

Dr. AMBEDKAR'S VISION: "SOCIAL JUSTICE" FOR THE WOMEN, SCHEDULED CASTES AND SCHEDULED TRIBES

The concept of social justice, like law, changes. It evolves itself into progressively new patterns and expands its frontiers and assumes new dimensions. Social justice has significance in the context of Indian society which is divided into Castes and Communities and they create walls and barriers of exclusiveness on the basis of superiority and inferiority such inequalities pose serious threat to Indian democracy. The concept of social justice takes within its sweep the objective of removing inequalities and affording equal opportunities to all citizens in social, economic and political affairs.

India, while passing through the process of development is in the quest for finding our ways for a better and just socio-economic order. The search for a new model of socio-economic order is the need of the hour. Recent trends in Globalization, Urbanization, Mobilization of the poor in search of better life conditions and social justice movements compel us to think afresh.

Social justice is an application of the concept of distributive justice to the wealth, assets, privileges and advantages that accumulate within a society or state because the essence of justice is the attainment of the common goods as distinguished from the goods of individuals even of the majority. There have been two major conceptions of social justice one embodying the notion of merit and desert, the other those of needs and equality. The first conception involves ending of hereditary privileges and an open society in which people have the chance to display their desert. It is expressed in equality of opportunity and careers open to talents. The second conception implies that goods should be allocated according in each person's varied needs. As it aims to make people materially equal, it entails an idea of equality.

Social justice involves the creation of just and fair social order just and fair to one and all. To make the social order just and fair for every member of the community, it may be necessary for the who are privileged to make some sacrifice's. In this sense, Social justice is a revolutionary ideal. it includes both the economic justice and social justice.

In India, justice is a generic term which includes both procedural and substantive justices the former providing rules of court procedures and mechanism what is generally known as natural justice and the latter making provision for social assistance. Benefits, facilities, concessions, privileges and special rights, to those who deserve and need such help describes by the omnibus term social justice.

Social justice in India is the product of social injustice our Caste system and social structure is the fountain head for social injustice. It is unfortunate that even sixty years after independence social justice is still a distant dream not with in the reach of the masses.

The Scheduled Castes, Scheduled Tribes and women under the traditional Hindu Caste hierarchy had suffered for centuries without education and opportunities for advancement in life. Social justice is compensatory justice to off set the accumulated disabilities suffered by these historically disadvantaged sections of society and absorb them educationally and occupationally in the mainstream of national life. If opportunities are not given to develop their neglected talents there will be social imbalance and tension resulting in anarchy and disobedience to the rule of law.

3.1 Meaning and Definition

Social justice being a multi-dimensional concept has been viewed by scholars of law, philosophy and political science differently. The term social justice is quite comprehensive. Social justice is a bundle of rights, it is

balancing wheel between haves and have nots. It is a great social value in providing a stable society and in securing the unity of the country.

In general, Social justice may be defined as “the right of the weak, aged, destitute, poor, women, children and other under-privileged persons”.

According to **DIAS**, justice is not something which can be captured in a formula once or for all, it is a process, complex and shifting balance between many factors¹. The tasks of justice are “the just allocation of advantages and disadvantages, preventing the abuse of power, preventing the abuse of liberty the just decision of disputes and adapting to change”². Justice may be natural justice or distributive justice. Social justice is basically a term which provides sustenance to the rule of law. It has a wider connotation in the sense that it includes economic justice also³. It aims in removing all kinds of inequalities and affording equal opportunities to all citizens in social as well as economic affairs⁴. thus the aim of social justice is remove all kinds of inequalities based upon Caste, race, sex, power, position, wealth and brings about equal distribution of the social justice is a balance between social rights and social controls.

According to **Utilitarian**, social justice is being one of the dimensions of justice which stands for fraternity; with a view to create such human social conditions which ensure free and fair development of all human beings⁵. In fact the term may require a preferential treatment for certain sections of the population, who has been deprived of certain values for ages, with a view to bring them on equal footing other section of the population.

According to **John Rawls**, the concept of social justice is “all social primary goods-liberty and opportunity, income and wealth, and the basis of self

¹ Surendrasingh “Dr. Ambedkar Contribution to Social Justice” Edt. By Prof. M. Shabbir, Rawat pub. Jaypur, 2005, P.78.

