

Women Rights Scheduled Castes and Scheduled Tribes

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Introduction

The concept of social justice, like law, changes. It evolves itself into progressively new patterns and expands its frontiers and assumes new dimensions. Social justice has significance in the context of Indian society which is divided into Castes and Communities and they create walls and barriers of exclusiveness on the basis of superiority and inferiority such inequalities pose serious threat to Indian democracy. The concept of social justice takes within its sweep the objective of removing inequalities and affording equal opportunities to all citizens in social, economic and political affairs. India, while passing through the process of development is in the quest for finding our ways for a better and just socio-economic order. The search for a new model of socio-economic order is the need of the hour. Recent trends in Globalization, Urbanization, Mobilization of the poor in search of better life conditions and social justice movements compel us to think afresh.

Social justice Women

Social justice is an application of the concept of distributive justice to the wealth, assets, privileges and advantages that accumulate within a society or state because the essence of justice is the attainment of the common goods as distinguished from the goods of individuals even of the majority. There have been two major conceptions of social justice one embodying the nation of merit and desert, the other those of needs and equality. The first conception involves ending of hereditary privileges and an open society in which people have the chance to display their desert. It is expressed in equality of opportunity and careers open to talents. The second conception implies that goods should be allocated according in each person's varied needs. As it aims to make people materially equal, it entails an idea of equality.ⁱ

B.R. Ambedkar's Vision Social Justice

Social justice involves the creation of just and fair social order just and fair to one and all. To make the social order just and fair for every member of the community, it may be necessary for the who are privileged to make some sacrifice's. In this sense, Social justice is a revolutionary ideal. it includes both the economic justice and social justice. In India, justice is a generic term which includes both procedural and substantive justices the former providing rules of court procedures and mechanism what is generally known as natural justice and the latter making provision for social assistance. Benefits, facilities, concessions, privileges and special rights, to those who deserve and need such help describes by the omnibus term social justice.ⁱⁱ Social justice in India is the product of social injustice our Caste system and social structure is the fountain head for social injustice. It is unfortunate that even sixty years after independence social justice is still a distant dream not with in the reach of the masses. The Scheduled Castes, Scheduled Tribes and women under the traditional Hindu Caste hierarchy had suffered for centuries without education and opportunities for advancement in life. Social justice is compensatory justice to off set the accumulated disabilities suffered by these historically disadvantaged sections of society and absorb them educationally and occupationally in the mainstream of national life. If opportunities are not given to develop their neglected talents there will be social imbalance and tension resulting in anarchy and disobedience to the rule of law.ⁱⁱⁱ

Meaning and Definition

Social Justice being a multi-dimensional concept has been viewed by scholars of law, philosophy and political science differently. The term social justice is quite comprehensive. Social justice is a bundle of rights, it is balancing wheel between haves and have nots. It is a great social value in providing a stable society and in securing the unity of the country. In general, Social justice may be defined as "the right of the weak, aged, destitute, poor, women, children and other under-privileged persons". Justice may be natural justice or distributive justice. Social justice is basically a term which provides sustenance to the rule of law. It has a wider connotation in the sense that it includes economic justice also. It aims in removing all kinds of inequalities and affording equal opportunities to all citizens in social as well as economic affairs⁴. thus the aim of social justice is remove all kinds of inequalities based upon Caste, race, sex, power, position, wealth and brings about equal distribution of the social justice is a balance between social rights and social controls.^{iv}

B.R. Ambedkar vision

Ambedkar is also one of the proponents of social justice in modern India. According to Ambedkar, the term "social justice" is based upon equality, liberty and fraternity of all human beings. 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 economical 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. B.R.Ambedkar did not accept the theories of social justice as propounded by the Varna system, the Aristotelian order, Plato's scheme, Gandhian sarvodaya order and not even the proletarian socialism of Marx. 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.^v

Hindu legal system

The Hindu dharma sought to be maintained by the ancient Hindu legal system fully supported by the four Varnas and the Caste system. The Hindu legal system refused to recognize the basic fundamental right of humans that all are born equal. The glaring inequalities and dehumanization based on the hierarchical Caste system with its graded disabilities from birth and humiliating and degrading occupations assigned to certain designated low Castes to be followed by them till their death, was the greatest bane of Hindu society. The preservation of the important concern in our ancient system of law. There was no scope for moulding a new social order that can guarantee social justice¹⁷. Caste system founded on Varnashrama dharma is the negation of social justice. The Hindu Varnashrama dharma and the Caste system pushed forth Brahmins as the highly privileged Caste with a high hereditary social.^{vi}

