

**PHILOSOPHICAL CONCEPTS OF SOCIAL JUSTICE IN  
M. K. GANDHI AND B. R. AMBEDKAR:  
A COMPARATIVE STUDY**

*Thesis submitted to Jawaharlal Nehru University for the award of the degree of*

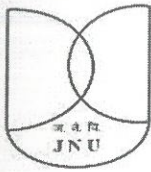
**DOCTOR OF PHILOSOPHY**

**SURENDRA KUMAR**



**CENTER FOR PHILOSOPHY  
SCHOOL OF SOCIAL SCIENCES  
JAWAHARLAL NEHRU UNIVERSITY  
NEW DELHI-110067, INDIA**

**2017**



**CENTER FOR PHILOSOPHY**  
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**JAWAHARLAL NEHRU UNIVERSITY**  
**NEW DELHI-110067, INDIA**

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**Date 21/07/2017**

**CERTIFICATE**

This is to certify that thesis titled “**PHILOSOPHICAL CONCEPTS OF SOCIAL JUSTICE IN M. K. GANDHI AND B. R. AMBEDKAR: A COMPARATIVE STUDY**” submitted by Mr. Surendra Kumar in fulfilment of the requirements for the award of the degree of Doctor of Philosophy of Jawaharlal Nehru University, is his original work and has not been submitted by him either in part or in full in this or another university.

We recommend this thesis to be placed before the examiners for evaluation.

( Prof. R. P. Singh )

**Supervisor**

**SUPERVISOR**  
Centre for Philosophy  
School of Social Sciences  
Jawaharlal Nehru University  
New Delhi-110067

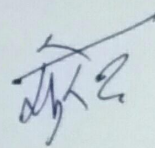
( Dr. Bindu Puri )

**Chairperson**

**Chairperson**  
Centre for Philosophy  
School of Social Sciences  
Jawaharlal Nehru University  
New Delhi - 110067, INDIA

## DECLARATION

I, Surendra Kumar, declare that the thesis entitled “**PHILOSOPHICAL CONCEPTS OF SOCIAL JUSTICE IN M. K. GANDHI AND B. R. AMBEDKAR: A COMPARATIVE STUDY**” submitted by me for the award of the degree of Doctor of Philosophy of Jawaharlal Nehru University is my own work. This thesis has not been submitted so far in part or in full, for the award of any other degree in this or any other university.



(SURENDRA KUMAR)

CENTER FOR PHILOSOPHY

SCHOOL OF SOCIAL SCIENCES

JAWAHARLAL NEHRU UNIVERSITY

NEW DELHI-110067, INDIA



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## PREFACE

The present study is a humble attempt to explore and understand the two great and most influential philosophers of Indian history. Ambedkar and Gandhi have been studied and interpreted by many generations and thinkers in various ways. Most of these studies, however, attempt to portray one as the master-philosopher while neglecting the other completely. Some make Gandhi as a saint and his philosophy as the true Indigenous philosophy for humanity, some think him as a humanistic critique of modernity and its mechanical ideas. Gandhi gave the philosophy of nonviolence and peace which is very easy to understand but difficult to follow. Some, on the other hand, consider Ambedkar as the only alternative and argumentative voice of Indian modernity. Both have been seen as opponents in Indian ideology and philosophy and even social context. Much has been written and said about how they reacted to each other and what they thought about each other. Many scholars, therefore, portrays them as purvapakshins of each other who were ideologically and philosophically hostile to each other.

Both perspectives as far as the scope of this study is concerned are right in what they assert about these thinkers and wrong in what they deny to them. The denial is that of a dialogue between the two so that a meeting point can be sought where their ideas, opinions and philosophies can be compared and evaluated for a reconciliatory normative. A reconciliatory normative is one where Gandhi is seemed as filling the gaps for Ambedkar's concepts, and Ambedkar is seen doing the same to Gandhi's. The critical overtone of their responses and debates with each other needs to be transformed into a constructive dialogue for contemporary Indian political philosophy.

The aim of this study is to seek such a dialogue and look for a meeting point. Here this thesis attempt to re-evaluate Gandhi and Ambedkar's ideas regarding social justice and look for a redefinition of their position and ideology so that people should not think them as an opponent to each other. This thesis is a small step in clarifying their ideas and ideology for everyone and for those who always see them as an enemy of each other. An ordinary perspective can do justice to both of them. These two thinkers were seen and explained by the views worshipers and followers. They need a novel and universal perspective like them, to see their universal and novel ideas of justice and humanity, and thus I took the help of universal perspective of social

justice to see and examine them in a philosophical manner to seek their true understanding and intention of Justice and human being.



# Introduction

Justice, as a matter of fact, is concerned with the proper ordering of things and relationship among persons, distribution of resources and products, deterrence of crime and punishment within a society. Justice is an essentially contested concept and the discrepancies arising out of moral, legal, theological, human rights, etc. debates throughout history substantiate its contested nature. A number of important questions surrounding justice has been fiercely debated over the course of human history: What is justice? What does it demand of individuals and societies? How can a justice based relation be formed between individuals and the state which governs them? What can be a just relationship between different members of society especially when the members belong to diverse linguistic, religious, ethnic and cultural groups? What is the proper distribution of wealth and resources in society: equal, meritocratic, according to status, or some other arrangement? Is there any one conception of justice, which can be a definite response to these questions? There are myriad possible answers to these question from divergent perspectives on the political and philosophical spectrum.

As a possible response to questions regarding justice, the present study attempts to develop the philosophical and theoretical contestations from the perspective of social justice in the context of M.K. Gandhi (1869-1948) and B.R. Ambedkar (1891-1956). Diverse conceptual perspectives regarding the concept of justice exist. Concepts such as harmony, *Eudemonia*, dignity, fairness, veil of ignorance, etc., and several theories such as the divine command, retributive, reformative, distributive, etc. attempt to offer insights into questions and issues related to the of applicability, importance and scope of justice in human societies. However, during the European Enlightenment, there emerged two streams of thinkers as far as the concept of justice is concerned. First, there are philosophers such as Hobbes, Locke, Rousseau and Kant who developed the conceptual frameworks of justice on the basis of hypothetical social contract theory which has insights into the perfect/ideal/absolute justice.

This ideal justice is required to understand the particular examples of justice. John Rawls revitalises the perfect notion of justice. The second stream of philosophers falls within the ideology of enlightenment. The social philosophies of Adam Smith, Condorcet, Mary Wollstonecraft, Bentham, Mill and Marx are some examples where they mainly argue towards

minimising injustices in one way or another. The concept of social justice has primarily emerged and developed out of the second stream. In the Indian context, both Gandhi and Ambedkar have made significant contributions with regard to the conceptualization, evolution and development of social justice. Gandhi's philosophical insights on social justice can be elaborated in the form of his ideas like *Sarvodaya*, *Antyodaya* and *Gram Swaraj*. This view is different from Ambedkar's concept of social justice which mainly focuses on the annihilation of the caste, rights and *Swaraj* for depressed class.

There are influences from European Enlightenment<sup>1</sup> on the one hand and, from *Vedas* on other hand, *Upanishads*, *Gita*, Jainism, Buddhism, etc. On the other hand, the ideals of social justice as propounded by both Gandhi<sup>2</sup> and Ambedkar. It was the enlightenment of the early 19th century which gave rise to such concepts as liberty, equality, fraternity, humanism, tolerance, democracy, scientific rationality, individualism, human rights, etc. Though these ideas evolved and developed in Europe, yet they proliferated beyond Europe to other continents and subcontinents. Gandhi and Ambedkar appreciated these ideas, and Gandhi, in particular, interpreted those ideas into indigenous concepts and principles such as Truth, Simplicity, Faith, *Brahmacharya*, *Purushārtha*, *Satyagraha*, *Swaraj*, *Sarvodaya*, *karma*, compassion, trusteeship, and above all non-violence with the aim of attaining *Swaraj*- victory over one's passions, lusts, greed, etc. and the independence and sovereignty of the country.

Gandhi took from *Vedas* the civilizational concepts like *Varnas*, *Āshrama* and *Purushārtha*. These concepts helped him to evolve the ideas of enlightenment in Indian context by giving them spiritual and Indian philosophical foundation. *Upanishads* helped him to understand what duties are and how to judge duties in various situations. Gandhi himself admitted that *Gita* had the greatest influence on him. The concept of *Anasaktiyoga* (Duty for duty's sake) helped him to develop an attitude to give importance to deontological value and truth in performing actions. Other philosophical schools as Jainism also influenced him to think of every situation (*Anekāntavāda*) on multilayered and relative structures of life. Gandhi also borrowed insights into resistance from Leo Tolstoy's *War and Peace* and welfare for all from Ruskin's *Unto This Last*. In this study, I attempt to bring out the development of social justice,

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<sup>1</sup>Kant, Immanuel. *What is Enlightenment?* <http://www.columbia.edu/acis/ets/CCREAD/etscc/kant.html> retrieved on 21/11/2013

<sup>2</sup> Gandhi was also influenced by Leo Tolstoy's *War and Peace* and Ruskin's *Unto This Last*

from the perspective of distributive justice ,which is directed at the proper allocation of things like wealth, power, reward, respect - between different people on the one hand and retributive justice which regulates proportionate response to crime proven by lawful evidence, so that punishment is justly imposed and considered as morally-correct and fully deserved.<sup>3</sup>

On the other hand, Ambedkar was very much impressed by the teachings of Buddha. His engagement with Vedas is mostly critical.<sup>4</sup> He inherited the attitude that there is a suffering in the world and appropriated it to study the miseries arising out of caste discrimination and untouchability. He proposed a complete annihilation of caste and rejected Gandhi's contention on *Varnas* which he considered "the Depressed Classes can say that they are Hindus only the theory of Chaturvarna and Caste system is abandoned and expunged from the Hindu Shastras."<sup>5</sup>Ambedkar raised some fundamental questions such as: -What exactly is the cause of inequality and injustice in Indian society? The answer, he finds, lies in his understanding and analysis of the caste as an autonomous and significant dimension of inequality, injustice and oppression in Indian society. Ambedkar said, "The Hindu Civilisation ... is a diabolical contrivance to suppress and enslave humanity. Its proper name would be infamy. What else can be said of a civilisation which has produced a mass of people ... who are treated as an entity beyond human intercourse and whose mere touch is enough to cause pollution?"<sup>6</sup> Ambedkar while responding to Gandhi argues for an alternative, inclusive and moreover a more progressive conception of social justice mainly based on the demand that *Varn-ashram* should be abolished and annihilated.

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<sup>3</sup> The law of *retaliation (lex talionis)* is a military theory of retributive justice, which says that reciprocity should be equal to the wrong suffered; "life for life, wound for wound, stripe for stripe." *Exodus* 21 .xxiii-xxv.

<sup>4</sup> Ambedkar's emphasis on Buddhism is primarily focused on Buddha's critique of the Vedic ideology itself. Thus through endorsing Buddhism as an alternative, Ambedkar at the same time critiques and deconstructs the contradictions of Vedic tradition. As Janet A. Contursi writes, in his paper "Political Theology: Text and Practice in a Dalit Panther Community," "Ambedkar notes Gautama's criticism of all the traditional texts, but he focuses particularly on the Brahmanas, the textual embodiment of Brahman ideology, in order to attack the dominant ideas of Brahmanic culture."

<sup>5</sup>Ambedkar.,B.R.,*Dr.Ambedkar Writings And Speeches Vol. 17,( Ed.)* VasantMoon, Ministry of Social Justice. & Empowerment.Govt. of India. New Delhi, 2015 , P.201

<sup>6</sup> (*The Annihilation of Caste*) In his 1948 sequel to *Who Were the Shudras?*, which he titled *The Untouchables: A Thesis on the Origins of Untouchability*,

The contention between Gandhi and Ambedkar regarding the value of *Varnashrama* in their philosophies can be gauged through the following remark which Gandhi made as a response to Ambedkar.

I am a Hindu, not merely because I am born in the Hindu fold, but I am one by conviction and choice. There is no superiority or inferiority in Hinduism of my conception. But when Dr. Ambedkar wants to fight Varn-ashram itself, I cannot be in his camp, because I believe Varn-ashram to be an integral part of Hinduism.<sup>7</sup>

The present work acknowledges the antithetical nature of the philosophical visions Gandhi and Ambedkar propounded on social justice. The objective of the thesis is to resolve this dichotomy and to allow these philosophical insights to mutually inform and reinforce each other for the possible normative foundations of social justice. In the present study, I will try to address the following problematic issues concerning social justice in Gandhi and Ambedkar:

1. I will discuss the contending concepts and theories of justice and bring out the discrepancies between them. In *Republic*, Plato uses Socrates to argue for justice, which covers both the just person and the just City State. I will attempt to bring out the variations of justice; for instance, *Retributive justice* regulates the proportionate response to crime proven by lawful evidence, so that punishment is justly imposed and considered as morally-correct and fully deserved.<sup>8</sup> *Restorative justice* is concerned not so much with retribution and punishment as with (a) making the victim whole and (b) reintegrating the offender into society. This approach frequently brings an offender and a victim together, so that the offender can better understand the effect his/her offence had on the victim. There comes a shift from these two theories to *Distributive justice* which is directed at the proper allocation of things - wealth, power, reward, respect - between different people. In recent times the term distributive justice is understood as social justice, though the concept social justice is much wider than distributive justice. It not only incorporates distributive justice but also broadens the horizon of justice. I will attempt to develop distributive justice as the *sine qua non* for the fruitful vindication of social justice.

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<sup>7</sup>Keer.Dhananjay, *Dr. Ambedkar: Life and Mission*, Popular Prakashan, New Delhi, 1995, p.230

<sup>8</sup> The law of *retaliation (lex talionis)* is a military theory of retributive justice, which says that reciprocity should be equal to the wrong suffered; "life for life, wound for wound, stripe for stripe." *Exodus* 21.xxiii-xxv.

2. I will try to critically evaluate Gandhi's philosophical vision to vindicate justice based on the concept of *Sarvodaya* and the nuances of *Antyodaya* in a larger discourse of social justice based on Trusteeship. Gandhi through his idea of *Sarvodaya* tried to give a theory of 'welfare for all to grow and prosper'. His concept of trusteeship was a part of his idea that we can get welfare/Well-Being of all (*Sarvodaya*) by means of reaching to the last man (*Antyodaya*). Gandhi argues that welfare is meaningless and incomplete if the 'marginalised' and 'least advantageous' sections of society (to Rawls' term) do not get benefited by it. Gandhi in his writings describes *Trusteeship* as a philosophical theory. I will try to respond to the question that, how far such a notion of social justice is viable for the fair and just treatment of various strata of Indian society. While going into the archaeology of cultural and historical arguments behind the existing injustices of Indian society, I will try to understand whether Gandhi's idea of *Sarvodaya* through love and truth makes way for improvement of all sections of society.
  
3. I will try to examine Ambedkar's focus on the caste system as being a fundamental cause of all social injustice in Indian society. Ambedkar proposed a complete annihilation of caste. He raised the fundamental question- what exactly is the cause of inequality and injustice in Indian society? The answer, he finds, lies in his understanding and analysis of the caste as an autonomous and significant dimension of inequality, injustice and oppression in Indian society. The caste system is responsible for a number of ills in Indian society, from economic stagnation to cultural degeneration and vulnerability to external powers. Thus, the caste system was a national malaise and not just a problem for its victims.<sup>9</sup>Ambedkar while responding to Gandhi argues for an alternative conception of social justice which according to him is more inclusive. For Ambedkar caste was the root cause of all social injustice, and the notion of caste gets its justification from *Varna* system. Caste divides human beings on the basis of their birth (also the theory of *Karma*) and deprives those born in the lower caste families from natural rights and social justice.

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<sup>9</sup>(*The Annihilation of Caste*). In his 1948 sequel to *Who Were the Shudras?*, which he titled *The Untouchables: A Thesis on the Origins of Untouchability*, Ambedkar said that:

4. Finally, I will compare and contrast Gandhi and Ambedkar in the context of the impact of civilisation on the one hand and the prevailing liberal notions on the other. While Gandhi regards *Varna* as an integral part of Hindu civilisation, Ambedkar criticises Hindu civilisation as a diabolical contrivance to suppress and enslave humanity and thus to create a hierarchy. Ambedkar takes help from western liberalism to introduce equality, rights, citizenship and above all the Constitution. He criticises Gandhi on the ground that if one accepts *Varna* and its hierarchy, one cannot construct equality. Ambedkar argues what else can be said of a civilisation which has produced a mass of people who are treated as an entity beyond human intercourse and whose mere touch is enough to cause pollution? The question arises what is Ambedkar's philosophical insight to create segregation and aggression in the society on the basis of caste? Can *Dalits* come out of Hindu civilisation, its myths, legends, profiles and rituals? Can Ambedkar establish a meaningful connection with the world view of *Dalits* whose cause he espouses; by depriving its subjects of identity, memory and history which are embedded in the Hindu civilisation? Ambedkar proposed a critique of Hindu civilisation from "outside" Hindu tradition of hierarchy and adopted "hermeneutics of suspicion" to interpret *Shashtras*. Ambedkar took an insight on equality from Western Enlightenment thinking and rationalism. However, it requires being examined how far Ambedkar can go, to appreciate larger egalitarian concerns like Marxism. Ambedkar's conviction on justice and egalitarianism including conversion as a way out was not shared by Gandhi (Lohia, M.N.Roy, Marxists and many others). I will reopen the concepts of equality, rights and freedom and examine it under the pluralism of Hindu civilisation.

### **A Brief Overview of Chapterisation:**

The first chapter examines and discusses the contending concepts and theories of justice and attempts to bring out the discrepancies between them. In *Republic*, Plato uses Socrates to argue for justice, which covers both the just person and the just City State. For the sake of clarity and precision, I propose to divide the chapter into following parts: Part first '*Harmony, Eudemonia*',

in this section I will discuss the notion of justice in Plato's *Republic* and Aristotle's *Nicomachian Ethics*. This discussion includes how justice is a Harmony and living a flourishing life is true *Eudaimonia*. The part second is 'Concept Fairness in Justice, in this section, I attempt to analyse the Rawlsian concept of fairness in both distributive and retributive justice. This section will bring out discrepancies between the concept of distributive and retributive justice. It will explore the idea of equality in law and fairness of the legal system in India. This section will also explore the relation of law and constitution with regards to distributive justice. In this discourse, it will explore the legal provision of fair treatment of individual and the protection of rights of individuals in Indian legal and constitutional system. The third part is '*Dharma/Loka-sangraha* in Social Justice'. In this section, I discuss the notion of *Dharma* in Indian tradition and its importance in day to day life. This section also includes the concept of *Loka-sangraha* as the best way to live the life in society.

The second chapter examines and critically evaluates M.K. Gandhi's philosophical vision of vindicating justice based on the idea of *Sarvodaya* and *Antyodaya* in the larger discourse of social justice based on Trusteeship. Through his idea of *Sarvodaya*, Gandhi propounds a theory of "welfare for all to grow and prosper." Gandhi argues that welfare is worthless and unfinished if the depressed sections of Indian society do not get any benefit. Gandhi, in his writings, describes Trusteeship as a philosophical theory. By delving into the archaeology of cultural and historical arguments behind the existing injustices of Indian society, I attempt to reflect on whether Gandhi's idea of *Sarvodaya* through love and truth makes way for the improvement of all sections of society.

For the sake of theoretical clarity, I have divided this chapter into three parts. The first part is '*Antyodaya* and *Trusteeship*.' In this section, I explore the Gandhian idea of *Antyodaya* that, how one's self, helps in the upliftment of the last member of society. This idea also helps us in understanding the moral and economic perspectives of *Trusteeship* and its relevance in *Antyodaya*. The second part of this chapter is '*Sarvodaya*'. In examining the Gandhian notion of *Sarvodaya*, I will analyse the concept of God as truth in Gandhian philosophy. This part also covers the various means for the path of truth and their relevance for *Sarvodaya*. The third part is '*Gram-Swaraj*'. In this section, I examine the concept of *Gram-Swaraj* according to Gandhi. The distinctions of the Gandhian critique of Western civilization and its response, the Village



*Swaraj* of Gandhi are dealt with. This part also explores the comparison of city and village in the political and social aspect.

The third chapter explores and examines Ambedkar's proposed annihilation of caste as a viable foundation for any framework of social justice in the Indian context. His critique of *Varnashrma* system and other ideologies of Hinduism, which perpetuate repressive hierarchies amongst the Indian society, are discussed at length. For the sake of systematic study and understanding, I have divided this chapter into three parts; In Part-I 'Equality – Interrogating Social Hierarchies', I discuss the notion of caste and Ambedkar's critique of caste system with the main focus on the idea of annihilation. In doing so, I will discuss that how caste, has become the biggest problem of Indian society; and it is a degraded form of *Varna* system and how it made the Indian society a stagnant society. In second part 'Inequality and Social Freedom', I will enquire about the social freedom and prevailing inequalities of Indian society, I will also analyse the various reform movements and the efforts of Ambedkar. In third part 'Rights and Empowerment, I critically evaluate the issue of rights of lower caste and backwards classes, in both the period of pre-independence and post-independence. This discussion will include the importance of constitutional rights. The reason for doing this analysis is the foundation of the right to justice. The social justice in India is a part of justice which starts from the law. It is "The law" which is, in "Constitutional form" protecting the marginalised and the victims of injustice in society. It is the constitutional right of equality and fair treatments, which is protecting every individual from injustice in both interpersonal (Social) and institutional ( Legal ) level. Recent issues regarding violation of the right to freedom and equality of marginalised and depressed in the form of not giving them access to their rights or deprived them, of their entitled benefits of the system. It shows that instead of all negative effort and injustice, the still gets their Rights and benefits and they try to achieve their rightful status in society. It is all because of constitutional rights of Indian Constitution.

The fourth chapter deals with the concept of social justice in Indian context As we have examined that in India social justice is not only about the distribution of burden and duties, it is more about social freedom and equality in the society as well as in system. Even Ambedkar emphasised throughout in his philosophy that equality must be moving force behind the social

justice in India. Both Gandhi and Ambedkar derive their notion of ideal society from Indian tradition. Gandhi derived its values from the core of religion and spirituality based on a foundation of love and equality. However, Ambedkar derived his value from the Buddhist religion and his moral code from the teaching of Buddha as he said “Positively, my social philosophy may be said to be enshrined in three words: liberty, equality and fraternity. Let no one, however, say that I have borrowed my philosophy from the French Revolution. I have not. My philosophy has its roots in religion and not in political science. I have derived them from the teachings of my master, the Buddha.”<sup>10</sup>

In the Fourth chapter of this thesis, we have, for the sake of systematic and foundational understanding I have divided my chapter into two subsections. In the first section of this chapter, I have examined that how this two thinker and their civilizational values have an impact on the philosophical concept of social justice in India. How a certain language and the certain section of a society transformed and refined the civilizational values and their meanings. I also tried to explore the religious aspects of civilizational values and contributions and critique of saints and poets to redefine Indian system and civilisation. We also critically examined three aspects of these values as 1. A plurality of civilizational values and its impact on social justice, 2.Continuity of Civilisation’s Values and Social Justice. 3. Transcendence of civilizational values and social justice.

The second section of this chapter is more focused on contemporary ideas of State, Constitution and Citizenship. This section is classified in above mentioned three ideas. These subparts will examine these ideas which are not separate but interrelated and interdependent. How these ideas impact each other and how these ideas played a role in shaping modern Indian society and social system based on a Constitutional framework. This discourse of examining these concepts will involve the thoughts and regard of Gandhi and Ambedkar on State, Constitution and Citizenship. In some manner this subsection is the most novel and accurate comparison of them; because they both were trained barrister and both had a great understanding of Indian society and its problems. Thus, this is the culmination point of both thinkers, they may

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<sup>10</sup>Ambedkar.,B.R.,*Dr.Ambedkar Writings And Speeches Vol. 17,( Ed.)* Vasant Moon, Ministry of Social Justice. & Empowerment.Govt. of India. New Delhi, 2015 , P.. 50

differ in many respects, but it is an attempt to see them or explore them on the same plane of liberal democratic nations. This will help us in building an understanding of their thoughts and manner of construction of Indian society. This comparison will also assist us to determine, how both of them made India what today is and how they reinforce each other's "Personality" as well as "Philosophy" in order to make Indian society as a model Socially Just society and to protect **"Justice for All and Everyone."**

# Chapter 1

## Concepts and Theories of Justice

In this Chapter, I will discuss the contending concepts and theories of justice and attempt to bring out the discrepancies between them. In *Republic*, Plato uses Socrates to argue for justice which covers both the just person and the just City State. I will attempt to bring out the variations of justice; for instance, retributive justice regulates the proportionate response to crime proven by lawful evidence, so that punishment is justly imposed and considered as morally-correct and fully deserved. Restorative justice is concerned not so much with retribution and punishment as with (a) making the victim whole and (b) reintegrating the offender into society. This approach frequently brings an offender and a victim together, so that the offender can better understand the effect his/her offence had on the victim. There comes a shift from these two theories to distributive justice, which is directed at the proper allocation of things - wealth, power, reward, respect - between different people. In recent times, the term distributive justice is usually understood as social justice, though the concept social justice is much wider than distributive justice. It not only incorporates distributive justice but also broadens the horizon of justice. I will attempt to develop distributive justice as the *sine qua non* for a fruitful vindication of social justice. For the sake of clarity and precision, I propose to divide the chapter into following parts: Part first '*Harmony, Eudemonia*', in this section I will discuss the notion of justice in Plato's *Republic* and Aristotle's *Nichomachian Ethics*. This discussion will include how justice is a Harmony, and living Flourish life is true Eudaimonia. The part second is 'Concept Fairness in Justice, in this section, I will analyse the Rawlins concept of fairness in both distributive and retributive justice. This section will bring out discrepancies of distributive and retributive justice. The third part is '*Dharma/Loka-Sangraha* in Social Justice' in this part I will discuss the notion of *Dharma* in Indian tradition and its importance in life. This part will also include the concept of *Loka-Sangraha* as the best way to live the life in society.

### 1. Harmony and *Eudemonia*

In this section, I will discuss the concept of harmony in Indian tradition as well as in Western tradition. In Indian tradition, the harmony of soul and body, mind and matter, physical and spiritual is present. I will also discuss harmony as a form of justice as described by Plato in his book *Republic*. After establishing that justice is none other than the harmony I will also explore the concept of *Eudemonia* and Justice in Aristotle's Philosophy. Through a critical inquiry of his book *Nichomachian Ethics*, I will try to examine and understand: how Aristotle defines justice as a virtue, how he relates justice with the concept of virtue and most importantly how he classifies justice into the three broad categories of distributive Justice, Corrective Justice, and reciprocal Justice. An understanding of justice as harmony and *Eudaimonia* will help in establishing a conceptual link with various perspectives on justice and social justice today.

## 1.1 Harmony in Indian Tradition:

In *Taittiriya Upanishad*, there is a prayer that reveals that the sense of harmony proceeds from the protection that we seek from the source of Being for togetherness. "Together may He protect us; together may He possess us; together may we make unto us strength and virility. May our quest be full to us of light and power. May we never envy."<sup>1</sup> The prayer proceeds from our cooperative effort to increase strength, harmony, and vitality, with constant vigilance to be free from envy and hatred. Our constant hymn is-"Peace and Peace again and Peace still again." This is what lies at the basis of harmony in religions.

Harmony can be defined as an act of understanding between different faiths regarding unity in their philosophical doctrines, principles, and practices, myths and rituals, beliefs and attitudes, identities, legends, and profiles, etc. For instance, we come across interfaith harmony with the *Sanatan Dharma* as the basis of Hinduism, Buddhism, Jainism and Sikhism on the one hand while on the contrary, we have interfaith harmony in terms of love, compassion and non-violence in Christianity, Buddhism and Jainism; *Sthitaprajna* in *Gita* and *Arhat* in Buddhism; doctrine of *Brahman* in the *Upanishads* and the notion of God in Judaism, Christianity and Islam; Status of Devotion in Buddhism, *Bhakti* movement in *Sikhism* and *Sufism*; immortality of Words, Trinity, Reason and Revelation, Dialectics, Reconciliation of God, Man and Evil; Cultural response to Hope, Shame and Guilt, Swami Vivekananda's vision of *Universal*

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<sup>1</sup> *Taittiriya Upanishad*, Chapter IX, pp. 99-100.

*Religion*; Mahatma Gandhi's ideas on interfaith harmony, pluralism, self-respect and tolerance; nature of *Dharma Yuddha*, *Crusade* and *Jihad*; convergence of faith in art, architecture, music and so on.

## 1.2 The concept of Harmony in *Plato*:

“The safest general characterization of the European philosophical tradition is that it consists of a series of footnotes to Plato.”<sup>2</sup> A. N. Whitehead (1861-1947) once said about Platonic philosophy and his influence on all other aspects of philosophy. He was very much true in judging the value of Platonic philosophy be it logic, ethics, rhetoric, religion, mathematics, politics or epistemology. His writings as *Meno*, *Phaedo*, *Law*, etc., all are in the form of dialogue. This novel way of debating is now called the Socratic Method. In all works of Plato, the writer uses Socrates as his mouthpiece and Socrates employs the argumentative way to refute and evolve the core idea in that debate.

In this section, I will examine “justice as harmony” as described by Plato in his most celebrated work *The Republic*. In this masterpiece, Plato develops the idea of justice—what is it to be just and how a just person is always happier than any unjust man in all conditions? In this discourse, he makes several debates with various people like Thrasymachus, Glaucon, and Adeimantus. This work of Plato seems more poetic than explanatory because he always uses analogies to prove his point. His idea of sun, the cave, the dividing line, perfect forms are some examples of such analogies which are meant to portray formal, normative and utopian ideas. He develops a complex relationship between his epistemology and metaphysics which gives a rhetorical idea of philosopher King. In the book I to IV, he explains the nature of justice and how one can reach to the state of justice in the form of harmony.

Before going any further, we need to understand the context of *Republic*. The book, however, is not about a republic state or a democratic state. Somehow it represents Plato as a totalitarian thinker who thinks that a monarchy is the best possible alternative to establishing an ideal state. Plato was a disciple of the famous philosopher Socrates, who gave a strong emphasis on knowledge and tried to establish knowledge as a virtue. The tragic death of Socrates made

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<sup>2</sup>Whitehead, A. N., *Process and Reality*, p. 39.

Plato drift away from the idea of the democratic state. It was the *Polis* of Athens, which through its so-called democratic Council gave Socrates the death sentence. This incident has a very significant role in developing the idea of justice and the content of *Republic*. Plato was flustered with the way justice was done in the case of Socrates. Such a disastrous power of decision-making people in Athens made as a pretext inspired Plato to develop a utopian idea where a fully capable person is in charge of decision making. The Philosopher King of Plato is a true representative of justice.

Plato always tried to find the finality in every action and its discourse. If we see his view of epistemology and the metaphysical interpretation of the world, we find that he tries to give the kind of certainty in the life. In the case of knowledge, he thought that only reason has the power to grasp the certainty of knowledge. This concept of reality was based on his idea of form. The idea of form resides in the transcendental world where they are complete and self-sufficient; this world only has the reflection of forms. This can also be found in his metaphysics that this world is a mere shadow of the world of form. This world's reality is based on transcendental complete, perfect world. The perfection and certainty of the ideas also reflect on his political thinking. It becomes quite clear that his perfection and completeness actualize in the form of justice as harmony.

At the time of Socrates's death, the whole of Greece was going through a great political crisis. The constant struggle between the city states and conflicts with neighbouring Persian Empire gave rise to a critical and ideological theory about the politics and its governing science. Every prevailing type of political authority was incomplete and was not able to dissolve conflict within the city state and neighbouring city-state. No political system was near the perfection of giving individual and community equal importance. The Spartan city-state was following the warrior class ruling authority; the Athenian was democratic, and Macedonian states were a monarchic system.

All these political systems were somehow incompatible, and against each other, Athenian had a system which gave individuals great liberty and the power in decision making. On the other hand, Macedonia was ruled by King where individuals have no extra powers or liberty in the decision making. The irony of authority becomes visible in the case of Athens, where a decision taken by the free and equal citizens with the help of reason, goes against a free and



rational human whose right of questioning the reason was denied. This inconsistency between public reasoning and the individual reasoning stimulated Plato to find an alternative for the faulty political system. The classic dramatic episode of Socrates' execution can be said as the catalytic factor in his search for a consistent and perfect political system.

In his search, Plato found that only nature has a system which is stable and uniform, he was inspired by the honey bee hive, in a honey bee hive one can find numerous members, but these all work like a unit, everyone in that hive has a particular and fixed role to work. This oneness in the individual and community level inspired him to find a certain order where individual works in harmony to make a society.

However, how to make a society which works in harmony, here Plato took a brilliant turn and made justice as the foundation of society. He uses the four Greek cardinal virtues: wisdom, temperance, courage and justice to find the responses. Plato could have directly said what a just society is, but rather he uses the analogy of the soul and the city. He starts his discourse by the inquiry of what is to be just and how to get justice.

In the process of discovering the nature of justice, Plato starts with common conceptions of justice in book I of *Republic*. Plato by the means of Socrates starts discussion that what is to be just and Polemarchus tells him that "The one who speaks truth and repays what is one borrowed is just"<sup>3</sup> However, Socrates argues that "Everyone would surely agree that if a sane man lends weapons to a friend and then asks for them back when he is out of his mind, the friend shouldn't return them, and would not be acting justly if he did. Nor should anyone be willing to tell the whole truth to someone who is out of his mind."<sup>4</sup> All were agreeing to his arguments. However, again Plato raises a question that it is effortless to say that doing good to friend and evil to the enemy is just, but how can one differentiate between the true friend and true enemy. However, without the clear knowledge, it is impossible to do any act, in reference to friend and enemy. One may appear a friend to us, but in reality, that can be your enemy same as one may

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<sup>3</sup>Plato, *Republic*, p. 973.

<sup>4</sup> Ibid., p. 974.

appear to be your enemy, but he can be your friend, in reality. Thus, it is complicated to judge people that who is our friend and who is our enemy.

Then Thrasymachus suggests that the interest of the might is justice, to say in another form is might is right.<sup>5</sup> The every single strong person try to get what he wants, and the general definition of strong is that who gets what he wants. In the system of *Polis*, the state or the government is the most powerful entity because it can do whatever whenever it wants.<sup>6</sup> Here the ruling majority creates the authority, and they operate the power distribution in the *Polis*. The minority may be punished by the majority for their self-interest. This will become law because the interest of the majority is always the law in society. Thus, an unlawful act or the action against the majority can be injustice in society.

Plato was not satisfied with this account of justice of Thrasymachus and gives an example of Physician that a physician always acts in the best interest of his patient.<sup>7</sup> He will never exercise his power on him because his excellence is judged by the excellence of his knowledge and practice of it on the patient. Thus, same applies to the government or the ruling class that working in the best interest of the people is the proper and the right way to exercise power. They will never be morally or practically right if they exercise power in their interest.

Here again, the Thrasymachus says that the unjust person is superior in strength, and intelligence and injustice is a form of strength, and thus injustice brings a lot of happiness to the doer.<sup>8</sup> Socrates again argues this position and says that

Justice implies the superior character and intelligence while injustice means a deficiency in both respects there for; just men are superior in character and intelligence and are more effective in action. As injustice implies ignorance, stupidity, and badness, it cannot be superior in character and intelligence. A just man is wiser because he acknowledges the principle of limit.<sup>9</sup>

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<sup>5</sup> Ibid., p. 983.

<sup>6</sup> Ibid., p. 984.

<sup>7</sup> Ibid., p. 986.

<sup>8</sup> Ibid., p. 994.

<sup>9</sup> Ibid., pp. 996-102.

Thus, Socrates says that a just man will always be happier in his life, he will always hold some virtue which will enable him to work according to reason and virtue. If anyone lacks this virtue, he will not be able to function well in society. On every specific task, he will use specific virtue to use and get the work done. If a man is deprived of the virtue of knowledge and limit he cannot, do the specific cast. Thus, it proves that the virtue of the soul is justice and in all situations, it will work as a virtue to get justice.

Again on this point of discussion Glucagon propose that justice is artificial and unnatural because to avoid the injustice from the hand of the majority they establish or make a contract of justice in that they suffer less injustice than before. This justice as artificial virtue can be called as the contract theory of society in which weaker sections of society try to make a pact with the stronger to protect them from injustice. This is not a natural virtue according to Glucagon. Socrates after listening to this argument says that all theories propounded by them have a common element. The common element is a state of the soul. The right condition of the human soul can enable him to do an act just in any position. Thus, justice is not some artificial or external virtue. It is a prime virtue of the soul, the right condition of soul in respect to its environment makes him just. Socrates further explains that it now the character of soul and to understand it we need to analyse what it consists of.

Socrates says that there are three parts of the soul, the reason, the spirit and the appetitive part of the soul. *When the spirit and the appetitive part remain in the control of the reason, then the soul his having the virtue of justice. This harmony of three parts of the soul is called as the justice.* In *Republic*, Plato always mentions justice as the harmony. He never exclusively says what it is. Rather he gives the analogy of harmony of state and soul to express the justice.

As Socrates said that it is always easy to see any character in bigger object<sup>10</sup> thus, he gives the harmony of the state to make us understand about justice. Socrates says that just like the soul the city *Polis* also has the three parts, the Guardian, the Auxiliary and the working class of the city. Each class represents the three distinct parts of the soul as the Guardian represent the reason part which is superior and the controlling in the *Polis*. The Auxiliary part of the polis

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<sup>10</sup> Ibid., p. 1008.

represent the spirit part of the soul, and the last and remaining part of the *Polis* is the worker or the common men of *Polis* which represent the appetitive part of the soul.

These three parts of the *Polis* or the three classes of society need to be in order so that the state can perform in full potential and be just. The Guardians are the kings in Socrates *Polis*. They are the philosophers who possess the highest knowledge and reason to take a decision in any situation. The Auxiliary class of the society consists the soldiers, who have the duty to protect the city and its inmates. They are full of spirit. Thus, they are brave and can fight in any situation. The remaining class of the *Polis* society is the working class or the common men. They represent the Appetitive part which has a function to produce and consume the goods for the society; they lack both the qualities of reason and spirit in general. Thus, they constitute the remaining functional part of polis society.

The true justice of society reflects when these all three parts work in an order where the guardian or reason rules the city as the head of the *Polis*, the Auxiliary protect the city from invasion and attacks, and the working class produces goods and service for themselves and other parts of the *Polis* society. Socrates says that when each part of the polis society works according to their nature and skill the city is called in harmony, and the justice has been achieved in the *Polis*.<sup>11</sup>

This justice is also called as harmony in *Polis*. This concept has two aspects of harmony the positive one and the negative one. In the positive aspect, each class works according to its skill and perform in the best way to run the society. In the negative aspect of this harmony no class interfere with the other class. Each does its job and never tries to obstruct in another's job. It is the same reflection of the harmony of the soul where each part plays its role and never interferes with other.

### **1.3 The concept of *Eudaimonia*:**

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<sup>11</sup> Ibid., p. 1012.

Aristotle, the disciple of Plato, was not satisfied with this account of justice given by the Plato. Aristotle himself was greatly concerned about politics, although he was a man of multiple talents and his work and ideas influenced a vast area of knowledge like history, zoology, ethics, theology, politics, art, etc. Aristotle tried to reform the area of politics which was developed by Plato. His whole ideology about the politics and justice can be seen in his great works like *Nicomachean Ethics* and *Politics*. He always cherished and said that man is a political animal. Whether we want or not, we are part of a political system or society.

In this section, we are going to explore the Aristotelian idea of *Eudaimonia* and its relation to justice in a human life. Like Plato, Aristotle also found his ethics on the virtue of prevailing Greek tradition. He had accepted some precondition about the man and knowledge in his work. He accepted that the human soul is a rational soul, and everything that exists in nature has a functional role and a Telos toward a higher goal. Even human being has a telos to find happiness and well-being in their life. The telos of happiness is same for all the humans in nature. His ethics was more concerned about the authority rather than the definition or function of the authority.

To start the idea of *Eudaimonia* we first need to see what Aristotle argued regarding the concept of virtue and the actions of man. Aristotle always sought what is the best life for a man. He says three types of life can be theoretically examined as the best for human beings 1. Life of pleasure and luxury in which, he can get all the happiness in the form of luxury and bodily pleasures. 2. The life of wealth where he can earn money and live life happily. 3. In the last one, he talks about the life of honours where a honours and famed life is a real happy life. In all these explanations we essentially earn money, fame, and pleasure. All human beings want happiness in life as the end aim of life as a final good. This final good must be complete and self-sufficient in itself. Thus, Aristotle gives the concept of *Eudaimonia* which means the activity of soul in accordance with a reason like for a shoe maker the real *Eudaimonia* is to make himself excel in the making of shoes. As well as a doctor whose true happiness lies in the form of excellence in medicine. Everything can be taken from them, and they can be in the worst situation of life, but the true state of character in the form of *Eudemonia* will remain with them. This excellence will continue to be with them in all situations and through this, they can attain *Eudaimonia*.

Aristotle also said that to find that for *Eudaimonia* we also need some external goods like food, friends, and family. Here Aristotle made a significant observation that to find *Eudaimonia* one must live his full life. Only after the death of a certain person, we can judge that whether that person life was successful or not. Thus here *Eudaimonia* gets a meaning of proper and natural end.

Everyone has a primary aim to live life happily and search for a higher good. Here a question arises that how to attain that higher good. In Greek, the actual meaning of *Eudaimonia* is more than happy or flourishing of life. The flourishing of life is according to Aristotle only possible by attaining the higher self of us. In Greek, the virtue is called as *arête*. Thus, the developed state of this virtue is the *Eudaimonia*.

Everyone has some capabilities in itself, and we always try to get higher than us. When we do not perform or get according to our capabilities, we get regrets, dissatisfactions, and anxiety. Thus, the excellence of *arête* enables us to get the actual full potential life of being where there is no place for anxiety, regret, sorrow or the dissatisfactions in life. Living with *arête* fills the gap of potentiality and actuality. It will automatically lead oneself to a higher self where he has no pessimism or regret in his life, and one will live with true happiness. This higher self and living life with content is true *Eudaimonia*.

This emphasis of Aristotle on *Eudaimonia* was, in fact, part of his larger political scheme. He wanted to create a perfect *Polis* where everybody lives life with his or her potential and contributes in the highest possible manner towards society. His argument of excelling the art or virtue is making of a good citizen who is also aware of the value of his work and life. He says that individuals need the *Polis* to live a good life. The good life is shaped by the shared exercise of *Phronesis*.<sup>12</sup>

Here *Eudaimonia* may help us to realise the higher self but to get higher self we need to do actions not for ourselves but for others. Here the notion of Aristotelian justice comes, which tells us how to perform justice in society in a proper manner.

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<sup>12</sup> Aristotle, *The Nicomachean Ethics*, p. 246.

In his theory of justice, he lacks a complete systematic and cohesive theory of justice.<sup>13</sup> In the chapter of *Nicomachean Ethics*. He considered justice as the mean between two extremes, but here justice is not only a golden mean, but it is a virtue in itself<sup>14</sup>. Aristotle considered justice as the 11 virtues of life.<sup>15</sup> Before going to justice, he explains that what sorts of actions are concerned with justice and what sort of mean is justice. Aristotle further explains that justice is not a mean. Rather it is a mean in proportion to equal, and it is concerned with the just and unjust actions between the citizens of the polis.<sup>16</sup>

According to Aristotle, justice has two senses: one is narrow and one broad. In a broad sense, he holds that justice is lawfulness and in its narrow sense it is equality or proportionality which cover three kinds of actions or interactions as distributive justice, corrective justice, and reciprocal justice. For Aristotle justice was also a state of character which makes people disposed to do what is just and makes them act just and wish for what is just.<sup>17</sup>

According to Aristotle, actions are of two types: just actions and the unjust actions. The man, who goes by the law and never grasps anything more than his share is called as a just, and lawful man. On the contrary, an unjust man will not follow the law and will always go against the law, as he says, “Both the lawless and the grasping man and unfair man are thought to be unjust so that evidently both law-abiding and fair man will be just. The just, then, is lawful and fair and the unjust the unlawful and unfair.”<sup>18</sup>

Aristotle always insists that justice as a conception of the interpersonal relationship. For Aristotle, however, injustice is exhibited simply, when one person harms another, by failing to abide by a social norm; justice is a virtue that by its nature bears on one’s relation to other.<sup>19</sup> Thus, it clarifies that justice is not just part of virtue it is also a complete virtue. The just man will always work according to law and will do well not only to him but the other as well. On the other hand, the wicked or worst man will show his wickedness to not only others but with

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<sup>13</sup>Kraut, Richard., *Aristotle Political Philosophy*, p. 99.

<sup>14</sup> Aristotle, *The Nicomachean Ethics*, p. 99.

<sup>16</sup> Ibid., p. 99.

<sup>17</sup> Ibid., p. 99.

<sup>18</sup> Ibid., p. 100.

<sup>19</sup> Kraut, Richard., *Aristotle Political Philosophy*, p. 120.



himself also. To correct them we need the justice. As we have seen for Aristotle justice is of three types.

1. **Distributive justice** – Aristotle says that the unjust person is in a narrow sense both unjust and grasping in nature. Thus to correct them we need to allocate wealth, money, and honour in proper allocation based on equality and the proportion. Aristotle says that even when the right allocation is one that distributes the shares unequally, this sort of justice can be called equality because the ratio on one side of the equation is made equal to the ratio on the other.<sup>20</sup> This is a proportionate or the geometric equality rather than the strict arithmetic equality that calls for the share for all alike regardless of their merits.<sup>21</sup> Here Aristotle says that the goods must be shared in an equal proportion on in equal numbers. Just take an example of a distribution of ten pieces of bread among two persons. The concept of justice and equality says that it must be dividing among them equally, but the case is this that one person has a stomach of seven bread, and another has the stomach for only three bread. If we share it equally, then we might not follow the spirit of justice that everyone has to get his fair share, but the first person gets only five bread instead of seven. It is a kind of injustice because we may follow the equality principle, but in reality, we did not satisfy either party. The justice means the equality on all manners thus we have to follow the concept of equity/ merit to fulfil the justice. We need to consider their proposition of need, and then we need to balance it. By giving first one seven and second one three, we followed the proportionate value of party not the arithmetic value of party.
2. **Corrective justice** - In this Aristotelian category of justice, equality has to deal with rectifications of unjust actions between two parties either they are based on voluntary transaction or the involuntary. People interact with each other in two ways either voluntary as in purchasing, lending, etc. where two people interact, and they accept each other's term of the transaction. The other type is the involuntary transactions where one or either party does not participate willfully as theft, robbing, murder, assault, etc.

