



Mains Practice Question

Q. Assess the role of constitutional mechanisms in addressing social inequalities and maintaining social harmony. Analyze their effectiveness and limitations. **(250 words)**

09 Dec, 2024 GS Paper 1 Indian Society

Approach

- Introduce the answer by highlighting Social inequalities and key Constitutional safeguards.
- Delve into Constitutional Mechanisms Addressing Social Inequalities and Promoting Social Harmony
- Highlight the Effectiveness of Constitutional Mechanisms and its limitations
- Conclude suitably.

Introduction

Social inequalities in India are deeply rooted in **historical caste divisions, gender hierarchies, and economic disparities**. The Constitution provides a robust framework to address these inequities and promote social harmony. Provisions like **Fundamental Rights, Directive Principles of State Policy (DPSPs)** aim to create an inclusive society.

Body

Constitutional Mechanisms Addressing Social Inequalities and Promoting Social Harmony:

- **Fundamental Rights (Part III):**
 - **Article 14:** Ensures equality before law and equal protection of laws.
 - **Article 15:** Prohibits discrimination based on religion, race, caste, sex, or place of birth.
 - **Example:** Supreme Court judgments, such as **Navtej Singh Johar v. Union of India (2018)**, which decriminalized Section 377, advancing LGBTQ+ rights.
 - **Article 17:** Abolishes untouchability, promoting social integration.
 - **Example:** SC in **State of Karnataka v. Appa Balu Ingale** upheld stringent action against untouchability practices.
- **Directive Principles of State Policy (Part IV):**
 - **Article 38(2):** Directs the state to **minimize inequalities in income, status, facilities, and opportunities**.
 - **Article 46:** Promotes educational and economic interests of Scheduled Castes (SCs), Scheduled Tribes (STs), and other weaker sections.
 - **Example:** Reservation policies in educational institutions under the **93rd Constitutional Amendment (2005)**.
- **Special Provisions for Minorities and Tribes:**
 - **Article 29 and 30:** Protect cultural and educational rights of minorities.
 - **Article 244:** Provides for the administration of Scheduled and Tribal Areas.
 - **Example:** PESA Act (1996) for self-governance in tribal areas.
- **Independent Institutions:**
 - **National Commission for Scheduled Castes (Article 338):** Investigates and monitors

- SC welfare.
- **National Commission for Minorities:** Promotes minority rights and harmony.

Effectiveness of Constitutional Mechanisms

- **Empowerment of Marginalized Communities:**
 - **Affirmative Actions:** Reservation policies have increased participation of SCs, STs, OBCs, and women in education and employment.
 - **Political Representation:** Provisions like **Article 330** (reservation in Parliament) ensure representation for SCs and STs.
 - **Example:** Around **84 seats in the Lok Sabha are reserved for SCs**, leading to their legislative empowerment.
- **Reduction in Socio-Economic Disparities:**
 - **Targeted Welfare Programs:** Policies derived from **Directive Principles** have led to poverty alleviation and economic upliftment.
 - **Example:** The **Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA)** provided employment to 80 million people in FY 2022-23, with significant beneficiaries from SC/ST communities.
 - Some **415 million Indians escaped poverty between 2005-06 and 2019-21.**
- **Promotion of Social Harmony:**
 - **Secular Framework:** Constitutional guarantees like **Article 25-28** ensure freedom of religion and peaceful coexistence.
 - **Example:** Supreme Court upheld the secular ethos in the **S.R. Bommai v. Union of India** case.
 - **Cultural and Educational Safeguards:** Articles like **Article 29** and **30** empower minorities to preserve their culture and run educational institutions.
 - **Example:** **Aligarh Muslim University's autonomy** under Article 30 is an example of constitutional recognition of minority rights.

Limitations of Constitutional Mechanisms

- **Implementation Challenges:** : Despite progressive laws, ground-level implementation remains inconsistent, especially in rural areas.
 - Manual scavenging continues despite prohibition under the **Prohibition of Employment as Manual Scavengers Act (2013).**
- **Bureaucratic Delays:** Welfare schemes often face delays due to administrative inefficiencies and corruption.
 - **Example:** Slow disbursement of scholarships for SC/ST students in certain states.
- **Socio-Economic Gaps:** While constitutional provisions promote equality, stark disparities persist in **education, health, and income.**
 - Limited digital literacy and infrastructure among marginalized communities widen inequalities.
- **Political and Social Misuse:** Allegations of "creamy layer" misuse in OBC reservations **dilute its intended benefits for the most vulnerable.**
 - Caste and communal identities are sometimes politicized, undermining the spirit of constitutional harmony.
- **Inadequate Representation of Emerging Groups:** The LGBTQ+ community, despite recognition in **Navtej Singh Johar v. Union of India**, lacks **explicit constitutional protections for marriage, adoption, and inheritance rights.**
- **Limited Awareness and Accessibility:** Many marginalized groups lack awareness of their constitutional rights and entitlements, **limiting their ability to seek legal or administrative remedies.**
 - Tribal communities in remote areas remain **excluded from land rights protections** due to lack of legal literacy and administrative outreach.

Way Forward

- **Strengthen Implementation:** Use technology for **direct benefit transfers (DBT)** to minimize leakages in welfare schemes targeting SCs, STs, and women.

- **Awareness Campaigns:** Increase awareness of rights among marginalized groups to enhance their participation in governance.
- **Judicial and Administrative Reforms:** Establish **fast-track courts** for cases of caste violence and gender crimes.
 - Provide **better training for local administrators** to handle sensitive social issues.
- **Empowering Grassroots Institutions: Strengthen Panchayati Raj and tribal** councils to ensure local decision-making reflects diverse needs.
- **Promoting Interfaith and Inter Caste Dialogue:** Foster initiatives like **Ek Bharat Shreshtha Bharat** to build mutual understanding and respect.

Conclusion

While the constitutional mechanisms in India have been instrumental in empowering marginalized sections and fostering social harmony, **their full potential is yet to be realized due to gaps in implementation, awareness, and persisting socio-economic inequalities.** Bridging these gaps requires a **multipronged approach to strengthen enforcement, enhance inclusivity, and reduce disparities**

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