




## Research Article

# An Analysis of Indian Constitutional Provisions Effects on Upliftment and Empowerment of Weaker Section in India

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Abstract	Manuscript Information
<p>This study aims to examine the impact of the Indian Constitution's provisions on the upliftment and empowerment of the weaker sections of society in our country. It seeks to promote socio-political justice for these communities in India. The findings of this research are expected to contribute to improving the lives of marginalized groups. The study emphasizes that a true welfare state is one that actively looks after the well-being of all its citizens. It argues that economic growth should not result in the concentration of wealth among a select few but should serve the common good. This paper explores how the Indian Constitution has firmly committed to ensuring justice social, economic, and political as well as liberty of thought, expression, belief, faith, and worship; equality of status and opportunity; and the promotion of individual dignity and national unity, particularly for the weaker sections of the population. It highlights how the Constitution has balanced seemingly divergent ideals, such as individual liberty and socio-economic justice, through provisions specifically designed to empower the marginalized.</p>	<ul style="list-style-type: none"> <li>▪ <b>ISSN No:</b> 2583-7397</li> <li>▪ <b>Received:</b> 16-01-2025</li> <li>▪ <b>Accepted:</b> 21-02-2025</li> <li>▪ <b>Published:</b> 27-02-2025</li> <li>▪ <b>IJCRM:</b>4(1); 2025: 207-211</li> <li>▪ <b>©2025, All Rights Reserved</b></li> <li>▪ <b>Plagiarism Checked:</b> Yes</li> <li>▪ <b>Peer Review Process:</b> Yes</li> </ul>
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**KEYWORDS:** Historical Background, Constitution of India, Social Justice, and Protection of Weaker Section.

## 1. INTRODUCTION

The Indian Constitution addresses nearly every aspect of life, aiming to ensure social, educational, economic, and political equality for all citizens. While the Constitution aspires to provide impartial treatment and equal opportunities, a significant section of the population continues to lag behind the more advanced segments of society. It guarantees all citizens justice - social, economic, and political; liberty of thought, expression, belief, faith, and worship; equality of status and opportunity; and seeks to promote fraternity while ensuring the dignity of the individual and the unity of the nation, with particular emphasis on uplifting the weaker sections. However, the implementation of the reservation system has sparked ongoing debate. The current framework benefits individuals from certain constitutionally recognized castes, sometimes regardless of their present social or educational advancement. This has led to concerns that individuals from non-reserved or so-called forward, castes may face disadvantages, even when they may demonstrate higher merit in certain contexts. These complexities raise important questions about how best to achieve genuine equality while preserving the spirit of justice envisioned by the Constitution.

### Objectives of the Study

1. To examine the various constitutional provisions related to rights that promote social justice for the weaker sections of society in India.
2. To study the Indian Constitution's specific provisions aimed at protecting the weaker sections of the population.
3. To analyze the major safeguards provided for the upliftment and protection of weaker sections in India.

## METHODOLOGY

This study is primarily based on secondary sources of information, which have been gathered from books, published and unpublished theses, reputable journals, articles, government publications, internet sources, and newspapers.

### History of Constitution of India

The Constitution of India is the supreme law of the country and is renowned worldwide for its comprehensiveness and depth. It lays down the framework that defines the fundamental political principles, structure, procedures, powers, and responsibilities of various government institutions. It also enshrines the fundamental rights, directive principles of state policy, and the duties of citizens. Notably, it is the longest written constitution of any country in the world. Dr. B.R. Ambedkar, widely regarded as the chief architect of the Indian Constitution, served as the chairman of the drafting committee. The Constitution was adopted on November 26, 1949. While some provisions came into effect immediately, the remaining provisions were enacted on January 26, 1950, a date now celebrated annually as Republic Day and officially recognized as the Constitution's commencement date.

### 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 made 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 acknowledges the deep-rooted social issue posed by the historical treatment of a large segment of the population as untouchables. To address this, several constitutional provisions aim to eliminate discrimination and promote social justice. Article 15(1) prohibits discrimination on the grounds of religion, race, caste, sex, or place of birth. However, it permits the state to make special provisions for the advancement of women, children, and socially and educationally backward classes, including the Scheduled Castes (SCs) and Scheduled Tribes (STs). Similarly, while Article 16(1) upholds the principle of equality of opportunity in public employment, Article 16(4) provides an exception. It empowers the state to make provisions for the reservation of appointments or posts in favor of any backward class of citizens that, in the state's opinion,

is not adequately represented in public services. Article 17 explicitly abolishes untouchability and forbids its practice in any form. It also makes the enforcement of untouchability a punishable offense under the law. Collectively, these constitutional provisions aim to promote socio-economic justice and help build a more inclusive and equitable society.

