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Role of Government to eradicate inequality in Indian Society

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Abstract

India is a heterogeneous society, where various community people's lives together. But they are not equal. Some of them belongs to higher class other lower. In this situation lower classes or depressed classes are exclusion from various social activities. So, in this way injustice is spread in society, because backward classes are not gain resources in equally in higher class. The government has given them some benefits in forms of reservation or affirmative actions because it helps to remove injustice and establish social justice in society. Dr.B.R. Ambedkar is a main leader of Dalits. Before B.R. Ambedkar, Jyotirao Phule also important role to upliftment of Dalits class. In constitutions refers Dalits means untouchable that is depressed class. Ambedkar continue fight against injustice society. He wants to upliftment of depressed class by reservation in legislation.

So, gradually, The Morley-Minto Reforms Act 1909, Communal Award 1932 and Poona Pact 1932, 25th September. After Independence, initially reservation is provided only for SC & ST. And this reservation in legislation till in 1960. Then Government appoints many commissions for backward classes. First commission in 1953 K.K. Commission & 1955 commission submit its report but Government not accept this report. After a long time, Janata government have appointed second backward commission, Mandal Commission in 1978 and report submit in 1980. Mandal commission first time introduce reservations for Other Backward classes (OBC). In Indra Sawhney & other vs Union of India case 1993: judgement implement with 27% reservation for OBC in central government. At present 103rd constitutional amendment act 2019, the reservation of seat for Economically Weaker Sections (EWS) and 10% reservation granted in educations and public employment. This reservation is more helpful for unreserved section those are not admission in famous institutions for poor financial condition. And also, EWS quota ensure social justice in our present society.

Keywords: Economically weaker section (EWS), Other Backward Classes (OBC), Quota, scheduled castes (SC), Scheduled Tribes (ST), Dalits, Depressed, Injustice, Upliftment, Equal.

Introduction: The preamble of the Indian constitution enlisted Justice, justice mainly social, economic and political. The word justice is derived from Latin word JUS or JUSTUS meaning law or rights or JUSTITIA/JUSTUS meaning justness or reasonableness. In this way, justice is related two different aspects – First is legal equality includes equality before the law, equal protection protection of law, natural justice etc. Second, justice is concerned with the distribution or redistribution of resources such as public employment and offices, economic & other material resource and other opportunities (Abbas&Kumar, 2012:357). Though injustice is deeply rooted in our society, pre-independence as well as post-independence periods. Jyotirao Phule, Dr. B.R. Ambedkar both are struggle against untouchability. They want to development of depressed classes. According to Ambedkar his social justice is based on moral values and self-respect, and aim of social justice is to rectify social injustice and restructure the social order based on principle of equality. He also sought to social justice from two sides that is society and constitutional means -equality before the law, abolition of untouchability and reservation in public employment and public office (Abbas&Kumar, 2012:375). If the Nation want to Dalits or Depressed classes and other weaker sections to join the main stream, then it is essential that while preserving their gains from reservation. After independence government of India appoint several commissions to identified basic criteria of backwardness. Commissions are K.K.commission 1953, Mandal commission 1978, and also various case mention in this paper that is State of Madras vs. Champakam Dorairajan case 1951, M.R. Balaji vs State of Mysore case 1963, Indra Sawhney & others vs Union of India case 1993 and Janhit Abhiyan vs Union of India case 2019. So, this paper highly discuss social justice and reservation policy. social, economic & educationally backward classes highly benefited by reservation policy and unreserved category mainly Economically weaker sections (EWS) they are also benefited by 10% EWS quota.

Review of literature: The concept of social justice begins with John Rawls's famous "difference principle" which asserts that inequality in the distribution of scarce goods (power, money, access to health care or whatever) are justified only if they attach to positions open to all (equal opportunity) and are of benefit to the worst-off members of the society. Rawls's theory "justice as fairness" which rests on three principles: 1. The principle of greatest equal liberty. 2. The principle of fair equal opportunities. 3. The principle of difference (Bhattacharyya, 2014:232).

