

# IIRF Reports

International Institute for Religious Freedom  
Internationales Institut für Religionsfreiheit  
Institut International pour la Liberté Religieuse



Thomas Schirrmacher

## **When Indian Dalits Convert to Christianity or Islam, they lose Social Welfare Benefits and Rights they are Guaranteed under the Constitution**

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research projects, reprints and documentation**

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Thomas Schirrmacher

## When Indian Dalits Convert to Christianity or Islam, they lose Social Welfare Benefits and Rights they are Guaranteed under the Constitution



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## The IIRF seeks sponsors for a research project

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The International Institute for Religious Freedom is seeking sponsors for a research project that will address the combination of the oppression of Dalits<sup>2</sup> in India as well as the growing persecution of Christians in India. What is primarily happening with regard to these issues?

"The number of Hindu Dalits is estimated to be over 160 million, and together with Muslim, Buddhist, and Christian 'untouchables' the number amounts to approximately 240 million, or almost one quarter of the Indian population. Up until the present day they are often massively discriminated against by caste Indians, and in some cases also experiencing persecution and violence. They are to some extent outside of the caste system or on its lowest rung, and for that reason considered to be 'unclean' or 'untouchable.' In particular in rural areas, this discrimination is up until the present day a reality, something that in the West is often viewed as a form of racism or slavery. This can go so far as to mean that contact with their shadows has to be avoided. Again and again they are the victims of violence and land confiscation."<sup>3</sup> Up to today 400,000 to perhaps 800,000 Dalits clean latrines daily with their bare hands.

<sup>1</sup>[www.bucer.org/uploads/media/BQ0111.pdf](http://www.bucer.org/uploads/media/BQ0111.pdf) and [www.bucer.org/uploads/media/BQ0038.pdf](http://www.bucer.org/uploads/media/BQ0038.pdf).

<sup>2</sup>A good introduction with various viewpoints is found in „Dalits: Religion und Menschenrechte der ehemaligen ‚Unberührbaren‘ in Indien.“ Weltmission heute 67. Hamburg: Evangelisches Missionswerk in Deutschland, 2009 with a good list of literature pp. 192–196. Also Brigitte Voykowitsch. *Dalits: Die Unberührbaren in Indien*. Wien: Verlag der Apfel, 2006 and from an academic point of view: S.M. Michael (ed.). *Dalits in Modern India*. Los Angeles/Singapore: SAGE, 2007. Dalits: Many English language sources are found under <http://www.worldproutassembly.org/archives/casteism/>

<sup>3</sup><http://de.wikipedia.org/wiki/Dalit> (9.10.2009): Wikipedia can sometimes be unreliable or the result of ideological "edit wars." The articles relating to Dalits and fundamentalist Hinduism are, however, all very good.

Dalits who convert to Islam or Christianity in India lose their legal status as Dalits and with that the financial and legal support to which they are entitled according to the constitution and legal code. Using the logic that as Muslims or Christians they no longer belong to the lowest order of society, they lose their constitutional rights. Strangely this does not apply to Dalits who become either Buddhists or Sikhs. At least this is the way the constitution views it. Reality is at this point often something else.

That is at least the complaint that one of the two large international associations of Dalits that exist worldwide, the Dalit Freedom Network ([www.Dalitnetwork.org](http://www.Dalitnetwork.org)) under the leadership of its international president Joseph D'souza, has with human rights campaigners.<sup>4</sup> The other international association, International Dalit Solidarity Network (IDSN) ([www.idsn.org](http://www.idsn.org)), with its central organization in India, the National Campaign on Dalit Human Rights (NCDHR) ([www.ncdhr.org.in](http://www.ncdhr.org.in)), and the German branch, Dalit Solidarität in Deutschland (DSiD) ([www.dalit.de](http://www.dalit.de)), is more cautious but does not, however, contradict the analysis.

Still, the question comes up again and again as to whether this extreme discrimination of Christians and Muslims is constitutionally as well as legally truly preset. Furthermore, an additional question is whether in reality this discrimination is also so intensely practiced and directly applicable to many Dalits. Statements from relevant investigations of the condition Dalits find themselves in serve as the initial rationale for the research project.

