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## A STUDY OF FUNDAMENTAL RIGHTS OF WEAKER SECTIONS

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### **ABSTRACT**

*The purpose of this research is to investigate the constitutional safeguards that are provided to the residents of India who are classified as the most vulnerable. The expression "weaker sections" refers to communities that are oppressed and underprivileged. These communities include women, children, persons with disabilities, and members of the Scheduled Castes and Scheduled Tribes, as well as members of Other Backward Classes (OBCs). Certain provisions in the Constitution of India, which is a fundamental component of democratic government, provide these people with both protection and the ability to exercise their rights. The protections against exploitation and social injustice, as well as the rights to life, personal liberty, equality before the law, non-discrimination, and freedom of speech, are all included in this bundle. A comprehensive analysis of a variety of legislative frameworks, case studies, and empirical data will be carried out in this study with the purpose of determining the degree to which these rights are effectively implemented. It has been suggested that some of the factors that impede oppressed groups from fully exercising their fundamental rights include disparities in wealth, difficulties in communicating due to language barriers, and other cultural biases. In addition to this, the study investigates the ways in which the government, the judicial system, and civil society have all contributed to the protection and advancement of these rights. Through a combination of theoretical understanding and practical experience, it seeks to contribute to the ongoing discussion in India regarding inclusive growth, social justice, and equality. Following the findings of the study, it is concluded that the protection of fundamental rights is necessary in order to guarantee that underrepresented groups are able to fully engage in national politics, economics, and society in general, as well as to establish a society that is more just and equitable as a whole.*

**Keywords:** Weaker Sections, Constitution Of India, Social And Economic Justice

### **INTRODUCTION**

In a democratic society, the freedom to engage in economic and social activities is a necessary condition for political liberty. The concept of socio-economic freedom refers to the practice of ensuring that all members of society, including religious minorities, are afforded an equal opportunity to benefit from government and non-profit programs that are designed to assist those who are facing economic and social disadvantages. According to the

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constitution of India, there is no room for discrimination on the basis of religion, caste, gender, or race in the country. The Constitution of India stipulates that every individual is entitled to equal status and opportunity across the board.

According to the caste system that is in place in India, the entire population of the country is segmented into different communities or sectors. Second, the people who drafted the Constitution had a lot of responsibilities to fulfill: they had to make sure that the various religions, civilizations, and languages around the world would be safeguarded. Third, they were required to eliminate prejudice, which is a significant factor that contributes to the social disadvantages experienced by more vulnerable segments of society. The writers of the Constitution had the intention of including the principle of equality in their document. The well-being and advancement of the general population was another main focus of the government. In this manner, the nation will be able to make growth at a rate that is consistent throughout. As a consequence of this, several amendments have been adopted in order to provide assistance to the most vulnerable elements of society ever since the constitution was placed into effect. The less fortunate members of society will be the focus of this article, as well as the ways in which certain constitutional provisions are beneficial to those individuals.

### **The Indian society and weaker sections of the society**

In India, there is a significant amount of social inequality, and the majority of people are forced to contend with castes. Throughout the history of human society, there have always been disparities in terms of social rank and educational attainment. Because of their superior social position, higher level of knowledge, and more economic success, the brahmins are an example of a caste that is considered to be higher. Furthermore, the zamindars had a higher social, economic, and educational status than the rest of the field laborers or those who worked for them. This was because the zamindars were considered to be a more vulnerable and disadvantaged group.

At the moment, India is working towards the goal of bridging the gap between its inhabitants who are more powerful and those who are less powerful. by carrying out a large number of projects of both government and non-government organizations.

