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# Social Justice

## Short Answers

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# Social Justice

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## Section I: Caste Equation

### 1. Caste System in India

The fight to undo the historic injustice inflicted upon the lower castes in India has continued for centuries. However, post-independence, many steps were taken to address the prevalent discrimination.

- Constitution provides Fundamental rights gives to right to equality, prohibition against discrimination, abolition of untouchability, etc. to individuals, while allowing the state to take affirmative action for social welfare and reform by reservation in govt. jobs and education. DPSP requires states to address the nutrition, health, education and employment concerns.
- Land reforms helped in land redistribution, among the lower castes, thus reducing forced labour and exploitation esp. in Kerala and WB.
- Introduction of Mandal commission recommendations gave the lower castes especially OBCs many education and employment opportunities and a new political assertive identity and many caste groups came to power esp. in North India.
- The Scheduled Castes and Tribes (Prevention of Atrocities) Act, 1989 an Act of the Parliament of India enacted to prevent atrocities against scheduled castes and scheduled tribes.
- Implementation of Panchayati raj system has empowered the lower castes and increased their decision-making power as well as participation in democracy.

Though, a lot of actions have been taken, but cases of discrimination are still reported especially in rural areas. Thus, need of the hour is the strict implementation and awareness as well as education, health and skill development of these lower sections to achieve Gandhi's dream of a casteless society.

**The popular assumption that urban modernity will weaken the power of caste was apparently based on a narrow view of the many functions it serves. Caste continues to be a major social force governing matrimony, socialization of children, social status, and, in many cases, occupation. Critically analyze. (200 Words)**

Modernity has three aspects: Economic, Political and Social. In most developed countries, all these three aspects of modernity developed simultaneously. However, in developing countries, particularly the post-colonial, economic modernity has gained momentum, while political and social modernity still lag behind. India's urban modernity has largely been the economic and technical modernity with big industries, large number of offices, stock markets, huge economic opportunities pulling migrants, big residential areas etc. It has brought together diverse people together in work places, public transport, provided economic opportunities alike etc. However, this co-existence is economically driven. For example, an upper caste person will do business with a lower caste person, but may not dine with him. That is, at social level, the modernity of a similar scale is yet to be achieved. Economic modernity alone cannot end the social backwardness which is so deeply rooted in our culture.

At a personal level, the relationships are still driven by caste concerns. A technically modern person uses his 'Smartphone' to login into matrimonial website to search for a same caste partner. Residential Parks are, at times, restricted to upper caste people. This is particularly true in tenancy when the owner is concerned about the caste of the tenant. The hierarchical nature of caste system is deeply rooted in urban areas as well.

Occupationally, the lower castes and Dalits are associated largely with menial jobs like sweeping and cleaning. Parents fill impressionable minds of children with caste prejudices and restrict their social circle to the same caste. Hence, without social modernity, the so-called urban modernity is skewed and partial. It needs to be complemented by social and political modernity to be truly called Modern. And like in the west, the social modernity has to come from within, rather than being imposed. Liberal Arts and its promotion have to play a major role here.

**Do you think inequality on the basis of caste exists in Indian cities? If yes, with examples critically examine causes and consequences of such inequality. (200 Words)**

The caste system, with its societal stratification and social restrictions, continues to have a major impact in the country. Belying popular perception, caste-based inequality is prevalent in cities too along with villages in India.

The causes for caste -based inequalities in cities are numerous –

- Same caste marriages or endogamy- Despite spread in education and awareness, marriages are still based on caste identities. This perpetuates the caste hierarchies.
- Limited occupational mobility – Caste based occupations are being pursued generations after generations, which does not help in blurring the caste lines.
- Limited social mobility – Ingrained attitude with orthodoxy does not help either. Class mobility (socio-economic status) and social mobility (caste based) do have little synergies and caste identities continue to sway social discourse.
- Concentration of means of production and wealth- It has been observed that the wealth and job creation is still in hands of people from upper/dominant castes.
- Positive discrimination/reservation – This system too has, in some way, strengthened caste system.
- Lack of awareness among lower castes about their rights – little awareness about constitutional safeguards and legal provisions in the lower castes has resulted in the perpetual dis-empowerment of these sections. Because of the same, many adverse consequences (of inequality) are visible in cities –
- Inequality in terms of access to schooling/education and health leads to perpetual poverty and dis-empowerment of the disadvantaged sections.
- Ghettoization /residential segregation especially of SCs/STs results in less social intercourse and thus, weakens social cohesion.
- Unequal access to basic amenities (water, sanitation) gives way to substandard life.
- Unequal income levels and wealth in longer term fuel social tension which if left unchecked, may threaten social and political stability of the country.
- Caste based politics especially in U.P and Bihar is also a consequence.

Thus, we should strive towards unshackling the caste barriers by favorable social, political, legal and economic actions so that we move towards a more inclusive society devoid of social cleavages based on caste and inequalities.

**Do you think rapid urbanization in India is blurring caste and religion distinctions among urban dwellers? Critically examine. (200 Words)**

Urban areas despite contributing for the growth of the country is also bringing a feeling of oneness among the citizens

- The younger generation are more acceptable towards working, studying, playing, cooperating, and employing people from other castes. The growth of services sector which is a social leveler has compelled people to depend on people from different castes and religion for services.
- People travelling in public transport also help in fading away of caste-class lines.
- Further increasing literacy rates also helps in reducing the impact of religion and caste in the unification of society.
- Temples, mosques and church are side by side in urban areas and different religious people live at same place with harmony.
- But, personally, as in terms of marriage or relations, caste plays a predominant role. Inter caste marriages are very rare even among urban societies. Newspaper ads have classifieds segregated on the basis of caste. Inter-religion marriage is even rare.
- In urban cities we could see hostels based on caste and students belonging to that caste have eligibility
- The older generation are still reluctant to cross the caste and religion barrier. We still see apathy towards lower castes. Caste, for the older generation is an important criterion in employing people.

On the whole, it is a mixed picture. Urbanization has not been the social leveler; it was expected to be. Discrimination is widely prevalent. But, education, political empowerment, economic compulsion and

the desire of youngsters to go beyond caste and religion are the factors which will slowly and surely make India equal.

#### **How casteism can be removed?**

- Emotional and intellectual appeal to economic determinism, as was advocated by Karl Marx. Thus, could counter casteism amongst the poor people who live in villages, small towns and have aspirations of economic mobility for their children.
- Awareness about Constitutional values, ethics, ill effects of casteism etc. by debates, nukkad natak, puppetry, etc.
- Promote and incentivize inter caste marriages as is already done for marrying a SC ST woman in some parts of India.
- Evaluate the existing customs, rituals etc. on the touchstone of Human Rights. Here judiciary can play a positive role but with due respect to religious feelings.
- Awareness about steps and ideas already existing like Ambedkar's annihilation of caste, Lohia's Beti and Roti etc. This will also help in shaping mass opinion and
- Implement laws and agreements like ICCPR, Protection of human rights, Prevention of atrocities against SC ST etc. with full letter and spirit.
- Dalit capitalism, check on extra judicial bodies like Khaps etc.
- Economic empowerment of Dalit through education and ownership of land and capital

## **2. Scheduled Castes (SCs)**

Scheduled castes are those castes/races in the country that suffer from extreme social, educational and economic backwardness arising out of age-old practice of untouchability and certain others on account of lack of infrastructure facilities and geographical isolation, and who need special consideration for safeguarding their interests and for their accelerated socio-economic development. These communities were notified as Scheduled Castes as per provisions contained in Clause 1 of Article 341 of the Constitution.

Scheduled castes are sub-communities within the framework of the Hindu caste system who have historically faced deprivation, oppression, and extreme social isolation in India on account of their perceived 'low status'.

Only marginalised Hindu communities can be deemed Scheduled Castes in India, according to The Constitution (Scheduled Castes) Order, 1950.

Those who belonged to one of the four major *varnas* are called *Savarna*. The Hindu four-tier caste system, or *varna* system, forced these communities into work that predominantly involved sanitation, disposal of animal carcasses, cleaning of excreta, and other tasks that involved contact with "unclean" materials. The communities adapted the name Dalit, or Harijan, which meant 'children of god.' The *avarna* communities were also referred to as "Untouchables". They were prohibited from drinking water from shared water sources, living in or using areas frequented by "higher castes," and faced social and economic isolation, often being denied rights and privileges that many born into *savarna* castes consider "fundamental rights".

The 2011 Census places the number of scheduled castes in India at 16.6 percent of the total population, or approximately 166,635,700 people.

The National Crime Records Bureau in its 2017 annual report stated that 40,801 crimes against SC/STs took place in 2016. However, a report in The Wire adds that many crimes, including those where the alleged offender was a public official, would be recorded under "other IPC sections," thus reducing the number of crimes reported under the SC/ST Atrocities Act.

Every 15 minutes a crime is committed against a dalit and approximately 6 dalit women are raped every day. The root cause of all the oppression faced by dalits is the perpetuating caste system. Dalits are murdered, beaten, and shunned from society but little coverage is given by the media. Minimal reportage leads privileged and ignorant people into believing that casteism doesn't exist in India anymore.

### Issues faced by Scheduled Castes

- Crimes against Dalits:
  - National Crime Records Bureau (NCRB) data shows that crimes against Dalits increased from less than 50 (for every million people) in the last decade to 223 in 2015.
  - Among states, Rajasthan has the worst record although Bihar is a regular in the top 5 states by crimes against Dalits.
  - Many social scientists have questioned the belief that economic advancement of Dalits can reduce crimes against them.
  - Most of the crimes committed against dalits go unreported due to fear of reprisal, the intimidation of the police, the inability to pay bribes demanded by police, etc.
  - The report, titled 'Quest for Justice', by the National Dalit Movement for Justice (NDMJ) – National Campaign for Dalit Human Rights, released in 2020, assessed the implementation of the Act as well as the data of crimes against SC and ST people as recorded by the National Crime Records Bureau from 2009 till 2018.
  - Crimes against Dalits increased by 6% from 2009 to 2018 with over 3.91 lakh atrocities being reported, at the same time gaps in implementation of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989 and the 1995 rules framed under it remained.
  - The report said the crime rate against those belonging to Scheduled Tribes recorded a decrease of around 1.6%, with a total of 72,367 crimes being recorded in 2009-2018.
  - The report also flagged the rise in violence against Dalit and Adivasi women.
  - On average 88.5% of cases under PoA Act remain pending trial during 2009 to 2018
- Economic empowerment alone not enough: According to Pratap Bhanu Mehta, Economic advancement alone will not diminish the psychic traumas of caste; it may actually create more conflict. The empowerment of these groups rather than becoming a celebration of justice becomes a sign of fatal concoction of guilt and loss of power.
- Average asset ownership is still the lowest among Dalits.
- Political representation: The representation of Dalits above the mandated quota is abysmal. Data collected by the Trivedi Centre for Political Data, Ashoka University shows that in 63 state assembly elections held since 2004, scheduled-caste candidates found it extremely difficult to get elected from an unreserved seat.
- While some benefits of social programs and government policies designed to increase primary education rates can be noticed, the Dalit literate population still remains much lower than that of the rest of India.
  - There remains still, hostility, oppression and flaws in social programs in Indian society that prevent an increase in education growth.
- Despite efforts to decrease caste discrimination and increase national social programs, the Dalits of India continue to experience low enrolment rates and a lack of access to primary education in comparison to the rest of India.
- Even top officials who are Dalits are insulted and humiliated with caste slurs.
- They are often prevented from entering any place of worship which is open to the public and other persons from the same religion, they are not allowed to be a part of social or cultural processions, including jattras.
- Dalit children are discriminated against when it comes to mid-day meals and getting access to clean toilets.
- The UGC guideline of prevention of discrimination in higher educational institutions came into light after University of Hyderabad student Rohit Vemula's suicide.
- Meanwhile, Dalit women are framed as witches; thereby ensuring that the family is socially ostracized in the village.
- Even public servants who are supposed to protect Dalits sometimes fall prey to caste prejudice and work against their rights.

### Major reasons behind miserable conditions of Scheduled Castes

- **Untouchability:**
  - While modern Indian law has officially abolished the caste hierarchy, untouchability is in many ways still a practice.
  - In most villages in Rajasthan Dalits are not allowed to take water from the public well or to enter the temple.
- **Political:**
  - Dalit movement, like identity movements across the world, has really narrowed its focus to forms of oppressions.
  - Most visible Dalit movements have been around issues like reservations and discrimination in colleges, and these are issues that affect only a small proportion of the Dalit population.
  - Today Dalits are perceived as a threat to the established social, economic and political position of the upper caste. **Crimes are a way to assert the upper caste superiority.**
  - Stasis in farm income over the past few years caused disquiet among predominantly agrarian middle caste groups, who perceive their dominance in the countryside to be weakening.
  - The growing scramble for Dalit votes by different political actors has only added a fresh twist to a conflict that has been simmering for some time.
- **Economic:**
  - Rising living standards of Dalits appears to have led to a backlash from historically privileged communities.
  - In a study by Delhi School of Economics, an increase in the consumption expenditure ratio of SCs/STs to that of upper castes is associated with an increase in crimes committed by the latter against the former
  - Rising income and growing educational achievements may have led many Dalits to challenge caste barriers, causing resentment among upper caste groups, leading to a backlash.
  - There is also a possibility of the rise due to high registration and recognition of such crimes.
  - Half of all atrocities committed against Dalits are related to land disputes.
- **Educational Institutions:**
  - In public schools, Dalits are not allowed to serve meals to superior castes; they often have to sit outside the classroom; and are made to clean the toilets.
  - Even in universities most of the faculty vacancies reserved for them are lying vacant and students are often discriminated.
  - The recent incidents of suicides of Rohith Vemula and Payal Tadvi substantiate the above claims of discrimination against Dalit students.
- **Dalit women:**
  - Girls face violence at a younger age and at a higher rate than women of other castes. According to the National Family Health Survey by the age of 15, 33.2% scheduled caste women experience physical violence. The figure is 19.7% for “other” category women.
  - The violence continues, largely due to a sense of impunity among dominant castes.
  - Dalit women and girls are often the targets of hate crimes. Access to justice has been abysmal, with conviction rates at a measly 16.8 percent. Crimes against Dalits usually see half the conviction rate of the overall rate of conviction of crimes. Experts and activists say that low conviction rates and lack of prosecution of such cases of atrocities are the reasons why crimes against Dalits continue to rise.
- **Political power does not help:**
  - Even when Dalit women acquire political power, as when they are elected as sarpanches, there is often no protection against the social power that sanctions violence and discrimination against them.

- In a village with a Dalit woman sarpanch, a Dalit woman was burned, but no action was taken.
- **Workplace violence:**
  - The risky workplaces compounded with a lack of labour rights protection measures render migrants Dalit women more vulnerable to occupational injury.
  - Further, the emerging problem of sub-contracting short-termed labour makes it more difficult for them to claim compensation when they are injured at work places.
  - Dalit women are most vulnerable to abuse and exploitation by employers, migration agents, corrupt bureaucrats and criminal gangs.
  - The enslavement trafficking also contributes to migration of large proportion of Dalit women.

### **Constitutional mechanism for upliftment of SC**

The deep concern of the framers of the Constitution for the uplift of the Scheduled Castes and Scheduled Tribes and Other Backward Classes is reflected in the elaborate constitutional mechanism set-up for their uplift.

- **Article 17** abolishes Untouchability.
- **Article 46** requires the State ‘to promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and to protect them from social injustice and all forms of exploitation.
- **Article 15(4)** refers to the special provisions for their advancement.
- **Article 16(4A)** speaks of “reservation in matters of promotion to any class or classes of posts in the services under the State in favour of SCs/STs, which are not adequately represented in the services under the State’.
- **Article 243D** provides for reservation for Scheduled Castes and Scheduled Tribes in Panchayats in the same proportion as the population of Scheduled Castes or Scheduled Tribes in the village.
- **Article 243T** promises the same proportionate reservation of seats in Municipalities.
- **Article 330 and Article 332** of the Constitution respectively provide for reservation of seats in favour of the Scheduled Castes and the Scheduled Tribes in the House of the People and in the legislative assemblies of the States. Under Part IX relating to the Panchayats and Part IXA of the Constitution relating to the Municipalities, reservation for Scheduled Castes and Scheduled Tribes in local bodies has been envisaged and provided.
- **Article 335** provides that the claims of the members of the Scheduled Castes and the Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or of a State.
- **Article 338** establishes the **National Commission for the Scheduled Castes**. The Commission’s duty is to monitor the safeguards provided for Scheduled Castes in the Constitution or any other law. Its duties also include investigating complaints and participating in the planning process for the socio-economic development of members of Scheduled Caste communities, while having all the powers of a civil court during the process.
- **Article 340** gives the President the power to appoint a commission to investigate the conditions of backward classes, the difficulties they face, and make recommendations on steps to be taken to improve their condition. This was the article under which the Mandal Commission was formed.

The Constitution of India has prescribed, protection and safeguards for the Scheduled Castes (SCs), Scheduled Tribes (STs) and other weaker sections; either specially or the way of insisting on their general rights as citizens; with the object of promoting their educational and economic interests and removing social disabilities. These social groups have also been provided institutionalized commitments through the statutory body, the National Commission of SCs. **The Ministry of Social Justice & Empowerment is the nodal Ministry** to oversee the interests of the Scheduled Castes.

### **Evaluation of Government Schemes**

It is a matter of disgrace that even after 73 years of Independence, the socio-economic indicators of the Scheduled Castes are miserable. The Government has time and again come up with developmental programmes for welfare of the Scheduled castes, yet the issues pertain. These are due to:

- despite several constitutional provisions, the representation of SCs and STs in government services has not improved substantially during the last seven decades
- Untouchability is practiced in public places like wells, temples, hotels etc. though it is a crime to do so. Yet many times the concerned police officers do not take any action even after complaints have been made.
- It is widely alleged that false criminal cases are filed against SCs and STs, when they lodge complaints about atrocities committed against them. This defeats the very purpose of the POA Act.
- practices like social and economic boycott and social and economic blackmail imposed upon SCs and STs by the upper castes are not listed as crimes of atrocities under Section 3(2) of the POA Act
- Absence of exclusive Special Courts that have an exclusive special public prosecution machinery and a special investigating agency in every district against those who have committed atrocities.
- Land reform programmes have not substantially altered the conditions of SCs and STs in rural areas. In fact, landlessness is increasing at a faster rate among SCs and STs than others, as more and more small and marginal cultivators are becoming landless labourers.
- According to the government guidelines, the proportion of funds allocated under each plan should be equal to the proportion of SC and ST population in each State. In reality this proportionality is hardly maintained.
- In many cases the unspent money lapses back to the government because departments which have the responsibility of spending the funds are unable to promptly finalize the welfare schemes.
- Amongst the poor, SCs and STs are worst affected by the problem of malnutrition. Maternal anemia, children with low-birth-weight related deficiencies are other problems that affect SC/ST communities. As a combined result of social neglect and denial of opportunities, these communities have not been able to realize their potential.
- The talents of children from weaker sections of society waste or wither away due to lack of opportunity.
- the governments have failed to abolish the employment of manual scavengers (safai karamcharis) completely
- A report from The Sunday Guardian states that despite the ban, at least 300 manual scavenging deaths took place just in 2017. In addition to this, a 2015 article in The Hindu states that, as of 3 July 2015, just under 1.8 lakh households in India were still engaged in manual scavenging, despite the act being prohibited.
- Apart from this, it adds that the Ministry of Social Justice and Empowerment, created to address problems of the SC community, has further REDUCED the budget for the rehabilitation of manual scavengers by 95 percent since 2014-15.
- Lastly, members of the public services in general are reluctant to working in fields relating to SCs and STs. It is also felt by some that many public servants are guided by their own biases and prejudices instead of the Constitution's objectives and aspirations. This results in denial of the rights of the SCs and STs

### **Failure of the Indian judiciary to protect the rights of the people**

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act ("Act") was passed by the Parliament of India in September 1989 to prevent the commission of offenses against dalits, protect the rights of other backward castes, and to grant relief to the victims of such derogatory caste-based violence.

However, the Indian Judiciary in one of the recent judgments, **Khuman Singh v. State of Madhya Pradesh** has weakened the current status of the above-mentioned act. Section 3(2)(v) of the act lays down the punishment for the offense committed under the Indian Penal Code against any member belonging to the scheduled caste or scheduled tribe. But the Supreme Court while delivering the judgment said the punishment will only be awarded if the victim belonged to the scheduled caste or scheduled tribe. The Supreme Court has gone beyond its mandate of interpreting the law and stated that a new evidentiary burden of proof lies on the prosecution to prove before the court that the offense was committed only because the victim belonged to scheduled caste. Furthermore, the apex court failed to acknowledge the existing caste-based discrimination and the oppression faced by the lower caste. The court provided the accused a loophole in the commission of such offences on the grounds that the caste prejudice was one of the contributing factors; it was not the only factor that caused such offenses. This may lead to a situation where the culprits who commit such offenses might not be prosecuted and will not be awarded the punishment they deserve.

In another case, **Subhash Mahajan v. State of Maharashtra**, the Supreme Court had diluted the provisions of the said Act relating to immediate arrest on the commission of offenses under the act by providing court-imposed requirements of conducting a preliminary inquiry and obtaining prior approval before an arrest. This judgment has led to widespread protests throughout the country which also highlighted the flaws of the Indian judicial system. Nevertheless, both the judgments have strengthened the way the members of the higher caste enjoy their privilege. It failed to protect the basic legal and fundamental rights of the lower castes.

#### Measures needed for Scheduled Caste

- Attitudinal change need to brought about among the upper caste through the use of local Panchayat level officials who need to disseminate information regarding the rights, legal provisions and ensure community places are open to all.
- Police need to sensitized to take due notice of violation of dalits rights and act stringently rather than turning a blind eye.
- Dalits fear reporting such crimes fearing backlash in the community they live. Such barriers need to be dispelled by strengthening and reaching out to them through institution already in place namely Nation commission for SCs etc.
- Schools, college administration, the staff and students need to be sensitized as attitudinal change can effectively be brought about through education and textbooks
- **Sensible labour laws reforms** to give exit options to Dalits trapped in a system.
- **Integrating social and cultural transformation** with an economic alternative is critical.
- **Huge investments will be needed in upskilling and educating dalits** and government needs to create an abundance of new jobs within the formal sector and lowering barriers to job creation
- Increased availability of stable-wage jobs for women is critical to preventing their socio-economic exploitation
- **Bridging the deep-rooted biases through sustained reconditioning:** It is only possible by promoting the idea of gender equality and uprooting social ideology of male child preferability.
- They should be given decision-making powers and due position in governance. Thus, the Women Reservation Bill should be passed as soon as possible to increase the effective participation of women in the politics of India.
- **Bridging implementation gaps:** Government or community-based bodies must be set up to monitor the programs devised for the welfare of the society.
- Dalit women need group and gender specific policies and programmes to address the issue of multiple deprivations.
- Dalit women require comprehensive policies on health, especially on the maternal and child health
- Make credit available by pooling the women to form **self-help groups**. The example of Kudumbashree model of Kerala can be emulated.

### **Way forward for Scheduled Caste**

- Providing Education and awareness to the scheduled castes to avail the various benefits provided to them.
- Rehabilitation of the workers who are rescued from manual scavenging.
- A mechanism for monitoring the nutritional status of SCs and STs. The proposal requires the district administration to do the monitoring on their own or with the help of voluntary organisations.
- It is necessary to identify and groom talent amongst boys and girls belonging to SC, ST and other BCs and train them in special talent schools. This will enable them to compete with the rest of society in an equal manner.
- Sensitization of the public servants to treat all citizens equally.

### **3. Dalit Women**

Dalit women constitute a vast section of India's population. They have been socially excluded and humiliated for a long period of time. Government through 'Positive interventions', 'affirmative measures' have consistently developed policies for their economic, social and political empowerment. International reports note that discrimination begins early, and is evident in factors such as a mother's access to healthcare and an infant's access to adequate nutrition. This continues into the education system.

Dalit women are often raped or beaten as a reprisal against their male family members or relatives who are thought to have committed some kind of offense or offenses against any members of the upper caste. They are also subjected to violence in police custody so that the police officials could apprehend their family members.

### **Challenges faced by Dalit Women**

- **Failure of policies:**
  - The policies are inadequate to minimize the handicaps and disabilities of the past and in reducing the gaps between them and the rest of the Indian society.
  - Dalit women continue to suffer from a high degree of poverty, gender discrimination, caste discrimination and socioeconomic deprivation.
- **Violence:**
  - Girls face violence at a younger age and at a higher rate than women of other castes. According to the National Family Health Survey by the age of 15, 33.2% scheduled caste women experience physical violence.
  - The figure is 19.7% for "other" category women.
  - The violence continues, largely due to a sense of impunity among dominant castes.
- **Political power does not help:**
  - Even when Dalit women acquire political power, as when they are elected as sarpanches, there is often no protection against the social power that sanctions violence and discrimination against them.
  - In a village with a Dalit woman sarpanch, a Dalit woman was burned, but no action was taken.
- **Attitude of dominant castes:**
  - There is a mind-set among the dominant castes that make them feel that they can do anything they want with dalit girls and that they will get away with it.
  - The discrimination faced by Dalit women at the cost of the Brahmanical obsession with "purity and pollution" has had a detrimental effect on all the dimensions of development.
  - Even today Dalit women along with their families are commonly clustered in segregated hamlets at the edge of a village or mohallas in one corner of the village, devoid of civic amenities, drinking water, health care, education, approach roads etc.
  - In urban areas their homesteads are largely found in slum bases normally located in very unhygienic surrounding.

- The exploitation of them under the name of religious such as “Nude Worship,” practice of devdasi system and such other similar types of practices make them more submissive to violence, and discrimination.
- The UN Special Rapporteur on violence against women has noted that Dalit women face targeted violence, even rape and murder, by the state actors and powerful members of the dominant castes used to inflict political lessons and crush dissent within the community.
- **Cases withdrawn and lack of justice:**
  - Very often cases are withdrawn and witnesses turn hostile because of pressure outside the system without adequate protection given to them.
  - Sanctioned impunity on behalf of offenders is a major issue in India, and the police often deny or purposefully neglect and delay Dalit women’s right to legal aid and justice. There is a consistent pattern of delay in report filing and irregularities regarding criminal procedures, which leads to widespread impunity and creates serious barriers to justice for Dalit women.
- **Workplace violence:**
  - The risky workplaces compounded with a lack of labour rights protection measures render migrants dalit women more vulnerable to occupational injury.
  - Further, the emerging problem of sub-contracting short-termed labour makes it more difficult for them to claim compensation when they are injured at work places.
  - Dalit women are most vulnerable to abuse and exploitation by employers, migration agents, corrupt bureaucrats and criminal gangs.
  - The enslavement trafficking also contributes to migration of large proportion of dalit women.

### **Atrocities against Dalit women**

The horror of the gang rape of a 19-year-old Dalit woman in Hathras in 2020 is still fresh in our minds. Activists, academics and lawyers argued that the sexual violence took place on account of the woman’s gender and caste and that the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (PoA Act) must be invoked. Another case of sexual violence on a blind Dalit woman highlights caste based sexual atrocity.

### **Aspects which have improved so far**

- Majority of educated Dalit women pursuing public sector jobs were only able to access temporary, low paid, work which lacked social security and labour rights.
- Most of them were employed in typically female jobs, with 50% in New Delhi being employed as teachers in government schools, often below their own skill level.
- In the private sector, liberalization did result in **increased employment for educated Dalit women**. These women, over 70% of whom were between 20-30 years, and 80% of whom were single, had accessed education through the reservation policies.
- They were **improving their technical and computer skills** to meet the needs of the business that had started, especially in the growing services sector, and working for sub-contractors of larger companies.
- Some of the Dalit women employees did **gain some respect** from their families and communities, even if patriarchal norms continued their subordination to male authority within the household.

### **Measures needed for Dalit Women**

- **Sensible labour laws reforms** to give exit options to Dalit women trapped in a system. Integrating social and cultural transformation with an economic alternative is critical.
- **Huge investments** will be needed in up skilling and educating women and government needs to create an abundance of new jobs within the formal sector and lowering barriers to job creation.
- **Increased availability of stable-wage jobs** for women is critical to preventing their socio-economic exploitation.

- With **bridging the deep-rooted biases** through sustained reconditioning: -It is only possible by promoting the idea of gender equality and uprooting social ideology of male child preferability.
- They should be **given decision-making powers** and due position in governance.
- Thus, the **Women Reservation Bill** should be passed as soon as possible to increase the effective participation of women in the politics of India.
- **Bridging implementation gaps:**
  - Government or community-based bodies must be set up to monitor the programs devised for the welfare of the society.
  - Dalit women need group and gender specific policies and programmes to address the issue of multiple deprivations.
  - Dalit women require comprehensive policies on health, especially on the maternal and child health
  - Make credit available by pooling the women to form self-help groups. The example of Kudumbashree model of Kerala can be emulated.

#### **Way forward for Dalit Women**

- It matters, even if life imprisonment was given in this case, because the repeated setting aside of convictions under the PoA Act bolsters the allegations that the law is misused and amounts to the erasure of caste-based violence faced by women.
- Further, as stated in the recent Parliamentary Standing Committee Report on Atrocities and Crimes against Women and Children, the “high acquittal rate motivates and boosts the confidence of dominant and powerful communities for continued perpetration”.
- This judgment was a missed opportunity for the court to use intersectionality to uphold the conviction under the PoA Act or refer the matter to a larger bench if needed.
- We need to stop hiding behind smokescreens of hyper-technicality of evidence and recognize caste-based violence against women when it stares us in the face.
- Else, our caste discrimination laws will be rendered toothless.
- If intersectionality theory mattered in this case, it should have influenced an interpretation of the PoA Act that reflects the lived experiences of women facing sexual violence.

Dalit women in India are situated at a very crucial juncture right now where they have to cross three thresholds simultaneously: class, class and patriarchy. These are the three hierarchical axes of social structure which are crucial to the understanding of gender relations and the oppression of Dalit women.

#### **4. Challenges met by Backward Castes**

According to the view of many historians and social scientists, the Backward castes experience the following disadvantages:

- Restriction or denial of access to public facilities such as wells, roads, post offices, and courts.
- Restriction or denial of access to temples because their presence might pollute the deity and higher caste worshippers.
- They are excluded from honorable and profitable employment and relegation to dirty and menial occupations (like manual scavenging).
- Denial of access to services such as those provided by barbers, laundrymen, restaurants, shops and theatres or requiring the use of separate utensils and facilities within such places.
- Restrictions on lifestyle like the use of goods indicating comfort or luxury (footwear, gold and silver ornaments, the use of palanquins to carry bridegrooms).
- Requirements of difference in forms of address, language, sitting and standing in the presence of higher castes.
- Restrictions on movement: SCs might not be allowed on roads and streets within a prescribed distance of houses or persons of higher castes.
- More vulnerable to bonded labour.

### **Data on Discrimination of Backward castes:**

- According to NCRB's (National Crime Records Bureau) report 2019, the violence against SC/STs is on the rise.
  - a) Crime against SCs increased by over 7% and crimes against STs increased by 26% in the year 2019 when compared to 2018.
  - b) Uttar Pradesh has recorded the highest number of crimes against SCs in 2019, followed by Rajasthan and Bihar.
  - c) Madhya Pradesh has recorded the highest number of cases against STs, followed by Rajasthan and Odisha.
- As many as 422,799 crimes against Dalits or scheduled castes (SCs) and 81,332 crimes against Adivasis (STs) were reported between 2006 and 2016.
- A crime is committed against a Dalit every 15 minutes. Six Dalit women are raped every day. (NCRB report)
- Between 2007 and 2017, there has been a 66% growth in crime against Dalits.

Some **measures that can be taken to eliminate** caste discrimination are listed below.

- Equal access to education in rural areas where the majority of the Indian population resides.
- Better access to skilled jobs with adequate training
- Provide housing facilities since many of them live in slum areas with limited access to electricity, water, sanitation facilities.
- Completely eliminate jobs like manual scavenging
- Create more awareness of discrimination using mass media.

### **Manual Scavenging**

To stop manual scavenging, the Government of India has implemented Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013. Various United Nations Organizations UNICEF, ILO, UNDP are working with various stakeholders to end manual scavenging and rehabilitate communities with access to decent employment.

In December 2015, the Indian Parliament passed the Scheduled Castes and the Scheduled Tribes Prevention of Atrocities Amendment Act, 2015. This act aims to prohibit and punish offences committed against members of SC and ST. It gives provision for the establishment of special courts to conduct trials of such offences and rehabilitation of victims.

Constitution of India – Articles for Upliftment of SC/ST

- i. Article 17 – Abolishes Untouchability
- ii. Article 46 – As per this article, states will have to promote and protect the educational and economic interests of scheduled castes and scheduled tribes
- iii. Article 16 (4A) – In services coming under the states, they have to provide reservation to Scheduled Castes or Scheduled Tribes in matters of promotion.
- iv. Article 330 and 332 – Provision for reservation of seats for scheduled castes and scheduled tribes in the Parliament, legislative assemblies of states, municipalities, Panchayats.
- v. Article 338 – Gives provision for the establishment of National Commission to safeguard the interests of Scheduled Castes and Scheduled Tribes

Efforts of State

- a. Political representation of Backward castes in assemblies of states and in the parliament.
- b. Education; development initiatives such as scholarships, hostels for boys and girls, financial assistance to pursue professional courses at elite institutions.
- c. Prevention of untouchability and atrocities against Dalits through Protection of civil rights act, 1974 and the SC/ST Prevention of atrocities act 1989.
- d. Pradhan Mantri Adarsh Gram Yojana aims at integrated development of SC majority villages.
- e. Stand up India scheme facilitates bank loans to SC/ST and women entrepreneurs.
- f. 102nd CAA provided constitutional status to National Commission for Backward Classes.

## **5. Scheduled Tribes (STs)**

The **National Commission for Scheduled Tribes** explains a scheduled tribe is one with **Primitiveness, geographical isolation, shyness and social, educational & economic**

**backwardness** due to these reasons are the traits that distinguish Scheduled Tribe communities of our country from other communities. Like the definition for Scheduled Castes, which was carried over from British-era legislation, the definition for “Scheduled Tribes” has been retained from the 1931 Census.

Tribal people constitute **8.6% of the nation’s total population, over 104 million people according to the 2011 census**. The forest occupiers a central position in tribal culture and economy. The tribal way of life is very much dictated by the forest right from birth to death. Despite protection given to the tribal population by the constitution of India, tribals still remain the most backward ethnic group in India. Globalization has various dimensions which sometimes affect tribal communities positively and sometimes negatively.

