GE3791 HUMAN VALUES AND ETHICS

UNIT IV - SOCIAL ETHICS

Syllabus: *Application of ethical reasoning to social problems, Gender bias and issues-Gender violence- Social discrimination - Constitutional protection and policies - Inclusive practices.*

Introduction - Understanding Principles of Right and Wrong in Society

Social ethics refers to the moral principles that guide behaviour and interactions of individuals, institutions and groups within a society to promote justice, equity, and harmony.

Key Aspects: Focus on fairness, justice, and the common good.

Purpose: Helps individuals and groups make decisions that benefit society as a whole.

Why Are Social Ethics Important?

• Promotes Harmony: Encourages cooperation and reduces conflict.
• Protects Rights: Safeguards individual freedoms and rights within a community. -
• Ensures Accountability: Holds people and institutions responsible for their actions

Social ethics is built on dignity, equality, justice, responsibility, solidarity, participation, subsidiarity, tolerance, and common good. Together, they ensure a just, inclusive, and humane society.

Some of the Important Principles of Modern Social Ethics

• *Human Dignity* - Every person has inherent worth and must be treated with respect.
• *Equality and Non-discrimination* -All are equal before law and deserve equal opportunities.
• *Justice and Fairness* - Ensure fair distribution of rights, resources, and opportunities and uplift the marginalized.
• *Responsibility and Accountability* - Individuals and institutions must be answerable for their actions.
• *Common Good & Solidarity* – Social arrangements should benefit all, especially weaker sections

Aims of Ethics Education in Engineering Courses:

• Teach pertinent laws and rules
• Sensitize students to ethical issues
• Give students tools necessary to think through ethical issues: vocabulary and techniques
• Enable students to take part in ethical discussions about policy

Codes and Rules

• Based on fundamental principles of Social Ethics, organisations can frame codes and rules of conduct for their members.
• These can be described as a set of values that guides the behaviour and decision-making process of an organisation and its people.
• The code of conduct document usually sets out the broad standards to follow while conducting the activities of the organisation or interacting with other individuals, organisation or with society as a whole.

- The idea is to conduct the organisational activities equitably under socially acceptable norms.

As examples, codes of ethics of American Society of Mechanical Engineers (ASME) Computer Society of India (CSI) and The Institute of Electrical and Electronics Engineers (IEEE) are given below. Students may read the code of ethics relevant to their branch of engineering to grasp the code they must follow in the practice of their profession.

Example -1: Code of Ethics of ASME

The Fundamental Principles
Engineers uphold and advance the integrity, honour and dignity of the engineering profession by:
1. Using their knowledge and skill for the enhancement of human welfare;
2. Being honest and impartial, and serving with fidelity, the public, their employers and their clients;
3. Striving to increase the competence and prestige of the engineering profession; and
4. Supporting the professional and technical societies of their disciplines.

The Fundamental Canons
1. Engineers shall hold paramount the safety, health and welfare of the public in the performance of their professional duties.
2. Engineers shall perform services only in the areas of their competence.
3. Engineers shall issue public statements only in an objective and truthful manner.
4. Engineers shall act in professional matters for each employer or client as faithful agents or trustees, and shall avoid conflicts of interest.
5. Engineers shall build their professional reputation on the merit of their services and shall not compete unfairly with others.
6. Engineers shall act in such a manner as to uphold and enhance the honour, integrity and dignity of the profession.
7. Engineers shall continue their professional development throughout their careers and shall provide opportunities for the professional development of those engineers under their supervision.

Example -2: Code of Ethics of CSI

A member of the CSI shall :
- Organise the resources available to him and optimise these in attaining the objectives of his organisation
- Not misuse his authority or office for personal gains.
- Comply with the Indian laws relating to the management of his organisation and operate within the spirit of these laws.
- Conduct his affairs so as to uphold, project and further the image and reputation of the CSI.
- Maintain integrity in research and publications.

As regards his ORGANISATION CSI member should :
- Act with integrity in carrying out the lawful policy and instructions of his organisation and uphold its image and reputation. Plan, establish and review objectives and tasks for himself and his subordinates which are compatible with the Codes of practice of other professionals in the enterprise, and direct all available effort towards the success of the enterprise rather than of himself.

- Fully respect the confidentiality of information which comes to him in the course of his duties, and not use confidential information for personal gain or in a manner which may be detrimental to this organisation or his clients.
- Not snoop around in other people's computer files.
- In his contacts and dealings with other people, demonstrate his personal integrity and humanity and when called to give an opinion in his professional capacity, shall, to the best of his ability, give an opinion that is objective and reliable.

As regards the EMPLOYEES, CSI member should :
- Set an example to his subordinates through his own work and performance, through his leadership and by taking
- Account of the needs and problems of his subordinates.
- Develop people under him to become qualified for higher duties.
- Pay proper regard to the safety and well being of the personnel for whom he is responsible.
- Share his experience with fellow professionals.

As regards the CLIENTS, CSI member should :
- Ensure that the terms of all contracts and terms of business be stated clearly and unambiguously.
- Not use the computer to harm other people or to bear false witness.
- Be objective and impartial when giving independent advice.

As regards the COMMUNITY, CSI member should :
- Make the most effective use of all natural resources employed.
- Be ready to give professional assistance in community affairs.
- Not appropriate other people's intellectual output.
- Always use a computer in ways that ensure consideration and respect for fellow humans.

Example -3: Code of Ethics of IEEE

We, the members of the IEEE, in recognition of the importance of our technologies in affecting the quality of life throughout the world, and in accepting a personal obligation to our profession, its members and the communities we serve, do hereby commit ourselves to the highest ethical and professional conduct and agree:

I. To uphold the highest standards of integrity, responsible behaviour, and ethical conduct in professional activities.
1. to hold paramount the safety, health, and welfare of the public, to strive to comply with ethical design and sustainable development practices, to protect the privacy of others, and to disclose promptly factors that might endanger the public or the environment;
2. to improve the understanding by individuals and society of the capabilities and societal implications of conventional and emerging technologies, including intelligent systems;
3. to avoid real or perceived conflicts of interest whenever possible, and to disclose them to affected parties when they do exist;
4. to avoid unlawful conduct in professional activities, and to reject bribery in all its forms;
5. to seek, accept, and offer honest criticism of technical work, to acknowledge and correct errors, to be honest and realistic in stating claims or estimates based on available data, and to credit properly the contributions of others;

6. to maintain and improve our technical competence and to undertake technological tasks for others only if qualified by training or experience, or after full disclosure of pertinent limitations;

II. To treat all persons fairly and with respect, to not engage in harassment or discrimination, and to avoid injuring others.

