CHAPTER XII

Conclusion

12.1 India and the Constitution

India is one of the largest democratic countries in the world. Here democracy is key word of social, economic, and political system. It has spread to the grassroots level of political system. It has emerged as the general mantra of the state as well as the people. The growing democratic consciousness of the people has led to the solidification of the foundation of Indian democracy. The Constitution that we have, is the guardian of democracy and our democratic rights. It has always guided, continues to guide and will continue to guide to future the state to march forward with firm democratic steps towards the achievement of the goals and ideals of the nation as declared in the Preamble to the Constitution and towards realization of the dictates of social welfare and social justice as enunciated in Directive Principles of State Policy under Part IV of the constitution of India. The constitution is the foundation of State’s welfaristic policy and has always restrained of state or government from authoritarianism or deviation from democracy.

12.2 Democracy and Justice in Indian Polity

India believes in democratic socialism. The State is wedded to this political principle to ensure equality to all its citizens. The equality that it seeks to secure to all is not only political equality but social and economic equality. It emphasizes equality in all spheres of socio-political and socio-economic justice. It strives to achieve the goals of equality of social status, equality of social opportunity, equality of wages between men and women, equality and justice and socialism. Through principle of compensatory discrimination, aims at a noble, human objective, to raise the socially, educationally, and economically backward and deprived classes i.e. the SCs / STs. to the mainstream of the nation through the provision of special facilities. Democracy in India cannot be justified if compensatory discrimination is not approved of for and granted to the
disadvantaged class in order to render social justice to them. Justice and democracy are interconnected in our polity which accords priority to social justices.

12.3 Democracy and Justice in British India

Democracy and justice which India seeks to secure to its people were overridden in British India. The people of India were deprived of democratic rights and justice was denied to them. The British rule was one of colonialism and imperialism, and exploitation was its primary aim. The country was inhumanly exploited and the people were subjected to cruel treatment. Two centuries of British rule is historically branded as a dark period of exploitation and oppression for India though some welfare measure that the British Government had adopted were designed either to veil its injustices to the Indians or to consolidate its rule in India. Almost all our national leaders and social reformers were very much critical of this colonial rule and lambasted its disastrous consequences upon Indian social justice, political right, and economic equality. The natives of the country were pushed into a slavish state of life and were victims of equality, injustice, deprivation, discrimination and inhuman exploitation.

12.4 Ideals and Aspirations of the Constitution Framers

Keeping in mind the denial of justice to the people of India by the British imperialism for about two centuries our Constitution framers who were more or less attached to the freedom movement of India and had had direct experience of British misrule that resulted in horrible miseries of the helpless Indians. They cherished the noble, human ideals and aspirations reflected in the Preamble and Directive Principles of State Policy, in order to secure to them equality and justice and to establish the rule of law. The philosophy of the Constitution is a noble objective of the State to transform India into an egalitarian society and a better society on the basis of justice, liberty, equality and fraternity. The aim of our Constitution framers was building up an ideal democracy so that people are
protected against discrimination in any way and on any ground and ensured social, political, legal and economic justice.

Secularism was an important ideal of our Constitution founders and national leaders. It disapproves of racial, casteist and religious discrimination. Democracy and secularism are interrelated in India which is a multi religious country. Democracy is meaningless and is bound to lose its significance and value if democracy is dominated by communal forces and religious fundamentalism. It is a fact that India was partitioned on the communal or religious ground and partition led to the creation of Pakistan which was made an Islamic state. But India remains committed to secularism. The 42nd constitutional Amendment Act, 1976 led to the incorporation of the term secular in the preamble and the state’s secularism has been reinforced by the constitutional recognition of right to freedom (Arts. 25 – 29) as one of the fundamental rights.

India maintains absolute neutrality and impartiality towards all religions. The constitution has been framed to secure each and every citizen the freedom to profess, practice and propagate his own religion. It is the Preamble, professes to secure to all its citizens liberty of belief, faith and worship. Faizan Mustafa, Vice Chancellor, NALSAR university of Law, Hyderabad, writes, “No one can deny that in the wake of country’s partition in the name of religion and the unfortunate conversion of Jinnah’s Pakistan into an Islamic State, India’s decision to opt for secularism was indeed a historic and permanent one. In fact, if we are a world power today and Pakistan a failed state, the reason lies in our decision to opt for modernity.

