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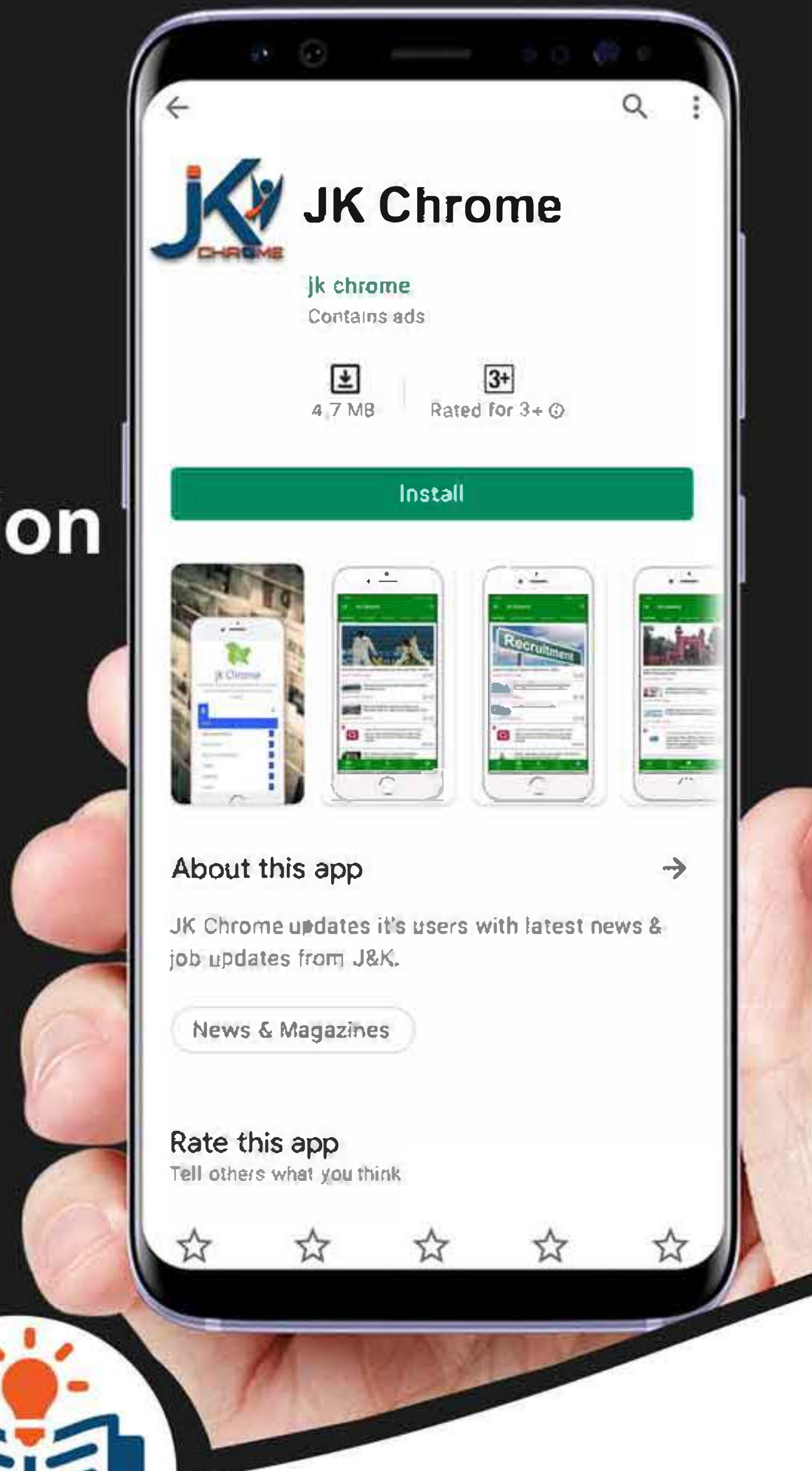
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Chapter 1

The Indian Constitution

For the proper functioning of a country, laws are necessary.

A Constitution consists of a set of rules and principles to govern the country.

The Indian Constitution was drafted by the Constituent Assembly which was formed in December 1946.

The Constituent Assembly consisted of 300 members in 1946. It was headed by Dr. Rajendra Prasad.

The Constituent Assembly completed the work in two years, eleven months and eighteen days.

The Constitution of India was adopted on 26th November 1949 and came into force on 26th January 1950.

The main features of the Indian Constitution are Federalism, parliamentary form of government, separation of powers, fundamental rights, an independent judiciary, and secularism.

Six fundamental rights have been granted to the citizens of India.

A secular state is that which does not officially promote any particular religion as the state religion.

Society is bound to a certain set of rules which makes it what it is and differentiates it from other kinds of society. These rules, in large

societies in which different communities of people live together, are formulated through consensus. In modern countries, this consensus is usually available in written form. A written document in which we find such rules is known as a Constitution.

Constitution lays certain ideals that form the basis of the kind of country that we as citizens aspire to live in.

A Constitution helps serve as a set of rules and principles that all persons in a country can agree upon as the basis of the way in which they want the country to be governed. This includes the type of government and also an agreement on certain ideals that they all believe the country should uphold.

Principles and ideals of a monarchy are quite different from those of a democracy. Therefore soon after the transition in the governing system in Nepal, the government started the process of making a new Constitution of Nepal because the earlier one did not suit their new setup.

The country of Nepal needs to change all its constitutive rules in order to usher in a new democratic society for which people had struggled for a long period.

The Constitution defines the nature of a country's political system. In a monarchy, king is the supreme power whereas in a democracy people rule the country. The government is run by the representatives elected by people at large.

The Constitution also describes rules that guard against misuse of power by the leaders. In India such provisions have been made in the section of [Fundamental Rights](#).

