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VALUES AND IDEOLOGIES

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UNIT 1:

NATIONALISM

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1.1 Introduction

Nationalism is basically a European concept. In fact, nationalism can be considered as a European export to the rest of the world. Many scholars and historians agree that nationalism is of modern origin, while others say that it is of old origin. A strong attachment to the soil where one is born and brought up, to local traditions and to established territorial authority had been prevalent throughout history in varying strength.

There are several definitions of nationalism. According to Hans Kohn, a well-known authority on nationalism defines the concept as 'a state of mind, in which the supreme loyalty of the individual is felt to be due to the nation state' (1965: 9) K.R. Minogue depicts nationalism as "a set of ideas.... a form of self-expression by which a certain kind of political excitement can be communicated from an elite to masses" (1967: 53).The Cambridge Encyclopaedia attempts to define the concept of nationalism as: A political doctrine which views the nation as the principal unit of political organization. Underlying this is the assumption that human beings hold the characteristic of nationality, with which they identify culturally, economically and politically... Nationalism is thus associated with the attempts by national groupings to secure independence from dominance by other nation-states. It is often associated with die struggle against colonialism (Crystal 1990). According to C.J.H. Hayes, nationalism is 'a modem emotional fusion and exaggeration of two phenomena nationality and patriotism'(1926:5-29).Therefore nationalism can be considered as a feeling or sentiment that binds people together. It implies the undiscriminating interest and devotion to the state, culture of a particular nation-state.

1.2 Objectives:

After going through the chapter, you will be able

- To develop political agitations within the limits of law and by constitutional methods

- To make the British Government aware of the Indian condition.

- To build up public opinion in the country amongst people.

- To present public demand to the Government through resolutions, petitions, meetings, etc. and arouse consciousness and national spirit.

- To persuade the British Government and build up Britain's public opinion in favour of India. The Indian nationalists believed that time were not perfect to directly challenge the British rule so they attempted to educate and unite people. They established a British Committee of the Indian National Congress in London and also started a journal titled 'India'.

SAQ

Q. Why the growth of nationalism in the colonies is linked to an anti-colonial movement? (50 words)

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Q. How the First World War helped in the growth of the National Movement in India? (50 words)

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1.3 Nationalism and Indian Freedom Movement

Nationalism in India developed during the Indian independence movement which aimed at independence and freedom from British rule. Indian nationalism is an instance of territorial nationalism, which is inclusive of all of the people of India, despite their diverse ethnic, linguistic and religious backgrounds. It continues to strongly influence the politics of India and reflects an opposition to the sectarian strands of Hindu nationalism and Muslim nationalism. According to Mahatma Gandhi, nationalism can be equated to patriotism.

The concept of nationalism provides three (3) arguments. These are —

  a. Human society is divided into nations

  b. There is a sense of belongingness to a given national group

  c. There is a political ideology which holds that national communities should have their homeland and should be able to govern themselves.

Nationalism is an ideology and movement that promotes interest of particular nation (as in a group of people) especially with the aim of gaining and maintaining the nation's sovereignty (self-governance) over its homeland. Nationalism may manifest itself as a part of official state ideology or as a popular non-state movement and may be expressed on the basis of civic, ethnic, cultural, language, religious or ideological lines. It clearly indicates that a nation should have the right to make decisions on state level. As mentioned above, nationalism in India was developed during the Indian independence movement against the colonial rule. The chapter deals with the events that took place in the country from the 1920s to free India from the shackles of foreign rule.

1.3.1 Growth of nationalist feeling

The want of freedom from colonial rule connected people across the country who were forged under the Indian National Congress by Mahatma Gandhi. Since 1919, the independence movement spread to various sections of the society. The First World War had created a scenario which led to a huge

increase in defence expenditure which created hardships for common people. To worsen the conditions there was crop failure and an epidemic of influenza which led to people perishing. The common man thought that their hardships would end after the war but nothing improved.

1.3.2 The Idea of Satyagraha

The idea of Satyagraha was conceived by Mahatma Gandhi when he returned from South Africa in 1915 where he had actively fought against racism. Satyagraha emphasized the power and need for truth. According to him the concept of Satyagraha would be the string that would unite the country. Gandhiji led Satyagraha in Champaran, Kheda and Ahmedabad to help the peasants.

1.3.3 The Rowlatt Act

The Imperial Legislative Council despite the collective opposition of the Indian members passed the Rowlatt Act. It allowed the British government to curb down political movements in the country and allowed detention of political prisoners without trial for two years. Gandhiji wanted a nationwide Satyagraha against these unjust laws. A non-violent Civil Disobedience movement was launched against the law on 6th April. Nationwide protests took place. The British government wanted to curb down the upsurge so they arrested leaders from Amritsar and Gandhiji was detained to enter Delhi.

On 13th April, the infamous Jallianwala Bagh massacre took place. A large but peaceful crowd had gathered in the grounds of Jallianwala Bagh. Dyer entered the area and blocked the exit points and opened fire at the crowd killing hundreds of people.

The news of Jallianwala Bagh spread across the country like fire. People were infuriated and strikes, clashes, attacks on government buildings took place. There were utter confusion and violence in the country which led to Gandhiji calling off the movement.

Gandhiji then took up the Khilafat issue which bought unity amongst the Hindus and the Muslims together. The Khilafat Committee was set-up in Bombay in 1919. Gandhi urged the leaders of the National Congress to start a non-cooperation movement in support of Khilafat and Swaraj.

Stop to consider

Growth of Indian nationalism

The influence of western education was a vital factor for the growth of Indian nationalism. The British opened the gates of western education to the Indians which strengthened the Indian minds to face the challenges of British imperialism. The development of the modern means of transport and communications like roads, railways, post and telegraphs services helped in the growth of nationalism. The modern means of communication broke the isolation and established the link between people living in distant areas. The birth of Indian National Congress (INC) in 1885 contributed much towards the growing Indian nationalism. The foundation of the INC was laid with a pledge to work for the interest of the people and the country. Influence of western education gave rise to modern political ideas and institutions. The latter half of the 19th century witnessed the rapid growth of vernacular newspaper in India. These newspapers became the voice of the sufferings of native people and exposed the evils of British imperialism and the newly developed nationalism reached the common people throughout the country.

1.3.4 Why Non-Cooperation?

According to Gandhiji British rule was established in India because of cooperation of the Indians. If Indians did not cooperate then the British rule would collapse in a year. The movement was proposed in stages starting from the renunciation of titles. There was a boycott of civil services, army, foreign goods, police, courts and legislative council. In December 1920, the Non-Cooperation Movement was adopted.

1.3.5 Differing Strands within the Movement

In 1921, January the Non-Cooperation-Khilafat Movement was launched. People from all sections of the society participated in the movement. Foreign goods were boycotted. This led to the rise in the production of Indian textiles and handlooms. Teachers, students, headmasters, lawyers gave up on their services at government institutions.

In the countryside, the movement demanded a boycott of oppressive landlords. In June 1920 Jawaharlal Nehru visited the villages of Awadh to understand the problems of the peasants there. In October he set up the Oudh Kisan Sabha. In 1921 the peasant movement spread.

Check Your Progress

1. What factors influence nationalism?

2. How can the concept of a national identity both unite and divide people?

3. What are the elements of nationalism?

4. How did nationalism contribute to building the powerful nation-state? (40 words)

1.3.6 Civil Disobedience

The Non-Cooperation movement was withdrawn in 1922 because of it taking a violent turn. In 1928 the statutory Simon Commission arrived in India only to be greeted by the slogan- 'Go back Simon'. In December 1929, the Lahore Congress headed by Jawaharlal Nehru formalized the demand of 'Purna Swaraj' or complete independence.

1.3.7 Salt March and Civil Disobedience Movement

In demand to abolish the salt taxes primarily, Gandhi put eleven demands in-front of Viceroy Irwin. In case the demands were not fulfilled the Congress would start the Civil-Disobedience Act. The famous salt march from

Sabarmati Ashram to Dandi took place. Gandhiji violated the salt laws manufacturing salt from boiling water. The Gandhi-Irwin pact was signed after enormous confusion in the country. The Civil-Disobedience had lost its momentum by 1934.

1.3.8 Limits of the Civil Disobedience Act

The Dalits wanted a separate electorate and demanded a reserved seat in educational institutes. After the suspension of the Non-Cooperation-Khilafat Movement, the Muslims felt alienated from the congress and there was tension between the Hindus and the Muslims.

You will get all these points and much more in detail if you get your copy of Class 10 History Chapter 3 Notes in Hindi as well.

1.3.9 *VandeMataram*

People across the country came on the streets to fight against British rule. History of nationalism in India was further fostered by patriotic and historical fictions, folklores, songs, etc. Bankim Chandra Chattopadhyay composed *Vande Mataram*. Abanindranath Tagore painted *Bharat Mata*. India emerged as a nation which wanted freedom from colonial rule. This collected sense of common belongingness finally led our beloved country to freedom.

1.4 Foundations of Indian Nationalism

The process of political mobilisation of people of India took a definite shape in the second half of nineteenth century. The impact of popular revolts in the development of new political consciousness and the role of educated Indians in mobilising public opinion are very crucial to understand in this context. Several factors were responsible for the political developments of this period leading to the rise of Indian nationalism.

1.4.1 Legacy of popular revolts:

To expand and protect the interests of Britain in India, British government adopted various policies in economic, political and social spheres which gave birth to discontent against British rule and raised the idea of pan-

(12)

Indian nationalism. During British rule famines were manmade because of exploitative policy of British government. The new land revenue system, commercialisation of agriculture, drain of wealth, and de-industrialisation adversely affected the peasants and the tribal people who revolted in many parts of India during the eighteenth and nineteenth centuries. The challenge that these rebellions put to British rule helped in creating awareness about exploitative nature of foreign rule and in developing anti-British sentiments. The great revolt of 1857 is seen as the outburst of accumulated anger of dispossessed princes, disgruntled soldiers and aggrieved peasantry. The spirit of protests against exploitation continued after 1857 and the indigo cultivators' resistance to the oppressive system of indigo cultivation by all European planters turned into a major revolt in 1859-60 in the province of Bengal. In the absence of any organised leadership and definite ideology peasant movements during this period might not have directly challenged British rule but the courage and consciousness shown by peasants had definite influence in shaping public opinion against colonialism. The new Indian intelligentsia was very much touched by the miseries of peasants and in the writings of nineteenth century this concern for peasants was reflected. The various popular revolts paved the ground for the growth of new political consciousness against British rule.

1.4.2 Intellectual awakening:

In 1817 with the establishment of the Hindu college at Calcutta, Indian elite belonging mostly to upper caste Hindus, got opportunity to learn English language and western science. English was made the official language in place of Persian language in 1835 and the rising elite saw in learning English the key to power under British regime. The importance of vernacular press in creating awareness about the misery of indigo cultivators, educated Indians' concern for poor cultivators and their criticism of British rule helped in shaping public opinion against British rule. More important is the fact that oral traditions helped in creating awareness about exploitative nature of British rule 9 Foundations of Indian Nationalism among common masses. Folk songs and local forms of drama were used in exposing the misdeeds of British rule. The dawn of new political consciousness among Indians soon became visible with the emergence of a number of political associations.

1.4.3 Provincial political associations:

The formation of political associations to put forward demands of Indians to British government marked the beginning of new political consciousness of Indians. The new intelligentsia played significant role in these associations. The intelligentsia started questioning the legitimacy of the continuation of British rule when their faith in British governance was shaken because of several famines caused by British rule. Dadabhai Naoroji and Ramesh Chunder Dutt strongly criticised economic exploitation of India by British rule. Several provincial associations came up after 1850s in spite of having its limited social base and limited objectives. But these marked the beginning of the process of political awakening and gave momentum to political activity. These associations provided confidence to Indians to organise political opposition to the mighty British rulers.

Check Your Progress

1. Analyse nationalism as a modern concept.

2. Explain the growth of nationalism in India in relation to freedom movement.

3. In which place Mahatma Gandhi organised Satyagraha for the first time?

1.5 Arguments in favour of and against nationalism:

Arguments in favour of nationalism:

a) It ensures unity in the groups of people even in diversity

b) It focuses on duty towards the nation above all.

c) It enhances the feeling of Patriotism.

d) Nationalism makes people to feel proud in belonging to the nation.

e) Nationalism teaches people to work together for the motherland even when living in a different nation.

<u>Arguments against nationalism</u>

a) It makes people to think for only own nation without any concern for the country where actually living in.

b) In some cases going to extreme left/ right fringes in the name of security of the nation.

c) Sometimes creating intolerance for the other countries by going to the extent of extreme hatred for people of another country.

d) To have prejudice about others.

e) Insulting and hurting other nationalities and their religion, society and culture.

Contribution of Raja Ram Mohan Roy in the growth of nationalism

Ram Mohan Roy was a forerunner of Indian nationalism. He laid the foundation of all movements such as social, religious, political etc. in India to fight for the advancement of the country. He sought to establish a cultural synthesis between the east and the west. He founded the Brahmo samaj. Aim of this institution was to remove all the evil practices within Hinduism. He deeply studied and interpreted Hindu scriptures. He also contributed equally towards the social reformation and spread of education. He vehemently opposed to the practices such as casteism, child marriage, satidah, purdah, polygamy and have recognition to widow remarriage and inter-caste marriage. His campaign for the abolition of Sati is of great significance in the Indian social history.

