CHAPTER X
CONCLUSIONS AND SUGGESTIONS

The idea of justice is so ancient that everything has been said about it and it is so modern that it constitutes an ever-changing context of contemporary society.\(^1\) To establish and maintain justice is the primary aim of a well-ordered society. Among the diverse facets and multiple elements of justice, the social one is very significant to all of us, because every kind of justice supplements the demand of social justice. The demand for social justice is not as modern as some people think of it. It has been in people’s mind since the known history of mankind, because justice emanates from the nature of society, its mechanism and various regulations.\(^2\)

The concept of social justice denotes equality and liberty of all human beings, the equal worth of men and women, the sense of fellowship with each other along with education for all and with belief in efficacy of rule of law.\(^3\) The concept of social justice means a mode of life which is expected to give every

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man his right place in the society. The right place means 'worth' which must decide one's place in a social order and not the social status based on birth. The main precepts of social justice therefore are, to live and let live honourably, to give respect and regard to all, to injure no one, to give every man his due without artificial classification, to adhere to the supremacy of Constitutional rule, equality before law, grant of equal right, performance of duties, adherence to social responsibilities and legal obligations, providing equal opportunities to all with certain preferential treatment and finally a staunch faith in the values of justice, liberty, equality, fraternity and dignity of human personality expressing itself into national solidarity. 4

The Constitution of India incorporates various provisions relating to implementation and promotion of justice in the society. Policy of 'protective discrimination' or 'reverse or affirmative or compensatory discrimination' was incorporated in the Constitution of India, which required positive preference to the group of people who were the victims of man-made disparities for centuries together and were required to be compensated, so as to bring them in the main stream of

4. Ibid.

772
Provisions in the Constitution of India were incorporated to help women, children and the poor, chiefly Scheduled Castes, Scheduled Tribes and other backward classes in all the fields and avenues of life under Arts. 15, 16, 17, 23, 24 and 331 - 340 to vouchsafe and ordain protective discrimination.

In spite of all these extensive provisions envisaged in the Constitution of India and implemented for the last 50 years, desired results could not be achieved. More than one third of total population is still living below the poverty line and the bulk of the remaining population is struggling for existence in subhuman conditions. About 40% of the rural households do not earn more than Rs. 750 per month. In fact, 27.5% rural households continue to be the poorest of the poor with a monthly income of less than Rs. 350 (in 1990). While only 3.4% of rural households have a monthly income exceeding Rs. 2500, the corresponding figure in case of urban areas is 17.1%. Only 6% of the households in urban India have a monthly income of over Rs. 4000.

Basic amenities like food, cloth, shelter, safe drinking water, hygienic living conditions are lacking to majority of population inspite of efforts made by the government with the

help of many programmes, plans and policies. The Preambular promises, Fundamental Rights and the Directive Principles of State Policy and several amendments⁶ in the Constitution affirms and assures the State’s objective and goal of a ‘Socialist State’ to ensure social justice to each and everyone in the Indian society. The State inaction and inability, which defeats the Constitutional mandate cannot be sustained. Either the policy of ‘reservation’ adopted was wrong from the very beginning or there was serious lacunae in its implementation, otherwise after its continuance for several years, it must have yield distinguishable results.

Andre Beteille has been foremost among the critics of the Indian government’s reservation policy, on the ground that it militates against the rights of the individual in favour of the group. He said that the Constitution repeated the ‘terrible mistake’ of ancient Indian history, namely, that of allotting merit to groups, by means of the hierarchical caste system, and not to individuals. Thus caste quota today contribute to the

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devaluation of individual ability or merit. M.N. Srinivas, too, opposes the reservation policy by maintaining that caste quotas are no substitute for effective anti-poverty measures by the government. Moreover, reservation on the basis of gender or caste are demeaning to the target groups concerned because they are thus considered to be intrinsically inferior. There is no need of quota system. All castes ought to be equal; ergo they are equal. Once segregated for protective or positive discrimination, or for the accrual of benefits through quota system, that minority group is secluded from the mainstream of national social life which perpetuates groupism. If the country is divided into castes, creeds or groups, it can never be one united self-governing community. Our goal is to achieve a united India based on equal and just social order which is only possible when majorities and minorities would merge into one. By perpetuating minorities or isolating them from majorities for long period of time we are drifting away from our Constitutional goal of society based on social justice. Reservations are doing more harm than good to the society as a whole. We are only

8. Ibid., p. 175.
9. Ibid., p. 172.
pampering and gratifying some minority groups at the cost of other meritorious and talented individuals.