The Indian Constitution guarantees the Right to Equality. In one of the Fundamental Rights to all persons and says that no citizen can be discriminated against on grounds of religion, race, caste, gender, and place of birth.

The Constitution ensures that a dominant group does not use its power against other, less powerful people or groups.

The Constitution also contains rules that ensure that minorities are not excluded from anything that is normally available to the majority. Thus the Constitution prevents the tyranny or domination by the majority of a minority.

The Constitution helps to protect us against certain decisions that we might take that could have an adverse effect on the larger principles that the country believes in.

After independence, it was unanimously agreed that India should be a democratic state where everyone must avail equal opportunity.

For this, there was a need for Constitution which could ensure a perfect democracy. A group of around three hundred people who became members of the Constituent Assembly in 1949 and who met periodically for the next three years to write Indian Constitution.

There were so many factors, most of them quite contrary to each of them, to be assimilated with clear cut explanations that made the task very difficult. However, the Constitution was finalised with a lot of unique features.

Federalism is the prime feature of our Constitution which refers to the existence of more than one level of government in the country. In India there are governments at the state and the centre. Panchayati Raj is the third tier of the government.

While each state in India enjoys autonomy in exercising powers on certain issues, they are bound to follow the laws of the central government as a matter of national concern. The Constitution clearly defines the jurisdictions of powers of the government at state and that at center.

Parliamentary form of Government is the other feature of Indian Constitution which provides that the different tiers of governments shall constitute of the representatives elected by the people. It also guarantees universal adult suffrage for all citizens.

The provision for separation of powers in the Constitution of India recommends for three organs of the State: the legislature, the executive and the judiciary. The legislature refers to our elected representatives whereas the executive refers to a smaller group of people who are responsible for implementing laws and running the government and the judiciary refers to the system of courts in the country for preventing the misuse of power by any branch of the State. It also ensures the balance of power between all three organs.

The feature of Fundamental Rights is the 'conscience' of the Indian Constitution. These Rights protect citizens against the arbitrary and absolute exercise of power by the State. The Constitution, thus, guarantees the rights of individuals against the State as well as against other individuals.

The Fundamental Rights in the Indian Constitution include:

1. Right to Equality,
2. Right to Freedom,
3. Right against Exploitation,
4. Right to Freedom of Religion,
5. Cultural and Educational Rights,
6. Right to Constitutional Remedies.

In addition to the Fundamental Rights there is the provision of Directive Principles of State Policy which ensure greater social and economic reform, and serve as a guide to the independent Indian State to institute laws and policies that help reduce the poverty of the masses.

Secularism, a key feature of the Indian Constitution, defines that a secular state is one in which the state does not officially promote any one religion as the state religion.

The Constitution, thus, plays a crucial role in laying out the ideals that we would like all citizens of the country to adhere to, including the representatives that we elect to rule us.

Constitution: Usually a written document which contains the rules of governing a sovereign state.

Consensus: Agreement of all the people on an issue.

Democracy: A form of government in which people at large hold the ultimate power of governance. The representatives of people constitute the government and undertake the Constitutional responsibilities in order to achieve the ideals of the Constitution.

Fundamental Rights: The set of Rights which ensures the life of dignity and honor to all who live in its jurisdiction.

Equality: State of being equal in all respects.

Majority: Maximum in number.

Minority: Minimum in number.

Federalism: The existence of more than one levels of government in the country.

Representative: The person who is elected by people through a general election to represent a constituency in the government.

Secularism: A system under which a state does not officially promote any one religion as a state religion.

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Chapter 2

Understanding Secularism

A country which does not officially promote any religion as its country's religion is a secular country. India is one of them.

India adopted a policy to separate the power of religion and the power of the state.

The separation of religion from the state is known as secularism.

The state can intervene in religion in order to end an evil social practice which it believes discriminates and violates fundamental rights.

The Indian secularism is different from other democratic countries as the Indian states can intervene in religious affairs.

The term secularism refers to the separation between the power of religion and the power of the State. This is important for a country to function democratically.

There are two chief reasons why the separation between religion and State is important.

- The first is to prevent the domination of one religion over another.
- The second is to protect the freedom of individuals to come out of their religion, embrace another religion or have the freedom to interpret religious teachings differently. We can give an example of the practice of untouchability which allowed upper caste people to dominate lower caste people.

Secularism's opposition to institutionalized religion means that it promotes freedom and equality between and within religions.

Indian secularism does protect an individual's religious freedom by maintaining a separation from religion.

The Indian State is not ruled by a religious group. It also does not support any one religion.

In India, government spaces such as law courts, police stations, government schools and offices are not supposed to demonstrate or promote any one religion.

Indian secularism follows a strategy of non-interference. But at some time it also intervenes in religion. Again we can give an example of the practice of untouchability. The Indian Constitution bans this practice. In this instance, the State is intervening in religion in order to end a social practice that it believes discriminates and excludes and that violates the fundamental rights of lower caste people.

The intervention of the State can also be in the form of support.

Indian secularism is different from that of other democratic countries such as the United States of America. There is a strict separation between religion and the State in American secularism but in Indian secularism, as mentioned above, the State can intervene in religious affairs.

In Indian secularism, though the State is not strictly separate from religion it does maintain a principled distance vis-a-vis religion. This means that any interference in religion by the State has to be based on the ideals laid out in the Indian Constitution.

Secularism: It refers to the separation of religion from the State.

Coercion: Forcing someone to do something. In the chapter, the term refers to the force used by a legal authority such as the State.

Freedom to interpret: It refers to the freedom that all persons shall have to understand things in their own way. In the chapter, it refers to individual liberty to develop their own understanding and meaning of the religion they practice.

Intervene: In the chapter, the term refers to the State's efforts to influence a particular matter in accordance with the principles of the Constitution.

