

The Concept of Social Justice: A Study of Indian Perspective

Dr Kripa Shanker Yadav

Associate Professor & Head
Department of Political Science
J. S. P.G. College, Sikandrabad
Bulandshahr, U.P.

Abstract: The concept of social justice is a revolutionary concept which provides meaning and significance to life and makes the rule of law dynamic. When Indian society seeks to meet the challenge of socio-economic inequality by its legislation and with the assistance of the rule of law, it seeks to achieve economic justice without any violent conflict. The ideal of a welfare state postulates unceasing pursuit of the doctrine of social justice. That is the significance and importance of the concept of social justice in the Indian context of today. Justice is the virtue we practice by giving people what is due them. Therefore, there is a problem of assignability when we consider an unjust social order: What is due from an individual beneficiary of that order to an individual victim? That question is answered by the concept of social justice: What all of us individually owe to each individual victim of the institutions now in place is our best efforts to reform those institutions. The first half of this paper analyzes the traditional arguments for and the conservative arguments against social justice as the answer to this problem of assignability. Within that framework, it highlights the need for combating and remedying injustices in society even though different, unknown, or more difficult problems may arise from doing so. This paper also describes Hayek's theory of social justice. The trouble with "social justice" begins with the very meaning of the term. Hayek points out that whole books and treatises have been written about social justice without ever offering a definition of it. It is allowed to float in the air as if everyone will recognize an instance of it when it appears. This vagueness seems indispensable. The concept of social justice has become a common part of the political lexicon in recent years, with New Labour identifying it as a key goal of its social strategy.

Keywords: justice, significance, legislation

Introduction

The concept of social justice first arose in the 19th century during the Industrial Revolution as attempts were made to promote more egalitarian societies and reduce the exploitation of certain marginalized groups due to the vast disparity between the rich and poor at the time. Social justice initially focused on issues such as the distribution of capital, property, and wealth due to the extreme levels of inequality and economic distress prevalent at the time, resulting from the European social class structure.

Today, social justice has shifted towards a stronger emphasis on human rights and improving the lives of disadvantaged and marginalized groups that have historically faced discrimination in society. Many of these groups have been discriminated against on the basis of factors such as sex, age, wealth, ethnicity, heritage, social status, religion, and others. Social justice often leads to efforts to redistribute wealth to some of the underprivileged groups through providing income, jobs, and education support and opportunities.

Social Justice and the Government

While activists and advocates significantly influence the widespread emphasis on social justice in the world today, the actual implementation of social justice policies is often left to administrators, such as the government, non-profit organizations, foundations, or agencies within the bureaucracy. Such organizations are responsible for shaping public policies to address social justice issues, and as a result, political factors influence the extent to which social justice plays a role in the policies shaped by the government and administrators of the day.

Social justice initiatives can be pursued through many different types of government programs via wealth and income redistribution, government subsidies, protected legal status in employment, and even legalized discrimination against privileged groups through fines and taxes or even through purges historically. Social justice initiatives are commonly seen in socialist and communist countries, which integrates them into their economic policies, as well as in the platforms of left-leaning political parties within democracies.

Five Principles of Social Justice

There are five main principles of social justice that are paramount to understanding the concept better. Namely, these are access to resources, equity, participation, diversity, and human rights.

1. Access to Resources

Access to resources is an important principle of social justice and refers to the extent to which different socioeconomic groups receive equal access to give everyone an equal start in life. Many societies offer a multitude of resources and services for their citizens, such as healthcare, food, shelter, education, and recreational opportunities. However, unequal access to such services often exists.

For example, individuals from wealthy households among the upper and upper-middle classes are often better able to afford to attend good schools and access post-secondary education, which leads to a greater chance of obtaining jobs with higher income in the future. In contrast, those from the lower classes face fewer opportunities. It, in turn, limits access to education for future generations and continues the cycle of facing disadvantages.

2. Equity

Equity refers to how individuals are given tools specific to their needs and socioeconomic status in order to move towards similar outcomes. It contrasts with equality, where everyone is offered the same tools to move towards the same outcome.

As such, often, things that are equal are not equitable due to the more advanced needs of some individuals and groups. Social justice, integrated with addressing equity issues, might include advancing policies that provide support to overcome systemic barriers.

3. Participation

Participation refers to how everyone in society is given a voice and opportunity to verbalize their opinions and concerns and have a role in any decision-making that affects their livelihood and standard of living. Social injustice occurs when a small group of individuals makes decisions for a large group, while some people are unable to voice their opinions.

4. Diversity

Understanding diversity and appreciating the value of cultural differences are especially important because policymakers are often better able to construct policies that take into consideration differences that exist among different societal groups. It is important to recognize that some groups face more barriers in society, and by considering the inequities, policymakers and civil servants will be in a stronger position to expand opportunities for marginalized or disadvantaged groups.