7. to treat all persons fairly and with respect, and to not engage in discrimination based on characteristics such as race, religion, gender, disability, age, national origin, sexual orientation, gender identity, or gender expression;
8. to not engage in harassment of any kind, including sexual harassment or bullying behaviour;
9. to avoid injuring others, their property, reputation, or employment by false or malicious actions, rumours or any other verbal or physical abuses;

III. To strive to ensure this code is upheld by colleagues and co-workers.

10. to support colleagues and co-workers in following this code of ethics, to strive to ensure the code is upheld, and to not retaliate against individuals reporting a violation.

<u>Application of Ethical Reasoning to Social Problems</u>

If we already have rules, laws, and codes of conduct, why do we still need ethical reasoning?

Rules tell us what to do, but ethical reasoning teaches us why to do it and how to choose rightly when rules fall short. Codes and rules are necessary, but not sufficient. They provide a framework, but ethical reasoning provides the wisdom, flexibility, and moral vision to apply them meaningfully.

1. Rules can't cover every situation
   • Laws and codes are general; real-life situations are often complex and new.
   • Ethical reasoning helps us make judgments in grey areas where rules are silent.
   • *Example*: New technologies like AI or genetic engineering pose dilemmas that existing codes may not fully address.
2. Rules may conflict with each other
   • Sometimes two rules or duties clash.
   • Ethical reasoning helps us balance and prioritize values.
   • *Example*: A doctor's duty to tell the truth vs. duty to protect a patient's emotional well-being.
3. Rules can be misused or unjust
   • History shows that some legal codes supported discrimination or inequality.
   • Ethical reasoning allows us to question unjust rules and push for reform.
   • *Example*: Laws supporting untouchability in the past were legal but unethical.
4. Ethics goes beyond mere compliance
   • Following rules mechanically is not enough; ethics asks *why* an action is right or wrong.
   • It helps build character, integrity, and trustworthiness, not just obedience.
   • *Example*: An officer who refuses a bribe not only follows law but also shows personal integrity.
5. Promotes personal and social growth
   • Ethical reasoning develops critical thinking, empathy, and responsibility.
   • It helps individuals and societies evolve towards higher ideals like justice, equality, and human dignity.

Ethical Reasoning: The systematic process of applying moral principles, values, and critical thinking to determine what is right and just in human actions and decisions.
It is the process of carefully thinking about what is right or wrong, good or bad, in a given situation before making a decision or taking action.

It involves
•   Evaluating actions in terms of moral principles (like justice, fairness, honesty)
• Considering consequences of actions on individuals and society.
• Balancing rights and duties of all stakeholders.
• Arriving at the most morally acceptable decision, not just the most convenient one.

There are several approaches/types of   ethical reasoning, each providing a different criterion   to assess actions and decisions. These different approaches have their on merits and drawbacks. Some of the approaches to ethical reasoning re given in the following table.

Approach	Focus	Principle	Merits	Drawbacks	Examples
Consequentialist / Utilitarian/ Teleological	Outcomes/consequences	The right action maximizes overall good or happiness	Practical, goal-oriented, considers overall impact	Can justify harmful acts if they produce "greater good", hard to measure outcomes	Donating to charity because it reduces suffering for many
Deontological / Duty-based	Rules, duties, obligations	Some actions are inherently right or wrong, regardless of consequences	Clear moral guidance; respects rules	Can be rigid, may ignore outcomes	Telling the truth even if it causes harm
Virtue Ethics	Character and moral virtues	Focus on developing good character traits (e.g., honesty, courage, integrity)	Encourages personal moral development, adaptable	Vague guidance for specific situations	Acting compassionately because a virtuous person would naturally do so
Rights-Based	Individual rights	Respect for fundamental human rights is ethical	Protects individuals; aligns with law and human rights	Conflicts between rights can be hard to resolve	Protecting freedom of speech even if it offends some
Justice / Fairness	Fairness and equality	Ethical decisions ensure equitable treatment and justice	Promotes social equity; addresses systemic issues	May be hard to apply in complex situations	Ensuring equal access to education for all children

Application of Ethical Reasoning to Social Problems

Applying ethical reasoning to social problems ensures that solutions are not only effective but also just, fair, and respectful of human dignity. Social problems such as poverty, inequality, corruption, gender discrimination, and environmental degradation are complex, affecting large sections of society.

By combining ethical reasoning approaches based on consequences, duties, rights, virtues, fairness, and care, policymakers and citizens can ensure that social interventions respect human dignity and promote the common good. In India, ethical reasoning informs laws, policies, and social programs, creating a framework where social development is not only measured in material terms but also in moral and social progress. Ultimately, ethical reasoning helps society act responsibly, protect the vulnerable, and pursue justice, forming the moral backbone of governance and civic life.

Ethical reasoning allows society to analyse social issues through moral principles:
- *Poverty*: Beyond economic measures, ethical reasoning asks whether society is fulfilling its duty to provide basic necessities like food, shelter, and education
- *Gender inequality*: Social norms restricting women's opportunities can be challenged based on fairness and justice
- *Environmental degradation*: Ethical reasoning emphasises responsibility toward future generations, aligning with sustainable development goals and constitutional directives like Article 48A (protection of the environment).

Ethical reasoning guides governments and institutions in:
- *Policy formulation*: Laws and programs are designed not only for efficiency but also for fairness and moral responsibility.
- *Conflict resolution*: Balancing individual rights and collective welfare, such as environmental regulations versus industrial growth.
- *Long-term planning*: Policies that ensure sustainability, inclusivity, and human dignity.