There are **over 700 Scheduled Tribes in India** according to The National Commission for Scheduled Tribes. While often clubbed under the same umbrella by the ill-informed, Scheduled Castes and Scheduled Tribes are quite different. True, both groups have faced, and continue to face, severe oppression and marginalization before and in Independent India, but where Scheduled Castes face social, educational, and economic isolation, Scheduled Tribes are classified as marginalized communities on the basis of geographical isolation.

#### **Definition of Scheduled tribe**

- As per Census-1931, Schedule tribes are termed as “backward tribes” living in the “Excluded” and “Partially Excluded” areas. The Government of India Act of 1935 called for the first time for representatives of “backward tribes” in provincial assemblies.
- The Constitution does **not define** the criteria for recognition of Scheduled Tribes and hence the definition contained in 1931 Census was used in initial years after independence.
- However, **Article 366(25)** of the Constitution only provides process to define Scheduled Tribes: “Scheduled Tribes means such tribes or tribal communities or parts of or groups within such tribes or tribal communities as are deemed under Article 342 to be Scheduled Tribes for the purposes of this Constitution.”
  - **342(1)**: The President may with respect to any State or Union Territory, and where it is a State, after consultation with the Governor, by a public notification, specify the tribes or tribal communities or part of or groups within tribes or tribal communities as Scheduled Tribe in relation to that State or Union Territory.

#### **Tribal women**

Tribals or adivasis, as they are popularly known as a symbol of self-assertion, comprise of around 8.2 per cent of the national population. The tribals are concentrated mostly in the central belt of India and parts of the North-East. The status of women in the tribal societies is comparatively better than that of the women in general society—apparently so. The sex ratio of the tribes in India during 1991 showed 971 females per 1000 males while it was 927 females among the general population.

#### **Conditions of Tribal women in India**

- The tribal women, constitute like any other social group, about half of the total population. The tribal women, as women in all social groups, are more illiterate than men.
- Role of women is not only of importance in economic activities, but her role in non-economic activities is equally important. The tribal women work very hard, in some cases even more than the men.
- Mitra and Singh write that discrimination against women, occupational differentiation, and emphasis on status and hierarchical social ordering that characterise the predominant Hindu culture are generally absent among the tribal groups.
- Bhasin (2007) also writes that though tribes too have son preference, they do not discriminate against girls by female infanticide or sex determination tests.
- The status of tribal women can be judged mainly by the roles they play in society. Their roles are determined to a large extent through the system of descent.
- Most of the tribes in India follow a patrilineal system. There are exceptional cases like the Khasi, Jaintia, Garo and Lalung of Meghalaya in the North-East who follow the matrilineal system. The Mappilas of Kerala too are a matrilineal community.

- Since women in the tribal communities' toil hard, they are considered to be assets. Not surprisingly, the practice of bride price during marriages is quite common among them.
- The tribal women in the North-East were famous for their weaving skills. Almost every tribal girl used to learn weaving at home. They usually used to weave in their leisure time and for self-consumption.
- Tribal women as such enjoy very little control over immovable property. They hardly ever inherit land, particularly in the patrilineal societies.

#### **Problems faced by tribal women**

- Despite several economic, political and social changes, women, are still far behind.
- Primitive Economy results in overburdening of women. They are exposed to wild animals, poisonous vegetation as a cost of survival (women are known to actively participate in economy)
- Cultural Practices – Numerous practices like genital mutilation are disastrous to the physical and mental health of women.
- Health: Malnutrition, anaemia, lack of access to healthcare & proper medicines, lack of literacy & education opportunities, low empowerment & sense of independence
- Sexual Exploitation – A number of complaints regarding officials committing sexual offences have come to light. (especially Naxalite area)
- Isolation – Prevents women to take up education or benefit from government policies like maternity benefit, reservation etc.
- Financial exploitation by money lenders.
- Male migration leading to feminization of agriculture and poverty.
- Tribal migrant women face issues of low wages, bad work conditions, malnutrition, unhygienic sanitation, cramped housing.

#### **Government measures for tribal women**

- Reservation of seats and relaxation in marks in admission to educational institutions, scholarships,
- Van Bandhu Kalyan Yojana-with special focus on o the qualitative and sustainable employment for tribal families, improving the quality of education and health and improving the quality of life in tribal areas.
- Single Window System for Obtaining Market Information on Minor Forest Produces,
- Setting up of Eklavya Model Residential Schools, & Tribal Research Institutes, which undertake intensive studies of tribal arts, culture and customs.
- Access to marketing, ex: women's part time job is to collect minor forest product like honey, resins, herbs etc. has brought income security among many tribal
- Tribal women of North East are self-employed, border e-Haat has added colour to their life.
- PESA extended to tribal areas are testimonial for the success of democratic decentralization besides 33% reservation.
- Infrastructure facilities like providing toilets under SBM. Etc.
- Stand Up India Mission which is dedicated to SCs/STs and Women would fetch good opportunities.
- Democratic Decentralization in Tribal areas would ensure their participation at the political level.

Integration of tribals into mainstream economy is important for inclusive development. A women centric approach can help achieve this goal. Hence, problems of tribal women should be taken into consideration when undertaking planning.

#### **Various problems of tribal communities in India**

- **Resource exploitation:**
  - The policy of liberalization and the new state perceptions of utilization of resources are diametrically opposed to the adivasi worldview of resource exploitation and this divide has only widened further with the intrusion of globalization's market-oriented philosophy of development.

- The recent rapid technological advancement and unrivalled economic and political strength of world capitalism have created favourable conditions for the evasion and extraction of natural resources from the ecologically fragile territories of tribal people.
- All available laws those relating to lands, forests, minor forest produce, water resources, etc. restrain people from using forests.
- Primary resources such as fuel, fodder and minor forest produce which were available free to villagers are today either non-existent or have to be brought commercially.
- For the Tribals, globalization is associated with rising prices, loss of job security and lack of health care.
- **Displacement:**
  - Since the emergence of liberalization, privatization and globalization (LPG), the areas inhabited by tribal population have been subject to various protests due to involuntary displacement.
  - Thus, forced evictions of tribals make way for mammoth capital-intensive development projects have become a distressing routine and ever-increasing phenomenon.
- **Gaps in Rehabilitation:**
  - There are gaps in the rehabilitation of the tribal community members displaced by development projects.
  - **Only 21 lakh tribal community** members have been rehabilitated so far of the estimated 85 lakh persons displaced due to development projects and natural calamities.
- **Varied Problems across communities:**
  - **Health:** For instance, recently seven adults of the **Kharia Savar community** died within a span of just two weeks. Their lifespan is approximately 26 years less than the average Indian's life expectancy.
    - Nearly 10% in West Godavari District are affected by Sickle Cell Anaemia.
  - **Alienation:** The problems in Red Corridor areas (especially Jharkhand, Odisha, and Madhya Pradesh) is governance deficit and unfinished land reforms that has deprived the wellbeing of tribes.
  - There is widespread infighting amongst tribes of North-East for natural resources and also of territorial supremacy.
- **Vested interests:**
  - In the name of upgradation of lifestyle of poor indigenous tribal people, the market forces have created wealth for their interests at the cost of livelihood and security of these tribes in the areas.
- **Unemployment:**
  - There is a heavy concentration of industrial and mining activities in the central belt. Despite intense industrial activity in the central Indian tribal belt, the tribal employment in modern enterprises is negligible.
  - Apart from the provisions of Apprenticeship Act, there is no stipulation for private or joint sector enterprises to recruit certain percentage of dispossessed tribal workforce.
  - They are forced onto the ever-expanding low paid, insecure, transient and destitute labour market.
  - About 40 per cent of the tribals of central India supplement their income by participating in this distorted and over exploitative capitalist sector.
- **Affecting social life:**
  - Many more are slowly crushed into oblivion in their homeland or in urban slums. Their economic and cultural survival is at stake.
  - The globalization behemoth has added new dimensions to the vulnerability of India's downtrodden by exacerbating their social exclusion, and making large segments of tribal groups also vulnerable and excluded.

- **Leading to subnational movements:**
  - Inadequate social and economic infrastructure in areas that have insufficient resources for participation in mainstream development also has been at the root of various “sub-national movements” such as the Jharkhand, Uttarakhand and Bodoland.
- **Tribal women:**
  - Tribal forest economy is primarily a women’s economy, and it is women who are most directly affected by the corporate exploitation of their traditional lands.
  - In poverty stricken tribal areas large scale migration has revealed the increasing movement of young women towards urban centres in search of work.
  - Their living conditions are unhygienic, the salary is poor and tribal women are vulnerable to exploitation by unscrupulous agents.
  - There is a large number of anemic women amongst the tribes. There is a shortfall of 6,796 sub-centres, 1,267 primary health centres (PHCs) and 309 community health centres (CHCs) in the tribal areas at an all-India level as on March 31, 2015.
  - They have become the prime targets of sexual violation by managers, supervisors and even fellow male workers in the plantation industrial sectors.
- **Informal jobs:**
  - Construction sites, such as mines and quarries, and industrial complexes spelt doom for the local adivasi communities with the influx of immigrant labourers.
- **Cultural Defacement:**
  - Tribals are being forcefully integrated in to the society leading to them losing their unique cultural features and their habitat threatened.
- **Isolated Tribes** such as **Sentinelese** as still hostile to outsiders. The government must enforce “eyes on hands off” policy in these cases.
  - The **Jarawa community** is facing acute population decline due to entry of outsiders into the area (**The Andaman Trunk Road**, among other projects, has cut into the heart of the Jarawa reserve).
- **Denotified, semi-nomadic and nomadic tribes** are yet to be included as Scheduled Tribes.
  - Their traditional occupations (snake charming, street acrobatics with animals) are now illegal and alternative livelihood options are not provided.
- Certain tribes have been characterised as **Particularly Vulnerable Tribal Groups (PVTGs)** (earlier known as Primitive Tribal Groups) on the basis of their greater ‘vulnerability’ even among the tribal groups. There are 75 such tribes in India.

## Constitutional Safeguards for STs

### Educational & Cultural Safeguards

- **15(4):-**Special provisions for advancement of other backward classes(*which includes STs*);
- **29:-** Protection of Interests of Minorities (*which cludes STs*);
- **46:-** The State shall promote, with special care, the educational and economic interests of the weaker sections of the people, and in particular, of the Scheduled Castes, and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation,
- **350:-**Right to conserve distinct Language, Script or Culture;
- **350:-** Instruction in Mother Tongue.

### Social Safeguard

- **23:-** Prohibition of traffic in human beings and beggar and other similar form of forced labour;
- **24:-** Forbidding Child Labour.

### Economic Safeguards

- **244:-**Clause(1) Provisions of Fifth Schedule shall apply to the administration & control of the Scheduled Areas and Scheduled Tribes in any State other than the states of Assam, Meghalaya, Mizoram and Tripura which are covered under Sixth Schedule, under Clause (2) of this Article.

- **275:-**Grants in-Aid to specified States (STs&SAs) covered under Fifth and Sixth Schedules of the Constitution.

#### **Political Safeguards**

- **164(1):-** Provides for Tribal Affairs Ministers in Bihar, MP and Orissa;
- **330:-**Reservation of seats for STs in Lok Sabha;
- **337-** Reservation of seats for STs in State Legislatures;
- **334:-**10 years period for reservation (*Amended several times to extend the period.*);
- **243:-**Reservation of seats in Panchayats.
- **371:-**Special provisions in respect of NE States and Sikkim

#### **Service Safeguards**

- (Under Art.16(4),16(4A),16(B) Art.335, and Art. 320(4)
  - **Article 338A**directs the state to create a National Commission for Scheduled Tribes, to oversee the implementation of the provisions and safeguards of the rights of Scheduled Tribes in India.

#### **The Fifth Schedule of the Constitution**

It outlines the provisions for administration of Scheduled areas. It assures the establishment of Tribes Advisory Councils, with three-fourths representation from the tribes in the area, in states with Scheduled Tribes but without Scheduled Areas. The council's duties include to advice on matters of welfare and advancement of the tribes.

#### **The Sixth Schedule of the Constitution**

Article 244 in Part X of the Constitution envisages a special system of administration for certain areas designated as 'scheduled areas' and 'tribal areas'. The Sixth Schedule of the Constitution, deals with the administration of the tribal areas in the four north-eastern states of **Assam, Meghalaya, Tripura and Mizoram**.

### **6. Particularly Vulnerable Tribal Groups**

The **Particularly Vulnerable Tribal Groups** (PVTGs) are the marginalized section of the Scheduled tribes of India. They are sections who are relatively isolated, educationally and socio-economically backward, living in a habitat far away from amenities. PVTG is **not a Constitutional category, nor are these constitutionally recognized communities**. It is a government of India classification created with the purpose of enabling improvement in the conditions of certain communities with particularly low development. As per **Census 2011**, there are a **total of 75 PVTGs out of 705 Scheduled Tribes**, spread over 17 states and one Union Territory (UT).

Criteria for PVTGs

During the **Fourth Five Year Plan**, a sub-category was created within Scheduled Tribes to identify the most vulnerable groups which were considered to be at the lowest levels of development. Consequently, on the basis of the **Dhebar Commission report**, a **criterion for identifying Particularly Vulnerable Tribal Groups** was established as:

- **Pre-agricultural level of technology,**
- **Low level of literacy,**
- **Economic backwardness,**
- **A declining or stagnant population.**

Challenges faced by PVTGs

- **Incoherency in identification:**
  - The process of identification of PVTG adopted by the states differ in its methods.
  - The spirit of the direction made by MoTA was loosely considered as a result there has been no uniform principle adopted in identifying the PVTGs.
- **Outdated List:**
  - The **Anthropological Survey of India** observes that the list of PVTG is **overlapping and repetitive**.
  - For example, the list contains synonyms of the same group such as the Mankidia and the Birhor in Odisha, both of which refer to the same group.
- **Lack of baseline surveys:**

- Base line surveys are done to precisely identify the PVTG families, their habitat and socio-economic status, so that development initiatives are implemented for these communities, based on the facts and figures
- The Anthropological Survey of India observed 75 PVTGs, **base line surveys exists for about 40 groups**, even after declaring them as PVTGs.
- **Lack of baseline surveys** hinder effective implementation of welfare schemes
- **Unequal Benefits from welfare schemes:**
  - In some cases, a PVTG receives benefits only in a few blocks in a district, while the same group is deprived in adjacent blocks.
  - For example, the Lanjia Saora are recognized as a PVTG across Odisha but the micro-projects are established only in two blocks. The rest of the Lanjia Saora are treated among the Scheduled Tribes (STs) and do not receive benefit from these projects.
- **Impact of developmental projects:**
  - In 2002, a Standing Committee formed by the MoTA to review the 'Development of Primitive Tribal Groups,' shared that the tribal people, especially PVTGs, are worst affected by developmental projects like dams, industries and mines.
- **Denial of land rights:**
  - PVTGs have faced systematic alienation from their resources due to **conservation purposes—declaration of Reserved Forests and Protected Forests**.
  - For example: In 2009, 245 Baiga families were forced out from the Achanakmar Tiger Reserve, when it was notified so under the Project Tiger
  - Further, despite Forest Rights Act (2006) in place, **habitat rights of PVTGs are still being forfeited in many instances**.
  - For Example: Mankidia community of Odisha are denied habitat rights in Similipal Tiger Reserve (STR) by state's forest department
- **Livelihood issues:**
  - Due to shrinking forests, environmental changes and forest conservation policies, their Non-Timber Forest Produce (NTFP) collection is affected.
  - They **lack awareness about market value of NTFP** and are exploited by middle men.
- **Health Issues:**
  - PVTGs suffer from many health problems like anaemia, malaria; gastro-intestinal disorders; micro nutrient deficiency and skin diseases due to poverty, lack of safe drinking water, bad sanitation, lack of health services, superstition and deforestation
  - Uncontacted tribal group such as the Sentinelese tribe of Andaman are also at the very high risk of contracting diseases in case of contact with outsiders
- **Illiteracy:**
  - Though literacy rate among many PVTGs have increased over the past years, it still remains low at 30-40%. Further, poor female literacy is a major concern
- **Vulnerabilities of tribes in Andaman and Nicobar:**
  - The fragile tribal communities have been facing expropriation of their ecosystem by outsiders.
  - The outside influences are impacting their land use patterns, use of the sea, overall biodiversity leading to material and non-material changes.
  - Although India's Supreme Court in 2002 ordered that the Andaman Trunk Road (ATR) through the Jarawa's reserve should be closed, it remains open – and tourists use it for 'human safaris' to the Jarawa.

#### Way forward for PVTGs

- Along with the Census, a proper survey should be conducted to comprehensively capture the data on PVTGs- population enumeration, health status, nutritional level, education, vulnerabilities etc. This would help implement welfare measures better

- Of the 75 PVTGs, those groups whose population is declining should be clearly identified and survival strategy should be devised
- PVTGs threatened with relocation of wildlife areas or development projects should be identified and actionable strategies should be devised to prevent the same
- It is important to recognize the innate connection between PVTGs and their lands and habitats. Therefore, a rights-based approach for development of PVTGs should be adopted
- Effective, preventive and curative health systems should be developed to address the health issues plaguing PVTGs
- A massive exercise in creating awareness about PVTG Rights, amongst communities, officials and civil society groups, is needed. It is important to respect their culture, traditions, beliefs and sustainable livelihoods.
- The government needs to revamp its priorities towards protecting the indigenous tribes of A&N islands from outside influence. India needs to sign the 1989 convention of the ILO, and implement its various policies to protect the rights of the indigenous population.
- The govt. should also make efforts to sensitize settlers and outsiders about PVTGs of Andaman and Nicobar Islands. The principles of **Tribal Panchsheel** must be followed while working for the welfare of PVTGs and they must be allowed to catch up with the mainstream at their own pace. An **enabling environment** must be created in which communities are empowered to make their own life and livelihood choices and choose their path of development.

## 7. Caste, Religion and Ethnicity in Indian Politics

India is pigeonholed by more ethnic and religious groups as compared to other countries of the world. Many intellectuals viewed that India is a captivating country where people of many different communities and religions live together in harmony. Indian Population is polygenetic and is an astonishing merger of various races and cultures. Besides, numerous castes, there are eight "major" religions, 15-odd languages spoken in various dialects and a substantial number of tribes and sects. Politics is the science of government and that part of ethics which has to do with the regulation and government of a nation or state, the preservation of its safety, peace, and prosperity, the defense of its existence and rights against foreign control or conquest, the augmentation of its strength and resources, and the protection of its citizens in their rights, with the preservation and improvement of their morals.

Politics as a notion generally applied to the art or science of running governmental or state affairs, including behavior within civil governments, but also applies to institutions, fields, and special interest groups such as the corporate, academic, and religious segments of society. It consists of "social relations involving authority or power" and to the methods and tactics used to formulate and apply policy. Modern political discourse focuses on democracy and the relationship between people and politics. It is thought of as the way people choose government officials and make decisions about public policy.

All over the world, the political processes have ascended out of social environment. Tribes, clans, castes, classes have existed around a social organization. Economy, polity, religion, family and kinship networks have operated under a social structure. Famous philosopher asserted that man is a political animal. He had in mind the social element. When elaborating the Indian society, it is multi-ethnic as well as multi-religious. Indian religions are pantheistic in which the nature is visualized as a manifestation of theology. There is an immense significance of Politics in India such as to run the country more efficiently, to manage the country with good rules and norms, to look in the internal affairs about the development of the country, to represent the country to the outside world, to issue different policies for the country.

### Caste:

In contemporary Indian scenario, caste mobilisation has become an important factor in determining Indian politics. According to Risley Caste, is a collection of families bearing a common name, claiming a common descent from a mythical ancestor, divine or human and professing to follow same hereditary calling and regarded by those who are competent to give an opinion as forming a single homogenous community. It is described caste as localized group having a traditional association based on one's birth in a caste, though at times associated with particular occupation (N.D. Arora,

2010). Caste, through a joint effort of its members to assert themselves, has presently intervened in both politics and administration mainly through franchise and institutions like Panchayati Raj. Whether it is the factionalism of Indian political parties or the nomination of candidates and the mode of election campaign, most things can be explained through caste interests and caste balance.

Ideally, caste and democratic political system signify opposite value systems. Caste is hierarchical. Status of an individual in caste-oriented social system is determined by birth. It has religious sanction by various holy texts, reinforced by priests and rituals. Conventionally, upper castes had been given certain privileges not only in religious area but also in economic, education and political spheres. Customary laws differentiate individual by birth and sex. That is, certain rules are austere to women and Shudras and soft to males and Brahmins. Conversely, democratic political system backs freedom to an individual and equality of status. It stands for rule of Law. No one regardless of status is above law. Indian democratic system under the Constitution stands for liberty, equality and fraternity among all citizens. It struggles to build egalitarian social order. There are three consequences of such interaction between caste associations and political parties. One, caste members particularly poor and marginalized who were previously remained untouched by the political processes got politicized and began to participate in electoral politics with an expectation that their interests would be served. Secondly, caste members get split among various political parties weakening hold of the caste. Lastly, numerically large castes get representation in decision-making bodies and strength of the traditionally dominant castes get weaken. This explains the rise of middle and backward caste representations in most of the state assemblies.

The link between caste and politics has been analyzed at two levels:

- I. How caste affects politics.
- II. How politics affects caste.

The interest and mindfulness of various castes in politics may be studied in terms of four factors: interest of castes in politics, political knowledge and political awareness of castes, identification of castes with political parties, and influence of castes on political affairs. Rajni Kothari (1970) scrutinized the relationship between caste and politics through evaluating the issue as to what happens to political system because of the vote of castes. He found that three factors such as education, government patronage, and slowly expanding franchise have entered the caste system because of which caste system has come to affect democratic politics in the country. Economic opportunity, administrative patronage, and positions of power offered by the new institutions and the new leadership drew castes into politics. This involvement (of castes in politics) resulted in two things: the caste system made available to the leadership the structural and the ideological basis for political mobilisation, and leadership was enforced to make concessions to local opinion and organise castes for economic and political purposes.

The caste system, which is based on the philosophies of purity and pollution, hierarchy and difference, has despite social mobility, been overbearing towards the Shudras and the outcastes who suffered the disgrace of ritual impurity and lived in abject poverty, illiteracy and denial of political power. The basis of confrontational identity politics based on caste may be said to have its origin on the issue of providing the oppressed caste groups with state support in the form of protective discrimination. This group identity based on caste that has been reinforced by the advent of political consciousness around caste identities is institutionalized by the caste-based political parties that acknowledge to uphold and protect the interests of specific identities including the castes. Subsequently, political parties have the upper caste dominated BJP, the lower caste dominated BSP (Bahujan Samaj Party) or the SP (Samajwadi Party), including the fact that left parties have implicitly followed the caste pattern to extract distance in electoral politics. The Aggregate result of the politicisation can be précised by arguing that caste-based identity politics has had a twin role in Indian society and polity. It comparatively democratized the caste-based Indian society but simultaneously destabilised the development of class-based organisations.

When reviewing historical facts, caste politics became noticeable in India in the beginning of 1990s after the National Front government under then Prime Minister Vishwanath Pratap Singh decided to implement the recommendations of the Mandal Commission, a government panel established in 1979 that called for a fixed quota (reservation) of jobs for the OBCs in the public sector.

Historical data indicated that Caste-based discrimination and domination have been a malicious aspect of Indian society and after independence, its implications with politics have not only made it possible for previously oppressed caste-groups to be accorded political freedom and recognition but has also raised consciousness about its potential as a political capital. In fact, Dipankar Gupta has emotionally exposed this ambiguity when he elaborates the differences between Ambedkar and Mandal Commission's view of caste. While the former designed the policy of reservations or protective discrimination to remove untouchability as an institution from Indian social life and polity, the latter considered caste as an important political resource. Actually, the Mandal commission can be regarded as the intellectual inspiration in transforming caste based identity to an asset that may be used as a basis for safeguarding political and economic gains. Though it can also be said that the upper castes by virtue of their major position were already occupying positions of strengths in the political and economic system, and when the Mandal intensified the consciousness of the 'Dalits' by recognising their disadvantage of caste-identity as an advantage the confrontation ensues.

The initiative of The National Front government was to reserve an additional 27 percent of seats for the OBCs led to dangerous clash between pro and anti-reservation supporters, and the government fell. For, there existed 15 percent of quota in the government jobs and the educational institutions for the Scheduled Castes (Dalit) people, and an additional 7.5 percent for Scheduled Tribes or tribal (aborigine) people.

After two decades, in April 2006, the ruling UPA government announced the OBC quota, and once again there was a strong opposition by sections of the non-reserved category people. The government's decision was challenged in the court of law. In May 2008, the Supreme Court of India agreed to the quota. However, there are far less protests as compared to 1990 which indicates that in the last 18 years, almost all parties have built their caste-based vote banks. This is also revealed in the fact that many OBC leaders have emerged as prominent politicians, such as Mulayam Singh Yadav from the SP, Lalu Prasad Yadav from the RJD, and Nitish Kumar from the JD-U.

It is appraised that after Independence, some caste associations were established with political objectives to compete in elections. In Gujarat, some of the leaders of the Kshatriya Sabha anticipated in the early fifties to form the party of the Kshatriyas. They soon repeated that they could not muster enough support to contest elections only on the strength of the Kshatriyas. Likewise, political elite of the Kurmis. Yadavas and Koeris encouraged the Bihar State Backward caste Association in 1947 to contest elections. During the 1950s, B. R. Ambedkar disparaged the use of caste as a political board. He expected the limitations of using caste as a political resource and instead emphasized eliminating the concept of caste from Indian society.

The Mandal Commission was formed in 1979 by the Janata Party government under Prime Minister Morarji Desai with a directive to "identify the socially or educationally backward". The Commission was set up to consider the question of seat reservations and quotas for people to redress caste discrimination, and used eleven social, economic, and educational indicators to determine "backwardness." In 1980, the commission's report confirmed the affirmative action practice under Indian law whereby members of lower castes (known as Other Backward Classes and Scheduled Castes and Tribes) were given exclusive access to a certain portion of government jobs and slots in public universities, and recommended changes to these quotas, increasing them by 27% to 49.5%. L R Naik, the only Dalit member in the Mandal Commission rejected to sign the Mandal recommendations, as he afraid that well-to-do OBCs would corner all the benefits of reservation.

In 1990s, several parties like Bahujan Samaj Party (BSP), the Samajwadi Party and the Janata Dal started appealing that they represent the backward castes. Many such parties, relying primarily on Backward Classes' support, often in association with Dalits and Muslims, emerged as powerful in Indian states. At the same time, many Dalit leaders and intellectuals started realizing that the main

Dalit oppressors were so-called Other Backward Classes, and formed their own parties, such as the Indian Justice Party. The Congress (I) in Maharashtra long relied on OBCs' backing for its political success. Bharatiya Janata Party has also showcased its Dalit and OBC leaders to prove that it is not an upper-caste party. Bangaru Laxman, the former BJP president (2001-2002) was a former Dalit. Uma Bharati, former CM of Madhya Pradesh, who belongs to OBC caste, is a BJP leader. In 2006, Arjun Singh cabinet minister for MHRD of the United Progressive Alliance (UPA) government was alleged to play caste politics when he introduced reservations for OBCs in educational institutions all around. In Tamil Nadu, Dravida Munnetra Kazhagam (DMK) party rose to power under the rumour of "Brahmin oppression". Many upper-caste Brahmins have criticized of reverse discrimination, alleging that Tamil Brahmins (Iyers, Iyengars) have left the state, due to a "hostile atmosphere" predominant against upper castes in the region.

In political term, caste has a basic role in the decision-making process that even the reorganization of states in India had to struggle with it so that no caste group dominates a particular territory. Although untouchability has been forbidden under the Constitution. Harijans and Adivasis have also been given legal safeguard as a positive measure. Government made an attempt to create economic and social impartiality but these reservations have affected Indian politics in an unpleasant manner. Groups declared backward are now not prepared to relinquish the concessions that accumulate to them by the label of backwardness. Caste has thus become a major hurdle in the establishment of a casteless society and has paved communal connections. Even the politicians are caught in the network. On the one hand, they would like the differences and preferences based on caste to be abolished and on the other, are well aware that these are helpful in securing the vote.

The development role of caste association also plays vital role to persuade voting pattern. Even political parties are considering caste as a vote bank. This empowered the lower castes to be politically influential on the basis of numerical preponderance. In selecting candidates for elections, political parties often giving consideration to the caste composition of constituencies. Sometimes, several castes are using politics in their attempt to better their conditions or to accomplish their goal. Reservation policy is another feature in which caste system also influence Indian politics.

It is well recognized that role of caste in elections has two dimensions. One is of the parties and candidates and the second is of the voters. The previous notion seeks support of the voters projecting themselves as champions of particular social and economic interests, the latter while exercising their vote in favour of one party or candidate whether people vote on caste consideration. Different parties accommodate certain castes in distributing party tickets. While nominating candidates parties take into consideration caste of the aspirant candidate and numerical strength of different castes in a constituency. Caste leaders also mobilized their followers on caste lines so that they could show their strength. In the fifties wherever caste associations were able to maintain their unity and did not formally align with any one party they appealed to their members to vote for their caste fellows irrespective of their party affiliation. For a very insignificant number of respondents, candidate's caste was the main consideration. Some of the respondents might have voted for persons who happened to belong to their caste. But it was not caste voting. They voted for the candidate not because person was of their caste irrespective of his party and ability. They, voted because person was the candidate of the party to which the respondent felt closer for variety of reasons including the feeling that the party would "protect his/her" interests or the party had done good work for the people like him/her. Their main consideration is their perception of their interests. In a given alternative parties candidates, they consider as to who would serve their interests better than others. If the candidate is own caste, which they identify as theirs, they vote for him/her.

In all, caste has become an important determinant in Indian society and politics, the new lesson of organised politics and consciousness of caste affiliations learnt by the previously despised caste groups have transformed the contours of Indian politics where shifting caste-class alliances are being encountered. Total effect of these mobilisations along caste-identities have resulted not only in the empowerment of recently emerging groups but has increased the intensity of confrontational politics and possibly leading to a growing crisis of governability.

**Religion:** Another type of identity politics is that produced through the development of a community on the shared link of religion. Religion is a collection of belief systems or cultural systems that relate humanity to spirituality and moral values. Many religions may have organized behaviours, clergy, adherence or membership, holy places, and scriptures. The practice of a religion may also include:

- i. Rituals
- ii. - Sermons
- iii. - Sacrifices
- iv. - Festivals
- v. - Funerary services
- vi. - Matrimonial service
- vii. - Meditation
- viii. - Prayer
- ix. - Music
- x. - Art
- xi. - Dance
- xii. - Public service
- xiii. - Other aspects of human culture.

Religions may also contain mythology. It can be used to enhance oneself financially or spiritually. It can also be used to manipulate and control others for good or evil ends. It has been used as an effective political and commercial tool as evidenced by the many historic records of religious wars. Religion has great influence on political pattern in Indian society. Politicians use religion as their loopholes. They hide their black money in the names of religion and trusts. Politicians use religion to gain success in politics.

Researchers have argued since many years to elaborate the notion of religion. Some highlight the idea that religion is concerned primarily with conceptions of God, divinity and the meaning and order of human existence. Others have asserted the way religion serves to draw distinctions between sacred (that is, transcendent or other-worldly) forms of space and belief and more mundane, or profane, domains of 'worldly' human endeavour. Anthropologist Clifford Geertz (1973), focused on the symbolic power of religion and its ability to influence how people understand their place in the world and also to communicate meaning to the actions they undertake. Some researchers have indicated that the idea of religion as a distinct category or sphere of human activity reflects a specifically Western worldview and historical tradition. Talal Asad (1993) stated that in other cultural traditions, it is not so easy to make a firm separation between religion and other spheres of life such as politics, culture, society and economics.

There are many explanations for the concept of religion. According to anthropologist Clifford Geertz, religion is "a system of symbols which acts to, establish powerful, pervasive, and long-lasting moods and motivations in men by formulating conceptions of a general order of existence and clothing these conceptions with such an aura of factuality that the moods and motivations seem uniquely realistic" (Geertz 1973).

Theologian George Lindbeck asserted that religion is "a kind of cultural and/or linguistic framework or medium that makes possible the description of realities, the formulation of beliefs, and the experiencing of inner attitudes, feelings, and sentiments" (Lindbeck 1984).

Marxist authors such as Louis Althusser highlighted in writing that religion functions as a form of 'false consciousness' which socializes us into accepting as normal certain historically and materially contingent relations of social power (Althusser 2001).

In India, Hinduism, Islam, Sikhism, Christianity, and Zoroastrianism are major religions practised by the people. Numerically, the Hindus have the majority, which stimulates many Hindu loyalist groups like the RSS (Rashtriya Swayam Sevak Sangh) or the Siva Sena and political parties like the BJP (Bharatiya Janata Party) or the Hindu Mahasabha to claim that India is a Hindu State. These assertions create homogenizing myths about India and its history. These claims are contradicted by other religious groups who predict the likelihood of losing sovereignty of practice of their religious and cultural life under such homogenizing claims. This initiates contestations that have often resulted in communal uprisings.

Religion in Indian politics can be linked to the country since pre-independence periods. It is supposed that the British, who ruled India for more than 100 years around the 19th century, pitched one

community against the other to decline the freedom struggle. They especially thrived in pervading a feeling of anxiety among sections of the Muslim community concerning their wellbeing in a country that had a majority Hindu population and emerging Hindu nationalist voices. As a result, the Muslims demanded reserved seats in the legislature and a separate electorate. The British acceded to their demands through legislation, known as the Act of 1909.

In 1915, Hindu nationalists established the Akhil Bharatiya Hindu Mahasabha (All India Hindu Assembly) to counter the Indian Muslim League (a political party) and the secular Indian National Congress, a forum founded in 1885 that afterward became a political party. In 1923, Vinayak Damodar Savarkar (popularly known as Veer Savarkar), the Hindu Mahasabha founder, coined the word 'Hindutva' (Hindu-ness) to define who is a Hindu. In 1925, KB Hegdewar, the Hindu Mahasabha vice president, founded the RSS.

The tensions between groups of the Hindu and Muslim societies resulted in the Indian Muslim League demanding a separate nation for Muslims. When the British were to formally depart the country in 1947, the British India was divided into the 'Hindu-majority' India and the 'Muslim-majority' Pakistan. The Partition had dangerous consequences on both the nations. It resulted in a mass migration of 14.5 million people from India to Pakistan and vice versa, and the killing of around 1 million people related to religion of Hindu, Sikh and Muslim in the violent clashes that followed.

In 1951, the RSS began a political party, the Bharatiya Jana Sangh or BJS, under its leadership and control. In 1980, the BJS was succeeded by the BJP.