1.6 Types of Nationalism:

1.6.1 Civic Nationalism:

Civic nationalism, also known as liberal nationalism, is a form of nationalism identified by political philosophers who believed in an inclusive form of nationalism that adheres to traditional liberal values of freedom, tolerance, equality and individual rights.

1.6.2 Cultural Nationalism:

Cultural nationalism is a type of nationalism in which the nation is defined by a shared culture and common language, rather than on the concepts of common ancestry or race. If political nationalism is focused on the achievement of political autonomy, cultural nationalism is focused on the cultivation of a nation. Here the vision of the nation is not a political organization, but a moral community. As such, cultural nationalism sets out to provide a vision of the nation's identity, history and destiny. The key agents of cultural nationalism are intellectuals and artists, who seek to convey their vision of the nation to the wider community. Cultural nationalism often occurs in the early phase of a national movement.

1.6.3 Ethnic Nationalism:

Ethnic nationalism, also known as ethno nationalism, is a form of nationalism wherein the nation and nationality are defined in terms of ethnicity, with emphasis on an ethnocentric approach to various political issues related to national affirmation of a particular ethnic group. Ethnic nationalism acts as a tool for people living in a country or a state to fight for their identity as an 'ethnic group'. Self-determination is a feature of ethnic nationalism. Self-determination is the idea that every nation has a right to form an independent state. Ethnic nationalism usually developed among ethnic groups whose survival was threatened by assimilation or which were lived across several states. In such cases, nationalists desired to create a separate state for their ethnicity to ensure cultural survival.

1.6.4 Religious Nationalism:

Religious nationalism is the relationship of nationalism to a particular religious belief, dogma, or affiliation. This relationship can be broken down into two aspects: the politicisation of religion and the influence of religion on politics. Religious nationalism is a particular form of collective representation.

1.6.5 Racial Nationalism:

Racial nationalism is an ideology that advocates a racial definition of national identity. Racial nationalism seeks to preserve "racial purity" of a nation through policies such as banning race mixing and the immigration of other

races. Racism can therefore present itself as a form of 'super-nationalism' regarding notions of national heritage and culture into more powerful ideas of national inheritance, the national body, national purity and aesthetic ideals of national men and women. Racism can thus integrate with the aspect of nationalism that oppresses minorities within the nation.

1.7 Nationalism in India

Let us now discuss how nationalism was shaped in India in different phases during colonial rule.

1.7.1 The Gandhian era

Mahatma Gandhi pioneered the art of *Satyagraha*, along with a strict adherence to ahimsa (non-violence), and civil disobedience. This ideology of non- violence permitted common individuals to engage the British in revolution, without employing violence or other distasteful means. Gandhi's equally strict adherence to democracy, religious and ethnic equality and brotherhood, as well as activist rejection of caste-based discrimination and untouchability united people across these demographic lines for the first time in India's history. The masses participated in India's independence struggle for the first time, and the membership of the Congress grew over tens of millions by the 1930s. In addition, Gandhi's victories in the Champaran and Kheda Satyagraha in 1918–19, gave confidence to a rising younger generation of Indian nationalists that India could gain independence from British rule. National leaders like Sardar Vallabhbhai Patel, Jawaharlal Nehru, Maulana Azad, Chakravarti Rajagopalachari, Mohandas Gandhi, Rajendra Prasad and Badshah Khan brought together generations of Indians across regions and demographics, and provided a strong leadership base giving the country political direction.

Indian nationalism is an instance of territorial nationalism, inclusive of its entire people, despite their diverse ethnic, linguistic and religious backgrounds. Indian nationalism grew partly as a result of colonial policies and partly as a reaction to colonial policies. The rise and growth of Indian nationalism has been traditionally explained in terms of Indian response to

the stimulus generated by the British Raj through creation of new institutions, new opportunities etc.

1.7.2 Social and Economic Bases of Nationalism:

Understanding of Contradiction in Indian and Colonial Interests, People came to realise that colonial rule was the major cause of India's economic backwardness and that the interests of the Indians involved the interests of all sections and classes. The very condition of British rule helped the growth of national sentiment among the Indian people.

1.7.3 Political, Administrative and Economic Unification of the Country:

Nationalist sentiments grew among the people of India because India was unified and came together as a nation during the 19th and 20th centuries. The introduction of a uniform system of government by the British throughout the country unified it administratively. The destruction of the rural and local self-sufficient economy and the introduction of modern trade and industries on an all India scale had increasingly made India's economic life a single whole and interlinked the economic fate of people living indifferent parts of the country. Apart from that the introduction of the railways introduction of telegraph and unified postal systems brought the different parts of the country together and promoted mutual contact among the people, especially among the leaders.

Stop to Consider

The rise of Radical Nationalists:

Role of the radical nationalists was very crucial to the growth of nationalism. The mild policies of the Moderates in the Congress led to the rise of passionate, radical nationalists, who came to be called the 'Garam Dal'. The first phase of the nationalist movement came to an end with government reaction against the Congress on the one hand and a split in the Congress in 1907 on the other. That is why the period after 1905 till 1918 can be referred to as the 'Era of Passionate

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Nationalists or 'Garam Dal'. Lala Lajpat Rai, Bal Gangadhar Tilak and Bipin Chandra Pal (Lal-Bal-Pal) were important leaders of this Radical group. Their entry marked the beginning of a new trend and a new face in India's struggle for freedom. According to them, the Moderates had failed to define India's political goals and the methods adopted by them were mild and ineffective. Besides, the Moderates remained confined to the upper, landed class and failed to enlist mass support as a basis for negotiating with the British. They realized that the British were out to exploit Indians, destroy their self-sufficiency and drain India of its wealth. They felt that Indians should become free of foreign rule and govern themselves. This group, believed in organizing mass protests, criticizing government policies, boycotting foreign goods and use of Swadeshi goods etc. They did not believe in depending on the mercy of the Britishers, but believed that freedom was their right. Bal Gangadhar Tilak gave a slogan 'Freedom is our birth right and we must have it'.

1.7.4 Western Thought and Education:

As a result of the spread of modern and western education and modern thought during the 19th century, a large number of Indians developed a modern rational, secular, democratic and nationalist political outlook. The spread and popularity of the English language helped nationalist leaders of different linguistic regions to communicate with each other. Modern educational so created a certain uniformity and community of outlook and interests among the educated Indians. This English-educated intelligentsia constituted the group of leaders for the newly-arising political unrest, and it was this section of the society which provided leadership to the Indian political associations.

1.7.5 Rediscovery of India's Past:

The historical research done by some European scholars such as Max Mueller, Monier Williams and by some Indian scholars suchas R.G. Bhandarkar, R. L. Mitra and later Swami Vivekananda created an entirely new picture of India's past glory and greatness. The theory put forward by European scholars that the Indo-Aryans belonged to the same ethnic group

of mankind from which stemmed all the nations of Europe gave a psychological boost to educated Indians. All these inspired the educated Indians with a spirit of patriotism and nationalism.

1.7.6 Role of Press and Literature:

Press and media also played a very crucial role in the growth of Indian nationalism. With the emergence of the modern press and media, both English and Vernacular, by the end of the 19th century, the country saw an unprecedented growth of Indian-owned English and Vernacular newspapers. The Indian Press played a notable role in mobilising public opinion, organising political movements, fighting out public opinions and promoting nationalism.

1.7.7 Character of Socio-Religious Reform Movements:

The socio religious reform movements aimed at removing social and cultural evils which divided the Indian society. Thus, this contributed towards bringing different sections of the society together. Since many reform movements drew their inspiration from India's rich cultural heritage, these promoted pan-Indian feelings and spirit of nationalism.

1.7.8 Reactionary Policies and Racial Arrogance of the Rulers:

Another important factor for the growth of Indian nationalism was the racial arrogance of the British rulers. The feeling of racial superiority adopted by many Englishmen in their dealings with Indians was also responsible for the growth of Indian national sentiment among the minds of people to some extent. Apart from that the reactionary policies of the British government were also responsible for the growth of political associations.

1.8 Summing Up

After reading the unit you have learnt that nationalism can be considered as a feeling or sentiment that binds people together. Nationalism in India strongly developed during the Indian independence movement which aimed at independence and freedom from British rule. The want of freedom from colonial rule connected people across the country and the people were

united under the Indian National Congress by Mahatma Gandhi. Since 1919, the independence movement spread to various sections of the society. Different factors have contributed towards the rise of nationalism in India like different political revolts, intellectual awakening etc. From this unit you have also learnt that there are different types of nationalism E.g, civic, cultural, ethnic, religious and racial nationalism. Reading of this unit has also helped you to understand how nationalism was shaped in India in different phases during the colonial rule.

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UNIT: 2

SOCIALISM

Unit Structure:

2.1 Introduction

Socialism is a philosophy having three dimensions i.e. Political, economic and social, characterised by social ownership of the means of production. Socialism opposes private ownership of production. Socialism is acknowledged as an important goal of Indian political system. Socialism talks about welfare of the people, and seeks to ensure equality to the people. Philosophy of socialism advocates for removal of exploitation of one class by the others and ensures economic and political equality to all. It has been held that not only political but economics and social democracy are equally essential for the development of the country. Article 14 to 18 of Indian constitution ensures the right to equality in which all citizens are equal before law. On the basis of any caste, creed or religion nobody should be denied of his legal right, thus ensuring social equality. Untouchability was a curse to the Indian Society, Which was abolished, as well as practices of untouchability in any form was forbidden and made punishable. In other social reform, education was made free and compulsory up to the age of 14 to all. Steps were also taken for the benefit of backward classes, to bring justice and progress for them. It is so significant and imperative for the modern democratic polity that the Indian Constitution despite having the spirit of

socialism, required the 42nd amendment in 1976 to get the word socialism inserted in the preamble of the constitution as the basic philosophy of the Indian Polity. Prior to that the word 'Socialism' was not there in the constitution. This basic constitutional concept has added to give economic content to justice equality and fraternity and to affirm the resolve of non-discrimination on ground of religion. Social and economic justices are the pillars and very significant for socialism. That is why, the framers of our constitution have prescribed these fundamental principles in shape of directive principle of state policy in part 4th of the constitution of India to establish a welfare state based on the principles of socialism. The holy spirit of the socialism enshrined in the constitution need to be safeguarded by all, so that people can have all round progress with peace and harmony.

The socialist political movements included a set of political philosophies that originated in the revolutionary movements of the mid and late 18th century. It developed out of concern for the social problems that were associated with capitalism. By the late 19th century, after the work of Karl Marx and his collaborator Friedrich Engels, socialism emerged as an opposition to capitalism and advocacy for a post-capitalist system based on some form of social ownership of the means of production. By 1920s, communism and social democracy became the two dominant political ideologies within the international socialist movement, with socialism itself becoming the most influential secular movement of the 20th century. Socialist parties and ideas remained a political force with varying degrees of power and influence on all continents, heading national governments in many countries around the world.

SAQ

1. What are the 5 main characteristics of socialism?

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2. How does socialism affect society?

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2.2 Objectives

You all know that the word Socialist was incorporated in Indian constitution by the 42nd amendment Act of 1976. It implies India strives to achieve equality in socially and economically. Reading of this unit will help you :

- To understand the nature of socialism

- To analyse the rise of socialism against capitalism

- Points of differences between capitalism and socialism

- To understand different types of socialism

2.3 Socialism in Practice

Socialism is an economic system in which there is government ownership of goods and their production, with an impetus to share work and wealth equally among the members of a society. Under socialism, everything that people produce, including services is considered a social product. Everyone who contributes to the production of a good or to providing a service is entitled to a share in any benefits that come from its sale or use. To make sure all members of society get their fair share, governments must be able to control property, production, and distribution. The focus in socialism is on benefitting society, whereas capitalism seeks to benefit the individual. Socialists claim that a capitalistic economy leads to inequality, with unfair distribution of wealth and individuals who use their power at the expense of society. Socialism strives to control the economy to avoid the problems inherent in capitalism. Within socialism, there are diverging views on the extent to which the economy should be controlled. One extreme believes all but the most personal items are public property. Other socialists believe

only essential services such as healthcare, education, and utilities (electrical power, telecommunications, and sewage) need direct control. Like capitalism, the basic ideas behind socialism go far back in history. Plato, in ancient Greece, suggested a republic in which people shared their material goods. Early Christian communities believed in common ownership, as did the systems of monasteries set up by various religious orders. Many of the leaders of the French Revolution called for the abolition of all private property, not just the estates of the aristocracy they had overthrown. Modern socialism really began as a reaction to the excesses of uncontrolled industrial capitalism in the 1800s and 1900s. The enormous wealth and lavish lifestyles enjoyed by the propertied classes contrasted sharply with the miserable conditions of the workers.