² Ibid, P.79

³ Ibid, P.80

⁴ Ibid, P.81

⁵ Nazeer.H.Khan, “B.R. Ambedkar on federalism, ethnicity and junder justice” Deep&Deep Pub. NewDelhi, P.151.

respect are to be distributed equally unless an unequal distribution of any or all of these goods is to the advantage of the least favoured”⁶. The contents of the “social primary goods” specified by Rawls are of particular importance, for the fair distribution of them, namely, liberty and opportunity, income and wealth and basis of self respect in a society will undoubtedly help to achieve the much needed social justice. Another important aspect of his theory is that while laying emphasis on the equal distribution of the “social primary goods”, he envisages “an unequal distribution” of the “social primary goods” if such unequal distribution is “to the advantage of the least favoured”. In envisaging such “unequal distribution” of the social primary goods to benefit the “least favoured” in the society. John Rawls has displayed a great sense of pragmatism, he rightly felt that equal distribution of the ‘social primary goods’ in an unequal or hierarchical society would result in perpetuating the already existing inequality and the social justice would become cry in the wilderness. The ‘least favoured’ in every society must be given initial advantages to compete with the most favoured in the society by the unequal distribution of “social primary goods” to the advantage of the least favoured⁷. In enunciating this view, Rawls seems to have anticipated the doctrine of ‘Protective Discrimination’ embodied in the Constitution of India.

Another important jurist, whose writings have great impact on the concept of social justice is **Roscoe pound**. He classifies three legally protected interests, and they are public interests, social interests and private interests⁸. In social interests he enumerates six important ‘social interests’⁹ and his sixth principle of social interests is very relevant to the concept of social justice. According to the sixth principle, there is social interest in the individual human life, which is described by him as ‘the claim or want or demand involved in

⁶ John Rawl’s “Theory of Justice” Universal Law Pub. Delhi, 2002, P.44.

⁷ Ibid. P.336.

⁸ Friedman W. “Legal Theory” 5th Edn, Universal Law Pub. Delhi, 2002, P.336.

⁹ Ibid, P.337

social life in civilized society that each individual be able to live a human life there in according to the standards of the society”¹⁰. This principle is considered as by Roscoe Pound the most important of all.

Justice **Krishna Iyar** a former judge of the supreme court of India says, “social justice is not cant but conscience, not verbal borrowing from like documents but the social force of the supreme law”. Social justice is people oriented, legal justice is canalized, controlled and conferred by law¹¹. Social justice is the product of social injustice and seeks to remove social and economic inequalities and ensure equality of status, equality of opportunity. Social justice of today becomes the legal justice of tomorrow.

The Supreme Court has explained the concept of social justice i.e. “the Constitution commands justice, liberty, equality and fraternity as supreme values to usher in the egalitarian social, economic and political democracy”. Social justice, equality and dignity of persons are corner stones of social democracy. The concept of “social justice” which the Constitution of India engrafted consists of diverse principles essential for the orderly growth and development personality of every citizen. Social justice is thus an integral part of justice in the generic sense. Justice is a genus of which social justice is one of its species. Social justice is a dynamic device to mitigate the suffering of the poor, weak, dalits, Tribes and deprived sections of the society¹².

3.2 Dr. Ambedkar vision

Ambedkar is also one of the proponents of social justice in modern India. **According to Ambedkar**, the term “social justice” is based upon equality, liberty and fraternity of all human beings. The aim of social justice is to remove all kinds of inequalities based upon Caste, race, sex, power, Position,

¹⁰ Friedman W. “Legal Theory” 5th Edn, Universal Law Pub, Delhi, 2002, P.338

¹¹ Krishna Iyar “B.R. Ambedkar Centenary, Social Justice and the Undone vast Justice” B.R Pub. Delhi, 1991, P.141.

¹² Merunandan K.B, Naveed Ahemed, “An Introduction to the Constitution of India” Merugu Pub. Bangalore, 2006, P.226.

and wealth. The social justice brings equal distribution of the social, political and economical resources of the community

Ambedkar was the chief architect of the Indian Constitution. He was fully aware of the pattern and problems of the Indian society. The aspirations of the different sections of the society and their conflicting interests. He tried to achieve social justice and social democracy in terms of one man-one value. He treated social justice as a true basis for patriotism and nationalism. Ambedkar did not accept the theories of social justice as propounded by the Varna system, the Aristotelian order, Plato's scheme, Gandhian sarvoday order and not even the proletarian socialism of Marx.

The contents of Ambedkar's concept of social justice included unity and equality of all human beings, equal worth of men and women, respect for the weak and the lowly, regard for human rights, benevolence, mutual love, sympathy, tolerance and charity towards fellow being. Humane treatment in all cases dignity of all citizens, abolition of Caste distinctions, education and property for all and good will and gentleness, He emphasized more on fraternity and emotional integration. His view on social justice was to remove man-made inequalities of all shades through law, morality and public conscience, he stood for justice for a sustainable society¹³.

