

Constitutional Provisions for Empowering the Weaker Sections in India

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ABSTRACT

As is commonly said that a welfare state takes care of its citizen, a welfare state trusts that monetary development does not mean centralization of financial advantages in the hands of a couple of people in the general public however should go for common good. Untouchables have confronted a wide range of embarrassment because of upper varnas, the weaker areas ladies, kids, workers, debilitated's and matured people are confronting number of issues in the Indian culture. In this manner a welfare state guarantees that financial development must not be accomplished at the cost of the intrigue and welfare of weaker segments. In Indian Constitution social and financial equity discovers its say in the preface, runs like a brilliant tread through Chapter III of crucial rights and is more express set down in Chapter IV of Directive Principles of State Policy.

Keywords: *Weaker Sections, Constitution of India, Social and Economic Justice etc.*

I. INTRODUCTION

Constitution is a living document, an instrument which makes the government system work. The Constitution of India is the preeminent law of India. It sets out the system characterizing key political standards, sets up the structure, methods, forces and obligations of government establishments and sets out basic rights, mandate standards and the obligations of subjects. It is the longest composed constitution of any sovereign nation on the planet. B. R. Ambedkar, the executive of the Drafting Committee, is broadly thought to be its main planner. It bestows sacred matchless quality and not parliamentary amazingness, as it isn't made by the Parliament be that as it may, by a constituent gathering, and received by its kin, with a revelation in its introduction. Parliament can't abrogate the constitution. It was received by the Constituent Assembly on 26 November 1949, and became effective on 26 January 1950. With its appropriation, the Union of India turned into the cutting edge and contemporary Republic of India supplanting the Government of India Act, 1935 as the nation's central representing report. To guarantee established autochthony, the composers of the constitution revoked the earlier Acts of the British Parliament by means of Article 395 of the constitution. India commends its coming into compel on 26 January every year, as Republic Day. It proclaims India a sovereign, communist, common, popularity based republic, guaranteeing its

residents of equity, balance, and freedom, and tries to advance organization among them. "The Indian Constitution is as a matter of first importance a social archive, and is supported by its Parts III and IV (Fundamental Rights and Directive Principles of State Policy, separately) acting together, as its central instruments and its still, small voice, in understanding the objectives set by it for every one of the general population." The Constitution's arrangements have deliberately been worded in all inclusive statements, however not in dubious terms, rather than making them inflexible and static with a settled significance or substance as in a normal statute, so they might be translated by coming ages of nationals with the ahead walk of time, to apply to new and regularly changing and requesting circumstances, making the Constitution a living and a natural record. Equity Marshall states: "It is the idea of (a) Constitution that lone its awesome frameworks be checked". It is an archive planned "to persevere for a very long time" and along these lines, it must be deciphered not just based on the aim and comprehension of the designers yet on the experience of its working viably, in the current social and political setting.

Preface

The Preamble contains the substance of the Constitution and mirrors the standards and points of the general population. The Preamble begins by saying that we, the general population of India, provide for ourselves the Constitution. The wellspring of the Constitution is in this way followed to the general population, i.e. men and ladies of India, independent of position, group, religion or sex. The creators of the Constitution were not happy with unimportant regional solidarity and uprightness. In the event that the solidarity is to last, it ought to be founded on social, financial and political equity. Such equity ought to be equivalent for all. The Preamble contains the objective of fairness of status and chance to all subjects. This specific objective has been joined to give parallel rights to ladies and men as far as status and also opportunity.

Protected Provisions

The Constitution of India obviously characterizes the part of Central and State Governments in the elected structure. According to the established arrangement, all exercises in Government circle are classified as falling in Central List, State List or Concurrent List. While there is no vagueness with respect to the Central List and State List, exercises falling under Concurrent List are liable to covering of purview of the Government of India and the State Governments. States are fundamentally in charge of real segments like wellbeing, instruction, business, and so forth which regularly include expansive open consumptions. Since fruitful execution of improvement program requires accessibility of sufficient assets, fitting approach system, and compelling conveyance hardware, Central Government needs to work with the States to attempt their obligation in successful way. Perceiving the higher asset prerequisites of the States with respect to their asset raising forces, the Constitution orders to exchange assets to the State Governments through statutory exchange of duty receipts gathered by Center through the Finance Commission grant. What's more, the States get to focal arrangement finances through Centrally Sponsored Schemes (CSS) and Central help to State Plans.

