

## Caste and Religion

*[Discriminating the deprived either on the basis of religion or on the basis of technicalities is contradictory to the basic premise of the Indian Constitution. It was reported that Misra Commission recommendations were addressing the problems identified by the Sachar Committee. Concerned Citizens demand their tabulation. Following observations are related to Misra Commission Report :]*

The National Commission for Linguistic and Religious Minorities set up on March 15, 2005 popularly known as Ranganath Misra Commission submitted its report to Prime Minister Manmohan Singh on 21st May, 2007.

It was reported that commission has suggested that Para 3 of the Constitution (scheduled castes) order 1950 should be wholly deleted. This originally restricted the scheduled caste net to Hindus and later opened it to Sikhs and Buddhists, thus still excluding from its purview the Muslims, Christians, Jains and Parsis.

Contending that caste is a totally social concept in India and does not have any religious basis, it is understood to have said that appropriate action should be taken so as to completely delink the scheduled caste status from religion and make the scheduled castes net fully religion-neutral like that of the scheduled tribes.

The Commission is understood to have said that all those groups and classes among the Muslims and Christians whose counterparts among the Hindus, Sikhs or Buddhists are included in the Central or state scheduled castes list should also be covered by the scheduled castes net.

If any such group or class among the Muslims and Christians etc is now included in an OBC list, it should also be deleted from there while transferring it to the Scheduled Castes. Placing the same persons in the scheduled caste list if they are Hindus, Sikhs or Buddhists but in the OBC list if they follow any other religion—which is the case in many states—clearly amounts to religion-based discrimination, the report is understood to have said.

The commission has further recommended that as the constitution 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.

These recommendations have come as part of the additional terms of reference put forward by the commission.

Indian social setup is based upon caste system from cradle to grave irrespective of the Religious faith. Caste considerations rule the roost. Dalits of all religions live in the same society ruled by caste values. A change of religion does not alter the socio-economic status of Dalits [Gandhji says so in *Harijan*, December 26th. 1936]. The social stigma and stracism in society continue to haunt them wherever they go. A Dalit is considered untouchable, irrespective of the religious faith he or she may profess. As for atrocities, there is no discrimination between a Hindu Dalit and a Muslim / Christian Dalit.

The Order violates the letter and spirit of Article 15 and Article 25—in fact it amounts to forced inducement or allurement by the state. The Order is a blatant

violation and denial of human rights of a citizen under Indian constitution as well as under Article 2, 3 and 18 of the Universal Declaration of Human Rights of the United Nations, to which India is a signatory.

This discrimination deprives Dalits of the right to seek civil protection and safeguards provided to all Dalits under the Protection of Civil Rights Act 1976, the Unsociability (Offences) Act 1955, and the SC/ST (Prevention of Atrocities) Act 1989.

### **SUPREME COURT RULINGS**

"...to deny them [Dalit Muslims / Christians] the constitutional protection of reservation solely by reason of change of faith or religion is to endanger the very concept of Secularism and the raison d'etre of reservations." (Art. 271 of the Mandal Case Judgment. Cfr. Page No. 367, Vol. 6. No. 9. Nov. 30, 1992, Judgment Today.)

"So sadly and oppressively deep-rooted is caste in our country that it has cut across even the barriers of religions... The caste system has penetrated other religions and dissenting Hindu sects to whom the practice of caste should be anathema and today we find that practitioners of other religious faith and Hindu dissentients are sometimes as rigid adherents to the system of caste as the conservative Hindus. We find Christian Dalit, Christian Nadars, Christian Reddys, Christian Kammass, Mujbi Sikhs etc... " (Art. 469, Mandal Case Judgments. Page 450. Vol. 6. No. 9. Nov. 30, 1992, Judgment Today.)

"...The change of religion did not always succeed in eliminating castes. The converts carried with them their castes and occupations to the new religions. The result has been that even among Sikhs, Muslims and Christians Casteism prevails in varying degrees in practice, their preaching notwithstanding. Casteism has thus been the base of entire Indian society, the difference in its rigidity being of a degree varying from religion to religion." (Art. 400, Mandal Case Judgment Vol 6, No. 9, Nov. 30, 1992, Judgment Today). All these observations directly point to the discriminatory nature of the Order.

The commission has recommended certain measures for the educational backwardness for the religious minorities, including earmarking 15 percent seats in the non-minority educational institutions for the minorities, they said. The commission, in its report submitted to Prime Minister Manmohan Singh Ji, recommended that the break up within the 15 percent should be 10 percent for the Muslims and the rest five per cent for the remaining minority communities, sources said.

"We have said that 10 percent of jobs should be earmarked for Muslim minorities and another 5 percent for Christians in non-minority institutions," said Tahir Mehmood, Member, Ranganath Commission.

As in the case with the scheduled castes and scheduled tribes at present those minority communities' candidates who can compete with others and secure admissions on their own merit shall not be included in these 15 percent seats.

With regard to linguistic minorities, the report is understood to have recommended that the law relating to the Linguistic Minorities Commissioner should be amended so as to make his office responsible for ensuring full implementation of the Constitutional provisions.

The report has also suggested that the three language formula be implemented everywhere in the country making it compulsory for authorities to include in it the mother tongue of every child.

Among the economic measures recommended, are 15 per cent share be earmarked for the minorities in all government schemes like the rural employment generation programme, Prime Minister's Rozgar Yojna and Gramin Rozgar Yojna. □□