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Chapter 3

Why Do We Need a Parliament?

The Indian Parliament was formed after 1947 to enable the citizens of India to participate in decision making and control the government.

The Parliament is made up of elected representatives of different political parties and has a lot of power.

The Parliament consists of total of 543 representatives. They are called Members of Parliament.

Parliament has two houses Lok Sabha, i.e. Lower House and Rajya Sabha, i.e. Upper House, headed by their presiding officers i.e., speaker and chairman respectively.

The Vice-President is the Chairman of Rajya Sabha.

In the Parliament, some seats are reserved for SC, ST and women candidates.

The Money Bill is presented only in Lok Sabha, whereas an ordinary bill can be presented in any of the Houses.

The important functions of Parliament include making laws, and to control, guide and inform the government.

India got freedom after a long and tough struggle. In this struggle for freedom people from different backgrounds participated. They

were greatly inspired by the ideas of freedom, equality and participation in decision-making.

The British government had created such a havoc that they never dared to criticise any of their decisions even if they did not agree with them.

The freedom movement changed this situation. The nationalists began to openly criticise the British government and make demands. They demanded that there should be elected members in the legislature with a right to discuss the budget and ask questions. The Government of India Act 1909, allowed for some elected representation.

However, all adults were not allowed to vote. Also people could not participate in decision making under the British rule.

But the nationalists wanted that all persons in independent India would be able to participate in making decisions.

Therefore, when India got freedom, the dreams and aspirations of the freedom struggle were made concrete in the Constitution. The Constitution of Independent India laid down the principle of universal adult franchise. Now, all adult citizens of the country have the voting right.

In a democratic form of government, the individual or citizen is the most important person. Now the question arises how does the individual give approval to the government? One way of doing so is through elections.

People would elect their representatives to the Parliament, then one group from among these elected representatives forms the government.

The Parliament is made up of all representatives together and it guides the government.

It means people through their chosen representatives form the government and control it.

The Indian Parliament came into existence in 1947. It is the representative of the people and enjoys immense powers.

Elections to the Parliament are held in a similar manner as they are for the state legislature.

The Lok Sabha is usually elected once every five years. The country is divided into several constituencies. Each of these constituencies elects one person to the Parliament.

The candidates who contest elections usually belong to different political parties. Once elected, these candidates become Members of Parliament, also known as MPs. These MPs together form the Parliament.

The Parliament performs several functions. It selects the national government.

The Parliament in India consists of the President, the Rajya Sabha and the Lok Sabha.

After the Lok Sabha elections are declared, the leader of the party with the majority of elected members is invited by the President to form a government. The other political parties form the opposition. The largest amongst these parties are known as the opposition party.

Sometimes, it so happens that one political party does not get a clear majority. In such a situation a group of parties comes together to form a government. Such a government is known as a coalition government.

The Prime Minister of India is the leader of the ruling party in the Lok Sabha. From the MPs who belong to his party, the Prime Minister selects ministers to work with him to implement decisions.

The Rajya Sabha functions primarily as the representative of the states of India in the Parliament.

It plays an important role of reviewing and altering (alterations are required) the laws initiated by the Lok Sabha.

The Parliament keeps a check on the ministers and their work. MPs have the right to question the ministers about the working of their departments. This is usually done during the question hour.

The government gets valuable feedback and is kept on its toes by the questions by the MPs.

In all matters dealing with finances, the Parliament's approval is crucial for the government.

The Parliament makes laws for the entire country.

The Parliament now has more and more people from diverse backgrounds.

There has also been an increase in political participation from the Dalit and backward castes and the minorities.

Some seats are reserved in the Parliament for SCs and STs.

It has also been suggested that there should be reservation of seats for women. However, this issue is still debated.

EVM: It stands for Electronic Voting Machine.

Approval: It refers to the formal consent through elected representatives that Parliament has as well as the fact that it needs to continue to enjoy the people's trust.

Representative: The person who is elected by the people is known as the people's representative.

Universal Adult Franchise: All adult citizens of the country enjoy the right to vote.

Coalition: When one party does not get a clear majority, a group of political parties form a coalition and elect a leader who then forms a government, known as a coalition government.

Parliament: The Parliament in India consists of the President, the Rajya Sabha and the Lok Sabha. It is the highest law-making body in the country. It is also known as Sansad.

Rajya Sabha: It is also known as the Council of States. Its total membership is 245.

It is chaired by the Vice-President of India.

Lok Sabha: It is also known as the House of the People. Its total membership is 545.

It is presided over by the Speaker.

Opposition Party: The opposition in Parliament is formed by all the political parties that oppose the majority party or coalition formed. The largest amongst these parties is known as the opposition party.

Ruling party: The party that rules the country.

Unresolved: It refers to the situations in which there are no easy solutions to problems.

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Chapter 4

Understanding Laws

In Indian democracy, the Parliament is in charge of making laws. According to the constitution, all are equal before law.

The rule of law applies equally to all citizens and no one can be above the law. Neither a government servant nor even the president of the country.

Any crime or violation of law is subject to specific punishment.

In ancient times, there were so many laws. The British Government introduced the rule of law. This law was arbitrary.

In India, citizens can express their unwillingness by holding meetings or writing in newspapers to accept repressive laws.

When any law favors one group and disregards the other, then it is called Controversial Law. This type of law leads to conflict.

In India, the court has the power to cancel or modify any type of controversial law framed by the Parliament.

All persons in independent India are equal before the law. It means that the law cannot discriminate between persons on the basis of their religion, caste or gender. Laws apply equally to all citizens of the country and no one, not even the President of the country is above the law.

Any crime or violation of law has a specific punishment.

But in ancient India laws did not apply equally to all. Even the punishment that two persons received for the same crime varied depending on their caste backgrounds, with lower castes being more ruthlessly penalised.

