DENIED BY FAITH: THE LEGAL AND SOCIAL MARGINALIZATION OF DALIT MUSLIMS IN INDIAN DIASPORA

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ABSTRACT

India is characterized by an intricate web of identities, encompassing religion, language, caste, ethnicity, race, gender, ideology, and socio-economic positioning, which collectively contribute to its plural social fabric. While certain identities possess universal significance, others are deeply embedded in local historical and cultural contexts. Among these, caste occupies a central role. Commonly perceived as an exclusive feature of Hindu social order, caste in reality extends beyond religious boundaries and operates as a broader South Asian phenomenon. Its enduring geographical and cultural influence has rendered caste an inseparable element of the Indian Muslim community as well. Despite Islam's egalitarian doctrines, caste-based stratification persists, manifesting in entrenched hierarchies, unequal access to resources, and pervasive social discrimination.

This paper undertakes a critical examination of the structural and behavioural forms of exclusion encountered by Pasmanda Muslims, who constitute the socially and economically disadvantaged sections of Indian Islam. Particular attention is given to the persistent denial of Scheduled Caste (SC) recognition to Dalit Muslims, a policy stance that perpetuates their marginalization and restricts access to affirmative action measures available to their counterparts in other faiths. By drawing upon legal, sociological, and historical perspectives, the study interrogates the contradictions between constitutional promises of equality and the lived realities of marginalized Muslim groups. It also highlights the complex intersections of religion, caste, and state policy in shaping experiences of discrimination. Ultimately, the paper seeks to contribute to the discourse on social justice, minority rights, and the urgent need for inclusive frameworks that recognize caste oppression beyond the boundaries of religion.

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INTRODUCTION

With a Muslim population exceeding 170 million, India ranks as the third-largest Muslim-majority nation globally, following Indonesia and Pakistan. The presence of Islam in India dates back to the time of the Prophet Muhammad, and Muslims have played a significant historical role in the subcontinent.[2] Between the tenth and nineteenth centuries, various Muslim dynasties ruled over different regions of India.[3] While many Muslims arrived as conquerors or traders, they eventually settled and integrated into Indian society. Today, a substantial portion of India's Muslim population consists of converts from other religious traditions.[4] These converts brought with them pre-existing cultural norms, notably the caste-based hierarchical social order, including features such as occupational specialization, endogamy, and social stratification, which became embedded in Muslim social and cultural practices in the subcontinent.[5]

Although Islam promotes a fundamentally egalitarian ethos, emphasizing social justice and economic redistribution, the realization of such ideals has remained largely aspirational. The religion's doctrinal emphasis on equality was challenged upon its interaction with Indian society, where caste-based stratification was deeply entrenched. The caste system, pervasive in pre-Islamic Indian life, exerted a significant influence even on Islam and Christianity upon their arrival. As a result, numerous individuals from oppressed Hindu castes who embraced Islam in pursuit of social liberation and economic justice often continued to experience marginalization.[6] The expectation that conversion would offer a meaningful escape from caste-based discrimination proved largely illusory. Thus, despite Islam's egalitarian ideals, the socio-religious realities of the Indian context hindered their full realization, perpetuating stratification even within the Muslim community.

Caste-based stratification among Indian Muslims is a persistent social reality, though it is often denied or downplayed within the community. Despite a general reluctance to openly acknowledge its existence, caste continues to exert significant influence over social roles,

[2] S.A.A. Rizvi, *The Wonder That Was India*, vol. II, at 50–59 (Sidgwick & Jackson 1987).
[3] Satish Chandra, *History of Medieval India (800–1700)*, at 78–86 (Orient BlackSwan 2014).
[4] Yoginder Sikand, *Islam, Caste and Dalit-Muslim Relations in India*, at 39–46 (Global Media Publications 2004).
[5] Imtiaz Ahmad, *Caste and Social Stratification Among the Muslims*, at 171–207 (2d ed. 1978).
[6] *Supra* note 3, at 2.

