

Free Book

# INDIAN SOCIETY

(As per APPSC Group 2 Syllabus)

Useful for Civils, Group 1, Group 2 and  
other competitive exams



**PRUDHVI VEGESNA**

EX JOURNALIST  
TIMES OF INDIA

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### **DEDICATION**

Dedicated to aspirants of various competitive exams who are toiling hard to reach greater heights in their lives. Stay positive. May the force be with you.

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## Preface

The thought of writing a book on Indian Society occurred to me after seeing several Group 2 aspirants running from pillar to post searching for sources as Indian Society is a newly introduced subject. I believe my experience as a journalist and UPSC preparation with Sociology as an optional came handy while writing this book. This book has been written in a concise manner covering all the topics in the syllabus in a comprehensive manner. This book is useful for Civils, Group 1, Group 2 and other competitive exams as several chapters in this book will help in General Studies and Essay preparation. The information and facts in this book have been validated from standard books and official websites. Latest reports like NCRB, Gender Gap Report etc have also been included in this book. I hope you will find this book helpful. All the very best! Your feedback is highly appreciated.

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# INDIAN SOCIAL STRUCTURE

# 1. FAMILY

## 1.1 Definitions:

### **a) On the basis of composition:**

1. Family is a group comprising parents and children.
2. A group of Cognates [ persons descended from the same ancestor)
3. A group of relatives forming one household and their dependents.

### **b) On the basis of residence:**

A group of closely related individuals sharing a common residence, at least for some part of their lives.

### **c) Relational aspect :**

Members of a family have reciprocal rights and duties towards each other.

### **d) On the basis of functions:**

1. Family is an agent of Socialisation.
2. It is an agency that regularises and channelizes sex satisfaction (Biological Function)
3. Family performs economic functions.
4. It also performs psychological functions etc

## 1.2 What is a Family?

1. It is a **universal and permanent social Institution**
2. It is a **primary social group**
3. It is an agent of socialisation

## 1.3 Types of Families:

### **1. On the basis of size and structure:-**

#### **a) Nuclear Family / Immediate Family / Primary Family:-**

A group consisting of a man, his wife, and their unmarried children.

#### Types of Nuclear Families:

According to **Pauline Kolenda** the following types of Nuclear family structures are present in India.

1. Nuclear Family: Couple with or without children
2. Supplemental Nuclear Family:- Nuclear Family + one or more unmarried, separated or widowed relatives of the parents, other than their unmarried children.

3. Subnuclear Family :- It is a fragment of former nuclear family for instance a widow / widower with her/his unmarried or siblings (unmarried or widowed or separated or divorced) living together.

4. Single person household:-

5. Supplemented subnuclear family :- Refers to a group of relatives, members of a formerly complete nuclear family along with some other unmarried, divorced or widowed relative who was not a member of the nuclear family.  
(For example, a widow and her unmarried children may be living together with her widowed mother-in-law)

#### **b) Joint/Extended Family :-**

- Joint Family:- Nuclear Family + all kin belonging to the side of husband, and/or wife living in one house. (Minimum 3 generations stay together)
- Extended Family:- Used to indicate combination of two or more nuclear families based on extension of parent child relationship.

✓ Extended Families can be extended either vertically or horizontally.

##### **a) Vertically extended families:-**

- They are in turn divided into patrilineal extended families (Based on extension of Father-son relationship) and Matrilineal extended families (Based on extension of Mother- daughter relationship)

##### **b) Horizontal extended families:-**

- They are also known as **Fraternal of Collateral Families**.
- It includes a group consisting of two or more brothers, their wives and children.

#### **2. On the basis of residence:-**

##### **a) Patrilocal/ Virilocal Family:**

Residence of couple after marriage in the husband's parents home.

Ex:- 1. Central Indian Tribes  
2. Almost all Hindus.

##### **b) Matrilocal/Uxorilocal Family:**

Residence of couple in the wife's parents house.

Ex: 1.Nayars of Kerala  
2. Tribes of North East like Garo & Khasi

##### **c) Bilocal/Ambilocal Family-**

It follows **both** matrilocal and patrilocal residence.

##### **d) Avunculocal Family:-**

The Couple after marriage lives with groom's mother's brother's family (maternal uncle's house)

**e) Neolocal Family:-**

Married Couple lives independently from either of parents.

**f) Unilocal Family:-**

It can be **either** matrilineal or patrilineal, Married Couple reside with relatives of either the husband (patrilineal ) or the wife (matrilineal).

**3. On the basis of relationship between members:-**

**a) Conjugal Family:-** Family in which members are related by marriage.

Ex: Husband and wife's side family.

**b) Consanguinal Family:-** Members of family are related by descent (blood relation)

Ex: Parents and children.

**4. On the basis of Power/Authority:-**

**a) Patriarchal Family:-** Authority is vested on the male head of the family.

Ex:- Hindu (Indian) Families, Nambudris of Kerala, Mundas of Chotanagpur etc

**b) Matriarchal Family :-** Authority is vested on the female head of the family

Ex:- Nayers of Kerala, Garo, Khasi and Jaintia tribes of Meghalaya.

Note:- 1. Nambudri Joint Family is called "**Illom**" (Patriarchal)  
2. Nair Joint Family is called "**Tarawad**" (Matriarchal)

**1.4 Joint Family in India:-**

**a) Who constitutes a Joint Family?**

**Iravat Karve** - "Joint Family is a group of people who generally live under one roof, who eat food cooked at one hearth, who hold property in common and who participate in common family worship..."

1. Kins related with each other (At least two or more related married couple)
2. Number of generations (Joint Family is commonly defined as a 'Three generational family')

**b) Factors contributing to 'Jointness' in a Joint Family:-**

1. Commensality (Eating Together):- Joint family is a hearth group in which members work and eat food from same kitchen.
2. Common Residence
3. Joint ownership of property (or) coparcenary
4. Common worship [It may have common deity]
5. Depth of generations [Minimum Three generations- Grandparent, Parent and Children]



6. Cooperation and sentiment [In rituals & ceremonies, joint families render financial & other kinds of help]
7. Ritual bonds (common deity worship, members bound together by periodic propitiation of the dead ancestors by offering 'pinda' (Shraddha ceremony) etc.

**c) Types of Joint Family:-**

According to **Pauline Colenda**, the following are the various types of Joint Families.

1. Collateral Joint Family:- Two or more married couples between whom there is a sibling bond live together.  
Ex: Two brothers & their wives live together with their unmarried children.
2. Supplemented Collateral Joint Family:-  
Collateral Joint Family + unmarried, divorced or widowed relatives.
3. Lineal Joint Family:-  
Two couples in which there is lineal link (parent & married son/married daughter) live together.
4. Supplemented Lineal Joint Family:-  
Lineal Joint Family + unmarried, divorced or widowed relatives who don't belong to either of lineally linked families.  
Ex:- Father's widower brother
5. Lineal Collateral Joint Family:-  
Three or more couples are linked lineally and collaterally.
6. Supplemented Lineal-Collateral Joint Family:-  
Lineal Collateral Joint Family + unmarried, widowed or separated relatives who belong to either one of the lineal or collateral nuclear families.  
Ex:- Unmarried nephew of father.

**Note:- Pauline Colenda** classified Nuclear Families in India into 5 types and Joint Families in India into 6 types.

**d) Factors causing changes in Joint Family:-**

1. Economic factors:- Growth of non-farm employment opportunities resulted in increased migration to cities and towns which in turn led to rise of nuclear families.
2. Educational factors:- Education emphasised individualism through change in attitudes, beliefs etc and prepared people to take up jobs away from their native villages which resulted in increased migration to cities and dissolution of traditional joint family structures.
3. Urbanisation:- Resulted in increased migration from rural to urban areas aided by growth in employment opportunities in urban centres which in turn led to the rise of nuclear families.

#### 4. Legal factors:-

- Labour laws like **Workmen Compensation Act (1923)**, **Minimum Wages Act (1948)** etc. reduced economic reliance of members on joint family for support.
- **Special Marriage Act (1954)** permitted freedom of partner selection and marriage in any caste and religion without parent's consent.
- Legislations like **Widow Remarriage Act 1856**, **Hindu Succession Act, 1956** (Given share to daughters in paternal property) affected stability of joint families.

5. Changes in Marriage system:- Several changes in marriage system like freedom in mate selection, change in attitude towards marriage etc reduced influence of joint families.

#### e) Factors reinforcing joint family:-

- According to **K.M. Kapadia**, Families which migrated to cities still retain their bonds with their joint family in village or town. These families don't function as an independent units & these families maintain joint family ethic which was evident from physical presence of relatives at the time of certain events like birth, marriage etc.
- Joint family ethic is also evident in the performance of certain role obligations like financial assistance to kin members in times of need.

#### f) Emerging patterns in family:-

- Increased reliance on child care facilities, cooks, servants etc especially when both the spouses are employed
- Increased instances of crime against women (Ex: Domestic Violence)
- Increase in old age homes (Lack of geriatric care which is a key function of traditional joint families)
- Girls are prepared to support parents in old age especially when she is self-reliant (Bilateral kinship relations are increasingly being recognised)

### 1.5 Miscellaneous Information:

#### a) Important studies on Family:-

1. Pauline Colenda- 'Regional differences in family structure in India'.
2. Milton Singer- 'The Indian Joint Family in Modern Industry'

#### b) Definitions:-

1. Family of origin or Family of orientation:- Family in which one is born.

2. Family of procreation:- Family in which one helps to set up after one's marriage

## 2. MARRIAGE

### 2.1 Definitions:

- Marriage is a more or less universal social institution in India.
- It is a relationship which is socially approved, sanctioned by custom and law and its definition covers guidelines for behavior relating to sex, the way labour is to be divided and other duties & privileges.
- D.N. Majumdar and TN.Madan in their book "An introduction to social anthropology" wrote, " Marriage ensures a biological satisfaction (that of sex) and a psychological satisfaction (that of having children) on the individual plane, and on the wider collective level, it ensures a two-fold survival, that of the group and its culture" .

### 2.2 Age at Marriage in India

- In **1929, Child Marriage Restraint Act (Sarda Act)** was passed & minimum age of marriage for boys & girls fixed at 17 & 14 years respectively.
- Amendment was made to the act in 1978 and the minimum age for girls and boys were raised to 18 & 21 years respectively.
- **Prohibition of Child Marriage (Amendment) Bill, 2021:** The Bill amends the Prohibition of Child Marriage Act, 2006 to increase the minimum age of marriage of females to **21 years**.

### 2.3 Forms of Marriage:

#### 1. Monogamy:-

- Marriage of a man or woman to only one spouse at a time.
- Hindu marriage act of 1955 prescribes Monogamy among Hindus. It covers Sikhs, Jains and Buddhists also.
- Monogamy is of two types:-
  - a) Serial Monogamy: It involves remarriage due to reasons like death of spouse, divorce etc i.e. series of marriages one after the other. However, only one marriage at a time.
  - b) Non-Serial Monogamy:- In this, a spouse has same partner throughout his/her life (No remarriage).

#### 2. Bigamy:-

- A form of polygamous marriage in which a man or woman have two spouses at a time.

#### 3. Polygamy:-

- Marriage of a man or woman to more than one spouse. (More than one marriage-Polygamy and if two marriages-Bigamy)
- It is of two types:-

**a) Polyandry (poly-many, andry-male) :-**

- Marriage of a woman to several men at a time and it less common than Polygyny.
- Reasons for Polyandry:-
  - ✓ To prevent division of property within a family (Especially in Fraternal Polyandry).
  - ✓ Desire to preserve unity and solidarity of sibling group (Fraternal Polyandry).
  - ✓ A difficult economy, especially an unfertile soil which doesn't favour division of land & belongings.
- Polyandry is in turn divided into:-
  - 1. Fraternal /Adelphic Polyandry:-**
    - In this, Husbands of a woman are brothers (like Draupadi's marriage to Pandavas)
    - Examples: Todas and Kotas of Nilgiris (Tamil Nadu), Khasas of Uttarakhand and Irava, Kaniyan and Vellan tribes of Kerala.
  - 2. Non-Fraternal Polyandry:-**
    - In this type, Husbands of a woman are not brothers.
    - Example: Nairs of Kerala.

**b) Polygyny (poly-many, gyny-female):-**

- Marriage of a man to several women at a time.
- It is more widespread among tribes of North & Central India
- Example: Gonds, Baigas and Nagas)
- Reasons for Polygyny:-
  - ✓ Barrenness or prolonged sickness of wife.
  - ✓ Due to economic gains among some occupational groups like agriculturists and artisans where women contribute substantially to the productive activity a man can gain by having more than one wife.
- It is in turn divided into two types:
  - 1. Sororal Polygyny or Sororate:-**
    - Marriage in which wives are sisters (A man marries sisters of his wife when she is alive or after her death)
  - 2. Non-Sororal Polygyny:-**
    - Marriage in which wives are not sisters.

**2.4 Rules of Marriage:**

**a) Proscriptive rules:-**

- Rules which restrict marriage between closely related blood relatives (They tell whom one shouldn't marry)
- These rules are essentially meant to prevent incest.

**b) Prescriptive rules:-**

- These rules direct an individual whom he can/cannot marry.

**1. Endogamy:-**

- ✓ It requires an individual to marry within a specified or defined group of which he or she is a member. The group can be caste, clan, race, ethnic or religious group.
- ✓ Rule of Endogamy shows variation across regions.
- ✓ Example: 1. Cross cousin marriages are common in South India while they are restricted in North India.  
2. In North India, there is a tendency to marry into villages that are not far than 12 or 13 kms from one's village.

**2. Exogamy:-**

- ✓ These rules prohibit marriage between members of certain groups (Rule that prescribes that a man must marry someone outside his own group)
- ✓ **Types:-**
  1. **Gotra/Sagotra Exogamy:-** It prescribes marrying someone outside his/her own gotra.
  2. **Pravara Exogamy:-** One has to marry someone outside his pravara (siblings)
  3. **Sapinda Exogamy (Sapinda-Lineage):-** People belonging to 5 generations on father's side and 3 generations on mother's side (For some it is 7 generations on father's and 5 generation's on mothers side) are known as sapindas and marriage is prohibited among them.
  4. **Village Exogamy:-** For example, in North India a girl born in a village is considered daughter of that village and hence cannot marry a boy from her own village. Thus village is an exogamous unit.

**C) Preferential Rules:-**

- These rules prescribe that certain marriages are preferred over others.

**1. Cousin Marriages:-**

They are again divided into:-

- a) **Parallel Cousin Marriages:-** Marriage between children of same sex siblings. (Ex: Children of two brothers)

b) **Cross Cousin Marriages:-** Marriage of a person with his/her father's sister's son/daughter or mother's brother's son/daughter). They are common in South India.

2. **Levirate Marriages:-**

- ✓ In this marriage, a man marries **widow of his brother**.
- ✓ These marriages are seen among Ahirs of Haryana, Jats and other castes in UP and Kodagus of Karnataka.
- ✓ Main reason is to keep the property of the family intact.

3. **Sarorate Marriages:-**

- ✓ In this marriage, a man marries his **wife's sister** after her death or if she was found to be barren.

**2.5 Other forms of Marriage**

1) **Hypergamy/Anuloma:-**

- Marriage between a girl of lower social status and a boy of higher social status.

2) **Hypogamy/Pratiloma:-**

- Marriage of a girl of higher social status and a boy of lower social status.

**Note:-** Both Hypergamy and Hypogamy are **forms of Endogamy**.

**2.6 Marriages among various communities:**

1. **Hindus:-**

- Marriage among Hindus is a sacrament (It is a union for life and cannot be dissolved).
- Essential rites of marriage include:-
  - ✓ Kanyadaan (Giving away the bride to groom by father)
  - ✓ Panigrahana (Holding of bride's hands by the groom)
  - ✓ Agniparinaya (Going around the sacred fire)
  - ✓ Lajahoma (Offering of the parched grain to the sacrificial fire)
  - ✓ Saptapadi (Walking 7 steps)
  - ✓ Mangalaya Dharana (Tying of the Mangalasutra)
- Three main aims of Hindu Marriage include:-
  1. Dharma (Duty)
  2. Praja (Progeny)
  3. Rati (Sensual pleasure)
- As per Manu, there are Eight (08) traditional forms of Hindu Marriage
  1. Brahma (Most preferred)
  2. Daiva
  3. Arsha
  4. Prajapatya
  5. Asura
  6. Gandharva
  7. Rakshasa
  8. Paisacha (Most heinous)

- In some communities like Nayars of Kerala, pre-marital ritual called “Talikettu Kalyanam” is more elaborate than actual marriage ceremony.

## **2. Sikhs:-**

- Marriage customs and rituals of Sikhs are similar to Hindus. However, the core ceremony of Sikhs known as ‘Anand Karaj’ is different from Hindus. It is solemnized in front of Guru Granth Sahib- Holy book of Sikhs and involves bridal couple going 4 times around the holy book.
- Priest recites verses known as ‘Shabad’.

## **3. Muslims:-**

- For Muslims, Marriage is not a sacrament rather it is a contract. It is regarded as a secular bond.
- Essential ceremony of Muslim marriage is known as ‘Nikah’ performed by a priest known as ‘Kazi’. Nikah is considered as complete only with the consent of the groom and bride.
- A formal document known as ‘Nikahnama’ bears signature of the couple and it also may contain details of ‘Mehr’ (payment to be paid to bride by the groom). It provides a sort of economic security to women.
- Marriage proposal and its acceptance is known as ‘Ijab’ and ‘Qubul’ respectively.

## **4. Christians:-**

- Marriage takes place in church and exchange of ring is an important ritual (Emphasis the fact that Christian marriage is largely a bond between two individuals rather than two families)

## **2.7 Legislations related to Marriage**

### **1. Hindus:**

- ✓ Prevention of Sati Act, 1829
- ✓ The Hindu Widow Remarriage Act, 1856
- ✓ Child Marriage Restraint Act, 1929 (Sarda Act)
- ✓ Hindu Marriage Act, 1955
- ✓ Hindu Succession Act, 1956

### **2. Muslims:**

- ✓ Shariat Act, 1937
- ✓ Muslim Marriage Dissolution Act, 1959]
- ✓ Muslim Women (Protection of Rights on Marriage) Act, 2019 (It was enacted based on the Supreme Court’s judgement in *Shahara Bano case* which declared Triple Talaq as unconstitutional)

### **3. Christians:**

- ✓ Indian Christian Marriage Act, 1872

### **4. Parsis:**

- ✓ Parsi Marriage Act, 1872

#### 5. Secular legislations ( Applicable to people of all religions):

- ✓ Special Marriage Act, 1954
- ✓ Dowry Prohibition Act, 1961 (Amendments-1984,1986)
- ✓ Prevention of Domestic Violence Act, 2005
- ✓ Child Marriage Prohibition Act, 2006.

### 2.8 Marriage and related concepts:

#### 1. Bride Price:

- It involves payment (either in cash or kind) to bride by groom's family.
- Idea is to compensate for the loss of a productive worker in a family as the girl gets married and leaves her parental home.
- Hence this practice is found among patrilineal tribes like Oroans of Jharkhand and certain intermediate and lower castes.

#### 2. Dowry (Groom price):

- Refers to specific category of gifts (movable or immovable) given by bride's side to groom's side.
- Traditionally it is viewed as 'Streedhana' reflecting right of a daughter over her parent's property.
- It is prohibited under Dowry Prohibition Act, 1961.

#### 3. Divorce:

##### a) Hindus:-

- Section 13 (1) of Hindu Marriage Act, 1955 enlists nine (09) grounds for divorce.

- |                         |  |
|-------------------------|--|
| 1. Adultery             | 6. Venereal disease  |
| 2. Cruelty              | 7. Renunciation  |
| 3. Religious Conversion | 8. Presumption of death (If a person is unheard for 7 years) |
| 4. Leprosy              | 9. Desertion   |
| 5. Unsoundness of mind  |  |

##### b) Muslims:-

1. Talaq: Divorce becomes effective if husband pronounces Talaq three times.
2. Khol: Divorce by mutual consent

### 2.9 Miscellaneous information:



1. **Customary marriage:** A marriage with no rituals. It is based on simple practices. (Ex: Register marriage)
2. **Commission of Sati (Prevention) Act, 1987:-** This act was enacted following national uproar over death of Roop Kanwar, an young educated woman on the funeral pyre of her husband in Deorala, a village in Rajasthan.
3. **Supriyo vs Union of India case (2023):**
  - Supreme Court held that there was no fundamental right to marry and ruled against legalizing same sex marriage. The court opined that the legislature must decide on bringing in same-sex marriage legislation.

## **3. KINSHIP**

### **3.1 Definition**

- It refers to a set of persons recognized as relatives, either by virtue of blood relation (Consanguineal kin) or by virtue of a marriage (Affinal kin).
- Examples of Consanguineal kin – One's father, sister etc
- Examples of Affinal kin- One's wife, mother in law etc
- Usually every married adult individual belongs to two families:-
  1. Family of orientation: In which one is born.
  2. Family of procreation: Which one establishes by marriage.

### **3.2 Degree of Kinship**

#### **1. Primary Kins:-**

- When two persons are related directly with each other they are primary kins.
- Example: 1. One's father (Primary consanguineal kin)  
2. One's wife (Primary affinal kin)

#### **2. Secondary Kins:-**

- They are primary kin of primary kin i.e. they are related to a person through a primary kin.
- Example: 1. A person's father's brother- Consanguineal Secondary Kin  
2. A person's wife's brother- Affinal Secondary Kin.

#### **3. Tertiary Kins:-**

- Secondary kin of primary kin or primary kin of secondary kin.
- Example: Father's sister in law

### **3.3 Kinship Range:**

Based on number of persons it is divided into:-

- a) Narrow range (Ex: Western Kinship System)
- b) Broad range (Ex: Tribal Kinship System)

### **3.4 Descent:**

It is a system of kinship which helps in tracing one's ancestry and determining familial ties.

#### **Types:-**

##### **1. Patrilineal Descent:-**

- Descent is traced in the male line from father to son.

##### **2. Matrilineal Descent:-**

- Descent is traced in the female line from mother to daughter.
- Example: 1. Nairs (Kerala)  
2. Garo, Khasi and Jaintia tribes (Meghalaya)

### 3. Double/ Bilineal/ Duolineal Descent:-

- Descent is traced in both the father's (male) line and mother's (female) line for different attributes such as movable property on one line and immovable property in another line.
- Example: Sumi Nagas of Nagaland.

### 4. Bilateral/ Cognatic Descent:-

- Involves tracing an individual's descent simultaneously through the father's and mother's line where attributes are transmitted equally through both parents.

### 5. Parallel Descent:-

- In this, descent lines are sex specific. Men transmit to their sons while women transmit to their daughters.

### 6. Cross or alternative type descent:-

- Men transmit to daughters while women transmit to sons.

Note:- Both Patrilineal and Matrilineal descent systems are types of **unilineal descent** (Tracing descent through one line).

### 3.5 Kinship Usages:

- Kinship relationship involves role expectations of which members exhibit regularity in their behavior. Kinship usages regulate behavior of different kin and arrests deviation to maintain order and decorum in society.

#### 1. Avoidance:-

- Two kins particularly of opposite sex should avoid each other.
- Example: Father in law should avoid daughter in law.

#### 2. Joking relationship:-

- It involves extreme degree of familiarity expressed through banter, teasing, ridicule etc
- It may be indicative of equality and mutual reciprocity/
- Example: Joking relationship between a man and his wife's younger sister.

#### 3. Teknonymy:-

- When two kinsmen don't address each other directly rather through a third person or symbol, the usage is known as Teknonymy.
- Example: In rural India, women generally don't use the names of their husbands rather they refer to their husbands as the father of their child.

#### 4. Avunculate:-

- In this usage, maternal uncle is given importance so far as his sister's children are concerned and he is more important than even the father.
- Common in Matrilineal societies.

#### 5. Amitate:-

- In this, special role is given to father's sister. Sometimes children are brought up in her house and inherit property.
- It is common in Patrilineal societies.

#### 6. **Couvade**:-

- Kinship behavior in which a husband imitates behavior of his wife during pregnancy and child birth. The husband also leads the life of an invalid along with his wife whenever she gives birth to a child.
- It is seen among Todas of Nilgiris and Khasis of Meghalaya.

### 3.6 **Kinship Terminology**

- It is divided into two main systems:

#### 1. **Classificatory System**:-

- Under this system, several kin either lineal or affinal are referred by the same term.
- Example: 'Uncle' is used to refer to father's sister's husband, father's brother, mother's brother etc.

#### 2. **Descriptive System**:-

- It describes the speaker's exact relation to him/her when he/she is referring to specific term for specific relationship.
- Example: Father, Mother etc

#### 3. **Other kinship terms**:

- a) **Ego**:- A person who is the basic point of reference in determining and tracing a kinship.
- b) **Kindred**:- The grouping of relatives by bilateral descent. It includes relatives of both the parents.
- c) **Cognate**:- People sharing common ancestor.
- d) **Agnate/ Patrilineal Kin**:- If common ancestor is male.
- e) **Uterine Kin/ Matrilineal Kin**:- If female is common ancestress.
- f) **Lineal Kin**:- Those kin who are related to each other through descent . (In the direct line of consanguinity). Example: Father and Son.
- g) **Collateral Kin**:- Those kins who are not in direct line of descent but descend from a common ancestor. Example: Siblings.

### 3.7 **Kin Groups**

Based on the principles of unilateral descent, kin groups can be divided into following types:

#### 1. **Lineage**:-

- It consists of all consanguineal blood relatives who claim their descent from a known common ancestor.
- It is an exogamous group

- If lineage is traced from a male ancestor (patrilineage) and if it traced from a female ancestor (matrilineage).

## 2. Clan/Gotra:-

- It is an exogamous group and includes a set of kins whose members believe themselves to be declared from a common ancestor, but the actual genealogical link may not be demonstrated.
- Example:- Among Hindus common descent is traced from sages like Kasyapa, Bhardwaja etc.

## 3. Phratry:-

- Unilateral descent group composed of two or more clans which are supposedly interrelated.
- It is an exogamous group.

## 4. Moiety:-

- It is a large social group that results from splitting of a society into two equal or unequal halves on the basis of descent. Each half thus formed is a Moiety.
- Each Moiety is divided into Phratries which are in turn divided into clans, lineages and families respectively.
- Moiety can be either exogamous (Ex: Aimol Kuku tribe of Manipur) or endogamous group (Ex: Todas of Nilgiri)

### 3.8 Kinship System in india

Sociologist **Iravati Karve** discussed kinship features of Indian Society by dividing the country into 4 zones- North, South, Central and East on the basis of languages spoken in these zones- Indo- Aryan languages (North and Central zones), Dravidian languages (Southern Zone) and Austric or Mundari languages (Eastern Zone)

#### a) Comparison of kinship structure of North India and South India:

S.No.	North India	South India
1.	Descriptive nature of kinship terms (Specific term for specific relationship) Ex: Chachera bhai- Father's younger brother's son.	Classificatory nature of kinship terms (Same term for different relationships) Ex: Mama (Uncle) is used for mother's brother, Father's sister's husband etc
2.	Village exogamy (Women are viewed as daughters of village and marriage within village is prohibited)	Village exogamy is not strictly practiced.

3.	Characterized by Negative rule of Marriage (Whom one shouldn't marry)	Characterized by Positive rule of Marriage (Whom one should marry)
4.	Distinction between family of birth and family of marriage.	No strict distinction between the two families.
5.	Cross cousin marriages are prohibited	They are preferential form of marriage
6.	Sapinda rule is practiced. (Marriage with Sapinda is avoided- 7 generations on father and 5 generations on mother side)	Sapinda rule is not strictly practiced
7.	Levirate is practiced	Levirate is a taboo
8.	Rule of Hypergamy in marriage alliances	Hypergamy is not strictly practiced. (According to sociologist Louis Dumont South Indian marriages are characterized by Isogamy (Marriage between equals)
9.	Rule of avoidance (Ex: Purdah system among certain communities like Rajputs)	No rule of avoidance
10.	Marriage is to widen kinship group	Marriage is to strengthen already existing bonds.
11.	Marriage is based on generational divisions	Marriage is based on chronological age differences.

### **3.9 Miscellaneous Information:**

#### **a) Approaches to study kinship system in India:-**

##### **1. Indological approach**

- ✓ It involves studying languages, beliefs, customs, ideas, literary sources, rituals etc to study a sociological phenomenon (Kinship in this case)
- ✓ Sociologists who followed this approach to study kinship in India include Iravati Karve, K.M. Kapadia, G.S. Ghurye, P.H.Prabhu etc.

##### **2. Anthropological approach**

It is again divided into:

###### **a) Descent approach**

- ✓ Studies relationship arising out of lineage
- ✓ This approach is followed by E.K.Gough, Oscar Lewis, A.C. Meyer and T.N. Madan (studied kinship in Kashmiri Brahmins)

###### **b) Alliance approach**

- ✓ Studies relationship arising out of lineage
- ✓ This approach is followed by Louis Dumont

❖ **Other terms related to kinship:-**

1. **Complementary filiation:-** The relationship of ego has with the relatives on the mother's side in a patrilineal society.

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## 4. CASTE

- Caste is derived from Portuguese word known as 'Casta' which means 'breed', 'race', or 'lineage'.
- Caste is a form of Social Stratification where members of society are grouped or ranked in hierarchy based on notions of purity and pollution and access to wealth, power among other things.
- According to noted sociologist **M.N. Srinivas**, 'Caste' or 'Jati' is a hereditary, endogamous and usually localized group having traditional association with an occupation and a particular position in the local hierarchy of castes.

### 4.1 Other definitions:

- "Castes are small and complete social worlds in themselves marked off definitely from one another through subsisting within the larger society".- **G.S.Ghurye** (Father of Indian Sociology)
- "Caste is a closed group" - **D.N. Majumdar and T.N. Madan**
- "Caste is a hierarchial system based on the principles of purity and pollution"- **Louis Dumont**

### 4.2 Features of Caste System:

Ghurye in his book – "**Caste and Race in India**" enlisted the following 6 features of caste system.

1. **Segmental division of society**:- Hindu society is divided into number of segments called castes and membership is not determined by choice /selection but by birth (known as ascription/ascribed status)
  2. **Hierarchy**:- Castes are placed in an hierarchical order in a caste ridden society (Upper castes at top and lower castes at bottom).
  3. **Restrictions on feeding and social intercourse**:- Caste imposes restrictions on food habits of members and regulates social relations.
  4. **Civil and religious disabilities and priveleges of different sections**:- While lower castes suffer from civil disabilities like location of houses on outskirts of villages and religious disabilities like access to temples etc, Upper castes enjoy certain privileges.
  5. **Lack of unrestricted choice of occupation**:- Occupations are largely fixed by birth.
  6. **Restrictions on Marriage**:- Caste groups follow endogamy and marriage outside caste group is condemned.
- **Other features of Caste system**:-
    - ✓ Distinction in custom, dress and speech
    - ✓ Conflict resolving mechanisms (Caste councils/associations)



### **4.3 Difference between Varna and Caste**

<b>S.No.</b>	<b>Varna (Colour)</b>	<b>Caste</b>
1.	Mention about for the first time in Rigveda (Around 1500 BC)	Several occupational groups emerged around 2 <sup>nd</sup> BC-1 <sup>st</sup> AD and came to be known as Castes.
2.	Textual or book view of Indian social system	Contextual or field view of Indian social system
3.	Only 4 varnas	Over 4000 castes
4.	It provides for pan-India hierarchy (4 varna model- Brahmin, Kshatriya, Vaisya and Shudra)	No uniform hierarchy in caste. Social mobility facilitates lower castes move up the social ladder
5.	Rigid system based on ritual criteria	Comparatively flexible system based on political and economic criteria
6.	Untouchables are placed outside varna system	Untouchables are integral part of caste system

### **4.4 Difference between Caste and Class**

<b>S.No.</b>	<b>Caste</b>	<b>Class</b>
1.	Endogamous group	Non- Endogamous group
2.	Hereditary	Non-Hereditary
3.	Members of a caste have either a high or low ritual status in relation to other castes	Members of a class have a similar socioeconomic status.
4.	One is born into caste (Ascription)	One can change his class status (Merit based)
5.	Unique phenomenon- India	Universal phenomenon

### **4.5 Theories of origin of Caste System:**

#### **1. Traditional Theory or Divine Theory**

- Caste system is of divine origin and created by Brahma.
- According to Purusha Sukta hymn of Rigveda, Brahmins originated from his mouth, Kshatriyas from shoulders, Vaisyas from thighs and Shudras from feet.

#### **2. Occupational Theory (Nesfield)**

- Castes are based on occupation and the more primitive and ancient an occupation, the lower is its ranking.