2.4 Marxian Socialism

Marxian Socialism is generally known as Scientific Socialism. It is scientific because it is based on the study of history. There are mainly four pillars of Marxian socialism. Dialectical Materialism is one of the four pillars. Marxian dialectic has given a right shape to the Hegelian dialectic. The difference between the two can be seen from the fact that whereas for Hegel the ultimate reality is spirit or reason, for Marx it is matter in motion. According to the philosophy of Hegel, the historical development takes place under the stress of conflict between nations. Its moving forces are ideas. Marx, on the other hand, holds that units, in which humanity becomes organized in the course of development, are economic classes and not nations. The goal towards which the dialectical materialism is moving is the society perfectly organized for production in which there shall be no class distinctions and no exploitation. It represents the final synthesis which would not give rise to its antithesis.

Historical Materialism is the second pillar of Marxian socialism. Historical Materialism is the direct application of the principles of dialectical materialism to the development of society. It is, in fact, an economic interpretation of history. This theory starts with the belief that economic activities are the basis of political, legal, cultural and religious institutions and beliefs. The

theory depends on the fact that man must eat to live and in order to eat he must produce. Thus his survival depends upon the success with which he can produce what he wants from nature. Production is the most important of all activities. Society is the result of these necessities of man. According to the materialistic interpretation of history the course of history is solely and ultimately determined by the economic forces. The final cause of all social and political changes lies in the mode of production. The doctrine of class war is a natural phenomenon of Marxian theory of materialistic interpretation of history. Marxian thesis is that in every system of production the society becomes divided into two hostile groups with conflicting interests. According to Karl Marx, "The history of all hitherto existing society is the history of class struggle. Freeman and slave, patrician and plebeian, lord and serf, guild master and journeyman, in a word, oppressor and oppressed, stood in constant opposition to one another, carried on an uninterrupted now hidden, now open fight, a fight that each time ended, either in a revolutionary reconstitution of society at large or in the common ruin of the contending classes" . Thus according to Marx, the history of humanity is the history of class struggle, whatever the form of struggle the fact of class war is fundamental.

Theory of surplus value is the third element of Marxian philosophy. The theory of surplus value has been discussed by Marx in Das Capital. Marx pointed out that it is labour alone that produces value. The value of the price should go to the labour. But in actual it does not happen. The labour is given only his wages which are just enough to keep him active. The capitalists give only a little to the labour and keep the rest for themselves. Marx called Surplus Value as 'Concealed Labour' or labour not paid for. Surplus value was the difference between the value of commodity and the wages received by the labour. The appropriation of surplus value by the capitalists is simple and pure exploitation. It is this appropriation of surplus value by the capitalists which makes the capitalist system exploitive in nature. Marx used the theory of surplus value to prove his thesis that capitalism is by its very nature exploitive.

Marx considered Dictatorship of the Proletariat as the fourth element of his philosophy. According to Marx, capitalism is inevitably doomed to destruction and communism is bound to come. But after capitalism is destroyed communism will not spring up all above. Marx says that Dictatorship of the proletariat is an essential stage in the course of transition from the capitalistic society to socialistic sovereignty. According to Marx, the state was an obstructive force in social revolution. It was the agency through which the ruling class imposed its will upon the subject classes. He said that even when capitalism was overthrown and the dictatorship of proletariat was established, the state was to continue for some time. The reason was that the machinery of the state was to be used by proletariat for the purpose of crushing the resistance of the capitalists. However, with the work of destruction being finished, the state was to wither away. Thus the state was not to be a permanent institution.

Stop to consider

Growth of socialist ideas in India:

The leaders of the Indian national movement were not only against the continuation of the British rule, they also wanted to reconstruct the social, political and economic structure of India after the attainment of Independence. The socialist ideas constituted a very important feature of this proposed reconstruction. Although the systematic development of socialist ideas took place in India from the 1920s even before some leaders had strongly desired the socio-economic reconstruction of Indian society on radical lines. Thus, in 1893 Aurobindo contributed seven articles to under the title "New Lamps for Old". In these articles he criticised the middle class orientation of the Indian National Congress and pleaded for the betterment of the conditions of the "proletariat". It can be stated that LalaLajpat Rai was probably the first Indian writer to talk about socialism. He presided over the first Indian Trade Union Congress in 1920. But M.N. Roy's comment on LalaLajpat Rai was that he was "a bourgeois politician with no sympathy for socialism." M.N. Roy criticised the bourgeois domination of the Congress during

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1921-23. This was mainly because he was interested in the establishment of communism in India.

The socialist ideas in India assumed organisational form in May 1934. The socialists formed the Congress Socialist Party (CSP). The failure of the Civil Disobedience movement led to a chain of events which eventually led to the formation of the CSP within the Congress. The Congress Socialist Party formed a group of socialists within the Congress. It aimed at achieving complete Independence of India from imperialism and the establishment of a socialist society.The plan for this was adopted at one of its conferences which strived for "All power to the toiling masses, nationalisation of key industries, abolition of feudalism and landlordism without compensation, distribution of land and co-operative and collective farming."

2.5 Gandhian Socialism:

Gandhian Socialism requires that there should be no exploitation of man by man. Every man has to live a life of virtue. Satya and Ahimsa are the foundations of his socialism. Gandhi was in favour of dispossessing every person of all his private property if that could be achieved by truthful and non-violent methods. According to Mahatma Gandhi, people should utilize their property for the benefit of their community. If universally practiced, trusteeship would lead to economic equality and equitable distribution. In the words of Gandhi "Trusteeship proves a means of transforming the present capitalist order of society into an egalitarian one, it gives no quarter to capitalism but gives the present owning class a chance of reforming itself". He repudiated the state on ethical, historical and economic grounds. According to him, the state represents violence in a concentrated and organized form. In his own words, "I look upon an increase in the power of the state with the greatest fear, because although while apparently doing good by minimizing exploitation, it does the greatest harm to mankind by destroying individuality which lies at the root of all progress".

Here you must remember that both Gandhi and Marx wanted to establish an order which would make the masses co-sharers in the gift of nature and

fruits of human labour. But while Gandhi insisted upon adherence to truth and non-violence for achieving this object, Marx did not care for the means provided they could achieve the end as quickly as possible. Marx put forward the theories of class war and dictatorship of proletariat; while on the other hand, Gandhi pronounced the theories of Varna, Dharma, Satyagraha, Decentralization and Trusteeship. It should be remembered that the greater part of the differences between various theories of socialism is based not so much on nature and definition of socialism but on the method and tactics of changing the present capitalist society into a socialist one. However, one thing is common to all the above groups of socialism. They lay emphasis on the welfare of the people. Socialism seeks to give equality to the people. It tries to remove exploitation of one class by the other and ensure economic and political equality to all. The essentials of socialism may be summarized as follows.

The philosophy of socialism condemns the societal inequality created by the capitalistic system. This philosophy holds the belief that there cannot be a fair competition between the rich and the poor in the society with the existing economic inequalities. The danger of starvation forced the workers to accept whatever is offered to them by the capitalists. Because the basic purpose of the capitalists is to enrich the ruling class and to exploit the working people. Socialists view that the link between labour powers and the means of production is based on the community of the working peoples' economic interest, on their mutual dependence. System of production actually aims at improving the well-being of all.

Check Your Progress

1. How does socialism affect the government?

2. What's the difference between socialism and communism?

3. Who is the father of socialism in India?

4. Is India a socialist country? Give your views. (50 words)

5. Explain the ideas of democratic socialism in Indian political system. (600 words)

2.6 Socialism and India's Economic Policy

There has been a direct interaction between the socialist ideas and doctrines of Indian economic policy making. Socialist ideas have significantly influenced the formulation of the means and objectives of Indian economic policies. This has happened in two distinct ways: either by the impact of external, socialist ideologies on the economic and political notions held by elite groups influencing policy-making in India; or by the political constraints imposed on the dominant Congress Party by the left and the relative weakness of the right parties in the spectrum of Indian politics. Any serious analysis of the evolution of economic policy in India, and the policy instruments and objectives characterizing it, and the nature of the outcome of these policies in terms of the fulfilment or frustration of the apparent objectives, must address itself to the interaction of socialist doctrines with it. Impact of socialism can be seen upon the economic policy making of our country since independence. It can be understood in different ways. Within the industrialisation programme of India the possibility of a shift to heavy industry was to characterize the second five year plan (1956-61) and was to continue into the third plan. Apart from this the industrialisation program was to become subject to targeting for many industries and to detailed industrial licensing extending over the entire modern, large- scale non- agricultural sector. These major contours of Indian economic policy framework influenced by socialised thinking of the Fabian type and by the Soviet practice of socialism, were reinforced by other factors.

Here, it must be mentioned that the Socialist thinking not only influenced the policy-making elites in the Congress party who dominated the political scene since 1947, but also constrained the flexibility of the Congress party for moving in other direction.

The socialist pattern of Indian economic policy have been criticised raised by several scholars. The Indian economist, Raj Krishna, aptly described the central tendency of Indian policy as 'first round' socialism. He outwardly called it a system where socialist measures wind up being aborted or subverted in execution. Few intellectuals in India believed that under the political set-up, with a ruling Congress Party in the centre, was heavily

dominated by the urban middle class, large-scale entrepreneurs and landed interests. This was not a single political party with a clear ideological commitment like Lenin's Bolsheviks or Mao's communists, and its professed commitment to socialist notions was increasingly seen to be one of political convenience rather than convictions.

It can also be said that unlike the Marxist-communist tradition, which imparts a strong ideological basis for revolutionary struggle and fairly clear objectives, the English socialist tradition, from which most Indian intellectuals, including Nehru, inherited several elements, is strictly empirical and non-ideological. Such a tradition surely can result in risk, both of degenerating into socialist pattern, without a concrete programme being executed by an ideologically-inspired cadre of socialists, and, indeed, of being captured and turned into an instrument of bourgeois classes pursuing their own interests behind a socialist screen.

It should be emphasized that, in case of India, the course of economic policy and performance in India also greatly influenced socialist thinking among the intellectuals. Among the dominant nationalist leaders who articulated extensively on the possibility of adopting a Soviet-type system in India, were Mahatma Gandhi, Nehru and Tagore. In their evaluation of Marxism-Leninism-Communism, all three categorically rejected the violent means of achieving a socialist system while, in essence, agreeing with its basic objectives.

Mahatma Gandhi wrote in his book *Harijan*: 'I believe in non-violent . . . communism... if communism came without any violence, it would be welcome. For then no property would be held by anybody except on behalf of the people and for the people.' Jawaharlal Nehru also wrote once regarding communism. Regarding the actual adoption of a Soviet-type system in India, Nehru's attitude was negative both from the point of view of the method of implementing it and, also, its timing. Thus on the former issue, he wrote: 'In regard to the method and approach to this ideal, I may not agree with everything that the orthodox Communists have done. I think that these methods will have to adapt themselves to changing conditions and may vary in different countries...'. From these views of Gandhi and Nehru, it is

clear that Indian socialist thinkers had rejected the violent means of achieving a socialist system while, in essence, agreeing with its basic objectives.

Stop to Consider

Democratic socialism in India:

The social, political and economic reconstruction of the country is being directed towards democratic Socialism. It was on Dec. 21, 1954 that Socialism asserted itself as a goal in a resolution of the Lok Sabha. The resolution was adopted at the conclusion of the debate on Industrial Policy. The Second Five Year Plan accepted 'the adoption of the Socialist Pattern of Society as the national objective in the Second Five Year Plan). The subsequent Plans claim to accentuate the progress towards Socialism. Democratic socialism aims at the establishment of a casteless and classless society, based on democracy, dignity of the individual and social justice.

The democratic Socialists, therefore believe in the instrumentality theory of the State. The State is a human device designed for human needs. If the State is to function as a mechanism to be used for ends higher than itself, then it must be democratic. If it is to be conceived as a web of associative life, as a network of community organization, it will have to be democratic. If it is not, the State is bound to become a class State and will thus become an instrument of exploitation in the hands of the ruling class. The democratic basis of the State will help it is developing a positive content.

2.7 Socialism in India:

In India, the economic and political theory of democratic socialism has been borrowed mainly from England. But many of the Indian thinkers and writers followed the intellectual background of socialism for the reception of this ideology. Socialism is one of the most significant concepts in international politics today. Several Indian thinkers and leaders also began to formulate some kind of a socialist ideology.

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Indian Vedic culture and Upanishads from ancient times has emphasized the importance of Socialism. The ideal of intellectual tolerance of the view of opponents is a democratic heritage. Political leaders like Dadabhai Naoroji believed in redeeming the labourers' from exploitation. Jay Prakash Narayan was one of the most well-known and recognized personality in the field of Indian Socialism. He joined the socialist movement in India to the great struggle for national freedom that was being fought under the banner of the Indian National Congress. Jay Prakash Narayan tried to develop and follow the socialist ideology for the emancipation of the masses from imperialist political domination. In the context of the immense poverty and decadent agricultural society of India, Jay Prakash Narayan stressed the elimination of the mechanical and social restraints that hampers agricultural productivity. In this context it may also be noted that Ram Manohar Lohia has also made a significant contributions to the progress of socialist movement of India. He pleaded for a greater incorporation of Gandhian ideas in socialist thought.