Nehru led from the Front in India’s adoption of secularism. He has explicitly stated, in his autobiography of how organized religion filled him with horror... almost always it stands for a blind belief and reaction, dogma and bigotry, superstition and exploitation. Nehru’s strong views on religion did play a significant role in our choice of secular polity” (Glory Divine – God, Religion and Election, The Statesman, 14 April, 2014)
12.5 India’s Dreams—Distant Realities

Democracy in India has still remained nominal and theoretical; The people of India enjoy only political democracy and social and economic democracy is far ahead of India to achieve, though the central government from time to time, has endeavored to adopt and introduced some welfare-oriented programmes and schemes towards social change and social development. The 20-point programme launched by Mrs. Indira Gandhi is a classic example in this regard but it has been much criticized more as politically motivated than as development- and justice oriented. After about seven decades of India's independence, poverty has not been eradicated, discrimination has not been stopped, the gaps between haves and have-nots have been narrowed, illiteracy has not been removed, communalism and fundamentalism have not been uprooted, social justice has not yet been fully ensured, legal justice is still a far cry from being ensured, violation of human rights has not been curbed, and children and women have not yet been fully protected against exploitation and violence.

The failure of the State to ensure justice to all its citizens is primarily due to large scale and all pervasive corruption at all levels of the Government. Corruption in politics and corruption in bureaucracy are perhaps the two main impediments to the realization of the dreams of our Constitution framers and then leaders of the nation. A huge amount of money allotted for development programmes and schemes is both misappropriated and siphoned off. Lack of proper supervision and work analysis leads to the poor quality of developmental works done. Politicizations of development programmes are not regularly reviewed. Bureaucrats who are entrusted with the execution and implementation of development programmes are often found indifferent to the proper implementation. They are interested more in their service career than in the promotion of national interests. Above all, the nexus between unscrupulous political leaders and bureaucrats has entailed corruption at all levels of the government. It is an unpleasant truth that corruption in politics as well as in bureaucracy impedes India’s social democracy and development without which social justice remains an unrealized dream.
12.6 Role of Coalition Politics in Social Justice

The end of the Congress dominance in Indian national as well as regional politics leads to the emergence of coalition politics in India. The dominance of coalition politics is responsible for coalition government at the centre and also at the provincial level. The parties forming pre-poll and post-poll alliance that have formed the government for the three consecutive terms (One NDA and Two UPA Governments, 1989 - 2014) have their respective election manifestos announcing their decisions and policies of national development and social welfare aiming collectively at social justice. The parties allied to the Central Government have adopted and launched many programmes following ministerial or cabinet decisions to promote economic justice, social justice and to protect basic rights of people and to provide safeguards to children, women, and the poor and the weaker sections of the society against social crime and violence. The successful implementations of the decisions on welfare programmes constitute the basis of social justice to the poor of India. If the State fails to ensure economic and social inequality, to protect people against exploitation and deprivation and violence, to promote health services to people, to promote liberty, to guarantee equal opportunities for education and employment, to create employment opportunities, and to provide special facilities to the weaker sections, then how we can claim that the state has ensured social justice to people. It can’t be gainsaid that the fifteen years duration of dominance of coalition politics walked many miles ahead towards the implementation of Directive Principles of state policy with the sole aim to render social justice to Indians.

