



Social justice in the Indian constitution

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Abstract

The title of my research paper is 'Social justice in the Indian Constitution'. India has seen many reformers fighting for the rights of humanity. Dr. B.R. Ambedkar was one of the ace social reformers of India. The quintessence of his doctrine was social justice. Dr. Ambedkar occupies a unique place in the history as a leader of the downtrodden, pioneer of social equality and architect of the Indian Constitution. He rose as a leader of those, who had no right to pull water from the well; for those who had no right to enter the temple; for those who had no right to get education and for those who had no socio- economic rights. He was one of the Pioneer of social justice in India. He provided new dimension to the concept of social justice in India. The facilities, comforts and fundamental rights which we are enjoying today, all of them are the contribution of Dr. Ambedkar. The whole credit goes to him for his crusade to provide justice to the depressed people who have experienced humiliation at the hand of society for centuries. He wrote glorious chapter in the history of India by drafting a constitution, which was based on the principles of liberty, equality and fraternity. In this research paper, I would like to raise a question 'Has dream of Dr. B. R. Ambedkar's JUST INDIAN SOCIETY fulfilled?' If not, let's clean this Indian society from all evils by our collective effort. Let's make India a country free from all atrocities and discriminations.

Keywords: social justice, rights of humanity, Dr. B.R. Ambedkar

Introduction

In view of Karl Marx,

“Man is both the product of history as well as the maker of history”

Human beings are different from all other living creatures because human beings have highly developed mental faculties. These faculties helped them to investigate, understand, explain, refine and define both the physical and social environment. Indeed there was a time, when he was not able to understand many things. At that time he lived at the mercy of nature. Gradually he realised his existence. With emergence of the concept of property, society was divided into groups. From here inequalities were started in his life. On the one side society was growing and on the other side it was being divided on the basis of caste, colour, area, religion, sex, race etc. People who were suffering from these inequalities cried for justice. In this way, the concept of justice became integral part of political philosophy of numerous philosophers. In many states the concept of social justice has become burning topic of the day. Revolutions have taken place to acquire social equality and justice.

Meaning of Justice

Greek word 'Dikaisune' is used by Plato for justice.

Meaning of justice is different to different people.

- For Plato- justice means citizens sense of duty and it means a proper harmonious relationship between parts of an individual and the city.
- For Aristotle, The virtue of justice consists in moderation as regulated by wisdom.

- For Glaucon, justice means protection of the weak.
- For Thrasymachus, Justice is the interest of stronger.
- For Polemarchus, giving to each man what is due to him is justice.
- For a poor man- justice means abolition of poverty.
- For a worker, justice means equal pay for equal work.
- For a feminist, justice means abolition of masculinist repression.

In general terms, justice means

'Equal participation of all the sections of society in political and public matters'

- In social sense justice means absence of all the distinctions in the society. Everyone should be treated as an equal member of the society irrespective of caste, colour and religion.
- In economic sense justice means absence of economic exploitation. It means that one should not be so poor that he sells himself and he should not be so rich that he has the power to control the lives of others. There should be absence of economic disparities.
- In legal sense justice means equal before law and equally protected by law.

Social Justice has lot of significance in the context of Indian society. In our society walls and barriers are created on the basis of caste, colour etc.

So Dr. Ambedkar's vision of Social Justice involves;

- Desirability of goodness in social life
- Ending of hereditary privileges
- Balancing wheel between have and have nots

- Bundle of rights
- Giving equal footing to deprived section with other sections
- Gender equality
- Dignified life
- Good standard of living
- Social and economic security
- Promotion of social progress etc.

Social Justice in Indian Constitution

During British rule, Dr. Ambedkar demanded constitutional rights for the untouchable,

“All educational facilities should be provided to the depressed classes; depressed classes should be given representation in states and central legislative councils on the basis of their population, needs and importance; jobs in the state and central government services should be reserved; depressed classes should be given representation in all democratic bodies of the country; provisions of separate electoral should be made for the depressed classes; separate settlement should be established for depressed classes.”

After independence, when he was invited to draft Indian constitution, he got an honour as well as great opportunity to realise his dreams of just society. He can give depressed classes what he was demanding from British Indian government. He put all his efforts to establish fair and equal India. After the completion of Indian constitution, Dr. Ambedkar had declared,

“I say it with a certain amount of pride that the constitution which has been given to this is the simplest and the easiest.”

His vision of social justice is visible in Preamble of the constitution. Preamble embodied in a solemn form all the ideals and aspirations for which the country had struggled during the British regime. The constitution was sought to be enacted in accordance with the genius of the Indian people. The objective of Indian constitution is mentioned in the Preamble. It was to ensure justice, liberty, equality and fraternity to the people. There was a time, when untouchability was a very common practice in India. Due to Hindu social system, untouchable remained socially graded, economically impoverished and politically suppressed. They were excluded from educational and cultural facilities. Dr. Ambedkar was also victim of social atrocities. So he tried his best to draft such type of constitution in India which can legally provide all opportunities and facilities to all sections of India. With commencement of Ambedkar Era, hopes got alive in poor section of the society. Although Food, cloth and shelter are basic needs of an individual yet he wanted to live a dignified life. It is possible only in the presence of social justice.

