

# Dr. Ambedkar's Views on Social Justice, Equality and Fraternity and Its Relevance in Modern India

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**Abstract –** *Bharat Ratna Babasaheb Dr. B.R. Ambedkar had been an eminent economist, prominent jurist, famous historian, strong anthropologist, renowned scholar, noted jurist, effective leader and most important a great visionary. He dreamt for a country where all can live together without any discrimination, without inequality or injustice. To give practical shape to his dream, he fought for the rights of each and every section of society not only during Britishers' rule but also in independent India. He worked hard in writing Indian constitution and passing of different legislations (Acts) as first law minister in independent India. His visionary approach emanates from his thirst for just society, harmonized society and casteless society for which he emphasized on get and give education, organization and struggle. He focused on unity, equality and fraternity. Every word in his writings and speeches and his books paved the way for and opened the doors of success to every Indian. He focused on socio-economy democracy besides political democracy. However, different governments have tried to eradicate social and economic evils which were present in India since centuries and they are successful to some extent also, yet caste-based discrimination, increasing cases of atrocities against depressed sections of society and rising gap between 'haves and have not' is a matter of concern for our country. The present paper tries to identify a inconsistency in present India and that India which was dreamt by Babasaheb Dr.B.R. Ambedkar. The author tries to collect and present some important data related to injustice, inequality and discrimination. The author tries to present some information on how social-economic evils still scrunch and clench India which is the biggest hurdle in the development of the nation and impede its growth journey.*

**Key Words:** *Liberty, Equality, Fraternity, Discrimination, Atrocities etc.*

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## I. INTRODUCTION

*I like the religion that teaches liberty, equality and fraternity- Dr. Bhimrao Ramji Ambedkar*

The Preamble of the Indian constitution states that the Constitution exists "to form a more perfect Union, establish Justice, ensure domestic tranquility, provide for the common defense, and promote the general Welfare. It states that constitution derives its authority from the people of India and declares India as socialist, sovereign, secular and democratic. The justice, liberty, equality and fraternity are the objectives of the constitution. The terms sovereign, socialist, secular, democratic, republic in the Preamble suggests the nature of the state. The ideals of justice, liberty, equality, fraternity reflects the objectives of the Constitution. Babasaheb Dr. B.R.Ambedkar called Article 32 of the Indian Constitution i.e. Right to Constitutional remedies as 'the heart and soul of the Constitution'. The Preamble is called the heart of the constitution because it provides a short summary of all that is

there in the constitution. The 42nd Amendment also amended Preamble and changed the description of India from "sovereign democratic republic" to a "sovereign, socialist secular democratic republic", and also changed the words "unity of the nation" to "unity and integrity of the nation". At present there are 448 articles in 25 parts, 12 schedules, 5 appendices and 98 amendments in the Indian Constitution as compared to when it was written it had 395 articles in 22 parts and 8 schedules at the time of commencement.

In spite of hard efforts of governments, NGOs, social organizations and several laws and provisions, we the Indians have failed in bringing equality, justice and establishing fraternity in our country to a large extent particularly in context of SCST and women (of all castes and religions). We couldn't be able to materialize the dreams of Babasaheb of making India which he dreamt about. There is big gap in the babasaheb's dreamt India and real India. In the

subsequent section, a brief discussion is made on this and other related issues.

## II. RESEARCH METHODOLOGY AND OBJECTIVES:

The present study is descriptive one and secondary sources of data have been used for collection of data particularly from official websites, e-newspapers, magazines, like- Bheem Patrika etc.