12.7 Implementation of Directive Principles During Coalition Politics

Over the years, since the acceptance and introduction of the Constitution of India the Central Government and the state governments to have adopted several measures to implement a large number of Directive Principles as steps to secure social protection to all on a firm footing. The government has launched several programs to deal effectively with the problems of poverty, unemployment, disease and illiteracy. Steps have been taken to promote health
and sanitation and to ensure the supply of drinking water, and to provide for
nutrition, housing, education for the poor and the weaker sections of the society
financial assistance to attain self reliance in conformity with the Directive
Principles. But the facilities provided to them are too inadequate to meet the
necessity. Only a minimum amount of poverty has been alleviated. Health
security is a big problem for India. The Government has not yet been able to
ensure adequate medical facilities to all. Deaths of pregnant mothers are most
worrying social problem. Still the poor patients die for lack of proper and
adequate medical facilities. A considerable percentage of total population in our
country are still illiterate making different welfare measures that governments
initiate redundant and ineffective. Right to Information Act hailed by no other
than US President cannot not find many takers as deeper illiteracy dented our
society. A large number of people are deprived of legal justice for want of
money, though there is provision for free legal aid service, but it is so inadequate
and limited that the scope of the provision for legal aid services needs to be
widened.

The central govt. has laid special emphasis on the implementation of such
Directive Principles as are related to the development of education, creation
employment, alleviation of poverty, prohibition of child labour, insurance
against risky and hazardous jobs, protection of woman rights, participation of
women in politics, preservation of ecology and environment development of
animal husbandry, provisions of financial assistance to poor senior citizens and
widows etc. The implementation of the Directives is indispensible for social
justice.

The aim of India is to secure an egalitarian society and the implementation of the
Directive Principles will lead to egalitarianism and the achievement of the goal of
economic and social justice may be translated into reality. It is a fact that
government seeks to secure social protection and justice, and it is evident from
various decisions on welfare programmes which have already been launched.
The programmes are based on and derived from the Directive Principles of State
Policy. The implementation of Directive Principles began its journey long before
the period of coalition politics. Abolition of Zamindari system, enactment of
Land Reforms Act, fixations of land ceilings, nationalization of banks and insurance and the abolition of Privy Purses have paved the way for socialistic pattern of Indian society and lay foundation for a truly welfare and socialistic state. The adoption of ‘Green Revolution’ programme, 20 point programmes, ‘Garibi Hatao’ programmes etc., during the primeministership of Indira Gandhi and many others for the eradication of rural poverty, Land reforms, spread of education, afforestation, development of slum areas, food for works are the measures adopted on the basis of Directive Principles, in order to shape India into a welfare state. In conformity with the Directive Principles, Rajiv Gandhi introduced programmes to improve financial conditions of poor farmers and workers with the aim to secure justice to them.

The Government of India emphasizes the improvement of standard of living of rural population. It introduced Community Development Programme, Integrated Rural Development Programme, Swarnajyonti Swarojgar Yojna, Gram Swarojgar Yojna, National Rural Employment Programme, etc., to raise the standard of living, particularly of rural populations. The Central Government had launched in 1952 its Community Development Project. The CDP aims at providing better communication, better housing, improved sanitations, wider educations. By 1988 over 570 thousands villages and 404 millions of people were brought under the programmes. The Government has implemented the principle of decentralization of power. In 1993 the Parliament enacted the Panchayat Act making it compulsory for people’s participation in local administration and development.

12.8 Conservation of Forests and Preservation of Wild Lives

The principle of social justice is intimately associated with the necessity of conservation of forests and preservation of wild lives. India is a land of agriculture and the states need to adopt all maximum possible measures to develop agriculture. Development and agriculture stands for development of rural economy which is the basis of our rural economy. That is why our economy is called agrarian economy. The government should necessarily attach prime importance for the development of agri-based economy. Laws should be made to
provide financial or technical support to the farmers to boost agriculture. It is our national shame that every year a large number of farmers commit suicide to get relief from the shock of crop failure.

The government needs to adopt and launch more programmes to provide assistance to poor farmers and to protect them against exploitation, without such support to them justice can’t be done to them.

