



Ambedkar and Social Justice in the Contemporary India

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Abstract : Dr. Babasaheb Ambedkar is accepted not only as a Dalit leader or only a Constitution maker but also as a 'nation builder', a human-rights champion, and 'Global Icon'. This acceptance of Babasaheb Ambedkar by the masses in general and global community in particular has forced the mainstream academia and intelligentsia in India to include Ambedkar nominally or notionally in the curriculum of social sciences. Social justice being a multi-dimensional concept has been viewed by scholars of law, philosophy and political science differently. The term social 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". Once this proposition about social justice is accepted it was easy to infer from Ambedkar's writings and speeches published posthumously, that equality, liberty, and fraternity are the basic principles of his theory as well. To begin with Ambedkar argues that for establishment of a society where individual is an end in himself and the aim and objective of society is the growth of the individual and development of his personality. He expected that there should be multiple channels and conjoint communicated experience. Further for Ambedkar Equality, liberty and fraternity cannot be divorced from each other. Hence Ambedkar had already enshrined these values in the Constitution of India. The value of equality in the preamble of the Indian Constitution is not only a slogan. Rather it has been substantiated with equality of opportunity (Article 16) and equality of condition that is reservation (Articles 330, 332, 335 and 46). This was done specifically because he might have thought that in a hierarchical society, like India, equality of opportunity may in turn produce inequality and subordination.

Introduction

Dr. Babasaheb Ambedkar is accepted not only as a Dalit leader or only a Constitution maker but also as a 'nation builder', a human-rights champion, and 'Global Icon'. This acceptance of Babasaheb Ambedkar by the masses in general and global community in particular has forced the mainstream academia and intelligentsia in India to include Ambedkar nominally or notionally in the curriculum of social

sciences. This attitude towards an icon of erstwhile-marginalized community proves the point of the reductionism and blackout of the icon. Not going into details of his larger ideas and role of Dr. Ambedkar's leadership this paper is a humble effort to understand and analyze how Babasaheb Ambedkar conceptualized the principles of social justice.

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 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".

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 (Republic 368d quoted in Mohapatra 1999)". In modern times the term social justice was first used in 1840 by a Sicilian priest, Luigi Taparelli d' Azeglio. However, Antonio Rasmini Serbasti gave the term prominence in his work, *La constitutione Civile Secodo La Giurtizia Sociale* in the year 1848 (Noval 2000: 11 quoted in Yadav: 2006).

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. According to John Rawls, the concept of social justice is "all social primary goods-liberty and opportunity, income and wealth, and the basis of self-respect are to be distributed equally unless an unequal distribution of any or all of these goods is to the advantage of the least favored". Rawls

believed that his theory of justice is an improvement over utilitarian accounts of justice as maximum welfare.

Plato and Ralwa's concept of social justice would mean giving every man his due. The basic aim of social justice is to remove the imbalances in the social, political and economic life of the people to create a just society. In terms of culture-specificity, the term social justice has a different meaning in Indian society. It means dispensing justice to those to whom it has been systematically denied in the past because of an established social structure.

The Aim of Social Justice

According to DIAS, 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. 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 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. 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. According to Utilitarian, social justice is being one of the dimensions of justice which stands for fraternity; with a view to create such



human social conditions which ensure free and fair development of all human beings. In fact the term may require a preferential treatment for certain sections of the population, who has been deprived of certain values for ages, with a view to bring them on equal footing other section of the population.

The Concept of Social Justice

The concept of social justice, like law, changes. It evolves itself into progressively new patterns and expands its frontiers and assumes new dimensions. Social justice has significance in the context of Indian society which is divided into Castes and Communities and they create walls and barriers of exclusiveness on the basis of superiority and inferiority such inequalities pose serious threat to Indian democracy. The concept of social justice takes within its sweep the objective of removing inequalities and affording equal opportunities to all citizens in social, economic and political affairs. India, while passing through the process of development is in the quest for finding our ways for a better and just socio-economic order. The search for a new model of socio-economic order is the need of the hour. Recent trends in Globalization, Urbanization, Mobilization of the poor in search of better life conditions and social justice movements compel us to think afresh. Social justice is an application of the concept of distributive justice to the wealth, assets, privileges and advantages that accumulate within a society or state because the essence of justice is the attainment of the common goods as distinguished from the goods of individuals even of the majority. There have been two major conceptions of social justice one embodying the nation of merit

and desert, the other those of needs and equality. The first conception involves ending of hereditary privileges and an open society in which people have the chance to display their desert. It is expressed in equality of opportunity and careers open to talents. The second conception implies that goods should be allocated according in each person's varied needs. As it aims to make people materially equal, it entails an idea of equality.

