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Dr. B R. AMBEDKAR'S CONCEPT OF SOCIAL JUSTICE AND CONSTITUTION OF INDIA

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Abstract: Dr. Ambedkar, an Indian Jurist, political leader, philosopher, thinker, anthropologist, historian, orator, prolific writer, economist, scholar, editor revolutionary and a revivalist for Buddhism in India is portrayed as a leader of the 'Dalit' community and nothing else. Partly it is the fault of the Indian Political leadership in the post independent era. India has been implementing social justice programmes through its reservation policy which is in reality a problematic one from its very inception. All human beings are equal by birth but few people constructed caste system based on occupations which contributed to the evil practice of untouchability. He was the champion of social justice in India. In his opinion the cause of injustice in Indian society is caste and caste is created/ followed by the support of Hindu religion. Social justice is the spirit and vision of the Indian Constitution. It is the duty of the state to secure a social order in which the legal system of the nation promotes justice on the basis of equal opportunity and, in particular, ensures that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities. This article makes an attempt to explore Ambedkar's ideas on social justice. Thereafter, it focuses on Ambedkar's struggles and ideas on social justice in the Indian context and it finally explores the relevance of his mission for social justice in the present times.

Index Terms - Social justice, Schedule Caste, Caste system, Constitution, fundamental rights, directive principles of state of policy. Equality, liberty, fraternity, justice.

INTRODUCTION

Social justice means equal social opportunities available to everyone to develop their personalities associated with equality and social rights. The issues of social justice has affected various developmental policy as well as whole development of social welfare programme for the down trodden and weaker sections of society. According to Dr. Ambedkar the root cause of social injustice to the Scheduled Castes and Scheduled Tribes is the Caste system in Hindu society. He observed, Castes are enclosed units and it is their conspiracy with clear conscience that compels the ex-communicated to make them into a Caste. The logic of their obdurate circumstance in merciless and it is in obedience to its force that some unfortunate groups find themselves closed out with the result that now groups by a mechanical law are constantly being converted into Castes in a widening multiplicity. He further maintained that the root of untouchability is the Caste system and the root of the Caste system is religion, the root of religion attached to varnashram and the root of the varnashram is the Brahminism, the roof of Brahminism lies with the political power. The different concepts of justice, as discussed in ancient Western philosophy, were typically centred upon the community. Plato wrote in *The Republic* that it would be an ideal state that "every member of the community must be assigned to the class for which he finds himself best fitted." Aristotle believed rights existed only between free people, and the law should take "account in the first instance of relations of inequality in which individuals are treated in proportion to their worth and only secondarily of relations of equality." Socrates is attributed with developing the idea of a social contract, whereby people ought to follow the rules of a society, and accept its burdens because they have accepted its benefits.

CONCEPT OF SOCIAL JUSTICE

The concept of social justice emerged out of a process of evolution of social norms, order, law and morality. It laid emphasis upon just action and created space for intervention in the society by enforcing rules and regulations based on the principles of social equality. The term 'social justice' consists of two words: one is social and the second is justice. The term 'social' is concerned with all human beings who live in society, while the term 'justice' is related to liberty, equality and rights. Thus, social justice is concerned with ensuring liberty, providing equality and maintaining individual rights for every human being in society. In other words, securing the highest possible development of the capabilities of all members of the society may be called social justice.

DR B.R. AMBEDKAR'S STRUGGLE FOR SOCIAL JUSTICE

Dr B.R. Ambedkar's name will be written in golden letters in the history of India as a champion of social justice. He was not only the main builder of the Constitution, but also the crusader of social justice for the betterment of the downtrodden. He spent his whole life for the betterment of the poor and exploited untouchables in the Indian society.

In such a society, to bring about a great change, Dr Ambedkar had only one power—his logic and thought. He relied on the power of his thoughts and ordinances. French revolutionary Rousseau had written, 'Man is born free, but everywhere he is in chains.' His three words equality, liberty and fraternity had revolutionized France in 1789. Ambedkar was very much influenced by Rousseau's words and he decided to fight for justice based on equality. Dr B.R. Ambedkar wanted economic and social equalities before political equality; he tried his best to ensure that the downtrodden got a proper place in society. Hence, he gave more importance to social justice than political justice; on equal opportunity with individual liberty were laid much emphasis to root out the differences created by the caste system of the country.

