Social Justice is a policy to be adopted by the government. It steers the society, the individual through the designed destination by its established institutions. How society contributes to the designs of government is the subject matter of this Chapter.

**Indian polity**

Polity means a government or type of government. Government presupposes the state. There cannot be a state without society. In other words it is the society which is the basic reality constitutes the government. Social realities are reflected in government formation. A State is administered as per the constitution. The basic principles or philosophy of our constitution have been laid down to administer social justice.

In the previous chapter an attempt has been made to trace the foundations of Indian Society and the questions of social justice, rather injustice, caused to certain sections of society. Indian society is built on Vedic tradition. There are non-vedic currents of thought which are like flickers of a burning flame did not endure and not last. Though non-vedic philosophy has had roots in India, it was suffocated by the Vedic tantrums. What are these Vedic tantrums which poison any scientific mind, which can subdue any strong will and perpetuate its legacy?
As we have seen Vedic tradition preaches caste system. This tradition is repeated in the Dharmasutras, enacted in the Epics and glorified in the Puranas. Perhaps, the repetition of the same theme in different ages in different forms is the secrecy of the endurance of Vedic tradition. I shall briefly bring about the salient features of our polity.

**Caste System:**

Caste system is the species of Varna system. Varna is not a mere class. It is an organization characterised by hereditary occupation. Four varnas are recognized: Brahmana, Kshatriya, Vyshya and Sudra. Brahmanas are the preaching class. They are priestly class too. Kshatriyas are the warriors and administrators. Vysyas are the trading class. Sudras are the class meant for the service of above three castes. There is no change of professions. The caste Brahmana are the only qualified to read Vedas. A Sudra should not read or hear the reading of Vedas as it was considered a sin. In other words, once a child is born into the caste, it knows the future job to perform. This structure is ordered by the Brahmana caste.

Varna is not a class as Plato conceived. In Plato child is born into the society. Depending on its merit it assumes the class of warriors, kings, artisans etc. Here the individual is born into a caste. Society consists of four Varnas. There is inbuilt inequality in society. When there is inbuilt inequality there is no opportunity for the development of the individual as the individual cannot perform the function outside his Varna prescribes.
It is routine to look at academic scholars for the analysis of the concept of class and caste. But Judges of the Supreme Court of India have done a commendable job on caste, of which any academician must be proud of. Supreme Court resorted to lexical definitions to distinguish 'caste' and 'class' to formulate questions about them. They examined and assessed the opposed views in controversies that have ensued in the Mandal Commission (Case 1992). They are: In Oxford English Dictionary (volume-11) class and caste are defined as follows:

“Class is a division or order of society according to status, a rank or grade of society,.........(b) a number of individuals(persons or things) possessing common attributes, and grouped together under a general or ‘class’ name; a kind, sort division caste;

(2) one of the several hereditary classes into which society in India has from time immemorial divided; the members of each caste being socially equal, having the same religious rites, and generally having the same occupation or profession, those of are caste have no sound inter course with another;

(3) the system or basis of this division among the Hindus”
In Webster Comprehensive Dictionary (International Edition) the meaning of the words is given as follows:

"Class: (1) A number or body of persons with common characteristics: The educated class; (2) social rank; caste.

Caste: (1) one of the hereditary classes into which Hindu Society is divided in India; (2) the principle of practice of such division or the position it confers; (3) the division of society on artificial grounds; a social class"

According to Webster's Encyclopedic Unbridged Dictionary of the English Language, meaning of the word 'class' and 'caste' is as follows:

"Class: (1) a number of persons or things regarded as forming a group by reason of common attributes, characteristics, qualities, or traits, kind sort (2) any division of persons or things according to rank or grade ... Sociol, a social stratum sharing basic, economic, political or cultural characteristics and having the same social position ... the system of dividing society; caste...

Caste: (1) Sociol, an endogamous and hereditary social group limited to persons of the same rank, occupation and economic position etc. and having mores distinguishing it from other such groups,
(2) any rigid system of social distinctions - Hinduism, any of the four social divisions, the Brahman, Kshatriya, Vaisya and Sudra into which Hindu society is rigidly divided, each caste having its own privileges and limitations, transferred by inheritance from one generation to the next

(3) any class or group of society sharing common cultural features ....(b)
Pertaining to characterized by caste; a caste society; a caste system; a caste structure"

In Corpus Juris Secundum, Vol.14, the meaning of words ‘class’ and ‘caste’ is giving thus:

“Class: A number of objects distinguished by common characters from all others, and regarded as a collective unit or group, a collection capable of a general division, a number of persons or things ranked together for some common purpose or possessing some attribute in common; the order of rank according to which persons or things are arranged or assorted;.....

Caste: A class or grade, or division of society separated from others by differences of wealth, hereditary rank or privileges, or by profession or employment, having special significance when applied to the artificial divisions or social classes into which the Hindus are rigidly separated”
Black's Law Dictionary (sixth Edition) Centennial Edition (1891-1999) gives the meaning of 'class' thus:

"Class: A group of persons, things, qualities, or activities, having common characteristics or attributes"

The word ‘caste’ is defined in Encyclopedia Americana, Vol.5 thus:

"Caste: Caste is a largely, exclusive social class, membership in which is determined by birth and involves particular customary restrictions and privileges. The word derives from Portuguese casta, meaning 'breed' 'race', or 'kind' and was first used to denote the Hindu social classification on the Indian Subcontinent while this remains the basic connotation, the word 'caste' is also used to describe in whole or in part social system that emerged at various times in other part of the world......"^{18}

Dipankar Gupta defines the caste system as a form of differentiation where in the constituent units of the system justify endogamy on the basis of putative biological differences which are semaphored by the reutilization of multiple practices (p. 141 Interrogating caste) Therefore, caste is a social reality. It mainly reflects a system of working pattern among members of society. In the Indian context is purely hereditary and bifurcation of castes is on the basis of the authority of sacred scriptures. There is no rational element in classifying castes. Nor the classification is based on the merit character of individuals in society. This type of argument, in my opinion, commits the fallacy of argumentum ad vericundiam. Because, the form of the argument is that "four-fold caste
system or Varnashrama system is correct because Vedas says so”. No Vedic thinker has attempted to answer this fallacy.

Class and caste for all practical purposes may be treated as synonymous. Caste is also a class of citizens.

