Claims for Social Justice in India

Deepika
Jrf awardee (Political Science), DELHI, E-Mail- deepikadahiya78@gmail.com
Contact No.-011-64544182, 9818684182

Abstract

All societies are characterized by its unequal and hierarchical stratification based on class, social status, gender inequalities, religious and cultural affiliations etc. Like secularism, social justice is also exclusively related to the functioning of the modern state. In this article main objectives are: (1) to explore the idea of social justice and to relate how it is connected with the deprived sections of India. (2) Examine the concepts of citizenship and social justice. (3) And deals with the history of social justice.

Keywords: *Social Justice, Religious minorities, Reservation, Rights*

1. Introduction

All societies are characterized by its unequal and hierarchical stratification based on class, social status, gender inequalities, religious and cultural affiliations etc. Like secularism, social justice is also exclusively related to the functioning of the modern state. The aspect of social justice represents many facets like representation in legislative, reservation of seats in public sector, special quota in various state institutions, distribution of land to the poor's, special economic drive for the empowerment of socially and economically backward, etc. Social justice in India is begun as an institutional model during the British raj for securing representation of religious minorities. The agenda of representation comes across diverse interpretations and consequently developed into a massive policy framework known as agenda for social justice. The benefits of social justice policies in India are now extended to three specified communities like first there are those caste designated as Scheduled Castes (16.20 percent according to the 2001 Census) defined as the victims of untouchability, Second there are Scheduled Tribes (7 percent of the population) specially designated because of their ecological isolation and regional specification and Third, the Other Backward Classes (OBC) is an heterogeneous category, varying state by state, also includes members of non-Hindu religions and women in general. In the past few years it has been extended to newer communities and groups and more groups and communities are mobilizing their efforts to become the part of this regime. This article undertakes the study of the emergence of the idea of social justice against the abstract notion of liberal justice. The abstract liberal values which undermine the rationality of local identities as petty and as another counter voice of passionate but irrational beings.

2. Historical background

The idea of justice has dominated the discourses of western political philosophy from Plato to Karl Marx. To a very large extent, this tradition revolves round the idea of economic justice or the redistribution of materialistic assets. Especially the liberal tradition which is rooted as an ideological assault against feudalism and monarchial locates individual liberty and property rights as its basic concerns while constructing the idea of justice. The social contract theoreticians emphasize on the universality of justice principles like security of life, liberty and equality in the realm of political and economic spheres as their primary motives. Justice is also understood as a moral endeavor of the governing authority. Liberal traditions locate justice to escape from the narrow communal compartments in order to achieve common welfare of all its citizens. One of the most influential thinkers on justice in the contemporary period, John Rawls also imagined abstract neutrality as the basic prerequisite value while formulating his theory of justice.[1] However, the classical Marxist Approach proclaimed that achieving economics egalitarianism will be the moral goal of struggling masses who wished to establish a society based on justice in a true sense. It developed a hyper sensitivity to the issue of economics inequality and ending of all class

distinctions became the main motives of their political theory and activism.

In the postcolonial, postmodern studies, the modern approaches of nation building, modernization and secularization developed by the liberal traditions are heavily criticized and a legitimized space is demanded for numerous approaches which represent particularistic view points. The universal "foundationalist" moral of liberal Citizen and Marxist Revolutionary Class are clinically examined to understand its applicability to the diverse, disembodied human individuals. Feminism, Psychoanalysis, Multicultururalism, Communitarianism and Racialism are some prominent popular concerns of the alienated masses in the modern world which have demonstrated the limitations of liberal and Marxist political theory in addressing their specific issues and concerns. A part from the celebrated valorization of class as a principle preposition to understand the structures of history they consciously negate to provide space to other related elements like race, patriarchy and caste as determining factors in studying the conflicting relationship between the people. The 'difference blind' attitude of classical liberals and Marxists nurtures and legalizes multiple modes of discriminatory and inhuman practices internally attached to the familial, social and religious domains. However the utopia created by these grand theories was unable to restrict the rising voices of deprived communities and cultures. However in the new order of social theory it has generated new autonomous capacities capable of directing and determining the actions of community. Under this new development the abstract value of justice is transformed into a new fabric known as social justice. This construction is dynamic and social sensitive as it wishes to address the never touched issues like cultural security, human dignity and respect, social status and building human capabilities. The rise of particular perspectives has created a new universe, having its own methodology, human concerns, secular values and ideals about the future world, Different from the dominant of western political thought. In India, the movement of social justice had the same potentials which challenge the mainstream dominant socio- political ideologies represented by the classical Marxism, the liberal reformist state, secular nationalism and conservative hegemonic Hindutva. The social justice perspective in India constructs different norms for justice based on contextual morality, secular self- determination and commitment to democratic order. The theme of liberal and Marxist traditions in India has to confront a unique kind of society and its social philosophy which in most of the aspect of demography, religious and cultural values, social and class conditions and political institutions differed at the very basic level from the European and American societies.

