

Specific Laws Related to children

Way back in 1974, the National Policy for Children declared that the nation's children were its most important asset. With more than one-third of its population below 18 years, India has the largest young population in the world and ironically, also, the highest number of child labourers in the world. Though we have made some significant strides towards ensuring the basic rights of children, as evident from the progress in overall indicators such as infant mortality rates, child survival, literacy and school dropout rates, the situation continues to be dismal. UNESCO's revelation about the status of children in India does not make us proud as a nation. The issues of child labour, juvenile delinquency and child abuse continue to dominate discussions at seminars and various public forums to be only pushed to the backburner, thereafter. India does not lack legislation for children, with various laws that touch upon subjects like guardianship, adoption, maintenance, custody and child labour, among others in place. As we are aware laws relating to children's rights are enacted with good intentions but they fail to address the real issues at stake as they are violated with impunity. The existence of a plethora of laws does not necessarily ensure a safe childhood for our children, in the absence of amenities such as education, health and a conducive social environment. Most of the children are exposed to dangers of physical and emotional abuse. It is still not too late. If the rights of children are to be enforced; a concerted effort has to be made to increase awareness about their plight rights. As directed by the Supreme Court, we should promise our children a dignified existence. Laws, if framed judiciously and implemented stringently, can be an effective weapon to protect a child's rights.

Various Constitutional provisions for Children:

Article-15 prohibits discrimination on the grounds only religion, race, caste, sex or place of birth. But the state is empowered to make special provisions for women and children.

Article-23 prohibits traffic in human beings and forced labour. Under this article, the Supreme Court in the case of M. C. Mehta vs. State of Tamil Nadu-1997 has held the child labour illegal.

Article-24 expressly provides that children below the age of fourteen shall not be employed to work in any factory or mine or be engaged in any other hazardous employment.

The 86th Amendment Act 2002 has inserted **Article 21(A)** as a Fundamental Right providing free and compulsory education for the children of six to fourteen years.

Article 39(e) says that the tender age of children is not to be abused.

Article 39 (f), as inserted by the **Forty-Second Amendment**, directs the state to give children opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity. Also, that childhood and youth are to be protected against exploitation and against moral and material abandonment.

Article-45, as amended by **86th Amendment Act 2002**, now directs the state to provide early childhood care and education for all children until they complete the age of six years.

It is also a fundamental duty, as newly inserted by 86th Amendment Act 2002, in Article 51 A(k) that a parent or guardian is to provide opportunities for education to his child or ward, between the age of six and fourteen years.

All these provisions made in our Constitution aim at all over development of children.

Legislative Efforts to Support Child Rights

According to the Constitution, the State is entrusted with the responsibility for framing laws and policies for “protecting children and youth against exploitation and moral and material abandonment.” If laws are to mean anything significant, they have to be brought into greater conformity with the UN Convention. The Parliament and the State Assemblies have been doing their bit in bringing forward appropriate legislation to support the status and welfare of children. A long list of beneficial laws has been put in the statute book translating Constitutional directives and guarantees into legislative enactments. By way of legislative support to Child’s Rights, the **State has enacted the Child Labour Prohibition laws, the Juvenile Justice Act, Child Marriage Restraint Act, etc.** Apart from this, constant endeavors are being made to bring forth new laws to plug the existing gaps and to repeal outdated laws and practices in respect of children. Of late there has been a spurt of **legislative action on child rights issues. For example, the recent Protection of Child Rights Act, 2005, the Juvenile Justice (Care and Protection of Children) Act, 2006, the proposed Immoral Traffic (Prevention) Amendment Bill 2006, Offences against Children Bill, and the Child Marriage Bill that has recently been passed by the Rajya Sabha.** Another welcome measure, waited since long for the protection of child rights has finally translated into reality with the passing of the Commissions for Protection of Child Rights, 2005. The Act deals with the constitution of a National Commission and State Commissions for the protection of child rights. It provides for the constitution of children’s courts for speedy trial of offences against children or violation of child rights. Surely this decade is seeing a high rate of legislative action on issues pertaining to