The BJP, which struggled to become a national party and an alternative to India's one and only major party at the time, the Congress, espoused a resolution in June 1989 to build a temple of Rama in Ayodhya (Uttar Pradesh state), which the party claimed as the Ram Janmabhoomi (the birthplace of God Rama). The BJP and Hindu nationalists asserted that Muslim ruler Babur had demolished a temple of Rama to build the Babri Mosque in Ayodhya in the 16th century. In September 1990, BJP leader Lal Krishna Advani undertook a Rath Yatra (procession on a chariot) to promise the construction of a temple of Rama.

The Ayodhya issue intensified the political dividends. In July 1992, Advani, the leader of the opposition in the Lok Sabha (House of the People), reportedly told the House, "You must recognise the fact that from two seats in parliament in 1985, we have come to 117 seats in 1991. This has happened primarily because we took up this issue (Ayodhya)."

In December 1992, supposed activists of the Vishwa Hindu Parishad (VHP), a sister organisation of the RSS and the BJP, demolished the Babri Mosque. This not only encouraged communal violence in several parts of the country, in which many people died, but also separated people along religious lines. Consequently, the BJP emerged as a major party.

Progressively, the BJP emerged as a dominant party at the national level for the first time in May 1996, but the government lasted for only 15 days. It again gained power in March 1998 as the leader of the NDA and ruled the country till March 2004.

In 1998, the BJP began targeting Christians after Sonia Gandhi, an Italy-born Catholic and wife of late former prime minister of India, Rajiv Gandhi, became the president of the Congress. Presently, BJP is ruling party in India.

The generally acknowledged myths that process the identity divide on religious grounds centre on the 'appeasement theory', 'forcible religious conversions', general 'anti-Hindu' and thus 'anti-India' approach of the minority religious groups, the 'hegemonic aspirations' of majority groups and 'denial of a socio-cultural space' to minority groups. Traditionally, the Hindu revivalist movement of the 19th century is considered to be the period that saw the separation of two separate cultures on religious basis, the Hindus and the Muslims that developed further because of the partition. This division which has become institutionalized in the form of a communal philosophy has become a major challenge for India's secular social fabric and democratic polity. Though communalism for a major part of the last century signified Hindu-Muslim conflict, recently, contestations between Hindus and Christians have often crystallized into communal battle.

The rise of Hindu national decisiveness, politics of representational government, persistence of communal perceptions, and competition for the socio-economic resources are considered some of the reasons for the generation of communal beliefs and their change into major riots. Identity schemes based on religion have become a major source of skirmish not only in the international background but since the early 1990s it has also become a challenge for Indian democracy and secularism. The

growth of majoritarian assertiveness is considered to have become institutionalized after the BJP that along with its 'Hindu' constituents gave political cohesiveness to a consolidating Hindu consciousness, formed a coalition ministry in March 1998. However, like all identity schemes the falsifying of a religious community polishes over internal differences within a particular religion to generate the "we are all of the same kind" emotion. Thus, differences of caste groups within a homogenous Hindu identity, linguistic and sectional differences within Islam are shelved to create a homogenous unified religious identity.

In post-independence era, India the majoritarian assertion has generated its own antithesis in the form of minority religions assertiveness and a resulting confrontational politics that weakens the syncretistic dimensions of the civil society in India. The process through which this religious assertiveness is being increasingly institutionalized by a 'methodical rewriting of history' has the potential to reformulate India's national identity along communal trajectories.

It can be evaluated that In the Indian culture, religion has significant role. Political leaders realized that to retain unity in India, there is a need to remain secular. Therefore, Gandhi had been preaching brotherhood among the different religious groups. Nehru was a strong supporter of secularism. Their efforts could not separate religion from politics rather in politics the vested interests started exploiting caste and religion to achieve political advantage. After independence, religious places are used for political publicity and the religious sentiments of the people are excited in order to gain political control of the State. This emergence of religion-political party has endangered the secularism in India. It is dreaded that if it succeeds, there is a possibility that many other political parties with caste and religion as the basis may come up.

**Ethnicity:** Ethnicity refers to physical characteristics as well as social traits that are shared by a human population. Some of the social traits often used for ethnic classification include:

- i. - Nationality
- ii. - Tribe
- iii. - Religious faith
- iv. - Shared language
- v. - Shared culture
- vi. - Shared traditions

Ethnicity denotes to selected cultural and physical characteristics used to categorize people into groups or categories considered to be significantly different from others. In some cases, ethnicity involves merely a loose group identity with little or no cultural traditions in common. In contrast, some ethnic groups are coherent subcultures with a shared language and body of tradition.

Ethnic groups may be either a minority or a majority in a populace. Whether a group is a minority or a majority also is not an absolute fact but depends on the perspective. For many people, ethnic categorization implies a connection between biological inheritance and culture. They believe that biological inheritance determines much of cultural identity. In 1871, English anthropologist Edward Tylor wrote that cultural traits are entirely learned. Subsequently, a baby can be placed into another culture shortly after birth and can be thoroughly enculturated click this icon to hear the preceding term pronounced to that culture, regardless of their skin colour, body shape, and other presumed racial features.

Several political scientists consider that political movement centred on ethnic identity. It is a major source of discordant conflict in the world today. Some researchers argue that the world is in the process of an ethnic revitalization that threatens to wrench apart established systems of order. The apparent increase in ethnicity-based solidarity and political activity is most often attributed to the opportunity presented by recent shifts in the nature of political, economic, and moral authority. There are two ways in which the idea of ethnic identity is used. One, it insiders the creation of identity on the basis of single attribute - language, religion, caste, region. Secondly, it considers the formation of identity on the basis, of multiple attributes cumulatively. Though, it is the second way formation of identity on the basis of more than one characteristic such as culture, customs, region, religion or caste, which is considered as the most common way of development of the ethnic identity. The one ethnic identity is shaped in relation to the other ethnic identity. The relations between more than one ethnic identity can be both harmonious and conflictual. Whenever, there is competition among the ethnic identities on the real or imaginary basis, it uttered in the form of autonomy movements, demand for session or ethnic uprisings.

To summarize, caste, religion and ethnicity is entrenched into Indian politics. Many theorists asserted that caste is a social phenomenon of Indian society. By partaking in the modern political system, caste is now visible to divisive influences and a new form of integration resulting from a new system of universalist-particularist relationships. Caste has gained a powerful position in Indian politics. Religion also has significant role in Indian Politics. Religion and Politics co-exists in India. Religion can guide a politician but a politician prejudiced in favour of one religion, can never be good for all citizens. A politician is the representative of the general people of India, and he/she use the spirit of religion to promote communal coordination. The spirit of religion is an inner revelation, but politics leads to rights of the people. Religion is not opposed to science. Religion binds people with duties to perform.

## 8. Need for Caste Census

The caste system is India's nemesis and has severely restricted the country's ability to realize its immense potential and become a great nation in science, technology, knowledge, art, sport and economic prosperity.

Studies suggest that **94% of marriages are endogamous; 90% of menial jobs are performed by the deprived castes**, whereas this figure is reversed in white-collar jobs. This abysmal lack of caste diversity, especially at the decision-making levels in various sectors — the media, the judiciary, higher education, bureaucracy or the corporate sector — is weakening these institutions and their performance. It is indeed strange that while caste plays such a dominant role in our social, economic and political life, no credible and comprehensive caste data exists for more than half the population of our country.

### Need For Caste Census

- **Benefit in Policy Making:** The purpose of a caste census is not merely geared to the reservation issue; a caste census would actually bring to the fore the large number of issues that any democratic country needs to attend to, particularly the number of people who are at the margins, or who are deprived, or the kind of occupations they pursue.
  - A caste census, which will generate exhaustive data will **allow policymakers to develop better policies, implementation strategies**, and will also enable a more rational debate on sensitive issues.
- **Also Reveal Privileged Section of Society:** Caste is not only a source of disadvantage; it is also a very important source of privilege and advantage in our society.
  - We have to stop thinking of caste as being applicable to only disadvantaged people, poor people, people who are somehow lacking.
  - The opposite is even truer: caste has produced advantages for certain communities, and these also need to be recorded.
- **Caste Has Important Position in Indian Society:** While census data has been captured for **Scheduled Castes, Scheduled Tribes**, religions and linguistic profiles, there has been no profiling of all castes in India since 1931.
  - Since then, caste has assumed an increasingly important position in our lives, and our reliance on inadequate data has also increased.
- **To Address Prevalent Inequalities:** Unequal distribution of wealth, resources and education has meant an acute shortage of purchasing power among the majority of Indians.
  - As a democratic nation, **we cannot forcibly overthrow the system**, but we need to address it in a democratic, scientific and objective manner.
- **Constitutional Mandate:** Our Constitution too favours conducting a caste census. **Article 340** mandates the appointment of a commission to investigate the conditions of socially and educationally backward classes and make recommendations as to the steps that should be taken by governments.
- **To Burst the Myths:** There are a lot of myths which actually deprive a large number of people, particularly on the margins.
  - Let's take the case of Karnataka. For a long time, there were claims that among the castes, the Lingayats are the most numerous.

- But a lot of other studies have brought out that this may not be true, and these kinds of myths lead to the argument that given that this is a caste which is numerous, it has to be constantly placated. These myths can be debunked through a caste census.
- **Reduce Inclusion and Exclusion Errors:** With accurate data of castes, most backward castes can be identified.
  - Some have benefited so much across the years, while there are people in this country who have not benefited at all.
- **The Supreme Court has time and again asked governments** to provide the data related to castes; however, this has not been possible due to the non-availability of such data.
  - As a result, our national life suffers from mutual mistrust and misconceptions among different castes.
  - All such commissions have had to rely on data from the last caste census (1931).

#### Associated Challenges with Caste Census

- **Repercussions of a Caste Census:** Caste has an emotive element and thus there exist the political and social repercussions of a caste census.
  - There have been concerns that counting caste may help solidify or harden identities.
  - Due to these repercussions, nearly a decade after the SECC, a sizable amount of its data remains unreleased or released only in parts.
- **Caste Is Context-specific:** Caste has never been a proxy for class or deprivation in India; it constitutes a distinct kind of embedded discrimination that often transcends class. For example:
  - People with Dalit last names are less likely to be called for job interviews even when their qualifications are better than that of an upper-caste candidate.
  - They are also less likely to be accepted as tenants by landlords. Thus difficult to measure.
  - Marriage to a well- educated, well-off Dalit man still sparks violent reprisals among the families of upper-caste women every day across the country.

#### Way Forward

- India needs to be **bold and decisive** in tackling caste questions through data and statistics in the **way the United States (US) does to tackle race issues**, by collecting data around race, class, language, inter-race marriages, among other metrics.
  - This data provides a mirror to the State and society of the US in which they can see themselves and take decisions to do course corrections.
- **Creation of National Data Bank:** The **Sachar Committee Report** recommended setting up a national data bank.
  - The **Justice Rohini committee** was appointed in 2017 to look into the **sub-categorization of the OBC communities**; however, in the absence of data, there can be no data-bank or any proper sub-categorization.

#### Conclusion

With every passing day and increasing social awareness, the urgency to do away with the caste system is being sharply felt. Dr. BR Ambedkar stated that if India had to attain a place of pride among the comity of nations, caste would have to be annihilated first. The 21<sup>st</sup> century is the right time to solve India's caste question, which would otherwise extract a heavy price, not just sociologically, but also politically and economically, and make us fall behind in the development index.

## Section II: Governmental Measures

### 1. Women Empowerment schemes

- Women Empowerment is the progression of women and, accepting and including them in the decision-making process. It also means providing them with equal opportunities for growth and development in society, and disapproving gender bias.

- Article 15(3) mentions the welfare of women and children and can be stated as “Nothing in this article shall prevent the State from making any special provision for women and children.”
- Ministry for women and child development has collaborated with Facebook on November 19, 2019, to enhance digital literacy and online safety for women and children in India. The campaign categorized under the Global Literacy Program is named “We Think Digital”.
- Women and children are a vital part of Indian society. Also, these are the most vulnerable sections of India.
- This article provides a list of women empowerment schemes in India as listed under the Ministry of Women and Child Development. This is an important topic for UPSC and other government exams.
- **List of Major Women Empowerment schemes in India**
- The important women empowerment schemes in India are listed below:

Women Empowerment scheme	Launch Year	Objectives
Beti Bachao Beti Padhao Scheme	2015	<ul style="list-style-type: none"> <li>To prevent gender-biased sex selective elimination</li> <li>To ensure survival &amp; protection of the girl child</li> <li>To ensure education and participation of the girl child</li> </ul>
One-Stop Centre Scheme	2015	<ul style="list-style-type: none"> <li>To provide support and assistance to women affected by violence, both in private and public spaces.</li> <li>To Facilitate/Assist in filing First Information Report (FIR/NCR)</li> <li>To provide psycho-social support and counselling to women/girl</li> </ul>
Women Helpline Scheme	2016	<ul style="list-style-type: none"> <li>To provide toll-free 24-hours telecom service to women affected by violence.</li> <li>To facilitate crisis and non-crisis intervention through referral to the appropriate agencies such as police/Hospitals/Ambulance services/District Legal Service Authority (DLSA)/Protection Officer (PO)/OSC.</li> <li>To provide information about the appropriate support services, government schemes, and programs available to the woman affected by violence, in her particular situation within the local area in which she resides or is employed.</li> </ul>
UJJAWALA	2016	<ul style="list-style-type: none"> <li>To prevent the trafficking of women and children for commercial sexual exploitation.</li> <li>To facilitate the rescue of victims from the place of their exploitation and place them in safe custody.</li> <li>To provide rehabilitation services with both immediate and long-term to the victims by providing basic amenities/needs such as shelter, food, clothing, medical treatment including counseling, legal aid and guidance, and vocational training.</li> </ul>
Working Women Hostel	1972-73	<ul style="list-style-type: none"> <li>To promote the availability of safe and conveniently located accommodation for working women.</li> <li>To provide accommodation to children of working women, up to the age of 18 years for girls and up to the age of 5 years for boys.</li> </ul>
SWADHAR Greh	2018	<ul style="list-style-type: none"> <li>To cater to the primary need for shelter, food, clothing, medical treatment, and care of women in distress.</li> <li>To provide women with legal aid and guidance.</li> </ul>
Support to Training and Employment Programme for Women (STEP)	1986-87	<ul style="list-style-type: none"> <li>To provide skills that give employability to women.</li> <li>To benefit women in the age group of 16 and above in the country.</li> </ul>
Nari Shakti Puraskar	2016	<ul style="list-style-type: none"> <li>To strengthen the place of women in society.</li> <li>To facilitate institutions that work towards the progress and development of women in society.</li> </ul>
Mahila Shakti Kendras (MSK)	2017	<ul style="list-style-type: none"> <li>To create an environment for women where they have access to healthcare, quality, education, guidance, employment, etc.</li> <li>To facilitate these opportunities at the block and district level in the country.</li> </ul>
NIRBHAYA	2012	<ul style="list-style-type: none"> <li>To facilitate safety and security for women at various levels.</li> <li>To ensure strict privacy and confidentiality of women's identity</li> </ul>

		and information. <ul style="list-style-type: none"> <li>• Provision for real-time intervention as far as possible</li> </ul>
Mahila E-Haat	2016	<ul style="list-style-type: none"> <li>• To facilitate entrepreneurship opportunities online for women.</li> <li>• To educate women on various aspects of online selling and helping them establish their venture.</li> </ul>
Mahila Police Volunteers	2016	<ul style="list-style-type: none"> <li>• An MPV will serve as a public-police interface in order to fight crime against women.</li> <li>• The broad mandate of MPVs is to report incidences of violence against women such as domestic violence, child marriage, dowry harassment and violence faced by women in public spaces.</li> </ul>

The government of India has taken the safety and empowerment of women and children into serious consideration. The growing injustice towards women had to be minimised, and these schemes are the solutions to the major problems related to women in India. Aspirants should also know that Women Empowerment Essay is a probable choice in UPSC Mains. So making use of these schemes, aspirants can easily draft a good Women Empowerment Essay. There are multiple other Government Schemes in India launched for the betterment of people in the society and for the overall development of the country. Aspirants can visit the linked article and learn in detail about the various schemes and campaigns introduced by the Government.

#### **Women Empowerment in India – Recent News**

1. Speaking on the 25th Anniversary of the Fourth World Conference on Women, Union Minister for Women and Child Development Smriti Irani said at the United Nations that India recognises the centrality of gender equality and women's empowerment in all aspects of developmental agenda. The minister for Women and Child Development Smriti Irani highlighted that more than 200 million women have been brought into the formal banking system through the Government's Financial Inclusion Initiative. Innovative use of digital technologies has provided equal opportunity for women to access insurance, loans, and social assistance.
2. Microsoft on Wednesday announced recently it has collaborated with the National Skill Development Corporation (NSDC) to impart digital skills to more than one lakh underserved women in India. This initiative is an extension of Microsoft's partnership with NSDC to provide digital skills to over 1 lakh youth in the country. The programme will curate a series of live training sessions and digital skilling drives to help create opportunities for young girls and women, particularly first time job seekers and those whose jobs may have been impacted by COVID-19, to join the future workforce
3. Women's empowerment in India has received more attention in recent years, and one NGO is working to help disadvantaged Indian women achieve financial independence with one specific method: an all-women cab company. The Azad Foundation's Women on Wheels program empowers impoverished women in India by providing them with a stable source of income and a safe environment where women can travel without fear of being harassed.

## 2. Child Protection in India

### Context

- Recently, the Supreme Court has drawn the attention of the government to the problem of child pornography.
- In case of tragedies like the Surat Fire, a lot of victims were children.

### Background

- UN Conventions on the Rights of the Child states that the State shall take all appropriate measures to ensure that the child is protected from all forms of punishment or discrimination on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.
- However, child labor, malnutrition, stunting, etc are still affecting a large population of Indian children.
- As per the Women and Child Development Ministry, 242,938 children disappeared between 2012 and 2017. But according to Track Child, a government database, nearly 237,040 went missing between 2012 and 2014 alone.
- There is a lack of credible data available for missing children.
- Children are still working long hours performing hazardous and exhausting jobs for menial wages.

### Existing Provisions

- In order to address the problem of child trafficking, Supreme Court recently ordered that In case of every missing child reported; there will be an initial presumption of either abduction or trafficking, unless, in the investigation, the same is proved otherwise and an appropriate FIR has to be registered.
- Legal measures to protect the right of the child are – Juvenile Justice Act, Immoral Trafficking (Prevention) Act (ITPA), 1956 , Pre-Conception and Prenatal Diagnostic Techniques Act, 1994, Article -21 A: The State shall provide free and compulsory education to all children of the age 6 – 14years, Article-45, Article-39(f), Article-243 G.
  - **Juvenile Justice Act** – The Juvenile Justice (Care and Protection of Children) Amendment Bill, 2018 had been introduced in the Lok Sabha. Its aim is towards the amendment of the Juvenile Justice (Care and Protection of Children) Act, 2015. Read in detail about Juvenile Justice Act on the given link.
  - **Immoral Trafficking (Prevention) Act** – The Immoral Traffic (Prevention) Act or ITPA is a 1986 amendment of legislation passed in 1956 as a result of the signing by India of the United Nations' declaration in 1950 in New York on the suppression of trafficking. The act, then called the All India Suppression of Immoral Traffic Act (SITA), was amended to the current law. The laws were intended as a means of limiting and eventually abolishing prostitution in India by gradually criminalizing various aspects of sex work. Further details on the Immoral Trafficking (Prevention) Act on the linked page.
  - **Pre-Conception and Prenatal Diagnostic Techniques Act** – The Pre-Conception and Pre-Natal Diagnostic Techniques Act of 1994 has banned pre-natal sex-determination. very genetic counselling centre, genetic laboratory or genetic clinic engaged in counselling or conducting pre-natal diagnostics techniques, like in vitro fertilisation (IVF) with the potential of sex selection (Preimplantation genetic diagnosis) before and after conception comes under the preview of the PCPNDT Act and are banned. The main objective of the act is the arrest of the declining sex-ratio in India due to rampant female foeticide. Read more about Pre-Conception and Prenatal Diagnostic Techniques Act on the linked page. National Commission for Protection of Child Rights (NCPCR) and Central Adoption Resource Authority (CARA) are institutional support available to protect and promote the rights of children.

### **What is the National Commission for Protection of Child Rights (NCPCR)?**

The NCPCR is a body that works towards achieving a child rights-centric approach in all the laws, programmes, policies and administrative mechanisms in India. It functions under the Ministry of Women & Child Development of the central government.

- It strives to ensure that all laws and policies in the country are in consonance with the rights of children as emphasised by the Indian Constitution as well as with the UN Convention on the Rights of the Child.

Aspirants can find detailed information on the National Commission for Protection of Child Rights (NCPCR) on the given link.

### **Way Forward**

- Government has to ensure that credible data is available at all levels about missing, illiterate, and malnourished children.
- Special budgetary provisions have to be made for the promotion of child rights.
- Hostels and care homes have to be built to accommodate rescued children.
- Awareness about child labour and strict enforcement is the need of the hour.
- Our effort must be to ensure that every child reaches his/her full potential free from any and all forms of exploitation and abuse.

### **3. National Commission for Scheduled Castes (NCSC)**

Recently, Vijay Sampla has been appointed as the chairman of the [National Commission for Scheduled Castes \(NCSC\)](#).

Key Points About:

NCSC is a constitutional body that works to safeguard the interests of the scheduled castes (SC) in India.

Article 338 of the constitution of India deals with this commission:

It provides for a National Commission for the Scheduled Castes and Scheduled Tribes with duties to investigate and monitor all matters relating to safeguards provided for them, to inquire into specific complaints and to participate and advise on the planning process of their socio-economic development etc.

History and Origin: Special Officer:

Initially, the constitution provided for the appointment of a Special Officer under Article 338.

The special officer was designated as the Commissioner for Scheduled Castes and Scheduled Tribes.

65<sup>th</sup> Amendment, 1990:

It replaced the one-member system with a multi-member National Commission for Scheduled Castes (SC) and Scheduled Tribes (ST).

The Constitution (65<sup>th</sup> Amendment) Act 1990, amended Article 338 of the Constitution.

89<sup>th</sup> Amendment, 2003:

By this amendment, the erstwhile National Commission for SC and ST was replaced by two separate Commissions from the year 2004 which were: National Commission for Scheduled Castes (NCSC) and National Commission for Scheduled Tribes (NCST)- under Article 338-A.

Structure:

It consists of:

Chairperson. Vice-chairperson. Three other members.

They are appointed by the President by warrant under his hand and seal.

Functions:

Monitoring and investigating all issues concerning the safeguards provided for the SCs under the constitution.

Enquiring into complaints relating to the deprivation of the rights and safeguards of the SCs.

Taking part in and advising the central or state governments with respect to the planning of socio-economic development of the SCs.

Regular reporting to the President of the country on the implementation of these safeguards.

Recommending steps to be taken to further the socio-economic development and other welfare activities of the SCs.

Any other function with respect to the welfare, protection, development and advancement of the SC community.

The Commission is also required to discharge similar functions with regard to the Anglo- Indian Community as it does with respect to the SCs.

Till 2018, the commission was also required to discharge similar functions with regard to the other backward classes (OBCs). It was relieved from this responsibility by the [102<sup>nd</sup> Amendment Act of 2018](#).

Other Constitutional Provisions for Upliftment of the Schedule Caste

[Article 15](#)(4) refers to the special provisions for their advancement.

Article 16(4A) speaks of “reservation in matters of promotion to any class or classes of posts in the services under the State in favour of SCs/STs, which are not adequately represented in the services under the State”.

Article 17 abolishes Untouchability.

Article 46 requires the State ‘to promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and to protect them from social injustice and all forms of exploitation. Article 335 provides that the claims of the members of the Scheduled Castes and the Scheduled Tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or of a State.

Article 330 and Article 332 of the Constitution respectively provide for reservation of seats in favour of the Scheduled Castes and the Scheduled Tribes in the House of the People and in the legislative assemblies of the States.

Under Part IX relating to the [Panchayats](#) and Part IXA of the Constitution relating to the Municipalities, reservation for SC and ST in local bodies has been envisaged and provided.

### **Economic Empowerment of STs**

Scheduled Tribes (STs) are a group of tribes or tribal communities that are so defined under the Constitution of India. They are a traditionally disadvantaged group and the constitution guarantees them some privileges and benefits so that they can come out of their backward situation. STs make up 8% of the Indian population. They are deemed STs based on certain characteristics such as:

1. Primitive traits
2. Geographical isolation
3. Distinct culture
4. Shy of contact with outside communities
5. Economically backward

In this article, we discuss some schemes and provisions under the government of India for economic empowerment of the scheduled tribes.

#### **Central Government schemes for scheduled tribes**

The central government has initiated various schemes for the economic, social, educational, health and overall development of the ST communities. Some of the schemes are described below.

##### **Swarnajayanti Gram Swarozgar Yojana**

- Launched in 1999, this scheme covers all aspects of self-employment such as organisation into self-help groups, credit, training, technology, marketing and infrastructure.
- The primary objective of the scheme is to provide sustainable income to the rural poor. It is envisaged to bring in all rural poor families under some micro-enterprise.
- The funding is shared between the centre and the states in the ratio 75:25.

### **Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA)**

- Implemented by the Ministry of Rural Development
- It aims at enhancing livelihood security of families/households by giving a minimum of 100 days of guaranteed wage employment in one financial year to every household whose adult members volunteer to carry out unskilled manual labour.
- Primary objective of MGNREGA: augmenting wage employment
- Auxiliary objective of MGNREGA: bettering natural resource management through jobs that address causes of chronic poverty like drought, deforestation and soil erosion and so promote sustainable development.
- SC and ST households make up 20 percent of MGNREGA participants.

MGNREGA is an immensely powerful scheme for facilitating inclusive growth in rural India. The scheme offers livelihood security, social protection and democratic empowerment.

### **Coaching scheme for banking/secretarial services**

The government provides job-oriented coaching and allied services for banking/secretarial services such as typing, stenography, secretarial work, etc. for OBC, ST and SC students.

### **Military training for SC/ST/OBCs**

Military training is given for boys and girls for 3 weeks in winter and 4 weeks in summer at the Bhonsala Military School in Nasik.

### **Upgradation of merit of SC/ST**

Special coaching is given in residential schools to students belonging to these categories for removing deficiencies and as remedial coaching so as to enable them to appear for competitive exams for entry into professional medical or engineering courses.

### **Tribal Sub Plan (TSP)**

These are tools for the speedy inclusion and socio-economic development of STs. They form a part of the annual plan of a state or UT.

### **Flow of credit to STs**

- Weightage is to be given to ST and SC communities while planning at the block levels. Credit planning should be done favouring these communities.
- While deciding on loan proposals of these communities, the banks should treat them with utmost sympathy and consideration.
- While banks 'adopt' villages for intensive lending, care must be taken to ensure that such adopted villages have a substantial population of these communities.

### **Entrepreneurship Development Programmes**

- Entrepreneurship Development Programmes are being conducted by the Small Industries Service Institutes (SISIs) exclusively for weaker sections of society. People belonging to STs are given motivation and training to equip them to set up small scale industries.
- The Small Industries Development Organisation (SIDO) offers consultancy services in managerial, technical, economic and other fields. For SC and ST entrepreneurs, a 50% concession of charges/fees is applicable.
- The Rural Artisans Programme also conducts promotional schemes and training programmes for rural SC and ST artisans to improve their technology and tools, upgrade skills and knowledge and help them set up trades.

This article discussed some of the prominent economic empowerment schemes run by the Indian government for Scheduled Tribes in India. This is a very relevant topic for UPSC as it comes under social issues, polity, economy, anthropology, sociology, and indeed, is a multidisciplinary subject. It is important to keep reading newspaper articles and editorials on this subject as it can be asked directly or indirectly in the [IAS exam](#). Candidates should also prepare points for the essay paper on this topic, as it is a potential topic. Since there is a plethora of information on this subject, candidates should keep a note of all the points and material they have on this subject neatly classified.

#### **4. National Commission for Scheduled Tribe (NCST)**

The Constitution of India does not give any definition for Scheduled Tribes. However, with the formation of the National Commission of Scheduled Tribes (NCST), various acts like Protection of Civil Rights (PCR) Act, 1955 and SC and ST (Prevention of Atrocities) (POA) Act, 1989 amended in 2015 and its Rules, 2016 have got recognition.

Since it is an important topic for aspirants preparing for the IAS Exam, this article will mention the relevant facts about the commission. UPSC aspirants can also download the National Commission for Scheduled Tribes (NCST) notes PDF from the link provided in the article.

#### **What is the National Commission for Scheduled Tribes (NCST)?**

The National Commission for Scheduled Tribes is a constitutional body that was established by the Constitution (89th Amendment) Act, 2003. The Commission is an authority working for the economic development of Scheduled Tribes in India. The NCST is dealt with Article 338.

- Earlier, there was only one commission, which was for both the scheduled tribes and scheduled castes. In 2004, after the 89th Constitutional Amendment Act, the NCST was established by bifurcating the National Commission for Scheduled Castes and Scheduled Tribes into the NCST and the National Commission for Scheduled Castes.
- This amendment replaced the National Commission for Scheduled Castes and Scheduled Tribes with two distinct commissions which are:
  - National Commission for Scheduled Castes (NCSC)
  - National Commission for Scheduled Tribes (NCST)

#### **Definition of Scheduled Tribes:**

According to Article 366(25) of the Constitution, Scheduled Tribes are those communities that are scheduled in accordance with Article 342 of the Constitution. Also, Article 342 of the Constitution says that: The Scheduled Tribes are the tribes or tribal communities or part of or groups within these tribes and tribal communities which have been declared as such by the President through a public notification.

#### **National Commission for Scheduled Tribes – Scheduled Tribes in India**

According to the 2011 Census, the Scheduled Tribes account for 104 million representing 8.6% of the country's population. These Scheduled Tribes are spread throughout the country largely in forest and hilly regions.

- The essential characteristics of these communities are:-
  - Primitive Traits
  - Geographical isolation
  - Distinct culture
  - Shy of contact with the community at large
  - Economically backwards
- As in the case of the SCs, the Plan objective of empowering the tribals is being achieved through a three-pronged strategy of social empowerment, economic empowerment, and social justice.

#### **Composition of National Commission for Scheduled Tribes (NCST)**

The NCST consists of one chairperson, one vice-chairperson and three full-time members. Out of the three members, there should compulsorily be one lady member. All the members of the Commission have tenure of 3 years.

#### **Functions of National Commission for Scheduled Tribes**

- NCST investigates and monitors all matters related to safeguarding the provisions for Scheduled Tribes under the Constitution and evaluating the working of those safeguards.
- NCST will inquire into specific complaints concerned with the deprivation of rights and safeguards of the STs.

- The commission participates and advises on the planning process for the socio-economic development of the STs and also evaluates the progress of the various developmental activities.
- The President will be presented with an annual report of the working of those safeguards. Apart from annual reports, other reports also will be submitted to the President as and when necessary.
- The Commission will also give reports on what measures are to be taken by both the central and various state governments for effective execution of the measures and safeguards for the protection, development and welfare of the STs.
- Other functions of NCST are related to welfare, protection, development & advancement of the STs.

## 5. National Commission for Backward Classes(NCBC)

National Commission for Backward Classes (NCBC) established on 14th August 1993 is a constitutional body under the Ministry of Social Justice and Empowerment. It was formed under the National Commission for Backward Classes Act, 1993. This Commission was formed as an initiative for investigating the conditions and difficulties of the socially and educationally backward classes and thus making appropriate recommendations.

Some of the highlights of NCBC are mentioned in the table below:

<b>NCBC full form</b>	National Commission for Backward Classes
<b>Year of formation</b>	14th August 1993
<b>NCBC Headquarters</b>	Delhi
<b>NCBC Chairman</b>	Bhagwan Lal Sahni

1. The National Commission for Backward Classes (NCBC) was an outcome of the Indra Sawhney case (Mandal Commission) of 1992.
2. In the final verdict of the Mandal Commission, the Supreme Court of India had addressed the formation of NCBC as a statutory body. Know in detail about the [Mandal Commission and its effect](#) on the linked page.
3. Headquartered in Delhi, the National Commission for Backward Classes was established on August 14, 1993, under the NCBC Act of 1993.
4. NCBC, in the year 2015, proposed that a person having an annual family income of up to ₹15 lakhs and belonging to the OBC caste will be considered as a minimum ceiling for OBC.
5. It also recommended that OBC can be sub-divided into 'backwards', 'more backwards' and 'extremely backward' categories. As per NCBC, the number of backward castes in the year 2016 increased to 5013 in the Central list of OBCs.

### Structure of NCBC

The National Commission for Backward Classes consists of five regulatory members which include the Chairperson, Vice-Chairperson and three other members with a tenure period of three years. The current regulatory members of NCBC are mentioned in the table below:

National Commission for Backward Classes (NCBC)	
<b>Chairperson</b>	Mr. Bhagwan Lal Sahni
<b>Vice-Chairperson</b>	Dr. Lokesh Kumar Prajapati

<b>Member 1</b>	Mrs. Sudha Yadav
<b>Member 2</b>	Mr. Kaushlendra Singh Patel
<b>Member 3</b>	Mr. Thalloju Achary

#### ***Constitutional Provisions***

- Article 340 deals with the need to, inter alia, identify those “socially and educationally backward classes”, understand the conditions of their backwardness, and make recommendations to remove the difficulties they face.
- 102<sup>nd</sup> Constitution Amendment Act inserted new Articles 338 B and 342 A.
- The amendment also brings about changes in Article 366.
- Article 338B provides authority to NCBC to examine complaints and welfare measures regarding socially and educationally backward classes.
- Article 342 A empowers President to specify socially and educationally backward classes in various states and union territories. He can do this in consultation with the Governor of the concerned State. However, the law enacted by Parliament will be required if the list of backward classes is to be amended.

#### **NCBC- Powers and Functions**

1. To investigate and monitor all the matters of the socially and educationally backward classes under the Constitution or under any other law that are related to the proper working of the safeguards provided.
2. To participate and advise actively on the socio-economic development of the socially backward classes along with evaluating the progress of their development.
3. It annually presents the reports based on the working of the safeguards to the President. If any of those reports relate to any matter which is concerned with the State Government, a copy of that report is forwarded to the State Government.
4. NCBC is responsible for the protection, welfare, development and advancement of the socially and educationally backward classes.

#### ***National Commission for Backward Classes – Benefits***

- Providing justice to the socially and educationally backward sections of society.
- Address the concerns of the backward classes and bring social equality in society.
- Help the backward classes people fight atrocities against them and ensure quick justice to them.
- Including a woman member from the backward classes in the proposed Commission is a welcome move.
- It would also not encroach upon the rights of state governments as they would have their own backward class commissions.
- It brings the NCBC on par with the National Commission for Scheduled Castes and the National Commission for Scheduled Tribes.