After Independence of India, the Congress Socialist Party became committed to the ideal of democratic socialism. In 1964, the All India Congress Committee passed a resolution at Bhubaneswar wherein they stressed democratic socialism. Democratic Socialism in India claims to be an alternative to state capitalism and bureaucratic tyranny. State capitalism can be more heartless and cruel in its techniques of suppressing freedom than private capitalism. A private capitalist can only economically exploit the labourers. But when the state becomes a capitalist, then, on certain occasions, it can even legally arrest labourers for engaging in what it considers illegal practice. The controlling devices of the state can be more ruthless than those of the private capitalists. Therefore, in order to achieve the goals of Democratic Socialism, there has to be roper provisions for ending the evils of state socialism. It must provide for increasing workers' participation in the managerial processes.

Stop to Consider

Jawaharlal Nehru's idea of socialism:

It is very important to understand the views of Jawaharlal Nehru's idea of socialism. Within the Congress party, the opinion on socialism was divided on the goal and purpose of the freedom movement and on alternative social and economic system after independence. There were major differences of ideas on the issue between Nehru and Gandhi. Nehru wanted the country to accept socialism after independence. In fact he declared himself a "socialist and republican" at the Lahore session of Congress in December 1929. This session was preceded by his visit to the Soviet Union in 1926-27. Nehru was impressed by the socialist revolution in Russia and by its economic planning. At this session Nehru said that the ideology of socialism was influencing the whole world, the only differences which existed were regarding the pace and method of achieving socialism.

He added that "India will have to go that way too..........Though she may evolve her own method and may adopt her own ideal to the genius of h& own race." He explained his view that the immediate goals after independence of the country would be the ending of the exploitation of her people, attainment of political independence free from imperialist domination and ending of all special privileges and vested interests. He favoured abolition of landlordism and giving land to the tillers without compensation to the landlords. Although Nehru accepted Marxism, he was critical of the methods employed by them. Also he criticized the communists for developing contacts with only the workers who stayed in the cities and not with those in the villages. Apart from this it was also a fact that he was not satisfied with the way the CSP functioned. He was of the view that the socialists, like the communists had failed to adapt socialism to Indian conditions. On the other hand the socialist leaders too criticised Nehru for his views on the CSP. They said that Nehru wanted to take full advantage of their ideological closeness to him in fighting the right wing Congress leadership.

Jawaharlal Nehru's socialism was influenced by both Marxism and Gandhism. He did not leave Congress to join the CSP (Congress Socialist Party), despite his ideological closeness to them because he wanted to transform the Congress party on socialist lines. He wanted Congress to implement policies on socialistic lines. He wanted it to do so after the country's independence.

Many scholars have provided different definitions and interpretations of Socialism. For example reference can be made to Durkheim. Durkheim made a distinction between the ancient transcendental communism and the modern mechanistic socialism which has developed in the post-Industrial Revolution era as a counterpoise to the evils generated by industrialization. The key-concept in modern socialism has been the socialization of the means of production. Sometimes, socialization and nationalization are used interchangeably. But a distinction must be made.

2.8 Summing Up

Socialism usually has three dimensions — political, economic and social. After reading this unit you have learnt that socialism is characterised by social ownership of the means of production. Socialism is acknowledged as an important goal of Indian political system. As an economic policy socialism opposes capitalism. The focus in socialism is on benefitting society, whereas capitalism seeks to benefit the individual. Socialism has different variants. Marxian Socialism is generally known as Scientific Socialism. In India, Mahatma Gandhi also advocated for socialism. *Satya* and *Ahimsa* are the foundations of his socialism. According to Mahatma Gandhi, people should utilize their property for the benefit of their community. If universally practiced, trusteeship would lead to economic equality and equitable distribution. Gandhian socialism also condemns the societal inequality created by the capitalistic system. From this unit you have learnt that there has been a direct interaction between the socialist ideas and doctrines of Indian economic policy making. Many thinkers of India like Dadbhai Naoraji, Pandit Jaya Praksh Narayan, Ram Manohar Lohia preached socialist ideas in India. You have also learnt that India followed the principle of democratic

socialism which claims to be an alternative to state capitalism and bureaucratic tyranny.

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UNIT : 3

EQUALITY

3.1 Introduction

The concept of equality can be understood both in a descriptive and normative way. As a descriptive concept, equality is a relation between two or more entities that are identical in some specific respect. Two entities cannot be same or identical in all respects, because then they would not be two entities but the same entity. The equality may be one of quantity or quality. Equality may be predicated of things, persons, or social entities such as institutions, groups, and so on. Equality may also be understood in a normative way too. As a normative concept, equality is the notion that there is some special respect in which all human beings are in fact equal (descriptive) but that this factual equality requires that we treat them in a special way. Special treatment may mean ensuring identical treatment, or it

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may mean differential treatment to restore them to or to aid them in reaching or realizing the specific factual state.

Several classical political theorists also talked about equality in their writings. Plato in his famous work – *The Republic* mentioned that a just society was identified with a harmonious society. According to Plato, a harmonious society consisted of one in which the division of labour was exactly correlated with individual differences of ability. Even when Plato recognised superior women and advocated the equality of women, many scholars said that he did stress the need for an overriding functional division of labour. Aristotle also provided his view about equality in his work. For Aristotle, equality meant the "same treatment of similar persons," that is, persons who had the same status. Aristotle was more concerned that those who were unequal should be treated differently. Moreover, According to Aristotle, the demand for equality on the part of those who are unequal or inferior leads to revolution.

3.2 Objectives

The term equality is commonly used to denote the state of being equal in status, rights and opportunities. We all know that in India, the Constitution has granted the Right to equality to all its citizens. After going through the chapter, you will be able to -

- *understand* the concept of equality and its nature

- *explain* the principles of equality

- *discuss* the events of unlawful discrimination

- *examine* principle of equality is enshrined in the Indian Constitution

3.3 Right to Equality in Indian Constitution

Right to equality is one of the fundamental rights enshrined in the Constitution of India. The right to equality provides for equal treatment to everyone before law, prevents discrimination on various grounds, treats everybody as equals in matters of public employment, and abolishes untouchability

and titles. The Constitution of India includes the following articles with regard to the right to equality.

Article	Brief Description
Article 14	The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.
Article 15	The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, and place of birth or any of them.
Article 16	There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State.
Article 17	Abolition of untouchability
Article 18	Abolition of all titles except military and academic

3.4 What is Right to Equality?

Democracy can only develop and flourish where the individuals in the society are treated equally and without any discrimination. Thus, this feeling led the framers of the Constitution to incorporate such provision to remove the hurdle of existing social and economic inequalities and enable the diverse communities of the country to enjoy rights and liberties guaranteed by the constitution. It was believed to be essential to remove inequalities based on religion, social norms, age-old traditions practiced in parts of India, like untouchability, caste system, racial discrimination, etc.

- Right to equality means the absence of legal discrimination only on grounds of caste, race, religion, sex, and place of birth and ensures equal rights to all citizens.

- It is considered with basic feature of the Indian Constitution.

- Right to equality includes both a positive equality as well as a negative right.

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Thus, right to equality have both a positive right and negative aspects. As a positive right it demands to be treated equally. As a negative right it prohibits unequal treatment. Now let us examine the provisions related to right to equality in Indian constitution.

Stop to Consider

Equality vs. Equity:

Equality and equity are not the same things. The implementation of equality and equity can lead to different outcomes for marginalized people. Equality means each individual or group of people is given same resources or opportunities. Equity recognises that each person has different circumstances and allocates the extract resources and opportunities needed to reach an equal outcome. It can be mentioned here that the social systems aren't naturally inequitable — they've been intentionally designed to reward specific demographics for so long that the system's outcomes may appear unintentional but are actually rooted discriminatory practices and beliefs. Paula Dressel defined that, "The route to achieving equity will not be accomplished through treating everyone equally. It will be achieved by treating everyone justly according to their circumstances."

3.4.1 Equality before the law (Article 14)

Article 14 of the Indian Constitution treats all people equally. In the eyes of the law everyone is equal.

- This provision states that all citizens will be treated equally before the law.

- The law of the country protects everybody equally.

- Under the same circumstances, the law will treat people in the same manner.

Self Asking Questions:

1. What type of equality do we have in Indian society? (60 words)

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   ....
   ....

The basic idea of Article 14, 'equality before the law' to a large extent based on the concept of *rule of law* as coined by A. V. Dicey. It states that, all individuals, government and other institutions should obey and be governed by law and not by any arbitrary action by an individual or group of individuals. Whatever be the rank or position of a person, he should come under the jurisdiction of ordinary courts and not of any special courts. It also states that governmental decisions should be based on legal and moral principles embedded in the supreme law, in the case of India, the Indian Constitution. This theory of Dicey has three pillars. These are -

1. Supremacy of law

Dicey's first principle of rule of law is supremacy of law. According to him, there should be an absence of arbitrary power and that no person should be punished except for a breach of law. An offense should be proved by the authorities of the country before the ordinary courts to punish him according to legal procedure.

2. Equality before law

All individuals, irrespective of their rank or position i.e. poor or rich, officials or non-officials, etc. should be subjected to ordinary law of land which is administered by ordinary courts. It seeks to ensure that law is administered and enforced in a just and fair manner. It has also been embedded in Preamble and Article 7 of the Universal Declaration of Human Rights (UDHR). It implies that 'law gives equal justice to all'.

3. Predominance of legal spirit

Dicey believed that there should be an enforcing authority to enforce effectively the above two principles. According to him, such enforcing authority should be the 'courts'.

3.4.2 Prohibition of discrimination (Article 15)

This article prohibits discrimination in any manner.

- No citizen shall, on grounds only of race, religion, caste, place of birth, sex or any of them, be subject to any liability, disability, restriction or condition with respect to:

  a) Access to public places

  b) Use of tanks, wells, Ghats, etc. that are maintained by the State or that are meant for the general public

  The article also mentions that special provision can be made for women, children and the backward classes notwithstanding this article.

3.4.3 Equality of opportunity in matters of public employment (Article 16)

Article 16 provides equal employment opportunities in State service for all citizens.

- No citizen shall be discriminated against in matters of public employment or appointment on the grounds of race, religion, caste, sex, place of birth, descent or residence.

- Exceptions to this can be made for providing special provisions for the backward classes.

3.4.4 Abolition of untouchability (Article 17)

Article 17 prohibits the practice of untouchability.

- Untouchability is abolished in all forms.

- Any disability arising out of untouchability is made an offence.

3.4.5 Abolition of titles (Article 18)

Article 18 abolishes titles.

- The State shall not confer any titles except those which are academic or military titles.

- The article also prohibits citizens of India from accepting any titles from a foreign State.

- The article abolishes the titles that were awarded by the British such as Rai Bahadur, Khan Bahadur, etc.

- Awards like Padma Shri, Padma Bhushan, Padma Vibhushan, Bharat Ratna and military honours like Ashok Chakra, ParamVir Chakra do not belong to this category.

Check Your Progress

1. Which Article in Indian Constitution defines equality and prohibits any kind of social discrimination?

2. Why universal adult franchise is important in a democracy?

3. What are the basic factors responsible for the continuance of discrimination in India? (30 words)

The right to equality and non-discrimination is a fundamental component of international human rights law. Under Article 16, exceptions to the right to equality of opportunity in matters of public employment are provided to protect the interests of the weaker and vulnerable sections of society such as women, children, the backward classes and minorities. The Parliament may also pass a law to the effect that a certain post be filled only by people residing in a certain area, to fulfil the conditions of the post that warrants the knowledge of the locality and the local language. The Article also mentions that there can be a law which provides that the incumbent of an office in connection with the affairs of any religious or denominational institution shall be a person professing a particular religion or belonging to a particular denomination.The Indian Constitution has granted the right to equality to all citizens. All are equal before the law and there can be no discrimination on the basis of religion, race, caste, gender, place of birth, etc.

3.5 Principles of Equality

There are different principles of equality. Now, let us discuss some of these principles of equality.

    A) **Formal equality**

    B) **Equality of opportunity**

    C) **Equality of outcome**

(A) Formal equality: The earliest notion of equality may be called as Foundational equality. It means all men are equal because they share human essence. This basic idea of equality came out of Natural right theories that dominated political thought in 17th and 18th centuries. For example, The American Declaration of Independence, declares that "All men are created equal" and the French declaration of Man and Citizen states that, "Men are born and remain free and equal in rights." Foundational equality was not associated with the idea of equal opportunities and notion of equal wealth and social position. The idea that all human beings are possessors of equal right is the basis of what is usually called 'formal equality'. Formal equality is the principle of legal equality, or 'equality before law'. This holds that the law should treat each person as an individual, showing no regard to their social background, religion, race, colour, gender etc. The principle of Formal equality is negative. The task of formal equality is to eradicate the special privileges of feudal times. Its enemy was aristocratic privileges.

Karl Marx examined this problem in his essay 'On the Jewish Question'. Marx advocated the idea of 'human emancipation'. Merely political emancipation is not enough like civil liberties, participation in political activity etc. Marx accepted that capitalism brought about a form of equality in the marketplace that judges people in terms of their market value. However, the existence of private property generates class differences which ensure that individuals have different market values. That is why Marxists have portrayed legal equality as 'market' or 'bourgeois' equality, serving to exploitation and economic inequality.