children in the history of India, and a definitive shift from addressing children's issues as a matter of charity to a matter of justifiable and deliverable rights. Still there are glaring gaps. We still do not have a law against child sexual abuse; child marriage is rampant, in spite of amendments to the law. Although education is a fundamental right, the process of delivery of this vital right faces major funds constraint and administrative hurdles. Despite the Pre-Conception and Pre-Natal Diagnostic Techniques (Prohibition of Sex Selection) Act, female foeticide is rampant. There are gaps in laws relating to health, education; housing and employment, where compromises have been made, which do not always maintain the highest principles of the dignity of childhood, the Constitution and the Convention. On child prostitution, rights of disabled and neglected street children there are either no comprehensive laws or the ones there are, suffer from serious inadequacies and shortcomings.

Specific Laws Related to women

Law is not only a tool for enforcing discipline, but, a potent instrument for engineering social change, if used efficaciously. Since the times of the social reformers, whose fight against injustice and oppression of women compelled the government to enact laws in support of their cause, law has been looked upon as a significant mechanism for helping the weak and the marginalized. The first landmark law for women, framed to remove the obstacles to the marriage of a widow, the Widow Remarriage Act, was passed in the year 1856. Laws prohibiting the practice of sati and child marriage followed soon. A plethora of laws have since flowed from the portals of our Parliament giving specific rights and privileges to women.

If the number of laws enacted for women are any parameter to measure gender equality, then without an iota of doubt, **India would rank as one of the most progressive states in the world, committed to equality and social justice. The reality, albeit, is different as our laws, not only suffer from procedural lacuna but are dismally low on the implementation count.** At home the women are victims of domestic violence and at workplace the employer is not always sensitive to their demands and requirements. Even though there are provisions in the Indian laws for punishing the person guilty of molestation, rape, eve-teasing and other manifestations of sexual harassment, they are seldom used as the criminal procedure is cumbersome and tedious. The investigating and enforcement authorities, usually, adopt a lackadaisical approach to these

issues and it takes an unduly long time for the criminal courts to dispose of matters. Let us review some of the existing laws which impact the lives of Indian women.

In the post-independence period, there were several initiatives which worked for the emancipation of women. The prominent ones were related to the constitutional provisions and social legislation for women.

The Constitution of India adopted the principle of equality in the Fundamental Rights Resolution of the Karachi Congress. Article 15(3) incorporated such provisions and mandated the state to legislate special measure to promote equality and bring women in par with men.

Government of India undertook various measures that sought to remove the legal disabilities which degraded the position of women. Legal reforms were initiated in Hindu family laws in the 1950s. The reforms sought to give greater rights to Hindu women in marriage, inheritance and guardianship. However, similar changes in the family laws of other communities like Muslims, Christians, Parsis and Jews have not been reformed despite the Directive Principle of State Policy clearly mandating so as to bring uniform laws for all the communities.

- Key Organizations
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 - Deforestation and ecological movement
 - Anti-dowry movement
 - Anti-Sati movement
 - Anti-rape movement
- Women's Educational and economic status
- Political Representation of Women
- Emerging Trends
- Government's response

Key Organizations

Two important organizations came up for the rural women. They are *Kasturba Memorial Trust and Bharatiya Grameen Mahila Sangh*. These organizations were established with an objective of assisting rural women to develop their leadership potential. However, after independence women's movements lost the vigour and most of them became passive. Many of the organizations received grants for activities like adult education, nutrition programmes, vocational training programmes and family planning programmes.

Shortcomings

Most of the women's organizations in the post independence India were urban based under the leadership of educated middle and upper class women. After independence, women withdrew from public life and the debate on women's issues also lost their vigour.

