

## **Scheduled Caste status to Dalit Christians**

Concerned with the Civil Writ Petition No: 180, year 2004 ( Center for Public Interest Litigation and Anr Vs Union of India ) Union of India after taking the Cabinet decision in the group of Minister's Meeting during September 2005 had referred the matter for the perusal of the National Commission for Religious and Linguistic Minorities concerned with extension of Scheduled Castes privileges to Christians, Muslims of Scheduled Castes Origin. ( Who are numbered around 2.1 Million population ( Dalit Christians ), 1. 1 Million population ( Dalit Muslims ) in India as per the Report- Social, Economic and Educational Status of the Muslim Community of India- Prime Minister's High Level Committee, Cabinet Secretariat, Government of India, November, 2006, Page No:7. ) Based up on the following authoritative detailed evidences Union of India ( National Commission for Scheduled Castes ) had recommended to grant the Scheduled Castes status to Christians and Muslims of Scheduled Castes Origin People by deleting the Paragraph 3 of the Constitution Scheduled Castes Order 1950.

*On 22<sup>nd</sup> of April, 2010, National Commission for Scheduled Castes had fully acknowledged and endorsed the recommendation of the National Commission for Religious and Linguistic Minorities for granting the Scheduled Castes status to Christians and Muslims of Scheduled Castes Origin by striking the Paragraph 3 of the Constitution Scheduled Castes Order 1950. As per the Constitution Article 338 Sub Division 9's Constitutional Statutory power, the National Commission for Scheduled Castes had fully endorsed the recommendation of the above said NCRLM for making Scheduled Castes net as religion neutral for granting Scheduled Castes status to Christians and Muslims of Scheduled Castes Origin.( Evidence No: 4 ).*

*National Commission for Minorities had recommended to Union of India so many times for granting the Scheduled Castes status to the above said people ( Evidence No: 8 ).*

As per Soosai Vs Union of India case judgment for extending the scheduled castes privileges to these people, the following requirements ought to be fulfilled { 1985 (Supp). SCC 590; Writ Petition No: 9596 of 1983 }

“It must be shown that convert Christian members of the enumerated castes people suffer from comparable depth of social and economic disabilities, cultural and educational backwardness and similar levels of degradation within Christian community necessitating intervention by the state under provisions of the constitution”.

“To establish that Para 3 of the constitution ( Scheduled Castes ) order 1950 discriminate against Christian members of the enumerated castes, it must be shown that they suffer from comparable depth of social and economic disabilities, cultural and educational backwardness and similar levels of degradation with in the Christian community necessitating intervention by the state under the provision of the constitution. It is necessary to establish further that the disabilities and handicaps suffered from such castes membership in the social order of its origin Hinduism – continue in their oppressive severity in the new environment of a different religious community”.

It is now well established that when violation of Article 14 or any of its related provision is alleged, the burden rests on the petitioner to establish by clear and cogent evidence that the state has been guilty of arbitrary discrimination”. As per the above said ruling, with the help of the following materials, it is possible to say that the President of India acted arbitrarily in exercise of his judgment in enacting paragraph 3 of the constitution (Scheduled castes ) order, 1950. It is quite evident that the petitioners had before them all the evidences, material indicating that the depressed classes of Christian communities suffered from economic, social disabilities and cultural, educational backwardness so gross in character and degree that the members of these castes in Christian religion are called for the protection of the constitutional provisions relating to the Scheduled Castes.

