

**FREEDOM FROM DISCRIMINATION IN INDIAN LAWS****Kirtikumar Gopalbhai Patel¹ & Dr. Hetalben Unadkat²**¹ *Research Scholar (Ph.D.)*² *Research Guide, Swaminarayan University**Corresponding Author: Harshilkumar Dineshbhai Banawala***DOI - 10.5281/zenodo.10516293****Abstract:**

This research paper delves into the concept of freedom from discrimination in the Indian legal landscape. It explores its historical roots, legal framework, contemporary challenges, and the way forward. The Indian Constitution's provisions, along with key statutory laws, form the bedrock of this pursuit. While significant progress has been made, challenges persist, particularly in addressing caste-based, religious, and gender discrimination. Vigilance, legal reforms, and changing societal attitudes are necessary for India to fully realize the ideals of equality and non-discrimination set forth by its founders. The ongoing journey towards freedom from discrimination promises a more inclusive and equitable India for generations to come.

Introduction:

Discrimination, an enduring challenge in societies across the globe, erodes the principles of equality and justice, curbing human potential and fostering social inequalities. India's history is marked by a persistent struggle against discrimination, deeply woven into its socio-legal fabric. The visionary framers of India's constitution enshrined the principles of equality and non-discrimination as fundamental rights. This research paper provides an in-depth exploration of the concept of freedom from discrimination in the Indian legal framework. It delves into its

historical roots, legal framework, contemporary challenges, and the way forward.

Historical Perspective:

To appreciate India's commitment to freedom from discrimination, it is essential to delve into the historical context. Discrimination based on caste, religion, gender, and other factors was deeply entrenched in Indian society for centuries. The caste system, in particular, perpetuated social hierarchies, denying individuals equal opportunities and dignity.

The struggle against discrimination played a pivotal role in India's fight for independence from British colonial rule. Leaders like Mahatma Gandhi and B.R. Ambedkar championed the cause of social justice, which later found its place in the Constitution of India. The Constitution was adopted on January 26, 1950, and it declared India a sovereign, socialist, secular, and democratic republic, committed to ensuring justice, liberty, equality, and fraternity to its citizens.

Legal Framework:**A. Constitutional Provisions:**

The Constitution of India serves as the foundational document safeguarding freedom from discrimination. Several key provisions enshrine the principles of equality and non-discrimination:

1. Article 15: This article prohibits discrimination on grounds of religion, race, caste, sex, or place of birth, granting every citizen an equal status before the law.
2. Article 17: It abolishes "untouchability" and forbids its practice in any form. The eradication of untouchability aimed at dismantling the deeply rooted caste system.

3. Article 46: This article directs the state to promote the educational and economic interests of Scheduled Castes, Scheduled Tribes, and other weaker sections, emphasizing the government's role in upliftment.

B. Statutory Laws:

In addition to constitutional provisions, India has enacted various statutory laws to address specific forms of discrimination. Some prominent legislations include:

1. Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989: This law criminalizes and provides for the punishment of atrocities against members of these marginalized communities, aiming to protect their rights and dignity.
2. Protection of Civil Rights Act, 1955: It prohibits certain practices of untouchability and provides for penalties against their offenders, further cementing the state's commitment to eradicating caste-based discrimination.
3. The Dowry Prohibition Act, 1961: This law aims to curb dowry-related discrimination

against women, addressing a pressing issue in Indian society.

Discrimination and Marginalized Groups:

While India's legal framework provides a strong foundation for freedom from discrimination, the country faces ongoing challenges in upholding these rights for all its citizens. Discrimination remains a harsh reality for marginalized groups, such as Scheduled Castes, Scheduled Tribes, religious minorities, and women.

A. Caste-based Discrimination:

Despite legal provisions, caste-based discrimination continues to persist in various forms, such as social exclusion, economic disparities, and atrocities against Scheduled Castes and Scheduled Tribes. The deeply rooted caste system continues to influence social dynamics and access to opportunities, necessitating continued efforts for its eradication.

B. Religious Discrimination:

Religious tensions, hate crimes, and communal violence have underscored the need for stronger protection against religious discrimination. Incidents targeting religious minorities call for

increased vigilance and legal measures to safeguard their rights and safety.

C. Gender Discrimination:

Gender-based discrimination is pervasive in India. Despite legislative measures, women continue to face unequal treatment, violence, and harassment. The need to strengthen legal provisions and foster a culture of gender equality is evident.

Challenges and the Way Forward:

A. Enforcement of Laws:

The effective implementation of anti-discrimination laws remains a significant challenge. Lack of awareness, corruption, and the inefficiency of law enforcement agencies often impede justice for victims. Strengthening enforcement mechanisms, raising awareness, and providing adequate resources to law enforcement agencies are necessary steps.

B. Changing Social Attitudes:

Deep-rooted social attitudes and prejudices pose a formidable barrier to the eradication of discrimination. Efforts must be made to change societal mindsets and promote

inclusivity through education, awareness campaigns, and advocacy.

C. Intersectionality:

Many individuals face discrimination on multiple grounds, such as being both Dalit and female. The law needs to consider these intersections and offer comprehensive protection. Addressing intersectionality requires a nuanced approach to discrimination.

D. Legal Reforms:

Reviewing and amending existing laws and introducing new legislation can help address contemporary forms of discrimination and offer better protection to marginalized groups. Legal reforms should adapt to evolving social dynamics and emerging issues.

Conclusion:

Freedom from discrimination is a fundamental principle enshrined in India's legal and constitutional framework. While significant progress has been made in addressing discrimination, challenges persist, and vigilance is required to ensure that all citizens can live free from prejudice and inequality. India's history of social

reform, its constitutional commitment, and the ongoing efforts of activists and lawmakers provide hope for a more inclusive future.

As a society, it is our collective responsibility to not only advocate for equal rights under the law but also to actively work towards eradicating discrimination at its roots. By doing so, India can live up to the ideals set forth by its visionary founders and create a more just and equitable society for all its citizens. The journey towards freedom from discrimination is ongoing, but it is a journey that holds the promise of a more inclusive and equitable India for generations to come.

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