

CHAPTER – V

Dr.B.R.AMBEDKAR AND SOCIAL JUSTICE

Dr. B.R. Ambedkar's name is written in golden letters in the history of India as a creator of social justice. He was not only the man of age and builder of the constitution but is the founder of a new social order for the betterment of the downtrodden. He shaped a refined casteless society on the principle of democracy. He spent his whole life to uplift the poor, exploited untouchables and troubled classes. Hence, this chapter attempts to examine the social justice visualized by him. Before analyzing deeply the contribution of B.R.Ambedkar to the development of 'Social Justice' to the modern society of India it is essential to explain the concept of 'Social Justice'. The term social justice was coined by the Jesuit lunge Taparelh in the 1840's based on the teachings of Thomas Aquinas. It is being used indiscriminately not only by naive politicians and activists, but also by some traditionalists, shrewd statesmen, a few legal luminaries and sophisticated intellectuals.¹

The primary aim of a well ordered society, of a State is to establish and maintain justice within its borders; Philosophers have defined the word 'justice'. The Greek philosopher Cicero has said that "Justice is an intrinsic good". Plato describes "Justice is the virtue of the soul. It is good because it is indispensable". Aristotle asserts Justice is virtue implying a relation to others, it promotes the interest of another, whether he be a ruler or simply a fellow citizen" From the statement motioned above it is obvious that justice is related with wisdom, benevolence, virtue and the interest of the whole society, especially the interest of

¹ D.R.Jatava, *B.R.Ambedkar Study in Society and Politics*, National publishing House, Jaipur, 2001, p.101.

the weak. Hence, the idea of justice is all inclusive.²

The nature of justice is really complex because of its multidimensional base. It is a process, a complex and shifting balance between many factors. It is a moral order. It has always evoked ideas of equality. Rules and regulations, right and righteousness are concerned with equality in values. It also means protection of legal rights. Taking into consideration of these aspects B.R.Ambedkar precisely made it clear that justice is simply another name of liberty, equality and fraternity³ The tasks of justice are the just allocation of advantages and disadvantages, preventing the abuse of liberty, the just decision of disputes and adapting to change. In administering the justice, there are three types in it. They are natural justice, distributive justice and corrective justice. Natural justice refers to the rules and procedure to be followed by a person or body with duty of adjudicating upon disputes between the rights of others such as requiring such person to act fairly, in good faith, without bias and in a judicial temper after providing opportunity to be heard. Distributive justice is based on the principle of equals. The corrective justice seeks to restore equality where it has been distributed because of some kind of wrong doing.⁴ Social justice is a form of justice. It means what is socially just. It varies with time and space. It is a dynamic term which provides sustenance to the 'rule of law' It helps in the establishment of just social structure by removing social and economic inequality with the help of law on the one hand and ensures freedom for optimal personality development of the individual on the other. It also tries to remove the structural inequalities and to equalize by providing special opportunities to the weaker and vulnerable section of society.⁵

² S.Mohan, *Social Justice in India*, All India Reporter, Anand publication, New Delhi, Vol.-2
1995, p.100

³ D.R.Jatava, *Ibid.*, pp.102-108

⁴ B.R.Ambedkar, *Writing and Speech*, Vol- 6, p.134.

⁵ Mohammad Shabbir, *B.R.Ambedkar study in Law and Society*, Rowat publications, Jaipur, 1997
p.79

The Concept of Social Justice

Plato defined social justice as, “the principle of a society consisting of different types of men who have combined the impulse of their need for one another and their concentration on their combination in one society and their concentration on their separate functions, have made a whole which is perfect because it is the product of image of the whole of the human mind”. In modern times the term social justice was first used in 1840 by a Sicilian priest, called Luigi Taparelli d’ Azeglio. However, Antonio Rasmini Serbasti gave the term prominence in his work, *La constitution Civile Secodo La Giurtizia Sociale* in the year 1848. Further, in a series of articles beginning with “Justice as Fairness” John Rawls propounded a contractualist theory of Justice as it applies to institutions and practices. It is based on the notions of fairness and reciprocity. Rawls believed that his theory of justice is an improvement over utilitarian accounts of justice as maximum welfare.⁶

Social Justice Defined

The term social justice was actually a foreign to India particularly drawn from United States of America, as it was much influenced by Americans when B.R.Ambedkar was studied at Columbia University. He has learnt what social justice was meant in Americans society, The third president of America, Thomas Jefferson who was hailed as the high priest of democracy, during his second election speech declared that he had participated in the presidential election with promises in his own words. He had sworn upon the altar of god, to raise extent hostility against any form of tyranny over the mind of man.⁷

Meaning and Definition of Social Justice

Social Justice being a multi-dimensional concept has been viewed by scholars of law, philosophy and political science differently. The term social

⁶ B.R.Ambedkar, *Dr. Babasaheb Ambedkar Writing and Speeches* Vol-1, Education Department, Government of Maharashtra, Mumbai, 1979, p.365.

⁷ B.R.Ambedkar, *Dr. Babasaheb Ambedkar Writing and Speeches*, Education Department Government of Maharashtra, Mumbai, 1979, Vol-11, p.110.

justice is quite comprehensive. Social Justice is a bundle of rights, it is balancing wheel between haves and have not's. It is a great social value in providing a stable society and in securing the unity of the country. In general, Social Justice may be defined as "the right of the weak, aged, destitute, poor, women, children and other under-privileged persons". According to, Justice is not something which can be captured in a formula once or for all, it is a process, complex and shifting balance between many factors.⁸ The tasks of justice are "The just allocation of advantages and disadvantages, preventing the abuse of power, preventing the abuse of liberty the just decision of disputes and adapting to change".⁹ Justice may be natural Justice or distributive justice. Social justice is basically a term which provides sustenance to the rule of law. It has a wider connotation in the sense that it includes economic justice also.¹⁰ It aims in removing all kinds of inequalities and affording equal opportunities to all citizens in social as well as economic affairs. thus the aim of social justice is remove all kinds of inequalities based upon Caste, race, sex, power, position, wealth and brings about equal distribution of the social justice is a balance between social rights and social controls.¹¹

Theories of Social Justice

Ancient, medieval and modern societies envisaged justice in their own way. The concepts of social justice vary in the course of time.⁴ Hinduism prescribes the Varna shrama Vyavastha to meet the demand of natural and social justice. It enforces all the people to do their duties and follow the rules honestly. According to Plato social justice means to have and do what is suited to one's capabilities and place in society in accordance with natural aptitudes. The Buddhist idea of social justice is grounded in human love and fellow feelings. The follower of Jainism seeks social harmony and justice through righteous conduct of the individual. The

⁸ Surendrasingh (ed.), *Dr. Ambedkar Contribution to Social Justice*, Rawat publication, Jaipur, 2005, p.78.

⁹ *Ibid*, p.79

¹⁰ *Ibid*, pp.80 -85

¹¹ H.Nazeer Khan, *B.R. Ambedkar on federalism, Ethnicity and under Justice*, Deep & Deep Publication, New Delhi, P.151.

theistic religions like Islam, Judaism and Christianity have based their concept of social justice on Divine law like that of Hinduism. Sikhism emerged as the defender of Social Justice by criticizing *Varna* rules, orthodox rites, metaphysical subtleties, and social alienation among different groups, cruelties of caste and untouchables and religious fundamentalism. It elevates the social and moral attitude of Indian social life thereby paving the way for social justice grounded in secular equality of all human beings. In modern India the social outlook has shifted from God to man, from metaphysical to empirical, from theology to sociology and from transcendental justice to social justice.¹²

The British rule in India brought with it some new dimensions to the concept of social justice. It proclaimed all are equal before law. It was a landmark in the social history of India. During this period the moral and religious concepts were redefined in relation to people's needs and pressures of time. On the world level thinkers like Mary, Engles, Lenin and Mao thought of justice as the establishment of the 'socialist society' where in all kinds of injustice and exploitation Especially the economic one is abolished by law and the state power is controlled by the dictatorship of the proletariat. The economic content of justice is the main plank in the socialist way of life.¹³ During the Gandhian era the spirit of patriotism and nationalism were added to the concept of social justice. Gandhiji believed that the establishment of *Sarvodaya* Society would deliver the principles of social justice. According to him the *Sarvodaya* Society aims at the welfare of all citizens. The people of this society adhere to the principles of truth, non-violence and faith in God.¹⁴

B.R.Ambedkar and justice have become synonymous. His name was a honoured and placed prominent in the new social order of modern India. His

¹² D.R.Jatava, *Op,cit*, p.110.

¹³ Ibid, pp.101-115.

