

The Unfinished Mandate of Social Justice: Addressing the Exclusion of Dalit Christians from SC/ST Policies in India.

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Abstract

In terms of the need for extending reservation benefits to Dalit Christians, there is a critical gap within the Indian affirmative action framework. While there are examples of caste-based discrimination across the various religions, Dalit Christians are not currently classified as Scheduled Castes (SC) under the Constitution's (Scheduled Castes) Order of 1950. As a result of this classification, Dalit Christians are not eligible for reserved educational seats (and other forms of employment and welfare) - specifically designed to benefit individuals who have been oppressed historically because of their caste. The empirical evidence supports the reality of Dalit Christians being subjected to multi-level marginalisation, including being viewed as low educationally, economically disadvantaged, landless, and socially discriminated against, even after converting to Christianity. The continued existence of disadvantages derived from caste reveals both a failure of the constitutional promise of equality and that there is concern with church-based (religion) classifications for SC status. This paper analyses the issue from a legal, social, and policy aspect and advocates for a secular and rights-based approach to the re-evaluation of affirmative action policy; it presents legislative reform, targeted welfare interventions, improved data systems, and participatory policy formulation methods as potential routes to remediate caste-origin disadvantages regardless of religion. The analysis shows the immediate need to assist Christian Dalits to overcome the structural inequalities facing that population..

Keywords: Reservation, Christian, Dalit, Schedule Caste, Constitution, Judiciary...

INTRODUCTION

Reservations (affirmative action) in India are a central part of the nation's strategy to address historical injustices and persistent social exclusion. While Scheduled Castes (SC) and Scheduled Tribes (ST) categories receive constitutionally mandated protections and reservations, the eligibility for SC classification has historically been tied to religion. Consequently, many Christians who belong to historically marginalised caste groups — commonly referred to as Dalit Christians — have been excluded from SC status and the associated affirmative action benefits. This exclusion raises questions of equality, secularism, minority rights, and the role of the state in redressing caste-based disadvantage irrespective of religious identity.

This paper examines the reservation (affirmative action) for Dalit Christians in India. The paper evaluates the issue within the historical context of caste among Indian Christians, analyses constitutional and statutory frameworks that shape eligibility for Scheduled Caste (SC) status. The paper concludes that while legal complexities and socio-religious factors complicate straightforward extension of SC status, there exist feasible policy alternatives — including targeted welfare measures, socio-economic based reservations, and legislative amendments — that can address entrenched disadvantages faced by Dalit Christians.

In India, the issue of granting reservation benefits to Dalit Christians lies at a critical nexus of public policy, caste, religion, and law. The denial of SC status to Dalits who convert to Christianity or Islam has sparked an ongoing discussion about the nature of caste-based discrimination and its persistence across religious boundaries, even though the Constitution aims to correct historical injustices experienced by Scheduled Castes (SCs). ¹Dalit Christians continue to face social exclusion, economic marginalization, and caste-based practices in both larger

¹ Lourdusamy, S & Manohar Moses., 'Dharna for Equal Rights to Dalit Christians'. VIDYAJYOTHI JOURNAL OF THEOLOGICAL REFLECTION 41, 41-42 (1997).

society and within the Christian community itself, despite constitutional guarantees of equality and freedom of religion.²

Legal precedents, the interpretation of the Constitution (Scheduled Castes) Order of 1950, and changing judicial scrutiny regarding whether caste is essentially a social reality or a religious construct all contribute to the controversy. Concurrently, a number of commissions, academic studies, and civil society initiatives have emphasized the necessity of re-evaluating current regulations to guarantee that affirmative action frameworks are inclusive, supported by data, and consistent with modern conceptions of caste discrimination.

In light of this, the topic of Dalit Christian reservation calls for a thorough analysis of its legal underpinnings, social ramifications, and available policy options. In addition to filling a long-standing void in India's affirmative action policy, this conversation is crucial for promoting a more inclusive understanding of social justice in a multicultural and secular country.

