



Dr. B.R. Ambedkar Ideas on Social Equality and Justice in Indian Perspectives

Equality and justice is the spirit and vision of the Indian Constitution. It is the duty of the State to secure a social order in which the legal system of the nation promotes justice on the basis of equal opportunity and, in particular, ensures that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities. In this research paper makes an attempt to explore Ambedkar's ideas on social equality and justice.

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Introduction :

The concept of “equality and justice” emerged out of a process of evolution of social norms, order, law and morality. It laid emphasis upon just action and created space for intervention in the society by enforcing rules and regulations based on the principles of social equality. The term “social” is concerned with all human beings who live in society, while the term “justice” is related to liberty, equality and rights. Thus, social justice is concerned with ensuring liberty, providing equality and maintaining individual rights for every human being in society. In other words, securing the highest possible development of the capabilities of all members of the society may be called social justice.

Being a multidimensional concept, social equality and justice has been viewed by scholars of law, philosophy and political science differently. The term is quite comprehensive. Equality and justice is a bundle of rights; it is the balancing wheel between the haves and havenots. It has a great social value in providing for a stable society and securing the unity of the country. In general, equality and justice may be defined as “the rights of the weak, aged, destitute, poor, women, children and other underprivileged persons”.

According to Prof. R.M.W. Dias, “justice is not something which can be captured in a formula once and for all; it is a process, complex and shifting balance between many factors”. The tasks of equality and justice are “the just allocation of advantages and disadvantages, preventing the abuse of power, preventing the abuse of liberty, the just decision of disputes and adapting to change”.⁽¹⁾ Justice may be natural justice or distributive justice. Social equality and justice are basically a term that provides sustenance to the rule of law. It has a wider connotation in the sense that it includes economic justice also. It aims at removing all kinds of inequalities and affording equal opportunities to all citizens in social as well as economic affairs. Thus, the aim of social equality and justice is to remove all kinds of inequalities based upon caste, race, sex, power, position and wealth and to bring about a balance between social rights and social controls.

The ancient Hindu legal system refused to recognize the basic fundamental right that all humans are born equal. The glaring inequalities and dehumanization based on the hierarchical caste system, with its graded disabilities from birth and humiliating and degrading occupations assigned to certain designated low castes to be followed by them till their death, were the greatest bane of the Hindu society. There was no scope for moulding a new social order that could guarantee social equality and justice.

The caste system founded on varnashrama dharma was the very negation of social justice. The Hindu varnashrama dharma and the caste system pushed forth Brahmins as the highly privileged caste with a high hereditary social status and stamped the vast majority of the people as “sudras” and “untouchables” fit for only manual labour. They were deprived of educational opportunities and were condemned to a low social status. In course of time, the privileges for the privileged class increased and the other classes became more and more oppressed and depressed; such a social structure bred inequality in status and denial of equal opportunities for all. It ushered in an unjust social order in the country. Social equality and justice in India seeks to remove the glaring inequalities in society based on such a hierarchical caste system, with its graded disabilities from birth imposed on a large section of Hindu society and the conferment of privileges and position of dominance of Brahmins, which is a small section of the society.

Ambedkar's Ideas on Social Equality and Justice :

Social equality and justice is a very complex concept, as it has a number of sources and dimensions. It has been examined by different people from different viewpoints within the limits of the time, place and circumstances they lived in. Social equality and justice is one of the dimensions of the concept of justice that stands for organization of society based on the principles of equality, liberty and fraternity. Its greater emphasis is on the principle of equality, both social and economic, and fraternity with a view to create such human social conditions that ensure free and fair development of all

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human beings. As such, the concept of social equality and justice sometimes require unequal or preferential treatment for certain sections of the population, which have been deprived of certain values for ages, with a view to bring them on an equal footing with other sections of the population.

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

Ambedkar stood for a social system in which man's status is based on his merit and achievements and where no one is noble or untouchable because of his/her birth. He advocated the policy of preferential treatment for the socially oppressed and economically exploited people of the country. The Indian Constitution, which was drafted under his chairmanship, contains a number of provisions that enjoins the State to secure to all its citizens, justice, social, economic and political, along with liberty, equality and fraternity.

