

“Governance of Social Justice in India”

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Introduction:

The concept of social justice has become major hurdle in India's progress and prosperity, mainly since liberalization. As a result of the social inequality prevailing centuries in India, It becomes difficult to interpret social justice. Considering all these problems and present status, Constitution of India has brought special provisions to uplift lower castes and weaker sections of the society. With the impact of liberalization and globalization, these special provisions becoming ineffective to serve its intended purpose.

The interpretation of social justice consists in the act of integrating people. it is the justice that gives rise to human organization by weaving a network of all the social members. Besides, it brings in a rapport between the human values like- liberty, equality and fraternity. According to Earnest Barker justice is not only a synthesis of human values but also a coordination of them through an adjusted and integrated action.¹ The concept of social justice is related to understanding the outline of social existence. In his “The Theory of Justice” John Rowels propounds that social justice is concerned with the distribution of benefits. Social justice provides the pattern for a just and right distribution system.² The book which was published in 1971 by John Rowels is supposed to be a mile stone in political theory. His theory is believed to be a response to the civil rights movement undertaken by the black Americans. It attracted attention of the world to the misery and destitution of the Negroes in America. The first principle in social justice according to him is equality to all. The second is considered that all people must be allowed equal opportunities, jobs and posts; however, the distribution that allows the poor more beneficial should be accepted. It means social justice consists in the process of allowing more and more social and economic equality. The interventions on the part of activists and the government are quite significant in this respect.³

Social justice changes according to changing times. Justice is not simply a word but a desire for bringing up the weaker sections to the equal level. We can think about social equality in the context of India. The Indian society has been undermined by the religious, caste, sub-caste and Warna differences. The social sections, which have been left weaker and economically exploited due to the inhuman practices, must be extended help and concessions for their empowerment. The social justice consists in the greater importance given to the social interests rather than the individual interests. The social justice thought consists in the active programme for bringing the haves and the have-nots at par.⁴ Providing a sense of security and opportunity to the weaker sections of the society and helping them to acquire health, education and social service and other facilities offered under the social justice process. The chief objectives of social justice are to answer social issues and problems and motivating the weaker sections and boosting the process of their empowerment.⁵ The concept of social justice has magnetized the attention of the society which is divided by social, financial and cultural parameters. The upper layers of the society have gulped the greater shares of power, property and prestige over the years of their domination of the weaker sections.

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Even after the acceptance of democratic values by the society, the conditions of the weaker sections are believed to have remained as miserable as they were in the past; this gave rise to the need for the process of social justice. The products and services delivered by a society must be distributed equally to all the social constituents. The fundamental needs of food, clothing and housing must be satisfied. All the social elements have the right to satisfy the fundamental needs. Fairness and justice are the principles on the basis of which the society must distribute the products and services to one and all.⁶

The Maharashtra Government accepted many recommendations and also taken several developmental decisions. The Government has decided to publish the social justice index on the birth anniversary of Rajarshi Shahu Maharaja, on 26th July, which happens to be the social justice day also. In addition to this the Government desires to awaken the masses to its efforts taken for social justice, the welfare programmes and the resolutions. The Government has initiated a special implementation drive for the programmes in the interests of the backward community, the handicapped, the old, the dependent women and the children. The Government has decided to publish the progress, development and evaluation of the programmes in maintaining social justice while evaluating the 'social justice index' every year.⁷

The Government of Maharashtra has been implementing a programme of empowering the farm labourers of scheduled castes the New Buddhist people by distributing them 4 acres dry and 2 acres of irrigated land on the basis of 50% loan and 50% grants since April 2004. The economic theories of Dr Amartya Sen, which deal with the development of the deprived, have been adopted for chalking out this policy. The Government is taking efforts to establish the principles of equality and justice from the point of view of social justice and overall development.⁸ On the other hand; there are programmes to expel the social and economic differences within the backward castes and tribes. There have been instituted different financial organizations for the implementation of these programmes. The problem of unemployment has become quite serious in the nation. In order to decrease the quantity of unemployment, the youth have to become self-reliant through business enterprises. The coordinated efforts of the Government machinery and the society is the need of the hour. The Government efforts of training the youngsters in various business enterprises are already on and the youngsters from the scheduled castes of the society are getting the benefit of the training programmes.⁹

