
Research Papers



CONSTITUTIONAL PROVISIONS AND SAFEGUARDS OF THE WEAKER SECTIONS TO EMPOWER

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ABSTRACT :

Contemporary context, empowerment of weaker sections has become a buzzword for political leaders, policy makers, academicians, social activists, etc. It has been regarded as (in structural sense) a viable alternative to Weberian model of nation building that rationalizes the bureaucratic system of procedures in order to deliver good to the society (R.B.S.Verma, 2006). Empowerment of weaker sections establishes its credentials by enabling the local people to participate in the decision making process at grassroots level. The strategy of United Nation favoring an equitable distribution of income and wealth for promotion of social justice and efficiency of productive systems proved good to understand and promote empowerment of weaker sections. As many development theorists argued, greater equality in the distribution of income and wealth required expansion of facilities for education, health, nutrition, housing and the safeguard of human environment and habitat.

KEYWORDS: *political leaders, policy makers, academicians, social activists.*

INTRODUCTION:

This argument essentially advances the importance of empowerment of the weaker sections to capture the socio-economic and political cleavages through qualitative and structural changes in the society.

In the process of establishment of real democratic society and the state, it has become necessary to create conditions favorable to social justice, and specifically the elimination of poverty.

The ultimate end of such process of elimination of poverty was to empower the people with the help of change in the power structure and granting powers to those who are socially, politically weak. The relevance of empowerment of the Weaker Sections was supported by the belief that granting powers to those who are weaker accentuates democratization and development of all sections of the population. It was felt that, empowerment as per the demographic composition of the society could only be attained through special measures and provisions intended to grant substantial socio-political space to the weaker and vulnerable sections of the society.

Weaker section entails sincere pursuits for perspective cognition and analysis of the composite process of how identity formation, concentration of these groups for the demolition of the structures of the subordination imposed on them and finally sharing of power with this powerless lot. Empowerment of weaker sections thus involves not only the process of creation of political space denied earlier for these groups by the state and civil society but also a process of liberation from manmade bondage through sustained efforts and their furtherance. Empowerment

represents the hope and dreams of the Weaker Sections for a social environment free of inequalities disfavoring them socially, economically and politically. The relentless effort of the grass root organizations and people for the fulfillment of these hopes and dreams have helped evolve a body of practice of empowerment.

Empowerment of the weaker sections includes empowerment i.e. educational, economical, social, political and cultural empowerment. The constitution of India directs the Governments, (Central & State) to take positive action to uplift the social, economic and educational status of the weaker sections and to provide social, economic and political justice to the weaker sections of the society so that they are empowered. Several constitutional provision e.g. Fundamental Rights, Directive Principles and part XVI are concerned with the empowerment of weaker sections. Under these constitutional provisions, weaker section means Scheduled Caste, Scheduled Tribe, socially and Economically Backward classes (SEBCs) and other Backward Classes (OBCs) and women and children.

Basic reality of the India now is that, more than one fifth of its population 200 million people do not have access to safe drinking water, nearly half of the population 400 million are illiterate, nearly two third of population 600 million people lack basic sanitation, nearly forty per cent(70 million) people live in dire poverty. And yet a large majority of the country are away to the power structure and do not have the general political benefits that have been ordinarily available to the citizens of an independent, secular and democratic state.

The facts essentially puts forth a feeling that majority of the people are placed in comparatively unfavorable position in terms of assets, access to knowledge, possession of reasonable wage or employment and participation in democratic decision making process. There can be no denial that if India has to develop, the development has to empower the weaker sections through developmental schemes plans and suitable strategies to yield the desired results, ultimately aiming and leading to the empowerment of weaker sections.

Indian Republic offered constitutional provisions such as justice, liberty, equality and fraternity as its basic tenets for upliftment or empowerment of weaker sections. Principles enshrined in the constitution led to enactment of numerous legislations to control and prevent social evils that are responsible for societal disparities. It is generally accepted that the dominant paradigm of development that emphasizes profit and power rather than people and their needs is systematically dislodging vulnerable groups along the dimension of caste, class, ethnicity, gender and abilities from access to resources. In the process of development, marginalized lot i.e. the weaker sections are deprived much of their basic needs such as survival and health, livelihood, housing, education and environmental resources which are basic rights necessary for human development. The Structural Adjustment Programme (SAP), which began in 1980, has left many millions of people struggling for livelihood and living with dignity. Hence the argument and understanding is made and justified to make special attempts, particularly make academic attempts to the already existing ideas on empowerment of weaker sections. Hence there is a wide agreement that, empowerment refers to helping the poor to help themselves and removing social, economic, cultural and psychological barriers to transform them from being 'Passive recipients of government programmes' to 'active participants' and become managers of their own efforts.