Challenges in Applying Ethical Reasoning:
- *Complexity***:** Multiple stakeholders with conflicting interests complicate decision-making.
- *Cultural diversity***:** Ethical norms vary across communities, requiring sensitive and context-aware solutions.
- *Resource limitations***:** Ideal ethical outcomes may be difficult to implement practically.
- *Conflicting principles***:** Balancing fairness, rights, and consequences often requires careful judgment.

Despite these challenges, ethical reasoning provides a structured approach to moral decision-making, ensuring that solutions serve both justice and societal welfare.

Gender Discrimination and Gender Violence

The terms sex and gender are often used interchangeably in everyday language, but in social sciences, medicine, and ethics, they have distinct meanings.

Sex refers to the biological and physiological characteristics that define humans as male, female, or intersex.

Sex is determined by Chromosomes, hormones, reproductive organs, and secondary sexual characteristics.

Categories: Typically categorized as male, female, or intersex.

Biological Basis of sex are

Chromosomes: XX for female, XY for male (with exceptions in intersex conditions).

Hormones: Testosterone, estrogen, progesterone influence physical development.

Anatomy: Presence of testes or ovaries, genitalia, secondary sexual characteristics like breast development or facial hair.

Examples

Male: A person born with XY chromosomes, testes, and male reproductive organs is biologically male. Secondary characteristics include facial hair etc.

Female: A person born with XX chromosomes, ovaries, and female reproductive organs (uterus, vagina) is biologically female. Secondary sexual characteristics of female are breasts, wider hips, menstrual cycle.

Intersex: A person may be born with ambiguous genitalia, or a combination of male and female reproductive organs. Chromosomes: Can vary (e.g., XXY, XO, etc.) As secondary sexual characteristics intersex person may develop characteristics of both sexes, or may not clearly match typical male/female traits.

Gender refers to the **social, cultural, and psychological roles, behaviours, and identities** that a society considers appropriate for men, women, and other gender identities.

Gender is d**etermined by:** Socialization, culture, personal identity, and societal expectations—not strictly biology.

Categories: Male, female, transgender, etc.

Social Basis:

*Roles***:** Jobs, responsibilities, and expectations assigned by society.

*Identity***:** How individuals perceive themselves (gender identity) and how they express it (gender expression).

Example: A person assigned female at birth may identify and live as a man, or a person assigned male may identify as non-binary.

Why the distinction between the terms sex and gender is important:

Policy & Law: Legal protections (like gender equality, anti-discrimination) often focus on gender, not just biological sex.

Healthcare: Sex determines biological needs (like reproductive health), while gender affects mental health, access to care, and societal pressures.

Social Understanding: Recognising the distinction helps address issues like gender-based violence, transgender rights, and social inclusion.

Gender Based Violence (GBV)

GBV is an umbrella term for any harmful act that is perpetrated against a person's will and is based on socially ascribed (i.e. gender) differences between males and females.
It includes acts that inflict physical, sexual or mental harm or suffering, threats of such actions, coercion and other deprivations of liberty.

- The term 'GBV' is used to underscore how systemic inequality between males and females acts as a unifying and foundational characteristic of most forms of violence perpetrated against women and girls.
- The term highlights the gender dimension of these types of acts - the relationship between the subordinate status of women and girls in society and their increased vulnerability to violence.
- Acts of GBV violate a number of universal human rights protected by international instruments and conventions.
- GBV involves the abuse of power and the use of some type of violence that causes harms.
- GBV is rooted in gender inequality and occurs without informed consent.
- Girls are at risk of multiple forms of GBV from birth throughout adolescence.
- GBV is mostly perpetrated by men and boys and occurs in the family and general community; in institutions such as schools; and in workplaces.
- **Acts of Gender Based Violence (GBV) occur without informed consent.**
- **Saying yes does not = consent**. "Yes" is not true consent if said under duress.
- **Consent means that people make an informed choice, freely and voluntarily, in an equal power relationship.** Power is the capacity to make your own decisions and take action. Different forms of power are economic, political, social, age-related, educational and physical. Power is directly related to *choice.*
- **Consent is "FRIES"**

  - **F**reely given
  - **R**eversible
  - **I**nformed
  - **E**nthusiastic
  - **S**pecific
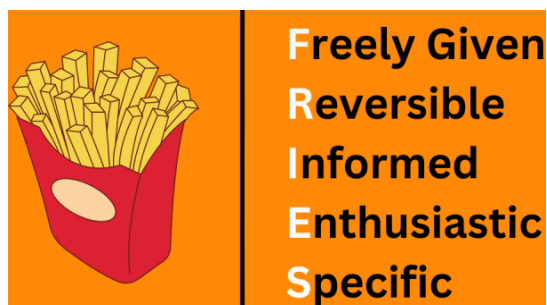
Gender-based violence is not caused by individuals alone, but by systemic social, cultural, and structural factors that uphold inequalities and punish deviation from societal norms.

The root causes of GBV are listed in the following table.

Root Cause	Definition	How it Causes GBV	Example
Transphobia	Prejudice against trans people	Harassment, assault, exclusion	Attacks on transgender women in public
Cisnormativity	The assumption that all people are cisgender (gender identity matches sex assigned at birth).	Excludes or targets non-cis people	Unsafe bathrooms, shelters
Ableism	Discrimination against disabled	Exploitation, assault	Sexual abuse in care facilities
Class Discrimination	Economic marginalization	Vulnerability, dependence	Domestic worker harassment

Root Cause	Definition	How it Causes GBV	Example
Patriarchy	Male dominance system	Normalizes control & violence against females and transgender	Domestic violence, honour killings
Racism	Discrimination based on race or ethnicity	Racialized sexual violence	Assault and exploitation of subordinate race women
Colonialism	Historical and ongoing control of one nation over another, imposing social, economic, and cultural domination	Disrupted local gender norms and introduced systems that oppressed women and marginalised groups.	Sexual violence against Indigenous women during colonial expansion
Sexual violence against Indigenous women during colonial expansion	Prejudice against same-sex attraction	Assault, harassment	Gay men attacked publicly
Biphobia	Prejudice against bisexuals	Isolation, targeted violence	Corrective rape of bisexual women
Heteronormativity	Assumption heterosexuality is normal	Punishes deviations from norms	Assault of LGBTQ+ individuals