¹⁴ B.R.Ambedkar, *Writing and Speech*, Vol-6, pp.460-465.

social background paved the base for his refined thinking. His bitter and heart rendering experience in life, relentless struggle against caste ridden Hindu society of conservatism, reaction, inequality, injustice, and exploitation made him to think rationally. His approach to men and affairs profoundly influenced his socio-political ideas which centered round justice very prominently. Liberal democracy, constitutionalism, socialism, socio-political modernization also constitutes the most important ingredients of his social and political thought. He was not an abstract thinker. As a realistic leader, indefatigable fighter and able statesman of public affairs, his contribution to social, political thought is of no mean order. B.R.Ambedkar's concept of social justice is taken as an expression of moral and religious fellow feeling because of its stress on liberty equality and fraternity.¹⁵ It is true that his concept emanated from the social situation of India wherein the depressed classes, despite their worth, merit, education, wealth, top positions in Government and the like, are the victims of social injustice and discrimination. It is simply for the reason that they were born in the families of lowly castes.¹⁶

B.R.Ambedkar gave new directions to the national cause by fighting the many fronts of social, economic, political, educational, religious and cultural. He wanted to establish a state of society in this country in which every man would have equal value in all domains of life such as Political, social and economic. For him the democracy was a way of life. According to him the fundamental elements of democracy are liberty, equality, fraternity reason, human experience, the rule of law, natural rights and an emphasis on the individual in social relationship. He thought that democracy and caste system could never go hand in hand. So, he emphasized the abolition of caste system in India. In short his vision of new social order is based on liberty, equality and community.¹⁷ It is evident from this that the

¹⁵ S.R.Bakshi (ed.), *Op.cit*, p.155.

¹⁶ Dr.Baba Saheb Ambedkar, *Writings and Speeches*, Department of Education, Government of Maharashtra, 1987, Vol.3, p.156.

¹⁷ *Ibid*, pp.159-160.

crux of his social justice is ‘community’ B.R.Ambedkar’s vision of new social order is obviously in contrast to the Gandhian concept of *Sarvodaya Society*. Gandhiji and B.R.Ambedkar concurred in the use of non-violence as the weapon to achieve their goals. But they differed in the basic principles of their visions of new social order. While Gandhiji adopted a soft approach in eradicating the evils of caste system from Hindu society, B.R.Ambedkar vehemently condemned the followers of casteism and strongly pleaded for stern action to abolish caste system itself. His famous book called ‘*Annihilation of castes*’ was logic on fire. His observations were pinching and pungent, piercing and fiery, provocative and explosive. It was like silver nitrate to gangrene to the caste Hindu mind.¹⁸ It is so even today to the reader. It would open the eye to reason of any traditional Hindu. It is to be noted in this connection that during the freedom struggle, his emphasis on issues related to social justice forced the leaders of the national movement to taken up as a part of the agenda associated.

It reveals that B.R.Ambedkar’s idea of Social Justice deviates from that of with the main demand for freeing the country from the chains of colonialism. With the main demand for freeing the country from the chains of colonialism.¹⁹ B.R.Ambedkar convinced with the principles of ‘Socialism’. He remarks, “One man, one value in all walks of life, political, economic and social”. This ideal of “one man one value” is to be achieved by stopping religious, economic and social exploitation of man by man.²⁰ Absence of exploitation in any form is an essence of socialism. According to B.R.Ambedkar, Socialism embraces not only economic equality but also social and political equality. As a socialist he accepted most of the principles of Marxism which was popular during his period. Marx’s theory of violence was not agreeable to him. When force of violence is sowed,

¹⁸ S.R.Sharma, *Life and works of B.R.Ambedkar*, Endive publishers, New Delhi, 2006, p.62.

¹⁹ Ram Puniyani, *Striving for Social Justice, Channai, The Hindu December*, 28, 2002, pp.11-14.

²⁰ Ghanshyam Shah (ed.), *Dalits and the State*, Concept publishers, New Delhi, 2002, p. 273

massacre, looting, burglary and seduction are cropped. So, as a follower of Ahimsa he discarded violent methods to achieve his goals. In this respect it is evident that his concept of social justice differs from Marxism. B.R. Ambedkar's theory of social justice is distinct from other theories such as Marxism, and Gandhism. So his ideology of Social Justice is named as Ambedkararism after him. Ambedkarism has been popularized not only in India but also in other countries. It is seen as a genuine vehicle of social mobility. B.R. Ambedkar tried his level best to put in action his ideology of social justice in all possible ways. However his contribution to Social Justice is being analyzed in this chapter in four categories.

1. Contribution to emancipation and development of Scheduled Castes.
2. Promoting in last of minorities
3. Raising the status of women.
4. Betterment in the conditions of labour.²¹

Emancipation and Development of Scheduled Castes

B.R. Ambedkar was the chairman of the Indian Constitution Drafting Committee. Out of his earnest efforts and sensible arguments favorable laws were enshrined in the Constitution to protect the Scheduled Castes. In the Constitution of free India all the Indian citizens have been guaranteed political and social equalities. The builders of Constitution gave more importance to social justice than to economic and political justice. The Constitution taken some important decisions to root out the difference created by the caste system of the country. According to it there is a provision of 15 percent reservation to Scheduled Castes and 7 ½ percent to Scheduled Tribes. 22.5 percent reservations have been given to them not only in Government services, admissions in educational institutions but also in State Assemblies and the country's parliament seats.²²

²¹ Sing Surendra, *Dr. B.R. Ambedkar Contribution to Social Justice*, Kalpaz publication, New Delhi, 1997, p.323

²² Sanjoy Prakash Sharma, *Ibid*, pp.131-135.

Fundamental rights and directive principles are enshrined in the Indian Constitution to achieve the noble goal of equality. Fundamental rights represent the limit of the State's actions where as directive principles are obligations and duties of the State government and social government. Article 14 of the Constitution makes all are equal before law. Articles 15 and 16 are the instruments to achieve social justice for economically, educationally, and socially downtrodden people. Untouchability has been abolished under Article 17 of the constitution. Thus the Indian Constitution gives ample opportunities and legal support to the present men and movements for social justice.²³

Minorities

B.R. Ambedkar argued that the untouchables are to be classified as 'Minorities' in Hindu Society. Compared to the caste Hindus, the out castes being untouchable are lesser in number. They are to be treated as social minorities like religious and linguistic minorities. Even in 1930 B.R. Ambedkar said, "To say that this country is divided by castes and creeds and that it cannot be united self-governing community unless adequate safeguards for protection of minorities are made a part of the Constitution". Again, he prepared a statement on "states and minorities" and submitted to the Constituent Assembly on behalf of the All India Scheduled Caste Federation. It depicts the blueprint of his model of economic development. It is to be noted here that necessary safeguards were made in the Indian Constitution to protect the minorities of any kind.²⁴

Women

B.R. Ambedkar's contribution to the betterment and progress of women is unique. He encouraged women and women's organizations in his public career.

²³ Mohammad Shabbir, *Op.cit*, p.104.

²⁴ Bijay K. Barnwal, *Dr. B. R. Ambedkar's Quest for Gender Equality It's Relevance in Contemporary Feminist Discourse*, Online International Interdisciplinary Research Journal Volume- IV, Issue-II, March-April, 2014, pp.239-240

He believed that they could render great services to create social justice in India. When he was the Law Minister, he introduced the Hindu Code Bill in the parliament in 1951. It protected the rights of women and provided safe guards from hardship.²⁵ It granted right over property to women and share to daughters from the parents property. It also granted the right to divorce. Further it insisted the consent of the wife to the adoption of a son by the husband and a daughter was permitted to be adopted due to vehement opposition this bill was let down in a tragic manner. Disappointed B.R.Ambedkar to keep his self respect resigned his post and came out of Nehru's cabinet. It is evident from this that he had respected women and fought for their rights.²⁶

Labour

Yet another front where B.R.Ambedkar wanted to perpetuate the rule of social justice is 'labour' He was the prime mover, promoter of social justice and the creator of human rights, stressed the need of improving the conditions of labour classes providing to them adequate wages, health care, compulsory insurance or social security and the educational opportunities to their children. He was in favors of trade unions. He demanded adequate wages, sufficient health care, old age pension, provident fund, and equal wages for women folk, education for the labour children. He also stressed the need for the removal of bonded labour, child labour, beggar, landlordism and monopoly system.²⁷ On different occasions B.R.Ambedkar dealt with the problem of landless labourers, small holdings, Kholi system, Mahar, Watan, collective farming, land revenue, currency system and abolition of landlordism. He advocated the nationalization of industries and agriculture as the way to social equality and economic welfare of

²⁵ M.Vaishali Dhanvijay, *Dr. Babasaheb Ambedkar's Efforts for Women Empowerment and Present Status of Women in Society*, Electronic International Interdisciplinary Research Journal, Volume-I, Issue, April 2012, p.259.

²⁶ S.R.Sharma, *Op.cit*, pp.70-75.

