

CIVICS

Chapter 8: Confronting Marginalisation



Confronting Marginalisation

Invoking Fundamental Rights

The Constitution of India has given fundamental rights to each citizen of the country irrespective of religion, caste, creed, sect and gender. Some of these rights are

- Article 15 of the Constitution lays down that no discrimination can be made among people on the basis of their religion, caste, sect, creed or place of birth. Thus, no one can discriminate against the Dalits in India.
- Article 17 has abolished untouchability in the country. No one can prevent a person of a low caste from using public toilets, wells or washing ghats.
- Our Constitution has provided cultural and educational rights to the people. People belonging to the minority communities such as Muslims, Christians or Parsis may set up educational or cultural institutions of their own whereby they can preserve their own culture.

These rights protect minority communities from the domination of the majority community. The minority communities may use these rights to force the Government to recognise the injustices done to them. These rights can also be used by minority communities to frame laws for their protection.

Laws for the Marginalized

To uphold the spirit of the Constitution, the Central and State Governments have initiated schemes to improve socioeconomic and educational standards of the marginalised communities. These are

- The Government provides subsidised or free accommodation facilities for students of backward castes and tribes in hostels.
- The Government has passed a reservation policy which reserves seats in government educational institutions and government jobs for people belonging to the SCs and the STs. Such students have to furnish proof of their caste or tribal status while applying for jobs in government-controlled institutions.
- While applying for admissions to government colleges, the Government has set 'cut-off' marks for students of backward castes and tribes. Scholarships are also given to such students.

Laws For Marginalised Groups

1. Certain laws and policies are made to protect the interest of the marginalised groups in our country. An account of it is given below—
 - a. The state government and the central government have made different schemes for the Adivasi communities and Dalit populations. For example, the government provides free hostels and education for Dalit and Adivasi students that may not be available in their localities.
 - b. The government made various laws to end inequality among the communities. One such instance is reservation policies that are very significant nowadays.
 - c. Reservation laws are based on education and employment for Adivasis and Dalits to give them equal opportunities to live in society, develop new ideas and skills. The reservation is not only provided to the Dalits and Adivasis but also is applicable for other marginalised communities and economically backward people. For instance, during admission to colleges or other institutes of professional education, the 'cut-off' marks for the marginalised communities are lower and there are some seats reserved exclusively for them. These students also attain special scholarships from the government.

Protecting The Rights of Adivasis And Dalits

Other than policies, our country provides specific laws against the exploitation and discrimination of the marginalised communities.

- Our country has specific laws that guard against the discrimination and exploitation of marginalized communities.
- The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act was framed in 1989 to protect Dalits and Adivasis against the domination and violence of the powerful castes.
- 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.
- In the 1970's and 1980's, Adivasi people successfully organised themselves and demanded equal rights and for their land resources to be returned to them.
- This Act distinguishes several levels of crimes.
- It lists-modes of humiliation that are both physically horrific and morally reprehensible.
- Actions that disposes Dalits and Adivasis of their meagre resources or which force them into performing slave labour.

- Crime against Dalit and tribal women are of a specific kind and therefore seeks to penalise who use force on these women.
- Manual scavenging refers to the practice of removing human and animal water/excreta using brooms, tin plates and baskets from dry latrines and carrying it on the head to the disposal ground some distance away.
- In 1993, the government passed the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act. This law prohibits the employment of manual scavengers as well as the construction of Dry latrines.
- We still notice instances of atrocities against Dalits, minorities and lower section of society. this situation really needs to be taken care of by implementing the laws made by government.
- The recent deaths of sewage workers put a horrific picture in front of administration and make us to think that in this advanced era of technology we have to depend on manual scavenging.

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989

- This Act was formulated in order to push for the equal status of the Dalits and punish those people who ill treated and humiliated them.
- During the 1970s and the 1980s, many Dalit groups began to oppose oppressive rituals and practices and demanded that they be treated equally.
- In response to these demands, the powerful castes began to attack the Dalits. The latter thus demanded new laws which could protect them and inflict severe punishment on those who unleashed violence against them.
- Similarly, the Adivasis demanded equal rights and demanded that their land and resources be returned to them. Because of this demand, they were also threatened by the powerful sections of society.
- Thus, the Scheduled Castes and the Scheduled Tribes Act was passed in 1989. Some features of the Act were

Conclusion

A law or a policy is just done on paper. But people must make an effort to turn these paper works into reality. For this, they should continuously work on these principles that guide citizens' and leaders' actions. The need for equal respect and dignity is for everyone, - the majority classes, the minorities, and the tribal people

Importance of the Act for the Adivasis

This Act was also passed to safeguard the interests of the Adivasis. The Act strengthened the Adivasi belief and the Constitution that Adivasi land belongs to them, and they cannot be evacuated from it forcefully.