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<sup>20</sup>Aristotle, *The Nicomachean Ethics*, p. 101.

<sup>21</sup> Ibid., p.102.

according to Aristotle; the good city must follow the rules laid by the society and these rules are equal for all the citizen whether they are good citizens or not. All must have the same legal rights for the good of the city.<sup>22</sup> The corrective justice is essentially concerned with the punishment of crime and prevention of future crimes. The corrective justice actually restores the balance and equality among the individuals which disrupts by the unjust actions of the citizens. When they do unjust actions in any transaction, one party always gains by will and another loses without the will thus the unfair gain has to recover, and the balance must be restored.<sup>23</sup> They all are equal in the view of the law, and the law applies to all equally. This same law prohibits them and restores the balance by taking back from the unjust gainer and giving back to the unjust-fully loser. These corrective justices by punishing one party equal the balance in the city and society. Thus, it also deters them to do unjust action or unjust harm to one another's. In order to make the city good, the crime must be punished because it serves the common good to maintain a legal system in which all citizens, whatever their defects or merits as a human being, are treated alike.<sup>24</sup>

3. **Reciprocal justice** - In this third type of justice which is according to Aristotle a narrow sense of justice which focuses on the commercial activity in which the citizen and the state and the non-citizens take part. It can be called as the voluntary interaction of citizens. In this justice deals with the buying, selling and lending, renting, etc.<sup>25</sup> this idea of Aristotle is somewhat related to the financial aspect of the life. We can understand this idea by an e.g. That a shoemaker wants a home, so he calls a Mason and asks him to make a home for him but how he is going to reciprocate the Mason. Suppose he promises the Mason one pair of shoes. In first glance, it seems a fair exchange, but can we call it as a fair deal because the value and amount of Mason labour are far more than a shoemaker. Thus, he needs the same value of his labour. In this case, the shoemaker only has shoes to give, but how many he must give to make this deal fair, just suppose it gives him hundred pairs of shoes. In first glance, it may not follow the arithmetic equality, but in proportion to the value, it seems fair. For Aristotle this has a different solution, as he said that people

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<sup>22</sup> Kraut, Richard., *Aristotle Political Philosophy*, p. 148.

<sup>23</sup> Aristotle, *The Nicomachean Ethics*, pp. 103-104.

<sup>24</sup> Kraut, Richard., *Aristotle Political Philosophy*, p. 149.

<sup>25</sup> *Ibid.*, p. 151.

do not merely exchange one good for another; they pay attention to how many goods of one sort they are giving in return for a certain quantity of goods of another kind, they insist upon giving and receiving the right amount and *Aristotle's* goal is to show that in a certain way these are equal amounts- even when they give one unit of X in order to get many units of Y.<sup>26</sup> Here Aristotle's reciprocal justice says that the exchange must follow the equality of proportion regarding value. The Mason is giving just one house, but it has a value of hundred pairs of shoes.

Thus harmony and wellbeing being expressed in the different traditions helps us in understanding its central role for conceptualising justice. In Indian perspective, the soul is considered as the core element of the harmony. On the other hand in the West harmony is seen as the true manifestation of justice. Plato through an analogy of body and city tries to explain that not interfering with the parts into each other's duties is true justice for the body as well as the city. Plato's disciple Aristotle disagrees with Plato and explains that the real happiness of person lies in his *Eudemonia* usually translated as happiness or well-being. He describes the justice as an interpersonal virtue. In his classification of justice, he tries to explain the inter- personal transaction and the value of justice.

## 2. The Concept of Fairness:

In this part, I will deal with the concept of fairness in distributive justice as well as the concept of fairness in retributive justice. In exploring the concept of fairness, we first deal with the distributive justice of John Rawls while exploring that fairness as a standard of justice has its roots in Greek political thought. I will try to analyse the importance of fairness for retributive justice and in the judiciary system while considering them as to different ways in which social justice is enunciated today. While dealing with retributive justice, we will also explore the concept of equity and fairness.

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<sup>26</sup> Ibid., p. 151.

Fairness is a concept that has come to the forefront of philosophical discussions on Justice with John Rawls' *A Theory of Justice* and Stephen T. Asma's *Against Fairness*.<sup>27</sup> Fairness in the literal sense of the term implies a condition which is free from favoritisms, self-interest, or any preference in judgment. Statements such as "a fair referee," "fair deal," or "a fair trial" denote and stress the conformity of the referee, deal, and trial as being legally or ethically right or proper. However, a philosophical exposition of the notion of justice does not limit itself to any such particular perspective: be it legal, social, ethical or moral. Rather it aims to cover all the perspectives while supplying a fundamental ground for defining justice from such diverse perspectives.

If one goes to the origins of fairness as a conceptual framework for defining justice, one finds that the Greek term for fairness is the noun *Epieikeia*. *Epieikeia*, in the Greek language, means considerateness and fairness. The root of the word *Epieikeia* is the adjective *epieikés* (ἐπιεικής) which means *reasonable*. Aristotle uses both *epieikeia* and *epieikés* to specify the character of an individual or a speaker. He identifies both with moral goodness. In *Rhetoric* (1.13), he argues that normal legal systems of any state cannot take all aspects and particularities of justice into account. This leads him to argue about fair-mindedness or *epieikés* in individual persons, where justice becomes a personal virtue. He argues that the personal aspect of fairness is necessary for ethics. While stressing the personal virtue of justice in Aristotle, Bernard Williams writes;

The notion of fair distribution is prior to that of a fair system. Such a person is one who is disposed to promote just distributions, look for them, and stand by them, and so on because that is what they are. He may also be good at inventing just distributions, by thinking of a good method or proposing an acceptable distribution in a particular case: this will be characteristic of Aristotle's *epieikés*, the person who is good at particular discriminations of fairness. But even here, it is important that, although it took him or someone like him, to think of it, the distribution can then be recognized as fair independently of that person's character.<sup>28</sup>

Since Aristotle, political philosophers such as John Rawls have attempted to conceptualise fairness in the social and political realms for assessing the questions regarding equality (equal

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<sup>27</sup> "Fairness," asserts Asma, "is not the be-all and end-all standard for justice," thus positioning himself against John Rawls whose theory of justice as fairness is admired as a revival of liberal political philosophy.

<sup>28</sup> Williams, Bernard., "Justice as a Virtue", pp. 196-197.

treatment) and justice from the institutional frameworks of state and society. He undoubtedly moves beyond the personal framework of looking at fairness by arguing that he construes justice as a virtue of social institution or what he calls as “practices.”<sup>29</sup> In his *A Theory of Justice*, he evidently envisions justice as the first virtue of social institutions.<sup>30</sup> One of the core arguments of Rawls is to argue about fairness as being fundamental to the conception of justice. He defines fairness through a procedural and moral prism. Let me discuss both in detail.

The procedural aspect of Rawlsian explanation of fairness involves his idea of original position. Rawls asks us to imagine a hypothetical situation where individuals of a society discuss matters concerning the principles of justice. In such a situation, equal and free individuals meet and discuss to formulate the standards of justice to establish fair and just practices regarding their mutual existence. While abiding by a contractarian stance, he is clear in arguing that such a situation is possible and is neither fictions nor a historical one (a common objection to the classical social contractarian theories ). He argues that the situation of debating and discussing is fair in the sense that no participating individual or party feel in any way that others or they themselves are taken advantage of or in any way forced to acknowledge the claims of justice, which can otherwise not be considered legitimate. In this situation, which he also calls as the original position, all the participants, in a very Kantian manner arrive at a reasonable agreement which is acknowledged by all. It is only through such an emergence of the principles of justice that the notion of justice as fairness can be defined. He writes,

A practice is just or fair, then, when it satisfies the principles which those who participate in it could propose to one another for mutual acceptance under the aforementioned circumstances. Persons engaged in a just, or fair, practice can face one another openly and support their respective positions, should they appear questionable, by reference to principles which it is reasonable to expect each to accept.<sup>31</sup>

The condition of mutual acknowledgement in the original position and its agreement makes fairness fundamental to justice. The moral aspect of this explanation is brought in by describing fairness through a Kantian notion of morality by invoking a sense of obligation to abide by the established principles. The original position, in turn, demands a “prima facie duty” of the

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<sup>29</sup> Rawls, John., *Justice as fairness*, p. 164.

<sup>30</sup> Rawls, John., *A Theory of Justice*, p. 3.

<sup>31</sup> Rawls, John., *Justice as Fairness: A Restatement*, p. 178.

individuals and parties to each other to act in accordance with the principles of justice which they accept as fair. Rawls calls this duty of the duty of fair play. The duty of fair play invokes the moral demand of commitment, which the parties have made or are going to make in the original position, from an individual or party who has knowingly accepted the benefits or burdens of a particular social institution or practice when “his performance falls due.” He gives the example of the tax-dodger to explain this duty. The tax-dodger violates the duty of fair play for he “Accepts the benefits of government but will not do his part in releasing resources for it.”<sup>32</sup>

Rawls makes the idea of fairness as distinct from the concept of impartiality. For the limits the notion of fairness as a mutual acceptance between individuals of, what Amartya Sen calls as, a focal group. A focal group confines the exercise of fair assessment to a fixed group of individuals and parties who are imagined to be participating and agreeing to the principles of justice in the original position. It involves and is concerned with the members of the focal group while attempting to address the concerns of justice through closed impartiality. Sen argues that the Rawlsian of “justice as fairness” is an example of closed impartiality. It employs the perspective of a closed, original position where no outsider is involved either directly or through representatives. The veil of ignorance might turn them ignorant of their particular identities in order to overcome individual partialities within the focal group. The participating persons, however, do know that they belong, “to the focal group (and (are) not someone outside it), and there is no insistence at all that perspectives from outside the focal group be invoked.”<sup>33</sup> It is this case of closed impartiality which makes Rawlsian principles of justice community-centric and nation-state-centric, where the procedures, both imagined and real, are unable to overcome deep-seated international, global, cross-ethnic and cross-epistemic prejudices and partialities. As William Scheuerman writes:

The Western political theory has traditionally presupposed the existence of territorially bound communities, whose borders can be more or less neatly delineated from those of other communities. The contemporary liberal political philosopher John Rawls continues to speak of

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<sup>32</sup> Ibid., p. 180.

<sup>33</sup> Sen, Amartya., “Open and closed impartiality”, p. 446.

bounded communities whose fundamental structure consists of “self-sufficient schemes of cooperation for all the essential purposes of human life.”<sup>34</sup>

While making fairness as a fundamental cornerstone of justice from both procedural as well as moral perspectives, it is important to note that Rawls is concerned with an explication for a normative of distributive justice. Distributive justice holds that a decision or action is ethical and just if it leads to an equitable distribution of goods and services, benefits, and burdens, duties, and rights within society. Rawls argues that the two principles of justice are meant to define “Distributive shares in a way compatible with efficiency, as long as we move on this highly abstract level.”<sup>35</sup> In *A Theory of Justice*, he straightaway elevates his earlier conceptions by arguing that his concern is to explicate the normative aspects of social justice, where the primary issue is that of the basic structures of society involving its principal social institutions. He argues that his theory is meant to argue about a just distribution of fundamental rights and duties. His conception of social justice provides “A standard whereby the distributive aspects of the core structure of society are to be assessed.”<sup>36</sup> I shall examine the Rawlsian notion of distributive justice in order to understand its normative expectations for welfare in society.

Rawls argues that the self-interested rational persons (or parties) of a society meet in a hypothetical, but not a fictitious situation which he calls as the Original Position. By self-interested rational persons, he means that they are inspired to choose, in an informed and open-minded way, whatever seems beneficial for them for mutual sustenance. The original position lies behind the Veil of Ignorance. The veil of ignorance renders them ignorant of their particularities such as sex, race, physical handicaps, caste, social class, etc. However, the veil does not turn the self-interested rational persons blind or ignorant to the possible situations in which individuals can find themselves. Rawls argues that self-interested rational persons behind the veil of ignorance would choose two general principles of justice to structuring the society as per his model of justice as fairness. The two principles are:

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<sup>34</sup> Scheuerman, William., “Globalization”, *The Stanford Encyclopedia of Philosophy* (Summer 2014 Edition), Edward N. Zalta (ed.), URL = <http://Plato.stanford.edu/archives/sum2014/entries/globalization/>.

<sup>35</sup> Rawls, John., *Distributive Justice*, p. 53.

<sup>36</sup> Rawls, John., *A Theory of Justice*, p. 9.



i) **The principle of Equal Liberty:** “Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all.”

ii) **Difference Principle:** “Social and economic inequalities are to be arranged so that they are both: (a) to the greatest benefit of the least advantaged, consistent with the just savings principle, and (b) attached to offices and positions open to all under conditions of fair equality of opportunity.”<sup>37</sup>

The first principle and the second part of the second principle are egalitarian. While the former allocates general liberties equally to all persons, the latter distributes opportunities for various offices and positions in a similar manner. The first part of the second principle, however, is not egalitarian. Rawls calls it the priority of justice over efficiency and welfare and argues that inequality in opportunity is justified only when it, in turn, enhances the opportunities for those with lesser opportunities. He writes that “all social primary goods, liberty and opportunity, income and wealth, and the bases of self-respect, are to be distributed equally unless an unequal distribution of any or all of these goods are to the advantage of least favored.”<sup>38</sup>

An alternative framework of justice which is prevalent in the liberal democracies is the legal justice system. Within a society, the “Rule of law” is considered as the word of the sovereign which cannot be over-ruled. The notion of the “Rule of law” historically evolves from many traditions. From *The Code of Hammurabi* in Babylon to the Arab world, a rich tradition of law is found applicable both to the actions of the public as well as of the ruler. The modern concept of the rule of law invoke the principles of justice, which involves the issues of accountability and aims at protection and vindication of basic rights in addition to the prevention and punishment of wrong acts. The Universal Declaration of Human Rights upholds that “It is essential if a man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law .”<sup>39</sup>

At the national level, the framework of the rule of law includes a Constitution as the highest law of the land. The Constitution of a state acts as the guiding principle to look after and

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<sup>37</sup> Ibid., p. 302. For an evolution and explanation of these principles in the text see section 11 (p.60-65), section 39 (p.243-251) and section 46 (p.298-303).

<sup>38</sup> Ibid., p. 303.

<sup>39</sup> <http://www.un.org/en/documents/udhr/> (Accessed on 25.08.2015)

evaluate the fairness of distributive shares within various sections of the society. Apart from those strong institutions of justice, and a political and civil society that contributes to solidifying the rule of law is a necessary element in liberal democracies to hold public administrators, representatives, and institutions accountable.

The institutions of public and civil society along with the institutions of state help in maintaining social order. One of the central institutions of state which deal with maintaining social order is the criminal justice system. The criminal justice system consists of the set of institutions and agencies established by state administrations to control crime and enforce punishments and penalties to the violators of the rule of law. In general, the criminal justice system has five pillars: Community, the law enforcement agencies, the prosecution service, the Courts and the correctional institutions. The five pillars have an important role in the investigation, prosecution and dispensation of justice within communities. A community which includes the people & people's organisations plays a significant role to raise voice publicly against a particular case of injustice or law violation. It is the people's movements, unbiased media and various non-governmental organisations of people who enforce the state to fast-track trials, lodge complaints, etc. The Nirbaya case of 2012 is an appropriate example to understand the people's role in criminal justice system. Law enforcement agencies meant for the enforcement of the legal code of conduct. They are mainly responsible for a fair investigation and determination of violations and bringing them up for trial under the prosecution service. In India, it includes the police departments, Central Bureau of Investigation, National Investigation Agency, etc. The public prosecutor's office prosecutes the violators as per the Constitution and its valid interpretations. The public prosecutor's office files the cases in the court. In India, the law enforcement agencies have various branches, and one of these branches files the charge sheet in the court for trial. The courts are designated to set the cases on the trail and issue a fair judgment after trial. The fifth pillar of the correctional system refers to institutions which rehabilitate and correct the offenders so that they can be reintegrated into the normal social life. It includes prisons, juvenile homes. The correctional facilities are also the places where the offenders serve the period of their punishment which can vary in accordance with the gravity of the crime committed.

Punishment involves the deliberate infliction of suffering on a criminal who has transgressed the rule of law. The Court in their judgment issue the quantum of punishment for the offender. It is usually perceived as a delivery of justice in response to the injustice meted out to the victims by perpetrators, who can either be institutions, individuals or groups of individuals such as a crowd. The Greek philosopher, Plato is the originator of subjective punishment. He argues that individual violator is punished not because he did wrong and violated the law and harmony of the city-state. The wrong done can never be undone by any sort of punishment. Punishment is to make the violator recognise in future, to correct him, to make him hate injustice and thus shun evil doing. Punishment for Plato is not merely subjective as it also serves as a reminder to other individuals of the *Polis* and reins them to keep the harmony intact. In *Gorgias*, he writes:

Now the proper office of punishment is two-fold: he who is rightly punished ought either to become better and profit by it, or he ought to be made an example to his fellows, that they may see what he suffers, and fear and become better. Those who are improved when they are punished ... are those whose sins are curable, and they are improved by pain and suffering; for there is no other way in which they can be delivered from the evil.<sup>40</sup>

Mari Privette, argues that all the present day theories of punishment can be found in Plato.<sup>41</sup> Privette finds a mix of all the theories of punishment prevalent today within Plato's writings. The present day theories of punishment are differentiated on the basis of the particular philosophical school that they adhere to. Generally, the theories of punishment are either considered as utilitarian or retributive. While the utilitarian logic of punishment seeks to inflict punishment to discourage offenders, as Plato sought to, the retributive theory aims to punish the offenders as they have committed a crime and deserve to be held responsible for that as they are free and rational agents.

Utilitarians argue that since a crime-free society does not exist, the state should inflict only as much punishment as is required to prevent future crimes. Such theories are also called consequentialist theories as these recognise that punishment has consequences for both the criminal and the larger society. It holds that the total good produced by the punishment should exceed the total evil. One of the most common utilitarian theories of punishment is the

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<sup>40</sup> Plato, *Dialogues, Gorgias*, p. 585.

<sup>41</sup> Privette, Mari., "*Theories of Punishment*", p. 59.

deterrence theory. The principal aim of this theory is to prevent crimes. Punishment, according to this theory is meant to serve as a warning to the offender so that he does not repeat the crime in future as well as to the larger society. An example of punishment working as a deterrent can be found in the case of a Dalit girl who was raped in 2012 in Lucknow. The upper caste men would go unpunished, and her case has led to an abrupt stop to a series of sexual crimes committed on women. “The rape suspects,” writes Nicholas D Kristof, “had to sell land to pay bail, and everybody in the area now understands that raping girls may essentially carry consequences. So while there were many rapes in the village before Bitiya's, none are believed to have occurred since.”<sup>42</sup>

Rehabilitation or Reformation is another mode of the utilitarian logic of punishment where the aim is to reform the behaviour of the criminals. The idea is to evaluate the socio-economic, behavioural and environmental conditions which turn an individual into a criminal. The criminals are educated and trained so that they can be made competent to reintegrate with the standard life in society. Usually, the reformatory mode is employed to punish and thus reform juvenile delinquents.

The counterpart to the utilitarian theory of punishment is the retributive theory. In the retributivist theory of punishment, the punishment is seen as a form of ‘payback’ for the crimes one has committed. In comparison with the utilitarian theory of punishment, the retributive theory focuses on the crime for imposing punishment and not on the greater good theory and the consequences that the punishment will bring to the criminal and the society. Kant’s theory of punishment is an appropriate example of a philosophical explanation of the retributivist model of punishment. For him, juridical or legal punishment cannot be inflicted on a person for promoting a greater good. Rather it should solely be imposed on the individual who has committed a crime. While upholding his maxim of Categorical imperative, he argues that even the criminal cannot be used as a means for the furtherance of any good, even if the good is going to transform the society itself. The first action ought to be in the direction to find the criminal guilt and punish him accordingly. In no way can we seek benefit as a result of punishment for himself or his fellow-citizens, as this goes against the basic principles of justice. If, “justice and righteousness

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<sup>42</sup> Nicholas D Kristof, “This Teenage Girl is a Rapist’s Nightmare,” *Times of India*, Oct 19, 2015. (Web link: <http://timesofindia.indiatimes.com/india/This-teenage-girl-is-a-rapists-nightmare/articleshow/49449718.cms>)

perish, human life would no longer have any value in the world.”<sup>43</sup> The principle of equality is to be followed in the process of retribution. Kant argues that the crime committed by an offender is to be treated as if he committed it on himself. This according to him will ensure and maintain the standard of equality which he calls the right of retaliation (*jus talionis*). He argues that the right of retaliation is the only certain way to ensure “pure and strict justice.” The import of radical retributivist logic in his explication of punishment can be gathered from the fact that he argues that even if a society living on an island decides to dissolve (with a mutual consent of all its members), they ought to execute the last murderer lying in the prison before moving forward on dissolution. This he writes needs to be done so that the “blood guiltiness may not remain upon the people. Otherwise, they might all be regarded as participators in the murder as a public violation of justice.”<sup>44</sup> The retribution, however, shall be bereft of any maltreatment.

Philosophers of law have been involved over centuries to offer accounts of justifications for and against punishment. The philosophers ask the questions on the ideas of individual freedom, responsibility to assess and evaluate the justificatory mechanisms of legal punishment. There is no singular question to be asked for justification. In his book, *Punishment, and Responsibility*, H.L.A. Hart argues about a distinction of three justifications that one can offer or request regarding punishment. First, he asks about the “general justifying aim” of the systems of punishment, the establishment and perpetuation of such a system, about the greater good than it can aspire for and the duties and moral demands that it can fulfil and satisfy. Second, he asks about the individual who may be punished and the principles or aims which determine the allocation of punishments to individuals? Third, he asks to seek justification concerning the procedure which can impartially determine a fair or justifiable amount of punishment.<sup>45</sup>

Till now, I have offered a theoretical and philosophical account of legal justice and punishment. Since all these issues have a direct bearing on our social lives, different nation states have different mechanisms to make the processes and procedures for delivering justice. I will briefly delineate the mechanism that is in force in India, by citing examples from the Constitution. Both, I argue are meant to bring fairness into the criminal justice system and offer a citizen every right possible to protect and uphold his rights.

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<sup>43</sup> Kant, “*The Retributive Theory of Punishment*”, p.198.

<sup>44</sup> *Ibid.*, p.199.

<sup>45</sup> Hart, H. L. A., *Punishment and Responsibility*, pp. 1-27.

In the Indian context, fairness in the administration of justice is envisaged inter alia in Article 21 of the Constitution that mandates that the trial of a citizen should be in accordance with the procedure established by law. It is imperative that this procedure is accountable, transparent in its performance and capable of achieving fairness to the individual. The article states that “No person shall be deprived of his life or personal liberty except according to procedure established by law.” The Constitution enables an equal chance to both parties embroiled in a trial. The Indian judiciary in order to bring fairness in the judicial system and to adopt a multi-level system, which starts with the session’s court through district courts to state high courts and ends with the Supreme Court. An individual has a scope to file a review petition at every step if he finds the verdict untenable. This is meant to safeguard his fundamental rights. The Constitution of India under Article 32 grants every individual the right to seek a constitutional remedy for the violation of his fundamental rights. The article guarantees a person to seek redressal for the violation of his basic rights as conferred on him by the Constitution itself. The Article 32 has four clauses:

1. The right to move the Supreme Court by appropriate proceedings for the enforcement of the rights conferred by this Part is guaranteed
2. The Supreme Court shall have the power to issue directions or orders or writs, including writs in the nature of habeas corpus, mandamus, prohibition, quo warranto, and certiorari, whichever may be appropriate, for the enforcement of any of the rights conferred by this Part<sup>46</sup>
3. Without prejudice to the powers conferred on the Supreme Court by clause (1) and (2), Parliament may by law empower any other court to exercise within the local limits of its jurisdiction all or any of the powers exercisable by the Supreme Court under clause (2)

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<sup>46</sup> Habeas corpus is a writ which calls upon the person to produce a detained person before the Court so that the grounds of his confinement are known. If the grounds of confinement are found untenable, the detainee is set free. Mandamus is a command meant for a person who is asked to perform a public or quasi-public legal duty. The Mandamus is only enforced if there is no other constitutional and legal remedy to enforce the individual to perform the duty. The order of prohibition issued by the Supreme Court or a High Court to an inferior court forbidding it to go further with the proceedings in a case as it considers the proceedings in excess of its jurisdiction. . A certiorari is issued to nullify the judgement or decision of a tribunal. Quo warranto is a proceeding whereby the court enquires into the legality of the claim which a party asserts to a public office, and to oust him/her from its enjoyment if the claim is found to be fake or invalid.

4. The right guaranteed by this article shall not be suspended except as otherwise provided for by this Constitution

B.R. Ambedkar, the architect of the Indian constitution, calls Article 32 as the soul and heart of Indian Constitution. On 9<sup>th</sup> December 1948, while debating the importance of Article 32, (Draft Article 25), he observed:

If I was asked to name any particular article in this Constitution as the most important an article without which this Constitution would be nullity, I could not refer to any other article except this one. It is the very soul of the Constitution and the very heart of it, and I am glad that the house has realised its importance.<sup>47</sup>

The Indian legal scholar, Upendra Baxi describes Indian Constitution as an “inaugural post-colonial form” which has had an impact on many other types emerging after it. He identifies five characteristics of the Constitution, which make it a resource for Indian democracy. Among these five the first, second and fifth are directly related to the Constitution enabling justice and protection of fundamental rights. The first characteristic according to him is that despite being a replica of Government Act (1935), it modifies the idea of constitutionalism by combining the four interrelated (yet contradictory at times) ideas of governance, social development, the pursuit of right and the pursuit of justice. The second characteristic of Indian constitution is that it defines the fundamental rights as rights to freedom. The fifth and for our purpose, the most important characteristic is that it renders complex equalities and “The ideas about equality before law compatible with equal opportunity of access as well as a result for all.”<sup>48</sup> The primary purpose of the notion of equality before the law is to create the equality in the society. This idea also creates the equal opportunity for all thus it is compatible with the equality for all.

Thus the concept of fairness forms the core guideline principle for conceiving an egalitarian society. With fairness as key, equal opportunities in the offices, resources, social burdens and benefits are employed to accord equal status to all members of society. The idea is to make the starting line equal for all participant individuals. In Rawl’s idea of distributive justice, it also

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<sup>47</sup> *Constituent Assembly Debates*, Vol. VII, p. 953

<sup>48</sup> Baxi, “ The Judiciary as a Resource for Indian Democracy,” *Indian Seminar* (Accessed: 29.09.2015) ([http://www.india-seminar.com/2010/615/615\\_upendra\\_baxi.htm](http://www.india-seminar.com/2010/615/615_upendra_baxi.htm)).

improves the distribution ratio which in turn helps to bring the marginalised section to the front. This concept also plays a significant role in retributive justice. The punishment system while being fair in principle gives everybody a chance to have equal right to seek justice and punishment. In short, the concept of fairness can be called as the core of justice system in contemporary societies

### **3. *Dharma /Loka-Sangraha* and Social Justice:**

In this part, I will analyse how the traditional Indian values of the *Purushārtha*, *Āshrama*, and *Varna* play a role in shaping the reality of society. The aim is to seek help from these frameworks in conceiving an Indian paradigm for justice. I will also explore the idea of *Satchidananda*, the concept of *Loka Sangraha* of *Gītā* and, *Mahabharata*. While doing this, we will deal the ancient Indian concept of justice, the *Dand-Niti*. This discourse will enable us to understand the ancient ideas from meaning to the delivery of justice and punishment in Indian society. The real meaning of *Loka Sangraha* will form the core idea where I will focus on renunciation as the real moral way to live a life laden with justice.

In this section before dealing with *Dharma/ Loka-Sangraha*, we are going to discuss the concept of *Dharma* and *Loka-Sangraha* in Indian tradition, but before doing that; we first need to have a clear understanding of Indian society. Indian society is one of the oldest and continuous societies of the world. Its origin has been traced back to the Harappa civilisation (2000 B C. To 1500 BC). This society has a very significant feature of values where you cannot differentiate religious sphere from the political sphere. In India, the whole life of a being is dominated by the concept of *Dharma*. From birth to death an individual's full life, his active duty is defined and operated on the concept of *Dharma*. The correct interpretation of the concept of *Dharma* in its various implications is the key to an adequate understanding and appreciation of the entire Indian tradition of philosophy. It can be said as a core concept of a human character that the human character itself built on this *Dharma* as it said by Chanakya that “*Dharma* is the differentiating character of a man from all other animals.”<sup>49</sup>

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<sup>49</sup> Kautilya, *Arthashastra*, p. 29.



The meaning of word *Dharma*, in Indian languages, is much different from the other western languages. In Sanskrit *Dharma* means religion, duty and the nature of the character of any being, but if we go by the Western languages meaning of *Dharma*, then it is limited to only religion. Thus, *Dharma* cannot be seen as only a religious concept in India. It has ethical, political, social and cultural connotations Laden in it and affects almost in all aspects of an individual's life.

The origin of word *Dharma* is from the Sanskrit root “*dhr*”, which means something which can ‘bear’ or can ‘hold’ and ‘support.’ It also has narrative sense in the form of law because it denotes nature, quality of character and its discourse in the form of the law of conduct. It shows the quality of both end and means in human being's life. It impacts and helps in regulation of each aspect of life; the governing spirit of *Dharma* is imminent in every aspect of the universe and the basis of harmony, order, and justice. The entire universe is considered as a living body, of which *Dharma* is the soul.

*Dharma* originates from the great value system of Indian tradition developed by *Rishis* and *Munies* of antiquity by virtue of true knowledge of life and the world. In Indian tradition, we have certain kinds of moral and ethical values which we derived by our sacred text of Indian tradition. The knowledge in Indian tradition is divided in two parts s *Shruti* and *Smriti*. *Shruti* means the body of knowledge “which is heard.” It includes the ancient authoritative and religious texts which comprise the central canons of ancient Hindus social and religious life. The oldest text such as the four *Vedas* - the *Samhita*, the *Brahmana*, the *Aranyakas* and the early *Upanishads* comprise *Shruti* as these were transferred from one generation of *Seers* to another in an oral form. On the other hand, the *Smriti* corresponds to that body of knowledge “which is remembered.” These consist of compilations regarding moral and ethical guidelines of law for conducting worldly affairs. *Manu Smriti* is an example of *Smiriti*. One of the fundamental distinctions between *Shruti* and *Smriti* is that the former is believed to be of divine origin and heard directly from the gods. The latter, however, are considered as human responses to them.<sup>50</sup>

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<sup>50</sup> Doniger W., *Textual Sources for the Study of Hinduism*, pp. 2-3.

The *Shruti* and *Smritis* are a source of guidance to talk out the norms of behaviour in our day to day lives. The concept of *Dharma* first occurs in *Rig-Veda* in the form of cosmic law *RTA*. In Vedic texts, *Dharma* refers to the law of nature. This law of nature is explained in the form of *rta*. *Rta* is derived from the Sanskrit word root “R” which means to ‘move,’ ‘tend upwards’ or ‘to go’, and its derived noun is defined as a “fixed or settled order,” rule, divine law or truth. Thus, *rta* appears as the concept of cosmic order and regulator of that order. This ancient Vedic cosmic order serves as a foundation of Indian moral and ethical values. Because of this foundation, we always found certain order and regulation in every Indian traditional value system. *Rta* is based on truth and operates all the actions of world forming the foundation for all moral and physical actions and results of the universe. No one can divert or escape the cosmic law of *rta*, thus, in *Rigveda*, it is explained as the first and foremost principle or law of the universe, that nothing is higher than *Dharma*. This natural law or cosmic order gradually develops into the concept of *Dharma* in the Indian tradition of morality; the order establishes a social sense of order in every aspect of mankind's life. Further, this concept of cosmic order also gives rise to the concept of the law of *Karma* in the Indian tradition. Together the concept of *Dharma*, as the order of life and the concept of *Karma* as the cycle of birth and death, form the high-value system of Indian philosophical tradition.

Every being which is born in this world is bound to follow the law of *rta*. In human life, this law manifests in the form of the law of *karma*. When a being is born, its life form itself is a manifestation of the **law of karma**. After birth, every human being has some work to do and some duty to full fill in this world which is based on the nature of his being. His action, duty and nature form the concept of *Dharma* in the physical, moral and spiritual world. To understand better first let's take an example of a human being who is born in this world. According to the law of *karma*, he took the human form because he did some good virtues and righteous work in his past life, so the law of *karma* allowed him to be born in human *yoni*. Every human being is also born with three kind of debt/ṛṇá on him, and he has an ethical obligation to pay this ṛṇá by performing certain actions. The three types of ṛṇá<sup>51</sup> are.

1. *Dev-Ṛṇá* - This ṛṇá is paid by performing sacrifice and dev *Yajñās* ritual

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<sup>51</sup> *Taittiriya Samhita*, 6.3.5.10.

2. *Pitra-Ṛṇá* - this kind of ṛṇá is paid by performing family duties and by serving parents and relatives with dedication. Giving birth to next generation is also part of this ṛṇá.

3. *Guru-Ṛṇá* - This ṛṇá is paid by the commitment to study and following the command of *Guru* to grasp the knowledge. *Guru-dakhsina* is also part of this *rna* which is called *Rishi Yajñās*.

Along with these three two more types of *Yajnas* has to be performed by a human being to get rid of this three ṛṇá. Other two are *Booth- Yajñās* and *Nri-Yajñās* (hospitality for guest). These three Ṛṇá and Five *Yajñās* are part of the larger concept of *Purushārtha*.

It is every human beings *Dharma* to pay these debts. These debts are part of human actions which are to be performed according to the concept of *Dharma*. While performing action and duties through the five *Yajnas* by following *Dharma*, these Ṛṇá are automatically repaid by the human being. Thus, *Dharma* not only connects one human being to past life it also connect one to the next life. Someone who lives life according to the *Dharma* will achieve the highest good of human life in the form of *Moksha*. *Moksha* is the highest and most desirable aim of life in Indian tradition.

Here a question arises as for how to get *moksha* or the highest aim? *Dharma* plays a crucial role in the lives of men to attain the highest aim. In Indian tradition, we have pre-decided the nature of human being in the form of *Dharma*. In the Indian context, if we follow *Dharma* in the spiritual and metaphysical sense we find that *Dharma* is a kind of reality as well as the identity of a human being in his life. As discussed earlier the three *Rna* and five *Yajñās* makes four *Purushārtha*. *Purushārtha* is the four value systems. Further, we have four *Āshrama*, and four *Varnas*. These twelve concepts of value incorporate the whole life of a person: from birth to death. *Dharma* is further divided into two types of *Dharma*:

(a) *Sādhārana Dharma*- In this category, we have the general moral obligation and virtues. Actions such as not speaking untruth, helping the other, doing charity, being honest, doing justice, keeping the love for others, *ahimsa*, etc. makes the *Sādhārana dharma* for an individual. These are common for all human beings.

(b) *Sva-Dharma- Sva dharma* is based on duty and nature of human being. Thus the duty to be performed by an individual is dependent on his nature which is defined by the four-fold system of *Varna's*. In this category, we have two major types of *Dharma* as *Varna-āshrama-dharma* and *Āshrama dharma*. Let's discuss both in detail.

*Varn-āsharam dharma* is our duty to do work according to our nature in society and according to our *Dharma*. It is a fulfilment of social commitment of human being towards his society. On the other hand, the *Varna-āshrama-dharma* is nothing but living life according to the nature of life period to full fill the duty of human being. Thus, this *Varna* and *Ashrama dharma* cannot be separated into different categories; these are two aspects of life as duty and nature of life, both are interdependent in our life. *Varn-āsharam Dharma* indicates that we must perform our duties according to our nature of quality and part of society. An individual can, on the basis of one's own nature categories oneself into one of the four *Varnas*. If you are *Kshatriya*, then it is your *Dharma* to protect and make the society safe, because it is your highest duty. In the case of *Brahmin* and *Vaishya* respectively the duty of the former is to impart knowledge while the latter is to conduct the commercial activity for the welfare of society. The fourth *Varna*, *Shudra* has an obligation to perform a duty to provide service and labour to society so that it can run properly.

*Varna āshrama dharma* never allows anyone to perform another's duty. It will be a violation if someone does not follow the rule of *Varna āshrama dharma*. This classification is not based on the birth of a human being. Instead, it is based on nature/ *dharma* /quality of human being to best fit in the society according to his role. Again with the *Varna āshrama dharma* we also have to perform the *Ashrama dharma* simultaneously in our life. In the *Varna āshrama dharma*, everyone has to follow the four *āshrama dharma* in his life. *Āshrama dharma* supposes the life span of humans as 100 years and divides it into four parts *Brahmacharya āshrama*, *Grihastha āshrama*, *Vanaprastha āshrama*, and the *Sannyās āshrama*. The first, twenty-five years are meant to study and learn about the knowledge systems for a better understanding of life. In this *ashram*, one must take a vow of celibacy to keep him concentrated on study and to know Brahma through the knowledge. That is why it is called *Brahmacharya āshrama*. It prepares a human being for the future life of worldly affairs by giving knowledge of the physical and metaphysical world. The *Grihastha-āshrama* is about the family and practical aspect of life

in next twenty-five years. In this *Āshrama* a human being is allowed to do all the worldly affairs like marriage, child, occupation, duties towards society and family, etc. This period's *Dharma* is to live happily with the use of *Artha* and *kāma* to make the family and society happy. After fifty years, one is supposed to leave his home and family and go into the wilderness to prepare him for next step and exercise to detach from the family and society. This is not a complete detachment period of one's life as in this period they are allowed to meet and fulfil some worldly desires like food and clothes in minimal form. This all must be operated from the outside of society or jungle/ *van*; this is why it is called *Vanaprastha āshrama dharma*.

In the last twenty-five years of life, one has the only single aim of life or action to look for the attainment of *Moksha*. This period is called the *Snyas āshrama* because here a human being completely detaches himself from all the worldly affairs and pleasures. They only keep them self-oriented with an only aim to attain the *Moksha*.

This classification of the lifespan of a human being in society is a process of making life meaningful because without the objective and means human will be no different from animals. The main function of the last ashrama being the attainment of *Moksha* clarifies that the final marker of human life human in Indian tradition has a teleological function and to full fill, this function and the need to employ some kinds of instruments and privileges which are provided by the *Āshrama dharma* and the *Varna āshrama dharma*. This mixture of duty, aim, Telos and the welfare of society and a human being can be said as the great achievement of Indian tradition where we see not only life's practice aspect in play but the metaphysical and the spiritual aspect of life as well.

The above account of *Āshrama Dharma* is significant because in the Indian tradition it will be incomplete to talk about *Dharma* without speaking about *Āshrama dharma*. The actions a human being needs to do so that he substantially conforms to *Dharmas* are discussed in moral form through the concept of *Purushārtha*. The term is rooted in the Sanskrit maxim "*purushaiḥ arthyate iti*" which according to the twentieth-century Indian philosopher M. Hiriyana means "what man desires."<sup>52</sup> There are four *Purushārtha* in Indian tradition: *Dharma*, *Artha*, *Kama*, *Moksha*. They all are equal and important in human life. Here the meaning of *Dharma* can be

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<sup>52</sup> David S, David SA, Ayers AC, Boniwell., *Oxford Handbook of Happiness*, p. 376.

understood by duty, virtue or righteousness. *Dharma* is said to be the first and the foremost *Purushārtha* among all the *Purushārtha*. If he/she lose *Dharma* or don't follow *Dharma*, then one cannot attain, *Arth* and *Kāma*: the *Purushārtha* meant to attain worldly success and enjoy pleasures in his/her life.

*Dharma* forms the foundation of other *Purushārthas*. It is kind of governing principle as well as an end in itself. If you follow *Dharma*, it will manifest itself in the *Moksha*. The *rta* helps humans to perfume action and get certain benefits in life. An ill-minded and unregulated use of *Artha* can ruin anyone and lead to the path of destruction. If you use *Artha* as means with the help of *Dharma*, then it can contribute to getting virtues of pleasure and aesthetics which help us to attain higher aims. The same situation is described with the use of *Kāma* in Indian tradition. *Kāma* in the rough sense is a bodily pleasure, but as *Purushārtha* the meaning of *Kāma* is not restricted to the body. It has a wider meaning which includes the pleasure of soul and mind.

Here again, the role of *Dharma* becomes significant as it indicates that the righteous and virtuous use of *Kāma* is a higher quality of pleasure. This righteousness can be obtained by following the path of *Dharma*. *Dharma* turns *Artha* and *kāma* as moral means towards the last *Purushārtha* (the *moksha*). Thus *Dharma* regulates both the materialistic world as well as the spiritual world. It becomes the governing principle of intelligence, the sovereign law and the principle form of eternal justice.<sup>53</sup>

In Indian tradition *Dharma* is duty and performing duty is a just action for individual and justice in society. The concept of justice in Indian tradition is mainly understood in the form of *Nyāya* or *Dharma*. As we have seen above, *Dharma* is the principle of eternal justice. If we follow the path of *Dharma* and *Purushārtha*, then we will be called as just, righteous and virtuous persons in our life. The word justice is usually used for the translation of Sanskrit word *Nyāya*, but in Indian philosophical tradition, justice is not limited to the word just. In Sanskrit *Nyāya* not just only means justice, It also denotes the school of Indian philosophical thought the *Nyāya* system.

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<sup>53</sup> Chaturvedi, Badrinath., *The Mahabharata: An Enquiry in the Human Condition*, p. 87.

The Indian philosophical tradition explains that living according to *Dharma* can lead towards a harmonious, just and happy life. Thus to live according to *Dharma*, ancient rule books or *Dharma-Sutras* was compiled for guidance in social life. These sutras are called *Dharma-Sutras*. These *sutras* carry a systematic instruction about the values of life, education of human being, moral rights, rituals, customs and conduct of human life in chronological form. *Manu's Dharma Sutra* is one of the central ancient law books of Indian tradition. *Dhramshāstra* tells us that by performing duty according to *Manu Dharma-Sutra* we will be rewarded, and the action against the *Dharma* will be punished. Going against one's *Dharma* will accumulate sin in the doer, and he shall not get the virtue in life and *moksha* in the afterlife.

The *Dharma* as cosmic order also is the foundation of the moral, ethical and legal sphere of ancient social life. Every matter of human social life and any dispute or any problem sought a solution in the guideline of *Dharma Shastra*, so ultimately the spiritual and intellectual aspect of morality gradually grasped the politic and legal sphere of ancient society. In ancient time, there was no exception of *Dharma sutra*, and it was considered legal and its rule as the rule of law.

In the laws of *Dharma-Sutra*, the concept of *Daṇḍa* comes as the defining and maintaining principle of *Dharma*. *Daṇḍa* here is regarded as the truth or force to keep people in the path of certain *Dharma*. This can be in the form of use of force or the self-control.

However, before discussing the *Daṇḍa* or *Dand-Niti*, we need to understand its origin. The epic *Mahābhārata* is said to be the manuscript of morality and ethics in Indian philosophic, religious, moral, ethical domain. The *shānti-Prva* of *Mahābhārata* explains in detail about what *Dharma* is and why it is important, how this *Dharma* must be maintained in the society. Even the origin of the state and the rule of law are also explained in this *shānti-Parva*. In *Mahābhārata*, the *Dharma* is defined in a different sense, but the word root is same as ancient text “*Dhr*”, and its meaning is the same: “to support or to sustain”.<sup>54</sup> Here in *Mahābhārata*, *Dharma* means support for a man from falling from his path. Thus, *Dharma* becomes the standard of conduct and duty for all the men. In further discussion Bhismā explains that there are three sources of *Dharma* in human life:

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<sup>54</sup> <http://www.sacred-texts.com/hin/m12/m12a001.htm> (Accessed on 2015/11/15). *Mahabharata* - 8.69.58,12.109.11

1. *Dharma* which is taught by *Vedas*,
2. *Dharma* which is detailed in the *Dharma - Shastra* and
3. *Dharma* as the right conduct of cultured men.<sup>55</sup>

In *Mahābhārata* *Dharma* means the highest good or moral law. It celebrates the supremacy of moral law in the maxim, “*Yato dharma tto jyha*”<sup>56</sup>. *Dharma* in *Mahābhārata* is divided into three types

1. *Yug-dharma*- the conduct according to era and social morality
2. *Svah-dharma*- the *dharma* of individual as *Āshrama dharma* and *Varna āshrama dharma*.
3. *Sadharn-dharma* – in this category the *Dharma* or duty of king comes, or *Raj dharma* comes.

Here we are going to discuss the *Raj-dharma* of the king as we have already discussed the other two *Dharmas*. The chapter 67 of *Shānti-Parva* explains the theory of the origin of state in ancient time. This chapter explains that how Manu and the people come to an agreement to escape from the *Matsya-Nyāya*. Here Manu keeps an army to make state and its inhabitants safe; in return of the safety, the people must pay the taxes and tribute to the king. This interaction creates two major sources of king dominance: *Kosha* (wealth) and *Daṇḍa* (punishment). Thus, the aim of state becomes the safeguard of property and maintaining law and order in the state so men of state can live a Religious life and enjoy the virtues of *Arth*, *Kāma* to attain *moksha*.

