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SOCIAL JUSTICE AND EQUAL OPPORTUNITIES TO DALITS IN INDIA – A REALITY



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Short Profile

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ABSTRACT:

Social Justice is the most important action as significantly building a good individual and a nation. This paper focuses on the state of social justice in India and equality of opportunity for dalits or untouchables. Opportunity rigorously describes the notion of capability. Capability relates generally to 'freedom – the range of options a person has in deciding what kind of life to lead'. Freedom leads to development which is really a joy and happiness of human life. The social stratification in India depriving social justice of the 1/6 population. The effective less preamble or constitution seems

impractical for them. The social deprivation is more futile than the economic one. Inadequate practice of the concept makes individuals looser of happiness. It is difficult to measure this multidimensional word in any type of scale. When deprivation is the main cause of unhappiness, unhappiness causes poverty and illiteracy leading to other issues. These social stigmas are largely found among untouchables. Undertaken a research on obstacles to socioeconomic development of scheduled castes and tribe in Odissa, it was found that low socioeconomic status and untouchability are causes of poverty and illiteracy. It is clear that neither constitution nor human rights protect dalits.

KEYWORDS

Social Justice, Equality, Opportunity, Deprivation & Dalit.

INTRODUCTION

Justice is a complex term which is very important to understand that it has much to do with everyone being treated fairly. Justice is a holistic approach for the well-being or development (quality of life) of the human beings. Many philosophers, reformers, economists and social scientists have viewed justice from the 19th to 21st century and widely accepted that the real development refers to joy and happiness of human beings. It never denies for any individual on caste, class, colour, race, creed, sex etc. "We, the people of India, having solemnly resolved to constitute India into a Sovereign Socialist Secular Democratic Republic and to secure all its citizens: Justice-social, economic, and political liberty of thought, expression, beliefs, faith, and worship; Equality-status and opportunity and promote among them all; Fraternity-assuring the dignity of the individual and the unity and integrity of the Nation. It has been argued by the so called philosophers, social scientists, economists, reformers that social justice is more vital than anything else. At birth she/he as a social animal should not be deprived of it at any circumstance by the society. The deprivation is a big mark of underdevelopment. Deprivation generally refers to limitation of human choice or well-being or happiness. Sen views "deprivation as multidimensional poverty that includes hunger, illiteracy, illness and poor health, powerlessness, voicelessness, insecurity, humiliation, and a lack of access to basic infrastructure".

SOCIAL JUSTICE AND EQUALITY OF OPPORTUNITIES

Social justice is a revolutionary concept which provides intending and emphasizing significance to human life and makes the rule of law dynamic. India is a state of welfare and promise to equal opportunities to all citizens with the assistance of the rule of law. The idea of welfare state is that proclaiming social justice cardinal and paramount. It must be achieved by adopting necessary and reasonable measures. Citizens zealous of their individual's freedom and liberty must co-operate with democracy which seeks to regulate freedom and liberty of individuals in the interest of social good, but they must be able to resist the imposition of any restraints on individual's liberty and freedom which are not rationally and reasonably required in the interests of public good, in a democratic system. It is in the light of these difficult terms that the rule of law comes into operation and the judges have to play their prudent role without fear or favour, uninfluenced by any considerations of dogma or isms. Social justice is a blanket term which intends to mean equity (both social justice and economic justice).

Equality is a multifaceted term almost all socioeconomic, cultural and political aspects of human life. The question arises that, why equality? (2) Equality of what? Answer these questions by John Rawls, equal liberty and equality in the distribution of 'primary goods'. But equality in some space seems to be demanded even by those who are typically seen as having disputed the 'case for equality' or for 'distributive justice'. For example Robert Nozick may not demand equality of utility or equality of holdings of primary goods, but he demands equality of libertarian rights-no one has any more right to liberty than anything else. James Buchanan says equal legal and political treatment indeed a great deal more – into his view of a good society.

With many researches from "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. Rawls believed that his theory of justice is an improvement over utilitarian accounts of justice as maximum welfare. John Rawls developed the following principles of justice:

1. Each person is to have an equal right to most extensive basic liberty compatible with similar liberty for others.

2.(A) Social and economic equities are arbitrary unless they are reasonably expected to be the advantage of the representative /man in each income class.