These root causes lead to violence in different context such as
- domestic and family violence
- structural violence (a form of violence built into social, economic, and political systems, which systematically prevents people from meeting their basic needs or achieving their full potential),
- lateral violence (aggressive, hostile, or harmful behaviour directed at peers or colleagues within the same marginalised or oppressed group, rather than at the dominant group or system causing the oppression),
- sexual harassment (any unwelcome sexual behaviour, request, or conduct that makes a person feel unsafe, humiliated, or offended)
- intimate partner violence (to any behaviour within a current or former intimate relationship that causes physical, psychological, or sexual harm to one partner by the other)

The different types of violences that happen under these have various manifestations -
- physical violence
- social violence (a broad form of violence that arises from social structures, norms, relationships, and collective behaviours within a community or society. Unlike individual acts of violence, social violence is embedded in group dynamics and cultural practices. It is often normalised, justified, or perpetuated by society itself)

- reproductive violence (a form of gender-based violence where someone controls, manipulates, or denies another person's reproductive autonomy—their right to make free and informed decisions about their own body, fertility, and reproductive health),
- spiritual violence (right to freedom of thought, conscience, and religion)
- emotional violence
- sexual violence,
- stalking,
- financial violence (person's access to money, resources, and economic independence is controlled or restricted by another, usually to maintain power and dependence)
- legal violence (harm, oppression, or injustice that occurs through laws, legal systems, or their enforcement).

A GBV Tree (Gender-Based Violence Tree) is a visual tool used to understand the causes, forms, and consequences of gender-based violence. It is often used in gender studies, social work, and community awareness programs. The "tree" metaphor helps show how root causes, visible issues, and consequences are interconnected.
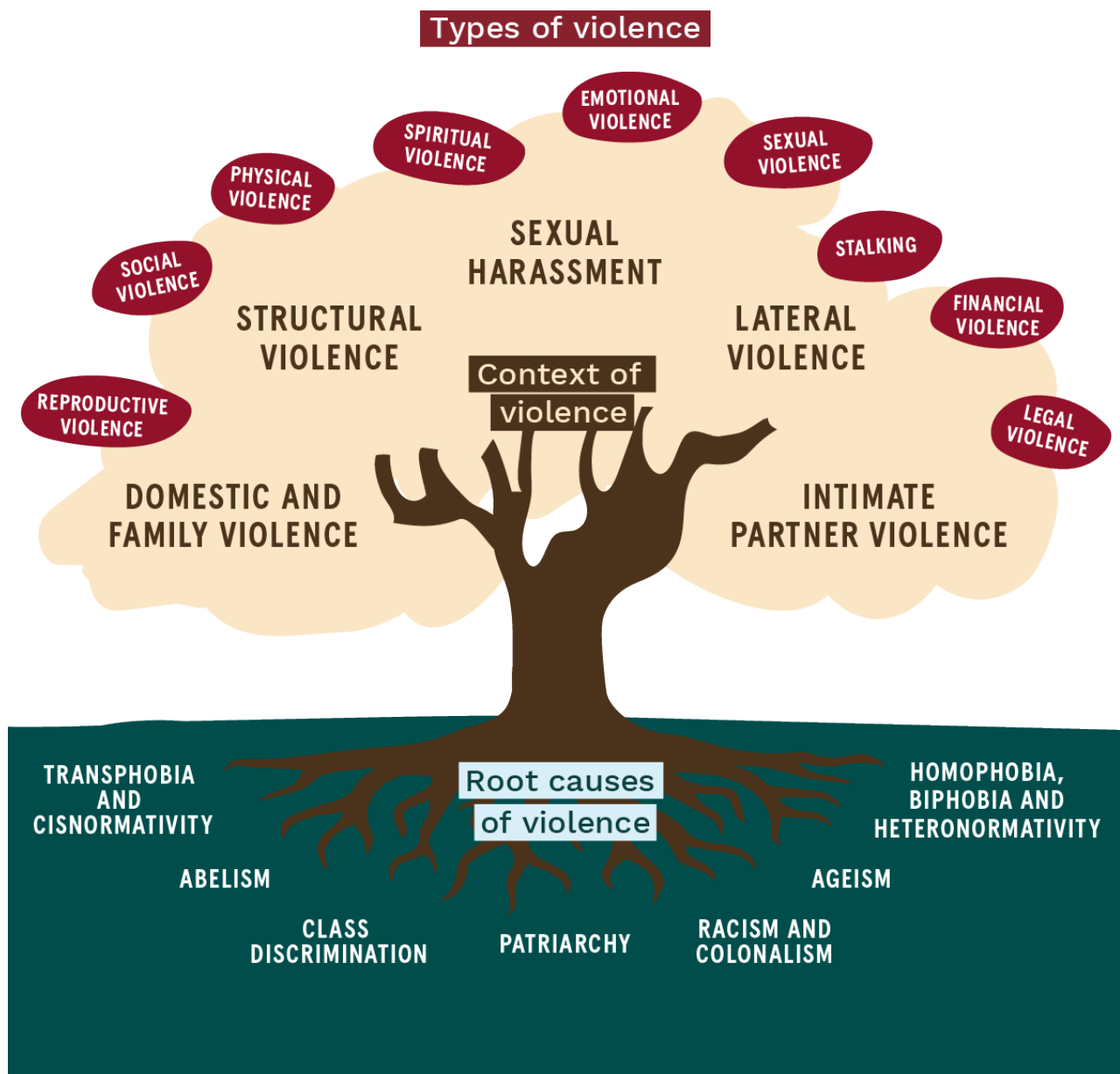
Gender Bias and Issues

Gender bias refers to the preferential treatment or discrimination against individuals based on their gender.
Gender bias is rooted in societal norms, cultural traditions, and historical power structures that assign roles, capabilities, and behaviours based on gender. These assumptions often manifest as stereotypes.
Example: The belief that men are more logical and women are more emotional, that leadership is a male trait.
Such generalisations lead to discriminatory practices, both conscious and unconscious, in decision-making and interpersonal interactions.