3. History of social justice in India

The Indian context of social justice is rooted in the specific historical trajectory in which the subalterns (Dalits, shudhras, women, peasants and religious minorities) contested the dominant elitist notion of socio- religious ideals in order to restructure it into a society based on egalitarian principles. The social elites have constructed the image of the subalterns as someone who are lesser, degraded, docile and impure one. In order to resolve these contestations, the subalterns look upon the state authority as the responsible agency which on the behalf of the struggling people will prepare the agenda of social justice. The state (mostly the modern constitutional welfare state) because of heightened directive principle formulates policies, implements laws and intervenes into the socio- religious domain in order to achieve the objective of the social justice agenda not sudden or radical manner but in a democratic and progressive way. Thus in India, the social justice agenda is the direct outcome of the struggles which the subaltern masses had built in the past in order to restructure the society with certain modernist values.

Before the advent of liberal thought in India, the general order and stratification of the society was based mostly on community's values having very little resource for the individual to explore his rational with freedom. The Hindu brahmanical social system was based on hierarchical manner, giving maximum opportunity to the Brahmin castes to use this principle of divide and rule to exploit the majority of the masses.[2] The first modern era of social reformist movements criticized such social order and appealed for an egalitarian social relationship based on equal rights and self-respect and put the Hindu society on the path of liberal transformation. Even earlier to the British

India, some of the princely states, under the influence of non- Brahmins movements, realized the overarching domination of the Brahmins over the institutions of state and introduced educational and employment rights for the socially backwards sections, paving path to the social justice agenda in India.[3] Importantly, the British started involving over the issue of social justice by introducing common and universal laws and policies for all the sections of the society, including the untouchables. However, the state further took deep interest in acknowledging the fact that the different communities and groups within the national society had plural aspirations and interests, which cannot be resolved by formulating inclusive political measures.

The idea of special representations for minority religious communities (Muslims, Sikhs Indian Christians and Europeans) was an approval to the fact that the religious communities were formally distinct from each other on various parameters and therefore, needed special protection and representation in decision making bodies. In the later half, Ambedkar contribution in constructing the agenda of social justice became important as he developed a concrete policy framework what later came to known as the reservation policy or quota system in India. The phenomenon of social justice got its first impetus from the notion of collective rights and self determination of the community. These rights were granted by the state in order to preserve the cultural against potential threat from other cultural communities and were supplementary to the notions of individual rights. Indian context adopts a different brand of liberalism which is sensitive towards the claims of collective groups and regards individual identity as necessary component of communitarian system and not as independent by its own. The political history of India which is responsible for drafting such a unique variant of social justice has provided equal space to the fundamental rights of the individual and also to the distinct autonomy to the community and groups to assert its presence in all democratic spaces.

Broadly, the stratification of Indian society represents four compartments: the social elites (mostly upper caste Hindus), Shudhras (OBCs), Dalits (SC/STs) and religious minorities (non-Hindu religious groups). The history of social justice movement represents the contest of majority of the people to secure and assert their cultural, social and economic rights from the domination of social elites.

4. Minority rights in India

The British had developed a realistic understanding regarding the socio-religious demography of India which was utilized to administer this terrain in a different way. The British understood the communal problem as intrinsic to the character of India affecting majority of the population.[4] However, such commonsensical formulation based on communal representation is required by the state in order to structure policies and to regulate the distinct interest of its subject. Most importantly, the social elites of the religious communities had also towed away with such simplified generalization and consciously demanded exclusive political and religious rights for respective communities.

