

“Social justice in lens of Mahatma Gandhi: Relevantly in context of Indian Constitution: A Reality of Social Justice in India”

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Abstract

Social justice is a normative concept centered on the notion of fairness and the principles of equality, equity, rights and participation. Social justice signifies the equal treatment of all citizens without any social distinction based on caste, color, race, religion, sex and so on. Justice is the virtue that practice by community, the institutions and government of nation in their boundary, this Justice turn to unjust when social order is unequal in power.

India is different people of religion caste, sub-caste family structure. They have own social practice for living life. After independent of India, Indian constitution and social law and policy drafted to protection of social justice to achieve equality in social and economic aspect and equal opportunity in education, employment and political participation. Social justice is a revolutionary concept, which provides meaning and significance to life and makes the rule of law dynamic. 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.

This paper sheds light on the terminology of social justice, analysis and examine different elements of social justice aspect in context of Indian constitution and thoughts of Mahatma Gandhi. Also, highlight current relevance of Social Justice in lens of Gandhi's thoughts real applicability in present day Indian scenario in aspect of equality, right and participation. Paper outline the practical perspectives of the concept of social justice, under legislative and judicial response in constitutional and legal aspect. In addition, address the issues and reality of social justice in India. Finally provide few remarks to opportunity to equal social justice in real true sense. Data gathered from books, research article, legal journal and online media news of concern website through internet.

Keywords: Social Justice, Mahatma Gandhi, Indian Constitution, Law, Equality, Discrimination

I. Concept of social justice: Social justice is a normative concept centered on the notion of fairness and the principles of equality, equity, rights and participation. So, No one should be deprived, because of these differences, those social conditions which are essential for social development. It is the existing social structure and institutional context that often determine how material goods, including resources, income, wealth and social positions, especially jobs, are allocated. Means the elimination of institutionalized domination and oppression”, “exploitation, marginalization, powerlessness, cultural imperialism and violence; specifically oppression of women and particular racial and social groups as disability LGBT, Transgender. The contemporary understanding of this normative concept has its roots in political philosophy,

but different disciplines – including sociology, social psychology, law and jurisprudence, and human geography, among others – have contributed to its theoretical underpinnings and to defining its fundamental elements. Thus, there are different paradigms and conceptions of social justice to be established. The social justice scenario is to be entitlements for sustainable livelihood and social and economic development. means access to adequate means of living, such as shelter, clothing, food; access to employment education, health, and resources; social and political participation the that guarantee of fundamental rights, and promotion and empowerment of the right to participation in the government, and access to all available means of justice, and on the basis of ‘equal justice’. The conception of social justice also encompasses firm commitment to the protection of human rights and civil liberties. Justice to be fairness, “primary subject of justice to be the basic structure of society.^{1,2}

II- Social justice in lens of Mahatma Gandhi- “I hold that, the more helpless a creature, the most entitled it is to protection by man from the cruelty of man” Mahatma Gandhi. Life of Gandhi was a true experience of discrimination and inequality practice by society of South Africa and in India. Gandhi believed in the maxim simple living and nature of humanity in Truth, Love and Non-violence principle. He preached what he practiced and practiced what he preached. Gandhi believed that only that action was just which not harm either party to the dispute. His Justice was meant not only for himself or an individual or a community or his fellow countrymen alone but for the whole humanity. His concept of social Justice was struggled against the apartheid in South Africa, the atrocities committed by the British government against non-whites, the exploitation and inhumanly treatment met out to so-called untouchables by higher caste Hindus, the divide between Hindus and Muslims, deplorable position of women in all societies, consumerism, etc.

Gandhi was of the opinion that violence, for that matter any form of injustice, inflicted on anyone, by anyone, was ultimately going to affect everyone, including the perpetrator himself or herself. As there is unity of life, actions of one are simply superficial in nature having an impact on the common spirit of life. Swaraj and Justice could be attained only when everyone was free to practice one's religion, have faith and worship according to one's own choice. For him an ideal state can be established only if the people understand and perform their duties. Respect towards one's duty in due course leads to truth and justice. He believed in the principle of unto the Last? i.e. if the person standing at the end in the line, the weakest of all, could be satisfied, everyone was satisfied. Hence, Sarvodaya society, a self-regulated social unit, aiming to build up a social harmony amongst the society is form of ideal of peoples, follow the particular type of social practice for live in society. As God has created everyone equal therefore everyone without any discrimination, so people will be establish a truthful Just society without discrimination , which could be put into practice by anyone irrespective of that person being a child, young man or woman or a grown up person anywhere in the world. To application in reality, purpose and purity of the intention and sincerity to adopt by the communities, societies, nations and mankind as a whole is must need, and shift their thoughts for social justice in aspect of equality. Gandhi's idea of Social Justice is directly related to his doctrine of Satya and Ahimsa which moved hand in hand and was impossible to be separated from each other. If Ahimsa was a means, then the attainment of Truth in itself was the Justice. If

people, follow pure means for their goals not only their goals would be achieved but those would surely be just in nature.