Ambedkar's concept of social justice stands for the liberty, equality and fraternity of all human beings. He stood for a social system that is based on right relations between man and man in all spheres of his life. As a rationalist and humanist, he did not approve of any type of hypocrisy, injustice and exploitation of man by man in the name of religion. He stood for a religion that is based on universal principles of morality and is applicable to all times, to all countries and to all races. It must be in accord with reason and must be based on the basic tenets of liberty, equality and fraternity. He considered the caste system as the greatest evil of Hindu religion. The varna system according to him is the root cause of all inequality and is also the parent of the caste system and untouchability.

Ambedkar stood for a social system in which man's status is based on his merit and achievements and where no one is noble or untouchable because of his/her birth. He advocated the policy of preferential treatment for the socially oppressed and economically exploited people of the country. The Constitution of India, which was drafted under his chairmanship, contains a number of provisions that enjoins the state to secure to all its citizens, justice, social, economic and political, along with liberty, equality and fraternity. It also contains a number of provisions that guarantee a preferential treatment to the downtrodden people in various sectors. Article 17 of the Indian Constitution declares untouchability as abolished. Ambedkar, in his speech before the Constituent Assembly for the passage of the Constitution, said 'I have completed my work; I wish there should be a sunrise even tomorrow. The new Bharat has got political freedom, but it is yet to raise the sun of social and economic liberty.'

Dr B.R. Ambedkar's thoughts on social justice were progressive. He did not believe in violence; he considered the press to be a powerful tool for social changes for justice and freedom. He published *Mook Nayak*, *Janata* and *Samata* magazines, but these magazines remained largely unsold, perhaps because of the progressive and unconventional thoughts expressed therein. If there are prohibitions on the social evil of untouchability in the Constitution, then this credit goes to Ambedkar to a great extent. Ambedkar's greatest achievement was that he made the downtrodden of India feel their separate powerful existence; the credit goes to him that he brought all the downtrodden, untouchable castes under the one name of SCs. If Ambedkar had not pursued special reservation facilities for the SCs/STs in the field of education and government services of the central and states governments, their conditions would have remained as before—laden with sorrow and sufferings. It is the result of Ambedkar's constant efforts that today there are members of parliament (MPs), members of the legislative assembly (MLAs), The Indian Administrative Service (IAS)/The Indian Police Service (IPS), professors and doctors from among these castes.

Ambedkar is also one of the proponents of social justice in modern India. The aim of social justice is to remove all kinds of inequalities based upon Caste, race, sex, power, Position, and wealth. The social justice brings equal distribution of the social, political and economic resources of the community. Ambedkar was the chief architect of the Indian Constitution. He was fully aware of the pattern and problems of the Indian society. The aspirations of the different sections of the society and their conflicting interests. He tried to achieve social justice and social democracy in terms of one man-one value. He treated social justice as a true basis for patriotism and nationalism. Ambedkar did not accept the theories of social justice as propounded by the Varna system, the Aristotelian order, Plato's scheme, Gandhiansarvodaya order and not even the proletarian socialism of Marx.

Former Chief Justice of India, P.B. Gajendragadkar, has said, 'Ambedkar is the law maker of the 20th century and modern Manu, but unlike old Manu this new Manu favoured human equality and social justice'. At the same time, we

cannot deny the fact that in the field of social justice, much remains to complain about. Social differences and untouchability have not been removed due to the difficult caste system and the blind faiths that have been continuing for centuries.