Aspirants can check out the relevant links provided below to prepare for the upcoming UPSC exam more comprehensively-

Reservation – Bringing Equality in Society	Sub Categorization of OBC	Quantifying the caste quotas
National Commission for Scheduled Castes	Prevention of Atrocities Act, 1989	National Commission for Scheduled Tribes
National Commission for Minorities (NCM)	National Commission for Safai Karamcharis (NCSK)	Minority Protection and India
National Commission For	National Human Rights	Types of Constitutional

Women	Commission of India – NHRC	Bodies in India
Reservation demands: What's the solution?	Will reservation in the private sector stem Naxalism?	Status of Tribal Population in India

### Challenges associated with NCBC

- Many states have not implemented 27 per cent reservation to the OBCs.
- Mere Acts will not do as they did not percolate down to the grassroots level, as recent data showed that only 7 out of 100 teachers in the Central Universities belonged to SC/ST and OBC categories.
- OBCs have a negligible presence in the Supreme Court and high courts.
- Skewed representation of OBCs in various committees, commissions, boards and other different forms of government.
- The recommendations of the commissions are not binding on the government.
- Critics argue about the scope of reservation when NITI Aayog is promoting public-private partnerships and privatization of public sector undertakings.

### Way Forward with NCBC

- There is a need for a proper representation of the backward classes of the deprived sections to join the national mainstream.
- The government must make public the findings of the caste census and implement reservation accordingly.
- The sub-categorization of OBCs will ensure increased access to benefits such as reservations in educational institutions and government jobs for less dominant OBCs.
- Political parties should “rise above vote bank politics and work towards social justice”.

## 6. National Commission for Minorities

The National Commission for Minorities is a statutory body that was originally titled Minorities Commission. With the enactment of National Commission for Minorities Act 1992, the Minorities Commission (a non-statutory body) was renamed as National Commission for Minorities. The commission works for the development of the recognized minorities in India. It is an important topic for the UPSC 2021 concerning Prelims and IAS Mains GS-I (Social Empowerment) and GS-II (Governance.)

This article will provide relevant facts about the National Commission for Minorities (NCM) for the IAS Exam.

### National Commission for Minorities – Why in the news? (Nov 2020)

The commission is mandated to have one chairperson, a vice-chairperson and 5 members. As of November 2020, only one vacancy of Chairperson is filled while others are vacant.

### National Commission for Minorities – Important Facts for UPSC Prelims

The following are some important points on NCM to be remembered by the IAS aspirants for UPSC Prelims examination:

1. Ministry of Home Affairs (MHA) Resolution 1978 envisaged the idea of setting up a National Commission for Minorities.
2. Until 1992, the Minorities Commission was a non-statutory body.
3. In 1984, the Minorities Commission was separated from MHA and was brought under the Ministry of Welfare.
4. Currently, the commission works under the Ministry of Minorities.
5. Linguistic Minorities do not come under the National Commission for Minorities' Jurisdiction since the Ministry of Welfare Resolution 1988 was passed.

6. The first National Commission for Minorities was set up on 17th May 1993.

Which minority communities are governed by NCM?

The six religious communities notified as minority communities in India:

1. Muslims
2. Christians
3. Sikhs
4. Buddhists
5. Zoroastrians/Parsis
6. Jains (Notified as a minority on 27th June 2014.)

The important facts about the above-mentioned minority communities of India are listed below:

1. The combined population of the six minority groups is around 19.30 percent of the total population of India.
2. Out of six minority communities, Muslim is the largest one representing 14.2 percent of the population with 17.22 crores citizens belonging to the Muslim religion. (As per [Census 2011](#).)
3. The population figures of the remaining communities in descending order is given below:
  - Christians – 2.3 percent population (2.78 crores people)
  - Sikhs – 1.7 percent population (2.08 crores people)
  - Buddhists – 0.7 percent of the population (8.4 million people)
  - Jains – 0.4 percent of the population (4.5 million people)
  - Parsis – Around 57000 people (Not included in the census 2011)

Read about Jain, Parsis, Buddhist religions from the links mentioned below:

<a href="#">Jainism</a>	<a href="#">Zoroastrianism</a>
<a href="#">Buddhism</a>	<a href="#">Difference between Jainism and Buddhism</a>

Read about the [right to freedom of religion](#) from the linked article.

Functions of NCM

The National Minorities Commission performs the following functions:

1. It evaluates the progress of the development of minorities under both central and state governments.
2. It monitors the working of the constitutional laws enacted for the welfare of minorities, both by central and state governments.
3. It makes recommendations for the implementation of protective safeguards for the minorities.
4. It is the authorized body to look into complaints regarding deprivation of the rights and safeguards of the minority communities.
5. It initiates studies concerning minorities' issues arising from discrimination.
6. It conducts studies, research and analysis concerning issues related to the socio-economic and educational development of minorities.
7. It presents periodic or special reports concerning minorities and their issues to the central government.
8. It governs matters which the central government refers to.

Read about [types of constitutional bodies in India](#) in the linked article.

Composition of NCM | National Minorities Commission

It has seven members:

1. A chairperson
2. A vice-chairperson
3. 5 members

**Term of Members of NCM:**

Each member of the commission **holds the office for three years** from the date of assumption of the office.

The points to remember about the composition of NCM:

1. Central government nominates members.

2. The members of the National Commission for Minorities are nominated from amongst the persons of eminence, integrity and ability.
3. As of November 2020, the National Minorities Commission's Chairman seat is vacant.
4. Shri Atif Rasheed is the vice-chairman of the National Commission for Minorities.

**The first Minorities Commission:**

1. The first chairperson of the Minority Commission was Justice Mohd. Sardar Ali Khan.
2. The first vice man of the Minority Commission was Shri B.S. Ramoowalia.

Note: The first five commissions were non-statutory bodies.

**The first statutory commission for minorities:**

1. The first chairman of the National Commission for Minorities was Justice Mohd. Sardar Ali Khan.
2. The first vice-chairman of the National Commission for Minorities was Shri B.S. Ramoowalia.

**Members of Present National Minorities Commission:**

1. Chairperson – Syed Ghayorul Hasan Rizvi (Since 26.05.2017 – 25.5.2020)
2. Vice-Chairperson – Shri Atif Rasheed (5.11.2020 – 13.1.2022)
3. Shri Sunil Singhi (Since 29.05.2017 – 28.5.2020)
4. Ms. Sulekha Kumbhare (Since 30.05.2017 – 29.5.2020)
5. Shri Vada Dasturji Khurshed Kaikobad Dastoor ( Since 07.06.2017 – 6.6.2020)
6. Shri Manjit Singh Rai(Since 25.10.2017 -31.3.2020)
7. Shri Atif Rasheed(Since 14-1-2019-4.11.2020)

## 7. Rights of Persons with Disabilities Act, 2016

Rights of Persons with Disabilities Act, 2016 simply called the RPWD act, promotes and protects the rights and dignity of people with disabilities in educational, social, legal, economic, cultural and political spheres. The RPWD Act, 2016 was enacted in 2016 and came into force in 2017. The Act was enacted to give effect to the United Nations Convention on the Rights of Persons With Disabilities and connected matters.

**Why in the news?**

The Delhi High Court has asked the DoPT to file an affidavit giving the total number of vacancies notified and reservations given in accordance with the Right of Persons with Disabilities Act for the Civil Services Exam (CSE) 2020.

### The salient features of the Act

- The Act lays Responsibility on the appropriate governments to take measures and ensure that PWDs enjoy equal rights.
- The types of disabilities have been increased from 7 to 21. The Central Government will have the power to add more types of disabilities.
- The 21 disabilities are given below:
  1. Blindness
  2. Low-vision
  3. Leprosy Cured persons
  4. Hearing Impairment (deaf and hard of hearing)
  5. Locomotor Disability
  6. Dwarfism
  7. Intellectual Disability
  8. Mental Illness
  9. Autism Spectrum Disorder
  10. Cerebral Palsy
  11. Muscular Dystrophy
  12. Chronic Neurological conditions
  13. Specific Learning Disabilities
  14. Multiple Sclerosis
  15. Speech and Language disability
  16. Thalassemia

17. Haemophilia
  18. Sickle Cell disease
  19. Multiple Disabilities including deaf blindness
  20. Acid Attack victim
  21. Parkinson's disease
- Disability has been defined based on an evolving and dynamic concept.
  - Additional benefits have been provided for persons with benchmark disabilities and those with high support needs.
  - All children with benchmark disabilities between 6 and 18 years shall have the right to free education.
  - The act increased the reservation for people with benchmark disabilities from 3% to 4% in government jobs and from 3% to 5% in higher education institutes.
  - Stress has been given to ensure accessibility in public buildings in a prescribed time frame along with Accessible India Campaign.

#### **Provision for guardianship:**

- District Court or any authority designated by the State Government under which there will be a joint decision-making between the guardian and the persons with disabilities.
- Central & State Advisory Boards on Disability will be set up as policy-making bodies.
- The office of the Chief Commissioner of PwDs and the State Commissioner of disabilities will be strengthened and will act as regulatory bodies and Grievance Redressal Agencies and also monitor implementation of the Act. These Offices will be assisted by an Advisory Committee comprising experts in various disabilities.
- National and State Fund will be created to provide financial support to PwDs.
- Penalties for offences committed against PwDs.
- Designated special Courts to handle cases concerning violation of rights of PwDs.

#### **United Nations Convention On The Rights Of Persons With Disabilities (UNCRPD), 2006**

- Adopted by UNGA in 2006
- Came into force in 2008

To read the details about [UNCRPD](#), visit the linked article.

#### **Incheon Strategy**

- The Ministers and representative of members and associate members of the **United Nations Economic and Social Commission for Asia and the Pacific (ESCAP)** assembled at the High-Level Inter-Governmental meeting on the final review of the implementation of the Asian and Pacific Decade of Disabled Persons, 2003-2012 held at Incheon, Korea in October 2012. It adopted the Incheon Strategy “Make the Right Real” for Persons with Disabilities in Asia and the Pacific.
- The Incheon Strategy sets out the following 10 goals to Make the Right Real for Persons with Disabilities in Asia and Pacific:-
  1. Reduce **Poverty** and enhance work and employment prospects;
  2. Promote participation in political processes and in decision making;
  3. Enhance access to the physical environment, public transportation, knowledge, information and communication;
  4. Strengthen social protection;
  5. Expand early intervention and education of children with disabilities;
  6. Ensure gender equality and women's empowerment;
  7. Ensure disability-inclusive disaster risk reduction and management;
  8. Improve the reliability and comparability of disability data;
  9. Accelerate the ratification and implementation of the Convention on the Rights of Persons with Disabilities and harmonisation of National Legislation with the Convention;

10. Advance sub-regional, regional and inter-regional co-operation.

- The Incheon Strategy contains the core indicators for tracking the progress of implementation at sub-regional and regional levels.
- In order to oversee the implementation of the Incheon Strategy, the UNESCAP has constituted a Working Group on the Asian and Pacific Decade for Persons with Disabilities.
- **Beijing Declaration** was adopted which outlines an action plan for the State parties to achieve the targets of the Incheon Strategy.

### **8. Senior Citizens Act, 2007**

The Senior Citizens Act, officially called the Maintenance and Welfare of Parents and Senior Citizens Act, 2007 was enacted in 2007 by the Indian Parliament. This was landmark legislation initiated by the Ministry of Social Justice and Empowerment. It is important from the point of view of both polity and social justice, which are part of the UPSC syllabus. In this article, you can read more about the Senior Citizens Act.

#### **Senior Citizens Act**

- The chief objective behind this law was to make the provision of maintenance and welfare to old parents and senior citizens more effective.
- This Act makes it legally obliging for adult children and heirs to provide for parents by way of a monthly allowance.
- This Act provides an inexpensive and speedy procedure to claim monthly maintenance for parents and senior citizens.
- According to this Act, parents could mean biological, adoptive or step-parents.
- Under this Act, there are also provisions to protect the life and property of such persons (elderly).
- Since enacting this Act, senior citizens who have transferred their movable or immovable property, on the condition that the transferee shall provide them basic amenities and take care of their physical needs refuse to do so, such a transfer of property shall be considered to have been made by fraud or by coercion or under undue influence. Such a transfer can be made void.
- Abandoning a senior citizen in any place is a criminal offence.
- The Act also provides for the state governments to establish at least one old age home in every district of the state, and also ensure adequate medical care for senior citizens.

#### **Proposed Amendments to the Senior Citizens Act, 2007**

The Maintenance and Welfare of Parents and Senior Citizens (Amendment) Bill 2018 is pending legislation. It proposes certain amendments to the act passed in 2007 with a view to reducing abuse of the elderly.

This amendment expands the definition of children to include daughter-in-law and son-in-law as well. It also proposes:

- Removal of the maximum ceiling of maintenance allowance
- Extension of the right to appeal to the respondents also
- Extension of benefit of revocation of transfer of property to parents also
- Reckoning of time limit for disposal of applications by the Tribunal from the date the application was received, etc.

#### **Need for a Senior Citizens Act**

- Indian society holds parents with the same regard as God, and their protection and care is of utmost importance. But the withering of the old joint family system and traditional values have led to the erosion of this principle.
- Currently, many elderly people are either abandoned entirely or have to live alone without adequate medical, social, financial and emotional support.
- Many face abuse including verbal and physical at the hands of their own families.
- By 2026, the percentage of senior citizens in the population is expected to rise to 12.4% as per a 2006 report of the National Commission on Population.

### Section III: The Statutes

#### 1. Social Justice-Laws and Classifications

The Protection of Civil Rights (PCR) Act, 1955, and the SC and ST (Prevention of Atrocities) Act, 1989 (POA Act) are two important legislations to address the problems of social discrimination, the prevalence of social evils like untouchability and the increasing cases of exploitation and atrocities against disadvantaged groups. The POA Act provides for special courts/mobile courts for on-the-spot trials and prompt disposal of cases.

#### Overview of Social Justice in India

A Centrally sponsored scheme, Implementation of PCR Act and POA Act, was initiated in 1955 to ensure effective implementation of these Acts. Under the scheme, financial assistance is provided for strengthening the administrative, enforcement and judicial machinery related to these legislations, publicity and relief and rehabilitation of the affected persons. As the practice of untouchability still prevails, either directly or indirectly, there is a need for stringent enforcement of the existing legislations along with spreading awareness.

Top priority has been accorded to efforts for achieving the national goal of complete eradication of manual scavenging by the end of the Tenth Plan (2007). The programme has two components – conversion of dry latrines into water-borne latrines and training and rehabilitation of scavengers (whose number is estimated at 6,76,000) and to provide them alternative and dignified occupations.

The first component of the scheme is being implemented by the Ministry of Urban Employment and Poverty Alleviation. The National Scheme of Liberation and Rehabilitation of Scavengers and Their Dependents has been transferred to the Ministry of Urban Employment and Poverty Alleviation in 2003-04 to ensure its effective implementation.

Below table gives a broad classification of Social Justice

Classification	Details
Low Human Development Index	<ol style="list-style-type: none"><li>1. Unemployment</li><li>2. Unequal distribution of wealth</li><li>3. Health status in India</li><li>4. Education status in India</li></ol>
Water, Sanitation and Hygiene	<ol style="list-style-type: none"><li>1. <a href="#">Swachh Bharat Abhiyan</a></li></ol>
<a href="#">Global Hunger Index</a>	<ol style="list-style-type: none"><li>1. Poverty and Hunger in India</li></ol>
Community Level Healthcare	<ol style="list-style-type: none"><li>1. Health for All</li></ol>

#### Human Development Index (HDI)

Human Development Index (HDI) is one of the indicators of social justice prevalent in a nation. The 2 best measurements are the United Nations Human Development Index and the World Bank's Human Capital Index. As per the United Nations Human Development Index, India is ranked very low at 130 out of 189 countries. These indicators take into account the life expectancy at birth, enrollment in schools etc. There are various reasons that contribute to lower rankings.

#### Unemployment

1. India has a very huge population and the majority of the labour force lack the required skill sets.

### **Unequal Distribution of Wealth**

1. Richest 10% of Indians own 4 times more wealth than the remaining 90% of the population which has resulted in a high degree of inequality, non-inclusive growth and low development index.

### **Health**

1. India spends just 1.5% of its **GDP** on the health sector.
2. India has a very high percentage of deaths due to air pollution
3. India has a very high malnutrition rate, Maternal Mortality Rate (MMR), and Infant Mortality Rate (IMR).
4. Government is taking various measures to tackle the above problem.
5. The government must increase its public health expenditure to 2.5% of GDP as suggested in the National health policy 2017.
6. Ayushman Bharat Yojana was launched in 2018 by the Government to address the primary, secondary and tertiary health care systems in India.

### **Education**

1. India spends just 3% of its GDP on the Education Sector.
2. As per the Annual Status of Education Report (ASER) 2018, the quality of education in India is highly unsatisfactory.
3. High dropouts, low employability of graduates, low productivity, low wages are results of the poor education system.

### **Water, Sanitation and Hygiene**

A huge number of Indians still don't have access to safe drinking water, and sanitation facilities.

### **Swachh Bharat Abhiyan**

1. The objective of this mission is to make India open defecation free through the construction of household-owned toilets and community-owned toilets.
2. A UNICEF report shows that this mission has helped in improving sanitation coverage to 90%.

### **Frequently Asked Questions related to Social Justice**

#### **Why is Social Justice important?**

Social justice promotes fairness and equity across many aspects of society. For example, it promotes equal economic, educational and workplace opportunities. It's also important to the safety and security of individuals and communities.

#### **How can Social Justice be achieved?**

Social justice is defined as "justice in terms of the distribution of wealth, opportunities, and privileges within a society." Often this is achieved through institutions or services that work to make sure people can equally access the benefits of social cooperation and guard against socio-economic inequality.

#### **What is the difference between Social Justice and Equity?**

Equity is concerned with fairness and social justice and aims to focus on a concern for people's needs, instead of providing services that reach the greatest number of people.

### **Mechanisms, Laws, Institutions and Bodies for Vulnerable Sections**

Mechanisms, Laws, Institutions and Bodies constituted for the development and betterment of Vulnerable Sections is a topic listed under UPSC Mains General Studies Paper 2 (GS2) syllabus (Topic: Social Justice). As there is a shortage of relevant text books for Social Justice (suitable for UPSC exam) in the market, we are attempting to provide online notes for the same. We may update this post as when new laws or bodies or mechanisms are created for vulnerable sections.

### **To start, who are the vulnerable sections?**

**Vulnerability** refers to the inability to withstand the effects of a hostile environment. And, vulnerable are those who are exposed to the possibility of being attacked or harmed, either physically or emotionally.



1. Women
2. Children
3. **OBC.**
4. **SC.**
5. **ST.**
6. Minority.
7. **Differently Aabled.**
8. **Senior Citizens.**
9. **Victims of Substance Abuse.**
10. Unhealthy.
11. Illiterate.
12. Unorganized workers.
13. Poor migrants.
14. People living with HIV/AIDS.
15. Sexual Minorities (LGBT).
16. Poor in general.

NB: Vulnerable sections marked in bold are those who are taken care by Ministry of Social Justice and Empowerment.

#### **Mechanisms to protect the interests of vulnerable sections**

1. Constitution : Various provisions for safeguarding the interests of vulnerable sections.
2. Legislature : Union and State levels : Various bills for vulnerable sections.
3. Executive : Various Ministries under Central and State Governments.
4. Judiciary : For delivering social justice.
5. Decentralized Administration (extending to Panchayati Raj Level to reach vulnerable sections).
6. National and State commissions for vulnerable sections (Like National Commission for Women).

*Also there are administrative mechanisms like:*

1. Reservation.
2. Subsidy.
3. PDS.
4. Scholarships.
5. Centrally Sponsored Schemes.

#### **Ministries related to social justice**

1. **Ministry of Social Justice and Empowerment.**
2. Ministry for Development of North-East Region.
3. Ministry of Labour & Employment.
4. Ministry of Law & Justice.
5. Ministry of Minority Affairs.
6. Ministry of Personnel, Public Grievances & Pensions.
7. Ministry of Tribal Affairs.

8. Ministry of Women and Child Development.

PS : Check out all the ministries under Government of India.

### **Laws for the development and betterment of vulnerable sections**

Laws about vulnerable sections can be seen in two dimensions.

1. Constitutional
2. Statutory

PS : If you want to know Indian Constitution in brief, check out : Indian Constitution Parts and Articles.

### **Constitutional Provisions for Vulnerable Sections**

There are certain constitutional provisions which cover all vulnerable sections (common to all). Also, there are provisions which deal only with specific sections.

#### **Constitutional Provisions relevant to Social Justice & Empowerment as a whole**

1. Preamble
2. Article 23 : Prohibition of traffic in human beings and forced labour.
3. Article 24 : Prohibition of employment of children in factories, etc.
4. Article 37 : Application of the principles contained in this Part (DPSP).
5. Article 38 : State to secure a social order for the promotion of welfare of the people.
6. Article 39 : Certain principles of policy to be followed by the State.
7. Article 39A : Equal justice and free legal aid.
8. Article 46 : Promotion of Educational and Economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections.

#### **Constitutional Provisions relating to SCs**

##### *Definition and Specification of SCs*

1. Article 341 : Scheduled Castes.
2. Article 366 : Definitions .

##### *Social Safeguards*

1. Article 17 : Abolition of Untouchability.
2. Article 25 : Freedom of conscience and free profession, practice and propagation of religion.

##### *Educational, Economic and Public Employment – related Safeguards*

1. Article 15 : Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.
2. Article 16 : Equality of opportunity in matters of public employment.
3. Article 46 : Promotion of Educational and Economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections.
4. Article 320 : Functions of Public Service Commissions.
5. Article 335 : Claims of Scheduled Castes and Scheduled Tribes to services and posts.

##### *Political Safeguards*

1. Article 330 : Reservation of seats for Scheduled Castes and Scheduled Tribes in the House of the People.
2. Article 332 : Reservation of seats for Scheduled Castes and Scheduled Tribes in the Legislative Assemblies of the States.
3. Article 334 : Reservation of seats and special representation to cease after sixty years.
4. Article 243D : Reservation of seats (in Panchayats).
5. Article 243T : Reservation of seats (in Municipalities).

##### *Agency for monitoring safeguards*

1. Article 338 : National Commission for Scheduled Castes.

#### **Constitutional Provisions relating to socially & educationally backward classes (OBCs)**

The constitution does not define the term backward classes. It is up to the center and the states to specify the classes that belong to this group. However, it is understood that classes that are not represented adequately in the services of the state can be termed backward classes. Further, the President can, under Art. 340, can constitute a commission to investigate

the condition of socially and educationally backward classes. Based on this report, the president may specify the backward classes.

#### *Commission for Enquiring into Conditions of Backward Classes*

1. Article 340 : Appointment of a Commission to investigate the conditions of backward classes.

#### *Safeguards relating to Educational & Public Employment*

1. Article 15 : Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth.
2. Article 16 : Equality of opportunity in matters of public employment.
  - Art. 15 (4): “Nothing in this article or in article 29(2) shall prevent the state from making any provisions for the advancement of any socially and economically backward **classes** of citizens or for Scheduled Castes and Scheduled Tribes.” This clause started the era of reservations in India. You may please note that Art. 15(4) talks about backward classes and not backward castes thus caste is not the only criterion for backwardness and other criteria must also be considered.
  - Art. 15 (5) : This clause was added in 93rd amendment in 2005 and allows the state to make special provisions for backward classes or SCs or STs for admissions in private educational institutions, aided or unaided.
  - Art. 16(4): This clause allows the state to reserve vacancies in public service for any backward classes of the state that are not adequately represented in the public services.
  - Art. 16 (4A): This allows the state to implement reservation in the matter of promotion for SCs and STs.
  - Art. 16(4B): This allows the state to consider unfilled vacancies reserved for backward classes as a separate class of vacancies not subject to a limit of 50% reservation.

#### *Agency for Monitoring Safeguards*

1. Article 338 : National Commission for Scheduled Castes.

#### **Constitutional Provisions relating to Persons with Disability and the Old**

1. Article 41 : Right to work, to education and to public assistance in certain cases.

In Constitution of India, entry 24 in list III of Schedule IV deals with the “Welfare of Labour, including conditions of work, provident funds, liability for workmen’s compensations, invalidity and Old age pension and maternity benefits. Further, Item No. 9 of the State List and Item No. 20, 23 and 24 of the Concurrent List relates to old age pension, social security and social insurance, and economic and social planning.

Article 41 of the Directive Principle of the State Policy has particular relevance to Old Age Social Security. According to this Article, “the State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in case of undeserved want.”

#### **Constitutional Provisions relating to Prevention of Substance Abuse**

1. Article 47 : Duty of the State to raise the level of nutrition and the standard of living and to improve public health.

#### **Constitutional Provisions relating to Children**

Art. 19 A: Education up to 14 yrs has been made a fundamental right. Thus, the state is required to provide school education to children.

In the case of Unni Krishnan vs State of AP, SC held that right to education for children between 6 to 14 yrs of age is a fundamental right as it flows from Right to Life. After this decision, education was made a fundamental right explicitly through 86th amendment in 2002.

Art. 24: Children have a fundamental right against exploitation and it is prohibited to employ children below 14 yrs of age in factories and any hazardous processes. Recently the list of hazardous processes has been update to include domestic, hotel, and restaurant work.

Several PILs have been filed in the benefit of children. For example, MC Mehta vs State of TN, SC has held that children cannot be employed in match factories or which are directly connected with the process as it is hazardous for the children.

In the case of *Lakshmi Kant Pandey vs Union of India*, J Bhagvati has laid down guidelines for adoption of Indian children by foreigners. [source : [legalservicesindia.com](http://legalservicesindia.com)]

Art. 45: Urges the state to provide early childhood care and education for children up to 6 yrs of age.

#### **Constitutional Provisions relating to Women**

Art. 15(3): It allows the state to make special provisions for women and children. Several acts such as Dowry Prevention Act have been passed including the most recent one of Protection of women from domestic violence Act 2005.

Art. 23: Under the fundamental right against exploitation, flesh trade has been banned.

Art. 39: Ensures equal pay to women for equal work.

In the case of *Randhir Singh vs Union of India*, SC held that the concept of equal pay for equal work is indeed a constitutional goal and is capable of being enforced through constitutional remedies under Art. 32.

Art. 40: Provides 1/3 reservation in panchayat.

Art. 42: Provides free pregnancy care and delivery.

Art. 44: It urges the state to implement uniform civil code, which will help improve the condition of women across all religions. It has, however, not been implemented due to politics. In the case of *Sarla Mudgal vs Union of India*, SC has held that in Indian Republic there is to be only one nation i.e. Indian nation and no community could claim to be a separate entity on the basis of religion. There is a plan to provide reservation to women in parliament as well.

#### **Some General Provisions**

##### *Definition of "State"*

1. Article 12 : Definition [Part III : Fundamental Rights].
2. Article 36 : Definition [Part IV : Directive Principles of State Policy].

##### *Division of Legislative & Executive Powers Between The Union & The States*

1. Article 246 : Subject-matter of laws made by Parliament and by the Legislatures of States.
2. Article 73 : Extent of executive power of the Union.
3. Article 162 : Extent of executive power of the State.

##### *Devolution of Powers and Responsibilities on Panchayat & Municipalities*

1. Article 243G : Powers, Authority and Responsibilities of Panchayat.
2. Article 243W : Powers, Authority and Responsibilities of Municipalities, etc.

##### *Seventh Schedule (See Art.246)*

- Union List Entries 59, 97.
- State List Entries 8, 9.
- Concurrent List Entries 15, 16, 19, 20, 23.

##### *Eleventh Schedule (See Art.243G)*

- Entries 16, 17, 18, 19, 23, 24, 25, 26, 27, 28.

##### *Twelfth Schedule (See Art.243W)*

- Entries 3, 6, 9, 10, 11.

#### **Statutory Provisions for Vulnerable Sections**

1. The Protection of Civil Rights (PCR) Act, 1955 : For SC.
2. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 : For SC and ST.
3. The National Commission for Backward Classes Act, 1993 : For Backward Classes.
4. Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

5. National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disability Act, 1999.
6. Rehabilitation Council of India Act, 1992. : For PWD.
7. Maintenance and Welfare of Parents and Senior Citizens Act, 2007 : For Social Defense.
8. Dowry Prevention Act.
9. Protection of women from domestic violence Act 2005.

PS : The proposed Rights of Persons with Disabilities Bill, a comprehensive measure that covers a whole spectrum of problems from physical disabilities to mental illness and multiple disabilities will replace the Persons with Disabilities (Equal Opportunity Protection of Rights and Full Participation) Act of 1995.

#### **Institutions for the development of vulnerable sections**

1. **National Institute of Social Defence.**
2. **Deen Dayal Upadhyaya Institute of Physically Handicapped, New Delhi.**
3. **National Institute for the Orthopaedically Handicapped, Kolkata.**
4. **National Institute of Visually Handicapped, Dehradun.**
5. **National Institute of Mentally Handicapped, Secunderabad.**
6. **Ali Yavar Jung National Institute for the Hearing Handicapped, Mumbai.**
7. **National Institute of Rehabilitation Training and Research, Cuttack.**
8. **National Institute for the Empowerment of Persons with Multiple Disabilities, Chennai.**
9. **Swami Vivekanand National Institute of Rehabilitation, Training & Research (SVNIRTAR), Orissa.**
10. The Indian Sign Language Research and Training Centre, New Delhi.
11. The National Scheduled Castes Finance and Development Corporation.
12. The National Safai Karamcharis Finance and Development Corporation.
13. The National Backward Classes Finance and Development Corporation.
14. The National Handicapped Finance and Development Corporation.
15. Artificial Limbs Manufacturing Corporation, Kanpur.
16. Dr. Ambedkar Foundation.
17. Babu Jagjivan Ram National Foundation

#### **Bodies for the development of vulnerable sections**

1. National Commission for Scheduled Castes.
2. National Commission for Backward Classes.
3. National Commission for Safai Karamcharis.
4. National Commission for Scheduled Tribes – NCST.

#### ***Statutory bodies for vulnerable sections***

1. The Rehabilitation Council of India.
2. The Chief Commissioner for Persons with Disabilities.
3. The National Trust for the Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities.
4. National Commission for Women, New Delhi, India.
5. National Commission for Protection of Child Rights.
6. National Consumer Disputes Redressal Commission.
7. National Human Rights Commission, New Delhi, India.

## **2. Tribals and Issue of Land Rights**

This article will describe in detail the complex issue of tribals in India, issues they face and land rights issues relating to tribals in India.

## Context

- Recent Supreme Court order to evict lakhs of tribal who failed to prove that they are forest dwellers.
- Draft amendment to the existing Indian Forest Act, 1927 that proposes far-reaching powers to the state vis-a-vis the forest dwellers.

## Background

- Supreme Court recently issued an order asking the states to evict lakhs of tribal whose claims as forest dwellers have been rejected under the Forest Rights Act of 2006
- The order was the result of a petition filed by Wildlife First, along with the Nature Conservation Society and Tiger Research and Conservation Trust. They are NGOs active in the sphere of wildlife conservation.
- The court stayed its own order later and decided to examine whether due process was followed by the gram sabhas and the States under the Forest Rights Act before the claims were rejected.
- However, this approach to conservation has put the lives of tribal and conservation efforts in limbo Proposed amendments to the Indian Forest Act, 1927.
- The amendments shift the focus of forest-related issues from mere transportation or taxation of forest produce and widen its scope to include “conservation, enrichment and sustainable management of forest resources” and “provision of ecosystem services in perpetuity”.
- The amendment also aims to “address the concerns related to climate change and international commitments.”
- It also aims to “strengthen and support the forest-based traditional knowledge with peoples’ participation.
- The amendment also introduces a new category of forests called production forest which will be used as a source for timber, pulpwood, etc.
- Strict regulations have been proposed to curb construction of sheds and other structures, fragmentation of land for cultivation or any other purpose, and burning any fire in such manner as to endanger or damage such forest land.
- Regulations also aim to grant patta or occupancy rights only in accordance with the recognition, restoration and vesting of Forest Rights, under “The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006.
- The amendment increases the role of states by stating that if the state government, after consultation with the central government, feels that the rights under The Forest Rights Act will hamper conservation efforts, then the state “may commute such rights by paying such persons a sum of money in lieu thereof, or grant of land, or in such other manner as it thinks fit, to maintain the social organisation of the forest-dwelling communities or alternatively set out some other forest tract of sufficient extent, and in a locality reasonably convenient, for the purpose of such forest dwellers”.

## Land Issues for Tribals

- Present problem has been made more complicated by the fact that many tribal who have been living in the forest for generations do not have the necessary paperwork to prove that they have been living there.
- The rejection of claims has also been arbitrary without proper research or background check.
- There has been a theory in prevalence since the passage of the Forest Rights Act that such legislations accelerate deforestation.
- However, empirical data, including research by Tata Institution of Social Sciences have shown that community participation boost conservation efforts. Research also shows that an exclusionary approach to conservation makes conservation efforts unsustainable
- Amendments to the colonial era Indian Forest Act is also drawing a lot of criticism.
- It empowers the forest officials to use firearms and cause injury to prevent any “violation”.
- It also makes statements made to any forest officer admissible as evidence in a court of law. This is a provision that is used only in extreme cases like terrorism. Its use in forest

administration where forest officers already enjoy wide powers is problematic. There is a huge scope for misuse.

- The amendments also empower the officer to seize property in relation to any case.
- The forest department will also have the right to impose a cess on forest produce, which is over and above the tax imposed by state governments. This is in contravention to FRA, which says that minor forest produce used by forest dwellers cannot be taxed.
- The Forest Rights Act had democratised the issue of Forest, land, ownership of forest produce, etc. and considerable devolution of powers to the gram sabhas had also taken place. Many provisions of these amendments might reverse this situation.
- There is also concern that inviting private parties to maintain forests might give them a perverse incentive to invest in timber cultivation which might adversely affect the fragile ecological balance of the forest area.