2. Historical and Sociological Background of plight of Dalit Christians in India

2.1 Caste and Conversion

Caste in India is a complex social ordering historically rooted in Hindu society. Conversion to other religions, including Christianity and Islam, has not always erased caste markers. Many Dalits converted to Christianity (or Islam) for reasons including escape from social stigma, economic mobility, or missionary influence; yet social hierarchies and discriminatory practices often persisted within Christian communities or in the broader social context. These communities — Dalit Christians — often continue to experience social exclusion, limited access to land and resources, and economic marginalisation. Caste identities were often replicated both subtly and overtly within Christian communities. Caste norms continued to have an impact in a number of areas, as evidenced by the persistence of endogamous marriage practices, different burial grounds, separate church seating arrangements, and social segregation.³ Dalit Christians were frequently excluded from resource-rich networks controlled by historically privileged Christian castes, confined to the periphery of village settlements, and denied leadership positions in church administration.

2.2 Demography and Distinctiveness

Dalit Christians are heterogeneous: they include groups that converted at different historical moments (colonial period vs. post-independence), belong to various denominations (Roman Catholic, Protestant, Pentecostal, etc.), and have varying regional experiences. Their socio-economic indicators often show disadvantage relative to dominant religious and caste groups, although intra-group variability can be substantial. The internal complexity of Dalit Christian communities is further exacerbated by denominational diversity. Roman Catholic communities, which are frequently found in southern states, usually show a long history of integration into church structures.⁴ Still, they may also display deeply rooted caste-based segregation in religious rituals, parish organisation, and access to ecclesiastical leadership. Protestant denominations, such as Anglican, Methodist, Lutheran, and other mainline groups, vary in their institutional investments in health and education, which historically provided some opportunities for mobility, and their missionary roots. Converts from economically disadvantaged or socially marginalised Dalit groups are often drawn to Pentecostal and independent evangelical denominations, which have experienced rapid growth in recent decades. However, members' access to social welfare, educational opportunities, and organised community support is frequently restricted by a lack of substantial institutional infrastructure.⁵

3. Legal and Constitutional Framework on Affirmative Actions with special reference to Dalit Christians

3.1 Constitutional Principles

Constitution enshrines equality (Article 14), prohibits discrimination (Article 15), and allows for affirmative action (Article 15(4) and 16(4)). Specific constitutional provisions recognise SCs and STs and mandate special measures. However, the list of castes classified as SCs is maintained by the state and historically has been linked to religion. Based on the idea that caste-based disabilities were inherent to Hindu society, the Constitution (Scheduled Castes) Order, 1950 initially limited SC status to Hindus only. Later, this stance was changed to include Buddhists (1990) and Sikhs (1956), recognising that discrimination based on caste still exists in these groups despite conversion. However, unless they convert back to Buddhism, Sikhism, or Hinduism, the 1950

² D'Costa, Adelyne, 'Caste Stratification among the Roman Catholics of Goa'. MAN IN INDIA 283, 283-292 (1997).

³ Weibe, Paul, 'Protestant Missions in India: A Sociological Review'. JOURNAL OF ASIAN AND AFRICAN STUDIES, 293-301 (1970).

⁴ Eaton, Richard., 'Conversion to Christianity among the Nagas, 1876-1971'. INDIAN ECONOMIC AND SOCIAL HISTORY REVIEW 1,1-44 (1984).

⁵ Singarayar, J., 'A Survey of Christians of Scheduled Caste Origin: Discrimination in Society and Church'. NATIONAL CHRISTIAN COUNCIL REVIEW 389.389-91 (1978).

Order still excludes Dalits who convert to Christianity or Islam from SC classification.⁶ A historically contentious and legally significant framework for determining eligibility for SC reservations has been created as a result of this religious connection. The 1950 Order introduces a religious qualification that effectively denies certain Dalit communities access to constitutionally sanctioned benefits based only on their religious identity, despite Articles 14, 15, and 16 emphasising religion-neutral protection and allowing compensatory measures for disadvantaged groups. Numerous legal challenges, requests for constitutional review, and discussions by commissions such as the Mandal Commission, the National Commission for Minorities, the National Commission for Scheduled Castes, and the Ranganath Misra Commission have resulted from this tension.