Even the colonial government failed to establish the rule of law in India. The colonial law was arbitrary. The Sedition Act of 1870 presents the best example of the arbitrariness of British law. Under this Act, any person protesting or criticising the British government could be arrested without due trial.

Indian nationalists raised voice against the arbitrary use of authority by the British. They began fighting for greater equality and wanted to change the idea of law from a set of rules that they were forced to obey, to law as including ideas of justice.

By the end of the 19th century, the Indian legal profession also began emerging and demanded respect in colonial courts.

Indian judges began to play a greater role in making decisions. Their efforts did not go in vain. The rule of law emerged during the colonial period.

When the Indian Constitution came into existence, laws for the country began to be made by our representatives.

The Indian Parliament makes laws for the entire country.

Whenever, people think that a new law is necessary, they propose for it. The Parliament then comes forward and does what is required.

The issue of domestic violence was raised by the people. It was brought to the attention of the Parliament which in due course

passed a law 'The Protection of Women from Domestic Violence Act' to uproot this issue.

The role of citizens is crucial in helping Parliament frame different concerns that people might have into laws.

Sometimes it so happens that laws passed by the Parliament turn out to be unpopular. Sometimes a law can be constitutionally valid and hence legal, but it can continue to be unacceptable to people because they feel that the intention behind it is unfair and harmful. In such a situation, people might civilize this law by holding meetings, etc.

When a large number of people begin to raise voice against a wrong law, then the Parliament has to change it.

We can make it clear through an example. Various municipal laws on the use of space within municipal limits often make hawking and street vending illegal. No one will dispute the necessity for some rules to keep the public space open for people's convenience. At the same time one cannot deny that hawkers and vendors provide essential services. This is their means of livelihood.

Hence, if the law favours one group and disregards the other it will be controversial and lead to conflict. In such a situation people can go to the court which has the power to modify or cancel laws if it finds that they do not adhere to the constitution.

In a democratic country like India people have full right to protest unjust laws.

Rule of Law: It means that all laws apply equally to all citizens of the country and no one can be above the law.

Sedition: This applies to anything that the government might consider as stirring up resistance or rebellion against it. The British passed the Sedition Act in 1870. Under this Act any person protesting or criticising the British government could be arrested without a trial.

Evolution: In the chapter, it refers to the way in which protecting women against domestic violence developed from an urgently-felt need to a new law that can be enforced in the entire country.

Hindu Succession Amendment Act, 2005: According to this law, sons, daughters and their mothers can get an equal share of family property.

Domestic violence: It refers to the injury or harm or threat of injury or harm caused by an adult male, usually the husband, against his wife: Injury may be caused by physically beating up the woman or by emotionally abusing her. Abuse of the women usually includes verbal, sexual and economic abuse.

Criticize: In the chapter, the term refers to citizens who find fault with the functioning of government.

Repressive: In the chapter, the term refers to laws that use brutal methods to control persons and prevent them from exercising their Fundamental Rights.

Chapter 5

Judiciary

In India, to enforce the rule of law, we have a judicial system, which is an organ of the state.

The judicial system plays an important role in the functioning of Indian democracy.

The important functions of the judicial system, i.e. the judiciary are: Dispute Resolution, Judicial review, Upholding the Law and Enforcing the Fundamental Rights.

In India, there are three different levels of court, i.e. District Court, High Court, and the Supreme Court.

The law declared by the Supreme Court is binding on all courts as it is the highest level court in the country.

Supreme Court is headed by the Chief Justice and 25 other Judges. They are appointed by the President of India.

In India, there are two branches of the legal system, i.e. Civil Law and the Criminal law.

Civil Law deals with any harm or injury to the rights of an individual.

Criminal Law deals with conducts or acts that the laws define an offense.

Supreme court has devised a mechanism called PIL, i.e. Public Interest Litigation so that a poor person can easily get access to justice.

The rule of law is enforced through a judicial system which consists of the mechanism of courts. Whenever a law is violated one can approach these courts.

The judiciary is an organ of the State. It plays a major role in a democratic country. It performs several functions:

- – The judiciary not only applies the law of the country, it also settles disputes and punishes the guilty. These disputes may take place between citizens, between citizens and the government, between two state governments and between the centre and state government.
- The judiciary has the power to modify or cancel laws if it finds that they violate the basic structure of the constitution. This is known as judicial review.
- In case our Fundamental Rights are violated, we can approach the Supreme Court or the High Court. In this sense, the courts play a very significant role in protecting our Fundamental Rights.

We have an independent judiciary. It means that the courts are not under the government and do not act on their behalf.

The Courts play a central role in ensuring that there is no misuse of power by the legislature and executive.

There are three different levels of courts in our country. At the district level, we have subordinate district courts. At the State level, we have several High Courts. The High Court is the highest judicial authority in a state. At the top is the Supreme Court. The Supreme Court of India is the highest judicial authority in our country. It is

located in New Delhi and is presided over by the Chief Justice of India. The decisions made by the Supreme Court are binding on all other courts in India.

We have an integrated judicial system. It means that the decisions made by the higher courts are binding on the lower courts.

Different levels of courts are connected to each other through the appellate system which means that a person can appeal to a higher court if they are not satisfied with the judgement passed by the lower court.

Court cases are broadly divided into two categories:

- Civil cases deal with matters like money, property, inheritance, marriage disputes, etc.
- Criminal cases deal with cases of theft, cheating, robbery, physical injury and murder.

In Civil cases, a petition has to be filed before the relevant court by the affected party only. The court gives the specific relief asked for.

Criminal cases usually begin with the lodging of an FIR with the police who investigate the crime after which a case is filed in the court. If found guilty, the accused can be sent to jail.