### 3. Land Rights of Scheduled Tribes – Recent Update

In July 2019, Ministry of Tribal Affairs through a press release mentioned Constitutional and legal provisions for tribals that have been put in place so far:

1. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (FRA)
2. Gram Sabha to ensure that the rights taken in its assembly are complying with the interests of wild animals, forest and the biodiversity, concerning tribals.
3. Right to fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (RFCTLARR Act, 2013)
4. National Level Monitoring Committee for Rehabilitation and Resettlement under RFCTLARR Act 2013 to review and monitor the implementation of rehabilitation and resettlement schemes and plans
5. No acquisition of land shall be made in the Scheduled Areas (The RFCTLARR Act says, where such acquisition does take place, it shall be done only as a demonstrable last resort.)
6. The procedure and manner of rehabilitation and resettlement are laid down under The RFCTLARR Act, 2013
7. The Scheduled castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989

Articles related to GS-I are mentioned below:

Status of Tribal Population in India	Objectives of Land Reforms in India	Forest Rights Act (FRA)
Scheduled Tribes and State-Wise List of Tribes in India	TRIFED   Development of Tribal People in India	Prevention of Atrocities Act, 1989
Tribes India e-Marketplace	Tharu Tribe in India	National Commission for Scheduled Tribes
Differences between Scheduled Castes and Scheduled Tribes	Tribal Paintings of India	Zamindari System
Ryotwari & Mahalwari Systems Of Land Revenue	Enemy Property	SVAMITVA Scheme – Property Validation for Rural India
Social Welfare	Social Justice	Social Issues in India

### 3. SC/ST Prevention of Atrocities Act:

The Supreme Court recently criticised the verdict delivered by its two-judge bench in March 2018 that had virtually diluted provisions of arrest under the SC/ST Act and asked whether a judgement could be passed against the spirit of the Constitution.

Indicating that it would make certain orders to “bring-in equality” as per the provisions of law, the top court said people belonging to Scheduled Castes and Scheduled Tribes are subjected to “discrimination” and “untouchability” even after over 70 years of Independence.

Taking a serious view of manual scavenging situation and deaths of SC/ST people engaged in such work, the top court said nowhere in the world people are sent to “gas chambers to die”.

#### What is the background?

- For centuries, Caste has been the most important component of religious and social life in India.
- The caste of a person was earlier dependent on his occupation, however, it soon became hereditary and unalterable.
- Caste system provided many privileges to the upper castes but allowed repression of the lower caste.
- After independence, the Indian constitution tried to redress the historical injustices and provide an equal platform for the backward sections through fundamental right to equality (Article 14-18) particularly Article 17 which abolishes the practice of untouchability.
- In spite of all these provisions in the constitution and steps taken by the government over the years to improve the social and economic conditions of SCs and STs, they continue to be very marginalized and have to continuously face different forms of crimes, indignities, coercion, and harassment.
- Laws that are meant to protect SCs and STs such as Protection of Civil Rights Act 1955 and the IPC were not able to prevent/stop the atrocities committed against them.
- Recognizing this situation, the Parliament had enacted Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act (POA) in 1989.
- The major aim of the POA is to bring justice to SC and ST people through proactive initiatives and empower them to have a dignified and prosperous life.

#### What are various forms of atrocities against SC/ST?

**Caste clashes:** There has been an increase in atrocities attributed to the tensions caused between upper castes and Dalits due to the perceived upward mobility of Dalits.

**Cow Vigilantism:** It refers to the lawlessness happening under the name of cow protection. Dalits and Muslims are at the receiving end of this vigilantism. As Dalits are concentrated in the occupation of leather making from hides of the cow = they are being targeted by vigilantes. [Click here to learn more about moral policing/vigilantism in India.](#)

**Honour Killing:** Honour killing is an extreme form of Moral Policing. Due to the fear of losing the caste status which brings them several benefits, people often commit this heinous crime when their son or daughter marry someone from outside their caste.

**Social boycott: Khap panchayat/caste panchayat** often acts as an arena for perpetrating atrocities against Dalits by ostracizing them from society. Law Commission drafted the **Prohibition of Unlawful Assembly (Interference with the Freedom of Matrimonial Alliances) Bill, 2011** that sought to declare khap panchayats unlawful.

**Manual scavenging:** Manual scavenging is linked to a caste system where the so-called low castes were expected to perform this job. Notably, there are growing instances of deaths of manual scavengers while cleaning septic tanks and sewage treatment plants in several states of India. Taking a serious view of manual scavenging situation and deaths of SC/ST people engaged

in such work, the Supreme Court recently said nowhere in the world people are sent to “gas chambers to die”.

### What are some of the examples of atrocities against SCs and STs in independent India?

- **Kizhavanmani, Tamil Nadu (1958):** in which 44 SCs were burnt to death in a confined building as SC agricultural labourers asked a little raise in their very low wages. The high court acquitted all the accused.
- **Karamchedu, Andhra Pradesh (1984):** 5 SCs were massacred. The trial court convicted several accused persons. But the high court acquitted all. The Supreme Court upheld the trial court judgment – a clear example that acquittals do not mean false cases.
- **Tsundur, Andhra Pradesh (1991):** 8 SCs were massacred. The trial court convicted the accused in 2007. The high court acquitted them in 2014. The Supreme Court has admitted a special leave petition (SLP) of the surviving victims and survivors of victims.
- Six cases of **Bihar** including the **Bathani Tola (1996)** and **Laxmanpur Bathe (1997)**. In most of these, the trial court convicted the accused. In all of these, the high court acquitted the accused. Appeals are pending in the Supreme Court.
- **Kambalapalli, Karnataka:** The prime witness in this case, who is the sole survivor and head of the family whose other members were massacred, turned “hostile” due to a threat of life, resulting in the acquittal of all the accused.

in the acquittal of all the accused.

# CASES FILED UNDER PREVENTION OF ATROCITIES ACT

Scheduled Castes						*Till Aug	Scheduled Tribes					
Year	Murder	Hurt	Rape	Arson	Total	Year	Murder	Hurt	Rape	Arson	Total	
2015	46	104	237	12	399	2015	11	25	100	6	142	
2016	46	113	220	18	397	2016	18	23	86	1	128	
2017	48	119	230	17	414	2017	8	27	113	3	151	
2018*	35	78	198	13	324	2018*	13	26	71	1	111	
Total	175	414	885	60	1,534	Total	50	101	370	11	532	

Violence against SC/ST people by dominant communities has increased in the last four years. It has been observed everywhere across the country, especially in BJP-ruled states — A senior IIT professor



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### What are the constitutional provisions against SC/ST atrocities?

**Article 17** of the constitution prohibits the practice of untouchability.

**Article 46** promotes the educational and economic interests of SCs, STs, and other weaker sections of the society and protects them from social injustice and exploitation.

**Article 338** – National Commission for Scheduled Castes

- investigate and monitor all matters relating to the constitutional and other legal safeguards for the SCs and to evaluate their working.
- inquire into specific complaints with respect to the deprivation of rights and safeguards of the SCs.

**338-A** – National Commission for Scheduled Tribes

- Its functions are the same as that of NCSC, but with respect to ST instead of SC.

### What are the measures taken by the government?

- **Reservation policy:** The main objective of the reservation system in India is to improve the social and educational status of backward sections and thus improve their standard of living thus preventing any atrocities against them. The reservation that exists today was introduced in 1933 when British Prime Minister Ramsay MacDonald presented the communal award and the resultant Poona Pact.
- Due to the ineffectiveness of Protection of the civil right act and Indian penal code, ‘**Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act**’ in 1989 and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Rules in 1995 came into existence.

- **Thorat Committee 2007** – the first-ever committee created for the purpose of studying caste discrimination in the higher education sector. But HRD ministry failed to implement Thorat committee recommendations.

### **What are the salient features of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989?**

- Creation of new types of offences that are neither present in the Indian Penal Code (IPC) nor in the Protection of Civil Rights Act 1955.
- It punishes crimes against people belonging to Scheduled Castes and Tribes.
- It vests special protections and rights with the victims.
- It creates Special Courts and special public prosecutor for speedier completion of cases.
- Commission of offences only by particular persons (by non-SCs on SCs and non-STs on STs).
- Punishment for public servant (non-SC/ST) in case of neglect of duties.
- Denial of anticipatory bail.
- Gives compensation, relief, and rehabilitation for victims of atrocities or their legal heirs.
- Mandatory and periodic monitoring system at District, State, and National level.
- Identification of atrocity prone zones.
- Ministry of Social Justice is the nodal ministry to enforce the provisions of the Act.

### **Prevention of Atrocities (Amendment) Act, 2015**

The objective is to ensure more stringent provisions for the prevention of Atrocities against Scheduled Castes and the Scheduled Tribes. Salient Features of the amendment Act are as follows:

- New offences of atrocities are added.
  1. Tonsuring of the head, moustache, or similar acts which are derogatory to the dignity of members.
  2. Garlanding with chappals or shoes.
  3. Denying access to irrigation facilities or forest rights.
  4. Dispose or carry human or animal carcasses, or to dig graves.
  5. Using or permitting manual scavenging.
  6. Dedicating a woman as Devadasi.
  7. Abusing in caste name.
  8. Perpetrating witchcraft atrocities.
  9. Imposing social or economic boycott.
  10. Preventing SC and ST candidates from the filing of nomination to contest elections.
  11. Hurting an SC/ST woman by removing her from her house, village or residence.
  12. Defiling objects sacred to members of SC/ST.
  13. Touching or using words, acts or gestures of a sexual nature against members.
- Creation of Exclusive Special Courts and specification of Exclusive Special Public Prosecutors also, to exclusively try the offences under the PoA Act to facilitate speedy and expeditious disposal of cases.
- Power of Special Courts and Exclusive Special Courts, to take direct cognizance of offence and as far as possible, completion of trial of the case within 2 months, from the date of filing of the charge sheet.
- Clearly defined the term ‘wilful negligence’ of public servants at all levels, starting from the registration of complaint.
- If the accused was acquainted with the victim or his family, the court will assume that the accused has known about the caste or tribal identity of the victim unless proved otherwise.

### **What are the advantages of the POA Act?**

**Awareness:** The POA has improved awareness regarding different types of atrocities faced by SCs and STs = ensured the reduction in the crime rate because of resultant legal punishment.

### **Ensuring rights:**

- The act has increased awareness among SC/ST about various rights provided by the constitution.
- The act has ensured Right to Equality as guaranteed under the Fundamental Rights of Indian Constitution.
- The act has helped in protecting the unique identity and traditional practices of these communities.

**Empowerment:**

- POA has improved the political participation of Dalits.
- SCs and STs are now able to avail better education and health facilities without much discrimination.
- The act has helped Dalits economically by increasing access to grants and finances from the government without any discrimination.
- Thus the act has ensured the inclusive development of the Indian economy.

**Change in Mindset:** The act has created a positive change in the mindset of upper caste towards SCs and STs.

**What are the Drawbacks of POA Act?**

- Low conviction rate.
- Less number of rehabilitated victims.
- Low awareness among the intended beneficiaries about the different legal remedies and provisions.
- Very few states have implemented preventive measures to stop various atrocities.
- POA act is among the most misused laws in India. Many use this act to settle a personal score or to defame some innocent person.
- There is an ever-increasing demand for reservation among some of the upper castes like Patidars in Gujarat, Marathas in Maharashtra and Jats in Haryana amid agricultural losses and increasing economic distress. But, these demands for reservation are not correct as most of these groups were historically privileged. [Click here to read more about reservation in India.](#)

**What is the March 2018 Supreme Court judgement on POA act?****Observations:**

- In Subhash Kashinath Mahajan vs The State of Maharashtra (Review of SC/ST Prevention of Atrocities Act) Case, Supreme Court observed that SC/ST Prevention of Atrocities Act (PoA act) is being misused and measures are needed to prevent such misuse.
- Apex court also observed that the Act has been misused to persecute innocents and public servants for political and personal gains.
- This claim has been validated by Parliamentary Standing Committee report, which has sought an inbuilt provision in the PoA act to safeguard those who are falsely accused.

**Key guidelines**

- **On Bail:** The bar on anticipatory bail under the Act need not prevent courts from granting advance bail if there is no merit in a complaint.
- **On Arrest:** There can be an arrest only if the appointing authority (in the case of public servants) or the district superintendent of police (in the case of others) approves such arrest.
- **On FIR:** No FIR should be registered against government servants without the approval of the appointing authority.

**Issues with the Judgment**

- The Supreme Court's directions to prevent the misuse of PoA act is being perceived by many as a dilution of PoA act.
- Many law experts are of the view that this judgment has not considered the socio-cultural realities of caste atrocities.
- Many critics argue that SC judgment may help to introduce norms to prevent quick action on complaints. It is argued that it will further delay the investigation.
- NCRB data shows that under SC/ST (PoA) Act, 1989 the conviction rate was only 15.4% while the charge sheeting rate is 77%. This indicates that it's not the misuse of the act but poor implementation of Act which failed to create a deterrence.
- With the perceived upward mobility of SCs, there has been a growing demand among dominant and upper castes to dilute PoA act. This judgment can be used as a tool by these castes to further their agenda.

**SC/ST (PoA) Amendment Act of 2018**

It restores the original provisions to prevent atrocities against the SCs/STs.

### **Key features**

- It seeks to restore the power of the investigating officer to arrest an accused who is alleged to have committed atrocities against SCs/STs.
- It rules out any provision for anticipatory bail for the accused.
- It provides that no preliminary inquiry will be required for registering a criminal case (FIR) and an arrest under this law would not be subject to any approval.

### **Reason for amendment**

- The alleged potential of misuse should not be considered to be a valid, justifiable or permissible ground for diluting stringent provisions of the PoA (Prevention of Atrocities) Act, 1989.
- In the face of growing atrocities against SCs/STs, aggrieved persons may now think twice before registering a complaint, as the process is backed by checks (by Supreme Court order) which prevent the automatic arrest of an accused.

### **What needs to be done?**

- Minimising the duration of trials.
- SC/ST commission should start a national helpline number for any harassment on the basis of caste.
- Improving the training of police officers in dealing with POA cases so that they can solve the cases without any pressure or prejudice.
- Increasing awareness about several legal remedies and different rights available to the marginalized community.
- Use of audio-video recording to collect evidence.
- Better forensics.
- State Protection of a witness.
- The government should take proactive measures to improve the participation of people from SC/ST community in decision making and government functioning.

The most crucial thing for ending discrimination and improving fraternity is a consistent societal action to change the entrenched caste rigidity. SC/ST Prevention of Atrocities Act (PoA act) only serves as a tool in this endeavour rather than an end in itself.

## **Section IV: Sexual Harassment**

### **1. Issues related to Women: Problems faced by women in urban areas**

#### **Food & Health of Urban Poor Women:**

- Inflation of milk, vegetables, and pulses directly affects nutrition security of urban poor woman and her children.
- Since rural women engage in agriculture, fisheries and dairying; Government schemes for purchase of cattle, goat, hens- they're slightly better off.

#### **Residence & family life of Urban Poor Women:**

- Nuclear families in slums, usually without caste-community affiliations. Husband has less fear of relatives or elders of the community. Could be more abusive / domestic violence than rural.
- Crime, Drugs, Liquor, Gambling, and Juvenile Delinquency is more prominent in urban slums than rural. When male members of a poor family engage in these evils, it has repercussion on the females of the house as well.
- Urban areas have higher cost of living. So, Urban poor woman have to engage herself in petty-labour while looking after the household chores and childcare. Rural women might have the help of grandparents / family elders / in-laws to take care of raising the children and dividing the domestic chores. So, she may have slightly better peace of mind.
- Urban slums have unhygienic conditions, and they are more prone to damage in urban floods which leads to diseases, financial distress. In Rural floods, Government relief and compensation packages are bigger and arrive more quickly due to the electoral politics.

- Urban slums more prone to eviction during anti-encroachment drives compared to rural slums.

#### **Occupation & Financial Well-being of Urban Poor Women:**

- Urban poor women face inequality in wages and job-opportunities. Salaried urban jobs require skill and documents- be it driver, electrician, plumber, nurse, receptionist, computer operator or teacher.
- So, urban poor women due to lack of higher-education end up in rag-picking, construction and hazardous industries without social security are more prone to industrial / occupational disease, disability. Rural women don't have social security either, but they're less prone to occupational disease because pesticide spraying is usually done by males.
- Urban poor women can hold only one type of job at a time (maids, ragpickers), whereas a rural poor woman can collect of minor forest produce in the morning, MGNREGA/farm-labourer in the afternoon and rearing hen/goat in the evening or going to a self-help-group for soap / handicrafts. So, employment security for rural poor women is slightly better than urban counterpart.

#### **Political Voice of Urban Poor Women:**

- Nature of municipal level delimitation and electoral politics is such that despite women-reservation in Urban Local Bodies (ULBs), limited opportunity for the poor women to express their voices, compared to Panchayati Raj Institutions (PRIs).

#### **Problems faced by women in rural areas**

- **Personal Challenges:**
  - In developing countries like India women work long hours daily, carrying out family chores such as cleaning, cooking, bringing up children along with concentrating on their income generating activities.
  - Such family responsibilities prevent them from becoming successful entrepreneurs. ex: a choice between family and career.
- **Social Challenges:**
  - The biggest problem of a woman entrepreneur is the social attitude and the constraints in which she has to live and work.
  - Despite constitutional equality, there is discrimination against women. In a tradition-bound society, women suffer from male reservations about a woman's role and capacity.
  - In rural areas, women face resistance not only from males but also from elderly females who have accepted inequality.
- **Financial Challenges:**
  - When it comes to financing, women in developing nations have little access to finance because they are concentrated in poor rural communities with few opportunities to borrow money.
  - Lack of access to credit is still worsened by a lack of information on where credit can be sought and requirements for loans.
  - According to a report by the **United Nations Industrial Development Organization (UNIDO)**, despite evidence that women's loan repayment rates are higher than men's, women still face more difficulties in obtaining credit often due to the discriminatory attitudes of banks and informal lending groups.
  - Women and small entrepreneurs always suffer from inadequate financial resources and working capital.
  - They lack access to external funds due to the absence of tangible security and credit in the market.
  - Women also generally do not have property in their names.
- **Marketing Challenges:**
  - Because of inefficient arrangements for marketing and selling their products, women entrepreneurs are often at the mercy of the intermediaries who pocket large chunks of profit.
- **Managerial Challenges:**

- Often high cost of production undermines efficiency and restricts the development of women enterprises.
- **Competition Challenges:**
  - Many of the women enterprises have imperfect organizational setup. They have to face severe competition from organized industries and male-centric entrepreneurship.
- **Lack of Mobility Challenges:**
  - One of the biggest handicaps for women entrepreneurs is mobility or traveling from place to place.
  - Women on their own also often find it difficult to get accommodation in smaller towns.
- **Educational Challenges:**
  - In India, literacy among women is very low.
  - Due to lack of education, the majority of women are unaware of technological developments, marketing knowledge, etc.
  - Lack of information and experience creates further problems in the setting up and running of business enterprises.
- **Shortage of Raw Materials:**
  - Women entrepreneurs find it difficult to procure raw materials and other necessary inputs.
  - The failure of many women cooperatives in 1971 such as those engaged in basket making was mainly due to the inadequate availability of forest-raw materials.
  - The prices of many raw materials are in any case quite high.
- **Low Ability to Bear Risk:**
  - Women have comparatively a low ability to bear economic and other risks because they have led a protected life.
- **Low Need for Achievement:**
  - Need for achievement, independence, and autonomy are the prerequisites for success in entrepreneurship.
  - However, women are often found (and limited) to be only proud of the achievements of their parents, husbands, sons, etc.
- **Other Challenges:**
  - In addition to the above problems, inadequate infrastructure, shortage of power and technical expertise and other economic and social constraints have retarded the growth of women entrepreneurship in India.

#### Government Schemes for women in Rural India

- **Mahatma Gandhi National Rural Employment Guarantee Act:** To enhance livelihood security in rural areas by giving 100 days of wage employment to every household there.
- **Pradhan Mantri Matritva Vandana Yojana – 2017:** It is a maternity benefit. The first time pregnant and lactating women of 19 years of age or above can apply for this conditional cash transfer scheme.
- **Janani Suraksha Yojana – 2005:** It is a safe motherhood scheme under the National Health Mission. It aims to reduce maternal and neonatal mortality by supporting institutional delivery for poor pregnant women. The main focus is on the Low Performing States.
- **Pradhan Mantri Ujjwala Yojana:** Distribute LPG connections to women of Below Poverty Line families. 22 million LPG connections were distributed against the target of 15 million. The number crossed 58 million in 2018.
- **National Literacy Mission Program:** It is an Indian government program to create a literate society. This scheme has four elements – **Sakshar Bharat, Sarva Shiksha Abhiyan, Rashtriya Madhyamik Shiksha**, and teacher training programs.

- **Sukanya Samridhi Yojana:** It is a Government of India saving scheme for the parents of girl children. This encourages parents to save funds for their female child's future education and marriage expenses.
- **Sabla:** It is the Rajiv Gandhi Scheme for Empowerment of Adolescent Girls begun in 2011. The idea is to encourage self-development and empowerment of adolescent girls. They also want to improve their nutrition and health and promote awareness around their changing body.

There is a need for universalising, deepening, and extending the government schemes and SHG setups in order to help every woman come out of the ill impact from the pandemic as soon as possible. Making the right investments in women's issues now could prove transformational in the long-term recovery and health of our economy and society.

## 2. Violence/crime against Women

Gender-based violence against women is among the most egregious and commonly experienced abuses of women's rights. Intimate partner violence, female genital mutilation, early and forced marriage and violence as a weapon of war, sexual and gender-based violence, are a major public health concern across the world, a barrier to women's empowerment and gender equality, and a constraint on individual and societal development, with high economic costs.

VAW in India

- **The National Family Health Survey (NFHS-4)** suggests that 30 percent women in India in the age group of 15-49 have experienced physical violence since the age of 15.
- The report further reveals that 6 percent women in the same age group have experienced sexual violence at least once in their lifetime.
- About 31 percent of married women have experienced physical, sexual or emotional violence by their spouses.
- Violence/Crime against women is increasing every year. According to **NCRB report, it has reached a peak in 2018. Close to 3.78 lakh cases of crimes against women were recorded in 2018**, the highest since gender-wise classifications were initiated in 1992 by the NCRB.
- In recent years, more than 560 cases of rape reported in Delhi. Violence against Indian women is increasing and has widespread and deep roots in social psyche.
- As per **World Health Organization (WHO)** findings about **1 in 3 (35%) women** worldwide have experienced either **physical or sexual intimate partner violence or non-partner sexual violence** in their lifetime.
- Violence against women – particularly **intimate partner violence and sexual violence**– is a major public health problem and a violation of women's human rights.
- Globally, **38% of murders of women** are committed by a **male intimate partner**.
- Violence can negatively affect women's **physical, mental, sexual and reproductive health**, and may increase the risk of acquiring HIV in some settings.

Gender violence – a barrier to women empowerment

- Women who experience violence are more at risk of unwanted pregnancies, maternal and infant mortality, and sexually transmitted infections, including HIV.
- Such violence can cause direct and long-term physical and mental health consequences.
- Exposure to violence has been linked with a multitude of adverse health outcomes, including acute injuries, chronic pain, gastrointestinal illness, gynecological problems, depression, and substance abuse.
- Mental health consequences include increasing women's risk of depression, post-traumatic stress disorder, and substance abuse
- In many societies, women who are raped or sexually abused are stigmatized and isolated, which impacts not only their well-being, but also their social participation, opportunities and quality of life.
- Women who experience violence from their partners are less likely to earn a living and are less able to care for their children or participate meaningfully in community activities or social interaction that might help end the abuse.
- Women exposed to partner violence have higher work absenteeism, lower productivity, and lower earnings than working women who are not beaten.

- Women in formal wage work who are exposed to severe partner abuse (both lifetime and current) have 60 per-cent lower earnings.

#### Forms of violence

They start with the practice of sex-selective abortion and infanticide, and continue through adolescent and adult life with high levels of female infant mortality, child marriage, teenage pregnancy, lesser wages for women, unsafe workplaces, domestic violence, maternal mortality, sexual assault and neglect of elderly women.

- **Domestic violence**
  - Domestic violence is abuse by one partner against another in an intimate relationship such as dating, marriage, cohabitation or a familial relationship.
  - It is also categorised as domestic abuse, spousal abuse, battering, family violence, dating abuse and intimate partner violence (IPV).
  - It can be physical, emotional, verbal, economic and sexual abuse as well as subtle, coercive or violent.
- **Killings**
  - **Female infanticide and sex-selective abortion**
    - Female infanticide is the elected killing of a newborn female child or the termination of a female fetus through sex-selective abortion.
    - In India, there is incentive to have a son, because they offer security to the family in old age and are able to conduct rituals for deceased parents and ancestors.
    - In contrast, daughters are considered to be a social and economic burden
  - **Dowry deaths**
    - A dowry death is the murder or suicide of a married woman caused by a dispute over her dowry.
    - In some cases, husbands and in-laws will attempt to extort a greater dowry through continuous harassment and torture which sometimes results in the wife committing suicide.
  - **Honor killings**
    - An honor killing is a murder of a family member who has been considered to have brought dishonour and shame upon the family.
    - Examples of reasons for honor killings include the refusal to enter an arranged marriage, committing adultery, choosing a partner that the family disapproves of, and becoming a victim of rape.
    - Village caste councils or khap panchayats in certain regions of India regularly pass death sentences for persons who do not follow their diktats on caste or gotra.
  - **Witchcraft accusations and related murders**
    - Witchcraft is the practice of what the practitioner believes to be magical skills and abilities, and activities such as spells, incantations, and magical rituals.
    - Murders of women accused of witchcraft still occur in India. Poor women, widows, and women from lower castes are most at risk of such killings.
- **Sexual Abuse/ Molestation/ Rape**
  - Rape is one of the most common crimes in India.
  - According to the National Crime Records Bureau, one woman is raped every 20 minutes in India.
- **Marital Crimes**
  - **Marital rape**
    - In India, marital rape is not a criminal offense.
    - India is one of fifty countries that have not yet outlawed marital rape.
  - **Forced Marriage**
    - Girls are vulnerable to being forced into marriage at young ages, suffering from a double vulnerability: both for being a child and for being female.

- Child brides often do not understand the meaning and responsibilities of marriage.
- **Harassment**
  - **Trafficking and forced prostitution**
    - Human trafficking, especially of girls and women, often leads to forced prostitution and sexual slavery.
  - **Online abuse**
    - As internet becomes an increasingly important part of human existence to make their voices heard, a woman's inability to feel safe online is an impediment to her freedom.
    - Women are regularly subject to online rape threats, online harassment, cyber-stalking, blackmail, trolling, slut-shaming and more.
  - **Harassment at the workplace**
    - The #MeToo movement is aimed at demonstrating how many women have survived sexual assault and harassment, especially in the workplace.
    - Scores of women, many journalists, came out with accounts of sexual harassment at workplace, mostly comprising of indecent remarks, unwanted touches, demands for sex, and the dissemination of pornography.

Reasons for rise in crime against women in India

- **Gender roles and relations**
  - Men's agreement with sexist, patriarchal, and sexually hostile attitudes
  - Violence-supportive social norms regarding gender and sexuality
  - Male-dominated power relations in relationships and families
  - Sexist and violence-supportive contexts and cultures
- **Social norms and practices related to violence**
  - Lack of domestic violence resources
  - Violence in the community
  - Childhood experience of intimate partner violence (especially among boys)
- **Access to resources and systems of support**
  - Low socioeconomic status, poverty, and unemployment
  - Lack of social connections and social capital
  - Personality characteristics
  - Alcohol and substance abuse
  - Separation and other situational factors
- **No fear of law:** Various laws like Sexual harassment at workplace, **Vishakha guidelines** are in place. Unfortunately, these laws have failed to protect women and punish the culprits. Even law has a lot of loopholes. For example, under Sexual harassment at workplace act, the law states that there has to be an annual report that needs to be filed by companies, but there is no clarity with the format or filing procedure.
- **Lack of accountability and conviction:** Lack of accountability of the law-and-order institutions and lack of conviction of culprit lead to increase in crimes against women. A lack of centralised mechanism to collect data on women harassment, makes it difficult to analyse patterns on harassment that women face leading to poor law implementation.
- **Patriarchy:** Despite the increased education levels and various government efforts like Beto Bachao Beti Pado, women status has not improved much. People are not shedding their patriarchal mind-set. Honour killing, domestic violence are on rise due to increasing women's voices that is challenging patriarchal mind-set.
- **Police failure:** Indifferent attitude of Police leads people to take law in their own hands. Police delays and inability to catch the criminals lead to more crime against women. The state police attitude is not good in implementing laws against sexual crime. Many cases of misbehavior with women by police have been reported.
- **A lack of public safety:** Women generally aren't protected outside their homes. Many streets are poorly lit, and there's lack of women's toilets. Women who drink, smoke or go to pubs are widely seen in Indian society as morally loose, and village clan councils have blamed a

rise in women talking on cell phones and going to the bazaar for an increase in the incidence of rape.

- **More reporting:** A recent report reveals that **there is a 12% increase in sexual offences**. With women shedding their shyness and more women being educated, reporting of crimes has increased. More women are raising their voice as was seen in **#MeToo movement**. This has led to increased reported cases as reflected in NCRB report.
- **A sluggish judicial system:** India's court system is painfully slow, because of a shortage of judges. The country has about 15 judges for every 1 million people. This leads to delay in justice. The Indian justice system has failed to investigate, prosecute, and punish the perpetrators and failed to provide effective redressal for victims.
- **Traditional and cultural practices:**
  - **Female genital mutilation:** Can lead to death, infertility, and long-term psychological trauma combined with increased physical suffering.
  - **Acid attacks:** Acid attacks have emerged as a cheap and readily accessible weapon to disfigure and sometimes kill women and girls for reasons as varied as family feuds, inability to meet dowry demands, and rejection of marriage proposals.
  - **Killing in the name of family honour:** In several countries of the world including Bangladesh, Egypt, Jordan, Lebanon, Pakistan, Turkey, and India, women are killed to uphold the honour of the family due to varied reasons such as-alleged adultery, premarital relationship (with or without sexual relations), rape, falling in love with a person the family disapproves, which justify a male member of the family to kill the woman concerned.
  - **Early marriages:** Early marriage with or without the consent of the girl, constitutes a form of violence as it undermines the health and autonomy of millions of girls.
- **Judiciary and law enforcement machinery:** An insensitive, inefficient, corrupt and unaccountable judicial system and law enforcement machinery fails to deter against various forms of crimes.
- **Socio-cultural factors dis-favoring women: Stereotypes of gender role** have continued over the ages.
  - The primary roles for women have been **marriage and motherhood**.
  - Women must marry because an unmarried, separated or divorced status is a stigma.
  - The **custom of dowry** is still prevalent in Indian marriages.

#### New Forms of Gender violence

- In India, the National Commission for Women (NCW) has recorded a more than **twofold rise in gender-based violence**.
- 1 in 3 women and girls experience physical or sexual violence in their lifetime, most frequently by an intimate partner.
- 200 million women and girls have undergone female genital mutilation (FGM).
- 71% of all human trafficking victims worldwide are women and girls, and 3 out of 4 of these women and girls are sexually exploited.
- As per NCRB data Majority of cases under crime against women under IPC were registered under cruelty by husband or his relatives (30.9%), followed by assault on women with intent to outrage her modesty, kidnapping & abduction of women and rape.
- 4% of cybercrime cases registered were for the motive of fraud followed by sexual exploitation.

#### Legislations and Government Initiatives to safeguard women

- Protection of Women from Domestic Violence Act, 2005
- Dowry Prohibition Act, 1961
- Indecent Representation of Women (Prohibition) Act, 1986
- Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
- Prohibition of Child Marriage Act, 2006

The Government has also taken a number of initiatives for safety of women and girls, which are given below:

- **Nirbhaya Fund** for projects for the safety and security of women

- **One-Stop Centre Scheme** to provide integrated support and assistance to women affected by violence, both in private and public spaces under one roof
- Online analytic tool for police called “**Investigation Tracking System for Sexual Offences**” to monitor and track time-bound investigation in sexual assault cases in accordance with Criminal Law (Amendment) Act 2018.
- **National Database on Sexual Offenders (NDSO)** to facilitate investigation and tracking of sexual offenders across the country by law enforcement agencies
- In order to coordinate various initiatives for women safety, MHA has set up a **Women Safety Division**.

MHA has issued advisories to all State Governments/UTs, advising them to ensure thorough investigation, conducting of medical examination of rape victims without delay and for increasing gender sensitivity in Police.

Measures needed in Violence/crime against Women

- **Civil society participation:** The role of community and state has increased to stop such crimes. Active participation of civil society against such crimes and helping state and law enforcement agencies in nabbing the criminal is critical.
- **State action:** State should be more proactive in police reforms. Strict action should be taken against any police officials who do not record such incidents in criminal records.
- **Police reforms:** The government should carry a recruitment drive for women and should focus on gender focused training in police and judiciary. There is a need to create women police stations and more women should be taken as judges.
- **Judicial reforms:** Women harassment cases must be resolved in a time frame. The court dealing with rape cases should be sensitive towards the conditions of rape victims and award punishments to rapists with great seriousness towards women conditions in the Indian society.
- **Compensation:** The need of the hour is the creation of state sponsored victim compensatory fund particularly for heinous offences including rape. This award should be totally free from the result of the prosecution that is conviction or acquittal and should come into action the moment FIR is registered or cognisance is taken of a complaint.
- **Media:** The media must be sensitive to the plight of the rape victim and must not highlight the name or any inference leading to the identification of the victim, as it will be counterproductive. The media must invariably highlight those cases where the offender has been convicted, as it will infuse the feeling of deterrence among the people.
- **Crisis centre:** Rape Crisis Centres are set up in countries like Australia, Canada, America, United Kingdom, etc. These centres provide their help through their telephonic help lines also. These centres provide the rape victims with medical help, counselling, and financial help by way of providing job opportunities etc. Such centres should be set up in India to provide for medical aid and counselling to the rape victims.

Role of men for problem of sexual violence against women

- **Promoting gender equality is a critical part of violence prevention.**
  - The relationship between gender and violence is complex. Evidence suggests, however, that gender inequalities increase the risk of violence by men against women and inhibit the ability of those affected to seek protection. There are many forms of violence against women; this briefing focuses on violence by intimate partners, the most common form. Though further research is needed, evidence shows that school, community and media interventions can promote gender equality and prevent violence against women by challenging stereotypes that give men power over women.
- **School initiatives are well placed to prevent violence against women.**
  - School-based programmes can address gender norms and attitudes before they become deeply ingrained in children and youth. Such initiatives address gender norms, dating violence and sexual abuse among teenagers and young adults. Positive results have been reported for the Safe Dates programme in the United States of America and the Youth Relationship Project in Canada.
- **Community interventions can empower women and engage with men.**

- Community interventions can address gender norms and attitudes through, for example, the combination of microfinance schemes for women and methods that empower men as partners against gender-based violence. The strongest evidence is for the IMAGE microfinance and gender equity initiative in South Africa and the Stepping Stones programme in Africa and Asia. Community programmes with male peer groups show promise in changing attitudes towards traditional gender norms and violent behaviour, but they require more rigorous evaluations. Well-trained facilitators and community ownership appear to boost the effectiveness of these interventions.
- **Media interventions can alter gender norms and promote women's rights.**
  - Public awareness campaigns and other interventions delivered via television, radio, newspapers and other mass media can be effective for altering attitudes towards gender norms. The most successful are those that seek to understand their target audience and engage with its members to develop content. We do not yet know, however, whether they actually reduce violence.
- **Programmes must engage males and females.**
  - There is some evidence that microfinance schemes that empower women (without engaging with men) may actually cause friction and conflict between partners, especially in societies with rigid gender roles. Further research is needed to explore how such possible negative effects might be overcome.

