

CBSE Notes Class 8 Social Science Civics Chapter 8

Confronting Marginalisation

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See why marginalised groups invoke the Constitution of India in the course of their struggles. How are rights translated into laws to protect groups from continued exploitation and also look at the government's efforts to formulate policies that promote the access of these groups to development?

Invoking Fundamental Rights

The Constitution lays down the principles that make our society and polity democratic, defined in and through the list of Fundamental Rights that are an important part of the Constitution- rights are available to all Indians equally. Marginalised have drawn on these rights in two ways: 1) Insisting on their Fundamental Rights, they have forced the government to recognise the injustice done to them. 2) they have insisted that the government enforce these laws. The struggles of the marginalised influenced the government to frame new laws, in keeping with the spirit of the Fundamental Rights.

Article 17 of the Constitution- untouchability has been abolished – means that no one can prevent Dalits from educating themselves, entering temples, using public facilities and so on-it is wrong to practise untouchability- this practice will not be tolerated by a democratic government-untouchability is a punishable crime now. There are other sections in the Constitution that help to strengthen the argument against untouchability – for example, Article 15 of the Constitution notes -no citizen of India shall be discriminated against on the basis of religion, race, caste, sex or place of birth- used by Dalits to seek equality where it has been denied to them.

1. Dalits can 'invoke' or 'draw on' a Fundamental Right (or Rights) in situations where they feel that they have been treated badly by some individual or community, or even by the government.
2. Draw the attention of the government of India to the Constitution, demand that the government abide by it and do justice to them.
3. Other minority groups have drawn on the Fundamental Rights section of our Constitution- invoke the right to freedom of religion and cultural and educational rights.
4. In the case of cultural and educational rights, distinct cultural and religious groups like the Muslims and Parsis have the right to be the guardians of the content of their culture, as well as the right to make decisions on how best this content is to be preserved.
5. Thus, by granting different forms of cultural rights, the Constitution tries to ensure cultural justice to such groups. The Constitution does this so that the culture of these groups is not dominated nor wiped out by the culture of the majority community.

Laws for the Marginalised

There are specific laws and policies for the marginalised in our country.

Promoting Social Justice

Attempting to implement the Constitution, State and Central Governments provide for free or subsidised hostels for students of Dalit and Adivasi communities so that they can avail of education facilities that may not be available in their localities. The government also operates through laws to ensure that concrete steps are taken to end inequity in the system.

One such law/policy is the reservation policy- significant and highly contentious. The laws which reserve seats in education and government employment for Dalits and Adivasis are based on an important argument- that in a society like ours, where for centuries sections of the population have been denied opportunities to learn and to work in order to develop new skills or vocations, a democratic government needs to step in and assist these sections.

How does the reservation policy work? Governments across India and the Central Government have their own list of Scheduled Castes (or Dalits), Scheduled Tribes and backward and most backward castes. Students applying to educational institutions and those applying for posts in government are expected to provide proof in the form of caste and tribe certificates. If a particular Dalit caste or a certain tribe is on the government list, then a candidate can avail of the benefit of reservation. For admission to colleges, especially to institutes of professional education, governments define a set of 'cut-off' marks. Only the Dalit and tribal candidates who secured marks above the cut-off point can qualify for admission. These students also get special scholarships from the Government.

Protecting the Rights of Dalits and Adivasis

In addition to policies, our country also has specific laws that guard against the discrimination and exploitation of marginalised communities. The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989- in response to demands made by Dalits and other tribal groups that the government must take seriously the ill-treatment and humiliation that they face- treatment acquired a violent character in the late 1970s and 1980s- During this period, in parts of southern India, a number of assertive Dalit groups came into being and asserted their rights – they refused to perform their so-called caste duties and insisted on being treated equally- resulted in the more powerful castes unleashing violence against them- Dalit groups demanded new laws that would list the various sorts of violence against Dalits and prescribe stringent punishment for those who indulge in them.

Meanwhile, the ACT distinguishes several levels of crimes. 1) modes of humiliation both physically horrific and morally reprehensible and seeks to punish those who (i) force a member of a Scheduled Caste or a Tribe to drink or eat any inedible or obnoxious substance; (iii) forcibly remove clothes from the person of a member of a Scheduled Caste or a Scheduled Tribe or parades him or her naked or with painted face or body or commits any similar act that is derogatory to human dignity..

2) actions that dispossess Dalits and Adivasis of their meagre resources or which force them into performing slave labour. Thus, the Act sets out to punish anyone who (iv) wrongfully occupies or cultivates any land owned by, or

allotted to, ... a member of a Scheduled Caste or a Scheduled Tribe or gets the land allotted to him transferred; At another level, the Act recognizes that crimes against Dalit and tribal women are of a specific kind and, therefore, seeks to penalise anyone who (xi) assaults or uses force on any woman belonging to a Scheduled Caste or a Scheduled Tribe with intent to dishonour her ...

Adivasi Demands and the 1989 Act

The 1989 Act is important for another reason – it helped Adivasis to defend their right to occupy land that was traditionally theirs. Adivasis are often unwilling to move and were forcibly displaced from their land. Those who have forcibly encroached upon tribal lands should be punished under this law, as proposed by Activists. They have also pointed to the fact that this Act merely confirms what has already been promised to tribal people in the Constitution – that land belonging to tribal people cannot be sold to or bought by non-tribal people.

In cases where this has happened, the Constitution guarantees the right of tribal people to re-possess their land. Meanwhile, in cases where tribals have already been evicted and cannot go back to their lands, they must be compensated. That is, the government must draw up plans and policies for them to live and work elsewhere.