In principle, all citizens of India can approach the courts in the country and seek justice. But in reality, courts are not easily accessible. For a vast majority of the poor in India, it is very difficult to approach the courts. Legal procedures involve a lot of money and paperwork takes up a lot of time. Therefore, poor people often avoid going to the courts to get justice.

The Supreme Court, therefore, devised a mechanism of Public Interest Litigation or PIL in the early 1980s in order to increase access to justice. It allowed any individual or organisation to file a PIL in the High Court or the Supreme Court on behalf of those whose rights were being violated. The legal process was greatly simplified and even a letter or telegram addressed to the Supreme Court or the High Court could be treated as a PIL.

Judicial System: It is a mechanism of courts that a citizen can approach when a law is violated.

Judicial review: The judiciary has the power to modify or cancel particular laws passed by the Parliament if it finds that they do not adhere to the Constitution. This is known as judicial review.

Violation: It means breaking a law or encroaching someone's Fundamental Rights.

Separation of power: It means that the powers of the state and the powers of the judiciary are separate.

Independent judiciary: It means that the judiciary is not under the government and does not act on its behalf.

To appeal: To file a petition before a higher court.

Acquit: The court declaring that a person is not guilty of the crime which he/she was tried for by the court.

Civil law: It deals with matters like money, property, marriage disputes, etc. '

Criminal law: It deals with cases of theft, robbery, cheating, murder, etc.

PIL: It stands for Public Interest Litigation. It has been devised to facilitate justice.

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Chapter 6

Understanding Our Criminal Justice System

There are four key players in the criminal justice system: The Police, The Public Prosecutor, The Defence Lawyer and The Judge.

The main role of the police is to investigate a crime, when FIR, i.e. First Information Report is registered at a police station.

An investigation includes recording statement of witness and collecting different kinds of evidence.

The role of the Public Prosecutor begins when the police have filed the charge sheet in the court.

The Public Prosecutor conducts the prosecution on the behalf of the State.

The Judge conducts the trial impartially in an open court and on the basis of the evidence presented, he pronounces the sentence.

According to Indian Constitution, every citizen, irrespective of the class, caste, gender, religion and background must get a fair trial when accused.

A boy under 15 years of age and women cannot be called to the Police Station only for questioning.

The Indian Constitution guaranteed that every arrested person must be presented before a magistrate within 24 hours of arrest.

There are four people who play a key role in our criminal justice system. These are: the police, the Public Prosecutor, the defence lawyer and the judge.

The role of the police begins with the lodging of an FIR in the police station. After the registration of the FIR, the police start the investigation. On the basis of the investigation, they form an opinion.

If the police think that the evidence points to the guilt of the accused person, then they file a charge sheet in the court.

Police investigations always have to be conducted in accordance with the law and with full respect for human rights.

The police are not allowed to torture or beat or shoot anyone during an investigation.

In court, the Public Prosecutor represents the interests of the State. His role begins once the police has conducted the investigation and filed the charge-sheet in the court.

The Public Prosecutor is expected to act impartially and present the full and material facts, witnesses and evidence before the court.

The defence lawyer acts on behalf of the accused. He also produces witnesses and evidence before the court in favour of his client.

The judge hears all the witnesses and any other evidence presented by the prosecution and the defence.

Afterwards, he decides whether the accused person is guilty or innocent.

If the accused is guilty, then the judge pronounces the sentence.

Witness: It refers to the person who is called upon in court to give a first-hand account of what he/she has seen, heard or knows.

Detention: It refers to the situation when the police forcibly keeps someone in custody.

Offence: Any act that is defined by the law as a crime.

Investigation: It refers to an official examination of the facts about a crime.

Memo: It refers to an official note.

Cognizable: It refers to an offence for which the police may arrest a person without the court's permission.

Cross-examine: To question the witness carefully who has already been examined by the opposite side to determine the truth of his/her testimony.

Evidence: It refers to the facts or signs that make you believe that something is true.

Confession: Acceptance of an offence.

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Chapter 7

Understanding Marginalisation

Marginalization is when groups of people or communities are being excluded from the majority because of their language, customs or religion.

The people who lived in close association with forests are known as Adivasi. Around 8% of India's population is Adivasi.

The religious practices and the languages of Adivasis is totally different from the majority.

Due to deforestation activities for different purposes, Adivasis are forced to migrate to cities.

The communities which are numerically small in relation to the rest of population are known as Minorities.

The Constitution of India provides safeguards to protect minority communities.

In India, Muslims are considered as one of the minority community. They are 13.4% (According to 2001) of total population. But according to 2011 census the Muslims constituted 14.23% of total population.

Marginalisation is a complex phenomenon which requires a variety of strategies, measures and safeguards to redress the situation to protect the diversity.

Marginalisation refers to a situation in which an individual or a group of individuals is deprived of certain privileges or treated as different from others.

Marginalisation is experienced in every sphere of life. Economic, social, cultural and political factors work together to make certain groups in society feel marginalised.

The term Adivasi means the original inhabitants.

Adivasis have always been in close connection with forests. They are also known as Scheduled Tribes.

About 8% of India's population is Adivasi.

There are over 500 different Adivasi groups in India.

Adivasi dominated states are Chhattisgarh, Jharkhand, Madhya Pradesh, Orissa, Gujarat, Maharashtra, Rajasthan, Andhra Pradesh, West Bengal and the north-eastern states.

Adivasis worship their ancestors, village and nature spirits. They have always been influenced by different surrounding religions such as Shakta, Buddhist, Vaishnav, Christianity etc.

Adivasis have their own languages, Santhali is one of them.

Adivasis are usually portrayed in colourful costumes and headgear. Their dances are also unique.

It is the general belief of the people that Adivasis are exotic, primitive and backward. But it is not so in reality.

