

**INDIAN CONSTITUTIONAL PROVISIONS EFFECTS ON UPLIFTMENT AND
EMPOWERMENT OF WEAKER SECTION IN INDIA: AN ANALYSIS**

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Abstract:

The research paper examines the impact of the Indian Constitution's provisions on the upliftment and empowerment of the weaker sections in the country. It aims to promote socio-political justice for the weaker section community in India. The findings of this research would be beneficial in improving the lives of the weaker sections of people in society. The general revealed that a welfare state takes care of its citizens. The term believes that economic growth does not mean the concentration of economic benefits in the hands of a few people in the community but should aim at the common good. This paper describes how the Indian Constitutional provision has seriously assured all its citizens' justices-social, economic, and political; liberty of thought expression, belief, faith, and worship; equality of status and opportunity; and promoted among all communities assuring dignity of the individual and the unity of the nation, especially weaker section of the people. The study highlighted that the provisions of the Indian Constitution have endeavored to adapt the speciously differing rights like socio-economic justice of individual liberty and fundamental rights by putting some relevant provisions for the empowerment of weaker sections in the country.

Keywords: Historical Background, Constitution of India, Social Justice, and Protection of Weaker Section.

I Introduction

The Indian Constitution covers almost every aspect of life to ensure social, educational, economic, and political equality. However, the constitution aims to create an impartial treatment for all citizens but even then a large portion of citizens are far behind the advanced segment of society. The Indian Constitutional has seriously assured to all its citizens' justices-social, economic, and political; liberty of thought expression, belief, faith, and worship; equality of status and opportunity; and to promote among all communities assuring the dignity of the individual and the unity of the nation, especially weaker section of the people. The present system of reservation benefits people belonging to certain randomly listed castes and places them on a superior level irrespective of the present social and educational status of individuals of those castes. Persons belonging to the so-called forward castes are discriminated against even if they are better in terms of merit than those belonging to the Backward Classes.

II Objectives of the Study

1. To study the various provisions of Rights in the Constitution of India for social justice of weaker sections of the people in India.
2. To study the Indian constitutional provisions for the protection of weaker sections of the people in the country.
3. To analyse the various major of safeguards for weaker sections of the people in India.

III Research Methodology

This present study is mainly based on secondary sources of information. It has been collected from books, published and un-published theses, reputed journals, articles, internet government, newspapers, etc.

IV Background of Constitution of India

The Constitution of India is one of the supreme laws of India and it is famous in the world. The document positions down the framework demarcating fundamental political code, structure, procedures, powers, and duties of government institutions and sets out fundamental rights, directive

principles, and the duties of citizens. It is the longest-written constitution of any country on earth. Dr. B.R. Ambedkar is the father of the Constitution of India, chairman of the drafting committee, and is widely considered to be its chief architect. The Constitution of India was adopted on November 26, 1949. Many provisions of the constitution came into force on the same day but the remaining provisions of the constitution came into force on January 26, 1950. At present day is referred to by the constitution as the date of its commencement, and is celebrated as Republic Day. The Indian Constitution is unique in its contents and spirit. Through borrowed from almost every constitution of the world, the constitution of India has several salient features that distinguish it from the constitutions of other countries namely, a single constitution, single citizenship, an integrated judiciary, a flexible constitution, a strong central government, appointment of state governors by the central government, All India Services (the IAS, IFS, and IPS), and emergency provisions.

V Provisions of Rights in Constitution of India: Social Justice and Liberty

The Indian Constitution has attempted to reconcile socio-economic justice, individual liberty, and fundamental rights by enacting relevant provisions for the empowerment of weaker sections in the country. They are:

- ❖ Article 19 safeguards the fundamental rights of citizens in a country. It comprises of seven sub-clauses that guarantee seven different kinds of freedom to citizens. These freedoms are recognized as the fundamental rights of citizens. It provides a rational basis for balancing the claims of individual rights of freedom and the claims of the public good. In essence, Article 19 is a comprehensive and satisfactory framework for ensuring the rights of citizens.
- ❖ Articles 23 and 24 reveal the fundamental rights against exploitation. Article 24, in particular, prohibits an employer from employing a child below the age of 14 years in any factory or mine or in any other hazardous employment.
- ❖ Article 31, it has makes a specific provision about the fundamental right to property and deals with the vexed problem of compulsory achievement of property.
- ❖ Article 38 requires the state to make an effort to promote the welfare of its people. This should be done by securing and protecting a social order in which justice, social and economic, as well as political principles, inform all national institutions.
- ❖ According to Article 39, it is the responsibility of the public to ensure that the legal system operates in a way that promotes justice and equal opportunity. To achieve this, suitable legislation should be put in place to provide free legal aid to citizens, and no individual should be denied access to justice due to economic or other limitations.
- ❖ Article 41 ensures the right to work, education, and public assistance for all residents, including those who are unemployed, elderly, sick, disabled, or otherwise in need.
- ❖ Article 42 stresses the importance of ensuring fair and humane working conditions, as well as maternity relief.
- ❖ As per Article 43, it holds before the working population the ideal of a living wage.
- ❖ Article 46 emphasizes the importance promotion of the educational and economic interests of scheduled castes, scheduled tribes, and other weaker sections.

