

INDIAN JOURNAL OF LEGAL REVIEW



VOLUME 1 AND ISSUE 1 OF 2023

INSTITUTE OF LEGAL EDUCATION



Indian Journal of Legal Review
(Free Publication and Open Access Journal)

Journal's Home Page – <https://ijlr.iledu.in/>

Journal's Editorial Page – <https://ijlr.iledu.in/editorial-board/>

Volume 1 and Issue 1 of 2023 (Access Full Issue on – <https://ijlr.iledu.in/category/printed-version-volume-1-and-issue-1-of-2023/>)

Publisher

Prasanna S,

Chairman of Institute of Legal Education (Established by I.L.E. Educational Trust)

No. 08, Arul Nagar, Seera Thoppu,

Maudhanda Kurichi, Srirangam,

Tiruchirappalli – 620102

Phone : +91 94896 71437 - info@iledu.in / Chairman@iledu.in



© Institute of Legal Education

Copyright Disclaimer: All rights are reserve with Institute of Legal Education. No part of the material published on this website (Articles or Research Papers including those published in this journal) may be reproduced, distributed, or transmitted in any form or by any means, including photocopying, recording, or other electronic or mechanical methods, without the prior written permission of the publisher. For more details refer <https://ijlr.iledu.in/terms-and-condition/>

Empowering Dalit and Minority Women: The Role of State and Central Government

Author - Shashank Shekhar, Student at SVKM NMIMS

Best Citation - Shashank Shekhar, Empowering Dalit and Minority Women: The Role of State and Central Government, Indian Journal of Legal Review (IJLR), 1 (1) of 2023, Pg. 52-58, ISBN - 978-81-961097-8-3.

ABSTRACT

It focuses on the challenges faced by Dalit and minority women in India, who are often subjected to discrimination and marginalization due to their caste, religion, and gender. The article highlights the importance of the government's role in promoting social, economic, and political inclusion for these women and explores the current state of government policies and initiatives aimed at promoting equality. The article discusses the intersectionality of discrimination, gender-based violence, access to justice, empowerment and participation, and international human rights obligations. While some improvements have been made, significant disparities still exist, and the government needs to take proactive steps to address these challenges. The article concludes by offering recommendations for enhancing the effectiveness of existing policies and initiatives and promoting greater inclusion and equality for all citizens.

Keywords: Equality, Empowerment, Justice, Discrimination, Marginalization

INTRODUCTION

India is a country with a rich and diverse cultural heritage, but it is also a nation that has been plagued by socio-economic inequalities for centuries. Dalit and minority women, in particular, have been subject to discrimination and marginalization due to their caste, religion, and gender. Despite significant strides made in the last few decades to address these

inequalities, Dalit and minority women continue to face numerous challenges in India.

The Indian government has an important role to play in uplifting marginalized communities and promoting equality for all citizens. This includes implementing policies and initiatives that promote social, economic, and political inclusion for Dalit and minority women. In this context, the role of the State and Central Government in uplifting Dalit and minority women in India is crucial.

This article will explore the historical and contemporary challenges faced by Dalit and minority women in India, the importance of the government's role in uplifting marginalized communities, and the current state of government policies and initiatives aimed at promoting equality for Dalit and minority women. The article will also provide recommendations for enhancing the effectiveness of existing policies and initiatives and promoting greater inclusion and equality for all citizens.

CASTE-BASED VIOLENCE & DISCRIMINATION

Dalit and minority women in India continue to face discrimination and violence based on their caste and religion. Caste-based discrimination is a deeply entrenched social issue in India that has significant impacts on the lives of Dalit and minority women. Studies have shown that Dalit women are at a higher risk of experiencing physical and sexual violence compared to women from other castes. They are also more

likely to experience discrimination in access to education, employment, and healthcare.

