

Development of Weaker Sections in North East India

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I. INTRODUCTION

"Weaker section" refers to marginalized groups facing economic, social, or educational disadvantages, often lacking basic amenities, opportunities, or income, such as landless laborers, artisans, minorities, or the economically disadvantaged from general categories, like India's Economically Weaker Section (EWS) reserved for those below income thresholds not covered by caste-based reservations.

The amelioration of the lot of the underprivileged people in India, particularly of the tribes and those castes and classes which are given an inferior status due to the accident of birth, has to be an important aim of any government committed to democracy. The Constitution of India prescribes protection and safeguards for the Scheduled Castes (dalits or SCs) and Scheduled Tribes (STs) and now even for Other Backward Classes (OBCs) with the object of removing their social disabilities and promoting their varied interests. The main safeguards are abolition of untouchability, protection from social injustice and various forms of exploitation, throwing open religious institutions of public character to all sections, removal of restrictions on access to shops, restaurants, wells, tanks, and roads, giving them the right to move freely and acquire property, giving them the right of admission to educational institutions and receiving grants out of state funds, permitting the state to make reservation for them in services, giving them special representation in the Lok Sabha and the State Vidhan Sabhas, setting up separate departments and advisory councils to promote their welfare and, safeguard their interests, prohibition of forced labour, and making special provision for the administration and control of the scheduled areas.

II. CONSTITUTIONAL PROVISIONS FOR THE PROTECTION OF WEAKER SECTIONS

Constitutional makers have provided different safeguards in the Constitution of India for the upliftment and protection of the weaker section of the society. They are as follows:

Article 14 of the constitution provides for the equal protection of law and equality before the law. Therefore, irrespective of class every citizen has the right to be treated equally before the law.

Article 15 prohibits discrimination based on disability, restriction, or the grounds of castes, religion, sex, or place of birth. Whereas nothing in this article will prevent the state to make special provisions and arrangements for the betterment of:

1. The children and women [Article 15(3)].
2. Socially and economically backward classes/scheduled castes / scheduled tribe [Article 15(4) & Article 15(5)].

Article 16 provides equal opportunities to all citizens in matters of employment or appointment of any office under the state. States can make special provisions related to the reservation, appointment for the backward classes, and the state has the authority to decide whether the person falls in the definition of backward classes. This provision helps to strengthen the weaker section in monetary terms.

Article 17 abolishes untouchability and it is a punishable offence under the Protection of the Civil Rights Act, 1955.

Article 19(5) provides that the state is allowed to restrict freedom of movement for the benefits of the Scheduled tribe.

Article 21 provides that every person is entitled to the right to life and personal liberty except the procedure established by law. Irrespective of the castes, sex, religion, or place of birth everyone is entitled and they can't be deprived of his life.

Article 21A provides that all children between the age of 6 to 14 years are entitled to free and compulsory education.

Article 24 prohibits the employment of children below the age of 14 years in factories, mines, or any other hazardous employment. This article prohibits:

1. Child labour
2. Working in the construction industry.
3. Mines
4. Hazardous employment

Article 25 provides that every person has freedom of conscience and they are entitled equally to profess, propagate and practice any religion. This freedom is subjected to public order, health and morality. Article 25(2)(b) provides that nothing in this article will prevent the state from making or it won't affect any pre-existing law for providing social welfare and reform or tossing Hindu religious institutions of a public character to all classes.

Article 29 protects the interest of minorities, any citizen residing in India having a distinct language or a culture. They have the right to conserve the culture/language/script of their own. Further, any citizen based on religion, race, or castes cannot be denied admission to any educational institution funded by the state.

Article 30 minorities either based on religion or language have the right to establish and administer educational institutions.

Article 38 states must ensure and promote the welfare of the people by promoting and securing as effectively as may be a social order and must act to minimize inequalities in terms of income, status, facilities, and opportunities available.

Article 39 provides the policy which is to be considered by the states. Like, men and women are equally entitled to adequate means of livelihood, equal pay for equal work for men and women, the health of the worker, no abuse against youth, children are provided with the opportunity to develop healthily to secure, and no citizen must be forced out of economic necessity to pursue something which unsuited for their age or quality.

Article 39A states must provide free legal aid to the people who can't afford it because of because of economically weaker sections or due to some disabilities.

Article 41 provides that the state has the power/capacity to make provisions within the

economic limits to secure the right to education, the right to work, and the right to public assistance in certain cases. For this Article, certain cases include old age, disablement, sickness, or any other condition. The Supreme Court while interpreting this article in many cases held that the state must make effective provisions for securing the rights of the disabled and for the people suffering from other infirmities within the economic capacity of the state.

Article 42 provides that the state must make provisions to secure any other hazardous employment in the just and humane conditions of work and maternity relief. Protecting the employment of women during the maternity period.

Article 46 under the Directive Principles of State Policy provides that the State must promote the educational and economic interests of the scheduled castes, scheduled tribes, and the weaker sections of the society with due care. Also, the state must protect the SC, ST & weaker sections from exploitation and social injustice.