It had been pointed out by various activists that State Governments allow Adivasi land to be

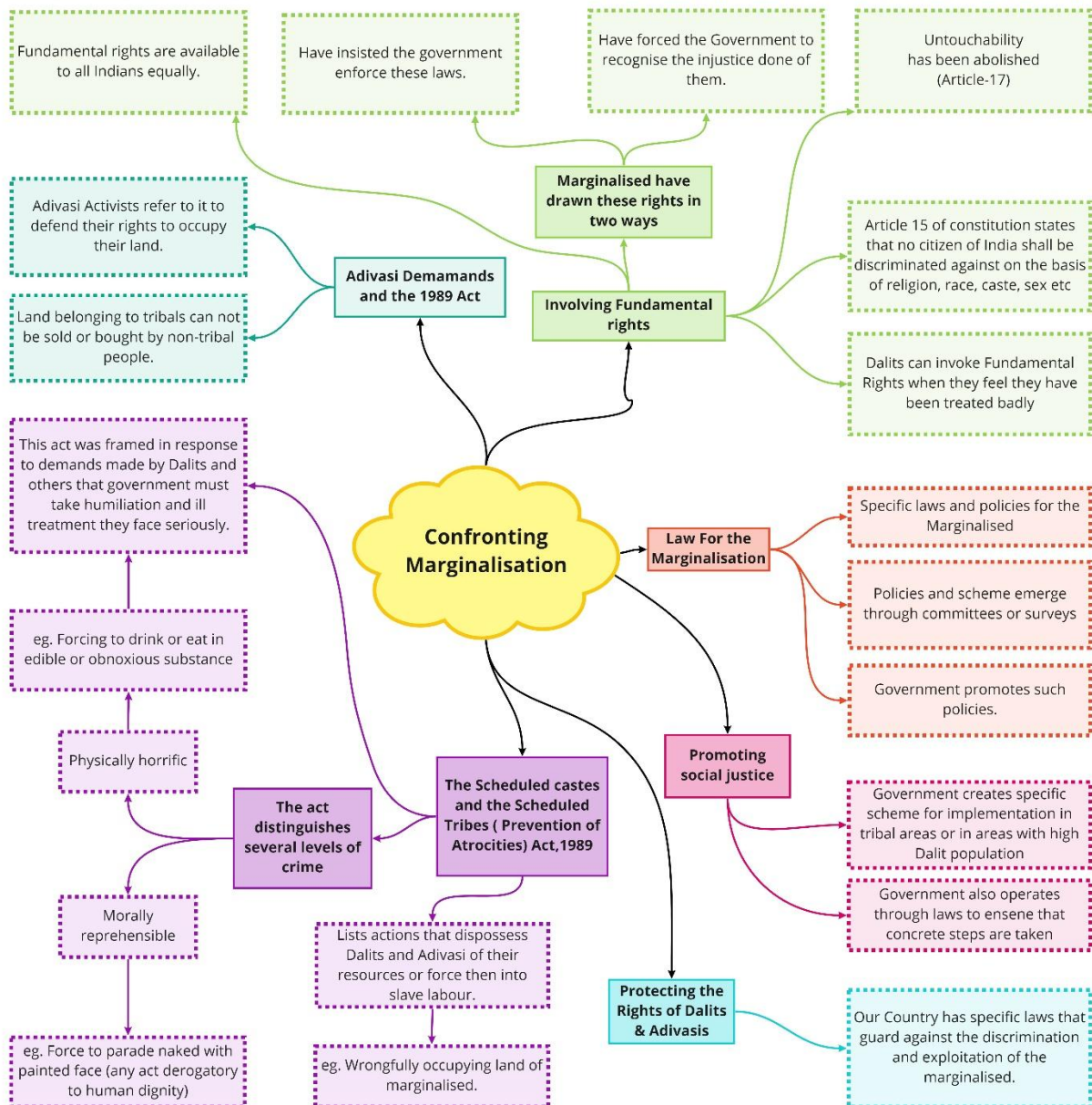
forcefully taken by non-tribal encroachers. The latter not only take their land away but also exploit them and evict them from their homes.

It is important that the Government chalks out plans to provide adequate compensation to the tribals in lieu of their land. Employment opportunities should be provided to them and they should also be rehabilitated.

Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993

- Manual scavenging refers to the practice of removing human or animal wastes by broom or by hands and carrying it on the head to the disposal grounds. A person who does this work is known as a manual scavenger.
- Manual scavengers are exposed to hazardous diseases. They are regularly exposed to infections related to the ears, eyes, skin, and respiratory and gastrointestinal systems. Their wages are extremely low compared to the work they perform.
- The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act was passed in 1993. This law prohibits employment of manual scavengers and the construction of dry latrines.
- A PIL was filed in 2005 stating that despite the Act, manual scavenging still existed, especially in government undertakings such as the railways.