The Indian conception of socialism with democracy contemplates creation of opportunities for the development of each individual, providing adequate means of livelihood for all the citizens and distribution of the material resources of the community for common welfare enable the poor, the dalits and tribes to fulfil the basic needs to bring about a fundamental change in the structure of the Indian society. Moreover, equality of opportunity and status are essential for social integration. Economic empowerment is the foundation to make equality of status, dignity of person and equal opportunity a truism. The aspiration of the Indian State has been to provide full employment to all its citizens, free and compulsory education at least up to the eleventh year, public assistance in cases of unemployment, old age, sickness, disablement, and even of undeserved want, decent standard of life, full enjoyment of leisure and social and cultural opportunities, adequate housing, and health facilities. In spite of the best efforts of the

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Government, full employment still remain a mere wish of the wish. The mounting population of the country serving as a deterrent. Free and compulsory education has made some advance, but is nowhere near the goal. 11

Illiteracy has many adverse effects in a democracy governed by rule of law. A free educated citizen could meaningfully exercise his political rights, discharge social responsibilities satisfactorily and develop spirit of tolerance and reform. Education to the children, in particular, to the child from poor, weaker sections, dalits and tribes and minorities is mandatory. The basic education and employment-oriented vocational education should be imparted so as to empower the children from these segments of the society to retrieve them from poverty and, thus develop basic abilities, skills and capabilities to live meaningful life. Compulsory education, therefore, to these children is one of the principal means and primary duty of the State for stability of the democracy, social integration and to eliminate social tensions. 12

Industrial workers, though better organised, are still a weak species, self-divided and subject to exploitative

privations. Curiously enough, the conciliation procedures, the industria tribunals and other facets of labour jurisprudence offer benefit only after decades of litigation and disenchanted unions prefer struggle for something now to pyramidal law’s next generation benefit. Minimum wages must be ensured to workers which should commensurate with the quantity and quality of work performed. Basic amenities and facilities both at residential areas and workplaces, safe and hygienic conditions and congenial atmosphere are essential for all the workers, which must be ensured for maximum and proper utilisation of their potential and capacity.

The fortunes of children deserves special mention. India employs the largest number of children especially in the informal sectors. They happen to be the most vulnerable to oppression with the growth of poverty. The incidence of injustice and inequality is possibly the greatest for children for they are defenceless against their own parents or guardians, much more against employers. Their employment - either forced or voluntary is

occasioned due to economic necessity and poverty. A strong case exists to invoke the aid of Article 41 of the Constitution regarding the right to work and to give meaning to what has been provided in Article 47 relating to the raising of standard of living of the population, and Articles 39(e) and (f) as to non-abuse of tender age of children and giving opportunities and facilities to them to develop in healthy manner, for asking the State to see that an adult member of the family, whose child is in employment in a factory or a mine or in other hazardous work, gets a job anywhere, in lieu of the child. This would also see the fulfilment of the wish contained in Article 41 after about half a century of its being in the paramount parchment, like primary education desired by, Article 45, having been given the status of Fundamental Right. ¹⁵

Various welfare enactments made by the Parliament and the appropriate State legislatures are only teasing illusions and a promise of unreality unless they are effectively implemented and make the right to life to the workers and especially the child worker a reality, meaningful and happy. Pragmatic, realistic and constructive steps and actions are required to be taken to enable

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the child belonging to poor, weaker sections, dalits and tribes and minorities, enjoy the childhood and develop its full blossomed personality - educationally, intellectually and culturally - with a spirit of inquiry, reform and enjoyment of leisure. The child labour, therefore, must be eradicated through well-panned, poverty focused alleviation, development and imposition of trade actions. While exploitation of the child must be progressively banned, other simultaneous alternatives to the child should be evolved including shelter and other means of livelihood with self-respect and dignity of person. Immediate ban of child labour should be imposed, which must begin from most hazardous and intolerable activities like slavery, bonded labour, trafficking, prostitution, pornography and dangerous forms of labour and the like. It is necessary that special facilities for improving the quality of life of workers and their children should be provided. This would require facility for education, scope for recreation as also providing opportunity for socialisation. Facilities for general education as also job oriented education should be available. 16

The idea of a welfare State is deeply embedded in the

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Constitution of India in Part IV dealing with the Directive Principles of State Policy. The Socialist States are welfare states and the welfare is planned and more attention is paid to material welfare than to moral and spiritual welfare. An attempt to create a truly social welfare state carries with it the idea that in a country like India, concentration of wealth must be done away with and its distribution on an equitable basis affected in order to bridge the gap between the rich and the poor. 17

The five giants of evils of India which need to be tackled are want, disease, ignorance, squalor and idleness. 18

Since 1951, India has almost completed nine Five Year Plans, the guiding principle of all these Five Year Plans was to provide the basic objectives of growth, employment, self-reliance and social justice. The record of India’s growth and industrialisation in the post-independence period is no default impressive, but it is of little comfort to the millions of people who live in abject poverty, bereft of the basic necessities of life. Most of these Five Year Plans could not produce desirable results and offered little consolation to the millions of people

