

A Sociological Study and Constitutional Provisions for Dalit Upliftments

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Abstract

This paper attempts constitutional provisions dalit has been in existence since the nineteenth century, the economist and reformer B. R. Ambedkar (1891–1956) popularised the term. Dalits were excluded from the four-fold Varna system and formed the unmentioned fifth varna; they were also called Panchama. While "scheduled castes" (SC) is the legal name for those who were formerly considered "untouchable," the term Dalit also encompasses scheduled tribes (ST) and other historically disadvantaged communities who were traditionally excluded from society. Dalits are a mixed population, consisting of groups across South Asia. Many social organizations have promoted better conditions for Dalits through education, health and employment. While caste-based discrimination was prohibited and untouchability abolished by the Constitution of India, such practices continued. The concern for protecting the rights and dignity of Dalits (Scheduled Castes) has been a major challenge even after India's independence. Despite special protective laws such as the Protection of Civil Rights Act, 1955 and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and their implementation for several decades, the Scheduled Castes continue to be the victims of caste-based untouchability and atrocities. Though most of incidents go often unreported, even the cases reg these laws also end in acquittal. This scenario on the one hand raises doubts on the will and commitment of the state, particularly its law-enforcing machinery, on the other hand, it necessitates the need for understanding the various factors lead to the acquittal of most of these cases. General Rights in the Constitution The Constitution of India, which came i 1950. Provides the following fundamental rights to every citizen.

Keywords: Dalit moment, constitution, enablers, empowerment, aesthetic.

Introduction

Nothing in this article shall prevent the State from making any special provision for women and children. Nothing in this article or in clause (2) or 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 Castes and the Scheduled Tribes. Article 16, Equality of Opportunity in matters of public employment There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State. Nothing in this article or in clause (2) or 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 Castes and the Scheduled Tribes. The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them. No citizen shall, on ground 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 whole or partly out of State funds or dedicated to the use of the general public.

Objective:

This paper studies constitutional tools for the Dalit movement. Study also covers the enablers to achieve Dalit empowerment

Role of DSS in spreading civil awareness

With the emergence of the Dalit Sangharsha Samiti in the early 1970s, the Dalit Movement in Karnataka enters into a qualitatively new stage. It rejected cultural politics and the immediate striving for power, and stressed the transforming of social relations and the enabling of Dalits and all the oppressed. In the pursuit of these objectives it conducted land struggles, mounted assaults on demeaning customs and traditions, launched mass movements against atrocities and contested expressions of dominance in the civil sphere. Its matrix of operation primarily remained the civil society and by trying to shape it proposed to radically redirect state action. It was led by writers and intellectuals who commanded widespread respect and appeal.

Dalit Sangharsha Samiti succeeded in building a powerful organizational network from the village upwards. Political preferences, pulls and pressures were to soon manifest in the movement due to their tilts towards different parties. Political parties too began to cultivate distinct factions within the movement. Such tendencies led to a fragmentation within the movement repeatedly. During the recent years the entry of the Bahujan Samaj Party has left its mark on the movement. One of the important developments during the recent years is the assertion of sub-caste identities within the movement and a demand for a proportionate share in the cake of preferential treatment. All these developments have left the Dalit Movement in Karnataka deeply splintered and today it is unable to gather itself together while at the same time cherishing the ideal of Dalit unity as an indispensable goal.

Workplace discrimination and safeguards

At the workplace, they do not get the requisite respect and attention from their co-workers. A senior bureaucrat friend, Tushar (pseudonym), who has an advanced degree from an Ivy League school, told me about his unpleasant experience. Prior to his departure to America, he was given a heavy workload with additional responsibilities by his immediate dominant caste supervisors. Tushar narrated the story of how he was tasked to work on projects that demanded his extra involvement which in turn consumed more time than required. His selection to an Ivy League institution made everyone at his workplace insecure. He was regularly taunted with disparaging comments. 'What will you do after studying economics, which is not your field and different from the work you currently do?'

One of the limitations of the Indian Constitution often echoed within Dalit circles is the absolute visionary absence of Dalit pride and the eruptive definition of liberation. Constitutionalism has proved to be an unreliable doctrine to influence perpetrators of casteism. The landmark case of *Surya Narayan Chaudhury v. State of Rajasthan* in 1988 exposes one among its many limitations. This case prohibited temples from discriminating against Dalits' right to worship and enter the sacrosanct spaces as a rule of law.