Gender bias is a human rights issue that affects the fabric of society. Addressing it requires a collective commitment to dismantling discriminatory systems and creating spaces where every individual, regardless of gender, has the opportunity to thrive. Only by confronting these biases can we hope to build a future grounded in fairness, dignity, and equality for all.

The importance of reducing and eliminating gender bias is seen from the fact that Gender Equality is included as one of the 17 Sustainable Development Goals (SDGs) in the 2030 Agenda for Sustainable Development, adopted by all United Nations Member States in 2015. The target of the SDGs is to achieve peace and prosperity for people and the planet, now and into the future. The 17 SDGs are an urgent call for action by all countries - developed and developing - in a global partnership. They recognise that ending poverty and other deprivations must go hand-in-hand with strategies that improve health and education, reduce inequality, and spur economic growth - all while tackling climate change and working to preserve our oceans and forests.

SDG 5: Achieve gender equality and empower all women and girls
Gender equality is not only a fundamental human right but also a necessary foundation for a peaceful, prosperous, and sustainable world. The inclusion of Gender Equality as SDG 5 recognises the vital role that women and girls play in sustainable development. Research shows that closing gender gaps in the workforce could add trillions of dollars to global GDP. The Universal Declaration of Human Rights recognizes the equality of all people. Excluding half the population from equal opportunities undermines fairness and justice.Societies that value and empower women are more peaceful, inclusive, and democratic. Women's participation in peace processes increases the chances of lasting peace.

Areas Affected by Gender Bias
1. **Workplace Discrimination:**
   - Women often face a "glass ceiling" that limits their career advancement.
   - The gender pay gap remains a persistent issue globally.
   - Female professionals may encounter fewer opportunities for leadership and mentorship.
2. **Education:**
   - In some regions, girls are discouraged or even prevented from pursuing higher education.
   - Gender bias in educational materials can reinforce traditional gender roles.

- **Healthcare:**
  - Women's health concerns are sometimes dismissed or under-researched.
  - Gender bias in medical research has led to misdiagnoses and inadequate treatment options.
4. **Media and Representation:**
   - Media often portrays women in stereotypical roles, underrepresenting them in positions of power or complexity.
   - LGBTQ+ and non-binary individuals are frequently misrepresented or ignored altogether.
5. **Legal and Political Systems:**
   - Laws in some countries still reflect deep-rooted gender inequality.
   - Women and gender minorities are underrepresented in political leadership and decision-making roles.

Consequences of Gender Bias

The consequences of gender bias are far-reaching. It leads to inequality in income, education, and personal freedom. It fuels gender-based violence, limits access to healthcare and legal protection, and perpetuates cycles of poverty and dependency. Beyond individual harm, societies that tolerate gender bias hinder their own development by failing to utilise the full potential of their population.

Addressing the Issues

1. **Education and Awareness:**
   - Schools and institutions must actively promote gender sensitivity.
   - Gender studies and inclusive curricula can challenge stereotypes early.
2. **Policy and Legal Reforms:**
   - Enforcing laws that ensure equal pay, maternity/paternity leave, and workplace safety is crucial.
   - Stronger legal protections against gender-based violence are needed.
3. **Media Responsibility:**
   - Media platforms must work towards balanced and fair representation of all genders.
   - Positive role models and inclusive storytelling can shift public perceptions.
4. **Corporate Initiatives:**
   - Companies should adopt diversity and inclusion policies.
   - Leadership development programs for women and minorities can help bridge the gap.
5. **Support for Gender Minorities:**
   - Recognising and protecting the rights of transgender, non-binary, and gender non-conforming individuals is essential to true gender equality.

Constitutional Protection Against Gender Discrimination

Gender justice refers to the fair treatment of all genders, ensuring equal rights and opportunities. In India, given the deep-rooted patriarchal norms, achieving gender justice is paramount. The Constitution, as India's foundational text, robustly advocates for this cause, adapting and evolving to meet the country's aspirations.

Constitutional Provisions for Gender Justice:
- Preamble: Ensures "Justice - social, economic, and political" and "Equality of status and of opportunity" for all, laying the foundation for gender justice.
- Article 14: Guarantees equality before the law, emphasising gender equality in all legal and state actions.
- Article 15(1): Forbids discrimination solely based on sex.
- Article 15(3): Enables affirmative actions for the benefit of women and children.
- Article 16: Ensures equality of opportunity in public employment, irrespective of gender.
- Article 23: Prohibits human trafficking and forced labor, which disproportionately affects women and girls.
- Article 39(a) & (d): Enshrines the principle of equal pay for equal work and ensures an equal means of livelihood for both genders.
- Article 42: Advocates for just and humane work conditions and maternity relief.
- Article 51A(e & f) (Fundamental Duties): Mandates the renunciation of practices derogatory to the dignity of women and emphasises respect for women.
- 73rd and 74th Amendment Acts (1992): Provided for reservation of seats in local bodies for women, ensuring their participation in grass-root-level governance.

Landmark Case Laws Strengthening Gender Justice:
- Shah Bano vs. Mohammad Ahmed Khan (1985): Emphasized the maintenance rights of Muslim women, setting a precedent for gender justice within personal laws.

  > Shah Bano was 62-year-old divorced Muslim woman, in 1978 filed a case in a local court in Indore for maintenance from her husband under Section 125 of the Criminal Procedure Code (CrPC) after he refused to support her following their divorce. The litigation eventually escalated to Supreme Court.
  > Judgment: On 23 April 1985, Supreme Court of India ruled in her favour, holding that a Muslim husband must provide maintenance to his divorced wife under CrPC Section 125, which applies to all citizens regardless of religion.
  > Shah Bano's case remains a pivotal moment in India's legal history, highlighting the complexities of balancing personal laws with constitutional rights. While the immediate legislative response was seen as a limitation on women's rights, the case continues to inspire discussions on the need for reforms in personal laws to ensure gender justice and equality.
  > Shah Bano Begum's courage in seeking justice brought to light the challenges faced by divorced Muslim women in India and underscored the importance of safeguarding their rights within the framework of the law.