### **3. Political/ Brahmanical Theory (Abbe Dubois & G.S. Ghurye)**

- Caste system is an ingenious device made by brahmins for brahmins

### **4. Theory of Mana (Hutton)**

- Mana, a supernatural power possesses the capacity to do good or bad to people and tribals believed that Mana could be transmitted through contact.
- Fear of Mana led to restrictions on marriage, occupation, food, drink etc as it was believed Mana would be transmitted through contact. In this way caste system was originated.

### **5. Racial Theory (H. Risley)**

- Propounded this theory in his book “ The People of India”
- Aryans came to India and conquered original inhabitants- ‘Dasa’ or ‘Dasu’. Due to their fair complexion they maintained distance from them as they considered themselves superior. They married daughters of non-Aryans and out of the practice of hypergamy many castes originated.

### **6. Religious/Samaskara Theory (Hocart and Senart)**

- Caste system originated on account of religious practices and customs.

### **7. Evolutionary Theory (Denzel Ibbeston)**

- Caste system is the resultant of social evolution

### **8. Geographical Theory (Gilbert)**

- In order to avoid mixing of blood with other groups, different groups settled at different geographical locations emerged as Independent castes.

### **9. Guild Theory (Denzel Ibbeston)**

- Castes are modified forms of guilds.

### **10. Theory of cultural integration (Sarat Chandra Roy)**

- Caste is the outcome of integration of several cultures.

## **4.6 Factors influencing changes in caste system**

1. **Industrialization and urbanization:-** For example, Industrialization and urbanization has resulted in migration of people to towns and cities. It is difficult to follow strict caste rules in public places like public transport, restaurants etc of urban centres as interaction among people in cities and towns is characterized by anonymity and unfamiliarity.

2. **Democratic decentralization:-** Local self governments provided opportunities for lower castes to participate in electoral process which may in turn help in facilitating their social mobility.

3. **Constitutional measures:-**

- Constitutional measures like **Article 14** (Right to equality), **Article 15** (Prohibition of discrimination on grounds of religion, race, **caste**, sex or place of birth in access to shops, wells, restaurants etc), **Article 16**

(Prohibition of discrimination in matters of public employment on grounds only of religion, race, **caste**, sex, descent, place of birth, residence or any of them), **Article 17** (Abolition of untouchability) etc.

4. **Secularisation**:- It is a process in which religious institutions and religious conceptions have lost control in matters like economy, polity, justice etc.

5. **Sanskritisation**

6. **Westernisation**

7. **Modernisation**

8. **Dominant Caste**

#### **4.7 Caste System- Important concepts**

1. **Sanskritisation**:-

- This concept was first introduced by **M.N. Srinivas** in his book- "**Religion and Society among the Coorgs of South India**"
- He first formulated the concept of 'Brahmanisation' to represent the process of imitation of lifestyle and ritual practices of Brahmins by low caste Hindus. Later he revised and replaced it with Sanskritisation.
- In his book, "**Social Change in Modern India**", Srinivas defined Sanskritisation as a "process by which a low caste or tribe or other groups takes over the customs, rituals, beliefs, ideology and style of living of a high, and in particular, a twice born caste"
- Sanskritisation takes place at several levels:
  - a) **Cultural level**:- Lower castes imitate cultural attributes of higher castes like wearing sacred thread etc
  - b) **Varna level**:- Lower castes follow lifestyle of upper castes especially twice born castes.
  - c) **Local level**:- The 'dominant caste' in a village could be local source of sanskritisation.

2. **Dominant Caste**:

- **M.N.Srinivas** proposed this concept based on his study in '**Ramapura Village**' in Mysore.
- According to him, a caste is said to be dominant when it is numerically the strongest in the village or local area and economically and politically exercises a prepondering influence.
- He defined dominant caste in terms of the following attributes:
  1. Numerical strength
  2. High place in the local ritual and caste hierarchy.
  3. Control over land and economic resources.
  4. Education status of its members.

Ex:- 1. Reddys and Kammas of AP and TS  
2. Vokkaligas & Lingayaths of Karnataka.

### 3. **Westernisation:**

- This term was used by M.N. Srinivas to indicate changes that occurred in society due to contact with British like rational outlook, English education, modern communication etc

### 4. **Modernisation:**

- It is a process which primarily relies on scientific outlook, rational attitudes and values like liberty, equality, fraternity etc.
- It is a broader concept than westernization as any society can modernize without adopting to western values.

### 5. **Jajmani System:**

- Introduced by William Wiser in his work "The Hindu Jajmani System" based on a study of a village in Uttar Pradesh.
- It is a system of distribution whereby high caste landowning families are provided services by various lower castes like carpenter, barber etc
- The service castes are called 'Kamins' whereas patron castes are called 'Jajmans'.
- For services rendered, the servicing castes are paid in cash or in kind (grains, cloth, milk etc)
- Patron castes: Rajput, Jat, Bhumihaar etc in North India
- Service castes: Barber, Carpenter, Washermen etc.

### 6. **Social Mobility:**

- It is a process by which individuals or groups move from one social status to another in the social hierarchy
- **Types:-**
  - a) **Vertical Mobility:** The movement of individual or group either upward or downward in social hierarchy.
  - b) **Horizontal Mobility/ Lateral Mobility:** The movement of an individual or group to another one situated on the same level.

### **4.8 Changes in the caste system:**

1. Occupational changes ( No longer hereditary)
2. Changes in endogamy (Increase in inter-caste marriages)
3. Changes in commensality
4. Changes in caste hierarchy (Through social mobility)
5. Safeguards for weaker sections through protective discrimination measures
6. Dilution of Jajmani system

### **4.9 Prevalence/Reinforcement of caste system:**

1. Endogamous marriages are still preferred form of marriages

2. Caste based politics
3. Increased role of caste associations.

#### **4.10 Additional information:**

<b>S.No.</b>	<b>Sociologist</b>	<b>Concepts on caste</b>
1.	<b>M.N.Srinivas</b>	1. Sanskritisation 2. Modernisation 3. Westernisation 4. Dominant Caste 5. Social change
2.	<b>Louis Dumont</b>	Purity and Pollution
3.	<b>William Wiser</b>	Jajmani system

<b>S.No.</b>	<b>Sociologist</b>	<b>Caste studies</b>
1.	<b>M.N.Srinivas</b>	Ramapura village (Mysore)
2.	<b>Andre Beteille</b>	Sripuram Village (Tanjore)
3.	<b>S.C. Dube</b>	Shamirpet (Hyderabad)
4.	<b>Bailey</b>	Bisipara (Odisha)
5.	<b>Harold Gould</b>	Rickshawalas of Lucknow

<b>S.No.</b>	<b>Sociologist</b>	<b>Important work/book on Caste</b>
1.	Hutton	Caste in India
2.	M.N. Srinivas	1. "Religion and Society among the Coorgs of South India" 2. Social change in Modern India 3. Caste in Modern India and other Essays
3.	G.S. Ghurye	1. Caste and Race in India

		2. Caste, Class and Occupation 3. Caste and Class in India
4.	Andre Betielle	Caste, Class and Power
5.	Louis Dumont	Homo Hierarchicus- The caste system and it's implications
6.	Harold Gould	The Hindu Caste System- Politics and Caste
7.	D.N. Majumdar	1. Races and Culture of India 2. Caste and Communication in an Indian Village
8.	S.C. Dube	Indian Village
9.	F.G. Bailey	1. Caste and Economic Frontier 2. Tribe, Caste and Nation
10.	Rajni Kothari	Caste in Indian Politics
11.	Dr B.R.Ambedkar	Annihilation of Caste
12.	Yogendra Singh	Modernisation of Indian Tradition
13.	Murdock	Review of Caste in India
14.	Leach	Aspects of Caste in India

• **Approaches to the study of caste system in India:**

S.No.	Approach/Perspective	Sociologist
1.	<b>Indological approach</b> (Reliance on customs, language, beliefs etc to study caste- Book view)	1. G.S.Ghurye 2. Louis Dumont 3. Radhakamal Mukherjee
2.	<b>Structural Functional approach</b> (It focuses on structural aspects of social institutions and their functions in understanding social phenomena. It relies on Field Work Tradition)	1. M.N. Srinivas 2. S.C. Dube 3. D.N.Majumdar
3.	<b>Marxist/Conflict perspective</b>	1. A.R.Desai 2. D.D. Kosambi 3. D.P.Mukherjee

4.	<b>Subaltern perspective</b>	1. B.R. Ambedkar 2. David Hardiman 3. Ranjit Guha
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**Other concepts:-**

**1. Desanskritisation:-**

- Proposed by scholars like D.N. Majumdar
- It is a process in which members of higher castes abandon or reject customs, rituals, ideology and way of life associated with dominant upper caste culture.

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## 5. TRIBE

- The word tribe is derived from the latin word 'Tribus' which means a political unit and was used to refer to social groups.
- According to **D.N. Majumdar**- "Tribes have kinship ties, common territory, one language, joint ownership and one political organization".

### 5.1 Tribe and the term:

- In India, tribes are known by many names like Adivasis (original settlers), Janajati (Folk communities), Scheduled Tribes (Anusuchit Janajati ), Vanyajati (Forest tribes) and Adimjati (Primitive caste) etc
- Sociologists, anthropologists and colonial administrators called them with various names:
  1. Risley, Lancy, Elwin and Grigson called them '**Aborigines**' or '**Aboriginals**'
  2. Hutton called them '**Primitive Tribes**'.
  3. S.T. Das called tribes as '**Submerged Humanity**'
  4. Sir Beyonce called them '**Hill Tribes**'
  5. G.S. Ghurye called them '**Backward Hindus**'
- Government of India Act, 1935 used the term 'Backward Tribe'
- Indian Constitution :
  1. **Article 366 (2):**
    - Scheduled Tribes are those which are scheduled in accordance with Article 342.
  2. **Article 342:**
    - Indian President after consulting the concerned governors of state or union territory can specify the tribes or tribal groups through public notification.
- **Lokur Committee (1965):** Identified certain criteria for specification of a community as a scheduled tribe. They are:-
  1. Indication of primitive traits
  2. Distinctive culture
  3. Shyness of contact with the community at large
  4. Geographical Isolation
  5. Backwardness

### 5.2 Denotified, Nomadic and Semi-Nomadic tribes:

- Some tribes are classified as Denotified, Nomadic and Semi-nomadic tribes based on their history and vulnerabilities.
- According to **National Commission for the Denotified, Nomadic and Semi-Nomadic Tribes (2008)- Balakrishna Renke Commission-** These communities spread all over India and constitute about 10% of the country's population.



- There are about 150 to 198 Denotified tribes and about 1500 Nomadic and Semi-nomadic tribes in India.
- **Denotified tribes:-**
  - ✓ British after the 1857 War of Independence propagated a theory on those communities who revolted against them as criminal by birth and crime was their occupation.
  - ✓ In **1871**, they enacted **Criminal Tribes Act** and later in 1911 notified a number of tribes under it which was revised periodically.
  - ✓ This act was annulled in 1952 and all these communities were de-notified following “Ayyangar Committee” recommendations. Hence they are called Denotified tribes.
- **Nomadic tribes:-**
  - ✓ Those tribes which led a ‘nomadic life’ i.e. they move from place to place without getting settled at a permanent location.

### **5.3 PVTGs (Particularly Vulnerable Tribal Groups)**

- **Dhebar Commission** created Primitive Tribal Groups (PTGs) as a special who are less developed among the tribal groups. In 2006, Union Government renamed Primitive Tribal Groups (PTGs) as Particularly Vulnerable Tribal Groups (PVTGs).
- In 1979, Ministry of Home Affairs initiated 4 criteria for identifying PVTGs.
  1. Pre-agricultural level of technology and economy
  2. Very low rate of literacy
  3. Declining or near stagnant population and
  4. Subsistence level of economy
- According to **Census 2011**, there are **75 PVTGs** living in **18 States and 1 union Territory (Andaman & Nicobar Islands)**
- According to **Statistical Profile of STs in India** published by the Union Ministry of Tribal Affairs (2013), the total population of PVTGs in India is 27.68 lakh and the total number of communities are 71. (Out of these 19 communities have population less than 1000 people.
- States with highest number of PVTGs:
  1. Odisha (13)
  2. **Andhra Pradesh (11)**
  3. Jharkhand (9)
- PVTGs with highest population :
  1. Maria Gond of Maharashtra (16.1 lakh)
  2. Saura tribe of Odisha (5.3 lakh)
- PVTGs with lowest population :
  1. Sentinelese (15) (It is also the **Least Populous tribe** in India)
  2. Great Andamanese (44)

### **5.4 Demography of Tribes in India:**

- **Census 2011:**

- ✓ 705 Tribes
- ✓ 8.6% of India's population (10,42,81,034 persons) (approx.: 10.42 crore)
- ✓ Sex ratio- 990
- ✓ Literacy – 59%
- ✓ Decadal growth rate: 23.66 %
- ✓ States with largest tribal population: 1. **Madhya Pradesh**  
2. Maharashtra  
3. Odisha
- ✓ States/UTs with highest proportion of STs: 1. Lakshadweep  
2. Mizoram  
3. Nagaland
- ✓ States/UTs with lowest proportion of STs: 1. Uttar Pradesh  
2. Tamil Nadu  
3. Bihar
- ✓ State with smallest tribal population: **Goa**
- ✓ State with highest proportion of STs: **Mizoram (94.4%)**
- ✓ State with lowest proportion of STs: **Uttar Pradesh (0.6%)**
- ✓ Union Territory with highest proportion of STs: **Lakshadweep (94.8%)**
- ✓ Union Territory with largest tribal population: **Dadra Nagar Haveli**
- ✓ Union Territory with smallest tribal population: **Daman & Diu**
- ✓ State with largest number of Tribal communities: **Odisha (62)**
- ✓ States & Union Territories where there are no Scheduled Tribes- **Haryana, Punjab, Delhi & Chandigarh.**
- ✓ Tribes with largest population in India : 1. **Bhils**  
2. Gonds  
3. Santhals

States	Important Tribes
Andhra Pradesh	Andh, Sadhu Andh, Bhagata, Bhil, Chenchus (Chenchawar), Gadabas, Gond, Goudu, Jatapus, Kammara, Kattunayakan, Kolawar, Kolam, Konda Dhora, Savaras, Dabba Yerukula, Nakkala, Yanadi, Yerukula, Dhulia, Sugali etc
Arunachal Pradesh:	Apatanis, Abor, Dafla, Galong, Momba, Sherdukpen, Singpho.
Assam	Chakma, Chutiya, Dimasa, Hajong, Garos, Khasis, Gangte.
Bihar	Asur, Baiga, Birhor, Birjia, Chero, Gond, Parhaiya, Santhals, Savar.

Chhattisgarh	Agariya, Bhaina, Bhattra, Biar, Khond, Mawasi, Nagasia.
Goa	Dhodia, Dubia, Naikda, Siddi, Varli.
Gujarat	Barda, Bamcha, Bhil, Charan, Dhodia, Gamta, Paradhi, Patelia.
Himachal Pradesh	Gaddis, Gujjars, Khas, Lamba, Lahaulas, Pangwala, Swangla.
Jammu and Kashmir	Bakarwal, Balti, Beda, Gaddi, Garra, Mon, Purigpa, Sippi.
Jharkhand	Birhors, Bhumij, Gonds, Kharia, Mundas, Santhals, Savar.
Karnataka	Adiyan, Barda, Gond, Bhil, Iruliga, Koraga, Patelia, Yerava.
Kerala	Adiyan, Arandan, Eravallan, Kurumbas, Malai arayan, Moplahs, Uralis.
Madhya Pradesh	Baigas, Bhils, Bharia, Birhors, Gonds, Katkari, Kharia, Khond, Kol, Murias.
Maharashtra	Bhaina, Bhunjia, Dhodia, Katkari, Khond, Rathawa, Warlis.
Manipur	Aimol, Angami, Chiru, Kuki, Maram, Monsang, Paite, Purum, Thadou.
Meghalaya	Chakma, Garos, Hajong, Jaintias, Khasis, Lakher, Pawai, Raba.
Mizoram	Chakma, Dimasa, Khasi, Kuki, Lakher, Pawai, Raba, Synteng.
Nagaland	Angami, Garo, Kachari, Kuki, Mikir, Nagas, Sema, Lotha.
Odisha	Gadaba, Ghara, Kharia, Khond, Matya, Oraons, Rajuar, Santhals.
Rajasthan	Bhils, Damaria, Dhanka, Meenas (Minas), Patelia, Sahariya.
Sikkim	Bhutia, Khas, Lepchas.
Tamil Nadu	Adiyan, Aranadan, Eravallan, Irular, Kadar, Kanikar, Kotas, Todas.
Telangana	Gond, Pardhan, Kolam, Koya, Chenchus.

Tripura	Bhil, Bhutia, Chaimal, Chakma, Halam, Khasia, Lushai, Mizel, Namte.
Uttarakhand	Bhotias, Buksa, Jannsari, Khas, Raji, Tharu.
Uttar Pradesh	Bhotia, Buksa, Jaunsari, Kol, Raji, Tharu.
West Bengal	Asur, Khond, Hajong, Ho, Parhaiya, Rabha, Santhals, Savar.
Andaman and Nicobar	Oraons, Onges, Sentinelese, Shompens.
Little Andaman:	Jarawa.

### **5.5 Scheduled Tribes of Andhra Pradesh:**

- As per Census 2011, total ST population in Andhra Pradesh is 27.39 lakh (5.53% of total population of state)
- 2.25% of total ST population in India
- The scheduled area in state extend over 6841.31 sq kms which is about 8.82% of total area of state.
- There are **34 scheduled tribes** in Andhra Pradesh out of which **11 are PVTGs** ( Bodo Gadaba, Bondo Poroja, Chenchu, Dhongria Khond, Gutob Gadaba, Khond Poroja, Kondareddis, Konda Savaras, Kutia Khond, Parengi Porja and Kolam) ( Note: By comparing the official list of Scheduled Tribes in Andhra Pradesh (34 tribes) and Telangana (32 tribes), except Tothis all the other 11 PVTGs are present in Andhra Pradesh)
- ST literacy rate in AP- 48.83% (Female- 39.40%, Male-58.37%)
- District with highest S.T. population in AP – Alluri Seetha Ramaraju
- District with lowest S.T. population in AP- Visakhapatnam
- District with highest S.T. population in AP as per Census 2011- Visakhapatnam
- District with lowest S.T. population in AP as per Census 2011- Kadapa
- Officially declared Tribal districts in AP- Alluri Sitarama Raju & Parvathipuram Manyam
- Most populous tribe in AP- Yanadi
- Most populous particularly vulnerable tribe (PVTG) in AP- Savara
- First tribe to be identified as PVTG in Andhra Pradesh is Chenchu.

### **5.6 Geographical Distribution of Tribes:**

- According to **L.P.Vidyarathi**, Tribes in India can be grouped into 5 categories based on geographical factors:

1. Himalayan region (Ex: Gaddi, Jaunsari, Naga, Kuki etc)
2. Middle India ( Ex: Santhal, Oroan, Munda etc)
3. Western India (Ex: Bhils, Gonds, Kolis etc)
4. South India (Ex: Kota, Chenchu, Toda, Irula etc)
5. Island Region (Tribes of Lakshadweep, Andaman & Nicobar Islands)

- **B.S. Guha, Madan & Majumdar**- 3 fold classification of tribes in India:

1. North & North Eastern Zone
2. Central or Middle Zone
3. Southern Zone

### **5.7 Racial Classification of Tribes:**

- According to **B.S.Guha**, Tribes in India belong to 3 races.

S. No.	Race	Characteristics	Examples
1.	Proto-Australoids	Dark skin colour, sunken nose and lower forehead	Gonds, Ho, Mundas etc (Tribes of Central India)
2.	Mongoloids	Light skin colour, Head and face are broad, Nose is very low, Fold on upper eyelid (epicanthal fold)	Bhotiyas, Nagas, Khasis etc (Tribes of North East India)
3.	Negrito	Dark skin colour, round head, broad nose and frizzle hair	Khadar, Puliyan, Onge, Jarawa etc (Tribes of South India)

### **5.8 Linguistic Classification:** (Based on languages spoken by tribes)

#### **1. Dravidian:**

- Languages spoken by all tribes of South India + Gonds (Gondi language) & Oroans (Kurukh language) of Central India.

#### **2. Austro-Asiatic:**

It is in turn divided into 3 branches:

##### **a) Mon-Khmer branch:-**

1. Languages spoken by Khasi & Jaintias (Meghalaya)
2. Nicobarese (Nicobar Islands)

**b) Munda branch:-**

1. Santhali language of Santhals
2. Kharia language of Mundas

**c) Kherwarian branch:- Ho language**

**3. Tibeto-Chinese:-**

It is again divided into two sub-families:

**a) Siamese-Chinese: Tai, Khamti languages**

**b) Tibeto-Burman: Languages of Bhotia, Naga, Lepchas etc**

**4. Indo-Aryan/Indo-European:-**

- These languages are spoken by tribes of Gujarat, Rajasthan and Indo-Gangetic plains.

- Ex: 1. Banjari of Banjaras  
2. Lamani of Lambadis  
3. Bhili of Bhils  
4. Gujjari of Gujjars

**5.9 Economic Classification:**

S. No.	Economic Category	Examples
1.	Food gatherers and Hunters	1. Chenchu (AP,TS) 2. Challa Yanadi (AP, TS) 3. Cholanaicken 4. Great Andamanese
2.	Shifting Cultivators	Khasis, Chakmas, Gonds etc
3.	Pastoralists	Todas, Bakarwals, Gujjars, Bhotias etc
4.	Agriculturists	Munda, Santhal, Koya, Gonds etc
5.	Simple artisans	Kotas, Asurs, Lohars,(Rajasthan), Agarias (M.P) etc
6.	Folk Artists	Kotas (Tamil Nadu), Kalbelias/ Snake charmers (Rajasthan)
7.	Labourers/Industrial Workers	Santhals & Hos of Jharkhand in Iron mines
8.	Skilled workers & White collar jobs	Meenas

**5.10 Approaches to tribal development:**

- After Independence, 3 broad approaches were introduced for development of Tribes.

**1. Isolationist approach:**

- This approach was a legacy of British regime and the policy was to isolate the tribal population from the masses. ('To leave them untouched')
- It is also known as '**National Park**' or '**Specimens in a Human Zoo**' approach as it advocated that the tribal contact with the outside world should be reduced to minimum.
- Major proponent of this approach was **Verrier Elwin** (British born Indian anthropologist & tribal activist. It was also supported by noted tribal activist **A.V. Thakkar (Thakkar Bapa)** who emphasized that the aborigines must be protected from exploitation of non-tribes.

## 2. **Assimilationist approach:**

- This approach paved the way for mingling of tribes with non tribes as it advocated a direct assimilation of tribes with the mainstream non-tribal culture.
- It is being criticized for attempting to change the tribes by imposing upon them non-tribal customs and traditions.

## 3. **Integrationist approach:**

- It advocated a middle path between Isolationist and Assimilationist approach drawing upon the experience of their failures.
- It was largely considered as a brain child of '**Jawaharlal Nehru**'.
- It consists of 2 types of measures:
  - a) **Protective measures:** As outlined in Constitution of India (For example: V Schedule) and protective legislations like SC and ST (Prevention of Atrocities) Act, 1989.
  - b) **Promotional measures:-** Include developmental and welfare programmes and policies.

### **5.11 Tribal Panchasheel:**

- It is a policy of Integration (Integration approach) adopted by Jawaharlal Nehru in 1958 (Panchasheel- 5 fundamental principles for tribal upliftment)
  1. **Non-imposition:** The tribal people should develop along the lines of their own genius and nothing should be imposed on them.
  2. **Respect of tribal customs:** Tribal rights to land and forests should be respected.
  3. **Development of tribal youth:** Tribal youth should be trained and a team of their own people should be built to do the work of administration and development.
  4. **Simplicity of Administration:** One should not over-administer these areas or overwhelm them with a multiplicity of schemes.
  5. **Emphasis on human growth:** One should judge the results not by statistics but by quality of human character that is involved.

### **5.12 Commissions and Committees on Tribes:**

S.No.	Commission	Important recommendations
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1.	First Scheduled Areas and Scheduled Tribes Commission ( <b>Dhebar Commission, 1961</b> )	<p>1. Tribals should be <b>integrated</b> into the main Indian society without disturbing their harmony.</p> <p>2. Tribes Advisory Councils (TACs) should have representation from non-officials from tribals by reducing the number of officials if necessary.</p> <p>3. The state government to form tribal cooperatives to market Minor Forest Produce as is done by Andhra Pradesh.</p> <p>4. There should be a separate Commission for Scheduled Tribes</p>
2.	Second Scheduled Areas and Scheduled Tribes Commission (Constituted under chairmanship of Dileep Singh Bhuria on July 18, 2002)- <b>Bhuria Commission 2002</b> . Submitted its report on 16 July 2004.	<p>1. Every ITDP/ITDA should have a section devoted to women's welfare and its implementation.</p> <p>2. The letter and spirit of the PESA Act 1996 should permeate anti-alienation laws and other laws.</p>

## 2. Committees:

1. **Verrier Elwin Committee (1959)**
2. **M.P. Bhargava Committee(1961)** – To suggest recommendations for constitution of special cooperative organization.
3. **Lokur Committee (1965)**- Advisory committee on revision of Scheduled Castes and Scheduled Tribes.
4. **P.S. Appu Committee (1971)** - Study group on Relief of Indebtedness, Land Alienation and Restoration in Tribal Development Agency Areas.
5. **L.P. Vidyarthi Committee (1972)**- Task Force on Development of Tribal Areas appointed by Planning Commission.
6. **S.C. Dube Committee (1972)**- For advising on formulation of the new strategy for tribal development during the Fifth Five-Year Plan.
7. **B.K.Roy Burman Committee (1982)**- To suggest guidelines to orient the forest policy in a way that it serves the interests of forests as well as the tribal economy.



8. **Bhuria Committee (1994)**- To recommend salient features of the law to be enacted by Parliament for extending the provisions to the Scheduled Areas. **(PESA Act was enacted in 1996 based on the recommendations of Bhuria Committee).**
9. **Virginus Xaxa Committee (2014)**: “High level committee on socioeconomic, health and educational status of tribal communities in India”

Prudhvi Vegesna

## **6.ETHNICITY**

- The term 'ethnic' has Latin and Greek origins – 'ethnicus' and 'ethnikas' both meaning 'nation'.
- The term was first used by French nationalist and scientist- Georges Vacher de la pouge in 1896.
- Though originally used to refer nation/race, ethnicity is now being used to refer to social traits like nationality, tribe, shared language, culture, beliefs, common heritage etc.

### **6.1 Ethnicity and meaning:**

- **Max Weber-** "Ethnic groups are those human groups that entertain a subjective belief in their common descent because of similarities of physical type or customs or both, or because of memories of colonisation or migration; this belief must be important for the propagation of group formation and conversely it doesn't matter whether or not an objective blood relationship exists".
- **J.M.Yinger:** "The members of an ethnic group , who constitute a segment of the larger society, are assumed by themselves or by others to have a culture which they share exclusively among themselves.
- **T.K. Oommen:** "Ethnic group is a group of people who share a common history, tradition, language and lifestyle but are uprooted from and/or unattached to a homeland".

### **6.2 Ethnic Identity:**

- Ethnic identity is a measure of feeling of belonging to a particular group.
- **Rajni Kothari-** "Ethnic identity gets momentum when domination of the majority over the minority gets an evident fact".

### **6.3 Types of Ethnic Identity in India:**

#### **1. Linguistic Ethnicity:**

- Strong fondness to one's language which become basis for their ethnic identity.
- Example: Anti Hindi agitations in Madras during 1937-40 and 1965 against the adoption of Hindi as the national language by the government of India

#### **2. Communalism:**

- It is belief in the primacy of one's own religion when compared to others.
- Examples of communal incidents: Sikh riots in 1984, Gujarat violence in 2002, Hindu –Muslim clashes in Ayodhya in 1992.

#### **3. Tribal Movements:**

- The revolt of tribals against the non-tribals (DIKUS) for their rights over jal, jungle and jameen.
- Examples: Santhal Rebellion, Rampa Rebellion

#### **4. Regionalism** ( Discussed in detail in the next unit)

#### **5. Casteism** ( Discussed in detail in the next unit)

## **6.4 Important ethnic movements in India:**

### **1. Khalistan movement in Punjab:**

- The Khalistan movement, which got intensified in the Punjab in 1970s and continued till the early 1990s aimed to create a separate Sikh country- Khalistan.
- In **June 1984**,. due to violence, the Indian Government ordered a military operation, **Operation Blue Star** to clear Harmandir Sahib (Golden Temple) Amritsar and thirty other Gurdwaras of armed terrorists who were resorting to violence which led to the death of it's main leader **Jarnail Singh Bhindranwale** . Indira Gandhi, the then Indian Prime Minister was assassinated by her two Sikh bodyguards which resulted in thousands of Sikhs being massacred in 1984 in anti-Sikh riots.
- Recently Canadian Prime Minister Justin Trudeau accused India of playing a role in the killing of Sikh separatist leader of Khalistan Movement Hardeep Singh Nijjar, who was shot dead in June, 2012 in British Columbia state of Canada.

### **2. Ethnic movements in the North East:**

- Nagas began a movement for an independent state and after a long struggle they succeeded in creating a separate state as Nagaland in 1963.
- Mizos also continued their struggle to get autonomy led by **Mizo National Front** under it's leader **Laldenga** and succeeded in creating separate state following which Mizoram's status of Union territory was changed to statehood.
- **Bodos of Assam** led a movement for creation of a separate state fro Bodos namely Bodoland.

### **3. Gorkhaland Movement:**

- It was aimed to create a separate state for Gorkhas (Nepali speaking citizens of India) namely Gorkhaland in Darjeeling (West Bengal)
- The movement was led by **Subash Ghising** who formed the **Gorkha National Liberation Front in 1980**.
- **Bimal Gurung** , who founded **Gorkha Jana Mukti Morcha** is another important leader of the movement.

### **4. Ethnic Movement in Assam:**

- The conflict between indigenous Bodo tribals and ethnic Bengali Muslim settlers began in Assam in 1952, with subsequent violent clashes occurring in 1979- 1985, 1991-1994, 2008 and 2012.
- The movement during 1979-1985 known as **Assam Movement** was a popular movement against illegal immigrants in Assam. The movement, led by **All Assam Students Union (AASU)** and the **All Assam Gana Sangram Parishad (AAGSP)**, to compel the Indian government to identify and expel illegal, (mostly Bangladeshis), immigrants and provide

constitutional, legislative and administrative safeguards to the indigenous Assamese people. The agitation program ended in **August 1985 following the Assam Accord**, which was signed by leaders of AASU-AAGSP and the Government of India.

### **6.5 Additional Information:**

<b>S.No.</b>	<b>Race</b>	<b>Ethnicity</b>
1.	“Category of people who share common physical traits”	“Group of people sharing common racial, national, tribal, religious, linguistic features among others can be termed as people having same ethnicity”
2.	Based on physical features	Based on cultural characteristics
3.	It has a narrow meaning	It has a wider meaning

- **Ethnocentrism:-**

- ✓ “Ethnocentrism is the attitude that one’s group, ethnicity or nationality is superior to others”
- ✓ It was coined by William Graham Sumner in his book ‘Folkways’.
- ✓ It involves judging standards of other’s culture from the lens of one’s own culture.
- ✓ It is rooted in cultural intolerance
- ✓ Example: Feeling of cultural superiority among westerners .

- **Cultural Relativism:**

- ✓ It involves understanding a culture on it’s own terms and not to make judgements using standards of one’s own culture.
- ✓ It involves appreciation of every culture and it is rooted in cultural tolerance.

## **7. RELIGION**

- Religion is derived from the latin word religio which itself is derived from either the root word 'leg' ( to gather, count or observe)- symbolises belief in divine communication or 'lig' (to bind)- Performance of necessary actions which may bind together man and supernatural powers.
- Noted **French Sociologist Emile Durkheim** in his “**Elementary Forms of Religious Life**” defined Religion as “ a unified system of beliefs and practices relative to sacred things, that is to say, things set apart and forbidden- beliefs and practices which unite into one single moral community called church, all those who adhere to them”.
- **Edward Taylor**- “Religion is the belief in spiritual beings”

### **7.1 Religion & certain concepts:**

#### **1. Supernatural beings:-**

- Supernatural beings are those that are not subject to natural laws and principles and cannot be explained in terms of cause and effect relations.
- Example: Gods, Goddessess, Spirits, Demons etc
- The beliefs and ideas that focus on supernatural beings within religious practices is known as '**Theism**'.

**(a) Polytheism:-** Belief in multiple super natural beings (Gods)

Example: Hinduism

**(b) Monotheism:-** Belief in one supreme super natural being.

Example: Christianity, Islam, Judaism etc

#### **2. Animism:-**

- Term is coined by E.B. Tylor in his book “The Primitive Culture”
- It is a **belief in soul (anima)** and personality existing in animate and inanimate objects as well as human beings.

