CHAPTER VII

PRINCIPLES OF NATURAL JUSTICE AND SOCIO-ECONOMIC AND POLITICAL JUSTICE

(Realities and Paradoxies)

The analysis of politics of reservation involves many ideas like that of power, authority, rules and their supremacy and justice in the political society. The Government have an immense power to legislate laws to execute and implement through its organs and channelize the ways to the needy for their upliftment in the society. Power, authority and practice is the clue for the upliftment of the downtrodden which marks its novelty in the history. And the political analysis is sensitive to the ways in which various psychological forces operate to function in the matter. The sense of political authority of reservation as such carries power and authority which apply to every one in the community and carry penalties for non-observance of which are affixed in the name of the whole community. And the extent to which the political authority ought to regulate, control and ration-out the benefits to the society in which needy, suppressed, downtrodden, untouchables and tribals, and other low caste persons is one of the central question of
political justice which balances between duties and rights for social equality and harmony. Therefore, while writing on justice Alan Gewirth says, "... If justice is the equality of rights, the political justice is equality of political rights."¹ Therefore the sphere of these political rights is that of the state with its government and laws regulating the affairs of the community, as political rights are the solace of the citizens and thus it is the key for social change. The political context of the citizens in the Indian society is linked by the rights conferred on them for exercise to work out benefits as the nature of rights in the democratic state and political society is the ground to attain justice, liberty and equality. But the process of political activities must have incorporated in themselves the inherent characters of fruits to citizens and the community as a whole and, it is what the democratic principle demands as the activities involved in by the citizens, are to govern the governed and; the governing himself being the governed there could be no pitfalls. And even when there are any; the governing and the governed both are responsible in the concerned process of attaining equality in the society in advancing justice to the citizens.

Therefore the citizens are not to blame their co-citizens because the principles of democracy are governing the whole community. Thus, the educational standard and social status of the governed is the standard and status of the governing ones. And that is why the Indian society in which the touchable Hindus are in majority are governing society. And the touchable high castes people being capable in influencing the situations through their tactics, they are in a position to exploit the governed and the principle of social justice which does not advocate exploitation but equality to all in the society is put to wall at once in the process of advancing justice in the State of Karnataka by elite activities from touchable high caste group in the society.

The way in which the governing uses the political rights in the process of coming to power in the governmental organisations is the basic aspect of political justice in the society. Hence the way of choosing to come to power depends upon the severity of the deprivations inflicted on the deprived by the elitists, feudals and the depriving ones and such other forces, lobbies and political institutions which are derived from caste organisations in political activities.
The more important aspect of the nature of political process of coming to power is that it should aim to achieve certain common good for every one in the society, which we cannot find in the Indian system of social life. The consent of the governed is the most important aspect as it is the mass populace of the country who are under eternal process of socio-political economic variations acting and reacting on each other dynamically, and that the degree of enjoyment of freedom shows the degree of their capabilities in various ways and fields in the society. And thus the freedom of speech, press, assembly and the degree of maturity and self-realisation by the people is correlated with the sense of political justice advanced in the State. It is only because the governed consents, the governing exercises the powers; but the hopes, desires and aspirations of the governed are transformed on the governing ones constitutionally in the Karnataka State. But hopes and aspirations of the governed are put to the wind by the governing elites. Yet, the consent of the governed forces the poor to exercise their franchise with (blind) faith during elections many times has caused imbalance in the social relations. And the other forces like the casteism and suppression and governing nature of the upper strata against the poor or of the untouchables against the touchables, makes the governing elites to instigate the
poor to exercise their franchise in their (elites') favour. Thus the candidates always play the caste politics basically and talk in the wide corners openly in electioneering campaigns saying that they do not practise casteism and they practise it vigourously which is condemnable. "The governed exercises the franchise rights and it is his consent; thus he rules himself." Though this is a principle and theory, the practical part of the political affair is quite the contradictory in the Indian context. Because Indians are knitted in the religious ways of life with principles derived from human psychosis. And under such conditions, the promises made by the returned candidates have not been attended to in totality and the mirage-like promises have made justice a paradox and a web of uncertainties in the society. Vain promises and the persistence of poverty, untouchability, exploitation, the gap between the haves and have-nots in spite of classifying the whole of population in different categories for different benefits according to their proportionate percentage in existence are not fully attended to. Much more remains to be done by the politicians in spite of their differences and selfish behaviours and acts which are based on castes and statuses in the society. And so long as this difference exists justice cannot be said to have been meted out and accomplished by the governing elites or politicians. Agitations are launched at
the instigation of the opposition party politicians and the innocent people rise to action positively because they are ignorant of the facts and motives behind the agitations launched by the wise politicians. Innocent people in the state are guided by such political intents, and therefore they agitate for most of their times more at the instigation of politicians than on their own decisions in the society. The general scene of the society is that the poverty-striken condition of the majority of people and family has been artificially created by the educated, advanced, and elitists for their selfish acts of remaining in the perpetual condition of gains in the society. And these advanced elitists do not want to contribute their efforts in the national programmes of eradication of poverty because Indian citizens love their castes' groups and align them and; the nation and nationalism is a distant phenomenon for them.

As politics and society are involved in a dynamic relationship of change and stability, the political transformation from the ancient feudalistic and imperial system to that of the present day democratic arena of constitutional government has made many ways for the growth of individual personality, equality, dignity and society together theoretically. Yet the

natural wealth and such other economic resources and utilities, to the maximum extent, are held by the high caste people; and in particular, by the feudals and such other huge (gratuitous) "inam"-holders in their full enjoyment from village to the towns. Of course, though the (gratuitous) "inam" lands were granted to the lower strata of the population also, the utilities derived in breadth and width etc. were quite meagre. The arena of industries and with their development, are held by the rich and high caste touchables strata; and they, one way or the other, are controlling and regulating their industrial and entrepreneurial concerns with new inventions and innovations. They are effectively holding their industrial concerns profitably as a means of economic betterment and as a 'break-through' for their own welfare whereas the wage earners of their industrial concerns at the lowest level are kept below the level of subsistence without any sort of means to raise their standard of life other than their (irregular) wages which are paid weekly or in rare cases monthly and that too at the lowest rate. A majority of wage earners in villages are paid daily to make a living from hand to mouth. Upendra Buxi says, ".... Laws relating to indebtedness, money lending, tenancy and ceiling reforms, co-operative credit, agriculture wages, irrigation, or water resources legislation, co-operative societies, rent
legislation, etc. are more or less within the domain of the directive principles, the implementation of which through proposals of law reforms has been a specific term of the Law Commission of India for even have not troubled the Law Commission of India.1 Upendra Buxi further says, ".... the Law Commission of India has not even looked at the whole gamut of law reforms problems in the area of agrarian relations."2 While commenting on the mode of working of the Law Commission of India, Upendra Buxi says, ".... the Law Commission has hardly moved beyond the area of lawyers and courts, to that of social legislation affecting vulnerable groups such as the scheduled castes and scheduled tribes children and juvenile delinquents, mentally ill and physically disabled, unorganised labour including bonded and contract labour, legal services and other allied fields."3 Justice consists in rendering to every man his due but when the Law Commission itself is moving at the fingers of the political leaders what else could the Government advance than false promises to the people at large. The entire private enterprise


2. Ibid.

3. Ibid.
is in the hands of the high caste Vaishyas, Kshatriyas and Brahmins and there is no scope for any scheduled caste and scheduled tribe people to enter into the private enterprise and stand in the rigorous open competition with them because of the endogamous enclosed society and caste; and hence social disability in the low caste entrepreneur.

In the field of services, as a means of livelihood, the economic growth and development of the standard of life, it is only the high caste touchables who hold the major part of share with reservation; and even without reservation to them, they do hold the majority of the posts under the government and the private sector services which is beyond the control of the government as the government is functioning with the majority of caste theory. It is very recently that the government-owned public enterprises\(^1\) are recruiting the officials to the posts from scheduled castes and scheduled tribes segments and that too for maintaining the reservation-quota as a matter of unavoidability and intentional political pressure to create the records. And wherever it is possible to avoid recruiting of scheduled castes and tribes in the reservation field and pools, they are knocked

out on the plea that the scheduled castes and tribes candidates are not 'up-to-the-mark' on false contentions even when they hold the minimum qualifications prescribed for the candidature to the post and readvertise the vacancies thus unfilled by dereserving the same posts by re-advertisement and thus the high caste people hold the sway everywhere and in every public body of recruitment. The main purpose of reserving vacancies is to advance social justice to the segregated people who hold the legitimacy.