According to Dr. Ambedkar the root cause of social injustice to the Scheduled Castes and Scheduled Tribes is the Caste system in Hindu society. He observed, Castes are enclosed units and it is their conspiracy with clear conscience that compels the ex-communicated to make themselves into a Caste. The logic of their obdurate circumstance is merciless and it is in obedience to its force that some unfortunate groups find themselves closed out with the result that now groups by a mechanical law are constantly being converted into Castes in a widening multiplicity. He further maintained that the root of untouchability is the Caste system and the root of the Caste system is religion, the root of the

¹³ Purohit B.R, Sandeep Joshi, "Social justice in India" Rawat Pub, Jaipur, 2003, P.189.

religion attached to varnashram and the root of the varnashram is the Brahminism, the roof of Brahminism lies with the political power¹⁴.

Dr. Ambedkar's social vision is reflective in his own words. As an economic system permits exploitation without obligation untouchability is not only a system of unmitigated economic exploitation, but it is also a system of uncontrolled economic exploitation. That is because there is no independent public opinion to condemn it and there is no impartial machinery of administration to restrain it, there is no check from the police or the judiciary for the simple reasons that they are all down from the Hindus, and take side of exploiters¹⁵.

To the Ambedkar real democracy was a social democracy. According to him, it is essential to realize that political democracy cannot succeed where there is no social and economic democracy. He pleaded the realization of economic and social democracy in India, for political democracy was unreal preceded by economic and social democracy.

Dr. Ambedkar said, we must begin by acknowledging the fact that there is complete absence of two things in Indian society, One of these equality is 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-How long shall we continue to live this life of contradictions? How long shall we continue to deny it for long, we will do so only by putting our political democracy in peril, we must remove this contradiction at the earliest possible moment or those who suffer from inequality will blow up the structure of political democracy¹⁶.

¹⁴ Mohamed Shabbir "Ambedkar on Law, Constitution and social Justice" Rawat Pub, Jaipur, 2005, P.309.

¹⁵ Ibid, P.310

¹⁶ Ibid, P.311

His philosophy was occupied with social amelioration, political enlightenment and spiritual awakening. For this it attached due importance to the economic well-being of the masses. To him, Political thought embodied a social dynamism because of man's attitude animal and social being. He had deep faith in fundamental human rights in the equal rights of men and women, in the dignity of the individual in social economic justice in the promotion of social progress and better standards of life with peace and security in all spheres of human life. His study of social facts enriched his political philosophy.

Dr. Ambedkar was dead against the Hindu Caste structure as he was of the view that this structure has been primarily responsible for committing all sorts of atrocities on the various sections of the society particularly the weaker sections Scheduled Caste and Scheduled Tribes. He was against Manusmirthi as it gives a blank Cheque to the Brahamins to commit all sorts of atrocities on Scheduled Castes and Scheduled Tribes and justify their evil designs.

3.3 Under the Hindu legal system

The Hindu dharma sought to be maintained by the ancient Hindu legal system fully supported by the four Varnas and the Caste system. The Hindu legal system refused to recognize the basic fundamental right of humans that all are born equal. The glaring inequalities and dehumanization based on the hierarchical Caste system with its graded disabilities from birth and humiliating and degrading occupations assigned to certain designated low Castes to be followed by them till their death, was the greatest bane of Hindu society. The preservation of the important concern in our ancient system of law. There was no scope for moulding a new social order that can guarantee social justice¹⁷. Caste system founded on Varnashrama dharma is the negation of social justice. The Hindu Varnasrama dharma and the Caste system pushed forth Brahmins as the highly privileged Caste with a high hereditary social

¹⁷ Venugopal P. "Social Justice and reservation" Emerald Pub. Chennai, 1998, P.11.

status and stamped the vast majority of the people as “sudras” and “untouchables” fit for only manual labour. They were deprived of educational opportunities and condemned to a low social status. In course of time the privileges for the privileged class increased and the other classes became more and more oppressed and depressed such a social structure breed inequality in status and denial of equal opportunities to all. It ushered an unjust social order in this country. Social justice in India seeks to remove glaring inequalities in society based in a hierarchical Caste system with its graded disabilities from birth on a large section of Hindu society and the conferment of privileges and position of dominance of Brahmins, a small section of the society¹⁸.

The Caste system prevalent in India moulded every occupation into a Caste. Since each Caste has to follow its own traditional occupation it condemned the majority of the people to manual labour and forced them to remain under the domination of the upper Caste without any salvation. As the Caste-based social system assigned a hierarchical position to each Caste and pre-determined the social status and the favoured class and under-privileged depressed class resulting in gross unjust discrimination and inequality in society. It snapped all their energy and enthusiasm to make efforts for bettering their status in life and led to social and economic backwardness. It created social imbalance and hampered the even growth and progress of the society. To destabilize the traditional Caste hierarchy and transformation of the social structure of Indian society into a homogeneous unit and promote social integration and the welfare of the people by securing a just social order, the concept social justice was evolved in this country. The system that sought to preserve the social status cracked with advent of the introduction of the British legal system in India¹⁹.

