wary of the politics of recognition based on particular group rights.

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

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

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


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

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

Recognition can take a number of other forms. Peter Jones outlines some of these. Perhaps the simplest form of recognition is general (as opposed to specific) recognition, wherein a given identity group is recognized through their membership of a larger group,
for example as members of humanity\textsuperscript{90} or for that reason as Indian citizens. Recognition as members of humanity was particularly relevant in the debates on the emancipation movement for African slaves. In today’s mainstream political discourse, the extreme forms of biological racism are largely absent. However, general recognition is still relevant today in providing a means for extending citizenship rights to as yet unrecognized groups. In the context of this discussion, general recognition will be understood as extending full citizenship rights to those who as yet have been denied them.

The second important distinction is between mediated and unmediated recognition. Unmediated recognition is the direct recognition of the value in another’s identity. This form of recognition is necessary for ascriptive forms of identity such as race and sex\textsuperscript{91} because it is not sufficient for one’s existence as a black man or as a woman to be merely tolerated; the value in their existence must be recognized.\textsuperscript{92} Mediated recognition involves a more complicated process. In recognizing the importance of factors such as culture in building one’s identity, one recognizes the importance another person’s beliefs have for that person, without accepting that these values have any inherent worth. It is built upon an ideal that recognizes the value in the existence of difference and value pluralism.\textsuperscript{93} The form of specific and unmediated recognition provides the greatest benefit for minority cultures in terms of increased esteem.

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

\textsuperscript{91} Here, for our analysis, we can consider caste also as one of these identities.
\textsuperscript{92} Anna Elisabetta Galeotti, 2001, ‘Do We Need Toleration as a Moral Virtue?’ Res Publica 7, No.3, p.280.
\textsuperscript{93} Ibid, pp.133-35.
The current discrimination by mainstream society, State and Ashraf against Dalit Muslims is unsustainable. The Dalit Muslim community is growing rapidly, raising their voice in socio-political arena and their demands, to be recognized and included, have become increasingly significant especially in the context of second democratic upsurge. Through, the politics of recognition, Dalit Muslims can find an effective way forward.

The Question of Recognition and Indian Experience

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

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

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

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Chapter II

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

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

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98 Bhargava 2000: 50

73
Chapter II

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

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

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

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

\textbf{Mis/Recognition of Dalit Muslims in India}

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

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

\textsuperscript{103} See, Imtiaz Ahmad, 2007, Zoya Hasan, 2009
Chapter II

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

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

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

105 Imtiaz Ahmad, 2007, ‘Can there be a Category called Dalit Muslim?’ in Imtiaz Ahmad and Shashi Bhushan Upadhyay eds., Dalit Assertion in Society. Literature and History, Deshkal Society, Orient Longman, New Delhi, pp.258-265.
idea of caste and associated social and economic structures persisted with varied religious tradition of the South Asian region". Therefore, casteism is a South Asian phenomenon.

**Issues of Backwardness**

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

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

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


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

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

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

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

Social

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

Chapter II

Educational

(v) Castes/classes where the number of children in the age group of 5–15 years who never attended school is at least 25 percent above the state average.

(vi) Castes/classes where the rate of student drop-out in the age group of 5–15 years is at least 25 percent above the state average.

(vii) Castes/classes amongst whom the proportion of matriculates is at least 25 per cent below the state average.

Economic

(viii) Castes/classes where the average value of family assets is at least 25 per cent below the state average.

(ix) Castes/classes where the number of families living in kuccha houses is at least 25 per cent above the state average.

(x) Castes/classes where the source of drinking water is beyond half kilometer for more than 50 per cent of the households.

(xi) Castes/classes where the number of households having taken consumption loans is at least 25 per cent above the state average.

Also known as “Creamy layer,” these criteria of separation is ignored by the government which is known as the most controversial issue of reservation.