Discrimination in employment on the basis of factors such as race, gender, ethnicity, sex, age, and other characteristics are constant issues in society, and enforcing policies to countermand discriminatory practices are one way in which diversity is taken into consideration.

5. Human Rights

Human rights are one of the most important principles of social justice and form a foundational part of the concept. Human rights and social justice are certainly interrelated, and it is impossible for one to exist without the other.

Human rights are fundamental to societies that respect the civil, economic, political, cultural, and legal rights of individuals and governments, organizations, and individuals must be held responsible if they fail to ensure the upholding of these rights. They are extremely important in many societies and are recognized internationally through institutions such as the International Criminal Court and the United Nations Human Rights Council.

Social justice in Indian perspective

The constitution of India was adopted on November 26, 1949. Some provision of the constitution came into force on same day but the remaining provisions of the constitution came into force on January 26, 1950. This day is referred to the constitution as the “date of its commencement”, and celebrated as the Republic Day. The Indian Constitution is unique in its contents and spirit. Through borrowed from almost every constitution of the world, the constitution of India has several salient features that distinguish it from the constitutions of other countries. Social justice denotes the equal treatment of all citizens without any social distinction based on caste, colour, race, religion, sex and so on. It means absence of privileges being extended to any particular section of the society, and improvement in the conditions of backward classes (SCs, STs, and OBCs) and women. Social Justice is the foundation stone of Indian Constitution. Indian Constitution makers were well known to the use and minimality of various principles of justice. They wanted to search such form of justice which could fulfill the expectations of whole revolution. Pt. Jawahar Lal Nehru put an idea before the Constituent Assembly “First work of this assembly is to make India independent by a new constitution through which

starving people will get complete meal and cloths, and each Indian will get best option that he can progress himself.” Social justice found useful for everyone in its kind and flexible form. Although social justice is not defined anywhere in the constitution but it is an ideal element of feeling which is a goal of constitution. Feeling of social justice is a form of relative concept which is changeable by the time, circumstances, culture and ambitions of the people. Social inequalities of India expect solution equally. Under Indian Constitution the use of social justice is accepted in wider sense which includes social and economical justice both. According to Chief Justice Gajendragadkar, “In this sense social justice holds the aims of equal opportunity to every citizen in the matter of social & economical activities and to prevent inequalities”.

The Constitution of India has solemnly promised to all its citizens justices-social, economic and political; liberty of thought expression, belief, faith and worship; equality of status and of opportunity; and to promote among the all fraternity assuring the dignity of the individual and the unity of the nation. The Constitution has attempted to attune the apparently conflicting claims of socio-economic justice and of individual liberty and fundamental rights by putting some relevant provisions.

Challenges in Social Justice

After 40 years of independence, 8 Five Year Plans, hundreds of laws leading to a veritable forest of rules offering a variety of special facilities to the underprivileged ranging from scheduled castes and tribes to women, in matters of education, employment, housing, etc. social justice is far from a reality. 53% of over 965 million people are under the poverty line i.e. unable to spend even a dollar a day on bare necessities. A mere 16% of households enjoy the „luxury“ of electricity, drinking water and toilet facilities. This percentage is 3.9% if only rural households are taken into consideration. 71% of our women are illiterate. Barring a few states like Kerala and Tamil Nadu, rural health care is a sham and almost non-existent. Then there is the problem of the millions of the educated unemployed. Though in any society some form of inequality is unavoidable, the persistence of large-scale economic disparities and the undignified living conditions of millions of Indians is a reality that cannot be overlooked. The satisfaction of a set of basic needs must have the highest priority, for, without food, shelter, clothing, health care and primary education a person does not become a human being. The widespread caste prejudices and the continuing discrimination against the lower castes are a threat to social stability and peace. The social and educational backwardness of a vast section of the population inhibits its participation in the process of social and economic development, not to mention human development. Hence, the reduction of discriminatory social practices is an important part of the movement for social justice. Women suffer from historical, social and economic disadvantages. Even among the other categories of deprived communities, they are the most deprived group. A liberal society must attend to demands of gender justice seriously.

Social policy: Politics is reflection of the society. If casteism, regionalism and communalism are part of society, they will go in to politics also. Those who are born and die in discriminatory environment, how is it possible for them to have different mindset? During elections, this mindset takes precedence over development, science, honesty, integrity etc. Though political parties aim to capture political power but they are equally responsible to fight out social discrimination while making it important agenda. Till ideal situation is attained, it will not be possible to capture political power through agenda like development, education, health etc. Recently French Government banned students from wearing religious symbols in schools and similarly we also have to take hard decisions to do away with vestigial institutions like caste. Due to increasing consciousness among dalits and backwards, they are also striving to have participation in political power and it is leading to a situation where elections are being fought more between the castes than parties. Earlier, dominant castes used to fight elections mainly and now backwards have also started contesting and a day will come erstwhile dominant castes will be out of power owing to their smaller number. For all of us it is essential to remove rotten values and social system.

