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Changing nature of social justice in India

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Abstract

Globalization has affected all aspects of human life and also influenced the social institutions to a great extent. It operates in an uneven and unequal manner. The neo-liberal economy, i.e., liberalization, privatization and globalization, has further divided the society into haves and have-nots. The small group of world population holds maximum resources and majority of people are trapped in the vicious circle of poverty. The concept of market economy considered human beings as commodities, which are used in production. The theory of "survival of the fittest" is governing the whole system of globalisation. The state, as an institution, has guaranteed social welfare and social justice to the marginalized groups but globalization has reduced the role of a state considerably. The basic pattern of socialistic society has now changed with the emergence of free trade. Social justice as a philosophy, occupies a pivotal role in determining the social life of millions of oppressed and downtrodden communities all over the world.

Keywords: Social justice, liberalization, privatization, globalization, liberty, equality, rights

Introduction

Meaning of social justice

The term 'Social-Justice' consist by two words: one is social and second is justice The term 'social' is concern with all human beings who lives in society and term 'justice' is related with liberty, equality and rights. Thus social justice is concerned with to ensure liberty, provide equality and maintain individual rights to every human being of society. In other words, to securing the highest possible development of the capabilities of all members of the society may be called social justice. But, the terms 'social justice' is very much elusive cannot capture empirically. In this sense the core value of Ambedkar concept of justice is human equality, equal distribution of welfare materials and discrimination less society.

Social justice means availability of equal social opportunities for the development of personality to all the people in the society, without any discrimination on the basis of caste, sex or race. No one should be deprived, because of these differences. The issue of social justice is associated with social equality and social rights are dependent on economic equality and rights. Social justice can be made available only in a social system where the exploitation of man by man is absent, and where privileges of the few are not built upon the miseries of the many. Social Justice implies that all benefits and privileges in society should be shared by all its members. If any group in society has suffered from structural inequalities inherent in the social system special care should be taken to remove such structural inequalities. The obvious implication is that the state should take affirmative action in order to remove such injustices perpetuated in the same society by one section over another.

The Constitutional Vision

The Preamble embodies the philosophy of the Indian Constitution. It states that the people of India have constituted a sovereign, democratic republic, which is socialist and secular, as incorporated by the 42nd amendment of the Constitution, and to thereby secure to its citizens justice: social, economic and political; along with liberty, equality and fraternity. It has to be pointed out that priority given to the concept of justice as compared to liberty, equality and fraternity, and to social and economic as compared to political justice, was deliberate. The order of the words indicates that the concept of social and economic justice was perhaps considered the most fundamental norm of the Constitution of India.

Thus it could be said that the constitution makers envisaged a concept of social justice, which involved the establishment of an egalitarian social order where there was no discrimination among individuals on the basis of caste, religion, race, sex or place of birth.

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During the Constituent Assembly Debates, it was argued by some that these social changes were to be affected through the mechanism of political democracy and individual liberty. On the other hand, other members were of the view that mere political democracy would not suffice but economic democracy was required to effect the desired social change. These goals of political and economic democracy have been sought to be implemented through certain political and socio-economic rights. The political and civil rights have been guaranteed through the Fundamental Rights whereas the socio-economic rights are to be secured over a period of time through the Directive Principles of State Policy. We can say that the core of the social revolution, required to bring about the social change, lies into Granville Austin, the Directive Principles foster this social revolution by establishing the conditions necessary for its achievement. These conditions were to be established by adopting a socio-economic model of development through a policy of socialism, which was involved initially to establish a socialistic pattern of society and gradually it was incorporated in the Preamble of the Indian Constitution through the 42nd amendment. Besides this, the constitution makers have provided certain necessary safeguards by making certain provisions, which make a positive discrimination in favour of the weaker and disadvantaged sections of society, so that they could be able to avail the same opportunities as being availed by the well-off sections of the society. Thus, the constitutional vision of establishing social justice in India involves three aspects:

1. Provision of political and socio-economic rights in the form of Fundamental Rights and Directive Principles of State Policy respectively, which seek to foster the principle of equal liberty,
2. The adoption of such a model of socio-economic development which goes on to attain the goal of socialism by reducing the disparities between the rich and the poor and provides for equalization of opportunities for all, which seeks to establish the principle of fair equality of opportunity.
3. Provision of special safeguards and affirmative action for the disadvantaged sections of Indian society, incorporating the Difference Principle.

Crisis of Social Transformation

When we trace the history of social progress in India since independence, it is to be noted that it was not only respectable, for it was a radical departure from the past and no worse than the performance of most countries, but also impressive, and indeed much better than in most countries (Kurien 1994; Nayar 2007). We are interested in the economy of the nation because, in the conventional developmental framework, economic growth becomes a precondition for facilitating social transformation. Nevertheless, as a nation, India seems to have failed to transform this growth into wellbeing for all its citizens. So, India's journey in development and social transformation may be viewed as an unfinished one, as long as poverty, deprivation, exclusion, corruption, extremism, and the like persist (Vaidyanathan 1995; Nayar 2007). In fact, socio-political developments in India in recent years have often been articulated in terms of crisis (Kothari 1989; Kohli 1991; Baxi and Parekh 1995; Saberwal 1996) ^[25]. It is pointed out that the middle class, the predominant social category in India today, currently caught in the whirlpool of

consumer culture, is in the grip of a moral crisis too, and this moral crisis has to do with abandoning the Gandhian ideals of self-reliance and commitment to a course of development that includes the poor and the disadvantaged.