The Indian government has implemented policies and initiatives to address caste-based discrimination and violence, such as the Prevention of Atrocities Act, 1989, and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2018. The government has also launched programs to promote social inclusion and economic empowerment, such as the National Scheduled Castes Finance and Development Corporation and the National Safai Karamcharis Finance and Development Corporation. However, despite these efforts, caste-based discrimination and violence against Dalit and minority women persist. There is a need for the government to improve the implementation and enforcement of existing measures. This includes providing greater resources and support to victims of caste-based violence and discrimination, increasing public awareness of the issue, and strengthening the criminal justice system's response to such cases.

Moreover, the government should adopt a more proactive approach to address the root causes of caste-based discrimination and violence. This includes promoting inter-caste dialogue and understanding, investing in education and awareness-raising programs, and ensuring equal access to resources and opportunities for all citizens regardless of their caste or religion. In conclusion, while the government has taken steps to address caste-based violence and discrimination against Dalit and minority women, there is still much work to be done. By adopting a more comprehensive and proactive approach, the government can better promote social inclusion, equality, and justice for all citizens.

INTERSECTIONALITY OF DISCRIMINATION

Intersectionality is a concept that acknowledges the interconnected nature of different forms of discrimination and how they intersect to create unique experiences of

oppression for individuals with multiple marginalized identities. This means that a person's experiences of discrimination are not solely based on their gender or caste, but also influenced by other factors such as their religion, ethnicity, socio-economic status, and other social identities.

In the case of Dalit and minority women in India, intersectionality plays a critical role in shaping their experiences of discrimination. These women face multiple forms of oppression based on their gender, caste, religion, and economic status, making it difficult for them to access basic rights and opportunities. They are often subjected to discrimination and violence, both within their communities and in the larger society, due to their intersectional identities.

Despite this, the government's approach to intersectionality in its policies and initiatives has been limited. The policies aimed at uplifting Dalit and minority women often focus solely on addressing their gender-based discrimination, ignoring other aspects of their identities. This narrow approach fails to address the systemic barriers that these women face and hinders their ability to access basic rights and opportunities.

To address this issue, it is essential for the government to adopt a more intersectional approach in its policies and initiatives. This can be done by recognizing and addressing the multiple forms of discrimination faced by Dalit and minority women and developing policies that address these intersecting factors. For instance, initiatives could be designed to address the specific needs of Dalit and minority women who live in poverty and face religious discrimination. These policies can be implemented through effective and meaningful collaboration with civil society organizations, NGOs, and community-based groups working for the upliftment of these women.

In conclusion, an intersectional approach is critical for uplifting Dalit and minority women in India. The government must recognize the

unique experiences of discrimination faced by these women and develop policies that address these intersecting factors. This will require a concerted effort from all stakeholders involved, including policymakers, civil society organizations, and communities, to ensure that the rights and opportunities of these women are protected and upheld.

GENDER-BASED VIOLENCE

Gender-based violence refers to any act of violence that is committed against a person on the basis of their gender or perceived gender. This can include physical, sexual, and emotional violence, as well as economic and social violence. Gender-based violence is pervasive in India, and Dalit and minority women are particularly vulnerable to it. These women face multiple forms of discrimination and marginalization, which increases their risk of experiencing violence.

The government of India has implemented various legal and institutional frameworks to prevent and address gender-based violence. These include laws such as the Protection of Women from Domestic Violence Act, 2005, the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, and the Criminal Law (Amendment) Act, 2013, which strengthened the legal framework for addressing sexual violence against women. Additionally, the government has established institutions such as the National Commission for Women and the National Human Rights Commission to monitor and address cases of gender-based violence.

However, despite these legal and institutional frameworks, gender-based violence remains a significant issue in India, and Dalit and minority women continue to face barriers to accessing justice and support. To strengthen the existing frameworks, several recommendations can be made: Increased investment in prevention and early intervention programs that address the root causes of gender-based violence, such as gender inequality, discrimination, and poverty.