Social justice involves the creation of just and fair social order just and fair to one and all. To make the social order just and fair for every member of the community, it may be necessary for the who are privileged to make some sacrifice's. In this sense, Social justice is a revolutionary ideal. it includes both the economic justice and social justice. In India, justice is a generic term which includes both procedural and substantive justices the former providing rules of court procedures and mechanism what is generally known as natural justice and the latter making provision for social assistance. Benefits, facilities, concessions, privileges and special rights, to those who deserve and need such help describes by the omnibus term social justice. Social justice in India is the product of social injustice our Caste system and social structure is the fountain head for social injustice. It is unfortunate that even sixty years after independence social justice is still a distant dream not within the reach of the masses. The Scheduled Castes, Scheduled Tribes and women under the traditional Hindu Caste hierarchy had suffered for centuries without education and opportunities for advancement in life. Social justice is compensatory justice to offset the accumulated disabilities



suffered by these historically disadvantaged sections of society and absorb them educationally and occupationally in the mainstream of national life. If opportunities are not given to develop their neglected talents there will be social imbalance and tension resulting in anarchy and disobedience to the rule of law.

Social justice is people oriented; legal justice is canalized, controlled and conferred by law. Social justice is the product of social injustice and seeks to remove social and economic inequalities and ensure equality of status, equality of opportunity. Social justice of today becomes the legal justice of tomorrow. The Supreme Court has explained the concept of social justice i.e. "the Constitution commands justice, liberty, equality and fraternity as supreme values to usher in the egalitarian social, economic and political democracy". Social justice, equality and dignity of persons are corner-stones of social democracy. The concept of "social justice" which the Constitution of India engrafted consists of diverse principles essential for the orderly growth and development personality of every citizen. Social justice is thus an integral part of justice in the generic sense. Justice is a genus of which social justice is one of its species. Social justice is a dynamic device to mitigate the suffering of the poor, weak, dalits, Tribes and deprived sections of the society.

Inferring Meaning of Social Justice from Ambedkar's writings

It is a fact that Babasaheb Dr. Ambedkar did not propound any specific definition or theory of "Social Justice". His thoughts are eloquently portrayed in his writings and speeches published posthumously. On the basis of these we

can easily argue that Ambedkar has mentioned multiple principles for the establishment of an open and just social order in general and Indian society in particular. Therefore with the help of these elements we can carve out a theory of social justice. We can extract five basic principles, from writings and speeches of Ambedkar, through which justice can be dispensed in the society. These are:

1. Establishing a society where individual becomes the means of all social purposes
2. Establishment of society based on equality, liberty and fraternity
3. Establishing democracy- political, economic and social.
4. Establishing democracy through constitutional measures and
5. Establishing democracy by breaking monopoly of upper strata on political power

Going by the principles of Ambedkar's theory of social justice, Ambedkar was of the opinion that Social Justice can be dispensed in a free social order in which an individual is end in itself. Similarly, the terms of associated life between members of society must be regarded by consideration founded on liberty, equality and fraternity.

Arguing a case for open social order in his writings Ambedkar emphasized that generally there are two fundamental and essentials of a free social order. According to him, "The first is that the individual is an end himself and that the aim and object of society is the growth of the individual and the development of his personality. Society is not above the individual and if the individual has to subordinate himself to society, it is



because such subordination is for his betterment and only to the extent necessary" (Ambedkar 1987:95). It is with this aim he had rejected village as a unit of governance and adopted the individual as its unit. He vehemently criticized the part played by village communities in the history and congratulated the Drafting committee for accepting individual as the unit of governance (Ambedkar 1994:61-62). Ambedkar had argued for individual as end itself as he was fully aware of the fact that, "The Hindu social order does not recognize the individual as a center of social purpose... For the Hindu social order is based principally on class or Varna and not on individuals... (Ambedkar 1987:99).