The Indian Constitution has recognized the social problem posed by the existence of a large number of citizens who are treated as untouchables. Article 15 (1) prohibits discrimination based on religion, race, caste, sex, or place of birth. However, the state is authorized to make special provisions for women and children, as well as for the advancement of socially and educationally backward classes of citizens, such as the Scheduled Castes (SCs) and the Scheduled Tribes (STs). According to Article 16 (1), there is an exception to the principle of equality of opportunity. Article 16 (4) allows the state to make provisions for the appointment or posts in favour of any backward class of citizens that, in the opinion of the state, is not adequately represented in the services under the state. Article 17 of the Indian Constitution declares the abolishment of untouchability and prohibits its practice in any form. The article also states that enforcing untouchability is a punishable offence under the law. This code of provisions aims to address the challenge of achieving socio-economic justice in India.

VI Constitutional Provisions Effects on Protection of Weaker Sections

The provisions of the Indian Constitution declare India to be a sovereign, socialist, secular, democratic republic, with a commitment to ensuring justice, equality, and liberty for all its citizens. It also strives to promote the development of society, particularly the weaker sections of the population. The Constitution recognizes that the socio-economic and socio-political systems have undemocratic forces, and greater participation in the political process is necessary to address the poverty and disadvantages faced by the poor and vulnerable sections of society. It is necessary to ensure specific safeguards in the provisions of the constitution for the most depressed, poor, weak, and vulnerable sections of the community. It is important to have protection measures in place to ensure their overall development and freedom from exploitation and social injustice, so that they can become part of the mainstream of the community. The makers of the Indian Constitution provided various safeguards for weaker section societies, which are presented in Table-1.

Table –1 Constitutional Safeguard for Weaker Section Societies in India

S. No	Articles	Descriptions
1	Article 14	According to this article, no state within India can deny any individual equality before the law or the equal protection of the laws.
2	Article 15	As per this article, the awareness of equity in a way mainly traces to the states of the SCs, STs, and others in backward classes.
3	Article 38	It is believed that extending social invitations can help improve the welfare of the general population. The State can work towards improving the welfare of its citizens by ensuring a social order that is just and promotes social, economic, and political equality as the foundation of national life. This includes efforts to eliminate inequalities in status, opportunities, and facilities among individuals, as well as between groups of people residing in different areas or engaged in different occupations.
4	Article 39	After reading this article, it is important for the State to ensure the ethics of the strategy they adopt. As a result, the State may coordinate its approach to achieve its goals: <ul style="list-style-type: none">• In the country, both men and women are treated equally and provided with satisfactory employment opportunities.• To serve the group's benefit, the material assets should be controlled and managed by the proprietorship.• The financial system should not concentrate wealth and means of production to the detriment of the general public.• There should be equal pay for men and women doing the same work.• The happiness and well-being of workers, both men and women, as well as the early years of children, should not be overlooked. Citizens should not be forced to pursue hobbies or activities that are not suitable for their age or ability due to financial constraints.• Children should have access to opportunities and facilities to grow in a healthy manner. They should be protected against abuse, neglect, and abandonment, both morally and materially.
5	Article 39 (A)	It is stated that equal justice and free lawful guidance should be provided to the weaker sections of the population. The genuine framework should advance equity on the premise of equivalent open doors and give free lawful guide through appropriate enactment. This is to ensure that open doors for securing equity are not denied to any occupant by reasons of financial constraints. Article 46 under the Directive Principles of State Policy states that, the state should promote the instructive and financial interests of weaker areas of the general public, especially those of Scheduled Castes (SCs) and Scheduled Tribes (STs), and protects them against social injustice and all kinds of exploitation. Article 366 (24) defines SCs and Article 34 lays down the procedure through which such communities will be recognized.

Article 366(25) of the Indian Constitution makes separate provisions for Scheduled Tribes (STs) and Article 342. Social protections are governed by Articles 17, 23, 24, and 25(2)(b) of the constitution. Article 17 declares untouchability as illegal and any form of training related to it is prohibited. The practice of untouchability is considered a punishable offense under the law. Two critical acts/enactments have been recognized to offer an impact on the substance of this Article. The Protection of Civil Rights Act, of 1955 was enacted with the target of providing discipline to lecturing and routine concerning untouchability, in the enactment of some inability emergent therefrom and for problems related therewith. Article 24 provides that no child beneath the age of 14 years should be utilized to work in some factory/mine with some hazardous business. There are pivotal State Laws to prevent child labor practices and provide relief to those engaged in child labour. The Central Law is The Child Labor (Prohibition and Regulation) Act, of 1986.