Class Sudras form nearly 70 – 80 percent of the population. They include not only schedule castes but also other backward castes. Jotiba Phule distinguishes Sudras into two – Sudras and Atisudras. The Atisudras are untouchables. Scheduled castes. Dr. B.R. Ambedkar, calls Atisudras a fifth varna because of the practice of untouchability. The term untouchability is named as ‘hidden apartheid’ in the Durban conference. It is a pernicious practice of segregating people on the basis of descent.

Why caste become a big problem to the Indian Polity? Because it is portrayed in the Scripts, Vedas, Upanishads, Dharmasutras and Puranas. Indians ‘believe’ them as authority. The belief is made to believe, as the authority of Veda cannot be questioned. It must be accepted dogmatically. Specially, Purusha Suktha n in the Vedas lay the foundation of caste system. It rather explains how caste originated. All Vedantins with an exception of Ramanuja to some extent defends caste system. Dr. B.R. Ambedkar argues that “Social classes existed in all societies but no theology has ever thought it necessary to explain how classes arise”^2
Hindu Society emphasizes on spirituality. It says, for a man to obtain salvation must give up material possession. He should be liberated from the bonds of worldly life. To orient the individual in the direction of spirituality lot of Mathas and Ashramas of various sects are established. Such institutions have made lot of property in the name of preaching spirituality. They have amassed wealth. Perhaps it is the legacy of Gurukula System. In this system the pupil had to give dakshina (fees) to the Guru who taught. Some times it was in the form of cows. Yajna valkya said to posses 10,000 cows. A passage from Debiprasad Chatropadhaya is illuminating:

“ In the account of the Brhadaranyaka Upanished.. Yasnavalkya’s pupil drives away for him one thousand cows, with ten padas gold tied to the horns of each. In the next account of the same Upanishad, King Janakawed by Yajnavalkyas breath taking flights of pure reason – four time offers him ‘ a thousand cows and a bull as large as an elephant’. This is followed by another account of the same text in which the same philosopher receives from the same donor for the same reason five thousand cows, in instalments of one thousand each. Then follows the event.. the philosopher wants to settle his property on his two wives, kartyayani and Maitrey.” Such is the divergence of preaching and practice. It has been continued to the present day in a different form. What has impoverished the common man is that these so-called philosophers preach spirituality claiming only spiritual as real. Matter, property or drvaya is not real according to their teachings. This way of making him to
believe that his earnings are not real and his suffering is temporary; there is bliss in the end has impoverished him.

Sowing the seed of superstition is another important feature of Indian Polity. It was used as an instrument for policing the state. Kautilya deliberately uses superstition, but Sharma observes, as pointed by D. Chattopadhyara that "neither Kautilya himself believes in the genuineness of the royal divinity and omniscience nor does he want the ruler to subscribe to this nonsense.

They were spreading rumors like "bit of a cobra as curse of god" under these pretext of adopting remedial measures against this ominous phenomenon, they were may raising collections for filling the treasury. Obviously the object is to coerce the rational elements into submission to superstitions practices and payment of money to the government. Thus all these devices enumerated by Kautilya are to be used by the state for subjugating the people by playing upon their superstition.

Contempt for free thinking was advocated since the times of Manu. "Manu declares," one should not even speak with the heretics, the transgressers of the caste discipline, the hypocrites, the free thinking and the double dealers." Free thinkers are termed as Nastikas. They do not believe in offering gift to the priests. Free thinking was considered as an evil since it threaten the basis of an ideal society.
Karl Marx says, “the Indian......Brahmin......proves the holiness of the Vedas by reserving for himself alone the right to read it” 6 D. Chattopadhyaya remarks, “The other reason for this is that the law gives are not really interested in the actual contents of the Veda. What they were interested instead in Veda as a political institution, an instrument which can be effectively used to keep the people under control with the fear of the other world.”

Why are Sudras not entitled to philosophical Wisdom?
D.Chattopadhyaya quotes Samkara: “The Sudras have no such claim, on account of not studying the Vedas. A person who has studied the Veda and understood its sense is indeed qualified for the Vedic matters. But a sudra does not study the Veda, for which study demands as its antecedent the Upanayana (i.e. the initiation ritual conferring on the status of the Dwija) and that ceremony belong to the three higher castes only”

Graded inequality in society is another feature of Hindu polity. In this system Brahmin is above Kshtriya, Vysya and Sudra, Kshtriya is under Brahmin but above Vysya and Sudra, Vysya is under Brahmin and Kshtriya but above sudra. Sudra is always below of all. Though inequality found in all societies in terms of age, wealth, intelligence, skill and occupation, in Indian Society inequality is made to order. It is in accordance with birth.
Belief in the theory of Karma is the cardinal principle of Hinduism. According to this theory person’s life in the present birth is according to the deeds he performed in his previous birth. Corollary to this belief is the theory of transmigration of the soul. That is, soul and body are two distinct entities. Body perishes in death whereas soul is unaffected. Soul can change bodies as person can change clothes. This belief is deeply rooted in the psychology of people even a born blind will not curse himself for his state of affairs rather he draws comfort from the belief that his present state was due to the deed committed in the past birth. This strong belief in Karma theory not only denied freedom or initiation of action against injustice but also driven the individual to the state of impotency. That is why there is no social revolution in India. Why there is no social revolution in India? Dr. B.R. Ambedkar asked this problem for himself and answers as follows...” that the lower class of Hindus have been completely disabled for direct action on account of this wretched system of Chaturvarnya. They could not bear arms and without arms they could not rebel. They were also ploughmen.... They were never allowed to convert their plough shares into swords. On account of the Chaturvarnya, they could receive no education. They could not think out or know the way to their salvation.... They became reconciled to eternal servitude which they accepted as their inescapable fate” ⁹.
But there were currents of thought against their orthodox beliefs from the philosophical schools of materialism, Buddhism and Jainism. In fact, it was only Buddha who argued against the infallibility of the Vedas, against the graded inequality in society, against ritualism and against blind beliefs and superstitions. ’But they have been buried by modern author’s remarks. Dr. B.R. Ambedkar.

Basaveshwara of the 12th century who made social revolution by vehemently criticising caste system, i.e. Varna system. His social philosophy is based on the virtues of man not by occupation or by heredity. Anyone who practices or performs the sin of killing is the killer, be it a Brahmin, Kshatriya, Vashya or sudra. He advocated strict social equality disregarding Vedic graded inequality. Unfortunately, graded inequality was strong and had deep roots in society that did not allow to germinate seeds of revolution sown by Basaveshwara.