British Legal System

When the Britishers came to India they imposed their own system of law. Due to political differences and geographical diversity in India, a single judicial system could not be evolved and consequently, the East India Company which felt the need for a unified legal system in a codified form to facilitate trade and commerce. The new legal system changed the outlook and value of the Indian people. A new system which was not the outcome of growth, but was thrust upon Indians for some definite purpose came into existence. The English judicial system was based on the rule of law, "let ninety nine criminals escape, but not an innocent should suffer" is the dictum of this judicial system.^{vii} It was based on the due process of law. It has certain inherent lacuna which made it unsuitable to the Indian society. It encouraged litigation, delayed justice and made it costly under this system it was difficult to ascertain facts easily or to establish the guilt beyond reasonable doubt. Every one was expected to know the law of the land, Indian society was pluralistic but the British code was uniform. The whole system was not suited to the social economic and moral conditions of the Indian society. The judicial culture of India is alien to the common people of this country, they cannot derive benefits from this system. The Indian judiciary came to be identified with the interests of the privileged section. The alien legal system which was established basically to exploit the people of the country, did not serve the interests of the Indian people. The Indian judicial system was ineffective in administering justice because of the inherent weaknesses and imposed limitations.^{viii}

B.R Ambedkar vision of Social Justice women

Dr.B.R. Ambedkar, being a philanthropic, kind and generous social reformer was much moved with the pitiable and pathetic condition and low status of women in society and he was a torch bearer in the direction of social uplift of women generally and Hindu women specially. Ambedkar chooses his social reform approach only after understanding the reality of the status of women. Dr. Ambedkar was of the opinion that the Hindu women are tied up with bandage of superstitions which they can till their death. They are also responsible for inculcating these wrong notions learnt by them through baseless traditions and preaching of the shastras in the budding mind of their offspring. Otherwise also the women in India have remained a matter of joy and a source of amusement at such she was used and misused by men just to serve their evil ends. She has been used just like a machine for procreation. It has also been mentioned in Hindu Shastras that women is the bond slave of her father when she is young to her husband when she is middle aged and to her son when she is mother.^{ix}

Hind Code Bill

The reforms introduced by Dr.B.R.Ambedkar through 'Hindu code Bill' have been adhered to and have been accepted by and large. He by codifying Hindu law in respect of marriage, divorce and succession, rationalized and restored the dignity to women. It is needless to say, the Bill was a part of social engineering via law, sharp

criticism of this Bill in and out side parliament led many to belief that it might inflict heavy damages on the Hindu society. Even the president Dr. Rajendra Prasad got scared and issued a threat that he would withhold his assent even it had been passed by the parliament. Justice P.B. Gajendrgadkar while congratulating Dr.B.R.Ambedkar for the role he had played in drafting and piloting the Bill said, "If Dr.B.R.Ambedkar gives us Hindus our code, his achievement would go down in history as a very eloquent piece of poetic justice indeed". The whole story of Hindu code bill presents the determination of Dr.B.R. Ambedkar to bring about the changes in the society. He was the one who just not talked on things; but really worked on them. His concern for women is unquestionable. It is not wrong to say he was a great feminist of his day. Because women's rights form a part of human rights and Babasaheb can rightly be termed as the champion of it. Dr. B.R.Ambedkar says, to the women education was denied by the Manu and he caused both an insult and an injury to the women in India. It was an injury because without any justification she was denied the right to acquire knowledge which is the birth right to every human being. It was an insult because after denying her the opportunity to acquire knowledge she was declared to be allowed to take to 'Sanyas' which was regarded as the path to attain the Brahmin. Not only she was denied the right to realize her spiritual.^x

Society Women

B.R.Ambedkar impartially concentrates on Muslim women also. He starts with the reference to mother India which created an impression through out the world that while Hindus were groveling in the mud of social evils and conservative, the Muslims in India were free of them and as compared to the Hindus, were progressive people²⁷. Babashaheb Ambedkar takes the help of census report and other data and proves Indian Muslims are equally harsh on their women; of course Muslim law has better provisions for women. But no Muslim girl has the courage to exercise them; there is latitude in their matter of divorce. The wife cannot escape marriage even if it's irksome, the husband can always do it without having to show any course. This destroys the sense of security which is fundamental for a happy life.^{xii} The right of polygamy and concubine which the Muslim law gives to its men worsens the plight of Women. Ambedkar comments are sharp in saying "Purdah" deprives Muslim women of mental and moral nourishment. The segregation from the outer world makes them engage their minds in petty family quarrels which develop narrow outlook²⁸. In 1936 Dr. Babasaheb Ambedkar delivered a speech at Damodar Hall and addressed devadasis, Muralyas and Jogathinis. He gives them a call to come out of their nasty occupation. "Our society has been put to shame because of you, Women are respected in our society, and every society honour's the women of character. Therefore you should forsake this dirty occupation, bring good names to yourself and your society. Many Devadasis, Muralya's and Jogathinis were impressed by his speech and approached him saying that they wished to come out of their occupations, their marriages were arranged^{xii}. B.R.Ambedkar had a great visionary, he always thought far ahead his contemporaries, he rightly identified that the progress of the community is measured by progress of women. He said so in his address in the All India Depressed Classes women's conference held at Nagapur on July 20, 1942. He identifies that marriage is a liability and says "let each girl who marries stand up to her husband claim to be her husband's friend equal and refuse to be his slave²⁹. These words hold good even today, even after passage of six decades. At present we find a number of women empowerment programmes, concern for women is show-up by all political parties, even though some time just lip service. Whatever is the issue Babasaheb Ambedkar had totality in his views and sixth sense, perhaps because he did not consider himself belonging to these religions. His arguments were without bias and always probed deep and deep in to the real problem center. His reasoning is fine in all this, whether it is the problems of Hindus or Muslims, women of the religion were just dice in their play. This is clearly presented by B.R.Ambedkar.^{xiii}