### **National Commission for Religious and Linguistic Minorities Report :-**

Joint Secretary to the Government of India, Ministry of Social Justice and Empowerment via letter No. 14/6/2005-MC dated 28<sup>th</sup> September 2005 had resolved to expand the terms of reference of the National Commission for Religious and Linguistic Minorities, constituted vide Resolution No: 1-11/2004/MC (D) dated the 29<sup>th</sup> October 2004 to add the following clause to its terms of reference as follows:

(d) “ To give its recommendations on the issue raised in Writ petition 180 / 2004 ( for granting Scheduled Castes status to convert Christian members of the enumerated castes people by deleting constitution scheduled castes order 1950, paragraph ‘3’ ) and 94/2005 filed in the Supreme Court of India and in certain High Courts relating to Para 3 of the Constitution (Scheduled Castes) order, 1950, in the context of ceiling 50% on reservation as also the modalities of inclusion in the list of the Scheduled Castes. After doing eighteen months study by getting twelve state Governments’ recommendations (Tamil Nadu, Pondicherry, West Bengal, Punjab, Utter Pradesh, Bihar, Andhra Pradesh, Haryana, Kerala, Mizoram, Sikkim, Uttranchal), the above said NCRLM had

submitted the following recommendation to Union of India on 21-05-2007. It had very clearly recommended to Union of India for deleting the Constitution Scheduled castes order 1950, Paragraph 3.

NCRLM Report volume I, page 154, part 16.3.5 declares as follows:

“In view of what has been said above, we recommend that Para 3 of the Constitution (Scheduled Castes) order 1950, which originally restricted the scheduled caste net to the Hindus and later opened it to Sikhs and Buddhists, thus still excluding from its purview the Muslims, Christians, Jains and Parsis etc – should be wholly deleted by appropriate action so as to completely de-link the scheduled caste status from religion and make the scheduled castes net fully religion – neutral like that of the Scheduled Tribes.

NCRLM Report volume I, page 141, Sub division ‘a’

“So the Presidential Order of 1950 is unconstitutional and it is a black letter written outside the constitution introduced through the back door by an executive order Para 3 of the presidential order is anathema which disfigures the beauty of the written Constitution of India”.

NCRLM Report volume I, page 142, sub section ‘e’

*“These petitioners have also sought the same relief as sought in the petitions pending before the Supreme Court”.*

*Government nominated Commission Evidence, part of NCRLM Report attached, Serial No: 2*

Educational Status of the  
Muslim Community of India  
Prime Minister’s High Level Committee  
Cabinet Secretariat  
Government of India  
November, 2006  
A Report

SC status for Muslim groups, Pages: 201, 202

While the Ashrafs and the Ajlafas occupy the highest and the middle positions in the Muslim social structure, the Arzals are the lowest comprising of those having similar traditional occupation as their Hindu counterparts in the list of Schedule Castes. It is widely believed that these communities are converts from

the 'untouchables' among Hindus. Change in religion did not bring any change in their social or economic status. Because of the stigma attached to their traditional occupation, they suffer social exclusion. Despite this, they have been deprived of SC status available to their Hindu counterparts.

Their exclusion from the SC list dates back to 1936 when the Imperial (Scheduled Caste) Order rejected SC status to Christians and Buddhists of similar origins. Depressed classes among the Muslims such as Halalkhors were included in the list but were barred from availing the benefits. This colonial decree remained the basis on which the government of Independent India, through the Constitutional (Scheduled Caste) Order, 1950, has denied them the status in accordance with the deprivations that they face. The Order, however, has been amended twice; once in 1956 to include the SCs among the Sikhs and later in 1990 to include the neo-Buddhists. Thus, practically only the Muslims and Christians of such origins continue to be denied the status. As a result, such Muslim groups namely, gadheris, gorkuns, mehtars or halalkhors, Muslim dhobis, bakhos, nats, pamarias, lalbegis and others remain impoverished and marginalized. Their inclusion in the OBC list has failed to make any impact as they are clubbed with the more advanced middle castes.

Many have argued that the Order of 1950 is inconsistent with Article 14, 15, 16 and 25 of the Constitution that guarantee equality of opportunity, freedom of conscience and protect the citizens from discrimination by the State on grounds of religion, caste or creed.

National Commission for Scheduled Castes recommendation.