Social Equality and Justice in the Present Scenario :

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

If there are prohibitions on the social evil of untouchability in the Constitution, then this credit goes to Ambedkar to a great extent. Ambedkar's greatest achievement was that he made the downtrodden of India feel their separate powerful existence; the credit goes to him that he brought all the downtrodden, untouchable castes under the one name of SCs. If Ambedkar had not pursued special reservation facilities for the SCs/STs in the field of education and government services of the Central and States governments, their conditions would have remained as before laden with sorrow and sufferings. It is the result of Ambedkar's constant efforts that today there are MPs, MLAs, IAS/IPS, professors and doctors from among these castes.

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

At the same time, we cannot deny the fact that in the field of social equality and justice, much remains to complain about. Social differences and untouchability have not been removed due to the difficult caste system and the blind faiths that have been continuing for centuries. Many heinous instances of continuing caste atrocities may be cited, of which a few recent incidents are as follows. In a gruesome incident recently, three members of the dalit family, Sanjay Jadhav, his wife and son Sunil, were killed and their mutilated limbs were scattered around a field and a well in Pathardi in Ahmadnagar district, Maharashtra, on the night of October, 2014.⁽²⁾

The incident was widely reported in the press in India as well as overseas. After an extensive investigation, the CBI concluded that there was no gang rape and the suspects were released.⁽³⁾ According to a postmortem examination conducted earlier, it was reported that the girls had been raped and they died from strangulation due to being hanged while still alive.⁽⁴⁾ The girls' family and several activists rejected the CBI report as a coverup to avoid international shame and acceptance of the dismal law and order situation. These are just few of the many incidents that took place. Every such incident, be it Khairlanji⁽⁵⁾, Bhojpur⁽⁶⁾, Dharmapuri⁽⁷⁾ and now Ahmadnagar and Badaun, is a crude reminder of the feudal and patriarchal social relations that guard the grip over the resources and the supposed "honour" of the dominant castes in this society.

Today Ambedkar is not with us, but in his free India, social and economic differences have increased manifold. As a result, where on the one hand, there are buildings touching the sky and 5 star hotels are found in the cities, on the other hand, there are dirty drains, places full of mud and there are the huts that speak of a hellish life, even worse than the life of animals. In such a situation, the thoughts of establishing a society based on equality appears only like a dream.

Conclusion :

Thus, he concluded that Ambedkar's thoughts, the Indian Constitution guarantees equal rights to all, based on social justice and human dignity. It is observed, however, that Ambedkar's ideas of social equality and justice could not be realized in a proper manner over the years. As such, his concept of justice will have to be propagated by institutions through civil society. Ambedkar was concerned about the overall development of the vulnerable sections of the Indian society and he chose to demolish existing caste discrimination by enacting the Indian Constitution.

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- (5) Vishwanathan S. (2010) : *Khairlanji: The Crime and Punishment, The Hindu, 30th August, 2010, at p. 5.*
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IHL Principles under The Indian Constitution and Domestic Legislation

The Indian Penal Code provides penal sanctions for a large number of offences against persons and property committed by individuals but there is no reference to armed conflicts in relation to any such offences. They include crimes against humanity, infringement of human rights and those offences relating to the Army, Navy and Air Force⁽¹⁾, but do not deal with 'grave breaches' mentioned in the Geneva Conventions. Some of the offences, however, resemble the grave breaches' as defined in the Conventions, such as culpable homicide causing death by doing an act with the intention of causing death (wilful killing under the Convention) or grievous hurt voluntarily causing grievous hurt (torture under the Conventions), but since they relate to offences committed by individuals without reference to war crimes, they may not fit under the category of violations of International Humanitarian Law.

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The Indian Constitution does not contain any specific provision which obliges the State to enforce or implement international treaties and conventions including implementation of International Humanitarian Law (IHL). It, however, enjoins the State "to foster respect for international law and treaty obligations..."⁽¹⁾ and empowers Parliament "to make laws ... for implementing any treaty, agreement or convention with any other country or countries..."⁽²⁾ In addition, Entry 14 in the Union List confers on the Parliament exclusive power to make laws with respect to "entering into treaties and agreements with foreign countries and implementing treaties, agreements and conventions with foreign countries." A joint reading of all these provisions as well as an analysis of the case law on the subject shows that international treaties, covenants, conventions and agreements can become part of the domestic law (municipal law) in India only if they are specifically incorporated in the law of the land. In other words, they are not self-operating in India; they have to be internalised and specifically made part of the domestic law. As aptly put by Justice Krishna Iyer, "International conventional law must go through the process of transformation into municipal law before the international treaty could become an internal law."⁽³⁾

A detailed analysis of the constitutional provisions and their judicial interpretations may lead one to draw the following conclusions⁽⁴⁾ :

(a) Art. 51 which enjoins the State to foster respect for

international law and treaty obligations, does not deal with the enforcement or implementation of treaties.

