

Denial Of Positive Discrimination To Dalit Christians - A Question Of Justice?

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Abstract

Positive Discrimination means the act of giving advantage to those groups in society that are often treated unfairly because of their race, sex, etc (Cambridge Dictionary). After independence the founding fathers of Indian Constitution incorporated the policy of positive discrimination into the Constitution and guaranteed special rights for certain historically deprived groups such as Scheduled Castes and Scheduled Tribes, paving the way for equality to all. A very regrettable state of affairs is that Scheduled Caste converted to Christianity are deprived of this important means for empowerment. The atrocities committed on the persons of scheduled caste origin are uniform irrespective of the religions they belong to. From primary study it is found that SC converts are not economically better off than SC households. Denying positive discrimination to SC converts is not justifiable. Change of religion being a strictly personal matter, such change should not deprive persons of scheduled caste origin of the protection and benefits available to similarly placed persons in other religions.

Keywords: Positive Discrimination, Scheduled Caste, Dalit Christians

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I. Introduction

The process of democratization and modernization of a society involves creating equal opportunities to all its members. This requires special efforts on the part of the state in creating those conditions that provide a level playing field to all its citizens. This initial condition of equality is extremely difficult to achieve. This is more so in societies and states where traditionally the social structure is hierarchical. At the bottom of the caste hierarchy are found the “untouchable” communities with the lowest ritual standing and economic position. They have also borne the burnt of several civic disabilities over a long period and often were victims of violence. Indian society is one such society. To achieve the initial condition, India has adopted the Positive Discrimination Policy favouring those communities, which were discriminated against historically (Rajesh, Sumathi 2001).

Positive Discrimination means the act of giving advantage to those groups in society that are often treated unfairly because of their race, sex, etc (Cambridge Dictionary). After independence the founding fathers of Indian Constitution incorporated the policy of positive discrimination into the Constitution and guaranteed special rights for certain historically deprived groups, paving the way for equality to all. The aim of this policy is to provide a level playing field to all communities and to bring the historically discriminated communities constitutionally categorized as Scheduled Castes (SCs), Scheduled Tribes (STs) and Other Backward Classes (OBCs), into the main stream of education, employment and political participation. Positive Discrimination in India includes giving reservation to backward communities in employment and education, anti-poverty programmes exclusively for backward communities etc.

The nomenclature ‘Scheduled Castes’ is the legal and constitutional name collectively given to the groups which have traditionally occupied the lowest status in Indian society and the Hindu religion which provides the religious and ideological basis for an “untouchable” group, which was outside the caste system and inferior to all other castes. The term Scheduled Caste was first used in government of India Act, 1935 and defined as follows: ‘The Scheduled Caste’ means, such castes race and tribes, corresponding to the classes of person formerly known as the ‘depressed classes’ as His Majesty in Council may specify” (Government of India Act, 1935). The Indian Independence Act, 1947, incorporated the Scheduled Caste to mean “such castes, race or tribes or part of groups which appear to the Governor General to correspond to the classes of persons formerly known as ‘depressed classes’ as the Governor General order specify” (Indian Independence Act, 1947).

The term Scheduled Caste has been defined in Article 366 (24) read with Article 341(1) as: “Scheduled Castes, races or tribes or part of groups within such caste races or tribes as are deemed under Article 341 to be Scheduled Caste for the purpose of this Constitution” (Constitution of India, Article.366,341(1)). Under Article 341(1) “the president may with respect to any state or union territory, and where it is a state, after consultation

with the governor thereof, by public notification, specify the castes, races or tribes or parts of or groups within castes, races or tribes which shall for the purposes of this constitution be deemed to be scheduled castes in relation to that state or union territory, as the case may be." Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued under clause (1) any caste, race or tribe or part of or group within any caste, race or tribe, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification" (Constitution of India, Article 341(2)).

Under these provisions, a Constitution (Scheduled Castes) Order was issued in 1950. Para 3 of the Order says that any non- Hindu could not be regarded as a scheduled caste. This Order was amended in 1956 to include Sikhs, and in 1990 the Buddhists, among the scheduled castes. Since the latter amendment, this para came to hold that persons other than a Hindu, Sikh or Buddhist can't be a scheduled caste (Communalism combats, 2010:23). Those people who are scheduled caste by origin but got converted to any religion other than Hinduism, Buddhism and Sikhism are called Scheduled caste converts.

As Critics rightly says, the Constitution does not define the terms Scheduled Caste, Scheduled Tribe, or Other Backward Classes nor does it provide a detailed criteria by which these groups may be identified. It only prescribes that in the first instance these groups shall be designated for each State by Presidential Order, in consultation with the Governor of each State with subsequent modification by an Act of Parliament.