#### **3. Animatism:-**

- Term is coined by R.R.Marett after the word 'Mana' which means power in Polynesia.
- It is the belief in impersonal forces in nature and certain objects and this sort of belief had created in humans religious feelings of fear, respect, admiration etc.

#### **4. Naturism:-**

- It was advocated by Max Muller
- Involves worship of nature (Trees, animals, forests, mountains etc)

#### **5. Totemism:-**

- It is a belief in which certain objects, plants or animals have kinship relationship with social groups & such objects were revered and they in turn give identity to groups.
- According to Durkheim, Totemism is the earliest form of religion.

### **6. Sacred and Profane:-**

- Durkheim mentioned about these concepts in “Elementary Forms of Religious Life”. According to him they are central to every religion.
- Sacred- ‘Things or places which are set apart for religious purposes’
- Profane- ‘Things or places which are secular in nature (non-religious). Covers all those things which are part of routine life.

### **7. Taboo:-**

- Refers to something which is strictly prohibited in religious context.
- Violation of taboo can attract religious sanctions in the form of punishment.

### **8. Cult:-**

- Derived from French word ‘Culte’ which mean worship or a particular form of worship.
- They bring like minded people together and focus on individual experience
- Cults are revisionary and their main focus is to champion the religion.
- Membership is generally open to all.
- Example: Siva and Ganapathi cults.

### **9. Sect:-**

- Derived from the latin word ‘Secta’ meaning an organised religious body or organisation oriented towards a way of life.
- It is a small religious group that has been branched off from the main religion due to doctrinal differences. Hence it can be called as reactionary or revolutionary group.
- Example: Shaivism, Vaishnavism.

### **10. Religious Denomination:-**

- It is a sub-group within a larger religious organisation that follows a common faith, practices, traditions etc.
- Supreme Court in **S.P.Mittal Case (1982)** held that a religious denomination as ‘a religious sect or body having common faith and organisation and designated by a distinctive name’ while refusing to accept sage Sri Aurobindo as a religious denomination.
- **Article 26 in The Constitution Of India** : Freedom to manage religious affairs subject to public order, morality and health, every **religious denomination** or any section thereof shall have the right:

- (a) to establish and maintain institutions for religious and charitable purposes
- (b) to manage its own affairs in matters of religion;
- (c) to own and acquire movable and immovable property; and
- (d) to administer such property in accordance with law

• **Sabarimala Case ( Indian Young Lawyers Association & Ors. vs State of Kerala & Ors.)**

- ✓ Supreme Court in Sabarimala Case held that the followers of Lord Ayyappa of **Sabarimala** temple did not qualify as a **religious denomination** under Article 26 (b) and not allowing entry to women of the age group of 10 to 50 years in the Sabarimala Temple is unconstitutional being violative of Articles 14, 15, 25 and 51 A(e) of the Constitution.
- ✓ The court weighed on constitutional morality (i.e. morality viewed from a touchstone of equality, non-discrimination, dignity as per Articles 14, 15 and 21 of the Constitution) over religious rights in this case.

**Religious Demography in India:**

(Source: Census 2011)

S.No.	Religion	Percentage of Total Population	Total Population (121 crore)	States & Union Territories in which particular religion is in majority	Sex Ratio
1.	<u>Hindu</u>	79.80 %	96.62 Crores	28	931
2.	<u>Muslim</u>	14.23 %	17.22 Crores	2 (Jammu & Kashmir, Lakshadweep)	936
3.	<u>Christian</u>	2.30 %	2.78 Crores	4 (Nagaland, Mizoram, Arunachal Pradesh, Meghalaya)	<b>1009</b>
4.	<u>Sikh</u>	1.72 %	2.08 Crores	1 (Punjab)	<b>893</b>
5.	<u>Buddhist</u>	0.70 %	84.43 Lakhs	-	953
6.	<u>Jain</u>	0.37 %	<b>44.52 Lakhs</b>	-	940
7.	<u>Other Religion</u>	0.66 %	79.38 Lakhs	-	992

8.	Not stated	0.24%	28.67 Lakh	-	--
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(Source: Census 2011)

S.No	Religion	States & Union Territories with highest population	States & Union Territories with highest percentage of population	States & Union Territories with least population	States & Union Territories with least percentage of population	Decadal growth rate (2001-2011)
1.	<b><u>Hindu</u></b>	Uttar Pradesh	Himachal Pradesh (95.17 %)	Lakshadweep	Mizoram	16.8%
2.	<b><u>Muslim</u></b>	Uttar Pradesh	Lakshadweep	Sikkim	Mizoram	<b>24.6%</b>
3.	<b><u>Christian</u></b>	Kerala	Nagaland	Lakshadweep	Bihar	15.5%
4.	<b><u>Sikh</u></b>	Punjab	Punjab	Lakshadweep	Lakshadweep	8.4%
5.	<b><u>Jain</u></b>	Maharashtra	Maharashtra	Lakshadweep	Kerala, Andaman & Nicobar Islands (0.01%)	<b>5.4%</b>
6.	<b><u>Buddhist</u></b>	Maharashtra	Sikkim	Lakshadweep	Kerala	6.1%



## **8. WOMEN**

### **8.1 Women Movements in India:**

#### **a) Movements/Organisations in the 19<sup>th</sup> Century and early 20<sup>th</sup> Century:**

The following organizations played an important role in addressing various issues affecting women:

##### **1. The Brahmo Samaj:**

- It was founded by Raja Ram Mohan Roy in 1825, and attempted to address various issues related to women like child marriage, polygyny, limited rights to inherit property, seclusion of women etc.
- A women's magazine called **Bamabodhini Patrika** was started.
- An inter-caste marriage was also solemnized under the auspices of the Brahmo Samaj. Opposition to such moves from Hindu orthodoxy resulted in the passing of **Civil Marriage Act, 1872**. This Act, which permitted inter-caste marriage and divorce, fixed 14 and 18 as the minimum age of marriage for girls and boys respectively.

##### **2. The Prarthana Samaj:**

- It was founded in 1867 and had more or less similar objectives as Brahmo Samaj. M.G. Ranade and R.G. Bhandarkar were the leading figures.

##### **3. The Bombay Widow Reforms Association: It was founded by M.G.Ranade in 1869.**

##### **4. The Arya Samaj:**

- Advocated compulsory education for both men and women, prohibition of child marriage by law, remarriage of child widows etc

##### **5. All-India Muslim Women's Conference:**

- Founded by Begum of Bhopal in 1916.
- In 1917 it passed a resolution that polygamy should be abolished.

##### **6. The Women's India Association (WIA): It was founded in 1917 in Madras by Annie Besant, an Irish and an Indian nationalist.**

##### **7. National Council of Women in India : Formed in 1923.**

##### **8. All India Women's Conference (AIWC): Founded in 1927 by Margaret Cousins.**

## 9. Women suffrage:

- Demand for women's right to vote was raised for the first time in 1917. A deputation of women including Sarojini Naidu and Margaret Cousins met the Viceroy to put forward the demand for female franchise.
- The idea was supported by Indian National Congress and the constitutional reforms in 1919 allowed provincial legislatures to decide the issue of women's suffrage.
- Madras was the first province to allow women to vote. Women also became legislative councilors. **Dr. Muthulakshmi Reddy** was the first woman to become legislative councilor in Madras in 1927.

## 10. Fundamental Rights Resolution of the Indian National Congress in 1931:

- Equality between men and women was accepted as one of the objectives.

### b) Women Movement/Organisations in the Post Independence Period:

#### 1. SEWA (Self Employed Women's Association):

- Established in Ahmedabad in 1972 by Ela Bhatt, SEWA is a trade union of poor self-employed women.

#### 2. Chipko Movement:

- Women led environmental movement started in Chamoli district of Uttarakhand. (Eco-feminist movement)
- On March 26, 1974, a group of 28 women, led by Gaura Devi in Uttarakhand's Garhwal region clung to trees to prevent them from being felled. This was the first major highlight of the movement.
- The name of the movement 'chipko' comes from the word 'embrace', as the villagers hugged the trees and encircled them to prevent being hacked.
- The movement continued under the leadership of Sunderlal Bahuguna.

#### 3. Shahada Movement:

- The Shahada Movement started in 1972 in Dhulia District of Maharashtra by Bhil Adivasi women against the exploitative landlords and moneylenders.
- The movement gradually emerged against issues like alcoholism, demand for higher wages etc.

#### 4. Anti-Drunk Movement in Andhra Pradesh:

- Movement was started in a small village, Dubagunta, in Nellore district

of Andhra Pradesh in 1990.

- The main leader of this movement is Vardhini Roshamma.
- The women started with destroying ingredients used to concoct arrak at home and raided local hooch sellers and distributors to destroy their licenses.
- The main reason for the movement was said to be the successful literacy mission that has been going in Nellore district
- The inspirational guidance extended by the veteran freedom fighter Mr. Vavilala Gopala Krishnaiah, added momentum to the movement organised and spread to all villages in the district.

#### **5. Narmada Bachao Andolan:**

- Started in 1985 under the leadership of Medha Patkar the movement is against construction of multicore dam projects on Narmada river.

#### **6. Irom Sharmila and Mothers of Manipur:**

- Led by Irom Sharmila 'Iron lady of Manipur' women of Meitei community demand justice by the brutal rape and killing of Manorama Thangjam allegedly by security personnel and demand repeal of AFSPA (Armed Forces Special Powers Act).

#### **7. #MeToo Movement:**

- Online campaign against the sexual abuse and sexual violence calling out the names of alleged perpetrators. The hashtag #MeToo was used starting in 2017 to underscore the magnitude of the problem.
- The term 'Me Too' was first coined by sexual assault victim 'Tarana Burke' on social media platform My Space.

### **8.2 Constitutional safeguards for Women:**

- **Article 14:** Right to equality and equality of opportunity
- **Article 15(1)** – Prohibits discrimination against any citizen on the grounds of religion, race, caste, sex etc.
- **Article 15(3)**- Special provision enabling the State to make affirmative discriminations in favor of women.
- **Article 16**– Equality of opportunities in matter of public appointments for all citizens.
- **Article 23**– Bans trafficking in human and forced labour
- **Article 39(a)**- The State shall direct its policy towards securing all citizens men and women, equally, the right to means of livelihood.
- **Article 39(d)**- Equal pay for equal work for both men and women.
- **Article 42**– The State to make provision for ensuring just and humane conditions of work and maternity relief.

- **Article 51 (A)(e)**- To renounce the practices derogatory to the dignity of women
- **Article 300 (A)**- Right of property to women
- **73rd and 74th Amendment Act 1992**- Reservation 1/3rd of seats in local bodies of panchayats and municipalities for women.

### **8.3 National Commission for Women:**

- The National Commission for Women was set up as statutory body in January 1992 under the **National Commission for Women Act 1990**.
- **Mandate:**
  1. Review the Constitutional and Legal safeguards for women
  2. Recommend remedial legislative measures
  3. Facilitate redressal of grievances and
  4. Advice government on all policy matters affecting women
- **Functions:**
  1. Investigate and examine all matters relating to the safeguards provided for women under the Constitution and other laws.
  2. Review from time to time, the existing provisions of the Constitution and other laws affecting women and recommend amendments.
  3. Take up cases of violation of the provisions of the Constitution and other laws relating to women.
  4. Call for special studies or investigations
  5. Undertake promotional and educational research
  6. Inspect or cause to inspect a jail, remand home, women's institution, or other places of custody where women are kept as prisoners or otherwise and take up with the concerned authorities for remedial action if found necessary.
  7. Look into complaints and take suo moto notice of matters relating to deprivation of women's rights, non implementation of laws etc
- Current chairperson of NCW- Rekha Sharma.

### **8.4 Global Gender Gap Report 2023:**

- 17<sup>th</sup> edition of the Global Gender Gap Report 2023 has been released by the World Economic Forum (WEF), evaluating the status of Gender Parity across 146 countries.
- It benchmarks gender parity in four Key dimensions:
  - ✓ Economic Participation and Opportunity
  - ✓ Educational Attainment
  - ✓ Health and Survival

### ✓ Political Empowerment

- GGG index provides scores between 0 and 1, where 1 shows full gender parity and 0 is complete imparity.
- Global gender gap score in 2023 stands at 68.4%, indicating a modest improvement of 0.3% points compared to the previous year.
- Iceland has maintained its position as the most gender-equal country
- India's rank- 127/146 countries. (2022-135<sup>th</sup> rank )
- India had closed 64.3% of the overall gender gap.
- India has improved by 1.4 percentage points and eight positions since the last edition.
- In Educational Attainment, India has achieved **parity in enrolment** across all levels of education
- India's progress in economic participation and opportunity remains a challenge, with only 36.7% gender parity achieved in this domain.
- In political empowerment, achieving 25.3% parity in this domain. Women represent 15.1% of parliamentarians, which is the highest representation since the inaugural report in 2006.
- In Health and Survival there is 1.9%-point improvement in India's sex ratio at birth, after more than a decade of slow progress.

### **8.5 Status of Women (Census 2011)**

- Total Women population- 58, 64,69,174 (58.64 Crore)
- 48.86% of total population
- Decadal growth rate of women population (2001-2011): 18.2 % (Male- 17.19%)
- Female Literacy Rate- 65.46%
- Sex Ratio- 943
- State with highest Sex Ratio- Kerala (1084)
- State with lowest Sex Ratio- Haryana (877)

### **8.6 Schemes for Women**

S.No.	Scheme	Notes
1.	One Stop Centre and Universalization of Women Helplines	1. Ministry of Women & Child Development is administering two schemes from Nirbhaya Fund namely One Stop Centre and Universalization of Women Helplines.

		<p>2. The One Stop Centres (OSCs), popularly known as Sakthi Centres, aim to facilitate women affected by violence (including domestic violence) with a range of integrated services under one roof such as Police facilitation, medical aid, providing legal aid and legal counselling, psycho-social counselling, temporary shelter etc.</p> <p>3. The Women Helpline (WHL) Scheme provides 24 hours emergency and non-emergency response to women affected by violence, both in public and private spaces by linking them with appropriate authority such as Police, One Stop Centre, Hospital, Legal Services etc</p> <p>.</p>
2.	Swadhar Scheme Greh	It is being implemented as a Centrally Sponsored Scheme for women who are victims of difficult circumstances in need of institutional support for rehabilitation so that they could lead their life with dignity.
3.	Ujjawala Scheme	It is being implemented as a Centrally Sponsored Scheme for Prevention of trafficking and for Rescue, Rehabilitation, Reintegration and Repatriation of victims of trafficking for commercial sexual exploitation.
4.	Working Hostel Women	Objective to provide safe and conveniently located accommodation for working women, with day care facility for their children, wherever possible, in urban, semi urban, or even rural areas where employment opportunity for women exist.
5.	Beti Bachao Beti Padhao(BBBP)	It was launched on 22nd January 2015 with an aim to address declining Child Sex Ratio (CSR) and related issues of empowerment of girls and women over a life cycle continuum. The objectives of the scheme are, to prevent gender

		biased sex selective elimination, to ensure survival and protection of the girl child and to ensure education and participation of the girl child.
6.	Mahila Shakti Kendra (MSK)	The Mahila Shakti Kendra (MSK) Scheme was approved in November, 2017 as a centrally sponsored scheme to empower rural women through community participation. The aims to facilitate inter-sectoral convergence of schemes and programs meant for women. The scheme is implemented through State Governments and UT Administrations with a cost sharing ratio of 60:40 between Centre and States except for North East & Special Category States where the funding ratio is 90:10. For Union Territories 100% central funding is provided.
7.	Pradhan Mantri Matru Vandana Yojana (PMMVY)	<p>1. It is a Centrally Sponsored Conditional Cash Transfer Scheme, for implementation across the country with effect from 01.01.2017.</p> <p>2. The maternity benefit under PMMVY is available to all Pregnant Women &amp; Lactating Mothers (PW&amp;LM) for first living child of family. Under the scheme Rs.5,000/- are provided to the eligible beneficiary in three Instalments during pregnancy and lactation in response to individual fulfilling certain nutrition and health seeking conditions.</p>
8.	Mission Shakti' (Integrated Women Empowerment Programme)	<p>1. It is an Umbrella Scheme in a mission mode aimed at strengthening interventions for safety, security and empowerment of women.</p> <p>2. It seeks to realise the Government's vision for 'women-led development' by addressing issues affecting women on a life-cycle continuum basis and by making them equal partners in nation-building through convergence across Ministries/ Departments and different levels of governance,</p>

		<p>greater participation and support of Panchayats and other local governance bodies and Jan Sahabagita, apart from strengthening digital infrastructure for last mile tracking of service delivery.</p> <p>3. Mission Shakti has two sub-schemes - 'Sambal' and 'Samarthya'.</p> <p>a) Sambal" sub-scheme is for safety and security of women (It's components include erstwhile schemes of One Stop Centre (OSC), Women Helpline (WHL), Beti Bachao Beti Padhao (BBBP) with a new component of Nari Adalats - women's collectives to promote and facilitate alternative dispute resolution and gender justice in society and within families.</p> <p>b) Samarthya sub-scheme is for empowerment of women. (Components- Erstwhile schemes of Ujjwala Homes, Swadhar Greh and Working Women Hostel, National Creche Scheme for children of working mothers and Pradhan Mantri Matru Vandana Yojana (PMMVY). It also consist Hubs at national, state and district levels for Empowerment of Women)</p>
9.	POSHAN Tracker	To promote the nutritional status of women and children, a transparent and enabling environment is being created that nurtures health, wellness and immunity.
10.	POSHAN Pakhwada	It is being held to ensure widespread engagement to ensure a nutrition-centric mass movement for Poshan Abhiyaan
11.	Rashtriya Poshan Maah, 2023	1. 6 <sup>th</sup> Rashtriya Poshan Maah throughout September 2023.



		<p>2. Objective is to comprehensively tackle malnutrition through a life-cycle approach, the cornerstone of Mission Poshan 2.0.</p> <p>3. The focal point of Poshan Maah 2023 is to cultivate widespread awareness concerning critical human life stages: pregnancy, infancy, childhood, and adolescence. The aim is to foster nutritional understanding across India through a theme centred on “Suposhit Bharat, Sakshar Bharat, Sashakt Bharat” (Nutrition-rich India, Educated India, Empowered India).</p>
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- ❖ Towards Equality Report: Committee on the Status of Women in India (1974)

# **SOCIAL ISSUES**

# 1. CASTEISM

- 'Casteism is partial or one-sided loyalty in favour of a particular caste'
- **Kaka Kalekar**- "Casteism as a social problem is an over-riding, blind and supreme group loyalty that ignores the healthy social standards of justice, fairplay, equity and universal brotherhood"
- 'The sense of caste is translated into casteism only when consideration of superiority between castes and the tendency to consider the interest of one's own castes as opposed to the other castes are attached to it.'
- **Casteism Involves:-**
  1. Placing interests of one's own caste over others.
  2. It even involves exploiting the members of other castes to foster vested interests of one's own caste.
  3. A feeling of superiority that one's own caste as superior and other castes as inferior.
  4. A constant friction among various castes to maintain superiority which gets manifested in the form of caste conflicts, disruption of social order, honour killings etc.

## 1.1 Main causes of Casteism:-

- **Endogamous marriages:-** (With a misplaced notion that endogamous marriages help in maintaining one's purity)
- **Vote bank politics:** Political parties are increasingly giving tickets to candidates based on their caste and caste calculations have become synonymous with electoral politics in India. Not to mention about voters who are blindly voting for candidates belonging to their caste (There is a notion that in India people don't cast their vote rather they vote their caste).
- **Caste Associations:** They whip a feeling of superiority among members of a particular caste by regularly conducting meetings/ mahasabhas and extolling the virtues of their caste members.  
Example: Several castes trace their ancestry to gods, popular kings etc
- **Khap/Caste Panchayats:** They still hold a sway over the members of a caste and any deviation from established norms is viewed with contempt and may attract strong punishment. (Example: Honour Killing especially in North India)
- **Other factors:** illiteracy, a sense of caste prestige, belief in religious dogmas etc.

## 1.2 ill-effects of Casteism:

- Caste based violence, Honour killings etc
- Perpetuates untouchability and hinders social equality and justice.
- Obstacle in achieving social mobility
- Caste based politics ( promote group interest over national interest)
- Hinders Development (promotes nepotism, inequality etc)
- Antithetical to the idea of democracy
- Fosters divisions in society and disrupts fraternal feeling among people.

## 1.3 Arresting Casteism:

- Value based education
- Promoting Inter Caste Marriages
- Measures to promote economic and socio cultural equality
- By undertaking electoral reforms
- By enacting progressive legislations like Special Marriage Act, 1954
- Inculcating progressive outlook from young age through various agencies of socialisation like family, school etc

#### **1.4 Anti-Caste Movements:**

##### **a) Dalit Movements:**

- The word “Dalit” is derived from the Sanskrit word Dal, means “ground”, “suppressed”, “crushed”, or “broken to pieces”. It was first used by Jyotiba Phule, the founder of the Satya Shodak Samaj, a non-Brahmin movement in Maharashtra.

<b>S.No.</b>	<b>Movement and Leader</b>	<b>Remarks</b>
1.	Dalit Reform movement of Jyothiba Phule	<ul style="list-style-type: none"> <li>• Founded Satya Sodhak Samaj in Pune</li> <li>• Against Brahmin domination</li> </ul>
2.	Temple entry movement of Narayanaguru	Among Ezhavas of Kerala
3.	Satnami Movement of Guru Ghasidas	Among Chamars of Chattisgarh region
4.	Adi-Hindu movement	In Uttar Pradesh and Hyderabad
5.	Adi Andhra Movement	Andhra Pradesh
6.	Ad-Dharm Movement	Punjab
7.	Mahar Movement of Ambedkar	Among Mahars of Maharashtra
8.	Dalit Panther Movement	Social organisation to fight caste discrimination. Founded by Namdeo Dhasal and J. V. Pawar in Maharashtra.
9.	Namashudra Movement in Bengal	First protest against social hierarchy of higher castes in 1872

**Note:** Important leaders of Adi-Hindu and Adi- Andhra movement are Bhagya Reddy Verma (Madari Bhagaiah), Arigay Ramaswamy, B.S. Venkat Rao etc

### **1.5 Caste based violence:**

- **Kanchikacherla Kotesu incident (February 24, 1968):** Arikatla Kotesu of Kanchikacherla village of NTR district was set on fire. It is the first incident of atrocity against Dalits in Andhra Pradesh.
- **Karamchedu Massacre ( July 17, 1985):** 6 dalits were killed in Karamchedu, Bapatla District.
- **Neerukonda Massacre (July 15, 1987) :** 4 dalits were killed in Neerukonda, Guntur District.
- **Chundur/Tsundur Massacre ( August 6, 1991):** More than 10 dalits were killed in Chundur, Guntur District
- **Bhima Koregan Violence (2018):** Violence erupted due to clashes between Dalits and Marathas in Pune, Maharashtra.

### **1.6 Crime against SCs and STs (NCRB report 2022)**

- **57,582 cases** were registered for committing crime against SCs in India in 2022 (**13.1% increase** over 2021 and 35% increase over the last 5 years (2018-2022)).
- **The top 3 cases registered for crime against SCs:**
  1. Cases registered under simple hurt
  2. Cases registered under Criminal intimidation
  3. Cases under SC/ST atrocities prevention act
- **10,064 cases** were registered for committing crime against STs in India in 2022 (**14.3% increase** over 2021)
- **The top 3 cases registered for crime against STs:**
  1. Cases registered under Simple hurt
  2. Cases registered under rape
  3. Cases under assault on women with an intention to outrage her modesty.

### **1.7 Constitutional safeguards against Caste discrimination:**

**Article 14 :** Equality before law and equal protection of law:

- The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India Prohibition of discrimination on grounds of religion, race, **caste**, sex or place of birth.

**Article 15:** Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth

**Article 15 (1):** The State shall not discriminate against any citizen on grounds only of religion, race, **caste**, sex, place of birth or any of them.

**Article 15 (2):** No citizen shall, on grounds only of religion, race, **caste**, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to:

- (a) access to shops, public restaurants, hotels and palaces of public entertainment; or
- (b) the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public.

**Article 16 (2):** No citizen shall, on grounds only of religion, race, **caste**, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect or, any employment or office under the State.

**Article 17:** Abolition of Untouchability.

**Article 21:** Protection of life and personal liberty includes right to live with dignity.

**Article 23:** Prohibition of traffic in human beings and forced labour

(1) Traffic in human beings and begar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law

(2) Nothing in this article shall prevent the State from imposing compulsory service for public purpose, and in imposing such service the State shall not make any discrimination on grounds only of religion, race, **caste** or class or any of them

**Article 325:** No person to be ineligible for inclusion in, or to claim to be included in a special, electoral roll on grounds of religion, race, **caste** or sex.

### **1.8 Legislative measures against Caste discrimination:**

1. Untouchability Offences Act, 1955 (Renamed as Protection of Civil Rights act in 1976)
2. SC & ST (Prevention of Atrocities) Act, 1989
3. Prohibition of employment as manual scavengers and their rehabilitation act, 2013.
4. Special marriage act, 1954 (To facilitate inter-caste and inter religious marriages)
5. Caste disabilities removal act, 1950
6. Hindu Marriage Act, 1955 (Removed restrictions on inter caste marriages)

### **1.9 Miscellaneous Information:**

#### **1. Dr. Ambedkar Scheme for Social Integration through Inter-Caste Marriages: (2014)**

- Started in 2014 by Dr. Ambedkar Foundation under Ministry of Social Justice & Empowerment.
- An Inter-caste marriage, for the purpose of this Scheme means a marriage in which one of the spouses belongs to Scheduled Caste and the other belongs to a Non-Scheduled Caste and marriage under the Hindu Marriage Act, 1955.
- An incentive of Rs.2.50 lakh will be given for inter-caste marriage. No incentive is available on second or subsequent marriage.
- Proposal would be treated as valid if submitted within one year of marriage.

## 2. COMMUNALISM

- Communalism is a derivative of the word 'communal' which in itself is derived from words 'commune' and 'community'. Literally speaking Communalism means all that pertains to a community.
- "Communalism is a belief that all those who have a common religion, also have, as a result, common social, political, cultural and economic interests and identities. In other words, it is the notion that religion forms the base of the society and a basic unit of division in the society"
- **Ram Ahuja** – "Communalism is an ideology which states that society is divided into religious communities whose interests differ and are, at times, even opposed to each other. The antagonism practiced by the people of one community against the people of the other community and religion can be termed as "Communalism". This antagonism gets usually manifested in the form of communal violence.
- **Bipan Chandra**- "Communalism is a phenomenon where the majority and minority religious ideology and practices confirms the notion of 'Our belief alone is true' and 'rest is untrue or incomplete'"
- In the book '*India's Struggle for Freedom*', Bipan Chandra and others underscored that Communal ideology consists of three elements/phases:
  1. First phase: People from same religion have similar secular interests such as political, social, economic and cultural interests. ("First bedrock of communal ideology).
  2. Second phase: People belonging to different religions don't have common secular interests- political, social, economic and cultural interests.
  3. Third phase: In this phase, the relations between different religious communities are seen as mutually incompatible, hostile and antagonistic.
- **Asghar Ali Engineer**- Categorises communalism into two forms namely **religious revivalism** and **religious fundamentalism** as far as the Indian socio religious scene is concerned. Religious revivalism includes the babas, yogis, and other religious gurus, who cash in on the growing sense of insecurity, urban tensions, and other stresses generated by the modern industrial pattern of life. In the second category of religious fundamentalism he includes movements like that of the Vishwa Hindu Parishad (VHP) and rise of Islamic fundamentalism.
- **Jawaharlal Nehru**- "Communalism is an Indian version of Fascism"

### 2.1 Fundamentalism:

- Fundamentalism stresses the infallibility of a scripture (e.g. the Bible, the Granths, the Gita or the Quran) in all matters of faith and doctrine.
- Though used interchangeably with communalism, Fundamentalism is an organised all encompassing movement which aims at promotion of

societal goals specifically in the light of religious enshrinements. Whereas Communalism is associated with eruption of violence and riots; these conflagrations may not have any particular aim or goal (apart from communal ascendancy or supremacy).

- Further Fundamentalism stresses on religious component whereas Communalism largely stresses on political and economic components.

## **2.2 Dimensions of Communalism:**

- Noted sociologist T.K.Oommen has suggested six dimensions of Communalism:

### **1. Assimilationist communalism:-**

In this small religious groups are assimilated/integrated into a big religious group.

For example: Assimilation of Scheduled Tribes, Jains, Sikhs, and Buddhists into Hindu fold.

### **2. Welfarist communalism:-**

It aims at the welfare of a particular community to cater to their own interests.

Example: Hindu religious associations providing educational assistance, financial assistance to

### **3. Retreatist communalism:-**

It is one in which a small religious community keeps itself away from politics and keeps away from any activity that is politically connected (Retreating from political activities).

### **4. Retaliatory communalism:-**

The aim of this communalism is to harm, hurt, injure the members of other religious communities. It involves retaliation or vengeance.

Example: Anti-Sikh riots of 1984

### **5. Separatist communalism:-**

In this type of communalism one religious or a cultural group wants to maintain its cultural specificity and demands a separate territorial state within the country.

Example: Demand for Bodoland by Bodos of Assam.

### **6. Secessionist communalism:-**

It is a form of communalism in which religious community wants a separate political identity, and demands an independent state.

Example: Demand for Khalistan by a very small militant section of Sikh population.

## **2.3 Forms of Communalism:-**

Ram Ahuja has outlined 3 forms of Communalism.

1. Religious communalism



2. Political communalism
3. Economic communalism

#### **2.4 Emergence and growth of communalism in India:-**

- Communalism in India is largely a product of colonial rule in India especially after 1857 revolt when the British adopted a policy of 'Divide and Rule'.
- Muslim intellectuals recognised that Muslims underrepresentation of Muslims in education and employment, a result of British skewed policy, and Syed Ahmed Khan started Aligarh Muslim University.
- **Revivalist Movements** like the Arya Samaj's Shuddhi Movement (among Hindus), Wahabi Movement, Tanzeem and Tabligh movements (among Muslims) played role in fostering communal hatred.
- **Communal organisations** like All India Muslim League (formed in 1906), Punjab Hindu Sabha (1909), All India Hindu Mahasabha (formed in 1915 by Madan Mohan Malaviya) and RSS (Rashtriya Swayamsevak Sangh was formed in 1925 by KB Hegdewar at Nagpur) were opposed to each other.
- **Bengal Partition (1905)** was aimed to weaken Indian nationalism in Bengal and consolidate a Muslim block against it.
- Separate electorate under **Minto Morley reforms (1909)** is a major landmark in the history of communalism in India. Separate- electorate resulted in grouping of constituencies, voters and elected candidates on the basis of religion.
- In the **Lucknow pact (1916)** Congress conceded separate electorates as a temporary arrangement, in order to obtain Muslim League's support.
- **Moplah Uprising (1921):** Communal clashes between the Mappila muslim peasantry and their hindu landlords (Jenmis) in Kerala.
- **Nehru report (1928)** was rejected by the Muslim League as it did not incorporate all their demands and Jinnah called it a 'Parting of the Ways' with the Congress and formulated his famous fourteen points (including separate-electorates, reservation of seats in the centre and provinces, reservation of jobs for Muslims, etc.) which became the text of the communal demands.
- **Communal Award (16 Aug, 1932):** Created by the British prime minister Ramsay MacDonald which guaranteed separate electorates and reserved seats for minorities, including the depressed classes.
- In 1940, at the Lahore session, Jinnah came up with the **two-nation theory** and said that Muslims were not a minority they were a nation and therefore they should a separate sovereign state-Pakistan.
- **Direct Action Day (Aug 16, 1946):** On this day Muslim league under Jinnah announced that it would take 'direct action' to achieve the goal of

creation of a separate Muslim state. Following this announcement, on this day major communal violence broke out in Calcutta in which about 4000 people died ( Called as Great Calcutta killings).

- **Noakhali Riots:** On 10 October 1946, riots engulfed the Noakhali and Tipperah Districts of Bengal (in present-day Bangladesh) where the Hindu community was targeted. Several thousand people were killed.
- **Bihar Riots:** Occurred between October 24 and November 11 1946, in which Muslim community was targeted.

### 2.5 Factors responsible for Communalism in India:

1. **Political factors:-** Religion based politics, hate speeches, religion dominated political organisations, instigation or support to agitations by politicians for vested interests etc.
2. **Economic factors:-** Lopsided development, inequality, lack of employment opportunities, competition for limited resources etc.
3. **Social factors:-** Deep rooted prejudices and stereotypes against different communities, Religion based social stratification, caste and class ego etc
4. **Religious factors:-** Decline in secular norms and values, narrow and dogmatic religious values, rise of religious fundamentalism, use of religion as a tool by politicians to foster narrow communal interests etc
5. **Psychological factors:-** It includes social prejudices, stereotypes attitudes, hostility and apathy, rumour, fear psychosis.
6. **Historical factors:-** Divide and rule policy of colonial rulers, partition trauma, Misrepresentation of history etc.
7. **Local factors:-** Slogan raising, group rivalries, religious processions, rumours etc
8. **International factors:-** Training and financial support from other countries, state sponsored terrorism directed towards India etc.