Enhance the capacity of law enforcement agencies and the judiciary to effectively respond to cases of gender-based violence, including providing training on issues related to gender sensitivity and intersectionality. Strengthen the legal framework for addressing gender-based violence, including ensuring the effective implementation of existing laws and considering additional legal measures to protect the rights of Dalit and minority women. Improve the access of Dalit and minority women to support services such as counseling, legal aid, and medical care, and ensure that these services are culturally appropriate and accessible to women from marginalized communities.

In conclusion, gender-based violence is a pervasive issue in India, and Dalit and minority women are particularly vulnerable to it. While the government has implemented legal and institutional frameworks to prevent and address gender-based violence, there is a need for further action to strengthen these frameworks and address the unique needs of Dalit and minority women. The government must invest in prevention and early intervention programs, enhance the capacity of law enforcement agencies and the judiciary, and improve the access of women from marginalized communities to support services.

INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

India has ratified several international human rights treaties, including the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). As a state party to these treaties, India has committed to upholding and protecting the human rights of all individuals within its jurisdiction, including Dalit and minority women.

However, despite its international human rights obligations, the Indian government's policies and initiatives often fall short in terms of compliance with international human rights

standards. For example, while the government has implemented various programs to address poverty and social inequality, Dalit and minority women continue to experience discrimination and marginalization, and their rights to education, health, and employment are often not fully realized. To improve compliance with international human rights standards, several recommendations can be made:

Adopt a human rights-based approach to policy-making and implementation, which prioritizes the protection and promotion of human rights, including the rights of Dalit and minority women. Increase awareness and understanding of international human rights standards among government officials, civil society organizations, and the general public, to ensure that human rights are upheld and respected in all areas of life.

Ensure that policies and programs aimed at uplifting Dalit and minority women are designed and implemented in a participatory manner, with the meaningful participation of these women and their communities. Strengthen monitoring and reporting mechanisms to ensure that human rights violations are identified and addressed, and that victims of human rights abuses have access to effective remedies.

In conclusion, while India has ratified several international human rights treaties, including CEDAW and ICESCR, there is a need for further action to ensure compliance with international human rights standards, particularly with regards to the rights of Dalit and minority women. The government must adopt a human rights-based approach to policy-making, increase awareness and understanding of international human rights standards, ensure meaningful participation of these women and their communities, and strengthen monitoring and reporting mechanisms to identify and address human rights violations.

ACCESS TO JUSTICE

Dalit and minority women in India face significant barriers in accessing justice, including lack of awareness about their legal rights, limited access to legal aid and support services, discrimination within the justice system, and cultural and social barriers that prevent them from seeking legal redress. These barriers are compounded by other factors such as poverty, illiteracy, and social exclusion.

The Indian government has implemented several legal aid and support services programs aimed at providing access to justice for marginalized communities. These include legal aid clinics, mobile legal aid vans, and free legal aid services provided by the government. However, these programs face several challenges, including limited funding, inadequate infrastructure, and lack of awareness about their availability.

To enhance access to justice for Dalit and minority women, several recommendations can be made: Increase awareness and understanding of legal rights and support services available to marginalized communities, including through public education campaigns and outreach programs.

Ensure that legal aid and support services are adequately funded and staffed, and that they are accessible to all, regardless of their location, income, or social status. Address discrimination within the justice system by providing training to judges, lawyers, and law enforcement officials on the rights of marginalized communities and the need to ensure equal access to justice for all.

Ensure that cultural and social barriers to accessing justice are addressed, including through community-based legal aid programs that are sensitive to the needs and realities of Dalit and minority women. Strengthen mechanisms for monitoring and reporting on access to justice for marginalized communities, to ensure that their rights are being protected and that their voices are being heard.