In fact Ambedkar has always been for establishing a society based on the principles of liberty, fraternity, and equality. This has to be for every individual and that social justice can be delivered to the members of the society only if the society is based equality, liberty and fraternity. However one can argue that this can happen only when there is fraternity in society. In this context let us see what Ambedkar says. According to him, "ideal would be a society based on Liberty, Equality and Fraternity...What objection can there be to fraternity? I cannot imagine any. An ideal society should be mobile, should be full of channels for conveying a change taking place in one part to another part. In an ideal society there should be many interests consciously communicated and shared. There should be varied and free points and contacts with other modes and associations.

Ambedkar argues that to object to the liberty to choose a profession is to perpetuate slavery. For slavery does not only merely mean a legalized form of

subjection. It means a state of society in which some men are forced to accept other occupations which control their conduct. This condition is found even where there is no slavery in the legal sense. For instance it is found in the society where caste system is prevalent because some persons are compelled to carry on certain prescribed calling which are not of their choice. Any objection to Equality. The objection to equality may be found and one may have to admit that all men are equal. Equality may be a fiction but nonetheless accept it as the governing principle.

After India's political independence for dispensing social justice in the wake of emerging democracy in a hierarchically arranged society, Ambedkar discussed the operationalization of principles of equality, liberty, and fraternity, which were considered to be cardinal principles of any democracy. He argued, "We must... not...be content with mere political democracy. We must make sure our political democracy a social democracy as well" (Ambedkar 1994: 1216). Ambedkar went on to define social democracy as well. In his own words, "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 of trinity" (Ambedkar 1994: 1216). Another significant contribution of Ambedkar in the process of establishment of social democracy is his explanation of nature of three cardinal principles of democracy i.e. liberty, quality, and fraternity. He opined, "They form a union of trinity in the sense that to divorce one from the other is to defeat the very purpose of democracy. Liberty cannot be divorced



from equality, equality cannot be divorced liberty. Nor can liberty and equality be divorced from fraternity. (Ambedkar 1994: 1216).

Conclusion

To conclude, the paper has discussed some themes of social justice and in this light, it also discusses Ambedkar's theory of social justice. Accordingly social justice has been defined in the paper as a principle that lays down the foundation of a society based on equality, liberty and fraternity. Although Plato and Rawls have not defined social justice in these specific terms, yet these aforesaid principles can be inferred from their writings on social justice. Once this proposition about social justice is accepted it was easy to infer from Ambedkar's writings and speeches published posthumously, that equality, liberty, and fraternity are the basic principles of his theory as well. To begin with Ambedkar argues that for establishment of a society where individual is an end in himself and the aim and objective of society is the growth of the individual and development of his personality. He expected that there should be multiple channels and conjoint communicated experience. Further for Ambedkar Equality, liberty and fraternity cannot be divorced from each other. He had argued that, without equality liberty would produce the supremacy of the few over many. Equality without liberty would kill individual initiative. Without fraternity, liberty and equality could not become a natural course of things. Moreover, Ambedkar had envisaged that social justice could be brought when political democracy is extended in social and economic field as well. This has to be done through constitutional means and

by breaking the monopoly of the erstwhile political and social elites. That is why he wanted that the Dalits and other marginalized sections of the society should join the administration. Ambedkar was aware of the existing corruption and biases in the Indian administration and judiciary. For him incorporation of aspiration of the marginalized categories in the rules and policy is not enough for dispensing social justice but incorporation of the individuals is also a must condition for dispensing justice.

Hence Ambedkar's theory of social justice becomes akin to Plato and John Rawls's theory of social justice. In this context we can observe that Ambedkar had already enshrined these values in the Constitution of India. The value of equality in the preamble of the Indian Constitution is not only a slogan. Rather it has been substantiated with equality of opportunity (Article 16) and equality of condition that is reservation (Articles 330, 332, 335 and 46). This was done specifically because he might have thought that in a hierarchical society, like India, equality of opportunity may in turn produce inequality and subordination.

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