

A Study on the Abolition of Untouchability

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Date of Submission: 01 -07-2017

Date of acceptance: 20-07-2017

I. INTRODUCTION

Untouchability” is a practice which is abolished & considered to be forbidden by law. And practicing this activity is considered to be offence and punishable in Law. Defensive separation is one of the essential strategies through which Constitutional objectives like social and financial equity can be secured to the Women, Scheduled Castes and Scheduled Tribes. Defensive separation implies inclination given in admission to open instructive foundations and in broad daylight work to the weaker areas of the general public including the Women, Scheduled Castes and Scheduled Tribes. As India is having assorted qualities regarding religion, standings, conviction and groups with various levels of social and instructive progression, which made it troublesome for the State to embrace uniform arrangement to all segments of the general public.

The investigation on "Defensive Discrimination" is essential since over 70% of the populace is living in the towns and the advancement of the nation relies on the provincial improvement. It is outlandish for the State to give the monetary help to all Women, Scheduled Castes and Scheduled Tribes, by offering money to enhance their financial conditions. So the Constitutional producers have received such a variety of arrangements for giving reservation in instruction and business. Yet, it is awful to state that still over half of the Women, Scheduled Castes and Scheduled Tribes are uninformed about their assurance and unmindful to get those advantages, due to the issues like, destitution, ignorance, obstruction of go between, absence of will of the administration and so forth. These gatherings of individuals have neglected to acquire the total organic products. So it is unavoidable to bring systematization by the administration to give the products of reservation to the individuals who really required and bar the forward class from reservation.

The examination would likewise highlight the part of legal in deciphering the defensive separation provision given in the Constitution of India for Women, Scheduled Castes and Scheduled Tribes. Through this investigation, individuals having a place with these areas (Women, SCs and STs) would be illuminated about the Constitutional securities and benefits and the insurance given to them under different laws. Also, the conclusion and recommendations made in this exploration work might be used by the administrators, strategy creators and arrangement mediators to achieve equity and fairness through the approach of reservation.

OBJECTIVES:

1. To Study Abolition Of Untouchability.
2. To analyse Judicial approach towards Protective Discrimination of Scheduled Castes and Scheduled Tribes.

HYPOTHESIS:

The Constitutional benefits given to Women, Scheduled Caste and Scheduled Tribes under the “Protective discrimination” are not properly reaching them.

SOURCES OF STUDY:

SECONDARY SOURCES:

The Secondary Sources includes Books related to Article 17 Abolition of Untouchability. Journal, Articles, Websites and Blogs are also been referred.

METHODOLOGY:

The data is collected mainly through Secondary sources such as articles, journals, and books relating to Liability of the state in contract and in torts.

CHAPTERISATION:

The research paper has divided into Two Chapters:

Chapter 1 : Eradication of Untouchability under Indian Constitution which comes under Right to Equality which is a fundamental Rights of Indian Constitution. Constitutional protections and benefits and the protection

given to them under various laws. Besides, the conclusion and suggestions made in this research work may be utilized by the legislators, policy makers and policy interpreters to bring about justice and equality through the policy of reservation.

Chapter 2 - Judicial approach towards Protective Discrimination of Scheduled Castes and Scheduled Tribes deals with social Justice to the Women, Scheduled Castes and Scheduled Tribes has incorporated many provisions in the Indian Constitution like, special provisions for Women, special protection to Scheduled Caste and Scheduled Tribes, special representation in legislatures, public services and reservation of seats in educational institutions. This had been done for increasing the educational opportunities and representation in public services for the Women, Scheduled Castes and Scheduled Tribes to provide equal opportunity as guaranteed by the Constitution.

CHAPTER 1

ERADICATION OF UNTOUCHABILITY UNDER INDIAN CONSTITUTION

Untouchability is one of the serious social issues which is not yet getting proper attention from public, government & media. It has been said that without the eradication of untouchability we cannot think of rural development. Untouchability represents an incredible deterrent in the way of all advancement works. It ruins rustic advance to an awesome Remarkable expand. Mahatma Gandhi, the best religious reformer and the father of our country says "I have confidence in the central truth of every single awesome religion of the world in principle; since there is one God, there can be just a single religion.