The main hurdles in the way of India's developmental process are the caste system, illiteracy, unemployment, burden of customs and traditions and over population, etc. Considering the social situation the Government of India decided to include the concept of comprehensive development in its planning. All the states have also started to implement the concept of comprehensive development. This planning consists of programmes like-development of backward classes, eradication of poverty, development of women, farm labourers and workers and a host of other welfare programmes. The Central Government has always tried to draw welfare programmes intended for the removal of the financial hurdles in the way of social development. Thus, in the fifth five-year plan the Government incorporated the twenty-point programme and the special component programme for a balanced development of the weaker sections in the society. At the national level the Government set up the National Scheduled Castes Finance and Development Corporation in February 1989 according to Article 5th of the Company Act 1956 (A Company for not for Profit), with a view to implement the developmental process and their due reflection in the budget. There are 36 branches of the Corporation spread across the states of India. The Corporation is

meant for empowering the weaker sections of the society through financial assistance, training, and other programmes. For the development of weaker and backward section of the society social group-wise and state-wise separate corporations have also been constituted, which work collaboratively with the National Scheduled Castes Finance and Development Corporation. State have also caste-based corporations with main objective is a comprehensive social development This objective can bring the weaker sections into the mainstream, making them available job opportunities, guiding them to establish business enterprises, funding their educational pursuits, winning them social and economic justice and assisting them with capital. In this way the Government is committed to see the overall development of all the social sections.

A comfortable and livable life for all is the preoccupation of a modern state. People's welfare and social justice are sought by way of developing the individual capacities. Besides this, ridding the manmade inequality, distributing the preliminary needs, redeeming the weaker groups, providing the deprived with means, creating a sense of self-respect and taking the light of development to the last weakest human being in the society is the interpretation of social justice.¹⁰

Concept of Social Justice:-

There are various strategies in social justice, the management of social justice and the concerned criteria. The western world has always been ahead of the other worlds in terms of the formulation of social justice. It doesn't mean that a nation like India has not paid attention to social justice. A discussion on that is done in the succeeding space. The political theorists in the west have judged social justice as a modern value. The liberalists, the Marxists, the socialists and the anarchists have seen social justice from their own points of view. Although the views differ, the focus has been the poor and the deprived in the society. The question of justice arises in the context of scarcity or deficiency. This is the condition in which there is always a want of opportunities, means, power and respectability. Against this situation a fair distribution of objects and services is a way of doing justice. Bentham declares justice to be comfort for maximum number of people in a given society. But, John Rawls has refuted the utilitarian interpretation of justice, as the one in which necessity is not held to be a criterion for justice.

Dr.Ambedkar's views on social justice:-

The social justice campaign undertaken by Dr Babasaheb Ambedkar got underway with the agitation of the Chavadar Lake of Mahad. 'The untouchables also had the right to draw water from the lake' was the proclamation made by Dr Ambedkar. This turned out to be a successful attempt at breaking the ice of the questions faced by the backward communities in India for centuries together. Dr Ambedkar appealed to the members of the Mahaar community to give up their traditional but humiliating social status and respond. In 1928 he presented an account of the misery of the untouchable people before the Simon Commission, launched a successful battle for the Dalits' entry into the Kalaram temple in Nashik and attended all the three Round Table conferences for presenting the demand for just rights for the untouchables. He was for separate constituencies for the backward people. Under the Pune Pact he agreed upon reservations in elections for the backward people, rather than separate constituencies. He set up the Independent Labour Party in the year 1935 and the All India Scheduled Castes Federation in 1942. He established educational institutions, ran periodicals and wrote profusely within the social sciences framework for the awakening

of his people and the eradication of inequalities. His work was a comprehensive attempt at establishing social justice by means of liberating the backward masses from the domination of the upper castes.