Gandhi often used to quote Newman's lines one step is enough for me which means that only a single step in the right and honest direction could lead a person to the desired goals. Gandhi's views on Social Justice like on any other subject matter kept on evolving throughout his life as those were not based upon any dominant traditional theory but practical experiences that he experience and observed in his life. Therefore, thoughts of Gandhi are most signification value in Indian society to shift their beliefs in social practices, rooted in thinking and tradition of pathetic dominance laborer being paid an equal wage. In broader terms, this perspective on social justice demanded an uplift or development of the least developed, to ensure that the well being of all is ensured. Gandhi's experiments at Phoenix settlement were an attempt to implement these ideas. However, he went beyond this goal in his later efforts-to ensure that all those who were oppressed or subjugated-particularly oppressed communities and women were lifted up.^{3,4,5}“If humanity is to progress, Gandhi is inescapable. He lived, thought, acted and inspired by the vision of humanity evolving toward a world of peace and harmony.” - Dr. Martin Luther King, Jr.

III. Indian Constitution- Rights and Protection towards Social Justice:Social justice is the idea of creating a society or institution that is based on the principles of equality and solidarity, that understands and values human rights, and that recognizes the dignity of every human being.Indian constitutionincorporated the words, like Socialist, Secular, Democratic and Republic in the Preamble. Especially the word justice in the Preamble is explained as justice, social, economic and political. The term justice is secured in the Constitution through various provisions of Fundamental Rights and Directive Principles. Social justice denotes the equal treatment of all citizens without any social distinction base on caste, color, 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. economic justice denotes on the non-discrimination between people by economic factors. It involves the elimination of inequalities in wealth, income, and property.

Social Justice is the foundation stone of Indian Constitution. social justice is not defined anywhere in the constitution but it is an ideal element of feeling which is a goal of constitution. Preamble secures to all citizens of India, equality of status and opportunity. Feeling of social justice is a form of relative concept which is changeable by the time, circumstances, culture, ambitions of the people and to shift thoughts towards new form of social structure.

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 socio-economic justice and of individual fundamental rights in part III and Part IV, rights of freedom and liberty, public good ⁶ Equality of status and law, freefrom exploitation²³, prohibitionof child employment²⁴. ⁷states have make specific provision concerning the fundamental right to

property and deals with the vexed problem of compulsory acquisition of property.⁸To create the policy towards securing and protecting citizens, men and women equally, have the right to an adequate means of livelihood and ownership and control of the material resources of the community are so distributed as best to subserve the common good. The principle policy concern to operation of economic system does not result in the concentration of wealth and means of production to the common detriment; to secure a social order for the promotion of welfare of the people. Also, take care that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength. The children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.⁹To secure and protect the social order in which justice, social, economic and political, shall inform all the institutions of the national life. And try to the inequalities in income, and endeavor to eliminate inequalities in status, facilities and opportunities, not amongst individuals but also amongst groups of people residing in different areas or engaged in different vocations for welfare of the people.¹⁰ Right to work, to education and to public assistance in cases of unemployment, old age, sickness & disablement and in other cases of undeserved want, and give importance to secure just and humane conditions of work and for maternity relief, Ideal of the living wage, To secure the participation of workers in the management of undertakings, establishments or other organisations engaged in any industry.¹¹To promote with special care the educational and economic interests of the weaker sections of the people, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation and article 16 (1) and 16(4) provide equality of opportunity.¹²To maintain equal Legal justice provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.¹³Thus, Indian constitution provide different fundamental rights socio-economic rights for achievement of equal social-economic justice to every citizen in India.

IV. Current Relevantly of Mahatma Gandhi and Constitution, Issues and Challenges

to Equal Social Justice: The issue of social inequality is a crucial problem of Indian society, because of the social stratification of a society based either on caste or on class, religion concerned. Largely in 'inequality' in caste system on a different basis of caste, 'hierarchy' that means 'not equality'. Overcome problem in India, Indian constitution provide privilege of social and economic development in matters of education, employment, housing, etc to disadvantage groups as scheduled castes and tribes, and women. However, social justice is far away from a reality, over 965 million people are under the poverty line i.e. unable to spend even a dollar a day on basic necessities. Near about 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. 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.

Problems of other groups like the physically disabled, child labor;tribals and those affected by environmental pollution and LGBT peoples that discriminated on bases of sexual orientation. These are at the root of much of the political unrest, social and ethnic conflicts, and the growth of collective violence and the weakness of democratic structures in our country. The caste institution in our society is very effective which not the phenomenon in western countries. In such circumstances, can we reap the fruits of the system which we adopted? The main objectives of social justice are compulsory and equal education, casteless society and employment to each. Economic exploitation is also a big factor and all these do not allow the true realization of democracy. When India is passing through social and caste discrimination, economic crisis, unemployment, communalism and lack of basic needs, a party of substance and difference is needed which acknowledges and addresses the problems of social and economic deprivation.

Social policy: Politics is reflection of the society. If casteism, regionalism and communalism are part of society, they will go into 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 delist 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 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.