### 2.6 Communal violence in India:-

- **Indian Penal Code (IPC)** defines communal violence as any act that promotes enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and does acts prejudicial to maintenance of harmony.

S.No.	Communal incident	Notes
1.	Nellie Massacre, Assam (1983)	A huge mob of Tiwa, Koch, caste Hindu Assamese and members of other local communities killed more than 2,000 Bengal-origin Muslims
2.	Anti-Sikh Riots, Delhi (1984)	1. Sikhs were killed following the assassination of former Prime Minister

		<p>Indira Gandhi by his own Sikh body Guard</p> <p>2. <b>Justice Jaggannath Misra Commission and Justice Nanavathi Commission</b> were set up by Indian government to inquire into anti-sikh riots.</p>
3.	Kashmiri Hindu Pandit issue (1989)	<p>Mass killings and a widespread migration of Kashmiri pundits occurred between 1989 and 1990 in the Kashmir valley.</p>
4.	Babri Masjid Riots (1992)	<p>1. In December 1992, a large crowd of Hindu kar sevaks demolished the 16th century Babri masjid in Ayodhya, Uttar Pradesh claiming the site to be Ram Janmabhoomi (birthplace of Ram).</p> <p>2. <b>Liberhan Commission</b> or Liberhan Ayodhya Commission of Inquiry set up in 1992 to probe the incident gave it's report in 2009. The commission noted that demolition of the Babri Masjid was planned, systematic, and was the intended outcome of a climate of communal intolerance deliberately created by religious extremists.</p> <p>3. In 2019, Supreme Court gave it's final verdict on Ayodhya and ordered to give disputed 2.77 acres of land to Ramjanmabhoomi trust.</p>
5.	Bombay Riots (1992-1993)	<p>1. A series of riots took place in <u>Bombay</u> between December 1992 and January 1993 following demolition of Babri Masjid.</p> <p>2. <b>Justice Srikrishna Commission</b> was appointed to probe Bombay riots</p>

6.	Godhra Riots (2002)	<p>1. On February 27, 2002, Sabarmati Express, on its journey from Ayodhya to Ahmedabad, carrying Hindu <i>kar sevaks</i> (pilgrims) returning from the site of the demolished Babri Masjid, was attacked. 59 people lost their lives in a fire that broke out in one of the train coach just outside the station of Godhra in Gujarat.</p> <p>2. <b>Justice K.G. Shah Commission</b> and <b>Justice Nanavati-Mehta Commission</b> were set up to probe into Godhra riots.</p>
7.	Muzaffarnagar riots (2013)	<p>1. Clashes between Hindu Jats and Muslims in Muzaffarnagar, Uttar Pradesh.</p> <p>2. <b>Justice Vishnu Sahai Commission</b> was appointed to probe these riots.</p>
8.	Delhi riots (2020)	Riots broke out in Northeast Delhi between Anti-Citizenship Amendment Act (CAA) and pro-CAA protestors. The violence took a communal turn and led to the death of over 53 people.
9.	Nuh riots (2023)	Communal riots in Nuh, Sohna and Gurugram in Haryana during July-August 2023 in which six people were killed.

## **2.7 Constitutional response against Communalism:**

**Preamble:-** It declares India to be a Sovereign Socialist **Secular** Democratic Republic

**Article 15:-** Prohibition of discrimination on grounds of **religion**, race, caste, sex or place of birth

**Article 16 (2) :-** No citizen shall, on grounds only of **religion**, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect or, any employment or office under the State

**Article 17:-** Abolition of Untouchability

**Article 19 (1):-** guarantees six rights including freedom of free speech and expression, freedom to form associations etc.

**Article 21:-** Protection of life and personal liberty.

**Article 25:-** Freedom of conscience and free profession, practice and propagation of religion.

**Article 26:-** Freedom to manage religious affairs

**Article 27:-** Freedom as to payment of taxes for promotion of any particular religion.

**Article 28:-** Freedom as to attendance at religious instruction or religious worship in certain educational institutions

**Article 29:-** Protection of interests of minorities

(1) Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same.

(2) No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them.

**Article 30:-** Right of minorities to establish and administer educational institutions

(1) All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.

(2) The state shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language.

**Article 44:-** The State shall endeavour to secure for the citizens a **Uniform Civil Code (UCC)** throughout the territory of India.

**Article 51A (e):-** To promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic, and regional or sectional diversities; to renounce practices derogatory to the dignity of women. (Fundamental duty)

**Article 51A (f):-** To value and preserve the rich heritage of our composite culture. (Fundamental duty)

**Article 347:-** Special provision relating to the language spoken by a section of the population of any State.

**Article 350 A:-** Provision for facilities for instruction in mother-tongue at primary stage.

**Article 350 B:-** Provision for a Special Officer for Linguistic Minorities and his duties.

## **2.8 Other measures against Communalism:-**

1. **The Communal Violence (Prevention, Control and Rehabilitation of Victims) Bill, 2005**
2. Ministry of Home Affairs guidelines on Communal Harmony-2008
3. **National Foundation for Communal Harmony (NFCH):-**
  - It is an autonomous organisation under the Ministry of Home Affairs with Union Home Minister as Chairman
  - **Important functions:-**
  - Promote or undertake activities for the promotion of communal harmony and national integration.
  - Undertake programmes or projects for providing assistance to the children of families affected by communal, caste, ethnic, terrorist and any other form of violence / clashes which fractured social harmony.

- Promote or undertake activities which will highlight and strengthen the bonds of unity and affinity between different religious and other groups in the country.

4. Ek Bharat Shresththa Bharat Scheme (2015):-

- Launched in 2015 on occasion of Sardar Vallabhai Patel's 140<sup>th</sup> birth anniversary to promote engagement amongst the people of different States/UTs so as to enhance mutual understanding and bonding between people of diverse cultures, thereby securing stronger unity and integrity of India.
- **Objectives:** Create the Unity in Diversity of our Nation, Promote the Spirit of National Integration, Showcase the rich Heritage and Culture, Customs and Tradition, to establish long term engagements, Promote learning between states by sharing best practices and experiences. (**Andhra Pradesh** partnered with Punjab and **Telangana** partnered with Haryana) under this scheme.
- It was launched by Ministry of Human Resource & Development.

5. National Integration Council:-

- Established in 1962 to promote communal harmony
- It is chaired by **Prime Minister**

### **3. REGIONALISM**

- “A **region** is a geographical area that has common geographical features like soil, vegetation, agriculture, natural resources, etc. Because of these common geographical features, the inhabitants have a common culture, economic and social life. As a result, they develop a sense of we-feeling among themselves as they share common life conditions”
- **Regionalism** is a kind of community feeling or shared identity among the people of a region based on their distinctive characteristics such as language, culture, history, food habits etc.
- Regionalism is a process in which sub-state actors become increasingly powerful and independent of the state and power devolves from the central state to regional governments within it.
- **Bhattacharya**: “Regionalism has possibly remained the most compelling force in Indian politics after independence. Regionalism largely has two connotations. In the negative sense, it implies excessive attachment to one’s region over the state. In the positive sense it is a political attribute associated with people’s love for their region, culture, language, etc. In India, the term regionalism largely has a negative connotation”.

#### **3.1 Factors responsible for Regionalism in India:**

##### **1. Geographical factors:-**

- The geographical boundaries in India are closely linked to linguistic distribution, topography, and climate, leading to a territorial orientation among the inhabitants of a particular region and induce a sense of regionalism.

##### **2. Historical and cultural factors:**

- The historical and cultural components of a region namely folklore, myths, heritage, symbolism and historical traditions etc induce a sense of we feeling among people of a region.

##### **3. Caste and religion:**

- Caste when combined with language conflicts or religious fundamentalism, it leads to dogmatism, orthodoxy, and obscurantism, further fueling regional feelings.

##### **4. Economic factors:-**

- Uneven and lopsided development among many regions of the country is a prime reason for regionalism and separatism.
- Uneven development has created pockets of prosperity in a vast land of despair and caused the feeling of relative deprivation among the inhabitants of economically neglected regions. It has manifested itself in the demand for separate states such as Bodoland, Jharkhand, Uttarakhand, Chhatisgarh, Telangana etc.

##### **5. Politico-administrative factors: -**

- Political parties, especially the regional political parties as well as local leaders, exploit the regional sentiments, regional deprivation and convert

them to solidify their factional support bases with a promise of regional development if voted to power.

### **3.2 Types of Regionalism in India:**

**1. Supra-state regionalism:**- In this type of regionalism, group of states joins hands to take common stand on the issue of mutual interest vis-à-vis another group of states or at times against the union. Example: 1. North-eastern states in India are an example based on their shared culture. 2. Supra-state regionalism between North Indian states and South Indian states.

**2. Inter-state regionalism:** It involves juxtaposition of identities of one or more states within a region. Simply speaking, it involves regional differences or disputes between one or more states. It is also issue-specific. Examples: 1. Border dispute between Karnataka and Maharashtra over Belgaum (Belagavi). 2. Disputes between Karnataka and Tamil Nadu over the distribution of Kaveri water.

**3. Intra-state regionalism:** In this type of regionalism, a part of the state strives for self-identity and self-development and therefore, it is taken in a positive sense. Example: Regional feeling among people of Coastal Andhra and Rayalaseema in Andhra Pradesh.

### **3.3 Demands for regional autonomy/statehood:-**

<b>S.No.</b>	<b>Demands for a separate state/regional autonomy</b>
1.	Maru Pradesh in Rajasthan
2.	Bundelkhand, Poorvanchal, Bhojpur and Harit Pradesh or Jatland in Uttar Pradesh
3.	Vindhya Pradesh, Baghelkhand, Rewanchal, Madhya Bharat, Mahakosal, Malwa in Madhya Pradesh
4.	Mithila in Bihar
5.	Saurashtra in Gujarat
6.	Konkan, Vidarbha and Marathwada in Maharashtra
7.	Kodagu and Sagari Prant in Karnataka
8.	Kosal Rajya in Orissa
9.	Gorkhaland and Kamtapuri in West Bengal
10.	Bodoland, Karbi-Anglong, and Poorbanchal in Assam
11.	Kukiland in Nagaland
12.	Garoland in Meghalaya
13.	Hmar state in Mizoram

### **3.4 Reorganisation of states:**



- Government of India passed the State Reorganisation Act in November 1956. Since then the following states have been formed:
- Andhra Pradesh (1956), Gujarat (1960), Nagaland (1963), Haryana (1966), Punjab (1966), Himachal Pradesh (1971), Manipur (1972), Meghalaya (1972), Tripura (1972), Sikkim (1975), Arunachal Pradesh (1987), Mizoram (1987), Goa (1987), Jharkhand (2000), Uttaranchal (2000), Chhattisgarh (2000), and Telangana (2014).
- Jammu and Kashmir Reorganisation Act, 2019: The act reorganised Jammu & Kashmir state into Union Territories of Jammu & Kashmir and Ladakh (Both came into existence on 31-10-2019).

### **3.5 Inter-state boundary disputes:-**

<b>S.No.</b>	<b>Boundary dispute</b>	<b>Region</b>
1.	Kerala- Karnataka	Kasargod ( Karnataka claimed the Taluka of Kasargod located in Kerala)
2.	Andhra Pradesh- Karnataka	Karnataka requested for a joint survey of the Inter State boundary line between Bellary Taluk of Bellary District of Karnataka and Rayadurga Taluk of Anantapur district in Andhra Pradesh.
3.	Karnataka- Maharashtra	Belgaum (Maharashtra claims Belgaum located in Karnataka stating that majority people speaks Marathi)
4.	Andhra Pradesh- Odisha	Over Kutia Panchayat of Koraput district and Manikapatna in Gangabada GP in Gajapati district of Odisha. Odisha is objecting administrative outreach of Andhra Pradesh in the said places.

### **3.6 Current inter-state water disputes and Tribunals:**

<b>S.No.</b>	<b>Tribunal</b>	<b>States Concerned</b>	<b>Date of Constitution</b>
1.	Godavari Water Disputes Tribunal	Maharashtra, Andhra Pradesh, Karnataka, Chattisgarh, Odisha, Telangana	April 1969

2.	Krishna Water Disputes Tribunal – I	Maharashtra, Andhra Pradesh, Karnataka and Telangana	April 1969
3.	Narmada Water Disputes Tribunal	Rajasthan, Madhya Pradesh, Gujarat, Maharashtra	October 1969
4.	Ravi & Beas Water Tribunal	Punjab, Haryana, Rajasthan	April 1986
5.	Cauvery Water Disputes Tribunal	Kerala, Karnataka, Tamil Nadu, Puducherry	June 1990
6.	Krishna Water Disputes Tribunal –II	Karnataka, Andhra Pradesh, Maharashtra, Telangana	April 2004
7.	Vamsadhara Water Disputes Tribunal	Andhra Pradesh, Odisha	February 2010
8.	Mahadayi/Mandovi Water Disputes Tribunal	Goa, Karnataka, Maharashtra	November 2010
9.	Mahanadi Water Disputes Tribunal	Chhattisgarh, Odisha	March 2018

### **3.8 Constitutional scheme related to Regionalism:-**

- **Article 3:** Formation of new States and alteration of areas, boundaries or names of existing states.
- **Article 39 (b):** The ownership and control of the material resources of the community are so distributed as best to sub serve the common good.
- **Article 51A (c):** It shall be the duty of every citizen of India to uphold and protect the sovereignty, unity and integrity of India.
- **Article 262:-** Parliament may by law provide for the adjudication of any dispute or complaint with respect to the use, distribution or control of the waters of, or in, any inter-State River or river valley.
- **Article 263:-** Constitution of inter-state council for inquiring into and advising upon disputes which may have arisen between States; investigating and discussing subjects in which some or all of the States, or the Union and one or more of the States, have a common interest etc.
- **Article 371 to 371J (Special provision for states):-**
  - ✓ **Article 371** – Maharashtra and Gujarat
  - ✓ **Article 371A** – Nagaland
  - ✓ **Article 371B** – Assam
  - ✓ **Article 371D** (Added to the Constitution in 1974, provides equitable opportunities and facilities for the people of the state and safeguards their rights in matters of employment and education. The state government may organise civil posts or direct recruitment to posts in local cadre as required)

- ✓ **Article 371E** (Parliament may by law provide for the establishment of a University in Andhra Pradesh. Hyderabad Central University was established as per this article)
- ✓ **Article 371F** – Sikkim
- ✓ **Article 371G** – Mizoram
- ✓ **Article 371H** – Arunachal Pradesh
- ✓ **Article 371I** – Goa
- ✓ **Article 371J** – Karnataka (special provisions to six backward districts of Hyderabad-Karnataka region. Incorporated through 98<sup>th</sup> Constitutional Amendment 2012)
- **5<sup>th</sup> & 6<sup>th</sup> Schedules:** Granted regional autonomy to address various developmental concerns.
- **73<sup>rd</sup> and 74<sup>th</sup> amendments:** Greater devolution to take development to the grassroots.

### **3.9 Other measures:-**

#### **1. Zonal Councils:-** (Chairman- Home Minister)

- 5 Zonal Councils were constituted according to States Re-organization Act, 1956.
- **The Northern Zonal Council-** Haryana, Himachal Pradesh, Jammu & Kashmir, Punjab, Rajasthan, National Capital Territory of Delhi and Union Territory of Chandigarh (Headquarters: Delhi)
- **The Central Zonal Council-** Chhattisgarh, Uttarakhand, Uttar Pradesh and Madhya Pradesh. (Headquarters: Allahabad)
- **The Eastern Zonal Council-** Bihar, Jharkhand, Orissa, Sikkim and West Bengal. (Headquarters: Calcutta)
- **The Western Zonal Council-** Goa, Gujarat, Maharashtra and the Union Territories of Daman & Diu and Dadra & Nagar Haveli. (Headquarters: Bombay)
- **The Southern Zonal Council-** Andhra Pradesh, Karnataka, Kerala, Tamil Nadu and the Union Territory of Puducherry. (Headquarters: Chennai).

#### **2. North Eastern Council :-**

- Set up under the North Eastern Council Act, 1972
- Consists of 8 states- i) Assam (ii) Arunachal Pradesh (iii) Manipur (iv) Tripura (v) Mizoram (vi) Meghalaya and (vii) Nagaland (viii) Sikkim
- Headquarters- Shillong.

#### **3. National Integration Council:-** (Chairman: Prime Minister)

- Constituted in 1961 to find ways and means to combat the evils of communalism, casteism, regionalism, linguism and narrow-mindedness, and to formulate definite conclusions in order to give a lead to the country.

#### **4. National Developmental Council:-** (Chairman: Prime Minister)

- Established in 1952 National Development Council (NDC), also known as the Rashtriya Vikas Parishad, is the highest authority responsible for making decisions and engaging in discussions regarding development issues in India.

#### **5. Ek Bharat Shrestha Bharat:-** (Covered in Communalism chapter)

#### **6. Special Category Status (SCS):-**

- Special category status was introduced in 1969 on the recommendations of the Fifth Finance Commission.
- Parameters for granting SCS to a state:-
  1. Hilly and difficult terrain
  2. Low population density and /or a sizeable share of the tribal population
  3. Strategic location along borders with neighbouring countries
  4. Economical and infrastructural backwardness.
  5. non-viable nature of state finances.
- It was first granted to three States — Jammu & Kashmir, Assam and Nagaland in 1969.
- Later granted to 8 more states- Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Sikkim, Tripura, Himachal Pradesh, and Uttarakhand.

#### **7. Backward Regions Grant Fund(BRGF) programme:-**

- Started in 2006-07 by Ministry of Panchayat Raj & Rural Development to address regional imbalances in development by providing funds in 272 identified districts in 27 states of the country.

#### **8. Aspirational Districts Programme:-**

- Launched in 2018 to quickly and effectively transform 112 most under-developed districts across the country.
- It consists of Convergence (of Central & State Schemes), Collaboration (of Central, State level Nodal Officers & District Collectors), and Competition among districts through monthly delta ranking
- Nodal agency of Aspirational Districts Programme: Niti Ayog.

#### **9. Aspirational Blocks Programme :-**

- Launched in 2022 and aimed at improving the performance of areas that are lagging on various development parameters.
- It was announced in the Union Budget 2022-23.
- It will initially cover 500 districts across 31 states and Union Territories, with over half of these blocks located in six states – Uttar Pradesh, Bihar, Madhya Pradesh, Jharkhand, Odisha and West Bengal.
- It is based on the Aspirational District Programme (ADP).

## 4. CRIME AGAINST WOMEN

- **United Nations** defines violence against women as “any act of gender-based violence that results in, or is likely to result in, physical, sexual or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life”. This encompasses, inter alia, “physical, sexual and psychological violence occurring in the family and in the community, including battering, sexual abuse of children, dowry-related violence, rape, female genital mutilation and other traditional practices harmful to women, non-spousal violence and violence related to exploitation, sexual harassment and intimidation at work, in educational institutions and elsewhere, trafficking in women, forced prostitution, and violence perpetrated or condoned by the state”
- According to **Ram Ahuja**, Violence against women in India may be categorized as:
  1. **Criminal Violence**- Rape, abduction, murder, Torture, Molestation etc
  2. **Domestic Violence**- dowry deaths, wife battering, sexual abuse, maltreatment of widows and/or elderly women.
  3. **Social violence**- forcing the wife/daughter-in-law to go for female feticide, eve teasing, refusing to give a share to women in property, forcing a young widow to commit sati, harassing the daughter-in-law to bring more dowry.

### 4.1 Criminal Violence/ Crimes covered under IPC:-

#### 1. Rape (Section 375 & 376 of IPC):

- **Section 375** of the Indian Penal Code describes rape as sex with a woman against her will, or without her consent, or with her consent obtained by putting her in fear or death or hurt, or with her consent when the man knows that he is not her husband but she believes him as her husband, or with or without her consent when she is under sixteen years of age.
- Several studies show that rape does not always occur between total strangers and in about half of the cases the rape victim is known by her assailant and in majority of cases rapes doesn't involve physical violence and verbal coercion is used as a means to subdue the victim.
- Punishment for rape is covered under **Section 376** of IPC.

#### 2. Kidnapping and Abduction for different purposes (Section 363-373 IPC)

- **Kidnapping** is taking away or enticing of a minor (female of less than 18 years and a male of less than 16 years of age) without the consent of the lawful guardian. **Abduction** if forcibly, fraudulently or deceitfully taking away of a woman with intent of seducing her to illicit sex or compelling her to marry a person against her will. In kidnapping, the victim's consent is immaterial but in abduction, the victim's voluntary consent condones the crime.
- Several studies show that abductors and victims are acquainted with each other in a large number of cases and the absence of parental control and disaffectionate relations in the family are crucial factors in contacts between the abductor and the victim.

### **3. Section 302: (Punishment for murder)**

“Whoever commits murder shall be punished with death, or imprisonment for life and shall also be liable to fine”

### **4. Cruelty by husband or relative of husband (Section 498-A IPC):**

“Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine”.

### **5. Assault or criminal force to woman with intent to outrage her modesty (Section 354 IPC):**

“Whoever assaults or uses criminal force to any woman, intending to outrage or knowing it to be likely that he will thereby outrage her modesty, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both”

### **6. Eve teasing (Section 509 IPC) :**

“Whoever, intending to insult the modesty of any woman, utters any words, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman shall be punished with simple imprisonment for a term which may extend to three years, and also with fine”.

### **7. Importation of Girls from foreign country (up to 21 years of age) (Section 366 B IPC)**

### **8. Section 304-B (Dowry Death)**

“Whoever commits dowry death shall be punished with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life”.

### **9. Section 313 (Causing miscarriage without women’s consent)**

### **10. Section 314 (Death caused by act done with intent to cause miscarriage)**

### **11. Section 326A (Voluntarily causing grievous hurt by use of acid, etc.)**

**12. Section 326B (punishment for acid attacks)-** The minimum punishment is 5 years' imprisonment. It can extendable up to 7 years' imprisonment with fine. Nirbaya Act enhanced the punishment to 10 years.

### **13. Section 372 (Selling minor for purpose of prostitution etc)**

### **14. Section 373 (Buying minor for purpose of prostitution etc)**

### **15. Voyeurism (Section 354C):-**

- Any man who watches, or captures the image of a woman engaging in a private act in circumstances where she would usually have the expectation of not being observed either by the perpetrator or by any other person at the behest of the perpetrator or disseminates such image shall be punished.

- Punishment for first conviction: Imprisonment not less than 1 year extendable to 3 years along with fine; Second or subsequent conviction: Imprisonment not less than three years which may extend to seven years and shall also be liable to fine.

#### **16. Stalking (Section 354D):-**

- “Any man who— (i) follows a woman and contacts, or attempts to contact such woman to foster personal interaction repeatedly despite a clear indication of disinterest by such woman; or (ii) monitors the use by a woman of the internet, email or any other form of electronic communication, commits the offence of stalking.”

#### **17. Obscenity (Section 292-294):-**

- **292-** Sale, etc., of obscene books, etc
- **293-** Sale, etc., of obscene objects to young person
- **294-** Obscene acts in any public and sings any song, ballad in public place (Punishment extendable to 3 months or fine or both)

### **4.2 Crimes Identified Under the Special Laws:**

#### **1. Female Foeticide:-**

- Female foeticide means and implies expulsion of the female fetus from the mother's womb.
- Legislations related to Female Foeticide:-

#### **1. Medical Termination of Pregnancy Act, 1971** (Came into force from 1st April, 1972)

- This Act recognizes a woman's right to privacy, her right to limit pregnancies, her right to produce healthy babies and gives her the freedom to take decisions with respect to her own body etc.

#### **2. The Pre-conception and Pre-natal Diagnostic Techniques (Prohibition of Sex Selection) Act, 1994:**

- **Sec 2(i) pre-natal diagnostic procedure** means all gynaecological, obstetrical and medical procedures such as Ultrasonography, Foetoscopy, taking or removing samples of amniotic fluid, chorionic villi, blood, any tissue and fluid of a man or woman before or after conception which is sent to a Genetic Laboratory or Clinic for conducting any type of analysis or prenatal diagnostic tests for the selection of sex before or after conception.
- **Section 3A:** “Deals with prohibition of sex selection”
- **Section 3B:** ‘Prohibition on sale of ultrasound machines etc to clinics, persons etc who are not registered under the act’.
- **Section 4:** ‘Provisions to regulate pre-natal diagnostic techniques’
  - Pre-natal diagnostic techniques are allowed only for the detection of Chromosomal abnormalities, Genetic metabolic diseases, Haemoglobinopathies, Sex linked genetic diseases, Congenital anomalies and any other abnormalities or diseases as may be specified by the Central Advisory Board.

- These techniques can be used only when the following conditions exist:-
  1. The age of pregnant women is **above 35 years**.
  2. Pregnant women has undergone **two or more spontaneous abortions** or foetal loss
  3. The pregnant women has been **exposed to potentially teratogenic agents** such as drugs, radiations, infections or chemicals.
  4. The pregnant women or her spouse has a **family history of mental retardation** or physical deformities such as spasticity or any other genetic disease
  5. Any other condition as may be specified by Central Supervisory Board.
- **Section 5:** Person conducting the test needs to take the written consent of the pregnant woman and explain to her all the known side and after effects of the procedure.
- **Section 6:** No person or genetic counselling centres or genetic laboratories or genetic clinics shall conduct pre-natal diagnostic techniques including Ultrasonography for determining the sex of foetus.
- **Section 23:** offences and their punishments (Contravention of any provisions of the act shall be punished with an imprisonment which may extend to **three years and with fine which may extend to ten thousand rupees** and if the offence is repeated then with an imprisonment which may extend to **five years and a fine which may extend to fifty thousand rupees**

## 2. Dowry Death :-

- Death of a bride caused by homicide or suicide **within seven years of her marriage** on account of dowry related harassment is termed as dowry death.
- Legislation related to Dowry is Dowry Prohibition Act, 1961.

### 1. Dowry Prohibition Act, 1961:

- **Section 2 :** "Dowry", means any property or valuable security given or agreed to be given either directly or indirectly by one party to a marriage to the other party to the marriage; or by the parents of either party to a marriage; or by any other person, to either party to the marriage or to any other person **at, or before, or any time after the marriage**, in connection with the marriage of the said parties, but does not include dowry or mehr in the case of persons to whom the Muslim Personal law (Shariat) applies.
- Dowry covers not only things given by bride's family **but also covers things given by bridegroom's family** as the legislature uses the term any property or valuable security given by one party to the marriage to the other party to the marriage. But any present made at the time of marriage to either party in the form of cash, ornaments, clothes or any other article shall not come within the



meaning of dowry unless they are paid as consideration to marriage.

- Punishment: Minimum of six months and maximum ten years of imprisonment. The fine limit has been enhanced to Rs 10,000 or to an amount equivalent to the dowry given, taken or demanded whichever is more.
- Only a Metropolitan Magistrate or a Judicial Magistrate of first class shall have jurisdiction to try a case under this Act.
- State Government may appoint as many **Dowry Prohibition Officers** as it thinks fit. (**Section-8B**).

### **3. Domestic Violence:-**

- Domestic violence can be said to be the violence committed against a woman within the domestic sphere. It is generally committed on a woman by her husband or his family members but can also be seen in one's parental or natal family.

#### **1. The Protection of Women from Domestic Violence Act, 2005:**

- **Section 3 of the Act:** Domestic violence is defined in a comprehensive way as comprising **physical, mental, verbal, emotional, sexual and economic abuse; harassment for dowry or other property or valuable security; and acts of threatening to abuse the victim or any other person related to her.** The definition covers every possible form of violence.
- **Aggrieved person** - Under **section 2(a)** the definition of an 'aggrieved' person is not just the wife but any women who is or has been in a domestic relationship and who alleges to have suffered from domestic violence. Aggrieved person would include a wife, daughter, mother, sister, child, widowed relative, in fact, any woman residing in the household who is in a domestic relationship with the respondent, is also covered. Therefore, the Act only covers women.
- **Police Officer (Section 5):** The police shall take appropriate action in accordance with law upon receipt of information for commission of cognizable offence.
- **Free legal services (Section 5(d):** The aggrieved person has right to free legal services under the Legal Services Authorities Act, 1987
- **Duties of shelter homes (Section 6)**
- **Duties of shelter homes (Section 7)**
- **Protection Officers (Section 8):-** The Act creates a special post of Protection Officers to be appointed by the State Government, at least one for each district, who shall preferably be a woman. The Protection of Domestic Violence Rules, 2006 provides that Protection Officers may be member of the Government or members of NGOs. For appointment as a Protection Officer such members

must have at least three years of experience in the social sector and the tenure shall be for a period of three years.

- **Duties of the Protection Officers (Section 9):-** They assist Magistrates in discharge of function of the court. They also prepare a Domestic Incident Report to the Magistrate upon receipt of a complaint of domestic violence and forwarding copies thereof to the police officer in charge of the police station.
- **Services Providers (Section 10(1)):** It defines Services Providers as registered organization which work with the objective of protecting the rights and interests of women by any lawful means including providing of legal aid, medical, financial or other assistance.
- **Counsellors (Section 14):** Magistrate may direct the respondent or the aggrieved person to undergo counseling either singly or jointly with any member of a service provider who possess such qualifications and experience in counselling
- **Welfare experts (Section 15):** Magistrate may also take the assistance of a Welfare Expert who is any person, preferably a women, whether related to the aggrieved person or not, including a person engaged in promoting family welfare, for assisting him in discharging his functions.
- **Protection order (Section 18):** Magistrate can pass protection order. Examples of such Protection Orders include prohibiting respondents from entering the school/college/workplace of the aggrieved person and approaching her; Prohibiting respondents from stopping aggrieved person from going to her place of employment/school/college/any other place etc.
- **Residence order (Section 19):** Magistrate can pass residence order. It ensures the woman with the right to residence in her shared household.
- **Monetary relief (Section 20):** It includes compensation for expenses incurred and losses suffered by aggrieved person for the loss of earnings, medical expenses, maintenance etc.
- **Custody order (Section 21):** The Magistrate may, at any stage of hearing grant temporary custody of any child or children to the aggrieved person of the person making an application on her behalf.
- **Compensation order (Section 22):** Magistrate can order to pay compensation and damages for the injuries, including mental torture and emotional distress, caused by the acts of domestic violence committed by the respondent.

#### **4. Sexual harassment:-**

- “Sexual harassment can be defined as any unwanted conduct of sexual nature”

#### **1. The Sexual Harassment Of Women At Workplace (Prevention, Prohibition and Redressal) Act in 2013:**

- The act was enacted following the Supreme Court judgement in ***Vishaka v. State of Rajasthan and ors*** in which the apex court has given a comprehensive set of guidelines to deal with sexual harassment known as *Vishaka guidelines*.
- **Section 2:** Sexual harassment includes unwelcome sexually determined behaviour, physical contact, advances, sexually coloured remarks, showing pornography, sexual demand, request for sexual favours or any other unwelcome conduct of sexual nature.
- Aggrieved woman- in relation to a workplace means any woman **whether employed or not** who alleges to have been subjected to any act of sexual harassment and in relation to a dwelling place or house, a woman of any age who is employed in such a dwelling place or house. Thus the definition includes all employed women, domestic servants and by implication students, research scholars in educational institutions etc.
- **Section 3 (Prevention of sexual harassment):** No woman shall be subjected to sexual harassment at any workplace.
- **Internal Complaints Committee (Section 4(1)):-** Every employer of a work place shall constitute, by an Office Order in writing, an Internal Complaints Committee.
- **Section 4(2):** Internal complaints Committee shall consist of a **Chairperson, from amongst employees, who shall be a senior level woman**, committed to the cause of women. In case a senior level woman employee is not available in that department then the Chairperson shall be appointed from other departments or offices of the same employer or other department or organization. Committee shall also consist of **at least two members from amongst employees committed to the cause of women or who have had experience in social work;** and **one member from amongst such non-governmental organizations or associations** committed to the cause of women, as may be specified. However **at least fifty per cent** of the members so nominated shall be women.
- **Local Complaints committee-** It shall be constituted by the district officer in every district to receive the complaints of sexual harassment where an internal complaints committee has not been constituted at the workplace **as the number of employees are less than ten, or where the complaint is against the employer himself**. The district officer shall also designate a nodal officer in every block, taluka, rural or tribal area to forward complaints of sexual harassment to the local committee.
- **Local Complaints committee** consists of chairperson, who shall be an eminent woman in the field of social work. Members include: 1. one woman member who would be appointed by the appropriate Government from block, taluka or tehsil. 2. Two more members of whom at least one shall be a woman from amongst such Non-Governmental Organizations or associations or other interests committed to the cause of women. 3. The concerned officer dealing with the social welfare or women and child development in the district, shall be a member ex officio.

