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BR Ambedkar on Social Justice

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This paper acknowledges the political thought of B.R. Ambedkar and praises his achievements in the field of social and human development. It gives a holistic view of his works in terms of fighting for equality for not only the depressed class but also for women's rights which have been neglected for decades. He remains an underrated philosopher and promoter of human rights. His ideas and philosophy are still relevant in contemporary times especially when the divide in terms of religion and caste is growing prominent. It underscores the importance of equality and giving equal opportunities to all the citizens of India. It also highlights history is fraught with instances where discrimination on the basis of caste, religion was justified and thus caste system emerged. But now we need to bridge the divide cause the essence of India lies in its secularism and its diverse culture and social heritage.

Keywords: *Ambedkar, justice, social justice.*

INTRODUCTION

Dr. Br Ambedkar was not only the main architect of the constitution of India but also a staunch supporter of social justice. He envisioned an India where people get equal rights but also believes in “justice, equality, fraternity. He promoted welfare for all the people. Being a messiah for weaker sections of the society he was against injustice inflicted upon them. He

found discrimination against depressed people immoral and irrational. He almost devoted all his life to ameliorating the socio-economic conditions of the depressed class. He was against the exploitation of the people in the name of caste or religion. He supported a religion that is based on equal opportunity and fair principles and not following it blindly. He was very much influenced by Rousseau's idea of equality and fraternity.

MEANING OF SOCIAL JUSTICE

Social justice means equal treatment of all people. It implies equal treatment and privileges accorded to all the members of the society. Social justice also finds its place in the Preamble. It implies that the state has the duty to ensure a legal system that promotes justice on the basis of equal opportunity and no person is denied equal opportunities by reason of economic or any other disabilities. If any class faces any kind of discrimination or inequality, the government should take active steps and affirmative decisions to bridge that gap. These principles can be seen in the light of positive liberalism or a welfare state where the functions of the government are not only limited to law and order of society but taking care of its citizens as well with bare minimum living conditions.

EMERGENCE OF CASTE SYSTEM

DR. B.R Ambedkar considered the caste system as the greatest evil of the Hindu religion. The stratification of the caste system can be found in Manu smriti where a caste-based society is justified. The lawgiver, Manu classified mankind into four varnas (color or class) namely the Brahmins, Kshatriyas, Vaishyas, and Shudras. The 'Purusha Shutra' of the Rig Veda, emanated the doctrine of 'Chatur Varnya' according to which the four castes emerged¹. It divided Hindus into four main categories - Brahmins, Kshatriyas, Vaishyas, and the Shudras. At the top of the hierarchy were the brahmins who were mainly teachers and intellectuals and are believed to have come from Brahma's head. Then came the Kshatriyas, or the warriors and rulers, supposedly from his arms. Then the Vaishyas, or the traders, were created from his thighs. At the bottom of the heap were the Shudras, who came from Brahma's feet and did all

¹ Satyajit Pattanaik, 'Social Justice and Ambedkar' (*Into Legal World*, 6 August 2020)
<<https://www.intolegalworld.com/article?title=social-justice-and-ambedkar>> accessed 10 February 2022

the menial jobs. The Shudras were referred to as untouchables and they were often subjected to exploitation and discrimination. Caste-based society implied a social structure where occupation and status are hereditary and descended from father to son. There was no scope of change as it was fixed since birth. This led to the disintegration of Hindu society. The Shudras became the worst sufferers as they were condemned to a low social class. They were denied basic rights and Along with it, they were deprived of educational opportunities. They were not allowed to use the public streets. In the course of time, such inequalities between the upper caste and lower class exacerbated in terms of privileges. Thus, an unjust social hierarchy in the country was created.