II. Significance Of The Study

There are many studies which demonstrate how, but for positive discrimination (reservation, special assistance under anti-poverty programmes etc.), the condition of Scheduled Caste would be much worse. Now a very regrettable state of affairs is that Scheduled Caste converted to Christianity or Islam are deprived of this important means for their empowerment. The very fact of being Christian or Muslim means automatically the deprivation of the educational, employment and other privileges enjoyed by other Scheduled caste people. The present study focuses on the human rights violation against Scheduled Caste people converted to Christianity by way of denial of positive discrimination. Scheduled Caste people converted to Christianity are called converted Christians or Dalit Christians.

III. Objectives

1. To understand the human rights violation against Dalit Christians in India by way of denial of positive discrimination.
2. To examine the difference in the economic status of SC and Dalit Christians of South Kerala.

IV. Statistical Techniques

The following statistical techniques were used:

1. Test of significance for difference of means (for large samples)
2. Chi square test

V. Source Of Data

Primary data was collected through a field survey. Official records, publications of the panchayats and print and electronic media were depended upon for securing secondary data.

VI. Analysis

Louis (2007, P: 61) in his article 'Dalit Christians: Betrayed by State and Church', opined that 'to understand the status of dalit Christians it is necessary to understand the origin of this social group, the discrimination they suffer due to their caste back ground both within Christian community and wider society. Significantly, the state perceives the Dalit Christian issue only from the point of view of conversion, just like the social scientists and social activists. Even the so- called upper caste leadership within the church projected the issue of the Dalit Christians from the point of view of them being discriminated by the government due to their conversion. But all of them fail to see the Christians of Scheduled Caste origin as Dalits or Scheduled Caste first and then only as converts to Christianity.'

'It is widely known that caste exists among non-Hindus in India and that it is prevalent even in those non-Hindu religions like Christianity which consciously repudiate caste and proclaim theologies and ideologies that oppose caste. Vast majority of Dalit Christians experienced little mobility and gained no real improvement in their caste or social and economic status. In earlier periods as a result of the efforts of the Christian missionaries converted Dalits made considerable gains in education and general socio- cultural development. But the present situation is different. Everywhere there is a clear and radical separation between caste Christians and Dalit Christians who are themselves divided into separate castes. The neo- Christians of Kerala have traditionally been landless labourers working as clients of upper caste people' (Tharamangalam 1999, P: 87).

The atrocities committed on the persons of scheduled caste origin are uniform irrespective of the religions they belong to. By all available evidence we do find that the caste system to be an all pervading social phenomenon of India shared by almost all Indian communities irrespective of religious persuasions. Statistics show that more than 70% of the Christians in India are of scheduled caste origin. When Christian missionaries began their work in India in the decades before Independence, their promise of equal treatment and opportunity for all castes became the prime reason for Scheduled caste people - who find themselves at the socio-economic lowest rung of Hinduism's hierarchy - to embrace the missionary message. But as is now well documented, conversion offered no escape from caste prejudices. Now the population may worship Maria instead of Maariamman (a manifestation of goddess Kaali) but the discrimination continued. Conversion to Christianity did not automatically bring equal treatment. In villages they are still not allowed into some areas where the upper caste population lives. They are offered menial labour, and most of the time not paid for it. At tea shops there are separate utensils for them just like for SC (Padmalatha 2006).

As Christianity spread, upper caste members too embraced the new religion and with them came the caste prejudices of old. Post independence, the administration of churches was taken over by these upper caste members. This meant that Dalit Christians faced discrimination at churches too. There are either separate churches for Dalit Christians or have a separate section for them in the churches. They cannot mingle with the upper caste Christians within the church or outside. Out of 158 archbishops in India only seven are from the Backward Communities.

In 2000, when the Vatican appointed India's first Dalit archbishop in Andhra Pradesh, there was a furor from the majority of the upper caste church goers. The outgoing archbishop Samineni Arulappa made a public statement that the Vatican was ignoring "ground realities" by appointing Marampudi Joji as the new archbishop. Although the Church never openly acknowledged the presence of caste system within the church, it set up a Commission for Scheduled Castes/Tribes and Backward Classes of the Catholic Bishop's Conference of India (CBCI) to study and address the problems of backward communities within the Church. The biennial report submitted by this commission at the CBCI Annual General Body meeting in 2000 at Chennai, says "Scheduled caste converts, forming the majority in the Christian community, suffer humiliation, discrimination and socio-educational disabilities even after conversion due to the traditional practice of untouchability in the Church and in society" (Padmalatha 2006).