#### Way forward in Violence/crime against Women

- Addressing the deeply entrenched patriarchal attitudes of the police, lawyer and other judicial officers that continues to contribute to low reporting and conviction rates.
- Bridging the gap between GBV laws and its correlated areas such as legal rights to property, land, inheritance, employment and income that allows a woman to walk out of an abusive relationship and specific emphasis on political and economic participation of women.
- Systematic intervention for multisectoral linkages between Health sector (medical and psychosocial support), Social Welfare sector (Shelters, counselling and economic support/skill), Legal (legal aid)
- Not just engage with “men and boys” as change agents but also acknowledge the expectations linked to masculinity, their position as victim of violence especially for young boys to address the perpetuation of cycle of GBV.
- Recognize sexual and reproductive health and rights by promotion and protection of women's right to have control and decide freely over matters related to their sexuality, including sexual and reproductive health, family-planning choices and access to comprehensive sexuality education.
- Reclaiming the spaces for women to increase their presence in visibility through political and economic participation and diversifying their engagement in non-traditional sectors.
- Use of technology and emerging concepts such as Smart City in urban policy for ensuring safer and gender friendly infrastructures and spaces that prevents GBV.

Thus, women's crime needs to be tackled at all levels with involvement of community and whole society. Everyday women are dealing with harassment from mild to extreme forms on our streets, workplaces, public transportation, and even in homes. This needs to be stopped by active vigil in society. Women's issues need to be tackled with strong political will and government efforts.

### 3. Women in workforce

The World Economic Forum's Global Gender Gap Report 2020 ranked India at 149th position out of 153 countries on Economic participation and opportunity. According to the WEF report, raising women's participation in the labour force can increase India's GDP significantly. A working woman creates a lot more employment in the economy thus providing a source of livelihood for others. The declining women's labour force participation, gender pay-gap, high rates of informal work with lack of social security are seen as impediments to the goal of gender equality and the empowerment of women in India.

Status of women workforce in India

- **India's female employment trends** do not resonate with its high economic growth and rise in female schooling.
- While 37.1 per cent of the youth are in the labour force, there is a stark difference between the participation rate of men (57.1 per cent) and that of women (12.7 per cent).
- India lacks a coordinated labour structure and gender parity.
- 3 out of every 4 women in India do not take part in any recognized economic activity.
- In such a scenario, when more than half of our youth do not participate in the formal labour force, it is difficult to realise India's demographic advantage.
- One of the ways to narrow the gender gap in India's workforce is to focus on the country's 253 million youth (aged 15-24 years), of which 48.5 per cent are young women.
- **Between 2004 and 2018** — unlike the shrinking gender gap in educational attainment — the gender gap in workforce participation did not, demonstrating one of the lowest labour participation rates for women, which have been consistently declining since 1950.
- **The recently released Periodic Labour Force Survey (PLFS), 2018-19** indicates a dramatic fall in absolute employment for men, and more so women, who faced a decline in labour participation rates (from 2011 to 2019) in rural areas from 35.8% to 26.4%, and stagnation in urban areas at around 20.4%.
- **The gender wage gap is the highest in Asia**, with women 34% below men (for equal qualification and work), according to a 2019 Oxfam report. This stifles women's labour force participation, despite the guarantees of India's Equal Remuneration Act, 1976.
- **Women also disproportionately populate India's informal economy**, and are concentrated in low-paid, highly precarious jobs.
- **Agriculture employs nearly 60% of women**, who form the bulk of landless labourers in an almost completely informal sector, with no credit access, subsidies, little equipment, and abysmal asset ownership.

**According to India Spend, only about 13% of women tillers owned their land in 2019.**

- **Manufacturing employs** (almost completely informally) only around 14% of the female labour force.
- **The service sector** sees women disproportionately involved in care-work. According to the National Sample Survey (NSS) 2005, over 60% of the 4.75 million domestic workers are women.

**Impact on women labour force due to Pandemic**

- A survey by the Azim Premji University, of 5,000 workers across 12 States — of whom 52% were women workers — found that women workers were worse off than men during the lockdown.
- Among rural casual workers, for example, 71% of women lost their jobs after the lockdown; the figure was 59% for men.
- Data from the **Centre for Monitoring Indian Economy (CMIE)** also suggest that job losses in April 2020, as compared to April 2019, were larger for rural women than men.
- **Agricultural and allied sectors:**
  - A rapid rural survey conducted by Foundation for Agrarian Studies (FAS) showed that in large parts of the country where rain-fed agriculture is prevalent, there was no agricultural activity during the lean months of March to May.
  - In other harvest operations, such as for vegetables, there was a growing tendency to use more family labor and less hired labor on account of fears of COVID-19 infection.
  - During the COVID-19 lockdown, the demand for milk fell by at least 25% (as hotels and restaurants closed), and this was reflected in either lower quantities sold or in lower prices or both.
  - Also, for women across the country, incomes from the sale of milk to dairy cooperatives shrank.
  - Among fishing communities, men could not go to sea, and women could not process or sell fish and fish products.\

- **Non-agricultural sectors:**
  - Non-agricultural jobs have suddenly come to halt as construction sites, brick kilns, petty stores and eateries, local factories and other enterprises shut down completely.
  - In the last few years, women have accounted for more than one-half of workers in public works, but no employment was available through the National Rural Employment Guarantee Scheme (NREGS) till late in April 2020.
  - The first month of lockdown thus saw a total collapse of non-agricultural employment for women. In May 2020 there was a big increase in demand for NREGS employment.
- **Government scheme workers:**
  - The government schemes have been a major source of women's employment in the last few decades, especially in the health and education sectors, where women work as Anganwadi workers or mid-day meal cooks.
  - During the COVID-19, Accredited Social Health Activists or ASHAs, 90% of whom are women, have become frontline health workers, although they are not recognised as "workers" or paid a regular wage.

Challenges faced by women labour force in India

- **Lack of Economic Empowerment:**
  - Women's Labor force participation globally is 51% while it is 80% for men as per World Development Report 2012. In India it is **23% as per the latest PLFS Survey**.
  - Women are underrepresented in senior managerial position and overrepresented in low paying jobs. **Oxford Survey** shows that globally **only 19% firms** have a female senior manager.
- **Access to productive capital:**
  - It is harder for women to access funds and capital for farming, starting a business or for other developmental works.
  - **Women tend to lack access to informal networks** that provide opportunities to work in high-profile projects, which include attending conferences abroad or on-the-job opportunities.
- **Crisis of regular employment:**
  - When women are not reported as workers, it is because of the lack of employment opportunities rather than it being on account of any "withdrawal" from the labour force.
  - This crisis of regular employment will have intensified during the pandemic and the lockdown.
- **Non-fulfilment of particular criteria required for women:**
  - Younger and more educated women are often not seeking work because they aspire to skilled non-agricultural work, whereas older women are more willing to engage in manual labour.
  - **Secondary Education** for women is lower than man in majority of countries while this stands at less than **80%** in India.
- **Unequal pay:**
  - Women's wages are rarely equal to men's wages, with a few exceptions.
  - Globally women still earn 20% less than men. In a recent **ILO report, India** was among the bottom five countries, with a gender pay gap of **34** per cent.
  - That is, women get 34 per cent less compared to men for performing the same job with same qualifications.
  - The gap between female and male wages is highest for non-agricultural tasks — the new and growing source of employment.
- **Glass Ceiling effect:**
  - **Corporates:** Women still earn on average 79 percent of what men earn, hold only 5 percent of Fortune 500 CEO positions, and represent on average 17 percent of global Board positions.
  - When it comes to **peer recognition**, women are at loss as they muster less support.

- As per McKinsey report women were overlooked for promotion even in companies like Google for their reproductive choices.
- Women continue to face the same kind of discrimination at work as they face in society.
- According to a recent **Accenture research report**, the gender pay gap in India is as high as **67 percent in corporates**.
- **Exceedingly long woman's workday:**
  - Counting all forms of work — economic activity and care work or work in cooking, cleaning, child care, elderly care — a woman's workday is exceedingly long and full of drudgery.
  - In the FAS time-use survey, the total hours worked by women (in economic activity and care) ranged up to a maximum of 91 hours (or 13 hours a day) in the peak season.
  - No woman puts in less than a 60-hour work-week.
- **Safety Issues:**
  - **Concerns about safety and Harassment at work site**, both explicit and implicit.
- **Social norms:**
  - Social norms about household work are against women's mobility and participation in paid work. **Childbirth and taking care of elderly parents or in-laws** account for the subsequent points where women drop off the employment pipeline.
  - The **cultural baggage about women working outside the home** is so strong that in most traditional Indian families, quitting work is a necessary precondition to the wedding itself.
  - When **increases in family incomes** are there, due to the cultural factors, women leave the work to take care of the family and avoid the stigma of working outside.
  - **Social norms and stereotypes:** Classifying men as “bread winners” and women pursuing jobs as “career women” was reported by Oxford University Survey. It also highlighted that most of the unpaid work is seen as a women's job.
  - **Deeply ingrained bias:** Ironically it exists among both men and women – against genuine equality. According to PISA test data, the notion that “boys fare better at maths” is unfounded. Yet this belief still exists.

Government measures undertaken for women labour

- **Behavioral Nudge:** India is encouraging women and girls to enter traditionally male-dominated sectors such as the armed forces and information technology.
  - **Eg: Supreme Court in India declared that women could now hold commanding positions in Army.**
- **Gender Justice at Work**
  - Bridging the wage gap for equal work, India has statutorily mandated this.
  - Making work places safer through strong laws. India has enacted **Sexual Harassment at workplaces act**. **Penalty** provisions are made for non-compliance and companies must disclose details in their annual filings regarding the same.
  - Every company with 10 or more employees must follow the mandate and constitute an Internal Complaints Committee.
- **Social security and financial literacy:** Formalization of jobs should be pushed to avail benefits to many women. Until then, social security benefits should be provided to women in unorganized sector. **Example, Self Help Group-Bank Linkage Programme in India**
- Embedding financial literacy in programmes where women have significant representation could be a good starting point.
- **NITI Aayog** has started **Women Entrepreneurship Portal**, for hand holding programs for women and proving business models for their work. This will encourage more women to take up Entrepreneurial projects and increase their economic footprint.
- **Gender sensitization:** Breaking the social barriers by gender sensitization and education at families, schools and workplaces. Eg: In the **NCERT Books**, gender roles, bias and prejudice inducing writings were removed.
- **Strong laws and policies** wrt. wages and maternity benefits are being provided to promote women's representation in economy. Recently India increased the **maternity leave** to 26

weeks from 12 weeks. Creche facilities have been made mandatory to encourage women to take up job after pregnancy and delivery.

- **Political Representation:** India has provided **33%** reservation for women in the Panchayats and Local Bodies. Capacity Building and training can increase their capabilities further.

Way forward for women workforce

- **Non-farm job creation for women:**
  - There is a need to generate **education-based jobs in rural areas** in the industrial and services sectors
  - The **state governments** should make **policies for the participation of rural women in permanent salaried jobs**.
  - The governments should also **generate awareness to espouse a positive attitude towards women** among the public since it is one of the most important impediments in women's participation in economic activities.
  - Local bodies, with aid from state governments, should open more crèches in towns and cities so that women with children can step out and work. The crèches will open employment opportunities for women.
- **Recognition of the contribution of women:**
  - As we emerge from the lockdown, it is very important to begin, first, by redrawing our picture of the rural labor market by including the contribution of women.
- **Generate women-specific employment with proper conditions:**
  - The immediate or short-run provision of employment of women can be through an expansion of the NREGS.
  - On the other hand, a medium- and long-term plan needs to generate women-specific employment in skilled occupations and in businesses and new enterprises.
  - In the proposed expansion of health infrastructure in the country, women, who already play a significant role in health care at the grass-root level, must be recognized as workers and paid a fair wage.
  - In the expansion of rural infrastructure announced by the Indian government recently specific attention must be paid to safe and easy transport for women from their homes to workplaces.
- **Reduce the drudgery of care work:**
  - As the lockdown is lifted, economic activity is growing but the young and old women still remain at home.
  - Further, as the COVID-19 infection spreads, given a higher likelihood of cases among men than women, the burden on women as earners and carers is likely to rise.
  - There is a need for immediate measures to reduce the drudgery of care work. For example, healthy meals for schoolchildren as well as the elderly and the sick can reduce the tasks of home cooking.
- **Skilling the women:**
  - Initiatives such as **Skill India, Make in India, and new gender-based quotas from corporate boards to the police force** can spur a positive change. But we need to **invest in skill training and job support**.
  - The private sector could also take active part in training women entrepreneurs. For example: Unilever's Shakti program, which has trained more than 70,000 rural women in India as micro-entrepreneurs to sell personal-care products as a way of making its brands available in rural India
- **Equal pay:**
  - The principle of equal remuneration for work of equal value that is protected by Indian law must be put to actual practice. Improved wage-transparency and gender-neutral job evaluation is required to achieve this end.
- **Expansion of rural infrastructure:** announced by the Indian government recently specific attention must be paid to safe and easy transport for women from their homes to workplaces.

- **Reduce the drudgery of care work:**
  - As the lockdown is lifted, economic activity is growing but the **young and old women still remain at home.**
  - Further, as the COVID-19 infection spreads, given a higher likelihood of cases among men than women, **the burden on women as earners and careers is likely to rise.**
- **Addressing structural issues** which keep women away from the workforce is a must.
- Policy decisions need to articulate gendered concerns during public health emergencies **because gender-sensitive pandemic planning may substantially mitigate these concerns.**

With more than 75% women not contributing to the economy, the nation is not only losing on the economic part but also the development of 50% of our population. The numeric consequences of reducing obstacles to women's full economic participation far exceed the demographic advantages of having a larger pool of young workers. It is thus high time to talk of the gender dividend along with the demographic dividend. There is no, one size fits all strategy as multiple issues are plaguing women workforce participation in India. If women's workforce participation in India is realized to its full potential and given India's demographic dividend, it can easily achieve the target of \$5trillion economy.

#### 4. Sexual Harassment of Women at Workplace

Court's Stand

- SC held, the right against sexual harassment at the workplace is part of the fundamental right to a dignified life (Article 21) and it takes a lot of courage for a subordinate to overcome the fear to speak up against a lewd superior.
- Hence, Courts and Government officials should try not to make the process a punishment for victims.
- At times, the court turns the legal process into punishment in cases under the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act 2013.
- This Act is transformative legislation, which penalises several misconducts of a sexual nature and imposes a mandate on public and private organisations to create adequate mechanisms for redressal.

Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act 2013

- The Bill defines sexual harassment at the workplace and creates a mechanism for redressal of complaints.
- It also provides safeguards against false or malicious charges.
- **Obligation:**
  - Every employer is required to constitute an Internal Complaints Committee at each office or branch with 10 or more employees.
  - The District Officer is required to constitute a Local Complaints Committee at each district, and if required at the block level.
- **Complaint Committees:**
  - The Complaints Committees have the powers of civil courts for gathering evidence.
  - The Complaints Committees are required to provide for conciliation before initiating an inquiry if requested by the complainant.
- **Punishment:**
  - Penalties have been prescribed for employers.
  - Non-compliance with the provisions of the Act shall be punishable with a fine of up to Rs 50,000.
  - Repeated violations may lead to higher penalties and cancellation of licence or registration to conduct business.
- **Key Issues and Analysis**

- There could be feasibility issues in establishing an Internal Complaints Committee at every branch or office with 10 or more employees.
- The Internal Complaints Committee has been given the powers of a civil court. However, it does not require members with a legal background nor are there any provisions for legal training.
- The Bill provides for action against the complainant in case of a false or malicious complaint. This could deter victims from filing complaints.
- Two different bodies are called the ‘Local Complaints Committee. The Bill does not clearly demarcate the jurisdiction, composition and functions of these Committees.
- Cases of sexual harassment of domestic workers have been specifically excluded from the purview of the Bill.
- Unlike sexual harassment legislation in many other countries, this Bill does not provide protection to men.
- Laws and Measures taken in India
  - Protection of Women from Domestic Violence Act, 2005
  - Dowry Prohibition Act, 1961
  - Indecent Representation of Women (Prohibition) Act, 1986
  - Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013
  - Prohibition of Child Marriage Act, 2006
- Government Initiatives:
  - Nirbhaya Fund for projects for the safety and security of women
    - One-Stop Centre Scheme to provide integrated support and assistance to women affected by violence, both in private and public spaces under one roof
    - the Scheme of ‘Universalisation of Women Helpline’ and
    - the Scheme of ‘Mahila Police Volunteers’
  - Online analytic tool for police called “Investigation Tracking System for Sexual Offences” to monitor and track time-bound investigation in sexual assault cases in accordance with Criminal Law (Amendment) Act 2018.
  - National Database on Sexual Offenders (NDSO) to facilitate investigation and tracking of sexual offenders across the country by law enforcement agencies
  - In order to coordinate various initiatives for women safety, MHA has set up a Women Safety Division.
  - MHA has issued advisories to all State Governments/UTs, advising them to ensure a thorough investigation, conducting of medical examination of rape victims without delay and for increasing gender sensitivity in Police.
- **The Criminal Law (Amendment), Act 2013** was enacted for effective legal deterrence against sexual offences.
  - Further, ‘The Criminal Law (Amendment) Act, 2018’ has also been enacted making the punishment for offences like rape more stringent by including the death penalty for rape of a girl below the age of 12 years.
  - The Act also mandates the completion of investigation and trials within 2 months each.
- **Emergency Response Support System (ERSS)**, which provides a single emergency number (112) based computer-aided dispatch of field resources to the location of distress has been operationalized in 20 States/ UTs in 2018-19.
- A **cyber-crime portal** has been launched for citizens
  - to report obscene content.

- **Cyber Crime Forensic Labs** have been set up in several States, and training of over 3,664 personnel, including 410 Public Prosecutors and Judicial Officers in **identifying, detecting and resolving cyber-crimes** against women and children has been imparted.
- In order to **improve investigation**, steps have been taken to strengthen DNA analysis units in Central and State Forensic Science Laboratories.
  - This includes the **setting up of a State-of-the-Art DNA Analysis Unit** in Central Forensic Science Laboratory, Chandigarh.
  - Setting up and upgrading of DNA Analysis units in State Forensic Science Laboratories in 13 States/ UTs have also been sanctioned under Nirbhaya Fund.
- Guidelines have been notified for the collection of forensic evidence in sexual assault.

## Challenges

- **Unreported Cases**
  - Crimes against Women remain mostly unreported globally.
  - Fear of societal shame is a big reason for under-reporting.
  - NFHS 4 showed that 1 in every 3 women faced some kind of violence but only 1.5% of them have reported it to Police
- **Less Sensitized Police Personnel:** Police are the first person to encounter the Victim or accused.
- **Pending Cases:** Cases relating to crimes against women have the most backlog, close to 89.6%. The conviction rate is also very low.
- **Time-Bound Investigations:** Laidback behaviour of the investigating authorities in a time-bound way is a major roadblock.
- **Making Laws without proper implementation**
  - Just making the laws will not work, needs to be checked for its proper implementation.
  - Unnao case proves that making laws is not sufficient, its proper implementation is necessary
- **Gender Disparity:** Discriminatory gender norms and stereotypes coupled with prevalent patriarchy leads to crimes against women.
- **Female infanticide and Sex-selective Abortions:** Even in Modern India, daughters are still considered an economic burden.
- **Awareness and education about Women right**
  - This is the most difficult challenge to overtake.
  - Everyone should be aware of their rights. When giving education to young children, this should be kept in mind.
  - The barrier of inequity needs to be broken at lower levels.
- **Trafficking and forced prostitution**
  - It is so prevalent all over the world.
  - People are trafficked to different states and even countries in the bait of jobs and later are forced to do manual work or even worse prostitution.
- **Online Abuse and harassment**
  - As the internet becomes an increasingly important part of human existence to make their voices heard, a woman's inability to feel safe online is an impediment to her freedom.
  - Women are regularly subject to online rape threats, online harassment, cyber-stalking, blackmail, trolling, slut-shaming and more.
- **Data and statistics**
  - Proper statistics and data is missing to reach the exact numbers.
  - Even the numbers already present are not enough to have a stringent policy with effective implementation.

## Way Ahead

- Fasttrack courts need to resolve these sexual harassment cases on a priority basis.

- Red tapism must be avoided in such sensitive cases.

## 5. Issues related to Third Gender & LGBTQIA

### 1.1. Transgender

According to **World Health Organization**, Transgender is an **umbrella term for people whose gender identity and expression does not conform to the norms and expectations traditionally associated with the sex assigned to them at birth**. They are referred to as transsexuals if they desire medical assistance in order to make the transition from one biological sex to another.

Transgender individuals are often ostracized by society and sometimes, even their own families view them as burdens and exclude them. A famous quote by **Mahatma Gandhi** is quite apt on the struggles of trans people in Indian society – “First they ignore you. Then they laugh at you. Then they fight you and then you win.”

In 2014, the **Supreme Court of India**, in the case of the *National Legal Services Authority versus Union of India*, established the foundation for the rights of transgender persons in India by recognizing ‘**transgender**’ as a ‘**third gender**’ and laying down several measures for prohibition of discrimination against transgender persons and protection of their rights. The judgment **recommended reservations** for transgenders in jobs and educational institutions and their right to **declare the self-perceived gender identity** without undergoing a sex reassignment surgery.

Problems associated with Transgender persons in India:

- **Discrimination:** Transgender population remains one of the most marginalized groups. Sexuality or gender identity often makes transgender a victim of stigmatization and exclusion by the society
- **Ostracization:** Transgender individuals are often ostracized by society and sometimes, even their own families view them as burdens and exclude them.
- **Poverty:** In many cases, this lack of legal protection translates into unemployment for transgender people
- **Education:** Transgender people are unable to access equal educational opportunities because of harassment, discrimination and even violence. Most transgender children are forced to drop out of schools as Indian schools remain unequipped to handle children with alternative sexual identities
- **Health:** Transgenders frequently experience discrimination when accessing health care, from disrespect and harassment to violence and outright denial of service. The community remains highly vulnerable to sexually transmitted diseases like HIV AIDS. According to a recent UNAIDS report, the HIV prevalence among transgenders in India is 3.1% (2017).
- **Mental health** issues include depression and suicidal tendencies, and violence-related stress
- **Employment:** They are economically marginalised and forced into professions like prostitution and begging for livelihood or resorting to exploitative entertainment industry.
- **Access to Public spaces and shelter:** Transgenders face direct discrimination and denial while accessing houses or apartments. Further, they also face problems due to lack of provision of gender neutral/separate transgender toilets and discrimination in accessing public toilets
- **Civil Status:** Possessing accurate and consistent identification documents has always been challenging for the transgender community.
- **Gender-based violence:** Transgenders are often subjected to sexual abuse, rape and exploitation.

Reasons for negative attitude towards transgender:

- Gender and sexuality have always been varied and rooted in traditions of pluralism in India and other South Asian cultures.
- Transgender population remains one of the most marginalized groups. Sexuality or gender identity often makes transgender a victim of stigmatization and exclusion by the society.
- For instance, if you ask people in India what they know about trans people, most of them only answer that they have seen them begging near traffic signals and inside trains. Some start complaining about their ‘bad’ behavior.

- Most transgenders belong to the poorer castes and classes, and economic marginalization structures their experiences very heavily.
- Transgenders occupy a position in society that is simultaneously revered and stigmatized.
- They are seen as having the power to curse or bless people, due to their spiritual heritage, and they are also seen as having a huge potential for embarrassment because they threaten to expose themselves physically if they are not paid for attending events such as weddings
- **Being The Parent of a Transgender Child Is Shameful:** This is one of the most common prejudices present in society because of which people disown their own children to suffer alone in this world
- Thus, these youths are “shunned by their own families (especially by male relatives)”, and experience familial physical violence.
- Many children who adopt a transgender identity are forced to drop out from school because they are unable to survive the rigid gender norms imposed on them by their school authorities.
- In workspaces, “trans-men especially are often stereotyped by their colleagues because of their visible “masculine” appearance and/or gender assertion/s. Hence, they easily become soft targets of violence and/or violation”.
- They are economically marginalized and forced into professions like prostitution and begging for livelihood or resorting to exploitative entertainment industry.
- Gender-based violence: Transgenders are often subjected to sexual abuse, rape and exploitation
- Lastly, it is assumed that being Transgender Is a Choice and a Transgender Person Changes Sex to Date People of the Opposite Gender. No, it has already been proved in significant researches that being transgender is not a choice. It’s because of ignorance or lack of awareness regarding trans people in society that some people still think that being transgender is a choice.

Legal measures available to tackle these issues:

- i. **Transgender Persons Act, 2019:**
  - The Act states that a transgender person shall have the right to self-perceived gender identity. A certificate of identity can be obtained at the District Magistrate’s office and a revised certificate is to be obtained if sex is changed.
  - The Act has a provision that provides transgender the right of residence with parents and immediate family members.
  - The Act prohibits discrimination against a transgender person in various sectors such as education, employment, and healthcare etc.
  - It states that the offences against transgender persons will attract imprisonment between six months and two years, in addition to a fine.
- ii. **Transgender Persons (Protection of Rights) Rules, 2020**
  - The Central Government made the rules under the powers conferred by the Transgender Persons (Protection of Rights) Act, 2019.
  - The Act came into effect on 10th January 2020, which is the first concrete step towards ensuring welfare of transgender persons.
  - The rules seek to recognise the identity of transgenders and prohibit discrimination in the fields of education, employment, healthcare, holding or disposing of property, holding public or private office and access to and use of public services and benefits.

Welfare measures:

- a. **National Portal for Transgender Persons:**
  - It has been launched in consonance with the **Transgender Persons (Protection of Rights) Rules, 2020**.
  - It would help transgenders in **digitally applying for a certificate and identity card** from anywhere in the country, thus **preventing any physical interaction** with officials.
  - It will **help them track the status** of application, rejection, grievance redressal, etc. which will **ensure transparency** in the process.
  - The issuing authorities are also under **strict timelines to process** the applications and issue certificates and I-cards without any necessary delays.

**b. National Council for Transgender Persons:**

- The **Ministry of Social Justice and Empowerment** constituted the **National Council for Transgender Persons**, a requirement under the **Transgender Persons (Protection of Rights) Act, 2019**.
- **The National Council for Transgender Persons will consist of:**
  - Union Minister for Social Justice (Chairperson)
  - Minister of State for Social Justice (Vice-Chairperson)
  - Secretary of the Ministry of Social Justice
  - One representative from ministries including Health, Home Affairs, and Human Resources Development.
  - Other members include representatives of the NITI Aayog and the National Human Rights Commission. State governments will also be represented. The Council will also consist of five members from the transgender community and five experts from non-governmental organizations.

**c. Garima Greh:**

- It has been opened in **Vadodara, Gujarat** and will be run in association with the **Lakshya Trust**, a community-based organization entirely run by the transgenders.
- The **Scheme of 'Shelter Home for Transgender Persons'** includes shelter facility, food, clothing, recreational facilities, skill development opportunities, yoga, physical fitness, library facilities, legal support, technical advice for gender transition and surgeries, capacity building of trans-friendly organizations, employment, etc.
- The scheme will **rehabilitate a minimum of 25 transgender persons** in each homes identified by the Ministry.

**Way forward:**

- A multi-prolonged approach with focus on public awareness campaigns is needed to eliminate the social stigma associated with the transgender community.
- Large scale sensitization needs to happen starting from the school level to accept the transgender community integral component of societal life.
- Legal and the law enforcement systems need to be empowered and sensitized on the issues of Transgender community.
- Stringent criminal and disciplinary action must be taken against the people who commits violence against Transgender.
- The establishment of **National Council for Transgender Persons** which seeks to increase awareness and inculcate sense of respect and acceptance for transgender community, is a welcome step.
- However, only with the effective functioning of the council whether it will able to identify the issues faced by the transgender community and accordingly advice the government.
- Apart from policies and regulations, there is also a need for an inclusive approach, sensitising legal and law enforcement systems in particular towards the issues of transgender community.
- The negative attitudes held by people can help us understand the barriers faced by them in gaining social acceptance.
- Future awareness programmes should focus on removing these barriers.
- Better understanding of the problems and challenges faced by transgender will help in bringing about the changes in policies and give them their due rights.

## **6. LGBTQIA**

Every year in the month of February, thousands of people gather and celebrate LGBT pride by rallying on the streets and hoping for society to accept them in every state of the India. The LGBT community faces a lot of problems. The main problem is acceptance from people outside the community. For the Indian LGBT community, a truly inclusive society remains a distant dream

In urban India, where social media and corporate initiatives have created increasing awareness of LGBT rights, the scenario looks more upbeat for gay men than for transgender people or lesbian women. While urban LGBT voices that are heard through several online and real-world platforms

form an important part of LGBT activism, these expose only a small part of the diverse challenges faced by the community.

Problems faced by LGBTQ due to discrimination

- Far away from gay pride parades, meet-ups and heated discussions on Twitter, families in rural India have their own ways of dealing with LGBT individuals.
- In some parts, secret honour killings are planned so that the only way for a young gay man to survive is to run away in the cover of the night to some city, with no money or social support.
- Hate crimes against LGBTQ individuals are still shockingly prevalent across the country.
- Village medics and babas often prescribe rape to cure lesbians of homosexuality. Refusal to marry brings more physical abuse. Stories of family acceptance that one sees on TV and other media are more of an urban phenomenon.
- A recent study found that one of the major factors that results in the stigmatization of LGBT people is parental reaction towards homosexuality. The study goes on to conclude that most LGBT people are acceptable to family only if they agree to behave like heterosexuals.
- LGBTQ individuals were sent to psychiatric wards when they came out to their families.
- Families that accept their identities put many restrictions in the way they choose to dress and interact with their partners.
- In the absence of family support, online groups and social media have offered accessible alternatives to form a community outside of family. Platforms like Gaysi and Gaylaxy, and publishers like Queer Ink have helped carve out spaces for LGBT people to interact, share and collaborate.

Way forward

- Though, theoretically, most educated citizens support alternative sexualities and gender identities, when it comes to day-to-day behaviour, there is an urgent need to change the ground reality.
- Bridging the gap between academic knowledge and everyday experience means we need people to question stereotypes.
- Say, for example, the rampant telling of homophobic jokes. We need people to pause and ask what's so funny about such an oppressive take.
- We need our allies to point out that such behaviour costs us our freedom and dignity. Creating a critical mass of such an aware group is an important part of activism.
- **Yogyakarta Principles**, which recognize freedom of sexual orientation and gender identity as part of Human Rights should be adopted in true letter and spirit. They were outlined in 2006 in Yogyakarta, Indonesia by a distinguished group of International Human Right experts.

Once educational institutions become allies of LGBTQ, throughout the country, future generations will have a better chance of living up to the ideals of equality. Each time a school or college decides to participate in LGBT activism, we come closer to bridging the gap between reality and a truly inclusive society.

## 7. Section 377

**Section 377 of the IPC** states: "Whoever voluntarily has carnal intercourse against the order of nature with any man, woman or animal, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine." This archaic British law dates back to 1861 and criminalizes sexual activities against the order of nature. In a historic judgement in 2018, the **Supreme Court in Navtej Singh Johar vs. Union of India case decriminalized homosexuality** and said that **consensual gay sex is not a crime**. The judgement heralds a **new dawn for personal liberty and is a major victory for the lesbian, gay, bisexual, transgender community** that has been fighting hard and persistently to legalize gay sex.

Courts judgement on Section 377

- The Delhi High Court in **Naz Foundation v. Government of NCT of Delhi (2009)** held that criminalizing sexual activities with consent in private not only impairs the dignity of those persons, but it is also discriminatory and impacts the health of those people.

- The Delhi High Court decriminalized homosexuality on the grounds that **Section 377 is a violation of Article 14, 15 and 21.**
- Supreme Court, in **Suresh Kumar Koushal v. Naz Foundation (2013) case**, set aside the Delhi High Court judgment and said that homosexuality under Section 377 of IPC is illegal and will continue to be an offense.
- The court said that Section 377 did not suffer from any “constitutional infirmity”.
- It said there was no need to challenge Section 377 because the LGBT community constitutes only a minuscule minority.
- The court also added the responsibility of amending or removing Section 377 lay with the Parliament.
- In the **Puttuswamy vs. Union of India case** the Supreme Court held right to privacy as a fundamental right.
- The court stated that privacy included the preservation of personal intimacies and that sexual orientation was an essential attribute of privacy.
- The Court argued that right to privacy and the protection of sexual orientation lay at the core of fundamental rights guaranteed under Article 14, 15 and 21

#### Implications:

- The Supreme Court, while decriminalizing homosexuality, has acknowledged the basic human needs of the citizens.
- This will help the community claim equal constitutional status as other citizens.
- It also affirms their right to claim the right to adopt, marry and have a family.
- It may also prevent social exclusion with the court declaring that it was not a mental disorder. But something innate to a human being.
- It will take time for it to be openly accepted by the society.
- It will provide an impetus for other countries, especially those of the Commonwealth of Nations, to revoke similar provisions that criminalize consensual sexual relations.

#### Arguments against Section 377:

- **Consensual Sexual orientation protected under Articles 14, 19 and 21:** Consensual sexual relationships between same sexes are protected under Articles 14, 19 and 21 of the Constitution of India.
- **The right to choose one’s partner:** Right to choose one’s partner is manifest in Article 21. Various experts argue that section 377 which criminalizes gay sex violates Article 14, 15, 19 and 21 of the Constitution because there is discrimination on the basis of sex.
- **The affection of the life of LGBT people:** Same-sex is a normal variant and the society has favored decriminalization of section 377 as it is affecting the lives of LGBT people.
- **Violation of Right to Association:** Section 377 violates the right to form an association between sexual minority and the LGBT community is afraid of forming any kind of association fearing police action.
- **An instrument for Exploitation:** Many critics feel that section 377 is just an instrument of exploitation and it is almost not possible to decide what type of sex two consenting individuals are having in private.
- **Unhappy Marriage:** Due to the stigma of Homosexuality, LGBT people bound to marry the opposite sex and that leads to unhappy marriages where the unsuspecting spouse is the one who is affected the most.

**In order to create better-living place for LGBT community**, the Home Department of the Government of India must take initiative and work in coordination with the State Governments for **sensitizing the law enforcement agencies** and by involving all the stakeholders to identify the measures and to implement the constitutional goal of social justice and the rule of law. There are no laws protecting gays and lesbians from discrimination at the workplace or laws that allow them to marry their partner of choice. If Sec 377 is abolished, it opens a window of acceptance and achievement for the LGBT community.