*Shānti Parv*'s chapter 59 further explains the path to maintain law and order in a state with the help of *Daṇḍa* and *Dand-Niti*. *Daṇḍa-Niti*, as D.P. Chattopadhyaya argues is one of the three *vidyas* (sciences) of Indian tradition (other two being *Trayi* (the triple Veda) and *Anviksiki* (logic)) which means the “science of governance.”<sup>57</sup> *Daṇḍa* keeps people safe and protects them from evil. Thus, *dand* is also called as the *Dharma* or supreme law of the state. The king is

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<sup>55</sup> Ibid., *Mahabharata* - 3.208.82

<sup>56</sup> Ibid., *Mahabharata* - 6.65.18

<sup>57</sup> Chattopadhyaya, D. P., *History of Science and Philosophy of Science: A historical Perspective of the Evolution of Ideas in Science*, p. xxviii.



advised to maintain the *dharma* in society so that the *Varn-vyavsthā* of state can work harmoniously. If anyone or any part of the state falls away from the path of *Dharma*, then the king is advised to use force to correct it. Thus the meaning of *Dand-Niti* in *Mahābhārata* is the science of coercion in society. *Dand-Niti* keeps the state on a political and moral path and destroys any evil or *Adharma* in society. That is why *Bhismā* says if *the king does not employ Dand-Niti* then the *Vedas* (knowledge) will vanish, and the *Varna* will mix with each other which can further cause the disturbance of harmony of the state. If *Daṇḍa* or *Dand-Niti* is deserted in the state, then the *Raj Dharma* will also be destroyed with it, and all the citizen of state will face greater evil. Thus, *Bhismā* says it is the foremost duty of king or *Raj Dharma* of the King to uphold the *Dand-Niti*.

In Mahabharata *Bhismā* further, explains about the Rule of Law. He says that people can live happily, only under the rule of law. Thus the rule of law becomes fundamental importance for the king to maintain justice in a society with the help of *Dand-Niti*. This description of *Dand-Niti* gives a great deal of knowledge about the rule of law in the form of the path of *Dharma* for an individual in society. *Dand-Niti* is also described as a strategy to maintain harmony among the people of a state in *Manusmriti* and *Arthshārtrā* of Kautilya.

*Manusmriti* says that due to the fear of that sceptre i.e. *danda*, all beings- immobile and mobile are capable of enjoying pleasure and do not deviate from the path of law.<sup>58</sup> This *dand* is just not any sceptre or instrument it is a main enforcer of law as the same, *Daṇḍa* is king, the same is *Purusha*, the same is leader and administrator also, the same is a guarantee for the *dharma* for all social walks of life e.g. the four *Ashrams*.<sup>59</sup> Thus, *Daṇḍa* is the main source of order and regulation in the state. According to Manu, if not properly maintained *Daṇḍa* can even destroy the king. As he says, the *Daṇḍa* is the greatest tool to hold an unrestrained person in command. If the head of state or king deviates from his *Dharma*, the same *Daṇḍa* destroys him, his kinsmen and the whole state.<sup>60</sup> Thus, this *Daṇḍa* or the system of punishment is the prime motive force of the state.

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<sup>58</sup> <http://www.sacred-texts.com/hin/manu/manu07.htm> Accessed on 2015/10/22

<sup>59</sup> Ibid. Manusmriti, VII.17.

<sup>60</sup> Ibid. Manusmriti, VII.28.

Kautilya in his book *Arthshāstrā* uses *Danda* in three senses: the sceptre, Punishment, and army. He says that “The sceptre on which the well-being and progress of state depends is known as *Daṇḍa*.”<sup>61</sup> *Daṇḍa* is the law of punishment and the science of government; it is an instrument to secure and improve the benefits of profits among the deserved in the state. “Whosoever is desirous of the progress of the world shall ever hold the sceptre raised (*Udyat dand*). Never can there be a better instrument than the sceptre to bring people under control.”<sup>62</sup>

Kautilya further explains that a king must use it properly. He must not be hard or mild on the matter of punishment. A king who gives hard or mild punishment becomes repulsive or incompetent in the rule. However, a king who properly uses *dand* is respected by the people of the state. A kingdom based on appropriate use of *dand* devotes people to follow the path of *Dharma* and righteousness which will result in welfare and prosperity of the state. It will also keep the evil of greed, anger, and dominance in control. However, if the law of punishment or the *Dand-Niti* is not maintained in a proper manner, it will give rise to another order of *Matsya Nyāya*<sup>63</sup> where no one is safe, and domination, oppression, exploitation, and injustice creep into the social fabric. The weak will not have any kind of protection against the strong. To avoid such a situation, the king must use his sceptre or *dand* to maintain the order of *Varna āshrama dharma* and righteous life for the welfare of all.<sup>64</sup>

This explanation gives many ideas about the duty centric view of Indian tradition. Here every human being is bound to perform a certain duty and function in the society; no one can escape from his duty in his life. If someone does not follow the path of duty and action as prescribed then, our tradition also has given a set of rules and law for everyone. The common human being needs to follow his *Āshrama* and *Varna dharma* to function according to the *Dharma* of life. On the other hand, it also has given the remedy in the form of law in tradition. These laws or powers are prescribed for everyone and given to the leader or king of the state to maintain order. *Dand-Niti* enables the king to maintain him as well as others on the path of *Dharma* if he fails then everything will be destroyed by the *Adharma*.

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<sup>61</sup> Kautilya., *Arthashastra*, p. 8.

<sup>62</sup> Ibid., p. 9.

<sup>63</sup> Chaturvedi, Badrinath., *The Mahabharata: An Enquiry in the Human Condition*, p. 423.

<sup>64</sup> Kautilya., *Arthashastra*., p. 9.

This account of Indian tradition shows that we have a fundamental implicit concept of justice (and in other words of) social justice in Indian tradition. The concept of social justice works on two levels: a) on a social level where society has a responsibility to empower all the members and give them equal treatment on the various levels of social interaction and benefits. b) on an Individual level where every individual works as a part of the whole. Here the concept of *dharma* plays a motivating force for the functioning of the system, as we have seen we have a value oriented and duty based system in our tradition, where we give first importance to duty, not the benefits of duty. As Yudhishtar says in *Mahābhārata*, “I do not aspire for the fruit of all that I do, but I just perform my duty, I give only because a thing has to be given. I perform sacrifice because I should perform it<sup>65</sup>. This *shloka* shows how duty is supreme in Indian tradition, although Yudhishtar did not have any great power in him due to the bearer and performer of *Dharma* he is considered as first among the mighty *Pandwas*.

He was a speaker of truth and truth has significant meaning in Indian tradition. It is said, that in his last moments, *Bhismā* tells *Yudhishtira* that “To speak the truth is good. There is nothing superior to truth.”<sup>66</sup> This shows the attitude towards the truth in society. This importance of truth as ultimate in Indian tradition gets reflected in its depiction reality as *Sat Chit, Ananda*. Acknowledgement of the reality as the ultimate truth gives us understanding which is based on truth. *Sat* as real knowledge will always guide every doer towards the path of *Dharma* where he will perform all his duty based on truth. The actions lead him to the path of justice because the true knower cannot do injustice in actions, so *Dharma* teaches us to read the reality of the existence and the value of the truth.

The *Chit* as power or the consciousness of doer is also part of *Dharma*. If we follow the *Dharma* as consciousness and its knowledge, then the doer or the performer will act in a certain way to get rid of the cycle of rebirth and to escape the law of *karma*. This will always provoke them to work towards attaining the path of *Dharma* where they can act in a just, virtues and dutiful manner. This part of *Dharma* as *Chit* also helps in performing a just action in society.

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<sup>65</sup> <http://www.sacred-texts.com/hin/m12/m12a001.htm> (Accessed on 2015/11/15), *Mahabharata* 3.31.12

<sup>66</sup> *Ibid.*, *Mahabharata* 12 109 4

The last part *Ananda* represents the bliss or joy in *Dharma*. The use of *Artha* and *Kāma* become virtues if we know that they are meant to attain the state of *Moksha* and are not the end in itself. This only can be possible by the knowledge of *Dharma*. The knowledge of *Sat* and *Chit* leads to a state of *Ananda* where the doer tries to act truthfully and consciously. In this path of action, he will automatically try to purify the self and improve his self because he has the knowledge of pure reality and the consciousness. He will act just as the mean of the end, not the end itself. This property of knowledge of *Dharma* as *Satchidānānd* enables a human being to perform actions with justice.

The concept of social justice is in one way the reflection of the concept of *Dharma* in Indian tradition. All the means and the foundation of social justice emerge from the concept of *Dharma*. It acts on both individual as well community level. *Dharma* ensures the materialistic welfare of all in life and community. It properly keeps all, so everyone gets an equal chance of benefits and resource available to society. For a king, it emphasises on enforcing *Dand-Niti* to maintain the order in the society. Thus *Dharma* through *Dand-Niti* also protects the weak and their rights in front of the mighty opponents. It becomes an instrument of welfare in society. So there is nothing wrong if one says that *Dharma* is justice or *Dharma* is a reflection of the concept of social justice. The concept of social justice also scrutinises the system or the authority in all manners. This concept demands the fair functioning of the system in distributing the benefits and the resources. Here the concept of *Dharma* also proves his significance in the just system as the concept of *Loka-Sangraha*. Lord *Krishna* tells *Arjun* about the *Karma Yoga* that “ Even having regard to public welfare you must perform the actions.”<sup>67</sup> Tilak also defines *Loka-Sangraha* in his book *Gītā-Rhasya* and says that,

*Loka-Sangraha* means binding men together and protecting, maintaining and regulating them in such a way that they might acquire the strength which results from mutual cooperation, thereby putting them on the path of acquiring merit while maintaining their good condition.<sup>68</sup>

Thus, who works as the trustee of the people for their power and wealth is the greatest in all. The idea of *Loka-sangraha* gives a reflection of the transparent and fair system of community, which works for the welfare of all. In *Mahabharata's shānti Parva Bhismā* also says about the

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<sup>67</sup> Swami Prabhupada, A.C. Bhaktivedanta., *Bhagavad Gita*, 3.20.

<sup>68</sup> Tilak, Bal Gangadhar., *Shrimad Bhagwatgita: Geeta Rahasya*, p. 456.

*Loka-Sangraha* as he says that it is one of the essential duties of saints. If they do not perform their duty, the *Loka* will destroy them and the world, so it is the greatest duty/*Dharma* of a saint to perform.<sup>69</sup> The saints who perform actions for the *Loka-Sangraha* are equal to the gods because they are bound not by force or law but by the love of welfare of all. In Indian tradition, we have various examples where the gods do action just because the love of people bound them.

There is no better example of social justice than the *Loka-Sangraha* in Indian tradition. *Gītā* emphasises on actions which are oriented for the welfare of the people of the community. This concept not only fulfils justice, on an individual level but also on a social level. On both levels, the actions have a single aim of welfare which is same as the social justice. Thus, there is no doubt in saying that *Loka-Sangraha* is social justice in a society where truth and justice prevailed on every sphere and aspect of human life.

*Dharma* of *Loka-Sangraha* becomes a viable indigenous tool to attain social justice in Indian society. Thus materialising justice in society and tradition it is all about making some axioms or rules. It can regulate the transactions of our society in all aspects of life, whether it is moral, economic, social, judicial or political.

As a conclusion, I might say that the exercise of this chapter has been to analyse the evolution of the concept of justice evolves in throughout history. We have seen that justice in ancient times was considered and conceptualised in many forms. The first was justice in the light of the definition of harmony. How Plato in his work through Socrates tries to define justice in the form of the harmony of soul and the state. For Plato, the non-interference of three classes into each other's work represents true justice. On the other hand, Aristotle defines justice as the golden mean and defies the concept of justice of the Plato. For Aristotle justice is a virtue. He further argues that justice not only related to self, but also to the interpersonal relationship and the inter-person transactions. He divides justice between the form of political justice and the legal justice. Aristotle in his description of the justice further divides it into the distributive justice, corrective justice, and reciprocal justice. In justice as fairness, we saw that fairness is necessary for distributing the goods and services in the society. On the one hand, it needs to recognise the notion of **desert** and has to make the competition open and equal to all the

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<sup>69</sup> <http://www.sacred-texts.com/hin/m12/m12a001.htm> (Accessed on 2015/11/15) Mahābhārata 12. 258.25

members of the society. On the other hand, it must acknowledge the needs of people and must apply the concept of the equity to create equality in the society. This concept of equity is far more significant and greater in the retributive justice. In the retributive justice where the law is equal for everyone, equity plays a role in granting everyone according to their actions and deeds. Everyone may be equal before the law, but it does not mean to treat them without considering the fair chance of trial and punishment. To live the true spirit of justice we need to have a fair procedure of the retributive justice.

In the Indian tradition justice is a form of *Dharma* where everybody has to perform a duty of his own to live a life of meaning. Through the ancient tradition of for *Ashram*, four *Varna*, and four *Purushārtha* we have seen that the life of peace and *Dharma* is worth a full life. Performing our duties is the most important lesson of the Indian tradition that duty is the supreme and not performing one's prescribed duty is a sin. We have seen that even when the kings do not follow their duty to perform their *Dharma* and *Dand-Niti*, they are also prone to destruction. Thus, following of *Sva-dharma* is prime most in life. It also teaches us that to perform the duty we need the attitude of the *Loka-Sangraha*, where we do not get attached to the worldly pleasures and indulge in the pleasure of the life. In that, we need to work always for the betterment of others in life. Thus, *Loka-Sangraha* is the best form of just life.

## References:

*Aristotle, Aristotle's Ethics*, edited by J. K. Ackrill. London: Faber & Faber, 3 Queen Square, 1973.

*Aristotle, The Nicomachean Ethics*, edited by J.A.K. Thomson, London: Penguin Books Ltd, 2004.

Baxi, The Judiciary as a Resource for Indian Democracy, *Indian Seminar*,

Chaturvedi, Badrinath. *The Mahabharata: An Inquiry in the Human Condition*. Oriental Black Swan Private Limited. 2013.

Chattopadhyaya, D. P. "General Introduction" in *History of Science and Philosophy of Science: A Historical Perspective of the Evolution of Ideas in Science*, Pearson Education India, Delhi, 2002.

David S, David SA, Ayers AC, Boniwell, I, eds. *Oxford Handbook of Happiness*, Oxford University Press, London, 2004.

Doniger W. *Textual Sources for the Study of Hinduism*. University of Chicago Press; 1 edition, 1990.

Hart, H. L. A. *Punishment and Responsibility Essays in the Philosophy of Law*. Second Edition, Oxford University Press, 1996.

Kant, *The Retributive Theory of Punishment*, In *Contemporary Moral Problems*. J.E. White, 1994, West Publishing Company, 1994.

Kautilya., *Arthashastra*. Penguin India; 1st Edition, 2000.

Kraut, Richard. *Aristotle Political Philosophy*. London: Oxford University Press, 2002.

Nicholas D Kristof, "This Teenage Girl is a Rapist's Nightmare," *Times of India*, Oct 19, 2015.

Plato, *Dialogues, Gorgias*. Random House London ed. 1937

Plato, *Republic*. Translated by Desmond Lee, Penguin Books Ltd, 2007.

Privette, Mari. "Theories of Punishment," *University of Kansas City Law Review*

Rawls, *Distributive Justice*, Cambridge: Harvard University Press 2005. (in *Perspectives in Business Ethics* by L.P. Hartman and Abha Chatterjee)

Rawls, John. *A Theory of Justice*. New Delhi: Universal Law Pub. Co, 2011.

Rawls, John. *Justice as Fairness: A Restatement*, Cambridge: Harvard University Press, 2001.

Rawls, John. *Justice as fairness*, Cambridge: Harvard University Press, 1998

Scheuerman, William. "Globalisation", *The Stanford Encyclopedia of Philosophy* (Summer 2014 Edition), Edward N. Zalta (ed.)

Sen, Amartya (2002). Open and closed impartiality. *Journal of Philosophy* 99 (9):445-469.

Swami Prabhupada, A.C.Bhaktivedanta., *Bhagavad Gita*, BBT; First Edition ,2012.

*Taitiriya Upanishad*, trans. Swami Sarvananda, The Ram Krishna Math, Madras, 1921.

Tilak, Bal Gangadhar. *Shirimad Bhagwatgita: Geeta Rahasya*. Sharda Prakashan, *Third edition* ,2014.



Williams, Bernard. "Justice as a Virtue" In Amélie Oksenberg Rorty (ed.), *Essays on Aristotle's Ethics*. University of California Press. 1980

<http://parliamentofindia.nic.in/ls/debates/vol7pm.htm>

[http://www.india-seminar.com/2010/615/615\\_upendra\\_baxi.htm](http://www.india-seminar.com/2010/615/615_upendra_baxi.htm)

<http://www.sacred-texts.com/hin/manu/manu07>

<http://www.sacred-texts.com/hin/m12/m12a001>.

<http://www.un.org/en/documents/udhr/>

## Chapter 2

### M.K. Gandhi's Concept of Social Justice

This chapter will critically evaluate M.K. Gandhi's philosophical vision of vindicating justice based on the idea of *Sarvodaya* and the nuances of *Antyodaya* in the larger discourse of social justice based on *Trusteeship*. Through his idea of *Sarvodaya*, Gandhi tried to propound a theory of "welfare for all to grow and prosper." His concept of *Trusteeship* was a part of his idea of welfare for all (*Sarvodaya*) through the means of *Antyodaya*. Gandhi argues that welfare is meaningless and incomplete if it does not benefit the "marginalised" and "least advantageous" sections of society (to use a Rawls' term). Gandhi, in his writings, describes *Trusteeship* as a philosophical theory. Ambedkar, on the other hand, he argued that *Trusteeship* and democracy cannot go together. This chapter is an attempt to respond to the question of how far such a notion of social justice is viable for fair and just treatment within the various strata of Indian society. By delving into the archaeology of cultural and historical arguments behind the existing injustices of Indian society, I will reflect on whether Gandhi's idea of *Sarvodaya* through love and truth makes way for the improvement of all sections of society. For the sake of theoretical clarity, I have divided this chapter into three parts. The first part is '*Antyodaya* and *Trusteeship*,' in this part I will explore the Gandhian idea of *Antyodaya*, that, how one's self-helps, in the upliftment of the last member of society. This idea will also discuss the Gandhian Moral-economic theory the *Trusteeship* and its relevance in *Antyodaya*. The second part of this chapter is '*Sarvodaya*'. In examining the Gandhian notion of *Sarvodaya*, we will analyse the notion of God as truth in Gandhian philosophy. This part will also cover the various means for the path of truth and their relevance for *Sarvodaya*. The third part is '*Grama-Swaraj*' in this part we will examine the concept of *Grama-Swaraj* according to Gandhi. In this part we will discuss the Gandhian critique of Western civilisation and its response, the Village *Swaraj* of Gandhi. This part will explore the comparison of city and village in political and social aspect.

In this part, I will discuss the idea of *Antyodaya* and *Trusteeship*. While doing this, I will explain that how the concept of *Trusteeship* is meant to the upliftment of the last member of society. This part includes the discussion of *Trusteeship* as a moral-economic theory rather than an alternative economic theory. I will discuss how the theory of *Trusteeship* includes all members of the society to create an organic society that grows through mutual dependence and cooperation. The concept of bread labour will also be discussed in its continuation. This will incorporate the idea of material and moral upliftment through the theory of *Trusteeship*. Further, I will discuss the category of self in relation to the ideas mentioned above and how Gandhi uses it to develop his theory of *Antyodaya*.

## **2.1 *Antyodaya* and *Trusteeship***

The Gandhian philosophy of social justice is primarily based on his theory of truth. Born in a traditional Vaishnava family in the state of Gujarat, Gandhi was a great admirer of Jain and Vaishnava philosophies. From his early childhood, Gandhi was always in search of some kind reality of existence or truth, evident in the title of his biography, *My Experiment with Truth*. His constant search for truth enabled him to find great things in his life.

He always acknowledged the influence of the outer, material world in his spiritual search to start his idea of social justice. It is important to discuss first his entire philosophy broadly, because, without that knowledge, his ideas may seem confusing and abrupt. Gandhi's philosophy can be summed in one word; that is, "Truth." He was interested in the spiritual conquest of religious reality, either through the *Bible* or the *Quran* or the *Gita*. All of these texts directed him towards the concept of truth. The question then arises: what was Gandhi's definition of truth? Before referring to his definition of truth, it may be more fruitful to explore his ways of finding the truth.

Gandhi was a religiopolitical person, and primarily developed his thought from an Indian perspective. He was highly influenced by the *Anekantavada* theory of Jain philosophy, in which truth is many-fold and each fold is right and authentic in certain aspects; what is needed is a way to assimilate the folds to find reality. Truth is indeed a reality in the Indian tradition; as we saw in the earlier chapter, truth is reality in the form of *Satchidānānd*. Here *Sat* means the reality, *Chit* means consciousness and *Ananda* means bliss.

Gandhi In his book *Ethical Religion*, Gandhi explains, “All religions teach morality, but they are based for the most part of ethical principles.”<sup>1</sup> One may be surprised to find that the reason the discourse of truth is going into the domain of ethics is that our memory and point of reference is always based on our understanding of our surroundings and ourselves. Science may tell us how the world is, but ethics tell us, how it should be. It does not matter what we perceive as reality, but how we perceive it. Perception is made up of morality in our society. The meaning and reference of reality, therefore, is based on our way of understanding things.

Take the example of a man lying on the road and another man sitting on his chest with his hand around the first one’s neck. The laying man has a small daughter who is crying, sitting beside him. Now one may see this as a violent scene, where one man is beating another by climbing on his chest and pressing on his neck, making his daughter cry. However, from a different angle, it would seem that a man is having an attack of cerebral palsy and has fallen on the road, and the other man is trying to help him by restraining his body, removing the tie from his neck so as to help him breathe. The scenario may have been the same, but our perspective can change everything. A common man who does not want to help can see a scene of violence, but a compassionate man who sees good in others can imagine this in an entirely different way.

My intention with this example is to clarify that our morality changes our definition of truth. Gandhi’s morality comes from his religious view; as he said, “An examination of the world’s religions shows that, without morality, religion cannot subsist. True morality covers religion for the most part. Anyone who observes the laws of morality for their particular sake and not for any selfish end can be regarded as religious.”<sup>2</sup> Religion and morality are therefore inseparable, and the ideal morality is the same in all faiths. Religious morality is defined regarding actions of self, and moral actions result in more benefits, and every action is defined by our morality (except the non-moral and forced actions).

Gandhi further describes the man as the most precious creation of nature, saying, “The main distinction between man and other animal is that man is more selfless than the

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<sup>1</sup> Gandhi, M. K. *Ethical Religion*. p. 3.

<sup>2</sup>Ibid., p. 6.

animals.”<sup>3</sup> The man is selfless in that sense that he expands his definition of family, while animals only care about themselves or their family. According to Gandhi, for a man, a family goes beyond his biological family to include society, a village, a nation and all human beings. In protecting his family or fellow human beings, he acts as a pure selfless person, and that makes him a higher form than the animals.

Again, according to Gandhi, why we act selfless or with pure compassion, is because of the moral law. The temporal law can force us to act, but not to choose or give us the willpower to act; but the moral law, on the other hand, is something divine and higher, giving us the force or power and will to act. As he once said, “Even a man practising immorality would admit that he has been immoral.”<sup>4</sup> Gandhi grants a prominent place to this kind of morality in his philosophy to make it a standard for all. For him, it was important that everybody should be able to comprehend his moral philosophy. No society or nation can grow without a uniform and the easily accessible idea of morality. Nations and society may have been groomed with religion, but not with the morality. After all, “Moral law brings prosperity to the man who observes it, it sustains the family that obeys it and the community which gives it, over flourishes. Freedom, peace and happiness are a lot of the nation that lets itself be ruled by this higher law.”<sup>5</sup>

Thus to reach the path of truth, we need moral action in life, which is not easy to follow. “The path of truth is for the brave alone, never for cowards.”<sup>6</sup> Gandhi once said, following the path of morality or truth is not easy, as evident in folk stories like that of Raja Harishchandra, Lord Rama, etc., who performed extreme actions on the path of morality. Even in Greek history, the great Socrates could have escaped from prison, but he refused to defy the law. He followed his morality, which enabled him and gave him the courage to face the trial and drink poison. He died for his principles and morality, though it was not an easy road to follow.

The path has always been for the brave because a much greater effort is required to go up the steep slope of truth than to climb Himalaya. If at all, there for, we want to work in this

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<sup>3</sup> Ibid., p.18.

<sup>4</sup> Ibid., p.13.

<sup>5</sup> Gandhi. M.K., *Selected Work of Mahatma Gandhi*, Vol 3, p. 14.

<sup>6</sup> Iyer.,Raghavan ,*The Moral and Political Writings of Mahatma Gandhi*, Vol. 2, p. 155.

direction and serve ourselves. We should give the first place to the truth, and march towards with unshakable faith in it Truth is God.<sup>7</sup>

Here Gandhi considers truth as God, not God as truth. The truth is the only thing that is acceptable to all, whether religious or non-religious. A person either has faith in God or is an atheist. The definition of truth as God can only be accepted by an atheist who cannot deny the value of truth or the supremacy of truth. For an atheist, God may not exist, but he cannot deny the truth; he must have faith in truth. You will not find any rational man who does not have belief in the truth.

Again, in Indian tradition, God is often perceived as *Satchidananda*, and according to Gandhi, the only truth has the quality of being as “*Satya*,” derived from the state of being. Thus, God is only being or existence thus nothing exists in reality except the truth. Gandhi said: “That is why *Sat* or *Satya* is the right name for God. In fact, it is correct to say that Truth is God than to say that God is the truth.”<sup>8</sup> Moreover, where there is truth there also is knowledge which is true. When there is no truth, there can be no knowledge. When there is no true knowledge, bliss cannot be experienced. Thus, according to Gandhi bliss is found with true knowledge and true knowledge is found in the existence of true being or existence. Therefore Gandhi’s idea of truth and his faith in truth becomes more than just a God.

Gandhi’s truth fulfils all the criteria for the notion of God, as truth is formless. The truth is only one; even further, God has many meanings but not the truth. Truth has no corruptions or doubts or unclear meanings. One can deny the necessity of God in his life, but not the inevitability of truth. Life would not even work or have any meaning without truth. In search of truth, man can defy all other things, but not the truth. The truth is the single centre of our life and actions; thus Gandhi was not wrong in calling truth as God. This concept of truth in Gandhian philosophy had a greater role in shaping his movements of *Satyagraha* and *Ahimsa*. We will gradually uncover and develop these ideas in the form of *Trusteeship* in *Sarvodaya* and *Swaraj*.

To further discuss these ideas, it is important to understand that they are not separate ideas, but a unified manifestation of Gandhi’s journey to finding the truth. A man can follow a path only when he has some laws or directives; in the case of Gandhi, the morality based on

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<sup>7</sup> Ibid., p.155.

<sup>8</sup> Ibid., p.162.

truth has the directive force to follow the path of truth. John Ruskin in his book *Unto This Last* once said that man can be only happy if he obeys the moral law of humanity. Gandhi, in his book *Sarvodaya* taking a cue from Ruskin's book *Unto This Last*, said that we should have morality at the base of our economies. Otherwise, both the modern political economy and mercantile economies are destined to doom and corrupt the humanity. In his words, "Modern political economy stands on the basis that it imagine that man has a body, but no soul to be taken into account and frame it laws according."<sup>9</sup>

To frame morality as the basis of economics, Gandhi proposes three basic ideas:<sup>10</sup>

1. The good of the individuals is contained in the good of all.
2. A lawyer's work has the same value as the barber's, as everyone has the same right to earn a living from his or her work.
3. The life of a labourer and the life of a tiller of the soil and the handicraftsman is the worth follows.

These above three sentences sum up Gandhi's entire economic idea regarding social justice. A common good is good for all, everyone is equal, and no one is superior to anyone, and the hardworking life is the life of worth living. As Gandhi said,

No man can know what will be the ultimate result to himself or other of any given time of the conduct, but every man may know, and most of us do know what is just and an unjust act. And all of us may also know that the consequence of justice will be ultimately the best possible, both to others and ourselves.<sup>11</sup>

He talks about morality in the economic sphere of life in his book *Sarvodaya, a Paraphrase*, In this book, he explains how the absence of morality can degrade any society and human beings; not considering the soul in the making of policies and actions plans will be ultimately unfruitful, because it may result in material gain but never spiritual gain.

The right way of production and labour is when labours work is respected, and labour laws are based on fair principles. For a full utilisation of labour, the producer or owner needs

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<sup>9</sup> Gandhi. M.K., *Selected Work of Mahatma Gandhi* Vol 3, p. 29.

<sup>10</sup> Gandhi, M. K., *Trusteeship*, p. 2.

<sup>11</sup> Gandhi, M. K., *Sarvodaya*, p. 8.

to act with affection and care. This will develop the self-esteem of both labour and the labourers. He must treat his labourers kindly and must have a value-oriented attitude towards them. He need not entirely give up on the economic purpose; if he values his workforce and labour, his economic purpose will be automatically met. The system must work in a manner in which the master respects human dignity and work under the moral domain. This moral domain will allow him to respect workers and give them fair wages for their work, and equal treatment in society, because an owner or producer is just a means to provide things to society. His morality enables him never to gain unethical wealth or power over fellow humans. He must consider himself first among others. His duty is like that of an army general who must take responsibility for all actions, including failure. His duty is to protect each and every soldier under his command. For him, the soldiers are not mere instruments in the fight, but rather his fellow men. If he only cares about his own life, he will never be able to aspire for fellow man ship for a fight and may not ultimately gain victory. He must consider himself first in every aspect of war.

Here, morality works as a motivating force because it is a morality that enables us to perform in a certain, right way. The morality of a master and army general is a defining aspect of their positions; in other words, our morality is what makes us what we are and how we are different and unique from others. A master may try to get extra benefits by giving labourers low wages, extending their hours of work, and treating them unkindly. These are all classic features of political economics, but here, according to Gandhi, there are moral laws which make us better.

To follow the path of morality we must not be afraid; as he said, “In true commerce, as a true preaching or true fighting, it is necessary to admit the idea of occasional voluntary loss.”<sup>12</sup> Following the path of morality is everyone’s duty. Being ready to sacrifice in this path of duty is the main underlining idea in Gandhian philosophy. Gandhi never hesitated when it came to sacrificing for a greater good. That is why he was the greatest follower of truth.

For Gandhi, there were five professions and their duties in every nation:<sup>13</sup>

1. A soldier’s duty is to defend the nation.

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<sup>12</sup> Ibid., p. 12.

<sup>13</sup> Gandhi, M. K., *Trusteeship*, pp. 12-13.



2. A pastor's duty is to teach the society.
3. A physician's duty is to take care of the health of people.
4. A lawyer's/judge's duty is to enforce the law and help bring justice in the society.
5. A merchant's duty is to make necessary goods available to the society.

These men must perform their duty at any cost because as Gandhi put it, the duty of all these men is on due occasion to die for. According to Gandhi for truly, the man who does not know when to die does not know how to live.<sup>14</sup> In all these professions and its economic importance, he divided the economy into the political and mercantile economy. Where the mercantile economy is only concerned with accumulating wealth in the hands of a few individuals, political economy is about production, preservation, and distribution. The farmer, housewife, and builder fall under this category.

The whole purpose of giving this description is to show that, how a morally corrupt person, through mercantile economic efforts, holds inordinate amounts of wealth and power. This kind of economics only makes the rich richer and the poor poorer, establishing and reinforcing power hierarchies of economic domination. It creates significant inequalities in society. The main point here is that that greed for money can make a man or nation slave to one another man and nation.

Through the corrupt businessmen and merchants, the British made India and Indians their slaves. Gandhi, in his quest for truth, first wanted to sever and repair the economic enslavement of India. It was through economics that he wished to fight the vices of the Western civilisation that had entered Indian society. Thus he took truth as the end and found the means of *Satyagraha* and *Ahimsa* to achieve an end. For Gandhi, the well-being of the last person in society is the real well-being of all of the society, as he made clear in *Sarvodaya*. He proposed the idea of *Trusteeship*, through which we can remove our economic enslavement. However, this journey must be achieved in the direction of the moral laws. Thus Gandhi gave a moral; economic theory called the idea of *Trusteeship*.

Here a question arises why did Gandhi choose the concept of *Trusteeship* over other solutions? The answer is, *Trusteeship* is a fundamental idea of Indian civilisation. The

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<sup>14</sup> Ibid., p.13.

concept of the family itself is a concept of *Trusteeship*. In the Indian tradition, the mother and father are considered as the means of maintaining the family in order. In order to do so, they must act like the family trustee, where they look after their child and perform their familial duties, not for any personal gain because they are supposed to do that and duty performed without selfish reasons is a duty in the true sense of the word. These families become the trust where the actions of maintaining the human order and giving the children the chance to do the same when their time comes to become parents. Here they have to observe the law of morality to find their final aim. In Indian civilisation, finding God or getting closer to God was the ultimate goal. We have already established that God is truth or a form of truth in ancient India. Thus to find the truth/God, people need to follow certain laws laid down by society. In the case of a family, the four *Purushārtha*– (1) *Dharma* (2) *Arth* (3) *Kāma* and (4) *Moksha* and the four *Ashram Dharma* (1) *Brahmacharya* (2) *Grihastha* (3) *Vanaprastha* (4) *Sanyasa*. This discussion of *Varna Dharma* and *Ashram Dharma* I have discussed in detail in the first chapter.

A similar theory applies to the ancient village system, where we used to have the *Punch Parmeshwer* phenomena. The five appointed persons of the village had the power to exact justice in matters of conflict. Here the *Punch Permeshwer* is mere trustees of the village's power and opinion. To resolve any conflict, one needs to hear both parties and come to a decision that is acceptable to both. A few learned and experienced persons are appointed as trustees of our action and who give an opinion on behalf of the whole village in order to avoid subjective biases and a lengthy trial, when we appoint them, they automatically get the authority to adjudicate on our behalf. They are also prone to subjectivity, but the moment they are appointed they are to detach themselves from their subjectivity and follow a code with moral responsibility on behalf of all the people in the village. Thus, they have to conduct a fair and just trial and give a fair verdict so that nobody can object or defy them. This again shows that the idea of *Trusteeship* is an integral part of civilisation, even present in our modern time. Take the example of our modern political system; you will see that, this system itself is an illustration of *Trusteeship*.

In a democratic parliamentary system, everybody cannot take part in decision making. Thus we select some people on our behalf to make decisions and discuss, what is good and bad for as well as what is the best choice for everyone. Here, very few people define the best course for a vast majority of individuals, and they may misuse their power, but again their

status itself binds them to follow a certain moral law. In the case of the Indian parliament, the moral guideline or the moral obligation is our Constitution. The point is that the idea of *Trusteeship* is not something new or alien, but an idea based on morality, trust and equality.

Gandhi once said that as long as we have inequality among us, so long we are thieving.<sup>15</sup> He believed that it is a fundamental law of nature that we must not have more than we need. Any share, which is more than my need is someone else's share. We must try to remove this inequality in resource and goods. He never claimed that he was a socialist; as he said, "I am no socialist, and I do not want to dispose of those who have got possession, but I do say that personally, those of us who want to see the light out of darkness have to follow this rule."<sup>16</sup>

The above mentioned quote means I must not put myself before others. I have to keep myself last for the sake of them and myself. I have to sacrifice what is not mine so it can go to someone else, as it should. I must not force anyone else beyond myself because I do not have authority over others to command them. Gandhi advises people, who possess wealth or property worth more than their share to renounce it and in order to enjoy the must renounce. Only then can real enjoyment of *Arth* will be perceived.

Gandhi writes, "Earn your crores by all means. But understand that your wealth is not yours; it belongs to the people. Take what you require for your legitimate needs, and use the remainder for society."<sup>17</sup> According to Gandhi, God never gives us anything to fulfil unwanted desires. We get what is necessary to survive. That is why we find the solution for our needs in nature, while a solution for our desires will always be lacking. For desires, have no end and man to use Sartre's phrase is a useless passion. The relentless search to fulfil unwanted desires is bound to fail. Nature has evolved in a manner where we can find what we need, not what we want. The moral frame of Gandhi's philosophy reflects that having more than our share is a type of theft. Here a question arises, how this theory can be used for the upliftment of the "Last man of society." Gandhi always emphasised that this theory is not, an alternative economic theory, but merely a moral-economic idea, through which the rich and poor can work together for the upliftment of all. It does not matter if it works or not, but it

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<sup>15</sup> Gandhi. M.K., *Selected Work of Mahatma Gandhi*, Vol. 4, p. 384.

<sup>16</sup> *Ibid.*, p.385.

<sup>17</sup> Gandhi, M. K., *Trusteeship*, p.2.

gives a guideline to follow the path. “If the theory is true, it is immortal, whether many live up to it or only one man lives up to it. The question is of conviction.”<sup>18</sup>

This shows Gandhi’s faith in the theory of *Trusteeship*. For him, it is the owner or the person who held the most responsibility on their shoulder. In this theory, one must first accept the rule of nature, as we have described earlier, that God gives for our needs only, but if we get more than our need then we automatically morally become the trustee of the additional share. God created man to live on a daily basis; he need not stock or pile things because that is the act of a thief. God never stores, he just gives according to our need and if we accept this truth, then everyone will be able to fulfil their needs. We are trustees if we have extra, and we need to renounce it. Slowly it will become a law for all in a matter of time, if we accept this simple truth that Gandhi advocated, it will survive more than all the other theories of capitalism, because of its moral force. Capitalism based on mercantile philosophy felt *Trusteeship* theory is different or some alien concept. However, he holds that “My theory of *Trusteeship* is no makeshift, certainly no camouflage. I am confident that it will survive all other theories it has the sections of philosophy and religion behind it.”<sup>19</sup> The owner of wealth can find this theory simpler and more effective, because if they remain in charge and follow mercantile economic theory, and then there will be some inequalities in society, which can lead to a class conflict of classes, ultimately detrimental to a civilised society. Instead, they must follow their heart and accept the voluntary *Trusteeship* theory.

There are three parties in the *Trusteeship* theory:

1. The trustee
2. The citizen
3. Non-violence/truth

This whole debate is based on the knowledge of the truth. Here we needn’t discuss the definition of truth again, but it is worth clarifying that, why truth is the third party in this theory. First, the trustee in this theory is not supposed to give their money to others, but they need to earn what they earn, keeping just only their needful share. For example, they can keep 15 out of 100, but they have to renounce the remaining 85; they must not feel ownership

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<sup>18</sup> Ibid., p. 4.

<sup>19</sup> Ibid., p.5.

over that 85 just because they earned it. They have a moral responsibility like a father. A father earns for the whole family and never keeps all the food or wealth to himself. Here, the father has all the power, but he never keeps it all with him. Even the law cannot force him to keep it all to himself. It is the moral law and love for his family that enables him to share.

The same thing is true for the owner of wealth; he must keep earning and share not only because the law or morality says to, but because he loves his fellow human beings. The love here comes from the simple truth that he has more than his share, and so he must share with others. Here, Gandhi introduces the idea that they must keep earning what they are earning so that they can help others in a better way. Why did Gandhi insist on this? It is a fact that not everyone has the quality or ability to make money and earn wealth. Only a few have these qualities, and if you stop them from earning, then who will earn that wealth that is also necessary for society. Gandhi did not want to change them; instead, he wanted to change their economic philosophy about wealth and self. They can contribute better by earning wealth than giving up the profession. They just need to detach themselves from the greed and lust of power. If they accept this theory, they first need to observe the path of truth—that is, nonviolence—because wealth is the cause of all conflicts, and the accumulation of wealth leads to an escalation of power hierarchies, which is ultimately corrupt them. The theory of *Trusteeship* enables property-owning individuals to control and overcome the vice of possession.

The realisation of truth can lead to an acceptance of the path of nonviolence, where we love each other as if we are family and work and die for each other. The love and compassion guide them to keep themselves on the same moral plane as others, where he resolves the gap between the self and other. After all, Gandhi believed that all humans are good. When the owner sees another person, not as separate from him, but as an extension of his self, he will make the same effort for them as he would for himself in similar circumstances. He cannot do any more injustice to them because they are, after all, an extension of him. This is only possible because of the truth about the humanity. That is, if the owner follows the discourse of truth, he will reason that he cannot fight himself or his family because he starts to see everyone as one the family member of the big human family someone may ask that other help in creating a self, he or she cannot be won. I argue that Gandhi appeals to the very basic feeling of man's love for others. This love is the key in dissolving the barrier between the self and the other, according to Gandhi. When we follow the path of

non-violence, then we see the heart and soul of another person, and we realise how much we have in common. Our opinions may differ, but deep down, we have the same morals and values, we give love and take love. In this way, the differences between us dissolve, and we start to see each other as extensions of ourselves. Now it is clear that the realisation of truth is to make us feel as one.

The owner or trustee responsibility does not end here. He has to follow one more major idea related to *Trusteeship* in his life, that of “**Bread labour**,” meaning working for one’s individual bread. Everyone must work for his or her own sustenance. Through bread labour, we can realise the value of labour; thereby the owner will feel the state and situation of his labourers. A rich person cannot keep eating while the other person puts food in his mouth, one day he will have to eat for himself. Gandhi says that food is the key to health, that a man comes into the world in order to pay off the debt owed by him to it. That is to say, “In order to serve God and (or thought) this creation keeping this point of view in front of him, man acts as a guardian of his body. It's become his duty to take such care of his body as to enable it to practice ideal service to the best of its ability.”<sup>20</sup>

Bread labour is also a good concept for the body and society, as Gandhi said that everyone has to do some physical exercise to keep the body fit. Out of every 100 people in the world, 90 are engaged in some kind of physical work, be it farming or handicrafts. Farming is not possible for everyone, but one can try to inculcate some habit of doing physical work to help keep the body fit. If everyone does some physical work, then there will be no class difference. There will no longer be the concept of superiority because everyone would be earning his or her bread through physical labour. Basically, this idea is based on the ancient village system, but people who are engaged in more mentally oriented or less physical jobs can also obtain the skill to get the importance of the labour. Knowing the value of such labour, they will become just trustees of their wealth and will use their wealth for the welfare of people. Here too Gandhi explained that, when we appoint someone else to do our work, the seeds for discrimination are seeded. As he said, everyone must start working for themselves, right down to cleaning his or her own toilets. Everyone must clean their own waste, so this will protect us from going any superior complex society. According to him, these kinds of works was the beginning of discrimination, and by making this others’ job. It makes someone less than own. Maybe caste vice of Indian society also got his foot, by just

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<sup>20</sup> Gandhi, M. K., *Key to Health*, p. 267.

giving up the self-work for others and considered them as imprison to them. As Gandhi said, “We must first be *Harijan*, and then we will be able to follow the path of nonviolence.”<sup>21</sup> Body labour helps us remain pure-hearted and pure means as every rich can’t be said as corrupt. If someone earns through the proper/right means, then he cannot be forced to become trustees. He will become the trustee; the purity of means will enable him to be pure. As Gandhi writes, “if the purity of means of strictly observed, then according to me, crores could not be accumulated at all, and the difficulty of spending for society will assume a minor prospect.”<sup>22</sup> We must not hinder their ability to earn. Instead, we must pursue the good in them, so they follow the path of nonviolence. They can earn but must spend for society. As Gandhi said, “moneyed men may earn their crores but so as to dedicate them to the service of all is perfectly sound.”<sup>23</sup>

The second part of the theory of *Trusteeship* is the citizen of society. They are the passive in a way but they are the larger part of this theory as we advance, we see that for true *Trusteeship* everybody has to work and follow the path of nonviolence, but before that, we must deal a major vice of modern time the Economic inequality. We first need to bring this inequality on a plane of equality. It can be achieved by following the means of nonviolence. We cannot force the rich to donate or simply can’t give wealth to the poor; they also have to earn it. However, the question arises, how can remove by the mean of nonviolence. The answer is simply by observing the truth in life. The person must perform bread labour to gain wealth, must consider everyone else as equal as he is the political economy or socialist economy both can’t find the problem of the inequality. The political economy and the capitalist economy always work on the simple principle of getting rich and how to accumulate wealth, on the other hand, the socialist economy forces everyone to share and ban the accumulation of wealth. In both systems, inequality can be found. However, the question arises, how the non-violence idea of *Trusteeship* can do where these theories fail. As we know, the capitalist economy gives liberty to gain wealth by means of profit making. The accumulation gives the authority to one on another, getting rich just by following the principle of the capitalist economy that makes cheap and sells it high, buys cheap and sells

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<sup>21</sup> Gandhi, M. K., *Mangal Prabhat* , p. 26.

<sup>22</sup> <https://www.gandhiheritageportal.org/journals-by-gandhiji/harijan> 22-02-1942,(Accessed on 2016/01/16)

<sup>23</sup> Gandhi, M. K., *Trusteeship*, p. 19.

costly. In this cycle, the agent forgets that the morality is not considered, and profit making is leading them inequality of society because their market principle justifies, that so they are right, but one can easily imagine that where it goes. The wealth which belongs to society gets in only a few hands, no profit sharing, and no proper system of wages. The whole system becomes a corrupt cycle of wealth where getting rich is only aim for everyone.