In the modern times, it was Dr. B.R. Ambedkar who fought against discriminations related to Sudras and succeeded in getting a place for them in the modern constitution of India. It is worth knowing the views of Dr. Ambedkar on caste before we know social justice in the Constitution.

According to Dr. B.R. Ambedkar ‘caste is not merely a division of labour, it is also a division of labourers’. It is based on the dogma of predestination. There is no Hindu society as such. Hindu society is nothing but the collection of castes. There is intra-rivalry in the caste
"...the Golak Brahmins, Deurukha Brahmins, Karada Brahmins, Palsha Brahmin and Chitpavan Brahmin, all claim to be sub-division of the Brahmin caste. But the anti-social spirit that prevails between them is quite as marked and quite as virulent as the anti-social spirit that prevails between them and other non-Brahmin Castes"\(^{11}\)

Dr. B.R. Ambedkar put forwarded a theory that:

1. Sudras were Aryans
2. The sudras belonged to the Kshatriya class
3. The Sudras were so important a class of kshatriyas that some of the most eminent and powerful kings of the ancient Aryan communities were Sudras.

Further, he says, the number of Varnas said in the Rig Veda were only three, not four. The Purusha Sukta which speaks of four varnas was an interpolation long after the Rig veda was closed. He argues thus. "For, the Rig Veda, apart from Purusha Sukta, does mention Brahmins, Kshatriyas and Vaishyas not once but many times. The Brahmins are mentioned as a separate Varna fifteen times, Kshatriyas nine times. What is important is that the Rig Veda does not mention Sudra as a separate Varna. If Shudras were a separate Varna there is no reason why the Rig veda should not have mentioned them. The true conclusion to be drawn from the Rig Veda is not that the Varna system did not exist, but that there
were only three Varnas and that Shudras were not regarded as a fourth and separate Varna”13.

Dr. Ambkedar quotes the opinion of Sanskrit scholars in support of this argument that purusha sukta is a later interpolation. The opinion of Cole Brooke quoted by Dr. Ambedkar is as follows:

“ That remarkable hymn (the Purusha Sukta) is in language, metre and style, very different from the rest of the prayers with which it is associated. It has a decidedly more modern tone; and must have been composed after the Sanskrit language had been refined, and its grammar and rhythm perfected. The internal evidence which it furnishes to demonstrate the important fact that the compilation of the Vedas, in their present arrangement, took place after the Sanskrit tongue had advanced from the rustic and irregular dialect in which the multitude of hymns and prayers of the Veda was composed, to the polished and sonorous language in which the mythological poems, sacred and profane (Puranas and Kavyas), have been written”14.

If Sudras were not a content of the original Rig Veda and if they were kshatriyas, why they were degraded? was the question asked by Dr. Ambedkar himself and answers as follows: “the degradation of the Sudras
is the result of a violent conflict between the Sudras and Brahmins. Fortunately for me there is abundant evidence of it.”

The technique employed by Brahmins to lower the Sudras from second to fourth Varna is denial of Upanayana. That is the initiation of Vedic teaching to the boy. Thus Sudras as a varna came into being.

Whatever may be the reasons given against caste by a rational mind were not allowed to dominate the dogmatic thinking. Vedic or orthodox thinkers ignored the criticism raised against caste system. The system perpetuated as it was almost ritualized. Another reason for perpetuation of caste is that oppressed caste had no ownership of property, denial of education and could not possess weapons. Their weapons were broomsticks, not even twigs of trees. Further, poverty and no proper shelter. Psychologically, caste system added purity, pollution and Karma. This mind-set or state of mind has become an ideology. There is no occupational mobility. That means, occupation of the individual is according to his descent, not according to his ability.

Brahminical caste were the centre of all activities. They were priest, advisors to the King, authority on customs, teachers, doctors, engineers and Judges. The social system was built around them. One thing Brahmins of the old age days and present day practically commonly cognized is that they are not at the self less service of humanity. Therefore, exploitation of the weak is the primary motto of the caste system.
From this it is clear that Indian Society is a casteist society. Identification and differentiation is on the basis of caste. There is tremendous amount of ignorance, poverty and exploitation. How these problems were addressed in the constitution?

**Indian Constitution and social Justice**

Dr. Ambedkar, the Chairman of the Drafting Committee, is the real architect of Indian Constitution. The need of the majority of the population was to live with dignity with a sense of brother hood among them. Since the colonial rule had come to an end the orthodox forces were keen to capture power and continue social subjugation or inequality. Colonial rule did not disrupt social inequality perpetuated over ages.

Constitution makers, perhaps, were guided by French Revolution and Russian Revolution. If French Revolution was fought with the slogan "Liberty Equality and Fraternity", Russian Revolution was against economic exploitation. Keeping overall human development in view the preamble stated thus: "we, the people of India, having solemnly resolved to constitute India into a Sovereign, Socialist, Secular, Democratic Republic and to secure to its citizens:
Justice, Social, economic and political; Liberty of thought, expression belief, faith and worship; Equality of status and of opportunity and to promote among them all; Fraternity assuring the dignity of the individual and unity and integrity of the Nation.

There was a suspicion about the framers of the constitution that they sabotaged idealistic objectives within. The members of the constituent Assembly were not elected in meaningful sense of the term; they were indirectly elected by provincial assembles in British India. Poor were excluded. Many were men of property. Their cultural moorings were Western.

Subhash Kashyap, former Secretary, General of the Lok Sabha makes the point: “It was, however, perhaps the class character and elitist composition of the constituent assembly that was responsible for the distribution of basic human rights into the enforceable fundamental rights and non-enforceable directive principles of State policy. The poor, illiterate hungry masses had no use for most of the rights like right to property, freedom of thought and expression, equality of opportunity in matters of public employment etc. In any case, they were in no position to claim any benefit from these rights. The rights they needed were those of freedom from hunger, right to a living wage etc. All these were relegated to the non-enforceable principles”.
Directive principles of State policy are in the nature of instruments of instruction to the government of the day. They required to be implemented by legislation. Even if the state is not implementing these directives they are not violating the constitution as they are not binding on the state. Fundamental rights are enforceable by the courts and the courts are bound to declare as void any law that is inconsistent with any of the Fundamental Rights. Directive principles are not so enforceable by the courts, and the courts cannot declare as void any law which is otherwise valid, on the ground that it contravenes any of the Directives. In case of any conflict between Fundamental Rights and the Directive principles, the former should prevail in the court.