¹⁸ Venugopal P. “Social Justice and reservation” Emerald Pub. Chennai, 1998, P.42.

¹⁹ Ibid, P.43.

3.4 Under the British Legal System

When the Britishers came to India they imposed their own system of law. Due to political differences and geographical diversity in India, a single judicial system could not be evolved and consequently, the east India company which felt the need for a unified legal system in a codified form to facilitate trade and commerce.

The new legal system changed the out look and value of the Indian people. A new system which was not the outcome of growth, but was thrust upon Indians for some definite purpose came into existence. The English judicial system was based on the rule of law, “let ninety nine criminals escape, but not an innocent should suffer” is the dictum of this judicial system. It was based on the due process of law. It has certain inherent lacuna which made it unsuitable to the Indian society. It encouraged litigation, delayed justice and made it costly under this system it was difficult to ascertain facts easily or to establish the guilt beyond reasonable doubt. Every one was expected to know the law of the land, Indian society was pluralistic but the British code was uniform. The whole system was not suited to the social economic and moral conditions of the Indian society. The judicial culture of India is alien to the common people of this country, they cannot derive benefits from this system. The Indian judiciary came to be identified with the interests of the privileged section. The alien legal system which was established basically to exploit the people of the country, did not serve the interests of the Indian people. The Indian judicial system was ineffective in administering justice because of the inherent weaknesses and imposed limitations²⁰.

Under the English legal system, law was simply a series of commands issued by sovereign telling the people what to do or what not to do. According to this philosophy, judges and advocates were not concerned with the morality of law, but only with interpretation of it and with its enforcement. This division

²⁰ Venugopal P. “Social Justice and reservation” Emerald Pub. Chennai, 1998, P.12.

between law and morals proved to be a great obstacle and a mistake. The justice which the courts have to administer is justice as recognized and approved by law and not justice as commands itself to the courts²¹. The judicial discretion was limited and controlled by rules of law which determined the general considerations which are to be taken into account as relevant and material in the exercise of the discretion and the discretion has to be exercised within the limit and on the considerations indicated by law. The result was, the judiciary became less responsive to the changing needs of the society. The courts merely resolved the disputes taken before them. It was justice according to law is litigative justice of the judges and by the judges. On account of this litigative justice, the judiciary when approached for legal remedy aggravated the malady²².

3.5 Ambedkar vision of Social Justice relating to women

Dr. B.R. Ambedkar, being a philanthropic, kind and generous social reformer was much moved with the pitiable and pathetic condition and low status of women in society and he was a torch bearer in the direction of social uplift of women generally and Hindu women specially. Ambedkar chooses his social reform approach only after understanding the reality of the status of women.

Dr. Ambedkar was of the opinion that the Hindu women are tied up with bandage of superstitions which they can till their death. They are also responsible for inculcating these wrong notions learnt by them through baseless traditions and preaching of the shastras in the budding mind of their off spring. Otherwise also the women in India have remained a matter of joy and a source of amusement at such she was used and misused by men just to serve their evil ends. She has been used just like a machine for procreation. It has also been

²¹ Venugopal P. "Social Justice and reservation" Emerald Pub. Chennai, 1998, P.13.

²². Ibid. P.14.

mentioned in Hindu Shastras that women is the bond slave of her father when she is young to her husband when she is middle aged and to her son when she is mother²³.

The reforms introduced by Dr. Ambedkar through 'Hindu code Bill' have been adhered to and have been accepted by and large. He by codifying Hindu law in respect of marriage, divorce and succession, rationalized and restored the dignity to women. It is needless to say, the Bill was a part of social engineering via law, sharp criticism of this Bill in and out side parliament led many to belief that it might inflict heavy damages on the Hindu society²⁴.

Even the president Dr. Rajendra Prasad got scared and issued a threat that he would with hold his assent even it had been passed by the parliament. Justice P.B. Gajendrgadkar while congratulating Dr. Ambedkar for the role he had played in drafting and piloting the Bill said, "If Dr. Ambedkar gives us Hindus our code, his achievement would go down in history as a very eloquent piece of poetic justice indeed". The whole story of Hindu code bill presents the determination of Dr. Ambedkar to bring about the changes in the society. He was the one who just not talked on things; but really worked on them. His concern for women is unquestionable. It is not wrong to say he was a great feminist of his day. Because women's rights form a part of human rights and Babasaheb can rightly be termed as the champion of it.

Dr. Ambedkar says, to the women education was denied by the Manu and he caused both an insult and an injury to the women in India. It was an injury because without any justification she was denied the right to acquire knowledge which is the birth right to every human being. It was an insult because after denying her the opportunity to acquire knowledge she was declared to be allowed to take to 'Sanyas' which was regarded as the path to attain the Brahmin. Not only she was denied the right to realize her spiritual

²³ D.C Ahir "The Legacy of Ambedkar" B.R.Pub. Delhi, 1990, P.129.

