

SOCIAL JUSTICE AND EMPOWERMENT FOR MARGINALIZED GROUPS: REALITIES AND RESPONSES

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ABSTRACT: The marginalized communities endured multifaceted deprivation, indignity and myriad crimes committed against them for many centuries in India. There are old and new pattern of offences and crime against these communities in India. The fall-out is almost a daily phenomenon of atrocities, exploitation, sexual abuse and domestic violence widely reported in media. The walls of secrecy and lack of awareness regarding entitlements and procedures is resulting in denial and corruption to these marginalized groups in the society. Legislation, legal services and socio-economic programme alone can never bring social change, it is important that the institution representing society specially people from all communities and those that provide contemporary leadership, namely, locally, elected bodies become active in bringing about social change and promote indigenous practices to eradicate inequality in the society.

India is having one of the most elaborate justice delivery system consisting of police, investigation, prosecution and courts but there has been hardly any programme or scheme for educating and empowering the marginalized groups regarding various entitlements, procedure and forums to access the Justice delivery system, as a result whereof the marginalized group is mostly trapped in the cobweb of police, legal practitioners and courts consuming considerable energy and resources, which otherwise have been invested in productive activities.

The paper tries to find out what were the means and aims of social exclusion, marginalization and the consequences of the same in the contemporary Indian society with some instances. Further try to understand the framework of social justice and understand the role of social work in dealing with marginalized groups and their problems in holistic manner. This paper also gives suggestions for improving the status of SC/ST & others and empowering them.

Key Terms - Social justice, Marginalization, Empowerment and Social exclusion

INTRODUCTION-Social justice means providing justice to all those people who have had to face injustice having been subject to some form of dominance. They may have had to face injustice due to their verna, ethnicity, profession, gender, economic status, region, religion, tradition, language or physique. Social justice, basically, is an incessant battle against privileges-based meritocracy. Humanism and compassion are the cornerstones of this battle. Social justice coming to mean securing degrees or jobs to a few is in itself a big threat to the concept. The ultimate dream of social justice is building a society free from all kinds of discriminations. In this sense, it is an extension of the thoughts of Buddha, Christ, Kabir and Marx. The main objective of social justice is to remove man-made inequalities political, economic and social, particularly by guaranteeing equal opportunities to all citizens in various types of political, economic and social activities. Dr. Ambedkar's contribution to social justice is being analyzed here in four categories:

- (1) Contribution to emancipation and development of scheduled castes;
- (2) Promotion of interests of minorities;
- (3) Improvement of position of women; and
- (4) Betterment in the conditions of labour. In the present paper, an attempt has been made to analyze and highlight role of Dr. Ambedkar in the field of social justice and empowerment of vulnerable section of the society.

Apart from Ambedkar's persistent and consistent efforts to improve the position of the scheduled caste and tribes in India, in the 19th century, the most important social reformers were Jyotiba Phule, Vittal Ramji Shinde, Shahu Chhatrapati and Sayajirao Gaikwad of Kolhapur & Baroda, and Basaveshwar openly came out against untouchability and women empowerment (Katti, 2015).

The attempt to understand the concept linguistically entails an understanding of the import of two terms: 'social' and 'justice'. The meaning of justice is not something that can be captured in a formula once and for all; it is a process, a complex and shifting balance between many factors". Krishnamurthy (1982: p. 18) has also maintained that "in spite of best effort, it has not been possible to clearly define justice"; however, attempts have been made from time to time to define justice. Traditionally, justice means "the virtue by which we give to every man what is his due, opposed to injury or wrong". Social justice as a form of justice means what is socially just: and what is socially just varies with time and space. Allen (1950: p.31) has rightly pointed out: "We hear much today of 'social justice'. I am not sure that those who use the term most glibly know very clearly what they mean by it. Some mean 'distribution' or 'redistribution' of wealth; some interpret it as 'equality of opportunity'."

