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Marginal Community: not a Homogenous Group

1. ABSTRACT

Human rights are not only about power or privilege held by the public. These rights and dignity are crucial for a peaceful, sustainable, and just world. There should be upliftment for this particular section of the group. By focusing on and improving marginalized communities, the invisible will become visible in law practice and legal education. Marginal communities can't be considered a homogeneous group in today's world, as there is a need for a certain level of necessary support for them. In the light of today's era, one nation should also focus on issues related to sexual and reproductive rights as well as human rights like sex education in school curriculum, period poverty, and sexual violence in conflict zones that are related to women and their welfare.

Child rights are also a major concern, as digitization has enhanced children's learning but also exploited their innocence. Safeguarding children's privacy and safety is crucial, requiring robust measures like data protection policies and age-appropriate online content. This community also includes scheduled castes and tribes, who require development and empowerment.

Inclusive and participatory processes allow us to give voice to marginalized people and strengthen them by uplifting them. Marginalization is a very important concept within sociology, political science, social psychology, and other fields of study that attempt to understand social inequalities and injustices. As there should be justice in social, economic, and political matters and equality of status of opportunity among them all, this group needs more focus.

Keywords: Marginal communities, upliftment, sexual and reproductive rights, child rights, injustice, inequality.

1

2. INTRODUCTION

To be human and not feel less human, there are rights for the public in society. Human rights are not only about power and the privileges held by the public. These rights and dignity are crucial for a peaceful and just world. By providing voice to this marginal group, not to shout but to assert that through an inclusive and participatory process, we will uplift and strengthen them in a true sense. Marginalization is a very important concern within many interdisciplinary fields like sociology, political science, social psychology, and other fields of study that attempt to understand and describe certain inequalities and injustices with which they are dealing in Indian society. Sociology has many relationships with history, political science, economics, philosophy, anthropology, psychology, ethics, and jurisprudence. Sociology, being the mother of all social sciences and with a sociological lens of vision to critically examine and understand law, will take the direction towards better social change and social control with a comprehensive understanding of law and society in India. As there should be justice in social, economic, and political matters and equality of status and opportunity among them all, this group needs more focus.

3. REVIEW OF LITERATURE

1. PROBLEMS OF MARGINALIZED GROUPS IN INDIA: A STUDY: (Prof.

A. K. Paricha Emeritus Fellow, Political Science Berhampur University), 2018 JETIR July 2018, Volume 5, Issue 7, (ISSN-2349-5162), In this paper it has been concluded that marginalised groups are defined as those who are subject to unfair treatment or are, relative to other age groups or sections of society, more dependent on others and therefore find it difficult to maintain their subsistence on their own and protect their rights. Besides this, certain groups in society are also subject to discriminatory treatment and feel marginalized. They need special attention to avoid exploitation. In India the women, children,

2

scheduled castes and scheduled tribes, persons with disabilities, migrants and aged are regarded as marginalised or vulnerable groups. These people are socially, economically, politically and legally ignored and excluded in Indian society.

2. SOCIAL AND ECONOMIC STATUS OF THE MARGINALIZED

COMMUNITIES IN INDIA : (Dr M Rajashekarappa, Rathnnava K Hadimani, Associate Professor, Assistant Professor, Department of Sociology, S.J.M.V B.A.J.S.S ARTS AND COMMERCE COLLEGE FOR WOMEN, RANEBENNUR RAJARAJESHWARI WOMENS COLLEGE, RANEBENNUR, INDIA), 2023 IJCRT Volume 11, Issue 9 September 2023 | ISSN: 2320-2882, It is concluded in this paper as India continues to evolve and develop, it is imperative that the nation's progress is inclusive and benefits all its citizens. The social and economic empowerment of marginalized communities is not only a matter of justice but also a fundamental prerequisite for India's growth and development as a vibrant and inclusive democracy. Achieving this goal will require ongoing collaboration among governments, civil society organizations, and the international community, with the shared vision of a more equitable and just India for all of its people.

3. Education of the Marginalized; In the Context of Policy Initiatives for

Universalisation of Elementary Education: Dr.M.N.Mohamedunni Alias Musthafa* Rini E Stephen Vol. 9 Issue 7, July , 2019, ISSN: 2249-2496 , This paper attempt to state that Although India has already made significant strides in the task of expanding schooling facilities for all children, considering the existing disparities, a multifaceted endeavor is required to make a balance between quality and quantity to ensure its benefits available to all sections of society living in different regions. This should be an integral part of policy interventions for promoting social justice in society. Educational inequality takes different forms in different places which in turn results in the decrease in opportunities for children with low economic background, girls, ethnic, linguistic and socially marginalized group and children with disabilities and special needs. So integrating all the children irrespective of the above-mentioned barriers should be the prime objective of the country.