²⁷ D.R.Jatava, Ambedkar, *The Prime Mover*, ABD publishers, New Delhi, 2004, pp. 85- 87.

the common masses. His model of economic development represents a modified form of state socialism. It reveals that he had included the welfare of the working class also in his theory of social justice. Thus, B.R.Ambedkar always stood for the interests of all those who had suffered at the hands of elite classes and exploiters. He was a true humanist. Hence, his theory of social Justice may be called as 'Social Humanism'.²⁸

B.R.Ambedkar and Social Justice

There is an article on entitled 'Ambedkarism and Republic of Rage authored' by the makes a significant observation that Ambedkarism is seen as a genuine vehicle of social mobility. It has been said therein with reference to recent desecration of one of the statues of B.R.Ambedkar at Kanpur in (Uttar Pradesh) that there are more statues of B.R. B.R.Ambedkar in India than any other historical person of the last millennium. This fact of the statues was acknowledged even now whose reaction thereto led him to write a very long book of vilification against B.R.Ambedkar already mentioned. As had felt that the particular pain from the said fact when he found that the number of statues of B.R.Ambedkar far exceeded those of Gandhi. B.R.Ambedkar himself would have hated being a statue. He finds support from B.R.Ambedkar following remarks made in 1943.²⁹

"India is still par excellence a land of idolatry. There is idolatry in religion and in politics. Heroes and hero-worship is a hard if unfortunate fact in India's political life. Hero worship is demoralising for the devotee and dangerous for the country." As in his said book already referred to finds B.R.Ambedkar statues aesthetically repugnant and symbolic of the bankruptcy of the dalit leadership, as if all the statues all over the country and abroad, had been installed and funded by dalit leadership. The fact of the matter is that most of the statues of B.R.Ambedkar have

²⁸ *Dr.Balasaheb Ambedkar's Writings and Speeches*, Government of Maharashtra, Vol-4,1979, pp.396-397.

²⁹ K.L. Bhatia, *Dr. B.R. Ambedkar: Social Justice and the Indian Constitution*, Deep &Deep Publication, 1994, p.110.

been installed as a consequence of regular resolutions of elected bodies at different levels, with the help of public funds. It can, of course, be conceded that the demand could have originated with certain groups of Dalits.³⁰

B.R. Ambedkar's vision and life truly stands at the junction of the old and the new; coming from the depths of the society marked by hierarchies of inequality and involved complexities of fixed exploitation to a leading role in the formation of a new order, symbolized by his role in the drafting of India's Constitution, symbol of a new order, B.R. Ambedkar was indeed a man marking the beginning of an era, a man whose life and thought encompassed both analysis of, rage about and struggle against the old exploitation and the visions of the new society. Gail Omvedt, was among the first intellectuals to suggest that B.R. Ambedkar was the real man of millennium as compared to rather bewildering collection of Indians. She had declared in unequivocal terms as follows. While Indira Gandhi and Mahatma Gandhi's names have been taken around the world as important figures of the millennium, it is neither they nor any other of the rather bewildering collection of Indians mentioned but B.R. Ambedkar who has to be considered India's man of the millennium.³¹

Gail Omvedt clarified, "It was stood within the Indian tradition of modernism, justice, freedom and equality and who gave the ideals of the French revolution local form and shape. I am using strong words here because the debate over these values is raging sharp and fierce today in India, because Babasaheb Ambedkar himself used strong words and took sharp positions on the issues involved, issues of development, freedom and equality".³²

Evolution of B.R. Ambedkar's Thinking

The evolution of B.R. Ambedkar's thinking can be seen through his own

³⁰ S.L Dhani, *Dr. B.R. Ambedkar man of Millennium for Social Justice*, Kalpaz Publications , New Delhi, 2007, pp.276-280.

³¹ *Ibid*, p. 281.

³² Dhanarajay Keer, *Dr. Ambedkar Life and Mission*, Popular Prakashan Publication, Bombay , 1961, p.33.

periodicals, namely, Janata, Bahishkrut Bharat and Prabuddh Bharat. The last mentioned one was obviously the end result of his social philosophy. Prabuddh Bharat literally means the Enlightened India, which apparently signifies India of rationality and science that would link her with the most developed nations Europe, of America, and of Japan and China. B.R.Ambedkar's vision of a new social order can be summed up in three words taken from the great slogan of the French revolution, "liberty, equality, fraternity." Gail Omvedt prefers to change the final term to "community" as according to these "Liberty, Equality and Community" are the three most important components of a human vision for the new millennium.

B.R Ambedkar's vision of a new social order is obviously in contrast to the Gandhian and eco-romanticist position. His vision is more in conformity with Marx who had conviction that the history brought with it an advance in human welfare. Marxist believed that the forces of production bring with them an advance in human capacities and in freedom. The Indian traditionalists believe that all advancement is simply a phase in endless cycles or final degeneration. On the other hand, B.R.Ambedkar believed that human history is a history of progress, a forward movement.³³

Against Preaching Gospel of Poverty

Gail Omvedt mentions Maria Mies arguing that the French revolution is finished; its ideals cannot be extended to dalits, women or other sections of the marginalised in the world, and we must turn away from this vain effort to achieve "growth" to acceptance of a society based on limited needs, subsistence production. Gail Omvedt discloses that B.R.Ambedkar himself gave a very early answer to the romantic citation of a pre-industrial life and to the morality of "simple needs" in a 1918 essay reviewing a book by Bertrand Russell as under. At a time when the whole world was living in 'pain economy' as did the ancient world and when the

³³ Shyam Lal, *B.R.Ambedkar and Social Justice, Ambedkar and National Building*, Rawat Publication, Jaipur.1998, p.235.

productivity of human labour was extremely low and when no efforts could augment its return, in short, when the whole world was living in poverty it is but natural that moralists should have preached the gospel of poverty and renunciation of worldly pleasures only because they were not to be had.³⁴

No Acceptance of Economic Interpretation of History

While settling his accounts with Marx he declares, "Nobody now accepts the economic interpretation of history as the only explanation of history" Apparently, B.R.Ambedkar has moved from a form of economic materialism to idealism as the main force in history. His life work concludes with his religious and spiritual concerns, and much of his writing on Indian history emphasises the ideal-ideological factors. In his *Revolution and Counter-Revolution*, he classifies its stages in religious terms: Brahminism, Buddhism and Hinduism.³⁵

His writings show that B.R.Ambedkar was seriously concerned to have a rigorous scientific method and his orientation is very much towards the material world. He never denies the role of material factors and economic impulses as a necessary part of any overall historical and social explanation. According to Gail Omvedt B.R.Ambedkar's specific. His economic theory, it has been recently and convincingly argued, was a quarrel one, with concerns for responsible government financing that would be welcomed by liberalizers today. He retained of course, an important concern for the role of the state, but he certainly beheld the potential the market and trade for increasing individual and national wealth.³⁶

The on this subject deeply and truly, we need to go into those pitiable conditions which demand it, and in its own pensive way, made it an inevitable slogan for men and movements. Consequently, the discussion on social justice has become a common talk of the people. The word 'social justice' is being used

³⁴ R.G.Ayyanger, *Nantes on Indian Constitution*, Natesan & Co, publishing, Madras, 1954, p.18

³⁵ Ekta Singh, *Caste System in India A Historical Perspectives*, Kalpaz publications, New Delhi, 2003.p.104

³⁶ S.L.Dhani, *Op. cit*, p.282.

indiscriminately not only by naive politicians and activists, but also by some traditionalists, shrewd statesmen, a few legal luminaries and sophisticated intellectuals. No doubt, need for social justice has never been felt stronger than today because of the wide-spread awareness and longing for it among those who have been the victims of injustice and inequality. Yet the concept of social justice requires an in-depth clarification so that its demand may adequately be propagated among the people in right perspective. This section, therefore, aims at investigating the nature of social justice and its varied implications with reference to the Indian Society and Constitution.³⁷

Ideas of Justice

The primary aim of a well-ordered society of a State, is to establish and maintain justice within its borders. It is, however, not altogether easy to make clear the idea of Justice. It may be explained in certain terms which may lead us towards a better understanding of the general conception of Justice. Why do people prefer justice to injustice? Justice, in fact, is more profitable than injustice. Injustice makes human beings quarrel and fight with one another; whereas justice makes them friendly and of one united mind. Injustice is ranked with ignorance, greed and violence; while justice is related with wisdom, benevolence and virtue. Almost all the thinkers of the world have explained and eulogized justice in various ways. Let us, therefore, look into some of the ideas of justice in order to grasp the spirit of Social Justice.³⁸

To begin with Cicero, "Justice is an intrinsic good." The doctrine of Pythagoreans stressed that "every citizen should have his special place assigned to him in a just social order." To Plato, "Justice is the virtue of the soul. Justice is good, because it is indispensable. Justice is the attribute of an individual, but also of a whole city." One may agree with Plato, but hardly with his contemporary Thrasymachus, who defined justice as "an interest of the strong". It could be

³⁷ Ekta Singh, *Ibid*, p.105.