Now come to the socialist economic system, in this system nothing belongs to anyone person. The wealth is a wealth of nation you cannot gain more than your share. How hard you work. You get according to your work and need. There is no concept of reward and merit. The theory of *Trusteeship* on one side has the good quality of equal distribution based on need, and on the other hand, it gives a full scope to an individual to grow his potential and gives a chance to reward his merit. Individuals can earn more than others, but due to the *Trusteeship*, he will never keep anything beyond his need. In a way, he can contribute better to the society. He can keep earning as long as he follows the *Trusteeship* and gives value to the welfare of all. This may seem some utopian idea, but Gandhi himself said that “I adhere to my doctrine of *Trusteeship* despite ridicule that has been poured on it.”<sup>24</sup> This may take time, but slowly it can strike to the consciousness of everybody, that life of labour and equality is the best life form and we will not need extra effort to remove the inequality because the will of people will be the will of the Government. The system of nonviolence can bring a public will where people will perform duty rather than expecting benefits of that. The non-violence teaches us that performing the duty is the prime axiom of a human being. This kind of atmosphere will bring a different kind of state as Gandhi said: “Under my plan, the state will be there to carry out the will of people, not to dictate them or force them to – do its will.”<sup>25</sup>

This kind of state will be a unique state, where the inequality will be dissolved long before forming there will be no rich-poor gap, and there will be no cause of conflict or the discrimination. Everyone will have what he or she need for living life. It does not mean that everyone will have equal wealth or equal work. However, it will be a different kind of economic equality, best explain by the Gandhi’s word that, “It simply means that everybody should have enough for his or her need, for instance, the elephant needs thousand times more

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<sup>24</sup> Gandhi, M. K., *Trusteeship*, p. 20.

<sup>25</sup> <https://www.gandhiheritageportal.org/journals-by-gandhiji/harijan, 31-03-1946>, (Accessed on 2016/01/16)



food than the man, but that is not an indication of inequality, so the real meaning of economic equality was to each according to his need.’<sup>26</sup>

Here we can argue that what is the actual reason behind the giving up the wealth. Here comes the first and most important part of the *Trusteeship* theory the truth/nonviolence. The non-violence or path of truth creates a moral consciousness in everyone. The rich will feel the truth that the wealth does not belong to them. By bread labour, they feel the hardness and hard work of a farmer. They realise that they have no moral right to take advantage of them just because they use their mind in some efficient way. The bread labour teaches them that, no work is small or big. A farmer is as important as the advocate. They need not create any division among them based on wealth. They will truly value the labour and will give equal importance to all job and, they will renounce the excess wealth to enjoy the wealth. The moral worth of all jobs will make them equal, and they will not have any moral right to wealth. Same happens to the common person who will never aim more than they need and will work to earn their bread. He will never consider Potter, cobbler or *Harijan* to inferior them. All jobs hold the equal moral value they will respect them and their job along with him.

Thus we have discussed that the Gandhian theory of self, plays a major role in the realisation of self through the other. In his theory, Gandhi uses his thesis of nonviolence to invoke the inner self to realise that all human beings are equal and same. Consequently, to the upliftment of the other is an upliftment of the self and in doing so, he puts the first person in the last and the last person in the first place. In such an interconnected and interdependent system, the act of uplifting the first person is also uplifting the last person of the society. This dynamic of the relationship between the first and the last person works as *Antyodaya* foundation. This upliftment is done through the *Trusteeship*, in which the rich become the trustees of their wealth and uses their wealth just for the purpose of the welfare of others. In doing so, they work hard for sustenance and to earn their bread which is called bread labour by Gandhi. This generates not just self-reliance among them, but it also makes them respect hard work and its importance. This realisation works, in the long run, to help the society function in a better way. In such a system, there is no need to accumulate wealth. They have to renounce the wealth to enjoy it.

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<sup>26</sup> Gandhi, M. K., *Trusteeship*, p. 11.

## 2.2 *Sarvodaya* of Gandhi

In this part, we will discuss the concept of *Sarvodaya* in Gandhian philosophy and explore the meaning of *Sarvodaya*, and its relevance will be talked about. While doing this, we will also explore the idea of a *Satyagrahi* in Gandhian philosophy. This will include the qualities of a *Satyagrahi* like Truth, Non-Violence, Fearlessness, Non-Possession, tolerance and Non-Stealing, humility and Swadeshi, etc. this exploration of the concept of *Sarvodaya* will uncover the Gandhian concept of Truth as God and the Pathway to truth through Non-Violence.

The idea of *Sarvodaya* is a manifestation of Gandhi's theory of *Trusteeship*. Through the economic domain, Gandhi wanted to improve the social domain of the Indian society. As we have discussed that for Gandhi *Sarvodaya* means the upliftment of the last.

The last person to the society is not the last person in a real sense. In actuality, he is the first member of the society. The actual/ literal meaning of *Sarvodaya* is *Udaya* of all men and upliftment of all its members. Gandhi in his philosophy never sees people as different from him or self; he always emphasised that we are one and equal. God made us equal. The difference between the first person and the second person is somewhat blurred in Gandhian philosophy. For Gandhi, The last person is a first person, and the first person is the last. In order to progress he always kept himself as the last being but being last does not make him last, it actually makes him the first person to society. According to him, if you uplift this last person the first person the "self" will automatically uplift. This principle applies to all members of society. If everyone starts to think in this way, where he is the last person and he needs to uplift everyone before him. This approach will enable everyone to uplift themselves by uplifting the others. This can bring about a genuine meaning of *Sarvodaya* by the method of *Antyodaya*.

Here a question arises, how one can make himself more moral or truthful in order to achieve the *Sarvodaya* in society. To achieve the *Sarvodaya* everyone needs to follow the path of truth. However, how can one follow the path of truth? Gandhi in his writings gives some means to find the truth. Gandhi always emphasis on the means and the purity of the

means as he said: “Means defines the aims” according to Gandhi the right means may take time and may be difficult, but it is the most beautiful and moral ways to find the aim.

Those means are:-

1. Truth
2. Non-violence
3. Fearlessness<sup>27</sup>
4. Non-stealing and non-possession<sup>28</sup>
5. Bread labor
6. *Swadeshi*<sup>29</sup>
7. Tolerance<sup>30</sup>
8. Humility<sup>31</sup>

## Truth:

The first and foremost means for *Sarvodaya* is the truth. The very existence of *Sarvodaya* and its pursuit depends upon the truth. The word *Sat* (Truth) is derived from Sanskrit word *sat* which means existence or being. Nothing is or exists in reality except the truth. That is why *Sat* or Truth is perhaps the most important name of God. In fact, it is correct to say that Truth is God than saying that God is the truth. We may give many names to God as kings of the king, the only one, the almighty, etc. However, according to Gandhi the actual meaning or true form of God reflects in the form of truth.

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<sup>27</sup> Gandhi, M. K., *From Yervada Mandir*, p. 158.

<sup>28</sup> *Ibid.*, pp. 154-7.

<sup>29</sup> *Ibid.*, p. 173.

<sup>30</sup> *Ibid.*, p.163-5.

<sup>31</sup> *Ibid.*, p. 166.

We all know that Gandhi was a deeply spiritual and religious man and his faith in his God and his religion construct his all philosophy. All religions and their teachings are dependent upon the notion of God and its respective beliefs. The same happens in the case of Gandhi's religion of truth, and non-violence. Here Gandhi uses the word *Sat* or truth in a much wider sense than just speaking the truth. Gandhi writes, “There should be truth in thought, truth in speech, and truth in action. To the man who has realised this truth in its fullness, nothing else remains to be known, because all necessary knowledge is included in it.”<sup>32</sup>

As Gandhi explained, everyone has to follow the path of truth no matter what happens in the path of truth. Just like a *Bhakta*, who gets his God by his devotion (*Bhakti*) to his God, In the same manner, the *Bhakta* of truth will reach his God the truth by the devotion to the ultimate God the truth. Gandhi himself said that “Truth is the *Bhakti* and it is the path that leads to the God.”<sup>33</sup>

### *Ahimsa:*

The second most important mean is non-violence or *Ahimsa*. Many have explained *Ahimsa* in many ways, but Gandhi treats *Ahimsa* as mean to the end truth. For him, the path of *Ahimsa* is like balancing oneself on a tightrope. The moment you lack attention towards your balance you will fall. This is the simplest way of Gandhi to explain the path of *Ahimsa*. While following the path of *Ahimsa*, you are not supposed to cease your attention to your aim; your attention must be reflected in every aspect and form of action and will, on your path.

The literal meaning of *Ahimsa* is not hurting anyone, but in the true sense, it means “Not hurting any living being is no doubt a part of *Ahimsa*, but it is its least expression. The principle of *Ahimsa* is hurt by every evil thought, by undue hates, by lying, by hatred, by wishing ill to anybody. It is also violated by our holding on what the world needs.” This clarifies that *Ahimsa* means loving all the beings as equal and part of kith and kin and loving of nature as well. This we can understand by the Gandhi’s e.g. of the thief and punishment system. Like, if we start to punish thieves and thugs, then they will divert their attention to something else, and we will always live in fear of their return. Such form of punishment is

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<sup>32</sup> Gandhi. M.K., *Selected Work of Mahatma Gandhi*, Vol. 3, p.144.

<sup>33</sup> *Ibid.*, p. 145.

not effective. According to Gandhi, if we treat them with *Ahimsa* and show them the true path they may regain their senses and give up the bad habits. After the realisation that they are hurting not any others, those are in reality their kin and are not different to them; they might recognise that they are hurting themselves by hurting the others. The more they hurt others, the more they recede from their individual self because in reality **I and thou are one**.

### ***Fearlessness:***

The Gujarati poet Pritham said that the path of *Hari* is the path of brave and not of cowards. Fear is a cause of our all problems, and to follow the path of truth / *Ahimsa*, we need to give up fear from within and outside. According to Gita's sixteenth chapter, "Fearlessness is the first divine attribute". Fear is an enemy of all noble qualities, and to develop noble qualities we need to give up fear. Fearlessness means the freedom from all external fear of body the fear of death, injury, body illness, etc. one may not fear from death or injury, but can't get rid of the fear of losing someone; it is also a type of fear. On the other hand, one may be strong to lose dear ones, but not able to resist the fear of death, of himself, is also a kind of fear.

In order to transcend fear, we need to remove it from within and without. The death and the emotion of fear need to be controlled and mastered to follow the path of *Ahimsa*. As Gandhi says "Perfect fearlessness can be attained only by him who has realised the Supreme, as it implies the height of freedom from delusions."<sup>34</sup> All fear revolves around the body, if we lose the fear of body or detach ourselves from the body, then we can realise that this body is not ours. Rather, it is made up of five elements, and the moment we leave the body all our fear ceases to exist. Thus, all four are the fabric of our attachment to the body. We must treat the body as a given wealth by nature, and the perfect way to enjoy the wealth is by renouncing it. As Gandhi said, "Enjoy the things of the earth by renouncing them, is a noble precept." The perfect way is to be the trustee of our own body and work for others with selflessness. This approach of fearlessness helps us to follow the path of *Ahimsa*; we can follow it in any situation without the fear of body or injury. A real devotee has to observe the fearlessness in the path of *Ahimsa* to achieve the truth.

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<sup>34</sup> Gandhi. M.K., *The Selected work of Mahatma Gandhi.*, Vol. 3, p. 49.

## ***None stealing and Non-possession:***

Gandhi said that “Every one of us is consciously or unconsciously more or less guilty of theft.” If a man eats something secretly in the house without the knowledge of his children, it is theft. In other words, anything which belongs to others if taken without the permission of them is called a robbery. Gandhi further explains three types of transactions, related to things are possible between two persons.<sup>35</sup>

1. Buying: When one person pays the price for a thing to another person.
2. Borrow: When a person asks for permission to use another person’s property or belongings.
3. Gift: When a person gets something in the form of a present from another person.

According to Gandhi, only these kinds of exchanges are legal and moral. Gandhi in his thesis of non-stealing takes a further step and say that “It is theft to take something from another, even with the permission, if we have no real need of it.” This idea of stealing can be understood by the example of, accumulation of wealth in the world. In the case of wealth we try to take it with legal measures, but try to get it more and more beyond our need. This feeling of being rich and having resources is always a kind of theft of wealth and resources. By accumulating the wealth, we truly steal a part of some one’s share that may need it more than us. In this whole process, we, in reality, forget the difference between our need and our wants. We just try to fulfil our want and ignore our actual need. Gandhi says that “One who follows the observation of no stealing will bring about a progressive reduction of his own wants.” Much of the world’s poverty is caused by the unlimited wants of the resources, if we follow the path of no stealing we will come to the senses and understand that we need to fulfil our basic need, not the wants as it is said that nature can fulfil all our needs but not the wants.

Gandhi also talked about the mental or theft of ideas. He writes that “Mental theft is subtle and far more degrading to the human spirit. It is theft mentally to desire acquisition of anything belonging to others or to cast a greedy eye on it. One who takes no food, physically

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<sup>35</sup> Gandhi, M. K., *Hind Swaraj*, p. 59.

speaking, is generally said to be fasting, but he is guilty of theft as well as a breach of his fast if he gives himself up to a mental contemplation of pleasure.”<sup>36</sup> It is also theft if one does not follow the non-stealing thesis in the realm of ideas, desires, and thoughts. Even calling someone’s idea as our own is also a theft in views of Gandhi.

Gandhi’s idea of non-possession is many times called as the idea of poverty by many critics of Gandhi. However, for Gandhi non-possession did not mean poverty, it was the simplicity of life and living on the basis of need not wants. As he always criticises the accumulation of the wealth and the resources, he was clear that “A seeker of truth, a follower of the law of love cannot hold anything against tomorrow. God never store for the tomorrow.”<sup>37</sup> This tendency of storing for future has given rise to many inequalities of the world. If we all just hold what is necessary to us, then nobody will live in scarcity. Everyone will have his or her share, and the world will live in contentment.

To fulfil the requirement of non-possession a man must live like a bird, which lives on the daily basis and work every day for his needs, man must not have a roof over him no stock of clothing’s or food for tomorrow; only this can be called as a true non-possession life. Above given explanation can help us to understand the mind of Gandhi about simplicity and hard work, but for many people, it was like to live in poverty, but Gandhi had great faith in his idea. He goes further and says from the point of truth this body is also a possession. Thus, according to Gandhi we must also renounce the body and act as an agent for someone else. This body is given to us for a reason, and we have to renounce to it to fulfil the reason and to complete our duty. The Gandhian idea of non-possession covers not only worldly things but also the thoughts. He says that filling the brain with unnecessary and useless knowledge and ideas is an also violation of the concept of non-possession as he said humility constitute knowledge, and all the rest is ignorance.

### ***Bread Labour:***

In the first section of the chapter, we have discussed the idea of bread labour in detail that living a life of labour and hard work is a worth full life. Eating without earning for food is a sin. If one follows the path of bread labour, he will know the value of labour, and he will develop respect for labour. He will never think any profession as high or low. Every work is a

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<sup>36</sup> Gandhi, M. K., *The Selected Work of Mahatma Gandhi*, Vol. 3, p. 155.

<sup>37</sup> *Ibid.*, p. 157.

sacred job and to fulfil it, we need to act, to earn and live. Thus bread labour teaches us to respect and value every profession.

## ***Swadeshi:***

*Swadeshi*, one of the biggest and successful thesis of Gandhi. It was essentially based on non-other than the innate nature of man as he said: “The law of *Swadeshi* is ingrained in the basic nature of human.” Gandhi always trusted the fundamental nature of human beings. In the period of freedom struggle, the primary cause of Indian slavery was economic. Gandhi not only wanted to remove the economic cause but also wanted to make people aware of their motherland and nation. For Gandhi *Swadeshi* was not a vow or any commitment, it was the fundamental way of nature. Gandhi said:

*Swadeshi* stands for the final emancipation of the soul from her earthly bondage. For this earthly tabernacle is not her natural or permanent abode. It is a hindrance in her onward journey. It stands in the way of her realising her oneness with all life. A votary of *Swadeshi* therefore in his striving to identify himself with the entire creation seeks to be emancipated from the bondage of the physical body.<sup>38</sup>

This shows that our first duty is towards our immediate neighbour. It reflects that it involves an exclusion or sacrifice of interest, but in reality, it is just an appearance of sacrifice. We are not excluding anyone, we just helping the first one who is near to me. It will also help the far one as the first one, but my first duty is to serve my first neighbour with the same affection, I have for myself. If something happens in my locality, then it is my responsibility to help and solve the problem instead of leaving it. My first duty lies in serving myself and my neighbourhood. That is what *Gita* said, “It is best to die to perform one’s own duty or *Svadharmā*; *Para dharmā* or another duty is fraught with danger.”<sup>39</sup> Here *Gita’s Svadharam* is a *Swadeshi* in real meaning. *Swadeshi* applies to everyone immediate environment. The *Swadeshi* is an extreme example of selflessness as Gandhi said: “In *Swadeshi*, there is no room for selfishness, or if there is selfishness in it, it is the highest type

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<sup>38</sup> Ibid., p. 173.

<sup>39</sup> Ibid., p. 174.



of egoism, which is different from the highest altruism, Swadeshi in its purest form is an acme of universal service.”<sup>40</sup>

This kind of altruism is a manifestation of true human nature or self. In the *Swadeshi* thesis, Gandhi calls to everyone to use the khaki and try to use, the locally made product to help as well as to promote local vendors and economics. This does not mean that Gandhi was against the foreign traders or trade. He said that, if a poppy addict leaves his habit to use poppy and stop buying it, then the unemployment of poppy seller cannot be said because of the addict. Same happens with the *Swadeshi* products, that if we can purchase a product from local traders, then there will be no need of foreign goods vendors. They will gradually remove their shops from India, and the exploitation will also reduce gradually, and we will be free from any sort of economic dependence. He said: “A true votary of *Swadeshi* will never harbour ill will towards the foreigner.”<sup>41</sup> This thesis is born out of pure love of self and surrounding environment thus it was perfect mean for the path of truth.

### ***Tolerance:***

Gandhi in his whole life remains as a deeply religious person. He had respect for all the religion and love for all of them. He explicitly confessed that bile *Gītā* and *Quran* and *Bible* had a great impact on his life and his ideas. He never taught or made any distinction of difference between the religions. Even he said that “If we follow the law of love, we shall not bear any hatred towards the irreligious brother.”<sup>42</sup> Gandhi’s view on morality was the culmination of all the religion. He professed and promoted love as the central thesis of religion. We need not hate other religions, even if they differ in practice. For him, all the sacred books of religion teach the same lesson the lesson of love and humanity. He said that in every book the fundamental morality is the same. Thus he gave a thesis of tolerance towards the other religion. This tolerance, meaning includes not only the love for religion but also respect for another religion. For Gandhi all religions are same and equal, no one is superior to anyone. The acceptance of tolerance can remove the hate between faiths, and he said, “Tolerance gives us spiritual insight, which is far from fanaticism as the North Pole from the South. True knowledge of religion breaks down the barriers between faith and faith.

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<sup>40</sup> Ibid., p. 175.

<sup>41</sup> Ibid., p. 175.

<sup>42</sup> Gandhi, M. K. , *The Selected Work of Mahatma Gandhi*, Vol. 3, p. 164.

Cultivation of tolerance for other faith will impart to us a true understanding of own.”<sup>43</sup> Here we can find that Gandhi again tries to remove the barrier of self and other. By loving the other, he tries to gather the true self. Moreover, in this process, he discovers the true faith of him. He considered tolerance as a tool to discover the inner faith of human beings, though he never liked the word tolerance. As he said, “I do not like the word tolerance, but could not think better than this.”<sup>44</sup> It teaches us to accept the imperfections of others give us a way to understand the other in a positive and not in a negative manner.

### ***Humility:***

Gandhi had one more tool for *Sarvodaya*, which he considers as an indispensable tool of *Ahimsa*. For him the true test of *Ahimsa* is humility, and it cannot be observed alone. It needs other to develop and grow. Humility again removes the distinctions of self as he said that it makes the possessor realise his finitude, that he is nothing. When a man starts to feel that he is nothing, all subjectivity and ego soften down. He starts giving importance to the other rather than himself. The beauty of humility is that a humble person is never conscious of his humility. He just imagines that we are all part of nature. We are tiny particles of this universe, and our existence is purely momentary. This realisation enables him to love all and to realise the truth that all are equal. Here humility is not limited to manners or etiquettes; rather it is manifested in thought and action. The feeling of something must not be there in any case. As he said, “The true humility means most strenuous and constant endeavour entirely directed towards the service of humanity.”<sup>45</sup>

The ultimate reality and ultimate existence as we have discussed for Gandhi is none other than the truth. His entire philosophy is centred on the truth. To find the truth as a god, one must follow the path of Non-Violence because it is only the path of nonviolence that leads to it. This path of Non-Violence will enable him to see the artificial difference between human beings. By recognising the truth, he will see all being as one and not many. To follow the path of Non-violence, one has to acquire certain qualities. These qualities are not external; these qualities are a manifestation of the true self. The revelation of true self-gains him the quality to love everyone as his kith and kin, and where love is there can be no brutal force or violence because will only love. This eternal love is the peace of self and soul. Through the

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<sup>43</sup> Ibid., p.163.

<sup>44</sup> Ibid., p.164.

<sup>45</sup> Ibid., p.166.

qualities of Non-possession and Non-stealing, one will value the resource and its importance for others; he will go through renunciation, will enjoy the worldly pleasure. This also helps him in becoming fearless. Fearlessness is the quality that frees him from the injury of mind and body. When someone becomes fearless, he becomes more dedicated to his duty, and then nothing can stop him from performing his duty. *Swadeshi* and Humility will make him realise that he is nothing in the world and his existence is dependent on the society. He has to remain humble and dedicated to his environment and motherland. Dedication to the motherland and a fellow human being will give him humility; this humility will help him to follow the path of Non-Violence. Thus, to follow the path of Non-violence, one must accept the truth as ultimate reality and life as that of service.

### 2.3 Gandhi's village *Swaraj*

In this part, we will discuss the Gandhian concept of *Swaraj*. This discussion will include Gandhian thought on Western civilisation as well as Indian. This discussion will also explore and analyse the idea of decentralisation of government and the freedom of villages. This will unearth the Gandhian idea of *Swaraj* in the form of *Gram-Swaraj*. The discussion in this chapter will help us comprehend the implication of this Gandhian concept in our present context in the way his idea of *Gram-Swaraj* has been adopted and implemented by the Indian state. The repercussion of Gandhi's vision behind micro and self-governance can be understood in this context.

Gandhi in 1909 wrote a great book called the *Hind Swaraj*. He first wrote this book in Gujarati and then published it in English version because the British government confiscated its complete Gujarati version and banned it in India. One may ask what was in that book, so the empire got scared and banned it. *Hind Swaraj* was the Old Testament to Gandhian philosophy. It was the culmination of the entire Gandhian thesis. Even Gandhi in 1919 said about his book that "After years of endeavour to put into practice the views expressed in the following pages, I feel that the way shown therein is the only true way to *Swaraj*."<sup>46</sup> This demonstrates the convention of Gandhi in the thesis of *Swaraj*. He was always vocal and expressive about the idea of *Swaraj* and its implementation. Even in the end time of his life

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<sup>46</sup>Iyer, Raghavan, *The Moral and Political Writings of Mahatma Gandhi*, Vol. 1, p. 278.

when everybody had lost faith in *Swaraj*. In one of his letters to Pundit Nehru, he wrote that “I fully stand by the kind of governance, which I have described in *Hind Swaraj* and if I were the only one left who believe in it, I would not be sorry.”<sup>47</sup> Thus Gandhi had great faith in his ideas because it was tested and experimented by himself.

In his book *Hind Swaraj* he, in fact, attacked particular kind of Western civilisation, Gandhi in starting of *Hind Swaraj* says that he is only against an evil civilisation of the West which holds values in machines and creates sub human conditions for its citizens. His target was the industrial revolution and its effects. In his view, the Western civilisation was just born, and I did not have fully filled its promise to develop the human. For Gandhi, the true civilisation means the Indian civilisation. In his book *Hind Swaraj* he writes that his main motive is that “The only motive is to serve my country, to find out the truth, and to follow it.”<sup>48</sup> By this thought of Gandhi in the introduction of the book, it makes clear that in his entire project, his main aim was to find the ultimate truth about the humanity and its nature and then follow it to attain his real God the truth. According to Gandhi, the truth is the reality, and it is the existence of all human beings if you find the truth you will realise that every human life is equal and precious in all matter. His idea of nonviolence teaches us that if one follows the path of non-violence, he will even love his enemy. Thus the Gandhi had only single idea or thesis the love for human beings. He never criticises any English man he always criticises the English view and English government as he says that “The British Government in India constitutes a struggle between the modern civilisation, which is a kingdom of Satan, and the Ancient Civilisation, which is the kingdom of God.”<sup>49</sup>

To give contrast his view from the English view he said, asking the home rule is a kind of mistake, in this demand we are not asking our true status, instead of that we are asked to give the power to rule but according to the rules of the English government. The rules will be there. The structure will be there, but the executive body will be us, is it a *Swaraj*? No, in Gandhian view, it is like “We want English rule without the Englishman, you want the tiger’s nature, but not the tiger; that is to say, you would make India English, and when it becomes English, it will be called not Hindustan but Englishman. This is not the *Swaraj* I want.”<sup>50</sup>

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<sup>47</sup> Ibid., p. 285.

<sup>48</sup> Gandhi, M. K., *Hind Swaraj*, .p. 6.

<sup>49</sup> Ibid., p.8.

<sup>50</sup> Ibid., p.16.

Gandhi wanted to make India as Hindustan the real nation which must be based on the values which are given by the Indian civilisation, the Kingdom of God. He rejects all the foreign value because none of them is tested or lived by the common Indians on the land of India. His all philosophy talks about the simple and common man, Gandhi never calls for any specific quality born person, he asked to every common being to follow the path of nonviolence and find the truth. In this journey, he wanted to train all the Indians in the true *satyagrahi*. A true *satyagrahi* for Gandhi is the result, and end of his efforts. By making a simple man into *satyagrahi*, he involves the concept of *Sarvodaya*. Through the *Sarvodaya*, he wanted to uplift all the members of the society and made them love each other and not to hate anyone anyhow in any plane. This was the dream of Gandhi to create a society, which follows the path of nonviolence and based on the principle of love. This society is the real *Swaraj* for Gandhi in all aspects.

In order to explain what is *Swaraj* Gandhi further criticises the modern civilisation and his first target was the parliamentary system of modern society he says that “The English parliament which you considered to be the Mother of Parliaments is like a sterile woman and a prostitute.”<sup>51</sup> One can understand the anger of Gandhi by the word choice of Gandhi, according to Gandhi in parliamentary system people vote for not the democracy, but for the party of their own choice, and it is not the permanent in nature. The elected members may be educated and skilful but their every work can be undone in moments. There is no certainty that a perfect order or law will remain, it is always liable to change according to the interest of members and the majority. Gandhi says that it is wrong to give all the power and wealth in the hand of few. Parliament is an expensive toy for any nation. Many considered this system as a baby, but Gandhi argues that if after the hundreds of years it is a still baby than what good it can bring. In the parliamentary system, there is no fix notion of power. In every term the head of parliament’s changes with terms and while resting on the place of the head they always try to remain in power, thus Gandhi says how can this system can bring India a fruitful outcome when even in Britain it is not able to give it.

According to Gandhi, the “civilisation” means the people living in it makes bodily welfare and object of life.<sup>52</sup> However, Gandhi takes examples of modern civilisation and proves that they may have developed in making a good home to stay, they are wearing new

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<sup>51</sup> Ibid., p.25.

<sup>52</sup> Ibid., p.28.

and latest types of clothing's they may be able to plough the vast field by the help of the steam engines. Now it is very easy for them to fly and shorten the distance. Anybody can write anything and can give bad ideas to the society because of advancement in printing, for them this may be the height of civilisation, but what this civilisation actually has given. Now they have created the weapon of mass destruction; they have also created the factory system where the free person in the name of money is enslaved. According to Gandhi, this civilisation takes no note of neither the morality nor of religion.<sup>53</sup> Gandhi said that the morality taught in these kinds of the environment is not exact nature of morality. He says that it is often true that immorality is taught in the name of morality. This civilisation takes no note of true morality or religion. In a way this civilisation is irreligious, and it is making people half mad in the Europe. He further through the condition of women in Europe says that they have become the slave of the factories, they used to be the queen of the household, and the modern civilisation is affected by the self-destructing development. According to Gandhi civilisation may not be an incurable disease, but Europe is affected by this, this will lead it to the path of destruction.

Gandhi further says that the Britain has not enslaved the India, in reality, we have made ourselves slave by our own. The English did not enslave Indian, but the modern civilisation enslaves it. The modern industrial civilisation has made entire world as the market, and the English want to capture all world to consume their factory products. It may be providing many things to us, but it is also making us dependent on others. They may have given new ways of life, but for Gandhi, none of them is accepted. For him, even the protection and security given by the English is not accepted he said he would like to be killed by the arrow of *Bhils* then accepting their protection.<sup>54</sup>

According to Gandhi, his *Swaraj* cannot be attained until we reject some of the British ideas. Among these ideas, the railways were the first and foremost. For Gandhi, Indian rail is a bubonic plague. It has increased the famines and has robbed India of its natural resources. Earlier good was transported at the speed of a snail, and it required time, so only good stuff used to get the proper buyers, but with the help of rail, all types of goods are available. We are flooded with the cheap English products. He says that evil has wings, to build a house

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<sup>53</sup> Ibid., p.29.

<sup>54</sup> Ibid., p.35.

take time, destruction takes none.<sup>55</sup> He also argues that it is not the English or the railway who taught us that we are a nation now; we were the nation long before the advent of the British. According to the Gandhi, the others cause of enslavement is the lawyers and the doctors. The lawyers charge higher fees for the small work, and they make any dispute more complex than the beginning, just to get their fees they take the simple matters to court and make the parties suffer. Gandhi argues, why the charge more fees than the common labourers? They are not profitable than the common labour to the nation. Gandhi asks that it was not possible to make India slave without the help of the law courts.<sup>56</sup> The other cause was the hospitals and the doctors, many think that Gandhi was against the medicine and doctors, but it is not true, Gandhi had indeed been against the modern attitude of medicine where the doctors are more concerned to cure the symptoms rather than the cure. This tendency of curing has given people a lethal tendency to get indulged in pleasures and play with their health. They are no more concerned about keeping the body healthy. They just overeat and get sick, but they are not afraid because they know that Western medicine will cure them and they will again indulge in pleasure. Gandhi says that “He is true Physician who probes the cause of disease.”<sup>57</sup> Due to the modern medicine and physician, they have missed their path of keeping the body healthy and keeping an attitude of living on the limited resources. This is helping them to become more and more dependent on modern civilisation and forgetting the values taught by the Indian tradition and civilisation.

Here one may ask that, does Gandhi has any clear concept of civilisation, because he has criticised every aspect of the modern Western civilisation. In response to this Gandhi showed that he has a clear and distinct definition of civilisation according to him, “Civilisation is the mode of conduct which points out to man the path of duty. The performance of duty and observance of morality are convertible terms. To observe morality is to attain mastery over our minds and our passions. So doing, we know ourselves.”<sup>58</sup> Gandhi had great faith in Indian civilisation and its teachings, structure and the values. According to him, the Indian civilisation was the simplest and vivid in nature. Happiness was the state of mind in Indian people. They were even happy in hard life because they were aware of the nature and the reality of human nature, that there is no end of pleasure in life, one must live a

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<sup>55</sup> Ibid., p.37.

<sup>56</sup> Ibid., p.46.

<sup>57</sup> Ibid., p.47.

<sup>58</sup> Ibid., p.49.

life of contentment with all his resources. He must not be greedy or should not have any intention of collecting things for the tomorrow. Through thousands of years they have developed a system of life where duty is the *prima fascia*, and all others are secondary. The man is not meant to indulge in passion or pleasure. Their ancestors have given a certain limit to all kinds of indulges of passion. Thus, from them, due to this limitation happiness becomes the state of mind for them. This kind of moral society is the true civilisation for the Gandhi. In this society, everyone is doing his own work. They were not against the modernization or development, but in reality, they knew that inventing or developing certain machinery will destruct their moral fibre and man will not remain the man of limit. He will always try to get more pleasure than the truly hard work. This can lead to many vices of the society as the accumulation of wealth the slavery of workers and dependency on the others and most important they will lose their self-sufficiency in search of easy machine and pleasure. The common people will enjoy their agricultural or cottage occupation. Thus the tendency of Indian civilisation is to elevate the moral being, that of Western civilisation is to propagate immorality.<sup>59</sup>

Gandhi says that modern civilisation has made India also sick, but there is a way to cure it. Gandhi says that it is a well-known principle that by removing the cause of disease can cure any disease. Thus if the cause of Indian slavery is removed, the Indians will be the free nation. Even after removing the cause of slavery, if we do not learn to rule ourselves the freedom will be useless to attain *Swaraj*. We have to learn the rules by ourselves. However, Gandhi also said that this is not any group or social task, it has to be experienced by all persons of the society. The *Swaraj* has to be experienced, by each one for him. One drowning man will never save another.<sup>60</sup> In next following chapters the Gandhi explains that how this *Swaraj* is attainable, he argues that there is a deep connection between the means and the end. The end of any project depends upon the kind of means. According to Gandhi if we need a society based on love, equality, and cooperation, we must also adopt the proper and the same means to achieve *Swaraj*. If we use brutal force to achieve the *Swaraj*, then that *Swaraj* will be violent *Swaraj* based on the fear and terror. No one will be safe and secure anyone with the power and arm can harm anyone in the society. However, if we follow the path of non-violence and love and the passive resistance, the result will be the same, a society where

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<sup>59</sup> Ibid., pp. 49-52.

<sup>60</sup> Ibid., p.53.



people love each other, and they will use moral force to each other not the brutal force. This is only possible with the help of the passive resistance according to Gandhi. He says that passive resistance that is soul force, force is matchless. It is superior to the force of arms.<sup>61</sup> In his *Swaraj* language and education also has a part to play. According to Gandhi, the main motive of education must be building the character, not the qualifications. The education must be in the vernacular language or mother language. The Education must also train them for some skill and work in life.

Gandhi *Swaraj* was essentially the village *Swaraj* because, in all of his philosophy, he never talked about city being or modern men. Gandhi always spoke of the common and simple member of the village society. To understand the *Swaraj* of Gandhi we need to figure out in terms of the village *Swaraj*.

Here the very first question arises that what is *Swaraj*, thus we first need to see the definition of the *Swaraj* according to Gandhi. Gandhian village *Swaraj* has many aspects of a Republican as well as the democracy, his ideal village has the ancient values in their system as said by the Pundit Nehru that:

“The village communities are little republics having nearly everything they want within themselves and almost independent of foreign relations. They seem to last where nothing else lasts. This union of the village communities, each one forming a separate little State in itself ... is in a high degree conducive to their happiness, and to the enjoyment of a great portion of freedom and independence.”<sup>62</sup>

This reference of Pundit Nehru clarifies that they were the part of the state, but they were also separate and independent from the state. They have the republic system in which everyone takes part in all the activity of the village, and the decision is made by the discussion and consults. They were a system in themselves; they were so self-sufficient that their own village met all of their needs. These requirements can be food, protection, clothes, household items, and water, etc. Pundit Nehru further said that this is a true old village system of India, it pictures almost ideal village, in which a great deal of freedom and independence were present in that. He adds that we need to revitalise and rework to build this system again in

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<sup>61</sup> Ibid., p.69.

<sup>62</sup> Gandhi, M. K., *Village Swaraj*, p. 8.

India.<sup>63</sup> Thus, everyone was aware of the ancient village system of India, and nobody made any doubt about the nature of the Gandhian *Swaraj*. According to Gandhi, it was the perfect state of anarchy and stateless democracy. However, due to the fundamentals of ancient values and non-violence, it becomes so perfect that it does not need any state to regulate it. It is morality based anarchy where everyone knows his part and value, and he or she works without any compulsion or force. The motivation for their action was the love for all and the moral value that they have to perform their certain task. This idea of the village is a genuine manifestation of Gandhi belief that government is the best who rules the least.

Modern democracy works on the electoral system wherein true sense the parties rule not the people. In Parliament system the three parts of the state are different, and they work under different power source. Thus, there is no guarantee that they will act for the betterment of people, they will either work for the majority or retain the power. The citizen of state plays no part at all in this system. He gets his chance to affect and change the course in only election time, and by their voting, they centralise the power in very few hands and one place. If one sees the village *Swaraj*, on the contrary, has decentralised the power and the politics. In the village, everybody is part of decision making and knows very well that what is good for the village and bad for them. It is always easy to govern the smaller unit, then the larger ones. The centralizations of power and wealth attract people to stay in the centre of the place and disturb the harmony. Just like that nowadays, everybody wants to live in the capital because here he or she can get the resource, wealth and experience the power of the state, to get all those things people discard the idea of harmony of small units and want to centralise each and everything. The every village of Gandhi, in his *Swaraj* is a small unit of a big state of India; every unit is self-sufficient and independent in their own affairs. On the other hand, a large city and large population need the large institutions and a large workforce to maintain their functionality. They destroy the very spirit of freedom by making many norms and regulation, laws to maintain the order, it seems strange, but to (or “intending to”) making an order, they make the chances of the chaos and interdependence. The main vice of this type of system is that they lose their freedom and independence and become dependent on others for resources.

Gandhi’s village is free from all the vices of the centralizations of the power. In the village, we can find every type of worker for the type of the work they need, not to go outside

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<sup>63</sup> Ibid., p.9.

or far from the village to get things done. One has to remember that all debate is based on the individual of Gandhi an idea, the *Satyagrahi*. The individual in the village has very few and basic institutions in their village for the most part of all three aspects of government. They have the system of the Panchayat, where the punch is the judiciary, they are the executive, and they are the legislature. Every subject matter has to be taken with them, so they can find a solution to that subject matter because they are from the village and part of the village. Thus they will work with the full potential and with the help of the villagers they will make their decision a “democratic” decision. Here they may not have the big and complex laws and regulation, but has the consciousness of being the part of the village and being a human being. This consciousness is morality based which is taught by the values of the culture and the tradition; it also includes the wise experiences of the elders of the village. This morality makes them self-regulated, evolve them into a higher being where they have only love for the fellow being. This evolution will enable them to feel the civic duty and the liberty. They will follow them due to respect not because of fear of punishment. This *Swaraj* gives the chance of making the growth of the individuals in the real sense of the political system.

Gandhi said that “The word *Swaraj* is a sacred word, a Vedic word, meaning the self-rules and self-restraint and not freedom from all restraint which independence often means.”<sup>64</sup> Thus, by this statement of Gandhi, we can see that he always defined that *Swaraj* is not mean the absolute freedom it is the absolute restraint of self. He further adds that:

By *Swaraj* I mean the government of India by the consent of the people as ascertained by the largest number of the adult population, male or female, native-born or domiciled, who have contributed by manual labour to the service of the State and who have taken the trouble of having registered their names as voters.... Real *Swaraj* will come not by the acquisition of authority by a few but by the acquisition of the capacity by all to resist authority when it is abused. In other words, *Swaraj* is to be obtained by educating the masses to a sense of their capacity to regulate and control authority.<sup>65</sup>

The Gandhian *Swaraj* is not any anarchical state; it is state of people educated in their subject matter the democracy. In this awareness of the democracy, they find them self the

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<sup>64</sup> Ibid., p.16.

<sup>65</sup> <https://www.gandhiheritageportal.org/journals-by-gandhiji/young-india.29-1-1925> (Accessed on 2016/01/16)

capacity to rule and regulate themselves instead of appointing someone on behalf of them. It is only possible by making people aware and conscious of their rights and the self. In this *Swaraj* where everyone recognises everyone, will have no discrimination because he or she acknowledge the status of the being and if a human being recognises other as the self, then no difference remain among them they will be the one. This reorganisation will remove many problems of the society, as Gandhi said “The *Swaraj* of my... our... dream recognises no race or religious distinctions. Nor is it to be the monopoly of the lettered persons, nor yet of moneyed men. *Swaraj* is to be for all, including the farmer, but emphatically including the maimed, the blind, the starving toiling millions.”<sup>66</sup> This shows the concept of equality in Gandhian society. He does not recognise any distinction of caste, race, colour and gender. For Gandhi, in *Swaraj* everyone is equal.

He says that this *Swaraj* is only possible in the village because the soul of India rests in the villages of India. Our cities are a result of the Western civilisation, and they exploit the village and works centralise power which is not good for a humane and just society. As Gandhi said

I regard the growth of cities as an evil thing, unfortunate for mankind and the world, unfortunate for England and certainly unfortunate for India. The British have exploited India through its cities. The latter have exploited the villages. The blood of the villages is the cement with which the edifice of the cities is built. I want the blood that is today inflating the arteries of the cities to run once again in the blood vessels of the villages.<sup>67</sup>

Thus, one has to find the *Swaraj* in the village instead of the city. He was certain that sooner or later India will get her freedom, but what kind of freedom we want is the main question. He says,

“I am convinced that if India is to attain true freedom and through India the world also, then sooner or later the fact must be recognised that people will have to live in villages, not in towns, in huts, not in palaces. Crores of people will never be able to live at peace with each other in towns and palaces. They will then have no recourse but to resort to both violence and untruth. I hold that without truth and non-violence there can be nothing but destruction for humanity. We can realise truth and non-violence only in the simplicity of village life, and this simplicity can best be found in the Charkha and all that the charkha connotes. I must not fear

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<sup>66</sup> Ibid., 01-05-1930.

<sup>67</sup> Ibid., 23-06-1946.

if the world today is going the wrong way. It may be that India too will go that way and like the proverbial moth burns itself eventually in the flame round which it dances more and more fiercely. But it is my bounden duty up to my last breath to try to protect India and through India the entire world from such a doom.<sup>68</sup>

According to Gandhi, Non-violence is the only way to save the village, Indian and the world in general. The world is going to self-destroy itself if we fail to divert it to the path of love and peace. To maintain peace and love, we must bring *Swaraj* in the form of the *Village Swaraj* as described above in detail. We can summarise the Gandhian *Swaraj* in his own words as “My idea of Village *Swaraj* is that it is a complete republic, independent of its neighbours for its own vital wants, and yet interdependent for many others in which dependence is a necessity.”<sup>69</sup> Thus Gandhian village is a perfect example of a stateless state. It is a kind of anarchy where everyone is morally self-ruled and self-restrained. In short, such an ideal society is purely based on love for all, eradicating inequality, discrimination and bias towards any individual or group.

As we have seen in our discussion, in Gandhian philosophy, the idea of Social Justice is transformed into the idea of *Antyodaya* and *Sarvodaya*. Through the concept of *Antyodaya* and *Sarvodaya*, he talks about equality for all. This kind of equality originates from the realisation of the self. The real revelation of self in Gandhian Philosophy breaks all the barriers between human beings and sees every human being equal and one. His idea of *Antyodaya* in its true sense tries to reach the last and deprived members of society. The concept of *Trusteeship* also helps in the process of wealth and resource distribution in the society. Under such a system, a fair distribution of the wealth and resources become a moral obligation. Such a morally driven process does not require any rule or regulation to control the people. It is the moral force which enables everyone to feel equal in all manners. To become a true self or human one needs to be a true *Satyagrahi* first. This *Satyagrahi* will embark upon a journey to finding the truth through the path of non-violence. It will also help him in acquiring other qualities like Fearlessness, Non-Possession, Humility, tolerance, etc.

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<sup>68</sup> Gandhi, M. K., *Village Swaraj*, p. 43.

<sup>69</sup> *Ibid.*, p. 44.

and eventually it will transform not only the self of the traveller but also the society. In search of finding true society, the self-will creates a republic structure of society, where everyone is self-regulated and morally bound to perform his or her duties. The structure and model of this society would be straightforward and uncomplicated like the structure of a village. People will collectively bear the burden of responsibilities as well as reap the reward for the same. There will be no place for discrimination in such a society and love for all will be the only motto. We can say that the society mentioned above is a true form of Gandhian *Grama-Swaraj*. Gandhi claims that this kind of *Grama-Swaraj* can be achieved only in a village society. As far as the city is concerned, it cannot realise the idea of *Grama-Swaraj* because it is already full of complex systems and vices ruling the roost. Simplifying the city to turn it into such a society would be beyond the realm possible. The village is the symbol of unity, equality, love and decentralisation of power. Thus it is perfect to call Gandhian *Swaraj* as a *Village Swaraj*.

## References:

Gandhi, M. K., *The Selected Work of Mahatma Gandhi*, Vol. 3, Navjeevan Publication, Ahmedabad, 2005.

Gandhi, M. K., *The Selected Work of Mahatma Gandhi*, Vol. 4, Navjeevan Publication, Ahmedabad, 2005.

Gandhi, M. K., *Key to Health*. Ahmedabad: Navajivan Publishing House, 1994.

Gandhi, M. K., *Mangal Prabhat*. Ahmedabad: Navajivan Publishing House, 1994.

Gandhi, M. K., *From Yervada Mandir*. Ahmedabad: Navajivan Publishing House, 1994.

Gandhi, M. K., *Hind Swaraj*. Ahmedabad: Navajivan Publishing House, 1994.

Gandhi, M. K., *Ethical Religion*. Ahmedabad: Navajivan Publishing House, 1994.

Gandhi, M. K., *Sarvodya*. Ahmedabad: Navajivan Publishing House, 1994.

Gandhi, M. K., *Trusteeship*. Ahmedabad: Navajivan Publishing House, 1994.

Gandhi, M. K., *Village Swaraj*. Ahmedabad: Navajivan Publishing House, 1999.

Iyer., Raghavan, *The Moral and Political Writings of Mahatma Gandhi*, Vol. 2, Oxford Press, New Delhi. 1986.

<https://www.gandhiheritageportal.org/journals-by-gandhiji/harijan>

<https://www.gandhiheritageportal.org/journals-by-gandhiji/young-india>

## Chapter 3

### B.R. Ambedkar's Concept of Social Justice

In this, following Chapter, we will try to examine Ambedkar's critique of caste as the fundamental cause of all social injustice in Indian society. Ambedkar proposed annihilation of caste. He raised a fundamental question- what exactly is the cause of inequality and injustice in Indian society? The answer, he finds, lies in his understanding and analysis of the caste as an autonomous and significant dimension of inequality, injustice and oppression in Indian society. The caste system is responsible for a number of ills in the Indian society, from economic stagnation to cultural degeneration and vulnerability to external powers. Thus, the caste system was a national malaise and not just a problem for its victims.<sup>1</sup> Ambedkar while responding to Gandhi argues for an alternative conception of social justice, which according to him is more inclusive. For Ambedkar caste was the root cause of all social injustice, and the notion of caste gets its justification from *Varna* system. Caste divides human beings on the basis of their birth (also the theory of *Karma*) and deprives those born in the lower caste families of natural rights and social justice.