The differences between Scheduled caste converted Christians and upper caste Christians have come out in the open in the recent years. In 1994 a church had to be closed at K K Pudur near Chengalpattu district of Tamilnadu following clashes between Scheduled caste converted Christians and Reddy Catholics. In 1999 a Scheduled caste converted Christian woman Jeyaseliammal's funeral was not allowed to be held at the church in Eraiyur of Trichy district in Tamilnadu by the Vanniyar Christians of the region. In the year 2000, Jnanaprakash, a Scheduled caste converted Christian from Hassan district in Karnataka, was allegedly murdered following a fight with an upper caste member. His family members say that the police did not even register a case.

The social relationship, interaction, marital practices, kinship relationship etc. are strongly regulated on the basis of the principle of caste system as it operates among the Hindus. After conversion, Indian Christians prefer to use their caste identity and caste based social affiliation. They are not freed from the influence and practices of the principle and ideology associated with caste. (Webster, 1992; Patil and Dhobi, 2010)

According to Y. Marisamy, Convener of Karnataka Dalit Christian Federation (KDCF) Conversion to Christianity did not automatically bring equal treatment. In villages converted Christians are still not allowed into some areas where the upper caste population lives. They are offered menial labour, and most of the time not paid for it. At tea shops there are separate utensils for them just like for Dalit Hindus.

In several states in India there exist caste based slavery. Women and children from dalit community are vulnerable to forced bonded labour. They are made to work for more than 12 hours a day for their masters or landlords without wage or for a very low wage. This kind of suffering is common for both SC and SC converts.

Even though SC converts face the same atrocities from the upper caste as SC, they are excluded from constitutional rights and protection of scheduled caste. They are exempted and deprived of the right to seek civil protection and safeguards provided to all Dalits under the Protection of Civil Rights Act 1976, the Untouchability (Offences) Act 1955, and the SC/ST (Prevention of Atrocities) Act 1989. The Dalit Christians may be abused, insulted, raped, killed and their houses and crops may be burnt and destroyed. But the culprits cannot be taken to court or punished or Dalit Christians cannot use this law to protect themselves from the violence and atrocities going against them. (Panigrahi 2018). For example: if someone attacks a Dalit Christian for as small a reason as drinking water from a public well, they cannot get protection from the police, for they refuse to even file a First Information Report. But in the case of SC they are obliged to at least register a complaint.

A study was conducted in four panchayats - Parassala and Peringammala from Thiruvananthapuram District and Chathanoor and Vilakudi from Kollam District to understand the nature and determinants of rural

poverty. Among the sample households there were forty five SC Hindus and twenty four SC converts. During the study it was found that the discrimination between SC and SC converts in the allotment of assistance under anti-poverty programmes is posing a serious threat to the eradication of poverty in the study area.

In the study areas most of the Scheduled Caste Christians are first generation Christians. Many have accepted Christianity within the last five or ten years.

Village Extension Officers and other officials find it really difficult to identify the beneficiaries of various programmes for poverty eradication among the Scheduled Caste. Many Scheduled Caste people who are Christians by faith are Hindus in official records. So to find out eligible households for assistance under anti-poverty programmes Village Extension Officers (VEOs) and other officials visit their houses to check whether they have Christian pictures or verses on the wall and enquire their neighbors whether the members of a particular family go to church or attend prayer meetings to know the truth. In many families some members are Christians and some are Hindus. In such cases to designate a household as Hindu or Christian becomes difficult.

In order to get assistance from government, many Dalit Christians have stopped going to church and attending Christian prayer meetings. They were hesitant to reveal to the researcher that they are Christians by faith. Many poor people who have Christian faith visit a temple for some days and secure Hindu certificate from the temple authorities to produce before the Village Extension Officer to get assistance under anti-poverty programmes. One Village Extension Officer showed the researcher such 30 certificates.