After the independence of India, the preamble of the Indian Constitution solemnly resolved to provide all its citizens: justice in all form social, economic, and political; liberty of thought, expressions, belief, faith and worship; equality of opportunity and status; and to promote among them all fraternity assuring the dignity of individual and unity. The Constitution of India further states that "The state shall not discriminate against any citizen on grounds only of religion, race, caste, place and birth or nay form". In the directive principles it adds that "The state shall promote with special care the educational and economic interest of the Scheduled Caste and Tribes and shall protect them from social injustice and all forms of exploitation" (Thorat, S.K. 2002).

MARGINALIZED GROUP AND SOCIAL EXCLUSION:

Dalits and Adivasis - Based on the verna system, caste is a concept indigenous to India. There are estimated to be 170-200 million Dalits (which literally meaning broken people, previously this group was known as the untouchables), constituting 17 % of the India's population at the bottom of the caste system.

The study (Shah, et al. 2006) further revealed that 35.8% Dalits were denied entry into village shops. They could not ride their bicycles, wear sandals on public roads. Result show that 64 % of Dalits were restricted to enter temples. They even live in segregated colonies or ghettos (Tolas). The National Human Rights Commission (NIIRC) report (2012) shows that a crime is committed against a Dalits in every 18 minutes in India; every day

three Dalits women are raped; two Dalits arc murdered and two Dalits' houses arc burnt; and every week; 13 Dalits arc murdered; and six Dalits are kidnapped or abducted.

Most Dalits continue to live in extreme poverty, without land or opportunities for better employment and education. NHRC (2012) notes that 37% Dalits arc living below poverty line. About 45% of Dalits in India are illiterate. Dalits are still either landless or own very little land. Only 6% Dalits own land, which may be either too small or infertile to be a source of subsistence (Human Rights Watch, 2000). Findings of the Gandhi Peace Foundation and the National Labour Institute survey (1979) show that 87% of bonded labourers were from the SC and ST community.

Indigenous groups or adivasis are considered to be the earlier inhabitant of India. They are often residing in the interior forests, away from the urban influences. The fruit of success in terms of growth and poverty reduction have not been able to reach to the indigenous people.

As per NSS, 55th round, the literacy rate of SCs in rural India was 46.6%. In urban India the literacy rate was 66.2%. The literacy rate of ST population was 42.2% in rural areas, and in urban areas, it was 70%. The literacy rate of Other Backward Class (OBC) was 54.8% in rural India. In urban India, the literacy rate of OBC was 75.3%. The enrolment of SCs up to Class 8 was 19.87%; for STs it was 10.69%. Among OBCs, the figures were 42% in the primary classes and 41.23% at the upper primary level.

One of the major reasons for high incidence of poverty among SC/ST, Muslim and other backward classes is that they are mostly engaged in unorganized sector. Unorganized workers are mostly unskilled workers and hence they are mostly working in unorganized enterprises or households and are excluded from social security benefits provided by employers. They face different kinds of vulnerabilities and risks; most common of those is job insecurity and social insecurity. They generally fall in the category of "Extremely Poor, Poor and vulnerable" (Makwana and Prajapati, 2015).

With regards to Dalits, most jobs given by the modern Indian state correspond to the position sanctioned to them in the Hindu social order. In other word, Dalits are grossly over-represented as sweepers and sanitary workers in various departments. The proportion of Dalit sweepers to total sweepers in various departments of central governmental ranges from 55% to 75%. Dalit representations is less than proportionate to their

population in Group A and Group B. In Group C jobs they constitute slightly more than their proportion in the population. Commentators point out that this four-fold classification often hides the real truth. Each group has 8-10 grades and Dalits are mostly at the lowest each grade of each group.

There has been a phenomenal increase in the number and intensity of the cases of atrocities meted out to the scheduled castes and scheduled tribes in particular over the last few decades in our country. According to the National Campaign on Dalit Human Rights, 27 atrocities are committed against dalits every day. Thirteen Dalits murdered every week, five Dalits homes or possessions burnt every week, six Dalits kidnapped or abducted every week, three Dalit women raped every day, eleven Dalits beaten every day and a crime is committed against a Dalit every eighteen minutes in India. So there is every reason for dealing with caste discrimination at the international level keeping in mind the state's failure in protecting the human rights of Dalits in India.