- **The British Era:**

In 1906, the British parliament would take additional measures to democratize the Indian polity by introducing new reforms. Under this agenda, small steps were forwarded to enlarge the representation of the locals in the legislative affairs. A committee under Lord Minto and Lord Morley was appointed by the government of India to propose a scheme of reforms. The main feature of this reform was the allotment of special rights of representation to the Muslims in different legislative bodies through separate electorate. The Act of 1909 was an important milestone in the history of social justice movement in India as this Act advanced the beginning of new kind of politics based on the demands of separate representation of religious minorities. The other ascriptive groups got legitimate impetus to make claims for their demands with an argument that their socio-economic status is similar to the Muslims and different from the majority Hindus.

The second step was forwarded during the government of India Act of 919 (Montagn-Chelmsford Reforms) which extended separate electorates to newer communities of Punjab Sikh, Indian Christians, Anglo – Indians and Europeans.[5] The Third important step Indian Act of 1935, continued with separate electorate and further new communities were added making it a total of thirteen communal and functional groups

to whom special representation was granted. The Hindu nationalist leadership adopted the British vocabulary (Communalism and religious Representation) with a rationalist- liberal framework ad sought its solution by adopting normative procedural democracy. Under such influence a, the Nehru report was presented in 1928 which met immediate resistance from the Muslim leadership. In order to concede the Hindu communalists the report rejected the separate communal electorate and demand for proportionate reserved seats for Muslims at the Central and provincial level was made.[6] The report brought unconceivable ruptures in the relationship between the Congress and Muslims, as Jinnah felt that the Muslims were estranged by the report and therefore he withdrew support of Muslims League to the Report.[7] This breakage culminated into the adoption of radical separatist position by the Muslim League in their flical activism. The failure of congress to systematically and sensitively address the issue of communal representation moved the Muslim leadership to take stern political positions which ended into the partition of India and Pakistan.

- **Post – Partition India:**

The first Draft of the Constitution which was submitted on February 1948 had represented the concerns and interests of the religious minorities in a substantive way. Proportionate reservation of the seats in the legislative Assemblies was offered to the religious minorities including representations in the Cabinets. It was also noted that various safeguards for the minorities at the central and provincial level must be regulated under Special Minority Officer. CA members like K.M. Pannikar, S.P. Mukherjee, D.H. Chandrasekhariya, Sardar Hukum Singh, K.T. Shah and Kazi Sayed Karimundin adovacated proportionate representation for the minorities. Many Congress members who otherwise were against were against the idea of separate electorate were in agreement that representation of vital communities of the nation in democracy would be required to make it more robust therefore proportionate representation was necessary.[8] However, a comprehensive U-turn was taken on all these issues and religious minorities were bestowed only with safeguards related to religious, cultural and educational rights, stripping them with their important rights related to representation and reservation in the

state institutions. The post – partition debates in the Assembly changed the whole vocabulary of minority rights and their issues were discussed under moralistic appeal of national integrity and liberal democracy. The issues of minority rights were discussed under two distinct influences. First, was represented by Lari and other that stood for the protection of extensive minority rights and the second dominated by Nehru and Patel who categorically rejected special status to the religious minorities under the over expressive value of nationalist universality. Within the Assembly there were very few members who categorically argued for special rights and recognition for the minorities. speeches made by the powerful Congress members like Patel, Pant, S. Radhakrishnan and Vijayalaxmi Pandit effectively paralyzed the arguments for minority rights by prioritizing the ethics of national unity over the communal aspirations of the minorities. Especially after the partition, the debate took univocal affirmations for creating nationalist bonds among the dispersed communities and any claim for special communication protection was seen as a challenge to the grand narratives of nation building and secularism. The ascriptive caste, religious, ethnic and regional groups and their claims for recognition, in a traditional liberal discourse are treated with contempt as they looked upon these identities as the barriers towards achieving a common universal identity.

5. **Religious minorities**

The religious minorities, especially the Muslims and the Christians, are facing three important problems in the post- colonial India. First, problem is related to the social marginalization of the community by communal politics. With the rise of right wing fundamentalist forces the general public psyche has been influenced with anti- Muslim feelings and contempt. The Muslims in general have to face humiliation, violence and persistent threats of communal backlash. The Christians have also faced the similar kind of attacks in recent times especially in the states like Orissa, Madhya Pradesh and Karnataka. Secularism as a doctrine to protect the cultural and religious autonomy of the minorities has gone tremendously wrong in her way as large number of are actively participating in communal war mongering against the religious minorities. However, the intellectual and political leadership still locates the remedy

of the communal Conflicts only in strengthening the secular socio- political forces by enlarging democratic processes. The second issue is of the apathy of the state in regards to the questions of minorities. The Muslims are the worst represented community in central and state public services and majority of them are self-employed professionals. In the political spheres, mainly the parliament, the Muslims representation is the lowest and has always remained below average in most of the state Assemblies. On many indicators of development the Muslims lack behind even to the SC/STs.