(B) Equality of opportunity or Equal opportunity is a state of fairness and justice in which individuals are treated similarly, unhampered by artificial

barriers, prejudices, or preferences. Equal opportunity implies that the important jobs in an organization should go to the people who are most qualified , persons most likely to perform efficiently in a given task. Jobs should not go to persons for reasons deemed arbitrary or irrelevant, such as circumstances of birth, upbringing, having well-connected relatives or friends,religion, sex, ethnicity, race, caste, or involuntary personal attributes such as disability, age, gender identity, or sexual orientation.

Stop to Consider

What is social equality?

Social equality seems to bear the foundational notions of equality, often underlying real life egalitarian movements. As Anderson highlights, it seems to capture the type of equality and the emphasis on a common humanity at the heart of actual political movements, better than a notion of equality of welfare or of resources. A theory of social equality is comparative, being concerned with the relationship between individuals and their relative positions in a status hierarchy, and it is unspecific. In other words it is not concerned with the actual level of benefits or welfare of those on the hierarchy. This could be contrasted to a notion of distributive equality.Social equality, expresses an ideal where people stand in equal relation to each other rather than being treated as better or worse, inferior or superior. There may be direct or indirect inequality. Direct inequality is an inequality of status which directly and unambiguously confers better status to some in comparison to others. On the other hand an indirect social inequality is foremost a difference or inequality of another kind in other words, not status inequality but which indicates or leads to a social inequality.Although social equality could have implications for resources or welfare, primarily it is not concerned with the actual levels of goods or wellbeing that those at the top or bottom of the hierarchy have, but rather the relationship they have with each other. Ultimately, social equality is likely to lead to higher levels of overall welfare or improved welfare for the worst off.

But in this context reference must be made to the term 'Natural inequality'. Natural inequality here may arise from personal talents, skills, hard work and so on, is considered to be either inevitable or 'morally right'. Mentioning about natural inequality, Margaret Thatcher describes it as the 'right to be unequal'.

(C) The idea of equality of outcome is the most radical and controversial face of egalitarianism. Socialists, communists and some anarchists regard a high level of social equality as a fundamental goal, while conservatives and liberals believe it to be immoral or unnatural. A concern with 'outcomes' rather than 'opportunities' shifts attention away from the starting of life to its end results, from chances to its rewards. Equality of outcome implies that all runners finish the race in line together, regardless of their starting point and the speed at which they run. Thus equality of outcome describes a state in which all people have approximately the same material wealth and income, or in which the general economic conditions of everyone's lives are alike. Achieving equal results generally entails reducing or eliminating material inequalities between individuals or households in a society. It usually involves a transfer of income or wealth from wealthier to poorer individuals, or adopting other measures to promote equality of condition. Equality of outcome is often compared to related concepts of equality, particularly with equality of opportunity. Generally, most senses of the concept of equality are controversial and are seen differently by people having different political perspectives, but of all of the terms relating to equality, equality of outcome is the most controversial and contentious.

Check Your Progress

1. What is the position of equality in Indian democracy?
2. What do you mean by the term all people are equal before the law?
3. What do you mean by absolute equality?
4. What are the essentials of the positive aspect of equality?
5. What do you mean by natural inequality?
6. What do you mean by social and political inequality?

While understanding the issue of equality, a distinction must also be made between treating everyone in an identical manner and treating everyone as equal. Sometimes on some occasions people may need differential treatment but in all such cases the primary consideration should be to promote equality. Differential or special treatment may be considered to realise the goal of equality but it requires justification and it should be carefully applied. Since differential treatment for different communities was part and parcel of the caste system and practices like apartheid, liberals are usually very wary of deviations from the norm of identical treatment.

Stop to consider

What is political equality?

Political equality can be defined as, "equality of rights pertinent to the political sphere accorded to citizens on account of citizenship of a nation-state." It incorporates rights such as access to political offices to all, universal adult franchise, one man one vote and other civil liberties etc. The foundation of political equality is the belief that man is a rational being, because he has the capacity of political judgment notwithstanding distinctions between men and women. In the later phase political equality came to be identified more with democratic rights such as Freedom of Expression, the Right to Form Associations, to hold political opinion without any fear and other civil liberties. Political equality has been established in as much as Universal Adult Franchise is taken into consideration. Article 326 of the Constitution deals with the provision thereof, and it states: *The elections to the House of the People and to the Legislative Assembly of every State shall be on the basis of adult suffrage.*

Indian constitution guarantees political equality to every citizen by stating that – "All citizens irrespective of birth, religion, sex, or race are equal before law, that is to say, there shall not be any arbitrary discrimination between one citizen or class of citizens and another." "All citizens shall, as human persons he held equal before law." All inhabitants of the republic are assured equality.

Theoretical perspective of equality:

The term equality generally refers to equal consideration. Apart from this it also talks about equal opportunities and equal satisfaction of basic needs. The term equal considerations are not satisfactory because it may not always be justified. While analysing equality people very often refer to egalitarianism and in political theory both equality and egalitarianism are profusely used. Egalitarianism refers to the belief in the principle that all men are equal because they are created by God equal. Therefore they deserve equal rights and opportunities. No discrimination is allowed. Establishment of equality is the primary objective of any society. Egalitarianism, at the same time aims at extreme or strict equality. It says that in all spheres of social, political cultural, economic and other fields there shall exist equality.

Equality and Justice:

While discussing about equality and justice, reference must be made to Jon Rawls' theory of justice. Rawls writes "Each person is to have an equal right to the most extensive scheme of equal basic liberties compatible with a similar scheme of liberties of others". Every individual has the right to claim equal liberties with others and it is the duty of the state authority to ensure this. At that point it will be assumed that justice will no longer be far away. The state must see that in regard to the allotment of rights and liberties the principle of equality has been observed. If equality is violated principle of justice will not be served. Justice always has a relation with equality. Liberal equality, democratic equality and justice all are closely associated. It can be stated that democratic equality can be achieved by the means of the principle of fair equality of opportunity for all along with the principle of difference. While distributing the resources and opportunities, the principle of difference is to be accepted. Policy makers should work with the aim at the advantage or benefit or welfare of all. Even the expectations of the least advantaged shall find realisation.

3.6 Equality and Indian Democracy

The Indian Constitution recognises every person as equal. This means that every individual in the country, including male and female persons from all

castes, religions, tribes, educational and economic backgrounds are recognised as equal. This is not to say that inequality ceases to exist. It doesn't. But, in democratic India, the principle of the equality of all persons is recognised. Earlier no law existed to protect people from discrimination and ill-treatment, now there are several that work to see that people are treated with dignity and as equals. This recognition of equality includes some of the following provisions in the Constitution: first that every person is equal before the law, It means that every citizen in India has to obey the same laws. Second, no person can be discriminated against on the basis of their religion, race, and caste, place of birth or whether they are female or male. Third, every person has access to all public places including playgrounds, hotels, shops and markets. All persons can use publicly available wells, roads and bathing ghats. Fourth, untouchability has been abolished.

Government has tried to implement the notion of equality in India in several ways in the Constitutions. These are through laws and through government programmes or schemes to help disadvantaged communities. There are several laws in India that protect every person's right to be treated equally. In addition to laws, the government has also The Parliament is the cornerstone of our democracy and we are represented in it through our elected representatives. Sustainable Development Goal (SDG) set up several schemes to improve the lives of communities and individuals who have been treated unequally for several centuries. These schemes are to ensure greater opportunity for people who have not had this in the past.

While talking about equality and steps taken by Govt. of India, reference can be made to the scheme of midday meal. This refers to the programme introduced in all government elementary schools to provide children with cooked lunch. Tamil Nadu was the first state in India to introduce this scheme, and in 2001, the Supreme Court asked all state governments to begin this programme in their schools within six months. This programme has had many positive effects. These include the fact that more poor children have begun enrolling and regularly attending school. Teachers reported that earlier children would often go home for lunch and then not return to school but

now with the midday meal being provided in school, their attendance has improved. Their mothers, who earlier had to interrupt their work to feed their children at home during the day, now no longer need to do so. This programme has also helped reduce caste prejudices because children of all castes in the school eat this meal together, and in quite a few places, Dalit women have been employed to cook the meal. The midday meal programme also helps reduce the hunger of poor students who often come to school and cannot concentrate because their stomachs are empty.

While it is true that the midday meal programme has helped to increase the enrolment and attendance of poor children in school, there are still several differences in India between schools that the rich attend and those that the poor attend. Even today there are several schools in the country in which Dalit or lower caste children are discriminated against and treated unequally. These children are forced into unequal situations in which their dignity is not respected. This is because people refuse to think of them as equal even though the law requires it.

Dr. B.R Ambedkar, the father of Indian Constitution said

"It is disgraceful to live at the cost of one's self-respect. Self-respect is the most vital factor in life. Without it, man is a cipher. To live worthily with self-respect, one has to overcome difficulties. It is out of hard and ceaseless struggle alone that one derives strength, confidence and recognition. Man is mortal. Everyone has to die some day or the other. But one must resolve to lay down one's life in enriching the noble ideals of self-respect and in bettering one's human life... Nothing is more disgraceful for a brave man than to live life devoid of self-respect."

– B.R. Ambedkar

Check Your Progress

1. How social equality is ensured in the Indian Constitution?

2. How formal equality can be achieved?

3. What is affirmative action?

Attitudes of people are still very much responsible for not able to establish proper equality in our country. One of the main reasons for this is that attitudes of people change very slowly. Although persons are aware of the fact that discrimination is against the law, they continue to treat people unequally on the basis of their caste, religion, disability, economic status and on the basis of gender. It is only when people begin to believe that no one is inferior, and that every person deserves to be treated with dignity, that present attitudes can change. Establishing equality in a democratic society is a continuous struggle and challenging task.

3.7 Gender Equality

While talking about the notion of equality reference must be made to its gender dimension. Gender equality and women's empowerment is the third of eight MDGs. it is important to clarify what is implied by 'empowerment' in this article. One way of thinking about power is in terms of the ability to make choices. To be disempowered means to be denied choice, while empowerment refers to the processes by which those who have been denied the ability to make choices acquire such ability.

One most important indicator for monitoring progress on gender equality and women's empowerment relates to political representation i.e. the number of seats held by women in national parliaments. It moves the focus of empowerment into the arena of politics, and the struggle for participation and representation in decision making structures. Regarding political representation of women, there is a debate about whether greater participation and influence in local government structures are more relevant goals for poor women than increasing women's seats in national parliaments. The local governments make the decisions that most directly affect the lives of poor people. In recognition of this, a number of states in India, where there is now 33 per cent reservation of seats for women in local government, have added further inducements to local communities to encourage women's participation.

Apart from this, Education can be considered as an important factor. It is a fact that access to education can bring about changes in cognitive ability, which is essential to women's capacity to question, to reflect on, and to act on the conditions of their lives and to gain access to knowledge, information, and new ideas. Education appears to increase women's capacity to deal with the outside world.

3.8 Summing Up

After reading this unit, you have learnt that the state of being equal, especially in status, rights and opportunities. It also refers to provide equal opportunities to everyone and protecting people from being discriminated. It also states that right to equality have both a positive right and negative aspects. The unit has discussed various provisions related to right to equality in Indian constitution like equality before the law (Article 14), Prohibition of discrimination (Article 15), Equality of opportunity in matters of public employment (Article 16) Abolition of untouchability (Article 17) Abolition of titles (Article 18). Moreover, this unit has also discussed theoretical framework of equality. It further discusses the relationship between equality and justice as well as equality and gender.

3.9 References and Suggested Readings

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UNIT 4:
SECULARISM

Unit Structure:

4.1   Introduction

4.2   Objectives

4.3   Concept of Indian Secularism

4.4   Indian constitution and secularism

4.5   Need of secularism in India

4.6   Challenges and threats to secularism

4.7   Criticism against Secularism

4.8   Summing Up

4.9   References and Suggested Readings

4.1 Introduction

Secularism is a political philosophy that addresses the relationship between religion and the state. It advocates separation of religion from the state. The basic argument of secularism is that, by separating religion from the state, it protects every person's freedom to choose what to believe or what not believe, within the law. Secularism considers religion as a personal matter. The principle of secularism is incorporated in the promotion of democracy by maintaining national unity and integrity. After Independence, the Indian Constitution has worked to maintain national unity and social tolerance. The constitution embraces secularism with religious freedom. Secularism means that the state does not follow any particular religion. Religion means accepting personal matters and allowing them to behave according to their religion. Thus, secularism stands for equal opportunities for followers of all religions and no discrimination and partiality on the grounds of religion.

4.2 Objectives

Secularism is a way of life that rejects religion as a basis of any social, political, economical or cultural activity. Thus, secularism stands for

separation of religion from the civil affairs of the state and minimising the role of religion in any public sphere. At the same time it also stands for full freedom to all religions and tolerance of all other religions. After reading this unit you will be able to:

- Define the concept of secularism

- Examine the concept of secularism in India

- Discuss the challenges to secularism in India

4.3 Concept of Indian Secularism

Secularism is the concept that government or other entities should exist separately from religion and religious beliefs. In one sense, secularism may assert the right to be free from religious rule and teachings, and freedom from the government imposition of religion upon the people, within a state that is neutral on matters of belief, and gives no state privileges or subsidies to religions. In another sense, it refers to the view that human activities and decisions, especially political ones, should be based on evidence and fact unbiased by religious influence. The purposes and arguments in support of secularism vary widely. In European laicism, it has been argued that secularism is a movement toward modernization, and away from traditional religious values. This type of secularism, on a social or philosophical level, has often occurred while maintaining an official state, church or other state support of religion. In the United States, some argue that state secularism has served to a greater extent to protect religion from governmental interference, while secularism on a social level is less prevalent. This unit intends to focus upon the various definitions and perspective of secularism and try to understand the concept of secularism and its relevance the modern times.