Thus the fact behind the cause of economic disparity and backwardness has its seed in the social system which gives rise to the polity and the nature of the caste based system of polity and the degree of severity in the punishment of the criminals in the legal system in that particular society has in prevalence. The Indian social system has the graded hierarchy fixed by the law givers of Hindu religious dictums. Manusmriti, Naradiyasmriti, Yajnyavalkyasamriti, Gautamiyasmriti are written by Manu, Narada, Yagynavalkya, Gautama Rishis respectively. Further, the Hindu social system with its wedded polity undergoes to obey the rule prevailing with more affinity to the religious dictums propounded by the Hindu religious priests who were basically from the Brahmin, Lingayat communities; and it is imitated by the other Hindu religious sects in Karnataka State.
in a more or less degree in their social behaviours with a lesser affinity for mobility to the lower castes even during the present days of constitutional democracy. The Shaivite and Veerashaivites also say that they are advancing social justice by accommodating every low caste person in the Lingayat fold but they do practise untouchability in Veerashaivism. Veerashaivaites and Lingayats in Karnataka are revivalists of Shaivism under Basaveshwar. Because Brahmins poured water in the hands of the untouchable under pollution theory, the Lingayats and Veerashaivites also are pouring water in the hands of the untouchables in the rural areas openly and silently in urban areas. And it is typical and pietyful.

That is to say, the social backwardness is the effect of Hindu religious dictumised caste supremacy based on graded inequality and its super-imposition in social practice which varies from individual to individual, in realisation of the ultimate knowledge of the realities of the religious fundamentals, with lack of reasoning capacity in common citizens in practical applicabilities of the dictums. Hence the citizens who are practising Hindu religion, as a matter of tradition and custom, love Hindu religion more than the law of the Land most of the times. The perfection of the growth and development should always
have led the citizens by reason but the law givers of traditional Hindu religion like those of the Brahmanic priestly class had the motive of not bringing the mass population at the threshold of reasoning and wisdom. As a matter of highest politics of education as a system and the fear of losing their own socio-political importance and status, Brahmin priests did not impart the real wisdom and knowledge of the perfection in the science of realisation of the 'reason' for the social equity to the lower caste people. This is a reality of facts behind the backwardness. Thus the Hindu religious laws always preferred and enforced to practise socio-religious conduct by confusing the mass populace, sometimes with religious monotheism, and for sometime mono-dualistic-theism and sometimes pure-dualistic-theism, and further more sometimes with antitheism in which Gods and Super-Gods are not believed in like the Sankhyas, etc. and sometimes with the mixed philosophy of these different theistic thoughts simultaneously even when they maintain their separate entity individualistically.

Thus the cause of variation in theism is the degree of variation in the realisation and the degree of perfection in

1. J. Muir: Original Sanskrit Texts (On the Origin and History of the People of India, Their Religion and Institutions), Williams and Norgate 14, Henrietta Street, Convent Garden And, 20, South Frederick Street, Edinburgh, 1861, P.III, pp.81, 82 and 100.
the process of acquiring the reasoning power in general enquiry of realism. And the Hindu religious priests always have confused the mass population to retain their own superiority over the rest of population through fixing the gradation of castes with more respect and status to the higher touchable caste and less respect and low status to the lower castes of untouchables and tribals for all times with an overall superiority claimed and conferred on themselves by the Brahmins, and Lingayat priests are no exception in their behaviour in social aspects in the practice of untouchability.

Therefore we find that the religious priests and the Brahmins were well read in the science of practical human psychology and they did not teach it to the lower strata of population in the society. They monopolised education for the Brahmins, Kshatriyas and Vaishyas barring the Sudras, untouchables and tribals which is traditionally settled unchanged, for a pretty long period of time. In this we find the lower strata of population is hesitant about getting education in spite of the advent of democracy in the society as the downtrodden and the lower strata of society are psychologically hypnotised

by priests who threaten the common people of the so-called angers of gods and demons. Thus the theocratic terrible rule in which the despotism was in practice under Brahmanic rule throughout the country is responsible to the illiteracy in the society.

Education in the olden days was given first to make the man realise himself in his relation with the nature within and outside (his self) and surpass Gods and demons. Therefore the psychological perfection which is the basic foundation required for the growth of individuals was made to attain by the sages in the ancient times and for that Gurukulas (hermitages) as educational centres, were opened by the sages for their selected disciples. The rulers of the region took care of them in supplying the requirements for day-to-day materials for their consumption at such hermitages as the economic exchange values were not of high importance to the goods and services in those olden days, and the goods were available in abundance.

But/Brahmin priests who emerged in the course of time on the horizons of social changes due to the political change became conservative in imparting knowledge to the disciples.

Later on they fixed high exchange values to their knowledge with an intention of suppressing the untouchables and Sudras to the lowest ebb in society further. The educational backlog thus created was continued and it reached the stage where the real concepts of the Hindu religion, Hindu social system and dictums themselves have confused the common men and continued in life. All such conditions have persisted even up to the present times in society traditionally and hereditarily as a matter of custom and blind faith with a lesser degree of 'reason' in practice of inquiry in the society. That is to say, the education was made the legacy of the few and the rest of the population was not allowed to get education nor was education given to the lower caste aspirant population. Those who tried to get knowledge stealthily were severely punished if they happened to be Sudras or untouchables. Eakalavya's case in Mahabharat shows that Eakalavya was born in the lower caste and hence Dronacharya the Brahmin caste born teacher, who taught fighting and battling arts to Kauravas and Pandavas, refused to teach him. Thus education to the lower strata was banned legally in those days and the present backlog is created by that. In the Ramayana period education was banned to the low caste people and Shambuka

1. Manusmriti, the Sacred Laws of Manu fully deals with prohibitory dictums on education to the lowly class of people.
a shudra who was performing austerities was killed by Rama on the plea that the austerity of the Shudra Shambuka was a defilement and inauspicious act towards the high caste born people.

Hence there having been no knowledge of anything in life some section of Hindu society remained far away from the knowledge of realisation of the self and the nature together. Thus they were reduced to a lower stage, even lower than that of slaves and they were forced to be that and as such they did obey only because they did not have any knowledge of the self-respect or any sort of education for the realisation of 'force' or 'power' within themselves in life. And, therefore, the inequality created in the field of educational opportunities by the law givers of the Hindu society are the basic causes for the social disability and economic backwardness. And thus the deprived mass of population did not have any sort of knowledge or expertise and social mobility for getting out of the vicious circle of socio-economic and political disabilities nor did the law and judiciary help them effectively, as the political will of the people was motivated and directed at the mercy of the high caste rulers and priests. And even today the traditions, customs, religious fanaticism, ignorance of realism, superstition are held with honour and with the legal validity.
The educational deprivation of the backward class of citizens is the foremost and the basic cause of economic backwardness and educational deprivation together with economic backwardness has led to the social and general backwardness. Furthermore, the educational backwardness, and economic backwardness together, with social backwardness with sleeping laws with caste-fanaticism of motivated executive with high caste officers majority have made the backwardness perpetuate in social life. The inequalities which are inherent in every aspect of life need to be eliminated at the earliest possible as it is the injustice administered by the Brahmanical institutions by stoppage of education to the mass population of Sudras, scheduled castes and scheduled tribes in particular.¹ And during the present times, even when the lower caste pupils find seats in educational institutions, they rarely get high ranking merits even when the education is made available constitutionally because of the competing variables which are influencing directly.

For this purpose the justice that is to be meted out in those aspects is to give literal education first which leads to the reasoning capability and knowledge of one's personal and

social life. The system of education must have been such that the deprived population should be in a position to retaliate at the exploitation of those being deprived and the laws legislated must be effectively implemented to make out social justice to the downtrodden for social harmony. If the laws are enforced and/or executed sincerely and if the deprived ones get standard and right education they shall resist the social exploitation and by their retaliation against their exploitation, the justice would naturally have been acquired by them through fight for the right and thus the social equilibrium should have been maintained. But to acquire the natural justice the initiation of the deprived ones through a rigorous fight stands as an advocated factor.

Thus the educational growth and development would give the fruits of fundamental rights and the rights follow the duties. Thus there will be a balance in the rights and liberties for social harmony. Therefore the social contradictions must be removed failing which there would prevail the imbalance in social life and the democracy would be at peril leading to anarchy everywhere in society.
But if the liberty is controlled and regulated fully by law it would neutralise the initiative nature of the individuals and hence there would be again paralysis in the advancement in the social, cultural, educational, scientific and technological inventions and innovations in life. Therefore stress only on equality if given in a developing society, the society would reach stagnancy in all fields. Hence, the liberty guaranteed must have been so regulated through the law by the government that the equality must be upheld in advancing social justice to the weaker sections of the people. Thus there shall be no weeping or shedding of tears by the ailing poor mass or incapables, or deprived, or the disabled people of their feeling neglected by the affluent co-citizens or by the government any more in the national life.

And this would have been done by implementing laws that are legislated for a sincere realisation of the aims which would lead to the substantive and the cumulative laws together in administration of social justice to compensate for the disabilities suffered by the deprived ones since age long in the Hindu or other religious society. Political democracy in which the ingredients like liberty and equality are the fundamental prerequisites for every citizen, are to go with fraternity; and the
absence of any one among the three will create a social imbalance and unrest and there would take birth anarchy; and democracy without education is said to be hypocrisy without limitation.¹

Therefore, the uncontrolled liberty which the affluents and the higher strata of the population have in their hold has created unrecoverable damage to the lower strata of the population. Political power has always been thrust upon them and they alone have been the masters of the society all along the past and present times making the poor suffer more and more as the affluent strata of population does not recognise equality in its practice in the society and it must be lawfully compensated as a matter of social justice for the poor as they are the claimants of that right naturally as against the liberty and freedom they lost in political society.