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Important Questions

Multiple Choice Questions-

Question 1. Which term is meant 'broken' and is used deliberately and actively by groups to highlight the centuries of discrimination they have experienced within the caste system?

- (a) Ostracise
- (b) Dalit
- (c) Assertive
- (d) Confront

Question 2. Who, being an Adivasis, activist, has also pointed out that one of the violators of Constitutional rights guaranteed to tribal people are governments in the various States of India?

- (a) C.K. Janu
- (b) Rathnam
- (c) Kabir
- (d) Soyrabai

Question 3. In which year did the government passed the Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act.

- (a) In 1991
- (b) In 1992
- (c) In 1993
- (d) In 1990

Question 4. When was the Act framed in response to demands made by Dalits and others that the government must take seriously the ill treatment and humiliation Dalits and tribal groups face in everyday life?

- (a) In 1989
- (b) In 1970
- (c) In 1980
- (d) In 2003

Question 5. Which article of the Indian Constitution States that untouchability has been abolished.

- (a) Art 18
- (b) Art 19

(c) Art 16

(d) Art 17

Question 6. What do you mean by Ostracise?

(a) Banish Individual or group

(b) Banish Caste

(c) Banish religion

(d) None of these

Question 7. What is meant by the term 'Assertive'?

(a) Those never express themselves

(b) Those oppose every concept

(c) Those express themselves strongly

(d) None of these

Question 8. What was abolished according to Article 17 of the Constitution states?

(a) Trafficking

(b) Beggar

(c) Untouchability

(d) Employment of children below ten years of age.

Question 9. Reservations play an important role in providing social justice to:

(a) Adivasis

(b) Dalits

(c) Muslims

(d) Both a and b

Question 10. What are the names of manual scavengers in different parts of the India?

(a) Bhangis in Gujarat

(b) Pakhis in Andhra Pradesh

(c) Sikkaliars in Tamil Nadu.

(d) All of these

Question 11. According to which Article of the Indian Constitution states the abolished of the Untouchability?

(a) Article 20

(b) Article 25

(c) Article 18

(d) Article 21

Question 12. Who was an Adivasi activist has pointed encroachers of Timber merchants and Paper mill owners?

(a) C K Janu

(b) Chokhamela

(c) kabir

(d) None of these

Question 13. Who was the religious minorities in India?

(a) Sikh

(b) Muslim

(c) Jain

(d) All of these

Question 14. who was the wife of Bhakti poet Chokhamela?

(a) Soyra bai

(b) Chandra

(c) Knata bai

(d) None of these

Question 15. What are the fundamental rights in the constitution that are treated with dignity and equality?

(a) Right to Equality

(b) Right to freedom

(c) Both a and b

(d) None of these

Very Short:

1. Who was Soyrabai?

2. Name two distinct cultural and religious groups in the country.

3. How does our Constitution ensure cultural justice to minority groups?

4. What is government's reservation policy?

5. For admission to colleges, especially to institutes of professional education, governments define a set of 'cut-off' marks. What does this mean?

6. Why is Kabir's poetry sung and appreciated by Dalits and marginalised groups even

today?

7. Who was Rathnam?

8. Which ritual did he refuse to perform?

9. What shocked the powerful castes?

10. Why did Rathnam file a complaint under the Scheduled Tribes (Prevention of Atrocities) Act?

Short Questions:

1. What are the ways in which marginalized communities tried to overcome the discriminations they faced?
2. What did the marginal groups rely on to protect themselves from continued exploitation by other groups?
3. What are the seven rights stated in the Indian constitution?
4. What is 'untouchability', and who were called 'untouchables'?
5. Mention 4 untouchable practices
6. What is the 'Reservation Policy'?
7. What is the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) ?

Long Questions:

1. What does government do to promote social justice among Dalits and Adivasis?
2. How does government's reservation policy work?
3. How did Kabir look at the division in society in India?
4. What happened in parts of southern India into 1970s and 1980s? Or What did Dalit groups do in 1970s and 1980s to assert their rights?
5. Who is C.K. Janu? According to her how do governments violate the rights of tribal people?

