Legal Protection to Dalits:

Eradication of the practice of untouchability and protection of Dalits from atrocities and humiliation have been the much admired concern of most of the nationalists and political big wigs, even before India’s independence, though there was hardly any law ensuring their basic human rights, safety and dignity, there were laws declaring them as untouchables, there were laws enforcing inhuman punishments against those Dalits declining to be untouchables. There were also laws prohibiting them from taking up occupations of their choice, and condemning them as slavery others. This chapter focuses on the various laws that came into effect in different period of time, the context in which they came into effect and their impact particularly in the lives of Dalits.¹

5.1 ANCIENT LAWS FAVOURING UNTOUCHABILITY AND ATROCITIES:

Before the advent of the modern age, it was largely the religion based laws enshrined in the sacred books of Hindus such as the Vedas, Smritis, Brahmans and the puranas that governed the people of India. Among these, the Hindu code of conducts, popularly known as the manusmriti, written by the Hindu law gives, Manu, is worth nothing, particularly, in view of its deep influence among Hindus and the devotion with which the Hindus adhere to its teaching till date. That is why, Dr. Ambedkar too considered, the Manusmriti as the book of (Hindu) religion. What are Manu’s teachings that
particularly explain the unequal social status and power relations between Brahmins and other upper caste Hindus on the one hand and the shudras and ati shudras on the other? What are those specific teachings of Manu that condemn some people by birth as untouchables and subject them to object poverty and inhuman indignities and brutalities, and extol some others as gods on earth assuring undue status and power? Though Manu has propounded a number of provisions in Manusmriti justifying the unequal relation and status between Brahmans, on the one side and the shudras and ati shudras on the other, only a law that explain such inequality more. 2

These codes of conducts of Manu did not remain as mere laws, but were strictly enforced for centuries by every ruler, and thus notion of caste and untouchability got engrained in the very psych and personally of the caste Hindus. And these notions and caste prejudices among caste Hindus often get reflected not only in their behaviour pattern, but also in their decisions that often decided the social, educational and economic status of the oppressed caste groups/Dalits. The Dalits also believed in Manu’s commandants, and thus never questioned their pitiable existence. All these affected the interests of the oppressed groups to a legal extent. On the whole, the Dalits the victims of such laws, had no option, but to adhere meekly to these oppressive and discussion notion laws of Manu’s that these laws reduced them to be untouchables for caste Hindus is not an exaggeration. To the such a level, Dr. Ambedkar observed “Untouchables were treated as slave because (1) they were so socialized as never to complain of their law State (2) they never
dreamed of trying to improve their lot, by forcing the other classes to treat them with the common respect (3) the idea that they had been born to their lot waste, ingrained in their mind that it never occurred to them to think that their fate was anything so irrevocable (4) nothing would ever persuade them that men are all made of the same day, no that they have the right to insist on better treatment than that meted out to them”.

However, protests against such laws and discriminatory practices became a reality over a period of time with the clarion call given by revolutionary social reformer like Dr. Ambedkar. Out of agony he once spoke to his fellowmen in the following words.

“My heart breaks to see the pitiable sight of your faces and to hear your sad voices. You have been gloaming from time immemorial and yet you are not ashamed to hug your helplessness as inevitability. Why did you not perish in the prenatal stage instead? Why do you worsen and sadden the picture of the sorrows, poverty, slavery and burdens of the world with your deplorable despicable, detestable, and miserable life? You had better died and relieved this world if you could not rejuvenate your self. As a matter of fact, it is your birth right to get food, shelter and clothing in equal proportion with every individual high or low. If you believe in living a respectable life, you should believe in self help which is the best help”.