Therefore B.R. Ambedkar has rightly said, "We must begin by acknowledging the fact; there is complete absence of two things in Indian society. One of these is equality. On the social plane, we have in India a society based on the principle

of graded inequality which means elevation for some and degradation for others. On the economic plane, we have a society in which there are some who have immense wealth as against many who live in abject poverty. On the 26th January 1950, we are going to enter into a life of contradictions. In politics we shall have equality and in social and economic life we will have inequality. In our social and economic life, we shall by reason of our social and economic structure continue to deny the principle of one man one vote. How long shall we continue to live this life of contradictions? How long shall we continue to deny equality in our social and economic life? We must remove this contradiction at the earliest possible moment or else those who suffer from inequality will blow up the structure of political democracy, which this Assembly has so labouriously built.  

And for this the high caste touchable himself should get enlightened and avoid contradictory behaviours from his side by self-initiation, which is far away from the possibility in the actual life of the Hindu high caste touchables or otherwise they will have to bend down to the fist of the untouchables. One's slavery cannot be removed by the others but the slaves themselves have to fight for their personal freedom as it is a "naked truth" in social reformation.

However social legislation must be undertaken and implemented without any backlog created or left undone in the process of the execution of the legislated laws for the realisation of them (law), so that it goes true that the full realisation of laws means the administration of social justice to the citizens. And the social justice will have its action of sublimity on the weaker section of the population to bring harmony in society by realisation of laws among the citizens. This means equality to everybody before law with equal or proportionate punishment for the offence committed to all alike without any sort of discrimination on the grounds of caste, creed, sex and religion.

To realise or to mete out justice in the society, the opportunities which have been created by legislative enactments to compensate the loss caused to the untouchables, tribals and such other lower castes etc. would stand in good stead only if the executive wing of the governmental organisation is sincere in its operations and possible efforts in the distribution of benefits to advance justice in the society.

Of course every law legislated so far after independence does embody the principles of social justice as audumbrated in the Constitution of India. But its execution is biased by
caste superiorities practised by the high caste touchables with the customary line of traditional practice on the lowly citizens. The Constitution of India unfortunately has been a fertile ground for breeding communal politics which further puts forth its demand in consolidation of its community, a system of reservation to adopt.¹ And every elite politician exploits the communal opportunities. The executive officials themselves being educated elites, they are the media for corruption between the mass population and the legislative body and the legislators too being channelled by the caste phenomenons, the contradictions are found in Hindu society even in free India and the judiciary ² also is fanatic and is in favour of high caste in its application of laws already legislated as the judges too are governed by their caste feelings within themselves as they too are the human beings having worldly aspirations in life.

The skilful lawyers are at highest price at their monopolistic rates and the judges get their corruption by

bargaining. And that would lead to gang war after his retirement as there is bound possibility of the losers in the court battle heard before him.

From the ancient and mediaeval times upto that of the present, what we find is, the concept of justice with its ideal premises has always remained dynamic. And as every society had to be subjected to some kind of rule, may it be monarchical, imperial, dictatorial, aristocratic, despotic, or the present day so called democratic or socialistic or party dictatorship, we find that the idea of justice did have its seed in the sentiments and psychic aspects of the 'rulers' and the 'ruled' and the nature of the system of polity the society or the particular population undergoes or chooses. And the Indian society has been influenced by Brahmanical practices in the field of social administration and state-craft with a heavy pains inflicted on the untouchables, and happiness to the high caste touchable Hindus in the country. The sages like Bhrigu, Manu, Yajnyavalkya, Gautama, Vasistha, Vishwamitra, Brihaspati etc. were the compilers of the Smritis for socio-political judicial administration by which the Brahmins, Kshatriyas,

and Vaishyas are benefited whereas the Shudras, untouchables and tribals are adversely affected in social life.

The idea of justice though emerged from the minds of the individuals it had a comprehensive basis of morality backed by the ethical concept irrespective of time, space and the context, because it is derived from the consciousness and hearts of the population and the rulers as a whole. But the ways of its advancement is based on the gradation of caste hierarchy by Brahmins and other high caste people and priests in the past and continued in the present day by the educated elites from every section of caste, sub-castes even within themselves.

In the olden days of Vedic period (unlike Puranic period) the premises of the idea of justice lived in its prevalence in the course of its administration from the religious centres like hermitages where the divine investigations of theistic and religious concepts were at examination for their social application for the wellbeing of the whole of human race. As such, the ruler did strive to advance justice in the state through customary laws for harmonising human relations in society in which he was a ruler and in such a way that the ruler had to deny to
the Sudra and untouchables and tribals, the fraternal feelings and benefits. And the present democratic relations among the individuals have had their seed in the growth of human relations in the society knitted with the assurances and constitutional guarantee to every citizen of the rights and benefits to them as a matter of duty on the part of the Government towards the citizens. Despite this, traditional and customary aspects have remained unchanged in the society.

The conservative nature of religious practices has found ways to motives and such motives of high castes have led to selfishness in the political administration in social life and justice was made to settle on the premises of the philosophy of law identified with morals and duties imposed on judiciary in which every citizen is linked constitutionally and made responsible to each other. The language problem in Karnataka State especially on its border with Maharashtra and Kerala like Belgaum, Bidar, Karwar .... etc. from where a minimum of five Assembly Constituencies return the Marathi language candidates, has been posing problems for the development of these cities from the economic viewpoint in its industrial growth

and developmental potency. And this issue has been a matter of controversy and much concern till today. Consequently the hatred that has been generated between Marathi and non-Marathi speaking population has affected the harmony in the minds and hearts of the people.

The concept of justice as advanced by the great philosophers like Plato and Aristotle go to establish that,

1. 'Justice', according to Plato is the supreme virtue which harmonises all other virtues in the State.

2. 'Justice', according to Aristotle is that it implies a certain degree of equality, based on identity, and the second on proportionality and equivalence on both the arithmetic and geometric aspects of equality. Arithmetic equality leads to commutative justice; i.e. to each according to his deserts. The second is the business of the legislator while the arithmetical equality is the business of the judge. In the Justinian lip service to the cause of natural justice, the Romans had a special code for Roman

citizens known as the jus gentium. Preachers or Roman Magistrates had to rely on common sense and reason, but in spite of that, slavery was treated as an institution of jus gentium and the Romans never abolished slavery and in spite of many a legislation the sense of subordination and domination has remained inherent in all human beings to segregate himself and get himself compartmentalised in a class recognised by society or by law. Every human being is typical in his behaviours and he himself may be a class in himself either in a luratic asylum or in holding the political supreme powers within himself\(^1\) in Indian society in comparison with the Grecians. During and after renaissance up to the period of 19th century the natural laws have been transformed further and in the theories of social contract it became the natural rights of man.\(^2\) And rights impose duties on the citizens who exercise to perform them respectively for social justice to avoid inequality in the society. The natural inequality is admissible in the society because it is not imposed and spontaneous.

The political rights and good should have been apportional according to distributive justice. The punishments should have

2. Ibid.
been imposed and damages to the defamations or so, also should have been paid according to commutative justice to the citizens who had not been able to exercise the constitutional rights due to their inability, inflicted by the Hindu system as a whole. That is the supreme criterion of good equilibrium in life, in its prevalence in eternity in the society so that justice would have been in the moving equilibrium. This would seek to reconcile the demands of distributive justice with those of commutative (justice) ones. And there are no cases where any body is put behind the bars for having accused on the ground of untouchability practice so far in Karnataka State as nobody enforces the Civil Rights Act of 1976 in case of the Harijans.¹

The concept of justice had to grow always with requisite social phenomenons and political whims above all other whims. But selfishness and caste alienations have been the basic whims of the politicians in the state governed by their own political will for their political goal.

Upentra Buxi says, "... It would be too much a new concept for Indian culture .... what is distinctive about constitutional...

vision of equality is, in fact, a total "assault" on the pervasive principle of social stratification based on status (and therefore), immobility ascribed at birth in particular Jati.\(^1\) After the Constitution of India coming into force, it had to become a democratic obligation to make the legal process to be a surer means to social justice.\(^2\) The legitimization and violence in the procedure of political advancement in the present state-crafts has damaged the consciences of the poor untouchables; and the Panchayat Raj system has divided the rural population on the party basis and the parties are what they are. They would always act with caste spirit as the "nyaya panchayat raj" would have to work under the judicial verdicts of the judicial tribunals on being constituted. The nominated members on them would definitely like those Land Tribunals which have utterly failed in advancing justice in its administration. The universalistic approach in legislating the laws in the state with the basic object of educating the poor by the governmental organs are in a lethargic condition. Hence uncertainties and instability in the state in all aspects.


