



Research Paper

Indian Constitution And Social Justice: Using Education As Important Instrument For Bringing Social Justice To The Minority And Backward Classes.

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ABSTRACT The Indian government has paid great attention to social justice. The government has been using many instruments to preserve social justice. The Fundamental Rights, Directive Principles of State Policy and Fundamental Duties have highlighted the obligation of state to work for 'the weaker sections of the people' and to promote harmony and the spirit of common brotherhood amongst all the people of India. This paper will look at how the government has been trying to bring social justice through education and how the Indian constitution highlights the provision of education for the weaker and minority section of the community.

KEYWORD: Constitution, Social justice, Upliftment of Backward, Education

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I. WHAT IS SOCIAL JUSTICE? :

Social justice means maintaining justice to the society. It simple means equality in society, socially just society or enjoys equal benefits in the society. However, social justice has many definitions. Andrew Haywood define that: "Social justice thus stands for a morally defensible distribution of benefits or rewards in society, evaluated in terms of wages, profits, housing, medical care welfare benefits and so forth"¹. John Rawls' principles of social justice are "they provide a way of assigning rights and duties in the basic institutions of society and they define the appropriate distribution of the benefits and burdens of social cooperation"².

David Miller has classified social justice into three: Social justice 'to each according his needs', 'to each according to rights' and 'to each according to deserts'. Many writers and thinkers have related social justice with distribution of wealth and property. Knowledge could be treated as property as well as wealth too. Robert Nozick has rightly said that justice must address that wealth has to be justly transfer from one responsible person to another. Wealth (knowledge) needs to be transfer to one responsible (minorities and backward classes) person.

As already mentioned social justice means equality in society, however, many social and educational disadvantages have not enjoyed their rights and not getting benefits under the ordinary law. Justice has not infringed giving a special provision to the weaker section of the community. It rather encourages a special provision to enjoy the social benefits. In Indian society, some weaker section like minorities and backward classes are neither equally enjoying their rights, nor are they treated equally. They need to be given a special status to uplift themselves so as to enjoy their rights in the society. So, empowering the weaker section of the community is one of the most important ingredients of social justice.

HOW DID THE INDIAN GOVERNMENT TAKING INITIATIVES FOR SOCIAL JUSTICE:

The Indian constitution has mentioned the word 'Social Justice' only in three places. In Part IX of the constitution, (The Panchayats) article 243 G (a)&(b) and Part IXA (The Municipalities) article 243W (i), the Indian constitution has expected the Panchayats and Municipalities to bring social justice to the people. To maintain social justice does not encouraged giving anything in free, but aimed at providing opportunities so as to enjoy the social benefits equally.

Though the Indian constitution did not mention social justice to a great extent, it has provided special provision to bring social justice to the people. The Fundamental Rights, Directive Principles of State Policy and

Fundamental Duties has highlighted the obligation of state to work for 'the weaker sections of the people', to promote harmony, and the spirit of common brotherhood amongst all the people of India. The Central government has established enforcement department like Ministry of Social Justice and Empowerment, Ministry of Tribal Affairs, Ministry of Minority etc. Besides that, it also launched many policies, flagship programmes and schemes to uplift the minority and backward classes. It has also provides aid and educational assistance to minority institution and student belong to minority groups, such as establishing Maulana Azad Education Foundation, coaching for SC/STs and other socially disadvantages, scheme to access to benefits and resources, empowering through providing scholarship, centrally sponsored hostels etc.

One of the major threats in contemporary security is community security. Some weaker section has been marginalised and sideline to enjoy their right and social benefits. The need of reservation and special provision to the weaker section is elevated. There is a threat of assimilation/absorption economically, culturally and politically. Strengthening the community security has brought protection from the community value, culture etc. Bringing a social justice to the society could help community justice. Education could play a major role to gives useful awareness.