(b) Art. 253 make it clear that treaties and covenants are not self operating in India. They have to be incorporated in the domestic law for implementation.

(c) Indian courts will not enforce the terms of a treaty or covenant unless Parliament makes a law incorporating its provisions.

(d) Respect for international law is displayed by a State by observing the principles of the law in domestic law (municipal law). The courts may apply those principles on the theory of implied adoption, provided such principles are not inconsistent with the Constitution and the national legislation.

(e) If there is a conflict between international law and domestic law, courts are bound to follow the domestic law.

(f) In interpreting a statute, the courts would construe it in such a way as to avoid conflict with the principles of international law. In other words, if there is no conflict between international law and domestic law or where two constructions of the domestic law are possible, Indian courts can give effect to international law by a harmonious construction.

(g) If the rights of the citizens or others are not affected, no legislative measure is needed to give effect to the agreement or treaty, but making of law is necessary when the treaty or agreement operates to restrict the rights of citizens or others or modifies the laws of the State.

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The Geneva Conventions Act, 1960 :

Among the domestic legislation, the only law that directly deals with the principles of IHL is the Geneva Conventions Act of 1960. This Act was enacted by the Indian Parliament in view of the constitutional requirement as well as the obligation cast by the Geneva Conventions upon the High Contracting Parties "to enact legislation necessary to provide effective penal sanctions for persons committing or ordering to be committed any of the grave breaches" of the Conventions as defined under them⁽⁵⁾ and "to enable effect to be given to certain International Conventions done at Geneva on the twelfth of August, 1949"⁽⁶⁾ under Art. 253 read with Entry 13 and 14 of List 1 of the Seventh Schedule to the Constitution. 'Grave breaches' are defined under each of the Conventions⁽⁷⁾ and they include generally such acts as wilful killing, torture or inhuman-treatment including biological experiments, wilfully causing great suffering or serious injury to body or health, extensive destruction and appropriation of property not justified by military necessity and carried out unlawfully and wantonly if committed against persons or property protected by the Convention.⁽⁸⁾ They also include compelling a prisoner of war to serve in the forces of the hostile power or wilfully depriving a prisoner of war of the rights of fair and regular trial prescribed in the Convention⁽⁹⁾, unlawful deportation or transfer or unlawful confinement of a protected person and taking them as hostages.⁽¹⁰⁾

Other Legislation :

The Indian Penal Code provides penal sanctions for a large number of offences against persons and property committed by individuals but there is no reference to armed conflicts in relation to any such offences. They include crimes against humanity, infringement of human rights and those offences relating to the Army, Navy and Air Force⁽¹¹⁾, but do not deal with 'grave breaches' mentioned in the Geneva Conventions. Some of the offences, however, resemble the grave breaches' as defined in the Conventions, such as culpable homicide causing death by doing an act with the intention of causing death (wilful killing under the Convention) or grievous hurt voluntarily causing grievous hurt (torture under the Conventions), but since they relate to offences committed by individuals without reference to war crimes, they may not fit under the category of violations of International Humanitarian Law.

References :

- (1) Article 51 (c), Indian Constitution.
- (2) Article 253, Indian Constitution.
- (3) *Jolly George Varghese v. Bank of Cochin*, AIR 1980 SC 470. See also *Maganbhai v. Union of India*, AIR 1969 SC 783; *Shiv Kumar Sharma v. Union of India*, AIR 1969 Del. 74; *Gramophone Company of India Ltd. v. Birendra Bahadur Pandey*, AIR 1984 SC 667; *Civil Rights Vigilance Committee, SLRC College of Law, Bangalore v. Union of India*, AIR 1983 Kant. 85.
- (4) *M. K. Balachandran (Executive Director, ICHLR, New Delhi)*, *Bulletin on IHL & Refugee Law [Vol. 1, No.1]*, 1996, pp.67.

- (5) Article 49 of the First Convention, Article 50 of the Second, Article 129 of the Third and Article 146 of the Fourth Convention.
- (6) Preamble to the Act.
- (7) Article 50 of the First Convention, Article 51 of the Second, Article 130 of the Third and Article 147 of the Fourth Convention. See also Article 11 and 85 of Additional Protocol I.
- (8) Article 50 of the first Convention and Article 51 of the Second Convention.
- (9) Article 130 of the Third Convention.
- (10) Article 147 of the Fourth Convention.
- (11) Section 131-140 of IPC.

