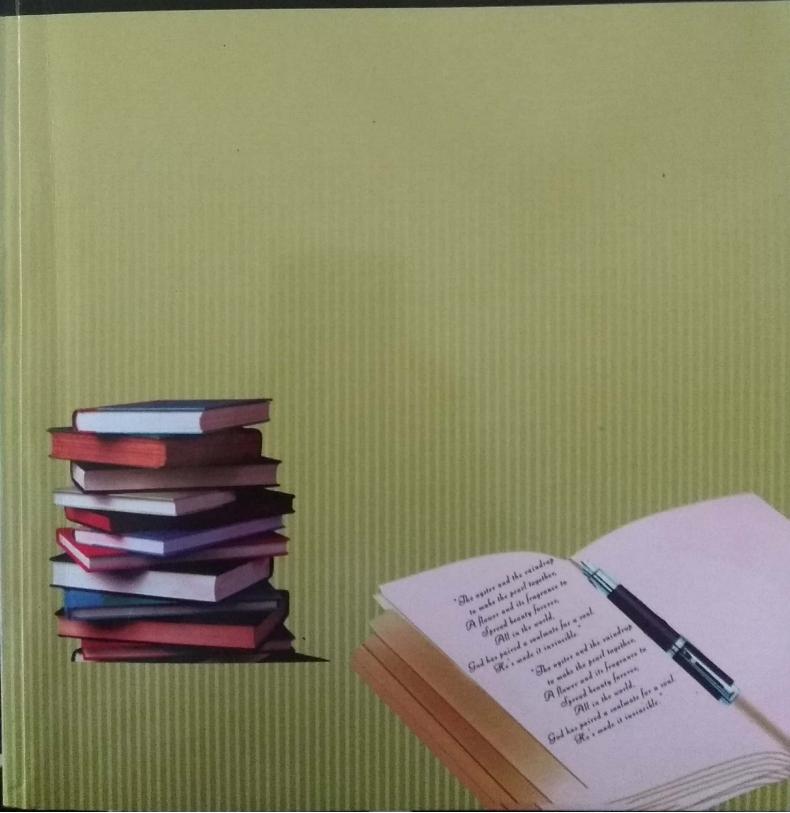
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## VIBGYOR

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### **VIBGYOR**

Bi-annual Multidisciplinary Research Journal Volume V / No. 1 / March 2018

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E-Mail: aakar100@gmail.com

VI	BGYOR Biannual Multi-Disciplinary Research Journal / Volume	V / No. 1 / March 2018 ISSN-2277-4	1491
	Through Layout Optimization Using The Principle Of Layout Management A Review, Evaluation And Comparison Of Cutting Fluid		THE RESERVE
		Prof. PrafulUlhe& Coworker	396
118.	A Review: Literature Survey For The Implementation Of Kaizen	Prof. Aamir Sayed & Coworker	398
119.		Dinesh Yelure& Coworker	400
120.	Effect Of Various Cooling Environment For Cnc Lathe		
	Operation On Surface Roughness	Nitynand Chauhan & Coworker	402
	Design And Development On Solar Dryer Using Gooseberry	Pravin M. Gupta & Coworker	406
122.	Study And Implementation Of 3s Of 5s Technique In Jdcoem		
	Workshop Nagpur	PrafulGedam& Coworker	
	Study And Implementation Of 'Seiri' Of '5s' In College Workshop	Mr. ShaileshSahare& Coworker	412
124.	Review On Aspects Of Heat Transfer Using Phase Change Material In		
	Thermal Energy Storage Applications	Rohan Nikhare& Coworker	
	The Research On Techniques Of Indexing Mechanism	Prof. HarshalRaut& Coworker	. 416
126.	Experimental Analysis Of Heat Transfer Augmentation		410
	Using Compound Methodology	Dharmesh A. Agrawal & Coworker	
127.	Cursor Movement Control System By Hand Gesture	Shivani M. Ukey& Coworker	
128.		Shweta Mandrekar& Coworker	
129.	Data Warehouse Architecture	Parag Umbarkar & Coworker	
130.	Industrial Sanitation And Improvement Using Kaizen Approach	Prof. Aamir Sayed & Coworker	
	Testing On Ss304 Metal With Smaw	Prof.AamirR.Sayed& Coworker	. 451
132.	An Embedded System For Motor Movement Controller Using	K.Y. Rokde	110
	Wireless Technology		
133.	Employee's Performance Management System	Dr. Vaishali Fating	
134.	Human Rights Education : A Must For Today's College Going Students	Prof. Dr. RekhaGulhane& Coworker	443
135.	Design And Development Of Experimental Setup Using Radiator As Heat	DD Mahashuum & Coworker	110
	Exchanger For Testing Of Nanofluid As Coolant	P.B. Maheshwary& Coworker Dr. Anjali S. Kulkarni	
136.	Role Of Technology In Higher Education		
137.	Sufi Writing And Development Of Urdu Poetry	Ayesha F, Basit	400
138.	An Investigation Into The Effect Of Risk Productivity In Selected Industrial	W 11 A Ch - 1 - 2 Convention	150
	Units In Chandrapur District-A Strategic Management Centered Approach	Kapil A. Chouriya& Coworker	
139.	Separation Of Heavy Metal Cations Using Micellar Chromatography	Dr. Sunil Wanjari	
140.	Ageing Across The World: Problems & Strategies For Coping With Old Age	Dr. L D Balkhande& Coworker	
1/1.	Dr. Ambedkar - The Real Supporter Of Human Rights	Someshwar v. wasekara Coworker	
	Intellectual Property Rights In Ancient India	Dr. Mugdha Deshpande	470
143.	Buddhism: A Panacea For The Sorrows Of Bahujans	Dr. Raju N. Dhabale	
	Sms Filtration And Protection System	Saketkumar Gupta & Coworker	482
	Load Balancing Of Server By Hybrid Approach	RoshniKodape& Coworker	484
	Conversion Of Plastic Waste Into Usableliquid Fuel	Sujata Khartade& Coworker	487
47	Library Collection Development For Information Needs In Agriculture		
	Universities In Maharashtra	Mr. Rajendra R. Latpate& Coworker	49]
10	Conflict For Autonomy Of The Female Characters In ManjuKapur's		
40.	D'AT A De La Cara de Married Woman'	Shital P. Mendhe& Coworker	495
	Difficult Daughters' And 'A Married Woman'	AmolRaut	498
49.	Elevating The English Language Skills Of Rural Students Design And Implementation Of Arduino Based Industrial Boiler Automation	Harshal Ingle & Coworker	50
50.	Design And Implementation Of Arduino Based Industrial Bollet Automation		