- Vishaka vs. State of Rajasthan (1997): Introduced the Vishakha guidelines to combat workplace sexual harassment.
  > In 1992, Rajasthan state government employee Bhanwari Devi who tried to prevent child marriage as part of her duties as a worker of the Women Development Programme was raped by the landlords of the Gujjar community. The feudal patriarchs who were enraged by her (in their words: "a lowly woman from a poor and potter community") 'guts' decided to teach her a lesson and raped her repeatedly. The rape survivor did not get justice from Rajasthan High Court and the rapists were allowed to go free. This

highlighted the severe lack of legal protection for women at the workplace. his incident sparked outrage and inspired several women's groups and non-governmental organizations to file a Public Interest Litigation in the Supreme Court under the collective platform of Vishaka.

The Supreme Court recognized sexual harassment as a violation of the fundamental rights of working women guaranteed under Articles 14 (Right to Equality), 19(1)(g) (Right to Practice any profession), and 21 (Right to Life and Personal Liberty) of the Indian Constitution.

Vishaka Guidelines: To bridge the legal gap, the Court framed the Vishaka Guidelines, which provided a legal mechanism for preventing and redressing sexual harassment at the workplace. These guidelines included: The employer's duty to prevent or deter sexual harassment. The establishment of a complaint mechanism and a complaints committee. The requirement for employers to take appropriate steps to ensure a safe working environment. A wide definition of sexual harassment, encompassing all unwelcome sexually determined behavior, whether verbal, non-verbal, or physical.

This judgement eventually led to the enactment of the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

- Gaurav Jain vs. Union of India (1997): Recognized the rights of children born to prostitutes, emphasizing the state's duty towards women in distress.
- Joseph Shine vs. Union of India (2018): Decriminalized adultery, underlining women's autonomy and equality in marital relations.
- Navtej Singh Johar vs. Union of India (2018): Promoted gender justice by decriminalizing homosexuality.
- Shayara Bano vs. Union of India (2017): Declared the practice of 'Triple Talaq' unconstitutional, safeguarding the rights of Muslim women.
- Indian Young Lawyers Association vs. State of Kerala (2018): Addressed the Sabarimala temple entry issue, emphasizing women's right to equality in matters of religion.

    The case challenged the Sabarimala temple tradition that barred women of menstruating age (10–50 years) from entering the temple in Kerala. Petitioners argued that this restriction violated women's fundamental rights under Articles 14 (Equality), 15 (Prohibition of discrimination), and 25 (Freedom of religion).
    The Supreme Court ruled that banning women of menstruating age from entering Sabarimala temple was unconstitutional. The Court held that the practice discriminated on the basis of gender and violated equality and fundamental rights.It clarified that religious practices cannot override constitutional morality or fundamental rights.

- Mohd Abdul Samad vs The State of Telangana (2024): Divorced Muslim women can demand maintenance from their former husbands - strengthening Shah Bano vs. Mohammad Ahmed Khan (1985) case verdict.

In deciding many of the above litigations, The Supreme Court frequently invoked Article 14, Article 19 and Article 21 of Indian Constitution. These three article are said to

constitute the Golden Triangle that interconnects the three Fundamental Rights that are most vital for individual liberty and equality.

> Article 14 - Right to Equality before the law and equal protection of laws.
>
> Article 19 - Right to freedom of speech and expression, assembly, movement, residence, and profession.
>
> Article 21- Right to life and personal liberty, including the right to live with dignity.

These three articles together form the "Golden Triangle" because the Supreme Court often interprets them together to protect and expand human rights. They act as the core framework of civil liberties in India, ensuring equality, freedom, and personal liberty.

Social discrimination

Social discrimination refers to the unjust treatment of individuals or groups on the basis of characteristics such as caste, class, gender, religion, race, ethnicity, or disability. It results in unequal access to opportunities, resources, and rights, thereby creating social hierarchies and exclusion. In the Indian context, discrimination has deep historical roots, shaped by the caste system, patriarchy, colonial legacies, economic inequality, and religious divisions. Despite constitutional guarantees of equality and justice, various forms of social discrimination persist in contemporary society, affecting development and human dignity.

Social discrimination in India remains a serious obstacle to achieving the ideals of equality and justice enshrined in the Constitution. While significant progress has been made through laws, policies, and social reform movements, deep-rooted prejudices still persist in everyday life. The path forward lies not only in legal safeguards but also in changing social attitudes through education, awareness, and inclusive development. Only when every citizen is treated with dignity, irrespective of caste, gender, religion, class, or identity, can India truly realize the vision of a just and equitable society.

Historical Roots of Discrimination in India

1. Caste System – Perhaps the most entrenched form of social discrimination in India, the caste system stratified society into hierarchical groups: Brahmins, Kshatriyas, Vaishyas, and Shudras, with Dalits and Adivasis placed outside the system. This determined one's occupation, social status, and access to education. Practices like untouchability further marginalized communities.
2. Patriarchy – Women historically faced discrimination in property rights, education, and political participation. Practices such as child marriage, dowry, and restriction on mobility limited women's agency.
3. Colonial Policies – British rule reinforced social divisions by using "divide and rule" strategies, privileging some communities over others and entrenching communal divides.
4. Religion and Ethnicity – Religious differences, though long coexisting in India, also gave rise to communal discrimination and violence, particularly in the modern era.

Forms of Social Discrimination in Contemporary India

1. Caste-Based Discrimination
   - Dalits still face exclusion in rural areas: barred from temples, denied access to water sources, or forced into menial jobs.
   - In urban settings, caste bias manifests in hiring, housing, and marriage prospects.

- Violence against Dalits, including honour killings, continues despite legal protections.