- **Conciliation-Section 10** of the Act provides for conciliation. At the request of the aggrieved woman, the complaints committee may take steps to settle the matter between her and the respondent through conciliation.
- **Inquiry-Section 11** of the Act deals with provisions relating to Inquiry. **Inquiry must be completed within 90 days** of filing the complaint.
- **Section 13** further provides that the complaints committee, after completion of the inquiry, **must give a report within ten days** of such completion.
- **Section 14:** Punishment in case of false and malicious complaints
- **Section 15 (Compensation):** Payment of compensation to the aggrieved woman shall have regard to the mental trauma, pain, suffering and emotional distress caused to the woman, the loss in the career opportunity, medical expenses incurred by the victim for physical or psychiatric treatment, the income and financial status of the respondent and feasibility of such payment in lump sum or in instalments
- **Section 19 (Duties of employer):** (a) provide a safe working environment at the workplace which shall include safety from the persons coming into contact at the workplace; (b) display at any conspicuous place in the workplace, the penal consequences of sexual harassments; and the order constituting, the Internal Committee (c) organise workshops and awareness programmes at regular intervals for sensitising the employees with the provisions of the (d) make available such information to the Internal Committee or the Local Committee, as the case may be, as it may require having regard to the complaint made (e) provide assistance to the woman if she so chooses to file a complaint in relation to the offence under the Indian Penal Code or any other law for the time being in force etc

## **2. The Criminal Law (Amendment) Act 2013 (Nirbhaya Act):**

- Enacted based on the recommendations of Justice Verma Committee which was constituted following a huge public out roar over the gang-rape of a female student in Delhi in December 2012 (Nirbhaya Case)
- The Act amended several provisions of the Indian Penal Code, Indian Evidence Act, and the Criminal Procedure Code
- Several new offenses have been recognized and incorporated into the Indian Penal Code, including **acid attack (Section 326 A & B)**, **voyeurism (Section 354C)**, **stalking (Section 354D)**, **attempt to disrobe a woman (Section 354B)**, **sexual harassment (Section 354A)**, and **sexual assault which causes death or injury causing a person to be in persistent vegetative state (Section 376A)**.
- The Act also amended the already existing offenses to make them more stringent.  
Example: Definition of rape in Section 375 was broadened to include acts in addition to penetration and the punishment for rape under section 376 increased from 7 years to life imprisonment with fine.

#### **4.3 Cyber crimes against women: (Offences under Information Technology Act, 2000)**

- **Cyber stalking (Section 66A):** Usage of computer resource or any communication device for sending offensive information or false information for the purpose of causing annoyance, inconvenience, danger, obstruction, insult, injury, criminal intimidation, enmity, hatred or ill will, persistently or to deceive or to mislead the addressee or recipient about the origin of such messages is punishable with imprisonment for a term which may extend to three years and with fine.
- **Cyber Voyeurism (Section 66E):-** “Anyone intentionally or knowingly captures i.e. videotapes, records, photographs or films in any way, or transmits the image of the private area, i.e. the naked or undergarment clad areas of human anatomy of any person without his or her consent under circumstances violating the privacy of that person, then such an offence would be punishable with imprisonment up to three years or with fine up to two lakh rupees or with both”
- **Section 67:** “Makes it an offence to publish, transmit or cause to be published in electronic form any material which is lascivious; or appeals to the prurient interest; or tends to deprave and corrupt persons who are likely to read, see or hear the matter contained or embodied in it.
- **Section 67A:** Punishment up to 5 years & in cases of subsequent conviction up to 7 years and also with fine up to 10 lakhs rupees for persons who publish, transmit or cause to be published or transmitted in electronic form any material which contains sexually explicit act or conduct.
- **Section 67B:** Lays down punishment for publishing or transmitting of material depicting children in sexually explicit acts etc, in electronic form.

#### **4.4 Judgemental pronouncements to protect women rights:-**

##### **1. Municipal Corporation of Delhi v. Female Workers Case:-**

- Supreme Court extended the benefits of the Maternity Benefit Act, 1961 to the muster roll (daily wagers) female employees of the Delhi Municipal Corporation.

##### **2. Mohammed Ahmed Khan v. Shah Bano (Shah Bano Case 1985):-**

- Supreme Court granted right of maintenance under section 125 of Criminal Procedure Code to a divorced married woman (Shah Bano) notwithstanding the Muslim personal laws which restricts it to iddat period only.

##### **3. Vishakha v. State of Rajasthan (Visakha Case 1997):-**

- Supreme Court took a serious note of the increasing menace of sexual harassment at workplace. Considering the inadequacy of legislation on the issue, the court assumed the role of legislature and defined sexual harassment and laid down guidelines known as **Visakha Guidelines**.
- 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. Several women's groups and non-

governmental organizations filed a petition in the Supreme Court under the collective platform known as Vishaka.

#### **4. Gaurav Jain v. Union of India:-**

- Supreme Court laid down guidelines including the necessity of counselling the women to retrieve from prostitution and rehabilitate them.

#### **5. In ABC vs The State (NCT of Delhi):**

- Supreme Court has given permission to unmarried women to mention her name as legal guardian and held that there is no need to mention name of the child's fathers in passport or any other relevant documents.

#### **6. C.B. Muthamma v. Union of India:**

- A service rule whereby marriage was a disability for appointment to foreign services was declared unconstitutional.

#### **7. Mary Roy vs State of Kerala:**

- Supreme Court upheld the right of Syrian Christian women to inherit father's property.

#### **8. Laxmi vs Union of India:**

- In 2006, Laxmi, an acid attack victim, filed a petition seeking measures to regulate the sale of acid and provide adequate compensation to the victim. The Supreme Court imposed stringent regulations on the sale of acid in 2013. The ruling banned over the counter sale of acid. Dealers can sell the acid only if the buyer provides a valid identity proof and states the need for the purchase. It is mandatory for the dealer to submit the details of the sale within three days to the police. The ruling also made it illegal to sell acid to any person who is below the age of 18 years.

#### **9. Shayara Bano vs Union of India:-**

- Supreme Court ruled that triple talaq or talaq e bidat as unconstitutional as they are violative of Articles 14 and 15.

#### **10. Sabarimala case (Young lawyers association & ors vs State of Kerala)**

- Supreme Court declared that the Sabarimala Temple's custom of prohibiting women in their 'menstruating years' from entering the temple as unconstitutional.

#### **11. Poonam Sharma vs Union of India (2023):**

- Termination of unplanned pregnancy at 26 weeks allowed by the Supreme Court. (As per the Medical Termination of Pregnancy Act, 1971, Termination of Pregnancy was permitted only **upto 20 weeks of pregnancy in normal cases**, upto **24 weeks for rape survivors** and **beyond 24 weeks for substantial foetal abnormalities**).

#### **12.State of Jharkhand vs Shailendra Kumar Rai (2022):**

- Supreme Court held that two-finger test was 'regressive and invasive' and anyone conducting it on sexual assault victims or rape victims would be found guilty of misconduct.

#### **4.5 Crime against women (NCRB report-2022):**

- A total of **4,45,256 cases** registered in 2022 alone, equivalent to nearly 51 FIRs every hour.

- The rate of crimes against women per lakh population stood at 66.4 while the charge sheeting in such cases was logged at 75.8.
- The majority of crimes against women under Indian Penal Code:
  1. Cruelty by husband or his relatives (31.4 %)
  2. Kidnapping and abduction of women (19.2 %),
  3. Assault on women with intent to outrage her modesty (18.7%)
  4. Rape (7.1 %)
- **Uttar Pradesh** leads in crimes against women in absolute number with maximum FIRs (65,743) followed by Maharashtra, Rajasthan, West Bengal and Madhya Pradesh. (These 5 states constitute 50.2% of cases registered against women in India)
- **Delhi** registered the highest rate of crimes against women in the country at 144.4—way above the country's average rate of 66.4. The total cases registered in Delhi were 14,247.
- A total of 12 States and Union Territories recorded crime rates higher than the national average of 66.4. Delhi topped the list at 144.4 followed by Haryana (118.7), Telangana (117), Rajasthan (115.1), Odisha (103), Andhra Pradesh (96.2) among others.
- At a crime rate of 96.2 Andhra Pradesh stood at 6<sup>th</sup> place among the list of states which recorded highest rate of crimes against women. Total cases registered in Andhra Pradesh were 25,503.

#### **4.6 Some other Legislations related to women:-**

- Widow Remarriage Act 1856
- Factories Act 1948
- Minimum Wages Act 1948
- Mines Act 1952
- Hindu Marriage Act 1955
- Hindu Succession Act 1956
- Hindu Adoption Act
- The Immoral Traffic (Prevention) Act 1956
- Maternity Benefit Act 1961
- Equal Remuneration Act 1976
- Abolition of Bonded Labour Act 1976
- Family Courts Act 1984
- Indecent Representation of Women (Prohibition) Act 1986
- The Commission of Sati (Prevention) Act 1987
- Prohibition of Practising Devadasi Act 1988
- The Prohibition of Child Marriage Act 2006
- The Muslim Women (Protection of Rights on Marriage) Act/ Triple Talaq Act 2019
- The Surrogacy (Regulation) Act 2021

#### **4.7 International conventions related to women:-**

- **The Universal Declaration of Human Rights (UDHR) 1948**
- **The United Nations organised the World Conference on Women in Mexico (1975)**

- **International Decade of the Woman (1975–1985)**
- **International Year of Women- 1975**
- **Convention on the Elimination of all forms of Discrimination against Women (CEDAW), 1979:**
  - Also known as **International bill of rights for women**. It consists of a preamble and 30 articles, it defines what constitutes discrimination against women and sets up an agenda for national action to end such discrimination.
  - It was signed on 18th December 1979 and came into force as an international treaty on 3rd September 1981. India ratified CEDAW on 9th July, 1993.
- **Declaration on the Elimination of Violence against Women (DEVAW) 1993:**
  - It was the first international instrument explicitly addressing violence against women, providing a framework for national and international action.
- **Beijing Platform for Action (1995):**
  - It identified specific actions for governments to take to prevent and to respond to violence against women and girls
- **64th session of the Commission on the Status of Women (2020):**
  - Leaders pledged to ramp up efforts to fully implement Beijing Platform for Action (1995).
- **November 25:** International Day for Elimination of Violence against Women
- **Sustainable Development Goal 5 (SDG 5):** Gender Equality

#### **4.8 Disha Bill (Criminal Law (AP Amendment) Bill, 2019)**

- Enacted following the brutal rape and murder of a veterinary student named Disha in Hyderabad in 2019.
- **Highlights of the bill:**
  1. **Women and Children Offenders Registry:**
    - The bill envisages to establish, operate and maintain a register in electronic form, to be called the '**Women & Children Offenders Registry**', which will be made public and available to law enforcement agencies.
  2. **Death Penalty for Rape Crimes:**
    - It has prescribed the **death penalty for rape crimes** where there is adequate conclusive evidence. Provision is given by amending Section 376 of the Indian Penal Code, 1860.
  3. **Reducing the Judgment Period:**

As per the Bill, the **judgment** will now have to be pronounced in **21 working days** from date of offence in cases of rape crimes with substantial conclusive evidence.

    - The **investigation** shall be completed in seven working days and trial shall be completed in **14 working days**.
  4. **Punishment for Sexual Offences against Children:**
    - It prescribes life imprisonment for other sexual offences against children.



- New Sections **354F and Section 354G 'Sexual Assault on Children'** is being inserted in the Indian Penal Code, 1860.

**5. Punishment for Harassment through Social Media:**

- A new Section **354E 'Harassment of Women'** is being added in Indian Penal Code, 1860.
- In cases of harassment of women through **email, social media, digital mode or any other form**, the guilty shall be punishable with imprisonment up to two years on first conviction which may extend to four years on second and subsequent conviction.

**6. Establishment of Exclusive Special Courts:**

- It mandates the government to establish exclusive special courts in each district of the state to ensure speedy trial. These courts will **exclusively deal with cases of offences against women and children** including rape, acid attacks, stalking, voyeurism, social media harassment of women, sexual harassment and all cases under the POCSO Act.

**7. Reduced Period of Disposal:**

- The period for disposal of appeal cases has been **reduced to three months**. Amendments are being made in Section 374 and 377 of Code of Criminal Procedure Act, 1973.

**8. Constitution of Special Police Teams:**

- It mandates the government to **constitute special police teams at the district level** to be called District Special Police Team to be headed by DSP for investigation of offences related to women and children. A **special public prosecutor** will also be appointed for each exclusive special court.

## 5. Child Abuse and Child Labour

- **Child Abuse:** “It is the physical, sexual or emotional maltreatment or neglect of a child, by a parent, teacher, caregiver or any other person, that results in physical, psychological or sexual harm to a child. It may take place in homes, schools, orphanages, residential care facilities, on the streets, in the workplace, in prisons and in places of custody”
- **WHO:** “Child abuse is all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment, or commercial or other exploitation, resulting in actual or potential harm to the child’s health, survival, development or dignity in the context of a relationship of responsibility, trust or power”.

### 5.1 Types of Child Abuse:

Physical abuse	Emotional abuse	Sexual abuse	Abuse due to neglectful behaviour
<p>Anything that would harm the child physically.</p> <p><u>Examples:</u></p> <ol style="list-style-type: none"> <li>1. Burning,</li> <li>2. Hitting,</li> <li>3. Slapping,</li> <li>4. Punching</li> <li>5. Kicking</li> <li>6. Giving intoxicating substance etc</li> </ol>	<ol style="list-style-type: none"> <li>1. Lack of emotional attachment between child and parent.</li> <li>2. Lack of responsiveness to emotional needs of the child.</li> <li>3. Emotional blackmail.</li> <li>4. The parent is being critical and negative of the infant/child.</li> </ol>	<ol style="list-style-type: none"> <li>1. Inappropriate sexual behaviour with a child,</li> <li>2. sexual intercourse,</li> <li>3. Rape</li> <li>4. Showing pornographic literature or films to the child, and any other act for sexual gratification of the perpetrator</li> <li>5. Forcing child into prostitution etc</li> </ol>	<ol style="list-style-type: none"> <li>1. Failure to provide Food, Clothing, Shelter, and other basic needs</li> <li>2. Medical care or the supervision of the child's health, safety and well-being are not looked after.</li> <li>3. Neglect is also a lack of giving attention, and not providing adequate necessities for the child's survival.</li> </ol>

### 5.2 Legislations dealing with Child abuse:-

- The Indian Penal Code, 1860.
- The Guardians and Wards Act, 1890.
- The Hindu Adoption and Maintenance Act, 1956.
- The Probation of Offenders Act, 1958.

- The Orphanages and Other Charitable Homes (Supervision and Control) Act, 1960.
- The Bonded Labour System (Abolition) Act, 1976.
- The Prevention of Illicit Traffic in Narcotic Drugs and Psychotropic Substances Act, 1987.
- The Immoral Traffic Prevention Act 1956.
- The Child Labour (Prohibition and Regulation) Act, 1986.
- Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) Act, 1994.
- Persons with Disabilities (Equal Protection of Rights and Full Participation) Act, 2000.
- The Juvenile Justice (Care and Protection of Children) Act, 2015.
- The Information Technology Act, 2000.
- The Commissions for Protection of the Rights of the Child Act, 2005.
- The Prohibition of Child Marriage Act, 2006.
- The Right of Children to Free and Compulsory Education Act, 2009.
- The Protection of Children from Sexual Offences Act, 2012.

### **5.3 Important legislations dealing with Child Abuse:-**

#### **1. Protection of Children against Sexual Offences (POCSO) Act 2012:-**

- Came into force on 14<sup>th</sup> November, 2012
- The act defines children as any individual aged below 18 years of age.
- It is a gender neutral legislation protecting the rights of both boys and girls against sexual abuse.
- Six types of offences covered under it: Penetrative sexual assault, aggravated penetrative sexual assault, sexual assault, aggravated sexual assault, sexual harassment of the child, use of child for pornographic purposes etc
- The crime is "Aggravated" in cases such as when the child is mentally ill or when the abuse is committed by a person in position of trust or authority such as child, family member, teacher etc.
- The act also provides for **Child Welfare Committees** and entrust them with certain functions.
- **Punishments:-**
  1. Punishment for Penetrative Sexual Assault – Not less than seven years which may extend to imprisonment for life, and fine.
  2. Punishment for Aggravated Penetrative Sexual Assault – Not less than ten years which may extend to imprisonment for life, and fine.
  3. Punishment for Sexual Assault – Not less than three years which may extend to five years, and fine.
  4. Punishment for Aggravated Sexual Assault – Not less than five years which may extend to seven years, and fine.
  5. Punishment for Using Child for Pornographic Purposes – Five years and fine and in the event of subsequent conviction, seven years and fine.
- The Act provides for the establishment of Special Courts for trial of offences under the Act, keeping the best interest of the child as of

paramount importance at every stage of the judicial process (Section 28). They should complete the **trial within a period of one year**, as far as possible.

- The Act provides for the evidence of the child to be recorded **within a period of 30 days**, for speedy trial.
- The media has been barred from disclosing the identity of the child without the permission of the Special Court (Section 23).
- The Act has incorporated child friendly procedures for reporting, recording of evidence, investigation and trial of offences. These procedures are the following:
  1. Recording the statement of the child at the residence of the child or at the place of his choice, preferably by a woman police officer not below the rank of sub-inspector.
  2. No child to be detained in the police station in the night for any reason.
  3. Police officer to wear civil clothes (shall not be in uniform) while recording the statement of the child.
  4. The statement of the child to be recorded as spoken by the child.
  5. Assistance of an interpreter or translator or an expert may be provided as per the need of the child.
  6. Assistance of special educator or any such person familiar with the manner of communication of the child, in case the child is disabled.
  7. Medical examination of the child to be conducted in the presence of the parent of the child or any other person in whom the child has trust or confidence.
  8. In case the victim is a girl child, the medical examination shall be conducted only by a woman doctor.
- The Act designated the National Commission for the Protection of Child Rights (NCPCR) and State Commissions for the Protection of Child Rights (SCPCRs) as authorities to monitor implementation.

## **2. The Juvenile Justice (Care and Protection of Children) Act, 2015 (It repealed Juvenile Justice (Care and Protection of Children) Act, 2000.)**

- It has come into force from January 15, 2016 and repeals the Juvenile Justice (Care and Protection of Children) Act, 2000.
- Change in nomenclature from 'juvenile' to 'child' or 'child in conflict with law', across the Act to remove the negative connotation associated with the word "juvenile".
- Inclusion of several new definitions such as orphaned, abandoned and surrendered children; and petty, serious and heinous offences committed by children.
- Clarity in powers, function and responsibilities of Juvenile Justice Board (JJB) and Child Welfare Committee (CWC); clear timelines for inquiry by Juvenile Justice Board (JJB); The Act mandates setting up **Juvenile Justice Boards and Child Welfare Committees in every district**. Both must have at least one woman member each.

- **Special provisions for heinous offences committed by children above the age of sixteen years** - Under Section 15, special provisions have been made to tackle child offenders committing heinous offences in the age group of 16-18 years. The Juvenile Justice Board is given the option to transfer cases of heinous offences by such children to a Children's Court (Court of Session) after conducting preliminary assessment. The provisions provide for placing children in a 'place of safety' both during and after the trial till they attain the age of 21 years after which an evaluation of the child shall be conducted by the Children's Court. After the evaluation, the child is either released on probation and if the child is not reformed then the child will be sent to a jail for remaining term. The law will act as a deterrent for child offenders committing heinous offences such as rape and murder and will protect the rights of victim.

- **Separate new chapter on Adoption to streamline adoption of orphan, abandoned and surrendered children** - To streamline adoption procedures for orphan, abandoned and surrendered children, the existing Central Adoption Resource Authority (CARA) is given the status of a statutory body to enable it to perform its function more effectively. Separate chapter (VIII) on Adoption provides for detailed provisions relating to adoption and punishments for not complying with the laid down procedure. Processes have been streamlined with timelines for both in-country and inter-country adoption including declaring a child legally free for adoption. As per the provisions, a single or divorced person can also adopt, but a single male cannot adopt a girl child.

- **Inclusion of new offences committed against children** - Several new offences committed against children, which are so far not adequately covered under any other law, are included in the Act. These include: sale and procurement of children for any purpose including illegal adoption, corporal punishment in child care institutions, use of child by militant groups, offences against disabled children and, kidnapping and abduction of children.

- Penalties for cruelty against a child, offering a narcotic substance to a child, and abduction or selling a child have been prescribed. Any official, who does not report an abandoned or orphaned child within 24 hours, is liable to imprisonment up to six months or fine of Rs 10,000 or both. The penalty for giving a child intoxicating liquor, narcotic or psychotropic substances is imprisonment up to seven years or fine of one lakh rupees, or both.
- **Mandatory registration of Child Care Institutions** - All child care institutions, whether run by State Government or by voluntary or non-governmental organisations, which are meant, either wholly or partially for housing children, regardless of whether they receive grants from the Government, are to be mandatorily registered under the Act within 6 months from the date of commencement of the Act. . The penalty for non-registration of child care institutions is imprisonment up to one year or fine of one lakh rupees, or both.

#### **5.4 Child Labour:**

- **Census of India:** A child worker is one who works for the major part of the day and is below the age of 14 years.
- **The 1989 UN Convention on the 'Rights of the Child'** sets the upper age at 18 years.

### **5.5 Legislations related to child labour:-**

- **The Indian Factory Act 1881:** "child" to be any young person below 12 years of age, and fixed the minimum and maximum ages for employment at seven and twelve respectively, and the hours of work at nine a day with an interval for rest of one hour, and a weekly holiday.
- **Employment of Children Act, 1938:** The Act prohibits the employment of children who have not completed 15 years of age in any occupation connected with the transport of passengers, goods or mails by railways and employment of children below 14 years of age in workshops connected with beedi making, carpet weaving, cement manufacturing, cloth painting, dyeing etc.
- **The Factories Act, 1948:** Prohibits the employment of child under 14 years of age in factories.
- **The Plantation Labour Act, 1951:** A child (below 14 years) or an adolescent between 15-18 years cannot be employed for work unless he is certified fit for work by a surgeon.
- **The Mines Act, 1952:** The Act prohibits employment of persons (below 18 years) in any mine.
- **The Merchant Shipping Act, 1958:** Prohibits employment of children under 15 years in a ship, except in a school ship or training ship; or in ship governed by family members etc.
- **The Motor Transport Workers Act, 1961:** It prohibits employment of persons under 14 years of age in any motor transport industry.
- **The Beedi and Cigar Workers (Conditions of Employment) Act, 1966:** Employment of children below 14 years in any such premises.
- **The Child Labour (Prohibition and Regulation) Act, 1986:**
  - ✓ Based on the recommendations of Gurupadaswamy Committee (1979), the Child Labour (Prohibition and Regulation) Act, 1986 was enacted.
  - ✓ It came into force on December 28, 1986.
  - ✓ Prohibits employment of any person who has not completed his fourteenth year of age from 18 types of occupations and 65 types of productive process.
  - ✓ Regulates conditions of work where children are not prohibited from working.
  - ✓ Punishment: Upto 1 year (minimum being three months) or with fine upto Rs.20,000/- (minimum being ten thousand) or with both, to one who employs in contravention of this act.
  - ✓ For children who are employed in occupations and processes not banned by act: A) A child should not work for more than 6 hours a

day which shall be inclusive of his/her half an hour break. B) No child should work between 7 pm and 8 am. C) Every child shall get weekly off. D) Employer should maintain a register on employment on children and furnish information to inspector.

- **The Child Labour (Prohibition and Regulation) Amendment Act, 2016:**

- ✓ Came into force on 01.09.2016.
- ✓ **Definition of 'child'**: The 2016 Amended Act changed the definition of "child" to mean an individual who has not reached the age of 14 or the age provided in the Right of Children to Free and Compulsory Education Act 2009, whichever is higher.
- ✓ **Definition of 'adolescent'**: The term "adolescent" refers to a person who has completed his 14th year but has not completed his 18th year.
- ✓ This act prohibits employment of children below 14 years in any occupation and adolescents below 18 years in certain hazardous occupations and process. However, child below 14 years age can help his family or family enterprise which is not hazardous.
- ✓ Child labour is now a cognizable offence and hence one can be arrested without a warrant.
- ✓ Penalties: 6 months to 2 years imprisonment or fine upto 20,000 to 50,000 (First Offence) and imprisonment is extended from 1 year to 8 years (subsequent offence)
- ✓ The Central government shall constitute a **Technical Advisory Committee** to advise Centre on inclusion of occupations where child labour is prohibited.
- ✓ Compounding of offences: Provision has been provided for the accused to apply to the **District Magistrate** for the compounding of offences.
- ✓ **Child and Adolescent Labour Rehabilitation Fund**: A dedicated fund should be established in every district or two or more districts for the rescue and rehabilitation of children and adolescents. Appropriate government shall credit an amount of Rs. 15000/- to the fund for each child or adolescent for whom the fine amount has been credited.
- ✓ **Inspection and Monitoring**: Provisions for periodic inspection and monitoring of sites through appointment of inspectors where the employment of minors is forbidden, and harmful vocations or procedures are managed.

- **The Right of Children to Free and Compulsory Education Act of 2009:**

- ✓ The act came into force on 01.04.2010.
- ✓ It mandates free and compulsory education to all children aged 6 to 14 years.

- ✓ The legislation has given a practical shape to Article 21A (Right to free and compulsory education for children aged six to fourteen years)
- ✓ This legislation also mandated that 25 percent of seats in every private school must be allocated for children from disadvantaged groups (SCs&STs, socially backward class, differently abled) and physically challenged children.
- ✓ No child shall be held back, expelled or required to pass a board examination until the completion of elementary education.
- ✓ Lays certain standards related to teacher-pupil ratio, building infrastructure, teacher working hours etc.
- ✓ The amendment in 2019 removed “No Detention” policy. However, it is left to continue no detention policy or not.
- ✓ The act provides for the constitution of National Advisory Council and state Advisory Council on implementation of provisions of the act.

#### **5.6 Child Labour (Census 2011):**

- The total child population in India in the age group (5-14) years is 259.6 million. Of these, **10.1 million (3.9% of total child population)** are working, either as ‘main worker’ or as ‘marginal worker’.
- The incidence of child labour has decreased in India by 2.6 million between 2001 and 2011. However, the decline was more visible in rural areas, while the number of child workers has increased in urban areas, indicating the growing demand for child workers in menial jobs.
- Major sectors for working children in India: 1. Other working children (35.8%), 2. Agricultural labourers (32.9%), 3. Cultivators (26%), 4. Household industry workers (5.2%)
- States with highest number of child labourers: 1. **Uttar Pradesh** 2. Maharashtra 3. Bihar.
- State with lowest number of child labourers- **Sikkim**
- Among Union Territories, **Delhi** has highest number of child labourers while **Lakshadweep** has lowest number of child labourers.

#### **5.7 Crimes against Children (NCRB Report-2022):**

- A total of **1,62,449** cases of crimes against children were registered during 2022, showing an increase of 8.7% compared to 2021.
- Majority of Crimes: 1. Kidnapping and Abduction 2. Crimes related to POCSO Act
- More than 47,000 children are missing in India, with 71.4 per cent of these being minor girls.
- State with highest number of crime cases registered against children in 2022- **Maharashtra**
- State with lowest number of crime cases registered against children in 2022- **Nagaland**
- Metropolitan City with highest number of crime cases registered against children in 2022- **Delhi**

#### **5.8 Constitutional safeguards for Children:**



- **Article 14:** Right to Equality
- **Article 15(3):** State can make special provisions for women and children.
- **Article 21:** No person shall be deprived of his life or personal liberty except according to procedure established by law.
- **Article 21 A:** The State shall provide free and compulsory education to all children of the age of 6-14 years
- **Article 23:** Traffic in human beings and beggar and other forms of forced labour are prohibited.
- **Article 24:** No child below the age of 14 years shall be employed to work in any factory or mine or engaged in any other hazardous employment.
- **Article 39 (e):** The health and strength of workers, men and women, and the **tender age of children are not abused** and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength;
- **Article 39 (f):** that **children are given opportunities** and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment
- **Article 45:** The State shall endeavour to provide early childhood care and education for all children until they complete the age of six years.
- **Article 51 (K):** Responsibility of parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years.
- **Article 243G read with Schedule 11:** provide for institutionalization of child care by seeking to entrust programmes of Women and Child Development to Panchayat (Item 25 of Schedule 11), apart from education (item 17), family welfare (item 25), health and sanitation (item 23) and other items with a bearing on the welfare of children.
- **Article 350A:** "It shall be endeavor of every state and every local authority to provide adequate facilities for instruction in the mother-tongue at the primary stage of education to children belonging to linguistic minority groups."

### **5.10 Institutional mechanism:**

#### **1. National Commission for Protection of Child Rights (NCPCR):**

- Statutory body established in March 2007 under the Commission for Protection of Child Rights Act, 2005.
- The commission's mandate is to ensure that all laws, policies, programs and administrative systems conform to the vision of the rights of the child as enunciated in the Constitution of India as well as the United Nations Convention on the Rights of the Child.
- A child is defined as a person falling in the age group of 0 to 18 years.
- It is under the administrative control of the Ministry of Women and Child Development
- It consists of Chairperson and six members of which at least two should be women.
- The term of chairperson and members is three years.

- The maximum age to serve in the commission is 65 years for Chairman and 60 years for members.
- Current chairperson of NCPCR: Priyank Kanoongo

## **2. Central Adoption Resource Authority:**

- It is a statutory body of Ministry of Women & Child Development, Government of India.
- It functions as the nodal body for adoption of Indian children and is mandated to monitor and regulate in-country and inter-country adoptions.
- CARA is designated as the Central Authority to deal with inter-country adoptions in accordance with the provisions of the Hague Convention on Inter-country Adoption, 1993, ratified by Government of India in 2003.

### **5.11 Policies on Children:**

- National Policy for Children 1974
- National Education Policy 1986
- **National Policy on Child Labour 1987:**
  - ✓ Approved on August 14, 1987 during the VII Five Year Plan.
- National Plan for SAARC Decade of the Girl Child 1991-2000
- National Nutrition Policy 1993
- National Health Policy 2002
- National Charter for Children 2003 (adopted on 9th February 2004, emphasizes Government's commitment to children's right)
- National Plan of Action 2005
- National Food & Nutrition Policy 2013
- **New National Policy for Children 2013:**
  - ✓ Adopted on 26th April, 2013.
  - ✓ The Policy recognises every person below the age of eighteen years as a child and covers all children within the territory and jurisdiction of the country.
  - ✓ It recognizes that a multi-sectoral and multidimensional approach is necessary to secure the rights of children.
  - ✓ The Policy has identified **four key priority areas**: 1. survival, health and nutrition; 2. education and development; 3. protection and participation, 4. children from disadvantaged groups.
  - ✓ As children's needs are multi-sectoral, interconnected and require collective action, the Policy calls for purposeful convergence and coordination across different sectors and levels of governance.
  - ✓ The policy also calls for the establishment of a **National Commission for Children** and a **National Child Rights Council** to oversee the implementation of the policy and to ensure that the rights of children are protected.
- National Early Childhood Care and Education (ECCE) Policy 2013
- **India New Born Action Plan (2014):** (To attain twin goals of "Single Digit Neonatal Mortality Rate" and "Single Digit Stillbirth Rate" by 2030.

### **5.12 Schemes for welfare of children:**

### **1. National Child Labour Project (NCLP) Scheme:**

- It was launched in 12 districts of high child labour endemicity in the country.
- The Scheme envisions running of special schools for child labour withdrawn from work.
- Under the Scheme, funds are given to the District administration for running special schools for child labour. Most of these schools are run by the NGOs in the district.
- The coverage of the NCLP Scheme has increased from 12 districts in 1988 to 100 districts in the Ninth Plan.
- NCLP scheme was approved for implementation up to 31.03.2021 and since then the scheme has been subsumed/merged with the Samagra Shiksha Abhiyan (SSA) Scheme of the Ministry of Education.

### **2. PENCIL (Platform for Effective Enforcement for No Child Labour):**

- Electronic platform that aims at involving Centre, State, District, Governments, civil society and the general public in achieving the target of child labour free society.
- Launched by the Ministry of Labour and Employment.