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Subject :	Accounting;Anthropology;Business and International Management;Economics, Econometrics and Finance(all);Education;Environmental Science(all);Finance;Geography, Planning and Development;Law;Political Science a,Social Sciences(all)
Publisher :	Research Link
Country of Publication :	India
Broad Subject Category :	Arts & Humanities;Multidisciplinary;Social Science

Print

‘रिसर्च लिंक’ की सदस्यता का शुल्क भुगतान राष्ट्रीयकृत बैंकों द्वारा सीधे ट्रांसफर या जमा किया जा सकता है। बैंक का विवरण निम्नानुसार है-

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खाते का नाम : रिसर्च लिंक,
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भुगतान की मूल रसीद, शोध-पत्र एवं सीडी के साथ कार्यालयीन पते पर भेजना अनिवार्य है।



भारतीय संविधान की उद्देशिका : एक विश्लेषण

प्रस्तुत शोधपत्र में भारतीय संविधान की उद्देशिका का विश्लेषण किया गया है। उद्देशिका में न्याय को सामाजिक, आर्थिक एवं राजनैतिक स्तर तक सीमित रखा गया है। परंतु निःसंदेह इसका लक्ष्य लोक कल्याणकारी राज्य की स्थापना है, जिसमें न्यायालयों के माध्यम से प्रदान किये जाने वाले विधिक न्याय की अवधारणा भी सम्मिलित है। उच्चतम न्यायालय ने भी नागरिकों को न्याय सुनिश्चित करने के लिए एक स्वतंत्र और कार्यक्षम न्याय व्यवस्था को भारतीय संविधान के मूल स्वरूप का एक भाग माना है और मूल या आधारित संरचना की खोज उद्देशिका में वर्णिता आदर्शों से ही प्रेरित है। इस प्रकार कहा जा सकता है कि संविधान की उद्देशिका में समस्त प्रकार के न्याय की कल्पना की गई है। इसका उद्देश्य जनता के कल्याण को सुनिश्चित करना है।

डॉ. संगीता राठौर

भारतीय संविधान की उद्देशिका उनके निर्माता के आशय को जानने की कुंजी है। संविधान में वे सभी आदेश लक्ष्य उपस्थित हैं, जिन्हें हमारे संविधान निर्माता प्राप्त करना चाहते थे, वे उद्देशिका से उदभूत होते हैं।

उद्देशिका :

“हम भारत के लोग, भारत को एक संपूर्ण प्रभुत्व संपन्न समाजवादी-पंथनिरपेक्ष लोकतंत्रात्मक गणराज्य बनाने के लिए, तथा उसके समस्त नागरिकों को सामाजिक, आर्थिक और राजनीतिक न्याय, विचार, अभिव्यक्ति, विश्वास, धर्म और उपासना की स्वतंत्रता प्रतिष्ठा और अवसर की समता प्राप्त कराने के लिए, तथा उन सब में व्यक्ति की गरिमा और राष्ट्र की एकता और अखण्डता सुनिश्चित करने वाली बंधुता बढ़ाने के लिए दृढसंकल्प होकर अपनी इस संविधान सभा में आज तारीख 26-11-1949 ई. (मिति मार्गशीर्ष शुक्ल सप्तमी, संवत् दो हजार छह विक्रमी) को एतद् द्वारा इस संविधान को अंगीकृत, अधिनियमित और आत्मार्पित करते हैं।”

उद्देशिका यह बताती है कि संविधान किन उद्देश्यों को संवर्धित या प्राप्त करना चाहता है। “भारत के संविधान की उद्देशिका में “वितरण न्याय” का लक्ष्य निहित है। विधि के क्षेत्र में इसका तात्पर्य आर्थिक असमानता को दूर करना तथा असमानों में संव्यवहार के मामले में असमानता को दूर करना है। कानून का प्रयोग वितरण योग्य साधन के रूप में समाज के सदस्यों में धन का उचित बंटवारा करने के लिए किया जाना चाहिए।⁽¹⁾

स्वतंत्रता, समानता और बंधुता जिसे संविधान द्वारा भारतवासियों को प्रदान करने का प्रयास किया गया है, सामाजिक, आर्थिक और राजनीतिक न्याय का मुख्य लक्ष्य है। व्यक्तिगत हित और सामाजिक हित के बीच सामंजस्य स्थापित करना ही न्याय का मुख्य उद्देश्य