relationships, and status within Muslim society in India.[7] Although the phenomenon has long been observed, systematic academic efforts to explore and analyse caste among Muslims have been relatively limited.[8]

While conversion to Islam was initially perceived as a means of escaping the oppressive Hindu caste system, for many lower-caste converts the material and social realities remained largely unchanged.[9] Their new religious identity did little to alter their caste-based occupations, educational backwardness, or socio-economic status. Post-Independence affirmative action policies provided Scheduled Caste Hindus with state support and reservations in education and employment, but *Pasmanda* Muslims were excluded from these provisions.[10] This exclusion placed them in a doubly disadvantaged position—first, due to their marginalized status within the Muslim community, and second, because of their religious identity that denied them access to constitutional safeguards granted to Dalit Hindus.

The term *Pasmanda*, derived from Persian, meaning "those who have left behind" (, was popularized by Ali Anwar in 1998, founder of the All-India Pasmanda Muslim Mahaz.[11] He frames Pasmanda Muslims *in class rather than caste* terms, though he uses "Pasmanda" and "Dalit Muslims" interchangeably.[12] He believes that while Pasmanda includes Dalit Muslims, but all Pasmandas are Dalit Muslims.[13] Pasmanda is primarily composed of Ajlaf and Arzal Muslims. It refers specifically to persons with lower social, economic, and political status. Constitutionally, we fall within one category: OBC.[14]

A pioneering contribution in this area was made by Ghaus Ansari (1960), who conducted one of the earliest in-depth studies on caste and social stratification among North Indian Muslims.[15] He categorized Muslim castes into three broad groups: (i) *Ashraf*, (ii) *Ajlaf*, and (iii) *Arzal*.[16] The *Ashraf* group consists of Muslims of noble lineage and those claiming descent from early

[7] Imtiaz Ahmad, The Ashraf-Ajlaf Dichotomy in Muslim Social Structure in India, 3 *TIESHR* (1967).
[8] Hilal Ahmed, *Siyasi Muslims: A Story of Political Islams in India*, at 85–87 (Penguin 2019).
[9] *Supra* note 4, at 2.
[10] Government of India, *Report of the National Commission for Religious and Linguistic Minorities*, at 141–143 (Ministry of Minority Affairs 2007).
[11] Javeed Alam, Is Caste Appeal Casteism? 34 (13) *Economic & Political Weekly* (Mar. 27, 1999).
[12] Ali Anwar, *Masavat ki Jung*, at 110–125 (The Marginalised Publication 2020).
[13] *Ibid.* at 11.
[14] Government of India, *Report of the National Commission for Backward Classes*, at 175–189 (Ministry of Social Justice and Empowerment 2018).
[15] Ghaus Ansari, *Muslim Caste in Uttar Pradesh: A Study in Culture Contact* (Ethnographic and Folk Culture Society 1960) (accessed July 28, 2025).
[16] *Ibid.* at 14.

Muslim immigrants, such as the Sayyads, Sheikhs, Mughals, and Pathans. The *Ajlaf* includes converts from middle-ranking Hindu castes, such as Muslim Jats, Rajputs, and Gujjars. The *Arzal* comprises the most marginalized groups—occupational castes traditionally associated with 'impure' or polluting tasks". Collectively, *Ajlaf* and *Arzal* are often referred to as *Pasmanda* or Dalit Muslims.[17]

SOCIAL DISCRIMINATION WITHIN THE MUSLIM COMMUNITY

The perception of Indian Muslims as a socially and culturally homogeneous group defined solely by religion is a misconception. Like other socio-religious communities in India, Muslims possess layered and diverse identities shaped by language, ethnicity, regional affiliations, sectarian differences, and schools of Islamic jurisprudence. Among these, caste remains a critical and unique social category in the Indian subcontinent.[18] Functioning as a pervasive hierarchical system, caste shapes almost every aspect of social life for Indian Muslims, from birth to death. Characteristics typically associated with caste among Hindus, such as endogamy, occupational specialization, ritual purity and pollution, and status hierarchy, are similarly evident within Muslim communities.[19]