### Constitutional Provisions and Their Impact on the Protection of Weaker Sections

The Constitution of India contains several provisions specifically aimed at safeguarding the rights and ensuring the welfare of weaker sections of society, including Scheduled Castes (SCs), Scheduled Tribes (STs), Other Backward Classes (OBCs),

minorities, women, and children. These provisions address social, economic, educational, and political inequalities, and aim to empower marginalized communities through affirmative action and legal protections. Key articles such as Articles 15, 16, 17, 46, and others form the foundation of these efforts. Their impact is seen in improved access to education, representation in public employment and governance, legal protection from discrimination, and the overall promotion of equality and justice. 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

Articles	Descriptions
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.
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.
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.
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"> <li>In the country, both men and women are treated equally and provided with satisfactory employment opportunities.</li> <li>To serve the group's benefit, the material assets should be controlled and managed by the proprietorship.</li> <li>The financial system should not concentrate wealth and means of production to the detriment of the general public.</li> <li>There should be equal pay for men and women doing the same work.</li> <li>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.</li> </ul> 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.
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 recognizes the term "Scheduled Tribes" and provides for their special treatment, while Article 342 empowers the President to specify the tribes or tribal communities deemed as Scheduled Tribes. In addition to these, several constitutional provisions address broader social protections. Articles 17, 23, 24, and 25(2)(b) are particularly significant in this context. Article 17 abolishes untouchability and prohibits its practice in any form, declaring it a punishable offense under the law. Two major legislative measures have been enacted to enforce this provision: The Protection of Civil Rights Act, 1955, which aims to penalize the preaching and practice of untouchability, and to address the resulting disabilities and associated issues. Article 24 protects children by prohibiting their employment in factories, mines, or any other hazardous occupations, ensuring that no child below the age of 14 is subjected to such labor. To strengthen this constitutional

safeguard, both central and state laws have been enacted. The principal central legislation in this area is The Child Labour (Prohibition and Regulation) Act, 1986, which prohibits child labor in specified hazardous sectors and regulates conditions of work in others. Collectively, these constitutional and legal provisions form a robust framework for the protection and upliftment of weaker sections in Indian society, especially Scheduled Tribes, children, and those affected by caste-based discrimination.

**Major Safeguards to Weaker Section:** This section discusses the significant measures implemented to protect and empower underprivileged groups in the country. In recent times, the protection and empowerment of weaker sections have become prominent topics of discussion among political leaders, policymakers, academics, social activists, and others.

Strengthening these marginalized communities can enhance their capacity and credibility, especially by encouraging local participation in decision-making processes at the grassroots level—an aspect that is briefly explored here.

- **Economic Safeguards:** The Indian Constitution includes provisions in Articles 23, 24, and 46 aimed at protecting the economic interests of Scheduled Castes (SCs) and Scheduled Tribes (STs). Article 46 specifically directs the State to promote the educational and economic interests of the weaker sections of society, particularly SCs and STs, and to protect them from social injustice and all forms of exploitation. This constitutional mandate has led to the implementation of various special development programs designed to enhance educational opportunities and economic empowerment for 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.

## CONCLUSION

This study has determined that constitutional provisions exist to safeguard and promote the interests of the weaker sections of society. In accordance with the Directive Principles of State Policy, social justice has been a key objective of development. Over the past six decades, numerous programs have been launched to improve the socio-economic status of Scheduled Castes and Scheduled Tribes. The vulnerability of the weaker sections is closely tied to their circumstances. The term “weaker sections” generally refers to segments of the population that are socially, economically, politically, and educationally disadvantaged compared to others. Due to this backwardness, they face various forms of deprivation and disabilities. A democratic ideal of justice must be grounded in the principles of equality, liberty, and governance by the people. However, giving these concepts precise and uniform content remains challenging. While democracy is based on the ideal of equality, no democratic state has seriously pursued absolute equality for all. This paper focuses on the Indian constitutional provisions for protecting the weaker sections in both rural and urban areas. The Constitution of India offers comprehensive safeguards for these groups, including economic safeguards, educational and cultural safeguards, social and economic empowerment, political sfeguards, and social safeguards.

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