In India development of agriculture is related to animal husbandry. As per Article 48 of the constitution, the state is directed to organize agriculture and animal husbandry on modern scientific issues. We need to protect the life of cows that gives us milk which is of great nutritious value. Article 48 of Directive Principles of State Policy directs the State to prohibit the slaughter of cow calves and other milch and draught cattle. The Indian National Food security Act, 2013 is one directed towards social welfare and social justice. It is a landmark step of the UPA II coalition Government towards social justice through the implementation of directive principles of security of livelihood (Art. 39). But this Act carries a question mark of what the UPA Government seeks to achieve. The implementation of the Act will undoubtedly create a heavy financial burden on the weak economy of India. At present it is an uphill task for us to arrive at any conclusion of whether this Act is intended to achieve a political mileage or to achieve the goal of social justice. Cow dung is used to increase the fertility of soil and can be regarded almost as non renewable source of energy. Farmers’ woes resulting from increasing financial burden because of sharp rise of agricultural inputs like fertilizers, insecticides etc can well be removed if the practice of organic manure is popularized and spread. The organic way of cultivation is cost effective than capital centric agricultural activities. It has been proved beyond doubt that that capital intensive farming practices, largely the offshoot of ‘Green Revolution Technology’, pushes the poor farmers into final end. So there is intense need to reorient our farming policies towards organic way of farming which is largely farmers’ friendly and eco friendly; it is a sure way to save our farming community from great crisis.
Many wild lives have already become extinct. Wild animals are connected with ecological balance. Men are meant to love animals, not to kill them. A good many species of birds are no longer seen in our landscape. Birds play an important role to control pollution and to maintain ecological balance and are called bio indicators. Article 48A directs the State to improve ecology and environment. But we see in reality that cows are smuggled out affecting or damaging our agriculture and economy, wild animals are poached to smuggle their parts into other countries or to them at the international market at high prices, parts of wild animals are smuggled at a steep price, birds are shot for pleasure. India is land of wild lives which cannot be found anywhere in the world. Loss of bio diversity from the Indian landscape mean loss of wild lives or flora from our world altogether which has a direct adverse impact on our environment on our environment. There is a Supreme Court judgment, prohibiting cow slaughtering but government rarely takes measures to prevent it for many open reasons politics in particular.

12.9 Judicial Activism and Social Justice

Social justice in India has been greatly reinforced because of judicial activism. Judicial activism has emerged as a judicial protection of people’s rights as well as a force to defend social justice. It is not a threat to the independence of the executive and the legislature but a instrument of justice to an individual or a group or a community that is a victim of social or executive injustice. Through Public Interest Litigation (PIL), the Supreme Court has invalidated many executive decisions and laws made by legislatures, not in conformity with the Preamble in continuation of Directive Principles of State Policy. The credit of recognizing of transgender as a third gender goes to judicial activism. The Supreme Court, April 15, 2014 acknowledged transgender as third gender and directed the government to provide and ensure job reservation and facilities to them as a positive steps to render social justice to them. The judiciary or legislature grow active only to render justice to those who are denied it by the executive and the legislatures. The executive or legislature has not thought of transgender about this social rehabilitation and welfare. It is due to judicial activism that they are recognized as a distinct class of human beings and entitled
to the status of social and economic backwardness with full human dignity and rights. Judicial activism should not be interpreted as the judicial encroachment upon the executive domain. Human rights which are related to democracy and to the concepts of a welfare state or an egalitarian society have been greatly protected against violation by the government itself or the agencies.

12.10 Environment Pollution and its Hostility to Social Justice

Growing plunder of environment is the basic cause of pollution. Pollution is a threat to life and at the same time it is hostile to social justice. Natural resources are plundered bringing about imbalance in the environment. Air is growingly polluted because of spreading of industrialization and excessive increase in the number of motorized vehicles. In addition to it, air pollution is the direct consequence of large scale deforestation. Global warming has emerged as a horrible menace to the existence of mankind in the world. In Delhi one out of every ten school students suffer from the problem of suffocation because of massive air pollution. This has not only increased temperature but also caused the fall of ground water table. Consequently plantation has been badly affected and irrigation has been hampered. Water is increasingly contaminated in various ways. Various survey reports reveal that water contamination causes and spread many life killing diseases and the only prevention lies in the control of water contamination. There is Ganga Action Plan to contain the pollution of the Ganga water. There are laws to protect the environment but what lacks in this regard is Government’s sincerity of the control of pollution. People need be made conscious about the disastrous impact of environment pollution. Article 51 A (9) makes it the duty of every citizen to protect and improve the natural environment and to have compassion for living creatures. Pollution has created a number of problems related to traditional livelihood of the poor and the tribal communities. Deforestation often leads to their displacement to their which causes the problem of their rehabilitation. They are often deprived of compensation against displacement. Forest is destroyed and depleted on the plea of urbanization and industrialization. Time has come for the Government of India to review the situation to secure social justice to the poor and to control pollution to render justice to life.
SUGGESTIONS FOR MEASURES TO ENSURE SOCIAL SECURITY AND JUSTICE.