For the sake of systematic study and understanding, we have divided this chapter into three parts; In Part-I 'Equality – Interrogating Social Hierarchies', we will discuss the notion of caste and Ambedkar's critique of caste. In doing so, we will discuss that how caste, has become the main problem of Indian society; and it is a degraded form of *Varna* system and how it made the Indian society a stagnant society. In second part 'Inequality and Social Freedom', I will enquire about the social freedom and prevailing inequalities of Indian society, I will also analyse the various reform movements and the efforts of Ambedkar. In third part 'Rights and Empowerment, I will critically evaluate the issue of rights of lower caste and backwards class, in both the period of pre-independence and post-independence. This discussion will include the importance of constitutional rights.

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<sup>1</sup>Ambedkar, B.R., *Dr. Ambedkar Writings And Speeches* Vol. VII, p. 21.



### 3.1 Equality – Interrogating Social Hierarchies:

In this part, I will examine caste as the root cause problem of Indian society. It reflects on how the caste system in the Indian society, rich in religion and spirituality, transformed into an exemplary system of exploitation and humiliation. It was the caste system that made the life of the fourth *Varna* inhuman and miserable. Ambedkar, through his historical and anthropological critique, brings forth the nuances of the caste system. Further, in his discussion, we will see that how this caste system is a manifestation of Brahmanical ideology which dominated interpretive part of religion and society that excluded the *Shudra* and denied those benefits of living in society. This discourse will also reveal that how the caste system made the *Shudra* dependent on the other *Varna* both socially and economically, leaving them framed as socially, morally and ethically inferior to all the other *Varna*. Caste is in general referred as a group which performs endogamy, has a defined status in a society defined by either religion or mythology. The caste group also perform a particular type of occupation, which is constrained to only them. The word caste in English is from the Spanish language word *casta*. This means race or breed in Spanish. However, in English, it is referred to the hierarchal social class, not the race.

Ambedkar in his writings and speeches has dealt exhaustively and pointedly with the evils of the caste system. The first writing of Ambedkar on caste system could be seen in a paper read before the anthropology seminar of Columbia University, New York. He first gave a definition of caste as provided by Senart, Nesfield, Risley and S.V. Ketkar. Ambedkar says “A caste may be defined as a collection of families or groups of families bearing a common name which usually denote or associated with specific occupation. Claiming common descent from a mythical ancestor, human or divine, professing to follow the same professional callings and regarded by those who competent to give an opinion as forming a single homogeneous community.”<sup>2</sup> He further remarked, “As long as caste in India does exist, Hindus will hardly inter-marry or have any social intercourse with outsiders; if Hindus migrate to other regions on earth, India will become world’s problem.”<sup>3</sup> Here Ketkar gave two characteristics of the caste system: firstly, its membership was confined to those who were born with it, and secondly, its membership was forbidden to marry outside.

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<sup>2</sup> Ibid., p. 7.

<sup>3</sup> Ketkar, S. V., *The History of Caste in India*, p. 4.

The idea of pollution was a characteristic of caste only in so far as caste had a religious flavour. The absence of eating with an outsider was not due to positive prohibition, but it was a natural result of caste, for example, exclusiveness. The various races of India occupying certain territories had more or less fused into one another and did possess a cultural unity, which was the only criterion of a homogeneous population. This cultural unity reflected in what we call endogamy which was the only characteristic that was peculiar to caste. Therefore the problem of caste then ultimately resolved itself into one of repairing the disparity between the marriageable units of the two sexes within it. Ambedkar remarked:

I am justified in holding that, whether regarded as ends or as means, *Sati*, *enforced widowhood*, and *girl marriage* are customs that were primarily intended to solve the problem of the *surplus man* and *surplus women* in a caste and to maintain its endogamy. Strict Endogamy could not be preserved without these customs, while caste without endogamy is a fake.<sup>4</sup>

He showed that the caste system was a legal system maintained at the point of a bayonet. If it had survived, it was due to the prevention of masses from the possession of arms, denying to the masses the right to education, and depriving the masses of the right to property. Therefore, he maintained that the caste system far from natural was categorically an imposition by the ruling classes upon the servile classes.

The study of the caste problem in Indian society, by Ambedkar, involved four main points: that despite the composite makeup of the Hindu population. There was a profound cultural unity in Indian society. That caste was preselling into bits of a larger cultural unit; that there was one caste to start with; and that classes had become castes through initiation and excommunication.<sup>5</sup> The major theoretical exposition of caste system by Ambedkar was his presidential speech supposed to be delivered at the *Jat-Pat-Todak Mandal*, Lahore, at the end of March 1936. The conference was postponed up to the middle of May due to very bitter criticism for having elected its president a leader like Ambedkar “who was declared hater of Hindu religion”. The result was that even the staunch leaders like Bhai Permanand, Dr Narang, Narendra Nath had to dissociate themselves from the Mandal.

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<sup>4</sup>Ambedkar, B.R., *Dr. Ambedkar Writings And Speeches* Vol.13, p. 6.

<sup>5</sup> *Ibid.*, p. 7.

Ambedkar participated in Sikh Conference in Amritsar on 13 and 14 April 1936. His participation in the Sikh conference worsened the suspicion of the *Jat-Pat-Todaak Mandal*. He had plainly said in the proposed address that it was the last speech he was going to deliver as a Hindu. The Mandal refused to accept him as their president of the Conference. He did not consent to change his speech. This was the first time when the appointment of a president was cancelled by a reception committee because it did not approve of the views of the president. Commenting on this Gandhi wrote: “The reception committee appears to have deprived the public of an opportunity of listening to the original views of a man who has carved out for himself a unique position. Whatever level, he wears in the future; Ambedkar is not the man to allow him to be forgotten.”<sup>6</sup>

In this connection, Ambedkar quoted Ramada’s, great poet-saint of Maharashtra in the 17<sup>th</sup> century. In his *Das-Bodh*, a socio-politico-religious treatise in Marathi verse, Ramdas asked addressing Hindus, “Can we accept our *Antyaja* Guru because he is a pundit and gave an answer in the negative.<sup>7</sup> Even under the Peshwa rule pollution by the superstition of touch or shadow prevailed.

According to Ambedkar, the Caste system is not merely a division of labour. It is also a division of labourers. It is a hierarchy in which the division of labourers is graded one above the others. This division of labour was not spontaneous; it was not based on natural aptitudes or choice. Individual sentiments had no place on it. It was based on the dogma of predestination. However, the caste system involves an attempt to appoint tasks to individuals in advance, selected not on the basis of original trained capacities, but on that of the social status of the parents.<sup>8</sup>

There was no adjustment of occupations, and therefore caste became a direct cause of much unemployment. Ambedkar remarked that as an economic organisation caste was, therefore, a harmful institution; since it involved the subordination of man’s natural powers and inclinations to the exigencies of social rules. He further said that caste did not

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<sup>6</sup> <https://www.gandhiheritageportal.org/journals-by-gandhiji/harijan, 11-07-1936>. (Accessed on 2016/01/05)

<sup>7</sup> Ambedkar. B.R., *Annihilation of Caste*, p. 2.

<sup>8</sup> *Ibid.*, pp. 20 -21.

result in economic efficiency. It had not improved the race. It had completely disorganized and demoralized the Hindus.<sup>9</sup>

It was contended that the object of the caste was to preserve the purity of race and purity of blood. However, Ambedkar said that there was a mixture of all races in all parts of the World. According to him, the caste system could not be said to have grown as a means of preventing the admixture of races or as a means of maintaining the purity of blood.<sup>10</sup> The caste system did not demarcate racial division. To the question, whether the caste system embodied the eugenics of modern scientist, Ambedkar answered in negative and remarked that it embodied the arrogance and selfishness of a preserve section of Hindus who were superior enough in social status to set a fashion and who had the authority to force it on their inferiors.<sup>11</sup>

According to Ambedkar, there was no Hindu consciousness. In every Hindu, the consciousness that exists was the consciousness of the caste. He remarked that the word Hindu did not appear in the Sanskrit work before Mohammedan invasion. Hindu society was a collection of castes. They did not even form a federation. Men did not become a society by living in physical proximity. The similarity in, habit and customs, beliefs and thoughts, was not enough to constitute a society because they had things which they possessed in common. It continued to exist by communication. He emphasised:

“The caste system prevents common activity, and by preventing it, it has prevented the Hindus from becoming a society with unified life and a consciousness of its own being. There are only individual shares or part in the associated activities.”<sup>12</sup>

Ambedkar thought that an antisocial spirit was the worst feature of the caste system. There was a feud between *Brahmins* and *non-brahmins* s Hindus, therefore, there were not only an assortment of castes, but they were so many warring groups, each living for itself and its selfish ideals. He further remarked that the existence of the caste and caste consciousness had served to keep the memory of past feuds and had prevented solidarity.

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<sup>9</sup> Ibid., p. 23.

<sup>10</sup> Ibid., p. 25.

<sup>11</sup> Ibid., p. 26.

<sup>12</sup> Ibid., p. 28.

He remarked that “The present day *non-brahmins* could not forgive the present day *Brahmins* for the insult to their ancestors gave to Shiva Ji.”<sup>13</sup>

According to Ambedkar castes are autonomous, and there was no authority anywhere to compel a caste to admit a newcomer to its social life. Hindu society is a conglomeration of castes and each caste being a close cooperation there was no place for a convert. Hindu religion ceased to be a missionary religion when the caste system grew up among the Hindus. Caste was inconsistent to conversion. He concluded, so long as castes *Shuddhi* (purification) will be both a folly and futility.<sup>14</sup> Brotherly feelings are seen amongst Sikhs as also amongst Mohammed's. Hindus could drive no such strength. They could not feel assured that their fellow religionist would come to their help. There was no social cement among Hindus. He maintained that so long as there were no *sanghathan*, the Hindus would remain weak and meek. He added, “Caste has made *sanghathan* and cooperation even for a good cause impossible.”<sup>15</sup>

There was the right of excommunication. It meant death. Ambedkar asked: why this should not be made an offence punishable by law. He replied that there was autonomy in the caste. Therefore the caste at the hands of the Orthodox had been a powerful weapon for persecuting the reformers. There was a charity, but it began with caste and with caste. He maintained that caste had destroyed the sense of public charity. Virtue had become caste-ridden, and morality had become caste-bound. Critics asked: if you do not want caste, what is your ideal society? Ambedkar said “my ideal would be a society based on equality, liberty and fraternity. An ideal society must be mobile. There must be social endosmosis. This was a fraternity which was only another name of democracy. Democracy was not merely a form government. It was a primary a mode of associating living, of conjoining communicated experience. It was essentially an attitude of respect and reverence towards fellow men.”<sup>16</sup>

The protagonist of *chaturvarna* took great care to point out that, their *chaturvarna* was based not on birth but on worth quality (*guna*). Ambedkar said he could not reconcile himself to this ideal. Only new names are given, but the social content is the same. He added, to allow this *chaturvarna* based on worth to be designated by such stinking labels

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<sup>13</sup> Ibid., p. 29.

<sup>14</sup> Ibid., p. 30.

<sup>15</sup> Ibid., p. 36.

<sup>16</sup> Ibid., p. 39.

of *Brahmin*, *Kshatriya*, *Vaishya*, and *Shudras* indicative of social divisions based on birth are a snare. *Chaturvarna* presupposed that you could classify people into four definite classes. It had a close affinity to the platonic ideal. To Plato, men fell by nature into three classes: producer (laborers, traders), defenders in the war and guardian of internal peace and lawgivers of the people. The chief argument against Plato made by Ambedkar was that his idea of dumping of individuals into a few sharply divided classes was a very superficial view of man and his power. Plato did not take consideration of the virtue of birth. Plato does accept the inborn qualities of man. His segregation is based on qualities of a certain class; make him part of that certain class. However, this was not the case in the caste system. In the caste system, man's class is identified by his birth, not his qualities. According to Ambedkar *Varna* and caste were fundamentally opposed. The former was based on worth, and other was based on birth. If the system of *chaturvarna* was to be established, the system of caste must be abolished. The system of social organization, *chaturvarna* was impracticable, harmful and has turned out to be a miserable failure. He remarked, "*Chaturvarna* must fail for the very reason for which Plato's *Republic* must fail", and said to me this *chaturvarna* with its odd labels is utterly repellent and my whole being rebels against it."<sup>17</sup> Even if the *chaturvarna* was practicable, it was a vicious system, he added. Thus he was against the totalitarian concept of society, and Plato was totalitarian, so he also criticizes Plato and his *Republic* theory.

Ambedkar raised another important question: why were there no social revolution in India? He answered, "The lower classes of Hindus have been completely disabled for direct action on account of this wretched system of *chaturvarna*."<sup>18</sup> He further said that the lower caste was condemned to be deprived and not knowing the way of escape and not having the means of escape they became reconciled to the eternal servitude which they accepted as their inescapable fate. The weaker section in Europe has had his freedom in military service, his physical weapon, in suffrage, his political weapon and, in education his moral weapon. The entire three weapons were denied to the masses in India by *chaturvarna*. He concluded: "There cannot be a more degrading system of social

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<sup>17</sup> *Ibid.*, p. 42.

<sup>18</sup> *Ibid.*, p. 49.

organisation than *chaturvarna*. It is the system which deadens, paralyse and cripple the people from the helpful activity.”<sup>19</sup>

Ambedkar writes, ‘The *Maurya* period was a period when *chaturvarna* was entirely annihilated. The *Shudra* became the rulers of the country. The period of defeat and darkness was the period when *chaturvarna* flourished. He called *Maurya* period in history as a period of freedom, greatness and glory. The *Brahmins* and the *Kshatriyas* were an eye-sore to each other. The *Kshatriyas* became tyrannical, and masses were disarmed. The *Mahābhārata* and *Puranas* were full of the incidents of the strife between the *Brahmins* and the *Kshatriyas*. The *Avatar* (incarnation) was for one divine purpose, and that was to annihilate the *Kshatriyas*. The rivalry and enmity between different *Varna* were prevailing in society. There was no harmony. Ambedkar concluded that *chaturvarna* could not be ideal. Because of *Varna* system, in reality, gives a scenario where classes are struggling and fighting among themselves. This system does not appear to base on cooperation. Thus the inconsistent system of classes cannot be an ideal for society.<sup>20</sup>

Caste among non-Hindus was fundamentally different from caste among Hindus. Caste had not the same social significance for non-Hindus as it had for Hindus. Caste was essential in case of Hindus. Without knowing it, you do not feel sure what sort of a being he is. Another thing was the excommunication. It is foreign to the Sikhs and Mohammedans. The non-Hindus did not regard the caste as religious dogma. Religion compelled Hindus to treat isolation and segregation of caste as a virtue. Ambedkar concluded, “There is no integrating force among the Hindus to counteract the disintegration caused by the caste.”<sup>21</sup>

It was always said that Hindus had survived for centuries. According to Ambedkar survival is not a proof of fitness or perfectness. Hindu society survived not because of its caste system, but because of the foreign rulers who defeated Indian, Hindu rulers did not find necessary to kill the religion. The history of the Hindus was the history of the surrender of the Indian before foreign rulers. The Hindus have not only ever withstood the onslaught of the foreign invaders; they have never even shown the capacity to organise a revolt to remove the foreign invaders. On the other hand the Hindus have tried to make slavery comfortable to their religion; in fact, under the caste system, the general

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<sup>19</sup> Ibid., p. 49.

<sup>20</sup> Ibid., pp. 50-51.

<sup>21</sup> Ibid., p. 53.

mobilisation of the people for the defence was impossible since mobilisation needs general liquidation of the occupational theory underlying the caste system.<sup>22</sup> Ambedkar questions that why promote the hereditary system into an official doctrine? What matters to the society was not the label by which the individual class was known, but the serviced it offered. According to Ambedkar the inter-caste dinner for sharing the food was an inadequate to remedy. He said that inter-dining had not succeeded in killing the evil spirit of caste and its consciousness. He further concludes that “The real remedy is intermarriage. It will vanish the spirit created by the caste.”<sup>23</sup>

Ambedkar calls for a normative and psychological change, as an urgent necessity. To him, the real remedy was “To destroy the belief in the sanctity of *Shastra* and its teachings,” for “The acts of the people are merely the result of their beliefs, inculcated upon their mind by the *Shastra*.”<sup>24</sup> He gave emphasis on that man must be free from the deep-rooted religious prejudice or sacred notion behind caste. Divinity behinds the caste and behind the *Shastra* must be destroyed.<sup>25</sup> According to Ambedkar caste divides men into separate classes and community and these communities were in a hierarchal order one above another in social status. He maintained that this sealing of castes made it impossible to organise a united front against the caste system. Caste formed a graded system of rights and freedom, high and low, which were jealous of their status and which knew if a general dissolution came some of them stood to lose more of their prestige and power than another. There would not be a general mobilisation of Hindus for an attack on the caste system.

In Hindu religion, there was the authority of *Vedas* and *Smriti*, but Ambedkar said that no attempt was made to find out which of the two accorded with reason and logic. Similarly, no chance was left to a Hindu to examine rationally, the foundation of the beliefs in caste and *Varna*, and “Rationalism as a canon of interpreting the *Vedas* and *Smriti* is absolutely condemned.”<sup>26</sup>

If anybody broke the rule of caste, he is allowed to express regrets and do some penance and thereby his way is cleared and his position is maintained in society.

Ambedkar writes, “By this theory (*Prayashchitta*), the *Shastra* by following a spirit of

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<sup>22</sup> Ambedkar. B. R., *What Congress and Gandhi have done to the Untouchables*, p. 287.

<sup>23</sup> Ambedkar.,B.R., *Annihilation of Caste*, p. 57.

<sup>24</sup> *Ibid.*, p. 58.

<sup>25</sup> *Ibid.*, pp. 61-70.

<sup>26</sup> *Ibid.*, p. 67.



compromise have given caste a perpetual lease of life and have smothered reflective thought which would have otherwise led to the destruction of the notion of the caste.”<sup>27</sup>

In reply to the presidential address articles of Ambedkar, Gandhi wrote three articles in his magazine *Harijan* in that he called Ambedkar is a challenge to Hinduism, he further said:

Religion does not live by learning. It lives in the experience of Saint and seers, in their lives and sayings. Caste has nothing to do with religion. *Varna* and *āshrama* are institutions which have nothing to do with caste. The law of *Varna system* defines not our right but also our duties. There is nothing in the law of *Varna system* to warrant a belief in untouchability, Ambedkar’s profound mistake lies in his picking out the text of doubtful authenticity and value and the state of degraded Hindus who are no fit specimens of faith they so woefully misinterpreted. In his able address, the doctor has over proved his case. Religion is to be judged not by its worst specimens but by the best might have produced.<sup>28</sup>

Ambedkar first remarked that the masses did not know the content of the *Shastra*. He said that they believed in what they have been told that the *Shastra* enjoined and observed caste and untouchability as a religious duty.

Gandhi said that these *Shastra* must be explained and interpreted not by the learned scholars but by the saints. Ambedkar objected to this and said that none of the saints ever attacked the caste system; on the contrary, they were firm believers in the caste system. Ambedkar further said that the *Rishi* Dnyanadeo moved heaven and earth to get his status as a *Brahmin* recognised by the Brahmin fraternity of Paithan. Eknath was not opposed to the caste system and untouchability; he felt that the pollution caused by the touch of an untouchable could be washed away by a bath in the sacred water of river Godavari. Ambedkar reminds that the saint has never carried on a campaign against the caste system and untouchability. They were not concerned with the struggle between man and man. They were concerned with the relation between man and God. They preached that all men

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<sup>27</sup> Ibid., pp. 69-71.

<sup>28</sup> <https://www.gandhiheritageportal.org/journals-by-gandhiji/harijan> (Accessed on 2016/01/14) 18-07-1936

were equal in the eyes of God, a very different and innocuous proposition which nobody could find difficult to preach or dangerous to believe in.<sup>29</sup> That the masses have remained a firm believer in the caste system and untouchability shows that the pious lives and noble sermon of saints have had no effect on their life and conduct as against the teachings of *Shastra*.<sup>30</sup>

As per Gandhi's remark that religion has to be judged not by its worst specimens, but by the best it might have produced. In reply to that Ambedkar said that why the worst number so many and the best is so few? According to Ambedkar, there were two possibilities either the worst incapable of making the remotest approach to the religious idea was a wholly wrong idea, in fact by giving to the wrong twist a turn in the right direction. He did not accept the first but accepted the second.

Ambedkar thought that Gandhi's idea of following one's ancestral calling was not only an impossible and impractical idea, but it was also morally an indefensible ideal. Gandhi saw great virtue in a *Brahmin* remaining *Brahmin* all his life; he was satisfied that there were real "*Brahmins* who are living on alms freely given to them and are giving at will what they have of spiritual treasure". Ambedkar said that this spiritual treasure was not a conservation of virtue, but it was the prostitution of noble profession which was no other than the service of religion.<sup>31</sup>

According to Ambedkar *Varna* and caste were evil ideas and mattered very little whether one believed in *Varna system* or caste system. *Varna* was infallible like *Vedas*. The *Bhagavad-Gita* has made enough mischief by giving a fresh lease of life to the *Varna* system, by bashing it upon a new and plausible foundation, namely that of man's innate qualities. More ever the *Varna* system of *Bhagwat-Gita* did not say that 'birth' is the criteria of *Varna*. Ambedkar argued further "With Gandhi *Varna* is determined by birth, and the profession of *Varna* is determined by the principle of heredity so that varnish merely another name for caste".<sup>32</sup> It does not make any difference, in reality, it just gives a new name to the old rotten principle.

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<sup>29</sup> Kuber. V., *Ambedkar, A Critical Study*, p. 54.

<sup>30</sup> [http://ccnmtl.columbia.edu/projects/mmt/ambedkar/web/appendix\\_2.html](http://ccnmtl.columbia.edu/projects/mmt/ambedkar/web/appendix_2.html), (Accessed on 2016/01/14) *A Reply To Mahatma*

<sup>31</sup> Kuber. V., *Ambedkar, A Critical Study*, p. 55.

<sup>32</sup> Ambedkar. B.R., *What Congress and Gandhi have done to the Untouchables*, p. 290.

In this above section, we have seen that how Ambedkar in his book *The Annihilation of Caste* questions the basic foundation of caste. Ambedkar argues that it is the *Varna* system that provides legitimation to the caste system and the two cannot be seen separately. Thus the caste system, in reality, makes the one-third part of Hindu society untouchable and inferior. The roots of the caste system can be traced to the *Purana* and *Manu-Smriti*, the system of *Varna-ashram* was based on the merit of the man that later, due to the degradation and vested interests of a particular caste became the birth based system. This system takes away all the fundamental right of *Shudra* and Untouchables and separates them not only on the materialistic ground but also on the moral ground. It makes them believe that they are not pure or they are serving punishment as being *Shudra* because they have done something immoral in the past life. Over the time, even the *Shudra* internalised this narrative by accepting their condition as a matter of divine retribution. According to Ambedkar, due to this moral acceptance they never try to improve their condition and never understand the concept of equality and right. When they are denied their basic rights and favourable conditions to evolve as a human being, they slowly forget the concepts of freedom and equality. This *Interpellative* power of Brahmanical ideology is the main reason behind the *Shudras* not mobilising themselves for any positive change. According to Ambedkar, the first thing we need to do is make them understand that they are the equal to the *Brahmin*, *Vaishya* or the *Kshatriya* to raise their awareness of the basic human dignity.

The concepts of social justice work on two plans. First, it has to recognise the merit in society and give them desert according to their performance. It will make the equality in opportunity and enables the open competition for all. This ends the hereditary privilege to any particular class or groups. The other plane is to recognise the need of individual and making society egalitarian. This aspect covers the distribution of goods and benefits in society. This concept allows us to give each and every one according to their needs. This concept is aimed to improve the materialistic aspect of life and improving material equality for the full development of the individual. According to Ambedkar caste system divides the human being in the society into different layers of high and low, which is against the concept of equality. Caste consciousness prevents them in making a greater equal consciousness of society, which is a need for equality and social justice. Caste system prevents society from becoming a homogenous society because it does not allow inclusion of individual based on skill or quality. Ambedkar ideals of social

justice are based on the idea of equality, liberty and fraternity. This caste prevents human from its basic rights and freedom. It deprived them of the all three rights of man in society. They do not get right to use their body as a physical weapon; they deprived of the adult suffrage, which removes their political rights and last they are deprived of the basic right the education, which is necessary for making ideal citizen in society. All these rights and freedom are innate aspects of social justice and *Varna* system never allow these rights and freedom to lower caste or the individuals of *Shudra Varna*. Thus for bringing social justice to society, according to Ambedkar, it is necessary to destroy the caste system. The caste system does not go with the concept of social justice.

### **3.2 Inequality and Social Freedom:**

In this part, we enquire the social freedom available to the fourth *Varna* in the society. This section will explore Ambedkar's concepts of social movement and social reforms. This chapter will also include how Ambedkar initiated the social reforms in his time and what is the meaning of freedom in the society. How *Brahmins* have hijacked the authority on the religious text and its interpretation. We will also see how Ambedkar criticises many reports and committees to show they only help the upper caste to maintain their power and hegemony. I will discuss the Ambedkar critique of the *Shastra* in which he claims that they must be destroyed to liberate the lower castes in particular and the society in general. It will also include the various movements by *non-brahmins* and how Ambedkar tried to launch a nationwide movement for the liberation of the lower and backwards castes.

In the analysis of social problems Ambedkar characterised the caste system as illogical and unscientific, He described Brahmanism as a graded inequality imposed on different sections of the society which includes the complete prohibition of education, power, authority, property to the *Shudras*. The most heinous acts of which also included complete subjugation and suppression of women. He identified inequality as the official doctrine of Brahmanism and the suppression of the lower case to equality as the bounded duty of the *Brahmins*. The later made education their monopoly and education of the lower castes as a crime. Shudras and untouchables were not only deprived of education

but were also disarmed because only disarmament ensured the authority of the Brahmins. Examining world history of slavery and understanding Ambedkar's analysis, it can claim that there had been no intellectual class in any civilisation as the *Brahmins* of the *Vedic Aryan* structure which have exploited their own countrymen by keeping it under the chains of ignorance and poverty.

According to Ambedkar, the *Brahmin* was alien and hostile to *Shudras* and Untouchables. The *Bania* was the most parasitic class known to history. In him, the vice of money making was unredeemed by culture or conscience. He was like an undertaker who proposed when there was an epidemic. He used his money to create poverty by lending money for unproductive purposes. The whole of poor, starving, illiterate India was mortgaged to the *Bania*. The *Brahmin* enslaved the mind, and the *Bania* enslaved the body; between them, they divided the spoils which belonged to the governing class.

According to Ambedkar, the *Brahmins* were leaders of the society and scholarship were confined to them. A *Brahmin* scholar was learned, but not intellectual. He was conscious and alive to the interests of his class. Though *Brahmins* were learned, they produced no Voltaire. They had selfish interests and were intolerant. He remarked that Brahmanism being the creation of their forefathers, the Brahmins was interested in defending the sacred *Vedas*, but suppressing the truth and by defending them they defended their rights and authority. He maintained that "Because of these things the *Brahmins* were unable to carry on independently the research of these sacred books."<sup>33</sup>

Ambedkar criticised the Nehru report (1928) as perpetuating the upper-class hegemony and Brahmanical rule in the society, through the amalgamation of political and religious powers in the hands of the Brahmins. This supremacy would be challenged if the reserved seats would be given to the untouchables and backwards Hindus. He thought that the *Brahmins* and the upper-class Hindus who formed the majority in the Nehru Committee had used their influence to deprive the lower class of political rights and to consolidate the position of the *Brahmins*. According to him, the constituencies suggested by the Nehru Committee were more for consolidating Brahmanical power than for political purposes<sup>34</sup>.

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<sup>33</sup> Ambedkar. B.R., *Who were Shudras?*, p. vii.

<sup>34</sup> Kuber. V., *Ambedkar, A Critical Study*, p. 55.

Ambedkar said that Hindu scriptures were almost entirely the creation of the *Brahmins*, whose sole object was to sustain their superiority and privileges. According to him *Brahmin* scholar is sought to defend them even at the cost of truth and did nothing which could undermine their authority. The Brahmin scholars had done little original work unless it was a matter of fixing dates or tracing genealogies. He held that there had been a *non-brahmins* movement in this country which was a political movement of the *Shudras*.<sup>35</sup>

Ambedkar expressed his firm opinion that the *Shastra* must be prescribed.<sup>36</sup> He further said the *Shastra* was an insult to the people. At least those who repeated them should not meddle with the social question when they were on the point of being settled. As regards the *Puranas* and *Shastra*, he deemed them a treasure trove of sharp practices which the *Brahmins* employed to befool, beguile and swindle the common mass of poor, illiterate and superstitious Hindus.<sup>37</sup> Ambedkar held that Brahminism and democracy were opposed to each other. If democracy is needed, then *chaturvarna* must be ended. He said, “The root of the untouchability is the caste system; the root of the caste system is religion, attached to *varna* and *ashram*; and the root of *Varna-ashram* is the Brahmanical religion, and the root of the Brahmanical religion is authoritarianism or political power.”<sup>38</sup>

For making true religion, Ambedkar suggested below mentioned measures:

- (1) There should be one and only one standard book of Hindu religion acceptable to all Hindus. Preaching of any doctrines, religious or social, contained in the *Vedas*, *Shastra* or *Puranas* should be penalised.
- (2) The priesthood should be abolished. It must at least cease to be hereditary. There must be state examination for the priesthood.
- (3) It should be made penal for a person who has no *Sanad* to officiate as a priest.
- (4) A priest should be a servant of the state like any other civil servant. The priest should be paid by the state and should be subject to the disciplinary action of the state in the matter of his morals, beliefs and worships, in addition to his being subject along with other citizens to the ordinary law of the land.

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<sup>35</sup> <http://www.sacred-texts.com/hin/m12/m12a001>. (Accessed on 2016/01/06)

<sup>36</sup> Ambedkar, B.R., *Dr. Babasaheb Ambedkar: Writing and Speeches*, Vol.2, p. 66.

<sup>37</sup> Ambedkar, B.R., *Ranade, Gandhi and Jinnah*, p. 30.

<sup>38</sup> Ambedkar, B.R., *Dr. Ambedkar Writings And Speeches* Vol. X, p. 122.

(5) Law should limit the number of priests according to the requirements of the state like civil service. He thought that the priestly class in Hindus is subject neither to the law nor to morality. This class must be brought under legalisation. It would democratise it by throwing it open to everyone. It would certainly help kill Brahmanism and would also help to kill caste which is nothing but Brahmanism incarnate.

He further said that there must be a doctrinal basis to Hindu religion. That basis must be in consonance with liberty, equality and fraternity, in short with democracy.<sup>39</sup> Ambedkar regarded three great men as his preceptors. The first was Kabir, the second was Phuley, and the third one was Buddha. Kabir took him to the Bhakti cult; Phuley inspired him, to strive for anti-Brahminism and amelioration of the masses, their education and economic uplift; and the Buddha gave him the mental and metaphysical satisfaction and a social way leading to the emancipation of the untouchables by restoring to the way of the mass conversion.

Phuley was the Nineteenth century social reformer in the State of Maharashtra. He was the first person in Poona, who first made drinking water arrangements' to the untouchables in Poona and opened schools for untouchables in 1851 and, for women in 1848. Shahu Maharaj of Kolhapur called Phuley as the Martin Luther of Maharashtra. Phuley opposed tooth and nail the oppression by *Brahmins*. He was not the haters of the *Brahmins*, but the movement led by him smelt anti-Brahminism. Men like Justice M.G.Ranade helped him in his cause of Social reform. Phuley wanted independence to set the masses free from priestly slavery.

On September 23 of 1873, Phuley founded the *Satyashodhak Samaj* (Society for the seekers of truth). It preached three principles; the God Almighty is one, and all the beings are his children; there is no necessity of any middlemen in between man and God; and the greatness should not depend upon birth, for example in what caste he is born and what is his social status. The preaching of these teachings and the establishment of the above *Samaj* gave him unprecedented eminence in the society. Saiyji Rao Gaekwad of Baroda gave assistance for his cause and called him the Booker T. Washington of India. When Tilak and Agarkar were released from the Dongri jail in 1881, Phuley along with his followers received them courteously and

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<sup>39</sup> Ambedkar. B.R., *Annihilation of Caste*, p. 77.

courageously and led them in the Poona city in procession. Ambedkar dedicated his book “*Who were Sudras?*” To Jyotiba Phule.

Ambedkar was fascinated towards the teachings of Phuley because of his decisive attitude towards the emancipation of the downtrodden masses. Phuley attacked usury and absentee landlordism. He did not call him a peasant who did not till his land. The anti-clericalism or anti-Brahminism taught by Phuley was interpreted by the interested leaders of the movement as the plank from which the anti-*Brahmin* movement sprang, and they led the whole movement into the channels of the *non-brahmins* party. The *non-brahmins* leaders regarded as the enemies of the nation. Javalkar published a Pamphlet named “*Enemies of the Nation*” in Marathi which stirred the whole of Maharashtra. Ambedkar remarked that it was a good book written in bad taste.<sup>40</sup> A suit was filed against the *Non-brahmins* leaders like Jedhe, Javalkar and Bagade. Ambedkar as a lawyer defended the accused, and they were set free.

The *non-brahmins* movement flourished during the second and third decades of this century. Shahu Maharaja of Kolhapur was an active supporter of this movement. Its prominent leader, B.V. Jadhav was returned to the Bombay Legislative Council and became a minister in the new legislature under the Montfort reforms. By his high position, the *non-brahmins* movement became consolidated. Shahu Maharaj of Kolhapur saw in Ambedkar a promising youth capable of leading the *non-brahmins* movement. In a letter to Ambedkar he wrote:

Consult Messrs. Little and Co on two points. Firstly, the point is that the ‘Mahars’ were called a ‘criminal tribe’ by ‘Tilak’. Can they proceed against him civilly? Moreover, secondly, that the public funds are alleged to be misappropriated by him or his party. Long accounts appeared in the Sandesh (A Marathi daily in Bombay) about them. From those accounts are the persons concerned liable to be proceeded with criminally or civilly or both?<sup>41</sup>

In another letter, Shahu Maharaja of Kolhapur addressed Ambedkar as “*Lokmanya*” Ambedkar (In India Tilak was the only nationalist leader who was spontaneously dealt with by his countrymen as Lokmanya.). In that letter, he asked Ambedkar to come to

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<sup>40</sup> Kuber. V., *Ambedkar, A Critical Study*, p. 60.

<sup>41</sup> *Ibid.*, p. 62.



Kolhapur and assist him in his new arrangement of abolishing Baluta system<sup>42</sup> and restore “spirit” and “self-respect” among untouchables by the consolidation of holdings. In another letter to, Shahu Maharaja wrote:

He (Ambedkar) will explain to you the difference between backwards class and *Brahmin* bureaucracy. The real object of the *Brahmins* has been to regain and establish they are long lost; power. The present scheme of self-government for India will not make the people free and equal, but will only make the *Brahmins* more powerful. A *Brahmin* Oligarchy possessed of political power will be a menace to the empire and a drag on the onward march of the Indian people. The *non-brahmins* have failed to get a hearing from the several administrations in India, but they hope to find sympathy in the hands of the British public. May I, therefore, request you to give Ambedkar a patient hearing and such help as you can conveniently render.<sup>43</sup> The letters of Maharaja of Kolhapur made no effect on Ambedkar. To the first Ambedkar replied that it would be of no use and would only create difficulty. Moreover, he would not see Sir Alfred Peads referred to it in the other letter. The movement became widespread. It demanded that “protection and guidance of the British government” until the ineffectiveness of the evil of the caste system became manifest. This repudiation of the nationalist movement and the leading of the *non-brahmins* movement into anti-nationalist channels were serious blows to the growing nationalist and anti-imperialist movement to Indian people. Sahu Maharaja of Kolhapur died on fifth may 1922 in Bombay, and the *non-brahmins* movement receded into the background.

Ambedkar was accorded a hearty reception in January 1943 in Bombay. Among other things, he said that the *non-brahmins* party was powerful in Bombay and Madras, but it could not lead the masses to its destinations. He analysed the causes of the failure of the *non-brahmins* movement. He said that the first cause was that the *non-brahmins* parties prostituted their positions of power for providing jobs for their men and nothing more. They had no broad policy and large measures. The *Non-brahmins* parties forgot the classes from which they came and became as an insolent and arrogant as a foreigner. In September 1944 in a lecture in Madras, he said, many of the *non-brahmins* party men tried to become second class *Brahmins*, they have not abandoned Brahminism. They are

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<sup>42</sup> The Bara Balutedar system is a servant-cum-caste systems that was found in villages of Maharashtra, Bara Balutedar were hereditary village servants.

<sup>43</sup> Kuber. V., *Ambedkar, A Critical Study*, p. 63.

holding it as an ideal.<sup>44</sup> He stressed the need for good leaders, good organisations and clear-cut ideologies for the *non-brahmins* party.

This movement was the response of a downtrodden section of the Hindu Society to the challenges of the caste in the new context of British rule and western liberal-rationalist ideology. The more moderate *non-brahmins* entered the Congress and soon dominated it. Phuley's ideas did not make progress among *non-brahmins* for several years after he had propounded them, but caste consciousness seemed to have suddenly become sharp in 1916 when Montague arrived in India to consult the people and the government of India about the future form of government<sup>45</sup>. The *non-brahmins* movement and the depression of the thirties led to the migration of *Brahmins* from rural areas to big towns. The more prosperous and educated *non-brahmins* castes began Sanskritising their way of life, and the *Brahmins* started becoming westernised. As a result of this movement, the members of the *non-brahmins* castes obtained privileges and concessions while at the same time discriminatory practices were built into the administration of many states and the main beneficiaries of the movement had been the landowning dominant caste.<sup>46</sup>

Though Ambedkar tried to further the *non-brahmins* movement, he was not blind to the virtues of the *Brahmins*. He said:

Young people always abuse *Brahmins*, but you never imitate their virtues. *Brahmins* change their ideas according to the exigencies of time. They pursue knowledge and money...Remember! *Brahmins* have brains within brains. If you want to fight the *Brahmins*, you must be more intelligent than them. You do not unite; instead, you fight amongst yourselves and chew the poisonous pill given by the *Brahmins* that "Mahars are inferior to Marathas."<sup>47</sup>

At that time of the Mahad Satyagraha (1927) for drinking water of a tank, *non-brahmins* leaders (Jedhe and others) urged Ambedkar to exclude *Brahmins* from the *Satyagraha*, but he overruled the suggestions and remarked that it was erroneous to treat all the *Brahmins* as enemies of the untouchables. What he hated were "The men, who

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<sup>44</sup> Keer. Dhananjya, *Ambedkar, Life and Mission*, pp. 341-550.

<sup>45</sup> Shrinivas.,M.N., *Castes in Modern India and other Essays*, p. 20-23.

<sup>46</sup> Kuber. V., *Ambedkar, A Critical Study*, p. 62.

<sup>47</sup> *Ibid.*, p. 62.

were possessed with the spirit of Brahmanism-the idea of high caste and low caste-which implanted the idea of pollution from human beings and imparted social privileges and inequality.”<sup>48</sup>

According to Ambedkar, the *non-brahmins* leaders had no loyalties to the cause; they forgot to bring the *non-brahmins* castes on equal footing- a goal cherished by Phuley. Marathas began to preach their superiority, and the distinction between the Marathas and Non-Marathas became clear in all the party programs. Even in the educational conference of the *non-brahmins*, the untouchables were seated away from the others for fear being polluted. Even the *non-brahmins* leaders like B.V. Jadhav asked Marathas to vote for Marathas in general elections. The untouchable community had no place in that movement. That was why the Untouchables, though attracted towards the *non-brahmins* movement, could not become one with it.<sup>49</sup>

The *non-brahmins* members in Bombay members in Bombay Legislative Council (1927) opposed the bill for the removal of untouchability. The upper-class Marathas could not take the position of treating untouchables with equality. The upper-class Marathas did not support Ambedkar in Mahad *Satyagraha*. Ambedkar was bitter towards the Marathas because he raged that they were not progressive as they opposed the Mahar Watan Bill. They were politically the most backwards community. He remarked, “There is no man of eminence among them (Marathas) such as Tilak, Gokhale or Ranade.”

In one of his message in the magazine ‘*Satyashodhak*’, Ambedkar said, “The *non-brahmins* have effaced the memory of Jyotiba Phuley completely. Not only that, but the class has shamelessly betrayed his philosophy.<sup>50</sup> Anti-Brahmanism became a progressive force as far as it tried to boost up with the untouchables in general and Ambedkar in particular. However, the leaders of *non-brahmins* movement used the movement for their sectarian motives, and they excluded the Untouchables from the orbit of the movement. Though the teachings of Phuley inspired Ambedkar, still he was disillusioned by the professions of his so-called disciples would lead the *non-brahmins* movement in the communal and anti-social channels.

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<sup>48</sup> Keer, Dhananjya, *Ambedkar, Life and Mission*, p. 85.

<sup>49</sup> Kuber. V., *Ambedkar A Critical Study*, p. 63.

<sup>50</sup> Narender Kumar. "Dalit and Shudra Politics and Anti-Brahmin Movement", *Economic and Political Weekly* 35, no. 45, 2000: 3977-979. Accessed on 12/11/2015.

In this part, we have enquired that how Ambedkar tried to remove the fundamental problems of the *Shudra*, by challenging the authority of the *Shastra* and the discourse of subjugation and discrimination therein. He argumentatively explains that how the hegemony of the Brahmins has given them authority and power that derives its justification from these so called knowledge texts supposedly handed over to human beings by gods and goddesses. Ambedkar gave a strong emphasis on destroying these texts because they are the root cause. He said that the monopoly of *Brahmins* has to be undone in knowledge and priesthood. It was the only profession which gave them a higher status in society. Thus we need to reforms the priest and their profession to bring about any fundamental change in the social structure. He said that everybody has a right to knowledge and anyone can obtain it and join any profession. This is the key to reform the Indian society. He also mentions that how Phuley and Kabir, through their teachings, tried to reform the society. He also mentions that we need to obtain the good qualities of the Brahmins to improve the present situation. We have also seen that how Ambedkar critically evaluates the teaching and reforms of the emancipation of Mahatma Phuley. According to Ambedkar, we need not fight just for emancipation; we also need to fight for our rights. This he tried to show through the Mahad-Satyagraha that just criticising is not enough and we need to use the political and social means to reform the society as we would like it to see.

The principles of social justice say equal rights to the equal citizen in society, but because of the caste system, the *Brahmins* have deprived them of obtaining a basic education. Without the education, they cannot be aware of their rights and duties. They even do not know what exactly the *Shastra* says. They just understand and follow whatever *Brahmins* tells them. This makes them subordinate in the intellectual sphere. This is against the spirit of equality and social justice. Due to lack of knowledge and information, they remain to certain jobs including service of high classes. The resource of knowledge was only available to the *Brahmins* and upper caste Hindus. Knowledge must be for all; by limiting it to a certain class, the *Brahmins* violate the social justice principle. This reduced their chance to improve their material as well as the political aspect of life. Without the education, they were considered as sub-human with no intellect and capacity to perform certain duties. This is against the principle of social justice where ever body has an equal chance for a job in fair competition. However, through caste system, it prevented them from materialistic gain and made them inferior to other classes. The caste

system, according to Ambedkar does not recognise the needs of individuals or special needs of particular groups. It does not follow the spirit of democracy, where everyone takes part in power sharing and get equal political rights. The caste system enforces the “*Bluta*” system in society, which is against the spirit of social justice. It forces to do only limited and certain jobs for the village. They are deprived of doing other jobs according to their skills. Thus this system does not recognise the skills or the qualities of man to perform various duties. It limits man and forces them to do hereditary jobs. This all does not go with the concept of social justice. Even the basic right which makes them equal, like drinking water from the same source, was denied to them. Ambedkar through the Mahad Satyagraha tried to remove this injustice and inequality of society. To achieve social justice in society, we need to recognise the individual as equal and free. The every individual is free to choose his or her occupation. They must be given all rights to improve politically and materialistically. Caste system according to Ambedkar is opposite of democracy and to establish democracy, we need to abolish the caste system. We must remove this caste system from Indian society, to achieve equality, freedom and proper rights in Indian society. Only then we will be able to achieve the social justice.

### **3.3 Rights and Empowerment:**

In this part, we will analyse the issue of rights and empowerment in the Indian society. We will also critically evaluate that, how Ambedkar tried to establish that equal rights are the first condition of the egalitarian society. While doing this, we will see the comparison of the rights under British India and Indian Constitution. According to Ambedkar, the caste is the cause of all inequality in Indian society, to achieve the goal we need to remove the caste and its related inequalities. This discourse will also bring the nuances of the Indian constitutions, that how it revolutionaries the fundamental rights in Indian society. This discussion will also bring out the importance of political rights and its necessity in society. We will also try to explore the notion of power participation in decision making, how old legal system helped *Bhramins* to retain the power under the Hindu law. This section is an effort to compare as well as to identify the two legal systems of India, and how it has changed after the advent of the Indian Constitution.

Ambedkar is one of the main founding members of social justice in pre-independence and post-independence India. In the words of Ambedkar, the term “social justice” is based on the universal concept of equality, liberty and fraternity for all human beings. The core aim of social justice is to eliminate all kinds of inequalities based on wealth and Authority. The social justice brings the equal distribution of the social, political and economic means and benefits in the Society, and for the Society.