In the above explained situation it was felt that the economic conditions of Scheduled caste converts and Hindus should be compared and should find out whether there is significant difference in their economic conditions.

i) Education

Table: 1

Difference in the educational Status of Scheduled Caste and SC Converts

Educational Status	SC		SC Converts		Chi square	Significance
	No: of households	Percentage	No: of households	Percentage		
Below SSLC	19	42.2	7	29.2	1.15	0.564
SSLC	18	40.0	12	50.0		
Above SSLC	8	17.8	5	20.8		
Total	45	100	24	100		

(Source: Primary Survey)

Table 1 compares the educational status of the member with highest qualification in SC and Dalit Christian households. Regarding educational status no significant difference can be cited out between SC and SC Converts. The percentage of SC with qualification equal to or greater than SSLC is less than the corresponding percentage for SC Converts.

ii) Land holding

Table: 2

Difference in the land holding of Scheduled Caste and SC Converts

Land holding	SC		SC Converts		Chi square	Significance
	No. of households	Percentage	No. of households	Percentage		
Below 5cent	19	42.2	7	29.2	1.14	0.0286
Above 5cents	26	57.8	17	70.8		
Total	45	100	24	100		

(Source: Primary Survey)

Land is an important tangible resource in the endowment set. 57.8% of the SC have above 5cents of land, whereas it is 70.8% for SC Converts. But the variation is statistically insignificant.

iii) Housing

Table: 3

Difference in the type of house of Scheduled Caste and SC Converts

Housing	SC		SC Converts		Chi square	Significance
	No: of households	Percentage	No: of households	Percentage		
No own house	1	2.2	1	4.2	13.56**	0.004

Pucca	28	62.2	4	16.7		
Semi- pucca	5	11.1	8	33.3		
Kutchha	11	24.4	11	45.8		
Total	45	100	24	100		

(Source: Primary Survey)

Application of Chi square reveals the fact that the housing condition of SC is significantly better than that of Dalit Christians. 62.2% of the SC have pucca houses. It is only 16.7% in the case of Dalit Christians. 45.8% of the Dalit Christian families live in Kutchha houses, whereas SC families owning Katcha house forms only 24.4%.

iv)Debt

Table: 4

Difference in the incidence of debt of Scheduled Caste and SC Converts

Debt	SC		SC Converts		Chi square	Significance
	<i>No. of households</i>	<i>Percentage</i>	<i>No. of households</i>	<i>Percentage</i>		
YES	10	22.2	12	50	5.56*	0.018
NO	35	77.8	12	50		
TOTAL	40	100	24	100		

(Source: Primary Survey)

22.2 % of the SC have debt. Among SC Converts those who have debt forms 50%. In the case of incidence of debt there is significant variation among SC and Dalit Christians.

v) Saving habit

Table: 5

Difference in saving habit of Scheduled Caste Hindus and Christians

Saving	SC		SC Converts		Chi square	Significance
	<i>No: of households</i>	<i>Percentage</i>	<i>No: of households</i>	<i>Percentage</i>		
Yes	33	73.3	15	62.5	0.87	0.352
No	12	26.7	9	37.5		
Total	45	100	24	100		

(Source: Primary Survey)

Chi square test has been applied to find out whether there is significant difference between the number of SC households having savings and number of Dalit Christian households having savings. The result shows that there is no significant variation. 73.3% of SC Hindus and 65.5% of SC converts have savings.

Table: 6

Difference in the saving amount of Scheduled Caste and Dalit Christians

Category	Mean	SD	N	t	significance
SC	3434	5020	33	1.65	0.105
SC Converts	1260	942	150		

(Source: Primary Survey)

The annual amount saved by SC is not significantly different from the annual amount saved by SC Converts.

vi)Annual Income

Table: 7

Difference in the annual income of Scheduled Caste and SC Converts

Category	Mean	SD	N	t	significance
SC	27244	13157	45	0.75	0.456
SC Converts	30143	18717	24		

(Source: Primary Survey)

From table7 it is evident that there is no significant difference in the annual income of SC and SC Converts.

vii) Per capita Income

Table: 8

Difference in the per capita income of Scheduled Caste and Dalit Christians

Category	Mean	SD	N	t	significance
SC Hindu	6457	2734	45	0.22	0.826
SC Christian	6610	2740	24		

(Source: Primary Survey)

By applying test of significance of difference between means it is found that in the case of per capita income also, the difference among SC and SC Converts is not significant (table 8).

viii) Assistance Secured

Table: 9

Difference in assistance secured under anti- poverty programmes by Scheduled Caste and SC converts

Government Assistance	SC		SC Converts		Chi square	Significance
	No: of households	Percent age	No: of households	Percent age		
Yes	35	77.8	9	37.5	10.99**	0.001
No	10	22.2	15	62.5		
total	45	100	24	100		

(Source: Primary Survey)

Among the 45 SC families 35 (77.8 %) of them have secured financial assistance from government under anti-poverty programmes. But among the Dalit Christian families only 37.5% have received assistance. From the application of Chi square test it is understood that the difference in the number of house holds which obtained assistance, between the two groups is, significant at 0.01 level.