Under the Constitution of India

Social justice is the concept of distribution of benefits to the people of the society. It concerns such matters as the regulation of wages and profits, the protections of person's right through the legal system and allocation of housing, medicine and other welfare benefits. Aristotle described distributive justice as distribution of honors or money or the other thing that fall to be divided among those who have a share in the Constitution³⁰. In every country Constitution is the fundamental and recognized source of social justice Constitution formulates the social justice in definite ways, these ways are status of individual, wants, satisfaction, wealth, education and job etc. these requirements are essential benefits for the full and dignified development of human beings.^{xiv} In the democratic, republican states essential requirements can be achieved by human being through the Constitution of the country, according to the Constitution state is bound to distribute equal share of basic needs to the people of the society. In India, Constitution provides that the state as a form of social welfare organ will distribute these needs to the Indian people. The concept of social justice has been enshrined in the Indian Constitution. The fathers of the Indian Constitution had the dream of a new social, economic and political order, the soul of which was social justice. Ambedkar was the chief architect of the Indian Constitution. He was fully aware of the pattern and problems of the society and their conflicting interests. The Constitution is a monumental example of social

engineering. Social justice is not defined in the Indian Constitution but it is relative concept taking in its wings the time and circumstances, the people their backwardness, blood, sweat and tears.^{xv}

Social Justice in the context of Globalization

India is plural society, multi-ethnic, multi-religious and multi-linguistic for which democracy is most for balanced social and regional development. However, democracy can not survive without social justice. Unfortunately, new economic policy or globalization is bereft of human face, where man is treated as commodity and a person has to compete for the bread and business equally on the “Darwinian socio-economic order” i.e. struggle for existence and survival of fittest. Where as democracy thrives on the co-operative spirit so that strong and weak could survive and co-exist together like tall trees small bushes and grasses growing in the same socio-ecological plain. Therefore, before implementing the new economic reform policies, it was essential for the government to provide “social security net” i.e. full job opportunities, education and Medicare to weaker sections in general and Scheduled Castes/Scheduled Tribes in particular who constitute two-third of India’s population. But government did not pay least attention on these important human problems.^{xvi}

Conclusion

The fundamental meaning of this concept of “Social Justice” is to bring a just society. The main objective of this concept is to uplift the women, Scheduled Castes and Scheduled Tribes in the society and pull them to the main stream of the society. This concept also prevents unjust enrichment at the cost of the weaker sections. So far as Dr. B.R. Ambedkar vision of ‘Social Justice’ is concerned, he is real earnest, sacrificed his whole life for the amelioration of the women, Scheduled Castes and Scheduled Tribes in the society. He strongly fought against the prevalent Caste system and Gender discrimination in the society and ventured to secure social justice to these sections of the society.

End Notes

ⁱ Surendrasingh Dr.B.R. Ambedkar Contribution to Social Justice (ed). By Prof. M. Shabbir, Rawat pub. Jaipur, 2005, P.78.

ⁱⁱ Ibid, P.79

ⁱⁱⁱ Ibid, P.80

^{iv} Ibid, P.81

^v Nazeer.H.Khan, B.R. Ambedkar on federalism, ethnicity and junder justice Deep&Deep Pub. NewDelhi, P.151.

^{vi} Ibid,p,153.

^{vii} Purohit B.R, Sandeep Joshi, Social justice in India, Rawat Pub, Jaipur, 2003, P.189.

^{viii} Ibid.,p,158.

^{ix} Venugopal P. Social Justice and reservation Emerald Publication, Chennai, 1998, P.12.

^x Mohamed Shabbir ,Ambedkar on Law, Constitution and social Justice,Rawat Pub, Jaipur, 2005, P.130.

^{xi} J.S. Narayana Rao and A. Somashekar “B.R. Ambedkar is relevance today” Shakthi Pub. New Delhi P.25.

^{xii} Purohit B.R, Sandeep Joshi “Social justice in India” Rawat Pub, Jaipur, 2003, P.209.

^{xiii} Dr. Baba Saheb Ambedkar writings and Speechs. vol.17, part-3, pp.,283-289.

^{xiv} Ibid, P.291.

^{xv} B.R. Ambedkar on Pakistan or Partition of India, Vol 8, P.226.

^{xvi} Dr. Ambedkar on women’s emancipation, Dr. B.R. Ambedkar series Pub of Ambedkar Peeta, KSOU, Mysore, 2005, P.5.