AMBEDKAR'S POLITICAL THOUGHT

Ambedkar was one of the first people to propound the concept of social justice in modern India. His aim encompassed the elimination of injustice and discrimination which was based upon caste, race, sex, power, position, and wealth, and promotion of a society where equality, liberty, and fraternity thrived. He was fully aware of the conflicting interests of individuals but he treated social justice as a true basis for patriotism and nationalism. His idea of social justice was to remove man-made inequalities of all shades through the law, morality, and public conscience. He argued that untouchability and the caste system exist simultaneously. One cannot be eliminated without the other. Thus, to achieve social justice we have to abolish all kinds of exploitation and reorganise our society on basic principles of justice and welfare for all. For him, democracy was not a mere form of government but a way of life. He believed that human rights should not only be protected by law but political conscience, morality should be a part of it as well. To quote him “The caste system prevents common activity and by preventing it, it has prevented the Hindus from becoming a society with a unified life and a consciousness of its own being². He emphasized the fact that humans per se didn't believe in caste but because of their religious faith and aspirations, they were made to do so. Thus, he attacked such shastras, Upanishads, and called upon people to disobey the unscientific,

² Dr. Mohan Singh Saggi, 'B. R. Ambedkar's Vision on Social Justice' (2018) 2 (10) International Journal of Information Movement, 190-194 <<http://www.ijim.in/wp-content/uploads/2018/08/Vol-2-Issue-X-190-194-paper-34-Mohan-saggi-B-R-Ambedkar-vision-on-social-justice.pdf>> accessed 10 February 2022

inhumane, and unsocial rules and authority of the shastras. Being born in a Mahar community in Maharashtra, he had seen and faced the atrocities, injustice committed against the oppressed class. Thus, his experiences made him change his outlook and shaped his perspective. It made him question the basic social structure that was regarded during that time, i.e. - the social status of an individual in India is determined by the terms of his caste, the higher the caste the higher the social status. It was a vicious circle where the people of lower strata were doomed for life. Therefore, he questioned the very existence and also fought for this. He was regarded as a crusader of human rights. It was because of him that many laws were incorporated in the constitution for the betterment of society and to promote development and progressive thinking in society.

Ambedkar's political philosophy and thoughts became the basis of the constitution. For instance, Article 15 (Prohibition of discrimination), Article 16(4) (Equality of opportunity in matters of public employment), Article 17 (abolition of untouchability), Article 19 (six fundamental freedoms) were also inducted. There were various provisions that specially catered to the better state of the weaker section of the society. For example, some seats were reserved for SC/ST in Parliament, IAS, and other government institutions. The Prevention Of Atrocities Act Of 1989 against SC &ST, to safeguard and to ensure justice, freedom, equality, and prevention of any atrocities or violence against the members of SC and ST members or individuals has also been included³. He also included writs which he called "the heart and soul of the constitution" to safeguard the violation of human and legal rights. The Directive Principles of state policy were added to promote social and economic justice. The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and all forms of exploitation.⁴He struggled a lot to improve the situation of people who were denied basic rights or were discriminated against. He championed the cause of having an egalitarian society where everybody should be treated

³ Sanjeev Kumar Bragta, 'Dr. Bhim Rao Ambedkar's Views on Social Justice: An Appraisal' (2021) 25 Technium Social Sciences Journal, 583-589

⁴ Constitution of India, 1950, art. 46

equally. He wanted to establish a society where violence and atrocities should not be committed against anyone including the depressed class.

RELEVANCE IN CONTEMPORARY TIMES

The thoughts of B.R. Ambedkar become really relevant and important in contemporary times because even after almost 75 years of Independence we see gender, caste-based inequalities. Being an adamant supporter of human rights, he criticised traditional and conservative values which were responsible for the decline of the status and dignity of women in India⁵. However, in contemporary times, there have been instances where the dignity of women has been attacked and degraded. Recently, the “Bulli Bai” case came into the limelight. It was an app where people held an online mock auction of Muslim women. The pictures included in the app belonged to Muslim women active on social media, including prominent journalists, activists, and artists.⁶This incident makes us realize the growing islamophobia and growing insecurity of women in our country. The criminalization of Marital rape is also a burning issue. It is time that the government takes a categorical stand to treat marital rape as a criminal offence. Previously, it defended its stand by stating that marriage is a sacred institution and thus criminalizing it would be a violation of this sacred entity. This argument is directly opposite to the stand of Br. Ambedkar fought for the equality of women’s rights. The vision of BR. Ambedkar achieving social justice still falls short in terms of caste baste politics which was seen in UP elections. In fact, all the states bear testimony to this fact that all political parties give great weightage to the caste factor in selecting their candidates, in allocating constituencies to their candidates, and in canvassing support for their nominees in the election.⁷It is deeply entrenched in Indian society as well as politics. The recent case of hate speech at ‘Dharma Sansad’ held in Haridwaralso demonstrated the majoritarianism and