3.2 Constitutional Issues on Inclusion of Dalit Christians into SC Category

The range of constitutional issues arising from the demand of Dalit Christians and Muslims for inclusion with the Scheduled Caste category may be broadly summarised under two headings: (a) the stance of individuals claiming SC status; and (b) the State's viewpoint on the matter at hand.

- Even after conversion, social and educational backwardness endures. The only reason the state refuses to recognize SC status is because the groups in question practice Christianity and Islam. The State violates Articles 14, 15, and 25 of the Constitution, which guarantee equality before the law, by denying Dalit Muslims and Christians SC status.

Such benefits have been extended to converts from Hinduism to Sikhism and Buddhism even though both these religions, like Christianity and Islam, do not recognise the caste system. Therefore, the state discriminates on grounds of religion which is violative of the fundamental rights enshrined under the constitution.

3.3 Perspectives of the State in the matter of Dalit Christians

The eligibility criteria for inclusion in the list of SC are based on social, economic and educational backwardness, which results from the impact of traditional Untouchability practices on a community. Since the caste system and Untouchability are a part of Hindu society, when the system of special representation for SC's was created for the purpose of helping those SC's who were affected by Untouchability in relation to their place within Hindu society. Christianity is fundamentally an egalitarian religion and does not recognise the caste system, but opposes the practice of Untouchability.⁷

There is insufficient authoritative and detailed research regarding the nature and extent of social disabilities, including Untouchability, which exist within the Christian community in India. While studies were available during the time that The Supreme Court and other Courts were addressing this matter, in the opinion of The Court, they did not provide sufficient evidence. Similarly, studies which have been performed based upon the subjective responses from a small number of SC Christian converts do not provide concrete evidence that would indicate that their social and economic situation is the direct result of a continuation of Untouchability practices.⁸

4. From Structural Exclusion to Policy Inclusion: Reimagining Affirmative Action for Dalit Christians through Judicial Perspectives

State of Kerala and another vs. Chandra Mohan (2004) 3 SCC 429⁹

The Supreme Court of India issued its opinion about what happens to an individual's tribal status when they convert from one religion to another. The case in question was the State of Kerala and Another vs. Chandra Mohan, decided by the Supreme Court in 2004. The question was whether an individual loses his tribal status and becomes a member of the new religion at the moment they convert. The ruling found that even though the person may have been given the privilege of being governed under a different law, they would not be considered a non-member of their tribe. The ruling was based on the fact that the newly converted person would still suffer from the same social disabilities as his brethren and would continue to practice the customs and traditions of the tribe to which he belonged before conversion.

Valsamma Paul v. Cochin University and Others, Kerala Public Service Commission v Dr. Kanjamma Alex and Another (1996) SC 3950.¹⁰

The Law Department at Cochin University notified the recruitment of two lecturer positions, with one position being designated for a Latin Catholic (Backward Class Fisherman). The Appellant, who is Syrian Catholic

⁶ Forrester, D.B., 'Indian Christian Attitudes to Caste in the Nineteenth Century'. INDIAN CHURCH HISTORY REVIEW 131. 131-47 (1974).

⁷ Manor, James. 'Testing the Barrier between Caste and Outcaste: The Andhra Evangelical Lutheran Church in Guntur District', INDIAN CHURCH HISTORY REVIEW, 27. 27-41 (1971).

⁸ Jayasingha, W.L., 'Inter-caste Relations in the Church of Kerala'. RELIGION AND SOCIETY, 58. 58-78 (1963).

⁹ State of Kerala and another vs. Chandra Mohan AIR 2004 SUPREME COURT 1672.

¹⁰ Valsamma Paul vs. Cochin University and Others, Kerala Public Service Commission v Dr. Kanjamma Alex and Another 1996 AIR SCW 492.