3

4. OBJECTIVES

- To analyze and evaluate the provisions relating to different groups in marginal communities
- Evaluating the rights and realities of marginalized groups.
- To explore multifaceted challenges such as poverty, education, healthcare, and other issues facing marginalized communities.
- To critically examine the laws, regulations, and rules available for the protection of this group of marginal communities.

5. METHODOLOGY

Research Methodology: Combination of Doctrinal and Empirical

Study 6. FINDINGS / RESULTS AND DISCUSSION

Definition of Marginalization

There is several evidence indicating inequalities and injustices in this particular community, but to define marginal communities with terms like social exclusion and people being discriminated against for their lesser importance in Indian society would be inappropriate. This term used to define this particular

community was suitable in past eras, as there was that type of scenario. In today's Indian society, such a scenario is rarely encountered or observed by the Indian people.

So, in the light of today's era, the marginal community belongs to those people that need a certain level of support and their upliftment, and accordingly, the nation should be emphasizing this community to some extent and in certain kinds of matters. This subject matter is relevant to particular injustices and inequality and has precise significance for this community.

Specific Marginalized Groups in India

- Women's

4

- Scheduled caste and Scheduled Tribes
- Children
- Persons with Disabilities
- Aged people

Why Marginal Community are not Homogenous?

This community can't belong to a homogeneous group because of some factors, like sexual and reproductive rights for women's, empowerment and development of ST and SC, child rights, which protect their innocence and kindness, people with disability rights, and the elderly group of people suffering during their elderly age. These are the factors that require a greater backbone to a certain extent. The term homogenous means of the same or similar kind and nature. So, the marginal communities are not a homogenous group, as this community includes different groups that need gentle attention and support for their relevance to some of the aspects in which they deal with injustice and inequality.

Rights and realities should be a vision for a comprehensive understanding of law and society in India. As the rights will be there for the legal rights with legal remedy, which can be compared with the reality existing in

contradictions to facts that are and are not recognized by law.

Impact of Marginalization on the economy

1. Social Unrest: An unstable environment arises when members of marginalized communities are subjected to discrimination regarding violence, resources, and welfare needs.
2. Income inequality: When a community has obstacles to economic engagement and social inclusion in certain socio-economic and economic domains, there is an income inequality.
- 5
- 3.. Less economic growth: Human capital remains undeveloped when this community faces inadequate quality education, employment opportunities, and essential services.

Constitutional Provisions for Marginalized Sections in India

There are constitutional provisions that are significantly in favor of this community, and as safeguards, like some of the fundamental rights of Part III of our Indian constitution, a few articles of the directive principle of state policy of Part IV and Part XVI—special provisions relating to certain classes.

The Marginal Community And Its Relevant Aspects Should Be Especially Emphasized.

Women and their Welfare: Sexual and Reproductive Rights

Women have played several roles in India as equal as men in Indian society, and there are and will be many remarkable contributions from them towards our nation. Gender justice does not mean a battle against man; it's a human right that women need gentle care in certain

matters to a certain level, not to a greater extent but not even to an extent of some kind of little attention. Even the journey of a woman's life is filled with struggle at a certain level when she, as a girl child, reaches the age of adolescence, marriage to someone, and then childbearing. So the importance and attention given to sensitive human rights such as sexual and reproductive rights is very crucial.

Access to safe abortion, sex education in school curriculum, period poverty and prevention of miscarriage, mothers who gave birth to premature infants, and multiple pregnancies are some of the major concerns related to women and their welfare.

Access to safe abortion, with its recent socio-legal developments, is an important aspect of sexual and reproductive rights for women.

Sex Education in school curriculums

There is a great importance and necessity of sex education in schools'

6 curriculum, as it informs and provides advice to students about reproductive health, related organs, adolescence, and sexually transmitted diseases. With the objective of raising awareness in order to protect people from misconceptions about various sex-related issues and matters. Sexual education in schools will provide accessible, proper, inclusive, and positive information and advice to individuals who are children and adolescents. The goal of this particular teaching in school should be to educate young people on prevent sexually transmitted infections (STIs) and unplanned pregnancies, which are related to significant issues with serious consequences in the future.

Everyone should prioritize sex education. This is vital information that parents and instructors should impart to developing children, especially adolescents. Due to a lack of knowledge, the majority of youngsters end up in risky situations involving unplanned pregnancies and even sexually transmitted diseases.