The international human rights organization Human Rights Watch domiciled in New York at the headquarters of the UN published the first major human rights report on the condition of Dalits in India (and in Indian communities around the world) in 1999. It was entitled "Broken People – Caste Violence" and since then has been made available on the web by the UN High Commissioner for Human Rights.<sup>5</sup> Human Rights Watch (HRW) and the Center for Human Rights and Global Justice (CHRGJ) at the New York University School of Law presented an opinion regarding reports from India to the UN Committee on the Elimination of Racial Discrimination (CERD) in 2007.<sup>6</sup> This was

<sup>4</sup>Joseph D'souza. *Dalit Freedom: Now and Forever*. London: OM & Colorado: Dalit Freedom Network, 2005.

<sup>5</sup>[www.unhcr.org/.../country,,HRW,,IND,4562d8cf2,3ae6a83f0,0.html](http://www.unhcr.org/.../country,,HRW,,IND,4562d8cf2,3ae6a83f0,0.html); see also [www.hrw.org/legacy/reports/1999/india](http://www.hrw.org/legacy/reports/1999/india).

<sup>6</sup>„Hidden Apartheid“. New York: Human Rights Watch, 2007. <http://www.hrw.org/en/node/11030/section/1>, as a pdf at [www.chrgj.org/docs/IndiaCERDShadowReport.pdf](http://www.chrgj.org/docs/IndiaCERDShadowReport.pdf).



due to the fact that India's report had been submitted eight years too late and did not include a single actual infringement against Dalits. The HRW report is considered one of the best reports on the condition of Dalits from the viewpoint of human rights. Regarding the religious freedom of Dalits, there is the following rather lengthy excerpt.<sup>7</sup> (References to excerpts have to do with the entire report, and footnotes are found at the end of the excerpt.)

Excerpt from the Human Rights Watch report:

### Article 5 (d) (vii): The right to freedom of thought, conscience and religion

Dalits in India face a number of restrictions on their right to freedom of thought, conscience and religion. Caste-based human rights violations that are the subject of this report are often given religious sanction under the theory that Dalits must live segregated lives and perform menial occupations because they are born into a caste outside of the Hindu varna system. As a result, Dalits are routinely denied entry into Hindu temples (see Section VIII(F)(2)(b)). Dalits have responded to ill-treatment by upper-caste Hindus by converting en masse to Buddhism, Christianity, and historically to Islam. The loss of constitutional privileges upon conversion, however, serves as a serious impediment to their freedom to choose their religion. Additionally, most Dalits are ultimately unable to escape their treatment as “untouchables” regardless of the religion they profess.<sup>284</sup> The introduction of anti-conversion legislation in several states has further made religious conversion extremely difficult if not impossible. Finally, Dalits may become targets of forced “reconversions” to Hinduism by sangh parivar groups.<sup>285</sup>

#### a. Loss of constitutional privileges upon conversion

While the Indian Constitution grants certain constitutional privileges to Hindu, Buddhist, and Sikh Dalits (see Section V(B)), the same benefits do not extend to those who convert to Christianity or Islam. Dalit Christians and Muslims lose their “scheduled caste”

status even though they are unable to escape discriminatory treatment from Christians and Muslims. Many Dalit Christians must pray in separate or segregated churches, bury their dead in separate cemeteries, and endure discrimination by non-Dalit priests and nuns.<sup>286</sup>

Descendants of Dalit converts to Islam also face discrimination at the hands of Muslims who trace their ancestry to Arab, Iranian, or Central Asian origin.<sup>287</sup> Descendants of indigenous converts are commonly referred to as *ajlaf* or “base” or “lowly.”<sup>288</sup> Further, upper-caste Muslims often deny Dalit Muslims entry to graveyards for burial.<sup>289</sup> The continued practice of “untouchability” against Dalit Christians and Muslims undermines the argument that these communities should lose constitutional privileges upon conversion, and have led to charges that the Indian government's practice of assigning scheduled caste status on the basis of religion amounts to religious discrimination.<sup>290</sup> Additionally, Dalit Christians and Muslims may be subject to multiple forms of discrimination on the basis of their caste and religion, a risk that has increased with the rise of Hindu nationalism in India.<sup>291</sup>

#### b. Anti-conversion legislation

Dalits' right to freedom of thought, conscience and religion is explicitly denied through legislation that prohibits or impedes religious conversion. Seven states, a majority of them ruled by the Hindu nationalist BJP—Orissa, Madhya Pradesh, Arunachal Pradesh, Chhattisgarh, Gujarat, Rajasthan, and Tamil Nadu—have introduced legislation designed to make conversion difficult or virtually impossible.<sup>292</sup> Four of the anti-conversion laws explicitly stipulate harsher punishments where the convert is a Dalit, tribal, female, or a minor.<sup>293</sup> Critics have argued that such bills represent a political move by Hindu nationalist groups to maintain their Hindu vote bank.<sup>294</sup> Notably, mass “re-conversions” to Hinduism engineered by VHP, often using threats and coercion, are allowed under these laws.<sup>295</sup>

<sup>284</sup> Human Rights Watch, *Broken People*, p. 27.