5.2 PRE-INDEPENDENCE LEGAL INITIATIVES AGAINST UNTOUCHABILITY:

Though a number of reformers from different parts of India attempted to eradicate untouchability and even devoted their entire life to this cause, the desired change could not be achieved owing to the fact that the notion of untouchability had got deeply ingrained in the Dalits socio cultural milieu, and there was no formal efforts to abolish untouchability legally. However, the efforts of Dr. Ambedkar and a few others the number of laws to protect the interests of the Dalits in the British-India. For instance, in British India, Lord Ellenborough,
prohibited the legal recognition of slavery in India. Following this Act “The Caste Disabilities Act XXI of 1850” was also passed aiming at removing disabilities arising out of Dalits’ lower caste background. However, it was only at the turn of nineteenth century the “depressed classes” became an important focus of concern with the reformers. It was only after 1909 that fears of threatened Hindu majorities and proposals for special legislative representation for “untouchables” shifted “untouchables” from the realm of philanthropy in the political arena. In 1917, the Indian National Congress reversed its long standing policy of excluding “social reform” from the programme in passing a hesitant anti-disabilities resolution. And, in 1923, the Bombay Legislative Council resolved that the untouchables be allowed to use all public watering places, wells, schools, dispensaries, etc., the national congress a national meeting at Karachi in 1931 concluded that

a) No disability to attach to any citizen by reason of his or her caste in regard to public employment, office of power or honours and in the exercise of any trade or calling.

b) Equal right of all citizens in regard to public roads wells, schools, and other place of public resort.

On September 25, 1932 a conference of caste Hindus which was held to ratify the Poona pact adopted the following:

“The Congress resolves that henceforth, amongst Hindus, no one shall be regarded as an untouchables by reason of his birth and that those who have been so regarded hither to with have the same right as other Hindus in regard to the use of public wells, a public schools, public roads and all others public institutions. This right shall have statutory recognition at the first opportunity and shall be one of the earliest Acts of the Swaraj Parliament, if it shall not have received such recognition before that time it is further agreed that it shall be the duty of all Hindus leaders to secure by every legitimate and peaceful means, an early removal of all social disabilities now imposed by custom upon the so called untouchables classes including the bar in respect of admission to temple”.
In 1938, “the Madras Removal of Civil Disabilities Act 1938 (Madras Act XXI of 1938) came into operation. It was in 1938, when Bombay and Madras had passed the Temple Entry Acts, that for the first time in British India did the governments intervene to seem the opening of temples for the untouchables between 1943 and 1950, 17 such laws were enacted by different provinces of India. But these laws brought not significant change about. Caste and untouchability continued as major social evils in India. Though the British established legislative bodies as early as 1861, it did not give due importance to eradicate these social evils. It is therefore, necessary to understand the extent to which the Dalits were protected from the untouchability and atrocities through these laws”.  

Under these special Constitutional provisions, number of social practices which were considered proper under Manu’s laws became illegal under the modern laws. With a view to making those wrongs as right and those rights wrong a number of enactment were passed.

5.3 PCR ACT, 1955 AND POA ACT, 1989:

PCR act 1955: To give effect to Article 17 other such provisions of the Indian Constitution. The Parliament came out with a special laws known as “the Untouchability (Offences) Act 1955”. This Act to as subsequently Amended in 1976 and renamed as the “Protection of Civil Rights Act 1955” to make the provisions of the Act more stringent with a view to carrying out the provisions of the Act, the government of India, as provided under the Act, notified the rules of the Act, vis., “the PCR Rules 1977”.  

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POA Act, 1989: Since cases of atrocities on SCs and STs were not covered under the provisions of the PCR Act 1955 and atrocities against SCs and STs continued unabated. The parliament passed yet another important Act in 1989 known as the Scheduled Castes and Scheduled Tribes (Preventions of Atrocities Act 1989) (POA Act) which came into effect from 30th October 1990. For carrying out the provisions of this Act, the government of India notified the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1955 on 31 March 1995, certain chapters and sections of the Indian Penal Code (IPC) and the Criminal Procedure Code have also been applied as required. 7

5.4 INCIDENT OF UNTOUCHABILITY AND ATROCITIES ON SCs AND STs AND SOCIAL BOYCOTT:

There is gradual delaying in the numbers of cases of atrocities against the SCs and STs, as can be seen from Table 5.1. Even though the number of atrocities against the SCs and STs rose from 24973 in 1993 to 33908 in 1994, it declined since then.