India is a thickly populated state beset with ever growing social, political and economic problems. There is no royal road to their solution. Population explosion and political corruption are the major impediment to the progress and development of India. Population explosion give rise to the problem of land shrinkage, food scarcity, shortage of shelter, unemployment, health problem and all pervasive problem of environment pollution. Corruption which is rooted in the government as well as in the society is central to social, political and economic problem. Mere implementation of the Directive Principles cannot be the only way of the solution of the country’s problems. Formulation of laws cannot alone render justice to people. The government should review the existing situation of India in the broader perspective and need to come out with the following plan of action to develop the country socially, politically and educationally in order to ensure social justice to all.

- To control population of explosion
- To curb corruption
- To bridle bureaucracy in order to direct it to national services
- To rationalize five year plan
- To stop misappropriation of funds
- To boost rural economy through the modernization of the process of agriculture
- To provide financial assistance to the poor to fight successfully poverty
- To provide special facilities only to those who deserves it on the basis of caste or community
- To systematize the implementation of the programmes of poverty alleviation, eradication of illiteracy, prohibition of social evils, prevention of exploitation, protection of rights and liberty
- To raise qualitative standard of education
- To universalize education
- To ban cow slaughter and to improve animal husbandry
- To provide for free higher education
- To introduce the principle of filling govt. posts on the basis of eligibility and not on any extraneous consideration
- To provide financial support for child care and education
- To strengthen people’s national consciousness
- To acquaint people with their compulsory duty to the state

The thesis traces, describes and discusses in detail various social security oriented programmes, already launched and some of them partially
implemented, which essentially needs to be reviewed in order to give a broader perspective to the policy of social justice adopted by different dominant parties-led coalition governments over the long period of coalition politics in India. It contains and deals with the historical background of formulation of the Directive Principles of State Policy and its addition to the Constitution of India. It also demonstrates with ample illustrations from authentic sources how the governments from time to time initiated schemes and programmes to implement many of the Articles of the Directive Principles of State Policy and introduced lots of programmes primarily intended for social justice to the disadvantaged classes in consonance with the spirit and general trend of coalition politics in India. The words ‘justice’ and ‘security’ which form the foundation of the governments’ welfare policy since the dominance of coalition politics in Indian political system, are hard to explain without the proper fulfillment and attainment of goals and targets of the programmes associated with social security and justice. The thesis made an attempt to highlight the steps and measures directed towards social justice, which have been amply illustrated, discussed, explicated and evaluated as far as the aims of social justice are concerned. It is a matter of apparent satisfaction that the coalition governments were convinced of the essentiality for the protection of social rights not only of people but also the rights of animals and those of the plant world with the exclusive target to conserve and de-pollute our environment. Our sustainable growth and development depends upon the environment because the livelihood of a large section of people especially belonging to the category of below the poverty line have been extremely affected by the ongoing process of de-forestation and the mindless activities of a sizable number urban people causing environmental pollution. The thesis explored and validated that poverty, shelterlessness of the have-nots, ignorance and illiteracy responsible for various social evils, various issues of social and economic disparities and deprivations, bureaucratic red-tapism, indifference, etc., stand in the way of social security and justice. But what is satisfying and optimistic is that coalition politics in India has been successful, to a certain extent, in making the mass people, i.e., people of all ranks and classes, conscious of their rights as human beings and of prevailing social and economic evils of which they have been victims. The existing situation connected with the question of security and justice will definitely be changed if the government continues to adopt and implement more and more social welfare schemes and programmes as Narendra Modi-led NDA (Coalition) government has recently announced and launched three important social programmes directed towards social security to the people of India.