



Constitutional Protection of Dalits: An Effort By Ambedkar

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Abstract:

The constitution of India provides for a number of safeguards for the scheduled caste and scheduled tribes which are of its unique features. The safeguards have apparently helped these communities in protecting their legitimate interests and accelerated their socio-economic development. The credit for incorporating these safeguards in the constitution of India goes to Ambedkar, nothing was dearer than the welfare of the downtrodden. The main objective of these safeguards was to level up, specially and economically backward classes, particularly the scheduled caste and scheduled tribes in as short time as possible. The policy of reservation to improve the socio-economic condition of SC's and STs Over a period of five decades has been a failure. But we have to admit that the reservation has been a failure. But we have to admit that the reservation has come to stay in our society. It was in the past, it is, and it will remain. But the question is how to make it effective in order to bring the SCs and STs to the level of other sections of society (Kumar, 2015).

B.R.Ambedkar

Upon completing his education abroad Ambedkar returned to Bombay as a barrister, established a successful legal practice and in 1929 founded the Bahishkrit Hitkarini Sabha (Association for the depressed class) to promote the spread of education among the socially and politically downtrodden to improve their economic status and to provide a voice for their grievance. Between 1927 and 1932 Ambedkar led a series of use nonviolent campaigns to assert the right of untouchables to draw water from public tanks and wells and to enter Hindu places of worship. Especially important was the Satyagraha he led in Mahad, where tens of thousands of untouchables protested successfully for their right to use water from the public chowder tank, which had been traditionally prohibited to them (though animals were allowed to use the water (Sadangi2008). In politics he early established his position as leader of the depressed cases. He was nominated member of the Bombay legislative assembly from 1926 to 1934. During this



period he introduced several bills for the welfare of the peasants, workers and untouchables. They were however, not passed because of opposition of the orthodox sections. In recognition of his claim as a leader of depressed classes Ambedkar was nominated a delegate to the three round table conferences in London (1930-1933) and served on some of the committees till 1934. His demand for separate electorate for untouchables opposed by Gandhiji at the meeting of the minorities committee of the second round table conference as Gandhi felt that it would permanently divide the Hindu society. Gandhi declared that he would resist such a move with his life. The communal award was announced on 17 August 1932, conceded separate electorate for untouchables. Gandhi went on fast till death on 20 September 1932 and finally Poona pact was made in Yervada jail which provided for reservation of seats for the untouchables in the general constituencies. Ambedkar could not reconcile himself to this political compromise which did not eliminate the social stigma attached to the Harijans. On October 13, 1935 he made an announcement in public meeting at Yeala, District Nasik that untouchables should leave the Hindu fold altogether and accept some other religion as he felt that within the Hindu fold they would never get recognition of social equality. He first turned to shikhism during 1938-40, but his effects proved fruitless. Finally he embraced Buddhism and advised his followers to accept new faith in course of time. He founded 'Independent Labour party' in India in October 1936 which captured all the seats in the legislature in the Bombay Presidency reserved for scheduled caste. In April 1942 to 1946 he was a member of the Governor General's executive council and took advantage of this opportunity to promote the interest of scheduled caste and scheduled tribes. He secured funds from the central government for their education and reservation in posts in the central and provincial services for them.

He joined Nehru's cabinet as law minister. He was the chairman of the drafting committee to frame the constitution of India. He also drafted the Hindu code bill so well that he was called the modern Manu. However, orthodoxy prevailed and the bill was opposed by some of the cabinet ministers. His health also deteriorated and he resigned from the cabinet in September 1951. He lost his election to the parliament in February 1952, but was nominated by the Bombay legislature to the council of states in May 1952 (Gajrani, 2006).

Post Independence Studies of Dalits



Srinivas (1952). His famous work was his book “Religion and society among the Coorgs of South India”. In this study we found out that the term sanskritization was used for the first time in Indian Sociology. The term refers to a process whereby people of lower caste collectively try to adopt upper caste practices and beliefs to acquire higher status. It indicates a process of cultural mobility that is taking place in the traditional social system of India. In his study of the Coorgs in Karnataka he found that lower caste in order to raise their position in the caste hierarchy adopted some customs and practices of the Brahmins and gave up some of their own practices which were considered to be impure by the higher caste. For example, they gave up meat eating, drinking liquor and animal sacrifices to their deities. They imitated Brahmins in matter of dress, food and rituals. By this they could claim higher positions in the caste hierarchy within a generation. The reference group in this process is not always Brahmins but may be the dominant caste of the locality. Sanskritization has occurred usually in groups who have enjoyed political and economic power but were not ranked high in ritual ranking. So that sanskritization is an indigenous source of social change for the lower caste because the sanskritization forced the lower caste to revolt against the socio-economic deprivation.

Singh (1986) studied about the employment of schedule caste in Maharashtra state. He depicted that they were mainly engaged in rural areas as agricultural labourers and it was particularly true for female schedule caste. The situation was very poor as the wages were very low as compared to industrial sector, seasonal work and no protection for the labourers and it made the position of the schedule caste more critical than others. The study focused on the various measures like land reforms, industrialization in rural area, developing milk production, poultry etc. which would be taken to improve the economic condition of schedule caste. Some outside agency also helped them to improve the economic condition by providing technical knowledge assistance to start small scale units, necessary education in Maharashtra.