Solidarity with the poor and the disadvantaged is incompatible with the present middle-class' orientation towards personal economic success and consumption (Palackal 2011). Capital is a necessary but not a sufficient condition of development. It means that human resource is equally important for the development of an economy. Too much emphasis upon absolute high growth rates in terms of income and industrial, agricultural, and external sectors along with poor growth of social sectors such as health, education, and environment will fail to sustain the high levels of development for a longer period. The socio-economic changes and the modern communication system have transformed the values and precepts of our society. Technology, both information and communications, has played a vital role in ushering in consumerism and materialism, and this has resulted in self-affirmation, rising expectations, and loosening of the communitarian grip over individuals. The new-social-man is more self-centred, self-oriented, and self-seeking. There appears to be a national crisis of governance in contemporary India (Kohli 1991). We find that India ranks very low in terms of productivity, transparency, and governance. There is urgent requirement of administrative and bureaucratic reforms along with economic reforms. Elimination of corruption from public offices and government departments needs to be a priority of our decision makers. There are various sources that contribute to increase in corruption. The quality of life, human values, moral values, discipline, integrity and honesty, etc. are the factors which determine the commitment to nation, people, and services. The increasing number of scams and highly publicised corporate scandals are examples of poor governance.

The strengthening of public audit, accountability, better functioning of local self-government institutions, publishing the citizens charters, spread of e governance initiatives, and greater public-private partnership through NGOs are some of the appropriate ways of good governance and civil society. Therefore, it can be safely suggested that the path of social transformation in India may be approached only through proper legislative acumen, perfect implementation efforts, equitable judicial system, perpetuation of national interest by political actors, continuous co-operative attitude towards the industry, faith in social responsibilities of the administration, eradication of corruption from public offices, and a wholesome reform process at different levels of governance. This may not only lead to overall development of the state, but also pave the way for good governance, which has become an essentiality of the present political world.

Furthermore, Inadequate employment opportunities, lack of access to resources, underdeveloped agriculture, artificially depressed wages, geographical isolation, and lack of effective land reforms may all impinge significantly on the growth of extremism. Therefore we need to dwell deeper into this critical problem haunting our nation. So, in a sense, the elementary function of the state of overall development of the citizens can be performed properly only by striving for the minimisation of inequalities. Therefore, the phenomenon of development is closely related to the concept of equality. Equality has been the mainstay of democratic governance.

Even political systems that do not claim to be democratic reiterate their faith in programmes for reducing inequalities. The most disturbing aspect of India's development pattern is exclusion of the marginalised communities. The Dalits and tribal people have been systematically left out of the developmental process in India and their exclusion again poses a major challenge to the nation's development paradigm. More, the extension of the global capital orchestrated through international organisations has not only weakened the power of the governments to influence social and economic decisions, but also vital resources such as land, water, and even community knowledge have become private, marketable commodities. This process makes the dispossessed communities the refugees of development in their native land (Basu 2008) [24].

However, India's development performance, particularly in the social sector, has remained quite moderate. As far as economic growth is concerned, there has been a significant acceleration, but the country remains handicapped economically and socially by its overwhelming illiteracy, backwardness in health, debilitating social inequalities and other crucial failures. These limitations continue to restrain the participatory possibilities of the growth process. If one were to take a broader view of economic development, in terms of expanding social opportunities, India lags behind in the expansion of certain basic capabilities - those associated with literacy, education, health, gender equality, land rights and social security; and their causal antecedents being governmental neglect and public inertia.

Economic justice and social injustice: the current state of affairs

Growing disparities in the distribution of income and assets, the direct link between socio-economic class and access to quality health care and education, and the decline in the participation of average citizens in public affairs are only a few of the many indications that social justice is receding, both as an objective of Governments and as a feature of societies. If one also takes into account the worsening of absolute poverty, particularly in affluent countries, it becomes readily apparent that the world is experiencing overall social regression, at least as measured by the traditional yardsticks of the founding texts of the United Nations.

The spread of a global culture of consumption, competition and greed, the weakening of traditional forms of social inequality deriving from the uneven distribution of privileges based on birth and status, and the right of citizens to vote in elections give many societies the appearance of being more democratic when in truth they remain plutocratic and elitist. Nonetheless, it is undeniable that most societies have become more open to the expression and exercise of individual freedoms and private initiative. The increasing conviction among peoples from different cultures that individuals should receive what they deserve from society in proportion to their talents and efforts is extremely important. Economic activity should not be hindered and should be fairly rewarded; within this broad context, justice, fairness and freedom are closely related and mutually reinforcing. While inequalities have worsened over the past several decades, the widespread adoption and application of market-based economic principles have made it possible for more people to exercise their initiative and reap financial and social rewards for their efforts.