Dr. B.R. Ambedkar was critical of the caste inequalities and fought for social justice. What he sought as social justice primarily was abolition of untouchability. He was of the opinion that Chaturvarna, i.e., the social structure based on four castes, resulted in inequality and system of untouchability. His analysis of the caste system contained in the book "Annihilation of caste", "Who were the shudras?", "The untouchable" etc. He suggests that the practice of untouchability presents a unique form of inequality in society. He firmly concluded that it was not only indignifying but inimical to the mental and moral progress of the untouchables. The logical step forward for Dr. Ambedkar was to pursue the goal of social justice. Social justice aimed at abolition of the historical distortion in the form

of untouchability and securing equal civil rights, protection of law and equality before the law. Dr. B.R. Ambedkar was sure that legal rights and equality through the constitution would be the basis of social justice (Abbas&Kumar, 2012:374-375).

The reservation policy occupies a prominent place in a multi-cultural society like India, where one could find different forms of inequalities based on caste, class, gender, religion and region. Though the history of reservation in India can be traced back to the colonial period, the reservation policies had been designed to serve the colonial interest and even the impact was very limited. Only after the independence, the makers of the Indian constitution recognized social backwardness of SC&ST and provided them reservation in the parliament and state legislature elections, government jobs and higher education institutions (Raj&Gundemeda, 2015:126).

Dr. Ambedkar had worked very hard to have enshrined the provisions concerning the justice, fraternity, equality etc. In the constitution, which was ably fathered by him. But since its promulgation, it has been amended numerous times and some of the amendments have been responsible for diluting the most laudatory provisions of the constitution aimed at ensuring the social justice and fair play in public life (Dhani, 2007:239).

Hypothesis:

1. Extension of reservation is not more helpful in our Nations.
2. Reservation is a political mockery.

Research Questions:

1. What is social justice?
2. Why reservation policy starts in our society?
3. Why Government extended reservation policy till 2030?
4. Is the reservation policy ensure social justice in society?

Objectives:

1. Discuss the reservation policy in pre- independence and post-independence periods.
2. Discuss the Dr.B.R. Ambedkar view of social justice.
3. Discuss the impact of EWS reservation.

Methodology: To collect many reference books in library and search many online websites. Downloaded research related articles and journals. Mainly secondary sources.

History of Reservation: The reservation or quota system was introduced in Malta island, located in Southern Europe before it was even mentioned in India. Yugoslavia had five nationalities and six linguistic groups. Power had to be shared and a kind of quota system was established to keep the country united. Americans, whether they admit it or not, were influenced by the Indian experiment and affirmative action was introduced in the 1960 with a view to giving a share to the discrimination African – Americans, native Americans and other ethnic minority. Other countries of Europe and America including Great Britain are now thinking along the lines of some reservation or affirmative action for ethnic and other minorities who are victims of discrimination by the dominating groups. In the Indian

context, reservations were introduced during the last decades of the 19th century at a time when the subcontinent could be broadly divided according to two main forms of government -British India and the 600 princely states. Some of these princely states were progressive and eager to modernise through the promotion of education and industry: and by maintaining unity among their own people. Mysore in south India and Baroda and Kolhapur in western India took considerable interest in the awakening and advancement of the minority and deprived sections of society. It should not surprise us them that the very first records of implementing reservation policies are from these princely state. In the princely state of Mysore, the Tamil brahmins monopolized all the jobs. Kannadiga brahmins had very small share in public services. The Maharaja of Mysore was well advised by his minister and the resident and some reforms were introduced with a view to giving a larger share to the Kannadiga brahmins, vokkaligas and lingayats beside the untouchable caste and the Muslims (Das, 2000:3831-3832).

Morley -Minto Reforms and The Indian councils Act,1909: The attempt at introducing a representative and popular element was made by the Morley -Minto Reforms, known by the names of the secretary of state for India(Lord Morley) and the viceroy (Lord Minto) which were implemented by the Indian councils act,1909.The system of election introduced by this act of 1909 was that it provided, for the first time, for separate representation of the Muslim community and thus sowed the seeds of separatism that eventually led to the lamentable partition of the country (Basu,2011:05).

Communal Award: Before analysing the main features of The Government of India Act,1935, another step forward in perpetuating the communal cleavage between the Muslim and the non-Muslim communities, by prescribing separate electorates on the basis of the communal award which was issued by Mr. Ramsey MacDonald, the British prime minister, on August4,1932. The award not only continued separate electorates fir the Muslims, Sikhs, Indian Christians, Anglo -Indian and Europeans, but also extended it to the depressed classes (Scheduled castes). Mahatma Gandhi had resorted to fast unto death. Impressing upon the British rulers the need to withdraw the communal award. Analytically speaking, the Mahatma was working for denying the social justice not only the depressed classes but also to weaker sections, known as sudras, condemned to be poor, ignorant and shelter less by Hindu scriptures and Hindu law code, the Manu smriti (Dhani, 2007:241).

