

Vol 5 Issue 9 June 2016

ISSN No : 2249-894X

---

*Monthly Multidisciplinary  
Research Journal*

*Review Of  
Research Journal*

Chief Editors

---

**Ashok Yakkaldevi**  
A R Burla College, India

**Ecaterina Patrascu**  
Spiru Haret University, Bucharest

**Kamani Perera**  
Regional Centre For Strategic Studies,  
Sri Lanka

Review Of Research Journal is a multidisciplinary research journal, published monthly in English, Hindi & Marathi Language. All research papers submitted to the journal will be double - blind peer reviewed referred by members of the editorial Board readers will include investigator in universities, research institutes government and industry with research interest in the general subjects.

## Regional Editor

Manichander Thammishetty

Ph.d Research Scholar, Faculty of Education IASE, Osmania University, Hyderabad.

## Advisory Board

Kamani Perera Regional Centre For Strategic Studies, Sri Lanka	Delia Serbescu Spiru Haret University, Bucharest, Romania	Mabel Miao Center for China and Globalization, China
Ecaterina Patrascu Spiru Haret University, Bucharest	Xiaohua Yang University of San Francisco, San Francisco	Ruth Wolf University Walla, Israel
Fabricio Moraes de Almeida Federal University of Rondonia, Brazil	Karina Xavier Massachusetts Institute of Technology (MIT), USA	Jie Hao University of Sydney, Australia
Anna Maria Constantinovici AL. I. Cuza University, Romania	May Hongmei Gao Kennesaw State University, USA	Pei-Shan Kao Andrea University of Essex, United Kingdom
Romona Mihaila Spiru Haret University, Romania	Marc Fetscherin Rollins College, USA	Loredana Bosca Spiru Haret University, Romania
	Liu Chen Beijing Foreign Studies University, China	Ilie Pinte Spiru Haret University, Romania
Mahdi Moharrampour Islamic Azad University buinzahra Branch, Qazvin, Iran	Nimita Khanna Director, Isara Institute of Management, New Delhi	Govind P. Shinde Bharati Vidyapeeth School of Distance Education Center, Navi Mumbai
Titus Pop PhD, Partium Christian University, Oradea, Romania	Salve R. N. Department of Sociology, Shivaji University, Kolhapur	Sonal Singh Vikram University, Ujjain
J. K. VIJAYAKUMAR King Abdullah University of Science & Technology, Saudi Arabia.	P. Malyadri Government Degree College, Tandur, A.P.	Jayashree Patil-Dake MBA Department of Badruka College Commerce and Arts Post Graduate Centre (BCCAPGC), Kachiguda, Hyderabad
George - Calin SERITAN Postdoctoral Researcher Faculty of Philosophy and Socio-Political Sciences Al. I. Cuza University, Iasi	S. D. Sindkhedkar PSGVP Mandal's Arts, Science and Commerce College, Shahada [ M.S. ]	Maj. Dr. S. Bakhtiar Choudhary Director, Hyderabad AP India.
REZA KAFIPOUR Shiraz University of Medical Sciences Shiraz, Iran	Anurag Misra DBS College, Kanpur	AR. SARAVANAKUMARALAGAPPA UNIVERSITY, KARAIKUDI, TN
Rajendra Shendge Director, B.C.U.D. Solapur University, Solapur	C. D. Balaji Panimalar Engineering College, Chennai	V.MAHALAKSHMI Dean, Panimalar Engineering College
	Bhavana vivek patole PhD, Elphinstone college mumbai-32	S.KANNAN Ph.D , Annamalai University
	Awadhesh Kumar Shirotriya Secretary, Play India Play (Trust), Meerut (U.P.)	Kanwar Dinesh Singh Dept.English, Government Postgraduate College , solan

More.....

# Review Of Research



## HUMAN RIGHTS OF WEAKER SECTIONS: PROVISIONS UNDER THE INDIAN CONSTITUTION



**Kashinath Noolkar**

Lecturer in Political Science , Dr. Ambedkar College of Arts, Commerce  
and P.G. Centre , Kalaburagi , Karnataka.