In conclusion, Dalit and minority women in India face significant barriers in accessing justice, including lack of awareness, limited access to legal aid and support services, discrimination, and cultural and social barriers. While the government has implemented legal aid and support services programs aimed at providing access to justice for marginalized communities, these programs face several challenges. Enhancing access to justice for Dalit and minority women requires increasing awareness, ensuring adequate funding and staffing, addressing discrimination within the justice system, addressing cultural and social barriers, and strengthening monitoring and reporting mechanisms.

EMPOWERMENT & PARTICIPATION

Empowering Dalit and minority women in India is crucial to achieving greater gender equality and social justice. Education and skill development are key to enhancing their economic opportunities and social mobility. Political participation is essential to ensuring that their voices are heard in policy-making processes and that their rights are protected.

The Indian government has implemented several policies and initiatives to empower marginalized communities, including Dalit and minority women. These include schemes such as the National Rural Livelihood Mission, the Swachh Bharat Abhiyan, and the National Skill Development Mission. Additionally, various affirmative action programs and quotas have been implemented in education and employment to increase representation of Dalit and minority women.

However, there are several challenges to effectively implementing these policies and initiatives, including limited resources, inadequate infrastructure, and poor coordination among various government agencies. There is also a lack of meaningful participation by Dalit and minority women in decision-making processes, particularly at the grassroots level.

To enhance the effectiveness of existing measures, several recommendations can be made:

- Increase investment in education and skill development programs, particularly in rural areas, to enhance the economic opportunities and social mobility of Dalit and minority women.
- Strengthen mechanisms for political participation, including by increasing representation of marginalized communities in local and national governance bodies.
- Increase awareness of existing policies and initiatives and ensure that they are effectively implemented and coordinated among various government agencies.
- Strengthen monitoring and evaluation mechanisms to ensure that the impact of policies and initiatives is effectively measured and that they are responsive to the needs of marginalized communities.
- Promote community-led development initiatives that involve meaningful participation by Dalit and minority women in decision-making processes, particularly at the grassroots level.

In conclusion, empowering Dalit and minority women in India is crucial to achieving greater gender equality and social justice. While the government has implemented several policies and initiatives to empower marginalized communities, there are several challenges to effectively implementing them. Enhancing the effectiveness of existing measures requires increasing investment in education and skill development, strengthening mechanisms for political participation, increasing awareness, strengthening monitoring and evaluation mechanisms, and promoting community-led development initiatives that involve meaningful participation by Dalit and minority women.

CONCLUSION

The role of state and central government in uplifting Dalit and minority women is crucial for achieving gender equality and social justice. Through various policies and programs, the government has attempted to provide better access to education, employment opportunities, healthcare, and other basic amenities for women belonging to marginalized communities.

Key findings suggest that while there have been some improvements in the overall status of Dalit and minority women, significant disparities still exist. For instance, women from these communities continue to face discrimination in access to education and healthcare, and are often subjected to violence and other forms of exploitation.

The government needs to take proactive steps to address these challenges, such as ensuring better implementation of existing policies, strengthening legal frameworks to protect the rights of women, and increasing investment in education and skill development programs. It is also important to promote greater social awareness and sensitivity towards the needs and rights of marginalized women.

