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Confronting Marginalisation

Marginalised groups in India, such as Adivasis, Dalits, Muslims, and women, have historically faced inequality and discrimination. Despite their powerlessness, these groups have fought against exclusion and domination through various strategies including religious solace, armed struggle, self-improvement, education, and economic upliftment. Their choice of struggle depends on their specific circumstances.

These groups assert their equal rights as citizens of a democratic country, often invoking the Indian Constitution to address their concerns. The Constitution provides Fundamental Rights that protect these groups from exploitation and discrimination. The government also formulates laws and policies to promote their development and social justice.



Invoking Fundamental Rights

The Indian Constitution lays down the principles of democracy through Fundamental Rights available equally to all citizens. Marginalised groups use these rights to highlight injustices and demand government enforcement of laws. Their struggles have influenced the creation of new laws aligned with these rights.

Article 17 abolishes untouchability, making it a punishable crime and ensuring Dalits can access education, temples, and public facilities without discrimination. Article 15 prohibits discrimination based on religion, race, caste, sex, or place of birth, supporting Dalits in their fight for equality.

Other minority groups invoke rights related to freedom of religion and cultural and educational rights, allowing them to preserve their distinct cultures and prevent domination by majority cultures.

The poem by Soyra Bai, a 14th-century Mahar caste woman, challenges the notion of purity and pollution used to justify caste discrimination, emphasizing that impurity comes from within, not from one's birth or occupation.

Promoting Social Justice

The government implements specific schemes and laws to promote social justice for marginalised groups. These include free or subsidised hostels for Dalit and Adivasi students and the reservation policy, which reserves seats in education and government jobs for Scheduled Castes, Scheduled Tribes, and backward classes to address historical denial of opportunities.

Reservation requires candidates to provide caste or tribe certificates and meet cut-off marks for admission or employment. Scholarships and other support are also provided.

| List of schemes | What is this scheme about? | How do you think it will help promote social justice? |
|---|---|---|
| Scholarships for students | Financial support to students from less privileged backgrounds to continue education. | Promotes equal educational opportunities, reducing social inequality. |
| Special police stations | Police stations addressing crimes against vulnerable groups like women and minorities. | Ensures protection and fair treatment, reducing discrimination and abuse. |
| Special schemes for girls in government schools | Programs supporting girls' education through free books, uniforms, scholarships, and nutrition. | Promotes gender equality and empowers girls through education. |

Laws Protecting Marginalised Communities

Dalits and other marginalised groups use laws to protect their rights and challenge discrimination. The case of Rathnam, a Dalit youth who refused to perform a humiliating ritual, illustrates the struggle against caste-based oppression. His refusal led to ostracism and violence, but he sought justice under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

This Act was enacted to address violent crimes and discrimination against Dalits and Adivasis, prescribing stringent punishments and recognizing various forms of humiliation, dispossession, and violence.

The Scourge of Manual Scavenging

Manual scavenging is the hazardous practice of manually cleaning human waste from dry latrines, mainly performed by Dalit women and girls. Despite being outlawed, it persists, exposing workers to serious health risks and social discrimination.

The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993, prohibits this practice and the construction of dry latrines. The Safai Karamchari Andolan filed a Public Interest Litigation in 2003, leading to Supreme Court directives for government action and the enactment of the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act in 2013.



A manual scavenger at work



Members of the Safai Karamchari Andolan demolishing a dry latrine.

Forest Rights Act 2006

The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, addresses historical injustices faced by forest-dwelling communities by recognizing their rights to land, homesteads, cultivation, grazing, and non-timber forest produce. It also emphasizes conservation of forests and biodiversity, balancing community rights with environmental protection.



The central government passed the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. The introduction to the final Act states that this Act is meant to undo the historical injustices meted out to forest dwelling populations in not recognising their rights to land and resources. This Act recognises their right to homestead, cultivable and grazing land and to non-timber forest produce. The Act also points out that the rights of forest dwellers includes conservation of forests and bio-diversity.

Adivasi Demands and the 1989 Act

Adivasi activists use the 1989 Act to defend their rights to traditional lands and oppose forced displacement. The Constitution guarantees tribal land rights and the right to repossess land sold or taken by non-tribals. Activists highlight government failures in protecting these rights and demand compensation and rehabilitation for displaced communities.

Conclusion

Rights, laws, and policies exist on paper but require continuous struggle and effort to be realized in practice. The desire for equality, dignity, and respect has a long history and continues to drive social movements and democratic processes in India.

Solved Examples

Example 1: How do Fundamental Rights help marginalised groups?

Question: Explain how marginalised groups use Fundamental Rights to fight discrimination.

Answer: Marginalised groups invoke Fundamental Rights to highlight injustices and demand government enforcement of laws. For example, Dalits use Article 17 to abolish untouchability and Article 15 to prevent discrimination based on caste. These rights empower them to seek legal protection and social equality.

Example 2: What is the significance of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989?

Question: Describe the purpose of the 1989 Act and its impact.

Answer: The 1989 Act was enacted to prevent and punish crimes against Dalits and Adivasis, including violence, humiliation, and dispossession. It provides legal protection and deterrence against atrocities, helping marginalised groups assert their rights and seek justice.

Practice Set

Easy

- What does Article 17 of the Indian Constitution prohibit?
- Define the term 'marginalisation'.

Moderate

- Explain the role of reservation policy in promoting social justice.
- What are the main provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989?

Challenging

- Discuss the significance of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
- Analyze the challenges faced by manual scavengers despite legal prohibitions.

Answer Key

Easy

- Article 17 prohibits the practice of untouchability.
- Marginalisation is the process by which certain groups are pushed to the edges of society and denied equal rights and opportunities.

Moderate

- The reservation policy reserves seats in education and government jobs for marginalised groups to address historical denial of opportunities and promote equality.
- The 1989 Act lists crimes against Dalits and Adivasis, prescribes punishments, and aims to prevent atrocities and discrimination.

Challenging

- The 2006 Act recognizes forest dwellers' rights to land and resources, correcting historical injustices and promoting conservation and sustainable use.
- Manual scavengers face health hazards, social stigma, and lack of enforcement of laws, making eradication difficult despite legal bans.

Quick Reference

- **Fundamental Rights:** Rights guaranteed by the Constitution to all citizens.
- **Article 17:** Abolition of untouchability.
- **Article 15:** Prohibition of discrimination on grounds of religion, race, caste, sex, or place of birth.
- **Reservation Policy:** Affirmative action for Scheduled Castes, Scheduled Tribes, and backward classes.
- **Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989:** Law to prevent crimes against Dalits and Adivasis.
- **Manual Scavenging:** Hazardous practice of manually cleaning human waste, banned by law.
- **Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006:** Law recognizing forest dwellers' rights.

Glossary

- **Assertive:** Expressing views strongly and confidently.
 - **Confront:** To challenge or face directly.
 - **Dispossessed:** Deprived of ownership or rights.
 - **Ostracise:** To exclude or banish socially.
 - **Morally reprehensible:** An act violating societal norms of decency and dignity.
 - **Policy:** A course of action or guidelines set by an institution or government.
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