18. Supra note 11 at 138.
who are unemployed and helpless.\textsuperscript{19}

In India, there are some basic causes of income inequalities, such as, the existing economic system based on the institution of private property,\textsuperscript{20} the laws of inheritance, wrong targets, poor implementation, pilferage and corruption in execution of welfare policies, poor and ill-managed resources and lack of will and proper efforts, etc. At a very high level of national income per capita these factors may not result in mass poverty but in a country like India where national income per capita is very low, they inevitably lead to denial of basic necessities to a very large section of population.\textsuperscript{21}

Fundamental objectives of the socio-economic planning is to accelerate the pace of economic growth and to provide justice to the general masses. This 'growth with social justice' is the main objective of planning in India. The other major objectives of planning in India are the attainment of higher rate of economic growth, reduction of economic inequalities and

\begin{itemize}
\item \textsuperscript{19} For details see, Ruddar Datt and K.P.M. Sundharan, \textit{Indian Economy} 238 (1998).
\item \textsuperscript{20} Experts are of the view that the major cause of income inequalities in the rural sector is the concentrated ownership of land and other assets.
\item \textsuperscript{21} For details see, S.K. Mishra and V.K. Puri, \textit{Indian Economy} 224 (1998).
\end{itemize}

782
attaining economic equality and social justice, achieving full employment, attaining economic self-reliance, modernisation of various sectors and redressal of imbalances in the economy. Minimising inequalities and enhancing equality of opportunity are the twin aspects of social justice.

Production in a socialistic economy is so planned that it ensures maximum social justice and equitable distribution of wealth as well. During the last few decades, magnificent development in the industrial sector has taken place. Still, by and large, the economic conditions of the people have not improved in proportion to the industrial progress. This irksome contradiction is due to the fact, that with the increase in output, the purchasing power of the masses has not risen. The

23. Jag Parvesh Chandra, India’s Socialistic Pattern Of Society 131 (1956). [This argument has also been elaborated by Amartya Sen (1981) in his analysis of famines: the main problem of poverty is not only the shortfall of output of the basic goods, but also that the poor do not have purchasing power entitlements, to make their demand effective in the market. Therefore, attempts to raise the consumption of the poor by changes in the structure of production must be combined with some changes in the distribution of income.] For further details see, D.S. Thakur, Economic Growth, Development and Distributive Justice in Developing Countries with Special Reference to India 361 (1996).
purchasing power of the people can be raised if the circulation of money is very extensive. This will only happen if in the process of increasing production, they are given full opportunities of employment. To increase production, at the cost of the misery of the masses, is nothing short of an unsocial act. In the view egalitarian society, wealth must be produced for the benefit of the common folk, and business magnates have to revise their conception about profit margins and legitimate surplus. Their values and attitudes must also undergo a radical change. In fact, every person who lives by any useful work should be habituated to regard himself not as an individual working for his private benefit, but as a public functionary.  

The social objective of a planned economy is the welfare of man. Hence, that kind of production alone will advance the cause of social justice in which the largest number of people participates. India's material and man-power resources are so vast that if they are judiciously employed, economic distinctions can be removed in a systematic manner, without creating any

24  Isid.
social upheavals. Still, precious human resources have just been wasted, and the material ones have not been utilised in pursuance of any social policy. All this has enabled the limited few to amass wealth at the cost of many. Of course, some social benefits do trickle down to the people. But, with our pledge to establish an equalitarain social order, such schemes of industrial development have to be projected which do good to society as a whole. Then alone, poverty, hunger and want will be eliminated from the social system. As Henry George has said,

25. Ibid., Also see, D.S. Thakur, Economic Growth, Development And Distributive Justice in Developing Countries With Special Reference to India 247(1996). [The idea that State shall endeavour to change the income distribution through deliberate policy measures had been widely accepted very early in India. The Preamble to and the Directive Principles of State Policy enshrined in the Constitution adopted in 1950 mention that social, economic and political justice shall be secured for all the people. Directive Principles, though not enforceable, yet regarded as fundamental in the governance of the country, are more explicit that the State is to direct its policy in such a manner as to secure the distribution of ownership and control of the material resources of the community to sub-serve the common good and to ensure that the operation of the economic system does not result in the concentration of wealth and means of production to common detriment. Among other things, these principles were modified vide the Constitution (Forty - second Amendment) Act, 1976 and the Constitution (Forty - fourth Amendment) Act, 1978 to be tuned with the requirements of social justice by the inclusion of Arts. 38(2), 39(f), 39-A, 43-A and 48 A].

26. Ibid., pp. 131-132
“So long as all the increased wealth which modern progress brings, goes but to build up great fortunes, to increase luxury, and make sharper the contest between the House of Have and the House of want, progress is not real and cannot be permanent.”

India ushered into a new era with the introduction of liberalisation, privatisation and globalisation of economy in 1990s. By the initiators and advocates of economic reforms, it was claimed that these policy changes would remove all the existing socio-economic ills of the society, would remove all the imbalances, would lead to the age of prosperity and abundance and that system of economy which we built with so much pains during the first four decades of developmental history was incapable to deliver the goods.