Forests played a very significant role in the life of the Adivasis. Adivasis had deep knowledge of forests. History is witness that big empires heavily depended on Adivasis for the crucial access to forest resources.

But today they are considered marginalised communities.

The pre-colonial Adivasis were basically hunter-gatherers and nomads. They practised shifting cultivation. Some Adivasis also cultivated in one place.

Slowly and steadily they began to migrate because of economic changes, forest policies, • etc. Thus, they lost their access to forests.

The forest land that once belonged to Adivasis, were cleared for different purposes such as agriculture and industry.

According to official figures, more than 50% of persons displaced due to mines and mining projects are tribals.

Another recent data shows that 79% of the persons displaced from the states of Andhra Pradesh, Chhattisgarh, Orissa and Jharkhand tribals.

With the loss of access to forests Adivasis lost their means of livelihood. As a result, they migrated to cities in search of work.

In the cities, they lead a very miserable life. Their children are malnourished. They have no access to education.

45% of tribal groups in rural areas and 35% in urban areas live below the poverty line.

The term minority refers to the communities that are numerically small in relation to the rest of the population.

People belonging to majority group may suppress or overpower minority communities. This may lead to their marginalisation. Hence, it is necessary to protect their interest. Our Constitution provides safeguards to them.

The Muslim community is also socially marginalised.

Muslims are 13.4 % of India's population. They have over the years been deprived of the benefits of socio-economic development. They have little access to education. They are deprived of basic amenities like water, electricity. In public employment too they always lag behind to other communities.

The government is very active to improve the condition of the Muslim community.

It set-up a high-level committee in 2005 to examine the social, economic and educational status of the Muslim Community in India. The report discusses in detail the marginalisation of this community. It suggests that on a range of social, economic and educational indicators the situation of the Muslim community is comparable to total of other marginalised communities like Scheduled Castes and Scheduled Tribes.

Muslim customs and practices such as wearing burqa and fez make them different from others. Because of this, they tend to be

identified differently and some people think that they are not like the 'rest of us'. This often becomes an excuse to treat them unfairly.

This social marginalisation of Muslims has led to them migrating from places where they have lived.

In our country, there are several marginalised communities like Dalits.

It is quite essential to bring these communities in the mainstream so that they may avail access to rights, development and other opportunities.

Marginalisation: The term refers to the situation in which an individual or a group of individuals is deprived of certain privileges or treated as different from others.

Adivasi: It literally means 'original inhabitants'.

Hierarchy: A graded system or arrangement of persons or things. These who find themselves avail the least power.

Mainstream: People or communities that are considered to be at the centre of a society.

Displaced: People who are forced to move from their homes for some reasons such as construction of dams, etc.

Militarised: An area where the presence of the armed forces is considerable.

Malnourished: One who does not get adequate food.

Ghettoization: Ghettoisation is a process in which an area or locality is populated largely by members of a particular community.

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Chapter 8

Confronting Marginalisation

Confronting refers to the way in which groups and individuals challenge the existing inequalities.

In many cases, the marginalised groups are derived from the Fundamental Rights. In this case, they forced the government to enforce these laws.

The marginalised groups also influenced the government to frame new laws. The abolition of untouchability is one of such examples.

The Constitution always tries to ensure Social and Cultural Justice to the marginalised groups. The government has framed many schemes and policies for the marginalised groups and made efforts to promote them.

Reservation is one of them, which plays an important role in providing social justice to Dalits and Adivasis.

For the safeguards of Dalits, the government has framed SC and ST (Prevention of Atrocities) Act, 1989.

The 1989 Act also helps the Adivasis to defend their right to occupy the land that traditionally belonged to them.

Adivasis, Dalits, Muslims, and women come under marginal groups. These groups experience inequality and discrimination at every level in society. As this hurt them, they want to come out of this. They often challenge existing inequalities.

They argue that simply by being citizens of a democratic country, they possess equal rights that must be respected. Many of them look up to the Constitution to address their concerns.

The Constitution provides Fundamental Rights which are available to all Indians equally, including the marginalised groups.

But as the marginalised groups fail to enjoy equal rights, they insist the government to enforce laws.

The government, as a result, frame new laws in keeping with the spirit the Fundamental Rights.

Untouchability has been abolished. This means that no one can henceforth prevent Dalits from educating themselves, entering temples, using public facilities, etc.

Our Constitution States that no citizen of India shall be discriminated against on the basis of religion, race, caste, sex or place of birth. This has been used by Dalits to seek equality where it has been denied to them.

There are specific laws and policies for the marginalised groups in our country.

The government sets up a committee or undertakes a survey and then makes an effort to promote such policies in order to give opportunities to specific groups.

The government tries to promote social justice by providing for free or subsidized hostels for students of Dalit and Adivasi communities.

The Government's reservation policy is a very significant effort to end inequity in the system.

The laws which reserve seats in education and government employment for Dalits and Adivasis are based on an important argument that in a society like ours, where for centuries sections of the population have been denied opportunities to learn and to work in order to develop new skills or vocations, a democratic government must assist these sections.

Governments across the country have their own list of SCs or Dalits, STs, and backward and most backward castes. The central government too has its list.

Students applying to educational institutions and those applying for posts in government are expected to furnish proof of their caste or tribe status in the form of caste and tribe certificates.

If a particular Dalit caste or a certain tribe is on the government list, then a candidate from that caste or tribe can avail of the benefit of reservation.

Besides policies, there are also specific laws to protect the rights of marginalised communities.

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act came into being in 1989 to protect Dalits and Adivasis from the domination of the powerful communities.

Dalit: The term Dalit means 'broken' or oppressed socially and economically.

Confront: To come face to face or to challenge someone or something. In the chapter, the word refers to groups that challenge their marginalisation.

Policy: A well-planned course of action that provides direction for the future, sets goals to be achieved or lays out guidelines to be followed and acted upon.