Answer Key:

MCQ:

1. (b) Dalit
2. (a) C.K. Janu
3. (c) In 1993
4. (a) In 1989
5. (d) Art 17

6. (a) Banish Individual or group
7. (c) Those express themselves strongly
8. (c) Untouchability
9. (d) Both a and b
- 10.(d) All of these
- 11.(d) Article 21
- 12.(a) C K Janu
- 13.(d) All of these
- 14.(a) Soyra bai
- 15.(c) Both a and b

Very Short Answer:

1. She belonged to the Mahar caste.
2. Muslims and Parsis.
3. Our Constitution ensures cultural justice to minority groups by granting them Cultural and Educational Rights.
4. Government's reservation policy reserves seats in education and government employment for Dalits and Adivasis.
5. This means that not all Dalit and tribal candidates can qualify for admission, but only those who have done well and secured marks above the cut-off point.
6. It is because Kabir's poetry brings out the powerful idea of the equality of all human beings and their labour.
7. Rathnam was a twenty years old engineering student. He belonged to a Dalit Family.
8. He refused the ritual of washing the feet of priests with and then bathing in that water.
9. A Dalit young boy like Rathnam dared to refuse to perform the age-old ritual.
10. He filed a complaint under this Act to protest against the domination and violence of the powerful caste in his village.

Short Answer:

Ans: 1. The marginalized communities tried many ways to overcome the discrimination they faced. They are:

- Religious solace
- Armed struggle
- Self improvement

- Education
- Economic progress.

Ans: 2. Marginal groups relied on the Constitution of India and the Judiciary System to protect them from continued exploitation by other groups.

Ans: 3. The seven fundamental rights are:

1. Right to equality
2. Right to freedom
3. Right against exploitation
4. Right to freedom of religion
5. Cultural and educational rights
6. Right to constitutional remedies
7. Right to Life and personal liberty.

Ans: 4. Untouchability is the individual discrimination against certain classes of persons.

Dalits are sometimes called Untouchables. Untouchables are regarded as 'low caste' and have been marginalized for centuries.

Ans: 5. Some untouchable practices are :-

- (i) Segregation in seating and food arrangements in village functions and festivals
- (ii) Prohibited from entering into village temples
- (iii) Separate burial grounds
- (iv) No access to village's wells and ponds.

Ans: 6. Reservation Policy confirms that a percentage of seats are reserved in the public sector units, union and state civil services, union and state government departments and in all public and private educational institutions, except in the religious/ linguistic minority educational institutions, for the socially and educationally backward classes of citizens or the Scheduled Castes and Tribes who were inadequately represented in these services and institutions.

Ans: 7. The central government passed the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. The Act states that the injustice meted out to the Adivasis must be undone. This Act recognises their right to their homestead, cultivable and grazing land and to non-timber forest produce. It points out that the rights of forest dwellers include conservation of forests and bio-diversity.

Long Answer:

Ans: 1. :(a)Both state and central governments create specific schemes for implementation in tribal areas or in areas that have a high Dalit population. For instance, the government

provides for free or subsidised hostels for students of Dalit and Adivasi communities so that they can avail of education facilities that are not be available in their localities.

(b) Government's reservation policy is a very significant way to promote social justice among Dalits and Adivasis. Under this policy seats are reserved in education and government's employment for them.

Ans: 2. Governments across the country have their own list of Scheduled Castes and Scheduled Tribes and backward and most backward castes. The central government too has its list. Students applying to educational institutions and those applying for posts in government are expected to furnish proof of their caste and tribe certificates. If a particular Dalit caste or a certain tribe is on the government list, then a candidate from that caste or tribe can avail of the benefit of reservation.

Ans: 3. Kabir strongly criticised caste system in his poetry. He attacked those who attempted to define individuals on the basis of their religious and caste identities. In his view every person had the ability to reach the highest level of spiritual salvation and deep knowledge within themselves through their own experience. His poetry brings out the powerful idea of the equality of all human beings and their labour. He writes about valuing the work of the ordinary potter, the weaver and the woman carrying the water pot—labour that in his poetry becomes the basis of understanding the entire universe.

Ans: 4. During 1970s and 1980s, in parts of southern India, several strong Dalit groups came into being and asserted their rights. They refused to perform their so-called caste duties and insisted on being treated equally. They refused to follow practices which were based on humiliation and exploitation of Dalits. The powerful castes reacted violently against them. In order to indicate the government that untouchability was still being practised, Dalit groups demanded new laws that would list the various sorts of violence against Dalits and prescribe strict punishment for those who indulge in them.

Ans: 5. C.K. Janu is an Adivasi activist. According to the real violators of the rights of tribal people are governments in the various states of India. It is they who allow non-tribal encroachers in the form of timber merchants, paper mills etc., to exploit tribal land. They forcibly evict tribal people from their traditional homelands i.e., forests in the process of declaring forests as reserved or as sanctuaries. She has pointed out that in cases where tribals have already been evicted and cannot go back to their lands, they must be compensated.