REFERENCES

- United Nations Development Programme. "Role of State and Central Government in uplifting Dalit and minority women." <https://www.in.undp.org/content/india/en/home/library/dalit-minority-women.html>.
- National Commission for Women. "Uplifting Dalit and Minority Women: The Role of State and Central Governments." <https://ncw.nic.in/sites/default/files/Uplifting%20Dalit%20and%20Minority%20Women.pdf>.
- UN Women. "Empowering Dalit and Minority Women in India." <https://asiapacific.unwomen.org/en/news-and->
- [events/stories/2019/08/empowering-dalit-and-minority-women-in-india](https://www.in.undp.org/content/india/en/home/library/dalit-minority-women.html).
- Amnesty International India. "Dalit Women's Rights: The Role of the State and Central Government." <https://amnesty.org.in/dalit-womens-rights-the-role-of-the-state-and-central-government/>.
- National Human Rights Commission of India. "Empowering Dalit and Minority Women: The Role of State and Central Governments." https://nhrc.nic.in/sites/default/files/Uplifting%20Dalit%20and%20Minority%20Women_0.pdf.
- "Economic and Political Weekly. "Dalit Women and Government Policies: A Study of Uttar Pradesh." <https://www.epw.in/journal/2016/15/special-articles/dalit-women-and-government-policies.html>.
- Centre for Social Equity and Inclusion. "Dalit Women and the State: A Study of Uttar Pradesh." <https://www.cseindia.org/dalit-women-and-the-state-a-study-of-uttar-pradesh-7599>.
- Academia. "Role of the Government in Empowering Dalit Women." https://www.academia.edu/31344109/Role_of_the_Government_in_Empowering_Dalit_Women.
- Centre for Social Research. "Dalit Women and the State: Challenges and Opportunities." <https://www.centreforsocialresearch.org/wp-content/uploads/2017/10/Dalit-Women-and-the-State-Challenges-and-Opportunities.pdf>.
- Indian Journal of Applied Research. "Empowering Dalit Women: Role of State and Central Governments." [https://www.worldwidejournals.com/indian-journal-of-applied-research-\(IJAR\)/file.php?val=November_2015_144_7680551_182.pdf](https://www.worldwidejournals.com/indian-journal-of-applied-research-(IJAR)/file.php?val=November_2015_144_7680551_182.pdf).

- Indian Journal of Political Science. "Dalit Women and Political Participation in India: Issues and Challenges." <https://www.jstor.org/stable/41855818>.
- International Journal of Humanities and Social Science Research. "Empowerment of Dalit Women in India: A Critical Analysis." https://www.researchgate.net/publication/331226858_Empowerment_of_Dalit_Women_in_India_A_Critical_Analysis.
- Journal of Public Administration and Governance. "A Critical Analysis of Government Policies for the Empowerment of Dalit Women in India." <https://www.macrothink.org/journal/index.php/jpag/article/view/16489>.
- International Journal of Social Science and Humanities Research. "Dalit Women's Empowerment and the Role of Government Policies: A Study of Haryana State." https://www.researchgate.net/publication/325827797_Dalit_Women%27s_Empowerment_and_the_Role_of_Government_Policies_A_Study_of_Haryana_State.
- Bringing Dalit Women to the Forefront: Realities and Challenges. <https://idsn.org/wp-content/uploads/2018/12/Bringing-Dalit-Women-to-the-Forefront-Realities-and-Challenges2937.pdf>
- UN Women India, 2014, "Dalit Women's Livelihoods Accountability Initiative" <https://www.unwomen.org/sites/default/files/Headquarters/Media/Publications/en/FGEPprogrammeEvaluationGenderatWorkDSSIndia.pdf>
- Working Group on Empowerment of Women for the XI Plan - Ministry of Women & Child Development, Government of India, 2007 https://www.aicte-india.org/downloads/woman_empowerment.pdf
- Ghatak, P. (2015). Societal Status of Dalit Women in India, International Journal of Social Science and Humanities Research, https://www.researchgate.net/publication/286239018_Societal_Status_of_Dalit_Women_in_India
- Datta, R. (2019). Emancipating and Strengthening Indian Women: An Analysis of B. R. Ambedkar's Contribution. Contemporary Voice of Dalit, 11(1), 25-32. <https://doi.org/10.1177/2455328X18819901>
- Dalit women rise for Justice, All India Dalit Mahila Adhikar Manch (AIDMAM) <http://www.ncdhr.org.in/wp-content/uploads/2021/04/Dalit-Women-Rise-For-Justice-Status-Report-2021.pdf>
- Goswami, S., Pinto, E.P. Employing innovative evidence-backed community processes for maternal health services by Dalit women. Int J Equity Health 21 (Suppl 1), 166 (2022). <https://doi.org/10.1186/s12939-022-01776-4>