Ambedkar was one of the profounding architects of the Indian Constitution. He was not only aware of all the inequalities and problems of the Indian society, but he was aware of the roots causes of all problems. The hopes of the different sections of the society and their conflicting welfares were taken care in Indian Constitution. His vision was to bring social justice and social democracy regarding one man-one one value. Ambedkar treated social justice as a true foundation for a just and egalitarian nation. Ambedkar rejected the totalitarian theories of social justice as propounded by the *Varna* system, the Aristotelian order, Plato’s scheme, Gandhian *Sarvodaya* order and not even the proletarian socialism of Marx. Ambedkar in his books *Annihilation of Caste* and, in *Buddha and Karl Marx*, Ambedkar systematically argue that both are irrelevant to Indian society. Indian society follows the caste system based on birth, and they both did not recognise this factor in their theories.

The foundations of Ambedkar’s concept of social justice included compassion and equality of all human beings, equal worth of all human being, admiration for the weak and the lowly, respect for human rights, altruism, mutual love, sympathy, tolerance and charity towards all fellow beings of society. The humane approach in all the cases of the dignity of all citizens, abolition of Caste injustice, education for all and right to property and lively hood for all, and goodwill and gentleness, Ambedkar gave prominence more on the level of fraternity and Social integration. His view on social justice was to remove human-made inequalities of all shades through law, morality and public conscience; he stood for justice for a sustainable society.<sup>51</sup>

For Ambedkar, the source cause of social injustice in Indian society, and the exploitation Scheduled Castes and Scheduled Tribes is because of the hierarchal caste

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<sup>51</sup> Purohit, B.R, Sandeep Joshi, *Social Justice in India* p. 189.

system of Hindu social order. He argued that the castes system be an enclosed unit, and the upper caste was the most beneficial section of this system. It was a clear and conscious attempt that compels the ex-communicated them and made them in lower and marginalised caste. The prudence of their immovable circumstance was ruthless, and it is in obedience to its force that some ill-fated groups find themselves closed out with the result that now groups by a human-made law are constantly being converted into castes in a widening multiplicity. Ambedkar further argued that “The root of untouchability is the caste system and the root of the caste system is religion, the root of the religion attached to *varna-ashram* and the root of the *varna-ashram* is the Brahminism, the roof of Brahminism lies with the political power.”<sup>52</sup>

Ambedkar’s social vision for social justice resounded in his writings and speeches. He argued that Indian caste based economic system permit exploitation without any obligation, untouchability is not only a mean or system of unmitigated social exploitation, but it is also a system of uncontrolled economic exploitation of deprived section by the certain class. That is because there is no independent public opinion to condemn it and there is no impartial state or social machinery of administration to restrain it; there is no check from the police or the judiciary for the simple reasons that they are all down from the Hindus, and take the side of exploiters.<sup>53</sup>

In Ambedkar’s view, the real democracy is a social democracy. According to him, it is essential to realise that political democracy cannot succeed where there is no social and economic democracy. Ambedkar appealed the realisation of economic and social democracy in India; the political democracy will be unreal if it does not precede by economic and social democracy.

Ambedkar always maintained that we must begin by acknowledging the there is no equality on the level of society even equality is categorically absent on this level. The Indian Hindu society was based on the certain principle of graded inequality and superiority of certain section. Which further results in elevation for some and degradation for lower section and backwards section of Hindu society. On the level of the economic plane, we have a society in which we have a section which has all the wealth and control the flow of wealth. On the other end, we have a large section of society which lives in

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<sup>52</sup> Mohamed. S., *Ambedkar on Law, Constitution and Social Justice*, p. 309.

<sup>53</sup> *Ibid.*, p. 310.

abject poverty, How long one should follow this system and endure to live this life of contradictions? How long one should continue to negate it, we will do so only by putting our political democracy in peril, we must remove this contradiction at the earliest possible moment, or those who suffer from inequality will blow up the structure of political democracy.<sup>54</sup>

Ambedkar's philosophy is impacted with social improvement, political enlightenment and materialistic empowerment and spiritual awakening. For this, it attached due importance to the economic well-being of the masses. To him, Political thought embodied a social dynamism because of man's attitude animal and social being. Ambedkar had deep faith in fundamental human rights in the equal rights of men and women, in the dignity of the individual in social, economic justice in the promotion of social progress and better standards of life in peace and security in all spheres of human life. His study of social facts enriched his political philosophy.

Ambedkar was dead against the Hindu caste structure as he was of the view that this structure has been primarily responsible for committing all sorts of atrocities on the various sections of the society particularly the weaker sections Scheduled Caste and Scheduled Tribes. He was against *Manusmriti* because it was the ultimate conspiring party in giving a blank Cheque to the *Brahmins* to commit all sorts of atrocities on Scheduled Castes and Scheduled Tribes and even gave them an epistemological and metaphysical tool to justify their actions and evil designs of this system. To understand this oppressed system, we need to examine the position and importance of law and people's rights to use the law for justice in a sequential manner.

### ***3.3.1 Legal rights of Lower Section in the ancient Hindu Legal system:***

The Hindu Social order is based and maintained by the ancient Hindu legal system, which was completely reinforced, by the system of four *Varnas*. This caste system builds on the ancient Hindu texts and Dharma sutras. The Hindu social, legal system repudiated to

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<sup>54</sup> Ibid, P.311



recognise the basic fundamental right of humans that all are born equal. The evident inequalities and dehumanisation of the lower section are based on the hierarchical caste system with its graded vice, and disabilities because of the virtue of the birth and humiliating and undignified professions assigned to certain chosen low castes/sections to be followed by them until their death. It was the greatest bane of Hindu society. The preservation of the caste system was a significant apprehension in our ancient system of law. There was no scope for alteration or improvement of a new social order that can guarantee social justice.<sup>55</sup> Caste system founded on *Varn-āshrama dharma* is the negation of social justice. The Hindu *Varn-Āshrama dharma* and the caste system enabled the brahmin to acquire higher status and made them highly privileged caste with a high hereditary based social status and marked the remaining majority of the people from the lower section as “*Sudras*” and “untouchables” appropriate for only manual labour or profession. They were deprived of all rights and benefits like educational, wealth, equality, opportunities and condemned to a low social status. In the future discourse of the time, the privileges of the privileged member of that section increased with time, and the remaining depressed classes became more oppressed and depressed, such a social structure further breed inequality in status and denial of equal opportunities to all members of society. It headed an unjust, unequal social order in Indian society. Social justice in India seeks to remove glaring inequalities in society based on a hierarchical caste system with its graded disabilities from birth on a large section of Hindu society and the conferment of privileges and position of dominance of *Brahmins*, a small section of the society.<sup>56</sup>

The caste system prevalent in India, moulded every occupation into a caste. Since each caste has to follow their traditional occupation prescribed by either ancient text or social regulations, it condemned the majority of the people to manual labour and forced them to remain under the domination of the upper caste without any salvation. As the caste-based social system prescribed a hierarchical position to each caste and pre-determined the social status and the favoured a certain class and underprivileged depressed class resulting in gross unjust discrimination and inequality in society. It snapped all their energy and enthusiasm to make efforts for bettering their status in life and led to social and economic backwardness. It created social imbalance and hampered

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<sup>55</sup> Venugopal. P., *Social Justice and Reservation*, p. 11.

<sup>56</sup> *Ibid.*, p. 42.

the even growth and progress of the society. To deconstruct the invalid Caste hierarchy and for the transformation of the social structure of Indian society into a uniform unit and promote social integration and the welfare of the people, by securing a just social order, the concept social justice was developed in this country. The system that sought to preserve the social status cracked with the advent of the introduction of the British legal system in India.<sup>57</sup>

### ***3.3.2 Legal rights of Lower Section in Pre- independence time:***

When the Britishers first landed in India, they enforced their system of law and legislation. Because of political differences in class and regions and vast geographical diversity in Indian sub continent, a single uniform judicial system could not be developed and subsequently, the British agency the East India company, sensed the necessity for a unified legal system in a codified form to facilitate their trade and commerce and their political interests.

The new legal system changed the point of view and the values of the Indian people. A new unified system which was not the outcome of growth, but was imposed upon Indians, for some definite purpose, came into existence. The English judicial system was based on the rule of law, “let ninety-nine criminals escape, but not an innocent should suffer” this is the core dictum of this modern and British judicial system. British legal system was based on the due process of law. This legal system has certain intrinsic lacuna which made it incompatible and irrelevant to the traditional Indian value based Hindu society. It encouraged many hurdles like litigation, delayed justice and this process made justice expensive under this system it was hard to ascertain facts easily or to establish the guilt beyond reasonable doubt. Everyone and either party were expected to know the law of the land, but Indian society was pluralistic in nature and attitude, but the imposed British code was uniform in nature. The whole system was not appropriate to the socio, economic and ethical conditions of the Indian Hindu society. The judicial principles of India are alien to the members of the major sections of this country; they cannot get their benefits from this uniform system. Later the Indian judiciary came to be recognised with the interests of the members of the privileged section. This alien legal

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<sup>57</sup> Ibid., p. 43.

system which was originally established to exploit the people of the country did not serve the interests and needs of the common Indian people. The Indian judicial system was ineffective in administering justice because of the inherent weaknesses and imposed limitations.<sup>58</sup>

Under the English legal system, the law was merely a series of commands issued by sovereign telling the people what to do or what not to do. According to this philosophy, judges and advocates were not worried about the morality of law, but only with an interpretation of it and with its enforcement. This division between law and morals proved to be a significant obstacle and a mistake. The justice whom the courts have to administer is justice as recognised and approved by law and not justice as commands itself to the courts.<sup>59</sup> The judicial discretion was limited and controlled by rules of law which determined the general considerations which are to be taken into account as relevant and material to the exercise of the discretion and the discretion has to be exercised within the limit and on the considerations indicated by law. The result was, the judiciary became less responsive to the changing needs of the society. The courts merely resolved the disputes taken before them. It was justice according to the law is a litigative justice of the judges and by the judges. On account of this litigation justice, the judiciary when approached for legal remedy aggravated the malady.<sup>60</sup>

### ***3.3.3 Legal rights of Lower Sections in Post-independence-The Constitutional Provisions:***

The Social Justice is the concept of distribution of benefits and wealth among all members of the society. Social justice concerns such matters as the regulation of wages and profits, the protections of individual's right, through the law and legal system and allocation of social wealth, social benefits, duties and other welfare benefits. Aristotle described distributive justice as the distribution of honours or money or the other entity that fall to be distributed among those who have a share in the same Constitution.<sup>61</sup> In every country Constitution is the fundamental and recognised source of social justice. Constitution formulates the social justice in certain ways, these ways are the status of the

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<sup>58</sup> Ibid., p. 12.

<sup>59</sup> Ibid., p. 13.

<sup>60</sup> Ibid., p.14.

<sup>61</sup> Aristotle, *The Nicomachean Ethics*, p. 89.

individual, wants, satisfaction, wealth, and education and jobs. These all requirements are essential benefits for the full and all over dignified development of the human potential of every member of society.

In the modern democratic, republican welfare states, requirements can be attained by any he or she, with the help of the Constitution of the country, according to the Constitution, the state is bound to distribute an equal share of basic needs to the every member of the existing society. In India, the Indian Constitution provides that the state as a form of social welfare organ will distribute these requirements to all members of Indian society.

The essential spirit of the concept of social justice has been preserved in the Indian Constitution. The founding fathers of the Indian Constitution Assembly had the vision of a new equality based new social, political and economic order, the soul of which was social justice. Ambedkar was the chief architect of the Indian Constitution. He was extremely aware of the pattern and problems of the Indian society and its classes and their conflicting interests. The Constitution is a great example of social engineering. Social justice is not defined in the Indian Constitution, but it is relative concept taking in its wings the time and circumstances, the people their backwardness, blood, sweat and tears.<sup>62</sup>

The Constitution of India brings a revitalization in the concept of social justice when it intertwines a trinity of it in the preamble, the directive principles of state policies, the fundamental rights, and this trinity is the “the core of the commitments to the social revolution.”<sup>63</sup> This three value is the fundamental principles of the Constitution for attaining social justice. It reflects in explicit form in Indian Constitution

The preamble of the Indian Constitution is the echo of social justice. It provides social, economic and political justice to the all citizen of the sovereign, socialist, secular, democratic, republic of India. The first task of the Assembly was to formulate the objectives and the guiding principles of Indian Constitution. Therefore the resolution of the preamble and objective of the Constitution was discussed in the Constituent Assembly for nine days from December 13 to 19 and January 20 and 22 of 1947.

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<sup>62</sup> Mohamed. S., *Ambedkar on Law, Constitution and Social Justice*, p. 130.

<sup>63</sup> *Ibid.*, p. 131.

Before the actual work of the Constituent Assembly had commenced in full seeing, Ambedkar proposed a memorandum on 15 March 1947 entitled “States and minorities”. What are their rights and how to secure them in the Constitution of free India? This proposed explained the aspect of social justice for minorities in free India. No cognizance was taken on this memorandum on the ground of academic interest. However, feeling expressed by Ambedkar in this memorandum was special to protect the minorities and weaker section.<sup>64</sup> Besides, the proposed memorandum submitted, he was himself presided the meeting of the draft for the preamble of the Constitution. After a lengthy discussion, it was passed on 26 November 1947 by the Constituent Assembly.

The preamble of Indian Constitution articulates, “We the ‘people of India’, having solemnly resolved to constitute India into a “Sovereign, Socialist, Secular, Democratic, Republic” and to secure to all its citizens Justice, Social, Economic, Political, Liberty of thought and expression, belief, faith and worship, equality of status and of opportunity and to promote among them all Fraternity assuring the dignity of the nation”.<sup>65</sup> Above proclamation indeed is social justice guaranteed by the Constitution of India because it strives to create a “balancing wheel between freedom, political and economic indeed, makes the survival of democracy.”<sup>66</sup> Ambedkar concluded the debate on the preamble in these words “I say that this preamble embodies what is the desire of every member of the house that this Constitution should have its roots its authority, its sovereignty from the people that it has.”<sup>67</sup>

Part III of the Constitution as fundamental rights is related to the social justice. The fundamental rights inculcate the sense of reconstruction and foster social revolution by generating equality amongst all, prohibiting discrimination on the grounds of Caste, religion, sex, creed, place of birth, abolishing untouchability and making its practice punishable by law, banning trafficking in human beings and forced labour. Moreover, the Indian Constitution has empowered the states to make special provisions for the

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<sup>64</sup> Many amendments were suggested by the members of Constituent Assembly, viz., Sri L.n. Sahu, Patabi Seeta Ramaiah, Smt. G. DurgaBai, Pandith Thakur das bhargava, Dr. B.V. Keshkar, T.T. Krishnamchari, M. Ananthasham Iyengar, K. Shantharam, Autatal Chandra, Upendranath bhraman and Prof. K.T. Shah

<sup>65</sup> <http://indiacode.nic.in/coiweb/coifiles/preamble.htm> (Accessed on 2016/01/14)

<sup>66</sup> Mohamed. S., *Ambedkar on Law, Constitution and Social Justice*, p. 312.

<sup>67</sup> <http://parliamentofindia.nic.in/ls/debates/vol10pm.htm>, p. 456.

advancement of any socially, educationally backwards classes and also for the Scheduled Caste and Scheduled Tribes.<sup>68</sup>

These provisions of the fundamental rights of the Constitution are related to the real concept of social justice. In this regard at the time of Constituent Assembly debate, Ambedkar expressed his views that “All of us desire that this unfortunate class could be entitled to the same privileges as members of the other Communities without any let or hindrance from anybody.”<sup>69</sup> He recreated that if any community or person violates this provision, it will impose a duty on the state to stop such violation through the law because the Constitution contains ample provisions.<sup>70</sup>

The important part of the Social Justice is the Part IV of the Constitution as directive principles of the state of policy. Even though this part of Constitution, is not enforceable legally by any Indian court.<sup>71</sup> However, the principles laid down there is nevertheless fundamental principle in the governance of any government of the Indian state, and it shall be the duty of the existing state to enforce these principles in making laws. In this regard, Ambedkar Said “It is not the intention to introduce in this part these principles as more pious declarations. It is the intention of the assembly that in future both the legislature and the executive should not merely pay lip service these principles enacted in this part, but that should be made the basis of all executive and legislative action that may be taken hereafter in the matter of the governance of the country”<sup>72</sup>.

The philosophical ideology of the Ambedkar influenced the Indian judiciary by this ideology Supreme Court of India declared that directive principles of state policy are enforceable with the fundamental rights.<sup>73</sup> The Court observed that the provisions of part III should be interpreted having regard to the preamble of Indian Constitution and the directive principles of the state policy. For further improvements of State, the directive principles of state policy also defined in categorical terms, the ideas of social justice as

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<sup>68</sup> Mohamed. S., *Ambedkar on Law, Constitution and Social Justice*, p. 457.

<sup>69</sup> <http://parliamentofindia.nic.in/ls/debates/vol.7pm.htm> (Accessed on 2016/01/14) p. 166.

<sup>70</sup> *Ibid.*, p. 662.

<sup>71</sup> Article 37 of Indian Constitution

<sup>72</sup> <http://parliamentofindia.nic.in/ls/debates/vol7p9.htm> (Accessed on 2016/01/14)

<sup>73</sup> <https://indiankanoon.org/doc/1939993/> (Accessed on 2016/01/15) *Minerva Mills Vs Union of India*, Air, 1980, SC 1789

described in Article 38 of the Indian Constitution requires the state inter-alia to minimize the inequalities in income and endeavor to culminate inequalities in status, facilities and opportunities, not only amongst individual, but also amongst group of people residing in different areas or engaged in different vocations.<sup>74</sup>

The Article 39 of Indian Constitution requires the state to make available to all the citizen's adequate means of livelihood, to distribute ownership and control of material resources. So as to subserve the common good, to operate the economic system in a certain way that. It must not result in accumulation of wealth and means of production to the common disadvantage. There must be equal pay for equal work, and to protect the health and strength of employees, men and women and the tender age of children against abuse. The citizen must not be forced by economic necessity to enter avocations unsuited to their age and strength, that children are not given opportunities and facilities to develop in an as healthy method, and conditions of freedom and dignity and that childhood and youth are protected against exploitation and moral and mental abandonment.<sup>75</sup>

The state is also directed to provide and secure equal justice through the mechanism of free legal assistance to ensure that opportunities for securing justice for all members of society (citizen) are not denied to any citizen because of economic or other disabilities.<sup>76</sup> To provide fundamental rights like, right to work, right to education and public assistance in cases of any unemployment period, old age, sickness and disablement and other cases of undeserved want<sup>77</sup>, To provide provision for securing just and humane environments of work, ensuring a decent standard of life<sup>78</sup> and full enjoyment of freedom and social and cultural opportunities<sup>79</sup>, to safeguard the participation of works in the management of undertaking establishment or other organizations engaged in industry<sup>80</sup>, to secure for all the citizens uniform civil code throughout the country<sup>81</sup>, to provide free and compulsory education for children below the age of 14 years<sup>82</sup>, to promote the educational and economic interests of the Scheduled Castes and Scheduled Tribes and

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<sup>74</sup> Article 38 of Indian Constitution.

<sup>75</sup> Article 39 of Indian Constitution.

<sup>76</sup> Article 38 (A) of Indian Constitution.

<sup>77</sup> Article 41 of Indian Constitution.

<sup>78</sup> Article 42 of Indian Constitution.

<sup>79</sup> Article 43 of Indian Constitution.

<sup>80</sup> Article 43 (A) of Indian Constitution.

<sup>81</sup> Article 44 of Indian Constitution.

<sup>82</sup> Article 45 of Indian Constitution.

other weaker sections<sup>83</sup>, to raise the level of nutrition and standard of living and to improve the public health, etc.<sup>84</sup>

Ambedkar, while explaining the underlying object of the directive principles of state policy, observed; “we do not want merely to lay down a mechanism to enable people to come and capture power. The Constitution also wishes to establish our ideal before those who would be forming the government. The ideal is economic democracy having regard to the fact that there are various ways by which economic democracy may be brought about we have deliberately introduced in the language that we have used in the directive principles, something which is not fixed or rigid. We have left enough room for people of different ways of thinking with regard to the reaching of the ideal of economic democracy.”<sup>85</sup>

These provisions are towards social transformation and reconstruction of the Indian society which constitutes the gist of social justice. Ambedkar was of the view that social justice alone could lead to social harmony, social stability and patriotic feelings. He believed that democracy, which enslaves the working class, a class that is devoid of education which is devoid of means of life, which is devoid of any power of organisation, which is devoid of intelligence, is no democracy but a mockery of democracy.

The main aim of this discussion has been to discuss various themes of democracy such as equality, freedom and rights. Ambedkar’s argumentative critic of the caste system and the *Brahmanical* hegemony in Indian society was discussed in detail. According to Ambedkar, the power structures of caste have reduced the *Shudras* into sub-human being in history. Such an exploitation finds no match anywhere in the world history. Caste according to Ambedkar is a twisted form of the ancient values of Indian society which no more exists. Our age is one where the ideals of democracy and emancipation need to be actualized so that everyone participates and decides the future of social, cultural and political domains of Indian society. *Varna* system is inconsistent with democracy which instead of a hierarchical society envisages equal rights so that free citizens can exercise them. On one hand through his books, *The Annihilation of caste* and *Who were the Shudras?* He analyses the inconsistencies inherent in the Hindu caste system. However, his critique of caste does not make him a critique of religion. He maintained that man or

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<sup>83</sup> Article 46 of Indian Constitution.

<sup>84</sup> Article 47 of Indian Constitution.

<sup>85</sup> Purohit, B.R, Sandeep Joshi, *Social justice in India*, p. 25.



morality must be the centre of the religion. Hindu religion has many notions based on the mythology of Gods and Goddess which make the religion far from reason and rationality. The whole system of *Karma* and Rebirth creates a cycle which is very difficult not only to understand but difficult to break. By employing the esoteric sacred texts and their interpretation, the *Brahmins* not only acquired a higher position in Indian society but the power to change other's status as well. They degraded the *Shudras* by bringing in purity-pollution dichotomy, and almost identified pollution with the *Shudras* and Untouchables. Ambedkar was frustrated with this anomaly of society and through his efforts tried to bring uplift and empower the lower castes. His main target was not getting the equal status in society; it more to make the lower castes consciousness of equality and its meaning and significance. The moment lower caste of society gains self-respect, no person or institute can make anyone inferior anymore. To provoke this consciousness and concept, he tried the *Mahad Satyagraha*, where for the right to drink water he revolted against the upper castes. Ambedkar also through his writings and letters tried to dismantle the Gandhian argument of seeing religion by faith and not by reason. In reply to Gandhi's argument that one should judge religion through the good that it can produce Ambedkar challenged that no great saint or seer in the history of India ever tried to reform the situation of untouchables. It was Kabir and Phule who emphasised on the equality of human beings. Though British brought democratic concepts, in the true sense, it was the Indian Constitution and the efforts of Ambedkar who not only tried to attain social justice in all aspect of law and governance but in the Constitution itself. The preamble of the Indian Constitution, assures social, political and economic justice which is an everlasting example of Ambedkar efforts to envisage a practical philosophy based on reason and rational measures.

## References:

Ambedkar., B. R. *Who were Shudras?* Critical Quest Publication, New Delhi, 2008.

Ambedkar., B.R., *Thoughts on Pakistan*, Thacker and Company Limited, Bombay, 1941.

Ambedkar., B.R., *Annihilation of Caste*, Critical Quest Publication, New Delhi, 2008.

Ambedkar., B.R., *Dr. Ambedkar Writings And Speeches* Vol. I, (Ed.) Vasant Moon, Ministry of Social Justice. & Empowerment, Govt. of India. New Delhi, 2015.

Ambedkar., B.R., *Dr. Ambedkar Writings And Speeches* Vol. VII, Ed. Vasant Moon, Ministry of Social Justice. & Empowerment, Govt. of India. New Delhi, 2015.

Ambedkar., B.R., *Dr. Ambedkar Writings And Speeches* Vol. II, Ed. Vasant Moon, Ministry of Social Justice. & Empowerment, Govt. of India. New Delhi, 2015.

Ambedkar., B.R., *Dr. Ambedkar Writings And Speeches* Vol. X, Ed. Vasant Moon, Ministry of Social Justice. & Empowerment, Govt. of India. New Delhi, 2015.

Ambedkar., B.R., *What Congress and Gandhi have done to the Untouchables*. Samyak Prakashan; first Samyak Edition, New Delhi, 2005.

*Aristotle, The Nicomachean Ethics*, ed. by J.A.K. Thomson. London: Penguin Books Ltd., 2004.

Keer, Dhananjay, *Ambedkar, life and Mission*. Popular Prakashan, Second Edition, Bombay, 1985.

Ketkar, S. V., *The History of Caste in India*, Low Price Publications, 2010.

Kuber. V., *Ambedkar, A Critical Study*, People's Publishing House, New Delhi, 1998.

Narender Kumar. "Dalit and Shudra Politics and Anti-Brahmin Movement." *Economic and Political Weekly* 35, no. 45 (2000): 3977-979. <http://www.jstor.org/stable/4409928>.

Purohit B.R, Sandeep Joshi, "*Social Justice in India*" Rawat Publication, Jaipur, 2003.

S..Mohamed. "*Ambedkar on Law, Constitution and Social Justice*" Rawat Publication, Jaipur, 2005.

Shriniwas.M.N, *Castes in modern India and other Essays*, Asia Publishing House, Bombay, 1962.

Venugopal. P. "*Social Justice and reservation*" Emerald Publication. Chennai, 1998.

[http://ccnmtl.columbia.edu/projects/mmt/ambedkar/web/appendix\\_2.html](http://ccnmtl.columbia.edu/projects/mmt/ambedkar/web/appendix_2.html),

<http://lawmin.nic.in/olwing/coi/coi-english/coi-indexenglish.htm>

<http://parliamentofindia.nic.in/ls/debates/vol.7pm.htm>

<http://parliamentofindia.nic.in/ls/debates/vol10pm.htm>

<http://www.sacred-texts.com/hin/m12/m12a001>

<https://indiankanoon.org/doc/1939993/>

<https://indiankanoon.org/doc/555882/>

<https://www.gandhiheritageportal.org/journals-by-gandhiji/harijan>

<http://indiacode.nic.in/coiweb/coifiles/preamble.htm>

## Chapter 4

### Contestation between Gandhi and Ambedkar

The concept of social justice in India is unique as compared to other countries. As we have examined that in India social justice is not only about the distribution of burden and duties, it is more about social freedom and equality in the society as well as in system. Even Ambedkar emphasised throughout in his philosophy that equality must be moving force behind the social justice in India. In the previous chapter, we have examined that both Gandhi and Ambedkar had a different concept of justice and social justice. The former throughout his life lived the concept of Swaraj which he believed was the true ideal state of a nation where society is in harmony and this harmony (state) must base on traditional Indian civilizational values.

Indian civilisation according to Gandhi has absolute pure and noble values in the word; its values are based on the principle of love, not hatred. Thus these values should guide Indian society for forming an ideal society. In his thesis of non-violence, he suggested that we need to follow a moral principle of love where every human being is equal and promote peace not conflict. On the other hand, Ambedkar wanted to shape Indian society on the foundation of equality, liberty, and fraternity. In his work, he argues that it was the civilizational values which are responsible for the inequality and injustice in Indian society. It is the moral concept of karma and birth, which is the primary basis of inequality in Indian society. It divides humanity into unequal society thereby inculcating the idea of inferiority and superiority in the value system.

Both Gandhi and Ambedkar derive their notion of ideal society from Indian tradition. Gandhi derived the values from the core of religion and spirituality based on a foundation of love and equality. However, Ambedkar obtained his value from the Buddhist religion and his moral code from the teaching of Buddha as he said “Positively, my social philosophy may be said to be enshrined in three words: liberty, equality, and fraternity. Let no one, however, say that I have borrowed my philosophy from the French Revolution. I have not. My philosophy has its roots in

religion and not in political science. I have derived them from the teachings of my master, the Buddha.”<sup>1</sup>

Now in the first section of this chapter, we will examine that how this two thinker and their civilizational values made an impact on the philosophical concept of social justice in India. We will critically examine three aspects of these values as 1. A plurality of civilizational values and its impact on social justice, 2. Continuity of civilisational values and social justice. 3. Transcendence of civilizational values and social justice.

In the second section, we will explore the liberal notion and social justice and its impact on 1.Citizenship and Constitution 2. State

While dealing with these ideas, we will examine how these ideas have the impacted Gandhi and Ambedkar on forming the notion of social justice.

## **4.1 Civilizational impact on Social Justice:**

### **4.1.1 A plurality of values:**

Plurality understood in simple terms means that there is more than one aspect of reality and all aspects of it are true and equal in all manners. In Indian philosophical tradition, we find that existence and concepts in multiple forms.<sup>2</sup> Every philosophical tradition in India whether orthodox or unorthodox have faith in that what we see, or perceive reality in a pluralistic fashion. This is reflected in concepts like *Purush-Prakriti*, Atoms, Earth and heaven, body and soul, etc. the Tri *Guna* theory of Nyāya philosophy for instance even says that this all creation is an interplay between the three *Gun*as. Even the Mimamskas accepts the belief of heavens and gods. The orthodox schools of Indian Philosophical tradition like Jainism and Buddhism accept the plurality in the form of soul and the multiplicity of human life.

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<sup>1</sup> Ambedkar., B.R., *Dr. Ambedkar Writings And Speeches* Vol. 17, p. 50.

<sup>2</sup> Except for Mimamska who believes that only Brahma is true and only actual reality but they also acknowledge the existence of Maya parallel to Brahma.

Thus, plurality is an integral part of Indian tradition, or in other words, plurality is embedded in the life of human being and his perception of the world. This philosophical plurality is also manifested in the life of being and its interactions. Owing to this very foundation of plurality in thought and reality, every human being in Indian tradition accepts and practices these plural values in his life.

Taking into consideration examples of the life, of being and its evolution in society and life we find plurality on each aspect of our life. These pluralities manifested in the form of traditional socio-cultural and religious practice called *Sanatan Hindu Sanskars* in which Hindus ascribe sixteen rituals on sixteen different stages of life starting from the conception to death. They celebrate each state of life in a different form which reflects the pluralistic orientation of the Hindu value system. These sixteen rituals are not performed in isolation but respect to the family and society. Thus we inherently incorporate plurality in all aspects of life. Life itself is divided into four stages representing the four Āshrama Dharma of life. This āshrama operate and affect different stages in the life of a being. This Āshrama Dharma is essential for everyone to realise its full potential as it said in the *Mahābhārata* “ All the saying of dharma is with, a view to nurturing, cherishing, providing more amply, endowing more richly, prospering, increasing, enhancing, all living beings: securing his or her Prahbhava.”<sup>3</sup>

As we have discussed in our first chapter the concept of *Dharma* in itself is not a single fold concept. It has many meanings and relevance suited as per the state and stages of life. This plurality of *Dharma* manifests itself in the Hindu social life explicitly wherein any performing its actions to live “the” life and its preservation.

In due course of time, these multiplicities of life aspects understood through the lenses of social action and interactions gets manifested and incorporated in the life of the society in the framework of civilisation: a way to live life and perform action towards other and oneself. The Indian civilisation, in its course of development, gives importance to moral values to these Āshrama or aspects of life in the form of four Purushārtha. Here in the form of four Purushārtha, one can easily see the plurality, first in terms of the numbers of Purushārtha and then the meaning of Purushārtha. These *Dharma, Arth, Kama, Moksha* is not only moral duties in itself

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<sup>3</sup> <http://www.sacred-texts.com/hin/m12/m12a059.htm>. Shanti-Parva, 109. 10-12 (Accessed on 2017/04/04)

but involves process of duties. Thus, civilisation incorporates plurality in the form of moral code or functions and the performance of such duties.

The plurality of values again gets manifested in the manner we act or interact with others in society. The Purushārtha and Āshrama Dharma have to follow the Varn-ashram Dharma justice and harmony to prevail in society. Here, Varna must not be understood solely in terms of respect of birth. It must be known regarding a social function. Emphasising this understanding, Chaturvedi Badrinath in 2009 writes in his book, *The Mahabharata: An Inquiry in The Human Condition* writes, “The single most contribution of Mahābhārata regarding Varna has been to insist that Varna is a social function and not a person.”<sup>4</sup>

The belief of Gandhi in truth as God not God as truth seems to convey a sense that he was a monist in belief, but that is not entirely correct because his faith in a multiplicity of truth and confidence in Anekāntavāda made him a kind of pluralist. He never believed in the traditional concept of God and concept of reality understood within the framework of civilizational value system. For Gandhi, reality is many and it depends on the observer on how he perceives and what part of reality he understands. His ultimate reality was the truth which in other words is none other than love or peace. Gandhi’s whole life and philosophy can be summarized as the quest for *Truth*. Gandhi, through the binary of truth and God, goes to monist path. Where he says that “it is better to call truth as God rather than God as truth because the truth is always same for all but the concept of God is not same for all, so God has to be one and that quality you only find in truth.”<sup>5</sup> Here one may again question what Truth for Gandhi is? Gandhi answered this issue and said that “what is the truth? A difficult question, but I have solved it for myself, by saying it is what the voice within tells you.”<sup>6</sup> Thus every one of us has God or truth in our self which seems monistic but it is to everyone in a different form, so this plurality exists in ourselves on the outside. Here Gandhi tries to internalise the plurality in the being in the form of value and thought. According to Gandhi, this plurality of thoughts and action and values saved Indian civilisation from falling under the attack of modern civilisation. To remove the evil of modern civilisation, as he discussed in his original book ‘*Hind Swaraj*’ we

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<sup>4</sup> Badrinath. Chaturvedi, *The Mahābhārata An Enquiry in The Human Condition*, p. 275.

<sup>5</sup> Gandhi, M. K, *Pathway To God*, pp. 21-23.

<sup>6</sup> *Ibid.*, p. 20.



need to restore the true civilizational value of Indian society. His emphasis on living a simple life with labour for earning establishes the pluralistic values in single life in its true sense.

Through the emphasis on the idea of trusteeship, he taught people to organise the *Artha*: the moving and guiding force of material life. By making people trustee of the wealth, he gives them the moral tool of *Dharma* to living life. This idea of trusteeship also influences people's karma which inculcates a feeling of trusteeship which never allows them to grow greed or indulge in pleasure. This will check their desires to live luxuriously or to spend unnecessary money for fulfilling their greed or passion.

The dynamics of trusteeship allow each Purushārtha to play a part in modern life. Here Gandhi incorporated these civilizational pluralistic values in the contemporary life and time. His philosophy is truly dependent on the values of Indian civilisation. Even if one can examine carefully, he can see that the Moksha is not more than the realisation of the self and ultimate reality, which in the case of Gandhi is real Swaraj or *Ram-Rajya* where eternal peace prevails in life, what can be a better analogy of moksha and the Swaraj. Gandhi in his philosophy also incorporates the Varn āshrama dharma as he said one must earn and get according to his needs and merits.

One who can earn must earn more for others, but they must observe the concept of trusteeship in their life. This concept of trusteeship will make him equal among the unequal. Gandhi in his book Trusteeship talks about the equality of wages and dignity of each work. In his word, the sweeper and lawyer are equal in the society, and they need equal respect and dignity in society.

Social justice is also a form of equality and dignity of human being and life. We discussed earlier that, Gandhi talks about the distribution of benefits and the burdens in society in his concept of trusteeship. His idea of trusteeship acknowledges the merit of one and need of other. His idea of Antyodaya gives an Indian interpretation or definition of distributive justice and social justice. His idea of bringing the last one who is left behind and forgotten, as part of the society. If we work while upholding the principle of trusteeship and Antyodaya, we can make everyone an equal and competent member of the community.

In his discourse of Swaraj, he accepted the value of human life and dignity which are also the core concepts of social justice. In Gandhian Swaraj, everyone gets his need, and everyone respects others dignity. They work to bring equality in society by means of distribution of goods and the service of welfare, in other words sharing the burdens of society.

Above all Gandhi in his doctrine of trusteeship and Antyodaya hold every human being equal and that God or truth lives in our hearts. Thus, equality is essential in his doctrine. His method of Ahimsa and love portrays a society which fulfills all aspects of social justice like equality, dignity, cooperation, inclusion, distribution of wealth and duties. Thus, one can easily correlate the fact that Gandhian ideas are in fact what is constitutive of the Indian version of social justice, and the Gandhian Swaraj as the ideal society.

There are many evaluate about the idea of trusteeship and its practicality. Gandhi himself admits that it is a utopian idea, but he will follow this under all circumstances.<sup>7</sup> The essence of this argument is that through this definition of civilizational values Gandhi developed an idea of a society which is not simply just and harmonious but fits in the concept of social justice.

Ambedkar in his critique of *Varn-ashram dharma* says that there is in reality no true difference in the four *Āsharam* and there could be only three *Āshrama* according to him Brahmacharya, Grahasthashram, and Sannyas. According to him, this division is made by Manu to control somehow the life of beings in society and to never allow them to escape from household duties and the institution of marriage. It was a way to stop Brahmacharis to attain direct Sannyas in search of truth which according to Ambedkar is confusing.<sup>8</sup> On matters of the above values, we need not repeat that Ambedkar finds them as tools to oppress the Shudra by the *Brahmins*. He believed in social values, but in discovering that the implication of those was different for a different section of society he outrightly rejected such differentiation. He always saw such social values as a project of the *Varn-ashram* dharma which acted as a tool to protect endogamy and the supremacy of the *Brahmins*<sup>9</sup>. It restricted the Shudras to the lowest and slavish form so that the *Brahmin* and upper caste of society can always benefit from them.

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<sup>7</sup> Gandhi, M. K., *Trusteeship*, p. 6.

<sup>8</sup> Ambedkar, B. R., *Dr. Babasaheb Ambedkar Writing and Speeches*, Vol-IV, pp. 213-124.

<sup>9</sup> Ambedkar, B. R., *Dr. Babasaheb Ambedkar Writing and Speeches*, Vol-I, pp. 9-12.

We have discussed in the earlier chapter questions regarding the plurality of Indian civilizational values which play a significant role in the life of every member of society. Gandhi and Ambedkar both derive their value system and their importance from traditional spaces but both take the different path Ambedkar find his value systems rooted in the tenets of Buddhism which was, in fact, a radical movement against the Brahmanical hegemony. He tries to deconstruct Brahmanical values through the modern ideas of equality and liberty, but I always maintain that these ideas are in spirit Indian and philosophy of Buddha. He tries to unfold the inconsistencies in Indian civilisation which he equates to Brahmanical civilisation, in his book *Who were The Shudras and Riddle of Hinduism*. He argues that because of this *Varn-āshrama*, a particular section of society became deprived of rights and liberty.<sup>10</sup> On the contrary, as we have debated Gandhi finds this plurality of values in helping the Indian society from degrading and it also enables us to aim for a just society that is proper.

#### **4.1.2 Continuity of civilisation:**

In this section of the chapter, we will examine the idea of continuity of civilizational values and its impact on the concept of social justice in India. While doing it, we will also examine how the continuity of civilizational value has influenced Gandhi as well as Ambedkar. This section will also explore the impact of continuity of civilisation and the notion of social justice, initially in the philosophy of Gandhi and later on in Ambedkar. Before proceeding further, we need to make clear that by the continuity of civilizational value, I mean the concepts of Purushārtha, Varna, and Āsharam. In this process, the Dharma and other ideas like equality and rights are also involved in this debate.

The word continuity means consistency of existence in and over an extended period of time. Thus, the definition explains that the process in which something which existed in the past and survived through time and going to remain or flourish in future can be called as continuity. Here, we will critically examine the continuity of Indian civilisation and its inherent values. With the discovery of the Indus civilisation, scholars believe that the origin of Indian civilisation is not to be traced to the Aryan invasion or the Vedic period but it dates back to the Indus/ Sindhu

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<sup>10</sup> Ibid., p. 17-19.

civilisation. Though we have ample evidence and proof of a large flourishing society we know very little about the social structure and moral structure of Indus civilisation. It was vast and had both rural and urban systems of the dwelling, but we have very less information about their social and moral value system. Though we found a bust of Mother Nature (Goddess of Fertility) and *Pashupati* figures it does not reveal more than the fact that they worshipped natural elements. Their religion is little known and without the information on their religion, it is challenging to tell what kind of value system or moral code they followed although archaeological evidence suggests that the Indus Valley dwellers were nature worshippers. Thus we discover that due to the lack of proper information, it is quite difficult to assess the orientation of their value system.

The Aryan civilisation followed the Indus Valley civilisation which practised a different kind of religion which was polytheist in nature. The *Aryans* had Gods and Goddess for every natural force like Agni for fire, Varun for rain, etc. The Vedic period has 12 value systems which are further categorised into three parts

1. Four *Purushārtha*: *Dharma, Artha, Kama, Moksha*
2. Four *Ashrams*: *Brahmacharya, Grihastha, Vanaprastha, Sannyas*
3. Four *Varna*: *Brahmin, Kshatriyas, Vaishya, Shudra*

These 12 values are interconnected and interdependent in such a way that they are interwoven into the social structure and were intrinsic to the daily Vedic life. These values systems mentioned in the Vedas always had an impact and influence on the habitual socio-political life. In doing so, they also have to make offering and sacrifice to their Gods and Goddesses. Following the *Varn-Ashram dharma* with the help of *Purushārtha* was the Zeist of Vedic philosophy. They believe in pursuing Dharma as one's obligation and duty was the prima fascia of Vedic life. Even for the King, preservation of Varna Dharma was the first and foremost duty.

The Vedic period, was followed by a period of ancient republic and state civilisation. The *Upanishad* and *Puranas* are the creations of this period. This defining characteristics about this period was the presence of a politically organised state and political system. In this period the

previous Vedic value remains intact, and the creation of Dharma Shastra and *Purana* tried to strengthen the values as well and made them rigid. It was the period when scholars like Ambedkar and others argued that the structure of class division became solidified into the caste system and the Indian society became stagnant. The depravities of casteism and the gap between social sections gave rise to many vices manifested in the form of the hegemony of the *Brahmins*, occupation based on birth and the absolute control of education and knowledge. The prevalence of these vices paved the way for the birth of new religions like Buddhism and Jainism which emerged in counter and as an antithesis of Hinduism.

Here, in the history of India we for the first time find the clash of value and moral system. While the social and political system of Hinduism was purely based on the *Dhramshāstra* and *Puranas* which was in control of *Brahmins* and led to the discrimination of the marginalised section of the society, Buddhism arose as a critique of this system where the determining factor of value was based on virtues rather than birth. Ambedkar said that “The *Brahmin’s* prime concern is to protect his interest against those of the *non-Brahmins* and the *non-brahmin’s* primary concern is to protect their interest against the *Brahmins*.”<sup>11</sup> There was a feeling of supremacy amongst the upper caste and the hatred towards the lower and marginalised section which promoted untouchability of all forms. It was Buddhism who took values like equality and liberty for all to reconstruct of a society free from the notion of untouchability and inequality. These ideas were the major force behind the wide-spread of Buddhism in India. The supremacy of one caste widens the gap of trust and cooperation between various sections of society as Ambedkar said: “The higher caste Hindus have deliberately prevented the lower castes, who are within the pale of Hinduism from rising to the cultural level of the higher caste.”<sup>12</sup>

Here the cultural ethos symbolised many things. The Hindu cultural values were denied to the Untouchables. According to Ambedkar, it resulted in a strange situation where the upper caste wanted to keep the untouchables in the Hindu fold, but were denied the equal status of Varna. Buddhism arose in opposition to this very concept of inequality in the Hindu society, where one human being is not equal to another human being. The very formation of Sangha in Buddhism was an attempt to give people feeling of equality and values on the plane of religion

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<sup>11</sup> Ibid., p. 52.

<sup>12</sup> Ibid., p. 53.

and society. Lord Buddha throughout his teachings targeted the discrepancies of the Hindu social order. Buddhism was responsible for the realisation that it was the language 'Sanskrit' which gave *Brahmins* an upper hand on the epistemological and social level. Due to this hegemony of language, Buddha intentionally preached in *Pali* language and the vernacular/native language which was also the languages of the masses. This was a very conscientious attempt to teach people, values through their mother tongue. This simple method and medium made Buddhism popular in India. The overall intention of Buddhism was to impart teaching on values to the oppressed and neglected sections of society, which were denied to them by the political and linguistic hegemony of the *Brahmins*. Thus, language itself formed a system which can be used to control and advocate knowledge for specific aims. If we see the ancient Indian history, then we find that it was fundamentally the language 'Sanskrit', which gave power to the *Brahmins*, a particular section of society. Before the advent of Buddhism, all the knowledge and culture was preserved in oral tradition and the Sanskrit language. All the rituals, all the laws, all the spiritual experiences and explanations and even societal ethics were written and explained in Sanskrit. Using Sanskrit, the *Brahmins* created a well-knitted system of thoughts, which has its own virtues but to which only learned *Brahmins*, had the access to the vast knowledge of civilisation and its values.

According to Ambedkar this control over the framework of knowledge gave *Brahmins* the authority to interpret values and its importance and its relevance to the society. It was the *Purush-suktha* of *Manu-Smriti* which made a hierarchy in Indian society on the epistemological level as well as on metaphysical level. The *Brahmin's* interpretations of civilizational values destroyed the core essence of values of Hindu society.

The social damage caused by the unquestioned hegemony of the *Brahmins* and the rise of Buddhism led to the collapse of the Hindu social order. However, again the power of interpretation of values played a role, and the *Brahmins* declared that the Buddha was the ninth incarnation of the Lord Vishnu. Through this masterstroke, they dissolve the whole conflict between the two thought systems. Now, people were made believe to see Buddhism as an offshoot of Hinduism rather than a critique of Hinduism. Along with this the *Vedantic* philosophy also played a significant role in reinstalling the Hindu social order. With the help of the *Vedantic* perception of the world and the philosophy of Shankar, they gained their strength

back. It was the *Vedantic* philosophy which moulded the course of values and their importance in society. They took values to the level where it was a question of relation between the Brahman and the Self. Shankar through his teachings and argument tried to prove that this world is not real and it is in the true sense, unreal, '*Mithya*'. Moreover, there is only one reality, or truth exists that is the Brahma or in another word the self. As he says:

*Ärdhena pravakshyämi yad-uktam granthakotibhih |brahma Satyam jagan-mithyä jivo  
brahmaiva näparah ||<sup>13</sup>*

This movement of *Vedantic* philosophy stopped the invasion of Buddhist value interpretation and, in a revolutionary way nullified all the criticism of anti-Hindu social order. Shankar in his philosophy explains that all are equal and all beings of the world are a just extension of the Brahman or Self. It blunted the inequality and hierarchical criticism of Hindu social order. Shankar on the epistemological as well as on the metaphysical level destroyed all Buddhist critiques of Hinduism. Even his conception of Maya made this world as untrue appearance and just an illusion for all of us. Due to this all problems and vices of Hindu social order became unreal and illusive, and not the reality.