'Justice' according to Plato, is the 'Supreme Virtue' which harmonises all other virtues. But since the individual virtues are but reproduction in miniature of the virtues of the social whole which Plato considered as identical to the state, one could discover the nature of justice, only by studying the extent of the degree of harmony in the state at its disposal to measure social justice. And social justice is a relative phenomenon which every citizen should have to forgo in the liberties he has gained naturally against the co-citizens in the state for the maintainability of the common good for the social harmony. This means sacrifice of the dear things for equality and social welfare. This harmony in the state, that is to say; justice consists in each individual accomplishing the task which needs maintaining the social whole assigned to him. In other words, he must be a particular organ in the social body.

By conferring a single citizenship on every Indian under the Indian Citizenship Act, 1950, the Constitution of India has knitted the individual citizens as the real unit (gana) of political force in the socio-political practice in the country with a ballot paper in his hands on the principles of democratic setup with the representative form of government in which every citizen is particular organ (unit) who has not to blame others
but he has to be responsible to his own actions and reactions in the socio-political relations in general life. The secularistic principles adopted in the European countries discard all religious restrictions in the behaviour of the citizens in the life. But 'secularism' in Indian practice recognises the religious practice by law with a fundamental right to worship and faith constitutionally to every citizen since gaining political independence. The concept of secularism which has been incorporated in the Constitution is to eliminate the religious fervours and hold its supremacy over the political and judicial aspects of social life on democratic foundations. While writing on the imperatives of secularism, P.R. Rajgopal in his book, Communal Violence in India, mentions the words which M.K. Gandhi had observed: "There are as many religions as there are individuals; but those who are conscious of the spirit of nationality, do not interfere with one another's religion. If Hindus believe that India should be peopled by Hindus, they are living in a dreamland. The Hindus, Sikhs, the Mohamadians, the Parsis, and the Christians who have made India their country, are fellow countrymen and they will have to live in unity. In no part of the world are one nationality and one religion synonymous terms; not has it been so in India."

But in reality every one has a double thinking, one, the communal thinking for votes during the elections in exercise of their franchise rights, and the other secularism on the lips for the survival in society as a unit in the constitutional aspects. They command procession as a mark, and demonstration of political power of a particular caste or community or of a religious denomination, in the streets during festivities and rituals have been the contradictional realities in the society, which cannot be stopped at any cost by the governmental organs. And the rulers (elected ones) are exploiting the country in the name of democracy in all walks of life. And the opposition support the communal riots to defame and demoralise the ruling party politicians during the time when the procession of rival religions met on the road and cause unrest.

The examples of religious fervours in the western countries has an example in which we find the supremacy of the Church and Christianity, when hampered the individual initiatives and liberties, the coining of the term "secularism" as a socio-political phenomenon was emerged by George Jacob Holyoake, and it

1. Ibid.
is adopted by the Indians to give the meaning in Sanskrit translation "Dharmanirapeksha Praja-Raj" in which we can divide the word to derive that "Dharma" means the religion, as has been in practice everywhere and "nir" means without and "apeksha" means the expectation or desire to mean together and connotes that, "the religion for a state and for the people is a basic requisite element of nation state but that religion should not expect the citizens to act according to its command in respect of the personal and social behaviours of individual citizens in political, social, private or public life any time constitutionally. Therefore, the democratic principles embody the principles of secularism in which the principles of natural justice hold good as of universal value by not believing in the God or Super God but in the principles of liberty and equality before law as the premises of natural justice which channelises all other aspects of virtues of justice. But in practice these are done in the name of religion by motivated force of political intent that religion dictates the terms to its followers, and the citizens follow the religious dictums with reverence and love. In the beginning of the recorded ethical and legal thought, the term 'justice' was used as equivalent to righteousness in general. And justice comprised the whole virtue and complete conformity with the approved pattern of moral conduct.
The Aristotelian concept of justice recognises the aspects of justice as a moving equilibrium which seeks to reconcile the demands of distributive justice with those of commutative justice. Hence Aristotle says that the supreme criterion of the good is the just mean or the equilibrium. And with such a just mean or the equilibrium the Government has to advance justice in the State to its citizens because harmony is to be maintained and this harmony is achieved by distributive justice, by commanding power super-imposing itself over the community in their all walks of life to maintain equilibrium. In the contract of submission of the people and rulers to the religious supremacy and to the priests of Brahmanic order was considered as a divine sanction and the violation of this contract between theistic palace-priests and the rulers and people at the instigation of the head priest used to place the rulers outside the religious laws in ancient times; that is after Vedic times, and during the Puranic days, the Brahmins were at the apex of their political supremacy in India after suppressing Asura rulers and their feudatories by their political craftsmanship in political practice in the process of their political growth. And the Brahmins propagated to effect their ideology of their own superiority over all others in the society.

Therefore the democratic egalitarian regime should have been a guarantee of normal coincidence between law and justice. And justice represents "within each individual", the pure judicial consciousness which "reasons in the silence of passion because in sum justice is the external liberty of each person, limited by the liberty of all others. Justice V.R. Krishna Iyer says, "... where the bulk of people are backward, social and economic justice, the rule of law, not withstanding its mien of majestic equality will fail its mission in absence of a scheme to bring the system of justice nearer the downtrodden. Therefore it becomes a democratic obligation to make legal process a surer means to social justice."¹ He further says .... "victimising the weak through slow motion-justice, high priced legal service .... lacunose laws and a process of usual pyramid made up of tattering tiers and sophisticate® rules and tools. Our nation with all its hopes and all its boasts, can never really be free and just till all its citizens, high and low, can claim equal justice through law in action.²

The untouchables and such other downtrodden segments of the Indian population who are suppressed for centuries socially

² Ibid.
and economically by an elitist culture and who have lost their tongue virtually require a long way to smell the concept of democracy and the exercise of fundamental rights. And in the countries with democratic form of government, public opinion and the law act and react on each other, and, therefore, we always find a clash between the executive and legislation or otherwise there would be a compromise of both on the issues which sows the seeds of anarchy, though justice thought has, in the twentieth century been revived with the idea of "natural law" movements for a "free" and "living" law and creation of new instrument of international law could not find a place in the cases of caste ridden disputes in India. It has been the legitimate responsibility of the legislators, executives and judicial personnel, that the state has to endeavour to create a social order wherein, justice: social, economic and political, had to inform all the national institutions and all the social institutions and governmental organisations on the tune of social justice as guaranteed to the people of their legitimate rights, but in practice of it we find the legislators who are elected to the Assembly and to the Parliament have forgotten to administer socio-political justice

1. Ibid.
2. Ibid.
to the people in the state; and it seems the legislators are always in a hurry as they are uncertain of their tenure in the Legislative and Parliamentary houses which are the gold mines and justice is an unknown phenomenon to them as they are following the ways of the squeezing politics.¹

All the constitutional experts had agreed and promised while debating on the Directive Principles of State Policy to provide free and compulsory education up to the age of 14 years to every citizen and remove the injustice that existed in educational field of the society as education gives multidimensioned vision of the area. But what we find now-a-days is that the English medium schools are levying heavy fees at all the levels, and putting the poor parents to wall. Thus the gap between the harmony of the moral ideals and disharmony of reality that gives rise to inequality in society which widens the gulf between the rich and the poor.

Article 39A, empowers to claim legal aid to the poor citizens by invoking its provisions. And it is the duty of the

state to advance justice to the poor man in court. But the executive in this line is in a deep slumberous sleep in the state because poor men are unaware of the provisions of the laws as they have no hopes in the legal aid laws. Nor do they know about the benefits assured by law. The poor citizens have to pay for the contingent expenditure themselves to please the defence counsel in the court and to offer some kind of bribes to please him to appear before the courts even when few know the scheme. The aids are also inadequate and poor in distribution of legal aid and it is insignificant to the beneficiaries.

Article 39, assures a living and equal wage for the men and women workers equally. India seems to be the only country to confer the highest degree to womanhood by treating woman as the "Godess full of virtues" like wealth and education, Laxmi and Saraswati. But what we find in practice is that the poor man's wife is raped for malice by the big boss (feudals) in the villages. And the acute poverty has been the cause for the growth of brothels and cold prostitution in society. Betrayal of Gandhi's advice in practical life in modern days goes to

prove that it is nearly a paradox we find in most of the activities with selfishness entered in almost all walks of life.¹
Money has been the means for political survival.