³⁸ Plato, *Republic, Bk., Ibid*, p.106.

obtained even in the acts of injustice indjnocence if need be there.³⁹

Therefore, Socrates, injustice, when great enough, is mightier and freer and more masterly than justice; and, as I said at the start, justice is to the advantage of the stronger. But injustice is profitable and advantageous to oneself." Socrates disagreed and tried to convince him, "no art or government provides what is for its own benefit, but, it provides and prescribes what not the advantage of the stronger is for the benefit of the subject, seeking the advantage of him who is weaker,. It was for this reason, that no one of his own will becomes a ruler and undertakes to set straight the misfortunes of others." In a similar way, Aristotle asserted that "Justice is a virtue implying a relation to others, for it promotes the interest of another, whether he is a ruler or simply a fellow-citizen." It is obvious here that justice is related with the interest of the whole society, especially the interest of the weak, even though it is a virtue of the individual.⁴⁰

The idea of justice is all inclusive. It is not only an intrinsic good, not merely something rooted in man's feeling, it has also a direct relation with rights and obligations. Justice, in fact, goes beyond the virtue of the individual. For a "social order can exist only when there are rules of law and justice with objective and universal validity and independent of the subjective individual will. Justice, then, is a virtue whereby to fulfill the juridical obligations" This idea has been well explained by Prof. Hart, "that individuals are entitled in respect of each other to a certain relative position of equality or inequality. This is something to be respected in the vicissitudes of social life when burdens or benefits fall to be distributed; it is also something to be restored when it is disturbed. Hence justice is traditionally thought of as maintaining or restoring a balance or proportion, and its leading precept is often formulated as 'Treat like cases alike', though we need to add to the

³⁹ D.R. Jatava, *Dr.B.R. Ambedkar Study in Society and Politicals*, National Publications, Jaipur, 2001, p.100.

⁴⁰ Krishnan, P. S, *Dr. B. R. Ambedkar Chair in Social Justice*, National Publication, New Delhi,2009, p. 264.

later 'and treat different cases differently.'⁴¹

The nature of justice is really complex because of its multidimensional base. Yet Prof. Bergson has expounded the principle of justice in clear terms. For him, "the principle of justice is a compendious one and includes most of other principles which have become the foundation of a moral order. Justice has always evoked ideas of equality, of proportion of compensation. Equity signifies equality. Rules and regulations, right and righteousness are concerned with equality in value. If all men are equal, all men are of the same essence and the common essence entitled to them to the same fundamental rights and to equal liberty." Adding to it, his own definition of justice, B.R.Ambedkar precisely makes it clear that "justice is simply another name for Liberty, Equality and Fraternity."⁴²

This idea of justice may also be identified with the term 'sameness' as was revealed by Brunetto Latini: "Just as justice is an equal thing, so injustice is unequal; and thus he who wants to establish justice tries to make equal the things that are unequal." Yet, underlying every discussion of justice there is the recurrent theme of identical treatment, of the same measure and proportion for all. When it is said, "To each his due" it means "that each should have a fair share, and a fair share means that unless there is some justification for acting otherwise, shares should be approximately the same that justice demands the same treatment for the same differences." The idea of sameness intrinsically implies the ideals of equality and fraternity to be included when shares of society, or benefits of the State, are distributed to its members. To David Hume, justice is not a 'natural virtue'. Rather it is an 'artifice' for it arises from circumstances and necessities of mankind. Though the rules of justice may be artificial, yet they cannot be arbitrary, because the idea of justice is related to sympathy and public interest.⁴³ It is morally

⁴¹ Sanjay Prakash Sharma, *Dr. B.R. Ambedkar of Social Justice*, RBSA, Publishers, New Delhi, 2003, p.98

⁴² *Ibid*, pp.99-101.

⁴³ B.R.Ambedkar, *Writings and Speeches*, Vol- 3, 1987, p.25.

approved and is based on human convention having developed out of 'self-interest'. "And thus justice", Hume observed, "establishes itself by a kind of convention or agreement; that is, by a sense of interest, supposed to be common to all, and where every single act is performed in expectation that others are to perform the like. It begins with the individual and ends in public interest with sympathy towards people's miseries. Since the idea of justice has assumed numerous forms, self-interest as the original motive to the establishment of justice seems to be remote in modern times."⁴⁴

Thinkers like Marx, Engel, Lenin and Mao thought of justice as the establishment of the 'Socialist Society' wherein all kinds of injustice and exploitation, especially the economic one, is abolished by law and the state power is controlled by the dictatorship of the proletariat. The economic content of justice is the main plank in the socialist way of life. Prof. Laski eulogized the socialism of Karl Marx, for it was, in fact, grounded in humanism which aimed at equality of all human beings; but he added to 'economic equality' an idea of freedom. Equality involves up to the margin of sufficiency and identity of responsibility to primary needs and this is what is meant by justice. The significance of freedom is that it encourages people to do what equality requires from them. Prof. Laski held that socialism and fellowship is the same thing and to him, the socialists look to be happy in an egalitarian socialist world.⁴⁵

In Prof. Brecht's view, "There are a number of prima vista indications that all ideas of justice, all varieties of thinking and feeling regarding justice have something in common." For him, such ideas exist everywhere as a distinct category of ideas; the term 'justice' or its equivalent exists everywhere; human longing for justice is so universal a factor that no one in public life can neglect presenting his acts as just; and we can easily construe an action either just or

⁴⁴ V.R.Krishna Iyer, *Social Justice Ambedkar*, ADC Publication, New Delhi, 1987, p.55.

⁴⁵ A. Laski Harold, *A Grammar of Politics*, Macmillan Publication 1925, p.270.

unjust as the case may be in the existing situation.⁴⁶ "In view of these prima vista indications", Prof. Brecht concluded, "we have good cause for supposing that the universal term justice responds to a universal human need of expression, not only in acquiescence with existing laws but also in criticising them for lack of justice, and that this universal need relates to a feeling that has at least some elements in common. We have good cause for supposing, further, that these elements must be very important for human nature, since they are tied up with such passionate feeling."⁴⁷ In other words, the ideas of justice cannot be dispensed with easily by any society, or a government, in any age. It may be asserted here that the ideas of justice are diverse and unique. Yet their indications are clear. Justice, even being considered to be an individual virtue, is social in its application, and is based on certain obligations, rights and duties.⁴⁸ It is grounded not only in morality and religion, but also in law and constitutional order. Justice regards all human beings equal in the midst of natural and social inequalities so that they could be minimized through the practice of fraternity. The rules of justice are man-made. They are not absolute and immutable, but are subject to change when circumstances and necessities of human societies so arise. Justice, thus, envisages a well-ordered society to carry on its rules with responsibility and also a well-ordered State to make them effective by its authority in people's life.⁴⁹

The spirit of Social Justice

The Social Justice continued to emanate from human situation with an urge for national freedom and political emancipation during 19th century India. To the concept of social justice was added the spirit of patriotism and nationalism. That is, the people of all creeds and communities started thinking that all the patriots and nationalists were equal citizens of India. They had to be united in

⁴⁶ Brecht, *Arnold, Political Theory*, SPCK Publication, New Delhi, 1970, p.389.

⁴⁷ *Ibid*, p.390.

⁴⁸ B.R.Ambedkar, *The Buddha and His Dhamma*, Siddharth Publication, Bombay 1957, pp.439 - 467.

⁴⁹ Hume, David., *A Treatise of Human Nature*, Cambridge University Press, London, pp.270 - 275.

order to fight against the political subjugation of and economic exploitation by the British rulers. The poor economic convinced that only in a free India, they could hope for a just social and political order, economic welfare, educational advancement, moral regeneration and democratic liberalization.⁵⁰ An end to social evils like caste cruelty and untouchability was also visualized, and a free India was also a hope for the emancipation of the shudras the untouchables, the tribes and other Backward Classes of India. That is why all people aimed at political freedom for justice in all the spheres of national life. The political freedom was expected to be processed into an instrument of social solstice. We got political freedom in partition in 1947 and framed a new constitution for independent India incorporating in it some provisions for achieving the goal of justice, Social, Economic and Political, with all its ramifications.⁵¹

Constituent Assembly Debate on issues related to Social Justice

The proposal relating to the incorporation of social and economic rights as non justifiable rights in the constitution did not initially find favor with some members of the sub-Committee on Fundamental Rights. At the first meeting of the subcommittee held on February 27 1947, Alladi Krishnaswami Ayyar saw no use in laying down in the constitution precepts which would remain unenforceable or ineffective. A similar view was expressed by K.M.Munshi, M.R.Masani and B.R.Ambedkar, The opposition to the proposal did not, however, remain formidable for long, and gradually most of the members of the subcommittee including B.R.Ambedkar, realized that it was not practicable in the context of the then socio economic conditions of the Indian society after about 200 years of the British colonial exploitation to categorize declarations of social and economic policies as justifiable rights.⁵² However, while including them as the Directive Principles of State Policy, our constitution makers gave a mandate Article 37 that

⁵⁰ B.R.Ambedkar, *Writings and Speeches*, Vol- 3, *Ibid*, p. 469.

⁵¹ D.R. Sadanshiv (ed.), *Law and Social Justice*, ADC Publication, New Delhi, 1978, p.69.

