

## Protective Discrimination

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Description of Module

<b>Items</b>	<b>Description of Module</b>
Subject Name	Law
Paper Name	Law and social transformation in India
Module Name /Title	<b>Protective Discrimination</b>
Module No.	XVII

### **Protective Discrimination:**

#### **Constitutional safeguard:**

Educational & Cultural Safeguards

**Art. 15(4)** - Special provisions for advancement of other backward classes (which includes STs);

**Art. 29** - Protection of Interests of Minorities (which includes STs);

**Art. 46** - The State shall promote, with special care, the educational and economic interests of the weaker sections of the people, and in particular, of the Scheduled Castes, and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation,

**Art. 350** - Right to conserve distinct Language, Script or Culture;

**Art. 350** - Instruction in Mother Tongue.

Social Safeguard

**Art. 23** - Prohibition of traffic in human beings and beggar and other similar form of forced labour

**Art. 24** - Forbidding Child Labour.

Economic Safeguards

**Art.244** - Clause(1) Provisions of Fifth Schedule shall apply to the administration & control of the Scheduled Areas and Scheduled Tribes in any State other than the states of Assam,

Meghalaya, Mizoram and Tripura which are covered under Sixth Schedule, under Clause (2) of this Article.

**Art. 275** - Grants in-Aid to specified States (STs & SAs) covered under Fifth and Sixth Schedules of the Constitution.

#### Political Safeguards

**Art. 164 (1)** - Provides for Tribal Affairs Ministers in Bihar, MP and Orissa

**Art. 330** - Reservation of seats for STs in Lok Sabha

**Art. 337** - Reservation of seats for STs in State Legislatures

**Art. 334** - 10 years period for reservation (Amended several times to extend the period)

**Art. 243** - Reservation of seats in Panchayats

**Art. 371** - Special provisions in respect of NE States and Sikkim

#### Safeguards under Various laws

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and the Rules 1995 framed there under.

Bonded Labour System (Abolition) Act 1976 (in respect of Scheduled Tribes);

The Child Labour (Prohibition and Regulation) Act 1986;

States Acts & Regulations concerning alienation & restoration of land belonging to STs;

Forest Conservation Act 1980;

Panchayatiraj (Extension to Scheduled Areas) Act 1996;

Minimum Wages Act 1948.