Article 17 has removed the practice of untouchability literally. Yet India cannot be called a free nation unless the enjoyment of social justice by every citizen is a reality, because the feudal and such other high caste men with high social status though they are wicked and criminal the lower caste citizens have to show reverence to them, on account of the religious dictum in the society which must be obeyed. This is the rule of the Hindu religious practice in the society; and the social norm is above the legal dictum in practice. The law should regulate the society but in India Hinduism regulates laws and society together on the basis of caste differentiation. And Manusmriti also says that, ".... By his origin Brahmanas declared to be the root of the Sacred Law".²

Slavery or bonded labour is abolished by legislation but it does persist vigourously still without which neither the poor

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man has any means of livelihood for his starving family nor do the landlords leave such labours free easily. Bonded labour is practised openly in the rural areas of the State of Karnataka and no band of social workers or the representatives of the people to Parliament or Assembly are in a position to comment or take any action to stop its practice in the society. This is because it is the desire of every man to employ a servant in his lifetime if he is capable of paying the least to the servants but the Indian society and Hindu society in particular has branded the Sudras and the untouchables as the people reserved to serve the Kshatriyas, Vaishya and Brahmin castes. There is no escape from this even when the laws are passed to that effect because law is subordinated to religion in India.

Under the 44th amendment to the Constitution there is no Fundamental Right for property as the citizens have to file the declarations of their property. And it has never helped the poor as the excess is neither appropriated or acquired by the government by law for public purposes in any form but the distribution part of national income is drained wrongly. It is the seditious act on the part of the declarations and no judicial action is taken on them. This is an injustice in the society as a whole.
Civil Rights Act of 1976 by which the scavenging and filthy works assigned to the bhangis and untouchables is forbidden by law and thus there is a check on the customary conditions and practices by law. But as the high caste people do not do that filthy work they get those filthy works done by the untouchables, bhangis and scavengers by threat and force. The socio-economic environment and conditions also compel them to do that filthy work without any alternative. And even in these lowly appointments the appointing authority are taking bribes. It is the social injustice which finds no remedy yet.

The Karnataka State Land Reforms Act, 1961 is passed in the legislature, but it is brought into force from 1974. The time gap of the legislation (date) and its enforcement date made the landlords alert and made them to adjust the records of rights suitably in their favour lawfully. The gap thus created was an opportunity to the landlords to evict their tenants from their lands and thus the owners themselves held the titles of their land as "owner-tenant", and the earlier 'tenants' were to do nothing but they either left those lands or many remained as the servants on the lands under 'naukar-name' but not as 'tenants' in those lands. Thus the landlords got their names entered into the Records of Rights as 'Owner-tenants'. The basic purpose of
enacting the Land Reforms Act 1961 was to give the Rights of Tenancy to the actual cultivators of the lands, but the implementation of the Act in the year 1974 has adversely affected the tenants and the poor people who survived on the agriculture labour. It has not helped the landless untouchable labourers; but it has helped a few capable and courageous touchable high caste tenants in the mutual distribution of the produce of the land between the land-lord and the tenant. Thus the land-lord takes away a major part of the produce. Courageous touchable high caste tenants play an important role in the mutual distribution of the produce of the land between land-lord and the tenant and thus the land-lord takes away a major part of the produce from the tenants unlawfully. This is quite unjust in society. And the refusal to give that share leads to the disharmony of relations between the tenants and land-lords which would lead to any types of criminal consequences. And in magistrate's courts it is very difficult to win the cases because it is the silent and cold agreement between the land-lord and the tenant.

Urban Land Ceiling Act 1976, is passed when there is no land held by the untouchables, the tribals and the other poor. But the big property holders hold major portion of the land fully by fraudulent entry of their relatives' names in the Records of Rights of the urban lands by having recourse to bribing the concerned officials for making an entry by fabrication. To adjust the excess land by the high caste land holders they filed the diverse petitions in the courts for legal purposes and they did continue as husband and wife privately. Caning, killing and other atrocities on the untouchables and raping the women, beating the untouchables at the instigation of the high caste touchables in the police custody is not a new thing in society. Such cases go to prove the magnitude of the injustice in the society. Lower caste population group is the repository of the bonded labours. Sale of women to brothels is an indication of the economic and social backwardness and the laws legislated to ward-off such practices are ineffective. Hence injustice prevails in society and the government is ineffective. The legislature reflects the social whole in which high caste touchables are in majority in comparison with the untouchables

and tribals and they do not want to surrender their power to the rule of law and every means of production is in the hands of the touchable high caste people and the untouchables and tribals are at the mercy of the touchables.

Justice V.R. Krishna Iyer says, "... this is a declaration of the Supreme Court, violated even in the presence of the Supreme Court judges. And nobody bothers. Why? Because don't you know hypocrisy is the rule of India." In the process of defusing of the benefits to the beneficiaries Government must be involved through the curricula for social work training with stern rules and positive punishment of the offenders on the open courts on the roads.

Every law is legislated to advance social justice to the citizens as the law of the land is the means through which

   

justice travels to the citizens. Every executive officer says that he advances social justice in the discharge of his duties towards the society through governmental organisation in which he is a servant. But he attends to the file on his table only when he gets his normal and usual corruption through his agents or directly from the person whose work in that public office is to be got done.

Judges say that they are advancing justice to the society even when their process is lengthy and many a time it is learnt that the advocating counsels themselves bribe the judges and buy justice at a price. And as an effect of that the courts cannot be said to be advancing justice to the needy. If at all these dignitaries argue in favour of their advancing of social justice in their acts why the innocent poor men are continued in their ailing conditions still? In reality, it is all a mis-use of powers and irresponsibility of the bureaucrats and a fine foolery or a big show which is conducted for their own entertainment by the political elites and bureaucracy in corroboration in life. Meritorious are left far away due to the bribery and corruption and the sub-standard persons or candidates are elevated or selected

while appointing in recruitments among their caste in competition.

Even after 26th January 1950, i.e., the day of political independence, the good old laws of the British India are continued in operation under Article 372 of the Constitution of India. Of course, there are innumerable laws legislated by the Union, and State Governments but their execution is lopsided and there is no agitation against the corruption and bureaucracy because the bureaucracy is the linking hood between legislators and the voters. And the income earned through corruption is breeding the wives and children of corrupt bureaucrats.

Further the right to information about any matter of public interest is denied to the citizen by the public authorities. The phenomenon or the philosophy of public interest as such is not known to the people at large beyond the concept of caste alienation or caste interest. But they only know of Hinduism abstractly and randomly. The people know only the caste and sub-caste they belong to; and they also know as to whom to alignate with; or with whom not to alignate in caste oriented class interest of Hinduism. And the same is the case with the other denominational religions in the society. The
public interest as such in which every citizen shall have a benefit is not attended to or cared for by any citizens and it has been said the citizens are interested in the public like celebration of the religious festivals and so, and not the growth in public interest as such in its reality. Therefore, cooperation seems to have fully failed in its movement even though it is backed by the legislative policies. Co-operative institutions and such societies have worked merely as the caste ridden institutions and political pockets and nothing else. Hence the public interest as such has failed in the Indian democratic setup as every citizen behaves in his own way in his own fashion and manner without leaving his caste affinity. His attitude towards the co-citizens is a sort of irresponsibility in the approach. Therefore what stands right in the United States of America in connection with the behaviour of the citizens in the context of democracy they have in practice stands true in India also so long as democracy in political practice is concerned in the area of public interest as such. And while writing on American democracy and on the public interest, Glinion Shubert rightly says, "... Is there public interest? ... with President, Congress, and perhaps even the court, in deadlock, there is no reference. There is not the way to determine the will of the people, there is no obtainable majority, no
responsibility to any one for anything .... In our system of separation of powers, the bitter struggle between the executives and legislature is inevitable, and continues."¹ The concept of public interest lies at the heart of democratic theories of government. Glendon Shubert further says, ".... The executive is different interpretation of the public interest, but the stakes are power. Nor do we have any method for determining who represents whom or what."²

The political and the philosophical heritage of the past has operational significance for the behaviour of the officials today only which is reflected in the thinking of the present generation of America, which stands true and it is also true in its magnanimity not only in a few aspects of Governmental responsibility, but also in all walks of life of every citizen of India. When any citizen demands from any information from the public office, the dealing staff do not give information on the contrary they try to exploit for getting bribe and when the bribe is not paid the officials give a false plea and say that it is a secret matter but they themselves have forgotten that they are the public servants and paid wages and salaries from the consolidated fund of the state or union government for their

². Ibid.
services even when the information asked for, is in the interest and welfare of the public as a whole. Therefore the denial of the information by officials is an injustice caused to the people directly and hence the exact situation of the facts of the society is not made known to the people by the corrupt bureaucracy; even when every citizen has the freedom of expression. And what one has to express unless one knows the facts on which one must formulate one's opinion and communicate to one's neighbours? As communication between two individuals postulates a right to ask for information relevant to the subject matter of the communication and when an information is demanded from the relevant public office the aspirant citizens are refused; is the reality which demands for a remedy.