As per Indian Constitution Article 338, sub division 9, on 18-12-2007

National Commission for Scheduled Castes had recommended to the Ministry of Social Justice and Empowerment for extending the Scheduled Castes privileges to convert Christian members of the enumerated castes people. It means, National Commission for Scheduled Castes also accepts the socio, educational, economical and cultural backwardness of these people. It also accepted that Christians as Scheduled castes origin are also affected by the traditional practice of untouchability in the Christian society and in the general civil society. As per the modalities for granting scheduled castes status to the required communities (Christians of Scheduled Caste origin), based upon twelve state Governments' positive recommendation through National Commission for Religious and Linguistic Minorities, this matter was referred to National Commission for Scheduled Castes, since NCSC had recommended to Union of India by over ruling the Registrar General of India's decision ( Office of the Registrar General of India is mere an advisory body, not a mandatory body for giving recommendations). When Buddhist, Sikh Dalit had been extended the privileges, Union of India did not consult all State Governments,

Registrar General of India and National Commission for Scheduled Castes or Commissioner of Scheduled Castes. Even Government of India did not explore the socio, educational, economical and cultural backwardness data of Dalit Sikhs or Neo Buddhist by conducting detailed studies or by referring the matter to Commissions. Where as for extending the Scheduled Castes status to convert Christian members of the enumerated castes people, Union of India wanted to get the opinions of the various commissions, though all required formalities were fulfilled by the Government as per the Modality for granting the Scheduled Castes status ( Modality Rules, Year 2002 ), it is delayed.

After getting recommendation from NCSC, again this matter was referred to National Commission for backward classes (from Ministry of Social Justice and Empowerment by asking about the percentage and population of Dalit Christians etc. In this way Government wanted to prolong the issue. But fortunately, NCBC had replied to Ministry of Social Justice and Empowerment that the queries were not in their jurisdiction to give reply, thus NCBC had sent proper reply to the above said Ministry forthwith.

On 22<sup>nd</sup> of April, 2010, National Commission for Scheduled Castes had fully acknowledged and endorsed the recommendation of the National Commission for Religious and Linguistic Minorities for granting the Scheduled Castes status to Christians and Muslims of Scheduled Castes Origin by striking the Paragraph 3 of the Constitution Scheduled Castes Order 1950. As per the Constitution Article 338 Sub Division 9's Constitutional Statutory power, the National Commission for Scheduled Castes had fully endorsed the recommendation of the above said NCRLM for making Scheduled Castes net as religion neutral for granting Scheduled Castes status to Christians and Muslims of Scheduled Castes Origin. Please take immediate action for granting the Scheduled Castes status to the above said people.

( National Commission for Scheduled Castes- Evidence Attached, Serial No: 4 )

“Dalits in the Muslim and Christian communities, A status Report on current social scientific knowledge”.

Prepared for the National Commission for Minorities, Government of India

By

Satish Deshpande ( on 17<sup>th</sup> January 2008)

with the assistance of GeetikaBapna

Department of Sociology, University of Delhi in its, Chapter 5 Page : 83

Conclusion summary of findings, we find the following version

“To conclude, based only on the descriptive and statistical evidence available, there is a strong case for including Dalit Muslims and Dalit Christians in the Scheduled Caste category. There are compelling arguments in favour of such

an inclusion based on principles of natural justice and fairness. The balance of pragmatic consideration is also in favour of their inclusion. According due statutory recognition to Dalit Muslim and Dalit Christians would not only right a wrong, it would also remove an indefensible anomaly in our politico-legal system that can legitimately be construed as discriminatory. Whether or not such discrimination can be proven in a court of law, it will surely weigh on the conscience of every fair-minded Indian”.

