

## The lesser among the Dalits

Contributed by Correspondent  
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CHRISTIANS OF Dalit origin along with many Archbishops and Bishops are currently on a relay hunger strike at Jantar Mantar, New Delhi, and will end their relay fast of three days today with a march from the Ramlila grounds to parliament. Though the government doesn't like hunger strikes after the Anna Hazare and the Baba Ramdev episodes, Christian leaders have still decided to go ahead with the strike because their demand goes back 61 years.

The struggle of Dalit Christians and Muslims seeking the status of Scheduled Castes started after the Constitution (SC) Presidential Order 1950, para 3, removed the privileges given to Scheduled Caste converts who were not Hindus. But even though the privileges were restored to Sikhs (1956) and to Buddhists (1990), Christians and Muslims, who have been pressing upon successive governments for 61 years, have not been granted that and there seems to be little hope for them.

Notwithstanding the Supreme Court 1985 case of Soosai versus Union of India, a PIL was filed by the Centre for Public Interest Litigation represented by Shanti Bhushan and Prashant Bhushan in March 2004, backed by firm data from numerous studies to show how converted Dalits to Christianity continued to suffer the same fate as before.

The Supreme Court then asked for the government's response, which was submitted by the then Attorney General Milon Banerjee in February 2005, saying, "It is (a) matter of policy and legislation and the courts should keep out of it." Shockingly for the Christians, he also informed the court that the National Democratic Alliance government had rejected a similar request in 2002. Unrelenting, the court persisted saying that since, according to the petitioner, his fundamental right was being denied it had to intervene.

Since then, the government has been dragging its feet in the matter. And to think that the Congress-led UPA1 and UPA2 are pro-minorities. It is most disgusting to hear what the Attorney General has been telling the government. The Supreme Court's query and the government's response has again exposed the UPA's bluff, particularly of the Congress, which has been deceiving Christians on granting Scheduled Caste status to converted Christians of Dalit origin.

The Congress has been lying to the Christian leadership for over four decades. Recently, the law ministry, most preposterously, cited again the 1985 judgment favouring the status quo. Similarly, before the court was to hear the plea on February 24, Attorney General GE Vahanvati, briefing the Cabinet Committee on Political Affairs, said, "many complicated legal issues were involved" and currently "no decision was called for". But in every meeting with Christian heads, Congress leaders have guaranteed positive action.

Do Vahanvati and the UPA suffer from dementia? How could they so quickly forget the recommendations of the Ranganath Misra Commission, which was set up after a cabinet decision for this very purpose? Over and over again the Christian community has been producing documents to convince the government about the illegality and unconstitutionality of the 1950 order. And the fast over the past three days is to once again remind the government that during the 1996 Congress-led government, the cabinet had cleared this demand of the Christians and that a Bill was introduced in parliament by Sitaram Kesri, then minister of social justice. Ironically, the Bill could not be discussed because "it was brought too late in the session". That the readymade Bill was never again tabled seals the lie of the Congress.

The Bharatiya Janata Party (BJP) has at least been honest in stating it would never support such legislation, though neither the Congress nor the BJP come clean on why such affirmative action is being denied to a community not trained to burn buses or block railway tracks, and one which makes for a negligible vote bank.

After coming to power in 2004, UPA1 set up the National Commission for Religious and Linguistic Minorities (NCRLM), headed by Ranganath Misra. Since the commission's recommendations were positive, the government sat over it for eighteen months. Many demonstrations and RTIs later, it tabled the report in parliament in December 2009.

EVEN BEFORE the NCRLM report, various ngos had supplied ample data to the government establishing that even after conversion, the converted continued to suffer the discrimination they suffered before conversion. In 1984, the Supreme Court summarised thus: "The mark of caste does not seem to really disappear even after some generations after conversion.

In Andhra Pradesh and in Tamil Nadu, there are several thousands of Christian families whose forefathers became Christians and who, though they profess the Christian religion, nonetheless observe the practice of caste. There are Christian Reddys, Christian Khammas, Christian Nadars, Christian Adi Dravidas and so on. The practice of their caste is so rigorous that there are intermarriages with Hindus of the same caste but not with Christians of another caste".

Again in the judgment of Indra Sawhney versus the Union of India (1991) concerning Mandal Commission, Justice

Jeevan Reddy had ruled: "What emerges is backward class, for the purposes of clause (4) of Article 16. The concept of caste in this behalf is not confined to castes among Hindus. It extends to castes, wherever they obtain as a fact, irrespective of religious sanction for such practice." And much before all this, Mahatma Gandhi had advocated in Harijan, December 26, 1936, the right to reservation for Dalit Christians. Ambedkar held the same view.

About 60% Christians belong to the Scheduled Castes, socially deprived in society and within the Church too. Franklyn Ceasar, one of the petitioners to the Supreme Court, says, "The Dalit Christian is thrice discriminated against compared to the Hindu Dalit. First, by the Hindu community from which they came; second, by the higher caste Christians to the community where they go, and finally by the government, which denies job reservations because of conversion";

With Articles 14 (equality before law), 15 (prohibition of discrimination on grounds of religion, race, caste, sex or place of birth) 16 (equality of opportunities), the Constitution leaves no room either for the government or the courts to deny fundamental rights to Dalit Christians. Is the support to the cause by 22 political parties, including UPA allies, not enough? What more can Christians do? The trust that the Christian leadership had in the Congress is fast becoming a thing of the past.

Dominic Emmanuel, Tehelka, 28 July 2011

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