

Public Arguments – 8



Tata Institute of Social Sciences
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The Liminal Space of Dalit Muslims

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The Liminal Space of Dalit Muslims

PRASHANT K TRIVEDI*

The question of justice for Dalit Muslims is a test case for Indian Constitution's proclaimed ideals of equality. This is a question of justice not just because Constitution of India is committed to non-discrimination on the basis of religion, caste, sex, race etcetera but also because Dalit Muslims have such a miniscule population that it is hard to foresee them asserting pressure on governments on their numerical strength in a democratic system. Unlike Jats, Marathas and Patels of Haryana, Maharashtra and Gujarat respectively, their source of strength is only moral claim for justice and site of their contestation is Constitution of India.

For many among us, the very utterance of word 'Dalit Muslims' brings surprise. Social Scientists and policy makers alike engage with 'Dalits' only who are officially classified as Schedule Castes. Socio-Political movements too have rarely tried to question boundaries erected by the Presidential Order, 1950. For instance, one of the major studies on persisting practice of untouchability confines its investigation to experiences of castes included in the Schedule of Castes missing a chance to interrogate formal classification and inherent discrimination (Shah et al., 2006). Most of the strands of 'Dalit Movement' too appear focused on SCs.

The Genesis of Schedule of Castes and Exclusion of Dalit Muslims

Samendra (2016a) argues that the term Scheduled Caste was coined in Government of India (Scheduled Caste) Order, 1936 to refer to those groups, which were known as depressed classes till then. He elaborates that identification of depressed classes was initially based on ten point socio-religious criteria assuming that depressed classes were Hindus. Samendra further argues that later understanding of colonial state on the subject underwent a change leading to application of a nine point secular criteria in 1931 Census. Despite this, underlines Samendra, the initial connection between depressed class and Hindu religion persisted, and non-Hindus were not included in the Schedule.

The same understanding articulated by British administration that considered Scheduled castes only as a part of Hindu religion continues to persist

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after seven decades of independence and is reflected in President's constitution (Scheduled Castes) Order No. 19 of 1950. Drawing upon the powers conferred upon him under Article 341 (1) of Constitution of India, this Presidential order was issued enlisting castes recognised under Schedule of Castes. Clause (3) of this order categorically declared that 'no person who professes a religion different from the Hindu religion shall be deemed to be a member of scheduled caste'. This was amended in 1956 to include the Sikhs and in 1990 to include the Buddhists. Moreover, in 1956, this religion criterion for determining caste membership was upheld by the Supreme Court which argued that caste was a peculiarly Hindu phenomenon (Webster, 1999; Deshpande, 2008; Samendra, 2016a).

Since then a number of Supreme Court judgements have explored the relationship between religion and caste. Samendra (2016a) argues that the Presidential Order, 1950 is based on a direct relationship between religion and caste which is manifested in keeping membership of Scheduled Caste confined to Hindus, Sikhs and Buddhists. This understanding of the relationship between caste and religion has been subjected to challenge in Constitutional Courts. He further argues that the Supreme Court had validated this premise that the presence of caste was reliant on religion. He refers to *S Rajagopal v Arumugan and others* (1968), in which Supreme Court decided that if a person converts to Christianity or any other religion from Hinduism, s/he loses his/her caste membership. And on reconversion to Hinduism, "the possibility of recovery of caste membership is subject to the acceptance of other caste members as caste is 'supreme judge' in the matters of its membership" (Samendra, 2016a).

Seven years later, in a case involving same persons, *Rajgopal v Arumugan* (1975), the Supreme Court accepted a plea of Rajagopal to be recognised as SC after reconversion to Hinduism. But, according to Samendra (2016a), major change underlying Court's perspective was a transition from 'religious' to 'social' premise. In an earlier judgement, loss of caste identity argument was based on non-recognition of caste stratification by Christian religious scriptures, but in later judgement, caste was seen as primarily a social phenomenon only drawing morality and ethics from Hindu religion. Thus, he concludes, that for courts now caste was separable from religion. It was a "fundamental shift in judicial perspective on the relationship between caste and religion that also diverged from constitutional perspective of conceiving a direct association between the two" (Samendra, 2016a).

