

CONSTITUTIONAL PROVISIONS FOR UNPRIVILEGED SECTIONS OF SOCIETY

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ABSTRACT

Due to constitutional supremacy, disadvantaged groups including women, scheduled castes, and scheduled tribes now have equal legal access to economic justice, healthcare, and education. But, despite the constitution, these underprivileged groups have endured a century of discrimination, harassment, and abuse both at work and at home. This paper provides awareness about constitutional provisions for unprivileged sections of society like scheduled castes, scheduled tribes, women, other backward classes.

Keywords: SCs, STs, OBCs, Women, Constitutional Provisions

1. INTRODUCTION

Schedule Castes appear to be one of the poorest, most marginalised, and downtrodden groups in society. They were often treated as slaves, outcasts, or untouchables in the past. In comparison to other socio-economic groups, their level of education, health, wealth, and social status remain poor (chauhan,1975). The term "schedule caste" was first used in the 1935 (Government of India Act). Borooah (2005) found that at least one-third of the average income generation disparity between upper caste and SC/STs was due to unequal treatment of the latter in an empirical study on caste inequality and development in India (Sundaram and Tendulker (EPW, December 2013). Even though various initiatives have been taken to bring them up to the mark with others, they still maintain a low social status. The purpose of designating castes as Schedule Castes is to protect the interests of people who face caste discrimination and to grant specific exemptions to enable them catch up with the rest of the population in terms of development. Education is one of the most essential sources of their development.

Schedule Tribes Previously, members of the scheduled tribes were untouchable. Primitiveness, geographical seclusion, shyness, and social, educational, and economic backwardness are all qualities that set scheduled tribe groupings apart from other communities in our country. The scheduled tribes are an important subgroup of society's backward classes, or historically underprivileged bottom group. The Indian constitution has classified them as schedule tribes. Along with the Himalayas, a huge tribal belt stretches from Jammu and Kashmir in the north to Uttarakhand in the west, as well as Assam, Meghalaya, Manipur, and Nagaland in North-East India. Central India is home to approximately 75% of our country's tribal population. Tribes reside in secluded locations such as hills and woods. Every tribe has its own culture, language, and religion.

Women despite the fact that women participate in all fields and play a distinctive role in every community and country around the world. she suffers in silence and belongs to a class that is excluded owing to a variety of obstacles. Despite the fact that women make up the majority of society, they have long been marginalised or overlooked in the empowerment process. She was attempting to maintain her social standing and respectability in society. Legal, social, political, and economic equality for women should be improved. And one of the most essential tools utilised to

achieve this is education. People become more self-sufficient as a result of education, which reduces inequality. It empowers them to overcome challenges, challenge their customary positions, and transform their life. The most significant method for changing women's social status is education. However, many women in our country are still illiterate, ignorant, destitute, and mistreated. Although Indian women's literacy and educational levels are improving, there is still a literacy disparity between men and women. In 2011, the percentage of educated people climbed to 74.04 percent, with males accounting for 82.14 percent and females accounting for 65.46 percent. According to the 2011 census, only 58.14 percent of rural women are literate. The Indian constitution ensured women's equality and enabled the government to take particular measures to counteract positive discrimination by removing socioeconomic, educational, and political hurdles. Fundamental rights offer equal protection under the law and prohibit all forms of discrimination against women, regardless of religion, race, or sexual orientation. In addition to guaranteeing women's equality, the Indian Constitution mandates that the government take action to address women's collective socio-economic, educational, and political disadvantages (**Government of India 2001**). According to a 2015 **Times of India survey**, 25% of wives experience sexual harassment from their own husbands annually. 44% of young women who are not married experience sexual violence annually. One in every fourteen girls who attend school is assaulted by a teacher each year. It is heartbreaking to learn that women participate in these atrocities to a 40% degree (C.S.I. Board for Women's Work, 2014).

OBC are those communities that have been tragically marginalized in India and continue to face discrimination, social, economic, and educational alienation, but do not fall into the scheduled castes or scheduled tribes. The Indian constitution guaranteed women's equality and empowered the government to take special steps to combat positive discrimination by removing accumulated socio-economic, educational and political barriers. Fundamental rights offer equal protection under the law and prohibit all forms of discrimination against women, regardless of religion, race, or sexual orientation. Everyone should have equal access to opportunity, regardless of caste, gender, or location of birth.

2. Review of Literature

Das (2005) In his study paper titled "Human Rights: A Gender Perspective," traces the development of the women's movement for human rights throughout history. He contends that although every action done to advance women's rights has been taken into account in legal and factual documents, gender equality must still be achieved in its most complete form.

Prabhakar (2017) focused on the issues and future prospects for scheduled castes and scheduled tribes in India's current political climate. The findings of this study showed that tribal communities exist in a variety of ecological and geo-climatic environments, from plains and forests to hills and remote locations.