Table - 5.1
Number of crimes against SCs and STs (Cases registered under IPC and PCR and POA Acts)

<table>
<thead>
<tr>
<th>Year</th>
<th>SCs</th>
<th>STs</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1993</td>
<td>24973</td>
<td>3652</td>
<td>28625</td>
</tr>
<tr>
<td>1994</td>
<td>33908</td>
<td>5019</td>
<td>38927</td>
</tr>
<tr>
<td>1995</td>
<td>32996</td>
<td>5498</td>
<td>38494</td>
</tr>
<tr>
<td>1996</td>
<td>31440</td>
<td>4973</td>
<td>36413</td>
</tr>
<tr>
<td>1997</td>
<td>27944</td>
<td>4644</td>
<td>32588</td>
</tr>
<tr>
<td>1998</td>
<td>25638</td>
<td>4276</td>
<td>29914</td>
</tr>
<tr>
<td>1999</td>
<td>25093</td>
<td>4450</td>
<td>29543</td>
</tr>
</tbody>
</table>

It was 32996 in 1995, 27944 in 1997 and only 25093 in 1999, almost a similar is evident even in the case of STs. The total number of reported crimes against the STs rose, at the initial stage, from 3652 in 1993 to 5019 in 1994 and further upto 5498 in 1995. But from these onwards it declined to 4973 in 1996, 4644 in 1997 and 4276 in 1998. A marginal increase of 4450 in 1999 is however, on record. Even when we look at specific crimes such as murder and rape, a similar trend is noticeable.  

Though a declining trend has been the common feature from 1995 onwards in most the States and Union Territories including States such as Uttar Pradesh, Rajasthan, Madhya Pradesh and Gujarat, it has not been so in the case of a few others States such as Bihar, Orissa and Tamil Nadu when an increasing trend is noticed (See Table 5.2). As regard the former category Uttar Pradesh, when experienced at the initial stage an increasing trend in the incident of either against the SCs and STs. It started declining gradually from 16223 in 1994 to 11299 in 1996, 7095 in 1998 and 6917 in 1999. Rajasthan which experienced an increasing trend during 1993-96, started declining from 8016 in 1996 to 7069 in 1998, 6858 in 1998 and 6838 in 1999. But in the case of Bihar, which falls in the category of increasing trend”, the number of reported crimes against the SCs and STs rose from 827 in 1993 to 892 in 1994, in 1996 and 1407 in 1998, though number declined marginally during 1996-97 (868) and during similarly the State of Orissa also experienced an increasing trend.
Table – 5.2

Incidence of crime against Scheduled Caste and Scheduled Tribes
(under IPC and as well as special laws)

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>States/Union Territories</th>
<th>No. of reported crimes</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Uttar Pradesh</td>
<td>10390</td>
</tr>
<tr>
<td>2.</td>
<td>Rajasthan</td>
<td>5251</td>
</tr>
<tr>
<td>3.</td>
<td>Madhya Pradesh</td>
<td>5191</td>
</tr>
<tr>
<td>4.</td>
<td>Gujarat</td>
<td>2001</td>
</tr>
<tr>
<td>5.</td>
<td>Maharashtra</td>
<td>1604</td>
</tr>
<tr>
<td>6.</td>
<td>Andhra Pradesh</td>
<td>795</td>
</tr>
<tr>
<td>7.</td>
<td>Tamil Nadu</td>
<td>539</td>
</tr>
<tr>
<td>8.</td>
<td>Karnataka</td>
<td>936</td>
</tr>
<tr>
<td>9.</td>
<td>Bihar</td>
<td>827</td>
</tr>
<tr>
<td>10.</td>
<td>Kerala</td>
<td>567</td>
</tr>
<tr>
<td>11.</td>
<td>Orissa</td>
<td>268</td>
</tr>
<tr>
<td>12.</td>
<td>Himachal Pradesh</td>
<td>71</td>
</tr>
<tr>
<td>13.</td>
<td>Haryana</td>
<td>57</td>
</tr>
<tr>
<td>14.</td>
<td>Sikkim</td>
<td>25</td>
</tr>
<tr>
<td>15.</td>
<td>Jammu and Kashmir</td>
<td>20</td>
</tr>
<tr>
<td>16.</td>
<td>Pondicherry</td>
<td>15</td>
</tr>
<tr>
<td>17.</td>
<td>Punjab</td>
<td>14</td>
</tr>
<tr>
<td>18.</td>
<td>Dadra and Nagar Haveli</td>
<td>15</td>
</tr>
<tr>
<td>19.</td>
<td>Delhi</td>
<td>4</td>
</tr>
<tr>
<td>20.</td>
<td>West Bengal</td>
<td>14</td>
</tr>
<tr>
<td>21.</td>
<td>Chandigarh</td>
<td>Nil</td>
</tr>
<tr>
<td>22.</td>
<td>Goa</td>
<td>6</td>
</tr>
<tr>
<td>23.</td>
<td>Maghalaya</td>
<td>6</td>
</tr>
<tr>
<td>24.</td>
<td>Manipur</td>
<td>3</td>
</tr>
<tr>
<td>25.</td>
<td>Daman and Diu</td>
<td>2</td>
</tr>
<tr>
<td>26.</td>
<td>Arunachal Pradesh</td>
<td>1</td>
</tr>
<tr>
<td>27.</td>
<td>Mizoram</td>
<td>3</td>
</tr>
<tr>
<td>28.</td>
<td>Nagaland</td>
<td>Nil</td>
</tr>
<tr>
<td>29.</td>
<td>Assam</td>
<td>Nil</td>
</tr>
<tr>
<td>30.</td>
<td>Tripura</td>
<td>Nil</td>
</tr>
<tr>
<td>31.</td>
<td>Andaman and Nicobar Island</td>
<td>Nil</td>
</tr>
<tr>
<td>32.</td>
<td>Lakshdweep</td>
<td>Nil</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>28625</strong></td>
</tr>
</tbody>
</table>