In his thesis 'Jatichaa Uchched' written in 1936 Dr Ambedkar expressed his opinions of annihilation of castes. He favoured intercaste marriages as a means to uprooting the caste barriers. His criticism of the Hindu religion is indicative of his understanding that this religion was beyond improvement and we have to start on a beginning of a new social life, a life with scope for kindness, mercy, peace, non-violence and compassion. This was an installation of the spirit of social justice in the minds of the untouchable brothers and sisters. He wrote 'Thoughts on Pakistan', 'States and Minorities' and 'who were Shudras' for a thorough analysis of the political and social conditions prevailed in India. He had been for democratic governance and for the establishment of liberty, equality, fraternity and Justice. His earnestness can be incorporation of fundamental rights favouring the deepening of democratic values in the minds of the people. It was an attempt at initiating the process of social justice by virtue of the Constitutional rights to freedom and equality. He had the ambition of getting rid of the inhuman social practices and traditions and to set up India within the framework of social justice.¹³ Despite the difference of opinion, there is no denying the fact that in political system and philosophy the concept of social justice must prevail. In a democratic set-up social justice is at the root of freedom and equality. The democratic values of freedom and equality, the fundamental rights and the directive principles are indicative of the establishment of social justice.

Constitutional provisions relating to Social Justice:

Creation of equality-based society is the chief aim of the process of initiating social justice. The formula for social justice is incorporated in the Constitution of India through the principles of liberty, equality, fraternity and justice. The articles 14,15,16 allow right to equality, the articles 11,12 allow the right to freedom, the article 23 allows right to oppose exploitation, the article 17 prohibits the practice of untouchability, and the article 25 allows right to practice religion; and the article 32 allows the Constitutional protection of these rights. In this manner the Constitution incorporates the essence of social justice. Some seats of the Loksabha and the state assemblies have been reserved for the members of the scheduled castes and tribes according to the articles 330, 332, 334 (a) of the Constitution. The article 335 allows them reservations in jobs and services. The articles 338 and 338 (c) enable the setting up of national commissions for the scheduled castes and tribes. The President may recommend the state governments the measures and arrangement of grants for social and educational progress of the members of the backward community according the articles 339 and 340.¹² The articles 19 and 22 contain the explanations of individual freedom life and liberty. The Constitution grants the freedom of thought, practices, peaceful organization and business. The Constitutional freedom is protected through the judicial system. The fundamental rights of the people, the right to equality, the right to oppose exploitation, the right to practice religion, the right to educating oneself and the right to seeking judicial protection, are the basis of democracy in India. This illuminates the aim of establishing social justice on the part of the makers of the Constitution.

In order to realize the goals of socialist democracy and welfare state the Constitution incorporates the fundamental rights and directive principles. The article 14 of the Constitution pertains to justice, liberty and fraternity. The directive principles are included in article 39 to help the citizens retain the rights to having justice, which may be endangered by

social and financial weaknesses. The article 39 (a) enables the government to formulate laws protecting the equality of all and allowing free legal services for the poor.¹³ However, the poor and the downtrodden must be able to exercise their right to equality. By the 42nd amendment (1976) of the Constitution judicial and legal provisions were made in the economic and social interests of the weaker sections of the society. There had been laws in favour of social justice before this amendment; however, they were not properly implemented, making them only provisions on paper¹⁴ the concept of social justice couldn't percolate to the lowest of the low in the social hierarchy. Thus, a review of legal and social reformations got underway.