### Dr. Ambedkar -The Real Supporter of Human Rights

Abstract: In the twenty-first century the concept of Human rights has become part of social and political consciousness. Man as a man is to be valued by other men. It is obvious that people are being made conscious of their rights to existence with dignity by the multimedia, politicians, sociologists, educationists and all those who care for civilized behaviors.

Human rights are a bundle of unchallengeable rights without which life becomes unimportant and meaningless. Such rights are intrinsic in human nature. Origin of human rights is to be found in the primary obligation of the local community of human beings to protect the life and property of an individual. But with the course of time this practice took place in our country as a form of exploitation. India's 160 million Dalits, or "Untouchables, "still suffer from egregious caste discrimination even after independence and fundamental rights. In addition to this dalits are targets of physical and sexual violence. Though Indian law contains extensive protections against such caste discrimination, the government still fails to implement its domestic and international obligations to guarantee Dalits rights. Dalits refers to the oppressed, usually associated with a diverse group of people historically considered the lowest among the Indian members of the Hindu strata in India. The Hindu caste system is a hierarchical class structure which rooted in India dating back thousands of years. In descending order, the caste system is consisted of Brahmins (priests), Ksyatriyas (warriors), Vaisyas (farmers), Shudras (laborer-artisans), and the Dalits, who are considered so impure as they are beyond caste. Conventionally, caste is determined by birth, whom one could marry, and the profession one could practice. The origin of the caste system is highly debated among scholars.

Keywords: Human rights, dalit, casteism, Obli-

Dr. Ambedkar is one of the greatest supporter and theorist of human rights. He was a true idealistic, contributing to a global evolution of this idea, to the legal rights, and to this day, he endures to inspire hu-

### ☐ Someshwar Vinodrao Wasekar

Assistant Professor, Department of English BhiwapurMahavidyalayaBhiwapur

man rights defenders.

To prove my opinion, I will focus on three key progressive strands -

First is the interdependence of human rights. A constant refrain in his writings is his call for 'liberty, equality and fraternity'. Equality and non-discrimination are clearly at the core of his conceptual framework of human rights. Yet, in contrast to the use of these principles in the French and American declarations, Dr. Ambedkar placed social and economic equality alongside political and civic equality.

Second, Dr. Ambedkar said, 'I measure the progress of a community by the degree of progress which women have achieved.' He strived through efforts, including his proposed Hindu Code Bill, to secure rights for women in India in areas such as inheritance and divorce. Importantly, he was of course referring to all women, not just the progress of elite women, approaching gender equality as he was from the point of view of Dalit women.

Third, Dr. Ambedkar was visionary in his understanding that democracy alone is not a guarantee for the protection of the rights of minorities. He attempted to build into the constitution several protections for different minority groups in India (as later detailed along with other minority rights proposals in his 'States and Minorities' (1947). Many of his efforts in this regard were blocked, including by Gandhi, pushing him to settle only for reserved seats for Dalits in government under the Poona Pact (1932).