Muslim Communities - In India, Muslims form the largest religious minority group, constituting 14.2% of the total population (Census, 2011). Nationally, the proportion of Muslims to the total population rose from 13.4% in 2001 to 14.2% in 2011 to the total population. The Sachar Committee report calculates that almost one-third (31%) of the Indian Muslims are living below poverty line.

Looking at employment in formal sectors, Muslims, in general, trail behind the national average by 60% and OBC Muslim by 80%. For instance, in West Bengal where Muslim constitutes 25% of the population, the representation in government jobs is as low as 4%. They have a considerably lower, presentation in government jobs, PSUs and management cadres in the private sectors. The participation in police and Army services is nearly 4%. Other figures on Muslim representation in civil services, state public services commission, railways, department of education, etc. are equally appalling (also see: Sachar Committee Report; Justice Ranganath Mishra Commission Report, 2007)

Children as Vulnerable Group - India is home to nearly 400 million children. Every sixth child in the world lives in India. Out of the total population of 1210.2 million, the proportion of child population in the country is 13.1% (13.3% males and 12.9% females). Every year, as estimated 26 million children are born in India. As per the latest census figures of 2011, total number of children in the age group 0-6 years in the country is 158.8 million.

An estimated 11.6 lakh children die every year within one year of their birth due to lack of immunization, every second child is malnourished and 22% babies are born with low birth weight (National Family Health Survey III). About 55% of SC/ST children under 3 years of age are underweight and anaemic.

People with Disabilities- It is estimated that there are around 40-80 million people with disabilities in India, comprising of 4-8% of the total population. Education is the road to empowerment. However, disabled people have high illiteracy rate (52%) in contrast to general population (35%). The differently abled people also have significantly lower employment rates than average, and this gap has been increasing over the past 15 years- there is a decline in the employment rate of working age differently abled people, from 42.7% in 1991 to 37.6% in 2002.

Promotion of Interests of Minorities -The religious minorities of India are described by social scientists as a variegated entity in terms of their population, dispersion, dogmas and development. They represent almost all the major religious of the world, that is, Judaism, Christianity and Islam of Semitic origin and Sikhism, Jainism and Buddhism of Indian origin, besides Zoroastrianism and Bahai faith of Iranian origin. Social scientists may classify these religious groups in a variety of ways, but for our purpose the Indian religious minorities should be divided into two main categories, the minorities who practices, profess and propagate the religions of Indian origin which may be called native religions and the minorities who practice, profess and propagate religions which have originated in foreign countries that is, Israel, Arabia or Persia.

The Constitution-makers had also determined that social justice should be achieved without any violence and it should be secured within the framework of the Constitution. The conflict between the claims of the individual to enforce his Constitutional rights to formal or legal equality on the one hand and the concern of the state on the other to accord preferential treatment to the weaker sections of the society and in particular to the minority community. Many special provisions were incorporated to protect the interests of minority communities. Dr Ambedkar knew full well that a Constitution may not meet the aspirations of the people for all times to come. A fast changing society creates new challenges before the political power and unless the Constitution authorities the political power to meet such challenges, the Constitution would break. Hence, he provided for a simple method for amendment of

constitution, taking care at the same time to ensure that the federal aspirations of the people for all times to come. A fast changing society creates new challenges before the political power and unless the Constitution authorities the political power to meet such challenges, the Constitution would break. Hence, he provided for a simple method for amendment of constitution, taking care at the same time to ensure that the federal structure of the Constitution cannot be altered without the consent of the federating units and that for such amendments a substantial majority of the representatives of the people extend their support, lie thus achieved flexibility and permanence in the Constitution. Keeping in mind the supreme goal of national unity and integrity, Ambedkar upheld the legitimate rights of minorities in a democracy. He regarded that the discrimination of any soil, whether minority or majority, was inconsistent with the goal of social justice.

Improvement of Protection of Women - The concern in safeguarding the rights and privileges of women found its best expression in our constitution. It removes discrimination against women in both legal and public domain. Fundamental rights in the Constitution ensured that women would not face discrimination on account of their sex. The state, however, was empowered to make affirmative discrimination in favour of women due to the suppression faced by them for centuries. Directive Principles of State Policy enjoined upon the state to ensure safe and humane conditions of work for women. Article 51A (e) imposed a fundamental duty on every citizen not to indulge in practices derogatory to the dignity of women.