## 8. Same Sex Marriage

Marriage lies at the intersection of society and the law. Societal traditions are crystallized into the rules relating to marriage by law. The last two decades have witnessed tremendous progress in establishing civil rights for the LGBTQIA+ community.

Indian Courts and civil rights

- In India, marriages are solemnized under personal laws such as the Hindu Marriage Act, 1955, Indian Christian Marriage Act, 1872, Muslim Personal Law (Shariat) Application Act, 1937.
- At present, same-sex and queer marriages are not clearly recognized in India. However, we are not deprived of judicial guidance.
- **Arunkumar and Sreeja vs The Inspector General of Registration and Ors:** The Madurai Bench of the Madras High Court employed the interpretation that the term ‘bride’ under the **Hindu Marriage Act, 1955 includes transwomen and intersex persons identifying as women.**
  - It expands the scope of a term used in the Hindu Marriage Act, 1955 in a progressive manner and sets the stage for re-imagining the marriage rights of the LGBTQIA+ community.
- **Shafin Jahan vs Asokan K.M. and Others (Hadiya case):** The Supreme Court said that the right to choose and marry a partner was considered to be a constitutionally guaranteed freedom.
  - SC held that the “intimacies of marriage lie within a core zone of privacy, which is inviolable” and “society has no role to play in determining our choice of partners”.
  - From the logical interpretation of these judgements, it is apparent that any legal or statutory bar to same-sex and queer marriages must necessarily be held to be unconstitutional and specifically violative of Articles 14, 15 and 21 of the Constitution of India.

Expanding the scope of marriage

- The domain of marriages cannot be immune to reform and review.
- Reform of the Hindu Marriage Act, 1955 to bring self-respect marriages under its very umbrella, is seen as a strong move towards breaking caste-based practices within the institution of marriage.
- Self-respect marriages were legalized in Tamil Nadu (later, in Puducherry) through amendments to the Hindu Marriage Act, 1955.
- Self-respect marriages have done away with priests and religious symbols such as fire or saptapadi.
- Solemnization of such marriages requires only an exchange of rings or garlands or tying of the mangalsutra.
- Similarly, understanding the needs of the LGBTQIA+ community, the law must expand the institution of marriage to include all gender and sexual identities.

Global scenario

- Globally, the recognition of the unequal laws discriminating against the LGBTQIA+ community has acted as a trigger to reform and modernize legal architecture to become more inclusive and equal.
- As a result of a verdict by the Constitutional Court of **South Africa**, the Civil Union Act, 2006 was enacted, enabling the voluntary union of two persons above 18 years of age, by way of marriage.
- In **Australia**, the Same-Sex Relationships (Equal Treatment in Commonwealth Laws – General Law Reform) Act 2008 was enacted to provide equal entitlements for same-sex couples in matters of, inter alia, social security, employment and taxation.
- In **England and Wales**, the Marriage (Same Sex Couples) Act 2013 enabled same-sex couples to marry in civil ceremonies or with religious rites.
- In 2015, the **Supreme Court of the United States** decided that the fundamental right to marry is guaranteed to same-sex couples. It held the denial of marriage rights to same-sex

couples to be a grave and continuing harm, serving to disrespect and subordinate gays and lesbians.

At **least 29 countries** in the world have legalized same-sex marriage. It is time that India thinks beyond the binary and reviews its existing legal architecture in order to legalize marriages irrespective of gender identity and sexual orientation. The **law is however a dynamic concept**. Inevitably the nature of marriage would change if there is a change in society.

# Section V: Poverty

## 1. Poverty: Concepts and Definitions

### 1. Introduction

- Poverty is a state or condition in which a person or community lacks the financial resources and essentials for a minimum standard of living. Poverty means that the income level from employment is so low that basic human needs can't be met.
- **According to World Bank**, Poverty is pronounced deprivation in well-being, and comprises many dimensions. It includes low incomes and the inability to acquire the basic goods and services necessary for survival with dignity. Poverty also encompasses low levels of health and education, poor access to clean water and sanitation, inadequate physical security, lack of voice, and insufficient capacity and opportunity to better one's life.
- In India, 21.9% of the population lives below the national poverty line in 2011.
- In 2018, almost 8% of the world's workers and their families lived on less than US\$1.90 per person per day (international poverty line).

**Types of Poverty:** There are two main classifications of poverty:

- **Absolute Poverty:** A condition where household income is below a necessary level to maintain basic living standards (food, shelter, housing). This condition makes it possible to compare between different countries and also over time.
  - It was first introduced in 1990, the “dollar a day” poverty line measured absolute poverty by the standards of the world's poorest countries. In October 2015, the World Bank reset it to \$1.90 a day.
- **Relative Poverty:** It is defined from the social perspective that is living standard compared to the economic standards of population living in surroundings. Hence it is a measure of income inequality.
  - Usually, relative poverty is measured as the percentage of the population with income less than some fixed proportion of median income.

### 2. Causes of Poverty in India

- **Population Explosion:** India's population has steadily increased through the years. During the past 45 years, it has risen at a rate of 2.2% per year, which means, on average, about 17 million people are added to the country's population each year. This also increases the demand for consumption goods tremendously.
- **Low Agricultural Productivity:** A major reason for poverty in the low productivity in the agriculture sector. The reason for low productivity is manifold. Chiefly, it is because of fragmented and subdivided land holdings, lack of capital, illiteracy about new technologies in farming, the use of traditional methods of cultivation, wastage during storage, etc.
- **Inefficient Resource utilisation:** There is underemployment and disguised unemployment in the country, particularly in the farming sector. This has resulted in low agricultural output and also led to a dip in the standard of living.
- **Low Rate of Economic Development:** Economic development has been low in India especially in the first 40 years of independence before the LPG reforms in 1991.
- **Price Rise:** Price rise has been steady in the country and this has added to the burden the poor carry. Although a few people have benefited from this, the lower income groups have suffered because of it, and are not even able to satisfy their basic minimum wants.
- **Unemployment:** Unemployment is another factor causing poverty in India. The ever-increasing population has led to a higher number of job-seekers. However, there is not enough expansion in opportunities to match this demand for jobs.
- **Lack of Capital and Entrepreneurship:** The shortage of capital and entrepreneurship results in low level of investment and job creation in the economy.

- **Social Factors:** Apart from economic factors, there are also social factors hindering the eradication of poverty in India. Some of the hindrances in this regard are the laws of inheritance, caste system, certain traditions, etc.
- **Colonial Exploitation:** The British colonisation and rule over India for about two centuries de-industrialised India by ruining its traditional handicrafts and textile industries. Colonial Policies transformed India to a mere raw-material producer for European industries.
- **Climatic Factors:** Most of India's poor belong to the states of Bihar, UP, MP, Chhattisgarh, Odisha, Jharkhand, etc. Natural calamities such as frequent floods, disasters, earthquake and cyclone cause heavy damage to agriculture in these states.
- The Global Multidimensional Poverty Index-2018 released by the UN noted that 271 million people moved out of poverty between 2005-06 and 2015-16 in India. The poverty rate in the country has nearly halved, falling from 55% to 28% over the ten-year period. Still a big part of the population in India is living Below the Poverty Line.
- Rapid economic growth and the use of technology for social sector programs have helped make a significant dent in extreme poverty in the country.
- Despite rapid growth and development, an unacceptably high proportion of our population continues to suffer from severe and multidimensional deprivation. Thus, a more comprehensive and inclusive approach is required to eradicate poverty in India. Poverty estimation in India is carried out by NITI Aayog's task force through the calculation of poverty line based on the data captured by the National Sample Survey Office under the Ministry of Statistics and Programme Implementation (MOSPI).
- Poverty line estimation in India is **based on the consumption expenditure** and not on the income levels.
- Poverty is measured based on consumer expenditure surveys of the National Sample Survey Organisation. A poor household is defined as one with an expenditure level below a specific poverty line.
- The incidence of poverty is measured by the poverty ratio, which is the ratio of the number of poor to the total population expressed as a percentage. It is also known as **head-count ratio**.
- **Alagh Committee (1979)** determined a poverty line based on a minimum daily requirement of 2400 and 2100 calories for an adult in Rural and Urban area respectively.
- Subsequently different committees; **Lakdawala Committee (1993)**, **Tendulkar Committee (2009)**, **Rangarajan committee (2012)** did the poverty estimation.
- As per the Rangarajan committee report (2014), **the poverty line is estimated as Monthly Per Capita Expenditure of Rs. 1407 in urban areas and Rs. 972 in rural areas.**

### 3. Poverty Alleviation Programs in India

- Integrated Rural Development Programme (IRDP): It was introduced in 1978-79 and universalized from 2nd October, 1980, aimed at providing assistance to the rural poor in the form of subsidy and bank credit for productive employment opportunities through successive plan periods.
- Jawahar Rozgar Yojana/Jawahar Gram Samridhi Yojana: The JRY was meant to generate meaningful employment opportunities for the unemployed and underemployed in rural areas through the creation of economic infrastructure and community and social assets.
- Rural Housing – Indira Awaas Yojana: The Indira Awaas Yojana (LAY) programme aims at providing free housing to Below Poverty Line (BPL) families in rural areas and main targets would be the households of SC/STs.
- Food for Work Programme: It aims at enhancing food security through wage employment. Food grains are supplied to states free of cost, however, the supply of food grains from the Food Corporation of India (FCI) godowns has been slow.
- National Old Age Pension Scheme (NOAPS): This pension is given by the central government. The job of implementation of this scheme in states and union territories is given to panchayats and municipalities. The states contribution may vary depending on the state. The amount of old age pension is ₹200 per month for applicants aged 60–79. For applicants

aged above 80 years, the amount has been revised to ₹500 a month according to the 2011–2012 Budget. It is a successful venture.

- **Annapurna Scheme:** This scheme was started by the government in 1999–2000 to provide food to senior citizens who cannot take care of themselves and are not under the National Old Age Pension Scheme (NOAPS), and who have no one to take care of them in their village. This scheme would provide 10 kg of free food grains a month for the eligible senior citizens. They mostly target groups of ‘poorest of the poor’ and ‘indigent senior citizens’.
- **Sampoorna Gramin Rozgar Yojana (SGRY):** The main objective of the scheme continues to be the generation of wage employment, creation of durable economic infrastructure in rural areas and provision of food and nutrition security for the poor.
- **Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) 2005:** The Act provides 100 days assured employment every year to every rural household. One-third of the proposed jobs would be reserved for women. The central government will also establish National Employment Guarantee Funds. Similarly, state governments will establish State Employment Guarantee Funds for implementation of the scheme. Under the programme, if an applicant is not provided employment within 15 days s/he will be entitled to a daily unemployment allowance.
- **National Rural Livelihood Mission: Aajeevika (2011):** It evolves out the need to diversify the needs of the rural poor and provide them jobs with regular income on a monthly basis. Self Help groups are formed at the village level to help the needy.
- **National Urban Livelihood Mission:** The NULM focuses on organizing urban poor in Self Help Groups, creating opportunities for skill development leading to market-based employment and helping them to set up self-employment ventures by ensuring easy access to credit.
- **Pradhan Mantri Kaushal Vikas Yojana:** It will focus on fresh entrant to the labour market, especially labour market and class X and XII dropouts.
- **Pradhan Mantri Jan Dhan Yojana:** It aimed at direct benefit transfer of subsidy, pension, insurance etc. and attained the target of opening 1.5 crore bank accounts. The scheme particularly targets the unbanked poor.
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#### Conclusion

- The **Global Multidimensional Poverty Index-2018** released by the UN noted that 271 million people moved out of poverty between 2005-06 and 2015-16 in India. The poverty rate in the country has nearly halved, falling from 55% to 28% over the ten-year period. Still a big part of the population in India is living Below the Poverty Line.
- Rapid economic growth and the use of technology for social sector programs have helped make a significant dent in extreme poverty in the country.
- Despite rapid growth and development, an unacceptably high proportion of our population continues to suffer from severe and multidimensional deprivation. Thus, a more comprehensive and inclusive approach is required to eradicate poverty in India.

#### 4. **Poverty in India: Reasons, Responses, COVID Update**

Pew Research Center, using World Bank data, has estimated that the number of poor in India (with income of \$2 per day or less in purchasing power parity) has more than doubled from 60 million to 134 million in just a year because of the pandemic-induced recession. This means India is returned to a situation where it is called a “country of mass poverty” after 45 years.

#### What is Poverty?

- Prior to the 1990s when India was a closed economy, the public distribution system provided necessary resources to all the citizens. However, due to the financial constraints and policy changes after the commencement of Globalisation in India, the government provided necessary resources to the target population i.e., those who deserve governmental assistance.
- This led to the Government’s adoption of the Targeted Public Distribution System. That is, the Government provided subsidised food to those who come under Below Poverty Line.
- It is difficult to give the exact definition of poverty as it has numerous causes and characteristics. It differs from nation-to-nation, urban-rural, etc. in other words, the definitions of poverty are based on perspectives.
- However, the general idea is that when an individual has lesser accessibility and affordability to certain essentials like food, clothes, a place to live, healthcare, education, etc., then he is said to be living in poverty.
- The UN and the World Bank calculate poverty through Purchasing Power Parity and nominal relative basis.
- Therefore, the poverty estimation differs during varying perceptions.

## How was poverty estimated in India?

### Estimation of poverty in British India:

- In India, the first-ever Poverty estimation was done by **Dadabhai Naoroji in 1901** which was published in his book **“Poverty and Un-British Rule in India”**
- **The National Planning Committee of 1936** has estimated poverty in India during the Colonial rule. It calculated poverty linking nutrition, clothing, and housing. This method was used in Independent India also. The poverty estimation by the National Planning Committee showed a grim picture of British India’s Economy

### Estimation of poverty in Independent India:

- A **working group** was set up in 1962 to estimate the poverty line of the country.
- This estimation was based on the minimum calories required to survive and the cost estimates of the minimum calories in Rural India. According to this, the average poverty line is Rs.20 per month. Based on 1960-61 prices.
- **Alagh Committee:** Until 1979, poverty was calculated based on the income of the citizens. In 1979, based on the recommendation by a committee headed by Y K Alagh, poverty was estimated based on the calories consumed by the population. According to the committee, poverty estimation differs in rural and urban areas. In the rural area, if a resident consumes less than 2400 calories per day, then he/ she belongs BPL population. In an urban area, if a resident consumes less than 2100 calories per day then he/she suffers from poverty. This is an assumption that the urban population needs lesser calories as they are not involved in physical works like that of the rural population. The Alagh committee was the first in India to define the poverty line.
- **Lakdawala Formula:** This was proposed by Lakdawala Committee that was headed by D.T.Lakdawala. This is also based on household per capita expenditure. Lakdawala committee used the same method used by the Alagh committee. However, it included certain criteria that were missing in the latter. Health and education were considered during the estimation. This committee used CPI-IL (Consumer price index for Industrial Labourers) and CPI-AL (Consumer price index for Agricultural labourers) to determine the poverty line. In this method, the average of the minimum necessary per capita household expenditure is calculated to estimate the poor. The obtained value is the base for the poverty line and anyone who lives in a household with per capita expenditure lesser than the obtained average belongs to the BPL. Through this method, it was estimated that 36% of the population were BPL in 2004-2005 and 22% of the population under BPL in 2011. Poverty in India was estimated using this method until 2011.
- **Suresh Tendulkar Committee:** This committee was set up by the Planning commission in 2005. The methods recommended by this committee are used in the current times. It urged the shift from a calorie-based model and inclusion of monthly expenditure on education, health, electricity, and transport. It introduced the new term “Poverty Line Basket” to determine and estimate poverty. It called for the uniformity of the poverty line basket for both urban and rural areas. If a person does not have access to any of the goods mentioned under the poverty basket, then he/she is suffering from poverty. This method uses the cost of living as the basis for identifying poverty. However, the resulted estimation was very low and resulting in public outcry. This led to the formation of the Rangarajan Committee.
- **Rangarajan Committee:** Formed in the year 2012, this committee was chaired by Rangarajan. This too adopted calorie-based calculation of the poverty level. This had limitations as it calculated only the absolute minimum necessities. This did not include comfortable living standards as a necessity.
- **Current status of poverty line estimation:** The above cases show the complexity and difficulty in the determination of the poverty line. Currently, the Indian government still hasn’t found a solid solution to estimate the poverty level of the country. The task was given a 14-member task force headed by NITI Aayog vice-chairman, Aravind Panagaria. They too have failed and have recommended setting up of a new specialized panel to debate the issue.

### What are the causes of poverty (Indian perspective)?

- **Colonial exploitation:** India under the colonial hegemony was forced to de-industrialize resulting in increased raw material production and a decrease in the export of value-added goods like traditional handicrafts and textiles. The natives were forced to buy British goods, thus discouraging them from manufacturing indigenously. This led to massive unemployment. The droughts, diseases, and others increased the plight of the Indians during that time.
- **Increase in the population:** the rapid increase in the population due to a decrease in the mortality rate and an increase in the birth rate can be an asset for the Indian economy. However, in the present scenario, this is turning out to be a liability due to massive unemployment and an increase in the dependence on those working populations. The massive population must be converted to human capital to promote the growth of the economy.
- **Natural Calamities:** In India, the maximum of the population who belong to BPL is from states of Bihar, Jharkhand, Odisha, Madhya Pradesh, Chattisgarh, Uttar Pradesh, and Uttarakhand. The reason behind this is that these states are prone to natural disasters and also most of the population in these states are from SC/STs thus making them unrepresented. The natural calamities in these states hamper the agricultural progress and economic development of these states.
- **The rise of unorganised sectors:** many sectors in the Indian economy are unorganised. This brings in the problem of labour exploitation. The increase in demand for work also causes job insecurities.
- **Failing Agricultural sector:** the agricultural sector is one of the most vulnerable sectors of the Indian economy. Farmer suicides and protests are on the rise due to the increasing debt and decrease in production. This, in the long run, would result in them suffering from poverty. This sector employs a maximum of the Indian population but provides little profit.
- **Lack of investment:** The investment provides more job opportunities. For this, the Indian economy must be favourable for foreign investment. However, some parts of India remain unfavourable due to corruption, political instability, militancy etc.
- **Social factors:** Illiteracy, unrepresented minorities, social norms, caste systems are still prevalent in certain parts of India.
- **Lack of skilled labour:** the population can be an asset to the economy if it is utilized efficiently. This can be done through human capitalization. Measures to improve the literacy of the population are very slow. Some, due to the lack of sufficient skills are not accepted in the workforce. This results in unemployment and poverty.
- **Corruption:** Many measures have been taken by the government to eliminate poverty. However, there is still a lack of political will. The corruption by those in power also contributes to poverty.
- **Inefficient use of resources:** India is a country that has abundant natural resources which, if utilized efficiently, without wastage, can be turned into an asset.
- **Lack of entrepreneurship:** There are many activities in India that can be of asset to the economy. For example, some tribes have rich art and culture which can be utilized for the tribes' growth and development through proper entrepreneurship. However, due to a lack of leadership and entrepreneurial skills, they go to waste. The tribes remain one of the most vulnerable sections of Indian society.
- **Lack of infrastructure:** Many parts of India still remain isolated despite the rapid economic growth. There are several villages in India that still don't have access to basic commodities like electricity, thus resulting in poor standards of living. They don't even have proper roads or railways. Their contribution to the economy goes to waste due to inaccessibility.

### Recession induced by coronavirus pandemic

#### What is the current status?

- **The 2019 Global Multidimensional Poverty Index** published by the UN Development Program has estimated that multidimensional poverty in India **has fallen by 27.5%** between 2005-06 and 2015-16. Multidimensional poverty means the estimation of poor not only based on income but also several factors such as poor health, poor working conditions, etc.

- According to **World Poverty Clock**, close to 44 Indians are escaping from extreme poverty each minute.
- As of 2011, 21.9% of the Indian population belongs below the poverty line.
- The unemployment rate as of April 2021 is 7.1%. This is a huge problem as unemployment is the direct cause of poverty in the country. The recent years saw a rapid increase in infrastructural developments like roads and housing projects for the alleviation of the poor. This might help boost investments in the country increasing job opportunities.

**Update: Covid induced poverty according to Pew report**

- **Poor people:**
  - The poverty rate in India likely increases to 9.7% in 2020, up sharply from the January 2020 forecast of 4.3%.
  - From 2011 to 2019, the number of poor in India was estimated to have decreased to 78 million from 340 million.
  - In 2020, the number increased by 75 million.
    - Poor: People with incomes of USD 2 or less a day.
    - Increase in India accounts for nearly 60% of the global increase in poverty.
  - Record increase in Mahatma Gandhi National Rural Employment Guarantee Scheme (MGNREGS) participants as proof that the poor were struggling to find work.
- **Middle Class:**
  - The middle class in India is estimated to have shrunk by 3.2 crores in 2020.
    - Middle Class: people with incomes of around Rs. 700-1,500 or USD 10-20 per day.
  - The middle-income group is likely to have decreased from almost 10 crores to just 6.6 crores.
- **Low Income Group:**
  - The huge majority of India's population falls into the low-income group.
  - This group shrank from 119.7 crores to 116.2 crores per day, with about 3.5 crores dropping below the poverty line.
    - Low Income Group: people earning about Rs.150 to 700 per day.
- **Rich Population:**
  - The richer population also fell almost 30% to 1.8 crore people.
    - Rich: Includes the people who earn more than Rs.1,500 a day.
- **Reasons:**
  - The lockdown triggered by the pandemic resulted in shut businesses, lost jobs, and falling incomes, plunging the Indian economy into a deep recession.

**What are the measures taken by the government to alleviate poverty?**

- **Swarnajayanti Gram Swarozgar Yojana:**
  - It was launched on April 1, 1999.
  - This program merged Integrated Rural Development Program, Training of Rural Youth for Self-Employment (TRYSEM), Development of Women and Children in Rural Areas (DWCRA), Million Wells Scheme (MWS), Supply of Improved Toolkits to Rural Artisans (SITRA) and Ganga Kalyan Yojana.
  - Its objective is to alleviate the beneficiaries from BPL.
  - It helps promote the self-employment of the rural poor.
  - The fund sharing between the Centre and the State is at the ratio of 75:25.
  - This scheme aims at working in clusters to provide inclusive and effective aid to the rural poor.
  - The rural poor are organized into SHGs to provide training, capacity building and providing assets to generate income.
  - This scheme was renamed as National Rural Livelihood Mission in 2011.
  - This was finally merged to **Deen Dayal Upadhyaya Antyodaya Yojana** to provide skills training for the poor. This scheme also provides subsidies and shelters for the homeless. The vendor markets are developed to promote job in the rural areas.
- **Jawahar Gram Samridhi Yojana:**
  - This scheme replaced the erstwhile Jawahar Rozgar Scheme.

- It was launched in April 1999 to generate employment in rural areas through infrastructure development.
- **Pradhan Mantri Awaas Yojana:**
  - It has two components: Pradhan Mantri Awaas Yojana (Grameen) and Pradhan Mantri Awaas Yojana (Urban)
  - It was launched in 2015.
  - It unites schemes like Ujjwala yojana (provides LPG to BPL), access to toilets, water, drinking water facilities and Saubhagya Yojana (electricity).
- **Mahatma Gandhi National Rural Employment Guarantee Act, 2005:**
  - Launched on February 2, 2005
  - It provides 100 days of guaranteed employment to rural households.
  - 1/3<sup>rd</sup> of the jobs reserved for women.
  - If the jobs are not available for the applicants, and they were without jobs within 15 days, then they will be given unemployment allowance.
  - This guarantees employment opportunities to the rural population and accountability of the government.
  - Under this, National Food for Work, which was launched in 2004 was subsumed in 2006.
  - The National Food for Work provided additional resources and assistance that are absent under Sampoorna Grameen Rozgar Yojana. Under this program, 150 districts were identified as backward by the Planning Commission. They were the beneficiaries of this program. Food security, employment through need-based social, economic, and community assets
- **Pradhan Mantri Kaushal Vikas Yojana:**
  - Launched by the Ministry of Skills Development and Entrepreneurship in 2015.
  - It is a scheme aimed at the enhancement of skills based on the demand of the economy.
  - This scheme is implemented through Nation Skill Development Corporation (NSDC).
  - Training and assessment fees are paid by the government.
  - The training provided under this scheme is based on National Skill Qualification Framework and industry-level standards.
  - The beneficiaries include college graduates and school/ college dropouts.
- **Rythu Bandhu Scheme:** This was a scheme implemented in Telangana to provide financial assistance of Rs.4000 per acre per season to all land-owning farmers.
- **Pradhan Mantri Kisan Samman Nidhi:** This scheme aims to provide financial assistance to provide working capital support to all the landholding farmers. This brings in the idea of universal basic income for the farmers in India.

#### **Social security schemes**

- Post-pandemic initiatives
  - Atmanirbhar Bharat Abhiyan
  - Production linked incentive scheme
  - Garib Kalyan Rozgar Abhiyan

#### **Way Forward:**

- The government must provide **transparency and accountability** to various organizations that are responsible for the implementation of the Welfare Schemes.
- **Infrastructure development and skills development** must be made a top priority.
- **More govt expenditure** in health, nutrition, and education.
- **The problem of the inability to determine the poverty line** must be resolved to help the target population.
- **Direct income transfer to the needy** is an immediate solution. Universal Basic Income should also be considered.
- **Investment in Agriculture** by the government is necessary to decrease rural poverty. Subsidies address only short-term issues. Also, there is a need to develop technologies, with the help of which farmers can practice all-weather agriculture.
- **Employment-oriented growth:** create jobs in modern sectors and promote labor-intensive industries.
- **Reduce corruption** for efficient service delivery.

- **Resilience for poor households to withstand major shocks:** through holistic, multi-faceted intervention designed to help people lift themselves from extreme poverty by providing them with the tools, skills, and resources required to deal with the challenges that keep them trapped in a state of destitution. In addition to providing assets such as livestock, the government should also provide livelihood and financial skills training to make these assets productive; personal coaching to instill confidence and hope; basic health care for families, and more.

## 5. Poverty Alleviation- Programmes and Policies

Poverty Alleviation Programmes aims to reduce the rate of poverty in the country by providing proper access to food, monetary help, and basic essentials to the households and families belonging to the below the poverty line.

*According to the World Bank, Poverty is pronounced deprivation in well-being and comprises many dimensions. It includes low incomes and the inability to acquire the basic goods and services necessary for survival with dignity. Poverty also encompasses low levels of health and education, poor access to clean water and sanitation, inadequate physical security, lack of voice, and insufficient capacity and opportunity to better one's life.*

As per the Planning Commission of India, the level of poverty in a country can be estimated based on the consumer expenditure surveys that are conducted by the National Sample Survey Office (NSSO) under the Ministry of Statistics and Programme Implementation. This article will talk about the various Poverty Alleviation Programmes in India and the initiatives taken by the Government of India towards poverty alleviation.

What is Poverty Alleviation?

Poverty Alleviation is the set of steps taken in an economic and humanitarian way for eradicating poverty from a country. According to the World Bank, if a person is living on \$1.90 a day or less, then he/she is living in extreme poverty, and currently, 767 million people of the world fall under that category. According to the last released official data, in 2011, 268 million people in India were surviving on less than \$1.90 a day. Various Programmes and Schemes under the Government of India were launched to eradicate poverty and for providing basic amenities to the poor households. Schemes like Pradhan Mantri Awas Yojana and Housing for All by 2022 were developed to provide housing to the rural and urban poor. The latest government schemes like Start-Up India and Stand Up India focuses on empowering people to earn their livelihood.

### What is Below Poverty Line (BPL)?

Below Poverty Line (BPL) can be defined as an economic benchmark used in the identification of economically weaker people and households. BPL is set by the Government of India based on a threshold income. The households or individuals having an income below this threshold value are considered to be under the below poverty line.

### Measuring BPL in India

The poverty line solely depends on the per capita income in India rather than the level of prices. The poverty line is the minimum income required to purchase the basic goods and services that are essential to satisfy the basic human needs. The proportion of the population that is below this poverty line is called the poverty ratio or headcount ratio. Similar approaches are followed by most countries and international institutions for determining BPL. In India, the first official rural and urban poverty lines at the national level were introduced in 1979 by Y. K. Alagh Committee. Criteria for the measurement of BPL are different for the rural and urban areas.

- Currently, according to the Tenth Five-Year Plan, the degree of deprivation is measured with the help of parameters with scores given from 0–4, with 13 parameters.
- Families with 17 marks or less (formerly 15 marks or less) out of a maximum of 52 marks have been classified as BPL.
- The poverty line is calculated every 5 years. According to the recent estimation based on inflation, the threshold income should be more than Rs. 962 a month for urban areas and Rs 768 a month in rural areas i.e., above Rs. 32 a day in an urban area and above Rs. 26 a day in a rural area.

### Poverty Alleviation in India- Five Year Plans

Eleven Five Year Plans were launched to eradicate poverty from India. The list of these Five-Year Plans that started in the year 1951 is given below:

- First Five-Year Plan (1951- 1956): The plan focused mainly on agriculture and irrigation and aimed at achieving an all-round balanced development.
- Second Five Year Plan (1956-1961): It focused on the growth of basic and heavy industries, expansion in employment opportunities, and an increase of 25 per cent in the national income.
- Third Five Year Plan (1961-1966): The Chinese aggression (1962), Indo-Pak war (1965), and the severest drought led to the complete failure of the third five-year plan. It was replaced by three annual plans that continued from 1966 to 1969.
- Fourth Five Year Plan (1966-1974): It aimed at increasing national income by 5.5 per cent, creating economic stability, reducing inequalities in income distribution, and achieving social justice with equality.
- Fifth Five Year Plan (1974-1979): This plan mainly focused on the removal of poverty (Garibi Hatao) and aimed in bringing larger sections of the poor masses above the poverty line. It also assured a minimum income of Rs. 40 per person per month calculated at 1972-73 prices. The plan was terminated in 1978 instead of (1979) when the Janata Government came to power.
- Sixth Five Year Plan (1980-1985): Removal of poverty was the main objective of the sixth five-year plan with a major focus on economic growth, elimination of unemployment, self-sufficiency in technology, and raising the lifestyles of the weaker sections of the society.
- Seventh Five Year Plan (1985-90): The Seventh Five Year Plan aimed in improving the living standards of the poor with a significant reduction in the incidence of poverty.
- Eighth Five Year Plan (1992-97): This plan aimed at employment generation but later failed in achieving most of its targets.
- Ninth Five Year Plan (1997-2002): The ninth five-year plan focused on the areas of agriculture, employment, poverty, and infrastructure.
- Tenth Five Year Plan (2002-2007): The tenth five-year plan aimed at the reduction of the poverty ratio from 26 per cent to 21 per cent by the year 2007 and also to help the children in completing five years of schooling by 2007.
- Eleventh Five Year Plan (2007-2012): The eleventh five-year plan targets towards reducing poverty by 10 percentage points, generating 7 crore new employment opportunities, and ensuring electricity connection to all villages.

### Poverty Alleviation Programmes in India

As per the 2011-2012 estimation by the Planning Commission of India, 25.7 % of the rural population was under the below-poverty line and for the urban areas, it was 13.7 %. The rate of poverty in the rural areas is comparatively higher than that in the urban areas due to the lack of proper infrastructure, insufficient food supply, and poor employment system.

