

SC/ST/OBC

MODULE -4

Scheduled Tribes in India -Salient Features of Constitutional Empowerment

- According to the National Commission for Scheduled Tribes, a scheduled tribe is one that has primitiveness, geographical isolation, shyness, and social, educational, and economic backwardness.
- These characteristics separate Scheduled Tribe populations in our country from other communities.
- The definition for "Scheduled Tribes" has been kept from the 1931 Census, as has the term for Scheduled Castes, which was brought over from British-era legislation.
- Prohibition of discrimination on grounds of race, religion, caste, place of birth.
- Equality of opportunity in matters of employment .
- Promotion of education, health and economic benefits key to survival.
- Reservation or privilege of opportunities.

Constitutional Provisions of ST

Article 342	<ul style="list-style-type: none">• The President must, by public notification, designate the tribes or tribal communities, or sections of or groups within tribes or tribal communities, that shall be regarded to be Scheduled Tribes for the purposes of this Constitution. <p>Parliament may by law include or exclude any tribe or tribal community, or part of or group within any tribe or tribal community, from the list of Scheduled Tribes specified in a notification issued under clause (1), but except as aforesaid, a notification issued under the said clause shall not be varied by any subsequent notification.</p>
Article 366	<ul style="list-style-type: none">• Unless the context necessitates otherwise, the following terminology in this Constitution have the meanings now ascribed to them, that is to say, "Schedule" denotes a Schedule to this Constitution. <p>"Scheduled Tribes" refers to tribes or tribal communities, or sections or groups within such tribes or tribal communities, that are declared Scheduled Tribes for the purposes of this Constitution under Article 342.</p>



Constitutional Provisions of ST

Article 15(4)	<ul style="list-style-type: none">The state is empowered to make any special provision for the advancement of any socially and educationally backward classes of citizens or for the scheduled castes or the scheduled tribes regarding their admission to educational institutions including private educational institutions, whether aided or unaided by the state, except the minority educational institutions.
Article 16	<ul style="list-style-type: none">Equality of opportunity in matters of public employment
Article 16(4A)	<ul style="list-style-type: none">Provides that the State may make any provision for reservation in issues of promotion in favour of Scheduled Castes and Scheduled Tribes if they are not properly represented in State services.
Article 17	<ul style="list-style-type: none">The article abolishes ‘untouchability’ and forbids its practice in any form. <p>The enforcement of any disability arising out of untouchability shall be an offence punishable in accordance with law.</p>
Article 21 A	<ul style="list-style-type: none">Free and compulsory education for all children of the age of 6 to 14 years. <p>Article 21A was added by the Constitution (Eighty-sixth Amendment) Act of 2002.</p>
Article 46	<ul style="list-style-type: none">This article compels the state to 'promote with great care the educational and economic interests of the weaker parts of the population, particularly the Scheduled Castes and Scheduled Tribes, and to safeguard them from social injustice and all types of exploitation.

What is Women Empowerment?

Women empowerment implies the ability in women to take decisions with regard to their life and work and giving equal rights to them in all spheres like: personal, social, economic, political, legal and so on. We are living in an age of women empowerment where Women are working shoulder to shoulder with men. A woman also manages to balance between their commitment to their profession as well as their home and family. They are playing multiple roles - at home as a mother, daughter, sister, and wife and at working place as professionals with remarkable simplicity and compatibility.

Women empowerment is not limited to urban and even women in remote towns and villages are now increasingly making their voices heard loud and clear in society. While it is true that women, to a large extent, do not face discrimination in society today, unfortunately, many of them face exploitation and harassment which can be of diverse types: emotional, physical, mental and sexual. They are often subjected to rape, abuse and other forms of physical and intellectual violence.

Women are now claiming the socio-political rights (right to work, right to education, right to decide, etc) for them. The Parliament of India too has passed various legislations to save women from various forms of injustice and discrimination. To empower women there are some following laws : Equal Remuneration Act-1976; Dowry Prohibition Act-1961; Immoral Traffic (Prevention) Act-1956, Medical termination of Pregnancy Act-1971; Maternity Benefit Act-1961; Commission of Sati (Prevention) Act-1987; Prohibition of Child Marriage Act-2006; Pre-Conception & Pre-Natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act-1994; and Sexual Harassment of Women at Work Place (Prevention, Protection and) Act-2013

Legal Provision

To uphold the Constitutional mandate, the State has enacted various legislative measures intended to ensure equal rights, to counter social discrimination and various forms of violence and atrocities and to provide support services especially to working women. Although women may be victims of any of the crimes such as **Murder, Robbery, Cheating** etc, the crimes, which are directed specifically against women, are characterized as **Crime against Women**.

Examples:

The Crimes Identified Under the Indian Penal Code (IPC)

1. Rape (Sec.376 IPC)
2. Kidnapping & Abduction for different purposes (Sec. 363-373)
3. Homicide for Dowry, Dowry Deaths or their attempts (Sec. 302/304-B IPC)
4. Torture, both mental and physical (Sec. 498-A IPC)
5. Molestation (Sec. 354 IPC)
6. Sexual Harassment (Sec. 509 IPC)

Constitutional Provision

Constitutional Provisions

The Constitution of India not only grants equality to women but also empowers the State to adopt measures of positive discrimination in favour of women for neutralizing the cumulative socio economic, education and political disadvantages faced by them. Fundamental Rights, among others, ensure equality before the law and equal protection of law; prohibits discrimination against any citizen on grounds of religion, race, caste, sex or place of birth, and guarantee equality of opportunity to all citizens in matters relating to employment. Articles 14, 15, 15(3), 16, 39(a), 39(b), 39(c) and 42 of the Constitution are of special importance in this regard

Constitutional Provision for Children

- The **Constitution of India** ensures the rights and protection of children through various provisions. **Children require** extra care and protection due to their sensitive age and undeveloped age. The **constitution recognised** children's rights and included numerous articles dealing with compulsory and **free education, liberty** and **development in childhood, non-discrimination** in educational spheres, and prohibition of their employment in factories, mines, and hazardous conditions. Many legislations, programmes, and programmes have been implemented to enhance the provisions of the constitution.