

# **Dr. B. R. Ambedkar's Reforms for Social Justice**

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Dr. B. R. Ambedkar who is well known as the 'Father of the Indian Constitution' is a multi-faceted personality exhibiting in himself an iron-willed political leader, a par excellence freedom fighter, an ideological thinker, shrewd philosopher, a social reformer, a great editor and so on. Ambedkar fought tooth & nail for women's economic liberation and for securing women's social rights. He stressed the need to safeguard the dignity and to respect the modesty of the women folk. Women's all-round development was his top agenda, and he left no stone unturned in achieving this goal.

In the ancient Indian approach, justice was concerned with the performance of duties, not with the notion of rights. In ancient Indian tradition, there were two approaches 'Dandaniti' and 'Dharma', which were concerned with justice. 'Dandaniti' was very close to the modern notions of justice (law and punishment). It suggested the legal aspect of justice. Dharma was another name for the code of duties and justice was nothing but virtuous conduct with dharma. Thus, like Platonic justice, the Hindu tradition linked justice with the performance of duties prescribed by dharma.

The concept of social justice emerged out of a process of evolution of social norms,

order, law, and morality. It emphasized just action and created space for intervention in society by enforcing rules and regulations based on the principles of social equality. The term 'social justice' consists of two words: one is social and the second is justice. The term 'social' is concerned with all human beings who live in society, while the term 'justice' is related to liberty, equality, and rights. Thus, social justice is concerned with ensuring liberty, providing equality, and maintaining individual rights for every human being in society. In other words, securing the highest possible development of the capabilities of all members of society may be called social justice. Social justice is a bundle of rights; it is the balancing wheel between the haves and have-nots. It has a great social value in providing for a stable society and securing the unity of the country. In general, social justice may be defined as 'the rights of the weak, aged, destitute, poor, women, children and other underprivileged persons'.

Justice may be natural justice or distributive justice. Social justice is a term that provides sustenance to the rule of law. It has a wider connotation in the sense that it includes economic justice also. It aims at removing all kinds of inequalities and affording equal opportunities to all citizens in social as well as economic affairs. Thus, social justice aims to remove all kinds of inequalities based on caste, race, sex, power, position, and wealth and to bring about a balance between social rights and social controls.

Ambedkar belonged to the Mahar caste. The Mahars were treated as untouchables and were subjected to socio-economic discrimination in society. In such a society, not only did man hate man, but the caste Hindus kept themselves away from the shadows of the *Harijans* (Harijans (children of lord Hari/Vishnu) is a term popularized by M. K. Gandhi for referring to Dalits, traditionally considered to be untouchables) and downtrodden. Their paths, residences, wells, and temples were separate; even if one side had a great desire to talk, the other side discarded them. The ways of keeping relations were strange. The downtrodden did not dare to come forth, raise their eyes, and stand beside to talk to people of the higher castes. The doors of the temples, like the doors of schools, were not opened for them. These bad traditions were the gifts of the social structure and the caste system. It was in such a society that Ambedkar was born and brought up. However, fighting all odds, he attained higher education and soon after completing his studies, he launched himself

politically, fighting for the rights of the depressed classes and against inequality practiced in the society. He was a crusader for social equality and justice. He never made any compromise with injustice and never cared for prestige and self-aggrandizement.

He was an uncompromising rebel against social injustice and inequality. He worked relentlessly for the regeneration of humanity, for the well-being of mankind, and the transformation of man and society. He was a great social liberal. His vision was to produce a new social order based on the principles of justice, equality, and fraternity. Thus, the idea of justice, equality, liberty, and fraternity was the crux of his activities.

Dr B.R. Ambedkar's name will be written in golden letters in the history of India as a champion of social justice. He was not only the main builder of the Constitution but also the crusader of social justice for the betterment of the downtrodden. He spent his whole life for the betterment of the poor and exploited untouchables in Indian society.

Ambedkar was very much influenced by Rousseau's words (French revolutionary Rousseau had written, 'Man is born free, but everywhere he is in chains.' His three words equality, liberty, and fraternity had revolutionized France in 1789.) and he decided to fight for justice based on equality. Dr B.R. Ambedkar wanted economic and social equality before political equality; he tried his best to ensure that the downtrodden got a proper place in society. Hence, he gave more importance to social justice than political justice; on an equal opportunity with individual liberty were laid much emphasis on rooting out the differences created by the caste system of the country.