The Preamble to the Constitution of India signifies that India is a secular state. The Preamble reflects the way of life adopted by Indian citizens for themselves after independence. In fact every civilization has also been a mirror of way of life as well as reflecting movement of human spirit. Religion in each civilization has indicated about the faith of human beings in absolute values and a way of life to realize them.

Indian philosophy of secularism is related to "*Sarva Dharma Sambhava*". It means that destination of the paths followed by all religions is the same, though the path themselves may be different, which means equal respect to all religion. India does not have an official state religion. However, different personal laws – on matters such as marriage, divorce, inheritance, alimony varies with an individual's religion. Indian secularism is not an end in itself but a means to address religious plurality and sought to achieve peaceful coexistence of different religions.

The word secularism was not mentioned in the original constitution of India. But, the philosophy of the Indian Constitution was secular. This means that every religion is given equal status in India and no particular religion is considered as the religion of the state in India. However, in 1974, the amendment to the Constitution included the term secular. The principle of secularism is incorporated in the promotion of democracy by maintaining national unity and integrity. There are many provisions included in the constitution of India which promote the notion of secularism. Section 15 says that state shall not discriminate against any citizen on account of religion, race, caste, gender, place of birth. Article 25 gives the right to freedom of religion. Every citizen of India has full right to practice his religion and promote and spread his religion. But in public life, discrimination between citizens cannot be made on the basis of religion. Section 28 does not provide religious education to any educational institute run by state funds. According to Article 30, all the minorities are given the right to establish educational institutions of their choice according to the criteria of religion and language.

All these provisions of the Constitution do not allow any religion to interfere with the rule of the people in spite of the fact that people of different religions live in India. From time to time, the Supreme Court has stated that secularism is the fundamental part of Indian society and cannot be changed in any way. In Kesavananda Bharati vs. State of Kerala case, the Constitutional Bench of the Supreme Court of India gave this judgement that secularism was a part of the basic structure of the Constitution.

India has inherited multiculturalism since ancient times. There are many religions and cultures in India. Due to multiculturalism, India has a unique

identity in the world. To create a nation, there must be one language, one culture, one history and one religion. But in India this is an exception. In India, people of different religions, different cultures live together. Still India remains as a nation. In India, along with multiculturalism, social tolerance is the backbone of the society. Even though people behave according to their religion and culture, the religion and culture of each other is respected. In India, everyone has the right to spread and promote religion and culture. Indian society cannot be considered except religion, because religion has become an integral part of Indian society. After Independence, the Indian Constitution has worked to maintain national unity and social tolerance by keeping this pluralistic society. Therefore, the constitution embraces secularism with religious freedom. In personal life, people will have religious freedom but religion cannot be used in public life. Therefore, the integrity of Indian society remains as it is.

SAQ

1. How secularism promotes justice and equality in India? (50 words)

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   ....
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Secularism means that the state does not give shelter to any particular religion. Religion means accepting personal matters and allowing them to behave according to their religion. Secularism implies that political system will not be governed by religion. Citizens of different faiths may be living in the states. Every citizen can live life freely according to his or her religion. This is the meaning of secularism.

4.4 Indian Constitution and Secularism:

You have already learnt that in the original constitution, the word secularism was not mentioned. Yet the philosophy of the Indian Constitution was secular. From the standpoint of the state, all religions will be the same. In the Indian

Constitution, secularism is not based on atheism. Despite acknowledging the existence of religion, a secular society has been created on the basis of religious tolerance and bigotry. For this, provisions have been made in different parts of the Indian Constitution. It is mentioned in the preamble of the Indian Constitution, "We the people of India ...". The key feature of secularism is found in this sentence. No particular religion has a place in this sentence. However, in 1974, the amendment to the Constitution included the term secular. This does not mean that India was not a secular state before 1974. Although the term secularism is not mentioned, India was a secular state under the constitution. This is evident from the different provisions of the Constitution and the decisions of the courts.

India has been declared a secular state by its written constitution and it is every Indians duty to stand by and believe in this declaration. There is a clear incorporation of all the basic principles of secularism into various provisions of constitution. These are mentioned below-

a) Article 14 grants equality before the law and equal protection of the laws to all.

b) Article 15 enlarges the concept of secularism to the widest possible extent by prohibiting discrimination on grounds of religion, race, caste, sex or place of birth.

c) Article 16 (1) guarantees equality of opportunity to all citizens in matters of public employment and reiterates that there would be no discrimination on the basis of religion, race, caste, sex, descent, place of birth and residence.

d) Article 25 provides 'Freedom of Conscience', that is, all persons are equally entitled to freedom of conscience and the right to freely profess, practise and propagate religion.

e) Article 26, every religious group or individual has the right to establish and maintain institutions for religious and charitable purposes and to manage its own affairs in matters of religion.

f) As per Article 27, the state shall not compel any citizen to pay any taxes for the promotion or maintenance of any particular religion or religious institution.

g) Article 28 allows educational institutions maintained by different religious groups to impart religious instruction.

h) Article 29 and Article 30 provides cultural and educational rights to the minorities.

i) Article 51A i.e. Fundamental Duties obliges all the citizens to promote harmony and the spirit of common brotherhood and to value and preserve the rich heritage of our composite culture.

The principle of secularism is incorporated in the promotion of democracy by maintaining national unity and integrity. Further provisions are found in the Constitution for the formation of secular societies. According to Article 15, there shall not be any discrimination against any citizen on account of religion, race, caste, gender, place of birth. Article 25 gives the right to freedom of religion. Every citizen of India has full right to practice his religion and promote and spread his religion. But in public life, discrimination between citizens cannot be made on the basis of religion. Article 28 says that it does not provide religious education to any educational institute run by state funds. According to Article 30, all the minorities are given the right to establish educational institutions of their choice according to the criteria of religion and language.

The Supreme Court of India expressed its views on the Secular nature of the Constitution for the first time in Sardar Syedna Taher Saifuddin Saheb v. State of Bombay where it was held that: "Article 25, and 26 embody the principle of religious feature of Indian civilization from the start of history. In M.H. Quareshi v. State of Bihar this case known as Quareshi Cow-Slaughter case, the Supreme Court held that the State shall banning the cow slaughter did not violate the religious rights of Muslims. In Kesavananda Bharati v. State of Kerala, the Constitutional Bench of the Hon. Supreme Court reiterated that "liberty of thought, expression, belief, faith, and worship as a part of the basic structure of the Constitution. Now secularism is a part of basic structure. This view crystallized in the landmark case of S.R. Bommai v. Union of India. However, within a year the Hon. Supreme Court in Ismael Faruqui v. Union of India (also known as Ayodhya Acquisition Case) started diluting the active, positive concept of secularism based on scientific thinking.

(59)

It was held that the Preamble of the Constitution and particularly the Article 25 to 30, emphasize the guarantee of equality in the matter of religion to all individuals and groups irrespective of their faith emphasizing that there is no religion of State itself. Subsequently, in the infamous Ram Janambhoomi case, the Supreme Court justified its concept of secularism by quoting extensively from Indian scriptures to justify its concept of secularism: 'Sarwa Dharma Sambhava', i.e., tolerance of all religions. The Supreme Court seemed to have rejected the western concept of secularism based on separation of the Church and the State as explained in the earlier verdict of S.R. Bommai and went back to equating secularism with tolerance. . In Arunaroy v. Union of India the court observed that the essence of secularism is non-discrimination of the people by the state on the basis of religious differences.

4.5 Need of Secularism in India

Secularism has no alternative option in a multicultural nation like India, therefore, the Indian Constitution adopted secularism. People of different languages and religions live in Indian Union. Therefore secularism is required to keep them together. Therefore, with the right to freedom, it was necessary to accept secularism. But most of the time the minority communities suffer injustice and oppression although there is an attempt to bring unity in diversity in India. Of course, even after the formation of a secular state, the spirit of nationalism could not be created. Awareness of social intolerance among minorities is a threat to national integration. There is a need for secularism to develop a sense of nationalism among the minority groups in the country. Although India has adopted the concept of secular state, in fact religion has been politicized. Therefore, the principle of secularism is suffering because of increasing communalism. Communalism is anti-democratic, so the concept of secularism needs to be rooted in the promotion of democratic values. In a pluralistic society like India, politics based on religion is detrimental to national integrity. Therefore, in order to build a strong democracy, the values of secularism must be respected in the society while respecting religious values.

Check Your Progress

1. Write basic features of a secular state.

2. What should be the ultimate aim of secularism? What is the Indian view of secularism?

3. What are the common features of Western View and Indian View of Secularism?

4. Write in brief the views of Jawaharlal Nehru on secularism.

Stop to Consider

Secularism and its reality in India:

Secularism is meaningful in a democratic country only when there is a core principle of equality. If there is no commitment towards equality, then there will be no commitment towards democracy. India is a secular state, and a secular State never favours any religion. Instead, it protects and preserves innate pluralism. Therefore, question may arise regarding the inclusion of special provisions in Articles29 (Articles 29(1) &29(2)) and 30 (Article 30(1)) of the Constitution to protect the language script and culture of minorities. It is said that India has been a secular State even before 1976(before adding the word secular in Preamble). Therefore, it can be questioned that what was the necessity to bring 42nd Constitutional (Amendment) Act, 1976 and insert the word 'secular' in Preamble. That is why the 42nd Amendment of the Constitution took place is a matter of debate because, at that very time, many opposition leaders were either in jail or underground, and the strength of opposition members in the Parliament was very few because of national emergency. It would have been better to clarify the meaning of secularism rather than inserting the word secular in the Preamble through this Amendment.

Another debatable point regarding secularism is that if a secular State is completely separated from religion and the law of such a country is also secular, then why are there different personal laws in the country.

The Constitution of India prohibits using taxes for religious purposes, (Article 27) but for looking after the welfare of minorities, the Ministry of Minority Affairs has been created, which brings various schemes to provide financial assistance for minority religions.

4.6 Challenges and Threats to Secularism

India doesn't have any official religion. However, religion was adopted as an integral part of Indian social life, along with freedom of religion and secularism. Increasing interference of religion in politics is a major challenge faced by a secular state. Most of the times, it can also be seen that the candidates are selected for elections on the basis of religion. Even sometimes people cast their votes being guided by religious sentiments. Therefore, the right people do not get elected. There are minority communities such as Muslims, Christians, Sikhs living with Hindu majority. Everyone has the right to spread and promote his or her religion. Despite this, the feelings of insecurity in religious minorities still do not seem to diminish. This makes it difficult to create a secular society. India's growing racism is one of the major challenges facing the secular society. Unless all the communities of the country come together tighter with national spirit, a secular society is not possible.

Communal politics operates through communalization of social space, by spreading myths and stereotypes against minorities. It attacks on rational values and by practicing a divisive ideological propaganda and politics. Apart from this, Politicisation of any one religious group leads to the competitive politicisation of other groups, thereby resulting in inter-religious conflict. In this context it can be said that one of the manifestations of communalism is communal riots. In recent past also, communalism has proved to be a great threat to the secular fabric of Indian polity. Rise of Hindu Nationalism in recent years have also resulted into mob lynching on mere suspicion of slaughtering cows and consuming beef. In addition with this, forced closure of slaughter houses, campaigns against 'love jihad', reconversion or ghar- wapsi (Muslims being forced to convert to Hinduism), etc. reinforces communal tendencies in society. Islamic fundamentalism or

revivalism pushes for establishing Islamic State based which directly comes into conflict with conceptions of the secular and democratic state. In recent years there have been stray incidences of Muslim youth being inspired and radicalized by groups like ISIS which is very unfortunate for both India and world.

4.7 Criticism of Indian Secularism

The Indian constitution through its preamble, fundamental rights and directive principles has created a secular state based on the principle of equality and non-discrimination. With the advancement of Indian Constitutional philosophy of social and economic democracy, secularism has been held to be one of the 'Basic Structures' of Indian Constitution. Thus, the nature of polity promised in the preamble is incapable of alteration even in the exercise of the power to amend the Constitution under article 368. Religion is a matter of faith. Though the critics might not agree but it is indeed a fact that India and its people, though have entered the globalised era, but still maintain the deep religious values at the core. The present scenario of 'Secularism' in India is indeed a cause of concern. Today, the secular character of the Indian democracy is considered to be under threat. The razing of the Babri Mosque in Ayodhya (Uttar Pradesh) led to riots and killings by Muslims and by Hindus. The recent massacres of innocent Hindus in Godhra (Gujarat), presumably ignited by smouldering Muslim resentments against the Hindutva proponents over Ayodhya, touched off a larger massacre of equally innocent Muslims in tit-for-tat killings that undermined yet further the amity under which these religious communities had lived earlier in Gujarat State in an atmosphere of secularism. Apart from these, the unspeakable atrocities of 1984 against the Sikhs in Delhi after the assassination of Prime Minister Indira Gandhi; and an occasional slaying of proselytizing Christian missionaries clearly presents a grim picture of "Indian Secularism", moreover, the intrusion of religious passions and caste loyalties into Indian politics casts serious doubts over the claim of India to be a secular and theocratic state.