<sup>285</sup> In one notable incident in the state of Orissa, seven Dalit women, who had embraced the Christian faith of their own volition, were physically abused and forcibly tonsured before being forcibly “reconverted” to Hinduism. <http://www.pucl.org/Topics/Religioncommunalism/2004/kilipal.htm> (accessed February 7, 2007).

<sup>286</sup> In a village in Tamil Nadu, for instance, discrimination on the basis of caste has been practiced by Christians for decades. In the village's church Dalit Christians are made to sit apart from other Christians and must stand while talking to the priest. Like upper-caste Hindus, Christians in this village mete out severe punishment against Christian Dalits who question discriminatory

<sup>7</sup>Ibid. pp. 75–77; the central sentence, that Dalits lose government support when they convert to Christianity or Islam, is confirmed in similar language by Smita Narula. “Broken people: caste violence against India's ‘untouchables.’” New York: Human Rights Watch, 199. p. 27 And “India practises ‘hidden apartheid’ against dalits: report” (7.3.2007). [http://www.worldproutassemblies.org/archives/2007/03/india\\_practises.html](http://www.worldproutassemblies.org/archives/2007/03/india_practises.html).

ry traditions. In February 1999, when a Dalit priest attempted to conduct a funeral procession for his late mother through the main street of his town, Christians attacked the procession with guns, homemade weapons, and stones and verbally abused the Dalits with derogatory caste remarks and threats; more than 100 people were injured. Caste Christians Discriminate against Dalit Priest, National Public Hearing, April 18–19, 2000, Chennai-Tamil Nadu, Case Papers: Summary Jury's Interim Observations & Recommendations, Vol. 1, p. 259.

<sup>287</sup> Salil Kader, "Muslims Infected by Caste Virus," March 14, 2006, [http://www.indianmuslims.info/articles/others/salil\\_kader\\_muslims\\_infected\\_by\\_caste\\_virus.html](http://www.indianmuslims.info/articles/others/salil_kader_muslims_infected_by_caste_virus.html) (accessed February 7, 2007).

<sup>288</sup> Yoginder Sikand, "The Dalit Muslims and the All-India Backward Muslim Morcha," December 16, 2004, The South Asian, available at: [http://www.thesouthasian.org/archives/2004/the\\_dalit\\_muslims\\_and\\_the\\_alli.html](http://www.thesouthasian.org/archives/2004/the_dalit_muslims_and_the_alli.html) (accessed February 7, 2007).

<sup>289</sup> Salil Kader, "Social Stratification Among Muslims in India," June 15, 2004, Counter Currents, <http://www.countercurrents.org/dalitkader150604.htm> (accessed February 7, 2007).

<sup>290</sup> See Yoginder Sikand, "Muslim Dalit and OBC Conference: A Report," November 30, 2005, The Milli Gazette, <http://www.milligazette.com/dailyupdate/2005/20051130-muslim-dalits.htm> (accessed February 7, 2007) (arguing that the Indian government's practice of assigning scheduled caste status on the basis of religion amounts to religious discrimination). See also Yoginder Sikand, "The Dalit Muslims and the All-India Backward Muslim Morcha," December 16, 2004, The South Asian, [http://www.thesouthasian.org/archives/2004/the\\_dalit\\_muslims\\_and\\_the\\_alli.html](http://www.thesouthasian.org/archives/2004/the_dalit_muslims_and_the_alli.html) (accessed February 7, 2007). For the same claim with respect to Christian Dalits, see Minority Rights Group, "India's Dalit Christians face caste discrimination and loss of government assistance," March 3, 2004, [http://www.minorityrights.org/news\\_detail.asp?ID=230](http://www.minorityrights.org/news_detail.asp?ID=230) (accessed February 7, 2007); see also Appeal to Join Hands to End Discrimination Against Dalits, All India Christian Council, [http://www.aiccin-dia.org/newsite/0804061910/resources/appeal\\_to\\_join\\_hands.htm](http://www.aiccin-dia.org/newsite/0804061910/resources/appeal_to_join_hands.htm) (accessed February 7, 2007).

