

## Discrimination on the Basis of Political Affiliation & Role of Digital Empowerment Foundation: The Contemporary Trend

Shreshth Bhatnagar\*

Department of Management, RNB Global University, Alliance University, India.

### \*Corresponding Author:

Shreshth Bhatnagar,  
 Department of Management, RNB Global University, Alliance University, India.  
 Tel: + 91-7597644615  
 Email: shreshthbhatnagar@gmail.com

Received: November 04, 2019  
 Published: November 07, 2019

**Copyright:** ©2019 Shreshth Bhatnagar. This is an Open Access article published and distributed under the terms of the Creative Commons Attribution License, which permits unrestricted use, distribution and reproduction in any medium, provided the original author and source are credited.

### Introduction

India is a federal republic with 29 states and 9 union territories. It has a parliamentary democracy which operates under the constitution of 1950. There is a bicameral federal parliament: the Rajya Sabha or council of states (upper house) and the Lok Sabha or house of the people (lower house) [1].

The Lok Sabha has 545 members, 543 representing the states and union territories – 79 seats are reserved for scheduled castes and 40 for scheduled tribes – and two additional seats reserved for the Anglo-Indian community. Members are elected, on a first-past-the-post system in single-member constituencies, every five years or less, based on universal suffrage.

The Rajya Sabha has 245 members, 12 of which are presidential appointments and 233 are elected indirectly by the assemblies of the states and union territories for a six-year term, with one-third retiring every two years. Legislation may be introduced in either house, but the Lok Sabha has final say in financial matters.

The Prime Minister is elected by the members of the Lok Sabha and appoints and heads the Council of Ministers. The President is elected for five years by an electoral college consisting of members of the federal parliament and state assemblies.

Responsibility for enacting laws is set out in three lists: the Union List (for legislation by national parliament), the State List and the Concurrent List (either national or state legislatures). State legislatures make their own laws on such matters as education, health, taxation, public order, lands and forests. Constitutional amendments must be passed by both houses and ratified by at least half the state legislatures.

On proclamation of a state of emergency by the President, the federal government may assume temporary executive and financial control of a state and the President may rule it in place of the governor. The President appoints an Administrator to govern the union territories. The 1950 constitution set out a number of individual freedoms and abolished discrimination on the basis of

caste.

India is a vibrant country having full faith over democracy is standardizes its political, economic and social growth since independence. Where politician plays a vital role for the development of a country, there India is considered as a talk of the town. As far as growth of a country is concerned from last 20years, India is at its top. Nourishing its relation with other states India is now getting support and co-operations from rest of the world. India has been a member of the UN Security Council for seven terms (a total of 14 years), with the most recent being the 2011–12 term [2]. India is a member of G4, group of nations who back each other in seeking a permanent seat on the Security Council and advocate in favour of the reformation of the UNSC (United Nations Security Council). India is also part of the G-77.

India is a charter member of the United Nations and participates in all of its specialized agencies and organizations. India has contributed troops to United Nations peacekeeping efforts in Korea, Egypt and the Congo in its earlier years and in Somalia, Angola, Haiti, Liberia, Lebanon and Rwanda in recent years, and more recently in the South Sudan conflict. For a democratic Country, because of its political activeness and sound policy framework friendly relations with other states could be achieved, So far as this view is concerned political power of a country strengthen the masses and enhances each sphere of development.

As our Constitution of India provides that there should be no discrimination on the basis of race, religion, caste, sex, place of birth and there must be equality before the law and equal protection of the law. But there is somehow prejudicial treatment on the basis of political parties having been done, which nutshell the whole philosophy of the democracy.

"Bharosa Party", "Sabsi Badi Party", and "Rashtriya Saaf Niti Party" are some of the 2,300- odd political parties that India has on the eve of the 2019 general elections. The Election Commission of India's latest data on political parties, registered till March 9, a day before the Lok Sabha elections were announced, reveal that the country is having a total of 2,293 political parties. They

include seven "recognised national" and 59 "recognised state" parties. In fact, 149 political parties were registered with the poll panel between February and March on the eve of the announcement of the poll schedule. Till February this year, the country had 2,143 political parties registered with the Commission, with 58 of them getting registered ahead of the assembly polls in Madhya Pradesh, Rajasthan, Telengana, Mizoram and Chhattisgarh during November-December last year. Some of the recently registered 149 parties include Bahujan Azad Party. They have to choose from a list of 'free symbols' issued by the poll panel. According to the latest EC circular, there are 84 such free symbols available currently. To become a recognised political party either at the state or national level, a party has to secure certain minimum percentage of polled valid votes or certain number of seats in the state legislative assembly or the Lok Sabha during the last election. Fearing misuse of the provisions for financial contributions to political parties, the Election Commission had in 2016 asked the Central Board of Direct Taxes to look into the finances of 255 registered but unrecognised political parties it had "unlisted" that year for not contesting polls in the last one decade between 2005 and 2015. There have been fears that most of such parties are used to 'round trip' the black money into white. The EC had found that some of the parties were "no longer in existence or functioning". While the poll watchdog has the mandate to register a political party, the electoral laws denies it the power to deregister any party. With its demand to get power to deregister a party being pending with the Law Ministry, the Commission had used its powers under Article 324 of the Constitution to "unlist" parties for being dormant and not contesting elections for a long time [3].