(B) Inequalities are to attach to positions and offices equally open to all.

Similarly taking a leaf from Rawls' theory of social justice, Beteile argues that, "the fundamental issue in distributive justice is equality; a more equal or at least a less unequal distribution of the benefits and of social co-operation". He opines that, distributive justice to go beyond equality in the purely formal sense: equality before the law, seeks to go beyond equality, the equal protection of the laws, or even formal equality of opportunity. Its central concern is, in the language of Rawls 'to address the bias of contingencies in the direction of equality'.... Any attempt to promote distributive justice must begin with a consideration of the existing inequalities in society... it is essential to keep in sight both inequalities between individual and disparities. Disparities between groups have been historically go great significance in Indian society". Plato and Rawl'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. Opportunity rigorously follows the notion of capability. According to Sen, the notion of capability relates centrally to 'freedom-the range of options a person has in deciding what kind of life to lead'. The capability approach to human well-being is a 'concentration of freedom to achieve in general and the capabilities to function in particular', and the core concepts of this approach are 'functionings and capabilities'. 'A functioning is an achievement, whereas a capability is the ability to achieve'. Capabilities comprise what a person is able to do or be: 'the ability to be well nourished, to avoid escapable morbidity or mortality, to read, write and communicate, to take part in the life of the community, to appear in public without shame'. Sen has emphasized totalitarian view of well being. Sen criticizes the way of measuring a person's well-being in terms of the amount of income or commodities. First, Sen argues that, 'A person's well-being is not really a matter of how rich he or she is in commodity command is a means to the end of well-being, but can scarcely be the end itself'. Commodities are merely objects which a person might use. Second, individuals have different commodity requirements. Third, differing commodity requirements can also be found in different cultures and societies.

This significant argument of Sen brings us to think about a unique community which is still depriving a few sections of the society as group of untouchables. On discussion, questions can be raised, who are untouchables? Why untouchables? If we search answer just following the past its answer has no meaning. The thoroughly reactionary Varna and caste system has hounded Indian society (South-Asia) for thousands of years. The holistic Hindu society has been classified into four groups (Varnas) with particular social occupation and functions as per the Veda or the Gita such as Brahmin (Priests and Teachers), Kshatriyas (Ruler and Warriors), Vaishya (Tradesmen, Salesmen and Land-owners), Shudra (Servants of the three). So here a common question can be arisen, that where was the fifth group Dalit or Untouchable or Scheduled Caste. The usage of the term 'dalit' seems to have been originated from the Arya Samaj which was /is the very old and holistic society. They symbolized as 'oppressed' or 'suppressed' or 'depressed class' to dalits. Earlier in 1917 the Bombay government had prepared a list of 'depressed class' confined to the untouchable classes. One of the important tests for the grouping was pollution by touch or contact. In 1930, the State committee stated the term 'depressed classes' should be retained to designate the untouchable caste. Dalit is a Marathi word and used by Dr.B.R.Ambedkar in his Marathi speeches. In legal and constitutional terms, Dalits are known in India as scheduled castes which used by the Britishers in 1936. So, still our constitution treats them as like as treated by Britishers.

They have been living with unfreedom in the free India.

CONSTITUTION AND DALITS

Today Dr. Babasaheb Ambedkar is accepted not only as a Dalit leader or a father of world's largest Constitution but also a 'nation builder', a human rights _ 'Global Icon'. The drafting of Indian constitution in late 1947-48 coincided with the United Nation Declaration on Human Rights in 1948. Our constitutional Justice-social, economic, and political liberty of thought, expression, beliefs, faith, and worship; Equality-status and opportunity guarantee and promote among them all; Fraternity- assuring the dignity of the individual and the unity and integrity of the Nation. The constitution also states that: the state shall not discriminate any citizen on the ground of religion, race, caste, place and birth or any form. The Constitution of India has provided two types of safe-guards-general and specific to safeguard various interests of the dalits or Scheduled Castes. In the first category are those provisions that are equally enjoyed by both groups and/or all. The provisions ensure justice-social, economic and political equality to all. The second category consists of provisions meant specifically for the protection of particular interests of dalits. In accordance with these Constitutional provisions a number of measures have been initiated by the government for safeguarding untouchables/dalits. These measures are protective and developmental. In the protective spheres untouchability is legally abolished and its practice in any form forbidden by the protection of Civil Rights/Human Rights (Anti-Untouchability) Act of 1955.