The principle of autonomy of caste from religion was further emphasised in three more judgements (*S Anbalagan v D B Devarajan and others*, 1983, *Kailash Sonkar v Maya Devi*, 1983) in which second generation reconvert and third generation reconvert (*K P Manu v Chairman, Scrutiny Committee*, 2015) were allowed to reclaim caste membership of their parents and grandparents. The Court came to argue that caste survives for generations in a non-Hindu

environment. These judgements did cast a shadow on the linkage of caste with birth (Samendra, 2016a).

But a break from prevailing judicial understanding on the subject came in *Soosai v Union of India*, 1983 that is known to have a negative implication on demands of Dalit Muslims and Dalit Christians for recognition as SCs. In this judgement, Supreme Court observed that it was not sufficient to demonstrate that caste continues after conversion from Hinduism to any other religion, but it would have to establish that disabilities and handicaps continue in the new religious environment with same oppressive severity. The order further elaborated that no authoritative study has been placed on record to throw light on this aspect. On this basis, Soosai, a Christian covert, was denied the status of SC (Deshpande, 2008; Samendra, 2016a). Marc Galanter (1984, cited in Deshpande, 2008) argues that the Court in this judgement relied on the distinction between caste as a unit designating a section of the population and as an indicator of status. The Judgment appears ready to accept the continuation of caste identity after conversion but questions its use as a marker of status.

In a recent judgement, another major shift is visible. In *Mohammad Sadique vs Darbara Singh Guru*, 2016, the Supreme Court allowed the claim of Mohammad Sadique to be a member of SC after conversion to Sikhism from Islam. The departure from similar judgement, argues Samendra (2016b), is that in *Devarajan* (1983), *Maya Devi* (1983) and *K P Manu* (2015), claim to the membership of caste belonging to earlier generation was claimed whereas, in *Sadique*, no such claim was made. It was not a case of 'reconversion' but a 'conversion'. "This judgement has implications for Muslim Dhobis, Mehtars, Mochis ets who suffer from similar forms of caste discrimination as their Hindu counterparts. It appears conveying a message that they too can get SC status provided they agree to convert to Hinduism, Buddhism or Sikhism" (Samendra, 2016b).

The Contested Space of Dalit Muslims

The 'communal view of caste that considers caste to be an only Hindu phenomenon for drawing legitimacy from Hindu scriptures' (Webster, 1999) is shared by those who claim that caste does not exist among Muslims because of its egalitarian ethos. The argument of the absence of caste among Muslims due to non-recognition by Islam persists against robust evidence presented by investigations of Ansari (1959) and Ahmad (1973) and others revealing caste or 'caste-analogous' stratification in the religious community. However, many of these scholarly writings remained silent on the presence of practice of untouchability among Muslims. Sachar Committee (2006) gave a new direction to this discourse by referring to *Arzals* along with *Ashraf* and *Azlaf* sub-divisions in Muslim Society.

Belatedly though, a new stream of social science enquiry has started engaging with hitherto blacked-out questions of caste discrimination and related handicap suffered by Dalit Muslims. The emergence of this new stream has relocated discourse from the site of 'religion' to the site of 'social'. For instance, Alam (2014)'s work distinguishes between 'textual Islam' and 'lived Islam'. His investigation reveals intra and inter-religious community socio-economic inequalities and practice of untouchability perpetuated against Dalit Muslims. Other important works of this genre argue that the "false pride about there being no discrimination in the Muslim society on the grounds of caste and there being no untouchability, prevented efforts at the community or the non-governmental level to improve the conditions of Dalit Muslims" (Anwar, 2005:1).