Author argued that How caste operates within Muslim society to produce social stratification and inequality. He discusses the relationship between the *Dafalis*, who perform priestly duties, and the *Lalbegis* (Muslim equivalents of Bhangis), highlighting that *Dafalis* refuse to accept food or water from *Lalbegis*—a clear reflection of caste-based exclusion. Marriages generally remain endogamous, though instances of hypergamy occur; however, the offspring of such unions, particularly between lower-caste women and upper-caste men like *Syeds* or *Sheikhs*, are labeled *Syedzada* but, are not granted the same caste status as their fathers.

In many instances, the inter-dining was permitted among *Ashraf* castes (e.g., *Syed*, *Sheikh*, *Mughal*, and *Pathan*) but was denied to members of lower caste groups. On the same notion of the varna system, caste-based groups were arranged hierarchically based on occupational roles and their perceived social proximity to the *Ashraf*. Castes such as *Nat* (drum-makers and skinners of dead animals) were at the bottom, followed by *Dhobi* (washermen), *Julaha* (weavers), and *Darzi* (tailors).

[17] *Supra* note 11, at 3.
[18] *Supra* note 14, at 3.
[19] *Supra* note 3, at 2.

Historically, leadership within the Indian Muslim community has been predominantly held by upper-caste Muslims. Ali Anwar (2005) provides a detailed statistical account illustrating how upper-caste groups have maintained their dominance over the community's major religious and socio-political institutions. These include influential bodies such as the All-India Muslim Personal Law Board, Imarat-e-Sharia, Waqf Boards, and prominent madrasas like Darul Uloom Deoband. Additionally, they 'control key religious sites such as mosques and dargahs, as well as state-funded and affiliated minority institutions, including the Haj Committee, Minority Commissions, Urdu Academies, and the Maulana Azad Foundation at both national and state levels.

Upper-caste Muslim elites have often aligned with dominant political ideologies and communal narratives to preserve their control over power structures. The leadership has deliberately centred Muslim political identity around emotionally charged cultural issues—such as the Babri Masjid, AMU, Status of Urdu and Shah Bano case and so on—thereby sidelining internal calls for democratization and social reform within the community. This strategy has perpetuated the image of Muslims as a unified, monolithic bloc, concealing internal hierarchies, particularly caste-based inequalities.

Prior to the 1990s, electoral candidates from the Muslim community were overwhelmingly upper-caste, and caste was not a publicly acknowledged factor in voting behaviour. However, following the implementation of the Mandal Commission's recommendations, lower-caste Muslims began to assert their political agency by running for office. In response, upper-caste leaders began to frame this political participation as evidence of divisive casteism, claiming it threatened the unity of the *Millat* (Muslim community). Such narratives reflect a deeper anxiety among upper-caste elites, who fear losing their historical dominance and access to communal resources as lower-caste Muslims increasingly challenge the traditional power hierarchy.

THE DICHOTOMY OF SCHEDULED CASTES AND THE EXCLUSION OF DALIT MUSLIMS

The nomenclature *Dalit*, signifying "broken" or "oppressed," was initially operationalized by Ati-Shudra reformer Jyoti Rao Phule. Dr. B.R. Ambedkar later institutionalized the term in the 1930s

as a discursive rebuttal to Gandhi's *Harijan*. Subsequently, the Dalit Panther movement, in the late 20th century, rearticulated it as a politicized, assertive identity marker.[20]

Dalits and Harijans are constitutionally designated as Scheduled Castes (SCs) and Scheduled Tribes (STs). This classification originated under British colonial rule, during the late 19th-century census operations.[21] Scheduled Castes consist of communities historically marginalized through practices of untouchability. Their official recognition was formalized under the Government of India Act of 1935, which introduced the first SC list. The initial Scheduled Castes list compiled in 1936 included certain Muslim Arzal castes, such as the Halalkhor; Upon implementation in 1937, provisions for special reservations commenced. However, these benefits were short-lived, ending in 1939 due to the Act's suspension. However, these groups were excluded from reservation benefits. This exclusion was rooted in the British colonial policy that defined Scheduled Castes as exclusively Hindu phenomena.[22]