### Direct Discrimination [4]

When workers or laborers are avoided on the ground of marital status, political opinion, or sex that would count for Direct Discrimination.

### Indirect Discrimination

Aberrant discrimination may happen when evidently impartial standards and practices have a negative effect on a lopsided number of individuals from a specific gathering regardless of whether or not they meet the necessities of the occupation. It demonstrates that the utilization of a similar condition, treatment or prerequisite to individuals can indeed prompt to extremely unequal outcomes depending on the life conditions and individual qualities of the general population concerned. The prerequisite of learning of a specific dialect to get a job, when language skill is not a key requirement for an opportunity but a type of indirect discrimination in view of national or ethnic beginning.

### Workplace Discrimination on Political Belief

At a job interview A is asked if she is a member of a conservative organisation. When she says no, the interviewer abruptly ends the conversation, claiming that all employees must share the employer's political beliefs.

B, a year 11 student, submits an assignment for his politics class which supports making euthanasia legal and a political party that advocates for law reform in this area. His teacher is concerned about B's political beliefs and tells the principal, who suspends him because of his views. It is against the law to discriminate against any person in the workplace because of their actual or assumed political beliefs or activities and political views. Employees must have been protected from discrimination at all stages of employment including recruitment, workplace terms and conditions and dismissal.

Even if you work in a state that doesn't protect employees from political discrimination, you might still have a legal claim if your employer's actions were really based on a protected trait under Title VII or a similar state law. For example, if African American employees are fired for participating in a Black Lives Matter rally, but employees of other races are not fired for going to marches, rallies, or protests that might qualify as illegal race discrimination. In this situation, the African American employees would have a claim that the employer used their politics as a pretext for race discrimination. Similarly, an employer that fires Christian employees for attending a right to life march but shows no interest in other employees' political views might be making decisions based on religious beliefs rather than political beliefs. A good employment lawyer can help you understand the laws that might protect you in your state and the strength of your potential claims.

Political belief or activity is where a person holds, or does not hold, a lawful political belief, or whether they participate, or refuse to take part, in a lawful political activity.

This includes holding particular political beliefs, and having different political views or being a member (or refusing to join) a political party or participating in political action.

As it is provided in UDHR in Article 2. Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status [5]. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Many workforces are confused when they are fired for expressing a certain political view. Isn't this a free country? Don't they have a right to free speech?

Constitutional law, including free speech, is law against governments. While presidents, judges, lawmakers, and police might be restricted by free speech, private establishments are not. Even if you work for a government entity, there are often legal restrictions on free speech that do not violate the constitution. If employees want full legal protection from their employers, a government entity must have to pass a law protecting the employees. As mentioned earlier though, most states have laws protecting employees' right to vote. Although free speech and political expression isn't usually protected, employees may have other avenues to protect their rights.

### Equal Employment Opportunity and Provision of Services

It refers to the principle which ensures that all employees and potential employees of DEF are treated equitably and fairly, regardless of their race, sex or disability. Everyone has an equal chance when applying for jobs or promotions, training opportunities and in their working conditions. The following activities shall be conducted in a uniform manner

1. Recruitment procedure and selection criteria, for appointment or engagement of a person as an employee;
2. Promotion and transfer of an employee;
3. Training and staff development for an employee; and
4. Terms of employment or any other employee related activity.

## Role of Digital Empowerment Foundation (DEF) & Parameters of Discrimination - Strictly Prohibited [6]

DEF and its employees shall strive to create a workplace that is free from discrimination in their Employment practices against any potential or existing employees, and shall not discriminate On a person's:

- Age or other circumstances
- Colour
- Cultural or social beliefs such as religious
- Educational Background
- Race, ethnicity or nationality
- Digital Empowerment Foundation
- Spiritual, traditional or customary beliefs
- **Political opinion**
- Physical features
- Gender identity and expression
- Marital status
- Pregnancy or judging the impacts of potential pregnancy on decisions
- Breastfeeding
- Sexual orientation
- Health or physical disability or impairment
- Medical record
- HIV status
- Family responsibilities
- Trade Union membership
- Reserve disciplinary forces, e.g., police

## Complaint Process and Procedures for on set Discrimination

How to make a complaint a person wishing to make a complaint of discrimination can consult and file a complaint with the EEO & Anti-Discrimination Committee. The complaint should be made in writing and addressed to chairperson of the committee within 5 working days of any such incident of discrimination.

The constitution of the Committee shall be-

- Chair of the "Anti-discrimination & EEO" Committee
- Internal Officers- 2 Members from Middle Level Management [One Female and One Male]
- HR Department Head, DEF

### Once a Complaint has been Filed

#### *Investigation*

Once a complaint has been filed an investigation will be undertaken immediately. In instances where there is an alleged respondent, the respondent will be notified immediately. The complainant and the respondent will both be interviewed along with any individuals who may be able to provide relevant information. Where the alleged discrimination is an organizational practice or procedure, that practice or procedure will be investigated immediately. Where the investigation finds systemic discrimination within the organization, that practice or procedure will be changed promptly.