Gandhiji did not have faith in the Hindu Dharma Shastras & he told that a person cannot be defined by his birth or colour. Character is the main deciding component. No sacred text which marks an individual as second rate or untouchable in view of his or her introduction to the world can order our constancy; it is a refusal of god." Untouchability is a smudge for humankind, an underlying driver for the backwardness of the Hindu society and a major issue of national coordination. Despite Governmental and non-Governmental strides untouchability still holds on pretty much in all aspects of the nation. The principle explanation behind the ingenuity of untouchability in India might be because of the way that Harijans themselves are not set up to surrender benefits which they have through established and different means.

Following suggestions can be made to, eradicate the evil practice of untouchability:

Spread of Education:

Education is the best technique for the destruction of untouchability Therefore; exertion ought to be made for the spread of education among the untouchables. Additionally, courses of action ought to be made by the Government for the spread of general and specialized educating among Harijan understudies. Extraordinary instigations as grants, free inn convenience, books, stationery and so forth ought to be given to them.

Economic Facilities:

The financial state of the untouchables still keeps on being hopeless. Harijan upliftment would remain a devout expectation the length of their financial position stays unaltered. Consequently, they ought to be given professional preparing in different specialties and specialized aptitudes and monetarily ought to be helped to begin little scale and house businesses of their own.

Monetary backwardness of Harijans must be expelled through open doors for beneficial business and change in economic wellbeing Provision of land, water system offices; supply of bullocks, agrarian instruments, seeds and excrements; improvement of provincial bungalow ventures; advancement of interchanges, agreeable social orders and so forth are useful from numerous points of view in enhancing their financial positions. In this manner, for the destruction of untouchability, all monetary offices ought to be given to the untouchables.

Housing Facilities:

Harijans, at present, mostly live in the worst type of slums and they are segregated from the residential areas of the higher castes. Bad housing conditions not only affect their health but also affect their morality. Therefore, the Harijans should be given ample housing facilities so that they develop their living conditions. The Government while improving the housing conditions should provide new houses to the houseless Harijans. Besides, maximum financial assistance should also be provided to them for repairing old and bad houses.

Employment Facilities:

For the change of the way of life of Harijans and other in reverse classes, Government ought to give however much work offices as could reasonably be expected. Alongside Government administrations, reservation of opening for Harijans ought to be made in all mechanical ventures.

Emancipation from Dirty Occupations:

Harijans at display are generally occupied with different filthy occupations. The reality of the matter is that one occupied with the grimy occupation, seems unclean to others. It additionally influences his identity. Hence, endeavors ought to be made at all levels to liberate them from filthy occupations beyond what many would consider possible.

Abolition of Caste System:

Caste system is the root cause of the origin of untouchability. Therefore, the abolition of caste system is very essential for the eradication of untouchability.

Encouragement to Inter-Caste Marriages:

It is a very effective means for the eradication of untouchability. By inter-caste marriages, not only two persons of different castes but their families too shall be united. Hence, for the removal of untouchability, inter-caste marriages, especially between the higher castes and the untouchable castes should be encouraged by all possible means.

Propaganda against Untouchability: Public awareness is necessary to abolish this problem. For the annihilation of untouchability, publicity ought to be tirelessly coordinated by the Government and other social associations against this fiendishness through the broad communications of correspondence like radio, TV, daily paper and so on. Every instructive organization ought to likewise work toward this path. As a result, the sentiments of untouchability discover no place in the psyches of individuals and it is naturally destroyed.

CHAPTER2

JUDICIAL APPROACH TOWARDS PROTECTIVE DISCRIMINATION OF SCHEDULE CASTES AND SCHEDULE TRIBES

Protective discrimination is one of the important methods through which Constitutional goals like social and economic justice can be secured to the Women, Scheduled Castes and Scheduled Tribes. As India is having differences as far as religion, ranks, conviction and groups with various levels of social and instructive headway, which made it troublesome for the State to embrace uniform strategy to all areas of the general public.