2. Gender Discrimination
   - Women face wage gaps, underrepresentation in politics, and barriers in employment.
   - Practices such as dowry, domestic violence, and honor killings remain widespread.
   - Female literacy, though improving, still lags behind male literacy rates.
   3. Religious Discrimination
   - Religious minorities sometimes face hostility, social exclusion, or stereotyping.
   - Communal riots and targeted violence highlight the persistence of religious prejudice.
- Discrimination Against Adivasis (Indigenous Peoples)
   - Adivasi communities often face displacement due to mining and industrial projects.
   - They suffer from lack of access to education, healthcare, and representation in governance.
5. Economic and Class Discrimination
   - Economic inequality reinforces social discrimination: the urban poor and rural landless face systemic exclusion from housing, healthcare, and education.
6. Disability-Based Discrimination
   - Persons with disabilities often face barriers in employment, education, and public accessibility despite the Rights of Persons with Disabilities Act, 2016.
7. Discrimination Against Sexual Minorities
   - LGBTQ+ communities have historically faced stigma, exclusion, and criminalization. Though Section 377 was read down in 2018, social acceptance is still limited.

Consequences of Social Discrimination
- Perpetuation of Poverty – Discrimination limits access to jobs, education, and land ownership.
- Social Exclusion – Marginalized groups are denied dignity, cultural recognition, and participation in decision-making.
- Violence and Conflict – Caste violence, communal riots, and gender-based violence undermine peace and security.
- Hindrance to Development – Discrimination wastes human potential, affecting India's economic and democratic progress.

Measures to Address Social Discrimination
1. Legal Enforcement – Strengthening the implementation of anti-discrimination laws, ensuring speedy justice for victims.
2. Education – Promoting inclusive curricula that emphasize equality, human rights, and constitutional values.
3. Social Awareness – Campaigns to challenge casteist, patriarchal, and communal attitudes.
4. Economic Empowerment – Skill development, microfinance, and entrepreneurship support for marginalized groups.
5. Political Participation – Greater representation of women, Dalits, Adivasis, and minorities in decision-making bodies.
6. Grassroots Movements – Social reform movements, NGOs, and community-led initiatives continue to play a vital role in challenging discrimination.

Constitutional protection and Policies

The framers of the Constitution, led by Dr. B.R. Ambedkar, were very conscious of India's history of caste oppression, untouchability, gender inequality, and religious discrimination. Therefore, they embedded multiple safeguards in the Constitution to ensure equality, dignity, and protection against social discrimination.

The Constitution protects against social discrimination mainly through Articles 14–17, 19 and 21, affirmative action provisions, Directive Principles, and judicial remedies. Together, they form a strong framework to combat inequality based on caste, religion, gender, or class.

Fundamental Rights (Part III of the Constitution)
• Article 14 – Right to Equality: Guarantees equality before the law and equal protection of the laws to all individuals within India. No discrimination can be made on the basis of caste, religion, race, or gender.
• Article 15 – Prohibition of Discrimination: Prohibits discrimination by the State on the grounds of religion, race, caste, sex, or place of birth.
• Article 15(4) - Allows the State to make special provisions for the advancement of SCs, STs, and socially and educationally backward classes.
• Article 16 – Equality of Opportunity in Public Employment: Ensures equal opportunity in public employment and prohibits caste-based discrimination in recruitment.
• Article 16(4)- Allows the State to provide reservations in public jobs for SCs and STs.
• Article 17 – Abolition of Untouchability: Declares "untouchability" as abolished and forbids its practice in any form. It is enforceable by law, and any act of untouchability is a punishable offence.
• Article 19 – Rights to Freedom: Like every one else SCs and STs also have the same rights to freedom of speech, movement, assembly, association, and residence.
• Article 21 – Right to Life and Personal Liberty: Protects the life and liberty of every person, including the right to live with dignity, which includes freedom from caste-based violence and humiliation.

Directive Principles of State Policy (Part IV of the Constitution)
Directive principles of State Policy guide the State in making laws and policies for social justice.
• Article 38 -Directs the State to strive for a social order in which justice—social, economic, and political— shall inform all institutions.
• Article 46-Directs the State to promote the educational and economic interests of SCs, STs, and other weaker sections. Protects them from social injustice and all forms of exploitation. Special Constitutional Provisions for SCs and STs
• Article 330 and 332 - Provides for reservation of seats for SCs and STs in the Lok Sabha (Parliament) and State Legislative Assemblies.
• Article 335 - States that the claims of SCs and STs must be taken into account in appointments to services and posts.
• Article 338 – National Commission for Scheduled Castes : A constitutional body to monitor safeguards for SCs, investigate complaints and advise on planning and socio-economic development
• Article 338A – National Commission for Scheduled Tribes - Similar to Article 338 but focuses on the rights and protections of STs.

Important Laws Supporting Constitutional Protections

1. *T*he Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989
   • Aims to prevent atrocities and hate crimes against Dalits and Adivasis.
   • Includes stringent punishment for crimes such as:
      i. Social boycott
      ii. Caste-based abuse
      iii. Assault or humiliation in public
      iv. Denial of access to public resources

2. Protection of Civil Rights Act, 1955
   • Enforces Article 17 (abolition of untouchability).
   • Makes it a punishable offence to deny access to temples, water sources, schools, and public facilities to Dalits.

Landmark Supreme Court judgments that uphold and strengthen SC/ST rights

1. Indra Sawhney v. Union of India (1992) – Mandal Commission Case: Upheld the constitutionality of reservations for Other Backward Classes (OBCs) in government jobs.
   • Capped total reservations at 50%, unless there were extraordinary circumstances.
   • Reaffirmed the validity of reservations for SCs/STs under Article 16(4).
   • Recognized the principle of "social and educational backwardness" as a valid ground for affirmative action.
   • Introduced the concept of creamy layer (though originally applied to OBCs, not SCs/STs).

2. State of Karnataka v. Appa Balu Ingale (1995)- Concerned Dalits being denied access to a village water tank.
   • Supreme Court held this to be a clear violation of Article 17 (abolition of untouchability).
   • Strongly enforced Protection of Civil Rights Act, 1955.
   • Declared that untouchability in any form is unconstitutional, and that social practices denying access to public resources are illegal.