These studies underline that the "concepts of purity and impurity; clean and unclean castes do exist among these Muslim groups. Dalit Muslims are seen as unclean and impure by *Ashraf* Muslims" (Alam, 2014:9). In a study of Dalit Muslims, Alam (2014) traces practice of untouchability among Muslims in food relations, caste-segregated settlement pattern, and also on socio-religious sites like graveyard and mosques. In his investigation, he refers to instances of refusal by *Ashrafs* to drink water from the same glass and barring Dalit Muslims to touch the water source used by the 'upper castes'. Often Dalit Muslims get left-over food to eat and live in separate hamlets. At times Dalit Muslims feel discriminated against in the mosque as well. They are asked to sit in the last row during prayers. Like Dalit Sikhs who have built their own *gurdwaras* to avoid caste discrimination, Dalit Muslims too have built their own mosques in some places (Alam, 2014).

Foregrounding his argument that socio-economic status of Dalit Muslims is no different than castes included in the Schedule, Anwar (2005: 2) states that our "journey started more or less with the same social, educational and economic status. We washed clothes like them. We too were called *dhobi* (washerman) like them. The only difference was that they had a Hindu name while we had a Muslim name. They too cleaned dirt like us. Again the only difference was, they were called *dom* and *bhangi*, and we were addressed as *maihtar* and *khakrob* or, *halalkhor*. Likewise *lalbegi*, *halalkhor*, *nachi*, *pasi*, *bhant*, *bhatiyara*, *pamaria*, *nat*, *bakkho*, *dafali*, *nalband*, *dhobi*, *saiin*, etc. and other numerous castes, who follow different religions (Hindu/ Muslim) but their professions, social, economic and educational status are similar. They are termed as ashpriya (untouchable) in Hindu society, while in Muslim society they are called arzal (inferior)".

The Persisting Inequalities

A major study of Dalit Muslims and Dalit Christians was commissioned by National Commission for Minorities, Government of India in 2008. It reveals that Dalit Muslims are relatively more deprived than other Dalit groups on several socio-economic indicators. This investigation uses NSSO 61st round (2004-05) data to discuss existing caste inequalities among Muslims and Christians. It makes a comparison at two levels from the vantage point of Dalit Muslims and Dalit Christians. At one level is the comparison between different Dalit groups belonging to major religions and at another level comparison is between Muslim and Christian Dalits with their other coreligionists to assess the incidence of poverty, average consumption levels, occupational structure and educational status (Deshpande, 2008).

This study finds that as far as proportions of the population in poverty is concerned; Dalits Muslims have a higher representation in Below Poverty Line Class than Hindu, Christian and Sikh Dalits. Only Dalit Buddhists are worse off than Dalit Muslims in rural areas. In urban areas, close to half of Dalit Muslims find a place in BPL category that is much higher than all other Dalit groups. Not only Dalit Muslims have a disproportionately higher share in poverty, but they are also absolutely absent in highest monthly per-capita consumption expenditure (MPCE) class (Deshpande, 2008).

Another major point that this investigation makes is that Dalit Muslims are only slightly worse off than OBC Muslim. This is also because OBC Muslims are much worse off than their non-Muslim counterparts. Deshpande (2008) also finds that all Dalits are somewhat similar in economic terms i.e. in terms of average levels of consumption measured by percentiles of MPCE. Rural Dalit Sikhs are the only exception to this rule. The investigation also strongly emphasizes serious poverty among urban Muslims. The study does not find a drastic difference in the occupational pattern of different Dalit groups in rural India. "The only noteworthy feature is that it is one area where Dalit Muslims are not the worst off the group, being slightly better represented among 'self-employed in agriculture' category than other groups. In urban India, however, Dalit Muslims are back to the bottom slot, with the highest proportion in 'casual labour' and the lowest proportion in the 'regular wage' category" (Deshpande, 2008).

Further, on indicators of educational levels, Dalit Muslims are the most illiterate group in rural India closely followed by Hindu Dalits in both rural and urban areas. In terms of access to higher education, this study does not find much difference across Dalit groups. This investigation emphasizes on lower intra-religion inequality among Muslims both in educational and economic

status. Dalits of other religious groups do much worse than their co-religionists (Deshpande, 2008).