And many more studies also point out for need of special protection of dalits by the society and mainly by the Constitution itself. But the divine visionary and great leader of India B.R. Ambedkar did all what could have been done at that time for welfare of scheduled castes and dalits. The constitution of India provides for a number of safeguards for the scheduled caste



and scheduled tribes which are of its unique features. The safeguards have apparently helped these communities in protecting their legitimate interests and accelerated their socio-economic development. The credit for incorporating these safeguards in the constitution of India goes to Ambedkar, nothing was dearer than the welfare of the downtrodden. The main objective of these safeguards was to level up, specially and economically backward classes, particularly the scheduled caste and scheduled tribes in as short time as possible. The policy of reservation to improve the socio-economic condition of SC's and STs Over a period of five decades has been a failure. But we have to admit that the reservation has been a failure. But we have to admit that the reservation has come to stay in our society. It was in the past, it is, and it will remain. But the question is how to make it effective in order to bring the SCs and STs to the level of other sections of society (Kumar, 2015).

Here are mentioned some of his efforts through which he tried to provide for protection of Dalits by constitutional means:

Article 14: Right to Equality

The state shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

Article 366: Definitions

In this Constitution, unless the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say

"Scheduled Caste" means such caste, races or tribes or parts or groups within such caste, races or tribes as are deemed under article 341 to be Scheduled Caste for the purposes of this Constitution;

Article 15: Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth



1. The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, and place of birth or any of them.
2. No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, liability, restriction or condition with regard to
 - A. Access to shops, public restaurants, hotels and places of public entertainment; or
 - B. The use of wells, tanks, bathing Ghats, roads and places of public resort maintained wholly or partly out of State funds or dedicated to the use of general public.
3. Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Caste and the Scheduled Tribes.
4. Nothing in this article or in sub-clause (g) of clause (1) of article 19 shall prevent the State from making any special provision, by law, for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Caste or the Scheduled Tribes in so far as such special provisions relate to their admission to educational institutions including private educational institutions, whether aided or unaided by the State, other than the minority educational institutions referred to in clause (1) of article 30.

Article 16: Equality of opportunity in matters of public employment

1. There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.
2. No citizen shall, on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the State.
3. Nothing in this article shall prevent Parliament from making any law prescribing, in regard to a class or classes of employment or appointment to an office under the Government of, or any local or other authority within, a State or Union territory, any

requirement as to residence within that State or Union territory prior to such employment or appointment.

4. Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favor of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State.

A. Nothing in this article shall prevent the State from making any provision for reservation in matters of promotion, with consequential seniority, to any class or classes of posts in the services under the State in favor of the Scheduled Caste and the Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State.

B. Nothing in this article shall prevent the State from considering any unfilled vacancies of a year which are reserved for being filled up in that year in accordance with any provision for reservation made under clause (4) or clause (4A) as a separate class of vacancies to be filled up in any succeeding year or years and such class of vacancies shall not be considered together with the vacancies of the year in which they are being filled up for determining the ceiling of fifty per cent reservation on total number of vacancies of that year.

Article 17: Abolition of Untouchability

Article 17 of the constitution enjoins the state to provide social safeguard to SCs. Article 17 relates to abolition of untouchability being practiced in society. The parliament enacted the protection of civil right act, 1955 and the scheduled caste and scheduled tribes (Prevention of Atrocities) Act, 1989 to tackle the problem of untouchability, which is being practiced against scheduled caste.

Article 46: Promotion of Educational and Economic interests of Scheduled Caste, Scheduled Tribes and other weaker sections.



Article 330: Reservation of seats for Scheduled Caste and Scheduled Tribes in the House of the People -

Article 332: Reservation of seats for Scheduled Caste and Scheduled Tribes in the Legislative Assemblies of the States

Article 338: National Commission for Scheduled Caste

1. There shall be a Commission for the Scheduled Caste to be known as the National Commission for the Scheduled Caste.
2. Subject to the provisions of any law made in this behalf by Parliament, the Commission shall consist of a Chairperson, Vice-Chairperson and three other Members and the conditions of service and tenure of office of the Chairperson, Vice-Chairperson and other Members so appointed shall be such as the President may by rule determine.
3. The Chairperson, Vice-Chairperson and other Members of the Commission shall be appointed by the President by warrant under his hand and seal.

Conclusion:

It can be observed today that Ambedkar's effort has turned the tables and leaving few instances now dalits are living their lives freely as they dream it to be. Still more has to be done by the society for the welfare of the dalits so that they can become part of the main stream of the country. In the last, it can be concluded that big change has come in the mindset, occupation, education level of scheduled castes due to government policy, reservation, spread of education and specially constitutional provisions. Now the scheduled castes people have become aware about their rights and identity. Now they are more aware, active and associated. They have developed better relations with higher caste and becoming members of main stream of the society, who take decisions for themselves. They have left traditional jobs and are adopting modern jobs and professions. Now they have their individual caste identity which is recognized by society and government as well.

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