3. Vikas Kumar v. Union Public Service Commission (2021):
   • The court criticized the denial of job appointments to SC candidates due to arbitrary decisions by authorities.
   • Emphasized that meritorious SC candidates cannot be denied their legitimate rights.
   • Reinforced that systemic bias or administrative negligence should not deny SC/STs of their rights under reservation.
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<u>**Inclusive Practices**</u>

A - Union Government Initiatives

Inclusive Practices Against Caste and Social Discrimination
(a) Reservation and Affirmative Action

- Educational Reservations: Seats reserved for SCs, STs, and OBCs in schools, colleges, and universities.
- Employment Reservations: Quotas in public sector jobs to enhance representation of marginalized groups.
- Political Reservations: Reserved seats for SCs and STs in Parliament, State Assemblies, Panchayats, and Municipalities (Articles 330, 332, 243D).

(b) Legal and Social Protection
- SC/ST (Prevention of Atrocities) Act, 1989: Criminalizes caste-based violence, untouchability, and discrimination.
- Protection of Civil Rights Act, 1955: Implements Article 17 by punishing untouchability practices.
- Special courts set up in many states for speedy trial of caste-related crimes.

(c) Welfare Schemes for Marginalized Communities
- Post-Matric Scholarship Schemes for SC, ST, OBC students.
- National Overseas Scholarship Scheme to support higher education abroad for marginalized groups.
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Inclusive Practices Against Gender Discrimination

(a) Legal Protections
- The Hindu Succession (Amendment) Act, 2005: Equal inheritance rights for daughters.
- The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013: Provides protection against workplace harassment (arising from the Vishaka guidelines).
- The Prohibition of Child Marriage Act, 2006: Declares child marriages illegal.
- Maternity Benefit (Amendment) Act, 2017: Increased paid maternity leave to 26 weeks.

(b) Women-Centric Welfare Schemes
- Beti Bachao, Beti Padhao (2015): To improve child sex ratio and girls' education.
- POSHAN Abhiyaan: Focus on nutrition for pregnant women, lactating mothers, and children.
- Mahila Shakti Kendra: Community-based schemes for women empowerment and capacity building.

(c) Economic and Political Empowerment
- Self-Help Groups (SHGs) supported by National Rural Livelihood Mission (NRLM) empower women economically.
- Reservation of one-third seats for women in Panchayats and Municipalities (Articles 243D & 243T). Some states (Bihar, Madhya Pradesh, Rajasthan) have increased this to 50% reservation.

Inclusive Practices for Minorities and Other Marginalized Groups

- National Commission for Minorities (1992) to safeguard religious and linguistic minorities.
- Prime Minister's New 15 Point Programme for Minorities (2006): Focus on education, employment, and skill development.
- Right of Persons with Disabilities Act, 2016: Expands rights and provides reservations in jobs and education.
- Transgender Persons (Protection of Rights) Act, 2019: Prohibits discrimination in education, healthcare, and employment.

B - Tamil Nadu Government Initiatives

Tamil Nadu's inclusive practices - from reservation and education reforms to gender empowerment and minority protection - are some of the most robust in India. By combining progressive welfare policies with a strong social justice movement, the state has significantly reduced many forms of discrimination, though challenges like caste violence and gender inequality still persist.

1. Reservation and Affirmative Action
- Pioneering Reservation Policies: Tamil Nadu has one of the highest reservation quotas in India (69%), covering SCs, STs, Backward Classes (BCs), and Most Backward Classes (MBCs).
- Most Backward Classes Category: The state recognized sub-castes within BCs and created a special category to ensure fair distribution of benefits.
- Caste Certificates and Quotas: Issued to ensure access to education, jobs, and welfare schemes for disadvantaged communities.

2. Education-Based Inclusivity
- Mid-Day Meal Scheme (started in 1962, expanded by M.G. Ramachandran in 1982)
    - First of its kind in India, aimed to fight both hunger and caste-based exclusion in schools (children eat together irrespective of caste).
- Free Education Initiatives:
    - Free textbooks, notebooks, and uniforms for school children.
    - Free cycles and laptops for students to reduce digital and mobility gaps.
    - Fee concessions for SC/ST and first-generation learners.
- Special Hostels and Scholarships: For SC, ST, and minority students to support higher education.

3. Laws and Protection Against Caste Discrimination
- Tamil Nadu Prohibition of Harassment of Women Act, 1998 – Special protection for women against harassment.
- Prohibition of Manual Scavenging: Strict enforcement of the national law against manual scavenging; rehabilitation programs for Dalits.
- Special Courts: Set up under the SC/ST (Prevention of Atrocities) Act for speedy trial of caste-based violence cases.

4. Women-Centric Inclusive Schemes
- Cradle Baby Scheme (1992) – To prevent female infanticide by allowing parents to safely leave unwanted infants at government centers, saving girl children.
- Marriage Assistance Schemes: Financial aid for daughters of poor families, especially SC/ST and widows' children, to prevent child marriage and dowry pressures.
- Pudhumai Penn Scheme (2022): Monthly financial assistance for girl students from government schools who continue higher education.
- 50% Reservation for Women in Local Bodies: Tamil Nadu was one of the early states to enhance women's representation in politics.

5. Economic Empowerment and Social Welfare
- Self-Help Groups (SHGs): Large network of women's SHGs promoted under Mahalir Thittam (1997) for financial independence.
- Free Rice Scheme & Amma Unavagam (canteens): Affordable food for urban poor, ensuring dignity and reducing class-based hunger discrimination.
- Subsidized Housing and Land Distribution: Special programs for Dalits and landless families.

6. Minority and Disability Inclusion
- Minority Welfare Directorate: Scholarships and hostels for Muslim and Christian minorities.
- Welfare of Transgender Persons: Tamil Nadu was the first Indian state (2008) to recognize a "third gender" officially and provide ration cards, free education, and housing support.
- Disability Welfare Schemes: Financial aid, free transport passes, and special schools for differently-abled students.

7. Political and Social Reform Legacy
- Tamil Nadu's Dravidian movement (Periyar, C.N. Annadurai, Karunanidhi) strongly opposed caste hierarchy, untouchability, and Brahminical dominance.
- This ideological foundation still shapes policies promoting social justice, rationalism, and equality.