As India is the second most populous country of the world

27. Henry George, *Progress and Poverty* 5(1953), [Most of the benefits of development have gone to a small percentage of people. At best, the upper and middle classes taken together constitute about twenty per cent of the population and take away about two-third of three-fourth of income and wealth of the country, leaving the majority in poverty and destitution].

and more than one third of the world’s poor live in India.\textsuperscript{29}

This aspect is fundamental and unless the process of liberalisation is addressed, to the basic problems of the masses, the reforms will be of not much relevance. A report of the United Nations Development Programme is an eye-opener when it says, “In the South Asian region, the dynamics of poverty

\textsuperscript{29} Ibid., p. 91-92 [The heedless increase of population in India is a great hindrance to the welfare state. What economic improvement made is more than cancelled by the reckless multiplication of population. It was reported that in 1992, there were over 41 crore of people below the poverty line, around seven crore children not attending any school, nearly five crore children suffering from malnutrition, about one fourth of the population of the country without access to safe drinking water and above all more than three crore of people waiting for jobs and employment with even larger number semi, half or partially employed, a really disgusting, frustrating and dismal view. See, B.M. Jauhari, \textit{Nehru and Planning} 60-62 (1993). An International Labour Organisation sponsored seminar in 1992 and a more recent study funded by the Ford Foundation seem to confirm that a lot more people have gone under the poverty line during the 1990’s and over four million have joined the ranks of the jobless during the period, just reversing the trend that had been maintained during the 1980’s. While all are engaged in a debate in regard to the success or otherwise of the present economic policies, none has given any clear indication as to when, if at all, the people below the poverty line will get the benefit of economic liberalisation in terms of being able to change their lifestyle. Also see, Mehbub Ul Haq, “Development with a Human Face,” Indian Express, F3 Jan. 1992].
reproduction has been such that unless there is a dramatic change
in the strategy it can damage the very social fabric of these
societies." 30 It may also be concluded that new economic
reforms have not succeeded so far in achieving the objectives,
laid down in the 1991. They have opened the international
window too wide and have permitted multinationals in all areas,
irrespective of the prioritisation of hi-tech areas. In this context,
instead of enabling the Indian Industrialists to improve their
efficiency and productivity, the multinationals displace Indian
industrialists. This runs counter to our goal of self-reliance.31

Besides this, the entire process of new economic reforms
has initiated a process of jobless growth. The silent
implementation of exit policy has led to voluntary retirement (a
euphemism for retrenchment) on a massive scale. It has also led
to casualisation of labour which enjoyed better social security
earlier. The capital intensive path of development, whether with
the help of Indian corporate sector or Foreign Direct Investment
through multinationals, is responsible for the phenomenon of
jobless growth. It has been argued that this strategy of

31. Riddar Dutt, "New Economic Reforms : Need for same
Rethinking", in B.M. Jauhri (ed.), Economic Liberalisation
development will be able to enlarge employment in the ‘medium term’. but the rate at which labour is being displaced or turned into casual labour, confirms the suspicion that the phenomenon of jobless growth may be perpetuated.  

Under performing infrastructure is another biggest crisis Indian economy has been facing since independence. A modern and efficient infrastructure will add Rs.50,000/- crores to national income annually and improve living standards dramatically. Non-tradable infrastructure services require firstly huge investment which deter private sector investor despite economic liberalisation. Therefore, the Centre and the States must have put their houses in order before inviting private investment. Therefore, it can be said that infrastructure reforms which need preference have been scuttled not by any dearth of ideas but by the lack of will.

33. 95% of India’s highways are of two lanes or less. Since independence, road length has grown only eight fold, but the traffic on roads has swelled twenty five times. For details see, *India Today*, 31 Jan. 2000.
34. Infrastructure services would be termed as non-tradable for which the investor has to build, operate and sell the service (be it in road, power or water).
In fact, social justice is a process, a continuous theme, to be pursued with all vigour and vitality. Its current is ever flowing and growing in the direction of its realisation. It is a task which needs perennial efforts in various ways looking into its multiplicity of subsystems. Providing employment, living wages and a reasonable standard of living are the concomitants of social justice. A remunerative occupation is a means not only of economic upliftment, but also of instilling in the individual self-assurance, self-esteem and self-worthiness. The employment, whether private or public is a means of social levelling and when it is public is also a means of directly participating in the running of the affairs of the society. Thus, the idea of social justice is a problem not merely of distributing the national produce among the people, but also basically a mode of life based on mutual respect and regard, a feeling of fellowship as equal members of Indian society. Hence the measure of social justice is not material progress alone, but much more than this. is the abundance and proliferation of human values among the people of India.