### ABSTRACT

**H**uman rights are basic or fundamental rights, which emphasize the living life without any disturbance or discrimination and getting social equal participation. Though, the United Nations become active on human rights at the end of twentieth century, the protection of human rights was old one in India. At the early Indian history, Gautam Buddha remarked on social equality irrespective of any kinds of discrimination, which is basic principle under human rights. Later, in 12th Century, Shivasharanas were emphasized human rights in Karnataka. Many of the social reformers such as Ishwar Chandra Vidyasagar, Raja Ram Mohan Roy, etc were also profounder of human rights.

Great contribution to protect human rights was made by Dr. B.R. Ambedkar by incorporating different provisions in the Indian Constitution. The constitutional law assured protection of weaker sections through different provisions. The paper described different provisions of the Indian Constitution which protect the human rights of weaker sections.

**KEYWORDS** :fundamental rights , Indian history , Human Rights , Indian Constitution.

### INTRODUCTION

Universal Declaration of Human Rights promotes equality of men and women. All rights and freedoms are available to men as well as women without any discrimination. 1975 was observed as International Women's Year. Elimination of All Forms of Discrimination against Women 1979 is masterpiece which promotes the interest of women. International Bill of Rights for women came into force in 1982. As on November 18, 2009, the Convention had 187 States Parties. State parties are required to take steps to eliminate discrimination against women in various fields like education, employment, health care, economic and social life, rural women and marriage and family relations.

---

## HUMAN RIGHTS MOVEMENT: HISTORICAL BACKGROUND

In India, human rights were emphasized by Shivasharanas under the leadership of Basaveshwar. Shivasharanas were realized the significance of gender equality, elimination of caste based discrimination, mutual respect, social equality, etc. As such, at Anubhava Mantapa, people of all castes and gender were participated in the discussions. Later, Raja Ram Mohan Roy, Ishwar Chandra Vidya Sagar and Sri Narayan Guru were started human rights movements in the 19th century. The first human rights group in the country – the Civil Liberties Union – was formed by Jawaharlal Nehru and some of his colleagues in the early 1930s with the specific objective of providing legal aid to nationalists accused of sedition against the colonial authorities. A noteworthy effort to assure human rights of every individual in India was made by Dr. B.R. Ambedkar as he included different provisions in the Constitution, which highlighted protection of human rights of people of all castes, gender and religion.

Later after 1960s few of the associations such as, Association for the Protection of Democratic Rights (APDR) in West Bengal, the Andhra Pradesh Civil Liberties Committee (APCLC) and somewhat later, the Association for Democratic Rights (AFDR) in Punjab. In 1975, Jayaprakash Narayan launched a major agitation against the growing authoritarianism of Mrs. Gandhi that a large number of prominent liberals and humanists came together with radicals in 1975 to form the first national human rights organization, the People's Union for Civil Liberties and Democratic Rights (PUCLDR). It was in October 1980, after the fall of the Janata government and the return of Mrs. Gandhi to power, that a major National Convention took place in Delhi which led to the split of the PUCLDR into two organizations – a Delhi based PUCL and a national PUCL. Today, there are many organizations and associations to raise their voice against the violations of human rights<sup>1</sup>.

There have been five major activities taken up by these organizations: 1) fact-finding missions and investigations, 2) public interest litigation, 3) citizen awareness programmes (including the publication of perspective statements on specific issues) 4) campaigns and 5) the production of supportive literature for independent movements and organizations. In periods of major crisis they have also thrown their weight with independent action groups and mass movements in providing relief and rehabilitation and carrying out lobbying on behalf of the oppressed and the victimized. This collaboration was clearly evident following the carnage of the Sikhs in November 1984 and the Bhopal disaster a month later<sup>2</sup>.

These groups have successfully raised three kinds of issues: 1) direct or indirect violations by the state (police lawlessness, including torture and murders of opponents through fake "encounters," repressive legislation, political manipulation and terror by mafia groups, etc.), 2) denial in practice of legally stipulated rights as well as the inability of government institutions to perform their functions and 3) structural constraints which restrict realization of rights, e.g., violence in the family, landlord's private armies, the continuing colonization of tribals, etc.

There have been significant achievements in mitigating some of the complex sources of oppression. Bonded laborers have been freed and rehabilitated, major judgments by the more sensitive individuals in the judiciary have opened up new avenues for the realization of justice, and corrupt public officials and policemen have been prosecuted. But above all, these groups have kept the democratic movement alive among a section of the urban middle class, as well as helped protect and, to an extent, expand the spaces for independent political action. They have thus made a definite contribution in widening, even if marginally, the base of democratic consciousness in the country.