Women's Movements in the 1970s

Resurgence of women's movements and emergence of new groups and organizations occurred in the late 1970s and the 1980s. After independence in the 1950s and 1960s women's movements lost their vigour and there began a slow erosion of concern for women's issues. Several scholars have talked about the absence of women's movements in this time period. Women's movements in 1970s broke out the limited perspective of legislation and education as the main demands and started to take up the issues which concerned women holistically. The issues raised were retrenchment of women in industries especially textiles, lack of maternity benefit to women workers, wage discrimination, inadequate training and discrimination at workplace. Since the women activists who were working with political parties, trade unions, peasants and workers movements did not take up the above issues concerning women, this period saw the emergence of women's organisations in various parts of the country. These organizations made a serious attempt to organise poor women for change.

Emergence of new organizations

Anti-price rise movement of 1973-74 was a unified effort of various women's organizations belonging to various political parties.

The growing economic hardships and failure of major agrarian and industrial worker's movements led to the emergence of new organizations like Self-Employment Women's Association (Gujarat), Working Women's Forum (Tamil Nadu), Sramik Mahila Sangathna

(Maharashtra) etc. These organizations took up the issues concerning wages, working conditions, exploitation, health hazards among others.

Approach of the new organizations

These organisations were not affiliated to political parties or to any trade unions and are called as 'autonomous women's organisations'. They shunned the 'welfare' approach followed by women's organizations of previous times and adopted 'protest politics' approach which involved mobilising women on specific issues.

Issue based Movements in the 1970s and 1980s

Many autonomous women's organisations started to take up issues related to women like dowry, domestic violence, and discrimination at the work place, sexual exploitation, crime and violence against women.

Deforestation and ecological movement

Chipko movement made many women in the Himalayan region to save trees and prevent contractors from felling them. Disappearance of forests creates economic hardships to women as along with forests fuel, fodder, fruits, herbs for medicine and other forest produce which give them employment and income also disappears.

Anti-dowry movement

Sustained campaigns were launched through protest, demonstrations, posters, street plays against dowry deaths. For this purpose, several women's organizations collectively formed a joint front called "*Dahej Virodhi Chetna manch*". Finally, government passed Dowry Prohibition (Amendment) Act, 1984 after making necessary changes to the Dowry Prohibition (Amendment) Act of 1961. However, it only limited the amount to be given as dowry and did not ban dowry.

Anti-Sati movement

The practice of Sati was abolished through legislation during the British rule. In 1988, a young widow named Roop Kanwar was burned on the funeral pyre of her husband. This resulted in strong protests from women's organizations. The government responded to the demand by passing Commission of Sati (Prevention) Bill. The act assumes that it is a practice sanctioned by religious custom and it did not punish those who raised money by selling photographs and raising donations in the name of so called 'sati'.

Anti-rape movement

Several women's organizations protested to review the rape laws as they were not effective in punishing the culprits. These protests led to the passage of Criminal Law (Amendment) Act in 1983.

Women's movements of 1990s and afterwards

Women's movements of 1990s included the issue of communalism and globalisation and pursued them at the national and international level. With the beginning of 21st century, women's organizations began to evolve new methods of resistance and mobilisation in addition to the former methods of protest. Organizations throughout the country linked together through networks on different issues and campaigns.

Women's Educational and economic status

Towards Equality Report

In 1974, the report of the Committee on the Status of Women in India titled "Towards equality" is significant in the debate on women's issues in India. The findings of the Committee provided evidence for the decline in women's employment owing to technological changes and biases on the part of the employers. The Committee was of the view that all the stakeholders like government, employers and trade unions viewed women as primary homemakers and not as the bread winners. It highlighted the neglect of women's economic roles who work for the survival of the family. When they work as wage labourers they earn fewer wages than men. To correct this inequality government passed the Equal Remuneration Act (1976). However, this legislation remains ineffective.

Political Representation of Women

Although several women leaders became governors, chief ministers, cabinet ministers, women remains to be underrepresented at various levels of political leadership. In this context, the women's organisations in the 1950s and 1960s lacked the efforts to reach to the masses and were unable to mobilise ordinary women and issues that concerned them. This remains as one of the weaknesses in the political strategies adopted by women's organizations.

The 73rd and 74th the amendments to the Constitution tried to address the underrepresentation of women in local governance by reserving 33.33% for women at the Panchayat level.