The verdict delivered by the Chief Justice of India, Justice J.S. Verma, pointed out the fact that 'mere enactment of such a law or guaranteeing a right in the Constitution of India is not enough and the change needed is really in our hearts and not elsewhere. It is the willing acceptance of the society which alone is the sure guarantee of eradication of any social evil.'

The Justice J.S. Verma verdict expressed the inadequacies of legal provisions in the absence of society's willingness to acknowledge its prejudices. This goes in line with Ambedkar's comments on the uselessness of legislation in the face of social sanction.

Special privileges

Nothing in this article shall affect the operation of any existing law or prevent the State from making any law – (a) Regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice; 25754 Dr. Venkataiah Constitutional safeguards for dalits in India (b) Providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus. Explanation I: The wearing and carrying of kirpans shall be deemed to be included in the profession of the Sikh religion. Explanation II: In sub-Clause (b) of clause (2), the reference to Hindus shall be construed as including a reference to persons professing the Sikh, Jaina or Buddhist religion, and the reference to Hindu religious institutions shall be construed accordingly.

2. Special Rights Under the Presidential Order, 1950, known as the Constitution (SCHEDULED CASTE) Order, no.19, Aug.10, 1950 Political Rights and Privileges Article 330, Reservation of seats for Scheduled Castes and Scheduled Tribes in the House of the People (1) Seats shall be reserved in the House of the People for - (a) The Scheduled Castes; (b) The Scheduled Tribes except the Scheduled Tribes in the autonomous districts of Assam; and (c) The Scheduled Tribes in the autonomous districts of Assam.

The number of seats reserved in any State or Union territory for the Scheduled Castes or the Scheduled Tribes under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats allotted to that State or Union territory in the House of the People as the population of the Scheduled Castes in the State or Union

territory or of the Scheduled Tribes in the State or Union territory or part of the State or Union territory, as the case may be, in respect of which seats are so reserved, bears to the total population of the State or Union territory.

Notwithstanding anything contained in clause (2), the number of seats reserved in the House of the People for the Scheduled Tribes in the autonomous districts of Assam shall bear to the total number of seats allotted to that State a proportion not less than the population of the Scheduled Tribes in the said autonomous districts bears to the total population of the State. Explanation: In this article and in article 332, the expression "population" means the population as ascertained at the last preceding census of which the relevant figures have been published: Provided that the reference in this Explanation to the last preceding census of which the relevant figures have been published shall, until the relevant figures for the first census taken after the year 2000 have been published, be construed as a reference to the 1971 census. Article 332, Reservation of seats for Scheduled Castes and Scheduled Tribes in the Legislative Assemblies of the States

Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes, except the Scheduled Tribes in the autonomous districts of Assam, in the Legislative Assembly of every State.

Seats shall be reserved also for the autonomous districts in the Legislative Assembly of the State of Assam.

The number of seats reserved for the Scheduled Castes or the Scheduled Tribes in the Legislative Assembly of any State under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats in the Assembly as the population of the Scheduled Castes in the State or of the Scheduled Tribes in the State or part of the State, as the case may be, in respect of which seats are so reserved, bears to the total population of the State.

Notwithstanding anything contained in clause (3), until the taking effect, under article 170, of the re-adjustment, on the basis of the first census after the year 2000, of the number of seats in the Legislative Assemblies of the States of Arunachal Pradesh, Meghalaya, Mizoram and Nagaland, the seats which shall be reserved for the Scheduled Tribes in the Legislative Assembly of any such State shall be, - (a) If all the seats in the Legislative Assembly of such State in existence on the date of coming into force of the Constitution (Fifty-seventh Amendment) Act, 1987 (hereafter in this clause referred to as the existing Assembly) are held by members of the Scheduled Tribes, all the seats except one; (b) In any other case, such number of seats as bears to the total number of seats, a proportion not less than the number (as on the said date) of members belonging to the Scheduled Tribes in the existing Assembly bears to the total number of seats in the existing Assembly.

Notwithstanding anything contained in clause (3), until the re-adjustment, under article 170, takes effect on the basis of the first census after the year 2000, of the number of seats in the Legislative Assembly of the State of Tripura, the seats which shall be reserved for the Scheduled Tribes in the Legislative Assembly shall be, such number of seats as bears to the total number of seats, a proportion not less than the number, as on the date of coming into force of the Constitution (Seventy-second Amendment) Act, 1992, of members belonging to the

Scheduled Tribes in the Legislative Assembly in existence on the said date bears to the total number of seats in that Assembly.

The number of seats reserved for an autonomous district in the Legislative Assembly of the State of Assam shall bear to the total number of seats in that Assembly a proportion not less than the population of the district bears to the total population of the State.