The concept of secularism is found almost in every developing country's constitution and why not, it is the very basis of modern governance. The modern jurisprudence envisages the concept of secularism as a very basic tenet and a very few exceptions may be found of being a theocratic state. India is definitely a secular nation but surely it is facing many challenges to its ideology of secularism in the present times due the developments witnessed in the last two decade or so and the sporadic incidents of communal frenzy.

Scientific approaches to the practice of secularism and deliberate and planned efforts are required to establish equitable and social justice in life. The Constitution has given the right to freedom of religion and this is indisputable. The majority of people in India believe in religion. Many believe that every scripture has a humanitarian doctrine. It is important to understand all religions respectfully, independently and by combining the complementary parts of modernity with the curriculum and to bring it into the school curriculum. By doing so, all can understand all religions and the right to freedom of religion can be consciously and rightly implemented. This will not prevent isolation, alienation or polarization and will help in religious harmony.

The scientific view is an integral part of secularism. This includes your directive principle and the basic duties of citizens. Both religion and politics must be different, and if that happens, the true meaning of secularism is that religion should be excluded from public life. The state has no religion officially. In India, majority of the people believe the religion and humanitarian preaching is the base of all scriptures. It all the values of religious books brought into the curriculum of schools, it can become supportive to create a secular society. Political system cannot make discrimination among the religion, it has the same respect for all religion, so welfare programmes for all religions can be implemented at a strategic level.

Stop to Consider

Dynamism and Dilemmas:

In Indian polity, the term secular had no relevance for the purposes of the interpretation of the Constitution and laws. Actually, while the word' 'secularism' is rather vague and was introduced by the 42nd

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Amendment, Articles 25 to 30 of the constitution relating to the freedom of religion and freedom to manage religious affairs are more specific. The ideals of secular state have clearly been embodied under the Indian constitution and the provisions are being implemented in substantial measure. But the circumstances after independence have posed a challenge before secularism of India for a number of times. It can be stated that the overall environment around do not certify the theme of secularism and when one tries to examine the working of various nongovernmental institutions, the various political parties, especially national ones, which are supposed to have thrown their membership open to all communities. The Indians are not completely secular in their approach and attitudes. People of the country must develop a consensual framework that is based on mutual respect and common principles, not separate beliefs protected by law. The evolution of and adherence to such predetermined but definable principles of state and individual value based behaviour is essential if secularism is to become a universalist social and community ideology and not a purely political instrument of societal regulation within the contemporary Indian scenario.

Check Your Progress

1. Discuss the impact of Western Liberalism on Indian secularism. (60 words)

2. How far it is correct to say that Indian secularism is anti-religious? (30 words)

3. Explain the essential elements of a secular state. (50 words)

4. Discuss India as a secular state. (50 words)

5. What are the merits of secularism?

6. What makes Indian secularism distinctive?

4.8 Summing Up

This unit has discussed the concept of secularism in India. Reading of this unit has helped you in understanding that secularism asserts the right to be free from religious rule and teachings, and freedom from the government imposition of religion upon the people, within a state that is neutral on matters of belief, and gives no state privileges or subsidies to religions. Though India adopted a secular framework in administration, the term was not included in the original constitution. However, in 1974, the amendment to the Constitution included the term secular. From this unit we have also learnt various provisions of the Indian constitution that gurantees secularism like article 14, 15, 16, 25, 26, 27, 28 etc.

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UNIT :5

SOCIAL JUSTICE

5.1 Introduction

The concept of Social Justice broadens the field of justice by asserting that justice is not restricted only to the field of law. It connotes that every individual in the society deserves equal economic, political and social rights and opportunities. There are some important principles of social justice. They are – access to resources, equity, participation, diversity and human rights. Thus, social justice is a broad concept which signifies justice in all aspects of society.

Social justice is mostly concerned with human rights. However, social justice not only stands for securing rights but also about our responsibilities. United Nations defines social justice as an underlying principle for peaceful and prosperous co-existence within and among nations".Again, the concept of social justice is also associated with social equality and social rights. Social justice can be achieved only when there is no exploitation of man by man.

Space for Learners

The pre-requisite of social justice is a situation where privileges of the few are not built upon the miseries of majority. In this unit we shall make an attempt to discuss the concept of social justice in India.

5.2 Objectives

Social justice can be achieved when barriers related to age, gender, race, ethnicity, religion, culture and disability are removed in all the nations of the world. The United Nations has declared February 20 as United Nations World Day of Justice and thereby emphasized on the importance of providing justice in different areas to all the human beings of the world. The concept of social justice is also related to Rawlsian theory of justice which provide for difference principle. The difference principle speaks about bringing greatest benefit to the least advantaged.

After reading this unit you will be able to:

- Analyse the provisions of Social Justice in the Indian Constitution
- Examine the practice of Social Justice in a class-ridden society of India
- Critically discuss social justice in India

5.3 Meaning of Social Justice

The concept of social justice opposes the fault in the existing social order, oppressive and exploitative social conditions. You should remember here that justice is not defined by the outcome but by the fairness of the process leading to that outcome. The term 'social justice' is used more comprehensively so as to include economic justice and also to restore the dignity of human beings who lost it due to lower economic, educational and cultural status. Social justice refers to the elimination of all kinds of discrimination and privileges on the grounds of birth, race, caste, sex etc. In the positive sense, social justice implies providing various social opportunities to all the members of a society for their proper development. It emphasizes establishing social equality and social mobility.

From the above, we can say that the concept of social justice is closely related with political and economic justice as these two provide the ground for the enjoyment of social justice. It needs mentioning here that social justice suggests benefits of economic justice and thus it is more economic in nature. Social justice is mainly concerned about the inclusion of the down-trodden. In a broad sense, 'social justice' is used to comprehend all three types of justice in the society — social, economic and political. However, social justice mainly emphasizes the economic aspect because economic disparities affect the foundations of legal and political justice. It tries to ensure that material and moral benefits of social planning are not appropriated by a small section and percolates down to the lower, weaker and under-privileged classes of the society.

Here, you must know that there is a clear distinction between legal and social justice. While legal justice stands for the punishment of wrong-doing and the compensation of injury through the creation and enforcement of public set of rules, social justice stands for distribution of benefits and burdens throughout the society. Legal justice has two aspects. The first aspect covers the conditions under which punishment, according to the nature of the crime, and in the sphere of civic law, adjusts the amount of restitution that is made for injuries. Secondly, it establishes procedures for applying the law namely the principles of a fair trial, rights of appeal and the like. Social justice, on the other hand, deals with matters like regulation of wages and profits, the protection of individual's rights through the legal system, the allocation of housing, medicines, and welfare benefits.

Stop to Consider :

Justice and Equality: The concept of justice is closely associated with the concept of equality. In modern period, there is equality before law in almost all countries which shows close relationship between justice and equality. Justice demands that all individuals should be treated as equals. But equality is not the final principle of justice. Equality, which generally means absence of discrimination not necessarily, leads to justice. The struggle for equality starts when there is a feeling that prevailing inequality is unjust and based on exploitation

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5.4 Social Justice in India

By now we all have understood the concept of Social Justice. Social justice involve establishment of an egalitarian social order where there was no discrimination among individuals on the basis of caste, religion, sex or place of birth. This concept becomes more relevant in a heterogeneous society like India. We all are aware that Indian society is divided on many artificial grounds like race, caste, religions etc. Moreover, there are issues of gender, ethnicity, and linguistic differences which further divide societies into majority and minority. Therefore, In India inequalities exist in different forms. Besides economic inequalities, there are inequalities in terms of social groups and gender. In such a situation, there is every possibility that one or two groups dominate others by curbing their rights—social, political or economical. These divisions of the society into different groups have already led to conflicts among groups and resulted in the existences of many evils. The minority categories tend to suffer from discrimination in different spheres. While discussing Social justice in India we must remember that Indian society is stratified into different castes and communities. Moreover, like most of the developing countries, India also witnesses gender related differences. Hence, in this unit, we make an attempt to discuss social justice in India from the perspective of caste and class on the one hand and gender on the other.

5.4.1 Class and Social Justice

We have already learnt that social justice involves ordering of the society in such a way that the material and moral benefits of society are enjoyed by each and everyone. We all are aware of the plight of economically backward classes in the society. Social Justice mainly emphasizes upon providing opportunities to weaker and under-privileged sections so that they can uplift themselves.

From the economic point of view we have observed that development in India has, by and large, been incremental, uneven, and slow. India's policies for dealing with the economically poor and the marginalized have not been fully successful. Therefore in the economic front, it is often said that there

are two Indias within India. The World Inequality Report 2022, term India as a poor and very unequal country with an affluent elite where 57 percent of the total national income rests with 10 percent population. It must be noted that economic differences has also linkages with the caste system of India. The economically poorer sections find it difficult to compete in the educational sector and job market. Moreover, India being a developing country, the poor are often deprived of the basic amenities of life. Despite, constitutional and legal provisions the lower castes known as dalits or untouchables still experience segregation from other castes in many aspects of society including education, healthcare and worship. Quality of life for a sizeable number of Indians remains unsatisfactory. All the disadvantages are concentrated in the poor, as they are the most illiterate, the least healthy, the most mal- nourished, the least secure, and without an effective voice. Vulnerable groups, especially those that have suffered historic discrimination, have received less than their fair share of the benefits of development. To a great extent, modern development has bypassed these socially and politically disadvantaged groups. These inequalities are visible across states, between rural and urban areas, within communities, and most significantly between women and men

The problem of poverty and unequal distribution of wealth may be confined to the bigger cities and towns in India but the problem accentuated by the vice of social inequality existing in a gross form prevails in all of our villages. For instance, the harijans constitute a large class of landless labourers who are treated as untouchables by the rest of the community, who have no house to live in, generally no clothes to wear, who do not get food to eat & sometimes even decent drinking water is beyond their reach. The poor also have no access to legal assistance. Poor people are vulnerable to injustice. Poverty fosters frustration, ill feeling and a brooding sense of injustice

(Yadav, 2014)

Hence, we can say poverty is linked with social inequality which in turn has close connection with backward classes as well as backward castes in Indian society. In such a backdrop it is of utmost importance to make provision for social justice which can also address the question of economic justice.

5.4.2 Caste and Social Justice

We all know that the caste system is a peculiar feature of Indian society which is based on occupations. However, it has acquired a hereditary character in a later stage. These caste divisions became so acute that it is almost impossible for a person to come out of one's caste in his lifetime. Besides hereditary and hierarchical principles, caste system has got some other characteristics too. These are —— endogamy, restrictions on food and drink, cultural differences etc. The concept of purity and pollution is also associated with the caste system. Taboo is another characteristic of caste. Thus, caste system has brought clear divisions in Indian society which became difficult to bridge. The occupations were ranked in a hierarchical way which leads to hierarchical social status. The rigidity and immobile character of the caste system does not allow any person to change his social status in his lifetime. Therefore, people of the lower strata find it difficult to enjoy equality of opportunity in the society. Such system has led to illiteracy, poverty, joblessness and marginalization of a huge number of lower caste people of India.

The spread of western education during colonial period brought awareness regarding many evil practices and inequalities that existed in Indian society. During the freedom movement, leaders like Gandhi, Ambedkar fought for establishing an egalitarian society in India. These visionaries realized that only throwing away of British Rule and establishing the Rule by Indians would not bring solutions to many of the problems existing in India. Therefore, many social reformers like Gandhi, Ambedkar fought for the rights of the backward communities and worked for their upliftment. However, in Indian society caste system is deeply rooted. Despite having constitutional and legal provisions against it, the caste system is still practiced widely in India.

5.4.3 Gender and Social Justice

So far we have discussed the differences existing in India in terms of rich and poor as well as castes and communities. However, we must know that disparity does not only exist between the rich and the poor. Another major category of society that becomes the victims of discrimination from cradle

to grave is woman. Gender discrimination "begins with declining sex ratio and goes on to literacy differentials between girls and boys".

Though gender discrimination usually means unequal treatment of an individual or group of individuals based on gender, in most of the cases, gender discrimination talks about disadvantageous treatment towards the female population. In India also such discrimination has been widely practiced. Such discriminations are visible in the areas of Literacy, higher education, professional Jobs, equal Pay and Wages. Thus, discriminations are visible in social, political and economic life. Many factors are responsible for such gender discrimination in Indian society. They are:

- Social norms, customs, beliefs

- Poverty

- Patriarchal set up of the society

- Illiteracy

- Lack of awareness among woman etc.

Again, discriminations meted out to woman are of various types. There may be Direct or indirect discrimination in different areas. Sometimes they are harassed and victimized also.

Need of the hour is to bring awareness among woman and spread modern education to them. To quote the first Prime Minister of India Pt. J. Nehru, "To awaken the people, it is the women who must be awakened. Once she is on the move, the family moves, the village moves, the nation moves." Only gender equality can facilitate women empowerment.