Economic policy: The distribution of income among individuals or households at the local or national level, based on classifications such as socio-economic status, profession, gender, location, and income percentiles, is the most widely used measure of the degree of equality or inequality existing in a society. For most contemporary societies, income distribution remains the most legitimate indicator of the overall levels of equality and inequality. Gap between rich and poor is wider in our country. Besides historical reason, there are many reasons which are producing poverty. Governments are morally bound to provide education, health, employment and other basic needs. Due to globalization and privatization, it is now being debated that the Governments are not suppose to do business and provide employment but are for maintenance of law and order and foreign policy etc.

Possible Solutions

The solution to social injustice lies within us only. We should be aware of the expressions the poor, the backwards, social justice which are being used to undermine standards, to flout norms and to put institutions to work. Despite the well intentioned commitment of ensuring social justice through equalization or protective discrimination policy, the governmental efforts have caused some tension in the society. In the name of social justice even such activities are performed which have nothing to do with social justice. The need of hour is to ensure the proper and balanced implementation of policies so as to make social justice an effective vehicle of social progress. While Liberalism puts freedom first it is conscious of the fact that such freedom is hollow unless it is accompanied by a sense of security and equality. A liberal social policy should aim at providing the most disadvantaged with access to opportunities and, at the same time create a social net that strengthens their ability to cope with crises. Successive governments have attempted to meet the basic needs of people by spending large sums of money on various subsidies, a variety of

employment generation and poverty alleviation schemes. While these schemes have created a huge distributive bureaucracy only a small percentage of the sums sanctioned actually reach the intended recipient groups. They have bred corruption on a massive scale. A phenomenal amount of resources are wasted, destabilising public finances, harming economic development and burdening future generations.

Alongside of measures to liberalise the economy which would create new employment opportunities there is needed to encourage entrepreneurship and self employment particularly in the light of fast developing technology. This would spur an upward movement of people and each entrepreneur can provide work for one or more persons. Jobs and self employment opportunities have to be encouraged in sectors like agriculture, plantations, and in a variety of infrastructural activities, etc. Employing techniques that involve a judicious mix of machines and manual labour, the country's enormous economic potential can be exploited to the benefit of the less fortunate sections of the population. Without administrative and political decentralisation the goals of social justice may not be accomplished. Letting people decide what their development needs are will not only generate social and political awareness among them but also instill a sense of self-respect and build strong leadership at the local and community levels.

According to Dr. B.R. Ambedkar, the Directive Principles of State Policy is a 'novel feature' of the Indian Constitution. They are enumerated in Part IV of the Constitution. They can be classified into three broad categories- socialistic, Gandhian and liberal-intellectual. The directive principles are meant for promoting the ideal of social and economic democracy. They seek to establish a 'welfare state' in India. However, unlike the Fundamental Right, the directives are non-justiciable in nature, that is, they are not enforceable by the courts for their violation. Yet, the Constitution itself declares that 'these principles are fundamental in the governance of the country and it shall be the duty of the state to apply these principles in making laws'. Hence, they impose a moral obligation on the state authorities for their application. But, the real force (sanction) behind them is political, that is, public opinion. Social Justice is the foundation stone of Indian Constitution. Indian Constitution makers were well known to the use and minimality of various principles of justice. They wanted to search such form of justice which could fulfill the expectations of whole revolution. Pt. Jawahar Lal Nehru put an idea before the Constituent Assembly:

"First work of this assembly is to make India independent by a new constitution through which starving people will get complete meal and cloths, and each Indian will get best option that he can progress himself."

References

By the 42nd Constitutional (Amendment) Act, 1976.

AIR 1979 SC25

Laxmikanath, M., Indian polity (2008) p. 29

Ibid.

Shivaraao, Select Documents, Vol. II at p. 175.

Laxmikanath, M., Indian polity (2008) p. 29

AIR 1980 SC 1789.

Minarva Mills vs. Union Of India (1980)

V.R. Krishna Iyear , Social Justice- Sunset or Dawn (1987) p.53

P.B. Ganendragadkar, Law, Liberty and social justice (1964) p. 77, 99

Art 14 of the Indian Constitution

Art 15(4) and Art 16(4) of Indian Constitution

<https://www.lawyersclubindia.com/articles/concept-of-social-justice-under-indian-constitution>

<https://corporatefinanceinstitute.com/resources/knowledge/other/social-justice/>