⁵² B.R.Ambedkar in *Constituent Assembly Debate Speech*, Vol-7, pp. 540 – 545.

these principles, though not enforceable by any court, are nevertheless fundamental in the governance of the country and it shall be the duty of the state to apply these principles in making laws introducing the draft constitution in the constituent assembly on November 4 1948, B.R.Ambedkar said very forthrightly that though the directive principles had no legal force behind them, he was not prepared to admit that they had no sort of binding force nor was he prepared to concede that they were useless simply because they had no binding force in law.⁵³

Taking cue from these deliberations, B.R.Ambedkar, while introducing the Draft Constitution in the Assembly pointed out very poignantly, “ We have in this country a uniform code of laws cornering almost every aspect of human relationships we have uniform and complete criminal code, we have the law of transfer of property which deals with property relation and which is operative throughout the country, I can cite innumerable enactments which would prove that this country has practically a civil code, uniform in its content and applicable to the whole of the country”.⁵⁴

Social Justice and Equality Social System

As earlier referred to, "Justice", for B.R.Ambedkar, "is simply another name for Liberty, Equality and Fraternity." This forms the corner-stone of B.R.Ambedkar's concept of Social Justice. It upholds the dignity of human personality. As the chief architect of India's Constitution, he got it shaped clearly on the values of justice, liberty, equality, fraternity and dignity of man. These ideals of social justice denote brotherly relations of a citizen with every other citizen in our society; and it abhors caste-barriers between man and man; and demands respect for all citizens from everyone. The spirit of social justice here gives significant place to mutual regard and responsibility in social life.

Though India got political freedom and established political democracy; yet

⁵³ D.R.Jatava, *B.R.Ambedkar Study in Society and Politics*, National publishing, New Delhi, 1998, p.118.

⁵⁴ B.R.Ambedkar *in Constituent Assembly Debate Speech*, Vol-7, p. 550.

as B.R.Ambedkar observed that, the Indians must not be content with mere political democracy. "We must make our political democracy a social democracy as well. Political democracy cannot last unless there lies at the base of it social democracy. What does social democracy mean? It means a way of life which recognizes Liberty, Equality and Fraternity as the principles of life. These principles of liberty, equality and fraternity are not to be treated as separate items in a trinity. They form a union of trinity in the sense that to divorce one from the other is to defeat the very purpose of democracy,"⁵⁵

To B.R.Ambedkar, liberty been playing a significant role to shaping human personality. It is grounded in freedom of thought, expression, belief, faith and worship, and with it, man becomes and grows rich. The philosophy of Social Humanism takes social justice as a whole system, a broad system in itself, which encompasses all other aspects of justice. If the common interest, or common good, is the main criteria of social justice, the social justice forms a broad spectrum by itself. A social system rarely exists in isolation. All other aspects of justice operate in relation to a social system.⁵⁶ When some members of a society pursue conflicting aims, the oppressive measures maim and kill the spirit of common interest, then arises the need of justice, a social system with its various resources tries to ensure justice to all. To be more precise, if we take the entire Indian society as a composite system, we have then to look at it as a social system in its oneness. There is no doubt that India has different castes and communities, yet we have one Constitution which considers India to be a united whole. Hence all Indians form one social system comprising of all citizens, whether they are Hindus, Buddhists, Janis, Sikhs, Muslims, or the Christians. This is the cornerstone of social unity and justice in all its ramifications with reference to India's, Constitution.⁵⁷

⁵⁵ Dr.B.R.Ambedkar in *Constituent Assembly the Constitution of India*, Speech delivered by on 25.11.1949, pp.350-352.

⁵⁶ Babasaheb Ambedkar, *Writings and Speeches*, Vol-3, p.225.

⁵⁷ D.R.Jatava, *Op, cit*, pp. 210-220.

Protector of Justice and Rights

To all of us, the name of B.R.Ambedkar means a fighter for social justice as well as for human rights. B.R.Ambedkar had been a victim of injustice and inhuman treatment at the hands of religious diehards and Hindu fundamentalists. He himself realised the pangs of being an untouchable and found that only social justice and human rights could make the downtrodden people to the respectable human beings in this country. Prof, A.M. Rajasekhariah has rightly said: "B.R.Ambedkar strive his utmost to incorporate into the Constitution of India such provisions as would help establish a new social order based on the lofty principle of political, economic and social justice for one and all. He tried to bring about all the necessary changes in the Hindu society in order to make it a more democratic one."⁵⁸

B.R.Ambedkar's struggle for freedom can well be termed the noblest of all the fights enshrined in the history of mankind against oppression and injustice during the national movement in India. His relentless struggle stands glorified by the sacrifice, courage and endurance of a messianic personality. Why consider his struggle the noblest one? It is because he overcame the material hegemony of the tyrannical social system with spiritual strength in the sense of love and affection he had for his people. India has much to do to emancipate the downtrodden, but we should not hesitate to acknowledge the benefit that has accrued to millions by B.R.Ambedkar's noble struggle, the way he had shown to them in his lifetime. It was very difficult to know the psychology of the Hindus at the beginning of the 21st century when they decried the demands made by B.R.Ambedkar for an equal status and human rights for the downtrodden with the caste Hindus, He was condemned for his speeches and utterances in which he advocated and firmly stood for the freedom and equality for the dalits in India. To the diehards then, it meant equality between inferiors and superiors. Today the same Hindus have themselves realised that the dalits are still far behind the equal status and humane

⁵⁸ Shashi (ed.), *B.R.Ambedkar and Human Rights*, Ajaye Publishing, New Delhi, 1981, p.72.

treatment in their society. The Hindu freedom fighters like Gandhi and Jinnah tried to single out man like B.R.Ambedkar who were fighting not only for political freedom but also for social deliverance of the oppressed people.⁵⁹

New Vision of Social Justice

B.R.Ambedkar concept of social justice may be taken as an expression of moral and religious fellow feeling because of its stress on fraternity. It may be true, for his concept emanated from the social situation of India wherein the depressed classes, despite their worth, merit, education, wealth, higher positions in Government and the like, are the victims of social injustice and discrimination. It is simply for the reason that they were born in the families of lowly castes. This is much more a question of social justice.⁶⁰ B.R.Ambedkar concept of social justice is, in fact the expression of his 'Social Humanism' which is inherent in his basic approach to human problems. His policies and acts too, have testified that his philosophy vision of social Justice can be realized through man purity of mind and righteous conduct. B.R.Ambedkar saw its possibility in Buddhism, for it is the religion which is based on human values of secular and moral justice, liberal republican relationship, equality of all men and women, respect for wives and children, and brotherhood of all human beings. Thus B.R.Ambedkar concept of social justice emerged as a problem of respectful social life for all citizens in India.⁶¹

A Creator of Social Justice

The contribution of B.R.Ambedkar in Indian Democracy is not to be forgotten. As a Chairman of the Constitutional Committee he gave a shape to our country of a complete Sovereign Democratic Republic based on an adult franchise. Our Constitution is secular and socialist. With the provision of adult franchise many sections to eradicate unreliability have been added to the constitution. In the

⁵⁹ D.R. Jatava, *Dr. B.R. Ambedkar The Prime Mover*, ABD Publishers, Jaipur, 2004, p.78.

⁶⁰ Willoughby, *Social Justice*, Macmillan Publication, New York, 1900, pp.16-20.

⁶¹ G.H.Sabine, *A History of Political Theory*, Rawal Publishers, New Delhi, 1973, p.103.

Constitution of free India all the citizens have been guaranteed social, political and economic equalities. Our leaders began to think about it from the time of struggle for freedom of the country.⁶²

B.R. Ambedkar's name has written in golden letters in the history of India as a creator of Social Justice. This fact is doubtless. He was not only the man of age and builder of the Constitution, but also the creator of social justice and betterment of the down-trodden. He was one of the powerful man in the History of India that he can be said to be the gift of Indian Freedom Movement, If Mahatma Gandhi gave direction and lesson of morality then gave shape to social aspect without exploitation. In true sense of the word, he gave democratic and anti caste system. He spent his whole life for the poor, people exploited untouchables and troubled classes.⁶³

The Indian Government celebrated the birth Centenary of the builder of the Indian Constitution and the leader of the downtrodden. Decidedly he struggled for his whole life for allowing the social and economic justice to the exploited, neglected and troubled people of the country. So that they may spend an honorable life. B.R.Ambedkar wanted that before achieving freedom of the country for the depressed classes that should be made free from the treachery exploitation and injustice of the higher classes.⁶⁴ B.R. Ambedkar once said that do not allow being sacrificed the interests of untouchables whether our country's gets freedom or not. He wanted economic and social equalities before political equality. He tried his best that the down-trodden should get proper place in the society but he attached no less importance to the welfare of the country unity and indivisibility.

⁶² Babasaheb Ambedkar *Writings and Speeches*, Vol-3, p. 48.

⁶³ J.S.Narayan Rao, *A Creator of Social Justice*, Anmol Publication, New Delhi ,1999, p.133.

⁶⁴ J.A.Rawls, *Theiry of Justice*, Cambridge Mass Publication, New Delhi, 1971, pp.18-20.