Constitution Provisions For Marginalized Groups - The Constitution prescribes protection and safeguards for scheduled castes and scheduled tribes. It also prescribes safeguard measures for other weaker sections either specially or by way of insisting on their general rights as citizens with the objective of promoting their educational and economic interests and removing social disabilities. Article 17 of the Constitutions abolishes untouchability and Untouchability (offences) Act was passed in 1955. Its scope was enlarged and its panel provisions were made more stringent by amending it in 1976. It was renamed as Protection of Civil Right Act. In 1989, another act called Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) was passed.

Special Schemes and Programs for SCs and STs - In accordance with these constitutional provisions and directives the government of India and all states have been formulating and implementing various schemes and programs for the upliftment of SCs and STs within

the process of planning and implementation. These programs relate to education, skill formation, creating job opportunities and development of the areas in which these people are concentrated.

In India apart from scheduled castes and scheduled tribes, there are other weaker sections, who are economically, socially and educationally backward. They are known as OBC. Article 340 of the Constitution empowers to investigate into the consideration of OBC and make recommendations.

MARGINALIZATION AMONG MINORITIES AND STEPS FOR THEIR EMPOWERMENT

The Constitution provides safeguards to religious and linguistic minorities as part of our Fundamental Rights. The term minority is most commonly used to refer to communities that are numerically small in relation to the rest of the population. However, it is a concept that goes well beyond numbers. It encompasses issues of power, access to resources and has social and cultural dimensions.

The government has announced Prime Minister's new 15-point programme, for the welfare of minorities in India. The programmes are to be executed by the Ministry of Minority Affairs. Under the programme, students belonging to minority communities in the country that is Muslim, Sikh, Christian, Buddhist, and Parsis could be able to get benefits specified under the scheme. These programs are as follows: equitable availability or ICDS services improving access to school education, greater resources for teaching Urdu, modernizing madarsa education, scholarships for meritorious students from minority communities, improving educational infrastructure through the Maulana Azad Education Foundation, self-employment and wage employment for the poor, upgradation of skill through technical training, enhanced credit support for economic activities, recruitment to state and central services, improvement in condition of slums inhabited by minority communities, prevention of communal incidents, and rehabilitation of victims of communal riots.

APPROACH AND STRATEGIES FOR EMPOWERMENT

- The issue of marginalized communities and development can be examined under following different phases characterized by the state's approach towards issues and problems marginalized groups (i) welfare approach, (ii) development approach, and (iii) empowerment approach. Empowerment is multi - dimensional in the sense that it occurs within

social, economic, political and cultural spheres. Broad categorization of empowerment can be broadly categorized as

Welfare Approach - The period from first 5 year plan to sixth 5 year plan (1951-78) can well be called as period of welfare approach towards the problems and issues of marginalized communities. The various public policies and scheme were meant only for the welfare of marginalized communities, that too not for the welfare of these as an "individual" level but rather community level too. The governmental approach to the problems of marginal sections was more in terms of charity rather than empowerment. There was no plan or policy for training them in a manner that may enable them to be self-dependent. In most of the welfare scheme amount disbursed was too meager.

Thus, one may observe that the Indian state was more inclined to support patriarchy rather than implement the ideals of gender equality and social justice.

Development Approach - Positive changes in the attitude of the state however started making their appearance by the end of fifth 5 year plan. There was a shift from welfare to development approach. The concept of development was undergoing a change, now considered as human development and sustainable development criteria. While in welfare approach, marginalized communities were invisible members of the entire social milieu; in development approach marginalized received separate visibility

In the context of government policies and programs, special schemes were launched for enhancing marginalized communities in term of social and economically. Integrated Rural Development Programme (1978), National Rural Employment Programme (1980), Rural Landless Employment Guarantee Programme (1983), Jawahar Rozgar Yojana, Development of Women and Children in Rural Areas (1992), Training of Rural Young for Self-Employment (TRYSEM) and MGNREGA (2005). Economic development is the key and may lead to all kinds of development. This is appropriately true in the context of marginalized communities.