Dalits live at the bottom of the Indian Hindu Social order namely the caste system (Caste is determined by birth). About 1/6th of India's population or over 166 million people are Dalits who are living in rural areas. Dalits suffer from discrimination in education, health care, housing, employment, and religion. They are forced to work in degraded conditions and are routinely abused by the upper caste members. They also suffer from caste-motivated killings, rapes and other violations of their human rights through state-sponsored or sanctioned acts of violence, including torture. Every right has three types of duties: i) Duties to avoid deprivation, ii) Duties to protect from deprivation, iii) Duties to aid the deprivation. The dalits are in deprivation and state of powerlessness which keeps them in poverty. Poverty rips the very social fabric of a society. Its victims are apparently divested of some universally accepted human quality of life. The quality of life is an important indicator of the present day development. The word 'quality of life' is used to evaluate the living conditions of man either at the individual, community, private, public, local, national, and global, and it varies in time, space, and even in culture. To envisage quality of life, Prof. Amartya Sen suggests "quality of life of the individual is real development of the state". The quality of life denotes absence of human deprivation. Deprivation generally refers to limitation of human choice or well-being or happiness. Sen views "Deprivation represents a multidimensional view of poverty that includes hunger, illiteracy, illness and poor health, powerlessness, voicelessness, insecurity, humiliation, and a lack of access to basic infrastructure".

Experiences across the country prove that no significant improvement of untouchability has been found except a few cases of example. Untouchability is a big stigma for the social as well as economic progress of Indian states. Many well wishers of development have viewed that education can abolish untouchability from the society but this hypothesis is not universally accepted at all levels of the society. A research on obstacles to socioeconomic development of scheduled caste and tribe by Dr. Sashi Sekhar Biswas highly focused on various social problems by observation and it was found that the lower caste (untouchables) people are highly depressed, socially and economically tortured by the higher caste people. The large number of people are living in the villages, whose lacking, sad and gloomy faces of the villagers advertise lower status in the society. The dalits are working as slave for very low wage in

bad environment. They are not permitted to sit with the higher caste workers, to temple entry or worship place and also they are not allowed to take their food with higher caste people at same place on the occasion of marriage feast, or any other feast of high caste. The lower caste people have their food only after high caste people intaking of the same. It is found that if any dalit wants to host food to the high caste people on the same or any occasion the food should be prepared by any Brahmin and even cooking place should not be of dalits. Finally, it has been observed that the numbers of poverty and illiteracy are belonging to untouchables and a few of them are living with starvation and without shelter and necessary cloth. So, the question is where is their freedom? Where is their constitution and right? Regarding poverty and social identity, few years back the World Bank (IBRD) published a report about India depicting more than 400 million Indians continued to live below poverty line (BPL). The bank (IBRD) found that scheduled castes (SCs) and scheduled tribes (STs) face a higher risk of poverty compared to other sections of the population in the region. These (SCs and STs) are among the structural poor who not only lack of economic resource but whose poverty is strongly linked to social identity, as determined mainly by caste, one of the worst social indicators.

CONCLUSION

Though India is largely bound to make justice, freedom, equality, and fraternity a reality, the forgoing discussion clearly brings to light that, the concept of freedom articulated by the Indian freedom fighters and that enshrined in the Indian Constitution seems meaningless for the untouchables of Indian villagers. It can be viewed that in the light of continuing practice of untouchability and increasing number of atrocities on them in villages and the fact that they still remain the much exploited section of Indian society despite number of protective and developmental measures taken by the government to safeguard their interest. What is the most important of all is reconsidering the suggestion of Dr.Ambedkar that a socially distinct community should be allowed to settle in separate villages so that within such villages there is no scope for anyone to label another who is untouchable or lower caste. Only in such separate villages the so called lower caste people can also experience freedom which India got more than six decades now. Besides, a fire spewing urge to fight for their rights, self respects and dignity and a strive for coming together across their religious, regional, linguistic, sub-caste and ideological differences in a consciously nurtured form. Unless this is achieved, the empowerment and the emancipation of enslaved Indians would continue to remain a distant dream.

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