### **What are weaker sections of society?**

As a result of the fact that they are behind the rest of society in terms of social mobility, economic advancement, and political power, the term "weaker section" is used to characterize a group that has been struggling with a variety of infirmities as a direct result of their position. A class or classes of individuals who are disadvantaged in educational opportunities, economic opportunities, and social life in general as a result of factors such as untouchability, tribal heritage, tribal lifestyle, or other forms of social exclusion are referred to as "weaker sections" in accordance with the Government of India Act, 1935. This definition was established in 1935. According to a number of resolutions passed by the government, the weaker segments of society in India can be broadly divided into three categories:

1. Scheduled castes
2. Scheduled tribes

### 3. Other backward classes

Nevertheless, that is by no means an exhaustive list. Different groups of individuals, including people of color, women, the elderly, and those with disabilities, are also subject to prejudice and misuse. Prejudice is experienced by a number of marginalized groups, including but not limited to women, children, the disabled, the elderly, migrants from low-income backgrounds, members of sexual minorities, people living with HIV/AIDS, and members of scheduled castes and scheduled tribes. Not only has the Constitution provided good protection for the SC/ST and other disadvantaged classes, but it has also provided protection for a great number of other groups.

#### **Protection of Weak Sections by Constitutional Provisions**

These persecuted communities were afforded a variety of protections by the individuals who drafted the constitution of India to begin with. The following are some examples:

In Article 14, it is stated that all inhabitants of India are granted equal protection under the law, and that no state shall deny any person the right to equal treatment under the law. This provision goes into effect immediately. A practical application of equality that addresses the situation of the Scheduled Castes, Scheduled Tribes, and other persecuted groups is provided under Article 15 of the Constitution of India.

By developing and defending, to the best of its ability, a social order in which social, economic, and political justice inform all aspects of national life, the state shall try to improve the well-being of its citizens. This is in accordance with Section 38 of the Constitution. Specifically, the state need to make efforts to eliminate inequities in terms of status, facilities, and opportunities, as well as disparities in terms of income, both within and across groups of people based on geography or vocation.

Article 39 Certain principles of policy to be followed Article by the State

The State shall, in particular, direct its policy towards securing-

1. that the citizen, men and women equally, have the right to an adequate means of livelihood;
2. that the ownership and control of the material resource of the community are so distributed as best to sub-serve the common good;
3. that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;
4. that there is equal pay for equal work for both men and women;
5. that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength;
6. that children are given opportunities and facilities to develop in a healthy manner and in conditions of the freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

In order to guarantee that no citizen is denied opportunities to seek justice owing to economic or other impairments, the state must guarantee that the functioning of the legal system promotes justice on an equal opportunity basis. This will ensure that no person is denied the

opportunity to seek justice. Additionally, it is required to offer free legal assistance by way of suitable legislation or programs, as well as any other means that may be required.

Additionally, "The State shall promote with special care, the educational and economic interest of weaker sections of the people and particular of Scheduled Castes and Scheduled Tribes and shall protect them from social injustice and all forms of exploitation" (Article 46 of the Directive Principles of State Policy) is a provision that is included in the directives that govern state policy.

Article 366(24) contains the definition of Scheduled Castes, and Article 34 details the process for recognizing such groups. Both of these articles may be obtained from the Indian Constitution. Article 366(25) and Article 342 both provide the Scheduled Tribes with protections that are comparable to one another.

Articles 17, 23, 24, and 25(2)(b) of the Constitution all address social protections in relation to the Constitution. Article 17 of the Constitution declares that the practice of untouchability is not only forbidden but also illegal. "Untouchability has been made an offence punishable in accordance with the law." This indicates that any impairment that is a result of this social stigma can be enforced according to the law. Both of these key pieces of legislation have made it possible for the provisions of this article to officially take effect. For the aim of punishing the promotion or practice of untouchability, the imposition of any handicap deriving from it, and matters linked thereto, the Protection of Civil Rights Act, 1955 was passed. This act was enacted in 1955.

Every person under the age of fourteen is prohibited from working in a hazardous occupation, which includes, but is not limited to, working in a factory or mine, according to Article 24 of the Constitution. In order to protect youngsters from being coerced into working as laborers and to provide assistance to persons who have been victims of this crime, there are regulations in place at both the state and federal levels. The principal piece of legislation is recognized as the Child Labor (Prohibition and Regulation) Act of 1986. The child labor force that is driven into harmful employment is disproportionately comprised of members of Scheduled Castes and Scheduled Tribes. These individuals are forced to work in hazardous jobs.