Weaker Section

The term “Weaker Section” in normal sense alludes to the segment of the populace who is socially, financially, politically and instructively in backward than alternate areas of the populace and have been experiencing various types of inabilities because of their backwardness. As indicated by Government of India Act, 1935 "weaker area suggests to those areas of society who are either a result of conventional custom of routine with regards to untouchability or in light of native cause, inborn method for living or different backwardness have been experiencing instructive and monetary backwardness and a few parts of social life." based on their general status in a view to their financial and social life, for the accommodation of viable organization of advancement and welfare programs with extraordinary concentration to their financial stands, the weaker segments have been assembled fundamentally into three unmistakable classes by various resolutions of Government of India. Those gatherings can be serially expressed here based on size of their issues or helplessness to different incapacities endured by them.

SCs/STs

Since the rank framework was common in India, it prompted abuse of the Shudras. They were denied different financial rights and such individuals were arranged into booked stations.

The native groups

The native groups never blended with the fundamental society, so confronted comparative difficulties on a later stage and were arranged into booked clans.

In backward classes

The constitution does not characterize in backward classes. So it is the focuses and states will to classifications classes under this gathering. Additionally, the classes which are not spoken to enough in the administrations of the state are named as in backward classes. Under Article 340 of the Indian Constitution, the President can constitute a commission for exploring the states of socially and instructively in backward classes. Based on this report, he may indicate the regressive classes.

II. EMPOWERMENT OF WEAKER SECTION

In recent times more emphatically in the immediate contemporary context, empowerment of weaker sections has become a buzzword for political leaders, policy makers, academicians, social activists, etc. Strengthening of weaker segments builds up its accreditations by empowering the neighborhood individuals to take part in the basic leadership process at grassroots level. The methodology of United Nation supporting an impartial dispersion of pay and riches for advancement of social equity and effectiveness of profitable frameworks demonstrated great to comprehend and advance strengthening of weaker segments. The same number of advancement scholars contended, more noteworthy balance in the dissemination of pay and riches required extension of offices for instruction, wellbeing, sustenance, lodging and the defend of human condition and environment. Strengthening idea places

10th International Conference on Recent Development in Engineering Science, Humanities and Management

The Indian Council of Social Science Research (ICSSR) North West Regional Centre, Punjab University Campus, Chandigarh (India) RDESHM-17

24th December 2017, www.conferenceworld.in

ISBN: 978-93-86171-89-4

exorbitant accentuation on formal institutional understandings. It requires full interest of the general population in plan, execution, and assessment of choices deciding, working and prosperity of the general public. Strengthening likewise implies sorting out weaker segment into formal gatherings, affiliations, exchange associations, co-agents, associations, and so forth to apply aggregate weight and successfully take an interest in the basic leadership process with a definitive goal of building establishment of people and aggregate independence. Strengthening of weaker segments i.e. SC, ST and OBCs incorporates general strengthening viz. instructive, monetary, social, political and social strengthening. An unobtrusive, however applicable endeavor is made here to display a portion of the signs visualized in the introduction of the constitution which are examined in the accompanying sections. Legislature of India has endeavored to reorient its arrangements and projects to give social equity and strengthening to the socially in backward and disadvantageous segments (Weaker Sections) of the general public. Service of welfare of the focal government is in charge of social and monetary upliftment of the SC, ST and OBCs, has itself been renamed as Ministry of Social Justice and Empowerment. The work identifying with the advancement of Scheduled Tribes has been taken claim by the recently made Ministry of Tribal Affairs.

Instructive and Economic Empowerment

It is to be noticed that the Fundamental Rights gave under Article 15 (3), 16 (4), 16(4A), 16(4B), and 21A are specifically and in a roundabout way worried about instructive and monetary strengthening. Reservation of specific posts solely for ladies is substantial under Article 15 (3) as it allows the State to make unique enactment to secure Women and Children. Uncommon arrangement and acknowledgment to the Backward classes, Scheduled positions and Scheduled Tribes are given under Article 15(4) and Article 16(4) enable the state to make unique arrangements for the reservation of arrangement of posts for any Backward Class of residents of the State. This Article explicitly allows reservation of posts for in backward classes and weaker areas Article 16 (4 B) approves the State to consider the unfilled held opening as a different class which should not be viewed as together with the opportunities of the year in which they are being topped off to decide the roof of 50 percent of the aggregate opportunities of that year. The above are the a portion of the arrangements made to enable the weaker segments with specific respect to instructive and monetary strengthening, since training and business are the files of strengthening influences.

Social and Economic Empowerment

Articles 25 gives a protected assurance and enable the States to administer on issues of social welfare and change; Article 38 guarantees that the capacity of Republic is to secure lawful Justice as well as social, monetary, and political Justice too. Article 38(2) empowers the state to have a national arrangement on compensation and kill disparities in different circles and estimations of life. Article 46 accommodates advancement of instructive and monetary interests of Scheduled Castes, Scheduled Tribes and other Weaker Sections.