Ambedkar's concept of social justice stands for the liberty, equality, and fraternity of all human beings. He stood for a social system that is based on the right relations between man and man in all spheres of his life. As a rationalist and humanist, he did not approve of any type of hypocrisy, injustice, and exploitation of man by man in the name of religion. He stood for a religion that is based on universal principles of morality and applies to all times, to all countries, and all races. It must be in accord with reason and must be based on the basic tenets of liberty, equality, and fraternity. He considered the caste system as the greatest evil of the Hindu religion. The varna system according to him is the root cause of all inequality and is also the parent of the caste system and untouchability.

Ambedkar stood for a social system in which a man's status is based on his merit and achievements and where no one is noble or untouchable because of his/her birth. He advocated the policy of preferential treatment for the socially oppressed and economically exploited people of the country. The Constitution of India, which was drafted under his chairmanship, contains several provisions that enjoin the state to secure for all its citizens, justice, social, economic, and political, along with liberty, equality, and fraternity. It also contains several provisions that guarantee preferential treatment to the downtrodden people in various sectors. Article 17 of the Indian Constitution declares untouchability as abolished. Ambedkar, in his speech before the Constituent Assembly for the passage of the Constitution, said 'I have completed my work; I wish there should be a sunrise even tomorrow. The new Bharat has got political freedom, but it is yet to raise the sun of social and economic liberty.'

He enshrined the principles of reservation for improvement of SCs/STs to enable them to progress educationally, economically, and socially, by providing extra support to them in the form of reservation and concessions to uplift them to the level of the advanced classes. It is seen at present that many legal provisions have been made to give social justice to all classes. In this way, many schemes and programs have been started for the all-round development of the country, and a measure of development has been achieved through it.

Ambedkar felt that society plays an important role in man's life than politics or religion. Man is a social animal. He is not an island in himself. He lives in a society which is made up of social groups. Man is a member of these groups. Man is a member of these groups knowingly or unknowingly and has social relationships. Man must have society he cannot do without it. Society should have either the sanction of law or the sanction of morality to hold it together without either, society is sure to go to pieces. It is always advisable to remove the social evils first. Wherever there is social evil, the health of the body.

The concept of social justice is as old as society itself. Its interpretation has however varied and kept changing. Many of the known social structures in history have been based on the exploitation of man by man and on the passionate craving of some to dominate the many.

The desire to wield power over the lives of others has been the chief source of all tension in human relations and the foundational cause of social injustice. The ideal of social justice is based on economic justice according to which equality of opportunities to all citizens to develop their personalities and so practice happiness of life is the goal of economic justice. The Constitution itself had provided for the reservation of seats in parliament and the state assemblies for these two sections. The founding fathers had however taken an over-optimistic view and expected that the progress in redressing the inequalities of age would be rapid, the reservation had therefore to be extended every decade, each political party vying with the others to say “age” to an amendment of the Constitution to ensure the extension.

Dr. Ambedkar’s thoughts on social justice were progressive. He did not believe in violence; he considered the press to be a powerful tool for social changes for justice and freedom. He published *Mook Nayak*, *Janata*, and *Samata* magazines, but these magazines remained largely unsold, perhaps because of the progressive and unconventional thoughts expressed therein.

Social justice distributive justice or compensatory justice is a quest for justice. It is the challenge of equality, liberty, and justice. It discerns that our Constitution envisages a tripartite picturesque of social justice, justice-social, economic, and political is directed in the Preamble; socio-economic justice is procured by Directive Principles of State Policy; justice-social and political is secured by Fundamental Rights thus in a broader perspective social justice is the end.

Equality is the basis of social justice. This is enshrined in Article 14 of the Constitution according to which the state would not deny to any person “equality before law” and “equal protection of law”. The state of any citizen on grounds of religion, race, sex, or place of birth. The particular clause has great significance in the context of India's multi-caste, multi-racial, and multi-religious setup. It also establishes equality of men and women in all matters.

The Constitution should provide Fundamental Rights and equality, social, economic, and political to all citizens. Therefore, the law must provide remedies against the invasion of Fundamental Rights under Article 15 of the Constitution which is part of the Fundamental

Rights guaranteed to the citizens, though it was stated that the state should not discriminate against any citizen on the ground of religion or any of them by the Constitution. First Amendment, section IV was added to the Article empowering the state to make special provisions for the advancement of socially and educationally backward classes of citizens and for the scheduled castes and scheduled tribes. Speaking on the preferential policies for the reservation of seats in elective legislative bodies, Ambedkar held the view; that this is the first time that I heard that such a concession should be extended to the backward classes. Hitherto the concessions that have been spoken of as being necessary for the upliftment of the backward classes are educational concessions and concessions in the services of the country.