Gandhian Approach - Mahatma Gandhi maintained an alternative approach towards the empowerment of the weaker sections. In fact, it was a theory of liberation and not development. He was an apostle of the theory of "swaraj" or self-sustained self-development of the poor masses for their liberation from poverty. Thus empowerment for Gandhi was the total liberation of a

human being, embodying both external liberation, namely from colonialism and internal liberation, namely from greed, violence, oppression and discrimination.

Although Gandhi condemned untouchability, he was an advocate of Varnashram Dharma. He had a faith in the Vedic version of varnas. He regarded it better than what was contained in the Manusmriti. In his view, "the Vedic theory of Varnashrama Dharma could be applied to the whole world in order to establish the ideal of Ramrajya'. Mahatma Gandhi conceived and worked out a concept of Sarvodaya society. It was based on truth, non-violence and the creation of an egalitarian social order. In short, Gandhi also gave to God and soul a prominent place in his ideology.

Ambedkarite Approach - Dr B.R Ambedkar believed that social justice should be obtained through constitutional methods or means. The social and economic change should be secured through peaceful ways, instead of the blood methods of revolution. The methods of civil disobedience, non-cooperation and satyagrahs should be abandoned because such methods are "nothing but the Grammar of Anarchy", thus, social justice obtained through constitutional means, he held, is more durable and lasting, promoting fraternity and ushering in a new social order (Kateria, 2015). Dr B.R. Ambedkar, the "Messiah" of millions of downtrodden castes in India, waged a heroic and relentless struggle against caste structures of this country. Compared with Gandhi, Ambedkar often maintained an uncompromising and rigorous stand against this social evil. Ambedkar viewed the empowerment of the marginalized groups in terms of their political mobilization and counted political power as the best tool to solve the varied types of deprivations suffered by them in the social, economic and educational fields. Thus, the legacy of Ambedkar helps to empower the untouchable castes of this country to stand united with conviction and courage against social inequality and casteism. His famous dictum "to educate, agitate and organize" always reminds his castemen to become the torch bearers of his legacy.

THE WAY FORWARD - First, it needs to focus of the multi-dimensional nature of deprivation, and hence I believe it does provide a useful framework even to analyze situations of crop failure (where the household's deprivation also depends on its access to, e.g. state provision, support from relatives, or labour markets), or to put gender analysis in a wider framework where gender forms only one of the axes-however central- of deprivation, besides class and race.

Second, and more challenging, research needs to take the focus on actors and processes-in Amartya Sen's words the relational roots of deprivation -serious. The mapping of various dimensions of social exclusion is important, but the understandings of the social relations that determine deprivation require a more qualitative approach. This needs an understanding of the social processes arc as much of an economic, political as cultural nature, requiring interpretation of material and formal aspects of deprivation as much as of identity and ideology. If applied in that sense, social exclusion and integration may be a useful language to look at deprivation in a holistic sense, and in a way that takes us away from seeing deprivation as an outcome towards understanding the multi-dimensional way in which these outcomes come about.

In the Constitution of India, the three pillars of human rights are the right to equality, freedom and right to life. These rights have been recognized to inalienable, unalterable and the basic structure of the Constitution which cannot be abrogated. India's Supreme Court has interpreted the right to life as including the right to live with dignity, right to health, education, human environment, speedy trial and privacy.

CONCLUSIONS - From the foregoing discussion it may concluded that the concept of social exclusion is a process blocking the development of the marginalized communities disintegrating people and communities in to mainstream of development, with a series of institutionalized social system. The most affected population is Dalits who leg in all spheres of developmental activities.

Therefore Dr. Ambedkar with his visionary mission provided a comprehensive framework for development of people in general and Dalit in particular. This paper argues that growth is a necessary but not sufficient condition for poverty reduction and that fostering inclusive growth and development in developing countries requires the development of productive capacities and structural transformation, the creation of decent jobs and the adoption of social inclusion policies that give marginalized groups an opportunity to participate in and benefit from economic growth.

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