VII Major Safeguards to Weaker Section

This section discusses the significant measures in place to protect and empower underprivileged groups in the country. In recent times, the safeguarding and empowerment of weaker sections has become a common topic of discussion among political leaders, policymakers, academics, social activists, and others. By strengthening the weaker segments, we can boost their credentials by encouraging local individuals to participate in the decision-making process at the grassroots level which is briefly discussed.

➤ **Economic Safeguards**

The Indian Constitution has provisions in Articles 23, 24, and 46 that are aimed at protecting the economic interests of Scheduled Castes (SCs) and Scheduled Tribes (STs). According to Article 46, the government shall take special care to ensure the educational and economic well-being of weaker sections of the population, including SCs/STs, and protect them from social injustice and exploitation. This article has led to the implementation of special development programs that provide educational opportunities to SCs and STs.

➤ **Educational and Cultural Safeguards**

This provision aims to uplift the weaker sections of society in the country. According to Article 15 (4), the State is mandated to make special provisions for the socially and economically backward classes as well as for SCs/STs. This provision enables the State to reserve seats for SCs and STs in educational institutions such as technical, engineering, and medical colleges. Furthermore, Article 29 (1) grants the right to any section of citizens residing in India with a distinct language, script, or culture to conserve it.

➤ **Empowerment of Social and Economic**

Article 25 provides a safe assurance and allows the states to act on issues related to social welfare and development. Article 38 ensures that the Republic can secure legal, social, economic, and political justice. Article 38(2) empowers the state to have a national policy on compensation and eliminate disparities in various fields and dimensions of life. Article 46 provides for the promotion of educational and economic interests of SCs, ST, and other weaker sections.

➤ **Political Safeguards**

The Constitution of India provides a political safeguard to the weaker section of the people. It is one of the participated in the political system in the country.

According to Article 164(1), each state should have a minister responsible for tribal welfare and the welfare of SCs and STs.

According to **Article 330**, it states that the reservation of seats for SCs and STs in Lok Sabha.

As per **Article 243(D)**, reservation of seats in Village Panchayats, Zilla Panchayats, and Zilla Parishads has been made for SCs and STs, in percentage to their population at the respective levels, in the direction of elections.

As per **Article 243-T**, Municipal Bodies at various levels have reserved seats for SCs and STs in proportion to their population. Among these reserved seats for SCs and STs, a minimum of one-third has been reserved for women belonging to the SC/ST communities.

➤ **Social Safeguards**

Articles 21, 29, and 48A focus on strengthening of social and cultural. STs are marginalized groups in Indian society who maintain their unique cultural practices. The Tribals often live in remote and rugged areas, making it difficult for them to access mainstream social life. Social events should provide equal opportunities to all individuals for upward financial and social mobility. The government of each country should ensure that there is no dominance of any particular group in our society. Access to these opportunities should be provided by the state, and equal opportunities should be given to all. In India, certain social groups like SCs, STs, OBCs, and Minorities have been historically denied and vulnerable to human rights abuses. Other groups such as people with disabilities, older people, street children, the poor, and victims of substance abuse may also face discrimination and suffer from disabilities. Our Constitution has several provisions for the upliftment of such marginalized communities, such as Article 341 for SCs, Article 342 for STs, Article 340 for OBCs, Article 30 which allows minorities to establish and administer educational institutions, and other statutes.

VIII Conclusion

This study has determined that constitutional provisions are in place to safeguard and promote the interests of the weaker sections of society. In line with the directive principles of State Policy, social justice has been a stated objective of development. Over the past six decades, a range of programs have been initiated to enhance the socio-economic status of Scheduled Castes and Scheduled Tribes. The vulnerability of the weaker sections is closely linked to their circumstances. The term 'weaker section' generally refers to the segment of the population that is socially, financially, politically, and educationally backward compared to other sections of the population. Due to their backwardness, they have been suffering from various types of disabilities. A democratic ideal of justice must be based on the principles of equality, liberty, and government control by the people. However, it is challenging to give these concepts specific content. Democracy is certainly based on the ideal of equality, but no democratic state has seriously attempted to translate this ideal into the absolute equality of all. The paper focused on Indian constitutional provisions for the protection of weaker sections of the people in rural and urban areas. As a result, the constitution of India is protective and safeguards weaker sections and they are Economic Safeguards, Educational and Cultural Safeguards, Social and Economic Empowerment, Political Safeguards, and Social Safeguards.

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