²⁴ J.S. Narayana Rao and A. Somashekar "B.R. Ambedkar is relevance today" Shakthi Pub. New Delhi P.25.

potentiality by the Brahmins but she was also declared to be barren of any spiritual potentialities²⁵.

According to Ambedkar, women were treated as mere tools to bear the burdens of the family, restricted to the role of bearing children and fulfilling duties of a wife or mother any. Division of labour is not in their favour, as a result Indian women have lost their identity. They have to face discrimination on gender basis and because of this availability of equal opportunity for remains a dream of them. Poverty, illiteracy lack of health and inequality of class of status and powerlessness, degradness are associated with them. Weight of traditional attitudes that regard them as physically, intellectually and socially, inferior to man subject them to male exploitation and unjustified division of labour. A society where women, i.e., the half of the population, enjoy a low status of women in Indian society is primarily due to the fact that they have no control over material and social resources. This is further compounded by lack of participation opportunities in the decision making process of the family²⁶.

Ambedkar impartially concentrates on Muslim women also. He starts with the reference to mother India which created an impression through out the world that while Hindus were groveling in the mud of social evils and conservative, the Muslims in India were free of them and as compared to the Hindus, were progressive people²⁷. Babashaheb Ambedkar takes the help of census report and other data and proves Indian Muslims are equally harsh on their women; of course Muslim law has better provisions for women. But no Muslim girl has the courage to exercise them; there is latitude in their matter of divorce. The wife cannot escape marriage even if it's irksome, the husband can always do it without having to show any course. This destroys the sense of security which is fundamental for a happy life. The right of polygamy and

²⁵ Dr. Ambedkar on women's emancipation, Dr. B.R. Ambedkar series Pub of Ambedkar Peeta, KSOU, Mysore, 2005, P.5.

²⁶ Purohit B.R, Sandeep Joshi "Social justice in India" Rawat Pub, Jaipur, 2003, P.209.

²⁷ B.R. Ambedkar on "Pakistan or Partition of India" Vol 8, P.225.

concubine which the Muslim law gives to its men worsens the plight of Women. Ambedkar comments are sharp in saying “Purdah” deprives Muslim women of mental and moral nourishment. The segregation from the outer world makes them engage their minds in petty family quarrels which develop narrow out look²⁸.

In 1936 Dr. Babasaheb Ambedkar delivered a speech at Damodar Hall and addressed devadasis, Muralyas and Jogathinis. He gives them a call to come out of their nasty occupation. “Our society has been put to shame because of you, Women are respected in our society, and every society honour’s the women of character. Therefore you should forsake this dirty occupation, bring good names to yourself and your society.

Many Devadasis, Muralya’s and Jogathinis were impressed by his speech and approached him saying that they wished to come out of their occupations, their marriages were arranged.

Ambedkar had a great visionary, he always thought far ahead his contemporaries, he rightly identified that the progress of the community is measured by progress of women. He said so in his address in the All India Depressed Classes women’s conference held at Nagapur on July 20, 1942. He identifies that marriage is a liability and says “let each girl who marries stand up to her husband claim to be her husband’s friend equal and refuse to be his slave²⁹. These words hold good even today, even after passage of six decades.

At present we find a number of women empowerment programmes, concern for women is show-up by all political parties, even though some time just lip service. Whatever is the issue Babasaheb Ambedkar had totality in his views and sixth sense, perhaps because he did not consider himself belonging to these religions. His arguments were without bias and always probed deep and deep in to the real problem center. His reasoning is fine in all this, whether it is

²⁸ B.R. Ambedkar on “Pakistan or Partition of India” Vol 8, P.226.

²⁹ Dr. Baba Saheb Ambedkar writings and Speechs. vol.17, part-3, P.283.

the problems of Hindus or Muslims, women of the religion were just dice in their play. This is clearly presented by Ambedkar.

3.6 Under the Constitution of India:

Social justice is the concept of distribution of benefits to the people of the society. It concerns such matters as the regulation of wages and profits, the protections of person's right through the legal system and allocation of housing, medicine and other welfare benefits. Aristotle described distributive justice as distribution of honors or money or the other thing that fall to be divided among those who have a share in the Constitution³⁰. In every country Constitution is the fundamental and recognized source of social justice Constitution formulates the social justice in definite ways, these ways are status of individual, wants, satisfaction, wealth, education and job etc. these requirements are essential benefits for the full and dignified development of human beings.

In the democratic, republican states essential requirements can be achieved by human being through the Constitution of the country, according to the Constitution state is bound to distribute equal share of basic needs to the people of the society. In India, Constitution provides that the state as a form of social welfare organ will distribute these needs to the Indian people.