The sanction behind Directives is political. Dr. Ambedkar observed in the constituent Assembly “if any government ignores them, they will certainly have to answer for them before the electorate at the election time”

Directive principles enumerated in Part IV of the constitution are the codes of social justice to State and Central Government.

They are: 1. The State shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political shall inform all the institutions of the national life.
2. The State shall, in particular, direct its policy towards securing.

a. that the citizens, men & women equally have the right to an adequate means of livelihood;
b. that the ownership and control of material resources of the community are so distributed as best to subserve the common good.
c. that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment
d. that there is equal pay for equal work for both men and women
e. that the health and strength of workers men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.
f. the 42nd Amendment to the constitution added that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that youth are protected against exploitation and against moral and material abandonment.

3. The state shall take steps to organize village Panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self government.
4) The State shall, within the limits of its economic capacity and development, make effective provision for securing the right to work, to education and to public assistance in case of unemployment, old age, sickness and disablement and in other cases of undeserved want.

5) Public assistance in cases of underserved want – by this Directive State would be justified in exempting claimants to compensation in cases of road accidents from payment of court fees.

6) The State shall endeavor to secure, by suitable legislation or economic organization or in any other way, to all workers, agricultural, industrial or otherwise, work, a living wage, condition to work ensuring a decent standard of and full enjoyment of leisure and social and cultural opportunities and, in particular, the state shall endeavor to promote cottage industries on an individual or co-operative basis in rural areas.

7) In the 42nd Amendment it was directed: The state shall take steps, by suitable legislation or in any other way, to secure the participation of workers in the management of undertakings, establishments or other organization engaged in any industry
8) The State shall endeavor to secure for the citizens a uniform civil code throughout the territory of India.

9) The State shall endeavor to provide, within a period of ten years from the commencement of this constitution, for free and compulsory education for all children until they complete the age of fourteen years.

10) The State shall promote with special core the educational and economic interests of the weaker sections of the people, and, in particular of the scheduled castes and scheduled Tribes and shall protect them from social injustice and all forms of exploitation.

11) The State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of the public health as among its primary duties, and, in particular, the State shall endeavour to bring about prohibition of the consumption except for medicinal purposes of interacting drinks and of drugs which are injurious to health.

12) The State shall endeavour to organize agriculture and animal husbandry on modern and scientific lines and shall, in particular, take stops for preserving and improving the breeds, and prohibiting the slaughter, of cows and calves and other milch and draught cattle.
It shall be the obligation of the state to protect every monument or place or object of artistic or historic interest, declared by or under law made by parliament to be of national importance from spoliation, destruction, removal, disposal or export as the case may be.

The State shall take steps to separate the judiciary from the executive in the public services of the State.
The State shall endeavour to:

a) promote international peace and security
b) maintain just and honourable relations between nations;
c) foster respect for international law and treaty obligations in the dealings of organized people with one another; and
c) encourage settlement of international disputes by arbitration.

These provisions are not protected. In other words, the State has to ensure social justice without abandoning fundamental rights of the individual. Indian State as enshrined in the Constitution is a welfare state. At the same time it is also a liberal state as it protects the individual by securing him right to equality, right to freedom of expression, right to form association, right to move freely and settle in every part of the territory of India, right practice a profession, right against exploitation and right to religion, No doubt these rights appears sound on paper as any individual can live with fidelity and decorum. In other words, social justice is at the mercy of the government. If the government desires to enforce they can but without violating fundamental
rights. Courts have commitment to fundamental rights but not to Directive principles. Because what is protected by the constitution is the right of the affluent not the needs of the poor.

Dr. B.R. Ambedkar in his speech on 25th November 1949 expresses apprehension about the working of the constitution "Because I feel, however good a constitution may be, it is sure to turn out to be bad because those who called to work, happen to be a bad lot. However bad a constitution may be, it may turn out to be good if those who called to work it, happen to be a good lot. The working of the constitution does not depend wholly upon the nature of the constitution. The constitution can provide only the proforma of the State such as the legislature, the executive and the judiciary, the factors on which the working of those organs of the state depends are the people and the political parties they will set up as their instruments to carry out their wishes and their positions who can say how the people of India and their parties will behave"17

Indian polity is quite unpredictable. Because, it is a conglomeration of castes. There is no ideological commitment. The polity practicing graded social inequality, denied property rights to the majority of the population, denied right to education for centuries to the majority of the people. From a polity which fed superstition, nurtured dogmas it is too much to expect modern scientific, liberal state to function for the welfare of the people. We may keep United States in mind while working a democratic constitution. But India is not a United States. "The United States has no class problem. In India there
are castes. These castes are antinational. In the first place they bring about separation in social life. They are antinational also because they generate jealousy and antipathy between caste & caste”

The road taken to achieve an equilibrium society not the one propounded by Gandhiji. The reason for omitting Gandhian model is the class and elitist composition of the Constituent Assembly. The Gandhian model envisaged self-sufficient, self-governing village communities. The Panchayat would control Chowkidars (watchmen) Patwaries (the men who kept the land and tax assessment registers), and police and schools). It would also asses to collect land revenue, supervise co-operation farming, irrigation and interest rates, as well as khadi and other village industries. The Gandhian model would be as follows:

“Above a village Panchayat come a hierarchy of indirectly elected bodies. First came Taluk and district Panchayat, each comprised of sarpanchs (Panchayat leaders) of the next lower Panchayat and having only advising powers over them. Members from district and municipal panchayat would make up the provincial Panchayat, which would select a President to serve as head of provincial Govt. President of provincial panchayat would comprise the All-India Panchayat, whose president would be head of State and of the Govt. which would be ministerial in character. Among the responsibilities of the provincial Panchayat would be transport, irrigation, natural resources and a co-operative bank. The national Panchayat would be responsible for such things as defence, currency, customs, the running of key
industries of national importance, and the co-ordination of provincial economic development plans" 19

Gandhian model was not discussed in the Constituent Assembly but for the Gandhian like Agarwal who advocated a minimal State. The 'State that governs best governs least' is their prescription. Further they emphasized on decentralization. The Constitution took the European and American road. For a parliamentary democracy (the Constituent) Assembly has adopted the principle of adult franchise with an abundant faith in the common man and the ultimate success of democratic rule and in the full belief that the introduction of democratic government on the basis of adult suffrage will bring enlightenment and promote the well being the standard of life, the comfort and the decent living of the common man". 20

It was argued in the Constituent Assembly that direct election would protect village society. Assessing realistically adult franchise irrespective of caste, class colour and creed did lot of good in term of looking beyond caste barriers in terms of power sharing Panchayat system would have crippled the village society as it was already fragmented. Direct election minimized caste consciousness at least politically but social discrimination and economic insecurities continued.
State and Central Government enacted various Acts in social and economic field to remove discriminations. Abolition of Untouchability Act and protection of Civil Rights Act are prominent in the social field. In the economic field, agriculture is the main stay of Indian people. Land was concentrated in the lands of very few. Land Reform Act in various States heralded a new era in many state except in the State of Bihar, in the direction of getting land rights to the tillers of the land. The monopolies and Restrictive Trade Practices Act 1969, Central Act another Act which abolished monopolies in trades and business. These Acts are placed in the Ninth Schedule, which does not come under the perview of judicial review. There were titanic legal battles in the highest court of the land, i.e the Supreme Court. Finally, the 'will' of the people prevailed.