This conception persists even after seventy-five years of independence, as reflected in the Constitution (Scheduled Castes) Order No. 19 of 1950, issued under Article 341(1) of the Indian Constitution, the Presidential Order enumerated castes eligible for inclusion in the Scheduled Castes category. Originally, Clause (3) of the Order explicitly excluded individuals professing religions other than Hinduism, Buddhism, and Sikhism.[23] Subsequently, by the recommendation of the Kaka Kalekar Commission (1955),[24] the Sikh Dalit and the Buddhist Dalit was added into the scheduled Caste category, in 1956[25] & 1990[26], respectively. This provision is inherently discriminatory on the ground, that the Dalit Christians and Dalit Muslims who is having the same social & educational backwardness and face discrimination not only from upper-caste members of their own religion, but also from the broader Hindu-dominated society and contradicts the egalitarian ethos of the Constitution. This rejection contradicts key constitutional values such as Article 14 (equality before the law), Article 15 (prohibition of religious

[20] Anupama Rao, *The Caste Question: Dalits and the Politics of Modern India*, at 185–188 (University of California Press 2009).
[21] Marc Galanter, *Competing Equalities: Law and the Backward Classes in India*, at 75–90 (Oxford Univ. Press, Delhi 1984).
[22] Tahir Mahmood, *Minorities Commission: Minor Role in Major Affairs*, at 143–160 (Pharos Media & Pub. 2001).
[23] Constitution (Scheduled Castes) Order, 1950, No. 19 of 1950 (India).
[24] Government of India, *Report of the Backward Classes Commission* (Kaka Kalelkar Commission Report 1955) (accessed July 28, 2025).
[25] *Supra* note 22, at 6.
[26] *Ibid*.

discrimination), and Article 25 (freedom of religion). This exclusion perpetuates structural unfairness against Dalits who follow non-Indic religions.

Many castes from Muslim society have the same name, social status, social capital, and even fewer economic resources than Hindu Dalits but have been categorized differently. The list shows the similarity between the Muslim and Hindu castes but explicates the dissimilarities in reservation categories. The demand for including Dalit Muslims in the Scheduled Castes category stems from their persistent socio-economic, educational, and political marginalization. Addressing this requires examining the Dalit issue within Muslim politics. While Hindu Dalits received constitutional reservations through the 1950 Presidential Order, Dalit Muslims remain excluded from these affirmative action benefits.

Even the Justice Ranganath Misra Commission (2004) examine the status of religious and linguistic minorities in India and recommended measures for their upliftment. The Commission found that Dalits who had converted to Islam or Christianity continued to face caste-based discrimination similar to Dalits within Hinduism, Sikhism, and Buddhism. However, they were excluded from the Scheduled Caste (SC) category and denied associated constitutional benefits. The Commission recommended extending SC status to Dalits of all religions, arguing that caste-based discrimination persists regardless of faith. It also proposed a 10% reservation for Muslims and 5% for other minorities in education and government jobs. The report emphasized delinking caste from religion to ensure equal protection and social justice for all marginalized groups. Though the report highlighted significant constitutional and human rights concerns, its recommendations remain largely unimplemented due to political and legal challenges.