### **3. Beti Bachao Beti Pado:**

- BBBP scheme under **Sambal sub-scheme of Mission Shakti** aims to prevent Gender biased sex selective elimination, to ensure survival and protection of girl child and also to ensure education of the girl child.
- Launched in 2015 with the aim to address sex selective abortion and the declining child sex ratio which was at 918 girls for every 1,000 boys in 2011.
- This is a joint initiative of the Ministry of Women and Child Development, Ministry of Health and Family Welfare and Ministry of Human Resource Development.
- The scheme has been expanded to cover all the districts of the country and it focuses on activities like, construction of girls toilets, making available sanitary napkin vending machines and sanitary pads especially in educational institutions, awareness about Pre-Conception & Pre-Natal Diagnostic Techniques Act, 1994 etc

### **4. PM CARES for Children:**

- Launched in 2021 it aims to support children who have lost both the Parents or legal guardian or Adoptive Parents or Surviving Parent to COVID-19 pandemic during the period starting from 11th March 2020.
- The objective of the Scheme is to ensure comprehensive care and protection of Children in a sustained manner, and enable their wellbeing through health insurance, empower them through education and equip them for self-sufficient existence with financial support on reaching 23 years of age.
- Benefits:
  1. Financial support of 10 lakh to all children which will be given after attaining 23 years of age

2. Health insurance cover of 5 lakh
3. Scholarship of 20,000 per child per annum for all school going children (Class 1-12)
4. Assistance for school education (admissions) and higher education (educational loans)
5. Support for boarding and lodging (Rehabilitation of all children)

#### **5. Saksham Anganwadi and Mission Poshan 2.0 Scheme:**

- Saksham Anganwadi and Poshan 2.0 is an Integrated Nutrition Support Programme
- Ministry of Women and Child Development is implementing the programme during the 15<sup>th</sup> Finance Commission period 2021-22 to 2025-26.
- It seeks to address the challenges of malnutrition in children, adolescent girls, pregnant women and lactating mothers through a strategic shift in nutrition content and delivery and by creation of a convergent eco-system to develop and promote practices that nurture health, wellness and immunity.
- With a view to address various gaps and shortcomings in the on-going nutrition programme, the existing scheme components have been re-organized under Poshan 2.0 into the primary verticals given below:
  - ✓ Nutrition Support for POSHAN through Supplementary Nutrition Programme (SNP) for children of the age group of 06 months to 6 years, pregnant women and lactating mothers (PWLM); and for Adolescent Girls in the age group of 14 to 18 years in Aspirational Districts and North Eastern Region (NER);
  - ✓ Early Childhood Care and Education [3-6 years] and early stimulation for (0-3 years);
  - ✓ Anganwadi Infrastructure including modern, upgraded Saksham Anganwadi; and
  - ✓ Poshan Abhiyaan

#### **6.Mission Vatsalya:**

- Launched in 2021 Mission Vatsalya Scheme is a roadmap to achieve development and child protection priorities aligned with the Sustainable Development Goals (SDGs).
- It lays emphasis on child rights, advocacy and awareness along with strengthening of the juvenile justice care and protection system with the motto to 'leave no child behind'.
- The Juvenile Justice (Care and Protection of Children) Act, 2015 provisions and the Protection of Children from Sexual Offences Act, 2012 form the basic framework for implementation of the Mission
- Centrally Sponsored Scheme (Funding pattern- 60:40 between Centre and State & Union Territories)
- It supports children through following modes of Non-Institutional Care:

- **Sponsorship:** Financial support may be extended to vulnerable children living with extended families/biological relatives for supporting their education, nutrition and health needs.
- **Foster Care:** the responsibility of the child is undertaken by an unrelated family for care protection and rehabilitation of the child. Financial support is provided to biologically unrelated Foster Parents for nurturing the child.
- **Adoption:** finding families for the children found legally free for adoption. Specialized Adoption Agencies (SAA) will facilitate the adoption programme.
- **After Care:** the children who are leaving a Child Care Institution on completion of 18 years of age may be provided with financial support to facilitate the child's re-integration into mainstream of society. Such support may be given from the age of 18 years up to 21 years, extendable up to 23 years of age to help her/him become self-dependent.
- **Benefits:** A monthly grant of Rs. 4000/- per child shall be provided for sponsorship or Foster Care or After Care.

#### **7. Other schemes:**

- **Mid Day Meal Scheme (1995)**
- **Integrated Child Development Scheme (ICDS-1975)**
- **Sarva Siksha Abhiyan**
- **Integrated Child Protection Scheme**

#### **5.13 International conventions and institutions:**

##### **1. United Nations Convention on the Rights of the Child (UNCRC):**

- The UN General Assembly adopted on November 20, 1989 and came into force on September 2, 1990. (India signed it on Dec 11, 1992)
- Comprehensive convention to protect the rights of child.
- The convention defines a child as any human being **under the age of eighteen**, unless the age of majority is attained earlier under national legislation.

##### **2. UNICEF:**

- The United Nations International Children's Emergency Fund (UNICEF) was established in 1946, in the aftermath of World War II.
- Also known as United Nations Children Fund
- It is an agency of United Nations to provide humanitarian and developmental aid to children worldwide.
- Headquarter: New York

#### **5.14 Miscellaneous information:**

##### **1. Kailash Satyarthi:**

- Social activist and a crusader of child rights in India who fought against child labour, child trafficking, bonded labour etc
- His organization: Bachpan Bachao Andolan (Save Childhood Movement)

- Won Nobel Peace Prize in 2014.

## **2. MC Mehta vs State of Tamil Nadu:**

- The petitioner filed a PIL under Article 32 due to presence of large number of child labour in Sivakasi firework Industries.
- Supreme Court has given certain directions regarding the manner in which children working in the hazardous occupations are to be withdrawn from work and rehabilitated, and the manner in which the working conditions of children working in non-hazardous occupations are to be regulated and improved.

## **3. Bandhua Mukti Morcha v. Union of India & Ors:**

- Bandhua Mukti Morcha (Bonded Labour Liberation Front), a non-governmental organisation addressed a letter to a Judge of Supreme Court urging to release the bonded labourers (many of them being migrant labourers) from two stone quarries in Faridabad district.
- The court stated that a letter addressed to a Judge can be considered as a writ petition and addressed several issues related to child labour in this judgement

## **6. YOUTH UNREST AND AGITATION**

- **Youth:** Persons in the age group of 15-29 years (National Youth Policy 2014).
- The term "Youth" in Sociology is regarded as an ascribed status or socially constructed label rather than the biological condition of being young. Youth is the stage of life between childhood and adulthood.
- According to **T. K. Oommen (1990)**, Indian youth have the following features:
  1. It is an age group between 15-30 years.
  2. Youth is full of psychic energy;
  3. Youth are neither progressive nor conservative in nature. The uniqueness of youth lies in their potential for a new start; their willingness to penetrate into a new world of experience;
  4. Youth are 'unattached to' and 'unsettled' in society; they have not yet developed any vested interest in the maintenance of the status quo.

### **6.1 Youth Unrest:**

- It is defined as the “manifestation of collective frustration of the youth in the society.” It is manifested when the existing norms in the society are perceived by the youth as ineffective or harmful to the extent that they feel so disillusioned and disgusted about them and recognize the need for changing these norms.
- Youth unrest is characterized by:
  - i) Collective discontent,
  - ii) Dysfunctional conditions,
  - iii) Public concerns, and
  - iv) The need for change in the existing norms.

### **6.2 Youth Agitations:**

- Youth agitation is the behaviour of the youth whose goal is social protest. Its aim is neither to injure a person nor cause destruction of public property.
- Various forms of youth agitations are: demonstrations, slogan shouting, strikes, hunger strikes, road blocks, gheraos, and boycott of examinations.
- The **preconditions** of youth agitations are:
  - i) Structural strain,
  - ii) Identifying the source of strain,
  - iii) Precipitating factor in initiative action, and
  - iv) Mobilization of force for action by a leader.
- The important **functions** of youth agitations are:
  - a) To create collective consciousness and group solidarity,
  - b) To organise the youth to work for new programmes and new plans, and
  - c) To provide opportunities to young individuals to express their feelings and make some impact on the course of social change
- **Process of Growth of Agitation due to Youth Unrest:**
  - i) The discontent stage, which is the stage of dissatisfaction and growing confusion with the existing conditions
  - ii) The initiation stage, in which a leader emerges, the causes of discontent are identified, excitement increases and proposals for action are debated.

iii) The formalization stage, in which programmes are developed, alliances are forged, and support is sought from outside actors;

iv) The public support stage, in which youth trouble is transferred into public trouble. This not only creates awareness among public but also seeks public support on the concerned issue.

v) Official action stage in which the agencies in power realize the importance of the issue, officially acknowledge the discontent, and agree to adopt strategies to solve the issue.

- **Causes of Youth Unrest and Agitation**

The UGC Committee of 1960 pointed out the following reasons for student agitations:

- 1) Economic causes, like demands for reducing fees, increasing scholarship.
- 2) Demands for changes in existing norms pertaining to admissions, examinations, and teaching
- 3) Poor functioning of colleges/universities
- 4) Conflicting relations between students and teachers (teachers being accused of frequently cutting classes and remaining non committed to teaching)
- 5) Inadequate facilities in the campus, like inadequate hostel accommodation, poor food in hostels, lack of canteens and poor drinking water facilities and
- 6) Leaders being instigated by politicians.

- **Other causes of Youth Unrest:**

1. **Unemployment**
2. **Alienation**
3. **Deprivation and injustice**
4. **Faulty education system**
5. **Identity crisis**

### **6.3 Youth/ Student Movements in India:**

#### **1. Anti Hindi Agitation (1965):**

- In Madras against the move to impose Hindi as the sole official language.

#### **2. Telangana Agitation (1969-70):** Led mainly by students demanding a separate Telangana state.

#### **3. Jai Andhra Movement (1972-73):**

- Students participated in large numbers in this movement against the 'mulki' rules and demanded a separate Andhra state with Coastal Andhra and Rayalaseema regions.
- Andhra University in Visakhapatnam became the centre of this movement apart from participation of students in several other colleges and universities.

#### **4. Nav Nirman Andolan of Gujarat (1973-74):**

- This agitation was led by the students of the Ahmedabad University against high mess bills and poor quality of food which later became a mass movement against the corrupt government of the then Chief Minister of Gujarat Chimanbhai Patel.



#### **5. Students movement in Bihar / JP Movement (1974):**

- In 1974 prominent socialist leader Jayaprakash Narayan (JP) launched a movement called **Students for Democratic Governance** in Bihar against rising prices, unemployment etc
- This movement aimed at *Sampoorna Kranti* (Total Revolution).

#### **6. Students movement during emergency (1975):**

- Several student leaders emerged during this period who later became prominent politicians in India- **Jayaprakash Narayan, George Fernandes, Arun Jaitley, Sitaram Yechury, M. Venkaiah Naidu** etc.

#### **7. Assam agitation (1979-85):**

- This agitation started with a demand to identify and deport illegal Bangladeshi immigrants in Assam and became one of the longest movements in the history of India.
- It was led by organisations like **All Assam Students Union (AASU)** and All Assam Gana Sangram Parishad (AAGSP).
- The immediate reason for the movement was the reported inclusion of a large number of bogus voters in the voters' list for the byelection to Mangaldai Lok Sabha seat. This was highlighted by the Chief Election Commissioner S.L. Sakhdhar, who warned that if inclusion of illegal migrants was not stopped, it might change the demographic composition of the state
- This movement ended in 1985 with the signing of **Assam Accord** between the AASU, state the central government
- All Assam Students Union (AASU) president **Prafulla Kumar Mahanta** cofounded Asom Gana Parishad, a political party, and became the country's youngest Chief Minister of a state at 33 years age.

#### **8. Anti Mandal agitation (1990):**

- Against the implementation of the B.P. Mandal Commission's recommendation of 27 per cent quota in government jobs and public universities for Other Backward Classes (OBCs).

#### **9. India against corruption/Anna Hazare movement (2011):**

- Main demand is to force government enact a stronger legislation to root out corruption. It resulted in the enactment of Lokpal and Lokayuktas Act, 2013.
- Important leaders: Anna Hazare, Arvind Kejriwal, Yogendra Yadav, Kiran Bedi, Swami Agnivesh etc.

#### **10. Nirbhaya Protests in Delhi (2012):**

- Against the brutal gang rape of 23 year old student 'Nirbhaya' in Delhi.
- These protests resulted in government enacting Nirbhaya act or Criminal Law (Amendment) Act, 2013.

#### **11. Patidar protests (2015):**

- The movement was led by 23 year old Hardik Patel under the banner of Patidar Anamat Andolan Samiti demanding OBC status to Patidars of Gujarat.

#### **12. Protests for Dalit rights/ Rohit Vemula protests (2016):**

- The suicide of Hyderabad Central University student Rohit Vemula sparked a nationwide debate on dalit rights.

### **13. JNU protests (2016):**

- Several students gathered in JNU campus, Delhi to protest the capital punishment meted out to 2001 Parliament attack convict Afzal Guru, leading to the arrest of students' union president Kanhaiya Kumar and two others.

### **14. Anti CAA agitation in Assam and Delhi (2020):**

- Against the passing of the Citizenship Amendment Act (CAA), which enables Hindu, Sikh, Jain, Parsi, Buddhist, and Christian illegal immigrants from Afghanistan, Bangladesh and Pakistan, who have entered India on or before December 31, 2014, to apply for Indian citizenship.

## **6.4 National Youth Policy 2014:**

- The vision of NYP-2014 is to empower youth to achieve their full potential, and through them enable India to find its rightful place in the community of nations. For achieving this vision, the Policy identifies five well-defined objectives and **11 priority areas** and suggests policy interventions in each priority area.
- The priority areas are education, skill development and employment, entrepreneurship, health and healthy lifestyle, sports, promotion of social values, community engagement, participation in politics and governance, youth engagement, inclusion and social justice.
- It will cover the entire country catering the needs of all youth in the age-group of 15-29 years, which constitutes 27.5 per cent of the population according to Census-2011, that is about 33 crore persons.
- It replaced National Youth Policy-2003.

## **6.5 Draft National Youth Policy 2021:**

- Envisages a ten-year vision for youth development that India seeks to achieve by 2030.
- It is aligned with SDGs and seeks to catalyse widespread action on youth development across five priority areas viz. education; employment & entrepreneurship; youth leadership & development; health, fitness & sports; and social justice.

## **6.6 Schemes related to Youth:**

### **1. Skill India Mission:**

- Launched under the flagship scheme of Pradhan Mantri Kaushal Vikas Yojana (PMKVY) and it aims to create an empowered workforce by providing adequate training in market-relevant skills to over 40 crore youth by 2022.

### **2. Pradhan Mantri Kaushal Vikas Yojana 3.0:-**

- Launched in 2021 with an aim to empower India's youth with employable skills by making over 300 skill courses available to them.
- It envisages training of eight lakh candidates.

### **3. Jan Shikshan Sansthan (JSS):**

- The Scheme of Jan Shikshan Sansthan (JSS), formerly known as Shramik Vidyapeeth is implemented through a network of NGOs in the country since March 1967.
- The scheme provides vocational training to the underprivileged population (scheduled castes/scheduled tribes/minorities), with minimum infrastructure and resources.
- It was transferred from Ministry of Education (erstwhile MHRD) to Ministry of Skill Development and Entrepreneurship (MSDE) in 2018.

#### **4. Pradhan Mantri YUVA (PM YUVA) Yojana:**

- Pradhan Mantri YUVA Yojana (Yuva Udyamita Vikas Abhiyan) is a centrally sponsored Scheme on entrepreneurship education and training. Implemented by Ministry of Skill Development.
- The scheme spans over five years (2016-17 to 2020-21) with a project cost of Rs. 499.94 crore, and will provide entrepreneurship education and training to over 7 lakh students in 5 years in 10 states.

#### **5. SANKALP (Skills Acquisition and Knowledge Awareness for Livelihood Promotion):**

- Launched in January 2018, SANKALP is a World Bank-funded program managed under the Ministry of Skill Development.
- It is a project to reform the skill development landscape, strengthen institutions at Central and State levels, enable greater decentralization of skill development governance, and improve industry connect of skill development programs

#### **6. STRIVE (Skill Strengthening for Industrial Value Enhancement):**

- It is a World Bank assisted-Government of India project with the objective of improving the relevance and efficiency of skills training provided through Industrial Training Institutes (ITIs) and apprenticeships.

#### **7. Rashtriya Yuva Sashaktikaran Karyakram Scheme:**

- It is a Central Sector Scheme of the Ministry of Youth Affairs & Sports and has been continuing since the 12th Five Year Plan (2012-17).
- It aims to develop the personality and leadership qualities of the youth and to engage them in nation building activities.
- The Scheme beneficiaries are the youth in the age group of 15-29 years, in line with the definition of 'youth' in the National Youth Policy, 2014. In the case of programme components specifically meant for the adolescents, the age group is 10-19 years.
- The umbrella scheme of Rashtriya Yuva Sashaktikaran Karyakram subsumed the following **eight sub-schemes**:
  - Nehru Yuva Kendra Sangathan(NYKS);
  - National Youth Corps (NYC);
  - National Programme for Youth & Adolescent Development (NPYAD);
  - International Cooperation;
  - Youth Hostels (YH);
  - Assistance to Scouting & Guiding Organizations;
  - National Discipline Scheme (NDS); and
  - National Young Leaders Programme (NYLP).

### **8. Nasha Mukht Bharat Abhiyan (NMBA):**

- ✓ NMBA was launched in 2020 by the Ministry of Social Justice & Empowerment and is being implemented in 372 most vulnerable districts based on the findings of the first Comprehensive National Survey and inputs from the Narcotics Control Bureau (NCB).
- ✓ It intends to reach out to the masses and spread awareness about substance use with focus on higher educational Institution, university campuses & schools, reaching out & identifying dependent population.

## **WELFARE MECHANISM**

# **1. SCHEDULED CASTES**

- The Scheduled Caste is a politico-legal-term. It was first coined by the Simon Commission and then Government of India, Act, 1935.
- The expressions, 'Depressed Classes', 'Exterior Castes' and 'Untouchables' were commonly used for the scheduled-castes during the colonial period.
- Gandhi called them 'Harijans' and Ambedkar called them 'Depressed Classes'.
- In the 1931 census, Scheduled Castes were systematically categorised as 'exterior castes' and the Government of India Act, 1935 for the first time provided for notification of these castes as "Scheduled Castes"
- In April, 1936, the British Government issued an order known as Government of India (Scheduled Castes) order, 1936 specifying certain castes, races and tribes – communities earlier known as depressed classes – as Scheduled Castes.
- **Article 366(24):** Scheduled Castes means such cases, races or tribes or parts of or groups within such castes, races or tribes as are deemed under Article 341 to be Scheduled Castes for the purposes of this Constitution;
- **Article 341(1):** "The President may, with respect to any State or Union Territory and where it is a State, after consultation with the Governor thereof by public notification **specify the castes, races or tribes or parts of or groups within castes, races or tribes, which shall, for the purposes of this Constitution, be deemed to be Scheduled Castes** in relation to that State or Union Territory, as the case may be."
- **Article 341 (2):** "The Parliament may, by law, **include in or exclude** from the list of Scheduled Castes, specified in a notification issued under clause (1), any caste, race or part of or group within any caste, race or tribe, but save as aforesaid, a notification issued under the said clause shall not be varied by any subsequent notification."

## **1.1 Scheduled Castes (Census 2011):**

- They constitute 16.6% of total population in India (20.13 crore)
- Sex Ratio -945
- Literacy- 66.07%
- State with largest SC population- Uttar Pradesh
- State with smallest SC population- Mizoram
- State with highest percentage of SC population- Punjab
- No community has been notified as Scheduled Caste in the states of Arunachal Pradesh and Nagaland and the Union Territories of Lakshadweep, Andaman and Nicobar Islands.

## **1.2 Constitutional safeguards for Scheduled Castes:**

- **Article 14 :** Equality before law and equal protection of law.
- **Article 15:** Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth:
- **Article 15 (1):** The State shall not discriminate against any citizen on grounds only of religion, race, **caste**, sex, place of birth or any of them

- **Article 15 (2):** No citizen shall, on grounds only of religion, race, **caste**, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to:
  - (a) access to shops, public restaurants, hotels and palaces of public entertainment; or
  - (b) the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of the general public
- **Article 15(4):** Empowers the state to make special provisions for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.
- **Article 15(5):** Article 15(5) is a clause under the Indian Constitution that permits the government to make special provisions for socially and educationally backward classes and Scheduled Castes and Scheduled Tribes with regard to their admission to educational institutions, including private educational institutions, aided or unaided by the State
- **Article 16 (2):** No citizen shall, on grounds only of religion, race, **caste**, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect or, any employment or office under the State.
- **Article 16(4):** State can make provision for the reservation of appointments or posts in favor of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State
- **Article 17:** Abolition of Untouchability
- **Article 21:** Protection of life and personal liberty includes right to live with dignity.
- **Article 23:** Prohibition of traffic in human beings and forced labour
- **Article 24:** Prohibition of employment of children in factories etc
- **Article 25 (2)(b):** It provides that Hindu religious institutions of a public character shall be opened to all classes and sections of Hindus.
- **Article 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.
- **Article 243 (D)(1):** Reservation of seats for SCs and STs in every Panchayat.
- **Article 243 (D)(4):** The offices of the Chairperson in the Panchayats at village or any other level shall be reserved for SCs and STs.
- **Article 243 (T)(1):** Reservation of seats for SCs and STs in every Municipality.
- **Article 243 (T)(4):** The offices of the Chairperson in the Municipalities shall be reserved for SCs and STs.
- **Article 330:** Reservation of seats for SCs and STs in Lok Sabha
- **Article 332:** Reservation of seats for SCs and STs in the legislative assemblies of the states.
- **Article 338:** National Commission for SCs
- **Articles 341(1), 341(2) and 366(24)**

## 1.2 Statutory measures for protection of SCs:

### **1. Protection of Civil Rights Act, 1955:**

- Originally known as **Untouchability (Offences) Act 1955** it was renamed as Protection of Civil Rights Act in 1976.
- The act penalises persons who impose social disabilities (discrimination in public places like parks, public transport etc) and religious disabilities (discrimination at places of worship on basis of caste etc) apart from prescribing punishment against persons who refuse to admit to hospitals, educational institutions etc and who refuse to sell goods.
- Other provisions: Cancellation of licenses in certain cases, punishment against public servant for wilful neglect of investigation, legal aid, special courts, special police stations etc.

### **2. The Scheduled Castes and Scheduled Tribes Prevention of Atrocities Act, 1989:**

- Enacted on **September 9, 1989** and came into force on **31.01.1990**
- Salient features:
- The Act tries to add new types of offences that are neither mentioned in the Indian Penal Code, 1860 nor in the Protection of Civil Rights Act, 1955.
- Offences can only be committed by certain individuals, e.g. barbarity against SCs or STs can be committed only by non-SCs. This Act does not apply to crimes committed between SCs and STs or between STs and SCs.
- There are **37 offences** (Section 3) that involve patterns of behaviour inflicting criminal offences and breaking the self-respect and esteem of the scheduled castes and tribes community. Some of the offences are the denial of economic, democratic, and social rights, as well as exploitation and abuse of the legal system.
- Different types of atrocities committed against SCs/STs are defined under the Act and strict penalties are prescribed for such atrocities (Section 3) .
- Punishment for public officials who are delinquent in performing their duties.
- Attachment and forfeiture of property.
- Externment of potential offenders.
- Creation of Special Courts
- Special Public Prosecutor and exclusive public prosecutor for every special court .
- Empowers the government to impose collective fines
- Denial of anticipatory bail to offenders
- Provides for compensation, relief and rehabilitation for victims of atrocities or their legal heirs (Section 17)
- Setting up a mandatory, periodic monitoring system at different levels (District, State and National levels)

### **❖ The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015:**



- In 2015, with a view to address the problem of atrocities against SCs and STs effectively, the government amended the existing SC/ST (PoA) Act.
- It amends existing categories and adds new categories of acts to be treated as offences under the Act.
- It specifies the following acts as amounting to sexual exploitation of women belonging to the SC or ST community: (i) Using acts, words or gestures of a sexual nature against women belonging to the SC or ST community. (ii) Touching a women belonging to the SC or ST community intentionally in a sexual manner without her consent. (iii) Practice of dedicating a women belonging to the SC or ST community as a Devadasi to a temple.
- New offences: The Act deems the following as offences- (i) Garlanding with footwear. (ii) Compelling to dispose or carry human or animal carcasses, or to do manual scavenging. (iii) Abusing SCs or STs by caste/name in public. (iv) Attempting to promote feelings of ill-will against SCs or STs or disrespecting any deceased person held in high esteem v) Imposing or threatening a social or economic boycott and preventing SCs or STs from undertaking the following activities will be considered an offence: (i) Using common property resources. (ii) Entering any place of worship that is open to the public. (iii) Entering any education or health institution.
- Presumption as to the offences: If the accused was acquainted with the victim or his family, the court will presume that the accused was aware of the caste or tribal identity of the victim unless proved otherwise.
- The Act specifies the duties of public servants: Under the earlier Act, the Court of Sessions at the district level was deemed a Special Court. The amendment specifies that an exclusive Special Court and exclusive Special Public Prosecutor must be provided at the district level. These Special Courts must be established where offences are less in number. Cases should be disposed of within two months.
- The Act specifies that a non-SC or ST public servant who neglects his duties relating to SCs and STs shall be punishable with imprisonment for a term of six months to one year.

❖ **The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2018:**

- A new **section 18 A** was inserted. It states:
  - 1.(a) preliminary enquiry shall not be required for registration of a First Information Report against any person; or (b) the investigating officer shall not require approval for the arrest, if necessary, of any person, against whom an accusation of having committed an offence under this Act has been made and no procedure other than that provided under this Act or the Code shall apply.
  2. The provisions of section 438 of the Code shall not apply to a case under this Act, notwithstanding any judgment or order or direction of any Court.”

### **3. The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013:**

- Eradication of dry latrines and manual scavenging and rehabilitation of manual scavengers in alternative occupation has been an area of high priority for the Government. The law covers all types of insanitary latrines and situations which give occasion for manual scavenging.
- The act was passed by the Parliament in September, 2013 and has come into force from 6th December, 2013.
- This Act intends to, inter alia, achieve its objectives to:
  - ✓ Identify and eliminate the insanitary latrines.
  - ✓ Prohibit:- i) Employment as Manual Scavengers and ii) Hazardous manual cleaning of sewer and septic tanks
  - ✓ Identify and rehabilitate the manual scavengers.

#### **1.3 Important organisations related to SC welfare:-**

##### **1. National Commission for Scheduled Castes (Article 338):**

- It was set up in 2004 under 89<sup>th</sup> Amendment Act, 2003 which separated the erstwhile National Commission for SCs and STs into two separate Commissions: National Commission for SCs (Article 338) and National Commission for STs (Article 338A).
- It comprises a Chairperson, a Vice-Chairperson, and three other members.
- Functions:
  - ✓ To investigate and monitor all matters relating to the constitutional and other legal safeguards for the SCs and to evaluate their working.
  - ✓ To inquire into specific complaints with respect to the deprivation of rights and safeguards of the SCs.
  - ✓ To participate and advise on the planning process of socioeconomic development of the SCs and to evaluate the progress of their development under the Union or a state;
  - ✓ To present to the President, annually and at such other times as it may deem fit, reports upon the working of those safeguards;
  - ✓ To make recommendations as to the measures that should be taken by the Union or a state for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of 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, 2018.
- Present Chairman: Vijaya Sampla ( 6<sup>th</sup> Commission)

##### **2. National Commission for Safai Karmacharis (NCSK):**

- It was constituted on **12th August, 1994** as a statutory body by an Act of Parliament viz. 'National Commission for Safai Karmacharis

Act, 1993', for a period of three years i.e. up to 31st March, 1997. Later this period was extended till 2004 through amendments to the act.

- With the lapsing of the act on 29.02.2004, the Commission is acting as a Non-Statutory body under the Ministry of Social Justice and Empowerment.
- It studies and evaluates the existing welfare programmes for Safai Karamcharis, investigates cases of specific grievances etc.
- As per the provisions of the **Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013**, the NCSK has been assigned the work to monitor the implementation of the Act, tender advice for its effective implementation to the Center and State Governments and enquire into complaints regarding contravention/non-implementation of the provisions of the Act.
- The Chairperson and Members of the Commission undertake extensive touring of the country to study the socio-economic and living conditions of Safai Karamcharis and their dependents.
- The Commission calls for the factual reports in connection with these complaints/petitions from the concerned authorities and impress upon them to redress the grievances of the affected Safai Karamcharis.
- Present Chairman of NCSK is Shri M.Venkatesan

### **3. National Safai Karmacharis Finance and Development Corporation (NSKFDC):**

- ✓ It is a wholly owned Government of India Undertaking under the Ministry of Social Justice & Empowerment.
- ✓ It was set up in 1997 as a "Not for Profit" Company under Section 25 of the Companies Act, 1956 (now Section 8 of Companies Act 2013).
- ✓ It is an apex Corporation for the all-round socio-economic upliftment of the Safai Karamcharis, Scavengers and their dependents throughout India, through various loan and non-loan based schemes.
- ✓ NSKFDC is also playing a vital role in elimination of manual scavenging - the worst surviving symbol of untouchability.
- ✓ NSKFDC has been designated as the Nodal Agency for implementation of the Central Sector Self Employment Scheme for Rehabilitation of Manual Scavengers (SRMS) under the aegis of the Ministry of Social Justice & Empowerment.

### **4. National Scheduled Castes Finance and Development Corporation:**

- Set up in 1989 it is a Company (Not for Profit), registered under section 8 of the Companies Act, 2013, under the Ministry of Social Justice and Empowerment, Govt. of India, with the objective of working for the Socio-Economic Empowerment of Scheduled Caste persons having annual family income up to Rs.3.00 lakh.
- It provides loan assistance for self-employment ventures in the sectors like Agriculture and Allied Activities, Small Business/Artisan

& Traditional Occupation, Service Sector (Including Transport Sector) and Education Loan for Technical & Professional Trades/Courses.

**5. Dr. Ambedkar Foundation:**

- Set up in 1992 under the aegis of Ministry of Social Justice and Empowerment. Union Minister for Social Justice and Empowerment serves as it's Chairman
- Objective is to recognise, promote and financially assist meritorious students belonging to SCs and STs.
- DAF has launched a new scheme Dr. Ambedkar Centre of Excellence (DACE), which has been implemented in 30 Central Universities throughout the country, for coaching of Scheduled Caste students for Civil Services Examination (CSE).

**6. Babu Jagjivan Ram National Foundation:**

- Set up in 2008 as an autonomous organisation under the aegis of Ministry of Social Justice and Empowerment with Union Minister for Social Justice and Empowerment serving as it's Chairman
- The main aim of the Foundation is to propagate the ideals of Babu Jagjivan Ram, former deputy PM of India.