Saxena and Kumar (2018) did a study on the social and academic issues facing tribal students. Data were gathered from Jammu using a stratified random sample technique to achieve the study's goals. The study's findings showed that Gujjars' social and educational status was not satisfactory.

Reviewing the socioeconomic circumstances of indigenous people in Telangana and Andhra Pradesh, **Lakshmi & Paul (2019)** made comparisons. The tribes continue to be at a disadvantage because of a variety of things, including their geographic and cultural isolation, a lack of adequate healthcare facilities, their inability to meet their basic needs, their lack of control over their resources and assets, their lack of education and skills, their lack of access to adequate housing and to water and sanitation, their susceptibility to shocks, violence, and crime, and their lack of access to adequate infrastructure.

3. Objective

To know the constitutional rights given to unprivileged sections like Scheduled Castes, Scheduled Tribes, women and Other Backward Classes.

4. The Constitutional Provisions For Can Be Categorized Into Five Categories:

a) Viz Educational and Cultural Rights.

- Educational and Cultural Rights (Articles 14, 15, 15(4), 16, 17, 29, 46 and 350)
- Economic Rights (Articles 244, 244A and 275)
- Political Rights (Articles 164, 330, 332, 243D and 243T, 338A, 341 & 342)

- Employment Rights (Articles 15(5), 16(4) and 16(4A).
- Social Rights (Articles 21, 21A, 23, 24, 16(4), 335)
- Educational and Cultural Rights (Articles 14, 15, 15(4), 16, 17, 29, 46 and 350)
- Article 14: Equal protection under the law and equality before the law.
- Article 15: Discrimination on the basis of religion, race, caste, sex, or place of birth is prohibited.
- Article 15(4): The state has the authority to create specific provisions for the advancement of SCs and STs.
- Article 15(5): Except for minority educational institutions, the state has the authority to make any particular provision for the progress of SCs/STs in terms of admission to educational institutions (including STs), whether public or private, aided or unassisted.
- Article 16: In areas of public employment, equal opportunity is guaranteed.
- Article 17: Untouchability is abolished, and its practise is prohibited.
- Article 29: Minority languages, scripts, and cultures are protected by educational institutions, including STs.
- Article 46: State policy directive to future leaders to support STs' educational and economic interests, as well as to protect them from social injustice and exploitation.
- Article 350: The Constitution also grants everyone the right to file a grievance with any officer or authority of the Union or a State in any of the languages spoken in the Union or the States, as the case may be.

b) Economic Rights (Articles 244, 244A and 275)

Part X of the Constitution, Article 244, envisions a separate administration for specific places labelled as "scheduled areas" and "tribal areas."

Article 244A deals with the construction of an autonomous state in Assam made up of specified tribal territories, as well as the establishment of a local legislature, council of ministers, or both.

Article 275: Special grants for the welfare of STs may be provided by the union government.

c) Political Rights (Articles 164, 330, 332, 243D and 243T, 341 and 342):

Article 164: It allows the state of Bihar, Madhya Pradesh, and Orissa to create a special ministry for the welfare of Scheduled Tribes.

Article 330: Reservation of seats in the House of People for Scheduled Castes and Scheduled Tribes (Lok Sabha).

Article 332 relates with the reservation of seats in the State Legislative Assembly for Scheduled Castes and Scheduled Tribes.

Articles 243D and 243T concern the reservation of seats for SCs and STs in Panchayat Raj Institutions and Municipalities, respectively.

Article 338A: A new Article 338A was inserted to the 89th Constitutional Amendment Act of 2003 to create a distinct National Commission for STs.

In 2004, a separate National Commission for STs was established.

Article 342: In relation to a State or Union Territory, the president has the authority to identify the tribes.

d) Employment Rights (Articles 15(4), 16(4) and 16(4A)):

Article 15(5): It gives scheduled tribes reservations in educational institutions.

It gives reservations to scheduled tribes in employment and promotions under Article 16(4) and 16(4A).

e) Social Rights (Articles 21, 21A, 23, 24, 16(4), and 335):

Article 21: Life and personal liberty are protected (including STs).

Article 21A: The right to a basic education (Including STs).

Article 23: It forbids the use of bonded labour and forced labour in humans.

Article 24: It forbids the employment of children under the age of 14 in industries and other hazardous jobs.

Article 16(4) and Art. 335: Reservation of seats by ST in government services and employment. SC/STs can make claims to services and positions under Article 335.

5. Conclusion

It is concluded that constitution of India given equal right to all unprivileged sections in all spheres of life but it is a need of hour firstly provide awareness among these communities for their rights and privileges. The educationally deprived people should rise above from their poverty and untouchability. Education is one of the areas that is help for social reforms and the development of these people. But for the education Management of the Government through the announcement of the policies for financial aids is required. It shows educational opportunities and challenges for this class and proves that education is helping to bring social reforms and their development.

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