Page : 81

“ . . . there is no compelling evidence to justify denying scheduled castes status to Dalit Muslims and Dalit Christians . . . ”

So, an authoritative and detailed above said study (Government of India’s study) dealing with the present condition of the Christian society have been placed on the record in this case. Based upon National Commission for Religious and Linguistic Minorities report and A Status Report on current social scientific knowledge, Dalit in the Muslim and Christian communities, we could say Dalit Christians caste membership in the social order of its original Hinduism continue in their oppressive severity in the new environment of the Christian religious community. ( Report prepared for National Commission for Minorities- Attached, Serial No: 5 )

On 11<sup>th</sup> March 1996, the then Union Minister for Welfare had proposed one Bill ( No: 17) to be discussed in parliament of India by giving the statement of objects and reasons :-

Converts to the Christian religion who are of the Scheduled Caste origin are preclude from the statutory benefits and safeguards applying to members of the Scheduled Castes. Demands have been made from time to time for extending these benefits and safeguards to the Christians of the Scheduled Caste origin by granting them recognition as the Scheduled Castes on the ground that change of religion has not altered their social and economic conditions. Upon due consideration of these demands, it is proposed to amend the relevant Constitution (Scheduled Castes) orders to include the Christian converts from the Scheduled castes as the Scheduled castes therein. ( Government Evidence Attached, Serial No: 6 )

Because of some administrative problem in Parliament, this Bill matter was not discussed and accepted in Parliament. As a next step, Additional Secretary, Government of India, Ministry of Welfare had sent one cabinet approval note (dated 14<sup>th</sup> March 1996) and an Ordinance report for getting the approval of the then President of India, by writing the following tidings

Note for the cabinet, No. 12016 / 30 / 90 – SCD ( Cell), paragraph 25

“ . . . . The High Power Panel on Minorities, Scheduled Castes, Scheduled Tribes and other weaker sections, in their 1983 Report referred to at Para 12, had also found that earlier disabilities continued even after leaving the Hindu fold. The National Commission on Minorities has also recently recommended the extension of statutory benefits to SC Christians (as also to Muslim converts from these communities) as Scheduled Castes. Taking these factors into consideration, the Ministry of Welfare proposes that the demand be accepted. This will require amendment, by an Act of Parliament ...” ( Government Evidences Attached, Serial No: 6 )

High Power Panel on Minorities, SCs, STs and other weaker sections (Report on Minorities – Vol (I), 14<sup>th</sup> June 1983 ), Page No: 8, Point No: 12. Ministry of Home Affairs, Government of India

“ The Christians and the Neo-Buddhist need the same kind of concessions for their converts from the scheduled castes as are offered to Hindu and Sikhs. And their plea, we have recommended, should be fulfilled with utmost sympathy. They too suffer from the same economic handicaps and social neglect and isolation as the Hindu Scheduled Castes, as is amply illustrated by us in our report elsewhere. ( Government Evidence Attached, Serial No: 7 )

National convention on Socio Economic and Political status of the Scheduled Castes and Scheduled Tribes on 16,17 June 1992 at Mawlankar Hall, New Delhi, by the Parliamentary Forum of SCs and STs.

#### Resolution on Reservation

“ The Parliamentary Forum of STs and SCs during the National convention on socio economic and political status of the Scheduled Castes and Scheduled Tribes do hereby, on the 17<sup>th</sup> June 1992 unanimously resolve to demand to Government of India to put an end to the discrimination against SC Christians by introducing a Bill during the Monsoon session of the Parliament 1992 to amend Para ‘3’ of the Constitution (Scheduled Castes ) order 1950, to include Scheduled Castes converts to Christianity along with the Scheduled Castes in Hinduism, Sikhism and Buddhism.”

#### National Commission for Minorities

“ The commission has prima facie felt that since the Christians, Muslims and Buddhists of Scheduled Castes origin continue to suffer from social and economic disabilities even after their conversion, there should be no objection to their availing of the concessions admissible to them before conversion (Third Annual Report of the Minorities Commission New Delhi 1980. Page 31).

Fourth Annual Report of the National Minority Commission ,1981-1982, New Delhi, Page 55, had insisted the above said same recommendation for granting scheduled castes status to convert Christian members of the enumerated castes.