The concept of social justice has been enshrined in the Indian Constitution. The fathers of the Indian Constitution had the dream of a new social, economic and political order, the soul of which was social justice. Ambedkar was the chief architect of the Indian Constitution. He was fully aware of the pattern and problems of the society and their conflicting interests. The Constitution is a monumental example of social engineering. Social justice is not defined in the Indian Constitution but it is relative concept taking in its

³⁰ Nicomachean Ethics, Vol-2, P.89

wings the time and circumstances, the people their backwardness, blood, sweat and tears³¹.

The Constitution of India brings a renaissance in the concept of social justice when it weaves a trinity of it in the preamble, the fundamental rights, and the directive principles of state policies and this trinity is the “the core of the commitments to the social revolution³². This is the conscience of the Constitution.

The preamble of the Indian Constitution is the mirror of social justice. It provides social, economic and political justice to the citizen of sovereign, socialist, secular, democratic, republic of India. The first task of the Assembly was to formulate the objectives and the guiding principles of Indian Constitution. Therefore the resolution of the preamble and objective of the Constitution was discussed in the Constituent Assembly for nine days from December 13 to 19 and January 20 and 22 of 1947.

Before the actual work of the constituent Assembly had commenced in full seeing, Dr. Ambedkar proposed a memorandum on 15 March 1947 entitled “States and minorities”. What are their rights and how to secure them in the Constitution of free India? This proposed explained the aspect of social justice for minorities in free India. Although no cognizance was taken on this memorandum on the ground of academic interest. However, feeling expressed by Dr. Ambedkar in this memorandum was special to protect the minorities and weaker section.³³ Besides, the proposed memorandum submitted, he was himself presided the meeting of draft for the preamble of the Constitution. After long debate it was passed on 26 November 1947 by the Constituent Assembly.

³¹ Mohamed Shabbir “Ambedkar on Law, Constitution and social Justice” Rawat Pub, Jaipur, 2005, P.130.

³² Ibid, P.131.

³³ Many amendments were suggested by the members of Constituent Assembly, viz., Sri L.n. Sahu, Patabi Seeta Ramaiah, Smt. G. DurgaBai, Pandith Thakur das bhargava, Dr. B.V. Keshkar, T.T. Krishnamchari, M. Ananthasham Iyengar, K. Shantharam, Aututal Chandra, Upendranath bhraman and Prof. K.T. Shah.

The preamble of our Constitution declares that we the people of india, having solemnly resolved to constitute india into a “sovereign, socialist, secular, democratic, republic” and to secure to all its citizens justice, social, economic, political, liberty of thought and expression, belief, faith and worship, equality of status and of opportunity and to promote among them all fraternity assuring the dignity of the nation. This indeed is social justice guaranteed by the Constitution of India because it strives to create a “balancing wheel between freedom, political and economic indeed, makes the survival of democracy”³⁴ Dr. Ambedkar concluded the debate on the preamble in these words “I say that this preamble embodies what is the desire of every member of the house that this Constitution should have its roots its authority, its sovereignty from the people, that it has³⁵.

Part III of the Constitution as fundamental rights is related to the social justice. The fundamental rights inculcate the sense of reconstruction and foster social revolution by generating equality amongst all, prohibiting discrimination on the grounds of Caste, religion, sex, creed, place of birth, abolishing untouchability and making its practice punishable by law, banning trafficking in human beings and forced labour. Moreover, the Indian Constitution has empowered the states to make special provisions for the advancement of any socially, educationally backward classes and also for the Scheduled Caste and Scheduled Tribes³⁶.

These provisions of the fundamental rights of the Constitution are related to the real concept of social justice. In this regard at the time of constituent Assembly debate Dr. Ambedkar expressed his views that “All of us desire that this unfortunate class could be entitled to the same privileges as members of the

³⁴ Mohamed Shabbir “Ambedkar on Law, Constitution and social Justice” Rawat Pub, Jaipur, 2005, P.312.

³⁵ CAD Vol. X-XII, P.456.

³⁶ Mohamed Shabbir “Ambedkar on Law, Constitution and social Justice” Rawat Pub, Jaipur, 2005, P.457.

other Communities without any let or hindrance from any body.³⁷ He recreated that if any community or person will violate this provision it will impose duty on the state to stop such violation through the law, because the Constitution contains ample provisions.³⁸

The important part of the Social justice is the part IV of the Constitution as directive principles of state of policy. Although this part of Constitution is not enforceable by any court³⁹. However the principles laid down there are nevertheless fundamental in the governance of the country and it shall be the duty of the state to apply these principles in making laws. In this regard Dr. Ambedkar Said “It is not the intention to introduce in this part these principles as more pious declarations. It is the intention of the assembly that in future both the legislature and the executive should not merely pay lip service these principles enacted in this part but that should be made the basis of all executive and legislative action that may be taken hereafter in the matter of the governance of the country”.