Dr. Ambedkar wanted to bring unity and equality in the society, so he thought that Hindu society should be reorganised on the principal of equality and casteless. He was ambitious to bring revolutionary transformation in the lives of downtrodden people. He always advocated an urgent need of bringing equality of opportunity to the needy and weak.

Articles Related To Justice in the Constitution

- Article 14 makes everybody equal before law and gives equal protection by law.

- Law is an important factor to maintain peace and order in country like India where people of different groups are residing. Law is guardian of equality and liberty.
- Article 12 to 35 provides fundamental rights.
- Article 35 to 51 provides Directive Principles of state policy.
- Article 32 provides Right to Constitutional Remedies. Article 32 and article 226 authorise Indian Supreme Court and High Courts respectively to issue five writs for the protection of fundamental rights.
- Provisions are made for Reservation of Schedule castes in Indian Constitution. Dr. Ambedkar did not want the minority class, schedule castes and schedule tribes to develop permanent interest in the backwardness. He was in favour of reservation for a particular time. He wanted schedule castes and schedule tribes to lift themselves with their bootstrap and stand up to the competition to the world at large. He wanted to improve the mistake of his ancestors through the reservation policy and its application.
- Article 21A related to compulsory education. He was in favour of the promotion of education because education is one of the best resources to connect the destitute with main stream of national development. To him education is essential for the poor masses to develop a sense of political awareness. He gave slogan, “Educate, organise and agitate”

Obstacles in fulfilling dreams of dr. Ambedkar

There are many obstacles in Indian society, which are responsible for social injustice in India.

1. Poverty

Poverty in India is the root of all evils. In spite of many steps taken by government to uproot poverty about 21.9% people are still living below the poverty line. According to the report published by World Bank in August, 2008, 42% population of India was living below poverty line.

Data of Poverty in India (2014) (Source-world Bank indicators)

Total population (2014) – 1,267,401,849.0

Population growth (annual %) – 1-2

Rural population – 857,194,567.0

Rural population (% of total population) – 67.6

Number of rural poor (million approximately) 2014 – 220,299,003.7

Rural poverty headcount ratio at national poverty lines (% of rural population) 2014 – 25.7

Poverty headcount ratio at national poverty lines (% of population) 2011 – 21.9

Income share held by lowest 20% (2009) – 8.5

G D P per capita growth (annual %) (2014) – 6.1

According to report published in the Times of India on 7th July, 2014

Those spending over Rs 32 a day in rural areas and Rs 47 in towns and cities should not be considered poor, an expert panel headed by former R B I Governor C. Rangarajan said in a report submitted to the BJP government. According to his committee report, 29.5% of Indian population lives below poverty line.

In 2011-12, the Suresh Tendulkar Panel recommended that

poverty line had been fixed at Rs. 27 in rural areas and Rs 33 in urban areas. This is the level at which getting two meals may be difficult.

2. Illiteracy

Illiteracy is a major cause of inequalities in India. Education is known as a third eye of an individual because it gives him the knowledge which he cannot get with his two naked eyes. The social justice can be achieved only through education.

Literacy rate in India

Literacy in India is a key factor for socio- economic progress. How it can progress if it has been largest illiterate population according to recent data. There is a lack of proper school facilities as well as sheer inefficiency of teaching staff across the county in the government run education sector.

On February 21, 2005 Dr. Manmohan Singh said that he was pained to note that only 47 out of hundred children are enrolled in class I reach class VII putting the dropout rate at 52.78%.

Economic Times, 30 June 2015,

“In rural areas 4.5% of males and 2.2% of females completed education level of graduation and above. In urban areas 17% of males and 13% of females completed education level of graduation and above.

To eradicate illiteracy Right to Education has been made fundamental right by inserting Article 21A Into the Constitution. This article provides that the states shall provide free and compulsory education to all the children of the age of 6 to 14 years in such a manner as the state by law determine. Article 51A (K) also provided that parents and guardian to provide opportunities for education to his child.

3. Unemployment

There is large scale unemployment in India that has adversely affected Dr. Ambedkar’s dream of equal opportunities. Today there is great dissatisfaction among the youth of India.

Data of Unemployment rate in India

In 2012, it was 5.20%

In 2013, it was 4.90%

The number of unemployed persons in India increased to 44.79million in 2012(reaching on all times high) from 40.17 million in 2011.

4. Feudal Values in India

It is not true that feudalism is over in India. Feudalism has never been abolished in India. These values, being retrogressive by nature make the individual thinking very narrow, backward and conservative. The high born people look down upon the depressed classes and treat them as their servants. It has created more social inequalities in our society.

5. Corruption

Corruption has become integral part of our life. From top to bottom our administration has come under the grip of it. Every day a new scam comes to the surface.