* The POA Act does not extend to Jammu and Kashmir State, NA information awaited

**Source:** Annual report on Scheduled Castes and Scheduled Tribes (prevention of atrocities) Act 1989, reports of 1995-2, 1997-4-5, 1999-5-6, Government of India, New Delhi.
Social boycott:

In the opinion of the Dalits or depressed classes, the only way to overcome this kind of menace to their rights and liberties is to decline social boycott on offence punishable by law. They are, therefore, found to insist that the following sections should be appended to those included in Part – XI of the government of India Act 1919 dealing with offences, procedure and penalties.

I. Definition of offences of Boycott:

a) A person shall be deemed to boycott another to deal with, work for hire do business with another person or to render to him or revive from him any service or declines to do any of the said things on the terms on which such things should commonly be done in the ordinary cause of business.

b) Abstains from such social, professional are business relations as he would, having regard to such prevailing customs in the community which are not inconsistent with any fundamental right or other rights of citizenship declared in the Constitution and merely maintain with such person or

c) In any way inquires provokes or interferes with such other persons in the exercise of his lawful rights.

II. Punishment of boycotting:

Whoever, in consequence of any person having done any act which he was legally entitled to do on of his having omitted to do any act which he
was legally entitled to omit to do or with resolve to cause any person to do any act which is not legally bound to do or to omit to do any act which he is not legally bound to do or to omit to do any act which he is legally entitled to do or with an intent to cause harm to such person in body, mind, reputation or property on in his business or means of living, boycotts such person or any person in whom such persons interested, shall be punished with incarceration of either description which may extend to seven years or with five or with both. 10

III. Punishment for inciting or promoting a boycott:

a) Whoever – publicly makes or publishes to circulates a proposal or

b) Makes publishes or circulates any Statement rumour or report with intent to or which he has reason to believe to be likely to cause or

c) In any other way, wages or promotes the boycotting of any person or class of persons shall be punished with imprisonment which may extend upto five years or will five or with both.

Explanation: An offence under this section shall be deemed to have been commuted although the person affected or likely to be affected by any action of any nature referred to in this regard is not designated by name or class but only big his acting or obtaining from acting in some specified manner.

IV. Punishment for threatening a boycott:

Whoever, in consequence of any person having done any all which he was legally entitled to do or of his having omitted to do any act which he was legally entitled to omit to do or with an intention to cause any person to do
any act which he is not legally bound to do or to omit to do any act which he is legally entitled to do, threatens to cause such person or any person in whom such persons is insisted to be boycott shall be imprisoned of either description for a term which may extend to five years or with five or with both.

Exception – It is not boycott.

1) To do any act in further once or a genuine, labour dispute.

2) To do any act in the ordinary cause of business competitions.

3) All these offences shall be deemed to be cognizable offences.  

