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Commissioner,
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SOCIAL JUSTICE

Introduction

Until the late 20th century, most philosophical discussions of justice and equality were limited in scope to a single society. Even Rawls's theory of justice, for example, had nothing to say about the distribution of wealth between societies.

In the 1990s philosophers began to think about the moral implications of the vast inequality in wealth between the leading industrialized countries and the countries of the developing world, some of which were afflicted with widespread famine and disease.

The German – born philosopher **Thomas Pogge** argued that affluent countries are responsible for increasing the poverty of developing countries and thus for causing millions of deaths annually.

What do you mean by Social Justice?

- The negative values which are made by the society results in inequality and clavation among people.
- Gender inequality may be quite natural, if looked upon superficially. All along the centuries, women were subjugated and exploited without an opportunity which portrays them as weaker section.
- Blacks were discouraged and kept aside as knowledge less. This situation continued for many centuries and factualised against the black community.

In India

- Same situation prevails also in India. Many people were refused opportunities on the basis of caste and it is believed as natural one in the society.
- Social power is the dominant phenomenon which leads to cut-throat competition and ends in absolute control of the subjects.
- It is in order to protect the social identity, the dominant communities endeavour to capture the power sector. Among different communities in a plural society, dominance of a single group is considered as unfair and unjust.
- The dominant groups activate racial, religious, caste, lingual and cultural feelings and intend to misuse the social rights of other groups that may end in permanent hostility between different groups.
- The struggle that is undertaken by the weaker groups in order to react for establishing equal society is known to be social Justice.

Background of Social Hierarchy

The ancient Indian civilization had evolved with the “Varnashrama Dharma” which kick-started the principle of hierarchy i.e. Upper and Lower strata.

The Varna system is also called as “Four Varna System” by which people were divided as *Brahmins, Kshatriyas, Vysyas* and *Shudras*.

This division on the basis of birth has been in calculated and socialized along different phases of civilization from which inequalities surfaced in the society.

Article 15 (4) of Indian Constitution

Article 29 (2) may not act as an obstacle in making special policy decisions for socially and educationally backward communities or SC/ST people.

Article 16(4) of Indian Constitution

- This will not prevent any sort of appointment or reservation among backward communities, if sufficient representation is not provided.
- India is a sub-tropical, sub-continent with varied geographical atmosphere. People speak different languages and follow unique hereditary values.
- Albeit of these factors, inequality is existing due to the Varna System. It is in order to advance and develop the socio – economic conditions of the downtrodden communities; Indian constitution is having its ideal guidelines with strong structural foundation.
- According to Indian Constitution, states which are having low technological development or inadequate natural resources can make their own special policies for holistic advancement.
- In accordance with the existing constitutional provisions, the down trodden and under privileged communities were provided with special laws and privileges in all the states.
- Ides like all inclusive development and self-sufficient societal growth highly hinges upon social justice along with special arrangements for the marginalized sections.
- Equal opportunity is the process and social arrangement by which social democracy can sustain and pluralism will be strengthened.
- In such a society different groups of religion, race and other factors can live with their social identity, tolerance and shared power.

European vs Indian Society

- Economic condition and status is one among the reason for the wedge created in the European society. Whereas in India, the division is on the basis of Purushasukta of Rigveda and particularly Four Varna System. This Varna System prevents individuals from their exercise of rights and values.
- Indian constitution in this regard is implementing all its supervisory mechanisms and also is delivering distributive justice which is the motto of the largest democracy.
- This justice intended to weed out the caste distinction (Varna System) and to establish equal society in India.

Equality is essential for Social Justice

- People accept equality as an essential phenomenon but still inequality and discrimination are serving as distributing factors.
- Inequality prevails in almost all spheres like opportunities, comforts and working atmosphere.
- This kind of inequality and discrimination is not only happening in India, but also at global level which creates stir in the minds of the people. It is for this reason, social equality stood in primary place in the socio-political principles.