When we explore this problem of Indian society, we have to keep in mind that we are discussing the ninety percent of the population who were not literate in Sanskrit and was known to the civilisation value on a philosophical level as well as on epistemological level. They, themselves could not argue or validate the claims of *Brahmins* and their knowledge or Brahma or Maya. They had only one mode, the *Shruti*, to gain the knowledge and information. Even for that, they had to depend upon the *Brahmins* who again had control over the language Sanskrit.

So, the overall scenarios did not change the *Vedantic* philosophy, but they indeed changed the people's way of looking towards the society and culture. It was the *Vedantic* who tried to transform and reform the Indian society and its virtues. The creation of self as Brahma revitalised the value of equality and oneness among human being in a new way. It allowed for the people to experience and know that all are in reality equal in this world and it is just Maya who is behind the malice of society. It is for this reason Shankar is also labelled as Buddha in disguise' 'because of his teachings, on a certain level justifies it. It was Shankar who explained

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<sup>13</sup> Grimes.John, *The Vivekacudamani of Sankaracarya Bhagavatpada: An Introduction and Translation*, p. 62.

that one is not inferior or lower than other but, you yourself are Brahma. But it is because of ignorance you are trap. Therefore, whatever misery is upon you is because of *Maya* and ignorance. Here, one can find similarities with the '*Tripetak*' teachings of Buddha. In his teaching, Buddha explains that the cause of your suffering is because of you and your '*Moha*' for this world. He also gives the eight-fold route for salvation. This eight-fold route also gives a real picture of his self and world.

Till the eleventh century we found that Hindu social order remained under the Brahmanical value system. If we further look down at the continuity of culture and civilizational values, we see that around twelfth century to the eighteenth century, civilizational values again came into play because of the interactions of different cultures and their values. The Bhakti and Sufi movements served as the playgrounds of these value struggles and interplay. In addition to this, the arrival of Muslim rulers also brought religious beliefs and practices from a different civilisation with different values. The coming of Islam in India made a dual impact on Indian civilisation. On one end it tried to critique and replace Hindu religion and its value foundations, and on the other hand, it again helped Hinduism to transform and enrich itself. Islam may have been considered as the religion of invaders or outsiders, but it did appealed to a major section of Hindu society. The basic teachings of Islam is about the equality and compassion for a fellow human being attracted the lower oppressed section of Hindu society. Many got converted and tried to find comfort in the promise freedom of equality and compassion in Islam. But, it did not happen on all aspect of their life. It is a well-known fact that there is no notion of casteism in Islam anywhere in the world. However, it is only in the Indian sub-continent that we find castes in Islam in parallel to Hindu religion. Here arises the issue of values and its relation to status in society. Many got converted, but they retained their original occupation and because of this constraints and conditioning of the previous value system. They found themselves in the same position as before. They may have got equality in terms of religious aspects of life, but they were still lacking behind on the social and economic aspect of life. On that note, they still continued to be oppressed and discriminated on cultural and societal aspects.

Thus, the search for values like equality, liberty, fraternity, and self-dignity was still continued. Many scholars argued that people's quest for these values were the force behind the bhakti movement and Sufi movement in India. Let us first examine the Sufi movement in



relation to Indian civilizational value. The Sufi movement had a very different and liberal approach concerning religion and human being. This can be well understood through the poetry of Sufi poets like Bulleh Shah, Baba Gulam Frid, and other medieval saints. The Sufi poets through their poetry and writings tried to promote and establish the values like equality, fraternity, benevolence, and submission to Almighty through the service of human being in Indian society. Like Bulleh Shah says:

*Chal Bulleya Chal Uthay Chalyae Jithay Saray Anay,*

*Na Koi Saadi Zaat Pachane Na Koi Sanu Manney.*<sup>14</sup>

In this, he seeks a society where nobody is biased or judgmental (A society where all are blind so no one can differentiate one another by mere appearances) and where everyone treats the self and others alike. Again the shabad from the *Guru Granth Sahib* depicts the progressive mindset and values of the socio-religious reformers of that time. As it says: “*Awwal Allah Noor Upaya Qudrat Keh Sub Banday Aik Noor Keh Sub Jag Upajiya Kaun Bhale Ko Mandhe.*”<sup>15</sup> This example as mentioned earlier tells us that God created the universe from light and he also creates this world and hence cannot be put in the binary framework of good and evil. They are all born equal and have equal status. The above stanza from their poetry explicitly explains their progressive intention to remove inequality from Indian society, which at that time was present ominously in the form of caste and caste identity. The creation of an egalitarian value based society was the primary motives of all medieval saints. If we further widen our understanding, then we find that the bhakti movement figure like Ramdas, Ravidas, Kabir, Tukaram, Chaitanya, etc. tried to improvise the moral values of Indian civilisation in their own way. They sought to show that these caste identity and inequalities are human-made and how oneness, fraternity, and equality are important to human society. Like when Kabir says: *Kabira Kuan Ek Hai, Paani Bhare Anek, Bhande Hi Mein Bhed Hai, Paani Sab Mein Ek.*<sup>16</sup> He explains that we may differ from each other in terms of practice and values and our prejudice prompt us to think or feel different but underlining all these differences that we all are same, equal and one and hence the

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<sup>14</sup> <http://www.punjabi-kavita.com/Baba-Bulleh-Bulleh-Shah.php> (Accessed on 2017/03/23)

<sup>15</sup> [https://searchgurbani.com/guru\\_granth\\_sahib/ang\\_by\\_ang](https://searchgurbani.com/guru_granth_sahib/ang_by_ang) (Accessed on 2017/03/23)

<sup>16</sup> Hess, Linda. *The Bijak of Kabir*, p. 24.

difference between them is artificial. The Begum Pura<sup>17</sup> of Saint, Ravidas reflects the similar desperate search of a society which is free from sorrow and injustice and based on the principle of equality and love.

By the end of the eighteenth century, we find a new wave of reformation and thinking came in the form of newly educated intellectuals and social reformers. The teaching and the introduction of western education, and educational system enabled many people to revisit the Indian values in a new and rational ways. Among the many, R.R. M. Roy, Mahatma Phule, Gokhale, B. G. Tilak, Gandhi, and Ambedkar were the new generation reformers who wanted to bring change in Indian society. They all were trained in the western education system, but they all uphold the Indian values and the sacredness of Indian civilisation. They all tried to build an egalitarian society that was based on the Indian civilizational values.

Therefore, having studied the different tenets from Buddha to Shankar and Kabir to Ambedkar we find the whole quest for an egalitarian society in the form of fraternity, self-dignity, peace, love, etc. These were also the motivating force of revolutions in many societies. Even Ambedkar at first tried to reform it by remaining within this Hindu social fold.

The civilizational values somewhat remain the same from Vedic period to the modern times. All these movements and efforts helped in building the Indian society as a society where equality, fraternity, compassion, love, respect, and peace exists and prevails in all matter and aspects of life.

Gandhi was not different in this respect though he criticises many modern ideas and values. In his book *Hind Swaraj* he writes that “Civilisation is the mode of conduct which points out the man the path of duty, performance of duty and observation of morality are convertible terms. To observe morality is to attain mastery over our mind and our passion. So doing, we know ourselves”.<sup>18</sup> For him, the realisation of self and the dissolution of barriers of others were important. He considered Indian civilisation and its values as the kingdom of God.<sup>19</sup>

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<sup>17</sup> Omvedt, Gail. *Seeking Begumpura: The Social Vision of Anticaste Intellectuals*, pp. 11-12.

<sup>18</sup> Gandhi, M. K., *Hind Swaraj*, p. 49.

<sup>19</sup> *Ibid.*, p. 8.

Gandhi's argument was simple in that, he believe Indian civilisation to have the best value system and culture in the world. Western civilisation and its ideas were worse for Gandhi. He, thus, described the parliament as a sterile woman and regard it as a prostitute<sup>20</sup>. According to Gandhi western civilisation does not take any note of religion or morality in the formation of its values.

Gandhi argued that Indian civilisation provides a true cure for the ailing Western civilisation. It may have technological advancement, but its lack of values can be remediate by Indian civilisation which can provide them and heal them like a right physician who always is intended on curing the disease, and not the symptoms.<sup>21</sup> Gandhi argues that the English in reality never won India. It was the Indian who lost India and help them to win India. It is not the British rule but the British civilisation which is ruling and destroying the Indian civilisation.<sup>22</sup> Thus, to fight it we need to be strong in mind and thoughts. It is the very values such as equality, kindness, and peace which can enable us to remove the vices of Western civilisation. Even on issues of religious differences, Gandhi says that Hindus and Muslims are from the same ancestors and we share the same blood and values.<sup>23</sup> So if we agree on values, then there will be no fight, and there will be no conflict on any level. The values like peace and love teach us the value of tolerance, and it allows us to live together happily without creating friction and conflict for each other. Gandhi through the very definition of civilisation makes clear that "Civilisation is the mode of conduct which points out to the man the path of duty".<sup>24</sup>

Thus, it is the duty of every citizen of India to uphold the value of Indian civilisation. Even Gandhi's definition of Swaraj, clearly explains that each one has to experience these values for oneself.<sup>25</sup> Again, Gandhi was against the manner in which we all talked about our rights but not duties, he on the other hand believe that, we must perform our duties first then claim our rights.<sup>26</sup>

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<sup>20</sup> Ibid., p. 25.

<sup>21</sup> Ibid., p. 29.

<sup>22</sup> Ibid., p. 33.

<sup>23</sup> Ibid., p. 40.

<sup>24</sup> Ibid., p. 49.

<sup>25</sup> Ibid., p. 53.

<sup>26</sup> Ibid., p. 58.

Now, if we include the idea of Gandhi's Swaraj and self-rule where trusteeship is the defining value for the distribution of wealth and duties and the basis of respect for human beings, we can see the manifestation of a distributive justice and the framework for social justice. One can easily find that Indian civilisation has its own virtue and values which were formed over a long period of time following the great thinkers and personalities of India. The western conception of social justice is mainly concerned about the materialistic aspect of life, the distribution of benefit, duties and the burdens. However, the Indian civilisation transforms the idea of social justice in a very distinct and inclusive way. This concept of social justice also gives importance to identity and relation of a human being to another human being. It allows for the inclusion of self-respect and realisation of self. This element of self-realization as embodied in the Indian value makes social justice more than an economic model of the distribution of wealth. It calls for a concept of Social Justice where people have all the real value of Indian civilisation such as equality, fraternity, compassion, love, peace, oneness, Dissolvent of self, etc.

Thus there is no harm in saying that Indian civilisation transforms social justice into justice for all, at all level and aspects of life.

### **4.1.3 Transcendence of civilizational values:**

This subsection of the fourth chapter is about the transcendence of civilizational values and its impact on the notion of social justice. Through this section, we further examine the Indian civilizational values and its transcendence. In this discourse of examination, we will try to explore the idea of transcendence and how some of the Indian civilizational values survived and transformed in the modern time. This discussion will include the exploration of value and their transcendence in Ambedkar as well as in Gandhi's philosophy. It will also contain the historical relevance and significance of some of the Indian value.

The term transcendence initially seems highly philosophical and beyond this world. However, it does not mean that it is about the otherworldly or higher world or imaginary things. The word transcendence According to Oxford dictionary means "Existence or experience beyond the normal or physical world." The Latin root of transcendence means climbing or going

“beyond”. This explanation of meaning clarifies that we are talking about values those that have gone or reached beyond its actual ground (reality). In general, transcendence is always ascribed to the religious aspect of human being. Here for the sake of clarity, I must state that we are not talking of Kantian perspective on transcendence. Here we are examining in term of reaching the meaning or significance beyond it real conceptual level. This is reflected in the form of the relevance of meaning of values and its importance to society.

As we have critically examined earlier that how the civilizational values of Indian society such as equality, fraternity, compassion, peace, love, etc. had plural values in the form of twelve value system of four Āshrama, four Varna and four Purushārtha. We further tried to explore that these ideas remained continuous as equality, fraternity, peace, self-realization, duty, etc. these values underwent a significant transformation during the course of time. This transformation of ideas can also be referred to as transcendences of these values. In ancient time the self, was considered as soul and its end was to get to heaven through the performance of sacrifices and good deeds, but in later period this self, became part of Brahma/ God where the realisation of the relation between self and the Brahma constituted the true self. Again in a medieval period, this self again becomes many, and it has its own existence. We can discuss this self in a philosophical manner where it acquires a spiritual form, and it transcends to God and another world. In Bhakti era, however, this self, became the identity of being as how he performs and lives his life becomes important. This 'self' craves more and more of unity with other selves and remain along with them. Here it becomes worldlier than ever in history. We can understand this better by an example of the great poet Ravidas, in his words:

*"If intentions are good, the Holy Ganga will appear even in a crucible of Untouchable."*

Here, Ravidas is trying to say that if you are egoless, purely selfless and benevolent, then the self, gets dissolved. The self could be identical to others if he had those qualities and values. Here, the self of Ravidas is socially pious and loving and thus his self-transcends to the higher self. Through this example, it can be shown that values may have an element of other world but they are deeply rooted in this very society of human being. Now, we may thus, describe values as some higher and noble concepts which everyone seeks, but it originates and develops in this very reality. Even though equality and fraternity seem to be embedded in Indian civilisation,

according to Ambedkar, the practice of caste system in Hindu society destroyed and corrupted all the foundational values of Indian civilisation.

The law of karma was meant to describe and make aware of being about its existence and its duty as a being. It was also supposed to give a pathway to the emancipation of being. However, Ambedkar argues that this is fixed for once and all, the Law of Karma or destiny in other word goes beyond the reformation or evaluation. This law of karma or destiny has no relation to the merit of individual living under it.<sup>27</sup> It means that in the course of time its values change and became something beyond the reach of being where he cannot change or break it or get rid of this law of karma. If one is born in lower Varna, he will always be a person of low Varna. Ambedkar further remarks that this system of stratification also affects the other values such as equality, liberty, fraternity and the realisation of self

The law of slavery permitted emancipation. Once a slave, always a slave was not the fate of the slave. In untouchability, however, there is no escape. Once born as an Untouchable is always an Untouchable. The other difference is that untouchability is indirect and therefore the worst form of slavery. The deprivation of a man's freedom by an open and direct way is a preferable form of enslavement. It makes the slave conscious of his enslavement and to become conscious of slavery is the first and most important step in the battle for freedom. However, if a man is deprived of his liberty indirectly, he has no consciousness of his enslavement. Untouchability is an indirect form of slavery. To tell an Untouchable 'you are free, you are a citizen, you have all the rights of a citizen', and to tighten the rope in such a way as to leave him no opportunity to realise that the ideal is a cruel deception.<sup>28</sup>

Ambedkar argues that this form of untouchability because of the virtue of birth in lower Varna transcends the status of untouchables beyond the slave. The slave might try to emancipate because he has the conception of freedom and slavery in his mind but in the case of untouchables this slavery is in their subconscious, and they are not aware of it at all. This concept of self for them transcends in a different kind of self where a being accepts slavery as its fate, without any acknowledgement of being slave, or freedom and the realisation of his self. This transcendence self-caused the hierarchical system of caste. In an Indian society where everyone is supposed to

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<sup>27</sup> Ambedkar, B. R., *Dr. Babasaheb Ambedkar Writing and Speeches*, Vol-V, p. 25.

<sup>28</sup> *Ibid.*, p. 15.

equal and free, this caste system makes them inferior to each other. The value of equality was there but only in the level of caste, as Ambedkar described that “There are four fundamental rules of caste. A caste may be defined as a social group having (a) belief in Hindu religion and bound by certain regulations as to, (b) Marriage, (c) food, (d) occupation and on the matter of marriage regulation lays down the caste must be endogamous.”<sup>29</sup> Thus they restricted the first interaction of social enrichment and without that caste system became harder for anyone to dissolve.

Now the equality is only among a certain group of people who follow these rules. Even rules were laid to maintain this absurd equality among groups of people and breaking them was a great crime. In Indian culture, there is also the concept of penance but according to Ambedkar breaking those rules, like marriage to other caste or religion was a crime beyond redemption or penance. Thus, what equality here means is artificial and is based on non-anthropological foundation. Once born into a caste, one must die in the same caste; there is no equality of being or their self, the people born in a particular caste have to accept their fate.

Caste system as many argue is a distorted form of Varna system. In ancient India, in the Varna system, an individual was recognised on the basis of quality and merit and not on birth, but this value system of Varna also got transformed and transcended from the society and “being” to, where it changes from merit to birth. Earlier, if the division was based on the relation of being and the society, but it diverted from its real essence and value and went beyond reality where everything became fixed and beyond the reach and repair of any being. Ambedkar argues that caste is not an evolution of Varna system. According to him, caste is a perversion of *Varna* at some rate; it is an evolution in the opposite direction.<sup>30</sup> He argues that the old *Varna* system made a difference between first three Varna and the last Varna *Shudra* and the basis was the regeneration of Varna in the form of “*Upnayan Sanskar*”, *Shudra* was not even entitled to go through this ritual. This ritual allows wearing them a sacred thread and the study of *Shastra*. This ritual was again denied to the lower section, the *Shudras*. Here, the study or epistemological aspect of life also differentiated the *Varnas*. Here the simple value of being is to able to study or right to study and take a different form or in other words transcend and make being unequal

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<sup>29</sup> Ibid., pp. 158-159.

<sup>30</sup> Ibid., p. 164.

among society based on just rituals. Many social scientists divide Indian society in two major *Varna*: The *Savarna* and *Avarna*. The *Savarna* include all the four *Varna*, and the *Avarna* were as Ambedkar said non-caste Hindu or those who are outside of the four foundational castes or *Varna*. Ambedkar further describes that the *Avarna* comprises of three classes 1. Primitive caste, 2. Criminal caste, 3 Untouchables castes. Here Ambedkar argues that the interaction between *Svarna* and the primitive caste or the criminal caste is entirely different from that of the Untouchable castes. They may interact in a friendly manner, but the *Svarna* never communicated in any friendly or compassionate manner in any situation with the Untouchables. Thus the untouchable becomes the lowest of lower in Indian society. Ambedkar explains that even *Svarna* tried to call Shudra as *Sat-Shudra* and *Shudra*, but the Untouchables remain out of the fold of the *Varna*. Here according to Ambedkar, the *Varnas* can be identified in four classes in Hindu social order as<sup>31</sup>

1. Caste Hindu-*Svarna* caste, Dwij, *Brahmin*, Kshatriya, Vasey
2. Caste Hindu- *Svarna* caste, the lower castes evolve out of fourth *Varna*
3. Non-Caste Hindu-*Avarna* castes, Primitive, criminal caste
4. Non-Caste Hindu- the untouchables

This classification gives us three distinct feature of Hindu social order (A) caste, (B) hierarchical system of caste, (C) class system within the caste system. Thus, class and caste values began to be distorted. This distortion of values began to transcend equality and impose hierarchy, and that hierarchy further transcended in the inhumane interactions towards other class and castes. The very foundation of the value in the *Varna* system is to divide people both on a spiritual and material aspect of human society. Ambedkar critiqued that the slavery which existed in ancient Greece, Rome, Egypt was not solidified and supported by religion but in India, the act of slavery is not only sanctioned by religion but is also considered sacred.<sup>32</sup>

This slavery transcends in all aspect of life like economic aspect of life where the virtue of birth determines the occupation and work of being in society. Every being is forced to do certain work according to his caste and *Shastra*, irrespective of his individual merit and potential. Here the transcendence of virtue of birth not only makes them unequal but it also deprives them

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<sup>31</sup> Ambedkar, B. R., *Dr. Babasaheb Ambedkar Writing and Speeches*, Vol-V, p. 167.

<sup>32</sup> *Ibid.*, p. 190.



the opportunity to pursue work and occupation according to their merit. Thus, an individual is not allowed to prosper and progress materialistically, even if he is qualified or wants to evolve.

Ambedkar critique that religious values of Hindu society alter the economic composition of Indian society as he says, “The Hindus are the only people in the world whose Social order the relation of man to man is consecrated by religion and made sacred eternal and inviolate. The Hindus are the only people in the world whose economic order the relation of the workman to the workman is consecrated by religion and made sacred, eternal and inviolate.”<sup>33</sup>

This kind of relation of religious and economic value does not exist in any other part of the world and as Ambedkar said that it is the core essence of Hindu religion which transcended in its forms and began to influence the life of a being.<sup>34</sup> These values system work beyond the reach of any being and so it gets rationalised or justified very easily. Here the whole point of Ambedkar is that the value system which is based on some man made text is the cause of all the miseries of untouchables. That is why on the 20<sup>th</sup> December 1927 at the Mahad Conference Ambedkar burned the *Manu-Smriti* as the symbolic act of protest demonstrating against this oppressive value system. According to Ambedkar, *Manu-Smriti* not only provides impunity and legitimacy to the oppressors on the epistemological level but also on the metaphysical level. These values imparted by the *Manu-Smriti* are also a manifestation of transcendence which allowed the upper caste Hindus to exploit the untouchables. The Values given by the *Manu-Smriti* went beyond the epistemic realm and paved the foundation of the origin of the metaphysical theory of lower and higher. Thus, it also became Law to exploit the Untouchables, and so the burning of *Manu-Smriti* was an act to give attention to real world values rather than some transcendental values which provides impunity to oppress certain section of the society. This argument can be further understood if one reads some of the resolutions of the Mahad conference of Untouchables. Like

- A. All Hindus have the same social status from birth. This equality of social status is an attribute which they retain till death. There may be distinctions and differences between them in point of their functions in society, but that must not cause differences in their social status.<sup>35</sup>

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<sup>33</sup> Ibid., p. 190.

<sup>34</sup> Ibid., p. 189-191.

<sup>35</sup> Ibid., p. 253.

- B. The ultimate aim of all political, economic or social changes should be to maintain intact the equal status of all Hindus.<sup>36</sup>
- C. Every person is entitled as his birthright to the liberty of action and speech. This liberty could be limited only for the purpose of saving the right of another person to his liberty and for no other purposes.<sup>37</sup>
- D. Hindus can be deprived of their rights other than their birthrights only by law. What is not prohibited by law, a Hindu must be free to do, and what is not obligatory by law, a Hindu must not be forced to do.<sup>38</sup>

Ambedkar argued that every Hindu is born equal and has equal status by the virtue of birth. Thus they should reject the old hierarchical value system which was imposed on them. He also suggested that “The Untouchables wanted a complete overhauling of Hindu social system. It proclaimed that this reconstruction must not be on the old foundation of Shastras. It proclaimed that whatever character of the new foundations, they must be consonant with justice and equity.”<sup>39</sup> Thus according to Ambedkar reconstruction of society on the basis of justice and equality must be done in order to bring equality in Indian society. Until we do not make our values and value system embedded in the very reality of our world, we will always face problems of inequality and injustice in the society. What Ambedkar was trying to do was to make all being equal not only at the social level but also at the spiritual level of self. It is our value which constructs our self who can recognise the other as same 'self' or extension of their self, and if it does in this way, then there will be no difference or injustice in human society. We need to dissolve the barriers of inequality, class, and caste to achieve true equality in the society. Ambedkar remarks “When the Touchable and Untouchables meet, they meet not as a man to man, individual to individual, but as members of groups or as nationals of two different states.”<sup>40</sup> We need to resolve this issue and, that is only possible by introducing the value system, which transcends the old vices of Indian society and create new virtues in the new value system, only then the existence of an egalitarian society is possible in India.

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<sup>36</sup> Ibid., p. 253.

<sup>37</sup> Ibid., p. 253.

<sup>38</sup> Ibid., p. 254.

<sup>39</sup> Ibid., p. 255.

<sup>40</sup> Ibid., p. 260.

As we have critically discussed in this section this is how the Indian civilizational values, which were plural through the time, remained continuous and became transcendental in future. It went in both ways, some form of values took greater virtuous form in society, and some became degenerated and tangled in vices. Ambedkar and Gandhi through their ideological interventions tried to evaluate and reform them. Thus, the positive aspects of transcendence of values became a reality. This full examination of value reflects that the core foundational value of Indian civilisation contains the idea of social justice. Gandhi and Ambedkar through their persistent effort tried to make this concept more Indian and humane. Through their effort, they tried to include all the aspects of human life and enrich the concept of social justice, and because of this, it went beyond the materialistic improvement of the society to the overall improvement of society. It was Gandhi and Ambedkar who included in the idea of self and self-respect/ self-dignity in social justice, the spiritual aspect of human being. This element of self and self-respect was not present in the western concept of social justice. The Indian incorporation of the Indian values makes it a complete model of justice in society.

## **4.2 Liberal notion of social justice:**

In this section of the fourth chapter, we will examine the liberal ideas like citizenship, Constitution, and state and its relation to the philosophical concept of social justice. This discussion will cover the concepts on how these liberal ideas are important for social justice and how in the Indian context these ideas took new forms and transformations thereby bringing new elements in the concept of social justice.

### **4.2.1 *Citizenship and Constitution:***

“A citizen is a member of a political community who enjoys the rights and assumes the duties of membership”<sup>41</sup> the definition of a citizen may vary from time to time, but the most accepted definition of citizenship is constituted by three dimensions of the life of any citizen. “Citizenship

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<sup>41</sup> <https://plato.stanford.edu/entries/citizenship/>(Accessed on 2017/0304/04)

is legal statuses define by civil, political and social rights.”<sup>42</sup> This definition reflects that civil aspect of citizenship allows him to claim protection and rights. The political aspect of citizenship allows him to participate in the making of the state. These aspects make him an agent in the political power domain. The last aspect of citizenship is an identity or membership of the political community of the state, which gives him or allows him to be the citizen of the state.

Political theorists divide citizenship in two distinct models, (A) Republican model (B) Liberal model

The republican model of citizenship is a type of direct democracy, what Aristotle defined as “One capable of ruling and being ruled in turn and those who share in holding of office.”<sup>43</sup> It is a kind of civic rule where everyone is an agent and participates in decision making and holding offices. These types of model were only possible on the microscopic scale of groups as was in Greek Democracies. These types of model, in reality, explore the political dimension of citizenship of a citizen in given state.

The liberal model of citizenship is little different from the republican model. In this system, the law of citizenship is not only concerned or based on the land or society. This model tries to define the concept of citizenship in respect to law under it, as it defined “Citizenship meant being protected by the law rather than participation in the formulation or execution. It becomes necessary but occasionally identifies. A legal status rather than a fact of everyday life.”<sup>44</sup>

This definition clarifies that the defining aspect of citizenship is “the Legal Dimension” here it is a kind of legal reorganisation rather than the social or communal. Thus, citizenship denotes membership based on common law, their citizen may differ in their social structure, values, and language but because they share the same common law, it makes them a citizen of a given territory. For example, in India a person from Nagaland and a person from Rajasthan is entirely different from all sort of manners like language, food, customs, religion, etc. these differences does not make them a citizen of India rather than it is a common law and defined territory which makes them a citizen of India.

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<sup>42</sup> <https://plato.stanford.edu/entries/citizenship/>(Accessed on 2017/0304/04)

<sup>43</sup> Aristotle, *The Politics of Aristotle*, 1275a

<sup>44</sup> Walzer, M., “Citizenship”, in *Political Innovation and Conceptual Change*, p. 215.

The liberal model of citizenship primarily focuses on the legal status of citizenship. The liberty of the citizen within the political domain is important as a mean to protect freedom and liberty of any citizen from another citizen. This model also includes the authority as an agent of interference. These liberal legal statutes also protect citizens from the abuse of power by an authority by the help of law.

In Indian, as we have examined we follow the liberal model of citizenship. This model gives a legal status to all resident living within the geographical boundary of the Indian state. The Constitution of India provides These legal rights thus our discourse of discussion will discuss citizenship and Constitution together because it is the Constitution which gives and protect the citizenship of any individual in India. In other words, the Constitution is a limiting factor of government's power and also the guiding force of government. In any given state the government elected by the liberal democracy, have the power to run the system. However, the system is never self-limiting even court cannot limit the power of the state; they can interpret or check the power of the system. It is the Constitution which gives legal legitimacy to any government and it also direct government to act in a particular manner without the threat of majority rule or biaseness.

The importance of Constitution can be first found in the aims and objectives of Constitution Assembly. It has more than eight objectives for framing the Constitution for Indian citizen, but here we take into consideration only two primary objectives.

(5) Wherein shall be guaranteed and secured to all the people of India justice, social, economic and political; equality of status, of opportunity, and before the law; freedom of thought, expression, belief, faith, worship, vocation, association and action, subject to law and public morality; and

(6) Wherein adequate safeguards shall be provided for minorities, backwards and tribal areas, and depressed and other backwards classes; and

Both these aims talk about the guarantee and safeguards of citizens. It safeguards justice in all aspect of life and ensures equality of law and opportunity and protects the liberty of the individual. In the sixth aim, the focus is on safeguarding the minority, backwards class, tribes

and depressed. These safeguards reflect that their goal was the welfare of all the citizens of India in a fair manner. This concept defines the equal status of all the citizens of the Indian state.

Ambedkar himself tried to define citizenship in 1917, in front of Southborough Committee on Franchise. As Ambedkar wrote, “Citizenship is a bundle of rights such as (1) personal liberty, (2) personal security, (3) rights to hold private property, (4) equality before law, (5) liberty of conscience, (6) freedom of opinion and speech, (7) right of assembly, (8) right of representation in a country’s Government and (9) right to hold office under the State. The British Government by gradual Growth may be said to have conceded these rights at least in theory to its Indian subjects. The right of representation and the right to hold office under the State are the two most important rights that make up citizenship.”

Ambedkar made clear his stand that, the liberty of the individual and safeguards of rights are of utmost importance to him. His idea of rights to represent and hold offices are the two most important rights of a citizen in a state. This idea of Ambedkar can be seen as the provision of representation for safeguarding rights of oppressed and backwards classes. This concept of protection of rights makes the starting line of the equal rights for all Indians. The intention of Ambedkar can be further noticed in a brief argument in which he opposes the title ‘the United States of India’. He emphasised on making it as a union and not a federation.<sup>45</sup>

The above argument shows that Ambedkar had great faiths in the Constitution and the law. A name given this way can open space for misinterpretations. Thus, he was against the idea mentioned above. He highlighted in many CADs that if his idea of directive principles is not socialist in its approach than what is socialism in reality of political states. In our earlier chapter, we have critically examined the Ambedkarian definition of social democracy that gives utmost importance to social recognition of the individual as well as liberty and fraternity in the Indian society. For him, social recognition of law was more significant than the law itself. If the society does not recognise the law, then no one can salvage individual rights and their right to exercise those rights. He was against the formation of the Constitutional Assembly in the beginning as he argued in the following statement “The chance of corruption and bribery being used in Indian Constitution assembly to buy over members to support decision desired by interested groups are

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<sup>45</sup> Ambedkar, B. R., *Dr. Babasaheb Ambedkar Writing and Speeches*, Vol-13, p. 131.

very real. Their effort, I am sure, cannot be overlooked. If this happens, it will not only make a mockery of the Constitution assembly, but I feel quite certain that any attempt made to enforce the decision will result in Civil War.”<sup>46</sup>

His sincerity towards the well-being of oppressed sections of the society is manifest in the paragraph quoted above. He was uncompromising in upholding the true spirit of the law and Constitution. He was not pleased with the idea to achieve equality and justice without addressing the issue of economic democracy that is essential for such a society. For Ambedkar, economic equality and justice were foundations on which political and social democracy survive and strengthen themselves.<sup>47</sup>

The Indian Constitution as some salient features such as

1. The Indian Constitution presents a framework to ensure political and cultural security.
2. The concept of Constitutionalism arises from the above framework because it expresses the universal acceptance of the Constitutional order as the legal foundation and framework for the functioning of the government.
3. The Constitution also reflects the law of the land as the source of all legislation in the society and the democratic republic. Any law which goes against the fundamental law of the land i.e. cultural values of Indian society.

This way the Constitution becomes a document that ensures the rule of law in all cases without any discrimination. The values of the Constitution and its makers who are the representatives of Indian people including Ambedkar himself can be located in the directive principles as discussed in the last chapter. These directive principles not only direct governments and institutions but also ascribe duties to all the citizens. The fundamental duties are the principal features and the force to make model citizens. One may acquire citizenship through various provisions, but one becomes a true citizen only when s/he follows the Constitution (directive principles) duties therein. The relationship between the citizen and the Constitution is mutual here. The Constitution guarantees its followers rights, identity, and safeguards and in return, the followers uphold the Constitution and its values as directed by these principles.

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<sup>46</sup> Ambedkar, B. R., *Dr. Babasaheb Ambedkar Writing and Speeches*, Vol-1, p. 365.

<sup>47</sup> Gokhale, Pradeep, *The Philosophy of Dr. B. R. Ambedkar*, p. 157.

Ambedkar also reflected on the ideas mentioned above in his memorandum to the Constitution assembly on behalf of the Schedule Caste Federation. According to Ambedkar, there are four founding pillars of democracy as:

1. The individual is an end in himself.
2. That the individual has some inalienable rights, which are guaranteed to him by the Constitution.
3. That the individual shall not be required to relinquish any of his Constitutional rights as a condition precedent to the receipt of privilege.
4. That the state shall not delegate powers to a private person to govern others.<sup>48</sup>

The Constitutional rights and their safeguards were the chief reason for Ambedkar to ensure the upliftment of the oppressed. As Ambedkar explained, the inalienable rights, and the insurance of free speech, and the pursuit of happiness could bring both equality and quality of life to the concerned citizens. If all citizens are free from fear and abuse of power by the dominant people, they can fight against any injustice done not just to themselves but others as well. The Constitution identifies them as equals and free, and they also identify themselves as Indians firstly and lastly. In the formation of article 14 and 15, he argues that human rights are the fundamental rights of any human being that no one can be alienated of these human rights. The reason behind the inhumane oppression and exploitation of the Untouchables was due to the denial of these human rights. These human rights secure human dignity for every individual irrespective of caste, class, creed and gender. Human rights are an integral part of Ambedkar's conception of social democracy as he advocated in many CAD debates that our liberal political democracy cannot survive if we do not follow the inherent values of social democracy. As he says, "What does social democracy mean? It means a way of life which recognises liberty, equality, and fraternity as the principles of life."<sup>49</sup>

On the other hand, Gandhi was also a man of law, educated in it. Despite being a barrister of law, he never had great faith in liberal democracy and liberal political system. Gandhi also believed in one India and Indians but his views on parliament the western liberal political system

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<sup>48</sup> Ibid., p. 163.

<sup>49</sup> Ibid., p. 168.



were very different from his contemporaries. As we have seen in a section of Swaraj, he assumed parliamentary system as a corrupt political system in which the people are driven by only one force i.e. how to capture power. Gandhi expressed his views very bluntly when he compared Parliament to a sterile woman and even called it a prostitute. In contrast, he proposed the idea of self-rule anarchy where no one needs any political system and is governed by the civilizational value of self-control and self-rule. The Gandhian idea of self-rule and Swaraj may be seemingly in opposition to the Ambedkarian idea of law and Constitution but, it is only a matter of difference in terms of means because, Gandhi relies on the inherent goodness of human beings for self-rule or law instead of a written law. For this reason, many thinkers refer to him as the destructor of institutions but this claim is not true because there is a difference of values but not of intentions. He called God the greatest Democrat

He was also aware of the injustice and inequalities prevalent in Indian society. Many judge Ambedkar and Gandhi as opponents but as he said “Soil erosion eats up good soil. It is bad enough. Caste erosion is worse; it eats up men and divides men from men.”<sup>50</sup>

His effort to popularise *khadi* and *swadeshi* was to empower Indians through their own self thus making them self-dependent. For Gandhi, the law of the land was greater than the rule of law. Gandhi held a duty to one’s conscience and loyalty to God above the state and political loyalty. For Gandhi, the modern political system was the rule of the majority, and the rule of majority for him was also a form of violence. In other words, Gandhi did not have much faith in the Constitution, Constitutional institutions, and structures. For him, all these simultaneously mean and products of violence “Gandhiji attacked the very foundation of the modern democratic state the principle of majority rule. To him, rule by majority smacked of violence.”<sup>51</sup>

Gandhian politics is a package of spiritualism and humanitarian values. His principles of truth and non-violence made him a saint to his followers because they never perceived him as for a man of law and rationality. In an article in *Harijan*, in 1942 that; “We do realise the importance of the declaration of rights, but we are not much enamoured of the declaration of rights business. The declaration will be of little avail if we have not the strength to have it well administrated.

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<sup>50</sup> <https://www.gandhiheritageportal.org/journals-by-gandhiji/harijan-05/05/1946> , (Accessed on 2017/04/04)

<sup>51</sup> Doctor.Adi H., *Anarchist Thought in India*, p. 39.

Unless we become manly and fearless no number of rights showered upon us can secure us our liberty.”<sup>52</sup>

This passage clarifies the Gandhian attitude towards the Constitution, political system, and political identity. To comprehend above ideas the last part of this chapter must be dedicated to the liberal notion of state and its impact on social justice in both Ambedkar and Gandhi.

We have examined in the second chapter of this thesis under the heading of Swaraj and what Gandhi thought of it. Here we will again critically explore the liberal concept of state and Gandhi’s model of the state. We will comparatively evaluate the Gandhian idea of the state in opposition to Ambedkar's for the sake of a better understanding. In the end, we will try to visualise how both of them enrich and contribute to the concept of social justice through their ideas and practice.

#### **4.2.2 State:**

Political thinkers and philosopher are not unanimous about the definition of the state. The modern accepted meaning of the word state in English refers to it as a nation or territory considered as an organised political community rules under one government. Before exploring other theories on the state, we first need to understand the meaning of this word in the Indian context. We can trace a cultural unity in the Indian subcontinent throughout its history but whether it was also a political unity was difficult to determine. Modern geographical India was never united under one a single political authority before independence. Even when the British crown took over the East India Company it was not a unified political entity. The princely states and provinces that were in control of the British crown had the freedom to govern their internal affairs and form administrative bodies.

A geographical area acquires the status of a state only when it has unmistakably defined geographical cum political boundaries in relation with other states, and it also needs a political

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<sup>52</sup> <https://www.gandhiheritageportal.org/journals-by-gandhiji/harijan-25/01/1945> (Accessed on 2017/04/04)

framework to govern the inhabitants of that geographical area. The idea of the state was present in ancient Indian texts and philosophy as we have seen how in the ‘Shanti-Parva’ of *The Mahābhārata*. Kautilya’s *Arthashastra* is mainly concerned with state and its regulations as Dr Ghosal shows in his book *Hindu Political Theories* explains, the state was regarded in the Hindu eyes as an essential instrument for security not merely the whole life, but also the bare existence of the people. This conception led, not only in the secular *Arthashastra* but also in the later Brahmanical sacred literature, to the view that the state was within certain limits virtually an end in itself.

The state and its operation were based on the rule laid by the makers and thinkers of the state. In the Indian context, the central law for regulating the state and authority was based on the concept of *Dandaniti*. ‘Shanti-Parva’, *Arthashastra*, *Manusmriti* and other ancient texts stress upon that the King must pursue and uphold *Dandaniti* to avoid chaos and harm to each member of his state. Thus, any argument that Indians never had a concept of the state before European presence is baseless. The ancient concept of the state was not only from the state and the king; it also gave equal space to the individual and the society’s manner. At the theoretical level “The state’s real power, was not to press down on the subjects but was rather to aid the individual in the performance of his *Svadharmā* and to the ultimate realisation of his *Moksha*.”<sup>53</sup>

Gandhi in his article wrote, “To me, political power is not an end but one of the means of enabling people to better their conditions in every department of life.”<sup>54</sup> For Gandhi self-regulation is the absence of political power. For him, it replaced the representative political system because everyone becomes his/her; own ruler and he or she has no need of a political system and authority.

Conceptually, Gandhi can be called an anarchist as he accepted that “A society organised and run on the basis of complete non-violence would be the purest anarchy.”<sup>55</sup>

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<sup>53</sup> Doctor. Adi H., *Anarchist Thought in India*, p. 32.

<sup>54</sup> <https://www.gandhiheritageportal.org/journals-by-gandhiji/young-india -23/03/1921>(Accessed on 2017/04/04)

<sup>55</sup> <https://www.gandhiheritageportal.org/journals-by-gandhiji/harijan -21/7/1940> (Accessed on 2017/04/04)

He argues that this is possible only through the practice of non-violent values among the citizens of such a state. Nonviolence will enlighten them, and through its practice, every individual will become a general votary of non-violence in due time.<sup>56</sup>

Finally, it all comes back to the concept of Swaraj. For Gandhi ‘the state which governs least’ is the only true non-violent state. Adi H. Doctor argues that Gandhi’s view of the state is inspired by *Brihadaranyaka Upanishad* in which everyone is governed by his/her moral self, and this moral self, gives them an autonomy of self, but he also argues that for Gandhi it was not possible in his political time. Thus, for the sake of practicality, he incorporated Thoreau’s concept of government that governs least.

Gandhi explicitly criticises the values of western civilisations in his book *Hind Swaraj*. There are many critiques of Western civilisations by Gandhi, but a few can be cited here for a better understanding. He calls the railways the bubonic plague; doctors as immoral professionals who spread diseases rather than curing them; educated and trained in the western judicial system he was equally critical of it because for Gandhi courts and advocates were among the chief aid in enslaving India.

One may counter and question Gandhi on whether he was a part or not of the Indian National Congress which is ultimately located in the large political system. In this light, his act seems to work against his own conviction? On second thought, this argument is also invalid because before 1947, the Indian National Congress was more than a political party. It was an organised manifestation of the people movement for freedom as J.P. Narayan once said “Gandhiji’s movement was a people’s movement par excellence. It was no *Raj-Niti* (politics of state) but *Lok-Niti* (politics of people).”<sup>57</sup>

This *Lok-Niti* was a form of self-government, a law and a court higher than any other system.” Gandhiji’s opposition to the state sprang mainly from certain ethical, spiritual and religious considerations. Gandhiji held duty to one’s conscience and loyalty to God to be above

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<sup>56</sup> Doctor.Adi H., *Anarchist Thought in India*, p. 37.

<sup>57</sup> Narayan. Jayaprakash, *From Socialism to Sarvodaya*, p. 29.

the state and political loyalty. In this sense, Gandhiji was an individualist. To him, the individual conscience was the prime thing.”<sup>58</sup>

The law itself is made by man and the liberal parliamentary system was a part of modern law and order for him. No law was higher and more sacred than human beings. For him, laws and courts cannot remove all the problems of India because according to him means must accord with the ends. Thus, one evil cannot abolish another evil of the Indian society. In *Hind Swaraj* Gandhi explained that no human-made rule can be abiding permanently and if we believe that our first and foremost duty is to follow the law of state, it is because ‘we are sunk so low’.<sup>59</sup>

Gandhi distrusted not only the political form of the state but also the participants in law making. He wanted to free everyone from any structure or law or leader to make them follow the law of the state against their heart. As Gandhi writes, “We must evolve the capacity for going on with our program without the leaders. That means self-government. Every individual will be a law unto himself.”<sup>60</sup> He also defines the system from the individual’s point of view at the same time. He claims that every state or organisation is free to make any law to keep their members in line, but the state is for them not vice versa because they are free to disassociate themselves from such a state and organisation if they wish to.<sup>61</sup>

The law of *ahimsa* was supreme for Gandhi to promote peace and harmony. It leaves no space for any type sort of hatred or jealousy. *Ahimsa* itself is a form of love and justice. The justice of love according to Gandhi is surrender while the justice of law gives punishment.<sup>62</sup>

For the same reason, he vigorously called for the decentralisation of power in the formation of a just society. Decentralisation also involves the implementation of the philosophy of non-violence. Villages are the key components in realising Gandhi’s theory of decentralisation

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<sup>58</sup> Doctor.Adi H., *Anarchist Thought in India*, p. 38.

<sup>59</sup> In 1937 on the matter of participation of Congress in election Gandhi defends his position in 1 May 1937 in his article of *Harijan* by saying that "The boycott of the legislature, let me tell you, is not an external principle like that of truth or non-violence. My opposition to them has considerably lessened, but that does not mean that I am going back to my former position. The question is purely one of strategy."

<sup>60</sup> <https://www.gandhiheritageportal.org/journals-by-gandhiji/young-india -27/10/1920> (Accessed on 2017/04/04)

<sup>61</sup> <https://www.gandhiheritageportal.org/journals-by-gandhiji/young-india -10/07/24>(Accessed on 2017/04/04)

<sup>62</sup> <https://www.gandhiheritageportal.org/journals-by-gandhiji/young-india -09/07/1925>(Accessed on 2017/04/04)

of power. He holds that, only in a self-sufficient and autonomous village can non-violence be promoted. He defends his argument by saying that, “In short, there will be nothing in life worth having which will not be had in the village. Today villages are dump heaps. Tomorrow they will be like the tiny garden of Eden where dwells, highly intelligent folk whom no one can deceive or exploit.”<sup>63</sup>

He even supported the free and autonomous village, and it is individual. He also sought equality as an underlined principle in his theory. Gandhi claims that, without equality, his dream of ‘*Ramrajya*’ is not possible. He argues thus that, “There can be no *Ramrajya* in the present state of inequality in which few roll in riches and the masses do not get enough to eat”.<sup>64</sup>

Adi H. Doctor maintains that this concept of the state according to *Swaraj* of Gandhi is a philosophical anarchy where each individual rule by himself and does not interfere in the matters of his fellow individuals. They also don’t recognise any authority except the moral authority of the self. This is the highest form of anarchy in a moral sense.<sup>65</sup> He was aware of such a utopian concept of self-rule, but he said: “Let me see to my present means, the future will take care of itself; one step is enough for me.”<sup>66</sup>

To summarise the Gandhian concept of state, we need to understand that a gradual increase of non-violence and ahimsa will decrease the need of a state and one day it might disappear if we can make it a true non-violent society. Adhi H. Doctor correctly summed up the Gandhian philosophy in three points<sup>67</sup>

1. The current state is based on violence.
2. Predominantly non-violent state is a transitional state.
3. In ideal Non-violent state (*Ramraj*) there will be no state authority whatsoever.