The Constitution of India classifies Dalit's as Scheduled Castes (SCs). They are the people who tend to have engage themselves in occupations such as cultivate the land, mend the shoes, wash the clothes, clean the toilets, scavenge the dead animals or unknown human bodies and do all types of menial works, but share the stigmas of untouchability and are frequently denied the any accessibility to eat, smoke and even seat with the members of upper castes. They are often forced to use separate wells and tube wells from those maintained for others. Several Articles in the Indian Constitution are framed to minimize this discrimination of the Dalit's. The articles provide equal status to Dalit's with other segments of society, abolishment of untouchability and discrimination against them, provisions of fundamental rights to all, equal protection of laws, voting rights and reservation in education, jobs, promotion and political fields to them. Besides these several programs in the form of grants, scholarships, loans, stipend etc. are being provided to Dalit's by the States. It also 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. 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. 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 untouchability 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. The important part of the Social justice is the part IV of the Constitution as directive principles of state of policy. Although this part of Constitution is not enforceable by any court. The directive principles of state policy also express in categorical terms the ideas of social justice article 38 of the Constitution requires the state inter-alia to minimize the inequalities in income and endeavour to culminate in equalities in status, facilities and opportunities, not amongst individual, but also amongst group of people residing in different areas or engaged in different vocations.

Article 39 of Constitution requires the state to make available to all the citizens adequate means of livelihood, to distribute ownership and control of material resources. The state is also required to provide equal justice through the mechanism of free legal aid in order to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities. to provide right to work, to education and public assistance in cases of unemployment, old age, sickness and disablement and other cases of undeserved want, to make provision for securing just and humane conditions of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities, to secure the participation of workers in the management of under taking establishment or other organizations engaged in industry, to secure for all the citizens uniform civil code throughout the country, to provide free and compulsory education for children below the age of 14 years, to promote the educational and economic interests of the Scheduled Castes and Scheduled Tribes and other weaker sections, to raise the level of nutrition and standard of living and to improve the public health.

The contents of Ambedkar's concept of social justice included unity and equality of all human beings, equal worth of men and women, respect for the weak and the lowly, regard for human rights, benevolence, mutual love, sympathy, tolerance and charity towards fellow being. Humane treatment in all cases dignity of all citizens, abolition of Caste distinctions, education and property for all and good will and gentleness, He emphasized more on fraternity and emotional integration. His view on social justice was to remove man-made inequalities of all shades through law, morality and public conscience, he stood for justice for a sustainable society.

Ambedkar stood for a social system in which man's status is based on his merit and achievements and where no one is noble or untouchable because of his/her birth. He advocated the policy of preferential treatment for the socially oppressed and economically exploited people of the country. The Constitution of India, which was drafted under his chairmanship, contains a number of provisions that enjoins the state to secure to all its citizens, justice, social, economic and political, along with liberty, equality and fraternity. It also contains a number of provisions that guarantee a preferential treatment to the downtrodden people in various sectors. Article 17 of the Indian Constitution declares untouchability as abolished. Ambedkar, in his speech before the Constituent Assembly for the passage of the Constitution, said 'I have completed my work; I wish there should be a sunrise even tomorrow. The new Bharat has got political freedom, but it is yet to raise the sun of social and economic liberty.'

CONCLUSION:

Resting on Ambedkar's thoughts, the Indian Constitution guarantees equal rights to all, based on social justice and human dignity. It is observed, however, that Ambedkar's ideas of social justice could not be realized in a proper manner over the years. As such, his concept of justice will have to be propagated by institutions through civil society. Ambedkar was concerned about the overall development of the vulnerable sections of the Indian society and he chose to demolish existing caste discrimination by enacting the Constitution. Therefore, Ambedkar's ideas of social justice remain relevant in contemporary Indian society in promoting constitutional and legal methods for upholding the rights and dignity of the vulnerable sections.

The concept of social justice is central and integral to the Constitution and it is assumed to be a basic structure of the constitution which cannot be whittled down, altered or done away with in view of the Doctrine of Basic Structure propounded in **KesavanandaBharati** case. The concept whether Social Justice is and should be a basic feature provoke and excite lawyers, judges and jurists at both ends of the spectrum into a hot debate. To establish an egalitarian social, economic and political order in the diverse societies like ours, Ambedkar's rational philosophy of social justice has been the greatest influence and inspiration which has cast major impact on the depressed classes or Scheduled Castes in India especially in the direction of making them cognizant of their rights, the way to live a respectful life and the class consciousness. The impact of Ambedkar's philosophy has been so high that, he has been worshiped every day along with Lord Buddha by the millions of people in India. Nobody, perhaps, in the world has achieved such 'godly reverence' amongst his contemporary fellow leaders.

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