Right to go to court is threatened by the dominant village headmen if the plaintiff is poor. Gangster and thugs are hired in cities. Soft and simple punishment to the rich and rigorous punishment to the poor is the existing and prevailing condition in the judiciary in the process of advancing justice,

1. Article 19(1)(a) of the Constitution of India.
3. There are so many cases pending in the investigation in the police department.
and the police assist the high caste touchable offenders and sometimes compromise the disputes with negotiations in which the poor is always the loser. The police by thus compromising the disputants expropriate and squeeze money. Sensitised conscience of a judge is a surer guarantee of social justice but the appointment of judges is in the hands of the legislators (Government) a majority of whom belong to high castes. There is no evidence where the government is sued and the legal aid is given to the public interest litigation. Severe agitation to insist on social justice by the poor citizens is to be launched by the poormen alone as the high caste touchable Hindus are not prepared to base their political institutions on the principles of justice. For that the poor must be well educated with a standard education to realise the goal of agitation. The laws legislated are on the statute books mostly. But the intention is different in practice. Executive inaction by its veto has paralysed the growth and development of social justice.


The whole Constitution aims at the welfare motive of the citizens with due importance being given to the downtrodden and deprived classes of people. But the percentage of the benefits and the beneficiaries of the Other Backward Classes of citizens who emerge from the high caste touchable and higher social strata, though through the gradation of caste in social hierarchy of graded inequalities, the untouchables and tribals are at the lowest ebb and they are in majority in population numerically. But they are in a minority percentage as beneficiaries in comparison with beneficiaries from the group of the Other Backward Classes of citizens taken together as a group of touchable class. The Other Backward Class of citizens are maintaining and continuing with their superiority complexes in social behaviour against the untouchables and tribals is in fact a tragedy of the country as a whole; and no law\(^1\) is held effective as is found by the Untouchability Offences Act so far, in practice.

Justice K.Subbarao says, "... social justice demands a preferential treatment" to the weaker sections of the society to correct the disbalance in the existing society. Thus the

Social justice helps to bring about the just in removing the imbalances in social, educational, economic and political life of the people. Social justice may be defined as the right of the weak, aged, destitutes, women, children, and other unprivileged persons to the protection of the state against the ruthless competition in life with the socially higher, economically rich, politically in authority and educationally advanced citizens. Social justice is against the man-made inequalities enforced in the name of religion. But the same man-made inequalities are not brought to an end so far.

Article 15(2) is fully devoted to the upliftment of the untouchables who are knit in a position to find the public assimilation openly. They have the access to shops, public restaurants, hotels, and places of public entertainment or the use of wells, tanks, bathing-gaths, roads and places of public resort maintained wholly or partly out of state funds or dedicated to the use of the general public is made available to the untouchables.

1. K. Subbarao: Man and Society, Department of Publications and Lectures, Bangalore University, Bangalore, 1970, p.81.
Pt. Jawaharlal Nehru's aim was to have a classless society, with equal economic justice and opportunity to all, a society organised on planned basis for the raising of man-kind to higher material and cultural level. But, social planning is not taken into consideration by the planning commission as to the ways and means in which the society has to be planned with economic factors so far. Pt. Jawaharlal Nehru, while moving resolution in the Constituent Assembly said, "... wherein adequate safeguards shall be provided for minorities, backward and tribal areas, and depressed and other backward classes ... and the welfare of mankind." But the executive has not implemented the social welfare plans and programmes effectively. Hence the persistence of injustice in the society. Dacoity and looting has been the means of life even when they (looters) are the educated ones because the unemployment problem is meagrely attended by the government on scientific and fair way without any bias and nepotism.

Social relations among the villagers, namely, between the downtrodden, i.e. untouchables, tribals, and high caste touchables the Jati Panchayat; that is, the caste-republics

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go to solve the problems and punish the offenders, by social 'boycott'. Village and Jati Panchayat, i.e., rural and caste republics which have been described as the dens of ignorance to administer social justice, have helped the high caste touchables more than the untouchables of hutments so far. And even the present so called secular laws are neutralised by the Panchayat Raj as the Panchayats work under the caste aligned pressure groups and the "Nyaya Panchayats" do work under the high caste groups. Hence the chances of advancement of social justice are bleak in the Village Panchayat Raj system.

Therefore in the year 1932, B.R.Ambedkar in the Bombay Legislative Council argued for non-inclusion of Village Panchayat, i.e., Village Republic on Village Panchayat Bill. He said, "Some have called them rural republics. I have not the slightest hesitation in saying that they have been the bane of public life in India." In his marathon efforts to advance social justice to the depressed class of people, it was Dr.B.R.Ambedkar alone who had to fight initially. However, Ambedkar's fight had been continued in the process of making active political participation, for socio-political justice to be made available to untouchables

and tribals. And, therefore, in the Constituent Assembly also many members of high caste groups wanted to incorporate the Village Panchayat Bill for giving villages a status of "metabolic unit" of the political practices in India to maintain the traditional gradation and caste system to persist eternally as their status had a deep reverence and that high caste groups had the low-caste population in gradation to serve them compulsorily. Prof. N.G.Ranga and Ananthashayanam Iyyangar spoke in favour of Village Panchayat Bill on the floor of the Constituent Assembly. Babu Rajendra Prasad, the Chairman of the Constituent Assembly had his support for that. And under such circumstances, B.R.Ambedkar said, "... what is the village but a sink of localism, a den of ignorance, narrow mindedness and communalism. I am glad that the Draft Constitution has discarded the village and adopted the individual as a unit."

Only two members, namely, Begum Aziz Rasul a representative from West Bengal General-Constituency supported by B.R.Ambedkar in the debate on the issue of Village Panchayat Bill in the Constituent Assembly. However, reading the sentiments of the

House of the Constituent Assembly, B.R. Ambedkar adopted the Article on November 22nd, 1948, and included it in the Directive Principles of State Policy and numbered it as Article 40 of the Constitution during the renumbering time and thus avoided it from its enforcement in the court of law, and made it remain merely a directive principle of state policy rather than the fundamental right and reduced its possible severity. But such type of Village Panchayat Bill is passed by the Lok Sabha i.e. the Lower House of Parliament, (called as House of People) in socio-political life of the people at rural level row for its enforcement throughout the country. The Parliament in its Lower House passed the Zilha Parishad Bill with a majority of votes but the same was defeated in the Rajya Sabha (Upper House of Parliament) in 1989, even when the Congress party had sway over the behaviours of the members of the Parliament. However the State of Karnataka has its Karnataka State Zilha Parishad Act 1985 is already in force.

Non-implementation, or half-hearted implementation of benefiting provisions of the Constitution, by both the Union and State Governments has made the poor people look at the sky with a cry and the rich becoming richer and the poor becoming more poor have been the riddles unattended to by the traditional
high caste touchable executive officers who have been responsible for deteriorating the socio-economic conditions of the state as the whole bureaucracy consists of the literate class of the touchable high caste people in majority.

Judicial tribunals on land-tenancy too are corrupt. Hence the downtrodden people have lost faith in the judiciary also. Hence harmony in the society is a mirage. Anarchic situations are in creeping stage in the political life of society. The people desired to have a political change in the Parliamentary and Assembly elections during 1989 effectively. The desire for city living among the villagers and educated people is found natural which requires a boost and incentives. So long as the untouchables are concerned they do not have lands to till sufficiently in their villages and the social mobility is controlled. Hence no opportunity is found in villages for their livelihood but to depend upon the land-lords by serving them.

Price rise in the market which is beyond the capacity of poor man's purse is permanently seen. The Government has failed to regulate the marketing field of economic arena. The government has failed in controlling the steeply rising price line. Insufficient number of teachers in schools, with dilapidated
broken school buildings in villages, non-availability of doctors due to the hesitant nature of qualified doctors, to serve in villages, use of unfiltered stream, river or pond water in villages, sub-standard food-stuff, non-availability of fertilizers and pesticides to the poor agriculturists during monsoon or in right time during season; non-availability of improved seeds to them at a low price, constant electricity problems, loans, non-availability of unpoliticised villagers, incapacities of the poor people of getting benefits are on the edge of explosion.

Unfaithful political leaders, and set-back suffered by selfless social workers, are the factors responsible for the general imbalance in society which is far away from knowing the concept of social justice. In the discharge of the duties, the Government servants even when on duty feel that they are obliging the applicant-beneficiaries. They have forgotten that it is their duty to serve the public who pay for their service, in the form of salaries. On the other hand, the bureaucrats have brought the country and the society on the cross-roads of confusion with the result that the poor and humble people are the sufferers in the society who would one day or the other revolt without fail.