⁵ Dr. Mohan Singh Saggu (n 2)

⁶ Ankita Garg, ‘What is Bulli Bai app, what is its link to Sulli Deals, and how GitHub is involved: Story in 10 points’ (*India Today*, 10 January 2022) <<https://www.indiatoday.in/technology/features/story/what-is-bulli-bai-app-what-is-its-link-to-sulli-deals-and-how-github-is-involved-story-in-10-points-1898365-2022-01-10>> accessed 16 February 2022

⁷ Saheb D., ‘9 Important “Roles of Caste System” in Indian Politics’ (*Share Your Essays*) <<https://www.shareyouressays.com/knowledge/9-important-roles-of-caste-system-in-indian-politics/112540>> accessed 16 February 2022

polarisation in terms of religions, especially between Hindus and Muslims. The event consisted of open calls for genocide of Muslims in order to achieve ethnic cleansing. The said speeches were not mere hate speeches but also amount to an open call for the murder of an entire community.⁸ *But at the same time, there have been many instances that have restored our faith that we can achieve our goals, considering his ideas and principles.*

For example, the Supreme court judge upheld the constitutional validity of quota for Other Backward Classes candidates in National Eligibility cum Entrance Test (NEET) All India Quota seats for undergraduate and postgraduate medical and dental courses noting that “reservation is not at odds with merit” in open competitive examinations. It underlined the importance of substantive equality by stating that reservations ensure that the opportunities are distributed in such a way that backward classes are equally able to benefit from such opportunities which helps them to evade structural barriers. Thus, there are many factors that affect one’s merit as rightly said - Thus, merit is not solely of one’s own making. The structural surroundings, family, schooling, fortune, and a gift of talents accrues to one’s advantage. Adding to that, access to coaching materials, formal institutions to prepare for a competitive examination as well as cultural capital have an impact on one’s merit. Thus, the judge reiterated the importance of social justice in society⁹. Along those lines, the judgment of the Supreme Court on the right of daughter’s inheritance over father’s property needs to be emphasized. The judgment read “If a property of a male Hindu dying intestate (without a will) is a self-acquired property or obtained in the partition of a coparcenary or a family property, the same would devolve by inheritance and not by survivorship, and a daughter of such a male Hindu would be entitled to inherit such property in preference to other collaterals (such as sons/daughters of brothers of deceased father)”¹⁰. This judgment is significant as it recognizes the rights of the

⁸ ‘Haridwar hate speech case: Supreme Court issues notice on plea seeking investigation’ (*The Indian Express*, 13 January 2022) <<https://indianexpress.com/article/india/haridwar-hate-speech-supreme-court-7719067/>> accessed 17 February 2022

⁹ Krishnadas Rajagopal, ‘Supreme Court upholds validity of OBC quota in NEET admissions’ (*The Hindu*, 21 January 2022) <<https://www.thehindu.com/news/national/supreme-court-upholds-validity-of-obc-quota-in-neet-admissions/article38296490.ece>> 17 February 2022