THE SPECIAL PROVISIONS OF EDUCATION TO MINORITY AND BACKWARD CLASSES:

Providing the education to enforce the social justice is under what David Milner categorization of 'to each according his needs'. A need is a necessity, it also known as a basic to human beings³. The socially disadvantaged section needs education and awareness to enjoy their basic rights. The official website of Minority Commission has said that 'Constitution provides two sets of rights of minorities which can be placed in 'common domain' and 'separate domain'⁴. The Ministry of Social Justice listed extracts from the constitution of India specially relevant to social justice & empowerment in their official websites⁵.

Education has always been accorded an honoured place in Indian society (NPE 1968). Indian constitution thus brings up the welfare of the education of weaker section of the community. As the Article mentioned, "Nothing in this article or in clause (2) of article 29 shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or for the Scheduled Castes and the Scheduled Tribes"(Article 15 (4)⁶. There is a strong restriction on denial of admission to any citizen, to any educational institution maintained or aided by the state, 'on grounds only of religion, race, caste, language or any of them' (Article 29(2)⁷). The Article 30(1) of the Indian constitution has given a very vast freedom to all religious and linguistic minorities to established and administered educational institutions of their choice. Some section needs a special care and special technique to enjoy social justice. There is a provision for freedom of Minority-managed educational institutions from discrimination in the matter of receiving aid from the state (Article30 (2))⁸, provision for facilities for instruction in mother-tongue at primary stage (Article 350 A).

The Indian constitution Article 46 states that, "The State shall promote, with special care, the education and economic interests of the weaker sections of the people, and, in particular of the Scheduled Castes and Scheduled Tribes, and shall protect them from social injustice and all forms of social exploitation". Articles 330, 332, 335, 338 to 342 and the entire Fifth and Sixth Schedules of the Constitution deals with special provisions for implementation of the objectives set forth in Article 46⁹. The National Policy on Education, 1968 said that, "The great leaders of the Indian freedom movement realised the fundamental role of education and throughout the nation's struggle for independence, stressed its unique significance for national development"¹⁰. The constitutional provision of educational benefits to weaker section of the communities has clearly demonstrated that the constitution maker has visualization that education could bring social justice to people.

The Indian government has provided a seat reservation to the weaker section of the community. In a recent year, the central government has implemented 27% of OBC seat increment in educational institution. The newly enacted Right to Education Act (RTE)¹¹ has provided 25% seat reservation for economically weaker section in the educational institution. The India government has also given a vast freedom on minority institution where implementation of RTE also exempts to the minority institutions. The RTE has not allowed obstructing educational opportunities due to accident of birth, caste and financial problems. The Supreme Court of India has made a clear and strong judgement that "A child who is denied right to access education is not only deprived of his right to live with dignity, he is also deprived of his right to freedom of speech and expression enshrined in Article 19(1) (a)"(The Hindu 20 September 2012). Above all, much education special provision was made for socially and economically disadvantages groups.

WHY EDUCATION HAS BEEN USED TO BRING SOCIAL JUSTICE? :

The Indian government has been using education to preserve social justice to the weaker section of the community. The best technique to uplift the backward and minority sections is bringing them into the mainstream, and helps them to come up with their own way. The mindsets of weaker section need to be changed and their sensitivity needs to be deminoritized. Social scientist has not encouraged giving money to

beggar, instead, they encourage to help the beggar to be self sufficient or to help themselves. Likewise, Indian government has encourages the minority to bring themselves up.

Besides the constitutional provision, Indian government has directly aimed to bring social justice through education. Under the National Policy on Education 1986, One section 'Other educationally backward sections and areas' mentioned, "Some minority groups are educationally deprived or backward. Greater attention will be paid to the education of these groups in the interests of equality and social justice" (4.8 of NPE 1986)¹². The NPE envisages paying greater attention to the education of the educationally backward minorities in the interest of equity and social justice.¹³ Planning Commission of India also rightly said that, "Education is the basic requirement and the most effective instrument of social empowerment. This has clearly portrayed how the Indian government has been using education to bring social justice to the people.