The ideology of the Dr. Ambedkar influenced the Indian judiciary on the basis of this ideology supreme court of India declared that directive principles of state policy are enforceable with the fundamental rights⁴⁰. Court observed that the provisions in part III should be interpreted having regard to the preamble and the directive principles of the state policy.

In addition to these, the directive principles of state policy also express in categorical terms the ideas of social justice article 38 of the Constitution requires the state inter-alia to minimize the inequalities in income and endeavor to culminate in equalities in status, facilities and opportunities, not only

³⁷ CAD Vol. VII, P.661.

³⁸ CAD Vol. VII, P.662..

³⁹ Article 37 of the Constitution of India,

⁴⁰ *Minerva Mills Vs Union of India*, Air, 1980, SC 1789.

amongst individual, but also amongst group of people residing in different areas or engaged in different vocations.⁴¹

Article 39 of Constitution requires the state to make available to all the citizens adequate means of livelihood, to distribute ownership and control of material resources. So as to sub serve the common good, to operate the economic system in such a way that. It does not result in concentration of wealth and means of production to the common detriment, that there is equal pay for equal work, to protect the health and strength of workers, men and women and the tender age of children against abuse and that citizen are not forced by economic necessity to enter avocations unsuited to their age and strength, that children are not given opportunities and facilities to develop in as healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and mental abandonment⁴².

The state is also required to provide equal justice through the mechanism of free legal aid in order to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities⁴³. to provide right to work, to education and public assistance in cases of unemployment, old age, sickness and disablement and other cases of undeserved want⁴⁴, to make provision for securing just and humane conditions of work ensuring a decent standard of life⁴⁵ and full enjoyment of leisure and social and cultural opportunities⁴⁶, to secure the participation of workers in the management of undertakings establishments or other organizations engaged in industry⁴⁷, to secure for

⁴¹ Article 38 of the Constitution of India,

⁴² Article 39 of the Constitution of India,

⁴³ Article 38 A of the Constitution of India,

⁴⁴ Article 41 of the Constitution of India,

⁴⁵ Article 42 of the Constitution of India,

⁴⁶ Article 43 of the Constitution of India,

⁴⁷ Article 43 A of the Constitution of India,

all the citizens uniform civil code through out the country⁴⁸, to provide free and compulsory education for children below the age of 14 years⁴⁹, to promote the educational and economic interests of the Scheduled Castes and Scheduled Tribes and other weaker sections⁵⁰, to raise the level of nutrition and standard of living and to improve the public health etc⁵¹.

Dr. B.R. Ambedkar, while explaining the underlying object of the directive principles of state policy, observed; “we do not want merely to lay down a mechanism to enable people to come and capture power. The Constitution also wishes to lay down our ideal before those who would be forming the government. The ideal is economic democracy having regard to the fact that there are various ways by which economic democracy may be brought about we have deliberately introduced in the language that we have used in the directive principles, something which is not fixed or rigid. We have left enough room for people of different ways of thinking with regard to the reaching of the ideal of economic democracy⁵².”

These provisions are towards social transformation and reconstruction of the Indian society which constitute the gist of social justice. Dr. Ambedkar was of the view that social justice alone could lead to social harmony, social stability and patriotic feelings. He believed that a democracy, which enslaves the working class, a class that is devoid of education which is devoid of means of life, which is devoid of any power of organization, which is devoid of intelligence, is no democracy but a mockery of democracy.

⁴⁸ Article 44 of the Constitution of India,

⁴⁹ Article 45 of the Constitution of India,

⁵⁰ Article 46 of the Constitution of India,

⁵¹ Article 47 of the Constitution of India,

⁵² Purohit B.R, Sandeep Joshi, “Social justice in India” Rawat Pub, Jaipur, 2003, P.25.

3.7 Social Justice in the context of Globalization

India is plural society, multi-ethnic, multi-religious and multi-linguistic for which democracy is most for balanced social and regional development. However, democracy can not survive without social justice. Unfortunately, new economic policy or globalization is bereft of human face, where man is treated as commodity and a person has to compete for the bread and business equally on the “Darwinian socio-economic order” i.e. struggle for existence and survival of fittest. Where as democracy thrives on the co-operative spirit so that strong and weak could survive and co-exist together like tall trees small bushes and grasses growing in the same socio-ecological plain. Therefore, before implementing the new economic reform policies, it was essential for the government to provide “social security net” i.e. full job opportunities, education and Medicare to weaker sections in general and Scheduled Castes/Scheduled Tribes in particular who constitute two-third of India’s population. But government did not pay least attention on these important human problems.