## **Other Safeguards to Weaker Sections**

### **Economic Safeguards**

There are provisions in Articles 23, 24, and 46 that detail the economic protections that are afforded to Scheduled Castes and Scheduled Tribes. Section 46 of the Constitution stipulates that the state is responsible to protect members of vulnerable populations from being subjected to social injustice and exploitation, while simultaneously advancing the educational and economic interests of these communities. In specifically, this pertains to the Scheduled Castes and Scheduled Tribes within the population. The implementation of specific programs in conformity with this Article has resulted in an expansion of the educational opportunities available to members of Scheduled Castes and Scheduled Tribes. A Component Plan for Scheduled Castes and a Scheduled Tribes sub-plan, both of which give a specified percentage of the budget to various development activities, are examples of the long-standing institutional frameworks that they have in place for development.

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## **Educational and Cultural Safeguards**

According to Article 15(4), the government has the authority to put aside funds specifically for the purpose of assisting members of economically and socially disadvantaged groups, as well as members of Scheduled Castes and Scheduled Tribes. As a result of this law, colleges of technology, engineering, and medicine have established quotas for individuals who belong to the Scheduled Castes and Scheduled Tribes.

People who are considered to "have a distinct language, script or culture of their own residing in the territory of India or any part thereof, shall have the right to conserve the same" (Article 29 of the Constitution). The right to receive adequate opportunity for education in their native language during the primary school years is guaranteed to children who belong to linguistic minority groups, as stated in Article 350(a). There are several Scheduled Tribes that speak a language or dialect that is distinct from the majority of the population, which is why the article that was mentioned earlier is pertinent to them.

## **Political Safeguards**

As stated in Article 164(1), the designated states are obligated to select a minister who will be responsible for overseeing the welfare of tribal communities. This minister may also be responsible for the welfare of Scheduled Castes, Backward Classes, or any other category. According to Article 330, members of the Scheduled Castes and Scheduled Tribes are the only people who are eligible to have seats in the Lok Sabha.

According to Article 243(D), seats in Village Panchayats and Zilla Parishads have been set aside for Scheduled Castes and Scheduled Tribes in direct elections. These seats are allocated in accordance with the populations of the different constituencies. It has also been defined that the reserved seats for Scheduled Castes and Scheduled Tribes shall be distributed in a rotating pattern among various constituencies at each level of the Panchayat. This is something that has been stipulated. According to Article 243-T, there is a seat that is set aside for members of the Scheduled Castes and Scheduled Tribes at each and every level of government. This representation is based on the population of the respective groups. It is estimated that women belonging to Scheduled Castes and Scheduled Tribes will occupy at least one third of these restricted seats.

## **Service Safeguards**

Article 16, which guarantees equal opportunity for all citizens in relation to employment or appointment to any office under the state and forbids discrimination based on religion, race, caste, sex, descent, place of birth, residence, or any combination of these factors, specifies that Parliament has the authority to set aside appointments or posts for any underprivileged group that the state believes is underrepresented in its services. This authority is granted to Parliament by the state. By virtue of this rule, it is guaranteed that individuals belonging to Scheduled Castes and Scheduled Tribes, in addition to other scheduled ethnic groups, are given preference in the process of employment.

The ruling of the Supreme Court is overturned by Article 16(4)(a), which also provides reservation privileges to Scheduled Castes and Scheduled Tribes in the domain of promotion. Additionally, in order to calculate the maximum reservation of fifty percent on the total

number of vacancies in any given year, Article 16(4)(b) has included rules that allow backlog vacancies to be considered a separate category.

During the process of determining the reserve provisions, Article 335 stipulates that administrative efficiency must be taken into consideration. A particular constitutional amendment grants the state the ability to loosen qualifying marks for tests or lower assessment requirements in order to impose reservation in matters of promotion to certain classes of service or posts related to federal or state activities. This authority is granted to the state in order to carry out the purpose of addressing the issue of reservation. In addition to the protections that have already been discussed, which are aimed at both Scheduled Castes and Scheduled Tribes, specific safeguards have been implemented for Scheduled Tribes.