As has been said that "Elections are just show business" is the common belief of the people belonging to the scheduled caste. They think that elections are not justified and it is useless to spend money on them because elections are based on casteism, money and might. The voters while giving their vote to the candidate looks at caste if the candidate belongs to their caste. They vote in their favour. Therefore, according to Dalits elections are neither justified nor the candidate who wins the election as he could not be the real representative of the people.

India's Obligations under Domestic Law:

Journals No. - 46447

Dr. Ambedkar has defended the human rights of people through the constitution of India. The Indian constitution provides social, political, and economic justice for all. To protect the Dalits, constitution has several provisions to guard scheduled castes and to improve their positions as follows.

- 1) Article 17 of the constitution abolishes the practice of "untouchability" and punishes the enforcement of any disability arising out of the practice.
- 2) Article 21 guarantees the right to life and liberty. The Indian Supreme Court has interpreted this right to include the right to be free from degrading and inhuman treatment, the right to integrity and dignity of the person, and the right to speedy justice .When read with Article 39A on equal justice and free legal aid, Article 21 also encompasses the right to legal aid for those faced with imprisonment and those too poor to afford counsel.
- 3) Article 23 prohibits traffic in human beings and other similar forms of forced labor. Since the majority of bonded laborers belong to scheduled castes, Article 23 is especially significant for them.
- 4) Article 24 provides that no child under the age of fourteen shall work in any factory or mine or engage in any hazardous employment. Again a majority of children engaged in bonded labor in such hazardous industries are scheduled caste members.
- 5) Article 45 charges that the state shall endeavor to provide free and compulsory education for all children until they reach the age of fourteen, while Article 43 calls on the state to secure to all workers, agricultural, industrial or otherwise, a living wage and conditions of work ensuring a decent standard of life.
- 6) Article 46 comprises both development and regulatory aspects and stipulates that: "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 forms of exploitation." As the article falls under the category of directive principles and not fundamental rights, it cannot be enforced by the state's courts.
- 7) Article 15 (4) empowers the state to make any special provisions for the advancement of any socially and educationally backward classes of citizens, or for scheduled castes and scheduled tribes. This particular provision was incorporated into the constitution

- through the Constitution (First Amendment) Act, 1951 and has enabled several states to reserve seats for scheduled castes and scheduled tribes in educational institutions, including technical, engineering, and medical colleges. It has also paved the way for reservations in police forces.
- 8) Article 330 provides reservations for seats for scheduled castes and scheduled tribes in the LokSabha (the House of the People), while Article 332 provides for reservations in the stafe legislative assemblies. Article 334 originally stipulated that the above two provisions would cease to have effect after a period of ten years from the commencement of the constitution. This article has since been amended four times, extending the period by ten years on each occasion. The provision is now set to expire in January 2000.
- 9) Through Article 16 (4) the state is empowered to make "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." The claims of scheduled castes and scheduled tribes, as per Article 335, shall also be taken into consideration, consistent with maintaining efficiency of administration, in the making of appointments services and posts in connection with the union or of a state.
- 10) The protective component of this strategy includes the enforcement of those legal provisions that make up the Protection of Civil Rights Act, 1955, and the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989; of other state and central government laws; and of "positive discrimination" through reservations in the arenas of government employment and higher education. These protective measures are monitored by the National Commission for Scheduled Castes and Scheduled Tribes. The development measures for the educational, social, and economic upliftment of scheduled castes are administered by the Ministry of Welfare through the state governments.

Dr. Ambedkar conceived the state as an organization the aim of which was:

1) to maintained the right of every subject to life to liberty and pursuit happiness and to free speech and free exercise of religion; 2) to remove social, political, economic inequality by providing better opportunities to the underwater classes; and 3) to make it possible for every subject to enjoy freedom from want and freedom from fear." To him, the true

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freedom of man was political, social, economic, inrellectual, and spiritual. Dr. Ambedkar tried to reach some balance between the authority of the state and the liberty of the individual. Being himself a lawyer by profession and a Jurist by temperament, he emphasized the role of law in civilized society. To him, the law does not only carry out a legal function. It also regulates the life of the society as well as nation. In his opinion, "Rights are protected not by law but by the social and moral conscience of society. If social conscience is such that it is prepared to recognize the rights which law chooses to enact, rights will be safe and secure. But if the fundamental law rights are opposed by the community, no law, no parliament, no judiciary can guarantee them in real sense of the word" Dr. Ambedkar tried to seek harmony between the people and the legal power of the state.

#### Conclusion

The Dalit movement endures to struggle towards these objectives in their struggle to exclude castebased discernment, to attainfulfillment of their human rights and for the repair of dignity and justice. Leaders of this movement look to Dr. Ambedkar for

motivation, putting into practice his famous mantra: 'My final words of advice to you are educate, agitate and organize; have faith in yourself'. Indeed, his words could be a rallying cry for human rights defenders everywhere.

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