Stop to Consider

Development of Justice:

The concept of justice has been discussed in different ways. It is said that the Greeks were the first to discuss the concept of justice. Both Plato and Aristotle consider justice as an essential virtue of human beings living together in communities, in villages, cities or nation states. Greek philosopher Socrates believes that justice is preferable to

injustice. A just person limits his desires as dissatisfaction leads to unhappiness. He further believes that an unjust person lacks psychological peace. Socrates, thus, rejects the idea of justice as mere convention. Plato's justice is concerned with distribution of responsibilities in accordance to abilities. His view on justice does not take into consideration the distribution of wealth in the society. He does not consider justice as equality. According to him, justice is the virtue to be cultivated by the society through subordination of the irrational masses of producers to the brave class of warriors and the rational class of philosopher kings.

Aristotle consider notion of justice as a state of character, a cultivated set of dispositions, attitudes and good habits. It is concerned with good judgement and a sense of fairness. Thus, Plato and Aristotle have discussed justice as an all-encompassing political virtue to establish a good and just society. In the medieval period, justice is associated with order. According to the Romans, positive laws conforming to higher laws are a perfect justice and right.

The liberal view of justice, on the other hand lays greater stress on its legal and political aspects. According to them, the rule of law is the first condition of justice.

In ancient Hindu thought, justice is related with 'dharma' meaning what is right. At the same time it also denotes the duty of an individual. In traditional Hindu society dharma is derived from the caste of his birth.

On the other hand, Social contract theorist Hobbes believes that 'just' and 'unjust' gain meaning in relation to law and law is the command of the sovereign. Utilitarianism has defended liberal justice by deriving justice from the conceptions of social utility. Mill provides the best known defense of utilitarian approach by surveying various types of actions and situations described as just and unjust. Rawls considers justice as the first virtue of social institutions. He also believes that the existing societies are seldom well-ordered as there usually exists a dispute regarding justice and injustice.

Thus, we can see that the modern concept of justice is different from the traditional concept. The traditional concept of justice is mainly concerned with moral and ethical aspects and therefore with certain virtues relating to morality. On the other hand, modern concept of justice emphasizes the realization of certain human values. . It is mainly concerned with social justice. Justice is closely associated with respect for rights of the individuals.

Check Your Progress 1

1. Explain the meaning of Social Justice.

2. Write a short note on Social Justice in India.

3. What are the major factors responsible for gender discrimination in India?

5.5 Constitutional and Legal Provisions for Social Justice:

We all know that Indian Constitution strives to establish a Welfare State in India. The idea of welfare state emphasiseson providing social justice to all the citizen of the state. It was also realized that Social justice must be achieved by adopting necessary and reasonable measures.The Preamble to the constitution of India also assures to all citizens Liberty of status and of opportunity, and promotion among them all; Fraternity assuring the dignity and the unity of the nation. The spirit represented in the Preamble is further enshrined in the chapter of Fundamental Rights and Directive Principles of State Policy, the purpose of which is to promote the social welfare of the by securing and protecting as effectively as it may social order in which justice-social, economic and political shall inform to all the institution of national life. The 42nd Amendment Act by introducing the word "Socialist" in the preamble has strengthened the constitutional ethos of social and economies justice. In this section we shall try to discuss various articles of the constitution for securing social justice, the Laws and Acts as well as policy of reservation made for securing social justice in India.

5.5.1 Constitutional Provisions:

The constitution of India recognizes and seeks to realize the various components of social justice. Different provisions of Indian constitution for establishing Social Justice in India are——

- Article 14 guarantees to every person "equality before law or equal protection of the laws within the territory of India".

- Article 15(1) prohibits discrimination against any citizen on grounds of religion, race, caste, and place of birth or any of them.

- Article 15 (2) declares that no citizen shall be subjected to any disability, restriction or condition on grounds only of religion, race, caste, place of birth or any of them with regard to (a) access to shops, public restaurants, hotels and places of public entertainment, or (b) the use of wells, tanks, baths, roads and places of public resort, maintained wholly or partly out of State funds or dedicated to the use of the general public

- In the same view Article 16(1) provide equality of opportunity for all citizens in matters relating to employment or appointment to any office under the state.

- 1 6 (4) empowers the State to make special provision for the reservation appointments of posts in favour of any backward class of citizens, which in the opinion of the State are not adequately represented.

- By Article 17 "untouchability" the age-old practice has been done away all its manifestations. The enforcement of any disability arising out of untouchability has been declared an offence in accordance with law.

- Article 19 enshrines the fundamental rights of the citizens of this country. The seven sub-clauses of Article 19(1) guarantee the citizens seven different kinds of freedom and recognize them as their fundamental rights. Article 19 considered as a whole furnishes a very satisfactory and rational basis for adjusting the claims of individual rights of freedom and the claims of public good.

- Articles 23 and 24 provide for fundamental rights against exploitation. Article 24, in particular, prohibits an employer from employing a child below the age of 14 years in any factory or mine or in any other hazardous employment.

- Article 31 makes a specific provision in regard to the fundamental right to property and deals with the vexed problem of compulsory acquisition of property.

- Article 38 requires that the state should make an effort to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice social, economic and political shall inform all the institutions of national life.

- Article 39 clause (a) says that the State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular provide free legal aid, by suitable legislation or schemes, or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.

- Article 41 recognizes every citizen's right to work, to education & to public assistance in cases of unemployment, old age, sickness & disablement and in other cases of undeserved want

- Article 42 stresses the importance of securing just and humane conditions of work & for maternity relief.

- Article 43 holds before the working population the ideal of the living wage

- Article 46 constitutes the heart and soul of social justice. It provides that the state shall promote with special care the educational and economic interests of the weaker sections of the society, and in particular, of the Scheduled Castes and Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation. The interests of weaker sections of society are further safeguarded Scheduled Castes and Scheduled Tribes shall be maintenance of efficiency of administration, in connection with the affairs

Stop to Consider:

Types of Justice:

Justice can be of different types. Legal justice is mainly concerned with the process of law making and the judicial system. Under this system every individual is entitled to equal protection of laws and impartial justice.

- The term 'legal justice' has two aspects —— firstly, justice according to law and secondly, law according to justice. The first aspect examines the principles of administration of justice according to the prevalent law without questioning the validity of law. On the other hand, the second aspect examines the substance of the law itself to ensure that it conforms to the requirements of justice. Barker has viewed legal justice as laws according to justice. He has distinguished between 'positive law' and 'natural law'. Positive law denotes a particular law, i.e. the law defined and declared by each community for its own members; on the other hand, natural law is a universal law which is applicable to all times and for all human beings. However, justice in the legal sphere consists not only in an efficient administration of law, but at the same time it should embody human values according to the prevailing social norms and conditions. The legal dimension of justice also implies adherence to a set of declared rules.

- Political justice is mainly concerned with the actual politics through which the political process attains the principle of justice. It refers to the establishment of democratic institutions in the political life of the community where the interests of all individuals can be taken care of. The legal dimension of justice mainly deals with the role of legal structures like the parliament, the constitution, courts etc. Political justice supports the representative institutions, viz, the legislature and executive constituted on the principle of Universal Adult Franchise. It further stands for independence of the judiciary. Thus, it emphasizes the principle of 'rule of law' and opposes arbitrariness of the government. Hence, we can say that a constitutional government is an ingredient of political justice. In a comprehensive sense, the term political justice denotes restructuring of the entire fabric of social, economic, and political

relations. The liberals consider political justice as a means to enjoy right to vote and equal share in government services.

- Socio-Economic Justice: The term 'socio-economic justice' combines two important elements: 'social justice' and 'economic justice', The term 'economic justice' may be used in the restricted sense or reordering human relations in the economic sphere e.g., relations between employer and worker, between trader and consumer, between landlord and tenant, between moneylender and borrower, etc. so as to eliminate exploitation of the vulnerable sections of society. Economic justice has been interpreted in different ways by the Liberals and the Marxists. The liberals view economic justice as the satisfaction of all economic needs of the people in a society. For that they advocate free market and free competition. Contrary to this, the Marxists believe that economic justice can be established only in a classless society. On the other hand, the term 'social justice' is used more comprehensively so as to include economic justice and also to restore the dignity of human beings who lost it due to lower economic, educational and cultural status.

5.5.2 Legal Provisions:

The State and the judiciary plays a pivotal role in ensuring justice to its people. The role of the state is significant as by formulating different policies it can check the evil practices and establish equality in Indian society. To establish an egalitarian society, several steps were taken in the colonial period itself. For example, the Bengal Sati Regulation or declaration XVII under East India Company Rule banned Sati System in all jurisdictions of British India in 1829. In the later part of the 19th century, steps are taken to provide legal opportunities for inter-community and inter-caste marriages. In 1929, the Sarada Act is passed to abolish child marriage.

In the post-independence period, India resolves to constitute a democratic, sovereign, secular and socialist society. In the constitution, special provisions are made to safeguard the interests of the Scheduled Castes, Scheduled Tribes, Backward classes, women and children.

Again, the Indian Constitution has declared the practice of untouchability as an offence. Some special measures-such as the Hindu Marriage Act andSuccession Act are adopted to reform the Hindu society in general and theHindu marriage system in particular. The welfare programmes have been launched for the upliftment of the youth, children, and physically handicapped.The Five Year Plans are launched for the socio-economic transformation ofIndian society.After 1970, special attention is paid towards the removal ofpoverty, rural development and generation of employment opportunities inthe rural areas. Some of the important Legal provisions adopted in the post –independent period in India for ensuring social justice to all can be listed as under:

- The Equal Remuneration Act, 1976.

- The Criminal Law Amendment Act, 2013.

- Sexual Harassment of Women at Workplace Act, 2013.

- The Hindu Succession Act, 1956.

- The Maternity Benefit Act, 1961.

- The Special Marriage Act, 1954.

- The Dowry Prohibition Act, 1961

- The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989

- Protection of Women against Domestic Violence Act, 2005

SAQ:

Do you think Fundamental Rights guaranteed to the Indian Citizens help in establishing Social Justice? Give reasons in support of your answer. (100 words)

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_____
_____
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5.5.3 Reservation Policy:

Constitution of India tries to ensure social justice mainly through the Fundamental Rights, Directive Principles of State Policy and Special Safeguards and Affirmative Action. Reservation policy is one of the constitutional means to address the problem of inequalities and discriminations existed in India for centuries

Since a huge chunk of Indian population belonged to Scheduled Caste and Scheduled Tribe and other backward classes, their socio-economic condition was deplorable. The framers of the constitution, therefore, made a special provision known as 'protective discrimination' or Reservations to uplift their conditions. Thus, the Constitution which provides for equality and supports non-discrimination has made some exceptions for Scs, Sts and OBCs by giving preferential treatment to them.

Reservations help in establishing equality and social justice and uphold the values of democracy. We can see reservations in three different areas :

1. Political Reservations

2. Educational Reservations

3. Reservation in jobs

Moreover, the Constitution Act 2019 (One Hundred and Third Amendment) passed by the Parliament of India enables the State (i.e) both the Central and State Governments to provide reservation to the Economically Weaker Sections (EWS) of the society for appointment in State Government jobs and for admission to State Government Educational Institutions. Now, 10% reservation under Economically Weaker Section (EWS) category is applicable to those persons who are not covered under the Reservations system made earlier.

From the discussion above, we have learnt that the India aims at providing a comprehensive form of justice, equality and dignity of the individual. It visualizes the people to be the ultimate source of its legitimacy and provides them with certain Fundamental Rights that cannot be alienated or abrogated even by the Parliament. However, these rights are subject to national security and general welfare. The constitution also contains the Directive Principles

of State Policy under which the State strivesto secure a social order oriented to welfare, ensure means of livelihood forall citizens, ensure the use of the material resources of the community topromote the common good, prevent harmful concentration of wealth, ensureequal pay for equal work for both men and women, and protect childrenand youth from exploitation.

Check Your Progress 2

1. Discuss briefly the provisions of the Constitution for Securing Social Justice in India.

2. Critically analyze how Reservation Policy towards backward classes can ensure social justice in India.

3. Mention the names of different laws/Acts for securing Social Justice in India.

5.6 Summing Up

After reading this unit, we are now in a position to comprehend the meaning of social justice and its importance in India. India, after independence has adopted a democratic polity which aimed at establishing an egalitarian society. **B**eing a democratic country, India must adhere to the principle of equality. Equality is possible in this heterogeneous country only when social justice is ensured to each and every citizen of the country. Therefore, it is the utmost duty of the government to ensure that the benefits of development reach the vulnerable groups. After reading this unit we have learnt that 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. Thus, the concept of social justice is associated with social equality and social rights.

A the time of independence India faced with various problemssuch as poverty, unemployment and sub-standard life conditions affecting a large section of the society. Therefore the founding fathers have made various provisions in the constitution like Fundamental Rights, Directive Principles of State Policy and reservation policy for securing social justice to all Indian

citizens. Later, the successive governments have also passed various Acts for securing social justice to different categories of marginalized communities. From this unit you have learnt different provisions of Indian constitution to provide social justice in India. Moreover, this unit has also helped you learning different reservation policies adopted by government of India to guarantee social justice to different communities in India.

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