The Constitution of India enshrines human rights in the form of enforceable fundamental rights. The Constitutional provisions relating to fundamental rights enshrined in Chapter-III of the Constitution resembles with the contents of the Universal Declaration of Human Rights in many ways.

Chief Justice Patanjali Shastri referred to the fundamental rights as inherent natural rights guaranteed to the citizens of a free nation<sup>3</sup>. The Constitution of India for fundamental rights and Directive Principles, in Chapter III and Chapter IV respectively, so as to bring in peace and happiness among the citizens. Some of the fundamental rights as enshrined in the Constitution of India are:

- a) Equality before Law,
- b) Prohibition of discrimination on the grounds of religion, race, caste, sex or place of birth,
- c) Equality of opportunity in matters of public employment,
- d) Abolition of untouchability,
- e) Freedom of speech and expression,
- f) Protection of life and personal liberty,
- g) Right against exploitation,
- h) Right to freedom religion,
- i) Cultural and educational rights, and
- j) Right to constitutional remedies.

Apart from the provisions of the Indian Constitution, the Indian government has set up several special institutions under different Acts of Parliament, to give effect to the constitutional provisions of human right of all persons including those of the disadvantaged and weaker sections of the society. These are the National Human Rights Commission (NHRC), The National Commission for Women (NCW), The National Commission for Backward Classes etc. In India, it was late in 1993, National Human Rights Commission (NHRC) was established. Nearly 16 states have also set up state Human Rights Commission. Till 1970s, there was no case of human rights violations that have been lodged. Since 1993, the cases include human rights violations due to communal violence, caste conflicts, female foeticide, dowry deaths, domestic violence and attacks on media. Though NHRC has got only investigating role, but had no power to punish the culprits. For Indian women violence takes the form of foeticide, infanticide, dowry related murders, battering among others. What escalates violence is the widespread sanction for violence against women. Through such sanctions women are controlled and subjugated.

The efforts and policies of United Nations and the provisions of Indian Constitution that protect the human rights of weaker sections such as women, old aged, children, etc are discussed as under.

### HUMAN RIGHTS OF WOMEN:

The Constitution of India not only grants equality to women but also empowers the State to adopt measures of positive discrimination in favour of women for neutralizing the cumulative socio-economic, education and political disadvantages faced by them. Fundamental rights, among others, ensure equality before the law and equal protection or prohibits discrimination against any citizen on grounds of religion, race, caste, sex or place of birth and guarantee equality of opportunity to all citizens in matters relating to employment. Articles 14, 15, 15(3), 16, 39(b), 39(c) and 42 of the Constitution assured human rights of women in India.

### HUMAN RIGHTS OF CHILD:

Following Geneva Declaration 1924, Declaration on Right of Child, Convention on the rights of child, world summit for children emphasized the human rights of child. United Nations International Children's Emergency Fund 1946 established to assist the Government in developing countries. The



year 1979 was observed as International Year of Child. The Indian Constitution has assured and protected human rights of all children under different provisions, such as Article 14, Article-15 & 15(3), Article 16, Article 21(a) Article-23, Article-24, Article 39(e), Article-39(f) and Article-45.

### **HUMAN RIGHTS OF PHYSICALLY CHALLENGED:**

To improve and develop conditions of physically challenged persons, the UN General Assembly has adopted following two Declarations and one Convention (1) The Declaration on the Rights of Mentally Retarded Persons, 1971 (2) The Declaration on the Rights of Disabled Persons, 1975 (3) The Convention on the Rights of Disabled Person. The Convention has laid down a number of rights to be provided to the physically challenged, such as right to life, equal recognition before law, access to justice, liberty and security of persons, freedom from torture or cruel, inhuman or degrading treatment or punishment, freedom from exploitation, violence and abuse, liberty of movement and nationality, freedom of expression and opinion and access to information, respect for privacy, etc. Based on these international rights, the Government of India and State Governments passed legislations to protect the rights of disabled and executed many of the welfare schemes for the disabled population in India.