### Our Requisition

The Constitution (Scheduled Caste) order 1950, paragraph 3 as amended is discriminatory and violative of articles 14 and 15 of the constitution in as much as it discriminated against scheduled castes converts to religion and other than the Hindu, Sikh and Buddhist religions. It is submitted that the social and economic disabilities of Scheduled caste converts to Christianity continue to persist in most cases even after their conversion. In this regard, there cannot be any distinction between scheduled caste converts to Sikh and Buddhist religions and Scheduled Caste converts to the Christian religion. It is submitted that the theoretically Christianity does not recognize castes, but it cannot be a valid justification for excluding Christians from this, since in theory even Sikhism and Buddhism also do not recognize castes. This discrimination is also clear from the fact that Scheduled Tribe converts to Christianity continue to remain within the purview of the Scheduled Castes order 1950, while Scheduled Caste converts to Christianity are denied this benefit.

The denial of benefits to Scheduled Caste converts to Christianity in the matter of reservation in jobs, political reservations and their benefits extended to the Scheduled castes in general, is discriminatory and violative of their fundamental rights guaranteed by article 14 and 15 of the constitution. It is submitted that since the social and economic disabilities suffered by Scheduled Castes persons in most cases do not cease even after their conversion to Christianity, such conversion cannot be a legal and constitutional basis for denying them the benefits available to other Scheduled Castes persons. Petitioners' main prayer before Union of India is to declare, clause 3 of the Constitution (Scheduled Castes) order 1950 as unconstitutional and void.

Initiation for granting the Scheduled Castes status to the above said people through Legislation:

In view of the fact that in some parts of the country particularly in the south converts to Christianity from specific SCs are subjected to crimes and atrocities as their exact Hindu counterparts are (difference of religion making no difference in this regard) and the fact that trials in such cases get bogged down

on the issue whether this is an atrocity since they are not SC on account of conversion. Clause (c) of section 2 of the Act should be amended by adding the following words at the end of it "and converts to Christianity from Scheduled Castes". An explanatory note may be added that this is only for the purpose of this Act and not for any other purpose since the question whether SC converts to Christianity should be included in Scheduled Castes or not by amending the proviso in Presidential Orders is a different issue to be dealt with separately by the appropriate Ministry.

Note: With out considering the Christians of Scheduled Castes Origin as Scheduled Castes, we can not protect the victims under SC/ ST Prevention of Atrocities Act, 1989 as per the above recommendation.

In the year 1956, Sikhs of Scheduled Castes Origin people had been given the Scheduled Castes status by Union of India based up on one Paragraph Evidence of the First Backward Class Commission Report, in the same way in the year 1990 with out having proper data of socio educational backwardness arising out of the traditional practice of untouchability all the 5 Million Buddhist of Scheduled Castes Origin people had been given the Scheduled Castes privileges by the Union of India. Buddhism and Sikhism do not recognize caste system as per their religious ideologies, but they had been given the Scheduled Castes status. If Buddhism and Sikhism were the off shoot of Hinduism, in the year 1950 itself, when the Constitution Scheduled Castes Order was enacted, Sikhs and Buddhists of Scheduled Castes Origin people would have been given the Scheduled Castes privileges as Hindus, but Union of India did separate amendment in the year 1956, 1990 for giving Scheduled Castes privileges to Sikhs and Buddhist of Scheduled Castes Origin people. As per National Commission for Minorities Act 1992, Sikhism and Buddhism are separate religions. These two religions are covered by the National Commission for Minorities Act 1992 as per Law. Buddhism and Sikhism are not the off shoot of Hindu Religion. Mere by having one Paragraph of evidence regarding the plight of Sikh Scheduled Castes Origin people from the First Backward Class Commission, Union of India had extended Scheduled Castes privileges to all the Sikhs of Scheduled Castes Origin people in the year 1956; with out having any evidence, study, Commission Reports, when Union of India had extended the Scheduled Castes status to all Buddhist Scheduled Castes Origin people in the year 1990, in the same way with out showing discrimination and discrepancy, Union of India and Ministry of Social Justice and Empowerment may forth with take immediate steps for granting Scheduled Castes status to Convert Christian Members of the Enumerated Castes people of India based up on the voluminous materials which they inherit in their Ministries and Departments.