¹⁰ ‘Daughters to Inherit Father's Self-Acquired Property If No Will: Supreme Court’ (*NDTV*, 21 January 2022) <<https://www.ndtv.com/india-news/daughters-to-inherit-fathers-self-acquired-inherited-properties-supreme-court-2720363>> 17 February 2022

daughters as well as women. To ensure that women are protected from sexual harassment, in a landmark judgment “Bhanwari Devi (Vishaka & Ors. The V/S State of Rajasthan, AIR 1997 Sc 3011”, the Supreme court formulated the Vishaka guidelines making it mandatory for organizations, whether working in the private or public sector to establish a mechanism for redressal of sexual harassment complaints.¹¹The Vishaka guidelines ensured that the dignity of women is maintained in the workplace. The guidelines contain criminal proceedings and disciplinary actions to which women can resort to. The other remarkable judgment given by the Supreme Court was the case of Shayara Bano relating to the heinous practice of the so-called “triple Talaq” that is prevalent among the country’s Muslim citizens.¹²The practice allowed the Muslim man to divorce his wife by pronouncing *talaq (talaq-e-bidder)* thrice but the court stated that it violated the constitutional provisions and thus declared void. The Supreme court judgment on granting permanent commission to women in the Army cannot be sidelined and needs to be lauded. In the case of *The Secretary, Ministry of Defence v. Babita Puniya & Ors.*, the apex court ordered the grant of permanent commission (hereinafter PC) in 10 non-combat service units at three months and held them to be eligible to hold command posts by enervating the existing ceiling¹³. This judgment is significant as it provides equal opportunity and long-term job security to women in the Indian army. It was definitely a watershed moment for women in the history of India. Another historic moment was when the Supreme court struck down Article 377 of the Indian penal code in *Navtej Singh Johar vs. Union Of India (2018)*. This case is significant in terms of recognition of the human rights of transgenders as well as same-sex relationships. The Sabarimala issue where the Supreme court upheld that women, of all age groups, can enter Sabarimala temple in Kerala and stated that the temple practice violates the rights of Hindu women and that banning entry of women to the shrine is gender discrimination is a judgment that holds equal value when it comes to

¹¹ ‘Here is everything you need to know about "Vishaka Guidelines"’ (*Ungender*, 21 November 2019) <<https://www.ungender.in/here-is-everything-you-need-to-know-about-vishaka-guidelines/>> accessed 17 February 2022

¹² Tahir Mahmood, ‘Ending discriminatory practice of triple talaq was a much-needed reform’ (*The Indian Express*, 27 August 2020) <<https://indianexpress.com/article/opinion/columns/triple-talaq-muslim-women-supreme-court-6571330/>> accessed 17 February 2022

¹³ Smruti Ravi Iyer, ‘Permanent commission of women in the forces’ (*Ipleaders*, 10 June 2021) <<https://blog.ipleaders.in/permanent-commission-women-forces/>> accessed 17 February 2022

equality for women.¹⁴ These are some of the few circumstances where we see the ideals and principles of B.R Ambedkar being reflected in the judgments. These orders pave a new road for ensuring that everyone is treated equally, with dignity and respect.

CONCLUSION

The ideals/teachings of Br Ambedkar are so engrained and entrenched in the history of India that they can never be forgotten. His ideals of social justice are so inclusive and encompassing. We, as a society need to understand that these issues are still relevant and are very much present in our times as well. We need to go back to history to re-learn and deeply understand its significance of it. We need to question why there is so much polarization when it comes to caste and religion. Why do we give so much importance to this social structure where it becomes our identity. Why are people recognize us on the basis of caste or in fact religion or race and not as human beings?. I still have a firm belief in the fact that we are a by-product of our values, surroundings, circumstances. It is highly preposterous to judge our ability on these parameters. The question lies that even though we talk about morality in terms of equality and justice, then why in reality we are still struggling to achieve social justice. Thus, we need to act together if we have to bring a change in society as a whole. We need to understand people through lenses of equality, brotherhood. We need to stop discriminating against people based on their creed, religion, caste, color, etc. We need to stop condoning these practices and raise contentions over their rationality and counter it with logical reasoning. We can always make a difference in this world. We can always prove that humanity exists with our concerted efforts.

Quoting him,

“Religion is for man and not man for religion”

¹⁴ ‘What is the Sabarimala case?’ (*The Indian Express*, 17 October 2018) <<https://indianexpress.com/article/what-is/what-is-the-sabarimala-case-5376596/>> accessed 18 February 2022