

Chapter – 6: Confronting Marginalisation

- Previous chapter – 2 different groups – experiences – inequality and discrimination
- These groups – powerless – BUT – fought, protested, struggled against – exclusion or domination by others
- Overcome their situation – adopted lots of strategies
- All cases – choice of struggle – depended on circumstances
- This chapter – some of the ways – groups and individuals – challenge inequalities
- Adivasis, Dalits, Muslims, women, other marginal groups – point out – they are citizens of democratic country – they possess equal rights
- This chapter – translate right to laws – government's efforts – formulate policies

Invoking Fundamental Rights

- Constitution – gives some principles – makes our society – democratic
- These principles – defined through list – Fundamental Rights – imp. part of Constitution – available to all citizens – equally
- Marginalised communities – used these rights – 2 ways – 1st – insist on their Fundamental Rights – forced government – recognise the injustice – 2nd – insisted government – enforce these laws
- Some cases – the marginalised – forced government – frame new laws – according to Fundamental Rights
- Article 17 states – untouchability – banned – meaning – no one can prevent Dalits – getting education, entering temples, using public facilities, etc
- Also means – not accepted by democratic government – wrong to practice untouchability – punishable crime now
- Other sections in Constitution – strengthens the argument against untouchability
- Article 15 states – no citizen should be discriminated – based on – religion, race, caste, gender, place of birth
- This article – used by Dalits – seek (find) equality – whenever denied
- Dalits – use Fundamental Rights – in situations – they feel – they are treated badly
- They asked government's attention – towards Constitution – demanded – government should follow it – provide them justice
- Other minorities – also used the Fundamental Rights – particularly – right to freedom of religion, culture, education
- Cultural and educational rights – some cultural, religious groups – Muslims, Parsis – control over their culture – practice and preserve it
- Constitution – provides cultural justice – reason – minorities' culture – not dominated by majorities' culture

Laws for the Marginalised

- Government – makes laws – protects citizens – not the only way
- Specific laws, policies – for marginalised communities – taking surveys, setting committees, etc
- Government – promotes policies – made after these surveys

Promoting Social Justice

- State and central governments – create specific schemes – implement in tribal areas or areas with high Dalit population
- Government – provides free or subsidized hostels – Dalit and Adivasi students – helps them avail education
- Addition to these – government – enforce the laws – ensure – end inequality
- One such law – reservation – both significant (imp.) and contentious (create argument)
- Laws – reserve seats – education and government employment for Dalits, Adivasis – based on imp. argument –
 - Our society – some sections – denied opportunities – learn and work
 - To develop new skills – democratic government – step in – assist these sections
- Government – special list of Scheduled Castes (Dalits), Scheduled Tribes, other backward classes
- Students – applying for education and govt. employment – provide proof – caste / tribe certificate
- Any Dalit caste, certain tribe – part of govt. list – students – avail benefit of reservation
- Admission in colleges – professional studies – medical, engineering – governments – decide – ‘cut-off’ marks
- Those students – score above cut-off marks – qualify for admission
- Govt. – also offer special scholarships

Protecting the Rights of Dalits and Adivasis

- Our country - specific laws – protects Marginalised communities – against discrimination
- Case-study – taken from real life –
 - Jakmalgur – villagers – excited – big festival
 - Every 5 years – local deity – worshipped – priests from 20 neighbouring villages – gather – 5-day event
 - Ceremony – begins – member of Dalit community – wash the feet of priests – bath with the same water
 - Jakmalgur – Dalit – belonged to Rathnam’s family – father and grandfather performed this
 - These people – never allowed to enter temple – BUT – this ritual – seen as great honour
 - This time – Rathnam’s turn – 20 years old boy – studying engineering – refused to do it
 - He said – he has no faith in this ritual – AND – his family members – forced to do it – they are Dalits
 - Rathnam’s refusal – angered – powerful castes – AND – some members of his community
 - Powerful castes – shocked – young boy can refuse them – also believed – his education – allowed him – imagine himself – equal to them
 - Rathnam’s own caste – feared – angering the powerful – many worked on their fields – daily wage workers
 - If dominant caste – not call them – they will not earn
 - People also declared – local deity – punish them – if not continued the tradition
 - Rathnam said – how could the deity be angry – if not a single Dalit – entered the temple
 - Powerful castes – decided – teach him a lesson
 - His community was ordered – ostracise (boycott) – his family
 - One night – some men – burnt his family hut – escaped with his mother
 - Rathnam – filed a case – local police station – under Scheduled Castes and Scheduled Tribes Act, 1989

- Other Dalit families – did not support them – feared – same would happen to them
- Case – picked up by local media – many journalists – visited the village
- Rathnam – viewed as symbol of Dalit action
- Ritual – called off (stopped) – BUT – his family – still boycotted by powerful castes

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

- Rathnam – took help from law – filed complaint – protest against domination
- This Act – made in 1989 – in response – demands from Dalits – government – act on – ill treatment of Dalits and other tribal groups
- Such treatment – existed for centuries – took violent form – 1970s and 1980s
- This period – southern India – many Dalit groups – asserted (express clearly) their rights
 - Refused to perform – caste duties – insisted – they are treated equally
 - Like Rathnam – refused to follow – practices – humiliated them
- This led to – violence by powerful castes
- To indicate government – untouchability – still practiced – Dalit groups – demanded new laws – list various forms of violence – suggest stringent (very strict) punishment
- 1970s-1980s – Adivasis – organized themselves – demanded equal rights and their land
- These people – faced – anger of powerful castes – lots of violence
- This Act – long list of crimes – some – too horrible to even mention here
- This Act – mentions Crimes – BUT ALSO – mentions punishments
- This Act – several levels of crimes –
 - 1st – lists *modes of humiliation* – physically and morally (connected to right or wrong) wrong – punish those who –
 - Force members – Scheduled Castes and Scheduled Tribes – eat or drink – something inedible (for fit for humans)
 - Force members – get naked – paint their face – OR – anything similar – derogatory (low opinion) for human dignity (respect)
 - 2nd – lists *actions that dispossess* (remove from own land) *Dalits and Adivasis* – OR – force them into slave labour – punish those who –
 - Wrongfully captures land – belonging to – members – Scheduled Castes and Scheduled Tribes
 - Another level – this Act – recognises – *crimes against Dalit and tribal women* – specific kind – punish those who –
 - Assaults (attacks) or uses force on women – Scheduled Castes and Scheduled Tribes

Adivasi Demands and the 1989 Act

- 1989 Act – imp. – another reason – Adivasis – refer to it – defend their right – reoccupy their land
- Adivasis – not ready – move away – removed forcibly
- Activists ask – punish those who – forcibly captured – tribal lands – under this law
- They also pointed – this Act – confirms – tribal lands – cannot be bought by non-tribal people
- Wherever this happened – Constitution guarantees – right of tribals – re-claim their lands
- C.K. Janu – Adivasi activist – pointed out – one of the violators of tribal rights – governments in various states
- Government – allowed non-tribals – timber merchants, paper mills, etc – capture tribal lands – remove tribal people – declaring forests as reserved

- She – also noted – cases where – tribals – removed from their lands – must be compensated
- Government – set up plans, policies – these people – live, work elsewhere
- Govt. – spends large sums of money – building industries, other projects, etc – on tribal lands – SO – they should also spend some money – rehabilitate the tribals