Ambedkar tried an adequately include women's rights in the political vocabulary and constitution of India. Therefore, by considering women's equality both in formal and substantial senses he included special provisions for women while all other general provisions apply to them, as to men. Hence, there are Articles like 15(3), 51(A), and so on. His key work in the preparation of the Indian Constitution made it to be known as a 'New Charter of Human Rights'. He looked upon law as the instrument of creating a sane social order in which the development of individuals should be in harmony with the growth of society. He incorporated the values of liberty, equality, and fraternity into the Indian Constitution.

Article 16 throws open the opportunity in public employment to all citizens on an equal footing. There is also the principle of proportionate equality underlying the Constitution which allows the balancing of individual rights and social justice. The functions performed by certain groups of citizens are more important for the state than those of others all the equal rights in this.

Article 23 sought to prohibit the much-hated system of forced labor and traffic on human beings. The clause has significance in the socio-economic set up that was obtaining in the socio-economic setup that was obtaining in the country immediately before independence. The feudal rural socio-economic order gave rise to the system of bonded labour and there was inhuman exploitation of the poor by the rich. It is an executive action flowing from the protective provisions of the Constitution.

Article 38 of the Constitution suggests the Directive Principles lay down that the state shall strive 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 of the Constitution suggests the Equal means of livelihood and equal pay for equal work.

Article 42 of the Constitution suggests the Just and human conditions of work and maternity relief.

Article 46 of the Constitution suggests the educational and economic interests of scheduled castes, scheduled tribes, and other weaker sections should be the special care of the state. So that they are protected from social injustices and all forms of exploitation.

Article 47 of the Constitution suggests that the State is to raise the level of nutrition and the standard of living of its people and the improvement of public health and so on.

Article 51(A) (c) of the Constitution suggests that the fundamental duty to renounce practices derogates women's dignity.

Article 243 D (3), 243 T (3), and 243 R (4) of the Constitution provide for the allocation of seats in the Panchayat Raj System.

Article 330 provides for the reservation of seats for scheduled castes and scheduled tribes in the Lok Sabha, Article 332 makes a similar reservation of seats for the two categories of people in the state legislatures. Article 334 provides this reservation for 30 years from the commencement of the Constitution ending in 1980. The articulate section among this group of people has succeeded in extending the period of reservation by some years through a Constitutional amendment.

Article 335 makes specific mention of the reservation of places in recruitment to the state and central services for the scheduled castes and scheduled tribes. The Constitution provides sufficient provisions to ensure adequate representation of scheduled castes/tribes in government services and posts. Despite the safeguards and provisions made for reservation in services for scheduled castes and tribes in the Constitution. The percentage of these employees is extremely very poor.



States that the tender age of children and women should be protected against exploitation and moral and material abandonment. This suggests that women and children to be treated with special care and programs that women and children have to be treated with special care and programs for their betterment and happiness should be formulated and implemented. Women were denied the right to education and property rights. The daughter has been an equal share in the property as the son or the widow. The various legislative enactments abolishing some of the social evils that women are subjected to in our country have their sanction under this clause of the Constitution. All these the reorganization of the economic system, as called for in Article 39(b) and (c) involved steps that would affect property rights. It was not easy to accomplish the government, therefore through the First Amendment to the Constitution, added the 9<sup>th</sup> Schedule to secure from legal challenge the various land reform laws passed by State Legislatures.

The weaker sections include the following categories:

1. Sections of the community who because of the caste system, were forced to engage in menial and unclean occupations, i.e., untouchables or the scheduled castes;
2. Groups who, forced by historical and other reasons, live in backward, remote, and unproductive regions not influenced by modernism such as scheduled tribes;
3. Landless agricultural labourers and share-croppers;
4. Families below the poverty line;
5. Women and children; and
6. Socially, physically and mentally handicapped persons.

His strong concern for women appeared in the form of the Hindu Code Bill in Parliament on 11<sup>th</sup> April 1947, which invited strong opposition from the Hindu orthodoxy in post-independent India. The Bill provided for several basic rights to women. The Bill sought to abolish different marriage systems prevalent among Hindus and to establish monogamy as the only legal system. It aimed at the conferment of the right to property and adoption of women. It provided for restitution of conjugal rights and judicial separation. It attempted to



unify the Hindu code in tune with progressive and modern thought.