Ostracise: To socially boycott an individual and his family.

Dispasses: To give up ownership or authority.

Morally reprehensible: An act that violates all norms of decency and dignity that society believes in.

Assertive: An individual or a group that expresses themselves and their views strongly.

Manual Scavenging: It refers to the manual practice of removing human and animal waste or excreta with the help of brooms, tin plates and baskets from dry latrines and carrying it on the head to disposal grounds.

Chapter 9

Public Facilities

Government plays an important role in providing public facilities to everyone. It should provide safe drinking water to the people and also take care of Sanitation facilities.

Public facilities relate to people's basic needs. Any modern society requires these facilities.

The right to life that the Constitution guarantees is for all persons living in the country.

It is the responsibility of the government to provide these facilities as private companies give these facilities at high rates.

When the resources are less, the alternative sources are to be searched for, like in Chennai.

Public facilities relate to our basic needs such as water, health, education, etc.

The government is expected to play a major role in providing public facilities to all.

Water is the basic need of people. It is essential for life and for good health.

Safe drinking water can prevent several water-borne diseases such as diarrhea, dysentery, cholera, etc. Unfortunately, India has the largest number of cases of these diseases.

Children below the age of five reportedly die every day because of these diseases.

It means safe drinking water is not available to all.

Our constitution recognizes the Right to Water as being a part of the Right to Life under Article 21. It means that there should be universal access to water. But in reality, it does not happen so.

Not only water but other public facilities such as healthcare, electricity, public transport, schools and colleges also need to be provided for all.

The chief feature of a public facility is that once it is provided, its benefits can be shared by several people. For example, if an area is supplied with electricity it means that the entire people of that area can use its benefit.

One of the most important functions of the government is to ensure that public facilities are made available to everyone.

The government gets money for public facilities from the taxes collected from the people.

The government is empowered to collect these taxes and use them for such programmes. For example, to supply water the government has to incur costs in pumping water, carrying it over long distances, laying down pipes for distribution, treating the water for impurities, and finally, collecting and treating waste water. It meets these expenses partly from the various taxes that it collects and partly by charging a price for water. This price is set so that most people can afford a certain minimum amount of water for daily use.

Although public facilities should be made available to all, in reality, we find their shortage. As mentioned above water is a public facility of great importance. But the tragedy is that it is not available to all.

The poor are the worst sufferers because they don't have money to purchase water from private companies.

Crisis of water becomes acute during the summer months in several cities of the country.

The shortage in municipal water is increasingly being filled by an expansion of private companies who are selling water for profit.

A shortage of municipal water is often taken as a sign of failure of the government.

Our constitution recognizes many of the public facilities as being a part of the Right to Life. Now it is the government's responsibility to see that these rights are protected so that everyone can lead a good life.

Public facilities: They are associated with our basic needs such as water, electricity, public transport, etc.

Universal access: Universal access is achieved when everyone has physical access to a good condition or can also afford it.

Sanitation: Provision of facilities for the safe disposal of human urine and feces.

Company: A company is a form of business set up by people or by the government.

Chapter 10

Law and Social Justice

Enforcement of the law is important to protect the rights of minorities from the majority. In order to ensure the abolition of child labor, the government has to regularly inspect the factories and punish those who violate the law.

Many of these laws have their basis in the Fundamental Rights guaranteed by the Indian Constitution. For instance, Right against Exploitation:

- According to this right, no one can be forced to work on low wages or under bondage
- No child below the age of 14 years shall be employed in shops, factories or mines.

The EPA (Environment Protection Act), 1986 came into force soon after the Bhopal Gas Tragedy and is considered umbrella legislation as it filled many gaps in the existing laws.

The Environment Protection Act authorizes the central government to protect and improve environmental quality, and control and reduce pollution from all sources. It prohibits or restricts the setting or operation of any industrial facility on environmental grounds.

According to the 2001 census, over 12 million children in India between the age group of 5 and 14 worked in various occupations. In 2006, the Government of India amended the Child Labour Prevention Act.

Minimum Wages Law deals with the wages of the workers, ensuring that they are not underpaid and this is updated every year.

There is also a law to protect the interest of the producers and consumers in the market. So, laws are there to ensure the relationship between the worker, consumer and producer. They are governed in an un-exploitative manner.

Markets tend to be exploitative of people. Therefore the government makes certain laws to protect people from such exploitation. These laws try to check unfair practices in the markets.

Private companies, contractors, etc. in order to make maximum profits might deny workers their rights and not pay them wages.

In this regard, there is a law on minimum wages which ensures that workers are paid fairly.

The government is also keen to protect the interests of producers and consumers in the market. There are also laws for them.

These laws ensure that the relations between the worker, consumer and producer are governed in a manner that is not exploitative.

Well, laws are there to protect various interests. But what is important in this regard is the implementation of these laws. Unless these laws are enforced it will be difficult to protect the weak from the strong.

To ensure that every worker gets fair wages, the government has to regularly inspect work sites and punish those who violate the law.

Through making, enforcing and upholding these laws, the government can control the activities of individuals or private companies in order to ensure social justice.

In October 2006, the government amended the Child Labour Prevention Act, banning children under 14 years of age from working as domestic servants or as workers in dhabas, restaurants, etc. It made employing these children punishable offense.

Bhopal Gas Tragedy is the world's worst industrial tragedy that took place in the year 1984. Union Carbide (UC), an American company, had a factory in Bhopal in which it produced pesticides. At midnight on 2 December 1984 methyl-isocyanide (MIC), a highly poisonous gas, started leaking from this VC plant which took numerous lives. Among those who survived, many developed severe respiratory disorders, eye problems etc. Children developed peculiar abnormalities.

The disaster was not an accident. Union Cabinet had deliberately ignored the essential safety measures in order to cut costs.