(Forward Class), applied for placement as a reserved candidate based on her marriage to a Latin Catholic. The University selected the Appellant based on these criteria and subsequently appointed her in place of the reserved position. Ms. Rani George challenged the Appellant's appointment by filing a writ petition, OP No. 9450 of 1991, requesting the University to appoint her instead of the Appellant to that position.

The court concluded that while Appellant was married under Canon Law, as a born Syrian Catholic, in marrying a Latin Catholic (Backward Class), she was not part of that community based on marriage, nor did she have the right to claim membership based on marriage. The Special provisions of Articles 15(4) and 16(4) of the Constitution for the protection of Socially and Educationally Backward classes cannot be circumvented through marriage or any other type of joining a community, and would make this exercise meaningless in terms of determining Socially and Educationally Backward classes. As a Born Syrian Catholic member of the forward classes, the Appellant benefited from the opportunity to begin life as A Forward Class member; marriage to a Backward Class member does not entitle her to claim Backward Class status or to take advantage of protective discrimination unless she further can evidence and prove that members such as her suffered the same disadvantages/handicaps as those individuals who are Backward Class/Scheduled Castes or Scheduled Tribes. Mere recognition of and acceptance by the community after her marriage is not relevant for the purpose of availing of the benefit of Articles 16(4) and 15(4). Acceptance may be only for recognition as a legally wedded wife of a Backward Class citizen and nothing more.

Soosai v. Union of India and others (1985) (Supp.) SCC 590¹¹

The Government of India instituted an initiative designed to help people of the Scheduled Castes under a Special Central Assistance Scheme. As a result of a request submitted to the government by the State of Tamil Nadu, cobblers who were working on the roadside received free-of-charge allotments for bunk/shops. In the document that established the assistance, it was clearly stated that individuals who were Scheduled Caste members who converted to Christianity were not eligible for assistance. The petitioner, who was an Adi-Dravida (a Scheduled Caste) before converting to Christianity, continued to identify himself with that caste after converting. This individual filed for a writ with the court claiming that he was excluded from receiving the benefits associated with the welfare assistance under the Scheme because he professed a Christian faith, and that this exclusion was a direct result of paragraph three of the Constitution (Scheduled Caste) Order of 1950, and that this provision of the law was in violation of Articles 14-17 of the Constitution.

The court found that the caste system constitutes a component of the overall structure of the Hindu Society. The historical division of the Hindu Social Order into professional or vocational occupations created a structural hierarchy – referred to as Caste – which, over time, developed into a stratified structure where an individual's position was determined by birth. Individuals born into the lowest level of the social hierarchy were considered to be outside of civilised society and were actually untouchable. This view of an individual's status placed restrictive social and economic barriers upon the caste as well as the cultural and educational advancement of their entire caste. Numerous historical and current practice in the Hindu Community provide overwhelming testimony to the historical oppression of the lower caste.

Regarding the claim of the Sikhs to include the Mazhabi, Ramdasia, Kabirpanthi, and Sikligar communities of Sikhs as part of the scheduled castes: This inclusion was granted by the President of India because all of the above religious groups were originally Hindu Scheduled Caste (Hindu SC), who, after conversion, continued to suffer from the same disabilities as Hindu SC's. Therefore, when the President approved the inclusion of these religious groups, he did have materials supporting the basis that these groups were considered to be depressed classes of Hindus by Society's historical definitions.

In order to prove that paragraph 3 of the Constitution (Scheduled Castes) Order, 1950 discriminates against Christian members of the listed caste(s) based on analogies in the degree and nature of social and economic deprivation, cultural/educational backwardness and degradation that must be addressed by the state (pursuant to the Constitution) as a result of membership in a listed caste(s). It is not enough to prove that the same caste(s) exists after conversion to Christianity. It is also necessary to prove that the deprivation and retarded ability of a person based on their caste membership continues with the same severity following conversion to a new religion. It is, therefore, not possible to say that the President acted arbitrarily in the exercise of his judgment in enacting paragraph 3 of the Constitution (Scheduled Castes) order, 1950. It is now well established that when a violation of Article 14 or any of its related provisions is alleged, the burden rests on the petitioner to establish by clear and cogent evidence that the State has been guilty of arbitrary discrimination.