The Hindu Code Bill was introduced in parliament in 1948 and when debated on the floor of the house, the opposition was strong against the Bill. Ambedkar tried his level best to defend the Bill by pointing out the drawbacks of Indian society and arguing that the ideals in the Bill are based on the Constitutional principles of equality, liberty, and fraternity and that Indian society is characterized by the caste system and the oppression of women since women are deprived of equality, a legal framework is necessary for a social change in which women have equal rights with men. He also pointed out that the aim of the Bill was “to codify the rules of Hindu Law which are scattered in numerable decisions of High Courts and of the Privy Council which form a bewildering motley to the common man.”

However, the Bill could not withstand the opposition from the Hindu orthodoxy. Their major argument was that the Bill was an attempt at the “demolition of the entire structure and fabric of Hindu Society. The very foundations not only of one pillar but of all the pillars on which the Hindu society rests are shaken”. The Bill was a threat to patriarchy on which traditional family structure, was bounded and that was the major reason behind the opposition. Therefore, on the eve of the first elections in 1951 Prime Minister Jawaharlal Nehru dropped the Bill by saying that there was too much opposition. On this issue, the then Law Minister Dr. Ambedkar resigned.

However, the Hindu Code Bill helped the resurgence of the feminist movement in India. This crusade of Ambedkar to emancipate women from injustice inspired the women leaders in Parliament to keep the issue alive until its enactment. This was the starting point for women to recognize their position and pursue the rights movement by acquiring strength from ‘second wave feminism’ started in the early 1960s. Women are still fighting issues such as rape, dowry death, communalism, fundamentalism, sexual harassment, violence-domestic and social, poverty and so on.

Although most of the provisions proposed by Ambedkar were later passed during 1955-56 in four Bills on Hindu ‘marriage’, ‘succession’, ‘minority and guardianship’ and ‘maintenance’ and later in 1976 some changes were made in Hindu Law, it remains true that the basic rights of women have yet to be restored to them even after fifty years of the

working of the Indian Constitution based on the principle of liberty, equality, and justice to all Indian citizens. The nature of the controversy on the Hindu Code Bill made it clear that the rights of women documented in the Book of the Indian Constitution are very difficult to translate into reality.

He recalled Daniel O. Connell to caution India that “No man can be grateful at the cost of his honor, no woman can be grateful at the cost of her chastity and no nation can be grateful at the cost of its liberty”. The dissatisfaction with Hinduism which led to the mass conversion of 30,000 untouchables into Buddhism even in the 21st century is a point to rethink the manifestations of Hinduism in the post-modern era. If not, as Ambedkar said, Hinduism will remain as a religion that glorifies ignorance and preaches inequality and hatred divides people into multitudinous castes and subcastes, sanctions poverty and keeps the majority of its followers poor, illiterate, ignorant, disunited, and divided. Re-domestication of women will be the ultimate result. That women can be raped and paraded naked through the streets is a reality in contemporary India and is a symptom of the restoration of Manusmriti Raj.

This is based on the doctrine of classification and the doctrine of protective discrimination in favour of these weaker sections. The spirit behind the reservation is to provide adventitious aid to these classes of people so that their social backward is removed over time and they develop the necessary confidence and skills to face the complexities of life. Speaking in the Constituent Assembly Dr. Ambedkar has categorically said that the Directive Principles were not intended to be mere pious declarations. They were instead to be the nature of an instrument of instructions and whoever captured power “will have to respect these” He had said, “The Assembly intends that in future both the legislature and the executive should not merely pay lip service to these principle enacted in this part, but that they should be made the basis of all executive and legislative action may be taken hereafter in the matter of the governance of the country.”

Dr. Ambedkar fought for weaker sections and women’s social, political, and economic liberation and for securing rights. Weaker sections and Women's all-round development were his top agenda, and he left no stone unturned in achieving this goal. As the Chairman of the Drafting Committee of the Indian Constitution, Ambedkar tried the inclusion of weaker

sections and women's rights in the political vocabulary and constitution of India. Dr. Ambedkar, a social visionary aptly provided appropriate rights to weaker sections and women in the Constitution through several articles, and at a later stage, many more were included. The vision of Ambedkar is yet to become reality and unless minds are united it will be only a distant dream.

Dr. B.R. Ambedkar, the pioneer of Social Justice in India has given the vision to overcome inequalities and sufferings of the weaker section and to get dignity and emancipation of untouchability. He was portrayed as a leader of a deprived class, but he must be portrayed as a leader for humanity because his notion is always to establish an egalitarian society in India hence, he made Social Justice a basic feature of our Indian constitution. He always wants to bring a balance of the wheel between the privileged class and the deprived class. This article covers the ideas of Ambedkar, on Social Justice – How helpful to uplift the downtrodden people to lead a dignified life based on Liberty, equality, and fraternity.

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