Specifically, the administration and supervision of Social Justice legal instruments areas that are scheduled are specified in the fifth schedule, and Article 244 develops legislation for specific problems that are related to these areas. Certain provisions pertaining to the administration of tribal lands are also included in the sixth schedule. In accordance with the provisions of Article 244(1) of the 5th Schedule to the Constitution, the Governor possesses the right to issue directives that a certain law or notification that has been adopted by Parliament or the Legislative Assembly either does not apply to the Scheduled region or only applies with certain exclusions and modifications. In order to ensure that the state continues to have effective government and tranquility, the Governor is also vested with the authority to set rules for the Scheduled Areas of the state.

The Consolidated Funds of India can be divided up in accordance with Article 275(1) and disbursed as grant-in-aid to each of these areas in order to assist in covering the costs of development and improving the conditions for Scheduled Tribes in the state. Within the 6th Scheduled Area, there is also the possibility of receiving special grants of a similar nature.

The National body for Scheduled Castes and Scheduled Tribes is established by Constitutional Article 338, which also specifies the responsibilities of this body and requires it to report to the President.

### **Act of 1955 to Remove Offenses of Disability Untouchability and Promote Equality**

In accordance with Article 17 of the Constitution, untouchability in any and all of its manifestations was prohibited. The term "untouchability" refers to a collection of socially sanctioned customs that have persisted over time. These customs include restrictions on things such as the ability to worship and conduct religious ceremonies, the ability to share food, public gatherings, the ability to enter temples and other public spaces, and the availability of potable water. Within five years of the adoption of India's constitution, the Untouchability (Offences) Act, 1955 was passed during the legislative session of Parliament. An essential provision of the Act stipulates that the Court is obligated to presume, until it can be demonstrated otherwise, that an offense "is committed in relation to member of Scheduled Caste" was committed on the basis of untouchability if any of the forbidden practices are implicated. This seemed to imply that the burden of proof does not necessarily lie with the prosecution, but rather with the individual who is being accused.

### **Protection of Civil Rights Act, 1955**

After the Committee's suggestions were taken into consideration, this law was renamed "The Protection of Civil Rights Act, 1955" and went through a significant amount of amendments in the year 1976. The new Act became legally obligatory on November 19, 1976, when it was introduced. By making it a cognizable and non-compoundable violation, we improved the provisions of the Report on Prevention of Atrocities against SCs and STs and for things associated therewith. Additionally, we made it a violation that could be identified. The state government has the ability to impose a collective fine on anyone who is discovered committing or supporting an untouchability offense in their region. This Act and the Rules that were developed under it establish a complete system that includes special courts, special prosecution, a period for inquiry, and other protections for victims of such actions. This system is intended to ensure that victims are protected.

### **Preventing Control over Fruits Of Labour**

#### **Bonded Labour System (Abolition), Act 1976**

In bonded labor regimes, individuals are forced to work in conditions similar to those of slaves and are paid excessive interest rates in order to repay a debt that is necessary for their survival and to fulfill some essential and fundamental demands of existence. In order to ensure that the loan is never paid off, creditors take advantage of the debtor's low income, lack of education, and powerlessness. This results in the debtor being forced to labor for free from the very beginning.

The bound Labour System (Abolition) Act, which was passed in 1976, put an end to all of the agreements and obligations, including customary sanctions, that allowed the bound labor system to exist in its many different forms. In addition to prohibiting the formation of any new bondage agreement, the Act released all of these workers from their obligations and refunded any costs that were still outstanding. Another element of the Act that was obligatory was the provision that required the state to provide economic rehabilitation to former bonded laborers. If you are caught engaging in the illegal practice of keeping bonded labor, you will be subject to a fine of Rs. 2,000/- and a prison sentence of three years. The Ministry of Labor is in charge of a program that is supported by the government and is designed to rehabilitate those who were formerly bonded laborers.

#### **The Minimum Wages Act, 1948**

The purpose of this law is to establish committees or subcommittees that are specifically tasked with the responsibility of determining minimum pay rates for a variety of jobs. In addition, the Act establishes the normal workweek, breaks, and overtime pay rates for employees. Also included are the procedures that can be followed in order to put the Act into effect.

#### **Equal Remuneration Act, 1976**

According to the Act, there is to be no discrimination against the wages of women who are performing jobs that are equivalent to or comparable to those performed by men.