K.C. Vasanth Kumar and Another v. State of Karnataka (1985) (supp) SCC 714¹²

¹¹ Soosai v. Union of India and others AIR 1986 SUPREME COURT 733.

¹² K.C. Vasanth Kumar and Another v. State of Karnataka AIR 1985 SUPREME COURT 1495

A five-Judge bench has been established to hear the questions to assist future applicants for Reservations in respect of the determination of backward class and the degree of reservations the Court would allow. Judge Chinnappa Reddy stated that Caste is one of the main factors used to determine the Social Backwardness of an individual and is prevalent in all parts of Indian Society. Even within the Hindu Religion, there are practitioners of other religions and sects of Hinduism that practice the caste system and believe in the necessity of adhering to the caste system. There are Christians who practice the caste system and are called Christian Harijans, Christian Madars, Christian Reddys, Christian Kammas, and Mujbi Sikhs.

S. Anbalagan v. B. Devarajan and others (1984) AIR SC 411¹³

The first respondent was elected to the Lok Sabha from a constituency that was reserved for the Scheduled Castes. The appellant challenged the election of the first respondent on the ground that he was not a member of the Scheduled Castes. The appellant urged that the parents and the sisters of the respondent were shown to be Christians and the respondent was born a Christian and there was no way he could acquire a caste and become an Adi Dravida on conversion to Hinduism. The court held that established precedents, especially with respect to South India, provide ample evidence that there is no one specific ceremony for "reconversion" to Hinduism for someone who had previously converted to another faith. As long as an individual's caste practices (i.e., the customs associated with their caste) do not require it, that individual does not have to perform any form of expiatory rites and generally, an individual who reconverts will regain his/her caste unless otherwise rejected by that community. Furthermore, perhaps it is incorrect to refer to an individual who has reconverted as regaining their caste; rather, it may be more accurate to state that such an individual never lost his/her caste when they originally converted to another faith. Despite being perceived by many as irrational and/or repugnant in the moral and social sense, the tenets of caste are firmly rooted in the psyche of the Indian populace, ensuring that a conversion will not eradicate the impact of caste on that individual's identity.

Even after multiple generations following a conversion to Christianity, the mark of caste remains. In Andhra Pradesh and Tamil Nadu, there are thousands of families of Christians whose forefathers converted to Christianity but still follow the customs of their caste. They have rigid caste customs, so that if there were to be an inter-caste marriage (with a Christian) it would only be allowed between the same castes of Hindus. Therefore, if a Christian were to convert back to Hinduism, they would return to their previous caste, as long as they lost it during their time as a Christian. Furthermore, this returns to the caste-fold and benefits (as well as oppression) of a high caste previously. It appears that the latter is occurring with increasing frequency, as the Scheduled Castes convert to other religions in their search for liberation, but return to Hinduism once they discover that their previous disabilities remain intact.

The Court said: "It is not important what our past culture was. Our main assumption is that if a man and woman had never been born a Hindu, then there must not be any other Christian premise for converting to Hinduism. On the other hand, a converted Hindu or a person who became a non-Hindu after many years of Hinduism may also be expected to convert to Hinduism. There is also another important factor — namely, that this person may have a strong desire to become a Hindu again after many years away from Hindu culture; therefore, there would be no objection to any of the above. In addition to this assumption is the assumption that the first respondent had converted to Christianity on two different occasions when he was seven months old. Because he had long since converted back to Hinduism and to the Adi Dravida caste, it would appear that the first respondent was an offspring of two conversions. The evidence supports the conclusions drawn from all of the above."

Kailash Sonkar v. Smt Maya Devi (1983) SC 295¹⁴

The questions raised in the case was (1) What happens if someone belonging to a scheduled caste or tribe converts from Hinduism to Christianity, Islam or any other religion? (a) Is their original caste gone completely? (b) If yes, then if they or their children choose to abandon their new faith and convert back to Hinduism and go through the necessary ceremonies, can they re-establish their caste? has been the basis for numerous court cases beginning in 1861 and over a period of approximately 150 years.