है। हमारे संविधान निर्माताओं के समक्ष लोक कल्याणकारी राज्य की स्थापना का उद्देश्य था, यद्यपि हमारे संविधान की प्रस्तावना में इस शब्द का कहीं उल्लेख नहीं किया गया है, तथापि उसमें अन्तर्निहित भावना में संविधान निर्माताओं का उद्देश्य स्पष्ट परिलक्षित होता है, कि वे भारत में एक समाजवादी व्यवस्था की स्थापना चाहते थे, जिसका उद्देश्य बहुजन-हिताय बहुजन-सुखाय हो। जिन आदर्शों की ओर संविधान लक्ष्य करता है। वे राज्य के नीति-निर्देशक सिद्धांतों में स्पष्ट रूप से उल्लिखित हैं। इन सिद्धांतों के अनुसार कार्य करके ही एक कल्याणकारी राज्य की स्थापना का स्वप्न साकार किया जा सकता है। हमारे राष्ट्रनायक महात्मा गाँधी ने भारत के इसी चित्र की परिकल्पना की थी।⁽²⁾

निर्देशक तत्वों के अनुसार राज्य का दायित्व राष्ट्रीय धन और संपत्ति स्रोतों में अनेक गुना वृद्धि करके उनका सभी लोगों में साम्यापूर्ण वितरण करना है। संक्षेप में हम कह सकते हैं कि आर्थिक न्याय का लक्ष्य आर्थिक लोकतंत्र और कल्याणकारी राज्य की स्थापना है।⁽³⁾ आर्थिक न्याय का आदर्श प्रतिष्ठा की समानता लाना और सामाजिक, आर्थिक और राजनीतिक प्रतिष्ठा और अवसर की असमानता को दूर करके जीवन को सार्थक और सर्वोत्तम जीने योग्य बनाना है।⁽⁴⁾ और यह स्थापित करना है कि हमारा आदर्श आर्थिक लोकतंत्र है, इस का भी विधान करना कि प्रत्येक सरकार जो कोई भी सत्ता में हो, आर्थिक लोकतंत्र लाने का प्रयास करेगी।⁽⁵⁾

वास्तव में, न्याय, स्वतंत्रता, समानता और बंधुता एक वास्तविक लोकतंत्रात्मक व्यवस्था के अत्यावश्यक तत्व हैं, इसलिए लोकतंत्रात्मक गणराज्य की संकल्पना स्पष्ट होती है। अंतिम लक्ष्य है, व्यक्ति की गरिमा तथा राष्ट्र की एकता सुनिश्चित करना। इस प्रकार, उद्देशिका यह घोषणा करती है कि “भारत के लोग”

संविधान के मूल स्रोत हैं। भारतीय राज्य व्यवस्था में प्रभुता लोगों में निहित है और भारतीय राज्य व्यवस्था लोकतंत्रात्मक है, जिसमें लोगों को मूल अधिकारों तथा स्वतंत्रताओं की गारंटी दी गई है तथा राष्ट्र की एकता सुनिश्चित की गई है।

अन्य आदर्शों के साथ-साथ उद्देशिका में सभी नागरिकों को न्याय का आश्वासन दिया गया है। न्याय का अर्थ है, व्यक्तियों के परस्पर हितों, समूहों के परस्पर हितों के बीच और एक ओर व्यक्तियों तथा समूहों के हितों तथा दूसरी ओर समुदाय के हितों के बीच सामंजस्य स्थापित हो। सर्वाधिक महत्वपूर्ण बात यह है कि उद्देशिका में न्याय को स्वतंत्रता, समानता और बंधुता के सिद्धांतों से ऊँचा स्थान दिया गया है। न्याय की संकल्पना वस्तुतया अति व्यापक है, यह केवल संकीर्ण कानूनी न्याय तक सीमित नहीं जो न्यायालयों द्वारा दिया जाता है। न्याय की परिभाषा या व्याख्या में सामाजिक तथा आर्थिक न्याय को राजनीतिक न्याय से उच्चतर स्थान दिया गया है।