( Evidence to prove that Sikhism does not recognize casteism and untouchability is attached, Serial No: 13 )

Christians of Scheduled Castes Origin are facing all sort of untouchability oriented atrocities by upper castes Hindus and upper castes Christians. These people are socially, educationally, economically and culturally backward because of the traditional practice of untouchability which they face in the civil society and in the Christian Religious communities. These people are not living in side the church compound, where as these people are living in the society where casteism and untouchablity prevails as per the above said Government evidences. These people go to the Church once in a week for half and hour worship, remaining time these people live in the society with Hindu Scheduled Castes people in the same dwelling place by facing the same caste discrimination and traditional practice of untouchablity, annihilation and humiliation. No upper Castes Christian or Upper Castes Hindu will treat these Christians of Scheduled Castes Origin as touchable or equals. When our Hindu Scheduled Castes men or women who dwell in the Metropolitan Cities, who are highly educated, who are very rich who never faced the traditional practice of untouchability get the Scheduled Castes privileges. In the same manner, Christians of Scheduled Castes Origin who live in the rural area, in the remote villages by doing the menial filthy jobs like cremating the dead bodies, mending the old shoes and sandals, doing manual scavenging, washing the dirty linen and so on, should be extended the Scheduled Castes privileges. It is nothing but a decent based professional oriented discrimination. As per the modality for getting the Scheduled Castes status ( Revised Modality, year 2002 ), Christians of Scheduled Castes Origin had proved as per the Government Records that they are social, educationally, economically and culturally backward because of the traditional practice of untouchability which they face in the Civil society and in the new religious society. So, forth with Scheduled Castes status may be given to Christians of Scheduled Castes Origin people.

**United Nations:**

Under Articles 2 ( c ), 3 ( d ) ( vii ) of the International Convention on the Elimination of All Forms of Racial Discrimination, it is the Government of India's obligation to grant Scheduled Castes Special privileges to 2.1 Million Convert Christian Members of the Enumerated Castes people of India.

Under section 12 ( f ) of the Protection of Human Rights Act 1993, the National Human Rights Commission of India is entrusted to study treaties and other international instruments on human rights and make recommendations to Union of India for granting Scheduled Castes special privileges to Christians of Scheduled Castes Origin.

The Government of India has to consider the request of Christians of Scheduled Castes Origin for getting the Scheduled Castes status as per the Universal Declaration of Human Rights, Indian Constitution Articles 14, 15, 21 & 25 and International Covenant on Civil and Political Rights.

*International issue concerned with religious discrimination, Caste discrimination, violation of civil and universal human rights.*

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COMMISSION ON HUMAN RIGHTS

Sub-Commission on the Promotion and

Protection of Human Rights

Fifty-seventh session

*Report on the Sub-Regional Seminar on Minority Rights:  
Cultural Diversity and Development in South Asia:  
Narrative of information presented and discussion at the meeting  
(Kandy, Sri Lanka, 21 to 24 November 2004)*

Ms. Asma Jahangir, Mr. M.C.M. Iqbal and  
Mr. Soli Sorabjee, Co-Chairpersons

34. Other references were made to article 341 of the *Constitution of India*, “(1) The President may with respect to any State [or Union territory], and where it is a State, after consultation with the Governor thereof, by public notification, specify the castes, races or tribes or parts of groups within castes, races or tribes which shall for the purposes of this Constitution be deemed to be Scheduled Castes in relation to that State [or Union territory, as the case may be]”. The *Constitution (Scheduled Castes) Order 1950* of India in its paragraph 3 laid down that “Notwithstanding anything contained in paragraph 2, no person who

professes a religion different from Hindu, shall be deemed to be a member of a “Scheduled Caste”. The third paragraph of this Order was amended in 1956 and 1990 to extend the constitutional benefits, i.e. special rights to compensate for disadvantages suffered in the past, to “Dalit Sikhs” and “Dalit Buddhists”, respectively. It was pointed out that such benefits were not extended to “Christian Dalits” and “Muslim Dalits” and that this issue needed to be addressed.