Impact of Land Reform Act in effecting ownership of land to the tenants or cultivators of land is not much. Mainly because, large holders of land were invariably major communities of the first three Varnas. Backward community people holdings were not as big as to attract the provisions of the Act. Scheduled Castes and Scheduled Tribe Community peoples' holdings were next to nothing. Agricultural labourer/tenants were powerless and disarmed and least respected socially. Large holders enjoyed muscle power and money power. They used these powers to nullify the actions of Tribunal in confirming the right to the land. In other words, confirmation of right remained mainly on paper. Actual enjoyment was with original holders of the land.
Further, there were members of the backward class, Scheduled Caste and Scheduled Tribes who were able to obtain and enjoy the physical possession of the land, they had other problems to face. No people, other than the members of the family could work in their fields. Agriculture is mainly a co-operative exercise. The tenant became land owner was alone with his family, some time without the means of cultivation, Government’s initiative to help these farmers through Integrated Rural Development Schemes was not much use. As a result many people who were awarded with agricultural land had to mortgage the same to the neighbouring land owner or to the big land lord. To prevent this the State of Karnataka enacted PTCL(Prevention of Transfer of certain kind of land) Under the Act whomever buys or mortgages the land from a grantee or awardee, the transaction was declared null & void and the land must be restored to the grantee. As a result thousands of cases were filed in revenue courts and in the High Court, without seeing the light of the day for number of years. Thus, the common men or the less favoured was put into perpetual anxiety and at the mercy of government or the Court.

**Land mark Judgment of Supreme Court and Social Justice**

It was mentioned above some legal battles in the direction of implementing Directive Principles in the High Court & in the Supreme Court assumed gigantic forms. They are the Golknath Caste, Keshavanda Bharti Case, Privy Purse Case, Minerva Mill Case, Mandal case. These cases involved Fundamental Rights as well as Directive Principles.
Golkanath Case

This related to Punjab Act, 1953 placed in the Ninth Schedule. Golknaths' had to loose hundreds of acres of land due to tenancy. It was questioned in the Supreme Court on the ground that it denied them constitutional rights to acquire and hold property and practice any profession and equality before and equal protection of law. The Punjab Act was placed in the Ninth Schedule which bars judicial review of the Act's which are placed under it.

Supreme Court in its decision held that Parliament's power to amend the constitution could not be used to abridge the Fundamental Rights. In their majority opinion the Supreme Court invoked the concept of implied limitations on the amending power. Chief Justice Subba Rao felt that the Fundamental Rights were "... given a transcendental position under our constitution and are kept beyond the reach of Parliament".

The argument of the Government in essence was that: "The object of the amending clause in a flexible constitution is to enable the parliament to amend the constitution in order to express the will of the people according to changing course of events and if the amending power is restricted by implied limitations, the constitution itself would be destroyed by revolution. Indeed, it is a safety valve and an alternative for a violent change by revolution". Further, the government held that: "There are no basic and non-basic features of the constitution, everything in the
constitution is basic and it can be amended in order to help the future growth and progress of the country"........ and " there is nothing in the debates to prove positively that fundamental rights were excluded from amendments"\textsuperscript{21}

Acharya Kripalani, member of the constituent Assembly ... concentrated on the 'moral aspect' of the situation. It was a fallacy he said, to equate the people with parliament and parliamentary government with majority Government – Hitler had come to power on majority vote. Property should not be in the Rights, but, 'certain rights cannot be left at the mercy of the majority.'\textsuperscript{22} This judgment made constitution a rigid document. Had the position not changed in time there would have been revolution in the country.

Kesavamamda Bharati case: Supreme Court ruling that the parliament has no power to amend the basic structure of the constitution was overruled by the majority Bench in Kesavannad Bharati Case in 1973.

"The view by the majority in these writ petition is as follows:

1. Golaknath's case is overruled;
2. Article 368 does not enable parliament to alter the basic structure of the frame work of the constitution;
3. The constitution(Twenty-Fourth Amendment) Act, 1971, invalid;
4. Section 2(a) and 2(b) of the (Twenty-fifth amendment) Act 1971 is valid;
5. The first part of section 3 of the constitution (twenty-fifth) Amendment Act is valid. The second part namely "and no law containing a declaration that it is for giving effect to such policy shall be called in question in any court on the ground that it does not give effect to such policy" is valid. 23

In this case the Supreme Court expressly ruled that Article 31-C, (which states that no law giving effect to the Directive principles of State Policy would be void when it is inconsistent or takes away Right to Equality or Right to Freedom) was constitutionally valid. The Article 31-C gave effect to the Directive principles "that the ownership and control of the material resources of the community are so distributed as best to subserve the common good" and "that the operation of the economic system does not result in the concentration of wealth and mean of production on to the common detriment".

Social justice thus came to stay as the brooding spirit of the constitution by this decisions of the Supreme Court. This case is particularly noted for the decision of the Supreme Court on three counts:

1) The court itself exerted an untrammeled restificatory zeal in conceding to the superiority of social justice over fundamental rights of the individual;

2) The Twenty-fifth constitutional Amendment brought to light the fact that the philosophy of fundamental rights was opposed to the philosophy of Directive principles only to a very limited extent;
3) that even conceding to the right of parliament to amend any part of the constitution, including the fundamental rights, it never conceded to the British concept of the sovereignty or supremacy of the parliament, because in striking down the provision that no law containing the declaration that it is for giving effect to the Directive principles shall be called into question on the ground that it does not give effect to such policy.