सामाजिक न्याय से मतलब यह है कि सभी नागरिकों को समान समझा जाता है और जन्म, मूलवंश, जाति, धर्म स्त्री-पुरुष, उपाधि आदि के कारण समाज में उनकी प्रतिष्ठा का न्याय के मामलों में कोई भेदभाव नहीं किया जाता। अनुच्छेद 15 में सार्वजनिक स्थानों में प्रवेश के मामले में विभेद या निर्याग्यता का निषेध किया है। अनुच्छेद 17-18 में अस्पृश्यता एवं उपाधियों का अंत किया गया है तथा अनुच्छेद 47 में सभी नागरिकों के जीवन को ऊँचा करने तथा पोषाहार की व्यवस्था का दायित्व राज्य को सौंपा गया है, जो सामाजिक न्याय के लक्ष्य की प्राप्ति के प्रतीक है।

जवाहरलाल नेहरू के शब्दों में-सामाजिक न्याय ने सदैव संवेदनशील व्यक्तियों को आकर्षित किया है। मेरे विचार में, मार्क्सवाद के प्रति करोड़ों लोगों का बुनियादी आकर्षण इसलिए नहीं था कि उसने वैज्ञानिक सिद्धांत को अपनाए का प्रयास किया, बल्कि उसका कारण था सामाजिक न्याय के प्रति उसका गहरा लगाव था।

आर्थिक न्याय में अपेक्षा की जाती है कि अमीरों तथा गरीबों के साथ एक-सा व्यवहार किया जाए और उनके बीच की खाई को पाटने का प्रयास किया जाए। आर्थिक न्याय के उद्देश्य के अनुसरण में, अनुच्छेद 39 राज्य को निर्देश दिया है कि वह इस बात को सुनिश्चित करे कि सभी नागरिकों को जीविका के पर्याप्त साधन प्राप्त हो, समाज की भौतिक संपदा के स्वामित्व और नियंत्रण का बंटवारा इस प्रकार हो कि उससे सामूहिक हित सर्वोत्तम रूप से सिद्ध हो, धन और उत्पादन के साधनों का संकेद्रण सामूहिक हित के प्रतिकूल नहीं हो, पुरुषों और स्त्रियों दोनों को समान कार्य के लिए समान वेतन मिलें, स्त्रियों और बच्चों का दुरुपयोग न हो और आर्थिक आवश्यकता से विवश होकर नागरिकों को ऐसे रोजगार में न जाना पड़े जो उनकी आयु या शक्ति के अनुकूल न हो। और बच्चों को स्वतंत्र तथा गरिमायु वातावरण में स्वास्थ्य एवं शिक्षा विकास के अवसर और सुविधाएं दी जाये और बालकों की सुकुमार अवस्था की शोषण आदि से रक्षा की जाए।

राजनीतिक न्याय का अर्थ यह है कि जाति, मूलवंश संप्रदाय,

धर्म या जन्मस्थान के आधार पर विभेद के बिना सभी नागरिकों को राजनीतिक प्रक्रिया में भाग लेने के अधिकारों में बराबर का हिस्सा मिले। इसी संदर्भ में अनुच्छेद 325-326 में सभी व्यक्तियों को चुनावों में भाग लेने के बराबरी के अधिकार दिए गए हैं।

निष्कर्ष :

उद्देशिका में न्याय को सामाजिक, आर्थिक एवं राजनैतिक स्तर तक सीमित रखा गया है। परंतु निःसंदेह इसका लक्ष्य लोक कल्याणकारी राज्य की स्थापना है, जिसमें न्यायालयों के माध्यम से प्रदान किये जाने वाले विधिक न्याय की अवधारणा भी सम्मिलित है। उच्चतम न्यायालय ने भी नागरिकों को न्याय सुनिश्चित करने के लिए एक स्वतंत्र और कार्यक्षम न्याय व्यवस्था को भारतीय संविधान के मूल स्वरूप का एक भाग माना है⁽⁶⁾ और मूल या आधारित संरचना की खोज उद्देशिका में वर्णित आदर्शों से ही प्रेरित है। इस प्रकार कहा जा सकता है कि संविधान की उद्देशिका में समस्त प्रकार के न्याय की कल्पना की गई है। इसका उद्देश्य जनता के कल्याण को सुनिश्चित करना है।

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UGC -

APPROVED - JOURNAL

UGC Journal Details

Name of the Journal: Research Link

ISSN Number: 09731628

e-ISSN Number:

Source: UNIV

Subject: Accounting;Anthropology;Business and International Management;Economics, Econometrics and Finance(all);Education;Environmental Science(all);Finance;Geography, Planning and Development;Law;Political Science a;Social Sciences(all)

Publisher: Research Link

Country of Publication: India

Broad Subject Category: Arts & Humanities;Multidisciplinary;Social Science