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Raghavendra R.H.¹

Abstract

Social justice is the spirit and vision of the Indian Constitution. It is the duty of the state to secure a social order in which the legal system of the nation promotes justice on the basis of equal opportunity and, in particular, ensures that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities. This article makes an attempt to explore Ambedkar's ideas on social justice. Thereafter, it focuses on Ambedkar's struggles and ideas on social justice in the Indian context and it finally explores the relevance of his mission for social justice in the present times.

Keywords

Equality, liberty, fraternity, justice, struggle, constitution, caste system, discrimination

Concept of Social Justice

In the ancient Indian approach, justice was concerned with the performance of duties, not with the notion of rights. In ancient Indian tradition, there were two approaches 'Dandaniti' and 'Dharma', which were concerned with justice. 'Dandaniti' was very close to the modern notions of justice (law and punishment). It suggested the legal aspect of justice. Dharma was another name for the code of duties and justice was nothing but virtuous conduct with dharma. Thus, like Platonic justice, the Hindu tradition linked justice with performance of duties prescribed by dharma.

The modern approaches to justice are broadly Liberal and Marxist approaches. The Liberal argument is that the individual's rights and liberty are necessary for a just society, while the Marxist approach relies upon equality for a just society. The latter believe that unless and until the existing inequalities in society are removed, society will not be just. The basic premises of justice are liberty, equality and rights.

The concept of social justice emerged out of a process of evolution of social norms, order, law and morality. It laid emphasis upon just action and created space for intervention in the society by enforcing rules and regulations based on the principles of social equality. The term 'social justice' consists of two words: one is social and the second is justice. The term 'social' is concerned with all human beings

¹ Department of Commerce, School of Management, Pondicherry Central University, Pondicherry, India.

Corresponding author:

Raghavendra R.H., Department of Commerce, School of Management, Pondicherry Central University, Pondicherry 605014, India.

E-mail: raghavpondiuni@gmail.com

who live in society, while the term 'justice' is related to liberty, equality and rights. Thus, social justice is concerned with ensuring liberty, providing equality and maintaining individual rights for every human being in society. In other words, securing the highest possible development of the capabilities of all members of the society may be called social justice.

Being a multi-dimensional concept, social justice has been viewed by scholars of law, philosophy and political science differently. The term is quite comprehensive. Social justice is a bundle of rights; it is the balancing wheel between the haves and have-nots. It has a great social value in providing for a stable society and securing the unity of the country. In general, social justice may be defined as 'the rights of the weak, aged, destitute, poor, women, children and other under-privileged persons'.

According to Professor R.M.W. Dias, 'Justice is not something which can be captured in a formula once and for all; it is a process, complex and shifting balance between many factors'. The tasks of justice are 'the just allocation of advantages and disadvantages, preventing the abuse of power, preventing the abuse of liberty, the just decision of disputes and adapting to change' (Dias, 1985). Justice may be natural justice or distributive justice. Social justice is basically a term that provides sustenance to the rule of law. It has a wider connotation in the sense that it includes economic justice also. It aims at removing all kinds of inequalities and affording equal opportunities to all citizens in social as well as economic affairs. Thus, the aim of social justice is to remove all kinds of inequalities based upon caste, race, sex, power, position and wealth and to bring about a balance between social rights and social controls.

Ancient Hindu Society

The Hindu dharma, sought to be maintained by the ancient Hindu legal system, fully supported the four *Varnas* (Varna is a Sanskrit word which means color or class. Ancient hindu literature classified all humankind and all created beings into four varnas- The Brahmins, The Kshatriyas, The Vaishyas and The Shudras) and the caste system. The Hindu legal system refused to recognize the basic fundamental right that all humans are born equal. The glaring inequalities and dehumanization based on the hierarchical caste system, with its graded disabilities from birth and humiliating and degrading occupations assigned to certain designated low castes to be followed by them till their death, were the greatest bane of the Hindu society. There was no scope for moulding a new social order that could guarantee social justice. The caste system founded on Varnashrama dharma was the very negation of social justice. The Hindu Varnashrama dharma and the caste system pushed forth Brahmins as the highly privileged caste with a high hereditary social status and stamped the vast majority of the people as 'sudras' and 'untouchables' fit for only manual labour. They were deprived of educational opportunities and were condemned to a low social status. In course of time, the privileges for the privileged class increased and the other classes became more and more oppressed and depressed; such a social structure bred inequality in status and denial of equal opportunities for all. It ushered in an unjust social order in the country. Social justice in India seeks to remove the glaring inequalities in society based on such a hierarchical caste system, with its graded disabilities from birth imposed on a large section of Hindu society and the conferment of privileges and position of dominance of Brahmins, which is a small section of the society.