Another salutary contribution to the constitutional jurisprudence made by the decision in Keshavananda Bharati case was the theory of Basic structure of the constitution evolved with a view to defining the power of the Parliament to amend the constitution. The balance between fundamental rights and directive principles is just another name for balance between the individual and the society and the main theme of social justice been given to a perfect momentum in perfect socio-economic structure

**Mandal Commission Case**

Indra Sowhnay Vs. Union of India

Mandal Commission was appointed by Morarji Desai Govt in 1979 to identify the backward classes in the country with an intention to promote the welfare of the backward class people. Mandal submitted the report stating that caste is one of the main factor to be considered while considering reservation for jobs under Sec 1S(4) & 162(4) of the Constitution. Based on the report the V.P.Singh Govt issued notification in order to protect the interests of the
backward class people in education and public appointment. This was questioned in the Supreme Court in Indira Sawhnay Vs the Union of India. This is popularly known as the Mandal Commission case.

In this case majority of the judges in the Bench ruled in favour of the notification. The main ground for up-holding the Report of the Mandal Commission are as follows:

i) “The concept of inequality is unknown in the kingdom of god who creates all beings equal but the “created” of the creator has created the artificial inequality in the name of casteism with selfish motive and vested interest.”

ii). The perpetuation of casteism in the words of Swami Vivekananda ‘continues social tyranny of ages. The caste system has been religiously reserved as many ways including by the judicial verdicts, pronounced according to the traditional Hindu law.

iii). The battery of tests that are recognized by courts in determining ‘socially and educationally backward classes’ are caste, nature of traditional occupation or trade, poverty, place of residence, lack of education and also substandard education of the candidates for the post in comparison to the average standard of candidates for the post of comparison to the average standard of candidates from general category. These factors are not exhaustive.
iv) The effect of this judgment is that caste can never be a criterion. This decision has also ruled that the place of habitation and the environment are both determining factors in judging the social and educational backwardness.

Since backwardness is a direct consequence of caste status and the discrimination perpetuated against the socially backward people is based on the caste system, the caste criterion can never be diverted while interpreting the word 'class'.

v) The caste systems is predominantly known in Hindu Society and runs through the entire fabric of the social structure. Therefore, the caste criterion can not be diverted from the other established and agreed criteria in identifying and ascertaining the backward classes.

vi) It is said that the caste system is unknown to other communities such as Muslims, Christians, Sikhs, Jews, Parsis, Jains etc. in whose prospective religion the caste system is not recognized and permitted. But in practice, it cannot be irrefutably asserted that Islam, Christianity, Sikhism are all completely immune from casteism.
vii) Those in India, caste evil originated from Hindu religion that evil has taken its roots so deep in the social structure of all the Indian communities and spread its tentacles far and wide there by leaving community from being influenced by the caste factor. In other words, it cannot be authoritatively said that some of the communities belong to any particular religion are absolutely free from casteism or at least from its shadow. The only difference being that the rigour of caste varies from religion to religion and from region to region. Of course, in some of the communities, the influence of the caste factor may be minimal. So far as the Hindu Society is concerned, it is most distressing to note that it receives sanction from the Hindu religion itself and perpetuated all through. 31

viii) More often than not, a question that is put forth is should the caste label be accepted as a criterion in ascertaining the social and educational backwardness of a group of persons or community. No doubt, it is felt that in identifying and classifying a group of persons or community as ‘socially and educationally backward class’, it should be done de nols the caste legal. But all those who address such a question turn a blind eye to the existing stark reality that in the Hindu society ever since the caste system was introduced till today, the social status of a Hindu is so woven or inextricably intertwined and based with the caste system to such an extent that no one in such a situation can say that the caste is not a primary factor of social backwardness and that social backwardness is not identifiable with reference to the caste of an individual or group of persons or community. 32
Justice Pandian quotes the Chief Justice Suba Rao in Devadasan case to explain the handicap of the oppressed classes. “To make my point clear, take the illustration of a horse race. Two horses are set to run a race—one in the first-class race horse and the other an ordinary one. Both are made to run from the same starting point. Though theoretically they are given equal opportunity to run the race, in practice the ordinary horse is not given an equal opportunity to compete with the race horse. Indeed it is decried to it. So a handicap may be given either in the nature of extra weight or a start from longer distance. By doing so, what would otherwise have been a farce of a competition would be made real one. The same difficulty had confronted the makers of the constitution at the time it was made. Centuries of calculated oppression and habitual submission reduced a considerable section of our community to a life of serfdom. It would be well nigh impossible to raise their standard if the doctrine of equal opportunity was strictly enforced in their case. They would have any chance if they were made to enter the open field of competition without adventitious aids till such time when they would stand on their own legs. That is why the makers of the constitution introduced clause (4) in Article 16”. 33

Justice Pandian also quotes a passage from the book Bakke, DeFunis and Minority Admissions (The Quest for Equal Opportunity) by Allan P.Sindler: “Imagine two runners at the starting line, readying for the 100 yard dash. One has his legs shackled, the other not. The gun goes off and the race begins. Not surprisingly, the unfettered runner immediately takes the lead and
rapidly increases the distance between himself and his shackled competitor. Before the finish line is cross over the judging official blows his whistle, calls off the contest on the grounds that the unequal conditions between the runners made it an unfair competition, and orders removal of the shackles" 34

The two analogies quoted above by the learned Judge is a fitting description of Indian Society which is differentiated and handicapped by caste. The fate of the unprotected castes is expressed by “Mr. Ram Awadesh Singh, that as un-watered seeds do not germinate, unprotected backward class citizen will wither away”. 35

There is an argument raised against reservation on the ground that it sacrifices merit and efficiency. The ruling by the learned Judge that “Be that as it may, the intelligence, merit, ability, competence, meritocracy, administrative efficiency and achievement cannot be measured by skin-pigmentation or by the surname of an individual indicating his caste” 36 silences the antagonists of reservation.