Siddapur Dalits ostracized:

Deccan Herald has published News Service on 23-09-2011 that Konanur Hassan District of Karnataka State. People belonging to upper caste in Siddapur village of Konanur hobli have imposed and social boycott on the people of the Dalit colony after they refused to put up a pandal for installing a Ganesh idol on Ganesha Chaturthi. The community has been performing the every year, but this time they refused to do so. In a complaint filed at the Konanur police station, Dalit alleged that the people of the upper caste resorted to caste abuse after they refused to perform what is termed their traditional task, prevalent in the village for generation. The people of the upper caste also threatened them with death and said that they would be exiled, they stated in their complaint. Beside on the complain, cases were registered against 17 persons of the upper caste. People belonging to upper community created a ruckus, after the Dalits refused to oblige. On Wednesday, the Dalit also reportedly refused dig a grave to bury the
body of a person belonging to upper caste. Angered by then, some members of the upper caste called member of the Dalit community for a meeting and said they have imposed society boycott them for refusing to perform their duty. As a result of this social boycott, the Dalits are now not allowed to buy essential commodities from the grocery shop, cannot go to the flour mill, to the Tailor's shop and to the saloon. They are also not allowed to go the temple. Cows belonging to the Dalits cannot graze on the lands belonging to the people from upper caste. They also threatened Dalits who violated these restrictions would be fined, the complaint Stated that in the absence of protection. They feared for their lives due to the treat from the upper caste mergers. On Thursday, a team of police officers and district administration visited in village. Police personnel were deployed in the Dalit colony. 12

So long as the Constitution of India lasts, so long as the struggle against social in justice world wide survives, so long Dalits denied their rights, but aware of their egalitarian justice, demand fulfillment and fight back frustrations, that long will the human homage to Dr. Babasaheb Ambedkar remain a militant message. It is in this spirit that

“I believe inspiration from and offer salutations to the memory go person who advocated the right to personhood of millions of Indians and battled on the side of those whose lot in life was blood, toil, tears and sweat whose lot in life was blood, toil, tears and sweat, whose social reality was human indignity and whose spiritual humiliation was to be untouchables to man and unapproachable to God”. 13

In this case, the case law is reported in AIR 1993, Rajasthan 177 High Court in between Jai Singh V/s Union of India, High Court fully upheld the
SC/ST (Prevention of Atrocities) Act 1989 as it attempts to abolish ‘untouchability’ and caste differences in tune with Constitutional mandate under Article 17.

**Facts:** This is a petition challenging the Act, decided by the full bench of the High Court the facts are not discussed in the judgement.

**Ruling:** The High Court upheld the whole Act, stating that it was legislation falling under the Article 17 of the Constitution. The preamble to the Act made it clear, the main challenge was Section 18, denying anticipatory benefit the accused. It was rejected, stating that this was a special legislation like the Terrorist and Disruptive Activities (Prevention) Act which also denied anticipatory bail. This power is an unusual power and it is entrusted to only higher echelons of judiciary the right to anticipatory bail did not flow from Article 21 either expressly or impliedly. The right has been confined by the statute enacted by parliament. It could also take away the right. The Article 21 is not intended to be a Constitutional limitation upon he powers of the legislature. Parliament has power to lay down that the section 438 Cr. P. C. would not apply to cases covered by the Act [(1995) 3 SCC 221]. The Supreme Court upheld Section 18. Thus, “the exclusion of Section 438 in connection with the offences under the Act has to be viewed in the context of the prevailing social conditions which give rise such offences and the apprehension that perpetrators of such atrocities are likely to threaten and intimidate their victims and prevent or obstruct them
in the prosecution of these offenders, if the offenders are allowed to avail of anticipatory bail.”

The Apex Court Stated that Article 21 enshrined the right to live with human dignity, which was denied to the Harijans for centuries. Looking to the historical background, there is a justified fear that the provision for anticipatory bail would be misused to terrorise the victims. The court rejected the argument that bail was not available even in the case of “minor offences” under the Act. The offences enumerated in Section 3 are such as “to say the least, denigrate members of SC/ST in the eyes of society and prevent them from leading a life of dignity and self respect. Such offences are committed to humiliate and subjected members of SC/ST with a view to keeping them in a State of servitude. These offences constitute a separate class and cannot be compared with offences under the Indian Penal Code.”