This had been accomplished for expanding the instructive open doors and portrayal out in the open administrations for the Women, Scheduled Castes and Scheduled Tribes to give rise to open door as ensured by the Constitution.

In India the part of Judiciary securing the enthusiasm of Scheduled Castes and Scheduled Tribes by conveying the judgments is not acceptable in regard of their training, open business and advancement and so forth. Amid the time of 60 years the part of legal is extremely important. It has not guaranteed penny percent equity to the Scheduled Castes and Scheduled Tribes. Neither the Supreme Court nor the lower Courts have forced feelings or capital punishment, or life detainment or thorough detainment against the upper Caste individuals who have submitted barbarities against the Scheduled Castes and Scheduled Tribes. In spite of the legal mediation, outrages, snatching of land, assault, abuse, and badgering are going ahead against them. Our legal needs to take acknowledgment of these brutal practices and avert them to give equity.

With respect to instructive chances of the SC and ST individuals the Supreme Court's state of mind can be seen right off the bat in *Champakam Dorai rajan Vs. Condition of Madras* wherein, the Madras Government had held the seats in state medicinal and designing universities for various groups in certain extent on the premise of religion, race and Caste. This was tested as illegal and ultra virus to the Constitution. In any case, the Madras Government guarded its G.O. arrange on the ground of article 46 of the Constitution allows the state to advance with extraordinary care the instructive and monetary interests of the weaker segment of the general population and specifically of the Scheduled Castes and Scheduled Tribes to secure the social equity to them. The Supreme Court struck down the reservation made by the state and held that it was unlawful as it ordered on the premise of Caste and religion which are prohibitory grounds under Article 15(1) of the Constitution .

Abolition of Untouchability:

Article 17 of the Indian Constitution abrogates "Untouchability" and denies its practices in any shape. The authorization of any disability emerging out of untouchability is to be an offense culpable as per law. Truly the untouchability is a result of the Hindu Caste System as indicated by which specific segment among the Hindus had been looked down as untouchables by alternate areas of the general public. Where a few segments of the general public were denied a few benefits, they were kept from going into sanctuaries, open spots, eateries, tanks, wells, instructive foundations and socially they were boycotted in their towns by the Caste Hindus. In this way, the Constitutional designers equitably joined an arrangement to destroy untouchability and to give break even with status to them alongside the Caste Hindu. Untouchability' is neither characterized in the Constitution nor in the demonstration.

II. CONCLUSION

The Indian judiciary is not completely in favour of Scheduled Castes and Scheduled Tribes. It is very little positive legal activism has occurred. Indeed, even following 60 years of freedom, the issues of Scheduled Castes and Scheduled Tribes have not been unraveled. All organs of the state like, council, official and particularly legal ought to quickly work for the upliftment of the Scheduled Castes and Scheduled Tribes to accomplish the Constitutional command of defensive separation. So far as, the ladies is concerned the Indian Judiciary assumes the critical part. In connection to ladies, Indian legal demonstrates the much positive legal activism. It is exceptionally useful, with a specific end goal to maintain a strategic distance from the Gender separation or Gender disparity. The belief system of the Dr. Ambedkar has particularly impacted the Indian Judiciary the premise of this belief system the Supreme Court of India proclaimed that Directive standards of state arrangement are enforceable with the central rights. Indian Judiciary has translated the importance of the Fundamental Rights on the premise of order standards of state strategy. However Dr. Ambedkar has forced the devout obligation on the future governments to actualize the arrangements of order standards to secure social equity to all areas of the Society.

In this case proper implementation must be implemented by the government in order to reach every single corner of the society.

IOSR Journal Of Humanities And Social Science (IOSR-JHSS) is UGC approved Journal with Sl. No. 5070, Journal no. 49323.

Gayathri. U. "A Study on the Abolition of Untouchability." IOSR Journal Of Humanities And Social Science (IOSR-JHSS) 22.7 (2017): 78-81.