There are arguments in favour of reservation on the basis of economic criterion. In the opinion of these thinkers there are families, individuals in society who are economically poor, cannot sustain themselves must be protected by the constitution. Perhaps they may also mean that there are some families who are economically sound in terms of having movable properties like large number of sheep, cattle, and even large tracks of land. I will not go into the reasons given by the court against economic, criterion. Rather, I
would like to call them ‘backward-class-rich‘ and present the picture of the backward-class-rich’. This so-called economically sound backward-class individual will not deposit money in banks, nor insures his property. If he is a landlord, besides gambling in mansoon is similar to a fellow who own sheep or cattle. On the other hand economically backward enlightened knows banking, insurance and other safeguards as a matter of family background. This is well expressed by Justice Chinnappa Reddy “.... no one will think of describing Brahmins anywhere in the land as socially and educationally backward, however poor they might be. The idea that poor Brahmin may also be eligible for the benefits of Article 15(4) and 16(4) is too grotesque to be considered. Similarly, no one can possibly claim that the Patels of Gujarat, Kayasthas of Bengal to it may be added Kayasthas of U.P, Bihar, M.P., Rajasthan, Delhi, Himachal Pradesh, Gujarat and so on almost all over the country due to their educationally forward positions like the socially forward to Brahmin, the Reddy and Kammals of A.P. Therefore, economic criterion as a measure of backwardness cannot be considered. The only sound criteria is social. Economic backwardness may be concocted but not the social reality.

The burden of backwardness cannot be minimized by reserving a few posts in public appointment and providing seats in Medical and Engineering Institutions. The public appointment is not even one percent of the total population of the caste. Granted seats in medical and engineering colleges poor people are not afford to provide such education to their words. Had it been followed by subadar ships and free ships to all the reserved categories it would have been appreciable. There is no policy of government for the rest of
the backward class or scheduled caste/tribe population. Health, housing social insurance schemes have been introduced. But they are limited to the income of the individual.

I do not want to go into other details in the case as I am interested in expounding the nature of Indian Polity and the judicial understanding and its commitment to it. Some constitutional Amendments initiated to give impetus to Directive Principles curtailed Fundamental Rights. Some such Amendments are as follows:

8. The Constitution (First Amendment) Act 1951
10. The Constitution (Seventeenth Amendment) Act, 1963
11. The Constitution (Twenty Fourth Amendment) Act, 1971
12. The Constitution (Forty Second Amendment) Act, 1976
14. The Constitution (Seventy-Third Amendment) Act, 1993

The Constitution (First Amendment) Act, 1951.

The first amendment to the constitution was effected _before_ the constitution of a duly elected bicameral Union Parliament. Defending the amendment Nehru said this amendment is “talking not of the legal or constitutional authority, but of moral authority”.
The purpose was to produce certain equality. "... when you are out to remedy inequalities, you do not remedy inequalities by producing further inequalities" says Nehru. This is the first step initiated by the leaders of free India to create an egalitarian society through the constitution.

Main reasons to initiate these steps was the nature of fundamental Rights place in Part III of the Constitution. Basically the Right to Property(Article 31)Non-discrimination of an Citizen on the grounds of religion, race, caste, sex, place of birth etc.(Article 15) and Right to freedom (Article 19) are in the list of Fundamental Rights, i.e. part III.

By amending Article 31 Zamindari System was abolished. The Zamindari system in the nut shell is as follows: "The Zamindari system (started) from the Mughal period and possibly earlier. Zamindari were 'tax farmers' or tax gathers, who collected land revenue from the tillers of the land and sent it on to the seat if empire after having kept a percentage of the revenue for themselves as commission. They did not hold title to the lands for which they collected revenue. Having this power tillers, they could also extract rents and other cesses for personal use. After the British had been in power for some time in Bengal they assumed the power to collect land revenue for the Mughal Emperor. In the 1793 Permanent Settlement'-mistakenly equating Zamindars with land owners in England - The British awarded Zamindars rights and titles to land and made them, in effect, landlord. Thereupon, they paid a fixed land revenue to the government and extracted rents as they chose from their tenants. This land system prevailed in Bengal,
Bihar and Parts of Uttarpradesh, Orissa and Madhya Pradesh. There were variants of the system under names. Zamindari was a North Indian Phenomenon. Landlordism and other land tenure systems was prevalent through out the country. Members of the Constituent Assembly elected by members of provincial legislature called for abolition of Zamindari system but after paying equitable compensation. Bihar Management to Estates and Tenures Act, 1949, provided for ‘taking over’ of Zamindars estates, including coal mines. The purpose of the Act was to avoid paying compensation at the time of taking over. This Act was struck down by the Bihar High Court. Some such legislations and litigations in court were seen in Bombay and in Calcutta too.

Dr. Ambedkar suggested amendment to Article 31 so as to would read that no person would be deprived of his property saved by the authority of law and for a Public purpose. Another clause, 31-B, was introduced to bar legislations made under article 31 to be barred from judicial review as it is placed under Ninth Schedule. Thus, justice was done to the tenants and agriculture labourers. Infact, Right to property was a Fundamental Right till Forty Fourth Amendment. After 44th Amendment property ceased to be a fundamental right. The main argument in favour of abolition of the right to property was that it stood in the way of progressive or socialistic legislation.
The First Amendment also introduced 15(4) which enabled the State Government to make State Governments to promote the welfare of socially and economically backward classes. Till then backward classes and scheduled castes represented least in public appointments though their population is more than seventy percent.

The First Amendment also restricts freedom of expression to reasonable limit.

Fifth Amendment

The sum and substance of this amendment was that in certain land reform cases courts ruled that property cannot be taken away without giving compensation. The Fourth Amendment, amended the Right to properly Article by saying that the compensation provided cannot be questioned in courts.

Explaining the objective of the amendment in Parliament, Nehru said, “... the vast majority of the people in the country were agreed, it was that land reform was not only essential, but urgently essential in this country, in fact that it had been delayed too long”38. He also felt that “haves” continues to be “haves” and “have-nots” continue to be have-nots”. “.... it does not change in shape or form if compensation takes place. Therefore, in any scheme of social engineering..... you cannot give full compensation…” 39
This outlined the formation of a "socialistic Pattern of society" which aims "at a particular type of society where there will be approach to equality and where the state owns or controls the means of production.... Not everything but... the strategic points." This amendment denied compensation to the surplus land tenanted land taken over by the government at market rate.

The Constitution (Seventeenth Amendment) Act, 1963

This amendment broadens the definition of the team 'estate' by including tenure system as 'inam', 'jagir' and the land hold under ryotwari settlement. These expressions are the equivalent of 'estate' in the 'local' law.

Further, the amendment also ruled that it is not proper for the state to acquire the land under ceiling limit without paying compensation as per the market value.