He left the separate voting right received under 'McDonnell Award' for Harijan after Poona Agreement and thus saved the country to be spitted.⁶⁵

Constitutional Aspect—Equality and Social Justice

In the constitution of India all the Indian Citizens have been guaranteed political and social equalities. At the same time, the liberty of free expression of thoughts, faith and religion is must to every Citizenship India. The builders of Constitution gave more importance to social justice than to economic and political justice. On Equality of opportunity with individual liberty were laid much emphasised. Under section 340 of the Constitution 'Kaka Kalelkar Commission' was formed on 29th January 1953. The Government rejected the recommendations of (The Commission on 1st January 1979 'Mandal Commission' was formed. According to it the population of the backward class was 52 per cent of the total population of the Country. The Commission recommended 27 per cent reservation whereas according to Sections 15(4) and 16(4) of the Constitution it has been provided that reservation in all should not increase more than 50 per cent.⁶⁶

The Constitution takes some important decisions to root out the difference created by the caste system of the country. According to there is a provision of 15 per cent reservation to Scheduled caste and 71.1per cent scheduled tribes. 22.5 per cent reservation has been given to them not only in Government services, admissions in schools, etc. but also even in Assemblies and Parliament seats. The exploitation of exploited class for centuries has made them so feeble and mouthless that even today they have been able to get only 8 per cent reservation in Government services.⁶⁷ The Mandal Commission has recommended 52 per cent reservation to backward classes in first class administrative services but they have received only up to 4.65 per cent of the reservation. In our Constitution the part

⁶⁵ K.T.Chandy, *Social Justice and Requirements for Development*, Legal News and Views, No.6123, pp.42-45.

⁶⁶ S.R. Bakshi (ed.), *Op.cit*, pp.132-136.

⁶⁷ T. S. Rajagopala Iyengar, *The Creative Role of the Supreme Court of India*, University of Mysore, 1970, pp.21-25.

making responsible to Government for Parliamentary affairs has been taken from British Constitution. Milking the principles of equality and liberty as the base of religion. Caste, sex, special region and language there have been created no feelings of difference with anyone. Just it can be judged from the fact that Tata-Birla have the right to give one vote as ordinary men or like Rikshaw puller and grass weeded and farmers have the right of giving only one vote.⁶⁸

Under the Constitution of India

Social Justice is the concept of distribution of benefits to the people of the society. It concerns such matters as the regulation of wages and profits, the protections of person's right through the legal system and allocation of housing, medicine and other welfare benefits. Aristotle described about the distributive justice as distribution of honours or money or the other thing that fall to be divided among those who have a share in the constitution.⁶⁹ In every country constitution is the fundamental and recognized source of social justice it formulates the social justice in definite includes the status of individual, need of whatever they want it, satisfaction, wealth, education and job etc. these requirements are essential benefits for the full and dignified development of human beings.⁷⁰ In the democratic, republican states essential requirements can be achieved by human being through the Constitution of the country, according to the Constitution state is bound to distribute equal share of basic needs to the people of the society.⁷¹ In India, Constitution provides that the state as a form of social welfare organ will distribute these needs to the Indian people. The concept of social justice has been enshrined in the Indian Constitution. The fathers of the Indian Constitution had the

⁶⁸ *Ibid*, p.137.

⁶⁹ Nicoma Chean, Ethics, Vol-2, *Ibid*, p.89.

⁷⁰ J.Y. Calvez, J, Perrin (ed.), *The church and Social Justice*, Burns, AST publication, London, 1961, p.59.

⁷¹ Mohamed Shabbir, *B.R.Ambedkar on Law Constitution and Social Justice*, Rawat, Publication, Jaipur, 2005, p.130.

dream of a new social, economic and political order, the soul of which was social justice. B.R.Ambedkar was the chief architect of the Indian Constitution. He was fully aware of the pattern and problems of the society and their conflicting interests. The Constitution is a monumental example of social engineering. Social justice is not defined in the Indian Constitution but it is relative concept taking in its wings the time and circumstances, the people their backwardness, blood, sweat and tears.⁷²

The Constitution of India brings a renaissance in the concept of Social Justice when it weaves a trinity of it in the preamble, the fundamental rights, and the directive principles of state policies and this trinity is the “the core of the commitments to the social revolution.”⁷³ This is the conscience of the Constitution. The preamble of the Indian Constitution is the mirror of social justice. It provides social, economic and political justice to the citizen of sovereign, socialist, secular, democratic, republic of India. The first task of the Assembly was to formulate the objectives and the guiding principles of Indian Constitution.⁷⁴ Therefore the resolution of the preamble and objective of the Constitution was discussed in the Constituent Assembly for nine days from December 13 to 19 and January 20 and 22 of 1947. Before the actual work of the constituent Assembly had commenced in full seeing, Dr.B.R.Ambedkar proposed a memorandum on 15 March 1947 entitled “States and minorities”. What are their rights and how to secure them in the Constitution of free India? This proposed explained the aspect of social justice for minorities in free India. Although no cognizance was taken on this memorandum on the ground of academic interest. However, feeling expressed by Dr.B.R.Ambedkar in this memorandum was special to protect the minorities and

⁷² *Ibid*, p.131.

⁷³ Mohamed Shabbir, *B.R.Ambedkar on Law Constitution and social Justice*, Rawat Publication, Jaipur, 2005, P.312.

⁷⁴ Michael Navak, *Social Justice Theory*, Cambridge Mass Publication, New Delhi, 2000, p.16.

weaker section.⁷⁵ Besides, the proposed memorandum submitted, he was himself presided the meeting of draft for the preamble of the Constitution. After long debate it was passed on 26 November 1947 by the Constituent Assembly. The preamble of our Constitution declares that we the people of India, having solemnly resolved to constitute India into a “sovereign, socialist, secular, democratic, republic” and to secure to all its citizens justice, social, economic, political, liberty of thought and expression, belief, faith and worship, equality of status and of opportunity and to promote among them all fraternity assuring the dignity of the nation. This indeed is social justice guaranteed by the Constitution of India because it strives to create a “balancing wheel between freedom, political and economic indeed, makes the survival of democracy”. Dr.B.R. Ambedkar concluded the debate on the preamble in these words “I say that this preamble embodies what is the desire of every member of the house that this Constitution should have its roots its authority, its sovereignty from the people, which it has.”⁷⁶ Part III of the Constitution as fundamental rights is related to the social justice. The fundamental rights inculcate the sense of reconstruction and foster social revolution by generating equality amongst all, prohibiting discrimination on the grounds of Caste, religion, sex, creed, place of birth, abolishing untouchables and making its practice punishable by law, banning trafficking in human beings and forced labour. Moreover, the Indian Constitution has empowered the states to make special provisions for the advancement of any socially, educationally backward classes and also for the Scheduled Caste and Scheduled Tribes These provisions of the fundamental rights of the Constitution is related to the real concept of social justice.⁷⁷

⁷⁵ *Ibid*, p.18.

⁷⁶ Mohamed Shabbir, *Op,cit*, P.457.

⁷⁷ BAWS, 1990, PP.372-374.

B.R.Ambedkar's Perception of Justice

The name of B.R.Ambedkar has become synonymous to justice. His name finds a very honoured and prominent place in the pantheon of the most illustrious builders of modern India. His social background, bitter and heart-rendering experience in life, his relentless struggle against the caste ridden Hindu society the impenetrable citadel of conservatism, reaction, inequality, injustice and exploitation and his approach to men and affairs profoundly influenced his socio-political weltanschauung which centers round justice very prominently, Apart from justice the core of his social and political thought liberal democracy, constitutionalism, socialism. Socio-political modernization and steady progress through planning under the aegis of the State also constitute the most important ingredients of his social and political thought B.R.Ambedkar may not be an abstract thinker in the sense of Plato, Aristotle, Hegel, Karl Marx, T.H. Green or Mill. But as a seasoned leader, indefatigable fighter for justice and statesman of public affairs, his contribution to social, political and constitutional thought is no mean order.⁷⁸ As Chairman of the Drafting Committee on the Constituent Assembly, he brought to bear enormous influence on the making of the Constitution which was woven around the theme of justice.⁷⁹ When he was called upon to shoulder the responsibility of the Chairmanship of the Drafting Committee of the Constituent Assembly he realised if a durable, lasting and meaningful socio-political order was to be constructed to honors the country's 'tryst with destiny', it should be constructed on the solid basis of justice. In thought, word and deed he strove for justice as the central theme and foremost value round which the Constitution of free India was to be drafted.⁸⁰ Although very substantial part of the

⁷⁸ Keer Dhananjay, *Dr.Ambedkar life and Mission*, Popubler Prakashan Publication, Jaipur, 2003, pp.24-28.

⁷⁹ R.Santhakumari, *Scheduled Caste and Welfare Measures*, Classical Publishing, New Delhi, 1982, p.19.