Poona Pact: The matter was finally resolved by the Poona pact of 1932 between Madan Mohan Malviya on behalf of the caste Hindu and Dr. Ambedkar on behalf of the depressed classes. It was after this pact, that the Mahatma endeavored to play his brand of the amelioration of the depressed classes, then know as untouchables. In other words, only after the signing of the Poona pact, the Mahatma started working in the direction of “ensuring social justice” to the untouchables. He established Harijan Sewak Sangha and even named his journal as Harijan (Dhani, 2007:241).

Social justice: The concept social justice is more important because previous discussions we have seen injustice deeply rooted in our society. Social justice in this context is related

to compensatory justice and distributive justice. The distributive justice works on the conviction that all groups and communities in a society are not equal in terms of possession of resources and capabilities to improve their socio-economic status. In order to provide equal opportunities to all individuals and groups and to promote equality among them, the reservation is provided for them by the government. It is believed that social justice for deserving people would be realized through the compensatory policies (Raj&Gundemeda, 2015:127).

The Ambedkar's philosophy of social justice has been the greatest influence and inspiration having its major impact on depressed/deprived classes in India. In particular, making them aware of their basic rights and the way to live a life with dignity and the class consciousness. The impact of Ambedkar's philosophy has been so high in our society to establish an egalitarian society and has been worshiped by the millions of people in India. The entire philosophy of Babasaheb Dr. Ambedkar revolves around the creation of an egalitarian social order. Where in there is no place for type of inequality and oppressive social order of low and high, pure and polluted (Bragta, 2021:584).

Jyotirao Govindrao Phule made a power pleas to abolish untouchability and the entire caste system. He revolted against the unjust caste-system under which millions of people had suffered for centuries. The Dalit at that time did not have any political, social, economic and educational rights. He condemned dual morality of the Brahman system. He said equal opportunity get to all people. He said by birth all are free and equal. All human beings have natural rights. He was militant advocate of human rights to the downtrodden. He protested against man-made inequality which was rooted in Hindu caste system and varna-vyavastha. He struggled fearlessly to implements the reforms in the Hindu society. He tried to remove inferiority complex from the minds of the people. He made aware to Shudras. He advised them take education and acquire power, they are not slave but human beings. Ad T.L. Joshi said," Jotiba Phule was one of the first persons to rebel against the traditional social system in India. From where did he find the inspiration for this revolt considering that the prevailing social laws had taken a firm hold on the Indian mind for thousands of years? The answer is that Jotiba was a Satyashodhak -a seeker of truth -the moral truth of human life. The manifestation of that perennial truth was his belief in man's freedom in universe, as upheld by modern western civilization". He criticised the caste system through the book "Gulamgiri". He set up Satyashodhak Samaj. He sowed the seeds of development of masses (Sirswal, 2013:6-7).

So, in this factor Government of India appointment various commission for the criteria to identify backward classes. First of all

K.K. Commission: On January 29, 1953 the president appointed the Backward Classes Commission, by virtue of the above power conferred on him, under the chairmanship of Kaka Saheb Kalelkar. The Commission consisted of following eleven members. The members that, Sri Kaka Saheb Kalelkar (chairman), Narayan Sadoba Kajrolkar, Bheeka Bhai, Dayal Singh Chaurasia, Abdul Qayum Ansari, Lala Jagannath etc. The Commission