The court determined that when a reconversion occurs, the caste immediately returns. Regardless of whether or not someone is born into a family where his/her parents were both Christians, through the act of voluntarily reconverting back to his/her original religion, their caste will also return. Furthermore, the views that might be held by a particular community regarding a reconvert's status as a member of the community (or castes) are not so important. In fact, the legal standard to determine if the individual is a member of the community or caste is whether or not he/she has shown that he intends to completely reject his new religion and disassociate himself/herself with it and show a sincere desire to return to him/herself and follow the customs and traditions of the earlier fold.

¹³ S. Anbalagan v. B. Devarajan and others AIR 1984 SUPREME COURT 411.

¹⁴ Kailash Sonkar v. Smt Maya Devi 1984 AIR 600 1984 SCR (2) 176.

C.M. Arumugam v. S. Rajgopal (1976) 1 SCC 863¹⁵

The Applicant and First Respondent have been opponents in the election for a long time. They are vying for election to the Mysore Legislative Assembly from the 68 KGF constituency. The Applicants and the First Respondents contended against each other for this constituency in the 1967 General Election to the Mysore Legislative Assembly. Because of the reservation of this parliamentary seat for scheduled castes, only SC members were allowed to stand for election from the 68 KGF district. As such, the Applicants contested the election through an Election Petition, stating that the first Respondent was not an Adi Dravida professing Hinduism when he filed his nomination and was therefore not qualified to run for a reserved seat from the 68 KGF constituency. The case before the Court involved the question of whether an individual who was an Adi Dravida prior to conversion to Christianity could return to his original caste after reconverting to Hinduism.

Through this decision, the judges are turning the question about whether people can convert from Hinduism to any other religion without losing their caste standing or membership back to the community itself. The judges determine that if someone converts away from Hinduism, it does not automatically mean that they lose their caste; it will depend upon how their specific caste operates and how it handles conversions. Therefore, it is incorrect to say that there is one absolute rule that applies to every case where a person who is in a caste goes to Christianity—they will lose their membership in that caste. As a general rule, the judges agree that a person converting to Christianity will not remain a member of their caste; however, this does not hold true for every case, and, instead it is dependent upon the caste and how it operates within that caste. For example, in many southern Indian states, there are members of the same caste that can be of both Hindu and Christian faiths. Whether Adi Dravida falls within this category or not is determined based on the evidence.

Evidence has been presented both by Kakkan (PW 13) and by Admiromal and Krymugam (JW 1,8), who testified on behalf of the Appellant that among Adi Dravidas, there is a mix of Christians and Hindus, and they have intermarried. Therefore, there is a prima facie presumption that upon converting to Christianity, the 1st Respondent did not cease to belong to the Adi Dravida caste. The Court also held that the structure of a caste has evolved over many years, it is made up of people not just following Hindu religion but some following something else, therefore, the conversion itself does not terminate one's membership with the cast, as persons in a different religious faith can also belong to the caste, for example, where a caste may be related to occupational characteristics/not religious identity. In South India, a common example of this is caste being socially cohesive; therefore, upon converting to another religion, one can remain bound to the caste.¹⁶

5. Between Faith and Marginality: The Need of Reservation for Dalit Christians in India

The exclusion of Dalit Christians from Scheduled Caste (SC) status hugely impacts their ability to obtain public services and jobs that come with SC status. Reservations for SCs help Dalit Christians complete an education (which helps them to have a higher average income); get into civil service jobs, and get into welfare programs to help relieve people of the impact of historical disadvantage. Because they do not qualify for SC status,¹⁷ Dalit Christians are systematically excluded from all of these opportunities to change their lives. Being excluded from SC status is not simply a matter of procedure; rather, it has tremendous influence on the path of Dalit Christian lives by limiting access to high-quality education, the ability to obtain professional degrees, jobs in the civil service, and other programs available to individuals with SC status. As the majority of Dalit Christian families work low-income jobs (due to their lack of generational assets), the absence of institutional assistance leads to continued cycles of poverty. Thus, the denial of SC reservations creates both long-term and compounding effects, which prevent the breaking of generational barriers through affirmative action.¹⁸