36. *supra* note 2 at 122.
CONCLUSIONS OF EMPIRICAL STUDY:

The empirical survey of a few industrial establishments both in public and private sector, labour colonies and slum areas, schools and households reveal the basic deficiencies and problems faced by the workers, women, children and other weaker and deprived sections of the society. The basic problems faced by these different sections of the society and available solutions thereof have been studied, reviewed and assessed through this empirical study and has been analysed by comprising it with the theoretical study done earlier. The validity of the theoretical findings of the work has been cross-checked and the perceptible gaps between the desired and existing legal framework have been attempted to bring out through this empirical study.

The empirical study has shown that despite of the wide-ranging action programmes, plans and policies of the government to achieve a 'socialist state', it yet remains a distant dream. Exploitation, unemployment or under-employment, payment of less wages, poor and unhygienic working conditions, long tiring working hours without any incentive or security, child-labour, offences against women, maltreatment of weaker sections, lack of basic amenities, health and education
Wrong targets, improper execution and lack of zeal to implement social welfare policies and plans of government have also hampered the achievement of the goal of an equal and just social order.

With the help of empirical study, it is clear that the implementation of labour-welfare legislations is not satisfactory. Even after the lapse of more than 50 years of independence, the workers (approximately 34%) are unable to get minimum wages (Rs. 2004.15 to Rs. 2293.30 has been fixed as minimum wages for skilled workers by Labour Department, Punjab as on 1.3.2000, when this survey was done)\textsuperscript{38} and even their households lack basic amenities for a decent civilised life, such as provision for drinking water is not satisfactory in 46% of the houses, out of the total number of households of workers surveyed. Many of the workers (27%) even do not get wages in time. Due to less income, they are unable to save anything. With regard to health, sanitary and safety conditions also, the situation is very grim. Rarely, workers get compensation in cases of accidents occurred during employment, otherwise they generally go

\textsuperscript{38} See, Appendix A-V.
unreported (44%). As far as, workers participation in management is concerned, it is approximately nil at the individual level, if any it is usually collectively or with the aid of trade unions.

In this empirical study, very poor and backward households in slum areas or labour colonies were surveyed to analyse the conditions of weaker and under-privileged stratas of society i.e. mainly Scheduled Castes, Scheduled Tribes and backward classes. Illiteracy, unemployment and under-employment, poor and unhygienic living conditions were prevalent in most of the colonies visited. Some startling facts also emerged from the interviews of these persons. Many of them were not even aware of the governments’ reservation policy. Out of those who knew something about reservation policy, also only few could avail of the benefit. Their social interaction was also found to be largely inter-se which can be the main reason for their stunted growth and mass scale illiteracy, ignorance and unemployment.

The empirical study also shows that in our male chauvinistic society, most of the male members (78%) take all the important family decision inspite of the fact that women are also educated. But financially independent women (75%) are enjoying slightly better position than their unemployed counterparts. Dowry related disputes or offences against women have increased despite
Legislative protection granted with the help of many women-orientated legislations.

It is also clear that majority of our children do not take balanced diet as recommended by R.D.A. Milk is also taken once or twice only by 37% of the children surveyed, who are aged between 5-15 years. Fruit intake is also quite unsatisfactory amongst the children of this age group. Therefore, nutritional intake of our children per day needs improvement, which is only possible when Indian women/mothers are well aware, educated and financially resourceful. With regard to preventive steps against diseases like vaccination etc. and other medical facilities available, the scenario is also not very satisfactory.

Employed children doing petty jobs were also found to be a vulnerable lot at the hands of employers who exploit, harass and torture these young minds in these impressionable years of their lives. Street children were found to be the most dejected and miserable lot of our society who neither go to school nor do anything fruitful. They need an help, protection and sincere efforts to lead a healthy and dignified human life.

39. Indian Council of Medical Research Recommended Dietary Allowance.
It is, therefore, quite pertinent from the empirical study that there is a lot of gap between the 'accomplished available' and 'ought to be' legal and social norms relating to the achievement of social justice. The research findings have revealed that our legal system is marked both by absence of consistent government policy and the presence of very serious institutional as well as functional deficiencies. Hence, some suggestions to bring about the desired changes are delineated here as under:

Change in Socio - Economic Outlook:

The pyramid like socio-economic structure of the Indian society prevents the benefits of the welfare schemes from trickling down to the lower strata of the society. The key to the problem lies in the radical structural and institutional changes in the present socio-economic system. This would obviously require an action-oriented and clear-cut strategy aimed at changing the current modes of production and property relations as the fight against vested interests and unsocial elements is much more difficult than the fight against inaction and indifference of the administration. At the same time, there is a need for immediate action to achieve short-term objectives. Both long and short-term objectives should be mutually reinforcing and complementary to each other.
Removal of Poverty, Backwardness and Illiteracy:

As the present study has shown, poverty, backwardness and illiteracy are the root causes of socio-economic inequalities and injustice. So efforts should be made to identify and fill the gaps in the economic development of the masses and the infrastructure in areas of high incidence. Plan allocation for the development of the infrastructure should be increased. Supporting services such as the credit systems, the supply of raw materials, market opportunities, health, educational and sanitary facilities should be toned up.