Unawareness, educational backwardness, the illiteracy exist among most of the villagers. Even if a few villagers
get education, their claim of superiority and dominance over their own family members and poor co-villagers; and their desire only for white collar jobs for getting which the poor peasant parents sell their tiny piece of land and make their rural family to starve is the real condition in rural life and the publicity stunt by the Government and politicians is always in steep rising trend. This exhibits the shamelessness of the politicians who are returned to the Legislature and the Parliament together. The economic Swaraj of Gandhi, with Social Justice of Nehru is being missed by our planners both in the vision and in the implementation.¹

Poverty and untouchability go together complementing each other. Touchable high caste groups of Other Backward Class of citizens other than untouchables and tribals are on the margin line. The economic development of the downtrodden people has generated prejudice² in the hearts of the high caste touchables; and they do not tolerate if the social status of untouchables and tribals is rising up by which they still


rank low in social hierarchy. Therefore, social planning and educational planning is preferred to economic planning by the Government as untouchability is a unique feature of Hindu social system. It is not an economic issue in isolation. It is the socio-economic-religious-educational-political issue basically; and the untouchability is attached to them by birth and it has emerged from the concept of Hindu religious philosophy and an advanced practical human psychosis. And finally, it is a matter of politics inherently and it is the extreme point of apex of wicked use in the political practice as a system and though it is the worst stage for the worst effect it is the politics of spoils in the society which has no end for it and as an example of the worst means for the worst-end as a fact in itself always. For no fault of his own, the mark of untouchability 'clings' over an untouchable until his death for the simple reason that the person was born in an untouchable family. The problems like poverty, social backwardness and educational backwardness can be attended to by social planning and by self-struggle by the untouchables and tribals; and by preparing themselves to be ready for any type of sacrifice for their own all-round growth and advancement. Neither the

1. Ibid.
elected representatives of the people from the Parliament or Assembly directly attend to them, nor do the capable land-lords of high caste touchables at villages and towns come for their rescue; nor does the judiciary has any sincerity to punish the offenders on social frauds and assaults under the present and prevailing circumstances and help the poor mass in administration of social justice for them. This is alarming the outburst of the mass. Ielah Duskin says as follows in this regard: ".... the power which shall give or bring them respect is outside the legislature and executive and beyond the benefits, that is in 'revolution' in all round affairs in the country."¹ Further the greatest tragedy of the political elites from among the untouchables is that "if an untouchable caste leader makes any statement openly on a particular fact, the high caste touchable Hindu politicians will not tolerate it or like it.² On the contrary, they suppress the untouchables and tribals from their politicising process in life.

The untouchables and tribals have no politically or socially capable leaders to advise them rightly in their

¹. Ibid., p.226.
activities in socio-political life after the demise of Dr. B.R. Ambedkar in their community. The untouchables and tribals never regard anybody else as their leader other than the late B.R. Ambedkar reverentially addressed Babasaheb because he himself was an untouchable caste person. Absence of capable leaders is another tragedy of the downtrodden class nor do they have any sympathy towards those who work for them sincerely and support them in political mobilization. At present, even if any political party or a self-declared leader says that he can command the confidence of the downtrodden mass population in general, and untouchables in particular; it would be a provable fallacy in the socio-political life of Indian society. All representatives of the people are bound with responsibility to legislate and realise the social welfare in the society through the legislative control over bureaucracy¹ and proposals to realise the benefits to the people, but what we find now-a-days is, there has always been the rift between the legislation and executive.

The untouchables and tribals have suspicion at the behaviour of the high caste touchables who are exercising

their dominance successfully in the political practices in the society since long; right from top to the bottom. The Commissioner for Scheduled Castes and Tribes reports thus: "When we look at the balance-sheet of our socio-economic achievements particularly relating to the upliftment of the scheduled castes and scheduled tribes, it is observed that the benefits of the socio-economic progress have not fully reached these communities and that there is a lot of ground to be still covered," and this goes to prove that the facts behind this are too many.

The Directive Principles of State Policy in Part IV of the Indian Constitution are the fundamental reports on the Indian community and are quite different from those of fundamental rights of Part-III. Therefore, the Directive Principles of State Policy are the directions for the governance of the society through the governmental organisations which give ways for social justice but they are not enforceable in the courts of law. The directive principles make way for the development of a society in the country.

1. India Government: Report from the Commissioner for Scheduled Castes and Scheduled Tribes, for the year 1973, Government of India, New Delhi, pp.1-2.
from the welfare point of view for advancing social justice to the down-trodden and the poor people in particular. And the Indian society is a group of castes and religious minorities. Basically the Indian society is not a single community as a whole but it is the fragments of various divergent caste denominations in feature as a nation brought together under the Constitution of India. The individuals in Indian society must be linked in the phenomenon of cordial relations with staunch nationalism. Therefore, the Directive Principles of State Policy are the guiding principles and the guidelines to the government to formulate the policies for the governance of its people to make the weaker able ones to assimilate in the mainstream of national life and make them further competitive with the affluent citizens in the economic race. This would enable them to feel that they are enjoying "equality in life with those of the capables" and avail of social justice as constitutionally assured, to cope-up in the economic march. The Government should by putting reasonable restrictions on the haves and capable affluent citizens to establish equality of opportunities for equitable distribution of resources among the people in advancing social justice strive hard in reality. But the executive organ of the governmental machinery executes the laws passed by the legislature sometimes
moves so fast in action that the officials who know the benefits which can be availed of by that policy execution get them granted or executed for themselves first or to their own kith and kin at the earliest times fully before it is challenged for its legal-validity in the court of law or before the benefits are executed during that budget year. The Indian judiciary also is quite absorbant and sober at the committed or caused-offences during execution towards its offending officials and hence the government lawfully regularises the offences committed. The Nagangouda Committee Report was fully implemented before it met with the court decision. Bogus income certificates were got issued from Taluka Magistrates and the appointments and seats in colleges thus sought were not questioned; hence regularised automatically. There was no one to question it as it was the report of the Government. The benefits were issued to the students unduly; and even when it was challenged in the High Court, the commitments were regularised in all the cases, where admission to schools was given, appointments were sought, and thus the irregularities were regularised and confirmed as lawful and the injustice caused to the real ones was not recoverable from the damages thus caused. The same was the case when the Havnoor Commission Report was implemented by the Congress party government under the leadership of the Hon'ble Chief Minister Sri.D.Devaraj Urs,
after requesting the Supreme Court of India for permission
to implement the defeated report under the plea that till another
commission is appointed to redress the wrongs committed by the
Government of Karnataka, the recommendations (fraudulent) of the
Havnoor Commission be continued and implemented; and as a
consequence of that, the Supreme Court gave the guidelines on the
request application of the Government of Karnataka and permitted
them to implement the defective report\(^1\) for execution. And as a
matter of moral duty, the Government of Karnataka appointed another
Commission with Sri Venkatswamy as its Chairman during the Janata
party rule in Karnataka State after the fall of Congress rule.
And the gap period between the date of appointment of the new
Commission and the date of submission of Report is the period
to distribute the benefits on any sort of orders from the
Government which gives birth to the malafides. And the benefits
derived thus to the Other Backward Class of citizens are more
than the regular benefits given the scheduled castes and tribes.

After a labourious inquiry the Venkatswamy Commission
submitted its report. But the Lingayat and Vokkaliga communities,
the two majority castes, were regarded as forward and advanced

\(^1\) K.C. Vasantkumar V/s State of Karnataka, W.P. 1297, 98 of 1979 (Supreme Court of India).
ones. Hence, they were deleted from the list of beneficiaries. The Vokkaligas joined hands with Lingayats and opposed the acceptance of the Venkatswamy Commission Report by the Government and as such, it was scrapped; and a 'New Deal' of the State's Council of Ministers as a 'report' or 'an interim remedy' came into force with A, B, C, D, E groups of castes in which the whole of Karnataka population was classified in synonymous caste-groups and the benefits were distributed on the basis of the proportion of the synonymous caste groups of population which existed on that day on their percentage in the State of Karnataka. Only Brahmin caste was left from its inclusion even when Ramkrishna Hegde the Chief Minister himself was from Brahmin caste. Of course, it was the slight modification of Venkatswamy Commission Report what the politicians and press said all about; but it is a fraud on the Constitution to implement the defective report by the judiciary and executive together as a matter of conscience and not tenable in law. But the legal flux was created on the ground of "interim relief", till the final report was fully accepted by the Government.

Religious faith and worship is secularly guaranteed as a fundamental right under the Constitution of India,

2. Article 14 of the Constitution of India.
but the practice of the religions have come on the roads with their impersonal Gods with temples built for, to show their relative political power in society by religious or sectarian rivalries openly in religious sphere with a call for unity with the growth and advancement of science, technology and modernisation. Even the society is not ready to lose its age-old grip on the socio-religious caste stability and on social status in life so far. The concept of international polity, international human society and the social mobility though it/in a slow process it has widened the scope of external social behaviours. Every citizen's external look in the dress and dine with food habits and entertainment etc. are influenced tremendously on Indians but the growth and development of mind and political will of extremities are found remaining themselves in quite a 'confused' state of affairs of their meaning and nature. Conservation of religious behaviours are inherently carried forward from the ancient times to the present day vigourously with a burning revenge and retaliation with an unscientific education, aimless life of the youths, nepotism, and bribing, casteism we find and the mischievous bureaucracy and faulty political system.\footnote{S.R.Varma: Bureaucracy in India, Progress Publications, Bhopal (M.P.), 1973, p.104.}
corruption have crept in the judiciary and as also in the judges' mind. The charges of corruption are openly mentioned by the Prime Minister himself before the public.