Need of special privileges

- If poor children were not provided with adequate education and proper health care, we are raising hue and cry.
- We give our voice for justice. First we should understand that if person is treated with great respect on the basis of his caste, language or race, we may not tolerate the reputation.
- If opportunity is denied along with social identity, that is absolute injustice in a society. This creates inequality among the people.
- Regardless of caste, gender, religion and other differences, people should be provided with appropriate opportunities to prove their talent and capacities in the individual life.
- Individuals should receive respect and reputation on the basis of their achievements and talents.
- It should not be on the basis of social identities. Inequalities and discriminatory practices which prevail in the society are artificial and are known as prejudices.

Just Distribution

- Governments can and will enact laws to facilitate the just distribution of resources to individuals with in a society.
- Laws simply pave the way for the fair distribution of resources. Law enforcing agencies may have to monitor the process of the distribution itself. This is the ideal situation.
- A country like ours where socio-cultural inequalities are well entrenched, a law for fair distribution will not automatically ensure just distribution of resources.
- Governments will have to ensure a level playing field in order to establish Justice.
- Since our constitution has abolished untouchability and other caste based discriminatory practices, both the state and the legislature would have to ensure the creation of such a level playing field.
- Thus, the Government which swears in the name of protecting our constitution has the obligation of ensuring one of the finest promises of our constitution itself – bringing in equality to our society.

- Therefore, it is legal, constitutional and moral on the part of the government to create a level playing ground for all its citizens especially those who have been historically denied basic rights.
- This level playing field or what we popularly call 'equal opportunity' must not be treated either as charity or as philanthropic gesture of the government.
- It is the obligation on the part of the government to treat people differently in order to ensure Justice; more importantly it is a fundamental right enshrined in the constitution for disadvantaged people to seek legal, constitutional remedy.
- Similarly, level playing ground is aimed at creating equal opportunity only in education and employment opportunities for the disadvantaged communities.
- Many especially people from the so called upper echelon of the society tend to think of treating people differently in order to ensure just distribution effectively amounts to discrimination.
- This opinion slowly and steadily invokes strong passion and at times results in violence too. The fear of losing educational and employment opportunities among the privileged communities was steadily growing as the government planned to 'reserve' seats for people from marginalized and underprivileged communities as part of its equal opportunity plan.

Merit Vs Reservation

The idea of 'merit' would be invoked by the privileged sections of our country to argue that any attempt, to 'reserve' seats for the underprivileged people would strongly damage merit based output of our education system; thus it would subsequently affect the professional abilities of the candidates.

John Rawls Theory of Justice

- John Rawls is considered as one of the finest political philosophers of 20th century. He developed the theory of Justice based on the paradigm called Justice as Fairness.
- His framework treats all personal attributes as being morally arbitrary, therefore Justice for him demands equality. For him 'all social values including liberty, opportunity, income, wealth, self-respects are to be distributed equally.

Rawls argues that if we do not know where we will be and what options would be available for us in the future society, we will most likely support a decision on the rules and organizations of that future society which would be fair for all members. When we are quite uncertain about our future, we like to facilitate an order in which all members would get a fair deal.

This moment Rawls describes as thinking under a 'Veil of Ignorance', We are ignorant about our possible position and status in society, each person would decide the way they

generally do – trying to have optimum self interest in the new society. But surprisingly no one knows exactly who he/she would be and what is going to benefit him/her.

Do you know?

- Migrated people are also having certain rights in the alien nations.
- Refugees, migrated and exiled are also exercising vital rights.
- The member nations of UN recognized those vital rights.

Socio – Cultural Equality

In the diversified society, people from different groups may practice their cultural values, habitual factors and improve individual talents. For this to happen, equality in society is an essential criterion. Every individual should be assured of fair opportunity in the society. To a large extent, unequal atmosphere should be wiped out for attaining liberal society.

Actions must be taken at least to reduce the unequal circumstances. For instance, a good healthcare, education, nutritious food stuffs, minimum emoluments are the basic needs to be provided to all without discrimination. Without these basic facilities, we may not call a society as egalitarian one.

What are the main issues of our Nation?