**1.4 Schemes for promotion of SC welfare:**

S.No.	Scheme	Notes
1.	National Overseas Scholarship Scheme	Department of Social Justice & Empowerment (DoSJE) is implementing the National Overseas Scholarship (NOS) under which financial assistance is provided to selected students from Scheduled Castes, De notified, Nomadic & Semi - Nomadic Tribes, landless agricultural laborers and traditional artisan categories, for pursuing Masters and PhD level courses abroad.
2.	National Fellowships for SC Students (NFSC)	Aim is to provide fellowships in the form of financial assistance to students belonging to Scheduled Caste category to pursue higher studies leading to M. Phil., Ph.D. in Science, Humanities and Social Science streams, in Indian Universities/Institutions/Colleges recognized by University Grants Commission (UGC)

3.	Pradhan Mantri Anusuchit Jaati Abhyuday Yojana (PM-AJAY)- 2021-22	<p>From 2021-22, the following 3 schemes were merged into single scheme- PM AJAY :</p> <ul style="list-style-type: none"> <li>• Pradhan Mantri Adarsh Gram Yojana (PMAGY)</li> <li>• Special Central Assistance to Scheduled Caste Sub Plan (SCA to SCSP)</li> <li>• Babu Jagjivan Ram Chatrawas Yojana (BJRCY)</li> <li>• <u>Objectives of the Scheme:</u> <ol style="list-style-type: none"> <li>1. Reduce poverty of the SC communities by generation of additional employment opportunities through skill development, income generating schemes and other initiatives.</li> <li>2.Improve socio-economic developmental indicators by ensuring adequate infrastructure and requisite services in the SC dominated villages.</li> <li>3.Increase literacy and encourage enrolment of SCs in schools and higher educational institutions by providing adequate residential facilities in quality institutions, as well as residential schools where required, especially in the aspirational districts/ SC dominated blocks and elsewhere in India.</li> </ol> </li> </ul>
4.	Scheme for Residential Education for Students in High Schools in Targeted Areas (SHRESHTA), 2023	<ol style="list-style-type: none"> <li>1. Objective is to enhance the reach of development Intervention of the Government and to fill the gap in service deficient SCs dominant areas, in the sector of education through the efforts of grant-in-aid institutions (run by NGOs) and residential high schools offering high quality education and to provide environment for socio economic upliftment and overall development of the Scheduled Castes (SCs).</li> <li>2. The Scheme is further modified to provide easier access to the meritorious SC students in the best schools in the Country for their Educational and Holistic Development, thereby securing their future opportunities.</li> <li>3. It is implemented through two modes: 1. SHRESHTA schools (Best CBSE/State Board</li> </ol>

		affiliated Private Residential Schools) and NGO/VO operated Schools/Hostels
5.	PM-DAKSH (Pradhan Mantri Dakshta Aur Kushalta Sampann Hitgrahi) Yojana (2020-21)	<p>1.National Action Plan for skilling of marginalized persons covering SCs, OBCs, EBCs, DNTs, Sanitation workers including waste pickers.</p> <p>2. It is being implemented through corporations NSFDC,NSKFDC and NBCFDC.</p> <p>3.Objective: To improve overall competency and adaptability of 2.7 lakh persons over the next 5 years beginning with 50,000 youth in the first year (2020-21) from the following target groups- Artisans, Women and Youth.</p>
6.	National Action for Mechanized Sanitation Eco-system (NAMASTE)- 2023	<p>1.Self Employment Scheme for Rehabilitation of <b>Manual Scavengers (SRMS)</b> has been modified during the FY 2023-24 with a new nomenclature i.e. National Action for Mechanized Sanitation Eco-system (NAMASTE).</p> <p>2. s a joint initiative of the Ministry of Social Justice and Empowerment (MoSJE) and Ministry of Housing &amp; Urban Affairs (MoHUA) and NSKFDC is the implementing agency.</p> <p>3. Primary target of NAMASTE is the sewer and septic tank sanitation Workers (SSWs) involved in hazardous cleaning operations and directly dealing with human faecal matter. Interventions for rehabilitation of manual scavengers under SRMS will continue under NAMASTE.</p>
7.	Pre-Matric and Post Matric scholarship scheme for SC students	<p>Centrally Sponsored Scheme which has following objectives:</p> <p>1. To support, parents of children belonging to Schedules Caste and other disadvantaged categories for education of their wards studying at the Pre-Matric stage so that their participation improves.</p> <p>2. The incidence of drop-out - especially in the transition from the primary to the next level and elementary to the secondary stage - is minimized.</p>

		<p>3. Students perform better and have a better chance of progressing to the Post-matric stage of education.</p> <p>4. Scheme is available for students pursuing studies in India only and will be awarded by the Government of the State/Union Territory to which the applicant belongs i.e. where he is domiciled.</p>
8.	'Scholarship for Higher Education for Young Achievers Scheme (SHREYAS)- (2021-22 to 2025-26)	<p>Aim is to ensure convergence of resources across the four smaller Central Sector Schemes of the Department catering to <b>SC/OBC students</b> desirous of pursuing higher education (in <b>India and abroad</b>) and/or <b>obtaining employment in Group A/Group B services of centre or State Governments</b>. The schemes has the following components –</p> <p><u>1. Top Class Education for SCs</u></p> <p><u>2. Free coaching for SCs and OBCs:</u> Being run by Dr. Ambedkar Foundation (DAF) through empanelled Central Universities.</p> <p><u>3. National Overseas Scholarship for SCs, OBCs &amp; EBCs</u></p> <p><u>4. National Fellowship for SCs &amp; OBCs:</u> To provide fellowships in the form of financial assistance to students belonging to Scheduled Caste category to pursue higher studies leading to M. Phil., Ph.D. in Science, Humanities and Social Science streams, in Indian Universities/Institutions/Colleges recognized by University Grants Commission (UGC).</p>

#### **1.5 Miscellaneous information:**

1. **Thorat Committee:** under the Chairmanship of Professor S.K. Thorat, former chairman of UGC to study caste discrimination in higher education sector.
2. **Dr Subash Kashinath Mahajan vs State of Maharashtra:**

- Supreme Court opined that SC/ST Prevention of Atrocities Act is being misused and checks are needed to prevent such misuse and provided the following guidelines:
  1. Preliminary inquiry at the level of Deputy Superintendent of Police (DSP) is required to verify the authenticity of the case before registering FIR.
  2. A person can be released on anticipatory bail unless a prima facie case of crimes or atrocities is made out.
  3. No FIR should be registered against government servants without approval of the appointing authority.
- In response, Parliament introduced an amendment to Prevention of Atrocities act in 2018 and inserted a new section 18A which reaffirmed original legislative intent of the said act.

### **3. Parliamentary Committee on the welfare of SCs & STs:**

- It consists of 30 members ( 20 from Lok Sabha and 10 from Rajya Sabha)
- It's functions include consideration of reports of National Commissions for SCs & STs, to report on working the welfare programmes for SCs & STs, to report on the action taken by the Union Government and the administrations of the Union Territories on the measures proposed by committee etc.

### **4. M.Nagraj vs Union of India (2006):**

- Upheld the concept of 'creamy layer' for SCs and STs.

### **5. Safai Karmachari Andolan:**

- Safai Karmachari Andolan is a movement that aims to completely eradicate manual scavenging from India.
- The movement began with the efforts of the youth from the community, led by **Bezawada Wilson**, who was born into a family of manual scavengers.



## **2. SCHEDULED TRIBES**

### **2.1 Constitutional safeguards for Scheduled Tribes:**

- **Article 15(4):** Special provisions for advancement of other backward classes(which includes STs)
- **Article 16 (4):** State can make any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State
- **Article 16(4)A:** Nothing in this article shall prevent the State from making any provision for **reservation in matters of promotion** to any class or classes of posts in the services under the State in favour of the Scheduled Castes and the Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State.
- **Article 16(4)B:** Added by the 81st Constitutional Amendment Act, 2000 which enabled the unfilled SC/ST quota of a particular year to be carried forward to the next year.
- **Article 17:** Abolition of Untouchability
- **Article 19 (5):** Freedom to move freely throughout India . However this right can be reasonably restricted to protect the interests of Scheduled Tribes.
- **Article 23:** Prohibition of traffic in human beings and beggar and other similar form of forced labour;
- **Article 24:** Prohibition of employment of children in factories, etc .
- **Article 29:** Protection of Interests of Minorities (which includes STs)
- **Article 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.
- **Article 164(1):** Provides for Tribal Affairs Ministers in Bihar, MP and Orissa
- **Article 243 (D)(1):** Reservation of seats for SCs and STs in every Panchayat.
- **Article 243 (D)(4):** The offices of the Chairperson in the Panchayats at village or any other level shall be reserved for SCs and STs.
- **Article 243 (T)(1):** Reservation of seats for SCs and STs in every Municipality.
- **Article 243 (T)(4):** The offices of the Chairperson in the Municipalities shall be reserved for SCs and STs.
- **Article 244(1):** The provisions of the Fifth Schedule shall apply to the administration and control of the Scheduled Areas and Scheduled Tribes in any State other than the States of Assam Meghalaya, Tripura and Mizoram.
- **5<sup>th</sup> Schedule:**
  - At present 10 States namely Andhra Pradesh, Chhattisgarh, Gujarat, Himachal Pradesh, Jharkhand, Madhya Pradesh, Maharashtra, Odisha, Rajasthan and Telangana have Fifth Schedule Areas.

- The Governor of each State having Scheduled Areas (SA) shall annually, or whenever so required by the President, make a report to the President regarding the administration of Scheduled Areas in that State.
- The Union Government shall have executive powers to give directions to the States as to the administration of the Scheduled Areas.
- Para 4 of the Fifth Schedule provides for establishment of a Tribes Advisory Council (TAC) in any State having Scheduled Areas. If the President so directs, there will be established a TAC in a State having Scheduled tribes but not Scheduled Areas therein, consisting of not more than twenty members of whom, three-fourths shall be the representatives of the Scheduled Tribes in the Legislative Assembly of the State. If the number of representatives of the STs in the Legislative Assembly of the State is less than the number of seats in the TAC to be filled by such representatives, the remaining seats shall be filled by other members of those Tribes.
- The TAC shall advise on such matters pertaining to the welfare and the advancement of the STs in the State as may be referred to them by the Governor.
- The Governor may make rules prescribing or regulating:
  - ✓ the number of members of the Council, the mode of their appointment and the appointment of the Chairman of the Council and of the officers and servants thereof,
  - ✓ the conduct of its meetings and its procedure in general; and
  - ✓ all other incidental matters.
- The Governor may, by public notification, direct that any particular Act of Parliament or of the Legislature of the State shall or shall not apply to a SA or any part thereof in the State, subject to such exceptions and modifications, as specified. The Governor may make regulations for the peace and good government of any area in the State which is for the time being a SA. Such regulations may:
  - ✓ prohibit or restrict the transfer of land by or among members of the Scheduled tribes in such area;
  - ✓ regulate the allotment of land to members of the STs in such area;
  - ✓ regulate the carrying on of business as money-lender by persons who lend money to members of the STs in such area.
- In making such regulations, the Governor may repeal or amend any Act of Parliament or of Legislature of the State or any existing law after obtaining assent of the President.
- No regulations shall be made unless the Governor, in case a TAC exists, consults such TAC.
- **Article 244(2):** The provisions of the Sixth Schedule shall apply to the administration of the tribal areas in the State of Assam, Meghalaya, Tripura and Mizoram (ATM<sup>2</sup>)
- **6<sup>th</sup> Schedule:**
- **Autonomous districts and autonomous regions:**
  - ✓ The tribal areas in the four states of Assam, Meghalaya, Tripura, and Mizoram are to be administered as Autonomous Districts.

- ✓ If there are different Scheduled Tribes in an autonomous district, the Governor can divide the district inhabited by them into Autonomous Regions.
- ✓ The Governor is empowered to organize and reorganize the autonomous districts. He can also increase, decrease the boundaries or alter the name of any autonomous district.
- **Constitution of District Councils and Regional Councils:**
  - ✓ There shall be a District Council for each autonomous district consisting of not more than 30 members, of whom not more than four persons shall be nominated by the Governor, and the rest shall be elected on the basis of adult suffrage.
  - ✓ There shall be a separate Regional Council for each area constituted an autonomous region.
- **Powers of the District Councils and Regional Councils to make laws:**
  - ✓ The District and Regional councils are empowered to make laws on certain specified matters like lands, management of forest (other than the Reserved Forest), inheritance of property, etc.
  - ✓ These councils also empowered to make law for the regulations and control of money-lending or trading by any person other than Scheduled Tribe residents in that Scheduled District.
  - ✓ However, all laws made under this provision require the assent of the Governor of the State.
- **Administration of justice in autonomous districts and autonomous regions:**
  - ✓ The District and Regional Councils are empowered to constitute Village and District Council Courts for the trial of suits and cases where all parties to the dispute belong to Scheduled Tribes within the district.
  - ✓ The High Courts have jurisdiction over the suits and cases which is specified by the Governor.
  - ✓ However, the Council Courts are not given the power to decide cases involving offenses punishable by death or imprisonment for five or more years.
- The District and Regional Councils are empowered to assess and collect land revenue and impose taxes on professions, trades, animals, vehicles, etc. The Councils are given the power to grant licenses or leases for the extraction of minerals within their jurisdiction.
- The District Councils and Regional Councils are given the power to establish, construct or manage primary schools, dispensaries, markets, cattle ponds, fisheries, roads, road transport and waterways in the districts.
- To autonomous districts and autonomous regions, the acts of Parliament or the state legislature do not apply or apply with specified modifications and exceptions.
- The Governor can appoint a commission to investigate and provide a report on any issue pertaining to the management of the autonomous districts or region.
- **Article 275:** Grants in-Aid to specified States (STs&SAs) covered under Fifth and Sixth Schedules of the Constitution.

- **Article 320(4):** Nothing in clause (3) shall require a Public Service Commission to be consulted as respects the manner in which any provision referred to in clause (4) of Article 16 may be made or as respects the manner in which effect may be given to the provisions of Article 335.
- **Article 330:** Reservation of seats for SCs and STs in Lok Sabha
- **Article 332:** Reservation of seats for SCs and STs in the legislative assemblies of the states.
- **Article 335:** The claims of the member 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 337:** Reservation of seats for SCs and STs in the legislative assemblies of the states.
- **Article 338A:** National Commission for Scheduled Tribes
- **Article 350 A:-** Provision for facilities for instruction in mother-tongue at primary stage.
- **Article 350 B:-** Provision for a Special Officer for Linguistic Minorities and his duties.
- **Article 371:** Special provisions in respect of North East states and Sikkim.

## 2.2 Legislative safeguards for STs:

### 1. The Scheduled Tribes (STs) and Other Traditional Forest Dwellers (OTFDs) (Recognition of Forest Rights) Act, 2006:

- Main aim is to recognize and vest the forest rights and occupation in forest land to forest dwelling Scheduled Tribes.
- **Objective:**
  1. To undo the historical injustice occurred to the forest dwelling communities
  2. To ensure land tenure, livelihood and food security of the forest dwelling Scheduled Tribes and other traditional forest dwellers
  3. To strengthen the conservation regime of the forests by including the responsibilities and authority on Forest Rights holders for sustainable use, conservation of biodiversity and maintenance of ecological balance.
- **Features:**
  - The act identifies 4 types of rights ( Title rights, Use rights, Relief and development rights, Forest management rights)
  - **Recognition of Rights:** The FRA recognizes the rights of forest rights and occupation in Forest land in Forest Dwelling Scheduled Tribes (FDST) and Other Traditional Forest Dwellers (OTFD) residing in such forests for generations.
  - **Vesting of Rights:** Forest rights, including individual and community rights, are vested in the forest-dwelling communities, providing legal recognition to their historical and cultural connections with the land.
  - **Categories of Rights:** The act delineates various rights, including individual rights to cultivate, community rights over common property resources, and rights for traditional seasonal access to forests.

- **Gram Sabha's Role:** The Gram Sabha, or village assembly, plays a central role in the implementation of the act. It is involved in the identification of beneficiaries and the extent of Individual Forest Rights (IFR) Community Forest Rights (CFR) or both that may be given to FDST and OTFD.
- **Cultural and Religious Rights:** FRA acknowledges the cultural and religious rights of forest-dwelling communities, ensuring the protection of their customs, traditions, and rituals.
- **Consent of Gram Sabha:** Prior informed consent of the Gram Sabha is required for the diversion of forestland for non-forest purposes, ensuring the participation of local communities in decision-making.
- **Protection against Eviction:** The act prohibits the eviction of forest dwellers from their traditional habitats, providing a safeguard against displacement.
- **Role of Committees:** Various committees, such as the District Level Committee (DLC) and Sub-Divisional Level Committee (SDLC), are established to facilitate the process of verification and approval of claims.

## 2. The Panchayats Extension to Scheduled Areas (PESA) Act 1996:

- It was enacted on 24 December 1996 to enable tribal self-rule in fifth schedule areas. The Act extended the provisions of Panchayats to the tribal areas of Fifth Schedule states.
- **Features:-**
  - **Gram Sabha:** The PESA Act establishes the Gram Sabha, a forum for the participation of the community in the development process. The Gram Sabha is responsible for the identification of development projects, the preparation of development plans, and the implementation of these plans.
  - **Village-level institutions:** The Act provides for establishing village-level institutions to carry out development activities and provide basic services to the community. These institutions include the Gram Panchayat, the Gram Sabha, and the Panchayat Samiti.
  - **Powers and functions:** The PESA legislation gives the Gram Sabha and the Gram Panchayat significant powers and functions in relation to the management of natural resources, the protection of the environment, and the regulation of economic activities.
  - **Consultation:** According to the Act requires that the Gram Sabha be consulted before any development projects or activities are undertaken in the Scheduled Areas.
  - **Funds:** The Act allows transferring funds to the Gram Sabha and the Gram Panchayat to enable them to perform their functions.
  - **Land:** The Act provides for the protection of the land rights of the tribal communities in the Scheduled Areas and requires that their consent be obtained before any land is acquired or transferred.
  - **Cultural and social practices:** The Act protects the cultural and social practices of the tribal communities in the Scheduled Areas and prohibits any interference in these practices.

**3. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Amendments- 2015 and 2018)**

4. **Protection of Civil Rights Act, 1955**
5. **Bonded Labour (Abolition) Act. 1976**

**2.3 Organisations for welfare of Scheduled Tribes:**

**1. National Commission for Scheduled Tribes:**

- It was set up in 2004 by amending Article 338 and by inserting a new article 338A in the Constitution through the 89<sup>th</sup> Constitution Amendment Act, 2003
- **Composition:** It consists of a Chairperson, a Vice-Chairperson and 3 other Members who are appointed by the President by warrant under his hand and seal.
  - ✓ At least one member should be a woman.
  - ✓ The Chairperson, the Vice-Chairperson and the other Members hold office for a term of 3 years.
  - ✓ The members are not eligible for appointments for more than two terms.
- Recent chairperson of NCST is Harsh Chouhan (Resigned in July 2023. Since then no chairperson has been appointed).
- **Functions:**
  - To investigate and monitor all matters relating to the safeguards provided for the STs under the Constitution or under any other law for the time being in force or under any order of the Government.
  - To inquire into specific complaints with respect to the deprivation of rights and safeguards of the STs.
  - To participate and advise in the planning process of the socio-economic development of the STs and to evaluate the progress of their development.
  - The Commission shall provide reports on the operation of those safeguards to the President annually and as necessary.
  - To make in such reports recommendations as to the measures that should be taken by the Union or any State for effective implementation of those safeguards.
  - The President, subject to the provisions of any law made by Parliament, may, by rule, discharge any other functions relating to the protection, welfare, development, and advancement of the STs.

**2. National Scheduled Tribes Finance and Development Corporation (NSTFDC):**

- National Scheduled Tribes Finance and Development Corporation (NSTFDC) was set up in 2001 under the Ministry of Tribal Affairs, Govt. of India with head office in New Delhi.
- Important schemes being implemented by NSTFDC are:-
- **Term Loan Scheme:** NSTFDC provides Term Loan for viable projects costing upto ₹50.00 lakh per unit. Under the scheme, financial assistance is extended

upto 90% of the cost of the project and the balance is met by way of subsidy/ promoter contribution/ margin money.

- **Adivasi Mahila Sashaktikaran Yojana (AMSY):** This is an exclusive scheme for economic development of Scheduled Tribes Women. Under the scheme, NSTFDC, provides loan upto 90% for projects costing upto ₹2.00 lakh. Financial assistance under the scheme is extended at highly concessional rate of interest of 4% per annum.
- **Micro Credit Scheme for Self Help Groups (MCF):** This is an exclusive scheme for Self Help Groups for meeting small loan requirement of ST member. Under the scheme, the Corporation provides loans upto ₹50,000/- per member and maximum ₹5 Lakh per Self Help Group (SHG).
- **Adivasi Shiksha Rrinn Yojana (Education Loan Scheme):** This is an Education loan scheme to enable the ST students to meet expenditure for pursuing technical and professional education including Ph.D. in India. Under this scheme, the Corporation provides financial assistance upto ₹10.00 lakh per eligible family at concessional rate of interest of 6% per annum. The students eligible for interest subsidy from Ministry of Human Resource Development, Govt. of India, during the moratorium period i.e. course period plus one year after completion of course or six months after getting the job, whichever is earlier.
- **Margin Money Support Scheme for ST Entrepreneurs:** In order to finance projects under the Stand-Up India Scheme of Government of India, a separate scheme titled “Margin Money Support Scheme for ST Entrepreneurs” has been formulated in December 2020. Under this scheme, the eligible ST Entrepreneurs are allowed to avail financial assistance of NSTFDC to the extent of 15% of the total project cost under Stand-Up India Scheme.

### **3. TRIFED (Tribal Co-Operative Marketing Development Federation of India Limited)**

- TRIFED was established in August 1987 under the Multi-State Cooperative Societies Act, 1984 as a National level Cooperative body with the basic mandate of bringing about socio-economic development of tribals of the country by institutionalizing the trade of Minor Forest Produce (MFP) & Surplus Agricultural Produce (SAP) collected/ cultivated by them. It is under the administrative control of Ministry of Tribal Affairs.
- Objective of TRIFED is the socio-economic development of tribal people in the country by way of marketing development of the tribal products such as metal craft, tribal textiles, pottery, tribal paintings and pottery on which the tribals depend heavily for a major portion of their income. It markets products through a network of retail outlets known as “TRIBES INDIA”.

#### **2.4 Schemes for welfare of Scheduled Tribes:**

S.No.	Scheme	Notes
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1.	Pradhan Mantri PVTG Development Mission or Pradhan Mantri Janjati Adivasi Nyaya Maha Abhiyan (PM JANMAN)	<p>1. Aimed at <b>development of PVTGs</b> with a total outlay of <b>Rs.24,104 crore</b> (Central Share:Rs.15,336 crore and State Share: Rs.8,768 crore) to focus on 11 critical interventions through 9 line Ministries. The Prime Minister announced the Abhiyan on Janjatiya Gaurav Diwas (November 15 ) in Khunti, Jharkhand.</p> <p>2. Budget 2023-24 first announced this Mission- “To improve socio-economic conditions of the Particularly Vulnerable Tribal Groups (PVTGs) and saturate PVTG households and habitations with basic facilities such as safe housing, clean drinking water and sanitation, improved access to education, health and nutrition, road and telecom connectivity, and sustainable livelihood opportunities. An amount of Rs.15,000 crore will be made available to implement the Mission in the next three years under the Development Action Plan for the Scheduled Tribes (DAPST).”</p> <p>3. The PM-JANMAN (comprising Central Sector and Centrally Sponsored Schemes) to focus on 11 critical interventions through 9 Ministries including Ministry of Tribal Affairs including provision for pucca houses, connecting roads, construction of hostels etc.</p> <p>4. I phase commenced in 100 districts from 25<sup>th</sup> December, 2023</p>
2.	Pradhan Mantri Vanbandhu Kalyan Yojana (PMVKY) (2021-22 to 2025-26)	The PMVKY is aimed at holistic development of tribal communities and tribal areas across the country focusing on integrated development of villages and capacity building through interventions in education and livelihood in convergence with State and Central TSP funds. Scheme components



		<p>covered under the PMVKY are as follows:</p> <ol style="list-style-type: none"> <li>i. <u>Pradhan Mantri Adi Adarsh Gram Yojna (PMAAGY)</u>- <ul style="list-style-type: none"> <li>• Earlier called 'Special Central Assistance to Tribal Sub-Scheme (SCA to TSS)</li> <li>• Being implemented for the period 2021-22 to 2025-26</li> <li>• Aimed at transforming villages with significant tribal population covering about population of 4.22 crore.</li> </ul> </li> <li>ii. Development of Particularly Vulnerable Tribal Groups (PVTGs)</li> <li>iii. Support to Tribal Research Institutes</li> <li>iv. Pre-Matric Scholarship</li> <li>v. Post-Matric Scholarship Scheme</li> </ol>
3.	Pradhan Mantri Janjatiya Vikas Mission (PMJVM)	<p>1.To strengthen tribal entrepreneurship initiatives and to facilitate livelihood opportunities by promoting more efficient, equitable, self-managed, optimum use of natural resources, Agri / Non-Timber Forest Products (NTFPs) / Non-farm enterprises.</p> <p>2.Tribal Co-operative Marketing Development Federation of India (TRIFED) is the central implementing agency of this scheme.</p> <p>3.The scheme seeks to support the theme of "Vocal for Local by Tribal".</p> <p>4.Under PMJVM, the Ministry provides financial support for procurement of Minor Forest Produces (MFPs) at Minimum Support Price, creation of infrastructure facilities for development of MFP/non-MFP value chain and value addition training programmes through Van Dhan Vikas Kendras.</p>

4.	Mission to eliminate Sickle Cell Anaemia by 2047	<p>1. Announced in Budget 2023-24 and launched on <b>1<sup>st</sup> July 2023</b>.</p> <p>2. To be implemented jointly by Ministry of Health and Family Welfare and Ministry of Tribal Affairs in collaboration with ICMR and States concerned.</p> <p>3. It aims to screen over 8 crore tribals for SCA under 40 years of age in the next 3 years</p>
5.	Eklavya Model Residential Schools (EMRS)	<p>1. EMRS is a central sector scheme for making model residential schools for STs across India. It started in the year 1997-98.</p> <p>2. For students in Class VI to XII</p> <p>3. These schools will be managed by National Education Society for Tribal Students (NESTS), an autonomous organization under Ministry of Tribal Affairs.</p>
6.	Pre Matric Scholarship for Scheduled Tribe Students studying in Classes IX & X	centrally sponsored scholarship scheme by Ministry of Tribal Affairs for students from scheduled tribes, for pursuing education in Class 9th and 10th. Scholarships are paid @ ₹ 225/- per month for Day Scholars and @ ₹ 525/- per month for Hostellers, for a period of 10 months in a year.
7.	Post-Matric Scholarship Scheme	Scholarships are paid to students whose parents'/guardians' income from all sources does not exceed Rs. 2.50 lakh per annum.
8.	National Fellowship Scheme for Higher Education for ST students	Central Sector Scheme of Ministry of Tribal Affairs and every year 750 fresh

		ST students are given fellowship for pursuing M.Phil and Ph. D. Courses
9.	National Scholarship Scheme for Higher Education for ST students (Top Class)	To encourage ST students studying in degree and post graduate level in designated top 252 institutions, whose parental income is less than 6 lakhs.
10.	National Overseas Scholarship for ST students for studying abroad	For pursuing PG, Doctoral and Post-Doctoral level courses abroad.

### **2.5 Miscellaneous information:**

1. **Jan Jatiya Gaurav Diwas:** Celebrated every year on 15<sup>th</sup> November 2023 to pay tributes to Birsa Munda on his birth anniversary.
2. **National Tribal Research Institute** was set up recently in New Delhi.
3. **Aadi Mahotsav - the National Tribal Festival:** It is an annual initiative of Ministry of Tribal Affairs to celebrate the spirit of tribal entrepreneurship, craft, culture, cuisine, commerce and age-old traditional art. It serves as a platform to showcase the rich and diverse heritage of tribes from across the country.
  - In 2023, the festival was held in Major Dhyan Chand National Stadium- New Delhi.
4. In 2022, Cabinet approved inclusion of 4 communities in ST list- Narikoravan and Kurivikkaran (Tamil Nadu), Gond Community (Uttar Pradesh), Betta-Kuruba' (Karnataka), Hatti Tribe (Himachal Pradesh)
5. **Tribal Sub-Plan (TSP):**
  - Tribal Sub Plan (TSP) strategy was initially developed by an Expert Committee set up by the Ministry of Education and Social Welfare in 1972 under the Chairmanship of **Prof. S.C. Dube** for the rapid socio-economic development of tribal people and was adopted for the first time in the **Fifth Five Year Plan**.
  - It aims to bridge the gap between the Schedule Tribes (STs) and the general population with respect to all socio-economic development indicators in a time-bound manner.
  - As per the recommendations of Narendra Jadhav committee the earmarking of funds for all Central Ministries/Departments taken together should be at least 8.2% of the total Plan outlay under the TSP.
  - It is **now known as Development Action Plan for Scheduled Tribes (DAPST)**, besides Ministry of Tribal Affairs, 41 Ministries/ Departments are allocating funds in the range of 4.3 to 17.5 per cent of their total scheme allocation every year for tribal development projects relating to education,

health, agriculture, irrigation, roads, housing, electrification, employment generation, skill development, etc.

- TSP is not applicable to states where tribals represent more than 60% of the population.

**6. ITDA (Integrated Tribal Development Agency)/ITDP (Integrated Tribal Development Project):**

- They were created during the Fifth Five Year Plan as additional institutions for delivery of public goods and services to Scheduled Tribes.
- These agencies function under overall control of the State Governments. The respective State Government keep watch over these agencies for ensuring effective utilization of funds provided to them for implementation of various programmes / interventions and submission of progress of the work assigned to them.
- They are 195 ITDAs/ITDPs in the country. (As per 2015 data)

### **3. Other Backward Classes**

- The term is normally applied to refer to those sections of Indian population who are economically, socially and educationally disadvantaged position. The Other Backward Classes (OBC) in particular are those who are either not classified as Scheduled Caste (SC) or Scheduled Tribe (ST).
- The use of the term 'class' in OBCs is significant as the major purpose of providing any constitutional safeguard to people other than SCs and STs was to protect the 'poor' and 'marginalised'. But later the caste element was also used to identify the OBCs.
- The First Backward Classes Commission (Kaka Kalelkar Commission) identified more than 3,000 castes or communities as the OBCs in 1956. The Second Backward Classes Commission- Mandal Commission (1980) calculated that 52 percent of the population including non-Hindus constitutes other backward class.
- Kaka Kalelkar Commission formulated the following criteria for socially and educationally backward classes:
  1. Low social position in the traditional caste hierarchy of Hindu society.
  2. Lack of general educational advancement among the major sections of a caste or community.
  3. Inadequate representation in the field of trade, commerce, and industry.

#### **3.1 Commissions on OBCs:**

##### **1. First Backward Classes Commission (Kaka Kalelkar Commission):**

- Set by the Government of India on 29th January, 1953 under the chairmanship of Kaka Kalelkar. It submitted report on March 30, 1955.
- The commission identified 2399 castes and 837 of these were classified as 'Most Backward'. However, Centre didn't accept its report.

##### **2. Second Backward Classes Commission (Mandal Commission):**

- It was set up on January 1, 1979 with B.P. Mandal as chairman. It submitted report on December 31, 1980.
- The commission identified 3743 castes as Social and Economic Backward Castes.
- It identified 11 indicators for determining social and economic backwardness which were grouped under three broad heads- social, educational and economic.
- It calculated that 52 percent of the population including non-Hindus constitutes OBCs.
- On the basis of Mandal Commission report, 27% reservations were provided to OBCs in central government jobs for persons belonging to social and economically backward classes.

##### **3. Justice Rohini Commission on sub categorisation of OBCs:**

- Set up on 2<sup>nd</sup> October, 2017 under Article 340 of the Constitution.
- **Terms of reference:**
- To investigate the extent of inequitable distribution of reservation benefits among castes or communities in the broad category of OBCs.
- To develop the mechanism, criteria, norms and parameters for sub-categorisation within such OBCs using a scientific approach.

- To begin the process of identifying and classifying the respective castes, communities, sub-castes in the Central List of OBCs.
- To review the various entries in the Central List of OBCs and recommend changes to any repetitions, ambiguities, inconsistencies, or spelling or transcription errors (added in 2020).

### **3.2 Constitutional mechanism for OBCs:**

- **Article 15(4):** Empowers the state to make special provisions for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.
- **Article 15(5):** Article 15(5) is a clause under the Indian Constitution that permits the government to make special provisions for socially and educationally backward classes and Scheduled Castes and Scheduled Tribes with regard to their admission to educational institutions, including private educational institutions, aided or unaided by the State.
- **Article 16 (2):** No citizen shall, on grounds only of religion, race, **caste**, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect or, any employment or office under the State.
- **Article 16(4):** State can make provision for the reservation of appointments or posts in favor of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.
- **Article 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.
- **Article 243 (D) (6):** State can make provision for reservation of seats in any Panchayat or offices of Chairpersons in the Panchayats at any level in favour of backward class of citizens.
- **Article 243 (T) (6):** State can make provision for reservation of seats in any Municipality or offices of Chairpersons in the Municipalities at any level in favour of backward class of citizens.
- **Article 340:** Appointment of a Commission to investigate the conditions of backward classes:
  - (1) The President may by order appoint a Commission consisting of such persons as he thinks fit to investigate the conditions of socially and educationally backward classes within the territory of India and the difficulties under which they labour and to make recommendations as to the steps that should be taken by the Union or any State to remove such difficulties and to improve their condition and as to the grants that should be made for the purpose by the Union or any State the conditions subject to which such grants should be made, and the order appointing such Commission shall define the procedure to be followed by the Commission.
  - (2) A Commission so appointed shall investigate the matters referred to them and present to the President a report setting out the facts as found by them and making such recommendations as they think proper.

(3) The President shall cause a copy of the report so presented together with a memorandum explaining the action taken thereon to be laid before each House of Parliament.

- **Article 342A:** It grants power to the President of India to announce any particular caste as a Socially and Educationally Backward Class (SEBC) and the control of the Parliament to change the list. (This article was added through 102<sup>nd</sup> Constitutional Amendment).