⁸⁰ Dr Babasaheb Ambedkar, *Writings and Speeches*, Government of Maharashtra, 1998. Vol-16, pp.330- 335.

ideology of the Indian Constitution came from the socio-political and economic ideology of the Congress and titans like Mahatma Gandhi and Jawaharlal Nehru, it would not be just and desirable to minimize the contribution of leaders like B.R.Ambedkar who stood for framing the Constitution on the basis of the principles of justice social, economic and political.⁸¹

It was his unique role in framing the Constitution on the basis of the philosophy of justice that prompted scholars like Granville Austin to aptly characterise the Indian Constitution as 'the foremost social document'. If the theme of justice had not been given the place of pride and honors, it is doubtful if discerning scholars like Austin and Ernest Barker would have showered this encomium on the Constitution of India.⁸²

The most glowing tribute paid by Sir Ernest Barker, one of the most outstanding British scholars and thinkers, who quoted the entire preamble to the Constitution of India at the very outset of his work *Principles of Social and Political Theory*, bears eloquent testimony to the most honored place given to the theme of justice in the Constitution of India. Primacy and sanctity of the individual and justice. In this background it would be appropriate to analyze how B.R.Ambedkar's perception of justice runs majestically through the Constitution.⁸³ The Constitution that emerged from the Constituent Assembly not only honored the country's 'tryst with destiny' but turned out to be the most brilliantly written autobiography of social revolution. and a monumental essay on justice, social, economic and political. In accomplishing this wonderful task of constitutional engineering, B.R.Ambedkar's role was of no less consequence. His social background and his crusading mission of fighting the deeply entrenched maladies of inequality, injustice, exploitation, poverty and ignorance, and social heterogeneity and

⁸¹ *Ibid*, p. 336

⁸² Rajkumar (ed.), *History and Cultural series Essays on Dalits*, Discover Publications, New Delhi, 2003, p.22.

⁸³ *Ibid*, p. 23

primordial's stood him in good stead in shaping and strengthening the contours of his perception of justice. There can be no doubt about his pivotal role in ensuring the percolation of justice into the texture of the Constitution. The entire Constitution is a brilliant commentary on justice, but the ideology and message of justice may be seen in a very markedly discernible and conspicuous manner in such pertinent portions and aspects as the Preamble known for its literary grandeur philosophical flamboyance and socio-political grace and optimism,⁸⁴

Concerning the justifiable fundamental rights and the underlying negative obligations of the State, and Part IV (Articles 36-51) dealing with the non-justifiable Directive Principles of State Policy and the State's positive obligations. These two parts read together and analysed would throw light on the relations between the State and the individual or purpose of the State. This thematic aspect of the Constitution is to paramount importance of analysing the nature, scope and importance of B.R.Ambedkar's perception of justice in the Constitution. There are other Articles such as 325-26 that abolish the most vicious, illiberal and undemocratic communal electorates provide for common electoral rolls for all territorial constituencies and universal adult franchise-personification of socio-political justice and ideological and institutional bedrock of democracy. There are also provisions concerning persons of certain special categories. These provisions are meant to benefit persons belonging to the categories of the Scheduled Castes, Scheduled Tribes, Anglo-Indians and Backward Classes There are also such distinct provisions concerning the administration of the Scheduled and Tribal areas, and power of the Union Government over the administration of the Scheduled and Tribal areas. It is needless to highlight the significance of these provisions in the context of justice and social cohesion.⁸⁵

⁸⁴ Constitution of India, *Speech Delivered by Dr,B.R.Ambedkar in the Constituent Assembly*, pp.36-40.

⁸⁵ *Ibid*, p.38.

B.R Ambedkar's Contribution to Social Justice

Every society from time immemorial has been making its best efforts to ensure happiness and each to its members by guaranteeing fulfillment of their needs, alleviating their sorrows and sufferings and protecting them from abuse and exploitation, by doing justice. Before making any attempt to understand social justice, it becomes essential to clarify the concept of justice per se. Miller has aptly remarked: "The concept of social justice is best understood as forming one part of the broader concept of justice in general."⁸⁶ To comprehend it properly, we should begin by looking at justice as a whole, and then attempt to mark off that division of justice which we call social justice." The term justice has a very vast canvass and it is very difficult to give a very precise but comprehensive definition. "The concept of justice is too vast to be encompassed by one mind. Justice is not something which can be captured in a formula once and for all it is a process, a complex and shifting balance between many factors". Krishnamurthy 1982 has also maintained that "in spite of best efforts, it has not been possible to clearly define justice". However, attempts have been made from time to time to define justice.⁸⁷

Traditionally, justice means "the virtue by which we give to every man what is his due, opposed to injury or wrong". Today, justice means protection of legal rights. The tasks of justice are "the just allocation of advantages and disadvantages, preventing the abuse of power, preventing the abuse of liberty, the just decision of disputes and adapting to change" Justice may be natural or distributive or corrective in nature. Natural justice refers to the rules and procedures to be followed by a person or body with duty of adjudicating upon disputes between the rights of others, e.g., rules requiring such person to act fairly, in good faith, without bias and in a judicial temper after providing opportunity to be heard. Distributive justice is based on the principle of equals whereas corrective justice seeks to restore equality

⁸⁶ Jeanate Robin, *Dr. Ambedkar And His Movement*, Dr.B.R. Ambedkar Publications Society, Hyderabad, 1964, p.97.

⁸⁷ *Ibid*,p.99

where it has been disturbed because of some kind of wrong doing. Social justice as a form of justice means what is socially just; and what is socially just varies with time and space.⁸⁸

Allen has rightly pointed out: "We hear much today of 'social justice'. Am not sure that those who use the term most glibly know very clearly what they mean by it. Some mean 'distribution' or 'redistribution' of wealth; some interpret it as 'equality of opportunity' a misleading term, since opportunity can never be equal among human beings who have unequal capacities to grasp it; many, I suspect, mean simply that it is unjust that anybody be more fortunate than themselves, and more intelligent, and mean that it is just I would rather say benevolence that every effort should be made at least to mitigate the disparities of human inequality and that no obstacle should be offered but rather help afforded, to practicable opportunities for self-improvement".⁸⁹

Social justice is a dynamic term which provides sustenance to the "rule of law". It helps in the establishment of just social structure by removing social and economic inequality with the help of law on the one hand, and ensures freedom for optimal personality development of the individual on the other; of course, with a tilt in favor of removal of structural inequalities, equalization by providing special opportunities to the weaker and vulnerable sections of society. The main objective of social justice is to remove man-made inequalities political, economic and social, particularly by guaranteeing equal opportunities to all citizens in various types of political, economic and social activities. Pettit has explored "the three accounts of social justice which have dominated the recent debate. They are: the proprietary account, which makes natural rights, the last court of appeal in political assessment, the utilitarian, which looks to human happiness in the

⁸⁸ Vijay S, *Dr. B. R. Ambedkar and India's National Security*, Kolas Books Publication, New Delhi, 2002, p.109.

⁸⁹ Mohammad Shabbri (ed), *Dr. B.R. Ambedkar study in Law & Society*, Rawat Publications, Jaipur, 199, p.78.

judgments of rival social schemes, and the contradiction, an approach which identifies the just arrangement-as that which people would have reason to choose, were they ignorant of how they would fare under the different alternatives.⁹⁰

Social justice is a comprehensive term. It may include both economic justice as well as social justice. The aim of social justice is to remove all inequalities and affording equal opportunities to all citizens in social as well as economic affairs. Utilitarian propound the theory of "greatest happiness to greatest number" and consider it as key to the meaning of social justice.¹ the doctrine of laissez faire has yielded place to new principles of social welfare and common good. Constitution of India guaranteed to its citizens justice (social, economic and political) and pledged to maintain the dignity and decency of every individual inherent in the idea—bread for all before jam for some minimum material things to each man.⁹¹

Social justice takes within its compass millions of people living a life of want and it destroys inequalities of race, sex, power, position, wealth and brings about equal distribution of social, political and material resources of the community. Simply defined, social justice is a balance between social rights and social control.' In societies like ours, there is prevalence of poverty and illiteracy, to a hungry man, who is denied human dignity, political freedom is an empty word.⁹²The problem as of today is how to bring social-economic equalities without sacrificing the individual to the ever increasing power of the state. Framers of the constitution selected ways to eradicate social and economic inequalities and exploitation of the down-trodden people of society by incorporating in the constitution rule of law, equality before law, existence of an impartial and independent judiciary, provisions for the protection of minorities and for those who are socially and educationally backward.⁹³

⁹⁰ *Ibid*,p.79

⁹¹ Bakshish Singh (ed.) , *Ambedkar Social Justice*, RST Publication, New Delhi 1976, p.102.

⁹² Frank De Zwart, *The Logic of Affirmative Action: Caste, Class and Quotas in India*, Acta Sociological, 2002 Vol.43, No.3, pp.325-249.

⁹³ Mohammad Shabhri, *Op.cit*, p.80-85

Austin has, thus, called the Indian constitution a social document. This means our national life is to be based on justice to all citizens, social, economic and political being its keynote. Regarding the preamble of our constitution, B.R. Ambedkar said: "it embodies the desire of every member of the house and this constitution should have its roots, its authorities, its sovereignty from the people." He believed in the principle of one man, one vote and one vote, one value. Affirmatively and positively speaking, "we the people of India" in the preamble mean-we the poverty stricken people of India who are forgotten specimens of humanity, thousands of contract laborers, the real makers of modern India, thoroughly exploited by their fellow human beings.⁹⁴ B.R. Ambedkar, having been born in a poor Mahar family, with caste stigma of untouchability, realized that real struggle for survival was faced by the people who belonged to lower castes or were Untouchable in India. The struggle of B.R. Ambedkar began on the issue of drinking water, when he went to a water tank to quench his thirst; he was not allowed to do so. At that moment he raised the question: why should human beings be prevented from using water from a place from where even animals could drink? Driven ceaselessly by zeal for reform, armed by nerve and talent, he carved out a niche for himself in the hearts of the fallen untouchable section of Indian humanity. Dr. B.R. Ambedkar continued to remain a victim of untouchability, humiliation, hatred and disgrace practiced by high caste Hindus.⁹⁵

As a result of this he was segregated in classrooms, mentally tortured at public places, was discouraged in legal profession and was ruthlessly exploited in other spheres of life. He was also not allowed to enter temples and was even forbidden to learn Sanskrit, the so-called language of the high caste learned Hindus. These circumstances forced him to be a great rebel against the Hindu

⁹⁴ *Ibid*, p.79.