Empowerment concept places excessive emphasis on formal institutional agreements. It requires full participation of the people in formulation, execution, and evaluation of decisions determining, functioning and well being of the society. Empowerment also means organizing weaker section into formal groups, associations, trade unions, co-operatives, organizations, etc to exert collective pressure and effectively participate in the decision making process with the ultimate objective of building foundation of individuals and collective self reliance. Empowerment of weaker sections i.e. SC, ST and OBCs include overall empowerment viz. educational, economic, social, political and cultural empowerment. A modest, but relevant attempt is made here to present some of the manifestations envisaged in the preamble of the constitution which are discussed in the following paragraphs.

Government of India has tried to reorient its policies and programmes to provide social justice and empowerment to the socially backward and disadvantageous sections (Weaker Sections) of the society. Ministry of welfare of the central government is responsible for social and economic upliftment of the SC, ST and OBCs, has itself been renamed as Ministry of Social Justice and Empowerment. The work relating to the development of Scheduled Tribes has been taken over by the newly created Ministry of Tribal Affairs. The above task is initiated because of the constitutional provisions available in the constitution few of them are mentioned below:

- (i) Equality before law (Art. 14)
- (ii) Equality of opportunity in public employment (Art. 16)
- (iii) The state to strive to minimize inequalities in income, endeavor to eliminate inequalities in status, facilities and opportunities not only amongst the individuals but also amongst the groups of people residing in different areas or engaged in different vocations (Art. 38)
- (iv) Articles 39 direct the policy towards ensuring men and women, equally have the right to an adequate means of livelihood. It also directs a policy to have ownership and control material resources of society are as distributed as best to sub serve the common good. Art. 46 promote educational and economic interests of the weaker sections of society, particularly of SCs / STs.

Basic responsibility of bringing about change in the lot of weaker sections, indeed society as a whole lies with the government. The civil society at large even cannot evade its responsibility of promoting of polity, which will uphold the objectives and mandates of the constitution, support public good in accordance with the ideals of Equality, Liberty and Fraternity, Justice, Dignity of individuals.

EMPOWERMENT OF EDUCATIONAL AND ECONOMIC:

It is to be noted that the Fundamental Rights provided under Article 15 (3), 16 (4), 16(4A), 16(4B), and 21A are directly and indirectly concerned with educational and economic empowerment. Reservation of certain posts exclusively for women is valid under Article 15 (3) as it permits the State to make special legislation to protect Women and Children. Special provision and recognition to the Backward classes, Scheduled castes and Scheduled Tribes are provided under Article 15(4) and Article 16(4) empower the state to make special provisions for the reservation of appointment of posts in favour of any Backward Class of citizens of the State. This Article expressly permits reservation of posts in favour of backward classes and weaker sections Article 16 (4 B) authorizes the State to consider the unfilled reserved vacancies as a separate class which shall not be considered together with the vacancies of the year in which they are being filled up to determine the ceiling of 50 percent of the total vacancies of that year.

The above are the some of the provisions made to empower the weaker sections with particular regard to educational and economic empowerment, since education and employment are the indices of empowerments.

EMPOWERMENT OF SOCIAL AND ECONOMIC:

Articles 25 gives a constitutional guarantee and empower the States to legislate on matters of social welfare and reform; Article 38 ensures that the function of Republic is to secure not only legal Justice but social, economic, and political Justice as well. Article 38(2) enables the state to have a national policy on wages and eliminate inequalities in various spheres and values of life. Article 46 provides for promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other Weaker Sections.

EMPOWERMENT OF CULTURAL AND EMPOWERMENT:

Articles 21, 29 and 48A are concerned with cultural as well as social empowerment. The STs are those backward sections of Indian society, who shall practice their peculiar and distinct cultural ways. The Tribals remain weak because of the fact that they live in inaccessible forests and hilly regions and are out of the main stream, currents of social life.

The movement of the people from the developed areas to the Tribal areas may be restricted so that the outsiders do not exploit the tribal people. Laws therefore, have been enacted prohibiting entry of the non-tribals into tribal tracks without proper permits, living of non-tribals permanently in the tribal habitats and transfer of land, held and enjoyed generations together by tribals to non-tribal people. Extended Article 21 includes right to live with privacy, right to live with human dignity, right to live in clean and clear (healthy environment) etc.

POLITICAL EMPOWERMENT:

Constitutional provisions under Articles 164(1), 330, 332, 335, 338, 338A, 339, and 340 are directly concerned with representation of the Scheduled castes, Scheduled Tribes in Parliament and Assemblies. Article 330 and 332 provides political reservation of seats in Parliament and Assembly for SCs & STs, without derailment of right guaranteed under Article 14. If the constitutionally provided guaranteed Articles are implemented in spirit and reality the empowerment of Weaker Sections would become easier. The plans, schemes meant for the amelioration of the weaker sections are executed the objective of realizing the empowerment of weaker sections may not be a dream but it would actually be a reality.

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