Fulfilment of Reasonable Minimum Needs Through Governmental efforts:

The Minimum Needs Programme with all its components of elementary education, health, water supply, roads, electrification, housing assistance and nutrition should be effectively implemented. The Public distribution system should be given a new orientation to serve the needs of poor and underprivileged sections of the society. Adequate medical and health facilities should be provided to labourers, other weaker sections of society and their dependants. Health care system based on a combination of prevention, promotional and curative measures should be developed. In the field of social security, protection against want, sickness, and old age should be provided on
the humanitarian basis and can be justified on the economic grounds. A minimum standard of living guaranteed by social security provides people with a reasonable and dignified life which is the prerequisite for a society based on justice and equality. Therefore various social security measures and methods should be enhanced and effectively implemented.

Better Involvement of Non-Governmental Organisation (NGOs):

A relationship of trust and confidence should prevail between non-governmental organisations and government functionaries. They should come on a common platform and should adopt effective methods and strategies. Their purpose should be to mobilise the people and to infuse a spirit of collectivity and equality into them. Every person should be sensitised to the oppression and misery being suffered by majority of Indian population.

Non-governmental organisations can be associated with general development programmes, programmes of health and nutrition, anti-poverty programmes and projects, enforcement of laws, formal and non-formal education, and co-ordination of the activities of different agencies and departments.

Non-government agencies can undertake the organisation of seminars, propaganda and action-oriented research.
Non-governmental organisations should initiate a vigorous campaign to mobilise and sensitise the general public who are mute spectators/witnesses to the diabolic exploitation and injustice that goes on in our country.

**Population Control:**

Population problem lies at the root of the whole question of India’s economic future, and it is useless to try the bick of the fact. It is concluded that no matter how productivity is increased, economic organisation is improved, public health is promoted and industrialisation progresses, the standard of life of the masses will not and cannot be raised to a satisfactory level until changes have been introduced which will enable the size of the population to be better adjusted to economic resources. 40

For population control, we do not need compulsory sterilisation or coercion. We need simple steps to educate girl child, more rapid reduction in infant mortality and better family planning services. Above all, we need a greater commitment by

and of the people to reduce population growth. Family planning should be considered not as an obligation, but as a duty.

Corruption, criminalisation of politics and growth of crime - all these are the outgrowths of population explosion. Unfortunately, a high birth rate is confined today to the economically poor and culturally backward segments of our population. This skewed growth would in the long run adversely affect the quality of our population. India would be like a cripple, if drastic measures are not taken with full vigour and honest intentions.

**Importance of Human Resources Development**

Human resources development plays an important role in economic development. In fact, effective use of physical capital itself is dependent upon human resources. This is due to the reason that if there is a under-investment in human resources the rate at which additional physical capital can be productively utilised will be limited since technical, professional and

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41. The strategy which the government has followed and failed can be called COMIEC, where C stands for contraceptive technology, M for monetary incentives, I for information, E for education and C for communication. Instead, we need is BLISS, where B stands for basic needs, L for hundred per cent literacy, S for secondary level education for girls and also the last S for skill formation.
administrative people are required to take effective use of material resources. Many economists in recent decades have pointed out the third world countries have remained under-developed on account of under-development of human resources. For instance, the general masses in these countries are either illiterate or their level of education is very low, most of them are unskilled and untrained, and their general health is very poor. Therefore, large scale investments in human resources are needed if physical capital available to these countries is to be exploited more fully and in a more efficient way. It has been observed that the development of human resources is intricately related to the process of economic development. Both proceed together and reinforce one another. 42

Poverty Eradication and Human Development:

Under-nutrition due to poverty has been found to adversely affect functional competence, work efficiency, and the development of overall human resources of a country. Proper management and better nutrition resulting from poverty eradication would have a favourable impact on human resources development and their efficiency. It is argued that social

42. Supra note 21 at 141.
inequality and economic inequality interact with each other in a mutually reinforcing fashion and that social inequality, by restricting mobility and free competition, is detrimental to growth. Under these circumstances, a move towards the removal of poverty and its impact in reducing socio-economic inequalities is expected to be favourable for human development.

Poverty Eradication and Expansion of Market:

Widespread abject poverty implies that a large section of the population is compelled by the lack of purchasing power to spend its income on bare necessities of life. It is suggested that the removal of poverty would not only lead to more efficiency, but also expand the market for a larger variety of goods and services if the income earning potential of the poor is pushed above the poverty level.

Need for Legal Aid and Public Interest Litigation:

The rule of law underlines our entire social, economic and governmental structure as well as Constitutional order. By offering legal services, legal advice and counsel in litigation, by educating people in their legal rights and helping to win them in

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practice by reducing the cost in the court spirals are different aspect of legal aid programmes. In the humanist perspective, our concern should be to view the welfare inspired legal aid programme not as a professional gratuity, but as a judicial arm of poverty alleviation. Therefore, dynamic and multiform programmes of legal aid for the weaker section organised by the State and society are vital and inevitable. In India, legal aid has Constitutional status, popular inspiration and socio-legal individuality.