Scheduled Tribes and "Other Backward Classes". Article 16, Equality of opportunity in matters of public employment Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State. Nothing in this article shall prevent the State from making any provision for reservation in matters of promotion to any class or classes of posts in the services under the State in favour of the Scheduled Castes and the Scheduled Tribes which, in the opinion of the State, are not adequately represented in the services under the State. The other important element in the compensatory discrimination system was both the reservation of seats in educational institutions as well as the provision of financial assistance. This was set forth under the Directive Principle of State Policy in Article 46: Article 46, Promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections The State shall promote with special care the educational and economic interests of the weaker sections of the people, and in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation. The Constitution also provided for a special officer (Article 338) for the Scheduled Castes and Scheduled Tribes as well as for a Commission to investigate the condition of the Backward Classes (Article 340). Both of these were appointed by and responsible to the President. Article 338, National Commission for Scheduled Castes, Scheduled Tribes There shall be a Special Officer for the Scheduled Castes and Scheduled Tribes to be appointed by the President. It shall be the duty of the Special Officer to investigate all matters relating to the safeguards provided for the Scheduled Castes and Scheduled Tribes under the Constitution and report to the President upon the working of those safeguards at such intervals as the President may direct, and the President shall cause all such reports to be laid before each House of Parliament. Article 340, Appointment of a Commission to investigate the conditions of backward classes

Conclusion

Constitution equips President to appoint commission consisting of such persons as he thinks fit to investigate the conditions of socially and educationally backward classes within the territory of India and the difficulties under which they labour and to make recommendations as to the steps that should be taken by the Union or any State to remove such difficulties and to improve their condition and as to the grants that should be made for the purpose by the Union or any State and the conditions subject to which such grants should be made, and the order appointing such Commission shall define the procedure to be followed by the Commission. A Commission so appointed

shall investigate the matters referred to them and present to the President a report setting out the facts as found by them and making such recommendations as they think proper. The President shall cause a copy of the report so presented together with a memorandum explaining the action taken thereon to be laid before each House of Parliament.

References

1. McDowall, W. & Geng, Y. (2017, June). Circular economy policies in China and Europe. *Journal of Industrial Ecology*, 21 (3).
2. "Construction | Growth". European Commission. 2016-07-05. Retrieved 6 December 2018.
3. Rashid, Amir; Asif, Farazee M.A.; Krajnik, Peter; Nicolescu, Cornel Mihai (Oct 2013). "Resource Conservative Manufacturing: an essential change in business and technology paradigm for sustainable manufacturing". *Journal of Cleaner Production*. 57: 166–177. doi:10.1016/j.jclepro.2013.06.012. ISSN 0959-6526.
4. Weetman, Catherine (2016). *A circular economy handbook for business and supply chains : repair, remake, redesign, rethink*. London, United Kingdom: Kogan Page. p. 25. ISBN 978-0-74947675-5. OCLC 967729002.
5. Corvellec, Hervé. (2015). "New directions for management and organization studies on waste". Technical report. Göteborg: Gothenburg Research Institute, University of Gothenburg.
6. Corvellec, Hervé (2019). "Waste as scats: For an organizational engagement with waste". *Organization*, 26(2), 217–235. doi:10.1177/1350508418808235
7. Corvellec, H., & Stål, H. I. (2019). "Qualification as corporate activism: How Swedish apparel retailers attach circular fashion qualities to take-back systems". *Scandinavian Journal of Management*, 35(3), 101046. doi:10.1016/j.scaman.2019.03.002
8. Zink, T., & Geyer, R. (2017). "Circular economy rebound". *Journal of Industrial Ecology*, 21(3), 593–602. doi:10.1111/jiec.12545
9. Lazarevic, D., & Valve, H. (2017). "Narrating expectations for the circular economy: Towards a common and contested European transition". *Energy Research & Social Science*, 31, 60–69. doi:10.1016/j.erss.2017.05.006
10. Valenzuela, F., & Böhm, S. (2017). "Against wasted politics: A critique of the circular economy" ephemera: theory & politics in organization, 17(1), 23-60.
11. Allwood, J. M. (2014). "Squaring the circular economy: The role of recycling within a hierarchy of material management strategies". In *Handbook of recycling: State-of-the-art for practitioners, analysts, and scientists*, edited by E. Worrell and M. Reuter. Waltham, MA, USA: Elsevier, page 446. doi:10.1016/B978-0-12-396459-5.00030-1