On the other hand, Ambedkar was a great believer in liberal values and notions. He cherished the importance of law and the government. According to him, it is the law which

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<sup>63</sup> <https://www.gandhiheritageportal.org/journals-by-gandhiji/harijan-28/07/1946> (Accessed on 2017/04/04)

<sup>64</sup> <https://www.gandhiheritageportal.org/journals-by-gandhiji/harijan-01/06/1947>(Accessed on 2017/04/04)

<sup>65</sup> Doctor. Adi H., *Anarchist Thought in India*, p. 49.

<sup>66</sup> *Ibid.*, p. 49.

<sup>67</sup> *Ibid.*, p. 53.

protects individual and enables the oppressed and marginalised to come into the main stream. Our earlier discussion indicated how the fundamental rights and remedies of fundamental rights are necessary for in the modern political system. It was the law through which Ambedkar wanted to transform the Indian society. Ambedkar's definition of social democracy, enlighten his concept of state and citizens, as he argues that "Democracy is not a form of government but form of social organisation. "In order to change the social system he takes the state as mean to bring justice and equality as he explains "It is not possible for any government to bring justice until it brings justice on the level of economics and in the form of social economy."<sup>68</sup> He argues in his book *Buddha and Karl Marx* that individual freedom is necessary in order for democracy to work. "In parliamentary Government, every citizen has right to criticise the restraint on liberty imposed by the Government. In parliamentary Government you have a duty and a right; the duty to obey the law and right to criticise it. "<sup>69</sup> Ambedkar also like his counterpart Gandhi believed that each man must be moral and righteous as Buddha wanted everyone. Only this righteous man or being can be a sentinel for the kingdom of righteousness or justice.<sup>70</sup> In the same book, he further argues that in any given state violence cannot be answered; it will create anarchy. The only force that can sustain after state after violence is the religion.<sup>71</sup> Like Gandhi, he also gave importance to the religion, but for him, man or morality must be the centre of religion to hold society for justice. For him, all contemporary god based religion does not leave any room for being or man to improve religion to bring equality and justice among the individuals. Like Gandhi, he also did not believe in the use of force towards the individuals in the society for any changes as he said the method of Buddha was different. "The Buddha's method was to change the mind of man: to alter his disposition: so that whatever man does, he does it voluntarily without the use of force or compulsion."<sup>72</sup> This reference to the story of the *Dhamma Chakra* in his book *Buddha and Karl Marx* Ambedkar tries to formulate an idea where the state is governed not by the will of one/ king / Majority but governed by the morality of the people of the state. His argument is that man not only need to grow economically but he also needs to rise spiritually. As Ambedkar refers that, "Man must grow materially as well as spiritually". Society has been aiming to lay a new foundation was summarised by French Revolution in three words

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<sup>68</sup> <http://164.100.47.132/LssNew/cadebatefiles/C09121946.html>, p. 55-56 (Accessed on 2017/04/04)

<sup>69</sup> Ambedkar, B.R., *Buddha or Karl Marx*, p. 24.

<sup>70</sup> *Ibid.*, p. 55.

<sup>71</sup> *Ibid.*, p. 36.

<sup>72</sup> *Ibid.*, p. 39.

liberty, equality and fraternity. The French revolution was welcomed because of this slogan, but it failed to produce equality. Equality will be no value without the Fraternity or liberty.”<sup>73</sup> He also talked about the public consciousness that plays a major part in democracy, if people are aware of their rights and duties and about the conception of morally wrong actions, they will have a moral disposition and that society will not be far from a just society.

As we have seen, both Gandhi and Ambedkar laid stress on the love and compassion of being. Ambedkar’s arguments in the Constitutional Assembly Debate was that we must pursue social democracy where no one lay his or her liberty at the feet of any person or leader and it is only through Constitutional method that we can reform the Indian society. Ambedkar’s concept of value and state came from the Buddhist philosophy and teachings of Buddha. Gandhian values and concept of state also came from the Indian philosophy. They both may seem different in their aspect of looking towards the values of Indian civilisation, but no one can deny that their thoughts were based on some basic foundational values of Indian civilisation and Indian philosophy. Gandhian idea of non-violence and the Ambedkarian idea of moral disposition are two different aspects of the same idea. Gandhi’s self-rule and Ambedkar’s morality functioning as the centre of rule though different in perspective, are but the same. The concept of social justice as we have explored gets richer and richer in form by the Gandhian and Ambedkar ideology. They both talk about economic development, one through Khadi and other through the social economy or social land farming. Both made individuals as first rather than the law as the first priority of concern. The freedom of the individual and his feeling of doing well to him and others forms the core of social justice. One cannot make the concept of social justice more inclusive and vivid without including the philosophical outlook of both the thinkers. They both stressed on duty as the first qualification of the action of an individual, they talked about fraternity and compassion among the members of society and stressed on equal development for all. Their idea of self-respect and non-violence adds a humanistic approach to a mechanical materialistic distributive system of social justice, where earlier it was viewed no more than just a means to an end or a framework. As a result, it becomes an end in itself for the upliftment of all members of society irrespective of caste, class, creed, gender, and ideology. It becomes the perfect aim for making justice the prevailing concept in a society of just individuals.

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<sup>73</sup> Ibid., p. 39.



## References:

Aristotle, *The Politics of Aristotle*, E. Barker (trans., ed.), Oxford, New York: Oxford University Press, 1958.

Ambedkar, B.R. *Dr. Babasaheb Ambedkar: Writing and Speeches*, Vol. 1. edited by Vasant Moon, Education Department, Government of Maharashtra, 1987.

Ambedkar, B.R. *Dr. Babasaheb Ambedkar: Writing and Speeches*, Vol. 4. edited by Vasant Moon, Education Department, Government of Maharashtra, 1987.

Ambedkar, B.R. *Dr. Babasaheb Ambedkar: Writing and Speeches*, Vol. 5. edited by Vasant Moon, Education Department, Government of Maharashtra, 1987.

Ambedkar, B.R. *Dr. Babasaheb Ambedkar: Writing and Speeches*, Vol. 13. edited by Vasant Moon, Education Department, Government of Maharashtra, 1987.

Ambedkar, B.R. *Dr. Babasaheb Ambedkar: Writing and Speeches*, Vol. 17. Edited by Vasant Moon, Education Department, Government of Maharashtra, 1987.

Ambedkar, B.R., *Buddha or Karl Marx*, Critical Quest, New Delhi, 2010.

Badrinath. Chaturvedi, *The Mahābhārata An Inquiry in The Human Condition*, Orient Black Swan pub. New Delhi, 2013.

Doctor.Adi H., *Anarchist Thought in India*, Asia Publishing House, 1964.

Gandhi, M.K., *Hind Swaraj*, Ahmedabad: Navajivan Publishing House, 1994.

Gandhi, M. K, *Trusteeship*. , Ahmedabad: Navajivan Publishing House, 1994.

Gandhi, M. K, *Pathway To God*. , Ahmedabad: Navajivan Publishing House, 1994.

Grimes.John, *The Vivekacudamani of Sankaracarya Bhagavatpada: An Introduction and Translation*, 2004.

Gokhale. Pradeep, *The Philosophy of Dr B. R. Ambedkar*, Indian Philosophical Quarterly Publication, Pune, 2008.

Hess, Linda. *The Bijak of Kabir*, M.L.B.D New Delhi, 2015.

Omvedt. Gail, *Seeking Begumpura: The Social Vision of Anticaste Intellectuals*, Navayana Publishing; New Delhi, 2011.

Narayan.Jayaprakash, *From Socialism to Sarvodaya*, Akhil Bharat Sarva Seva Sangh Prakashan, 1959.

Walzer, M., "Citizenship", in *Political Innovation and Conceptual Change*, T. Ball, J. Farr, R. L. Hanson, Cambridge: Cambridge University Press, 1989

<http://www.sacred-texts.com/hin/m12/m12a059.htm>. Shanti-Parva, 109. 10-12

<http://www.punjabi-kavita.com/Baba-Bullhe-Bulleh-Shah.php>

[https://searchgurbani.com/guru\\_granth\\_sahib/ang\\_by\\_ang](https://searchgurbani.com/guru_granth_sahib/ang_by_ang)

<https://www.gandhiheritageportal.org/journals-by-gandhiji/young-india>

<https://www.gandhiheritageportal.org/journals-by-gandhiji/harijan>

<http://164.100.47.132/LssNew/cadebatefiles/C09121946.html>

<https://plato.stanford.edu/entries/citizenship>

## Conclusion

This work has been an attempt to understand and reconcile the contrary paradigms of social justice in the philosophies of Mahatma Gandhi and B.R. Ambedkar. A conclusion, however, is not meant to put end the trail of questions problems in place, especially the ones dealt with here. Rather, it cautions against such misapprehensions and necessitates reformulation and reconsideration for alternative perspectives and vantage points. The present work has been one such attempt, where the thoughts of Gandhi and Ambedkar regarding social justice in Indian context were reopened and reconsidered from the vantage point of contemporary social predicaments especially the caste question. This study can be deemed as a first attempt to compare their philosophies in light of the notions of social justice. They have been compared and collided with each other and scholars have least bothered to look for a reconciliation, especially from conceptual perspectives. Social justice can be one such concept, and I believe a reconciliatory dialogue can be initiated through multiple conceptual schemas. The main thrust here is to see how both can reinforce each other while at the same time maintaining the divergences of their worldviews. They both shaped the modern Indian thought and enshrined a philosophy that Indian society can look forward to. Today what we are and how we think about ourselves and our nation and democracy is influenced by them, and it gets further enriched through such contestations and comparisons. One of the aims has been to extend their arguments beyond the Indian social framework by lending western philosophical views on social justice as both evaluator and critical tools of examination. This study also incorporated various concept related to justice. It analyses the concept of harmony in Plato and its relevance to society and individual. Further, it examined the concept of *Eudaimonia* of Aristotle, where he argues that justice is not only golden mean, but it is good in itself, and *Eudaimonia* is a mean to create a just society and just citizens. After that, it takes note of Rawls idea of Fairness and its importance to the concept of Social Justice. Fairness is not the only foundational principle of Social Justice, but it also plays a role in guiding society and principles in making both them just.

This work acknowledges the antithetical nature of the perspectives Ambedkar and Gandhi held on social justice. Gandhi's philosophical perspective on social justice is pluralistic and anti-essentialist whereas Ambedkar's is critical and sceptical. Gandhi's pluralistic perspective is deeply rooted in *Varnas*, *Ashramas* and *Purusharthas* with the Vedic exhortation

of *Ekam sat vi Prah bahudhavaanti* i.e. truth is one, but wise people call it differently in different linguistic garbs. Gandhi has derived anti-essentialist perspective from Jainism. Likewise, Ambedkar's critical and sceptical approaches are evident from his critique of Hindu civilisation, *Varna/ caste* system, etc. Though Gandhi and Ambedkar have different approaches, they both acknowledge not only the individual's responsibility for establishing and maintaining a good character and moral life but also the community's moral responsibility in the process. By employing a comparative and critical study of their philosophies, I have endeavoured to highlight how the out rightly divergent outlooks are mutually important and reinforce each other for the possible foundations of an inclusive social justice, especially when dealing with a society which is imminently discreet, diverse and based on endless hierarchies.

As an entry point to understanding the Indian tradition justice, the concept of *Dharma* becomes necessary in this study. For everybody has to perform a duty of his own in order to live a life of meaning. Through the ancient tradition of the *ashram*, four *Varna*, and four *Purushārtha* we have seen that the life of peace and *Dharma* is worth a full life. Performing our duties is the most important lesson of the Indian tradition that duty is the supreme and not performing one's prescribed duty is a sin. We have seen that even when the kings do not follow their duty to perform their *Dharma* and *Dand-Niti*, they are also prone to destruction. Thus, following of *Sva-dharma* is prime most in life. It also teaches us that to perform the duty we need the attitude of the *Loka-Sangraha*, where we do not get attached to the worldly pleasures and indulge in the pleasure of the life. In that, we need to work always for the betterment of others in life. Thus, *loka-Sangraha* is the best form of just life as it inherently connects an individual notion of duty with humanistic altruism.

The study has unravelled Gandhian perspective of Social Justice as being contained in the idea of *Antyodaya* and *Sarvodaya*. Through the concept of *Antyodaya* and *Sarvodaya*, he talks about equality for all. This kind of equality originates from the realisation of the self. A connection between oneself and all-selves is the main thread in his vision of social justice. The true revelation of self in Gandhian Philosophy breaks all the barriers between human beings and sees every human being equal and one. His idea of *Antyodaya* in its true sense tries to reach the last and deprived members of society. The concept of *Trusteeship* also helps in the process of wealth and resource distribution in the society. Under such a system, a fair distribution of the wealth and resources becomes a moral obligation. Such a morally driven process does not

require any rule or regulation to control the people. It is the moral force which enables everyone to feel equal in all manners. Thus Gandhi's turn to an emphasis on the moral aspects of social justice becomes a marker while dealing with distributive justice as a means of social justice in the Indian context. To become a true self or human one needs to be a true *Satyagrahi* first. This *Satyagrahi* will embark upon a journey to finding the truth through the path of non-violence. It will also help him in acquiring other qualities like Fearlessness, Non-Possession, Humility, tolerance, etc. and eventually it will transform not only the self of the traveller but also the society. In search of finding true society, the self-will creates a republic structure of society, where everyone is self-regulated and morally bound to perform his or her duties. The structure and model of this society would be straightforward and uncomplicated like the structure of a village. People will collectively bear the burden of responsibilities as well as reap the reward for the same. There will be no place for discrimination in such a society and love for all will be the only motto. We can say that the society mentioned above is true of Gandhian *Gram-Swaraj*. Gandhi claims that this kind of *Gram-Swaraj* can be achieved only in a village society. As far as the city is concerned, it cannot realise the idea of *Gram-Swaraj* because it is already full of complex systems and vices ruling the roost. Simplifying the city to turn it into such a society would be beyond the realm possible. The village is the symbol of unity, equality, love and decentralisation of power. Thus it is perfect to call Gandhian *Swaraj* as a *Village Swaraj*.

Ambedkar's argumentative critic of the caste system and the Brahmanical hegemony in Indian society becomes a marking moment for looking beyond traditional outlooks of social justice in India. According to him the power structures of caste have reduced the *Shudras* into sub human beings in history. Such an exploitation finds no match anywhere in the world history. Caste according to Ambedkar is a twisted form of the ancient values of Indian society which no more exist. Our age is one where the ideals of democracy and emancipation need to be actualized so that everyone participates and decides the future of social, cultural and political domains of Indian society. *Varna* system is inconsistent with democracy which instead of a being a hierarchical society envisages equal rights so that free citizens can exercise and at times demand(s) them. Through his books, *The Annihilation of caste* and *Who were the Shudras?* He analyses the inconsistencies inherent in the Hindu caste system. However, his critique of caste does not make him a critique of religion. He maintained that man or morality must be the centre of the religion. Hindu religion has many notions based on the mythology of Gods and Goddess

which make the religion far from reason and rationality. The whole system of *Karma* and rebirth creates a cycle which is very difficult not only to understand but difficult to break. By employing the esoteric sacred texts and their interpretation, the *Brahmins* not only acquired a higher position in Indian society but the power to change other's status as well. They degraded the *Shudras* by bringing in purity-pollution dichotomy, and almost identified pollution with the *Shudras* and Untouchables. Ambedkar was frustrated with this anomaly of society and through his efforts tried to bring uplift and empower the lower castes. His main target was not getting the equal status in society; it more to make the lower castes consciousness of equality and its meaning and significance. The moment lower caste gains self-respect, no person or institute can make him inferior. To provoke such consciousness, he tried the *Mahad Satyagraha*, where for the right to drink water he revolted against the upper castes. Ambedkar also through his writings and letters tried to dismantle the Gandhian argument of seeing religion by faith and not by reason. In reply to Gandhi's argument that one should judge religion through the good that it can produce Ambedkar challenged that no great saint or seer in the history of India ever tried to reform the situation of untouchables. It was Kabir and Phule who emphasised on the equality of human beings. Though British brought democratic concepts, but in its true sense, it was the Indian Constitution and the efforts of Ambedkar which not only tried to garner social justice in all aspects of law and governance but in the Constitution itself. The preamble of the Indian Constitution, assures social, political and economic justice which is an everlasting example of his efforts to envisage a practical philosophy based on reason and rational measures.

We saw that both Gandhi and Ambedkar put great stress on the love and compassion of being. Ambedkar's arguments in Constitution Assembly Debates argue for a perusal of social democracy where no one lay his or her liberty at the feet of any person or leader and through an only constitutional method we can reform the Indian society. The Ambedkarite concept of value and state came mainly from the Buddhist philosophy. The Gandhian values and concept of state also came from the Indian philosophy. They both may seem different in their aspect of looking towards the values of Indian civilisation, but one cannot deny that their thoughts were based on some basic foundational values of Indian civilisation and Indian philosophy. The Gandhian idea of non-violence and the Ambedkarite idea of moral disposition are two different aspects of the same idea. The self-rule of Gandhi and Ambedkar's morality as the centre of the rule are just different in perspective, but both are same. The concept of social justice as we have explored

gets richer and richer by the Gandhian and Ambedkarite ideology. They both talk about economics and development, one through *Khadi* and other through the social economy or social land farming. Both made individuals as first rather than the law. The freedom of the individual and his feeling of doing well to him and others are the core of social justice for both. One cannot define social justice more inclusively and vividly manner without taking into account the perspectives presented by both the thinkers. They talked about duty as first thing of action of individuals, they talked about the fraternity, compassion among the members of society and stressed on equal development for all. The self-respect and non-violence add the humanistic approach to a mechanical materialistic distributive system of social justice. Where it is no more just a mean to end or a framework, the However same time it becomes an end in itself for the upliftment of all the members of society irrespective of caste, class, creed, gender, and ideology. It becomes the perfect aim for the making of a society where justice prevails, and just individuals perpetuate.

Ambedkar made his claim for social justice through the theoretical manner by studying narratives and their rational relevance to the existing society and their impact on society. His approach is more methodological and organised than Gandhi. This does not mean Gandhi does not use rational approach, he also rationalises all his ideas, and he tested them throughout his life in order to improve them. Ambedkar argued by the demands of proper Representation and fair representation. He talked about the social inclusion as a permanent solution to problems of Indian society. He also argued that a healthy self with the consciousness of equality and fertility is an essential to the condition of social integration of individuals and for the well-being of the individual. Same intentions and ideas are found in Gandhian philosophy as we have seen in earlier chapters that, his approach is more traditional and spiritual rather than theoretical and institutional. His faith in the inherent goodness of human being gave him novel approach of appealing by the moulding or purifying the nature of being. However, Ambedkar believed in reformation through the law and protection of institutions. Both had the same goal, an injustice free Indian society, where injustice is completely absent in all aspect of life, every individual is free, equal and compassionate for a fellow being.

The problem with a comparison of Gandhi and Ambedkar is strange, the researcher or observer many time claims that they lack ideas of their opponent in their ideology. Sometimes it

becomes more rhetorical than theoretical. Close and profound examination of their ideologies reveals they might differ in ideology or approach, but their intention and aims were same, take the case of peace. Gandhi throughout his life maintained that peace and self-ruled society would be stable and prosperous society, on another end, Ambedkar in his writings about Buddhism tells that only peace can be the foundation of sustainable and flourishing society, nobody can deny the profound impact of peace and love in ideal just society. Ambedkar in his critique and analyzation of problems always tried to find truth in narratives and claims. Only the objective truth of any claim and narrative unravel discrepancy in it, thus seeking truth in the form of reason and contextualization was his primary tool. This is also in the case of Gandhi; he explicitly expresses his fondness for truth and the path to find the truth as God and ultimate reality. His autobiography itself by its title suggests the importance of truth in his life and practise. Gandhi believed only true knowledge or devotion to truth can transform and purify the heart and soul of any individual.

Both believed that it is the ‘self’ which is needed to awake and made realise about themselves, only awaken and conscious self can bring changes in society. In the case of Gandhi, it is the self of truth seeker *Satyagrahi* which is strong and has compassion for a fellow being. On the other end, in Ambedkar’s case, it is the conscious self of being which is free from imposed morality and inferiority, can give his full effort to change the society and others.

Conclusion of this thesis is reinforced and proves by the statement of D.R. Nagaraj, a great scholar of Gandhi and Ambedkar's ideology writes about, their compatibility and impact on each other, he observed that these two had transformed each other through creative confrontation; and that Gandhi had taken over economics from Ambedkar, where Ambedkar had internalised and realised the importance of religion as prescribed by Gandhi.<sup>1</sup>

It is true that Ambedkar never denied the importance of religion in individual life. He accepted the spiritual aspect of religion in human life and said it is only religion which can bound individuals together with compassion and love; he calls that *Karuna* and *Maitri*. He browses them from Buddhism, but that is not the point, the meaning of this expression of Ambedkars shows his affection for religion.

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<sup>1</sup> Nagaraj. D.R., *Flaming feet: A Study of Dalit Movement in India*, p. 24



The main conclusion of this study can be summarised as; this study brings out that Gandhi and Ambedkar are not opposite to each other. They meet and reinforce each other but on the plane of some inherent ideas of their philosophy and Concept of Social Justice is one of the fundamental concepts of their philosophy. It is the relevance and similarity of the concept of Social Justice, which brings them together and explore their thought process and ideology. The concept of Social Justice does not only have universal elements, but it has a profound base in both of them philosophy. Gandhi and Ambedkar may differ in many matters and ideas, but their underline ethics and desire for just society bring them together.

They both worked for the well-being of individuals of society and for society. We just need a better approach and methodology to compare and study them, in order to gain maximum understanding of society, human nature and self. The concept of Social Justice is the approach and method, which tries to bring them on a plane where they help in the evolution of their ideology, complement and reinforce each other.

## General Bibliography/ Webliography

### Primary Sources:

Ambedkar, B.R., *Annihilation of Caste*, Critical Quest, New Delhi, 2010.

Ambedkar, B.R., *Buddha or Karl Marx*, Critical Quest, New Delhi, 2010.

Ambedkar, B.R., *Dr. Babasaheb Ambedkar: Writing and Speeches*, Vol. 1-21. Edited by Vasant Moon, Education Department, Government of Maharashtra, 1987.

Ambedkar, B.R., *Gandhi and Gandhism*, Critical Quest, New Delhi, 2010.

Gandhi, M. K., *The Collected Works of Mahatma Gandhi*, Vol. 1-98. Delhi: Government of India, Ministry of I. B. Pub. D., 1994.

Gandhi, M. K., *Trusteeship*. Ahmedabad: Navajivan Publishing House, 1994.

Gandhi, M. K., *Ruskin Unto This Last: A Paraphrase*. Ahmedabad: Navajivan Publishing House, 1994.

Gandhi, M.K., *Hind Swaraj and Other Writings*, edited by Anthony J. Parel (Cambridge University Press, 1997).

### Secondary Sources:

A.M. Rajasekharia and Hemlata Jayaraj “Political Philosophy of Dr. B.R. Ambedkar,” *The Indian Journal of Political Science*, Vol. 52, No. 3 (July - Sept. 1991), pp. 357-375.

Ambedkar, .B. R. *Who were Shudras?* Critical Quest Publication, New Delhi. 2008

Ambedkar, B.R. *Dr Babasaheb Ambedkar: Writing and Speeches*, Vol. 1. edited by Vasant Moon, Education Department, Government of Maharashtra, 1987

Ambedkar, B.R. *Dr Babasaheb Ambedkar: Writing and Speeches*, Vol. 4. edited by Vasant Moon, Education Department, Government of Maharashtra, 1987

Ambedkar, B.R. *Dr Babasaheb Ambedkar: Writing and Speeches*, Vol. 5. edited by Vasant Moon, Education Department, Government of Maharashtra, 1987

Ambedkar, B.R. *Dr Babasaheb Ambedkar: Writing and Speeches*, Vol. 13. edited by Vasant Moon, Education Department, Government of Maharashtra, 1987

Ambedkar, B.R. *Dr Babasaheb Ambedkar: Writing and Speeches*, Vol. 17. Edited by Vasant Moon, Education Department, Government of Maharashtra, 1987

Ambedkar, B.R., *Buddha or Karl Marx*, Critical Quest, New Delhi, 2010.

Ambedkar. B.R., *Thoughts on Pakistan*, Thacker and Company Limited, Bombay. 1941

Ambedkar., B.R., *Annihilation of Caste*, Critical Quest Publication, New Delhi, 2008

Ambedkar., B.R., *Dr. Ambedkar Writings And Speeches* Vol. 1, (Ed.) Vasant Moon, Ministry of Social Justice. & Empowerment, Govt. of India. New Delhi, 2015

Ambedkar., B.R., *Dr. Ambedkar Writings And Speeches* Vol. 7, Ed. Vasant Moon, Ministry of Social Justice. & Empowerment, Govt. of India. New Delhi, 2015

Ambedkar., B.R., *Dr. Ambedkar Writings And Speeches* Vol.2, Ed. Vasant Moon, Ministry of Social Justice. & Empowerment, Govt. of India. New Delhi, 2015

Ambedkar., B.R., *Dr. Ambedkar Writings And Speeches* Vol.10, Ed. Vasant Moon, Ministry of Social Justice. & Empowerment, Govt. of India. New Delhi, 2015

Ambedkar., B.R., *What Congress and Gandhi have done to the Untouchables.* Samyak Prakashan; first Samyak Edition, New Delhi. 2005

Aristotle, *Aristotle's Ethics*, edited by J. K. Ackrill. London: Faber &Faber, 3 Queen Square., 1973

Aristotle, *The Nicomachean Ethics*, edited by J.A.K. Thomson. London: Penguin Books Ltd., 2004.

Aristotle, *The Politics of Aristotle*, E. Barker (trans., ed.), Oxford, New York: Oxford University Press, 1958

Aristotle, *Politics: The Complete Works of Aristotle*, edited by Jonathan Barnes, Princeton: Princeton University Press. 2003.

Baker, K. M., *Condorcet: Selected Writings*, Indianapolis: Bobbs Merrill. 1976.

Barry S. Clark and John E. Elliott “John Stuart Mill's Theory of Justice,” *Review of Social Economy*, Vol. 59, No. 4 (DECEMBER 2001), pp. 467-490.

Baxi, The Judiciary as a Resource for Indian Democracy, *Indian Seminar*,

Bilgrami, Akeel. “Gandhi, The Philosopher,” *Economic and Political Weekly*, Vol. 38, No. 39 (Sep. 27 - Oct. 3, 2003), pp. 4159-4165.

Bilgrami, Akeel.“Value, Enchantment, and the Mentality of Democracy: Some Distant Perspectives from Gandhi,” *Economic and Political Weekly*, Vol. 44, No. 51 (Dec. 19-25, 2009), pp. 47-61.

Chattopadhyaya, D. P., “General Introduction ” in *History of Science and Philosophy of Science: A Historical Perspective of the Evolution of Ideas in Science*, Pearson Education India, Delhi 2002

Chaturvedi, Badrinath., *The Mahabharata: An Inquiry in the Human Condition*. Oriental Black Swan Private Limited. 2013

Clifford, Bob. “Dalit Rights are Human Rights: Caste Discrimination, International Activism, and the Construction of a New Human Rights Issue,” *Human Rights Quarterly*, Volume 29, Number 1, February 2007, pp.167-193.

Contursi, Janet A. “Political Theology: Text and Practice in a Dalit Panther Community.” *The Journal of Asian Studies*, vol. 52, no. 2, 1993, pp. 320–339

David S, David SA, Ayers AC, Boniwell I, eds. *Oxford Handbook of Happiness*, Oxford University Press. London, 2004

Doctor, A. H., *Anarchist Thought In India*, New Delhi: Asia Publication House, 1964.

Doniger W. *Textual Sources for the Study of Hinduism*. University of Chicago Press; 1 edition 1990

Farrelly, Colin. eds. *An Introduction to Contemporary Political Theory*, New Delhi: Sage Publications, 2005.

Gandhi, M. K, *Key to Health*. , Ahmedabad: Navajivan Publishing House, 1994

Gandhi, M. K, *Mangal Prabhat*. , Ahmedabad: Navajivan Publishing House, 1994,

Gandhi, M. K, *Pathway To God*. , Ahmedabad: Navajivan Publishing House, 1994

Gandhi, M. K, *The Selected Work of Mahatma Gandhi Vol. 4*, Navjeevan Publication, Ahmedabad.2005

Gandhi, M. K, *The Selected Work of Mahatma Gandhi*, Vol. 3, Navjeevan Publication, Ahmedabad.2005

Gandhi, M. K, *Trusteeship.* , Ahmedabad: Navajivan Publishing House, 1994

Gandhi, M. K. *From Yervada Mandir*, Ahmedabad: Navajivan Publishing House, 1994

Gandhi, M. K., *All Men are Brothers.* Ahmedabad: Navajivan Publishing House, 1994.

Gandhi, M. K., *Ethical religion.*, Ahmedabad: Navajivan Publishing House, 1994

Gandhi, M. K., *Hind Swaraj.* Ahmedabad: Navajivan Publishing House, 1994

Gandhi, M. K., *Sarvodya.*, Ahmedabad: Navajivan Publishing House, 1994

Gandhi, M. K., *The Voice of Truth.* Ahmedabad: Navajivan Publishing House, 1994.

Gandhi, M. K., *Trusteeship.*, Ahmedabad: Navajivan Publishing House, 1994

Gandhi, M. K., *Village Swaraj.*, Ahmedabad: Navajivan Publishing House, 1999

Gandhi, M.K., *Hind Swaraj*, Ahmedabad: Navajivan Publishing House, 1994

Gandhi, M.K., *My Experiments With Truth.* Ahmedabad: Navajivan Publishing House, 1994.

Gehlot, N.S., “Dr. Ambedkar, Mahatma Gandhi, and Dalit Movement,” *The Indian Journal of Political Science*, Vol. 54, No. 3/4 (July - Dec. 1993), pp. 382-387.

Gokhale. Pradeep, *The Philosophy of Dr B. R. Ambedkar*, Indian Philosophical Quarterly Publication, Pune.2008

Gopal Guru and V. Geetha. "New Phase of Dalit-Bahujan Intellectual Activity," *Economic and Political Weekly*, Vol. 35, No. 3 (Jan. 15-21, 2000), pp. 130-134.

Grimes, John, *The Vivekacudamani of Sankaracarya Bhagavatpada: An Introduction and Translation* (2004)

Gudavarthy, Ajay. "Gandhi, Dalits and Feminists: Recovering the Convergence," *Economic and Political Weekly*, Vol. 43, No. 22 (May 31 - Jun. 6, 2008), pp. 83-90.

Gupta, Dipankar. "Gandhi before Habermas: The Democratic Consequences of Ahimsa," *Economic and Political Weekly*, Vol. 44, No. 10 (Mar. 7 - 13, 2009), pp. 27-33.

Guru, Gopal. "Archaeology of Untouchability," *Economic and Political Weekly*, Vol. 44, No. 37 (SEPTEMBER 12-18, 2009), pp. 49-56.

Habermas, Jürgen. *Between Facts and Norms: Contributions to a Discourse Theory of Law and Democracy*, Cambridge: MIT Press 1996.

Hart, H. L. A., *Punishment and Responsibility Essays in the Philosophy of Law*, Second Edition Oxford University Press., 1996

Hess, Linda. *The Bijak of Kabir*, M.L.B.D New Delhi. 2015

Hobbes, T., *Leviathan*, edited by E. Curley, *Leviathan, with Selected Variants from the Latin Edition of 1668*, Indianapolis: Hackett, 1994.

Hume, David. *A Treatise of Human Nature*, edited by L. Selby-Bigge, second revised edition by P. H. Nidditch, Oxford: Clarendon Press, 1975.

Iyer., Raghavan, *The Moral and Political Writings of Mahatma Gandhi*, Vol. 2, New Delhi. 1986

Jadhav, Narendra. "Neglected Economic Thought of Babasaheb Ambedkar," *Economic and Political Weekly*, Vol. 26, No. 15 (Apr. 13, 1991), pp. 980-982.

Jatava, D. R., *Social Philosophy of B. R. Ambedkar*. New Delhi: Rawat Publications 1997.

Jayashree Gokhale and Gopal Guru. "One-dimensional View of Dalit Movement From Concession to Confrontation: The Politics of Indian Untouchable Community," *Economic and Political Weekly*, Vol. 30, No. 2 (Jan. 14, 1995), pp. 98-102.

Jodhka, S. S., 'Nation and Village: Images of Rural India in Gandhi, Nehru and Ambedkar,' *Economic and Political Weekly*, Vol. 37, No. 32 (Aug. 10, 2002), pp. 3343-3353.

K. Roy and C. Gupta. eds. *Essays in social and political philosophy*, New Delhi: ICPR, 1989

Kadam, K. N., *Dr. Ambedkar and the Significance of His Movement*. London: Sangam Books, 1991.

Kai, Nielsen. "Radical Egalitarian Justice: Justice as Equality," *Social Theory and Practice*, Vol. 5, (1979) pp. 209–226.

Kant, *The Retributive Theory of Punishment*, In *Contemporary Moral Problems*, J.E. White, 1994, West Publishing Company

Kant. Immanuel, 1785, *Groundwork for the Metaphysics of Morals*, translated by T. Abbott, Revised and edited by L. Denis, Peterborough: Broadview Press, 2005.

Kautilya., *Arthashastra* Penguin India; 1st Edition edition .2000

Keer, Dhananjay, *Ambedkar, life and Mission*. Popular Prakashan, Second Edition, Bombay. 1985



Ketkar, Dr S. V., *The History of Caste in India*, Low Price Publications, 2010

Kishwar, Madhu. "Gandhi on Women," *Economic and Political Weekly*, Vol. 20, No. 40 (Oct. 5, 1985), pp. 1691-1702.

Kraut, Richard., *Aristotle Political Philosophy.*, London: Oxford University Press., 2002

Kuber, W. N., *Dr. Ambedkar – A Critical Study*. New Delhi: People's Publishing House 1978.

Kuber. V., *Ambedkar, A Critical Study*, People's Publishing House, New Delhi. 1998

Lal, Vinay. "The Gandhi Everyone Loves to Hate," *Economic and Political Weekly*, Vol. 43, No. 40 (Oct. 4 - 10, 2008), pp. 55-64.

Laslett, Peter (ed.), *Locke's Two Treatises of Government*, Cambridge: Cambridge University Press, 1960.

Marx. Karl, *Karl Marx: Selected Writings*, edited by David McLellan, Oxford: Oxford University Press, 2000.

Mehta, Makrand. "Gandhi and Ahmedabad, 1915-20," *Economic and Political Weekly*, Vol. 40, No. 4 (Jan. 22-28, 2005), pp. 291-299.

Mill, J. S. *Collected Works of John Stuart Mill*, edited by J. M. Robson, Toronto: University of Toronto Press, 1963.

Miller, David. *Principles of Social Justice*, Cambridge, MA: Harvard University Press, 1999.

Mukherjee, Hirenderanath. *Gandhi, Ambedkar and the Extirpation of Untouchability*. New Delhi: People's Publishing House, 1982.

Mukherjee, A.P., "B. R. Ambedkar, John Dewey, and the Meaning of Democracy," *New Literary History*, Volume 40, Number 2, Spring 2009, pp. 345-370.

Nagaraj, D. R., *Flaming Feet and Other Essays: The Dalit Movement in India*, Mumbai: Seagull Books, 2011.

Narayan.Jayaprakash, *From Socialism to Sarvodaya*, Akhil Bharat Sarva Seva Sangh Prakashan, 1959.

Narender Kumar. "Dalit and Shudra Politics and Anti-Brahmin Movement." *Economic and Political Weekly* 35, no. 45 (2000): 3977-979. <http://www.jstor.org/stable/4409928>.

Nauriya, Anil. "Gandhi's Little-Known Critique of Varna," *Economic and Political Weekly*, Vol. 41, No. 19 (May 13-19, 2006), pp. 1835-1838.

Nicholas D Kristof, "This Teenage Girl is a Rapist's Nightmare," *Times of India*, Oct 19, 2015.

Nigam, Aditya. "Gandhi – The 'Angel of History': Reading "Hind Swaraj" Today," *Economic and Political Weekly*, Vol. 44, No. 11 (Mar. 14 - 20, 2009), pp. 41-47.

Nozick, Robert. *Anarchy, State and Utopia*, New York: Basic Books, 1992.

Nussbaum, Martha C., "Human Functioning and Social Justice: In Defense of Aristotelian Essentialism," *Political Theory*, Vol. 20, No. 2 (May 1992), pp. 202-246.

Omvedt, Gail. *Seeking Begumpura: The Social Vision of Anticaste Intellectuals*, Navayana Publishing; New Delhi, 2011

Paul K. Moser Loyola. eds. *Routledge Contemporary Readings in Philosophy*, New York: Taylor & Francis Group, 2004.

Plato, *Dialogues, Gorgias*, (Random House ed. 1937)

Plato, *Republic*, Translated by Desmond Lee, Penguin Books Ltd., 2007.

Plato, *Republic*, Translated by Desmond Lee, Penguin Books Ltd., 2007

Privette, Mari. “*Theories of Punishment*,” University of Kansas City Law Review

Purohit B.R, Sandeep Joshi, “*Social Justice in India*” Rawat Publication, Jaipur, 2003

R. D. Suman and S. D. Kulkarni “Ambedkar as Democrat and Reformer: Dr. Ambedkar, Pioneer of Human Rights,” *Economic and Political Weekly*, Vol. 13, No. 35 (Sep. 2, 1978), p. 1508.

Radhakrishnan, P., “Ambedkar's Legacy to Dalits: Has the Nation Reneged on Its Promises?,” *Economic and Political Weekly*, Vol. 26, No. 33 (August 17, 1991), pp. 1911-1922.

Rajshekar, V.T., *Ambedkar and His Conversion*. Bangalore: Dalit Sahitya Academy, 1980.

Rawls, *Distributive Justice*, Cambridge: Harvard University Press 2005. (in Perspectives in Business Ethics by L.P. Hartman and Abha Chatterjee)

Rawls, John. *A Theory of Justice*. New Delhi: Universal Law Pub. Co., 2011.

Rawls, John., *Justice as fairness*, Cambridge: Harvard University Press. 1998

Rawls, John., *Justice as Fairness: A Restatement*, Cambridge: Harvard University Press. 2001.

Rawls, John., *Political Liberalism*, New York: Columbia University Press. 1993.

Rosen, F. Bentham, Jeremy. *Deontology Together with A Table of the Springs of Action and the Article on Utilitarianism: Collected Works of Jeremy Bentham*, Oxford: Clarendon Press. 2002.

Rousseau, Jean-Jacques. *A Discourse on Inequality*, London: Penguin 1984.

*Routledge Encyclopaedia of Philosophy*, London and New York: Routledge, 1998.

S..Mohamed. “*Ambedkar on Law, Constitution and Social Justice*” Rawat Publication, Jaipur, 2005

Sandel, Michael L., *Liberalism and the Limits of Social Justice*, New York: Cambridge University Press, 2008.

Scheuerman, William, “Globalisation”, *The Stanford Encyclopedia of Philosophy* (Summer 2014 Edition), Edward N. Zalta (ed.)

Sen, Amartya (2002). Open and closed impartiality. *Journal of Philosophy* 99 (9):445-469.

Sen, Amartya. *Development as Freedom*, New York: Anchor Books, Random House, 1999.

Sen, Amartya. *The Argumentative Indian: Writings on Indian History, Culture and Identity*. London: Penguin Books Ltd., 2000.

Sen, Amartya. *The Idea of Justice*. London: Penguin Books Ltd., 2010.

Sen, Amartya. *Collective Choice and Social Welfare*, San Fransisco: Holden-Day; Amsterdam, 1979.

Sen, Amartya. *Inequality Re-examined*, Oxford: Clarendon Press, Cambridge: Harvard University Press. 1992.

Shriniwas.M.N, *Castes in modern India and other Essays*, Asia Publishing House, Bombay 1962

Singh, Jagpal, “Ambedkarisation and Assertion of Dalit Identity: Socio-Cultural Protest in Meerut District of Western Uttar Pradesh,” *Economic and Political Weekly*, Vol. 33, No. 40 (Oct. 3-9, 1998), pp. 2611-2618.

Singh, R. P., “Gandhi on Nonviolence in the Context of Enlightenment, Rationality and Globalization,” *The Icfai University Journal of History and Culture*, Vol. II, No. 4 (Oct. 2008), pp. 24-31.

Singh, R.P., “Justice and Secularism: A Concept and Cross-Culture Analysis,” in *Morality and Social Justice*, (2010), p.p. 53-61.

Smith, Adam. *The Nature and Cause of Wealth of Nations*. Oxford: Clarendon Press. 1976.

Srivatsan, R., “Concept of ‘Seva’ and the ‘Sevak’ in the Freedom Movement,” *Economic and Political Weekly*, Vol. 41, No. 5 (Feb. 4-10, 2006), pp. 427-438.

Straut Mill, John. *On Liberty*. London: Penguin Books Ltd., 1982.

Suhas. Palshikar, “Gandhi-Ambedkar Interface:When Shall the Twain Meet?,” *Economic and Political Weekly*, Vol. 31, No. 31 (Aug. 3, 1996), pp. 2070-2072.

Swami Prabhupada, A.C.Bhaktivedanta., *Bhagavad Gita*, BBT; First Edition (2012)

*Taittiriya Upanishad*, trans. Swami Sarvananda, The Ram Krishna Math, Madras, 1921

Tilak, Bal Gangadhar ., *Shrimad Bhagwatgita: Geeta Rahasya*. Sharda Prakashan; *Third edition (2014)*

Tolstoy, Leo. *The Kingdom of God is within You*, New York: Cassell Publication. 1994.

Tolstoy, Leo. *War and Peace*, translated by Ann Dunnigian, London: Signet Publication, 1994.

Veeravalli, Anuradha. “Swaraj and Sovereignty,” *Economic and Political Weekly*, Vol. 46, No. 05 (Jan. 29, 2011), pp. 65-69.

Verma, Vidhu. “Colonialism and Liberation: Ambedkar's Quest for Distributive Justice,” *Economic and Political Weekly*, Vol. 34, No. 39 (Sep. 25 - Oct. 1, 1999), pp. 2804-2810.

Walzer, M., 1989, “Citizenship”, in *Political Innovation and Conceptual Change*, T. Ball, J. Farr, R. L. Hanson, Cambridge: Cambridge University Press

Williams, Bernard (1980). “Justice as a Virtue” In Amélie Oksenberg Rorty (ed.), *Essays on Aristotle's Ethics*. University of California Press.

Wollstonecraft, Mary. *A Vindication of the Rights of Woman with Strictures on Political and Moral Subjects*, edited by Joseph Johnson, 1792.

## Webliography

- <http://www.jstor.org>
- <http://ILO.org>
- <http://plato.stanford.edu>

- <http://mkgandhi.org>
- <http://www.columbia.edu>
- <http://ambedker.org>
- <http://muse.jhu.edu/>
- <http://parliamentofindia.nic.in/ls/debates/vol7pm.htm>
- [http://www.india-seminar.com/2010/615/615\\_upendra\\_baxi.htm](http://www.india-seminar.com/2010/615/615_upendra_baxi.htm)
- <http://www.sacred-texts.com/hin/manu/manu07>
- <http://www.sacred-texts.com/hin/m12/m12a001>.
- <http://www.un.org/en/documents/udhr/>
- <https://www.gandhiheritageportal.org/journals-by-gandhiji/harijan>
- <https://www.gandhiheritageportal.org/journals-by-gandhiji/young-india>
- [http://ccnmtl.columbia.edu/projects/mmt/ambedkar/web/appendix\\_2.html](http://ccnmtl.columbia.edu/projects/mmt/ambedkar/web/appendix_2.html)
- <http://lawmin.nic.in/olwing/coi/coi-english/coi-indexenglish.htm>
- <http://parliamentofindia.nic.in/ls/debates/vol.7pm.htm>
- <http://parliamentofindia.nic.in/ls/debates/vol10pm.htm>
- <http://www.sacred-texts.com/hin/m12/m12a001>
- <https://indiankanoon.org/doc/1939993/>
- <https://indiankanoon.org/doc/555882/>
- <https://www.gandhiheritageportal.org/journals-by-gandhiji/harijan>
- <http://indiacode.nic.in/coiweb/coifiles/preamble.htm>
- <http://www.sacred-texts.com/hin/m12/m12a059.htm>. Shanti-Parva, 109. 10-12
- <http://www.punjabi-kavita.com/Baba-Bulleh-Bulleh-Shah.php>
- [https://searchgurbani.com/guru\\_granth\\_sahib/ang\\_by\\_ang](https://searchgurbani.com/guru_granth_sahib/ang_by_ang)
- <https://www.gandhiheritageportal.org/journals-by-gandhiji/young-india>
- <https://www.gandhiheritageportal.org/journals-by-gandhiji/harijan>

- <http://164.100.47.132/LssNew/cadebatefiles/C09121946.html>
- <https://plato.stanford.edu/entries/citizenship>