#### **Child Labour (Prohibition and Regulation) Act, 1986**

Under certain circumstances, the Act regulates the working conditions of adolescents in certain jobs and prohibits them from working in other jobs. In the event that an individual disobeys its rules, they will be subject to certain severe punishments. In accordance with the Act, a Child Labour Technical Advisory Committee has been established with the purpose of advising the Central Government on the sectors of the economy and the types of jobs that should be prohibited from employing children.

There are a number of statutes that prohibit the use of child labor for reasons related to industrial safety, such as the Children (Pledging of Labour) Act of 1933, the Employment of Children Act of 1938, the Factories Act of 1948, the Plantation Labour Act of 1951, the Mines Act of 1952, the Merchant Shipping Act of 1958, the Motor Transport Workers Act of 1961, the Bidi Cigar Workers (Conditions of Employment) Act of 1966, and the Shops and Commercial Establishment Acts, amongst others.

### **Reducing Economic Asset Inequality Reforms to Land Laws**

Before the country gained its independence, the agricultural system of the country was dominated by a small group of elites who owned an excessive quantity of land and exploited the actual farmers to the fullest extent possible. The Land Reforms Policy was put into effect by the government after the country attained its independence. This policy consisted of five distinct efforts that were designed to avoid the amassing of excessive economic power. In accordance with the idea, the individuals who actually worked the property ought to be the ones who owned it, eliminating the need for intermediaries. In order to provide agricultural laborers who were without land with the opportunity to profit from a vast land redistribution project, surplus land was purchased and a limit was placed on the amount of land that could be owned.

The land holding consolidation program was responsible for establishing agreements within the community in order to facilitate the exchange of smaller plots of land for bigger ones that were more compact within the community. In addition, there was an attempt made to bring land records up to date in order to safeguard the rights and interests of cultivators against the possibility of being manipulated. In order to put this idea into practice, land ownership and other legal frameworks have been reshaped by legislation that has been approved in each of the fifty states.

### **Debt Relief Legislations**

In spite of the fact that it is a problem that affects persons with low incomes in general, SCs and STs are disproportionately affected by debt. Due to the fact that they are poor, they are compelled to take out loans in order to cover unanticipated social expenses and essential demands such as weddings, diseases, and food. As a result, they are trapped in a cycle of debt. a report on the actions taken to prevent the occurrence of genocide against scheduled castes and tribes Because no institutional sources are ready to supply such finance, private money lenders demand interest rates that are far higher than the market average. Borrowers find themselves trapped in a never-ending cycle of debt and bondage because they are unable to repay the money they have borrowed.

### **National Human Rights Commission**



The Human Rights Act of 1993 was enacted with the intention of safeguarding the rights to life, liberty, quality, and dignity that are guaranteed by the constitution or internationally entrenched, in addition to those rights that are enforceable by the courts of India. Under Section 21 of the Act, a State Human Rights Commission is established, and Section 3 of the Act establishes a National Human Rights Commission. Both of these commissions are responsible for protecting human rights. In accordance with clause 3, a National Human Rights Commission has been in operation ever since the 12th of October in 1993. Infractions of human rights are brought to its attention either when individuals contact it or when it makes the decision to do so on its own. It is also responsible for addressing complaints concerning violations of human rights, particularly atrocities committed against SCs. Additionally, the Commission is required to submit a report on an annual basis, which is subsequently presented to both chambers of parliament each year.

### **National Commission for Women**

In 1990, in accordance with Section 3 of the National Commission for Women Act, the National Commission for Women was founded with the purpose of conducting investigations and reviews on all matters concerning the safeguards that are granted to women by the Constitution and other pieces of legislation. The First National Commission was established on the 31st of December, 1992 after it had been established. The cause of justice for all is being pursued. It was possible for women of all castes to seek redress for their complaints by bringing them to the Legal Instruments. In order to accomplish this, it addresses concerns that are unique to women of the SC, such as the physical abuse that they face. In the same manner as other statutory commissions, the commission is obligated to present a report on an annual basis, which is then placed on the table of both houses.