Beliefs and practices on the basis of caste and religion are dastardly obstacles. In many parts of India, the status of women is at lower level – education, employment, right to property are refused to women.

Economic Equality

Economic equality can be identified by individual's income and the value of property, he posses in a society. Otherwise, the gap between rich people community and poor may indicate the status of economic equality.

“Humans respected on the basis of caste which he belongs to, is barbarian and anti-human thinking”, exclaimed E.V.Ramaswamy alias Periyar in Tamil Nadu. He out-rightly condemned the cultural practices, habitual follow-ups and other so called values which refutes equality in all its aspects. Periyar also was against “Patriarchal Chauvinism” which subjugated women all along the history.

That society is best which got rid of caste, religion, gender and suppressive habitual practices”, lamented Periyar. Modern society cannot be sanctified by the people who cling towards the language and discriminatory cultural practices. Apart from Periyar, various saints, seers and philosophers took strenuous efforts to have egalitarian society. People who enjoyed all kind of privileges on the basis of dynasty, birth and descent so far has to come to end. Determining an individual's capacity on accordance with the birth is the primary and precarious feature of the unequal society.

All are equal and individual's capacity, if decided on the basis of merit, is the first step towards equal society. So far, number of modern nations refused to provide voting rights for the poor people. There are nations which restricts women education and public offices in the 21st century.

In India, lower starts people are permitted to work only in the clerical and other benefit-less offices. They were not permitted to occupy higher positions, because of their caste identity. Individuals and organization for the past centuries made onerous efforts to curb out in equal menace from the society.

Reservation policy is a good initiative from the part of government in delivering equal justice. People, who were denied of education and employment opportunities so far, were provided with reservation for uplifting the condition and status.

Discriminatory practices which were followed for long time in the historical phases may not be curbed out in a short span. Expecting the change within one of two generations is an utopian faith, stated researchers. If reforms happened in short time, it will be a good sign for the development of the entire nation.

Social Justice and Equality

All civilizations were equipped with the awareness of their practices. The accepted practices are "Dharma" and the negative is "Adharma". Those people who breach these practices will be punished by the king. Mistakes and related punishments are quite natural in all the countries.

Greek philosopher Plato and his disciples often debate and discuss about justice and its practices. Discourses and teachings of Socrates consists of anti-justice people and their impact in the society. Justice and fairness may do only good things in a society. If justice do favour for certain individuals, that may not be considered and called as justice.

Justice is all about the entire development and advancement of a society. Fair justice is applicable to all the people in a society, claimed Socrates. We may infer from the above said arguments that reservation is the fair justice provided to the people, who were hitherto discriminated and exploited.

Proportional Justice

The social justice provided by our Indian constitution to the depressed and downtrodden communities is a helping hand for their development and advancement.

Caste hierarchy is the primary reason for inequality in our nation. Hence on the basis of the caste hierarchy, social justice has to be maintained / must be maintained. In categorization, we are having backward caste, most backward caste, scheduled caste and scheduled tribe for whom; governments' policies are distributed accordingly.

- First Commission for backward community was established on 1953.
- Kaka Kalelkar was the first head of this Commission in Independent India.

Discrimination – Social Basis Theory

What discrimination means is that out grouping their own members from the membership of their group or ban their members from accessing natural resources. Indeed, wealth is an important matter.

Empirical studies confirm that persons with a low sense of social recognition display more out-group devaluation and group – focused enmity based on an ideology of human inequality.

Affirmative Action

The principle of affirmative action is to promote societal equality through the preferential treatment of sociality and economically disadvantages people.

Often, these people are disadvantaged for historical reasons, such as oppression or slavery. Support for affirmative action has sought to achieve a range of goals, bridging inequalities in employment and pay; increasing access to education; enriching state, institutional, and professional leadership with the full spectrum of society; redressing apparent past wrongs, harms, or hindrances and in particular addressing the apparent social imbalance left in the wake of slavery and slave laws.

For example, a 2017 study found that affirmative action in the United States of America “there is an increase in the share of black employees over time: in 5 years after an establishment is first regulated.”