<sup>291</sup> Human Rights Watch, We Have No Orders to Save You, pp. 39–40; see also Human Rights Watch, Politics by Other Means: Attacks Against Christians in India, Vol. 11, No. 6, September 1999.

<sup>292</sup> "Dalits to burn anti-conversion laws at Nagpur rally," Indian Catholic, October 11, 2006, <http://www.theindiancatholic.com/newsread.asp?nid=3859> (accessed February 7, 2007); "Dalits in conversion ceremony," BBC News, October 14, 2006, [http://news.bbc.co.uk/2/hi/south\\_asia/6050408.stm](http://news.bbc.co.uk/2/hi/south_asia/6050408.stm) (accessed February 7, 2007).

<sup>293</sup> Daniel Blake, "100,000 Dalit Christians to Attend 'World Religious Freedom Day' Rally in India," Christian Today, October 11, 2006, <http://www.christiantoday.com/article/100000.dalit.christians.to.attend.world.religious.freedom.day.rally.in.india/7943.htm> (accessed February 7, 2007).

<sup>294</sup> One such bill was the controversial Prohibition of Forcible Conversion of Religion Bill, passed in the state of Tamil Nadu on October 31, 2002. The law was widely criticized for making it more difficult for poor people, persecuted minorities, and those ostracized under the caste system to convert to another religion. Human Rights Watch, World Report 2003, p. 240. The law nevertheless found support with the BJP-led federal government (Ibid.), and remained in force until June 7, 2006, when it was repealed by the Tamil Nadu Prohibition of Forcible Conversion of Religion (Repeal) Act, 2006 (Tamil Nadu Prohibition of Forcible Conversion of Religion (Repeal) Act, 2006 – [www.tn.gov.in/acts-rules/law/ACT\\_10to12\\_131\\_07JUN06.pdf](http://www.tn.gov.in/acts-rules/law/ACT_10to12_131_07JUN06.pdf) (accessed February 7,

2007). More recently, on September 19, 2006, the state of Gujarat passed a law that classifies Jainism and Buddhism as branches of Hinduism, even though the Indian constitution classifies the two as separate religions. The new law makes conversion from Hinduism to Buddhism or Jainism easier, because the conversion is deemed to be an "inter-denominational" one. However, the purpose of the bill, according to government critics, is to ensure that Dalits do not convert to Islam or Christianity, and that those who convert to Buddhism or Jainism remain a part of Hinduism and thus remain likely to vote for the Hindu nationalist BJP, which heads the state of Gujarat. The leader of Gujarat's opposition Congress party said that the BJP-led government of Gujarat was using the law as a "tool" to maintain its bedrock of votes. Rajeev Khanna, "Anger Over Gujarat Religion Law," BBC News, September 20, 2006, [http://news.bbc.co.uk/2/hi/south\\_asia/5362802.stm](http://news.bbc.co.uk/2/hi/south_asia/5362802.stm) (accessed February 7, 2007). Dalit leader Udit Raj, chairman of the All India Confederation of SC/ST Organization poignantly asserts: "[Hindu extremists are trying to assimilate] Buddhism and Jainism into Hinduism. Where is the freedom to choose your own faith?" "Dalits to Burn Anti-Conversion Laws at Nagpur Rally," The Indian Catholic, October 11, 2006.

<sup>295</sup> "VHP orchestrates mass reconversion in Orissa," Deccan Herald, May 2, 2005, <http://www.deccanherald.com/deccanherald/may22005/national13399200551.asp> (accessed February 7, 2007).