The major Poverty Alleviation Programmes that were developed with an initiative to eradicate poverty are mentioned in the table below:

Name of the Scheme/Programme	Year of Formation	Government Ministry	Objectives
Integrated Rural Development Programme (IRDP)	1978	Ministry of Rural Development	<ul style="list-style-type: none"><li>• To raise the families of identified target groups living below the poverty line through the development of sustainable opportunities for self-employment in the rural sector.</li></ul>
Pradhan Mantri Gramin Awaas Yojana	1985	Ministry of Rural Development	<ul style="list-style-type: none"><li>• To create housing units for everyone along with</li></ul>

			<p>providing 13 lakhs housing units to the rural areas.</p> <ul style="list-style-type: none"> <li>• To provide loans at subsidized rates to the people.</li> <li>• To augment wage employment opportunities to the households by providing employment on-demand and through specific guaranteed wage employment every year.</li> </ul>
Indira Gandhi National Old Age Pension Scheme (NOAPS)	15th August 1995	Ministry of Rural Development	<ul style="list-style-type: none"> <li>• To provide pension to the senior citizens of India of 65 years or higher and living below the poverty line.</li> <li>• It provides a monthly pension of Rs.200 for those aged between 60-79 years and Rs.500 for the people aged above 80 years.</li> </ul>
National Benefit Family Scheme (NFBS)	August 1995	Ministry of Rural Development	<ul style="list-style-type: none"> <li>• To provide a sum of Rs.20,000 to the beneficiary who will be the next head of the family after the death of its primary breadwinner.</li> </ul>
Jawahar Samridhi Gram Yojana (JGSY)	1st April 1999	Implemented by the Village Panchayats.	<ul style="list-style-type: none"> <li>• Developing the infrastructure of the rural areas which included connecting roads, schools, and hospitals.</li> <li>• To provide sustained wage employment to the families belonging to the below poverty line.</li> </ul>
Annapurna	1999-2000	Ministry of Rural Development	<ul style="list-style-type: none"> <li>• To provide 10 kg of free food grains to the eligible senior citizens who are not registered under the National Old Age Pension Scheme.</li> </ul>
Food for Work Programme	2000s	Ministry of Rural Development	<ul style="list-style-type: none"> <li>• It aims at enhancing food security through wage employment. Food grains are supplied to states free of cost, however, the supply of food grains from the Food Corporation of India (FCI)</li> </ul>

			godowns has been slow
Sampoorna Gramin Rozgar Yojana (SGRY)	–	–	<ul style="list-style-type: none"> <li>The main objective of the scheme continues to be the generation of wage employment, creation of durable economic infrastructure in rural areas and provision of food and nutrition security for the poor.</li> </ul>
Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA)	2005	Ministry of Rural Development	<ul style="list-style-type: none"> <li>The Act provides 100 days assured employment every year to every rural household. One-third of the proposed jobs would be reserved for women. The central government will also establish National Employment Guarantee Funds.</li> <li>Similarly, state governments will establish State Employment Guarantee Funds for implementation of the scheme. Under the programme, if an applicant is not provided employment within 15 days s/he will be entitled to a daily unemployment allowance.</li> </ul>
National Food Security Mission	2007	Ministry of Agriculture	<ul style="list-style-type: none"> <li>To increase production of rice, wheat, pulses and coarse cereals through area expansion and productivity enhancement in a sustainable manner in the identified districts of the country</li> </ul>
National Rural Livelihood Mission	2011	Ministry of Rural Development	<ul style="list-style-type: none"> <li>It evolves out the need to diversify the needs of the rural poor and provide them jobs with regular income on a monthly basis. Self Help groups are formed at the village level to help the needy</li> </ul>
National Urban	2013	Ministry of	<ul style="list-style-type: none"> <li>It focuses on organizing</li> </ul>

Livelihood Mission		Housing and Urban Affairs	urban poor in Self Help Groups, creating opportunities for skill development leading to market-based employment and helping them to set up self-employment ventures by ensuring easy access to credit
Pradhan Mantri Jan Dhan Yojana	2014	Ministry of Finance	<ul style="list-style-type: none"> <li>It aimed at direct benefit transfer of subsidy, pension, insurance etc. and attained the target of opening 1.5 crore bank accounts. The scheme particularly targets the unbanked poor</li> </ul>
Pradhan Mantri Kaushal Vikas Yojana	2015	Ministry of Skill Development and Entrepreneurship	<ul style="list-style-type: none"> <li>It will focus on fresh entrant to the labour market, especially labour market and class X and XII dropouts</li> </ul>
Saansad Aadarsh Gram Yojana (SAGY)	2014	Ministry of Rural development	<ul style="list-style-type: none"> <li>To develop the institutional and physical infrastructure in three villages by 2019. The scheme aims to develop five 'Adarsh Villages' or 'Model Villages' by 2024.</li> </ul>
Pradhan Mantri Jeevan Jyoti Bima Yojana	2015	Ministry of Finance	<ul style="list-style-type: none"> <li>The scheme provides life coverage to the poor and low-income section of the society. The scheme offers a maximum assured amount of Rs.2 lakhs</li> </ul>
Pradhan Mantri Suraksha Bima Yojana	2015	Ministry of Finance	<ul style="list-style-type: none"> <li>The scheme is an insurance policy to the people belonging to the underprivileged sections of the society</li> </ul>
National Maternity Benefit Scheme	2016	Ministry of Health & Family Welfare (MoHFW)	<ul style="list-style-type: none"> <li>To provide a sum of Rs.6000 to a pregnant mother who is aged above 19 years.</li> <li>The sum is provided normally 12–8 weeks before the birth in three instalments and can also be availed even after the death of the child.</li> </ul>

Pradhan Mantri Ujjwala Yojana (PMUY)	2016	Ministry of Petroleum and Natural Gas	<ul style="list-style-type: none"> <li>It envisages the distribution of 50 million LPG connections to women below the poverty line</li> </ul>
Pradhan Mantri Garib Kalyan Yojana (PMGKY)	2016	Ministry of Finance	<ul style="list-style-type: none"> <li>the scheme provides an opportunity to declare unaccounted wealth and black money in a confidential manner and avoid prosecution after paying a fine of 50% on the undisclosed income. An additional 25% of the undisclosed income is invested in the scheme which can be refunded after four years, without any interest.</li> </ul>
Solar Charkha Mission	2018	Ministry of Micro, Small and Medium Enterprises (MSME)	<ul style="list-style-type: none"> <li>It aims at Employment generation for nearly one lakh people through solar charkha clusters in rural areas</li> </ul>
National Nutrition Mission (NNM), Poshan Abhiyan	2018	Ministry of Women and Child Development	<ul style="list-style-type: none"> <li>To reduce the level of under-nutrition and also enhance the nutritional status of children in the country. Also, to improve the nutritional outcomes of adolescents, children, pregnant women and lactating mothers</li> </ul>
Pradhan Mantri Shram Yogi Maan-Dhan (PM-SYM)	2019	Ministry of Labour and Employment	<ul style="list-style-type: none"> <li>It is a central government scheme that is introduced for old age protection and social security of Unorganised Workers (UW)</li> </ul>
Prime Minister Street Vendor's AtmaNirbhar Nidhi – PM SVanidhi	2020	Ministry of Housing and Urban Affairs (MoHUA)	<ul style="list-style-type: none"> <li>It aims to provide micro-credit facilities to street vendors affected due to COVID-19 pandemic</li> </ul>

Apart from eradicating poverty in India, the Poverty Alleviation Programmes also took an initiative in providing employment opportunities to the households of the BPL categories.

Pradhan Mantri SVANidhi Scheme	Solar Charkha Mission	Integrated Rural Development Programme
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		(IRDP)
Pradhan Mantri Awas Yojana	Mahatma Gandhi National Rural Employment Guarantee Act, (MGNREGA)	National Food Security Act, 2013
National Rural Livelihoods Mission (NRLM)	DAY-NULM  National Urban Livelihood Mission	Pradhan Mantri Jan-Dhan Yojana (PMJDY)
PMKVY – Pradhan Mantri Kaushal Vikas Yojana	Sansad Adarsh Gram Yojana – SAGY	Economic Empowerment of Weaker Sections
Prime Minister Jeevan Jyoti Bima Yojana	Pradhan Mantri Suraksha Bima Yojana	Pradhan Mantri Matritva Vandana Yojana (PMMVY)
Prime Minister Ujjwala Plan	PM Garib Kalyan Yojana (PMGKY)	National Nutrition Mission – Poshan Abhiyan
Pradhan Mantri Shram Yogi Maan-Dhan	National Pension Scheme	Nai Roshni Scheme

### Role of Public Distribution System in Poverty Alleviation

The Public Distribution System (PDS) which evolved as a system of management for food and distribution of food grains plays a major role in poverty alleviation. This programme is operated jointly by the Central Government and the State Government of India. The responsibilities include:

- Allocations of commodities such as rice, wheat, kerosene, and sugar to the States and Union Territories.
- Issue of Ration Cards for the people below the poverty line.
- Identification of families living below the poverty line.
- Management of food scarcity and distribution of food grains.

PDS was later relaunched as Targeted Public Distribution System (TPDS) in June 1997 and is controlled by the Ministry of Consumer Affairs, Government of India. TPDS plays a major role in the implementation and identification of the poor for proper arrangement and delivery of food grains. Therefore, the Targeted Public Distribution System (TPDS) under the Government of India plays the same role as the PDS but adds a special focus on the people below the poverty line.

Why is employment generation important in poverty alleviation in India?

The unemployment issue in India is considered as one of the major causes of poverty in India. The poverty rate of a country can be reduced with high economic growth and by reducing the unemployment problem. Various poverty alleviation programmes are set up under the Government of India that aims to eradicate poverty by providing employment on-demand and through specific guaranteed wage employment every year to the households living below the poverty line.

The generation of employment is important in poverty alleviation because of the following reasons:

- It will increase the income level of the poor household families and will help in reducing the rate of poverty in the country. Hence, there is a significant relationship between unemployment and poverty.
- It will decrease the rural-urban migration through the generation of employment programs in rural areas.

- An increase in the income level through the generation of employment programs will help the poor in accessing basic facilities including education, health facilities, and sanitation.

What are the reasons for the ineffectiveness of poverty alleviation programs?

The major reasons for the ineffectiveness of the poverty alleviation programs are mentioned below:

- The poverty alleviation program may not properly identify and target the exact number of poor families in rural areas. As a result, some of the families who are not registered under these programs are benefited by the facilities rather than the eligible ones
- Overlapping of similar government schemes is a major cause of ineffectiveness as it leads to confusion among poor people and authorities and the benefits of the scheme do not reach the poor.
- Overpopulation of the country increases the burden of providing the benefits of the schemes to a large number of people and thus reduces the effectiveness of the programs.
- Corruption at various levels of implementation of schemes is another major reason.

## 6. Poverty and Development Issues

- Poverty is a multidimensional phenomenon in which a person or community lacks the financial resources and essentials for a minimum standard of living.
- According to World Bank, Poverty is pronounced deprivation in well-being, and comprises many dimensions. It includes low incomes and the inability to acquire the basic goods and services necessary for survival with dignity. Poverty also encompasses low levels of health and education, poor access to clean water and sanitation, inadequate physical security, lack of voice, and insufficient capacity and opportunity to better one's life.
- Each nation may have its own threshold that determines how many of its people are living in poverty.
- Measures of absolute poverty are usually based upon the idea of subsistence. In other Words, people are in poverty if they do not have the resources to maintain human life.
- Supporters of the concept of relative poverty, however, tend to dismiss this view. They argue that a definition must relate to the standards of a particular society at a particular time.

<b>Absolute poverty</b>	<p>It refers to a <b>condition where a person does not have the minimum amount of income needed to meet the minimum requirements</b> for one or more basic living needs over an <b>extended period</b> of time. It may be calculated in <b>monetary</b> terms, <b>nutrition</b> attainment or <b>calories</b> terms.</p> <p><b>For example:</b> Homeless people living on the streets, families that cannot afford to buy food to feed themselves and their children are also examples of absolute poverty.</p>
<b>Relative poverty</b>	<p>It occurs when <b>people do not enjoy a certain minimum level of living standards as determined by government</b> (and enjoyed by the bulk of population) that vary from country to country, which is said to be increasing and may possibly never be eradicated.</p> <p><b>For example:</b> For example, <b>in the UK relative poverty is defined as income 50% less than average incomes</b> or someone living in a rich society may have a steady income and all the necessities for living, but because they do not have as many luxuries as others living in the society, they are said to be in relative poverty.</p>

### Measurement of Poverty

- Pre-independence poverty estimates
- Post-independence poverty estimates

Broadly, the poverty of a given society is expressed in terms of malnutrition, low consumption expenditure, low income, chronic illness or poor health, illiteracy, unemployment, unsanitary housing conditions, poor resources, high disparity income distribution.

## Pre-independence poverty estimates:

Dada Bhai Naoroji	Initially it was <b>Dada Bhai Naoroji</b> who estimated poverty in the <b>second-half of 19th century</b> .
(Book – Poverty and Un-British rule in India)	He concluded the <b>base line in 1867-68</b> price which was based on the cost of a subsistence diet consisting of 'rice or flour, daal, mutton, vegetables, ghee, vegetable oil and salt'.
1938	Congress President <b>Subhash Chandra Bose</b> set up the <b>National Planning Committee (NPC)</b> with Jawaharlal Nehru as the Chairman. The Committee regarded the irreducible <b>minimum income between Rs. 15 and Rs. 25 per capita per month at pre-war prices</b> .
The Bombay Plan (1944)	Bombay Plan proponents had <b>suggested a poverty line of Rs.75 per capita per year</b> . The Bombay Plan was a <b>set of a proposal of a small group of influential business leaders</b> in Bombay for the development of the post-independence economy of India.

## Post-independence poverty estimates:

<b>Planning Commission 1962</b>	Planning Commission Expert Group (1962), constituted by the Planning Commission formulated the <b>separate poverty lines for rural and urban areas (Rs.20 and Rs.25 per capita per year respectively)</b> .
<b>Y. K. Alagh Committee (1979)</b>	By <b>1979</b> , it was decided that poverty should be measured precisely based on starvation. Committee was constituted which gave its recommendation as the people <b>consuming less than 2,100 calories in the urban areas or less than 2,400 calories in the rural areas are poor</b> .  In 1993, an expert group constituted to review methodology for poverty estimation, chaired by D.T. Lakdawala, made the following suggestions: <ul style="list-style-type: none"> <li>Consumption expenditure should be calculated based on calorie consumption as earlier;</li> <li><b>State specific poverty lines should be constructed</b> and these should be updated using the Consumer Price Index of Industrial Workers (CPI-IW) in urban areas and Consumer Price Index of Agricultural Labour (CPI-AL) in rural areas; and</li> <li><b>Discontinuation of 'scaling' of poverty estimates based on National Accounts Statistics</b>. This assumes that the basket of goods and services used to calculate CPI-IW and CPI-AL reflect the consumption patterns of the poor.</li> </ul>
<b>Lakdawala Committee (1993)</b>	
<b>Suresh Tendulkar Committee (2005)</b>	<ul style="list-style-type: none"> <li>In 2005, Suresh Tendulkar Committee was <b>constituted by the Planning Commission</b>.</li> <li>The <b>current estimations</b> of poverty are <b>based upon the recommendations of this committee</b>.</li> <li>This committee <b>recommended to shift away from the calorie-based model</b> and made the <b>poverty line somewhat broad based by considering monthly spending on education, health, electricity and transport</b>.</li> <li>It <b>supported nutritional intake</b> rather than caloric intake.</li> </ul> <p>The <b>committee also drew a line based on cost of living</b>. The Tendulkar panel stipulated a benchmark daily per capita expenditure of <b>Rs. 27 and Rs. 33 in rural and urban areas, respectively</b>.</p>
<b>C. Rangarajan Committee (2012-14)</b>	The committee raised the cost of <b>living per day to Rs. 32 and Rs. 47 for rural and urban areas, respectively</b> . Hence, the poverty percentage of India worked closely to 30% and in absolute terms <b>close to 40 crores poor</b> .

Arvind  
Panagariya Task  
Force (2015)

The task force **suggested setting up of committee to identify people “Below Poverty Line (BPL)”** It also suggested participation of states. The paper talks of considering four options for tracking the poor.

- **First**, continue with the Tendulkar poverty line.
- **Second**, switch to the Rangarajan or other higher rural and urban poverty lines.
- **Third**, bottom 30% of the population tracking over time
- **Fourth**, tracking the **bottom 30%** on specific components, such as housing, sanitation, electricity, nutritional intake, etc.

NITI Aayog  
Task Force

- NITI Aayog **favoured the Tendulkar line (21.9%)**
- To remove any criticism that many poor would be left behind if poverty line as per Tendulkar committee is adopted, NITI Aayog has underlined that it will only be used to track progress in combating poverty rather than identifying the poor for entitlements.
- **SECC data as suggested by Saxena and Hashim committee will be used for entitlements.**
- **Dr. N.C. Saxena Committee** was set up by the Ministry of Rural Development to advise it on the suitable methodology for **BPL Census and not for estimation of poverty.**
- The Planning Commission constituted an Expert Group under the Chairmanship of **Professor S. R. Hashim** to recommend the detailed methodology for identification of families living **Below Poverty Line in urban areas.**

#### Challenges in Estimating Poverty:

- **Components of PLB** → Determining components of Poverty Line Basket (PLB) is one of the challenges of poverty line estimation because of the price differentials (of constituents of basket) which vary from state to state and period to period.
- **Variations across states** → Some states such as Odisha and West Bengal supported the Tendulkar Poverty Line while others such as Delhi, Jharkhand, Mizoram etc. supported Rangarajan report.
- The current official measures of poverty are based on the Tendulkar poverty line, fixed at daily expenditure of ₹27.2 in rural areas and ₹33.3 in urban areas is criticised by many for being too low.
- **Demographic and Economic Dynamics** → Further, consumption patterns, nutritional needs and prices of components keep on changing as per dynamics of macro economy and demography.
- **Lack of consensus among the states** → over the acceptance of Tendulkar and Rangarajan committee report. Some states such as **Odisha** and **West Bengal** supported the Tendulkar Poverty Line while others such as **Delhi, Jharkhand**, Mizoram etc. supported Rangarajan report.
- **Most of the governments have mothballed the reports of committees and panels** → because this issue is not only politically sensitive but also has deeper fiscal ramifications.
- **Problem of determining threshold** → If the poverty threshold is high, it may leave out many needed people; while if it is low, then it would be bad for fiscal health of the government.

#### Way Forward:

- **Redefining Poverty lines** → Poverty lines **have to be recalibrated** depending on changes in income, consumption patterns and prices.
- **Viable Poverty line** → It makes sense to set the poverty line at a level that **allows households to get two square meals a day and other basic necessities of life.**

- **Hybrid of Absolute and Relative Measurement of Poverty** → The hybrid approach which would measure poverty from the **perspective of a common global standard of living and relative poverty** within countries. The poverty line in case of hybrid model would be equivalent to the income required to achieve a certain welfare status, which includes **basic nutrition and social inclusion**.
- **Political Economic Equilibrium** → Indian political, policy and administrative systems have to adjust to the new realities of the **transition to a middle- income country**, in which poverty does not mean living at the edge of hunger but, rather, lack of income to take **advantage of the opportunities thrown up by a growing economy**. The focus of government spending should be on the **provision of public goods rather than subsidies**.

**Uniform  
Reference  
Period (URP)**

Up until 1993-94, the **poverty line was based on URP data**, which involved asking people about their consumption expenditure across a **30-day recall period** that is the information was based on the **recall of consumption expenditure in the previous 30 days**.

**Mixed  
Reference  
Period (MRP)**

SSO switched to an MRP method which **measures consumption of five low-frequency items** (clothing, footwear, durables, education and institutional health expenditure) over the **previous year**, and **all other items over the previous 30 days**.

### Civil Service Prelims Questions on Social Justice

CS(P) Exam 2021

**Q. 1. At the national level, which Ministry is the nodal agency to ensure effective implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006?**

- (a) Ministry of Environment, Forest and Climate Change
- (b) Ministry of Panchayati Raj
- (c) Ministry of Rural Development
- (d) Ministry of Tribal Affairs

Ans: (d) Ministry of Tribal Affairs

### Explanation

Forest Rights Act, 2006

The Forest Rights Act, India or the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act is also known by other names like the Tribal Rights Act or the Tribal Land Act.

It deals with the rights of the communities that dwell in the forests (including Scheduled Tribes), over land and other resources, which have been denied to them over the years because of the continuation of forest laws from the colonial era in the country.

The act was passed in December 2006. It deals with the rights of forest-dwelling communities over land and other resources. The Act grants legal recognition to the rights of traditional forest dwelling communities, partially correcting the injustice caused by the forest laws.

The Ministry of the Central Government dealing with Tribal Affairs or any officer or authority authorized by the Central Government on this behalf shall be the nodal agency for the implementation of the provisions of this Act. So, at the national level, the Ministry of Tribal Affairs is the nodal agency to implement the FRA. Hence, option 4 is correct.

The Act recognizes and vests the forest rights and occupation in forest land in Forest Dwelling Scheduled Tribes (FDST) and Other Traditional Forest Dwellers (OTFD) who have been residing in such forests for generations.

Forest rights can also be claimed by any member or community who has for at least three generations (75 years) before the 13<sup>th</sup> day of December 2005 primarily resided in forest land for *bona fide* livelihood needs.

It strengthens the conservation regime of the forests while ensuring the livelihood and food security of the FDST and OTFD.

The Gram Sabha is the authority to initiate the process for determining the nature and extent of Individual Forest Rights (IFR) or Community Forest Rights (CFR) or both that may be given to FDST and OTFD.

CS(P) 2011

**2. Under the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, who shall be the authority to initiate the process for determining the nature and extent of individual or community forest rights or both?**

- (a) State Forest Department
- (b) District Collector/Deputy Commissioner
- (c) Tahasildar/Block Development Officer/Mandal Revenue Officer
- (d) Gram Sabha

Ans: (d) Gram Sabha

Explanation

According to Chapter IV of the FRA, 2006, the Gram Sabha is the authority to initiate the process for determining the nature and extent of individual or community forest rights or both.

### **Gram Sabha**

1. Gram Sabha is the authority for Scheduled Tribes and Other Traditional Forest Dwellers within the local limits of its jurisdiction.
2. It receives claims, consolidates and verifies them, prepares a map delineating the area of each recommended claim in such manner as may be prescribed for the exercise of such rights.
3. It then passes a resolution to the effect, and thereafter forwards a copy of the same to the Sub-Divisional Level Committee

### **State Level Monitoring Committee**

According to **Section 6 (7) of FRA**, the State Level Monitoring Committee has to perform the following functions:

1. Monitor the process of recognition and vesting of forest rights.
2. Submit to the Nodal Agency, the returns and reports demanded by it.

### **Nodal Agency**

According to **Section 11 of the FRA**, the following may be the Nodal Agency:

1. Ministry of Tribal Affairs
2. Any officer or authority authorized by the Central Government on this behalf.

The State Governments/UTs ensure that no eligible claim is rejected.

CS(P) Exam 2019

**Q.3 Consider the following statements about Particularly Vulnerable Tribal Groups (PVTGs) in India:**

1. PVTGs reside in 18 States and one Union Territory
2. A stagnant or declining population is one of the criteria for determining PVTG status.
3. There are 95 PVTGs officially notified in the country.
4. Irular and Konda Reddi tribes are included in the list of PVTGs.

Which of the statements given above are correct?

1. 1,2 and 3
2. 2,3 and 4
3. 1,2 and 4
4. 1,3 and 4

Ans: 1,2 and 4 only.

**Explanation**

Particularly Vulnerable Tribal Groups (PVTGs) are centrally recognized special category from among Scheduled tribe.

It was constituted during the 4<sup>th</sup> five-year plan on the basis of the report of the Dhebar commission (1960-61).

Such groups were identified by one or more of the following features:

- Pre-agricultural level of technology
- Low level of literacy
- Economic backwardness,
- A declining or stagnant population. Hence, statement 2 is correct.

75 tribal groups are categorized by Ministry of Home Affairs as particularly Vulnerable Tribal Groups (PVTGs). Hence, statement is not correct.

PVTGs reside in 18 States and UTs of A&N Islands. Hence, statement 1 is correct.

Konda reddy of Khammam district of Telengana and Irular of Tamil Nadu are in the list of PVTGs. Hence, statement 4 is correct.

Besides a number of schemes of Government of India and State Government where PVTG population are also benefited along with other population, Ministry of Tribal Affairs administers a scheme namely, 'Development of Particularly Vulnerable Tribal Groups (PVTGs) specially for the PVTG population.

Under this scheme, financial assistance is provided to the State/UT Governments based on their proposals for development tribal people under various sectors.

The projects taken up under this scheme are demand driven.

CS(P) 2016

**Q.4. Satya Shodhak Samaj organized**

- (a) A movement for upliftment of tribals in Bihar
- (b) A temple-entry movement in Gujarat
- (c) An anti-caste movement in Maharashtra

(d) A peasant movement in Punjab

Ans: Option 3: An anti-caste movement in Maharashtra

**Explanation:**

- Satya Shohak Samaj is an Anti-caste movement in Maharashtra
- The main aim was to liberate the so-called 'lower castes' from exploitation and oppression.
- Satyashodhak Samaj was founded by Jyotirao Phule.
- It was founded in Pune, Maharashtra, on 24 September 1873.

CS(P) 2012

**Q. 5 The Multi-dimensional Poverty Index developed by Oxford Poverty and Human Development Initiatives with UNDP support covers which of the following?**

1. Deprivation of education, health, assets and services at households' level
2. Purchasing power parity at national level
3. Extent of budget deficit and GDP growth rate at national level

Select the correct answer using the codes given below:

- (a) 1 only
- (b) 2 and 3 only
- (c) 1 and 3 only
- (d) 1, 2 and 3

Ans: (a) 1 only

Explanation:

**Multidimensional Poverty Index**

It was first developed in 2010 by **Oxford Poverty and Human Development Initiative and United Nations Development Programme.**

It uses three dimensions and ten indicators which are-

Education- Years of Schooling and child enrolment

Health- Child Mortality and Nutrition Standards

Standard of Living- electricity, flooring, drinking water, sanitation, cooking fuel and assets.

Hence only statement 1 is correct.

**Important Points**

**Global Multidimensional Poverty Index 2020-**

India lifted as many as 270 million out of multidimensional poverty between 2005-06 and 2015-16.

The index showed that Covid 19 is having serious impact on the development landscape.

67% of multidimensionally poor people are middle-income countries.

CS(P) 2016

**Q.6 'Rashtriya Garima Abhiyan' is a national campaign to:**

- (a) Rehabilitate the homeless and destitute persons and provides them with suitable sources of livelihood.
- (b) Release the sex workers from their practice and provide them with alternative sources of livelihood.
- (c) Eradicate the practice of manual scavenging and rehabilitate the manual scavengers
- (d) Release the bonded labourers from their bondage and rehabilitate them.

Ans: Option 3: eradicate the practice of manual scavenging and rehabilitate the manual scavengers.

Explanation:

**Rashtriya Garima Abhiyan is a national Campaign for Dignity and Eradication of manual Scavenging in India.**

The campaign started in 2001.

It is an initiative made by the **women o Dalit communities.**

It has proven to be a very innovative and effective program to eliminate manual scavenging practice.

**The Ministry of Social Justice and Empowerment** has associated NGOs like Safai Karmachari Andolan, Rashtriya Garima Abhiyan, Sulabh International, etc. for the identification of manual scavengers and their rehabilitation.

CS(P) 2013

**Q. 7 Economic Justice' as one of the objectives of the Indian Constitution has been provided in**

1. the preamble and the fundamental rights
2. the Preamble and the Directive Principles of State Policy
3. the Fundamental Rights and the Directive Principles of State Policy
4. None of the above

Ans: option 2: the Preamble and the Directive Principles of State Policy.

Explanation:

1. It is a short introduction to the Indian Constitution
2. According to the Preamble-

The source of authority of the Indian Constitution lies with the Indian People.

India is a Sovereign, Socialist, Secular, Democratic, and Republic Nation

Objectives- to secure justice, liberty, equality to all citizens and promote fraternity so as to maintain unity and integrity of India.

3. The Preamble of the Indian Constitution secures the Social, Economic, and promote Political Justice of its people.
4. The Preamble of the Indian Constitution gives Liberty of Thought, Expression, Belief, Faith, and Worship to its people.
5. The Preamble of the Indian Constitution gives Equality of Status and Opportunity to its people.

**DIRECTIVE PRINCIPLES OF STATE POLICY (DPSP)**

1. These are the 15 guidelines given to the federal institutes governing the State of India that are to be kept under consideration while forming the laws.
2. These are moral obligations and not the legal bindings on the state authorities.
3. Article 36-51 in Part IV of the Constitution contain the DPSP.
4. As per Article 38 of the DPSP, the state shall strive to promote the welfare of the people of India by securing and protecting their Social, Economic and Political justice.

**CS (P) Exam 2015**

**Q.8 The provisions in Fifth Schedule and Sixth Schedule in the Constitution of India are made in order to:**

- (a) Protect the interests of Scheduled Tribes
- (b) Determine the boundaries between States

- (c) Determine the powers, authority and responsibilities of Panchayats
- (d) Protect the interest of all the border States

**Ans: (a) to protect the interests of Scheduled Tribes**

- The Fifth Schedule of the Constitution deals with the administration and control of scheduled areas and scheduled tribes in any state except the four states of Assam, Meghalaya, Tripura and Mizoram.
- The Sixth Schedule of the Constitution, on the other hand, deals with the administration of the tribal areas in the four northeastern states of Assam, Meghalaya, Tripura and Mizoram.
- It protects the interest of the Scheduled tribes.
- Hence the option 1 is correct.
- It does not relate to the boundaries of states. Hence Option 2 is Not correct.
- It excludes the fifth and sixth scheduled areas from the application of the Panchayati Raj system.
- This is to ensure that the local tribal practices, customs, religious laws, social and political institutions are not tampered with. Hence Option 3 is also Not correct.
- It does not protect the interests of the border States. Hence Option 4 is Not Correct.

**CS (P) 2016**

**9. With reference to ‘Stand Up India Scheme’, which of the following statements is/are correct?**

1. Its purpose is to promote entrepreneurship among SC/ST and women entrepreneurs.
2. It provides for refinance through SIDBI.

Select the correct answer using the code given below.

1. 1 only
2. 2 only
3. Both 1 and 2
4. Neither 1 nor 2

**Ans: Option 3: Both 1 and 2**

**Explanation:**

- The ‘Stand Up India Scheme’ is aimed at promoting entrepreneurship among SC/ST and women entrepreneurs and facilitates at least two such projects per bank branch. Hence statement 1 is correct.
- It provides for refinancing through Small Industries Development Bank of India (SIDBI) with an initial amount of Rs. 10,000 crore. Hence statement 2 is correct.
- It facilitates bank loans between 10 lakh and 1 crore to at least one Scheduled Caste(SC) or Scheduled Tribes(ST) borrower and at least one women borrower per bank branch for setting up a greenfield enterprise, an enterprise may be in manufacturing, services or the trading sector.

CS(P) 2016

**Q.10. 'SWAYAM', an initiative of the Government of India, aims at:**

1. Promoting the self-help groups in rural areas
2. Providing financial and technical assistance to young start-up entrepreneurs
3. Promoting the education and health of adolescent girls
4. Providing affordable and quality education to citizens for free

Ans: Option 4: Providing affordable and quality education to the citizens for free

Explanation:

- SWAYAM is a Hindi acronym that stands for 'Study Webs of Active Learning for Young Aspiring Minds'.
- It was launched on 9<sup>th</sup> July 2017.
- It has Massive Open Online Courses (MOOCS) and provide high quality education on various subjects which includes classes from 9 to 12<sup>th</sup> and also Under Graduate and Post Graduate courses.
- The scheme aims to provide free high-quality e-content to all colleges and universities free of cost.
- Learners wishing a SWAYAM certificate have to register for the final proctored exams that come at a free and attend in-person at designated centres on specified dates.

CS(P) 2016

**Q. 11 Regarding 'Atal Pension Yojana', which of the following statements is/are correct?**

Select the correct answer using the code given below.

1. It is a minimum guaranteed pension scheme mainly targeted at unorganized sector workers.
2. Only one member of a family can joins the scheme.
3. The same amount of pension is guaranteed for the spouse's life after the subscriber's death.

Ans: 1 and 3 only.

**Explanation**

- Atal Pension Yojana is a pension scheme introduced by the Government of India in 2015-16.
- The objective of the scheme is to provide pension benefits to individuals in the unorganized sector. Hence statement 1 is correct.
- Atal Pension Yojana (APY) is open to all bank account holders who are not members of any statutory social security scheme. Hence statement 2 is incorrect.
- Atal Pension Yojana is regulated and controlled by the Pension Funds Regulatory Authority of India (PFRDA).
- Beneficiaries of the scheme can choose to receive a periodic pension of Rs. 1000, Rs. 2000, Rs. 3000, Rs. 4000, or Rs. 5000, depending on their monthly contributions.
- Individuals who are above 18 years and below 40 years of age are eligible to invest in the Atal Pension Yojana.
- In the case of a beneficiary's death, before he/she reaches 60 years of age, his/her spouse shall be entitled to receive a pension. As such, the spouse has an option to either exit the scheme with the corpus or continue to receive pension benefits.
- The spouse of the subscriber shall be entitled to receive the same pension amount even after the subscriber's death. Hence the statement 3 is correct.

**CS (P) 2018**

**Q.12 With reference to the provisions made under the National Food Security Act, 2013, consider the following statements:**

1. The families coming under the category of 'below poverty line (BPL)' only are eligible to receive subsidized food grains.
2. The eldest woman in a household, of age 18 years or above, shall be the head of the household for the purpose of issuance of a ration card.
3. Pregnant women and lactating mothers are entitled to a 'take-home ration' of 1600 calories per day during pregnancy and for six months thereafter.

Which of the statements given above is/are correct?

- (a) 1 and 2
- (b) 2 only
- (c) 1 and 3
- (d) 3 only

Ans: (b) 2 only

Explanation:

- The government has notified the National Food Security Act, 2013 on 10<sup>th</sup> September 2013.
- The objective is to provide for food and nutritional security in the human life cycle approach, by ensuring access to adequate quantities of quality food at affordable prices to live a life with dignity.
- Some of the provisions of the National Food Security Act, 2013 are as follows:
- The Act provides for coverage of up to 75% of the rural population and up to 50% of the urban population for receiving subsidized food grains under Targeted Public Distribution System (TPDS), thus covering about two-thirds of the population. Hence, statement 1 is not correct.
- It provides that the eldest women of the household of age 18 years or above is to be the head of the household for the purpose of issuing ration cards. Hence, Statement 2 is correct.
- Besides meals to pregnant women and lactating mothers during pregnancy and six months after childbirth, such women will also be entitled to receive maternity benefits of not less than Rs. 6000.
- The nutritional and feeding norms for supplementary nutrition are 500 calories and 12-15 grams of protein of children between the ages of 6 months to 6 years, 600(not 1600) calories and 18-20 grams of protein to pregnant and nursing mothers and 800 calories. And 20-25 gram of protein to malnourished children. Hence, statement 3 is not correct.

**CS (P) 2019**

**Q. 13 Atal Innovation Mission is set up under the**

1. Department of Science and Technology
2. Ministry of Labour and Employment
3. NITI Aayog
4. Ministry of Skill Development and Entrepreneurship

Ans: Option 3: NITI Aayog

Explanation:

- The Atal Innovation Mission (AIM) is a flagship initiative of NITI Aayog.
- It is launched to promote innovation and entrepreneurship across the country.
- Its objective is to serve as a platform for the promotion of world-class innovation Hubs, Grand Challenges, Start-up business, and other self-employment activities, particularly in technology-driven areas.

CS(P) 2016

**14. Pradhan Mantri MUDRA Yojana is aimed at**

- (a) Bringing the small entrepreneurs into formal financial system
- (b) Providing loans to poor farmers for cultivating particular crops
- (c) Providing pensions to old and destitute persons
- (d) Funding the voluntary organisations involved in the promotion of skill development and employment generation.

**Ans: (a)** Bringing the small entrepreneurs into formal financial system

Pradhan Mantri MUDRA Yojana

The scheme was launched on 8<sup>th</sup> April 2015 by Prime Minister Narendra Modi.

It is a flagship scheme that is aimed to extend affordable credit to micro and small enterprises i.e. to bring the small entrepreneurs into the formal financial systems.

It provides loans up to 10 lakh to the non-corporate, non-farm small/micro enterprises

There are three products under the Pradhan Mantri MUDRA loan:

- Covering loan of upto Rs. 50,000 under **Shishu**.
- Covering loan from above Rs. 50,000 to Rs. 500,000 under **Kishore**.
- Covering loan from above Rs. 500,000 to Rs. 10,000 under **Tarun**.

Sectors covered under MUDRA Yojana:

1. Land Transport Sector
2. Community, Social & Personal Service Activity
3. Food Products Sector
4. Textile Products Sector

**Q.15 The Vital-Vidhvansak, the first monthly journal to have the untouchable people as its target audience was published by:**

1. Gopal Baba Walangkar
2. Jyotiba Phule
3. Mohandas Karamchand Gandhi
4. Bhimrao Ramji Ambedkar

Ans: 1. Gopal Baba Walangkar

**Explanation**

- Vital-Vidhvansak (Destroyer of Brahminical or Ceremonial Pollution) was the first monthly journal to have the untouchable people as its target audience.
- It was published by Gopal Baba Walangkar.

- Gopal Baba was born into a family of Mahar caste which is a scheduled caste.
- He was appointed to the local taluk board of Mahad in 1895 and many upper-caste members were displeased with the appointment. It even caused considerable debate in newspaper.
- Some upper-caste people who were in the position of power did not want anyone from scheduled caste to take place with them.
- Hence, Gopal Baba wrote many articles for Marathi-language newspaper such as Sudharak and Deenbandhu, as well as composing couplets in Marathi that were intended to inspire the people.
- Vital-Vidhvansak was published in 1889. The book specifically talked about the position of untouchables in society and raised consciousness regarding what those people should expect.