⁹⁵ A. Vasant (ed.), *Dr. Babasaheb Ambedkar – A Pictorial Biography*, Gyan Publishing House, Mumbai, 2007, p.89.

orthodoxy, pedantry and its discriminatory treatment and to tomb his mind to search for a cult where man is not discriminated against by another man Thus, under the prevailing circumstances. B.R.Ambedkar clearly felt that caste was a barrier to social progress and to an individual's advancement to freedom. A peculiar characteristic feature of the Indian caste system is social inequality, which we can see everywhere in caste hierarchy.⁹⁶ Caste hierarchy represents the social position of each and every caste not only social inequality but also economic and political inequality is found in between the highest and the lowest caste At present, the power struggle between different dominant caste and between the higher and the lowers caste is very common, which led to caste conflicts. The position of the down-trodden communities in villages seems to be very low and they lag behind in many spheres. B.R. B.R.Ambedkar rightly pointed out this problem in the year 1916 and did much scholarly work on it. So far no solution has emerged for the resolution of the problem. Therefore, serious in-depth research studies are necessary to find out solution to this problem, it is the responsibility of educators, scholars and thinkers to focus their attention on this problem taking radical thinking of B.R.Ambedkar as a beacon of light.⁹⁷

Quintessence Idea of Social Justice

The idea of justice has been always a subject of discussion in western political thought from early 300 BC. Plato in his book 'The republic' attempted to bring the idea on open table for dialogue. This tradition of dialogue passed many centuries, Plato to Aristotle, Mil, Hegel to Marx, Gandhi and Rawls. But unfortunately Plato to present philosopher has spared no efforts in clarifying the concept. Nobody could satisfy to all .it is the complexity or ambiguity of the term that could not be solved easily. B.R.Ambedkar himself did not any systematical work on the concept of social justice. It is up to on intelligentsia of living generation - how does it can be extract from B.R.Ambedkar entire writings and

⁹⁶ J.N.Pandey, *Constitution Law of India*, Rawat Publication, Allahabad, 1993, p.110.

⁹⁷ *Ibid*, p.112

speeches. Therefore the task to living intelligentsia is to do systematical study of his notion of social justice. B.R.Ambedkar tried to catch-up his idea with some effort in precise manner.⁹⁸

Firstly it would be beneficial to know different dimensions of the term Social Justice:

(A) The term justice has been assigned different meanings by different meanings by different people at different time and place. And its implications also vary from man to man on account of their varying interpretations.

(B) Its implications change with the passage of time .what is justice in past may be injustice in present and vice versa.

(C) Practical application of the term. To prove these three dimensions, India can be a good place of experiment or guinea-pig, where different notions of social justices (Manu to Gandhi) varying time to time; can be studied. The practicality of this depends on the acceptance of the people. The philosophy of B.R.Ambedkar is also can be measured within these three dimensions. Basically B.R.Ambedkar philosophy of social justice is extracted from his master Buddha's philosophy, who said "Everything changing nothing is permanent".⁹⁹

B.R.Ambedkar believes "there is nothing fixed, nothing eternal, nothing sonata everything is changing, change is the law of life for individuals as well as for society. In a changing society there must be constant reduction of old values. The message of Buddha and Dharma is the world is continual flux and change. The world has no protector or preserver. What is necessary is not escape from the world ,what is necessary is to change the world and to make it better no caste ,no inequality ,no superiority and no inferiority ,all are equal .this is what he stood for Dr Ambedkar ,a practical revolutionary called for change the existing social order that was based on manmade inequalities, Varna –system ,which has been legalized by religion is responsible for six percent population's degradation which has been

⁹⁸ Constitution Assembly Debates, Vol-VII, pp.953-956.

⁹⁹ *Ibid*, p.963.

reduced human to untouchable.¹⁰⁰ “The so called untouchables were denied any social and economic equality, and liberty of opportunity due to which their life became worse than any animal without any dignity or Samman. B.R. Ambedkar calls for them to change”.¹⁰¹

B.R.Ambedkar Idea of Social Justice

Any one attempting to write on B.R.Ambedkar would agree that it is a tough job venturing into an analysis of his complex but important social ideas, particularly, his idea of social justice. To me, writing about B.R.Ambedkar did not systematically develop his concept of social justice in any of his writings and speeches, all of which are now available both in English and Marathi. Instead, his idea of social justice runs through his writings regarding equality, liberty, fraternity, human rights, socio-economic democracy, and the state and minorities. Secondly, B.R.Ambedkar various theoretical positions with particular reference to social, are so close to each other that they often lead to misinterpretation.¹⁰² They have to be carefully understood through on dialectical unfolding of his works. The purpose of this to locate B.R.Ambedkar idea of social justice on a more visible and systematic terrain. Second, to bring out the essence of his idea of social justice, developed through the dialectical negation of his earlier positions on this subject. Before discussing B.R.Ambedkar concept of justice, it would be useful to examine the various versions of social justice that thinkers in India have advocated from time, both in the pre and post B.R.Ambedkar periods. Historically, justice in the India context was seen as an important social value, as it consisted in the strict observance of enforcement of Hindu law, based on the four varnas and an elaborated caste system. According to B.R.Ambedkar;

“Hindu Law is that law of the established order and was made by the

¹⁰⁰ Surendra Singh, *Dr.B.R.Ambedkar Contribution to Social Justice*, ABC Published, New Delhi, p.102.

¹⁰¹ Prakasa Rao, *Social Justice through Constitutionalism and Contemporary*, Matilal Published New Delhi, p.91.

¹⁰² Ajay Ravidas, *B.R.Ambedkar and Dalit Movement*, ABD publishers, New Delhi, 2010, p.16.

touchable. The untouchables had nothing to do except to obey it and respect it. The untouchables have no right against the touchable. For them there is no equal right, no justice which is due to them and nothing is allowed to them. Nothing is due to them except what the touchable pupated to grant”.¹⁰³

Some of the question raised in this account is first why did B.R.Ambedkar differ from other nationalist leaders in his analysis of Indian Society? What is the concept of swaraj in B.R.Ambedkar account of Brahmin domination? How did B.R.Ambedkar resolve, if he ever did, the idea of separate electorates with a conception of distributive Justice in the struggle for the liberation of dalits? But in focusing on B.R.Ambedkar, some might object to have ignored many other arguments presented in favor of liberation. Before looking at possible answers to these questions let us give some reasons why it is important to look at B.R.Ambedkar from this perspective. There are three contemporary debates to which this essay will make a contribution. B.R.Ambedkar it is impossible to conceptualise the Dalit movement in India in the absence of B.R.Ambedkar it is equally difficult to imagine, sociologically, B.R.Ambedkar coming of any other region then the Marathi speaking areas of British presidency. Let us explore this a little bit more.¹⁰⁴

Search for Social Justice

B.R.Ambedkar life was a search for Social justice and human right. Like the dalits of his times and their brethren in many parts of present India, B.R.Ambedkar life, mission and eminence have become the source of inspiration and enthusiasm to downtrodden people in India. Afterwards, B.R.Ambedkar entered the service of the depressed classes in the year 1920. He has participated in two conferences in that year under the invitation of the maharaja of Kolhapur with help of raja fortnightly as equality in 1932. In his crusade against caste oppression and discrimination, B.R.Ambedkar organized right of the depressed

¹⁰³ Ghanshyam Shah (ed.), *Dalits and the state*, ADC, Published, New Delhi, 2002, pp.40- 43.

¹⁰⁴ *Ibid*, p .18.

classes on par with the other Hindus of India. In the last days of his life, B.R. Ambedkar lost his physical strength, probably due to the result of his relentless work of drafting and editing of the constitution of India and Hindu Code Bill. He was the first untouchable in Indian history, who revolted against Hinduism and its tradition. He was the first man to herald the oppressive nature of caste system and how it works against the natural right of man; equality, liberty and fraternity was the first to write and record the status and history of castes and voiced their grievances which no other writer and researcher could. B.R. Ambedkar's thinking arose out of his acute dissatisfaction with the anomalous treatment meted out to the people of his community. His mind was preoccupied with the social amelioration, political enlightenment, economic well-being, equality, social and spiritual awakening of the downtrodden. He had a deep faith in fundamental human rights in the equal rights of man and women in the domains brought about by dynamics of public opinion through a change in the laws of the land. He was not a utopian, but a realist as well as a humanist to the core of his heart.¹⁰⁵

¹⁰⁵ D.C. Ahir, *Dr. B.R. Ambedkar and the Indian Constitution*, B.R. Publishing, Maharashtra, pp.101 – 104.