Dalit Christians are still facing deeply-rooted social discrimination that hinders their ability to engage in society and community fully, despite the availability of quantifiable economic measures. Many areas still experience forms of the above-mentioned discrimination in relation to housing, with many Dalit Christian families being placed into particular “ghetto”/rented/owned housing markets or having rental opportunities withheld. Furthermore, many Dalit Christians cannot access Mt. Hills temple sites/cremation grounds/public places and must rely on caste system rules for access to these services. As previously stated, many caste hierarchy practices are present throughout Dalit Christian marriages and village-level decision-making. All forms of personal contact between individuals are also impacted by caste and therefore cultivate a culture of ostracism for Dalit Christians.

¹⁵ C.M Arumugam v. S. Rajgopal AIR 1976 SUPREME COURT 939.

¹⁶ Nirmal, Arvind, P., ‘Towards a Christian Dalit Theology’. ASIA JOURNAL OF THEOLOGY , 297. 297-310 (1992).

¹⁷ Massey, James., ‘Christian Dalits in India: An Analysis’. RELIGION AND SOCIETY ,40. 40-53 (1990).

¹⁸ Bayly, Susan., ‘A Christian Caste in Hindu Society: Religious Leadership and Social Conflict among the Paravas of Southern Tamil Nadu. MODERN ASIAN STUDIES , 203.203-234 (1981).

¹⁹All forms of personal and public discrimination create the environment where all forms of discrimination towards Dalit Christians are sustained and develop throughout their existence in society. The presence of the above-mentioned forms of discrimination against Dalit Christians reinforces the belief that caste will never be eliminated through conversion but continues to the current day through local customs, social networks and institutions. Therefore, economic-based interventions do not address the realities of the pervasive and multi-dimensional types of discrimination that Dalit Christians endure.

Although economic measures can qualify and quantify social disadvantage and determine levels of economic support for Dalit Christians, real social discrimination occurs on a much deeper level and significantly affects the ability of Dalit Christians to engage in their community and society as a whole. Many areas of housing discrimination directed toward Dalit Christian families or individuals have been identified, including placement in specific "ghetto" or rented/owned housing markets or withheld rental opportunities. Additionally, Dalit Christians continue to be precluded from using many Mt. Hills temple sites, cremation grounds, or public spaces and rely upon caste system rules for access to these facilities/services. Many Dalit Christian caste hierarchy practices continue through marriage and in community-based decision making at the village level. All personal relations between individuals are also subject to caste-based discrimination and foster a culture of ostracization towards Dalit Christians. All forms of both private and public discrimination foster the continuation and perpetuation of all forms of discrimination against Dalit Christians throughout their lives. The existence of the above-mentioned forms of discrimination against Dalit Christians reinforces the belief that caste will never be eliminated through conversion and perpetuates the continuation of the caste system through local customs, social networks and institutions today. Therefore, any form of economic intervention fails to address the actual realities of Dalit Christian families or individuals.²⁰

The second foundational argument for extending SC reservation to Dalit Christians involves the continuity of disadvantage as a result of structural exclusion. The conversion to Christianity often stemmed from desire for dignity and liberation from caste oppression; however, the conversion does not erase the socio-economic disadvantages that have been passed on from generations of structural exclusion. While many studies and commissions have shown that Dalit Christians continue to experience a lack of educational achievement, lack of job security, lack of land ownership, and discrimination; therefore, marginalisation continues to exist. This proves that caste is a social/economic reality that is independent of one's religious affiliation. Consequently, the basis for affirmative action must be based on what have been observed and not simply on what is believed to be true regarding a change in social status because of conversion.²¹

The third foundational premise for extending SC reservation to Dalit Christians is that this would bring this action into alignment with the secular ideals of India. One of the tenets of the Constitution is that the State must not provide special privileges or disadvantages based on an individual's religion. By giving SC status to a particular religion, it has introduced the concept of a religious test into the realm of oppression of social/economic nature. Correcting this will bring forth affirmative action policies that are more compatible with the Constitution's core principles of Secularism, Equality, and Justice.