Social Empowerment

Articles 21, 29 and 48A are worried about social and also social strengthening. The STs are those retrogressive segments of Indian culture, who might rehearse their exceptional and particular social ways. The Tribals stay powerless in view of the way that they live in difficult to reach woodlands and uneven districts and are out of the standard, streams of social life.

Political Empowerment

Established arrangements under Articles 164(1), 330, 332, 335, 338, 338A, 339, and 340 are specifically worried about portrayal of the Scheduled standings, Scheduled Tribes in Parliament and Assemblies. Article 330 and 332 gives political reservation of seats in Parliament and Assembly for SCs and STs, without crash of right ensured under Article 14. In the event that the naturally gave ensured Articles are executed in soul and reality the strengthening of Weaker Sections would end up plainly simpler. The designs, plans implied for the enhancement of the weaker segments are executed the goal of understanding the strengthening of weaker segments may not be a fantasy but rather it would really be a reality.

Every single social gathering ought to have measure up to access to the administrations gave by the State and equivalent open door ought to be accommodated their upward monetary and social portability. The administration of each country ought to likewise guarantee that ought not be any kind of oppression any segment of our general public. In India, certain social gatherings, for example, the SCs, STs, OBCs and Minorities have in the past been denied and defenseless for human rights. There are sure different gatherings which might be victimized and which experience the ill effects of impairments and the gatherings incorporate people with disabilities, more established people, road youngsters, poor people and casualties of substance mishandle. Our Constitution contains different arrangements for the development of such underestimated gatherings, for example, Article 341 for SCs, Article 342 for STs, Article 340 for OBCs, Article 30 which gives the privilege to minorities to build up and control instructive organizations, and different statutes. Their individual and aggregate development, be that as it may, can't be guaranteed without enhancing their environment and giving clean drinking water, toilets and instructive open doors. The Constitution of India ensured to every one of the general population of India the common, political, financial, social, and social rights for their acknowledgment by all segments of the nation with no sort of segregation. Be that as it may, because of destitution, standard and social works on winning in the nation there have very little open door offered to different gatherings and which prompt deny them of being dealt with similarly as alternate areas of the general public. There are different burdened gatherings of individuals, for example, ladies, kids, Scheduled Castes, Scheduled Tribes, Linguistic Minorities, Religious Minorities, Sexual Minorities and so forth. So as to extend their rights, the Constitution of India has given various concessions to shield them from misuse by different gatherings.

III. CONSTITUTIONAL PROVISIONS FOR PROTECTION OF WEAKER SECTIONS

Constitutional makers provided the different safeguard in the Constitution of India to these depressed classes. They are: Article 14 gives that States might not deny any individual uniformity under the steady gaze of law or the equivalent insurance of laws inside the region of India. Article 15 operationalizes the idea of equity in a way which particularly touches upon the states of the Scheduled Castes, Scheduled Tribes and other in backward classes. Article 38 State to secure a social request for the advancement of welfare of the general population: The State might endeavor to advance the welfare of the general population by securing and ensuring as viably as it might a social request in which equity, social, monetary and political, should educate every one of the foundations of the national life. The State might, specifically, endeavor to limit the disparities in pay, and attempt to take out imbalances in status, offices and openings, among people as well as among gatherings of individuals dwelling in various territories or occupied with various occupations.

Article 39 Certain standards of strategy to be taken after Article by the State : The State might, specifically, coordinate its approach towards securing:

- a) that the national, men and ladies similarly, have the privilege to a satisfactory methods for job;
- b) that the proprietorship and control of the material asset of the group are so appropriated as best to sub-serve the benefit of all;
- c) that the activity of the financial framework does not bring about the grouping of riches and methods for creation to the regular inconvenience;
- d) that there is equivalent pay for break even with work for the two men and ladies;
- e) that the wellbeing and quality of laborers, men and ladies, and the young period of youngsters are not mishandled and that residents are not constrained by monetary need to enter side interests unsuited to their age or quality;
- f) that youngsters are given open doors and offices to create in a solid way and in states of the opportunity and pride and that adolescence and youth are secured against abuse and against good and material deserting.