Globalization in India means opening doors of our economy to the multinationals in the field of agriculture, industries, communication, transportation, electricity generation and distribution and also education etc. However, before opening the door of economy to the multinational companies, one should know the fact that these multinationals are not coming for charity in India but to make profit by utilizing our reserve resources, raw materials and treasury. They are not concerned with our environment, infrastructure development or to deliver social justice. These are not in their policies and programmes. Their programmes are to make exhaustive exploitation of natural resources on the cost of environment and make them and their country rich⁵³.

The Scheduled Castes and Scheduled Tribes are socially and economically infirm and disabled even today. There were provided

⁵³ Mahbal Ram, “Changing Economic Scenario and social Justice on India” Doment. Pub, Delhi, 2003, P.10.

Constitutional safeguards by providing reservation in services and posts. In private sector, there is no such concession. Therefore, government must take policy decision to provide representation to Scheduled Caste and Scheduled Tribes in “private sector” too; this is must to provide social security to them to protect their livelihood.

The advocates of social justice in the independent India laid main emphasis on “individual” gain through the policy of reservation in services and posts for the socio economic emancipation of Scheduled Castes and Scheduled Tribes, which has been very short sighted vision because in government services, posts are very limited and that too needs hard competition. Those who are not able to compete does not mean that they do not feel hunger. According to the available information, there are about 35 million people i.e. 3.5 percent of total population who are in job, which include private sector also. The reservation has made Scheduled Castes and Scheduled Tribes and addict to power and pelt. This is the reason that majority of the Scheduled Castes educated elites in services or in politics, lack “creative pursuits” (I.Q) persuasive temperament (E.Q) and vision. Since reservation is not a permanent asset, it has to go in one day sooner or later. Scheduled Castes are going to face a great trouble during coming 10 years when country would be plunged into financial crisis, employment crisis and hunger, if they do not awake and prepare themselves fit for facing Darwinian socio-economic order of tomorrow.

Conclusively reservation has not served much purpose to alleviate the poverty and living standard of Scheduled Castes because so far hardly 0.5 percent of the Scheduled Castes out of 25 corers of population have got regular job, the remaining 99.5 percent Scheduled Caste masses are still reeling under ragged poverty, hunger, malnutrition and illiteracy because reservation is like a bag of sugar poured in the sea which cannot make the brackish sea water sweet. Reservation thus has done little good by providing job opportunities to a handful of educated elites, but political reservation suppressed a great political

revolution⁵⁴. After independence, India received only political freedom “social and economic freedom” was yet to be fought. Because feudal hijacked the economic freedom in their favour, fate of Scheduled Castes remained hanging on the peg of reservation, so that neither they should economically grow nor they should revolt against the non-fulfillment of social justice. Thus social justice is not yet reaches to the Scheduled Caste people in india even today who are subjected to recurrence of killing, burning and gang rape of their women folk. Many people question, why do Scheduled Castes not fight against such atrocities done to them? How can they fight with empty stomach against feudal-land lords who are rich and resourceful, police and courts are also hand in glove with them, therefore, the social justice still beyond their reach even after 60 years of independence. The globalization is no way to help to Scheduled Castes and Scheduled Tribes.

3.8 Conclusion

The fundamental meaning of this concept of “Social Justice” is to bring a just society. The main objective of this concept is to uplift the women, Scheduled Castes and Scheduled Tribes in the society and pull them to the main stream of the society. This concept also prevents unjust enrichment at the cost of the weaker sections.

So far as Dr. B.R. Ambedkar vision of ‘Social Justice’ is concerned, he is real earnest, sacrificed his whole life for the amelioration of the women, Scheduled Castes and Scheduled Tribes in the society. He strongly fought against the prevalent Caste system and Gender discrimination in the society and ventured to secure social justice to these sections of the society. His struggle for social justice could be visualized in the ideals and philosophy of the Indian

⁵⁴ Wodeyer D.Hegade, “Job reservation for Dalits and Backward classes in Private sectors issues and strategies” Center for human development studies pub. Mysore, 2005, P.46.

Constitution. Thus the Constitutional ethos of the social revolution running through the 'preamble', fundamental Rights and the directive principles expressly emphasize the establishment of an egalitarian social order and based on human values of justice, Social, economic and political, equality of status and of opportunity and fraternity assuring human dignity. Thus Dr. Baba Saheb Ambedkar created a social revolution by awakening the women, Scheduled Castes and Scheduled Tribes and breaking all social values based on Hindu Social System.

In the era of Globalization, liberalization and privatization, the concept of Social justice has assumed a greater significance. Many Multi National Companies (MNC) by insisting for merit have discarded the concept of social justice. All MNC's should be made to work with in the Constitutional frame work so as to ensure social justice to Scheduled Castes and Scheduled Tribes and women in India. For this the state should make various rules, regulations and procedures. Other wise, the concept of social justice remains only on paper not in practical.