CHAPTER: -5

Weakest of Weaker Section

5.1 Meaning and Classification

5.2 Women and Children as weakest of Weaker Section
5.1 Meaning and Classification

Meaning

The term weakest of the weaker section may be defined as person belonging to the weaker class of weaker section which means persons whose category already falls within the weaker class and at the same time they belong to other weaker class too.

For example: Well known that the schedule tribes, schedule castes and OBCs of the society are the weaker section of the society by caste. The person belonging to such category as weaker section and the women, children and old person, who belong to these categories known as weakest of weaker section, Such persons are weak; they are first weaker by caste and then become weakest as they already belong to separate weaker class.

Women, Children and old person who are already weaker in society, when they belong to weaker caste and economically weaker class become weakest. The condition of such category is worst as well as miserable.

Children already falling in the section weaker by age but orphan children of the same class are weakest of weaker section as they are without parents, thus their condition is worst than of other children.

Women come under the weaker by sex; girl child and old person of this category are weakest. Just like eunuch are also weaker by sex so old person and child eunuch of this category are weakest.

The conditions of the old person of weakest class are more miserable as compare to other old person as they are already weaker by age and also belong to weaker caste or economically weaker. To understand weakest of weaker section must we see the classification of weaker section.
Classification
Weaker Section

Weakest of the weaker section

1. Weaker by age
   a. Senior Citizen (Old person)
   b. Tender Age (Children) → Orphans

2. Weaker by Sex.
   a. women
   b. Eunuchs → Old person

3. Weaker by castes
   a. schedule caste
   b. schedule tribes.
   c. other backward classes → Old person

4. Economically Weaker
   a. Indigenous people
   b. beggars → Old person

5. Weaker by Mental Disability
   Mental Disable → Old person

6. Weaker by Physical Disability
   Physical Disable → Old person
It is clear from the above chart orphans are the weakest of children, girl child and eunuch child are weakest of women and eunuchs respectively, old person of the same categories are also weakest, children and old person of economically weaker class or weaker by caste are the weakest of such weaker sections.

Disables either mentally or physically belong to separate weaker class but the persons remaining weaker classes become weakest if they belonging this category too.

The crimes and immoralities with weakest of the weaker section same as to crime and immoralities of the weaker section but it become more miserable. Sometimes it is rightly said that crimes against them are easy to commit due to their double weakness which makes them weakest of weaker section.

This double weakness are also subjected to immoralities with same are increasing abundantly.
5.2 Women and Children as weakest of weaker section

Women as weakest of weaker section:

There are two kinds where women as weakest of weaker section:

1. Women who belongs to the weaker caste or economically weaker class

2. Child girl and old women who belongs to the weaker section by sex

1. Women who belongs to the weaker caste or economically weaker class

Women already come under weaker by sex and when belong to weaker by caste or economically weaker became weakest.

2. Child girl and old women who belongs to the weaker section by sex

Old women and girl children weakest of weaker section on one hand they are weaker as women and on other hand they belong to the weaker classes of old person and children respectively.

Immoralities and crimes against women of weakest of weaker section

There is no major difference in immoralities and crimes more than women of general class. Most of the women of weaker classes are victimized of the offence of rape and mainly such women indulging in prostitution. In other words most of women of weaker section suffer from sexual offences. Women of economically weaker are also victimized by sexual offence as compare to general class. Their weak economic conditions are major cause of crimes.

The major immorality with women of weakest of weaker section is that the all 3 ‘D’ i.e. differences, domination and discrimination by women of general classes as well as men.

So such kind of persons are immoralized and victimized twice. First as by their own class and secondly as by other weaker class where they belong too.
One of the heinous crime with girl child is prostitution; their childhood has been lost in that kind of offence. Girl rape is another heinous kind of rape defined under the classification of rape in chapter 4.1 crime against women.

In State of Rajasthan V/s Om Prakash AIR 2002 S.C. 2235 Supreme Court held that Rape with innocent girl and boy child is a Crime against whole human society. Society has to fight against that kind of offence strictly. Person who commits this kind of offence has to punish strictly.

**Children as weakest of weaker section**

There are two kinds where children as weakest of weaker section same as to women:

1. **Children who belong to the weaker caste or economically weaker class**

2. **Orphan children of weaker by age that is children**

Children are same as to women at first point but different at second one.

1. **Children who belong to the weaker caste or economically weaker class**

Children already come under weaker by age and when belong to weaker by caste or economically weaker became weakest. Thus; they are weaker twice.

2. **Orphan children of weaker by age that is children**

Children already weaker by age, orphans are weaker in such category so they are weakest of the weaker.

**Immoralities and crimes against children of weakest of weaker section**

There are no major difference in crimes which are against children and weakest children.

Crimes which are mostly against the weakest of weaker children are Child labour and Begging.
Orphans are victimized of any crime easily as compare to other children; people are free to do so because there is nobody is for their side to defence them as parents.

Some immoralities are same as to other children but some are different. They are parentless so are subjected to immorality. Everyone took advantages of such weakness and engage them in immoral activities and abused them.

They are twice weak first as children and second as orphans, so treated badly. Their childhoods disappear in indulging in crimes such as child labour, begging etc. and have no future at all.