Ali Anwar (2005) observes that in the aftermath of Partition, Pasmanda Muslims and Hindu Dalits shared comparable socio-economic conditions. However, over seventy years post-Independence, a discernible disparity has emerged: Hindu Dalits have experienced notable progress, largely facilitated by Scheduled Caste reservations, while Pasmanda Muslims remain socio-economically stagnant.[27] Various governmental reports—including those of the Kaka Kalelkar Commission (1955), Mandal Commission (1980), and the Sachar Committee (2006)—consistently highlight the persistent marginalization of lower-caste Muslims. These communities continue to face systemic exclusion, with limited access to education, dignified employment, and

[27] *Supra* note 11, at 3.

basic rights. Indicators such as poverty levels, household consumption, occupational stratification, and educational attainment reveal that Dalit Muslims remain severely disadvantaged. These socio-economic patterns present a compelling case for their inclusion within the Scheduled Caste category, as a means of addressing long-standing structural inequalities and ensuring equitable access to affirmative action provisions that have benefited similarly placed Hindu Dalit groups.

The exclusion of Muslims from Scheduled Caste reservations adversely impacts not only their socio-economic status but also their political participation. While Muslims have accessed certain benefits through Other Backward Classes (OBC) reservations in socio-economic domains, political representation remains constrained. Reserved constituencies for Scheduled Castes, which constitute 84 out of 543 Lok Sabha seats and similar proportions in state assemblies, are inaccessible to Muslim candidates due to this exclusion. Consequently, Pasmanda Muslims are systematically deprived of the opportunity to contest elections in these reserved seats, limiting their political agency. Furthermore, Pasmanda Muslims lack legal protections under the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, which safeguards their Hindu counterparts from caste-based violence and discrimination. This dual marginalization reinforces structural inequalities, underscoring the necessity for inclusive policies that recognize the socio-political realities of Dalit Muslims within the Indian constitutional framework.

CONCLUSION

The inclusion of Dalit Muslims within the Scheduled Castes (SC) reservation framework is expected to catalyse a paradigmatic shift in Indian electoral politics, transitioning discourse from symbolic, cultural, and religious identity issues to substantive socio-economic and political concerns. This structural integration may gradually attenuate communal polarization and foster a more inclusive narrative grounded in social justice. Slogans such as *"Dalit-Pichhda Ek Samaan, Hindu Ho Ya Musalman"* (Dalit and Backwards are Equal, Hindu or Muslim) could gain traction, reinforcing unity across caste and religious lines. State intervention would then be better positioned to address the developmental deficits faced by marginalized Muslim groups, particularly Pasmanda Muslims, who continue to lack adequate socio-economic and political representation.

The political marginalization of Pasmanda Muslims is evident in their consistently low representation in legislative bodies. Although SCs and STs are constitutionally assured 84 and 44

parliamentary seats respectively, Muslims—despite constituting a significant demographic—have historically secured only around 6% representation in the Lok Sabha, with rare exceptions such as the 1980 general election (approx. 10%). In the 16th and 17th Lok Sabha elections, only 23 and 25 Muslim candidates were elected, respectively. Given their population share, equitable representation would imply the election of at least 77 Muslim parliamentarians.

Muslims constitute the most significant minority in India, comprising 14.2% of the population. Despite this substantial demographic presence, their representation in policymaking remains disproportionately low, largely due to the limitations of the first-past-the-post electoral system and the nation's complex socio-demographic fabric. Among Muslims, Dalit Muslims—those subjected to caste-based discrimination similar to Hindu Dalits—experience severe socio-economic and political marginalization. However, they remain excluded from the Scheduled Caste (SC) reservation benefits due to the religion-based criteria of the Presidential Order of 1950. To rectify this exclusion, it is imperative that caste, rather than religion, be recognized as the legitimate basis for inclusion in the SC category. The structural disadvantages faced by Dalit Muslims-economic deprivation, social ostracization, and political underrepresentation—mirror those of Hindu Dalits, necessitating equitable affirmative action. Moreover, meaningful representation is most effectively achieved when leaders emerge from within the marginalized communities, as demonstrated historically by figures like Phule, Ambedkar, Periyar, and Kanshiram within the Hindu Dalit movement. Hence, it is crucial for all segments of the Muslim community—Ashraf, Pasmanda, and Dalit Muslims—to collectively mobilize and exert political and constitutional pressure for an amendment to the Presidential Order, enabling the inclusion of Dalit Muslims within the SC reservation framework.