(end of excerpt from HRW-report)

In her standard German language work on the condition of Dalits, Brigitte Voykowitsch concurringly quotes Philomen Raj, the leader of the commission of Catholic Churches in India, who seeks to help fight discrimination against Dalits in the church, but who also with all other Dalits plans campaigns all across India:

*"Dalits convert due to the oppression that they suffer. Actually, however, they lose when they convert to Christianity. Only untouchable Hindus, Sikhs and Buddhists are officially considered so-called 'scheduled castes,' which are registered castes with claims to state support measures such as quotas for places at university and for civil service jobs. We are fighting for Dalits to be accepted as a registered caste, because they suffer under the same economic and social disadvantages."*<sup>8</sup>

In a collective volume of the Evangelical Missions Association in Hamburg, one of the affected parties writes regarding the difference in treatment received by Dalits and Adivasis, the underprivileged tribal people of India:

*"In its constitution the country of India has codified the protection of and aid to oppressed population groups. There are quotas in institutions of*

<sup>8</sup> Brigitte Voykowitsch. Dalits. op. cit., p. 85, comp. on the discrimination of Dalits in Christian Churches and the growing equal rights movement there pp. 83–87.

*education as well as in the area of governmental employees and civil servants. While the members of the Adavasis people group can always lay claim to the support entitled to them irrespective to which religion they adhere, members of the Dalit people group are stricken from the list of those who have a claim to quota consideration if they convert to another religion. For that reason Christian Dalits lose all these privileges which they otherwise would have from the side of the government. The result is that they have to compete for available places at universities with all the other population groups that do not count as oppressed.”<sup>9</sup>*

These allegations do not appear to be pulled out of thin air, even if they have been investigated far too little and for that reason can only be denounced with difficulty in front of international committees and the global public.

But even at that point, where the topic formally imposes itself, for instance with the function of anti-conversion laws in several of the Indian states, seldom is a connection made to the Dalit question. Up to the present day, there has never been a charge brought as a fraudulent conversion case where the anti-conversion law has held up in court. Therefore, there must be other reasons than true danger of fraudulent conversions as a result of bribery or violence.

Dalits' conversions to other religions as a result of protest have a history in India. The jurist and Dalit Bhimrao Ramji Ambedkar (1891–1956) was essentially responsible for the composition of India's Constitution. The fact that the caste system was done away with in the constitution and that Dalits and tribal peoples enjoyed particular protection were items attributable to him. As early as 1935 he announced that he did not want to die as a Hindu. But it was not until October 14, 1956 in Nagpur that Ambedkar, in a large ceremony with 388,000 other Dalits, converted to Buddhism. In Buddhist teaching he saw a socially revolutionary religion that replaced the caste system, with a set of ethics which were based on equality and freedom. In the matter of a few years 6 million Dalits converted to Buddhism. Ambedkar himself died only a few months after his conversion on December 6, 1956. Still, his

ceremonies set a precedent. On the 50th anniversary of his conversion around 5,000 Dalits converted to Buddhism in Mumbai (earlier Bombay).<sup>10</sup>

The history and the consequences of such conversions by Dalits to Buddhism is rather well researched.<sup>11</sup> The history of the conversion of Dalits to other religions, above all to Christianity, was hardly noted, although today, in large Dalit networks, preeminently Buddhists and Christians work closely together. In October 2006 approximately 2,500 Dalits in Nagpur converted in a public ceremony, in part to Buddhism and in part to Christianity. Most notably it is hardly known just how much the present day situation of increasing persecution against Christians and Muslims in India is interrelated.

The IIRF's research project is supposed to change all that.

<sup>9</sup>George Bharati. "Was ist los in kondhamal." pp. 39–48 in: *Dalits: Religion und Menschenrechte der ehemaligen 'Unberührbaren' in Indien*. op. cit. pp. 45, the article itself is also at [http://www.nmz-mission.de/fix/files/doc/Bharati\\_Artikel\\_Kondhamal\\_2008dt.pdf](http://www.nmz-mission.de/fix/files/doc/Bharati_Artikel_Kondhamal_2008dt.pdf).

<sup>10</sup><http://news.bbc.co.uk/2/hi/6695695.stm>.

<sup>11</sup>See for example Brigitte Voykowitsch. *Dalits*. op. cit. pp. 34–87 ("Ambedkar und die Religion"); Timothy Fitzgerald. „Ambedkar, Buddhism and the Concept of Religion". S. 132–149 in: S. M. Michael (ed.). *Dalits in Modern India*. Los Angeles/Singapore: SAGE, 2007; the standard work is Johannes Beltz. *Mahar, Buddhist and Dalit*. New Delhi: Manohar, 2005; Additional literature at [http://de.wikipedia.org/wiki/Bhimrao\\_Ramji\\_Ambedkar](http://de.wikipedia.org/wiki/Bhimrao_Ramji_Ambedkar).



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*... worldwide network  
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