made a report on March 30, 1955. It prepared a list, as many as two thousand three hundred and ninety-nine communities which were treated socially and educationally backward. Out of these communities nine hundred and thirteen alone had estimated population of one hundred and fifteen millions. It was realized that the problem of Backward Class was essentially the problem of rural India. According to it the relevant factors to consider in classifying backward classes, would be their traditional occupation, the percentage of literacy or the general educational advancement, made by them the estimated population of the community and the distribution of the various communities throughout the state or their concentration in certain areas. The Commission also thought that the social position which a community occupies in the caste hierarchy, would also have to be considered as well as its representation in Government service or in the industrial sphere. The report disclosed a considerable divergence of opinion among its members and the Commission failed to specify any easily discernible objective tests to define 'backwardness'. It appears that having considered several criteria relevant in determination of backward classes, it ultimately decided to treat the status of Caste as an important factor for that. And it is on that basis that the Commission proceeded to make a list of backward communities. The Central Government could not accept such criterion. It is important here to note that the Chairman of the Commission admitted a feeling of grave dissatisfaction with the approach adopted in the Report in determining the question as to which community could be regarded as backward. In fact, the consciousness of the Commission in favour of caste as a criteria to determine the backwardness, gave him a rude shock and he concluded that the remedies suggested by the Commission were worse than the evil, it was out to fight. He suggested that "if we eschew the principle of caste, it would be possible to help the extremely poor and deserving from all communities. Care however, having taken to give preference to those who come from the traditionally neglected social classes". The Chairman thus expressed his distress in very strong language over the caste as the basis accepted by the Commission (verma,1980:25-29).

Mandal's Backward Classes Commission: On 20th December,1978, the then Prime Minister Mr. Morarji Desai announced in the Lok Sabha that under provision of Article 340 of the Constitution the Government has set up a Commission to probe the conditions of socially and educationally backward classes. The Commission is headed by Mr.B.P. Mandal, a member of Parliament and includes four other members. It shall present its report not later than December 31, 1979. The terms of reference of the Commission are:

1. To determine the criteria for defining the socially and educationally backward classes.
2. To recommend steps to be taken for the advancement of the socially and educationally backward classes of citizens so identified.
3. To examine the desirability or otherwise of making provision for the reservation of appointments of posts in favour of such backward classes of citizens, which are not adequately represented in the services of both the Central and State Governments or Union Territory Administration.

4. To present a report setting out the facts as found by them and making such recommendations as they think proper.

While Inaugurating the Backward Classes Commission, Mr. Desai, the then Prime Minister, criticized the growing tendency among the privileged classes to grab all the facilities and said that although men could go higher by learning, there was no reason why caste should afford privilege to some people. All men were equal although their conditions of work may differ. But the feeling of superiority or inferiority among section of the population must be removed. This problem could not be solved merely by creating reservations in services. What was required was proper education for all measures to enable the backward classes to engage themselves in self-employment. He expressed the hope that the Commission would be able to submit its report in time and make practical suggestions to eliminate inter-caste differences. The Chairman of the Commission Mr.B.P. Mandal said that backwardness in India had got institutionalized as a result of the caste system and social organization. The result was that the Communities at the lower rung, deprived of normal facilities and civil rights continued at this level for years. As a result of India's proclaimed commitment to establish a democratic and egalitarian society, the backward sections were now hoping to enjoy equal rights with others (verma, 1980:31-33).

Reservation Related Various Judgement of Supreme court:

1. State of Madras vs. Champakam Dorairajan case, 1951: Court ruled that caste -based reservation as per communal award violate article 15(1) of the constitution. After the first constitutional amendment act, the judgement became invalidated (www.wikipedia).
2. Indra Sawhney&others vs Union of India case, 1993: The constitution recognized social and educational backwardness, but not economic backwardness. The court upheld separate reservation for OBC in central government jobs, but excluded these to the "creamy layer" (the forward section of a backward class, above a certain income). At no point should the reservation exceed 50%. Judgement implemented with 27% central government reservation for OBC (www.wikipedia).
3. Janhit Abhiyan vs Union of India case,2019: Upheld the 103rd amendment which introduced 10% reservation for Economically Weaker Section (EWS) in education and public employment. This judgement held that the 50% cap on quota is not inviolable and affirmative action on economic basis may go a long way in eradicating caste -based reservation (www.wikipedia).

Conclusion: We are all to know that reservation is the most rational concept, because it helps to remove social injustice. Our society already overcome various injustice through reservation. Many depressed classes mainly SC&ST are reached in main stream of society and they continue take advantage of reservation policies. So, at a time reservation are not need for forward sections of backward community. But government are not attempted to reject the reservation for this community, because the one an only aim of government to save their vote bank. Government thinks if many communities enlisted in reservation category, they safe their vote bank, passing social justice. We are known government ensure

EWS quota for economically weaker sections.it is mainly a political mockery, because our country 21% people BPL.And this people in enlisted EWS quota and government indirectly capture this people votes.

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