Hence politicians with evil motives who have narrow or perochial nationalistic outlook have made the social life more deteriorating and riddled by making politics a lucrative business, and a hereditary aspect while in power or out of power. Instigations of the politicians, and their communalistic behaviours with that of the citizens, shall not be in a position to realise the concept of the generosity and ethics in life for social justice. And even when some possess generosity, ethics, sincerity and nobleness in their activities, they are misfit in the socio-political life these days, because they are found in minority and are in microscopic existence in society, and thus the hope for social justice is broken.

The general conditions of living of commonmen in the state is full of uncertainties and the government has failed to create confidence in commonmen's heart. Yet the

superiority and inferiority complexes of caste groups over each other in the society have retained their influence more vigourously than any at time before in the minds of the politician and people together. The moral standard of the people at large is sunk down than before. The morale in public servant is an unknown phenomenon in civil service. The love, faith, affection and kindness in social behaviours have almost disappeared. Law makers and law administrators have become the shelter to the law breakers. And the untouchables, however, are no exception in comparison with high caste touchables in their ordinary life among their enclosed society, as they are immune to the lethargic conditions of social mishaps and variations in the state. It cannot be denied totally that the untouchables are benefited to a little extent in their slow and creeping process of awaking through the constitutional provisions. The credit for this goes never to the organs of the government but to the social metabolism. The country has to walk a long way yet for that. Growth of political consciousness among the untouchables has made them breathe a little freely and find a limelight for their survival, to take a big leap if a possible opportunity and environment is

found. This is an alarming factor to the touchable high caste people who for that reason look down upon with hate, and suppress the untouchables and tribals throughout the length and breadth of the state as the social status of the high caste touchables is also in peril with that of the awakening of the poor mass politically.

Government service gives prestige and pride to the citizens and a kind of enhancement in their status and therefore the general public at present are quite tempted by employment under government. Security of the job given is fully assured in the civil service of the State and Union Governments together lawfully. There are very negligible incidents wherein, we find the government servants are thrown out of jobs even for a severe cause or lapse. This has made the civil servants more careless in their duties and hence though the salary is meagre, the illegal income from corruption has tempted the unemployed youths and because of this they never wish to go in for lucrative business nowadays in the state and also because of the facts of the fluctuations in trade cycles and government's defective general economic policies. But at the same time the conditions of service under private employment are quite grave, from the social justice point of view in the state.
The employees in private sectors are paid quite less wages and that too it is uncertain. Heavy work for a meagre salary, no-leave facilities, and insecurity of the service and so the condition in employee's life in private sector is quite grave. However, the records are created by the entrepreneurs to please the government. Problems after retirement from government service are too many. The removal from employment in private service if the servants do not work at the criminal interest and intents of the private employer has threatened the poor people. Officers of the concerned departments of the Government also work to the interest and benefits of the private employers and owners of the mills and factories by taking huge bribes and corruption from them in cash or in kind. Labour, factory, commercial tax and income tax inspectors on duty, advise the owners of the enterprise. Thus they help the owners and betray the wage earners and labours ruthlessly. Hence injustice. Ailing, poor are so weak and unemployed criminal youths are so cruel that there is no bounds to the poverty of the poor and criminals' crimes and there is no fear of punishment by judiciary.

The point of equality and its balance between the magnitude of the tenderness of hearts and the minimal cruelty in minds had to be fact of the nature in the behavioural aspects of the
citizens and of the people in the society. But the tragedy that has taken the Indian society to misery is that, the society which is struck to the lowest ebb of the disorders and low level of education and of illiteracy is in the prime of its hegemony. The illiterate parents do not have any sort of efforts to take their children to schools in the rural areas. On the contrary their traditional thinking has bound them to remain in the negative thoughts and actions with dependency and forced contentment in their lives. The contradicting environment which an average citizens find is partly responsible to the personal conditions of the individuals in their course of life. As a matter of natural fact when there is a conflict between the heart and minds of the citizens, they follow the mind, and the heart never is widened in the context of caste ridden society and thus the individuals have became mentally cruel. The irresponsible behaviours of government servants have tempted the unemployed youths further from the rich and business families also who wish to join government services and get jobs by bribing the high officers and authorities, through the politicians and the legislators influence so that the (rich family's) government servants would be the agents to their family's business-concerns with government in their future or on hand in their "business contracts" for personal gains. The incapability of the innocent and the poor of not paying corruption makes them suffer and thus results in
frustration in life. Therefore the unemployed youths are thus forced to follow the unlawful ways of earning money for their expenditures unavoidably by theft and robbery, etc. Hence social unrest. They follow illicit habits and thus aggravate the deteriorating conditions of their homes and society together. Hence social justice in its practical reality is far away ahead.

Government does not open new colleges and schools. Admission is difficult for the students not only because the Government does not have funds but the opportunity of raising capitation fees and the practice of malafides in that field will come to an end is a fear if there is no scarcity created of the professional schools and colleges in the society. The management committee members of institutions under the Societies Registration Act 1961 and under Bombay Public Trusts Act 1950 who are managing the private Engineering and Medical colleges for professional education are mostly filled and controlled by the political gangster leaders of their dominant areas linked from their native village to the legislative Assembly and to the Parliament House together with any sort of resort against the innocently rising elites in socio-political arena in life. Hence, neither the scarcity of professional colleges like Engineering and Medical faculties and such other colleges are meted with the public demand.
by the government, nor are the business of raising funds in the form of donations and capitations is reduced because of the dual role of social-workers, politicians and the members, who are on the management committees of these private professional schools and colleges. Opening educational institutions has become a semi-political, mercantile, lucrative, lawful business and a political profession with a "status" by the politicians and elites who create the opportunities of employment to posts like teaching and non-teaching for appointments in their institutions at a cost. They thus gather considerable amount of money from aspirants in the form of donations and capitation fees and manipulate the books of accounts on expenditure and expropriate heavy money from their own institutions wisely and tactfully which no one can question. Ultimately the body politic requires that it should maintain the control over its acquired power. While writing on "Indian Justice" V.R.Krishna Iyer, the Judge of the Supreme Court of India, says, ".... The untold story of Indian justice incorporated must be obliterated before socio-legal auditors expose it. The codes must be compressed each into around fifty sections of essentials; and the law of evidence made shorter, more natural and less esoteric. Today, because of the dangers of these laws in doing justice many enactments exclude the operation of the Indian Civil Procedure Code and
the Evidence Act. We must give up the black art of obscure
draftsmanship in legislation and law practice, .... I repeat
what I wrote a few years back, because it is worth retelling
until our legislators listen and act. The laws, now loaded in
favour of the strong and against the weak, have to be blamed
on the law makers but there is another dimension to the
contribution of the legislative instrumentalities making
the justice system a gamble or forbidden fruit for the poor,¹
administer its sway over the society as a whole in such a way
that every citizen should be made to remain responsible and
subordinate to the leaders' political will and yet the ailing
must become capable from their ailing conditions, and revolt
against the exploiting class in the eternal socio-political
process to transform the social set-up completely. Thus the
common citizens would be in a position to gain confidence and
rely with happiness the least at last; and tap the social justice
in life personally for himself and to the society as a whole on
the principles of equality and social justice. But the social
system in which the uncertainties² are more with boundless vices,
the virtues are not regarded or recognised in the actual

   House, Indore, 1984, p.45.
practical social life with a due respect anywhere in the state which is an alarming condition for all.

While writing on sources of inequality Andre Beteille says, ".... The great paradox of modern world is that everywhere men attach themselves to the principle of equality and everywhere, in their own lives as well as in the lives of others, they encounter the presence of inequality. The more strongly they attach themselves to the principle or ideology of equality the more oppressive the reality becomes."¹

The Constitution has merely effected a paper emancipation of the millions from the shackles of status, the caste, the enslaving effects of economic disparity and political inequality.² Ans as such, the common citizens are brought to the stage where they have to think seriously and act over. Charles L. Harper observes on such issues in a society and says, ".... It is certainly true that a violence is commonly associated with significant change and that violence is often advocated as a strategy by which disadvantaged groups call attention to their plight and may be perceived by lower status groups as the only

¹ Andre Beteille: Inequality Among Men, Oxford University Press, Delhi, 1977, p.1.
² Ibid.
feasible strategy."¹ But the obedience to the socio-economic condition has been reached on worst condition, and to quote in the words of Mr. Neelam Sanjeev Reddy, the President of India while laying the foundations for the railway workshop at Tirupathi, said "... I am ashamed to say I am the President of the Nation where the large sections of the people do not earn even Rs.2/- a day."² The obedience to the dominant caste politicians and religious priests by the socially, economically, politically deprived, and suppressed weaker sections of the society is the prevailing condition of our society these days and due to multiple deprivation, the common people being incapable of asserting their rights hardly rise against the system in the present days. At the most they can yawn as ailing patients, since they don't have any guts as well as fore-sight to gain dominance by any means including the policy of reservation.