Although UC stopped its operations, it left behind tons of toxic chemicals which have seeped into the ground to contaminate water.

25 years later, people are still fighting for justice, for safe drinking water, for healthcare facilities and jobs for the people poisoned by UC.

Now the question arises why Union Carbide set up its plant in India.

Foreign companies usually come to India for cheap labor. Here, they can save costs and earn higher profits.

Lower working conditions including lower safety measures are used as ways of cutting costs. In the UC plant, every safety device was malfunctioning.

In India, there is so much unemployment, that there are many workers who are willing to work even in unsafe conditions in return for a wage. Employers take advantage of this.

The government must ensure that safety laws are implemented. It is also the duty of the government to ensure that the Right to Life guaranteed by the Constitution is not violated.

The Bhopal disaster shows lacking on the government's part. There were weak safety laws and these too were not enforced.

Government officials refused to recognize the plant as hazardous and allowed it to come up in a crowded locality. In this way, the safety of the people was disregarded both by the government and by private companies.

In the year, the Bhopal gas tragedy took place, there were few laws protecting the environment in India. The environment was treated as a free entity and any industry could pollute the air and water without any restrictions.

The Bhopal disaster brought the issue of the environment to the forefront.

The Indian government introduced new laws on the environment. Henceforth, the polluter was to be held accountable for the damage done to the environment.

Laws were important not only for the workers but also for those who might be injured due to industrial accidents.

- One of the prime responsibilities of the government is to make appropriate laws and to enforce them. Laws that are weak and poorly enforced can cause a serious disaster.

Consumer: One who buys goods for personal use.

Producer: A person or an organisation that produces goods for sale in the market.

Investment: It refers to the money that is spent to purchase new machinery or buildings or training so as to be able to increase production in the times to come.

Hazardous: Condition that is full of dangers.



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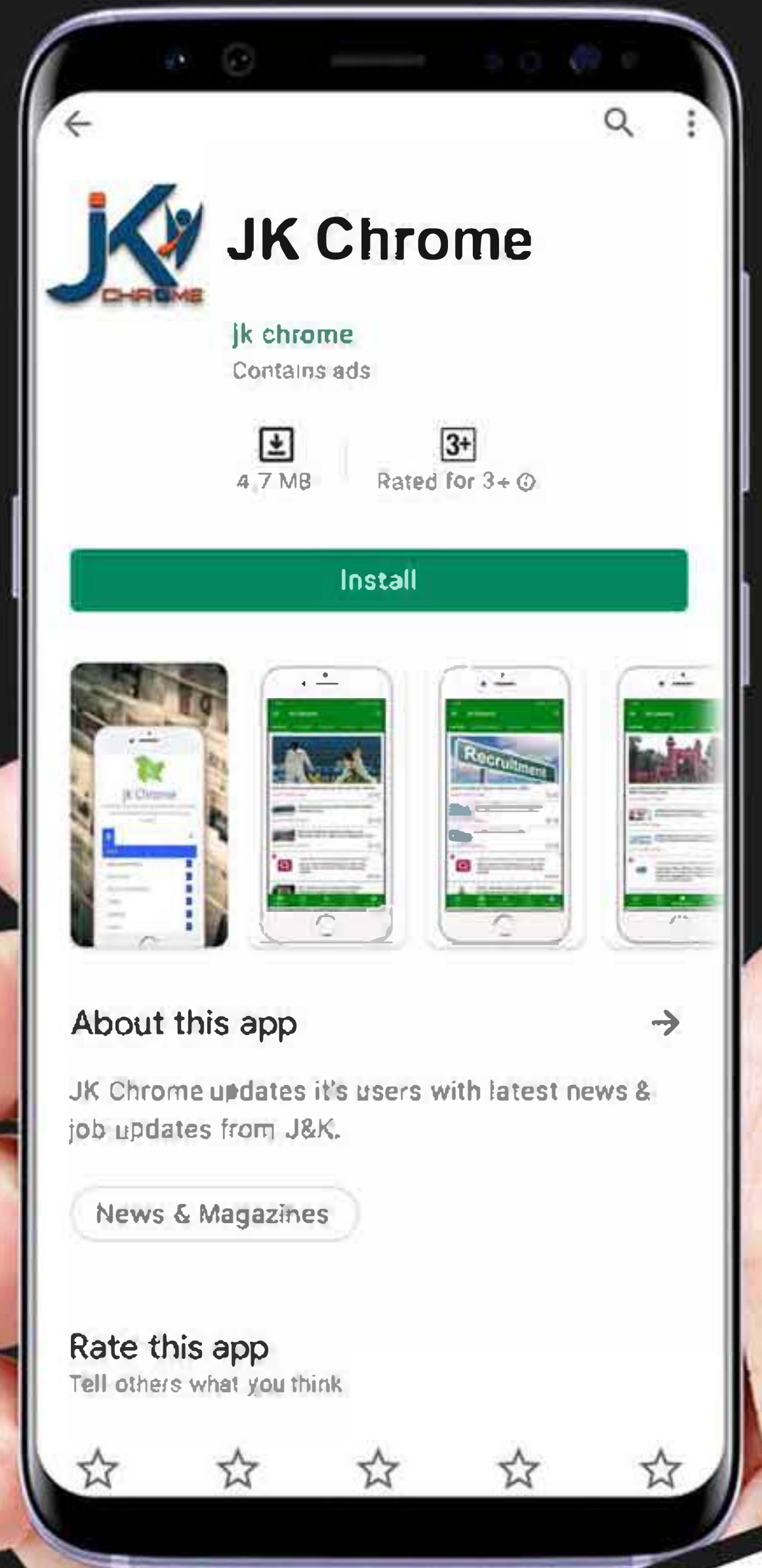
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