The third issue is related to internal problems of the religious minorities which has been termed as 'minorities within minorities' in the social science discourse. All the religious communities face internal inequalities pertinent to women, caste, linguistic and class status. Among the religious minorities the question of internal injustice has not been addressed in an adequate way. However, in the recent times, deprives sections among the religious minorities have raised their voices against the perpetual caste discrimination and domination of social elites on various spheres of the daily life. The OBC and pasmanda Muslims have demanded special constitutional rights and protection to overcome their depraved conditions. The Christian Dalits also have a similar argument. These three broad fragmentations of the contemporary issues describe the general condition of the religious minorities in India today. Three important reports by National Commission have already established these facts that the socio-economic conditions of the religious minorities has been worsened since independence and therefore these groups need extra protection and support from the government. Even the secular political parties and civil society groups have been reluctant in taking concrete stand, especially on the socio-economic issues of the minorities.

6. The principles of social justice in India

In India the social justice perspective is an essential component of the liberal social democracy doctrine and of the welfare state agenda. It is based on the universal civil norms of liberty, equality and communal harmony. To achieve this grand vision, identification of the socially deprived and economically backward sections and formulating necessary remedial mechanism for their empowerment become the main directives of the newly formed state in India. However, there is an ideological precision to the social justice perspective which is antithetical to the classical liberal notions of secular identities because of its communitarian values. It is dependent extensively on the historical experiences and judges the contemporary situation in reference with its historical trajectory. The social justice perspective in India, because of its historic location and specific audience generates a normative procedure to specify its guiding principles. First, it avoids and also questions the imposed abstract liberal categories like individual, citizen or national as these nomenclatures obscure the pertinent social and religious confrontations beneath such ideals. It counters the outsourced categories to construct an independent and organic theory of justice. Second, it rejects the Marxist economic determinism and its given political nomenclatures (proletariat, peasants, subaltern) because of its historic negligence to the question of social and cultural discrimination. Third, it opposes the traditional sensitivities of the communication (represented by the right wing forces like Hindutva parties) for its open valorization of religious past. It locates religion as a symbol of oppression and subjugation and therefore, bringing radical democratic reforms in the socio-religious order is among the primary conditions of a just society. Fourth, it principally supplements the universal human rights approach.

7. Conclusion

Five important principles can be identified here based on previously made analysis:

1. Social justice promotes the notion of differentiated citizenship based on social communitarian identities.
2. Social justice perspective identifies the nature of dominant man – made inequalities which control the natural liberty of any individual in actuating her/his choices.
3. Positive intervention of the state is necessitated in order to bring concrete reforms in the lives of those who suffer by equal relationships.
4. Social justice perspectives demands guarantee for their civil rights,

Claims for Social Justice in India

protection against discrimination and proportionate representation in democratic bodies.

5. Principles of social justice must promote the ethics of inclusive social

order by prioritizing equal liberty to individuals in all spheres of social organizations.

REFERENCES

1 Rawls 'Original Position' is a hypothetical place where the law makers are under strict condition of impartiality and open – minded scrutiny to produce of justice.

2 Bhagwan Das, ''Moments in a history of reservations'', Economic and Political weekly, October 28, 2000, P. 3831.

3 Sukhdeo Thorat and Narender Kumar, B. R Ambedkar: Perspective on Social Exclusion and Inclusive Policies, Oxford University Press, New Delhi, 2009, P. 12.

4 Gyanendra Pandey, The Construction of Communalism in Colonial North India, Oxford University Press, New Delhi, 2008.

5 Judith. M. Brown, Modern India: The origin of an Asian Democracy, Oxford University Press, New York, 1994, P. 207.

6 Bipan Chandra, India's Struggle for Independence, Penguin books, New Delhi, 1999, p. 263.

7 Sarkar, Sumit, Modern India, 1885- 1997, Macmillan India Limited, New Delhi, 2006, p. 263.

8 Shefali Jha, ''rights v/s representation: Defending Majority interests in the constituent assembly, Economic and political weekly.

Claims for Social Justice in India