The directive principles in the Constitution of India uphold the principle of social justice. All the citizens, irrespective of whether they are men or women, are given the right to earn livelihood. The Constitution includes the provisions like controlling the material means in the nation, discouraging social exploitation of any citizen or citizens, centralizing the means of production for minimizing economic inequality and bringing the wages of men and women at par.¹⁵

Protective Discrimination: -

Equality means equal rights for all to opportunity and treatment, but it is not practiced in daily life. The human life is full of discriminations, rather than equality. The discriminations and differences are manmade or situational as treated as natural. Thus, if a society, which is full of differences, is allowed equality, there is every possibility that the already established group take advantages. It is necessary that those who have been deprived of means due to natural and manmade conditions must be brought at par with those who are with means. In order to realize this objective, the backward communities must be given special protection, special provisions and more opportunities. This may superficially seem unequal, but for the creation of ideal equality and the welfare of all social sections, it is necessary. In the light of this analysis, all the people in the society must be allowed equal opportunities.

The political democracy will remain meaningless, unless there is establishment of the economic and social democracy. Hobbes, Lockes says, 'political equality is based on the foundation of economic equality'. The objective of the political democracy is to set up equality-based society and in the Indian situation, until the thousands of castes and sub-castes are integrated into one social unity, the social democracy will remain a distant cry. It is vital for the Indian democracy to drive away all the manmade differences and install social equality. Against this background, the members of the scheduled castes and tribes must be given special rights and provisions according to the principle of protective discrimination. The policy of reservation is in the socio-economic interests of the members of the backward communities.

The articles 14 to 19 of the Constitution contain the principles in equality for all the citizens of India. The two facts viz. the principle of equality and the creation of reservations in the Constitution may seem contrasting, but consider into socio-economic and historical conditions it is necessary. The members of the backward communities have been given special provisions, so that they can catch up with the forward communities. According to the makers of the Constitution these provisions would last for a fixed period of time; however, in the modern globalized and competitive world provisions are getting lost.

The Indian backward class consists of the scheduled castes, scheduled tribes and other backward classes. The article 38 of the Constitution of India envisages an ideal society in which all the spheres at all levels will experience economic, social and political justice. The act of offending the members of the scheduled castes and tribes is criminal according to the articles 15, 23, 29 (2) and 25 of the Constitution, as offending a disabled or handicapped person is criminal.¹⁶ The article 15 prohibits discriminations on the basis of caste, religion, language, sex or region. The article 46 consists of the special provisions for the members of the scheduled castes and tribes, especially the economic and educational development of the members of the scheduled castes and tribes is the main focus. According to the article 330A is for reservation of seats in parliament for scheduled castes and tribes and the article 332A is for state assemblies. The article 338 enables the appointment of a special officer for the scheduled castes and tribes by the President of India. The implementation of the provisions for the backward communities is supervised by the special officer and the report is submitted to the President. According to article 339 a commission for the scheduled castes and tribes is set up every ten years. It prepares the report on the administration of the scheduled castes and tribes and information on the welfare programmes. These Constitutional provisions have been made in keeping with the establishment of social justice.

Reservation Policy:-

The Dalit community has been kept without means, wages and education for centuries together. The community still deprived of the necessary means of life. The only solution to their problem consists in two ways to compensate the centuries neglect and to arrange positive measures to help them to stand the present competition. In order to increase the educational standards and skills of the backward communities, they must be given the share in preference in employment and education sector. Their interests are to be safeguarded through reservations.

The Preamble, the Fundamental Rights and the Directive Principles of the Constitution of India are the indicators of social justice. The social justice is established by virtue of allowing equal opportunity for development to all without any discrimination, considering all to be equal before law.⁵ But there are people who are without social security and shelter. The women, children, Dalits and the tribal people still facing social injustice. Social justice consists in the removal of injustice from all spheres of society and coordinating the democratic interaction and national development through judicial intervention. The precondition to democratic governance is the creation of a new society based on social and economic justice. While reacting to the demand for the Constitutional Restructuring Commission Dr Amartya Sen said "Development can't be decided by the increase in the property. The correct criterion to measure development is to assess the social and economic rights given to the people." If people are not relieved of inequality, poverty and exploitation, we can't say that democracy is really established.