Another major investigation into issues relating to Dalit Muslims was conducted by the Giri Institute of Development Studies (GIDS) with the support of Indian Council for Social Science Research. This study analyses primary data collected by GIDS under the project 'Social and Educational Status of OBC and Dalit Muslims' to assess disparities between various socio-religious groups (SRG) and the practice of Untouchability by non-Dalit Muslims and Hindus towards Dalit Muslims in Uttar Pradesh. The survey collected data from 7,195 households located across 14 districts in four regions of Uttar Pradesh.

Findings of GIDS Study (Kumar et al., 2016) Social and Educational Status of Dalit/OBC Muslims in Uttar Pradesh are based on analysis of major indicators of educational development like literacy rates and attainment of different levels of education by gender, area, and regions. Muslims were found to be far behind Hindus. The Dalit and OBC Muslims were not only educationally backward on different parameters of educational development in comparison with SC and OBC Hindus, but they were even far behind UC Muslims as well.

Considering religious identity within the social group, it comes out very clearly that most of the Muslim castes included in the OBC category are not adequately represented in services under the state. The representation of Muslim OBCs was significantly lower in 2001, and similar trend persists in recruitments also. The data on recruitment also reveals that OBC Muslims perform slightly better in OBC category than all Muslims in total vacancies. This reflects success, albeit limited; of affirmative action but continued under-representation of backward Muslims also demand a relook at these State initiatives (Kumar et al., 2016).

Kumar et al. (2016)'s analysis of employment and migration of different Socio-Religious Groups of Muslims compared with different SRGs of Hindus brings out the fact that the status of Dalit Muslims followed by the OBC Muslims are poorest compared to all other SRGs of Muslims and Hindus. On the whole, Dalit Muslims had the highest percentage of child labour (in the age group of 5 to 14 years) amongst them compared with remaining Muslim SRGs and all SRG of Hindus.

This investigation estimates that the share of UC and OBC Hindus in Business and Trade (presumably superior business and trade) in comparison to Upper Caste Muslims was much higher. The self-employment of Muslims in general and of SC Hindus and Dalit Muslims in particular in petty business and non-agricultural activities was quite high in comparison to UC and OBC Hindus. However, the involvement of Dalit Muslims in presumably menial

work was higher than Hindu SCs because of lack of availability of alternative work. The share of Muslims in Grade-A Services was found to be very low as compared to the Hindus. Among Muslims and Hindus, Dalits and SCs had the highest engagement in Grade-C Services compared to other SRGs (Kumar et al. 2016).

Kumar et al. (2016) further argue that when it comes to ownership of durable assets, an inverse pattern emerges. The top SRG UC Hindu has an increasing proportion of households in higher wealth quintiles, and the lowest SRG Dalit Muslims follow the inverse pattern. The data on mean Monthly Per Capita Consumption Expenditure also reflect a pattern in which each Muslim group is comparable to a Hindu group placed one step lower to it, i.e. UC Muslim compares to Hindu OBC and so on. Dalit Muslims are obviously placed on the lowest end and UC Hindu on the highest end. Further, poverty ratios of both Dalit groups were almost similar, but wide inequality exists between both UCs.

Muslim OBCs and Muslim Dalits were found to have limited access to a formal financial source like Hindu SCs/STs on this account. A relatively larger share of their finances is used for economically unproductive activities. And their limited access to finance also reflects in constrained economic activities. Similarly, health and healthcare status of Dalit Muslims was found to be poorer as compared to other SRGs. Dalit Muslim women's access to institutional delivery was found to be very low as compared to women from other SRGs. Marginalisation of Dalit Muslims is also reflected in lower vaccination of their children aged 12-23 months. Food insecurity was found to be relatively higher among the Dalit Muslim households compared to the households of other SRGs. In access to a majority of pro-poor social protection programmes, Dalit Muslims were in a disadvantageous position compared to Hindu SC/ST (Kumar et al. 2016).

