

## Chapter - 08 Confronting Marginalisation

---

Marginalisation is the process whereby something or someone is pushed to the edge of a group and accorded lesser importance. This is predominantly a social phenomenon by which a minority or sub-group is excluded, and their needs or desires ignored.

### **Invoking Fundamental Rights:**

- Fundamental Rights are the basic rights given to every individual of a nation which every person is entitled to have being a human.
- Fundamental Rights are enshrined in the constitution and has been inspired from American constitution.
- The Fundamental Constitutional Rights are equally available to all Indians including marginalised groups.
- Adivasis, Dalits, Muslims, women and other marginal groups argue that simply by being citizens of a democratic country, they possess equal rights that must be respected.
- Many among them look up to the Constitution to address their concerns.
- By insisting on their Fundamental Rights, they have drawn on these rights in two ways:
  - Forced the government to recognize the injustice done to them.
  - They have insisted that the government should enforce these laws.
- The struggles of the marginalized groups have influenced the government to frame new laws, in keeping with the spirit of the Fundamental Rights.
- Article 17 of the Constitution states that untouchability has been abolished.
- This means that no one can henceforth prevent Dalit from educating themselves, entering temples, using public facilities, etc.
- Article 15 of the Constitution states that no citizen of India shall be discriminated on the basis of religion, race, caste, sex or place of birth. This has been used by Dalits to seek equality where it has been denied to them.
- Various other provisions under constitution prohibit the exploitation faced by marginalised.

- 
- Time to time, the marginalised and minority has raised their voices and asked for equal and just treatment.

### **Laws for the Marginalised Groups:**

- There are specific laws and policies for the marginalized groups in our country.
- The government makes an effort to promote such policies to give opportunities to specific groups.
- The government tries to promote social justice by providing for free or subsidized hostels for the students of Dalit and Adivasi communities.
- The reservation policy is 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 assist these sections.
- Governments across India have their list of Scheduled Castes or Dalits, 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 or tribe status, in the form of caste and tribe certificates.
- Different kind of scholarship programmes are also run by governments.
- Laws related to wages, cultural rights, educational rights, and rights against exploitation have been formed for Marginalised groups.

### **Protecting the Rights of Dalits and Adivasis:**

- 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.

#### **Adivasis Demands and The 1989 Act :**

- The 1989 Act is important because Adivasi refer to it to defend their right to occupy land that was traditionally theirs.
- Adivasis often unwilling to move from their land, are forcibly displaces.
- This act merely confirms that the land belonging to the tribal people cannot be sold to or bought by non-tribal people.
- Adivasis demands for their tribal rights to be preserved and their forest rights to be conserever which they had inherited.
- Adivasis always wanted that their culture and primitive methods of living should not changed and they should have previlage to live their own.
- By formulating Acts Indian government tried to stop exploitation of tribals in the hands of forest official as well.