Corruption Scam in India – Today India is full of corruption scams. India’s image as a corrupt country is getting worse day by day. India has been ranked 79th among 176 countries in the corruption perception index, 2016 released by Transparency International Organisation. Unfortunately, in most of the cases

the perpetrator of the scams is still at large because cases are pending in Indian courts. The following are the major corruption scam in India.

1. Indian coal allocation scam 2012, size 1.86lac. crore
2. 2G spectrum scam 2008, 1.76lac. crore
3. Wakf Board Land scam 2012, 1.5 – 2lac crore
4. Commonwealth Games Scam 2010, 7,0000 crore
5. Telgi Scam 2002, 20,000 crore
6. Satyam scam 2009, 14,000 crore
7. Bofors scam 1980 & 1990, 100 to 200 crore
8. The Fodder Scam 1990, 1000 crore

These figures are raising the curtain from hidden story. Our representatives are breaking all the records in corruption.

It is unfortunate that even after 70 years of Independence social justice in India is still a dream. Dalits are still being discriminated. Attacks on Dalits have become frequent in rural India. News of their discriminations is very common. Like Dalit boy was beaten to death for plucking flower, Dalits burnt alive in caste clash, Dalit woman gang raped and paraded naked. It looks more horrible if inhuman orders against them are given by Khap Panchayat. In a recent incident, a young woman from Baghpat district of Utter Pradesh has approached the Supreme Court for protection against a Khap Panchayat diktat for her rape as the retaliation to her brother eloping with a married girl from the upper caste Jat community.

Survey conducted by National Law School, Bangalore was published in the Times of India on 27 July, 2009. As many as 516 of the total 648 Dalits were questioned, some of them told that they are not allowed to enter temples, they are not allowed to take out processions of their deities. Schedule caste kids in many cases are asked to take the back benches. Many are served midday meals separately from their children. There are countless cases of social and economic justice in India. The harassment and cruelties inflicted on the lower community are very common in rural India.

The book titled ‘Untouchability - still alive in rural areas’ contains field survey data from over 560 villages in 11 of the major states of India. It found that untouchability continues to be widely prevalent and is practiced in one form or another in almost 80% of the villages. More than 160million people in India are considered untouchable. They are tainted by their birth into a caste system that deems them impure less than human. There are millions of people who are living in constant fear of being publically humiliated by upper caste Hindus seeking to keep them in their place.

Although Preamble of the Indian Constitution provides ‘equality of status and of opportunity’ but in reality it is not assured. There are distinct classes in the society, which have been stucked to their privileges. They do not agree to share their facilities with others.

The reservations in different government institutions are not utilised by the weaker section of the society. Needed people are not beneficial of this right. Equality of opportunity under the constitution has no importance in the real sense. In India only those can get opportunity, who geese the palm of greedy people. There is mere talk, promises and election slogans but no concrete action is taken to redress injustice. Suicide committed by farmers clears the whole picture of our just and equitable system.

If opportunities are not given to the neglected section of the society, it will create social imbalance. It will also result in anarchy or threat to unity and integrity of India. Mutual respect and moral understanding is possible only through justice, liberty, equality and fraternity. Social order should be of such type which can create socialist and nationalist spirit among the people. Unity and integrity can be protected by taking these steps -

1. Caste system will be blown up, if the lower strata of Indian society get educated. The road to social justice to be led by education. There is also need to change the psychology of the poor people they are born to serve the rich people.
2. Untouchable faced injustice due to ignorance and utter submissiveness. They should be taught to dream of their good living and by forcing higher castes to treat them equally.
3. Depressed classes should understand that they are not born to serve.
4. "Tell the slave that he is slave and he will revolt against his slavery. In India downtrodden people are socialised in such a way as to never to complain of their low status.
5. Unconstitutional decision making bodies should be banned in India. They should be reminded that nobody is above the constitution and law.
6. The young generation must stand against these evil practices. They must do struggle to change this feudal society who think, "The powerful call the shots".
7. Downtrodden people should be taught that everybody has right to fight against injustice in democracy.
8. More transparent administration is need of the day. There is need of acts like Right to Information.
9. Vigilance commissions both at state and union level need to be constituted.
10. In views of John Rawls (an American Philosopher), the least favoured in every society must be given initial advantage to compete with the most favoured in the society by the unequal distribution of 'social primary goods' to the advantage of least favoured.

Conclusion

When Dr. Ambedkar drafted Indian constitution, he tried to ensure all types of justice to the downtrodden people in India. His only dream was just and equal Indian society. He made many provisions in the constitution to provide social justice to the people. Fundamental rights and Directive Principles of State Policy are proof of it. There was no hope for equal Indian society in British India because British government had no concern for it. But in free India, Dr. B. R. Ambedkar dreams should not be shattered. If in free India poor and dalits are facing same atrocities, which were faced by Dr. Ambedkar before independence, then it is a matter of serious concern. Let's raise our voice against inequality. Let's make aware those, who are not aware about their rights. Let's add one more duty in 11 Fundamental Duties of the constitution, the duty of realising the dreams of Dr. Ambedkar.

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