The objectives of the study are:

- √ To understand the constitutional provisions available for justice, equality and fraternity.
- √ To recognize the present situation of presence of socio-economic evils and identify the gap between the dreams of Babasaheb Dr. Ambedkar and present real India

## III. DISCUSSION AND ANALYSIS:

Babasaheb Dr. B.R. Ambedkar sacrificed his whole life for the country and proved himself as a real countryman. He sacrificed his wife and four children for the country because he couldn't give proper time to his wife and family due to his commitment and dedication towards making a new India (i.e. Bharat). In spite of facing grave poverty, he dreamt and worked to make a country where all can live together without any discrimination, without inequality or injustice. To give practical shape to his dreams, he fought for the rights of each and every section of society not only during Britishers' rule but also in independent India. He studied in extreme conditions and set mileage stone at every sphere of his life. His achievements are outstanding and unreachable. He worked hard day and night in writing Indian constitution and passing of different legislations (Acts) as first law minister in independent India. His visionary approach emanates from his thirst for just society, harmonized society and casteless society for which he emphasized on get and give education, organization and struggle throughout life. He focused on unity, equality and fraternity. Every word in his writings and speeches and his books paved the way for and opened the doors of success to every Indian. He focused on socio-economic democracy besides political democracy.

### A. Constitutional Provisions available for Justice, Equality and Fraternity:

The Constitution guarantees six fundamental rights to Indian citizens as follows:

- (i) Right to equality,
- (ii) Right to freedom,
- (iii) Right against exploitation,

- (iv) Right to freedom of religion,
- (v) Cultural and educational rights, and
- (vi) Right to constitutional remedies.

By *Fundamental Rights* is meant the rights which the Constitution guarantees citizens, and which manifest themselves in society as generally accepted basic values. Our fundamental rights include so-called rights of liberty. Our fundamental rights further include economic, social and cultural rights. The Article 32 of the Indian Constitution enshrines this provision whereby individuals may seek redressal for the violation of their fundamental rights, observation is true as far as it goes constitutional weapons, known as 'writs', for the enforcement of such rights of public duties.

Our Constitution provides equal rights and opportunities to every citizen of country and special safeguards are there for some sections of society, like- women, SCST, OBC, minorities etc. who had been exploited in the name of caste/religion since thousands of years. These are the people who were deprived of even basic facilities of food, shelter and clothing due to dirty/ narrow-mindedness of some contractors of religion. A democracy is based on the concept of federalism, which is the equal division of power in different groups. Hence, in order to balance the power flow in the country, the government has to provide special safeguard for some section of the society.

### B. Present Situation of Socio-Economic Evils and Gap Between Babasaheb's Dreamt India and Real India:

#### 1. Women: in Indian Constitution and in Real India-

The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. The Constitution not only grants equality to women, but also empowers the State to adopt measures of positive discrimination in favor of women. The constitution of India prohibits discrimination based on sex but it equally directs and empowers the government to undertake special measures for women. Though the position of women has improved in the last four decades, but still they are struggling to maintain their dignity and freedom. Presently Indian women are facing the toughest time mentally and physically, mainly due to unawareness and lack of knowledge of legal and constitutional rights of a woman. The Constitution provides many protection rights for women such as Protective discrimination in favor of women, Right to freedom of women, Right of women against exploitation, Rights of women under directives and political representations of women.

India has been named the most dangerous country in the world for women in a recent Thomson Reuters Foundation Survey 2018. It is a jolt to see India scoring worse than war-torn countries such as Afghanistan or Syria or monarchies such as Saudi Arabia, where women have few rights. Everyone expects more and better for women from India, the world's largest functioning democracy. After all, the Indian constitution enshrines women's rights to equality, including freedom of voice, movement and rights over their own bodies. India's designation hurts national pride because it is a country where millions of smartly dressed women go to work in high-rise offices every day, where laws have changed to protect women and where women and men have spilled into the streets to protest against the grotesque rapes of toddlers, the gang rape of eight-year-olds, and of young women activists protesting at the trafficking of women.