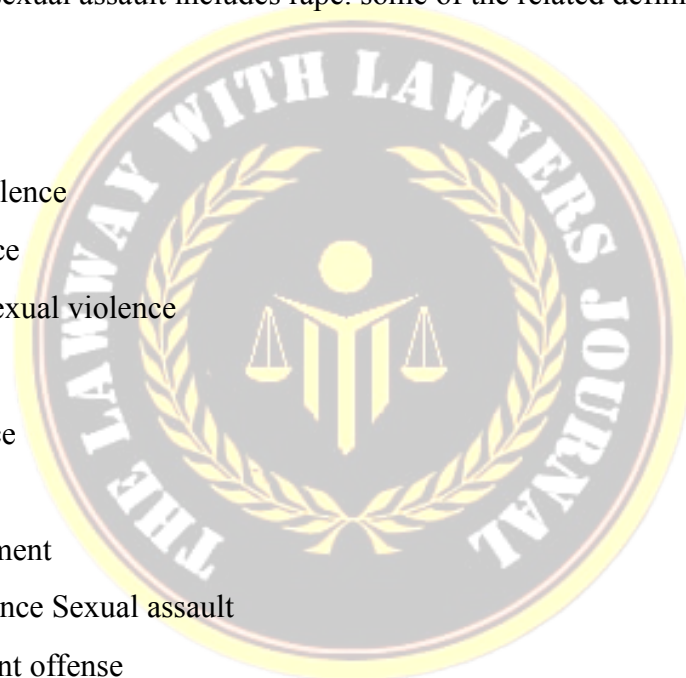
Period poverty

Menstruation, or period, is a part of every woman's life journey. Period poverty, which needs a focus on lack of access to clean water, sanitation facilities, and inadequate sexual health education, is one of the factors that can lead to period poverty. Menstrual health should not be neglected now or even in the years ahead. Menstrual hygiene should be treated as a right to promote sexual and reproductive welfare because every woman deserves healthy menstrual cycles.

Sexual violence definition

Sexual violence means any sexual act or act targeting a person's sexuality, gender identity or gender expression, whether the act is physical or psychological in nature, For further clarity, sexual assault includes rape. some of the related definition related to this term are:

- Violence
- Workplace violence
- Family violence
- Domestic or sexual violence
- 7
- Dating violence
- Sexual abuse
- Sexual harassment
- Crime of violence Sexual assault
- Sexually violent offense
- Domestic violence
- Sexual battery
- Victim of domestic violence
- Threat of violence Sexual activity
- Sexually violent predator
- Victim of sexual assault
- Teen dating violence
- Workplace Harassment
- Harassment



What are the consequences of sexual violence?

Sexual violence consequences are physical, like bruising and genital injuries, sexually transmitted infections, and pregnancy (for women) and psychological, such as depression, anxiety, and suicidal thoughts. The consequences may be chronic. Survivors may suffer from post-traumatic stress disorder and experience re-occurring reproductive, gastrointestinal, cardiovascular, and sexual health problems¹.

Child Rights in Digital Age - Legal and Ethical Consideration

Child rights are also a major concern, as digitization has enhanced children's learning but also exploited their innocence. Safeguarding children's privacy and safety is crucial, requiring robust measures like the protection of data and age-appropriate content. There should be effective educational programs required in school curriculum for awareness related to online risks and a dedicated legal framework to enhance and support children's rights to preserve their innocence. Parental awareness is also important because they can play a significant role in their children's digital lives. Some of the measures, like empowering youth voices as strategies for children's participation in the digital age and children's privacy

8

protection in the digital age, and media literacy through spreading awareness to identify misinformation and protect themselves from online risks, creating a safer world for children by analysing the impact of the digital age, which includes video games, social media, and other digitalization tools, as well as understanding the benefits and drawbacks of each. This kind of issue is serious in various disciplines, including law, psychology, technology, education, and sociology. By working hand in hand and addressing this issue, one nation can move towards the great opportunities in the digital world, with relevant risks involved. There are opportunities and barriers to children's rights in the digital age.

Person with Disabilities – Rights of Persons with Disabilities Act, 2016 As per the provisions of this act, **“the appropriate government shall ensure that the person with disabilities enjoys the right to equality, life with dignity, and respect for his or her own integrity equally with others.”** The government is to take steps to utilize the capacity of the

Person with disabilities by providing an appropriate environment.

