

## Constitutional protection

### What is the Status of Social Discrimination in India?

- **About:**

- Caste, through its rigid social control and networks facilitates economic mobility for some and erects barriers for others by mounting disadvantages on them.
- It also shapes the ownership pattern of land and capital and simultaneously regulates access to political, social, and economic capital too.
- According to the Census (2011), there are an estimated 20 crore Dalits in India.

### National Crime Records Bureau (NCRB) Data:

- In 2021, 50,900 cases of crimes against Scheduled Castes (SCs) were registered, an increase of 1.2% over 2020 (50,291 cases).
- The rate of crime was particularly high in Madhya Pradesh (63.6 per lakh in a SC population of 113.4 lakh) and Rajasthan (61.6 per lakh in a SC population of 112.2 lakh).
- India Discrimination Report by Oxfam India:
  - **Decline in discrimination in Urban Areas:** It has been the case due to education and supportive government policies.
  - **Difference in Earning:** The average earning of self-employed workers in 2019-20 was Rs 15,878 for people from non-SCs/ST categories, while it is Rs 10,533 for those from SC or ST backgrounds.
    - Self-employed non-SC/ST workers earn a third more than their counterparts from SC or ST backgrounds.
  - **Rise in Discrimination in Rural areas:** The SC and ST communities in rural India are facing an increase in discrimination in casual employment.

## What are the Safeguards against Discrimination in India?

- **Constitutional Provisions:**

- Equality Before Law:

- **Article 14** says that no person shall be denied treatment of equality before the law or the equal protection of the laws within the territory of India.
    - The right is extended to all persons whether citizens or foreigners, statutory corporations, companies, registered societies or any other type of legal person.

- Prohibition of Discrimination:

- Article 15 of the Constitution of India states that the State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.

- Equality of Opportunity:

- Article 16 of the Constitution of India states that there shall be equality of opportunity for all citizens in matters of employment under the State. No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth or any of them, be ineligible for any office under the State.

- Abolition of Untouchability:

- **Article 17 of the constitution** abolishes Untouchability.

- Promotion of Educational and Socio-economic Interests:

- 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.

- Claims of Schedule Castes:

- 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.
- Reservation in Legislature:
  - 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.
- Reservation in Local Bodies:
  - 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.

What are the Related Government Initiatives?

- **Land Reforms:**
  - Land reforms were brought for more equitable distribution of land and upliftment of the marginalized. The Land Reforms of the independent India had four components:
    - The Abolition of the Intermediaries
    - Tenancy Reforms
    - Fixing Ceilings on Landholdings
    - Consolidation of Landholdings.

**Constitution (Scheduled Castes) Order of 1950** (amended in 1956 & 1990):

- It recognized Hindu Dalits, Dalits who had converted to Sikhism and Buddhism as Scheduled Castes. The Supreme Court is hearing a bunch of petitions now seeking inclusion of Dalit Christians and Dalit

## Muslims as Scheduled Castes.

- Pradhan Mantri Kaushal Vikas Yojana (PMKVY):
  - It aims to mobilize youth to take up skill training with the aim of increasing productivity and aligning the training and certification to the needs of the country.
- SANKALP Scheme:
  - Skills Acquisition and Knowledge Awareness for Livelihood (SANKALP) is an outcome-oriented programme of the Ministry of Skill Development & Entrepreneurship (MSDE) with a special focus on decentralized planning and quality improvement.
- Stand Up India Scheme:
  - It was launched in April 2016 to promote entrepreneurship at the grass-root level focusing on economic empowerment and job creation.
  - To leverage the institutional credit structure to reach out to the underserved sector of people such as SCs, STs and Women Entrepreneurs.
- Pradhan Mantri Mudra Yojana:
  - It provides funding to the non-corporate small business sector through various last-mile financial institutions like Banks, Non-Banking Financial Companies (NBFCs) and Micro Finance Institutions (MFIs).
  - Loans have been given to disadvantaged sections of society such as women entrepreneurs, SC/ST/OBC borrowers, Minority community borrowers, etc. The focus has also been on new entrepreneurs.

## Way Forward

- Effective Implementation of Laws and Policies to protect marginalized communities, such as Dalits and Adivasis, against discrimination.
- Education and Awareness-Raising among people, especially in rural areas, to highlight the harmful effects of caste discrimination and the violation of constitutional rights.
- Economic Empowerment of Marginalized Communities through schemes

such as Stand-Up India, PMKVY, and Mudra Yojana, along with 2<sup>nd</sup> generation land reforms for more equitable distribution of land, and

- Collaboration and Dialogue among Civil Society organizations, government agencies, and marginalized communities to address caste discrimination.