Economic justice: A component of social justice

Economic justice, defined as the existence of opportunities for meaningful work and employment and the dispensation of fair rewards for the productive activities of individuals, will be treated here as an aspect of social justice. The customary distinction between economic justice and social justice is intellectually unsatisfactory, as it serves to legitimize the dichotomization of the economic and social spheres. This tendency can seriously limit the potential for the advancement of justice, or particularly within organizations that exercise a normative function with regard to matters of development. In recent years there has been a discernible trend in international discourse towards the attenuation not only of the concept of social justice, but also of the related concepts of social development and social policy. The social sphere has in many respects been marginalized. One reason for the decline in "social" orientations is the failure to adopt a comprehensive perspective on what the concept encompasses. As asserted later, support for the idea of social justice has gradually diminished because its advocates and practitioners have neglected one of its essential dimensions, which is for individuals to have the opportunity to exercise their initiative and use their talents and to be fairly rewarded for their efforts. To acknowledge the necessity of viewing economic justice as an element of social justice is, again, to argue for a social perspective on human affairs. Economic justice is one among many interrelated dimensions of life in society.

The recent globalization process and its social dimensions

The literature analysing the social impact of globalization is highly controversial. At the aggregate level, examining the overall social impact of globalization, most analyses fall between two polar views. For some, globalization has been an instrument for progress; it has created wealth, expanded opportunities and provided a nurturing environment for entrepreneurship and enterprise. For others, globalization has created unemployment, poverty and marginalization, and is thus perceived as a force institutionalizing social crises. There is also some agreement among researchers that globalization has increased economic and political insecurity, even for those who have benefited from globalization. Global pressure on wages and employment MNCs base their decisions on the location of production on the most competitive combination of labour, technology, structural advantages and business environment which includes, low taxes on profit and political stability. It is well established that in the 1990s there was an intensification in competitive pressure to lower labour costs and taxes, especially in high- and middle-income countries. It is also well established that much manufacturing production moved from the industrialized countries to the developing countries, although this has not yet affected most developing countries. The shift in manufacturing production caused large-scale structural unemployment in the affected industries in most industrialized countries, as Stiglitz (2003) points out for the United States, although more and more manufacturing was being moved offshore, new high-paying jobs, largely in the service sector, were created, which more than offset those lost in manufacturing (though obviously not all those previously employed in the manufacturing sector were absorbed into the service sector).

Conclusion

In the era of Globalization, liberalization and privatization, the concept of Social Justice has assumed a greater significance. Many Multi-National Companies (MNC) by insisting for merit have discarded the concept of social justice. All MNC's should be made to work within the Constitutional frame work so as to ensure social justice to Scheduled Castes and Scheduled Tribes and women in India. For this the state should make various rules, regulations and procedures. Otherwise, the concept of social justice remains only on paper not in practical.

The massive changes that have occurred in the economy since the introduction of NEP has necessitated a fundamental shift in the thrust of the doctrine reflected in the preamble, which is required to continue to protect individual rights and carry forward the cherished goals of the Constitution, viz., socialism, equality and justice. Emerging from the above-mentioned discussion, the main contents of the constitutional regulation of the economy under the globalisation could be the following:

1. As of now the government has not been fully capable of implementing the economic rights of the citizens, enshrined in chapter IV of the Constitution and develop the country due to structural constraints of the major international bodies on the one hand and its own disability, weakness, incompetence, inefficiency and domestic constraints on the other. The broad features of the market-oriented economy, open to the exterior and dominated by the private sector, include integrating the economy with the global level, opening up the market for investments by the multinational corporations, privatisation of the public sector undertaking by offering of share so far held by the government, deregulation, delicensing, non-protection and free competition, denationalisation and efficient enterprise, reduction in subsidies for food and fertilizers, liberalization of foreign exchange regulations and liberalization of fiscal and monetary policies. Such policies would undoubtedly encourage experiment and innovation, while limiting the power of the bureaucracy. Yet, there are attendant risks of monopoly and lopsided development. Since private investments are promoted by profit motive, the economic benefits may not reach the intended masses. Further-more with the emergence of the World Trade Organisation and corresponding developments in the field of intellectual property rights domestic industry is bound to be affected, which had so far remained sheltered from outside competition.
2. The constitutional regulation of the economic role of the state must be clearly defined. It should be clearly stated, what can and what should the state take over as its duty in this field. Consequently, in relation to the economic sphere it should be possible to decrease the overall role of the state and eliminate its paternalistic role. But, at the same time, the state should not disown its welfare role by ensuring the basic rights for its population. For this matter, some of the provisions in the directive principles must be made part of the fundamental rights, health, employment, education, legal aid etc. In formulating the constitutional rules of the economic role and basic rights of the state we can start from the assumption that in the framework of the social market economy, the state determines the legal

framework and guarantees independence of economic ventures. Furthermore, the state influences the economy primarily by the determination of economic policy and guaranteeing its implementation. The means by which the state influences the economy are particularly social and economic planning, monetary and fiscal measures, and the exercise of public power. The state also promotes the development of international economic relations.

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