The Constitution (Twenty-Fourth Amendment) Act, 1971

This amendment was in the light of the Golknath case which ruled that the basic structure of the constitution cannot be amended. By this amendment parliament made a distinction between legislative law and the constitutional law and the Parliament is the constituent body to effect any amendment to the Constitution.
The Twenty-Fifth Amendment was devoted to the property article of the Fundamental Rights and the status of the Rights overall. The word 'amount' was replaced by 'compensation' for the compulsorily acquired property and the court are barred from questioning the amount on the ground, that it was not adequate or paid other than in cash. It also inserted the new Article 31-C that no law declaring its purpose to be fulfilling the Directive Principles in Article 39(b) and (c) could be challenged in court on the ground that it did not do so.

The fundamental Rights of equality before law (Art.14), the freedoms of Art. 19, and the property terms of Art.31 were to be made subordinate to the two most classically socialist of the Directive Principles, and the entire category of legislation placed beyond judicial review.

In this amendment the preamble of the constitution was changed as sovereign socialist secular democratic republic "Secularism the main stay of Indian polity was incorporated in the preamble itself. Since, I am dealing with issues concerned with implementing social justice areas, I am not discussing other issues contained in the amendment.
The important incorporation is the Fundamental Duties under Directive Principles. Duties prescribed in the direction of social justice are:

i) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities, to renounce practices derogatory to the dignity of women;

ii) to protect and improve the natural environment including forests, lakes, rivers, and wild life and to have compassion for living creatures

iii) to develop the scientific temper, humanism and spirit of inquiry and reform

iv) to protect public property and to abjure violence and

v) to strive towards excellence in all spheres of individual and collective activity so that nation constantly rises to higher level of endeavour and achievement.

The forty-second amendment is comprehensive in the sense that it presents questioning fundamental right in the court when actions under these rights are not in national interest and against implementing the Directive Principles. But it does not, being a socialist, country, to consider the Right to work as an fundamental right, nor was it incorporated among duties indirectly.
The Constitution (Forty-Forth Amendment) Act, 1978

This amendment gave a death blow to the Fundamental Right, Right to property. It was removed from Fundamental Rights Chapter. It became an ordinary right. The compulsory acquisition of property for educational institutions established by the minorities is another important change in favour of minorities among other amendments.

The Constitution (Seventy Third Amendment) Act, 1993

This is mainly in the direction of ensuring social justice to the rural poor through the institution of Panchayat Raj. Panchayat Raj institution though initiated in 1959 made provision for

1. a women member to be co-opted, if no women member is elected;
2. a schedule caste member to be co-opted, if no such member has been elected;
3. a schedule tribe member to be co-opted in Panchayat where the population of such tribe is five percent of the population of the area.

Girdharilal Vyas Committee, in Rajasthan in 1973, witnessed that the “co-option in fact is nothing but a corrosion and infringement of the democratic process and the representatives of the Scheduled Castes, Scheduled Tribes and women getting a place through co-option in the Panchayat, sanction or Zilla Parisheds are nothing but a creation of the generosity of the members
of these bodies and consequently their participation in the deliberations of such bodies is far from action or objective.  

In constitution Seventy Third Amendment., 1973, provides for reservation of seats of members as well as chairperson for scheduled castes and scheduled tribes as well as women in the Panchayat at the Village, block and district levels. It also provides for the not less than one third of the total number of seats shall be reserved for women belonging to scheduled castes or scheduled tribes.

Further, it mentions that offices of the chair persons in the Panchayats at the village or any other level shall be reserved for a scheduled castes, the scheduled tribes and ..... as nearly as may be in same proportion in the total number of such offices in the Panchayat at each level, as the population of the scheduled castes in the State or of the Scheduled Tribes in the State bear to the total population of the state: provided further that not less than one-third of the total number of officers of chairpersons in the Panchayat at each level shall be reserved for women, and also Provided that the number of offices reserved under this clause shall be allotted by rotation to different Panchayat at each level.
The amendment also authorizes the State Governments to make any provision of reservation of seats in any Panchayat or the offices of the chairpersons in the Panchayat at any level in favour of backward class of citizens.

From the foregoing it is clear that the government, constitution and society are at variance with respect to the questions of social justice. The first defeat of social justice occurred when Directive Principles were placed in the Part IV of the constitution, which is not protected by the judiciary as in case of fundamental rights, nor its non-implementation lapse on the government. It was left to the sweet will of the legislators and the parliamentarians to implement justice to the disadvantaged. Directive principles became instruments of political machanisation for the survival of politicians and political parties. If 'Garibi Hatao' ws the slogan brought Indira Gandhi to the forefront of Indian leadership, Mandir issue which is the Janata Party to power with the help of coalition of other regional parties. Degeneration of ideology for which some parties known is evident in this coalition. For instance Dravida Munnetra Kazhagam known for its anti vedic, anti ritual and anti Brhamin tradition. It intended to establish a just equal society based on rationalism. It was against suppression and exploitation. For the sake of power it compromised with communal parties F or Manuvadins. This is where Indian political parties are unpredictable. Since education is society is cipher, political parties take it for granted and give way for anti theatrical ideologies. Polities makes strange bed follows' is the saying come true in India. This is the trouble with implementing social justice. Whenever
there is social unrest, exploitation of women, expectation of the poor, literacy, denial of public education to the children before 14 years of age and this would became public issues constitution acts as a shock absorber. Political parties talk of constitution as it is not delivering goods in the changing times. Our constitution is so flexible that it is amended more than ninety times since independence. It is not that the constitution is not delivering goods but the machinery which administrates the constitution is not willing to deliver goods. More than 60% of Dalits are landless. Over 40 million of them are bonded labourers. Dalits are part of the backbone of the rural economy. But they are also the worst victims of the violations of minimum wages, regulations, the practice of forced unpaid labour, degrading work such as manual scavenging, besides exclusion from access to common property resources, even village walls. This system of quasi – apartheid extends from home to school, field to temple, from village street to the courts. 42

Let me identify the grey area on which legislation is not made. There is Land Reforms Act, Abolition of Bonded labour Act, Minimum Wages Act, Provision for the Abolition/Prevention of child labour, Law against manual scavenging, right to equality enables any individual to use public well, yet there is deficiency in administration that the purpose of legislating these laws left unfulfilled. The best government is one which rules the least. Our government rule too much and made too many laws on paper; in reality they rule nothing. This is so because the bureaucracy has replaced the old Varnashrama system. Though they are guided directed by the constitution, there is no accountability on top for not following the prescriptions of the
constitution. The bureaucracy has become a new Varna. The hazards of bureaucracy and modes to fight the evil will be discussed in the next chapter.

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