Emerging Trends

As opposed to the largely urban characteristic of the early women movements which were run by urban educated women, several grassroots organisations working for the upliftment of poor rural and urban women, tribal, self employed women has come up to fight against all forms of oppression, injustice and exploitation. Major regional and national parties and trade unions have also set up women's wings.

Government's response

In the late 1970s, government started to create women's cells within a few ministries like Rural Development, Labour and Human Resource Development to address the issues pertaining to women. In the late 1980s, government came up with a National perspective Plan for Women (1988-2000). This national plan made several recommendations pertaining to legal, economic, social and political status of women. The government also appointed a National Commission on self-employed women to look into the issues concerning women employed in informal sector who do not get protection from Labour Laws like maternity benefits, childcare facilities, equal wages etc.

The 73rd and 74th amendment to the Constitution which was passed in 1993 provides for 33.33% reservation in panchayats, panchayat samitis, zilla parishads and local body institutions.

The government also constituted the National Commission for Women in 1992 to look into the issues concerning women's rights and promotion of their empowerment. It is a statutory body tasked to provide advice to the government on women's issues.

Legislative Provisions Legal Rights:

To uphold the Constitutional mandate, the State has enacted various legislative measures intended to ensure equal rights, to counter social discrimination and various forms of violence and atrocities and to provide support services, especially to women. Although women may be victims of any of the crimes such as 'murder', 'robbery', 'cheating' etc., the crimes, which are directed specifically against women, are characterized as 'Crimes against Women'. These are broadly classified under two categories:

1) The Crimes Identified under the Indian Penal Code (IPC)

- i) Rape (Sec.376 IPC)
- ii) Kidnapping & Abduction for different purposes (Sec.363-373)
- iii) Homicide for Dowry, Dowry Deaths or their attempts (Sec.302/304-B IPC)
- iv) Torture, both mental and physical (Sec.498-A IPC)
- v) Molestation (Sec.354 IPC)
- vi) Sexual Harassment (Sec. 509 IPC)
- vii) Importation of girls (up to 21 years of age)

2) The Provisions under the Specific laws:

Although all laws mentioned below are not gender specific, some of them affect women significantly. These laws have been reviewed periodically and amendments carried out to keep pace with the emerging requirements. Some Acts which have special provisions to safeguard women and their interests are:

- 1) The Factories Act, 1948
- 2) The Employees State Insurance Act, 1948
- 3) The Plantation Labor Act, 1951
- 4) Mines Act 1952
- 5) The Family Courts Act, 1954
- 6) The Special Marriage Act, 1954
- 7) The Hindu Marriage Act, 1955
- 8) The Hindu Succession Act, 1956
- 9) The Hindu Adoption and Maintenance Act, 1956

- 10) Hindu Minority and Guardianship Act 1956
- 11) Immoral Traffic (Prevention) Act, 1956
- 12) The Maternity Benefit Act, 1961 (Amended in 1995).
- 13) Dowry Prohibition Act, 1961
- 14) The Medical Termination of Pregnancy Act, 1971
- 15) The Contract Labor (Regulation and Abolition) Act, 1976
- 16) The Equal Remuneration Act, 1976
- 17) The Child Marriage Restraint (Amendment) Act, 1979
- 18) The Criminal Law (Amendment) Act, 1983
- 19) Indecent Representation of Women (Prohibition) Act, 1986
- 20) Commission of Sati (Prevention) Act, 1987
- 21) National Commission for Women Act, 1990

Special Initiatives for Women

Apart from laws, various governments from time to time have undertaken special initiatives and affirmative programs for women, some of the important ones are mentioned below:

1) The National Commission for Women

In January 1992, the Government set-up the National Commission for Women with a specific mandate to study and monitor all matters relating to the constitutional and legal safeguards provided for women review the existing legislation to suggest amendments wherever necessary, etc.

2) Reservation for Women in Local Self-Government

The 72nd and 73rd Constitutional Amendment Acts passed in 1992 by Parliament ensure one-third of the total seats for women in all elected offices in local bodies, whether in rural or urban areas.