Aged people as a part of marginal communities

It is essential to recognise the value and contributions of older adults and to promote policies and programs that support their inclusion, dignity, and quality of life. This includes efforts to combat ageism, ensure equal access to healthcare and social services, and provide opportunities for social engagement and meaningful work. By addressing the marginalisation of older people, we can build a more just and equitable society for people of all ages.²

Role of non-governmental organizations in shaping empowerment for marginalized groups

-Top 10 NGOs in India in 2022:

- 1.) Smile Foundation
- 2.) CRY- Child Rights and You in Delhi
- 3.) Nanhi Kali

9

- 4.) HelpAge India
- 5.) Goonj
- 6.) Care India
- 7.) Pratham
- 8.) SaveLIFE Foundation
- 9.) Salaam Baalak Trust
- 10.) Oxfam India

National Girl Child Day- 24 January

Beti Bachao Beti Padhao (BBBP) was launched by the Prime Minister on

22nd January, 2015 at Panipat, Haryana. BBBP addresses the declining Child Sex Ratio (CSR) and related issues of women empowerment over a life-cycle continuum. The Overall Goal of the Beti Bachao, Beti Padhao(BBBP) Scheme is to Celebrate the Girl Child & Enable her Education³.

The objectives of this Scheme are as under: -

- ☐ Prevent gender biased sex selective elimination.
- ☐ Ensure survival & protection of the girl child.
- ☐ Ensure education of the girl child.

As individuals, we should celebrate the birth of a girl child in the family and community with pride and find ways to promote their welfare by being sensitive to women and girls. There should be efforts to make neighbourhoods safe and violence-free for women and girls.

“Every girl is just like a flower that has to rise up to blossom”

Reducing Marginalization

10

There are various ways of reducing marginalization, and this includes:

- Inclusive and participatory policies to promote the wellbeing of this community • Socio-cultural and legal awareness, which raises awareness of their rights and entitlements that belong to them.
- Targeted programs can help protect and uplift marginalized groups. • NGO-non-governmental efforts
- Creating inclusive workplaces for them.

7. Conclusion

. Thus, it can be concluded that marginal communities include

individuals who need a certain level of support, which requires greater attention to that extent. Understanding and addressing marginalization are essential steps toward creating a more equitable and inclusive society. There are commendable efforts made by our government for this community for their benefits and wellbeing, but at the same stage, there are also kinds of invisible facts, de facto, that are actual facts but not recognized by law and that fit contradictions to be made to de jure as visible in legal, social, socio-economic, and socio-legal concepts. When Rights v. Realities is used as a measurable tool to interpret our Indian society, the actual scenario of major issues with its clue towards the solution reveals.

8. Recommendation

Separate and special acts for marginalized communities are a

very crucial aspect of promoting equality and protecting human rights in a just world. There should be a special act only mentioning this particular community, as this group needs special care and attention in some aspects in

11

which they face injustices and inequality. The act should clearly define this particular group of individuals who belong to this community. Separate legislation should be merged, which fits in with the definition of individuals who are marginalized by their factors of unjust nature in dealing with subject matters with equal and just recognition. This specific definition of who to include in the marginal community would be clear and precise with including

and excluding terms. By addressing this suggestion, there will be more directions provided to this group for their upliftment.

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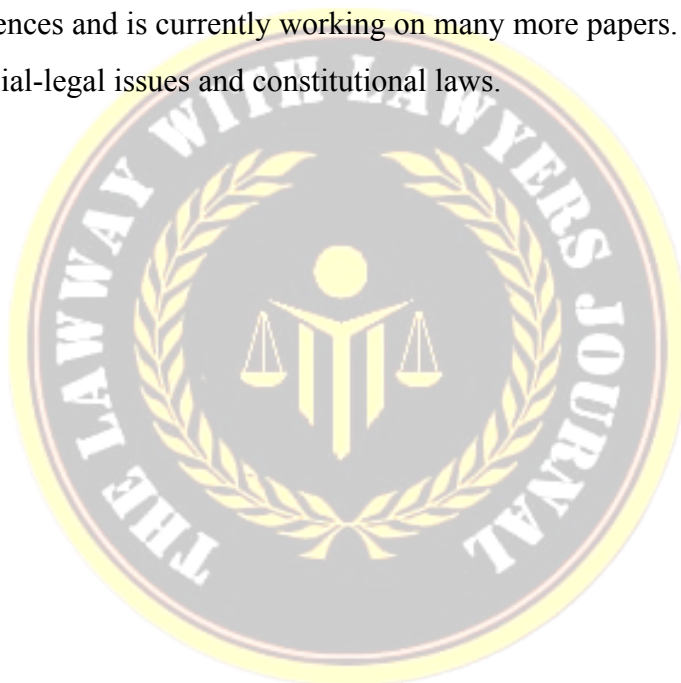
12

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10. BRIEF PROFILE OF AUTHOR/S

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Madhavi Sharma is currently a student at the Haveli Institute of Legal Studies and Research, Silvassa, affiliated with Mumbai University. She has won first prize in a blog writing competition at her college. In addition to this, she has participated in and presented papers at national seminars and national conferences and is currently working on many more papers. Her areas of interest are social-legal issues and constitutional laws.



11. UNDERTAKING

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