Based on Mandal Commission Report 84 Muslim OBC castes were included in the Central lists for reservation policy in 1991. Dalit Muslims too got an entry into the list. One and half decade later Sachar committee has presented the socio-economic facts about the Muslim OBCs (including dalits) which are given below.
Table 1: Representation in Public Employment

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

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

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

<table>
<thead>
<tr>
<th>Earning Category</th>
<th>Gender</th>
<th>H-OBCs</th>
<th>M-OBCs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Wages</td>
<td>Total</td>
<td>39</td>
<td>49</td>
</tr>
<tr>
<td></td>
<td>Male</td>
<td>45</td>
<td>52</td>
</tr>
<tr>
<td></td>
<td>Female</td>
<td>27</td>
<td>32</td>
</tr>
<tr>
<td>Salary-Public</td>
<td>Total</td>
<td>190</td>
<td>176</td>
</tr>
<tr>
<td></td>
<td>Male</td>
<td>199</td>
<td>177</td>
</tr>
<tr>
<td></td>
<td>Female</td>
<td>138</td>
<td>173</td>
</tr>
<tr>
<td>Salary-Private</td>
<td>Total</td>
<td>85</td>
<td>79</td>
</tr>
<tr>
<td></td>
<td>Male</td>
<td>92</td>
<td>83</td>
</tr>
<tr>
<td></td>
<td>Female</td>
<td>48</td>
<td>39</td>
</tr>
</tbody>
</table>

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

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

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

Table 3: Distribution of Persons (aged 6+ years) in each caste unit by level of education\textsuperscript{112}

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

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

\textsuperscript{112}Government of India, 2006, ‘Sachar Committee Report’, Prime Minister’s High Level Committee on Social, Economic and Educational Status of the Muslim Community of India, p.206.
Why did the State not recognize Dalit Muslims?

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

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

114 Constitution (Scheduled Caste) Order 1950. 2.
Chapter II

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

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

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

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

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

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

118 Maulana Hifzar Rahman, used this phrase while briefing about the convention to be held on 10 June. For detail see Noorani’s The Muslim of India, op. cit., pp.116.
120 Wright 1966:110.

84
argument that, in Islam there is no such concept of caste; in its fold all are equal.\textsuperscript{121} Moreover, the communally charged atmosphere allowed them to ask for unity among the Muslims. Resultantly, issues like women rights, caste practices, democratization of various Muslims institutions, and agitation for modern education have been neglected throughout the decades.

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

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

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

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

\textsuperscript{122} Manjur Ali, 2010. (Unpublished article), ‘Muslim ‘homogenized’ Politics in India: Caste Perspective’.
concern. However, Muslims have the problems of identity, security and development. But the State is not objective in its treatment to the Muslims. This led/prompted eminent political scientist and former Member of National Commission for Minorities, Zoya Hasan to raise the question “does state policy reflect objective realities or does it reinforce and privilege certain categories over others?” Whenever Muslims have started weaning away from Congress it came up with some populist measure to show its concern for minorities. For instances, Indira Gandhi’s 15 point programmes, UPA government’s new 15 point programme, and Sachar Committee, etc. The policies generated from these programmes lack any will for implementation in a holistic way and always ended up pacifying the anger against the government.

In contemporary politics organisations like the All India Pasmanda Mahaz (backward Front) are making great effort to make the caste question heard, a pertinent problem of the Muslim society, however, the community remains divided over its approach to solve the community problem. The Ashraf view the division of community into Ashraf/Ajlaf/Arzal, as a conspiracy to divide the Muslims. “In my view, the entire Muslim community in the country forms a backward class,” wrote Sayed Shahabuddin, an M.P. and a leader of the demand for affirmative action for all Indian Muslims, in a letter to the welfare Minister in 1995. Organisations like Islamic Council of India, as well as, the All India Milli Council, formally ‘demanded the government to declare the entire community as economically backward and grant reservations to it accordingly’. Authors like Salil Kader argued that there are other problems in front of Muslims, they should concentrate on that rather than caste issue. This could be seen as hiding from the problem.

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

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124 There are other parts, which do not want to recognise this division, by giving reference to the Quran. Most of them are Ulama’.
125 Syed Sahabuddin, 1996, Muslim India, February, p. 78.
126 The Hindu, April 13, 1996.
proposal of reservation to Muslims in toto, they claimed that reservation for all would affect the share of backward and “Dalit” Muslims. They very rightly feared about the communal polarization in the society, as Theodore P. Wright, Jr., mentioned. He elaborates about five points on the reaction of the Hindu militants128 (Singh Parivar):

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

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