Dr B.R. Ambedkar's Struggle for Social Justice

Ambedkar belonged to the Mahar caste. The Mahars were treated as untouchables and were subjected to socio-economic discrimination in society. In such a society, not only did man hate man, but the

caste Hindus kept themselves away from the shadows of the *Harijans* (Harijans (children of lord Hari/Vishnu) is a term popularized by Mohandas Gandhi for referring to Dalits, traditionally considered to be untouchables) and downtrodden. Their paths, residences, wells and temples were separate; even if one side had a great desire to talk, but the other side discarded them. The ways of keeping relations were strange. The downtrodden did not have the courage to come forth, raise their eyes and stand beside to talk to people of the higher castes. The doors of the temples, like the doors of schools, were not opened for them. These bad traditions were the gifts of the social structure and the caste system. It was in such a society that Ambedkar was born and brought up. However, fighting all odds, he attained higher education and soon after completing his studies, he launched himself politically, fighting for the rights of the depressed classes and against inequality practiced in the society. He was a crusader of social equality and justice. He never made any compromise with injustice, never cared for prestige and self-aggrandizement. He was an uncompromising rebel against social injustice and inequality. He worked relentlessly for the regeneration of humanity, for the well-being of mankind and for the transformation of man and society. He was a great social liberal. His vision was to produce a new social order based on the principles of justice, equality and fraternity. Thus, the idea of justice, equality, liberty and fraternity was the crux of his activities (Mallik, 2011).

Dr B.R. Ambedkar's name will be written in golden letters in the history of India as a champion of social justice. He was not only the main builder of the Constitution, but also the crusader of social justice for the betterment of the downtrodden. He spent his whole life for the betterment of the poor and exploited untouchables in the Indian society.

In such a society, to bring about a great change, Dr Ambedkar had only one power—his logic and thought. He relied on the power of his thoughts and ordinances. French revolutionary Rousseau had written, 'Man is born free, but everywhere he is in chains.' His three words equality, liberty and fraternity had revolutionized France in 1789. Ambedkar was very much influenced by Rousseau's words and he decided to fight for justice based on equality. Dr B.R. Ambedkar wanted economic and social equalities before political equality; he tried his best to ensure that the downtrodden got a proper place in society. Hence, he gave more importance to social justice than political justice; on equal opportunity with individual liberty were laid much emphasis to root out the differences created by the caste system of the country.

Former Chief Justice of India, P.B. Gajendragadkar, has said, 'Ambedkar is the law maker of the 20th century and modern Manu, but unlike old Manu this new Manu favoured human equality and social justice' (Pact, n.d.). In memory of Dr B.R. Ambedkar, the leader of the downtrodden, Government of India celebrated his birth centenary from 14 April 1990 to 14 April 1991, as a 'Social Justice Year'. In this way, many programmes for the welfare of neglected people of the Scheduled Castes (SCs) and Scheduled Tribes (STs) throughout the country were initiated. Scholarship and stipends are being provided to SC/ST students. Provisions have been made for free supply of books, educational equipment and stationery. Grants have also been provided for construction of schools and hostel buildings. Provisions have also been made in Integrated Rural Development Programme (IRDP) and Mahatma Gandhi National Rural Employment Guarantee Act (MNREGA). Various housing schemes, like Indira Awas Yojana, have been initiated for construction of micro habitats and housing units for SCs, STs and top priority is being given for the supply of drinking water. Assistance is given to them for self-employment like setting up poultry and dairy units. Training and coaching centres have been established for the training of SC/ST persons in order to achieve success in getting services. To employ the candidates of these classes to the reserved seats, special programmes were started. In the absence of capable candidates, the government ordered not to fill such vacancies till the candidates of these classes became duly equipped after studies.

Ambedkar's Ideas on Social Justice

A Just society is that society in which ascending sense of reverence and descending sense of contempt is dissolved into the creation of a compassionate society.

—Dr B.R. Ambedkar (NCERT, 2010, p. 63)

Justice is a very complex concept, as it has a number of sources and dimensions. It has been examined by different people from different viewpoints within the limits of the time, place and circumstances they lived in. Social justice is one of the dimensions of the concept of justice that stands for organization of society based on the principles of equality, liberty and fraternity. Its greater emphasis is on the principle of equality, both social and economic, and fraternity with a view to create such human social conditions that ensure free and fair development of all human beings. As such, the concept of social justice sometimes require unequal or preferential treatment for certain sections of the population, which have been deprived of certain values for ages, with a view to bring them on an equal footing with other sections of the population.

Ambedkar's concept of social justice stands for the liberty, equality and fraternity of all human beings. He stood for a social system that is based on right relations between man and man in all spheres of his life. As a rationalist and humanist, he did not approve of any type of hypocrisy, injustice and exploitation of man by man in the name of religion. He stood for a religion that is based on universal principles of morality and is applicable to all times, to all countries and to all races. It must be in accord with reason and must be based on the basic tenets of liberty, equality and fraternity. He considered the caste system as the greatest evil of Hindu religion. The varna system according to him is the root cause of all inequality and is also the parent of the caste system and untouchability.