3) The National Plan of Action for Girl Child (1991-2000)

This Plan of Action was to ensure the survival, protection and development of the girl child with the ultimate objective of building up a better future for her.

4) National Policy for the Empowerment of Women, 2001

The Department of Women & Child Development in the Ministry of Human Resource Development prepared a “National Policy for the Empowerment of Women” in the year 2001. The policy aims at bringing about the advancement, development and empowerment of women.

Specific Laws Related to Senior Citizen

The Government Policy in India towards older people can be studied under three heads viz. Legislative and Executive Actions.

- Legislative Policy Actions
- Executive Policy Actions
- National Programme for Health Care of Elderly

Legislative Policy Actions

Constitutional Provisions

Under Directive Principles, the Article 41 says that State shall *within the limits of its economic capacity and development*, make effective provision for securing the right of public assistance in cases of old age. This is an explicit provision for ageing population and to realize this DPSP, government of India has launched the National Social Assistance Programme (NSAP).

Some other implicit measures include Right to Equality {Part-III}, direction to state to improve the quality of life of its citizens {DPSP} etc. We note here that subject of *Social Security is a concurrent responsibility* of the Central and State Governments.

Legislations: Senior Citizens Act, 2007

Before 2007, the problems of aged people were covered under CrPC and Hindu Adoption & Maintenance Act. In 2007, the parliament enacted a dedicated law titled *Maintenance and Welfare of Parents and Senior Citizens Act, 2007* to deal with the concerns of Senior Citizens in India. This act was mainly enacted to eliminate some of the procedural implications of the erstwhile provisions and legal obligations. Under the CrPC and Hindu Adoption Law, parents can claim maintenance from their children but there was a need to put in place some explicit, speedy, inexpensive process. This law covers all senior citizens irrespective of religion and provides that it is the duty of the children to maintain their parents. The maintenance included all basic necessities and requirements of life. There is no restriction / bar on the age of parents and they can claim without any bar of age {except when child is minor}. A childless senior citizen can claim maintenance from relative who is legal heir of that senior citizen and who is in possession of or would inherit his property after his death.

Under this act, the state governments are required to constitute the Tribunals on subdivision level to adjudicate matters related to this law. Each such tribunal is headed by SDM. They senior citizens can apply either directly or via some voluntary organizations but *not via advocates*.

This law had to be notified by each state with their own rules and Rajasthan was first state to do so.

Executive Policy Actions

The Ministry of Social Justice & Empowerment is responsible for executive actions towards senior citizens.

National Policy for Older Persons

The Government launched National Policy on Older Persons (NPOP) in 1999 with key features such as Old Age Pension Scheme; Tax Exemption for Senior Citizens; Make PDS to reach older people; Subsidy in healthcare, geriatrics care, mental health services, counselling facilities; Grants, land grant at concessional rates to NGOs and private hospitals to provide economical and specialized care for the older person; Earmarking 10% of the houses in housing schemes and easy access to loans; Layout of housing colonies to be sensitive to the needs of the older persons;

Quick disposal of cases of property-transfer, mutation, property-tax etc; Assistance for construction/ maintenance of Old-Age Home, Daycare Centers, Multi-service Citizens Center, outreach services, supply of disability related aids and appliances etc and setting up a welfare fund for older persons

Dr V Mohini Giri Committee

When the NPOP completed 10 years in 2010, the Government constituted Dr. V Mohini Giri committee to review it and make suggestions. This committee made some of the important suggestions and a Draft of National Policy for Senior Citizens 2011. Key recommendations are:

- Lifelong healthcare facilities for Padma award winners, gallantry award winners
- Setting up of a department of senior citizens and national council for senior citizens.
- Increase in old age pension amount

Indira Gandhi National Old Age Pension Scheme (IGNOAPS)

This scheme was introduced as a part of National Social Assistance Programme (NSAP). Under this scheme, all BPL Indians above 60 years are covered. The monthly pension amount for them is Rs. 300 for age 60-79 years and 500 above 80 years.