### **HUMAN RIGHTS OF ELDERLY:**

The question of old age rights was for the first time raised in the UN General Assembly in 1948 by Argentina when it submitted a draft Declaration of old age rights<sup>4</sup>. The General Assembly on December 16, 1991 by a resolution adopted a set of 18 principles for Older Persons. These principles were related to the independence, participation, care self-fulfillment and the dignity of the older persons. The Second World Assembly on Ageing was held in Madrid in April 2002. It adopted the International Plan of Action and a political Declaration which stressed the crucial importance of incorporating ageing issues into all developmental plans. In the plan of action, three priorities were laid down for older persons, i.e., older persons and development, advancing health and well being into old age and enabling the supportive environments<sup>5</sup>.

### **HUMAN RIGHTS OF MINORITIES:**

The UN General Assembly on December 18, 1992 adopted the Declaration on the Rights of Persons belonging to National or Ethnic, Religious or Linguistic Minorities. The Declaration proclaimed that promoting and protecting the rights of such minorities contribute to the political and social stability of States in which they live. Cultural and Educational Rights of Minorities are also mentioned in Articles-29 and 30 of the Indian Constitution<sup>6</sup>.

There are also other provisions which assured human rights of tribes, indigenous people, refugees, migrant workers, etc., who are rare groups, but are also weaker sections. To protect their human rights also, the Government of India has passed legislations and formulated social welfare schemes.

### **CONCLUDING REMARKS:**

In the twentieth century, human rights of different groups of people are identified by international level organizations. But in India, Goutam Buddha, Basaveshwar, Dr. B.R. Ambedkar, Mahatma Phule, Raja Ram Mohan Roy, etc were emphasized for equal rights of weaker sections such as women and children. The credit of protecting human rights through legislations goes to Dr. B.R. Ambedkar, who was Architect of the Indian Constitution. Dr. Ambedkar emphasized for equality of people of all communities, tribes, religion and gender and in this way, he was true reformer in

protecting human rights of weaker sections.

The UN, through its different sections and agencies, making efforts to protect the human rights of weaker sections at the international level and Indian Constitution along with efforts of the Government at the national level, still there is violation of human rights of weaker sections at different parts of country. There are frequent incidents of communal clashes, gender based violence, humiliation of weak social groups, exploitation of women and children, etc in India. Hence, it is essential to increase awareness among people regarding human rights and strict protection of human rights through legislations is essential to protect weaker sections and maintain social equality.

### REFERENCES:

- 1.Kothari, Smitu (1989): The Human Rights Movement in India. IN: Human Rights and Development. Edited by David Forsythe, et al. New York: Macmillan, 1989.
- 2.Ibid.
- 3.Anirudh Prasad (2011): Outlines of Legal Language in India. Allahabad: Central Law Publications, 2011. P. 407-408.
- 4.Chandra, U (2010): Human Rights. Allahabad: Allahabad Law Agency Publications, 2010, p. 328.
- 5.Agarwal, HO (2010): International Law and Human Rights. Allahabad: Allahabad Law Publications, 17th Edition, 2010, p. 863.
- 6.Phad Madhukar Nagnath (2015): Human Rights of Vulnerable Groups. Orient Journal of Law and Social Sciences. Vol. 9. No. 11. October 2015. P. 37.

# Publish Research Article

## International Level Multidisciplinary Research Journal

### For All Subjects

Dear Sir/Mam,

We invite unpublished Research Paper, Summary of Research Project, Theses, Books and Books Review for publication, you will be pleased to know that our journals are

## Associated and Indexed, India

- ★ Directory Of Research Journal Indexing
- ★ International Scientific Journal Consortium Scientific
- ★ OPEN J-GATE

## Associated and Indexed, USA

- DOAJ
- EBSCO
- Crossref DOI
- Index Copernicus
- Publication Index
- Academic Journal Database
- Contemporary Research Index
- Academic Paper Database
- Digital Journals Database
- Current Index to Scholarly Journals
- Elite Scientific Journal Archive
- Directory Of Academic Resources
- Scholar Journal Index
- Recent Science Index
- Scientific Resources Database

Review Of Research Journal  
258/34 Raviwar Peth Solapur-413005, Maharashtra  
Contact-9595359435  
E-Mail-ayisrj@yahoo.in/ayisrj2011@gmail.com  
Website : [www.ror.isrj.org](http://www.ror.isrj.org)