Ambedkar stood for a social system in which man's status is based on his merit and achievements and where no one is noble or untouchable because of his/her birth. He advocated the policy of preferential treatment for the socially oppressed and economically exploited people of the country. The Constitution of India, which was drafted under his chairmanship, contains a number of provisions that enjoins the state to secure to all its citizens, justice, social, economic and political, along with liberty, equality and fraternity. It also contains a number of provisions that guarantee a preferential treatment to the downtrodden people in various sectors. Article 17 of the Indian Constitution declares untouchability as abolished. Ambedkar, in his speech before the Constituent Assembly for the passage of the Constitution, said 'I have completed my work; I wish there should be a sunrise even tomorrow. The new Bharat has got political freedom, but it is yet to raise the sun of social and economic liberty.'

Relevance of Ambedkar's Concept of Social Justice in the Present Scenario

Dr B.R. Ambedkar's thoughts on social justice were progressive. He did not believe in violence; he considered the press to be a powerful tool for social changes for justice and freedom. He published *Mook Nayak*, *Janata* and *Samata* magazines, but these magazines remained largely unsold, perhaps because of the progressive and unconventional thoughts expressed therein.

If there are prohibitions on the social evil of untouchability in the Constitution, then this credit goes to Ambedkar to a great extent. Ambedkar's greatest achievement was that he made the downtrodden of India feel their separate powerful existence; the credit goes to him that he brought all the downtrodden, untouchable castes under the one name of SCs. If Ambedkar had not pursued special reservation

facilities for the SCs/STs in the field of education and government services of the central and states governments, their conditions would have remained as before—laden with sorrow and sufferings. It is the result of Ambedkar's constant efforts that today there are members of parliament (MPs), members of the legislative assembly (MLAs), The Indian Administrative Service (IAS)/The Indian Police Service (IPS), professors and doctors from among these castes.

He enshrined the principles of reservation for improvement of SCs/STs to enable them to progress educationally, economically and socially, by providing extra support to them in the form of reservation and concessions to uplift them to the level of the advanced classes. It is clearly seen at present that many legal provisions have been made to give social justice to all classes. In this way, many schemes and programmes have been started for the all-round development of the country and a measure of development has been achieved through it.

At the same time, we cannot deny the fact that in the field of social justice, much remains to complain about. Social differences and untouchability have not been removed due to the difficult caste system and the blind faiths that have been continuing for centuries. Many heinous instances of continuing caste atrocities may be cited, of which a few recent incidents are as follows. In a gruesome incident recently, three members of the dalit family, Sanjay Jadhav, his wife and son Sunil, were killed and their mutilated limbs were scattered around a field and a well in Pathardi in Ahmadnagar district, Maharashtra, on the night of October 2014 (Menon, 2014). In another case, two teenaged dalit girls from the Katra village of Badaun district, Uttar Pradesh, were reportedly gang-raped and murdered on 27 May 2014 (Nita, 2014). The incident was widely reported in the press in India as well as overseas. After an extensive investigation, the Central Bureau of Investigation (CBI) concluded that there was no gang rape and the suspects were released (Bureau, 2014). According to a post-mortem examination conducted earlier, it was reported that the girls had been raped and they died from strangulation due to being hanged while still alive (Pritha, 2014). The girls' family and several activists rejected the CBI report as a cover-up to avoid international shame and acceptance of the dismal law and order situation. These are just few of the many incidents that took place. Every such incident, be it Khairlanji (Vishwanathan, 2010), Bhojpur (Agarwal, 2014), Dharmapuri (Teltumbde, 2012) and now Ahmadnagar and Badaun, is a crude reminder of the feudal and patriarchal social relations that guard the grip over the resources and the supposed 'honour' of the dominant castes in this society.

Today Ambedkar is not with us, but in his free India, social and economic differences have increased manifold. As a result, where on the one hand, there are buildings touching the sky and 5-star hotels are found in the cities, on the other hand, there are dirty drains, places full of mud and there are the huts that speak of a hellish life, even worse than the life of animals. In such a situation, the thoughts of establishing a society based on equality appears only like a dream.

Conclusion

Resting on Ambedkar's thoughts, the Indian Constitution guarantees equal rights to all, based on social justice and human dignity. It is observed, however, that Ambedkar's ideas of social justice could not be realized in a proper manner over the years. As such, his concept of justice will have to be propagated by institutions through civil society. Ambedkar was concerned about the overall development of the vulnerable sections of the Indian society and he chose to demolish existing caste discrimination by enacting the Constitution. Therefore, Ambedkar's ideas of social justice remain relevant in contemporary Indian society in promoting constitutional and legal methods for upholding the rights and dignity of the vulnerable sections.

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