**Social boycott:** Nearly 89.3 percent population of the Scheduled Castes lives in villages and is subjected to such hardships. Dr. Ambedkar realized that the chief weapon in the armoury of the Hindus was economic power they possessed over the poor untouchables living in the villages, and thus, he advocated separate settlement of the untouchables. He says,

> “a perpetual war was going on every day in every village between Hindu and untouchables. It is a contest between the economically strong Hindus and all economically poor and socially small groups of untouchables.”

The untouchables could never win the war because of their economic dependence or Dr. Ambedkar says,
“they are a body of lawless labourers who are entirely dependent upon such employment as the Hindu may choose to give them and on such wages as the Hindu may find it profitable to pay. In the village in which they live, they cannot engage in any trade or occupation for owing to untouchability no Hindus will deal with them. It is therefore, obvious that there is no way a living which is open to the untouchables so long as they live as a, dependent part of the Hindu village. This economic dependence has also other consequences besides the condition of poverty and degradation which proceeds from it. The Hindu has a code of life, which is part of his religion. This code of life gives him many privileges and heaps upon the untouchables many indignities which in compatible with the sanctity of human life”.  

The weapon of ‘social boycott’, which is a kind of non cooperation and conspiracy was also used against the untouchables in order to prevent them from exercising their fundamental rights. The orthodox Hindu tried to use their economic power against the untouchables whenever they dared to exercise their rights and have evicted them from their land and stopped their employment and discontinued their remuneration as village servants. This sort of socio-economic boycott was often planned on such a large scale as to prevent them using the commonly used paths and stop selling them the necessaries of life. This tyranny of the majority had far reaching and deadening effects on the life of the untouchables. They were heavily handicapped in the struggle for existence. Therefore, Dr. B. R. Ambedkar demanded separates of the untouchables even at the levy of salt tax. But, this demand was not paid considerable attention at any level and the untouchables could not easily escape from the tyranny of the majority.  

Dr. B. R. Ambedkar maintained that land holding in India was not merely a matter of economic livelihood, but also a matter of social status. Therefore, he wanted the government to concern rate on giving of land to
the Scheduled Castes. Further, Dr. Ambedkar wanted that agriculture should be made a State industry where it would be the possession of all and the monopoly of none. It was the programme of collectivized farms with the rights and responsibilities vested ultimately in the State. As there would be no landlord no tenant and no landless labourer, it could have bear possible to do away. With economic exploitation and social injustice to which the untouchables were subjected. But, the State did not take over agriculture for various reasons and landless untouchables had to remain landless agricultural labourers in the traditional village economy.

Under the Constitution of India, the untouchability has now been abolished and its practice in any form is made punishable. Even the use of the term “untouchable” is avoided and historically known untouchables are now known as Scheduled Castes or Harijans. But the notion of untouchability still prevails in Hindu mind and it is practiced in many parts of the country in various forms. It is not yet rooted out completely inspite of legislation, governmental programmes and efforts of the public bodies. As to what would be the fate of the untouchables in free India, Dr. Ambedkar said,

“History shows that where ethics and economics come in complete victory is always with economics. Vested interests have never been known to have willingly divested themselves unless there was sufficient force to compel them. The untouchables cannot hope to generate any compelling force. They are poor and they are scattered. They can be easily suppressed, should they raise their head. On this analysis Swaraj would make Hindus more powerful and untouchables more helpless and it is quite possible that having regard to the economic advantages which it gives to the Hindus, Swaraj, instead of putting an end to untouchability, may extend its life”.  

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These are the facts and no one can easily ignore that it is the ‘economic dependence’ that has become a major hurdle in the way of economic emancipation of the untouchables. The economically defenceless untouchables cannot initiate or expect any economic change for themselves mainly because of the traditional pattern of society and the economic disabilities to which they are subjected.