It is also clear enough that injustice of delayed justice, the abstruse processes and alien tongue of courts hit the poor harder than the rich and breed corruption which exacerbates the malady. Therefore, streamlining, simplification and speeding up of the justice administration is essentially required as a part of legal aid to the poor. Moreover, the system of courts and procedures needs pruning for the sake of the poor. Law drafting should be less complex and more plain, purposive and sensibly interpreted. Public interest litigation, class-actions and

46. Supra note 13 at 114.
representative suits should be encouraged to provide relief to the needy sections of the society. A comprehensive national legal aid spread over the rural areas and studded with multipurpose projects operated statutorily by an autonomous National Legal Services Authority is the need of the hour. The abolition of court fees is also necessary for the poor people if they are to be benefited from the legal system. Even lawyer's fees must have a ceiling and the moral fibre of the members must be raised.\textsuperscript{47}

\textbf{Need for Education:}

To make the poor people aware of their rights and entitlements, informal and formal education is necessary. The government controlled electronic mass media and the press should regularly strive to educate more and more people at mass scale. Poverty-alleviation and vocational training programmes for the poorest sections of the society should also be given maximum publicity. A rise in the awareness level of the ignorant and dormant section of the society will encourage them to fight-off their age old exploitation and misery. It is high time that the State must accept its responsibility to extend free

education to the children upto the age of fourteen. The State must endeavour to review and increase budget allocation under the head 'education'.

**Awareness and Interaction Among the ‘General Public’:**

The general public's awareness of the implication of poverty, backwardness and illiteracy should be raised. India can never progress, if majority of its population is poor, illiterate and ignorant. A vigorous campaign for this purpose should be launched through electronic mass media, press, cultural shows, street dramas, posters and pamphlets. Interaction between the poor and the rich and between different sections/caste-groups of the society should be encouraged. The grass-roots' awareness would help to bring about attitudinal changes and prepare the way for effective implementation of the directives mentioned for the achievement of social justice under Part IV of the Constitution of India.

**Removal of Economic Inequalities**

It is rather ungratifying to note that there are glaring inequalities in income-distribution as well as wealth-distribution and that during the Plan periods, there has been no reduction in them. In fact, the position has gone from bad to worse in case of certain classes and certain sectors. It is, therefore, of utmost
urgency that adequate attention is paid to this problem. Increase in national income is a must, without this it is impossible to eliminate poverty. But this by itself is not sufficient. If a substantial proportion of rising national income goes to a few rich people, there can be no improvement in economic conditions of the vast masses, making economic development meaningless from the social angle. It is, therefore, necessary that along with increase in production, provision is made to ensure its equitable distribution, as much as it is possible. Among other measures a minimum wage should be fixed at the national level and a sound employment programme be prepared. For the implementation of the programmes adequate resources should be mobilised, largely from the affluent sections of society. Rightly designed direct and indirect taxes can be of much use for this purpose. 48

Removal of Social Exploitation and Injustice:

Various social evils against weaker sections of the society viz. untouchability, immoral trafficking, child labour and pledging etc. are all prevalent in Indian society despite a large number of legislations available for their prohibition. Derogatory practices

against women like dowry, sati, indecent representation etc. are also on the increase which should be stopped by adopting strict socio-legal measures. Offences against women and children should be dealt more seriously and be provided with severer punishments so as to deter the offender in the society. Along with the adoption and implementation of strict legal measures social ethos, values and norms also need updating, which is only possible through education and awareness of these vulnerable sections of the society.

**Removal of Child Labour:**

Removal of children from the labour force and their exploitation is immediately warranted. In India, the cause of child labour to persist is really not dearth of resources only, but callousness and lack of concern and of real zeal. There is a need of strong and continuous efforts to protect children from exploitation and simultaneously to educate and motivate their parents, guardians and employers and not to involve the children in employment, but to educate them for the betterment of their own lives and for the future of the country.

**Need for comprehensive Industrial Relations Law:**

Although, industrial relations law is laid down in our system, yet partly on account of inconsistency in our labour
policy, and partly because of inherent deficiencies, both institutional and functional the whole industrial relations system is in a state of disarray. Today, keeping in view the days lost and due to strikes and lock outs, the urgency and importance of a comprehensive industrial relations law in India cannot be over emphasised, which should contain provisions relating to trade union functioning, internal management of trade unions, amicable settlement of industrial disputes, providing adequate protection to workers against unfair labour practices, prompt redressal of individual grievances and workers’ participation in management. A detailed comprehensive legislation is the urgent need, which should be taken up immediately.

**Effective Implementation of Labour Welfare Legislations:**

The basic remedy to the problem of income inequalities, social insecurity and lack of savings lies in the effective and proper implementation of labour welfare legislations, more especially Minimum Wages Act.