### **Effects of Globalization Policy on Welfare State**

Because of the new economic policy's emphasis on globalization, the challenges that the weaker segment of the population is currently experiencing are made worse. In the following areas of the world, the following features of globalization policy have the most detrimental impact on specific regions:

Globalization is a technique that allows the state to become less involved in the lives of individuals. This is because globalization is a strategy that helps the market. The first area in which the state has retreated is in the government sector, where prospects have been diminished as a result of decreased staffing levels. Due to the fact that the state has implemented work quotas for the most disadvantaged individuals as a means of ensuring justice, this strategy has a disproportionately negative impact on the populations that are the most vulnerable. This is because jobs in the government have begun to decrease at the same time. In the process of filling the hole left by the state, the private sector will expand and have an impact on the lives of individuals in every conceivable way during this time. As a consequence of this, it seemed as though areas such as education and healthcare were affected more severely when the government curtailed spending in an effort to reduce the deficit in the budget. This has a disproportionately negative impact on the most vulnerable groups since the progressive withdrawal of the state from education and healthcare comes as a surprise to them at a time when they have just begun to recognize the need of human

resource development and where they are beginning to make use of these services. Private investment is pouring into the education and healthcare sectors in order to compensate for the state's retreat from such sectors. As a result of private investment in these sectors, there is no question that the quality of service will substantially improve. The problem, on the other hand, is that these services are so prohibitively expensive that the less fortunate members of society are unable to afford such services.

Additionally, we have made significant progress in the realm of social issues. Revolutionary changes that were both subtle and far-reaching were the elimination of caste discrimination and the introduction of full legal equality. Both of these transformations were revolutionary. Despite this, we are disappointed that the most disadvantaged members of society have not been able to reap the benefits of development. Our democracy has been tainted by a number of issues, including but not limited to: poverty, illiteracy, high rates of neonatal and maternal mortality, an unfavorable gender ratio, unemployment, a poor healthcare system, prejudices based on caste, gender, and religion, and cases of farmer suicides. The fact that we are unable to offer a decent standard of living for our enormous labor force continues to be a major source of concern.

Despite the fact that India is home to about forty percent of the world's impoverished population, our economy has grown at a rate of approximately seven percent per year, and the number of billionaires is on the rise. The fact that we have completed 10 Five Year initiatives and implemented a large number of developmental initiatives does not change the fact that about one third of our population lives in poverty. As of right now, almost twenty percent of our population does not have access to sufficient medical treatment. The percentage of people in our population who are unable to read or write is almost one-third, making us the country with the largest concentration of illiterates in the world. In a country where the distribution of resources is so unequal, there is no way to guarantee that the country will be safe and prosperous for the long term.

Another significant problem that has to be addressed is the way in which our nation's justice system operates. India's legal system is built on strong institutional foundations, and it incorporates all of the fundamental democratic concepts, including neutrality, secularism, and equality before the law. Due to the fact that certain branches of our Constitution are striving to invade on the territories of other branches, which results in distortions, it is unfortunate that certain democratic values are in conflict with the real operation of our justice delivery system.

## **CONCLUSION**

They are said to be in a vulnerable position when they are weak sections. Throughout history, people who belonged to the Panchama varna caste were not given appropriate consideration. They had no other choice than to seek refuge and shelter on the edges of communities. No specialization is being considered for them at this time. During the time that Christians first arrived in Britain, there has been a certain amount of change in the status of missionaries. Jhotibha Phule and Ambedkar's initiatives have made some headway, which is a positive development. Because to the adoption of the Constitution of India, the lives of those who are less fortunate have seen significant transformations during this time. The third and fourth

parts of this document have provided these individuals with social equality, economic fairness, and political justice in order to facilitate their development. Despite the fact that it has not been completely successful, the reservation policy has been beneficial for the development of sectors that are economically less developed. Crimes committed against marginalized communities are subject to investigation and prosecution by the SC and ST Commission, which is vested with the jurisdiction to do so. In a same manner, the National Commission for Women monitors the crimes that are committed against women, particularly those committed against women who come from marginalized populations. In a similar vein, labor is protected by a variety of legislation; nevertheless, the application of these laws has become more lax as a result of the emergence of globalization. All of their efforts are dismal when it comes to the preparation of less fortunate areas of the structure. Human awareness of equality is the single most critical factor in determining whether or not a civilization will continue to exist.

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