The universal human rights standards stress the necessity for States to create inclusive and non-discriminatory policies. The global standards set forth in treaties, such as the ICCPR and ICERD, create a legal obligation for the State to actively address past inequalities and ensure equal access to all public benefits for all individuals. To deny Dalit Christians access to affirmative action benefits is inconsistent with these obligations because the evidence indicates that the experiences of Dalit Christians who face discrimination are essentially the same as those for other Dalit individuals who belong to other religious groups.

Combined, these factors indicate the need for the inclusion of Dalit Christians in affirmative action as a way of further establishing an evidence-based and constitutional approach to affirmative action. This effort will not only remedy the historical injustice inflicted upon Dalit Christians, but it will serve to further establish the integrity and cohesion of the Indian commitment to true equality for all.

6. Conclusion and Suggestions

Courts and legislatures have grappled with competing claims: the principle that caste-based discrimination should be addressed regardless of religion, versus the constitutional/legislative frameworks that historically conditioned SC status on religion. The jurisprudential and legislative record reflects narrow windows for addressing these exclusions, creating a policy vacuum that continues to fuel advocacy and contestation. For SCs and STs, the

¹⁹ Oddie, G.A., 'Protestant Missions, Caste and Social Change in India', THE INDIAN ECONOMIC AND SOCIAL HISTORY REVIEW, 259. 259-291 (1969).

²⁰ Caplan, L., 'Caste and Castelessness among South Indian Christians'. CONTRIBUTIONS TO INDIAN SOCIOLOGY, 213. 213-38 (1980).

²¹ Singarayar, J., 'A Survey of Christians of Scheduled Caste Origin: Discrimination in Society and Church'. NATIONAL CHRISTIAN COUNCIL REVIEW 389.389-391 (1978).

reservation policy has been in place for over 50 years, and for OBCs, it has been in place for over 15 years. There has been very little effort to track and evaluate how reservations have improved the lives of beneficiaries, the communities and categories to which they belong, and the gap between the reserved and general categories of citizens. Such empirical research is desperately needed, as is the establishment of a system for studies conducted on a regular basis to provide the necessary inputs for determining the necessary changes in pertinent policies and programs being pursued or implemented.

Comprehensively, both legislatively and through constitutional provisions; to establish the parameters of 'Caste' classification under a scheduled caste (SC) status; to explore whether or not 'Caste' disadvantage exists as a separate entity from religion, this will include examining the ability of Dalit Christians to have accessibility to SC reservation benefits through amending legislation in this context.

Consider creating administrative orders or notifications that recognize the ongoing discrimination against Dalit Christians because of their caste status and establish provisional safeguards, as well as inclusion mechanisms, until such time as appropriate legislation can be enacted.

Establish additional income-support initiatives, such as financial assistance for educational expenses, livelihood support, housing support, or healthcare support, through well-funded, targeted programs at both national and state levels, to immediately support Dalit Christian communities while the implementation and review of structural reforms and initiatives on behalf of Dalit Christians take place.

Consider creating a separate caste-protective category for individuals who belong to caste groups that experienced historical oppression based on caste status, regardless of their religious affiliation, or create sub-reservations for Dalit Christians within the current reservation systems.

Engage in the development and evaluation of pilot projects that include socio-economic criteria and caste markers to determine how an alternative affirmative action model may be utilized in a limited number of states, sectors, and educational institutions to support the participation of Dalit Christians.

Increase the range of development programs - skill training, entrepreneurship help, and building community infrastructure - specifically focused on Dalit Christians in order to provide for their immediate needs and allow them to gain self-sufficiency.

Create mechanisms for ongoing dialogue between Dalit Christian groups, other non-profit groups, faith-based groups, and policy institutions so that any new laws made by the government do not just take into account the opinions of policymakers but also incorporate the views of affected communities.

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