Part XVI of the Constitution deals with special provisions relating to certain classes. This part provides political empowerment to the scheduled castes, scheduled tribes, and other classes. Article 330 and Article 332 reserve seats for scheduled castes and scheduled tribes in the house of people and legislative assemblies of the state respectively. National Commission for scheduled castes and scheduled tribes have been established under Article 338 and Article 338A respectively

Article 340 provides that the president has the authority to investigate the condition of socially and economically backward classes through appointing a commission to investigate.

III. WELFARE MEASURE UNDERTAKEN

The state governments have separate departments to look after the welfare of SCs, STs and OBCs. Their administrative set-up, however, varies from state to state. A number of voluntary organizations also promote the welfare of dalits and tribals. The important organization of an all India character include the Harijan Sevak Sangh, Delhi, the Hindu Sweepers Sevak Samaj, New Delhi, and the Bharatiya Adimjati Sevak Sangh, New Delhi.

The Welfare of dalits and tribals has been given special attention in the Five Year Plans. The size of

the investment on the special programmes has been increasing from plan to plan. Some of the important centrally sponsored schemes are (1) coaching and training for various competitive examinations (IAS, IPS etc.) in order to improve the representation of SCs and STs in various services, (2) Providing post-matric scholarships to students for higher education, (3) Launching vocational training in tribal areas and educational complexes in low literacy pockets for promotion of female literacy in tribal areas, (4) Construction of hostels for providing residential facilities to SC and ST girls studying in schools, colleges, and universities, (5) financial assistance to reputed social science research institutions for research in development and problems of SCs and ST's (6) providing textbooks to SC and ST students of medical engineering courses, and (7) scholarships and passage grants for higher education abroad.

Beside the above measures to bring about their speedy development, the Constitution has also provided for adequate representation in the legislative organs at different levels as well as reservation in services and educational institutions. The reservation is 15 percent for the SCs and 7.5 percent for the STs. This limit has been exceeded in several states. For example, in the states in the north-east, the reservation for STs. This limit has been exceeded in several states. For example, in the states in the north-east, the reservation for STs has reached the level of 85 percent. There are moves in some states in the north-east to increase this percentage to 95.

IV. OTHER BACKWARD CASTES/CLASSES: THE MANDAL REPORT

The provision for reservation for the Scheduled Castes and Scheduled Tribes was made in the Indian Constitution framed after independence but the reservation for other backward castes/ classes was announced by the Janata Dal government only on August 7. 1990. As many as 27 percent were proposed to be reserved for 3.742 other backward castes/classes. This was done in accordance with implementing the Mandal Commission's report. This Commission had submitted its report on December 31. 1980. It was discussed both by the Lok Sabha and the Rajya Sabha in 1982 and thereafter the matter was remitted to a Committee of Secretaries for examination. The matter was repeatedly taken up in

both the Houses of Parliament but no action was taken. The sudden announcement of accepting its recommendation in August 1990 was described as a political decision of the then Prime Minister V.P. Singh, taken without an in-depth study of the various issues arising out of its implementation and also without verifying the correctness and validity of the selection of castes and the indicators.

V. THE RESERVATION POLICY

Reservation among the SCs, ST's and PBCs has led to the emergence of the elite class which has been cornering the benefits of reservation for itself and has become self perpetuating. Time has come to introduce some changes in the reservation policy. While framing the Constitution of India, Ambedkar has suggested three propositions (1) there should be equality of opportunity for all citizens, (ii) there ought to be no reservations of any sort for any class or community at all. i.e., all qualified persons should be placed on the same footing or equality so far as the public service are concerned and (1) there should be reservations for a limited period in favour of certain communities which have so far been outside the administration. There are three seem to be the workable propositions even today for our society, for social justice will be combined with some semblance of merit. It is time that we tackled all problems of reservation with sanity and rationality. The youth in India have to realize that reservation of OBCs is not the only crucial problem to fight for or against. The real problem is India's political elite who work only for vested interests and whose attitudes and obscurantist notions have corrupted the thinking of our society and brought the country to its present critical condition. Instead of raising the issue of forward versus backward castes, they should raise the issue of vested interests of the political parties and leaders versus the logical interests of society in general and youth in particular. They can propose certain amendments in the reservation policy to ensure that instead of benefit being drawn only by a few tribes, castes and OBC families, it should benefit a large number of deserving people belonging to both the forward and the backward castes. Second, there should be no compromise on quality and efficiency. Third, they have to take the youth of the backward

castes/classes with them on this issue and be able to convince them of their stance.

VI. CONCLUSION

If weaker sections in India are to rise in revolt because they feel that only violence facilitates their voice to be heard, the nation will have to pay a very heavy price for this. Our government and our people have to give these docile people the chance of a fair deal to live with honour and self-respect. Similarly, little will be achieved by a debate on the pros and cons of reservations. It will only aggravate the problem and lead to fragmentation of the country. The power elite, the government, political parties and people have to delve deeper into the very reasons why reservation has seemingly become necessary and what needs to be done to eliminate this pernicious practice

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