National Council for Older Persons National Council for Senior Citizens}

National Council for Older Persons (NCOP) was constituted in 1999 as per NPOP. This council, headed by Minister of Social Justice and Empowerment, is the highest body to advise the government in the formulation and implementation of policy and programmes for the aged. It has representation from central and state governments, NGOs, citizens' groups, retired persons' associations, and experts. In 2012, it was renamed as *National Council of Senior Citizens (NCSrC)*. It advises Central and State Governments on the entire gamut of issues related to the welfare of senior citizens and enhancement of their quality of life. Its latest meeting was in August 2016.

National Programme for Health Care of Elderly

This scheme was launched in 11th five year plan to provide dedicated healthcare facilities to the elderly people through State Public Health delivery system at primary, secondary and tertiary levels, including outreach services. This Programme is presently being implemented in 104 districts under National Health Mission.

Family Law

Family law consists of a body of statutes and case precedents that govern the legal responsibilities between individuals who share a domestic connection. These cases usually involve parties who are related by blood or marriage, but family law can affect those in more distant or casual relationships as well. Due to the emotionally-charged nature of most family law cases, litigants are strongly advised to retain legal counsel.

The vast majority of family law proceedings come about as a result of the termination of a marriage or romantic relationship. Family law attorneys help their clients file for separation or divorce, alimony, and child custody, visitation, and support. Spouses married a short time may seek an annulment, and special rights may exist between same-sex couples. The division of property at the end of a marriage is also a common issue in family law cases.

With respect to property division at the time of divorce, every state has a comprehensive set of laws in place to determine the rights of the parties. However, couples who do not agree with the default rules in their state can "opt-out" by hiring a lawyer to draft a prenuptial agreement. Absent fraud or duress, courts will enforce these premarital agreements upon divorce, and distribute property and financial support accordingly.

Family law also involves the prevention of physical and emotional abuse. The potential for domestic abuse is not limited to relationships between current or former spouses and their children. Judges will not hesitate to assert jurisdiction to protect an elderly family member, someone in a dating relationship, or even a roommate. When allegations of abuse are made, the court will typically issue a restraining order to prevent further contact.

Constitutional and Legal Protection of SCs and STs in India

Indian constitution abolishes any discrimination to any class of persons on ground or religion race or place of birth (Article 15(1)). It is in pursuance of this ideal that the constitution has abolished communal representation or reservation of seats in the legislatures or in any public office on the basis of religion.

However, the *Article 46* of the directive principles enjoins the state to take special care in promoting the educational and economic interests of the weaker sections of the society and in

particular the scheduled castes and scheduled tribes and to protect them from social injustice. Any such provision made by the state cannot be challenged on the ground of being discriminatory. Similarly, the Part III constitution guarantees fundamental rights and provides many provisions protecting minority rights.

- Constitutional Provisions
- Legal Protection

Constitutional Provisions

Special Protection under Fundamental Rights

Under Part III, article 15(4) enabled the state to make special provisions for SCs, STs, women, Children and other unprivileged sections under the idea of “positive discrimination”.

Abolition of Untouchability

Abolition of untouchability has been included among fundamental rights under article 17. This is supplemented by Protection of Civil Rights Act, 1955.

Directive Principles

Under DPSP, the article 46 says that state shall make all efforts to protect and promote the educational and economic interests of SCs and STs.

Minister of Tribal Welfare

Art. 164 says that in the states of Bihar, Madhya Pradesh and Orissa there shall be a minister in charge of tribal welfare **who shall also be in charge of the welfare of SC** and other backward classes.

Grants in aid to states promoting welfare of STs

Article 275 provides for grants-in-aid to the states for promoting the welfare of scheduled tribes.

Lowering standards of evaluation

Provisions for relaxation in qualifying marks in any examination or lowering the standards of evaluation, for reservation in matters or promotion for SCs and STs. Art. 335 says that claims of the members of SCs and STs shall be taken into consideration consistent with the maintenance of the efficiency in administration in appointments under the union and the states.