“The Hindu sacred law penalized the shudras from acquiring wealth. It is a law of enforced poverty unknown in any other part of the world”.19

Maintained Dr. B. R. Ambedkar and afraid that,

“in prosperity he (untouchables) will be the last to be employed and in depression the first to be fired”.20

**Socio-economic:** The present socio-economic political and religious situation in India is the best evidence establish that Hinduism can co-exists neither with socialism, nor even with democracy. Untouchability, though absolutely eliminated by the Constitution of India, prevails in Hindu mind the class structure of Hindu society which is based on the fundamentals of caste system is a challenges to socialism and democracy. Caste and democracy are based on contradictory assumptions and cannot, therefore, co-exist in the same society.

“Infact, no organization of society on the basis of equality is possible so long as the sub-caste and joint family exist. Observes, Mr. K. M. Panikar, this seems to have been realized also by Pt. Jawaharlal Nehru as he believes that neither socialism nor communism can be achieved in India so long as the caste system exists.” 21
Dr. Ambedkar maintains that the Hindus

“are so many warring groups each living for itself and for its selfish ideal”, hence, an anti social spirit is the worst feature of their caste system”.

Socialism cannot be achieved in such a society. Dr. Ambedkar points out that “religion is the source of power is illustrated by the History of India” and unless a socialist deals with the social order advocated by Hinduism, he cannot achieve his revolution

“Caste is the monster that crosses your path. You cannot have political reform you cannot have economic reform, unless you kill this monster”

says, Dr. B. R. Ambedkar. He thereby means that the problem or social reform is fundamental for the achievement of socialism of India. 22

Communism starts with the theory that there is exploitation in the world, that the poor are exploited by the rich, because of the property that they hold and they on slave the masses, that enslavement results in suffering sorrow and poverty. This is starting point of Karl Mark. He used the word ‘exploitation’ what is remedy that Karl Mark provides? The remedy that Karl Mark provides is that in order to prevent poverty and the suffering of one class it is necessary to remove private property. Nobody should possess private property, because it is the private owner who appropriate or misappropriates, to use the technical language of Karl Mark, the ‘surplus value’ which the workers produce. The worker does not get the surplus value he produces. It is appropriated by the owner. Karl Mark asked the question, why should the owner misappropriate the surplus value which is
produced by the efforts of the working man? His answer is that the owner is the State. And it is because of this that Mark propounded the theory that they must be the dictatorship of the proletariat that is the third proposition that Mark emancipated that government must be by the exploited classes and not by the exploited classes, that is what is meant by the dictatorship of the proletariat. These are the fundamental proposition in Karl Mark, which are the basis of communism in Russia”, observes Dr. Babasahab Ambedkar.23

Dr. B. R. Ambedkar also agrees that the ‘have not’, are always exploited by the ‘haves’ and he joins hand with Karl Mark in over throwing the supreme of the ‘haves’. But he does not accept economic relationship as the be all and end all of human life and thus rejects, economic motive as the driving power behind all human activity. The exploitation can not merely by economic but also be political and socio religious. Hence, the misappropriation of surplus value by the owners of private property cannot be the only reason of exploitation.

Dr. B. R. Ambedkar wanted Indians to have faith in Parliamentary Democracy and avoid rebellion anarchy and communism. He maintained that communism and free democracy cannot live together swallow the democratic notion under the name of liberation. According to Dr. B. R. Ambedkar, the proposition of international expansion of communism is a threat to free democratic countries. He says

“communism is like a forest fire, it goes on burning and consuming any thing and everything that comes in its way”.23
He does not believe that human habitation and this forest fire warns the people to avoid communism and accept parliamentary democracy. Thus, Dr. B. R. Ambedkar maintains that democracy stands for liberty, equality, fraternity and justice.

5.5 CONCLUSION:

The special constitutional provisions, Dalits were protected from the untouchability and social boycott, and atrocities, through laws and numbers of social practices which were considered under the Manu’s laws became illegal and under the modern laws, and PCR Act 1955 to give to effect, Article 17 other such provisions of the Indian Constitution and another POA Act 1989. This is important Act 1989, known as Scheduled Castes and Scheduled Tribes, “Preventions of Atrocities Act 1989, the sections of the Indian Penal Code (IPC) the Criminal Procedure Code, have also been applied as required.
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3. Ibid, p. 25.


5. Ibid, p. 27.


8. Ibid, p. 34.


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17. Ambedkar, B. R., What Congress and Gandhi have done to the Untouchables, pp. 197-198.