The Practice of Untouchability

Not in many instances Social Science research can be held accused of toeing prescribed norms as blatantly as in the case of the practice of untouchability among Muslims. One can refer to numerous scholarly works on untouchability among Hindus, but it's rare to cite any comprehensive account of untouchability amongst Muslims in India. As mentioned above, one of the largest surveys on this subject by Shah et al. (2006) also chose to focus only on castes included in the official SC list leaving out similarly placed castes who follow Islam and Christianity.

The absence of such an investigation has serious consequences for public policy on affirmative action. The communities who are in dire need of

protection from this worst form of oppression are left behind by the state. The Indian state has vowed to eradicate the practice of untouchability through initially by enacting Protection of Civil Rights Act, 1955 and later by enforcing Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989. For want of any authoritative study on the subject, Dalit Muslims are left out of the umbrella of these legal and penal measures and 'disqualified' to be an SC because the practice of untouchability forms decisive criteria for inclusion in the Schedule.

But before one proceeds to discuss the empirical situation, a quick engagement with recent theorisation on untouchability would be in order. The term "'untouchability' refers not only to avoidance of physical contact as per its literal meaning but also a set of social sanctions" (Shah et al. 2006: 21). Shah et al. (2006: 19), argues that untouchability as a 'distinct Indian social institution' derives its strength from the binary of purity-pollution, one of the basic feature of the caste system.

However, Sarukkai (2009) prefers to make a distinction between 'impurity' and 'untouchability'. He emphasises that ".....untouchability is not about impurity as a well as recognising that impurity is not untouchability" (Sarukkai, 2009:45). He cites Quigley (1993) who in turn critiques Dumontian understanding of caste hierarchy being based on the opposition of pure and impure. Further, Sarukkai's (2009: 39) work takes untouchability beyond pure-impure binary through an analysis of 'phenomenology of touch' and points out "importance of untouchability within Brahmin tradition and process of supplementation which makes untouchability a positive virtue for the brahmins and a negative fact for the dalits".

Guru (2009: 53) appreciates Sarukkai's work for "elevating untouchability beyond the contours of purity-pollution" but he finds "the idea of moral significance deeply problematic as far as emancipator project of the untouchable is concerned".

Further, the phenomenon of untouchability is not a static one. Like caste, its various manifestations too evolve in changing social context. Studies have traced relocation of this phenomenon from the social plane to economic to political. However, all three were never separable from each other. It only means that if untouchability appears losing grip on one aspect of social life, it might reemerge in some other form.

Guru (2009) rightly points out that unlike feudal past, untouchability finds it increasingly difficult to maintain its crude everyday forms and adopts to subtler forms. Under modern conditions, untouchability resorts to universal meanings and identities. Under these circumstances, sociological

or anthropological descriptions are highly inadequate to capture the essence of this practice. However, Guru (2009) believes that domestic sphere could be taken as a testing ground because it is here where untouchability is widely practiced.

GIDS Study on Untouchability with Dalit Muslims

As mentioned above, GIDS undertook a fairly large empirical exercise to document forms and sites of untouchability with Dalit Muslims. The first challenge that research team at this institute faced was the identification of castes to be included in the category 'Dalit Muslims'. They considered 'traditional association of caste with a particular occupation' as one of the criteria along with the inclusion of castes already identified as Dalit Muslims by previous studies. This exercise yielded a list of 16 castes that follow Islam and their Hindu counterparts in terms of association with a particular occupation are already included in the Schedule of Castes. However, this was not an exhaustive list because spatial variations do exist but castes such as *Bhatiyara, Faquir, Shah, Dafali, Nat, Halalkhor, Lalbegi, Banjara, Dhobi, Ranki, Rangrez, Jogi, Mochi, Mukeri, Bakho* and *Bhishti* were included in the list (Trivedi et al., 2016).

Following Guru (2009)'s formulation of upper caste (UC) houses as a major arena of untouchability, both Hindu and Muslim UC houses constituted the crucial site of interaction between Dalits and non-Dalits. Additionally, an attempt was also made to explore how upper castes negotiate with Dalit Muslim houses. Other crude forms of untouchability can be investigated in food relations between castes, settlement pattern and access to socio-religious places. Despite 'modernization of untouchability', explicit caste-based interaction on these sites is documentable in both rural and urban spaces. One more challenge that social science research faces in the exploration of these practices among Muslims relate to the presence of another thin veil of religion in addition to modernity (Trivedi et al., 2016).