The basic liberties what Rawls calls include "political liberty (the right to vote and to be eligible for public office) together with freedom of speech and assembly; liberty of conscience and freedom of thought"¹⁴. Education can helps to get freedom of thought, the liberty of conscience, political liberty. So, if one needs to assign the rights and duties in the society, education has a crucial role to play. If there could be a distribution the benefits and burdens of society; educating the masses is very important.

Amartya Sen suggested fighting for social injustice through development. He said that "Development requires the removal of major sources of unfreedom: Poverty as well as tyranny, poor economic opportunities as well as systematic social deprivation, neglect of public facilities as well as intolerance or over activity of repressive states"¹⁵. Development could erase the social injustice and thus development could be surely achieved through education. J.P Naik said that, "One of the principal purposes underlying educational development is social justice and the provision of equality of educational opportunity for all"¹⁶. So, to established and maintained the social justice, education is one of the best process.

II. CONCLUSION:

In India, there is great division in accordance with caste, religion and cultural based. The weaker section are broadly divided into two: minority (religious based) and backward classes (caste and economic based). Both section needs to be taken care so that they enjoyed the social equality. The challenge of bringing social justice in India is very high. India government has provided unique provisions and programmes to boost up the socially disadvantages. Education could "provide a forum in which a society can examine its problems and identify appropriate solutions"¹⁷. Education has facilitated the weaker section to come up with their own way. This special provision has help to preserve their social, cultural, economic and religious interest.

Social justice is one most important ingredient to the civil society. The Indian constitution has provided a special provision to the weaker section of the communities to established civil society. To sustain the constitutional provision, the India government provided special educational provision to weaker section. Those communities, who are deprived of right and dignity, could get their basic necessary right and need through education. So, 'educational system is responsible for the state and of the nation, and this state is conditioned by the quality of the educational system'¹⁸(Ion Pârgaru et al,2009). A society, which is free and just has to established through education.

¹ Hayward, Andrew, *Political Theory: An Introduction* Palgrave Macmillan, 2005. p 294

² Rawls, John, *A Theory of Social Justice Revised Edition*, Massachusetts: Harvard University Press, 1999. p4

³ Hayward, Andrew. 2005, *Political Theory: An Introduction* Palgrave Macmillan,2005. p 294

⁴ The website of the Minority Commission has mention clearly how the India constituting has provided a special provision to minority and backward classes to bring social justice. It said that, "The Constitution provides two sets of rights of minorities which can be placed in 'common domain' and 'separate domain'. The rights which fall in the 'common domain' are those which are applicable to all the citizens of our country. The rights which fall in the 'separate domain' are those which are applicable to the minorities only and these are reserved to protect their identity" See details on http://ncm.nic.in/Constitutional_provisions.html

⁵ Government of India. Ministry of Social Justice and Empowerment, "Extracts from the constitution of India specially relevant to social justice & empowerment" Retrieved from (<http://socialjustice.nic.in/pdf/constprovmsje.pdf>)

⁶ Government of India. Ministry of Law and Justice.*The Constitution of India*, 2007

⁷ Ibid.

⁸ Ibid.

⁹ See details on : http://india.gov.in/sectors/education/edu_scheduled_castes.php

¹⁰ Government of India. National Council of Education and Research and Training.1968. *National Policy on Education.1968*.

¹² Government of India. National Council of Education and Research and Training. 1992. "National Policy on Education (with modifications undertaken in 1992)".

¹³ See detail on <http://india.gov.in/sectors/education/index.php?id=18>

¹⁴ Rawls, John. *A Theory of Social Justice Revised Edition*, Massachusetts: Harvard University Press, 1999 p4

¹⁵ Sen, Amartya, *Development as a Freedom*, New York: Anchor Book, 1999

¹⁶ P. Naik, "The role of government of India in education" Retrieved on 29.10. 2012 (http://www.vidyaonline.org/dl/JPNaik_01.pdf)

¹⁷ See details in <http://www.tfhe.net/report/downloads/report/chapter6.pdf>

¹⁸ Pârgaru, Ion. et al. "The role of education in the knowledge-based society during the economic crisis" *Annales Universitatis Apulensis Series Oeconomica*, 2009, 11(2),