Globalization and Social Justice:

The present conditions are seems to be very disappointing. The governance is weak, since most of the employees at all levels and leaders are corrupt. The caste and communal forces are getting destructively stronger. The sense of materialism is prevailing in all class of people including educated ones. A majority of the people are indifferent towards social development. The weaker sections and women in the society are under affliction. Social

transformation in Indian context is ridding socio-economic differences among the people and elevating the standard of life of common people.

The problem of poverty got aggravated with the process of liberalization. The members of the backward communities, the women and the children had to face the consequences. The present period of globalization witnesses extraordinary pressure on the administrative functioning, and the intensity of the welfare programmes seems to be neglected. It is a fact that the process of globalization is creating wealth for the rich but not enough income for the poor. The rift between the rich and the poor is getting widened. The rich are growing richer and the poor the poorer. A positive attempt at extermination of poverty is quite obligatory. The present governance is decided by the effective implementation of the programmes. The government has to shoulder the responsibility of making wages and means of production available to the poor people. In the global 'human development index' India is at the 127th position. The development in the telecommunications, chemical, electronics and information and technological fields is really amazing, but it is meant for a handful of rich people and majority of Indians are away from the fruits of development. It is a fact that 20% of the people in the world own 86% of productive resources whereas 80% of the people have only 1% of the productive resources. One third of the global population is below poverty line and the condition of women is deplorable.¹⁹

The problem of poverty in India is not tackled on priority basis, because importance is given to other issues. The Government of Maharashtra has ludicrously changed the definition of poverty, in order to show decrease in the number of people living below poverty line. On the other hand, the Kerala government has considered the factors as illiteracy, insufficient shelter and scarcity of drinking water, drainage system and lack of food security, child labour, abuse of children and abuse of women as the factors responsible for bringing down the standards of life.²⁰

Development is not simply economic increase, but it is closely connected with the social and cultural transformation. National development is a continuous process which consists in elevating the living standards of the people by virtue of the skillful use of the natural and manmade resources and means. The development of a nation depends upon the effective use of the natural resources and the means of information provided by the central and state governments, the research scholars, and the institutes. The social development consists in the educational, the cultural and the human development, which in turn depends upon the development of human skills. These are efficiency, knowledge, creativity, merits, trust value, aptitude etc.²¹

Every nation desires for development, since development is the need of the present times. The qualitative development is equal to sufficient increase in national and per capita production, its just and fair distribution, eradication of poverty, employment generation, dissemination of health and education, assurance of supplying the essential commodities, elevation in living standards, etc. In this respect the United Nations Organization released the 'Global Development Report' 2003. According to this report the developmental programmes must not be based on financial criterion only, but the average age of people, literacy and health must be the other important criteria. The Human Development Index has become a new criterion. The Index is based on average age, literacy rate, living standards and the availability of the fundamentals like food, clothing, shelter, water, power and the buying power of the people. The human development depends on eradication of poverty and hunger,

making available primary education, sexual equality and women's empowerment, reduction in children's death rate, improvement in mother's health, environmental conservation, women's education and their social status.²¹

If we consider the present development process in India, it is responsible for an increase in inequality. A countless number of people are losing their life-supporting conventional professions. The natural resources are getting fast exhausted. All these are not the signs of sustainable development. There is a need of humanist, equality-based and sustainable development else unequal economic development will bring in prosperity for some people the fruits of economic progress must reach the poorest of the poor. The prevalent concept of development doesn't have any basis of human values. The people, for whom the development is meant, hardly find any place for themselves in the process. This concept can't realize long-term human welfare, progress or comfort. The need of the hour is an acceptance of a sustainable development based on human and social values, and the value of the conservation of human beings. Man must be the nucleus of the fundamental values of development. The dream India of the freedom fighters may be realized, only when the light of development illuminates the darkness of the really poor people, said Pratibha Patil former President of India. The dream of the freedom fighters was not only political freedom but creation of a society with equality and prosperity.

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