The concept of ‘minimum wages’ should be made more scientific and realistic. For this, ‘minimum wages’ must be fixed equal to the salary of the class IV employees of the Central government. The States may fix their own minimum wages, but there should not be less than the minimum wages,
fixed by the Centre. For revision purposes, these minimum wages must be linked to all future revisions of the government employees' wages.

Maintenance of registers under the Minimum Wages Act should be strictly enforced by strengthening and suitably orienting the implementation machinery. A cadre of voluntary inspectors should be developed to create awareness of the provision of the labour welfare laws among the workers and bringing the cases of violation to the notice of the enforcement staff.

**Need for Workers' Participation in Management:**

Workers' participation in management creates a feeling of belongingness or loyalty on the part of workers towards their establishment. This human instinct is Constitutionally recognised by virtue of Art.43-A which was incorporated the Constitution (Forty-second Amendment) Act, 1976 directing the State to take appropriate measures to ensure workers' participation in management. Now the time is ripe enough when this scheme should be implemented, so that workers and their union could get information on vital issues affecting their well being, productivity etc. and a reciprocal duty imposed on the
management to take into confidence the representatives of workers, while taking important decisions.

Need for Collective Bargaining:

Collective bargaining is the core of industrial democracy. It can be meaningful and effective in ensuring smooth industrial relations only if bipartite settlements are sincerely encouraged, enforced and implemented through legal sanctions. Mutual distrust, suspicion on the part of both the parties, labour as well as management has really been responsible for industrial conflict. Now it is high time, when emphasis should be shifted from compulsory adjudication to collective bargaining, in which both the parties would sit together to discuss, argue and settle their difference amicably.

Grievance Redressal Machinery:

Prompt redressal of industrial grievances is essential for sustaining harmonious labour-management relations and promoting efficiency. The industrially developed and developing countries of the world are paying due attention to grievance redressal procedure/system in their respective industrial relations. The ultimate concern behind such procedure is always to settle workers’ grievances in an amicable manner within the undertakings.
Land Distribution:

Land distribution among the landless is irregular. The poor are often alienated from a part or whole of their land due to their poverty or ignorance which leads to forced or bonded labour. Effective steps should be taken for the distribution of land among the landless and lower castes. Legislation should be passed to ban the transfer of land by Scheduled Castes, Scheduled Tribes and backward classes. The land belonging to these classes should be developed to its fullest productive capacity. If the land for distribution among these classes is not available, then either the temple and waqf land should be given on lease or on a share-cropping basis to the needy landless and marginal farmers, or the government should start forest or agro-based industries to rehabilitate these people.

Impact of Economic Reforms:

The reform process initiated in the last few decades in Indian economy is not merely an economic phenomenon but a wider issue related with a society in its totality - it is social question and secondly it is primarily meant for improving the living and working conditions i.e. the quality of life of the masses. Economic development should not merely lead to economic gains and attainments but also strengthen and enrich the
social, moral and ethical base of society. It is neither capitalism nor socialism but humanism which all developmental effort should lead to. Worker should not be alienated, society fragmented. It is fully recognised now that the ultimate end of all development strategies must be people and their welfare: economic growth is only a means. Income generation is necessary but it is not the sum total of human life. Development must enlarge the range of choices at the disposal of the people. These choices include not only income and employment but also health, education, physical environment, human dignity and freedom. Economic development and social progress should go together. Development with human face should, therefore, be the essence of economic reforms. The steps to safeguard the interests of poor sections must be ensured and should be paramount. To achieve this objective, the government must intensify its anti-poverty programmes and rural development programmes by higher allocation of resources and implement these programmes honestly and sincerely.

Economic Reforms and State Intervention:

Foreign investment should be encouraged and welcomed but not in blanket manner. The areas and activities in which foreign investment is to be allowed should be clearly specified so that our national interest is not compromised with. At the same time, the time-frame for such investment should also be clearly specified with a view to ensuring out control over such investment after the stipulated period. This is urgently called for, for our economic independence and sovereignty. Moreover, it is essential that the Government must set its own internal house in order so that the reform measures that have been implemented to liberalise the Indian economy have the desired impact on the intended objectives. However, this cannot be achieved without State intervention. Infact, the very success of the liberalisation programme will depend upon the involvement of the State almost at every stage. In India the State intervention may be all the more necessary because of the acute problems of poverty and unemployment. 51

To conclude, the concept of social justice comes out to be functional depending upon the citizens of a particular State how they take up the cause of social justice. The idea of social justice is to be sought through constant and conscious efforts of various agencies. To achieve social justice, we have to humanise the law, sensitise society, collectivise, catalyse and transcendentalize consciousness of each and every person in the society. In the lines of John Wesley, I find the expression and crux to achieve the objective of social justice:

“Do all the good you can, By all the means you can,
In all the ways you can, In all the place you can,
At all the times you can, To all the people you can,
As far as ever you can.........”.