

## THE MARGINALISED COMMUNITIES

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### INTRODUCTION

The world has often been dominated by so-called powerful people of society. In some places, men dominate, at some places communities dominate. Like in the USA we can see that there has been an influence of white people, even though there has been a huge time lapse still, blacks have not been recognized as whites have. In some places, women are paid way less than that men. Similarly Asians in some countries have faced similar difficulties. These all the conditions do require some interventions of powerful mighty ruling bodies in order to provide justice to people who have faced atrocities due to this unjust behaviour of some biased communities and to further provide a safe environment to the upcoming youth. So, now we will be looking after a similar condition like mentioned above in India, of the community ST/SC.

### HISTORY

Before British rule, India was considered a Hindu Bharat. Statistics show that almost 90% of the population may have fallen under the Hindu religion at that time. As per Hindu Ved, the four tier caste system prevailed, also known as savarna community defined that people who do not belong to any of the tiers are low castes. Savarnas forced them to do works that involved Sanitation, disposal of animal carcasses, cleaning of excreta, and other tasks that involved contact with unhygienic material. Due to this, they were considered unclean. The potential thought might define it like that, they can be considered unclean as being in touch with such unclean material, bodies such as sewages may lead to spread of diseases and other bacteria, fungal infections but with that they were not even allowed to enter temples, to share water or locality. Moreover, they were labelled as untouchable.

### AFTER INDEPENDENCE

B.R. Ambedkar is the foremost name that we hear now and then. He was behind the Indian constitution formation and he understood the need to actively empower these communities, he

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included various provisions to protect their rights. Part 14 of The Government of India act, 1935 defined Schedule tribes/ Scheduled castes.

### **LAWS FOR ST/ SC**

Article 15 of the constitution says that there shall be no discrimination on the basis of caste, religion, race, or place of birth. Article 16 gives equal opportunity to all citizens for employment at any office. Article 46 states that the state should encourage the education of weaker sections. Furthermore, there are various other Articles that support the ST/SC communities some of them deal with reservations. The ST/SC act 1989 deals with the protection of the SC/ST community. The main motive of the SC/ST act was to prevent atrocities and severe crimes against such communities. These communities stayed deprived of essential basic amenities which makes us very essential to provide their utilities in order to bring kind of equality. Since a system can not be changed unless the primary thought is changed so there has been very severe Action taken. Indian penal code, 1860 was less efficient in providing such communities justice to the extent that was required.

Hypothetically, if we look at section 499 of IPC which is "Defamation" it is defined as "Defamation arises when a person publishes any wrong or false statements or allegation or false imputations related to any person, either by words or oral or in any form to defame that person." Keeping the statement in mind, "falsely alleging or imputing someone." We can say that people in India often catcall people via their surname or caste so if a Brahman is called Brahman then that won't create any defamatory situation, even though he does not practice Brahmanism, but if a person who belongs to such a community categorising if a person belongs to belong to a family whose ancestors used to be sweepers and are now in way better position than that of that time. So, in that case, if a person gets catcalled through the word sweeper which is quite defaming, but as per section 499 of the Indian penal code, this is not defamation. So in order to provide such community homage, there has to be a different, separate act that may assist them to uplift their situation. Stating fact if a person mocks someone in that manner so, as per section 3 of the ST/SC act they can be imprisoned for at least 6 months which can last more than 1 year.

## CONCLUSION

Some topics such as Reservation to backward communities, non-bailable imprisonment to the mockers, etc, are and have been very debatable and are often hot topics for school debates and competitions, the reason is people do not look at the picture precisely. But if we look at the big picture, we can say that the things that we are currently providing them are way less compared to the injustice that their ancestors faced. These communities have suffered a lot only because they were not part of so called 4 tier Hindu caste system defined by Hindu mythology. Mythology did not speak anything about such communities. So making people aware of their past can create change in the linguistics and ideology so that they may not get involved in such atrocity and not let any other person commit such acts which may deprive the deprived.