Mean amount secured under anti-poverty programmes by SC households is Rs 26986. It is Rs16333 for Christians. Even though, statistically, there is no significant difference in the amount given to SC Hindus and SC Christians the difference in mean amount is not small.

VII. Conclusion

Secularism is a basic feature of the Constitution of India. The denial of equal privileges to persons of scheduled caste origin converted to Christianity is in violation of the provisions of fundamental rights enshrined under Articles 14,15,16 and 25 and the preamble to the Constitution. Even under Article 341 the president is not given the power to proclaim to prohibit any citizen from professing any religion of his choice. But the president under Article 341 prescribes indirectly people, particularly Scheduled Castes, not to profess any religion different from the Hindu or Sikh religion. This is against the preamble to the Indian constitution, which secures “liberty of thought, expression, belief, faith and worship” to all its citizens (Basu D. D, 1994: 25)

The Constitution has provided for equality of opportunity to all those who are similarly situated. Persons of scheduled caste origin converted to Christianity are identically situated vis-à-vis their counterparts professing the Hindu, Sikh and Buddhist religions but are not given equal opportunity.

The group, Constitutionally categorized as SCs, Scheduled Tribes (STs) and Other Backward Classes (OBCs), experienced several social, ritual and psychological discriminations by the rest of societies, heavily impinging upon their way of life. The basic principles of Positive Discrimination never brought in religious aspects in providing special benefits to them. Despite no visible change in their social or economic status as a result of conversion, the converts are deprived of the benefits of reservation, support and development schemes formulated for their counterparts in the Hindu, Sikh and Buddhist religions. This amounts to discrimination by the state on the ground of religion.

The atrocities committed on the persons of scheduled caste origin are uniform irrespective of the religions they belong to. Exclusion of Christianity and Islam from the purview of the constitution (SCs) order 1950 is discriminatory and unconstitutional.

From primary study it is found that SC converts are not economically better off than SC households. So denying financial assistance under anti-poverty programmes to SC converts is not justifiable.

Change of religion being a strictly personal matter, such change should not deprive persons of scheduled caste origin of the protection and benefits available to similarly placed persons in other religions.

Although Sikhism and Buddhism do not recognize the caste system, like Christianity and Islam, both Sikhs and Buddhists have been given the status of scheduled castes by amending the Constitution (Scheduled Castes) Order 1950. There is no reason as to why similar dispensation cannot be extended to similarly placed persons who profess Christianity or Islam. That this is not being done is discrimination on the ground of religion that is prohibited by the Constitution.

Inclusion of castes in the old Government of India (Scheduled Castes) Order 1936 itself was based on general impressions and not on any actual survey of the caste situation in the country. The same can be said about the Constitution (Scheduled Castes) Order 1950 which was based on the old SC Order of 1936; inclusion of additional castes from time [to time] to the lists under the present order of 1950 is also not based on a scientific survey of the actual caste situation in the country (Communalism combat 2010, P : 24, 25).

The Indian Government, for its part, set up various commissions - from the Kaka Kalelkar heading the Backward Communities Commission in 1955, to the Mandal Commission in 1980, to the most recent Ranganath Misra Commission to look into the matter. Both the Kaka Kalelkar Commission and Mandal Commission reported discrimination against converted Christians. The Mandal Commission report also suggested that "Scheduled Caste converts to Christianity, Islam, Buddhism etc., should not be denied the benefits extended to Scheduled Castes and the same should hold good in respect of other backward classes."

In the report of The National Commission for Religious and Linguistic Minorities headed by Ranganath Misra it is stated that "We further recommend that all those groups and classes among the Muslims and Christians, etc. whose counterparts among the Hindus, Sikhs or Buddhists, are included in the Central or State Scheduled Castes lists should also be covered by the Scheduled Caste net. We further recommend that as the Constitution of India guarantees freedom of conscience and religious freedom as a Fundamental Right, once a person has been included in a Scheduled Caste list a willful change of religion on his part should not affect adversely his or her Scheduled Caste status – as that would in our opinion conflict with the basic constitutional provisions relating to equality, justice and non-discrimination on religious grounds; as also with the spirit of the old and time-tested Caste Disabilities Removal Act of 1850" (Misra, Ranganath 2007).

The constitution order of 1950 should either be amended or withdrawn and all people of scheduled caste origin should be provided equal protection and benefits irrespective of the religion they belong to. Appropriate actions should be taken to completely de-link the Scheduled Caste status from religion and make the Scheduled Castes net fully religion neutral like that of the Scheduled Tribes.

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