

Scheduled Caste or BC? Dalit Christians damned both ways

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Michael*, a Dalit Christian man in Thanjavur district, had converted to Hinduism some years ago through the Arya Samaj, to change his Backward Class (BC) categorisation to Scheduled Caste. He'd hoped this would ease his access to reservation in jobs. He even changed his name to Manickam*, which he announced in a gazetted notification according to the procedure. Since he had converted to Hinduism, his daughter was also issued a Scheduled Caste certificate. She cleared NEET, got into a private college, and was granted a Union government scholarship meant for students from SC communities.

One year into her course though, she got a notification saying that her Scheduled Caste certificate is fake. Though Manickam had stopped going to church over fears it could lead to his SC status being revoked, many converts who continue to hold on to their Hindu-SC certificates, while also following another faith, live on a brittle edge that may upend their lives any day.

The current system of categorising only Hindu, Buddhist, and Sikh Dalit people as Scheduled Caste prevents many from accessing affirmative action schemes, and leaves those who have started practising another religion and those in inter-faith marriages vulnerable to arbitrary policing. Dalit Christians are presently categorised as BC in Tamil Nadu. "In 13 other states too, such as Kerala and Andhra, they are in the BC/Other Backward Class (OBC) or Most Backward Class (MBC) list. In the remaining states, they are in the General category," says Supreme Court advocate and activist, Franklin Caesar. This is a consequence of the Constitution (Scheduled Castes) Order, 1950 that explicitly excludes Christian and Muslim Dalits from being granted SC status, he further points out.

According to paragraph 3 of the order, "...no person who professes a religion different from the Hindu, the Sikh or the Buddhist religion shall be deemed to be a member of a Scheduled Caste."

Currently, Franklin's plea file is pending before the Supreme Court to scrap the above order citing Articles 14 (equality before the law), 15 (forbidding discrimination on grounds of religion, race, caste, sex, or place of birth), Article 16 (right to equal opportunity), and 25 (freedom of religion to all persons in India) of the Constitution. Franklin, representing organisations such as National Council of Dalit Christians, seeks to make the Scheduled Caste status religiously neutral just like in the case of Scheduled Tribes. Speaking to TNM, he notes, "Caste exists in the sanctum sanctorum of the temple, as it does in churches. There is no point citing dogma to say some religions don't recognise caste. Society upholds caste."

It was Franklin who told this reporter the story of Manickam. "He had said that he has even stopped going to church in fear of repercussions exactly like what happened with his daughter. This is a point to take into account. It is commonplace for Hindu Pallars and Parayars (Dalit castes) to go to churches too. Are they going to start catching every such person and revoking their SC certificates?" asks Franklin.

Before the man issued Manickam's SC certificate, the Tehsildar allegedly checked his home for Christian iconography and with the church to know if he still continued to attend congregation there. Franklin says, "This system erodes their fundamental rights in more than one way. Should a Hindu not have a holy cross at his home? What if he or anyone in his position has an argument with someone powerful? A tip-off or a false statement that the person went to church would be enough to have his certificate revoked. Though that will not be the official reason provided."

Biases against inter-community couples

Between the 1950 order and bureaucratic overreach, both religious conversion and inter-faith marriages can turn into a punishing struggle to access affirmative action schemes.

Take the recent Madras High Court order in favour of Dr P Muneeshwari from Ramanathapuram. She is from the Hindu Pallar community, while her husband is a Christian from the same community. Back in 2007, Muneeshwari's caste certificate, identifying her as SC, was revoked suddenly. A bureaucrat at a state government exam she was taking, demanded to know her husband's name after noticing that she was not wearing a pottu. From there, the situation escalated, with officials later coming to the baffling conclusion that she had

converted to Christianity and was no longer eligible to be considered a Scheduled Caste person. Their “evidence” was the crosses on display at her home and clinic. She was re-categorised as BC instead. Her appeals against this move to various government departments were unsuccessful for years, until in September 2021, the Madurai bench of the Madras High Court quashed the District Collector’s order that revoked her SC status.

Further, the court termed the cancellation of her SC certificate unconstitutional, strongly admonishing the state. “Some specious excuses have been proffered which cannot be accepted,” the High Court order says with regard to the counter-affidavit filed by the respondents that include the Adi Dravidar and Tribal Welfare Department.

The order noted that there is no evidence that Muneeshwari has “abandoned her faith.” It added, “The acts and conduct of the respondents portray a degree of narrow-mindedness that the Constitution does not encourage. Nothing may be presumed upon a member of a particular community respecting another community or another religion and, indeed, that is the constitutional mandate and not otherwise.” The judge also reprimanded the scrutiny committee, on whose supposed evidence the SC certificate was revoked, adding that “it would do well for [them] to approach the matter with a broader mind than is evident at present.”

Her case, like that of Manickam’s, shows the underlying malice toward people from Dalit communities and/or religious minorities that makes its way into the very mechanisms intended to benefit them. Muneeshwari was not even a Hindu who converted to Christianity – she is simply married to a Christian.

Challenges for Dalits who convert from Hinduism to Christianity

A Madras High Court order passed in November this year opens up several more questions. The petitioner, a Dalitman, had converted to Christianity from Hinduism. After he did so, he lost his SC status and was recategorised as BC. Having married a Dalit Hindu woman, he petitioned that he be granted inter-caste marriage benefits. Tamil Nadu’s Dr Muthulakshmi Reddy Inter-Caste Marriage Scheme grants monetary assistance for 1) marriages between a SC person and a BC person, and 2) between a BC/Most Backward Class (MBC) person and a Forward Caste person.

The Madras High Court, however, denied the Dalit man his plea. The order read, “the classification of Scheduled Caste, Scheduled Tribe, Most Backward

Class, Backward Class ... will not change the caste.” According to the court, a marriage between two Dalits could not be considered inter-caste despite one holding a Scheduled Caste certificate and the other a BC certificate. The foremost question that arises then, is if conversion and re-categorisation do not change caste location, shouldn't the petitioner be allowed SC benefits?

Activist and lawyer **Henri Tiphagne** tells us, “People change religions for their own convictions that should not come in the way of the affirmative action they are entitled to. Yet, this happens in many cases. Most of these individuals are unable to even fight back and reclaim what was taken from them.” He adds that now, “a larger movement against the denial of Scheduled Caste status to Christian Dalits is picking up within churches itself. The people in this movement say ‘how can we be considered Backward Class just because we changed religions? We continue to be buried in separate cemeteries, people of other castes marrying us is still considered dishonourable.”

Tiphagne also notes that even Dalit bishops are buried separately. If an archbishop does the funeral ceremony of a Dalit bishop or their family member, there have been incidents where the archbishop has been assaulted. “There is caste within the church. As a student, I broke a wall erected between dominant caste Christian and Dalit Christian settlements in Tiruchy. I thought then that I had done something revolutionary, only to find out a month later that the cement wall was rebuilt with concrete. It still stands there to this day,” he says. “So, caste prevails in the church today. Therefore, the current system has to be reformed, and Dalit Christians need to be given the same constitutional empowerment that other Dalits are given.”

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