### **3.3 Organisations related to OBCs:**

#### **1. National Commission for Backward Classes (NCBC):**

- It was originally established by the Central Govt by the National Commission for Backward Classes Act, 1993. Later 102<sup>nd</sup> Constitutional Amendment Act, 2018 ,a new Article 338B has been inserted forming a Commission for the socially and educationally backward classes known as National Commission for Backward Classes.
- **Composition:** 1. The Commission consists of five members including a Chairperson, Vice-Chairperson and three other Members appointed by the President by warrant under his hand and seal.  
2. The conditions of service and tenure of office of the Chairperson, Vice-Chairperson and other Members is determined by President.
- **Functions:**
- The commission investigates and monitors all matters relating to the safeguards provided for the socially and educationally backward classes under the Constitution or under any other law to evaluate the working of such safeguards.
- It participates and advises on the socio-economic development of the socially and educationally backward classes and to evaluate the progress of their development under the Union and any State.
- It presents to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards. The President laid such reports before each House of Parliament.
- Where any such report or any part thereof, relates to any matter with which any State Government is concerned, a copy of such report shall be forwarded to the State Government.
- NCBC has to discharge such other functions in relation to the protection, welfare and development and advancement of the socially and educationally backward classes as the President may, subject to the provisions of any law made by Parliament, by rule specify.
- It has all the powers of a civil court while trying a suit.
- Present chairman of NCBC is **Sri Hansraj Gangaram Ahir**

#### **2. National Backward Classes Finance & Development Corporation (NBCFDC):**

- It is a Govt. of India Undertaking under the aegis of Ministry of Social Justice and Empowerment. The Corporation was incorporated under Section 25 of the Companies Act 1956 on 13th January 1992.

- The objective of the Corporation is to promote economic and developmental activities for the benefit of Backward Classes and to assist the poorer section of these classes in skill development and self-employment ventures.
- It provides financial assistance/loans through State Channelizing Agencies (SCAs) nominated by the State Governments/UTs and Banks (PSBs & RRBs).

### 3.4 Schemes for OBCs:

S.No.	Scheme	Notes
1.	PM YASASVI (PM Young Achievers Scholarship Award Scheme for Vibrant India)- (2021-22 to 2025-26)	<p>1.Umbrella Scheme being implemented by Ministry of Social Justice and Empowerment for OBC, EBC and DNT Students by clubbing the existing Scholarship Schemes and Hostel Scheme.</p> <p>2. There are five sub-Schemes under the Scheme:</p> <ol style="list-style-type: none"> <li>1. Pre-Matric Scholarship for OBC, EBC and DNT Students</li> <li>2. Post-Matric Scholarship for OBC, EBC and DNT Students.</li> <li>3. Top Class School Education for OBC,EBC and DNT Students</li> <li>4. Top Class College Education for OBC, EBC and DNT Students</li> <li>5. Construction of Hostel for OBC Boys and Girls.</li> </ol> <p>3. Aim is to award scholarships ranging from 75000 to 1,25,000 to eligible candidates belonging to Other Backward Class (OBC), Economically Backward Class (EBC),and De-Notified, Nomadic &amp; Semi Nomadic Tribes(DNT/SNT) categories.</p> <p>4. The annual income of parents/guardians from all sources should not exceed Rs.</p>



		<p>2.5 lakhs and students studying in Class IX and Class XI identified Schools across India are eligible.</p> <p>5. Selection is through an entrance test Yasasvi Entrance Test being conducted by National Testing Agency.</p>
2.	Scholarship for Higher Education for Young Achievers Scheme (SHREYAS)- (2021-22 to 2025-26)	<p>1. For OBC &amp; EBC students.</p> <p>2. The scheme has 2 components:</p> <p>a) National Fellowship for OBC students:</p> <ul style="list-style-type: none"> <li>✓ It aims at providing financial assistance to the OBC students in obtaining quality higher education leading to degrees such as M.Phil and Ph.D in universities, research institutions and scientific institutions.</li> <li>✓ The scheme is designed to provide a total number of 300 Junior Research Fellowships per year from the year 2014-15 onwards and 300 Senior Research Fellowships during 2016-17 to Other Backward Class (OBC) student.</li> <li>✓ The UGC is the nodal agency for implementing the scheme.</li> </ul> <p>b) Dr. Ambedkar Central Sector Scheme on Education loans for Overseas Studies for OBC &amp; EBCs.</p>
3.	Pre-Matric Scholarship to the OBCs for studies in India	<p>1. For students studying in Class IX and X.</p> <p>2. Parents/guardians income from all sources should not</p>

		exceed Rs.2,50,000 per annum.
4.	Post-Matric Scholarship to the OBCs for studies in India	1. For students studying at Post-Matric/ post secondary levels. 2. Parents/guardians income from all sources should not exceed Rs.1,50,000 per annum.
5.	Vanchit Ikai Samooh aur Vargon ko Aarthik Sahayata Yojana (VISVAS Yojana)	1. Interest subvention will be provided to Self Help Groups with 100% OBC members and OBC individuals who have taken loan for various income generating activities from those Lending Institutions who have signed MoA with NBCFDC. 2. Maximum loan limit: 4 lakh for SHG and 2 lakh for individual with maximum subvention amount of 5% p.a. 3. Applicant's annual family income should be less than Rs. 3.00 Lakh

### **3.5 Miscellaneous information:**

#### **1. Indira Sawhney vs Union of India (1992)- Mandal Commission Case:**

- ✓ Supreme Court upheld 27% reservations for Backward classes for OBCs in the Central government jobs subject to certain conditions like exclusion of Creamy layer from quota, no reservation in promotion and total reservations quota should not exceed 50% (as held in M.R.Balaji vs State of Mysore)
- ✓ The court said "social and educational backwardness" is required for a group to qualify for reservations.

#### **2. Creamy layer:**

- ✓ An expert committee headed by Ram Nandan was set up in 1993 to identify creamy layer among OBCs.

✓ Current criteria:

**a) Income beyond 8 lakh:**

For those not in government, the current threshold is an income of Rs 8 lakh per year. It was last revised in 2017.

b) **Parents' rank:** For children of government employees, the threshold is based on their parents' rank and not income.

- For instance, an individual is considered to fall within the creamy layer if either of his or her parents is in a constitutional post; if either parent has been directly recruited in Group-A; or if both parents are in Group-B services.
- If the parents enter Group-A through promotion before the age of 40, their children will be in the creamy layer.
- Children of a Colonel or higher-ranked officer in the Army, and children of officers of similar ranks in the Navy and Air Force, too, come under the creamy layer. There are other criteria as well.

Prudhvi Vegesna

## **4. MINORITIES**

- A minority group is usually a coherent group which has shared values, culture, language and religion among other things.
- The Constitution of India uses the term minority but does not define it. It recognises two types of minorities based on language and/or religion.
- Usually in the Indian context, any community that does not constitute more than 50% in a state is considered a minority.
- According to Section 2 (c) of National Commission for Minorities Act, initially 5 communities- Muslims, Christians, Buddhists, Sikhs and Zoroastrians were notified as minority communities. Later in 2014, Jains have also been notified as minority community. (Total- 6 communities)

### **4.1 Constitutional safeguards for Minorities:**

- **Article 14:** Equality before law and equal protection of law
- **Article 15(1) & 15 (2):** Prohibition of discrimination against citizens on grounds of religion, race, caste, sex or place of birth.
- **Article 15(4):** Empowers the state to make special provisions for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes.
- **Article 16(1):** Equality of opportunity for all citizens in matters relating to employment
- **Article 16 (2):** No citizen shall, on grounds only of religion, race, **caste**, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect or, any employment or office under the State.
- **Article 16(4):** State can make provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State
- **Article 25 (1):** Freedom of conscience and the right freely to profess, practise and propagate religion
- **Article 26:** Freedom to manage religious affairs subject to public order, morality and health, every **religious denomination** or any section thereof shall have the right:
  - **(a)** to establish and maintain institutions for religious and charitable purposes;
  - **(b)** to manage its own affairs in matters of religion;
  - **(c)** to own and acquire movable and immovable property; and
  - **(d)** to administer such property in accordance with law
- **Article 29 (1):** Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same
- **Article 29 (2):** No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them.
- **Article 30 (1):** All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.
- **Article 30(1)(1A):** In making any law providing for the compulsory acquisition of any property of an educational institution established and administered by a minority, referred to in clause ( 1 ), the State shall ensure that the amount fixed

by or determined under such law for the acquisition of such property is such as would not restrict or abrogate the right guaranteed under that clause.

- **Article 30 (2):** The state shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language.
- **Article 347:** Special Provision relating to Language Spoken by a Section of the Population of a State
- **Article 350:** Language to be used in Representations for Redress of Grievances
- **Article 350 A:** Facilities for instruction in Mother-Tongue at Primary stage
- **Article 350 B:** Special Officer for Linguistic Minorities.

#### 4.2 **Legislative measures for Minorities:**

##### 1. **National Commission for Minorities Act, 1992:**

- The act was enacted to set up **National Commission for Minorities**.
- NCM consists of a Chairperson, a Vice-Chairperson and five members and all of them shall be from amongst the minority communities.
- Total of 7 persons to be nominated by the Central Government should be from amongst persons of eminence, ability and integrity.
- Tenure: Each Member holds office for a period of three years from the date of assumption of office.
- **Functions:**
  1. To evaluate the progress of the development of Minorities under the Union and States.
  2. Monitor the working of the safeguards provided in the Constitution and in laws enacted by Parliament and the State Legislatures.
  3. Make recommendations for the effective implementation of safeguards for the protection of the interests of Minorities by the Central Governments or the State Governments.
  4. Look into specific complaints regarding deprivation of rights and safeguards of the Minorities and take up such matters with the appropriate authorities.
  5. Cause studies to be undertaken into problems arising out of any discrimination against Minorities and recommend measures for their removal.
  6. Conduct studies, research and analysis on the issues relating to socio-economic and educational development of Minorities.
  7. Suggest appropriate measures in respect of any Minority to be undertaken by the Central Government or the State Governments.
  8. Make periodical or special reports to the Central Government on any matter pertaining to Minorities and in particular the difficulties confronted by them. i. any other matter which may be referred to it by the Central Government.
- **Powers:**
  1. Summoning and enforcing the attendance of any person from any part of India and examining him on oath.
  2. Requiring the discovery and production of any document.

3. Receiving evidence on affidavit.
4. Requisitioning any public record or copy thereof from any court or office.
5. Issuing commissions for the examination of witnesses and documents.
6. Any other matter which may be prescribed
  - Present chairman of NCM is Iqbal Singh Lalpura

**2. The Dargah Khwaja Saheb Act, 1955:**

- It provides for constitution of a Dargah Committee to manage Dargah Sharif in Ajmer.
- The Dargah Committee, appointed by the Government, manages donations, takes care of the maintenance of the shrine, and runs charitable institutions like dispensaries, and guest houses for the devotee.

**3. National Commission for Minority Educational Institutions (NCMEI) Act, 2004:**

- It gives the minority status to the educational institutions on the basis of six religious communities notified by the government.

**4. The Wakf (Amendment) Act, 2013:**

- It replaced the Wakf Act, 1995.

**5. The Muslim Women (Protection of Rights on Marriage) Act 2019:**

- **Declaration of Talaq:** The Act makes declaration of talaq, including in written or electronic form, to be void) and illegal.
- ✓ The Act defines talaq as talaq-e-biddat or any other similar form of talaq pronounced by a muslim man resulting in instant and irrevocable divorce.
- **Offence and Penalty:** The Act makes a declaration of talaq a cognizable offence, attracting up to three years imprisonment with a fine.
- **Cognizable Offence:** The offence will be cognizable only if information relating to the offence is given by married woman (against whom talaq has been declared), or any person related to her by blood or marriage.
- **Bail:** The Act provides that the Magistrate may grant bail to the accused.
- ✓ The bail may be granted only after hearing the woman (against whom talaq has been pronounced), and if the Magistrate is satisfied that there are reasonable grounds for granting bail.
- **Compounding Offence:** The offence may be compounded (i.e. the parties may arrive at a compromise) by the Magistrate upon the request of the woman (against whom talaq has been declared).
- ✓ The terms and conditions of the compounding of the offence will be determined by the Magistrate.

- **Allowance:** A Muslim woman against whom talaq has been declared, is entitled to seek subsistence allowance from her husband for herself and for her dependent children.
- ✓ The amount of the allowance will be determined by the Magistrate.
- **Custody:** A Muslim woman against whom such talaq has been declared, is entitled to seek custody of her minor children.
- ✓ The manner of custody will be determined by the Magistrate.

#### 4.3 Schemes for the welfare of Minorities:

S.No.	Scheme	Notes
1.	PM VIKAS (Pradhan Mantri Virasat Ka Samvardhan (PM VIKAS) Scheme	<p>1. Earlier name : Pradhan Mantri Kaushal Ko Kaam Karyakram (PMKKK)</p> <p>2. It is being implemented for the period of 15<sup>th</sup> Finance Commission.</p> <p>3. The aim of the scheme is to cover the life cycle of under privilege segment of minority community and focus on providing livelihood opportunities.</p> <p>4. The scheme has been planned to be implemented across four components namely:</p> <p>a) Skilling and Training Component</p> <p>b) Leadership and Entrepreneurship Component, with credit support</p> <p>c) Education Component for school dropouts;</p> <p>d) Infrastructure Development Component.</p> <p>5. It subsumed 5 schemes- Seekho aur Kamao (SAK), USTTAD, Hamari Dharohar, Nai Roshini, Nai Manzil</p>
2.	Seekho aur Kamao (SAK)	1. Placement linked skill development scheme for minorities aiming to upgrade the skills of minority youth in various modern/traditional skills depending upon their qualification, present economic trends and market potential

		2. 100% Central Sector Scheme targeting youth in the age group of 14-45 years.
3.	USTTAD (Upgrading the Skills and Training in Traditional Arts/crafts for Development)	Scheme for supporting capacity building initiatives to preserve traditional arts and crafts of minority communities.
4.	Hamari Dharohar	It has been formulated to preserve rich heritage of minority communities of India.
5.	Nai Roshini	Scheme for Leadership Development of Minority Women in the age group of 18-65 years.
6.	<u>Nai Manzil</u>	<p>1. An integrated Education and Livelihood Initiative for the Minority Communities</p> <p>2. With 50% funding from the World Bank, the scheme benefit the minority youth who do not have formal school leaving certificate, i.e., those in the category of school-dropouts or educated in community education institutions like Madararas. The scheme provided a combination of formal education (Class VIII or X) and skills and enabled the beneficiaries seek better employment and livelihoods.</p> <p>3. It targets school dropout minority youth from BPL families in the age group of 17-35 years.</p>
7.	Naya Savera	Free coaching and allied scheme for minority students
8.	Pradhan Mantri Jan Vikas Karyakaram (PMJVK) (Earlier name: Multisectoral Development Programme)	<p>1. Scheme for infrastructure development in minority concentration areas.</p> <p>2. It seeks to support states/UTs to provide better socio economic infrastructure facilities to the minority communities particularly in the field of education, health &amp; skill development which would further lead to lessening of the gap between the national average and the minority communities with regard to backwardness parameters.</p>



9.	Jio Parsi	Central Sector Scheme for arresting the population decline of the Parsi Community
10.	NAI UDAAN	1. Scheme for Support to Minority Students for preparation of Main Examination, who clear Prelims conducted by Union Public Service Commission, Staff Selection Commission, State Public Service Commissions. 2. To avail the scheme annual family income of the candidate should not exceed 8 lakh
11.	Maulana Azad National Fellowship Scheme	Objective is to provide five year fellowships in the form of financial assistance to students from six notified minority communities to pursue M. Phil and PhD.
12.	Padho Pardesh	Scheme of interest subsidy on educational loans for overseas studies for the students belonging to minority communities

#### 4.4 **SACHAR COMMITTEE:**

- 7 member high level committee to prepare a report on the social, economic and educational status of the Muslim community of India
- Constituted on March 9, 2005 and submitted its report on November 17, 2006
- The committee submitted 76 recommendations of which 72 were accepted.
- It highlighted that the percentage of Muslims in the IAS and IPS as 3% and 4% respectively.
- Literacy among Muslims is 59.1%
- About 38% Muslims in Urban areas and 27% in rural areas live below poverty line.
- Recommendations:
  1. Set up an **Equal Opportunity Commission** to look into grievances of deprived groups like minorities.
  2. Create a nomination procedure to increase participation of minorities in public bodies.
  3. Establish a delimitation procedure that does not reserve constituencies with high minority population for SCs.
  4. Increase employment share of Muslims, particularly where there is great deal of public dealing. Work out mechanisms to link madarsas with higher secondary school board.
  5. Recognise degrees from madarsas for eligibility in defence, civil and banking examinations.

## **5. DISABLED**

- The Persons with Disabilities Act, 1995 defines “disability” in terms of blindness, low vision, leprosy-cured, hearing impairment, locomotor disability, mental retardation and mental illness. According to the Act, “person with disability” means a person suffering from not less than **forty percent** of any disability as certified by a medical authority.
- WHO –“Disability refers to person-level limitation in physical and psycho-cognitive activities”
- **UN convention on the Rights of Persons with Disabilities in 2009-** “Disability can be defined as the disadvantage or restriction of activity caused by a society which takes little or no account of people who have impairments and thus excludes them from mainstream activities”

### **5.1 Constitutional safeguards for the Disabled:**

- **Preamble** : “The Constitution secures to the citizens including the disabled, a right of justice, liberty of thought, expression, belief, faith and worship, equality of status and of opportunity and for the promotion of fraternity.”
- **Article 15(1)**: Enjoins on the Government not to discriminate against any citizen of India (including disabled) on the ground of religion, race, caste, sex or place of birth.
- **Article 15 (2)**: States that no citizen (including the disabled) shall be subjected to any disability, liability, restriction or condition on any of the above grounds in the matter of their access to shops, public restaurants, hotels and places of public entertainment or in the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of government funds or dedicated to the use of the general public. Women and children and those belonging to any socially and educationally backward classes or the Scheduled Castes & Tribes can be given the benefit of special laws or special provisions made by the State.
- **Article 16**: There shall be equality of opportunity for all citizens (including the disabled) in matters relating to employment or appointment to any office under the State.
- **Article 17**: No person including the disabled irrespective of his belonging can be treated as an untouchable
- **Article 21**: Protection of life and personal liberty
- **Article 23**: Prohibition of traffic in human beings including disabled.
- **Article 24**: Prohibits employment of children (including the disabled) below the age of 14 years.
- **Article 25**: Guarantees to every citizen (including the disabled) the right to freedom of religion.
- **Article 27**: No disabled person can be compelled to pay any taxes for the promotion and maintenance of any particular religion or religious group.
- **Article 29**: No Disabled person will be deprived of the right to the language, script or culture which he has or to which he belongs.
- **Article 41**: Right to work, to education and to public assistance in certain cases: “State shall secure the right to work, education and public assistance in certain cases such as unemployment, old age, sickness and disablement”.

- **Article 46:** “State shall promote with special care the educational and economic interests of the weaker sections of the people, and protect them from social injustice and all forms of exploitation”
- **Eleventh Schedule to Article 243-G:** “Social welfare, including welfare of the handicapped and mentally retarded.” (Entry No. 26),
- **Twelfth Schedule to Article 243-W:** “Safeguarding the interests of weaker sections of society, including the handicapped and mentally retarded.” (entry 09)
- **Article 325:** Every disabled person (like the non-disabled) on attainment of 18 years of age becomes eligible for inclusion of his name in the general electoral roll for the territorial constituency to which he belongs.

## 5.2 Legislative safeguards for the disabled:

### 1. The Rights of Persons with Disabilities (RPwD) Act, 2016:

- It came into force from 19th April, 2017. It replaced the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.
- The objective of the RPwD Act is to ensure that all persons with disabilities can lead their lives with dignity, without discrimination and with equal opportunities.
- It fulfills the obligations to the United National Convention on the Rights of Persons with Disabilities (UNCRPD), to which India is a signatory.
- Disability has been defined based on an evolving and dynamic concept.
- The types of disabilities have been increased from existing 7 to 21 and the Central Government will have the power to add more types of disabilities. The 21 disabilities are grouped into 5 categories as given below:-

#### 1. PHYSICAL DISABILITY

##### A. Locomotor disability:

- Leprosy cured person
- Cerebral palsy
- Dwarfism
- Muscular dystrophy
- Acid attack victim

##### B. Visual impairment:

- Blindness
- Low vision

##### C. Hearing impairment:

- Deaf
- Hard of hearing

##### D. Speech and language disability

#### 2. INTELLECTUAL DISABILITY

##### A. Specific Learning Disabilities

##### B. Autism Spectrum Disorder

#### 3. MENTAL BEHAVIOUR

##### A. Mental Illness

#### 4. Disability caused due to

##### A. Chronic neurological conditions such as:

- Multiple Sclerosis
  - Parkinson's Disease
- B. Blood disorder:
- Haemophilia
  - Thalassemia
  - Sickle Cell Disease

## 5. Multiple Disabilities

- Persons with "benchmark disabilities" are defined as those certified to have at least 40 per cent of the disabilities specified above.
- **Features:**
- Responsibility has been cast upon the appropriate governments to take effective measures to ensure that the persons with disabilities enjoy their rights equally with others.
- Additional benefits such as reservation in higher education (not less than 5%), government jobs (not less than 4 %), reservation in allocation of land, poverty alleviation schemes (5% allotment) etc. have been provided for persons with benchmark disabilities and those with high support needs.
- Every child with benchmark disability between the age group of 6 and 18 years shall have the right to free education.
- Government funded educational institutions as well as the government recognized institutions will have to provide inclusive education to the children with disabilities.
- For strengthening the Prime Minister's Accessible India Campaign, tress has been given to ensure accessibility in public buildings (both Government and private) in a prescribed time-frame.
- The Act provides for grant of guardianship by District Court under which there will be joint decision – making between the guardian and the persons with disabilities.
- **Establishment of authorities:**
- Broad based Central & State Advisory Boards on Disability are to be set up to serve as apex policy making bodies at the Central and State level.
- Office of Chief Commissioner of Persons with Disabilities has been strengthened who will now be assisted by 2 Commissioners and an Advisory Committee comprising of not more than 11 members drawn from experts in various disabilities.
- Similarly, the office of State Commissioners of Disabilities has been strengthened who will be assisted by an Advisory Committee comprising of not more than 5 members drawn from experts in various disabilities.
- The Chief Commissioner for Persons with Disabilities and the State Commissioners will act as regulatory bodies and Grievance Redressal agencies and also monitor implementation of the Act.
- District level committees will be constituted by the State Governments to address local concerns of PwDs. Details of their constitution and the functions of such committees would be prescribed by the State Governments in the rules.
- Creation of National and State Fund will be created to provide financial support to the persons with disabilities. The existing National Fund for Persons with Disabilities and the Trust Fund for Empowerment of Persons with Disabilities will be subsumed with the National Fund.

- **Penalties:**

- The Act provides for penalties for offences committed against persons with disabilities and also violation of the provisions of the new law.
- Any person who violates provisions of the Act, or any rule or regulation made under it, shall be punishable with imprisonment up to six months and/ or a fine of Rs 10,000, or both. For any subsequent violation, imprisonment of up to two years and/or a fine of Rs 50,000 to Rs Five lakh can be awarded.
- Whoever intentionally insults or intimidates a person with disability, or sexually exploits a woman or child with disability, shall be punishable with imprisonment between six months to five years and fine.
- Special Courts will be designated in each district to handle cases concerning violation of rights of PwDs.

2. The Rehabilitation Council of India Act, 1992

3. The National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999.

4. Mental Health Care Act, 2017 (Replaced Mental Health Act, 1987)

**5.3 Disabled (Census- 2011):**

- 2.68 crore disabled people ( Male- 1.5 Cr, Female- 1.18 Cr)
- 2.21 % of total population.
- 69% of disabled live in rural areas, 31% live in urban areas
- The type of disability which has maximum prevalence : Visual Disability
- State with highest number of disabled people- Uttar Pradesh
- State with highest proportion of disabled people- Sikkim (2.98%)
- State with lowest proportion of disabled people- Mizoram (1.38%)
- State with highest number of disabled children (0-6 years)- Bihar

**5.4 Schemes for the disabled:**

S.No.	Scheme	Notes
1.	Accessible India Campaign (AIC)/ Sugamya Bharat Abhiyan (2015)	<p>1. Aim is to make a barrier-free and conducive environment for Divyangjans (Persons with Disabilities - PwDs) all over the country.</p> <p>2. Three Components of AIC:-</p> <ul style="list-style-type: none"> <li>○ Built Environment Accessibility</li> <li>○ Transportation System Accessibility</li> <li>○ Information and Communication Eco-System Accessibility</li> </ul>

2.	Deendayal Disabled Rehabilitation Scheme (DDRS)	Central Sector Scheme of Government of India which is being implemented since 1999 for providing financial assistance to NGOs working for education and rehabilitation of persons with disabilities.
3.	National Fellowship for Students with Disabilities (Rajiv Gandhi National Fellowship)	<ul style="list-style-type: none"> <li>○ 2012-13 to increase opportunities to students with disabilities for pursuing higher education leading to degrees such as M. Phil. and Ph.D</li> <li>○ Under the Scheme, 200 Fellowships per year are granted to students with disability.</li> </ul>
4.	Unique Disability Identification (UDID) Portal	The project is being implemented with a view of creating a National Database for persons with disabilities (PwDs), and to issue a Unique Disability Identity Card to each PwDs.
5.	Rashtriya Vayoshri Yojana	<p>1. It is a scheme for providing Physical Aids and Assisted-living Devices for Senior citizens belonging to BPL category.</p> <p>2. This is a Central Sector Scheme, fully funded by the Central Government.</p> <p>3. The expenditure for implementation of the scheme is being met from the "Senior Citizens' Welfare Fund".</p> <p>4. The Scheme is being implemented by the Artificial Limbs Manufacturing Corporation (ALIMCO), a PSU under the Ministry of Social Justice and Empowerment.</p>
		It is implemented through implementing agencies such as the

6.	Assistance to Disabled persons for purchasing / fitting of aids / appliances (ADIP) scheme	NGOs, National Institutes under this Ministry and ALIMCO, a PSU.
7.	National Action Plan for Skill Training of Disabled Persons	Aims to cover 2.5 million persons with disabilities
8.	National Mental Health Program (NMHP)	Aim is to address huge burden of mental disorders and shortage of qualified professionals in the field of mental health, the government has been implementing the National Mental Health Program (NMHP) since 1982.
9.	National Mental Health Policy, 2014	The policy aims to promote mental health, prevent mental illness, enable recovery from mental illness, promote destigmatization and desegregation, and ensure socio-economic inclusion of mentally ill people.
10.	Kiran Helpline	<ol style="list-style-type: none"> <li>1. Launched by Ministry of Social Justice and Empowerment.</li> <li>2. 24/7 toll-free helpline 'Kiran' to provide support to people facing anxiety, stress, depression, suicidal thoughts and other mental health concerns.</li> </ol>
11.	Manodarpan Initiative	Launched to provide psychosocial support to students, family members and teachers for their mental health and well-being during the times of Covid-19 pandemic (Ministry of Education)
12.	MANAS Mobile App	<ol style="list-style-type: none"> <li>1. Launched in 2021, MANAS (Mental Health and Normalcy Augmentation System) is aimed to promote mental wellbeing across age groups.</li> <li>2. Developed by National Institute of Mental Health and Neuro</li> </ol>

	Sciences (NIMHANS) Bengaluru, Armed Forces Medical College (AFMC) Pune and Centre for Development of Advanced Computing(C-DAC) Bengaluru.
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### **5.5 Rights of disabled (A brief timeline):**

- Declaration on rights of the disabled people adopted by UN General Assembly 1975
- The year 1981 was declared as the International Year of Disabled Persons with the theme as, “Full Participation and Equality”.
- On 3rd December, 1982, the World Program Action Concern was adopted by United Nations to enhance full participation of disabled persons in social life and national development.
- 1983-1992: United Nations Decade of Disabled Persons
- UN Standard Rules on the Equalization of Opportunities for Persons with Disabilities, 1993
- 1993-2002 was declared as Pacific Decade of Disabled Persons and in 1999, the decade was further extended to 2003-2012 as Asian Pacific Decade of Disabled Persons and called Biwako Millennium Framework with the theme “towards an inclusive, barrier-free and rights based society”.
- **UN convention on the Rights of Persons with Disabilities in 2006:**
  - The convention was adopted by UN General Assembly on December 13, 2006. It came into force on May 3, 2008.
  - India signed it on March 30, 2007 and ratified it on October 1, 2007.
- **Incheon Strategy (2012):** Governments and persons with disabilities of the Asia-Pacific region met in Incheon, Republic of Korea, and adopted the Incheon Strategy “Make the Right Real” for persons with disabilities in Asia and the Pacific. It is aimed to chart the new course of action for the Asian and Pacific Decade of Persons with Disabilities, 2013–2022.
- **Beijing Declaration, 2000:** World NGO Summit on Disability, in Beijing, adopted Beijing Declaration on rights of disabled persons in the new millennium.

### **5.6 National Policy for Persons with Disabilities, 2006:**

- The National Policy recognizes that Persons with Disabilities are valuable human resources for the country and seeks to create an environment that provides them equal opportunities, protection of their rights and full participation in society.
- The **salient features** of the National Policy are:
  - i) Physical Rehabilitation, which includes early detection and intervention, counselling and medical interventions and provision of aids and appliances. It also includes the development of rehabilitation professionals;
  - ii) Educational Rehabilitation which includes vocational training; and
  - iii) Economic Rehabilitation, for a dignified life in society.
- The policy focuses on the following areas:



1. Prevention of Disabilities
2. Rehabilitation Measures
3. Women with disabilities
4. Children with disabilities

#### **5.7 Miscellaneous Information:**

1. Department of Empowerment of Persons with Disabilities (DEPwD), was established in May, 2012 under the Ministry of Social Justice and Empowerment, DEPwD.

#### **2. Purple Fest: 'Celebrating Diversity:**

- An inaugural festival of Inclusion was held in Panjim, Goa from January 6-8, 2023.
- This unique initiative aimed to sensitize Government bodies, Non-Governmental organizations, and the corporate sector about their pivotal roles in fostering an inclusive society, advocating for a coordinated approach to empower Disabled (Divyangjan)
- It will be hosted by the Goa State Commission for Persons with Disabilities in association with the Directorate of Social Welfare and Entertainment Society of Goa.

#### **3. Divya Kala Mela 2024:**

- Inaugurated in Nagpur (2023 edition was inaugurated in Bengaluru)
- It will showcase the products and craftsmanship of Divyang entrepreneurs/artisans from across the country

4. **India-South Africa MoU** on cooperation in disability sector (Approved by Union Cabinet in February 2023)

#### **5. Satendra Singh Lohia:**

- International Para Swimmer who scripted history by crossing English channel to and fro.

6. **Divya Kala Shakti:** Events which are being conducted to showcase the abilities of disabled artists

7. **India's first high-tech sports training centre for Divyangjan**, named after former Prime Minister Shri Atal Bihari Vajpayee, **in Gwalior, Madhya Pradesh**

8. International Day for Disabled people- December 3
9. World Braille Day- January 4

❖ Some of the articles and opinion pieces written by the author:-

1. Opinion: Why English Education in Andhra govt schools will help democratise education (*The News Minute*)

<https://www.thenewsminute.com/andhra-pradesh/opinion-why-english-medium-andhra-govt-schools-will-help-democratise-education-112299>

2. Drop out rates high among tribals, schools shut shop (*Times of India*)

<https://timesofindia.indiatimes.com/city/hyderabad/dropout-rate-high-among-tribals-schools-shut-shop/articleshow/60371444.cms>

3. A flyover will snuff out creativity at arts village (*Times of India*)

<https://timesofindia.indiatimes.com/city/hyderabad/a-flyover-will-snuff-out-creativity-at-arts-village/articleshow/59209746.cms>

4. Held against will in Saudi, local mentally tortured and ill treated (*Times of India*)

<https://timesofindia.indiatimes.com/city/hyderabad/held-against-will-in-saudi-local-mentally-tortured-and-ill-treated/articleshow/60252628.cms>

5. Special category status for AP: Competitive politics trumps people's interest? (*Times of India*)

<https://www.thenewsminute.com/andhra-pradesh/special-category-status-ap-competitive-politics-trumps-people-s-interest-78399>

6. Despite environmental benefits, experts doubt efficacy of Zero Budget natural farming, call for nation-wide scientific studies (*Firstpost*)

<https://www.firstpost.com/india/despite-environmental-benefits-experts-doubt-efficacy-of-zero-budget-natural-farming-call-for-nation-wide-scientific-studies-6956321.html>

# **About the author**

Prudhvi Vegesna worked as a journalist with The Times of India, Hyderabad. He has written on various social issues and his articles and opinion pieces have been published in more than half a dozen newspapers and news websites including The Times of India, The News Minute, First Post, The Pioneer, New Indian Express, Better India etc. He also secured admission for Masters in Sociology at the SAARC (South Asian) University, Delhi. He studied B.Pharmacy at The Tamilnadu Dr MGR Medical University, Chennai, Pg Diploma in Journalism at the Asian College of Journalism, Chennai, LLB at Osmania University and Advanced Diploma in Media Laws at the NALSAR University, Hyderabad. He is currently working with Andhra Pradesh government in the state secretariat.

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