#### *Mediation*

DEF supports resolving matters through mediation provided that it is consistent with organizational duties, obligations and needs. Mediation can only be undertaken voluntarily. If both parties agree to participate, matters may be resolved through mediation in the following circumstances. Once the matter has been investigated and DEF has determined the facts of the case, DEF may use mediation to develop appropriate solutions to the complaint; and, in rare instances, where the incident is an isolated event and the parties do not dispute the facts, DEF will act diligently to ensure that matters are dealt with in a manner that ensures the safety and protection of everyone within the organization.

#### *Timelines*

DEF will investigate all complaints immediately and will work towards the prompt resolution and prevention of discriminatory acts and practices. The first round of investigation and conclusion shall be arrived at within 10 working days from the date of filing of the complaint.

#### *Fairness*

All complaints will be investigated in the same manner with the aim of promoting, fairness and equality.

#### *Confidentiality and the Right to Privacy*

DEF will preserve the confidentiality of all individuals involved in a discrimination complaint. The preservation of confidentiality may be affected by the employer's duty to prevent discrimination in/at DEF and by the alleged respondent's right to know the nature of the complaint being made against them and who has made it so that they can respond. If the investigation fails to find evidence to support the complaint, no documentation concerning the complaint will be placed on the file of the respondent. DEF will retain all documentation for 12 months for informational purposes in the event that there is an internal appeal or a complaint filed with an outside agency.

#### *Outcomes and Remedies*

DEF will act swiftly to ensure that the discriminatory practice is stopped as soon as possible and may remedy the situation in a number of ways. Where the investigation determines that discrimination has occurred or the matter has been successfully mediated, outcomes may include moving the respondent to another department, changing the respondent's job duties, or a letter of apology. Actions taken to remedy a discriminatory situation should not have a negative effect on the complainant. The main concerns of the employer will be to ensure that the discrimination ends and to restore workplace harmony.

#### *Appeal Process*

Within 10 days from the result of first round of investigation, either the complainant or the respondent may make a written request that an investigation be reviewed stating which aspect of the investigation is inadequate. The request must be submitted to Appellate authority who will determine if the investigation is to be re-opened in order to address the concerns raised. In case the appeal is taken up, then the investigation shall be completed within 15 working days by the same committee with the inclusion of an independent member. The result of the appeal shall be binding on the complainant for all purposes [7].

## Conclusion

The concept of discrimination provides a clear way of thinking about a certain kind of wrong that can be found in virtually every society and era. The wrong involves a group-based structure that works in combination with relative deficiencies built around the structure. The deprivations are wrongful because they treat persons as having a degraded moral status, but also because the deprivations tend to make members of the group in question vulnerable to domination and oppression at the hands of those who occupy positions of relative advantage. It is true that there has been confusion attending the concept of discrimination, and there will long be debates about the best way to understand and apply it. However, the concept of discrimination has proved to be a useful one, at the national and international levels, for representing in thought and combating in action a kind of wrong that is deeply entrenched in human social relations. So far as political discrimination is concerned it is degrading the concept of equality in true sense, in most of the public welfare concerns it spreads toxic in pretty cunning way.

Discrimination on the basis of political affiliation plays a very sneaky role so avoidance with the watchdogs must be necessary for the aforesaid subject. People must have to understand the laws, ethos and moral in a wide sense. They don't compare other one on the basis of political party or affiliations. As every person has a right to freedom of free speech and expression provided by our constitution of India so no one should have to be judged on the basis of political affiliation. In spite of all its problems, however, DEF plays a very crucial role for its eradication but people inherently should understand the exact meaning of political parties and why they do not discriminate people on the basis of it. Some-

how India remains a vibrant and functioning democracy that is a beacon to democrats in many surrounding states.

## References

- [1]. <https://thecommonwealth.org/our-member-countries/india/constitution-politics>
- [2]. [https://en.wikipedia.org/wiki/India\\_and\\_the\\_United\\_Nations](https://en.wikipedia.org/wiki/India_and_the_United_Nations)
- [3]. <https://economictimes.indiatimes.com/news/elections/lok-sabha/india/india-now-has-2293-political-parties-149-registered-between-february-march/articleshow/68451605.cms>
- [4]. <https://blog.ipleaders.in/need-know-workplace-discrimination-laws-india/>
- [5]. <https://www.un.org/en/universal-declaration-human-rights/>
- [6]. <https://defindia.org/files/2015/06/DEF-Equal-Employment-Opportunity-EEO-AND-Anti-Discrimination-Policy.pdf>
- [7]. Supra

**Submit your manuscript at**

<https://www.enlivenarchive.org/online-submission.php>

**New initiative of Enliven Archive**

**Apart from providing HTML, PDF versions; we also provide video version and deposit the videos in about 15 freely accessible social network sites that promote videos which in turn will aid in rapid circulation of articles published with us.**