The biggest contribution of the Thomson Reuters Foundation survey is that it reframes questions about the gender gap or gender equality into a question about women's safety and danger. It is no longer a philosophical issue of rights. It simply asks: are women safe and free? It forces us to consider cultural forces and the implementation of laws that impact how women are actually treated in a culture, despite formal law, education, employment or income. India is in denial of the fact that a majority of its women do not feel safe alone on the streets, at work, in markets, or at home, even though they have learned how to cope with this existential anxiety. Maximum of educated young women in New Delhi (national capital of India) don't feel safe and they don't go out alone unnecessarily; come home at night before dark; get permission to go out; are always careful and alert; and they censor their speech, their clothes and their body posture, including whether or not they look men in the eyes.

The National Crime Records Bureau statistics for 2012 to 2016 show that approximately 40% of female reported rape victims were minors and 95% knew the rapist. The rapists belonged to the "circle of trust" of extended family and friends. Young girls have nowhere to go. The Indian women are in a constant state of vigilance, like- a country on terrorist alert. **The Article 23** prohibits "traffic in human beings and beggar and other similar forms of labor". The expression "traffic in human beings is evidently a very wide expression including the prohibition of traffic in women for immoral or other purposes. Also the Suppression of Immoral Traffic in Women and Girls Act, 1956 has been enacted with the object of inhibiting or abolishing the immoral trafficking of women and girls. **Articles 21 & 23** also impose the duty on state to identify, release and rehabilitate freed bonded laborers.

## 2. SC/ST in Indian Constitution and in Real India-

To uphold the Constitutional mandate and to safeguard the interests of Scheduled Castes and Scheduled Tribes (SCST), Special social enactments have come into force from time to time including privileges by way of reservations for them. The major legal enactments by Centre are: (i) Protection of Civil Rights Act, 1955; (ii) SC/ST (Prevention of Atrocities) Act, 1989. The Protection of Civil Rights Act, 1955 was enacted in furtherance of Article 17 of the Constitution by which untouchability was abolished and its practice in any form is forbidden. Further, in order to check and deter crimes against SCs/STs by persons belonging to other Communities, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 was brought into force from 30th January, 1990. These enactments have extended the positive discrimination in favour of SCs and STs to the field of criminal law in as much as they prescribe penalties that are more stringent than for corresponding offences under Indian Penal Code (IPC) and other laws. For speedy trial of cases registered exclusively under these Acts, special centres have been established in the major States. In addition, in pursuance of the Constitution 65th Amendment Act, 1990, National Commission for SCs and STs was constituted w.e.f. 12th March, 1992 with wide functions and powers of Civil Court to take up matters which are of vital importance for socio-economic development of SCs and STs.

In spite of these laws, the graph of crime against SC/ST has been on increasing trend. The most important reason behind such cruelty is lack of proper contribution of SCST people in the whole system of country, be it judiciary, police or politics. Maximum of the powers and powerful designation vest in hands of non-SCST people and maximum of these people favor their own community/ caste people whenever such cases come to them and poor SCST people deprived of their rights and justice. The narrow mindedness is seen not only in illiterate people but also in highly educated person who are working at prestigious positions. They have readymade perception of hatred and superiority complex against SCST and such disease has been a part of their blood since thousands of years which can be purified only with the self-introspection and following love, peace, harmony, brotherhood and kindness (as taught by Lord Buddha).

As many as 47,338 cases of crime against Scheduled Castes and Scheduled Tribes (SCST) were registered in 2016 (reported by NCRB<sup>32</sup>). Of these, charge-sheets were filed in 78.3% and conviction rate was merely 25.8%. In 2015, a total of 38,564 cases and 6275 cases were registered for

<sup>32</sup> NCRB, National Crime Records Bureau



alleged crime against SC and ST respectively in which conviction rate was merely 27.2 % and 19.8 % respectively. The rule 3 (v) of the SCST (Prevention of Atrocities) Rules 1995 specifies that with a view to prevent atrocities on members of SCST, if deemed necessary, can provide arms licenses to the members of SCST, but in reality such defense arms are not provided by the officials or government.