Article 39 (An) Equal Justice and free lawful guide: The State might secure that the task of the legitimate framework advances equity, on a premise of equivalent open door, and should, specifically, give free lawful guide, by appropriate enactment or plans or in some other route, to guarantee that open doors for securing equity are not denied to any resident by reason of financial or different incapacities. Article 46 under the Directive Principles of State Policy gives that "The State should advance with exceptional care, the instructive and financial enthusiasm of weaker areas of the general population and specific of Scheduled Castes and Scheduled Tribes and might ensure them social bad form and all types of misuse". Article 366(24) characterizes Scheduled Castes and Article 34 distinguishes the procedure through which such gatherings will be recognized. Comparative arrangements have been

made for Scheduled Tribes in Article 366(25) and Article 342 separately. Social shields are contained in Article 17, 23, 24 and 25(2)(b) of the constitution. According to Article 17, untouchability is annulled and its training in any shape is illegal. The authorization of any inability emerging out of "untouchability has been made an offense culpable as per the law." Two critical enactments have been established to offer impact to substance of this Article. The Protection of Civil Rights Act, 1955 has been ordered with the target of giving discipline to lecturing and routine with regards to untouchability, in the implementation of any incapacity emerging there from and for issues associated therewith. Article 24 gives that no kid beneath the age of 14 years should be utilized to work in any manufacturing plant or mine or occupied with any dangerous business. There are focal and State Laws to avert kid work hones and giving alleviation to those drew in as kid work. The Central law is The Child Labor (Prohibition and Regulation) Act, 1986. A substantial number of tyke workers occupied with risky business have a place with Scheduled Castes and Scheduled Tribes.

IV. CONCLUSIONS

It is concluded that State should advance with exceptional care the instructive and monetary interests of weaker segments of the general population and, specifically, Scheduled Castes/Scheduled Tribes and might shield them from social bad form and all types of abuse. It is in compatibility of this article to study the instructive chances to Scheduled Cates and Scheduled Tribes have been taken up. Institutional courses of action for their improvement, including reserving of particular level of assets from the financial plan for different advancement exercises in type of an uncommon Component Plan for Scheduled Castes and the Scheduled Tribes sub-anticipate Scheduled Tribes have additionally been in task for quite a while.

REFERENCES

- [1] Rajeswara Prasad., 2006. : The Civil Society and the NGOs: A discourse of Confusion in Empowerment of Weaker Sections in India, Edt., Verma, Verma and Singh, p.p. 156-189.
- [2] Manohar, John, 1999: NGOs, Are They a Force for Change? EPW, 3 4 (30): p.p.2081-2086.
- [3] B.B.Pande, 2006 : Law and empowerment of the weaker sections: The ground reality of the relationship, in Empowerment of the weaker sections in India, ed. R.B.S.Verma, Serial Publications, New Delhi, p.p.238-241.
- [4] Nadeem Hasnain: 2006: Scheduled Tribes: Empowerment of great betrayal? In Empowerment of the weaker sections in India, Serial publication, New Delhi, p.p.244-253.
- [5] Vivek Kumar, 2006. : Political and civil institutions of governance: Contradictions of exclusion and inclusion of the Dalits in contemporary India, in Empowerment of the weaker sections in India, Serial Publications, New Delhi. P.p254-273.
- [6] M.M.Verma, 2006: Approaches and strategies for women's empowerment: Role of Social Work, in Empowerment of the weaker sections in India, Serials Publications, New Delhi. P.p.321-334.

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The Indian Council of Social Science Research (ICSSR) North West Regional Centre, Punjab University Campus, Chandigarh (India) RDESHM-17

24th December 2017, www.conferenceworld.in

ISBN: 978-93-86171-89-4

- [7] R. Vaidyanathan, Hindu Business line, Financial Dially, June, 01 2006. Page 1-4. E-mail: Vaidya@iimb.ernet.in.
- [8] Menon, N.R. Madhava (26 September 2004). "Parliament and the Judiciary". The Hindu. Retrieved 21 November 2015.
- [9] M Laxmikanth. "3". Indian Polity (4th ed.). McGraw Hill Education. p. 3.2. ISBN 978-1-25-906412-8.
- [10] Krishnakumar, R. "Article 356 should be abolished". Frontline (Vol. 15 :: No. 14 :: 4–17 July 1998). Retrieved 9 November 2015.
- [11] Rajendra Prasad, R.J. "Bommai verdict has checked misuse of Article 356". Frontline(Vol. 15 :: No. 14 :: 4–17 July 1998). Retrieved 9 November 2015.
- [12] Swami, Praveen. "Protecting secularism and federal fair play". Frontline (Vol. 14 :: No. 22 :: 1–14 Nov. 1997). Retrieved 9 November 2015.
- [13] "Pages 311 & 312 of original judgment: A. K. Roy, Etc vs Union Of India And Anr on 28 December, 1981". Retrieved 23 August 2014.