Women: Women are the worst sufferers in this social economic setup. Even able women are not in a position to get the returns they deserve. Since childhood, they are taught that they belong to their in-laws' house and their salvation lies in surrendering to their husbands. This generates that mindset, consciously or subconsciously, that women are meant for enjoyment and progeny. This must be attacked otherwise even women will not come forward to ask for their rights. Dowry, rape and torture are the byproduct of this mentality. After having education girl-women could not take decision about her life in present times, is real truth of womenpower after having higher education. Muslim women are the worst sufferers because of personal law. Where progress has become possible, participation of women in various fields was and is higher. Not only for the sake of humanity but also for overall growth of the nation, women will have to be integrated into social, educational and political system. Through various cultural fora like cinema etc. women are projected as beautiful objects and epitomes of purity but not certainly meant to compete with men. This complex problem is not going to be tackled merely by governmental efforts; therefore political parties also share the great social responsibilities.

Farmers: Farmers and peasants do not get the return of what they toil for. The prices of their produce like wheat, paddy, vegetables etc. have not increased to the extent of commodities like soap, cosmetics, steel and other articles manufactured in industries. In places like Mumbai and Delhi, small shops can have turnover of millions and billions but farmer owning hundred acres of land cannot afford to lead the life a small businessman and government servant can do. World Bank and developed countries are exerting continuous pressure on our Governments that they should reduce the subsidies on fertilizers, pesticides and seeds etc. whereas they pamper their farmers like anything, i.e., a farmer is given Rs. 400 per day to maintain a cow in England. Switch on the television or open pages of news papers, you will find news about stock exchange but what about farmers and crops. Equity and shares do not have more than 10% value of country's assets. Good rain has helped farmers to grow more crops. When there is drought, sense at stock exchange falls. Justice has not come to the farmers and to secure it, agricultural products must get their due price and subsidies, if required, be increased. Computerization, mobile revolution, hi-tech has benefited a few living in urban cities and this cannot be yardstick to measure the progress of farmers and laborers. We should modernize rural India as well so that the children of rural areas also avail the same opportunities until this is done, we will not concede the so-called achievements in computerization and hi-tech etc.

Laborers: Whatever production was done by thousands of laborers' in the past, now it is being done by few laborers so that the profits of businessman go up. We should not oppose hi-tech and mechanization but is in favor of those industries and services who absorb more people. These days businessmen are employing laborers' on contract basis and this has unleashed more exploitation. Recently, Supreme Court pronounced a judgment which curtails the freedom of agitation and struggle of employees and laborers. The higher judiciary is favoring disinvestment and privatization which is precipitating further exploitation of workers. We feel that exploitation by industrialists and businessman should be curbed.

Landless People: About 65% population living in rural India is landless and Dalits' ratio is even higher. In developed countries like Japan and Europe, about 40% rural population does not depend on agriculture but derive their subsistence from agro-based industries, cottage industries

and soil conservation activities etc. We have ample opportunities to go for mass scale agro based industries which will not only provide employment but also stop migration to urban areas. 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.

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, destabilizing public finances, harming economic development and burdening future generations.^{14,15} Thus, without administrative and political decentralization the goals of social justice may not be accomplished.

Derogative social practices in inequality and discrimination was struck down by Supreme court, protecting rights of LGBT, held that section 377 is contrary to Article 14 and Article 21 of the Constitution which recognises the right to life with dignity. Same way, Muslim's arbitrary practice of triple talaq, said that "equality" erasing the long-existing "discrimination" in the patriarchal society and now it seeks for shift in modern progressive society. In COVID-19 pandemic revealed the failure of the government towards protecting the subsistence rights of the migrants' labourers going back to their homeplace. Court, gave direction to government to arrangements to be made for the labourers sending them back to their respective places in a dignified manner.

Maharashtra government had arrested the political activists having alleged engagement in the violence, Bombay high upheld the right to dissent and Maharashtra government formation case, where the issue of the defection of legislative assembly members the apex court ordered the Governor to conduct the food test¹⁶ Thus, Indian supreme court, evolved principle of Social Jurisprudence in arbitrariness of government law and policy against social, economic and political rights of Indian peoples.

V. Conclusions: Directive principle of policy recognises the State to be a welfare state and strive for the Socio-economic Justice of the citizens. Always, in India The issue of social justice is associated with social equality after social justice is protected under Indian constitution, laws and social policies. Social justice is struggling for equal opportunity in social, economic, and political participation. Because, notion of social justice, today, is often linked with the idea of distribution. The way in which the major social institutions distribute fundamental rights and duties and determine the economic, social, political elements to achieve equal social justice, as rights, opportunities, power and self-respect. Mahatma Gandhi's principles of Love, Truth, equality and non-violence are always the guide the humanity with current and future relevant across the world. To achieved constitution equality and Gandhi's thoughts concern equal to social justice in reality, Indian people have to shift their mind from beliefs ideology of

religion, caste and partial system, rather state could put into action thought enforcement law, punishment for violation of social justice, means opportunity to education, employment and political participation keep it is very difficult one Indian society to be truly practiced in its spirit to end the discrimination and move towards equality in aspect of forward social justice, because of rooted ideology religion, cast and of partial civil structure. Finally, conclude that social justice is social change, demand equality in legal norm in context social, economic and political aspect. Means social justice and injustice lies within our thoughts and overflow in legal norm only.

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