The Bihar state in India has highest rate of crime against SC/STs, and West Bengal the lowest (NCRB). Since 2014, crimes against SCs have increased one percent overall, although there was a steep rise of 5.5 percent in 2016. For crimes against SCs specifically, Madhya Pradesh is highest at 43.4 per cent, and West Bengal is lowest at 6 per cent. For crimes against the ST population specifically, Rajasthan is the highest at 12.9 per cent, with West Bengal being the lowest at 1.6 per cent. The police play a crucial role in ensuring that SC/ST populations are protected under The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. They are responsible for ensuring that a charge-sheet is filed once a case is reported, and that all cases are then investigated and forwarded to the hearing stage.

In 2016, a total of 39629 cases were filed by SCs, with the highest number being disposed of in Chhattisgarh (5479). A total of 6490 cases filed by STs were disposed of, with the highest disposal occurring in Madhya Pradesh (1805). Of all cases filed by SC/STs under the act, almost 30 percent are still pending investigation. On a state level, this proportion is highest for both SC and ST in Jharkhand (65.8% and 69.7% respectively). In contrast, some states record very low number of pending cases for SC and ST such as Madhya Pradesh (9.7% and 7%). The rate at which the police files charge-sheets for reports of violence against SCs and STs (78.3% and 81.3%) is also lower than the national rate of charge-sheeting (87.5%).

The judiciary is the body in charge of enforcing the rights of SC/STs under the Act, by conducting a fair trial and convicting the persecutor in case of guilt. Conviction rates for cases involving SC/ST atrocities are slightly below the All-India rate (21%) for STs (20.8%), and are significantly higher in cases involving SCs (25%). Conviction rates are particularly low in states of Karnataka, Odisha and Andhra Pradesh. However, there are still a large number of pending cases involving SC/ST atrocities, showing that justice is being delayed. States like Bihar show a very high pendency rate for both SC and ST cases (95.9% and 94%). Almost all states have a pendency percentage above 80%, representing an extreme backlog across the nation. At the police investigation stage, a total of 1063 cases were disposed of by the police due to a mistake of fact by the victim, or due to it being deemed a false case. Out of these cases, 691 of these took place in the state of Rajasthan. Further, amongst the cases disposed of by the courts, an interesting trend is seen for **plea**

**bargaining** in cases of violence against SC/STs. In 2016, 38 cases were disposed of using the method of plea bargaining, and all of them were witnessed in the state of Rajasthan. The SCST people however alleged in many cases that the police and judiciary is a part of nexus and no security is provided to the SCST victims and due to threats from mighty people (often rich people, big landholders, politicians etc.), they used to compromise under compulsion. This is the one of the reason for low conviction rate and the guilty person/s roam free without fear because they are able to buy anything be it police or anything else.

#### IV. CONCLUSION

The Indian Constitution was written by Babasaheb Dr. B.R. Ambedkar with hope that with new constitution, the governments will be in a position to establish peace, love, harmony and brotherhood throughout the nation and there will be eradication of social- economic evils present in Indian society since thousands of years. He had a hope that one citizenship, one identity and one voting right will bring equality among people. He made large number of Articles in the constitution to safeguard the interests of women and down-trodden sections of society in the country. In spite of these Articles and Acts, the graph of cruelty, atrocity and violence against women and SCST has been on increasing trend. However, different governments, NGOs and social organization have put their best effort to implement the constitution but it couldn't be done in real sense, meaning thereby, the constitution is not implemented fully and in full spirit. Drastic changes have been seen social structure, living standard and rising income of the people, but maximum of people still have negative mentality/ approach against women and SCST and that is why number of atrocities, rapes, molestation, domestic violence, untouchability, incidents of insults have been increasing day by day (as clear from the data given in the paper). We, the people of India must read the preamble of the constitution, our fundamental rights and duties and other aspects of our constitution very carefully and implement in our daily life. This will help us to be an ideal Indian citizen and we will start respecting each and every citizen of our country without any prejudices and without any discrimination in the name of gender, caste, religion or region. Let's follow the direction given by Lord Buddha, Satguru Ravidasji and other saints and move together with love, peace, harmony and brotherhood towards a prosperous India.

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