UNITED  
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CERD



International Convention  
On the Elimination  
Of all Forms of  
Racial Discrimination

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COMMITTEE ON THE ELIMINATION  
OF RACIAL DISCRIMINATION

Seventieth session  
19 February – 9 March 2007

CONSIDERATION OF REPORTS SUBMITTED BY STATE PARTIES  
UNDER ARTICLE 9 OF THE CONVENTION

Concluding Observations of the Committee on the Elimination of Racial  
Discrimination  
INDIA

21. *The Committee notes with concern that Dalits who convert to Islam or to Christianity to escape caste discrimination reportedly lose their entitlement under affirmative action programmes, unlike converts who become Buddhists or Sikhs. (arts. 5 (d) (vii) and 2 (2))*

*The Committee recommends that the State party restore the eligibility for affirmative action benefits of all members of scheduled castes and scheduled tribes having converted to another religion.*

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COMMISSION ON HUMAN RIGHTS  
Fifty-third session  
Item 19 of the provisional agenda

IMPLEMENTATION OF THE DECLARATION ON THE ELIMINATION  
OF ALL FORMS OF  
INTOLERANCE AND OF DISCRIMINATION BASED ON RELIGION OR  
BELIEF

Report submitted by Mr. Abdelfattah Amor, Special Rapporteur, in  
accordance with Commission on Human Rights resolution 1996/23  
Addendum  
Visit to India

E/CN.4/1997/91/Add.1  
page 13

60. In this connection the Special Rapporteur also wishes to describe the situation of the untouchables converted to Christianity. Although there is no general tendency at the present time for Hindu untouchables to convert to Christianity (conversions are by isolated individuals, mainly to escape the iniquitous caste system), an active lobby of converted Dalits is protesting against the withdrawal of State measures benefiting untouchables (reservation of positions in the public education system, reserved jobs in State enterprises as part of a “positive discrimination” programme designed to facilitate the economic and social integration of untouchables) when they convert to a non-Hindu religion; they consider that this practice constitutes an obstacle to conversions.

61. According to the information received, the State appears to be endeavouring to improve the situation of converted untouchables, while paying due regard to the concept of citizenship. The Secretary of the Ministry of Law in Delhi, in particular, has pointed out that the conversion of a Hindu untouchable to another religion gives rise to the loss, not of rights, but of privileges. The National Human Rights Commission explained that the demands of the Christian Dalits were of recent origin inasmuch as previously, by rejected their former status as untouchables, they had declined all State aid. It added that the Government was prepared to meet this demand at a future date and that an appropriate proposal was before Parliament.

GE.09-10462 (E) 290109

UNITED NATIONS, A. General Assembly Distr.GENERAL, A/HRC/10/8/Add.326 January 2009. HUMAN RIGHTS COUNCIL, Tenth session, Agenda item 3

PROMOTION AND PROTECTION OF ALL HUMAN RIGHTS, CIVIL, POLITICAL, ECONOMIC, SOCIAL AND CULTURAL RIGHTS, INCLUDING THE RIGHT TO DEVELOPMENT.

Report of the Special Rapporteur on freedom of religion or belief, Hon. Asma Jahangir

Addendum, MISSION TO INDIA, A/HRC/10/8/Add.3

The Special Rapporteur on freedom of religion or belief undertook a country visit to India from 3 to 20 March 2008, upon the invitation of the Government.