The first finding of GIDS data is about historically constructed social segregation. However, this caste segregated settlement pattern might not be a dominant feature of this community. Besides, a section of Dalit Muslim respondents reports separate seating arrangement for them in non-Dalit Muslim feasts, separate plates and offer of food after upper caste people have finished. Further, in this survey, Dalit Muslim respondents report caste discrimination with their children in class rooms and mid-day meal in government schools. Surprisingly, the highest proportion of respondents report caste discrimination in burial ground and lowest in Mosques. A significant section of Dalit Muslims also feels that their community is seen associated with menial jobs (Trivedi et al., 2016).

Dalit Muslim respondents experienced more severe untouchability in 'upper caste' (UC) Hindu houses than UC Muslim houses. For instance, the proportion of respondents reporting untouchability in the form of food in separate utensils and maintenance of distance by Hindu UCs was much higher than Muslim UCs. The GIDS survey team also cross checked data collected from Dalit Muslim with data collected from non-Dalit Muslims. To their utter dismay, non-Dalits were more candid in admitting practice of untouchability than Dalits. They further observe that "as we ascend from bottom to top on educational or wealth quintile ladder, reporting of untouchability increases. It is also higher in urban areas than rural areas on most of the indicators..... Respondents who studied at Madarsas were found to be more vocal about the practice of untouchability with them" (Trivedi et al., 2016).

Challenges before Social Science Research

Social Science research would have to confront two related problems. First one relates to a reconceptualisation of relationship between caste and religion while the second challenge is to overcome the paucity of data.

Dalit Muslims face a vicious cycle of lack of data and non-recognition as a category. Since state agencies are a major source of data and they do not collect data on Dalit Muslims separately citing their non-inclusion in SC list. Alongside, lack of large scale data comes in the way of their study as a group (Deshpande, 2008). This lacuna comes in the way of identification of 'Dalit Muslims' as a group. This data is critical because officially OBC is a recognised category which also includes castes that have been grouped together as 'Dalit Muslim' for this study.

Further, social science theorization on caste has to confront communal analysis of caste premised on a direct relationship between caste and religion. Webster (1999) argues that this kind of theorization believes that caste system drawing legitimacy from Hindu religious texts necessarily remains confined within its boundaries. The emergence of this understanding could be traced alongside census operations conducted by the colonial state at the beginning of 20th century, but it persists in the contemporary discourse on caste in one or the other form. As mentioned above, Social Science research and even Dalit Movement have not escaped its overarching influence. Communal view of caste has also influenced work of many researchers and even Dalit movement. Researchers have a limitation that many a time they have to base their studies on government data due to non-availability of alternative sources. This data collected on the basis of communal understanding of caste compulsorily affects research work based on that data. Webster (1999) notes "most sociologists and political scientists in studying Dalit since independence confine their samples

to Hindus. Initially, Dalit movement too, under the influence of such view, treated those Dalits who converted to other religion as no longer Dalit and therefore no longer part of the history of the Dalit movement”.

Restoring Justice to Dalit Muslims

The issue of Dalit Muslims reveals the hypocrisy of the Indian state. The act of barring entry of Dalit Muslim into the Schedule of Castes shows open indulges of the state in discrimination on religious ground, against which it was warned by the Constitution of India. Nothing short of deletion of clause (3) of the Presidential Order, 1950 would rectify this glaring act of omission that continues after seven decades of Independence. The evidence collected by various studies cited in this paper suggests that inclusion of Dalit Muslims in the Schedule of Castes would only be a beginning of restoring justice to them.

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A large, stylized tree graphic in a dark green color dominates the middle of the page. The tree has a thick trunk and a wide, spreading canopy with many branches and leaves, rendered in a simplified, geometric style. It is positioned centrally and extends from the top of the text area down to the bottom of the page.

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