Separate National Commissions for SC and ST

Art. 338 provides for national commission for SCs and article 338A provides for national commission for STs. These commissions have been given all the powers of a civil court in their

investigations. The union and state governments need to consult the commissions on all major matters affecting SC's and ST's.

Legal Protection

National commission for Safai Karamcharis

This commission was created via an act of parliament in 1993 initially for a period of three years. Though it is not a permanent commission, yet it's tenure has been extended from time to time. It works for upliftment and improvement of conditions of safai karamcharis particularly regarding abolition of manual scavenging. It also evaluates the implementation of measures taken for the welfare of safai karamcharis and oversees laws and programmes relating to Safai Karamcharis

It consists of a chairperson, a Vice-chairperson and five members all nominated by the union Government with at least one member is a woman of those engaged in this activity.

The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993

This act prohibits the employment of manual scavengers as well as construction or continuance of dry latrines, yet the biggest violator of this law in India is the Indian Railways which has toilets dropping all the excreta from trains on the tracks and they employ scavengers to clean it manually.

Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013

The 1993 legislation was enacted to prohibit the employment of manual scavengers as well as construction or continuance of dry latrine. But this act did not have clear provisions for rehabilitation of the manual scavengers. The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013 was legislated for banning manual scavenging completely.

Specific Laws Related to Differently Abled Groups And Workers

Amartya Sen has rightly said that "human beings are thoroughly diverse. We differ from each other not only in external characteristics (e.g. in inherited fortunes, in the natural and social environment in which we live) but also in our personal characteristics (e.g. age, sex, proneness to illness, physical and mental abilities). The assessment of claims of equality has to come to terms with the existence of pervasive human diversity." There have been and are at all times of history, certain social groups whom we consider as oppressed and who are compelled to live as second

class citizens because they are denied access to opportunities and benefits that are taken for granted by the mainstream groups. These are the groups who for reasons of age, sex, race, physical and mental disabilities and for social forces beyond their control, find themselves in difficult situations. 'Oppression is systematic and is produced and reproduced in everyday social practices and processes in ways that serve the dominant group. It is not a technical problem amenable to technical solutions, but a moral and political problem requiring transformation of the entire constellation of the society's oppressive rules, processes and practices' (Bob Mullay)

The diversity of our country has produced a colorful mosaic, which conceals within itself another diversity which has resulted in a social order characterized by social inequalities and denial of opportunities. Even after 60 years of independence these disparities persist. Today, we have bureaucratic values and systems which are out of sync with the needs of the people. Our track record has been dismal as far as the elimination of child labor, prevention of atrocities on scheduled castes and scheduled tribes, protection of the rights of the women is concerned. Disability of any kind is a curse. Despite the existing laws and the various policies and programs of the government and the non-government sector, people with disabilities continue to face socio-cultural and attitudinal hurdles. Their social exclusion, neglect and discrimination subsist despite an increasing consciousness about the rights of the disabled. If we want to create a social order which is just, fair and equitable, we have to shed our traditional construct of the concept of disability and give the disadvantaged groups their rightful place in society. One who is socially or economically handicapped may also be handicapped to defend his or her legal rights; as not only is litigation expensive but complex as well. However, the time has now come for the Indian justice system to wage a war against injustice and inhumanity, to ensure that new institutions based upon principle of equality and non-discrimination be set up to safeguard the interest of these sections.

Legislative measures adopted by the Indian State for their upliftment and empowerment. Article 15 of the Indian Constitution prohibits discrimination on the grounds of religion, race, caste, sex or place of birth. The following legal enactments are now available to these persons in our country to protect their Rights:

- 'The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995

- The Mental Health Act, 1987
- Rehabilitation Council of India Act, 1992
- Protection of Human Rights Act, 1993
- The National Trust for Welfare of Persons with Autism, Cerebral Palsy Mental Retardation and multiple Disabilities Act, 1999.
- The Bonded System (Abolition) Act, 1976
- Workmen's Compensation Act
- Maternity Benefit Act, 1961
- The Equal Remuneration Act, 1976