

# SOCIAL JUSTICE

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**निदेशक की सदभावनाओं सहित'**

**दया दण्डानां स्वकीयार्थं मादय ब्रह्म**

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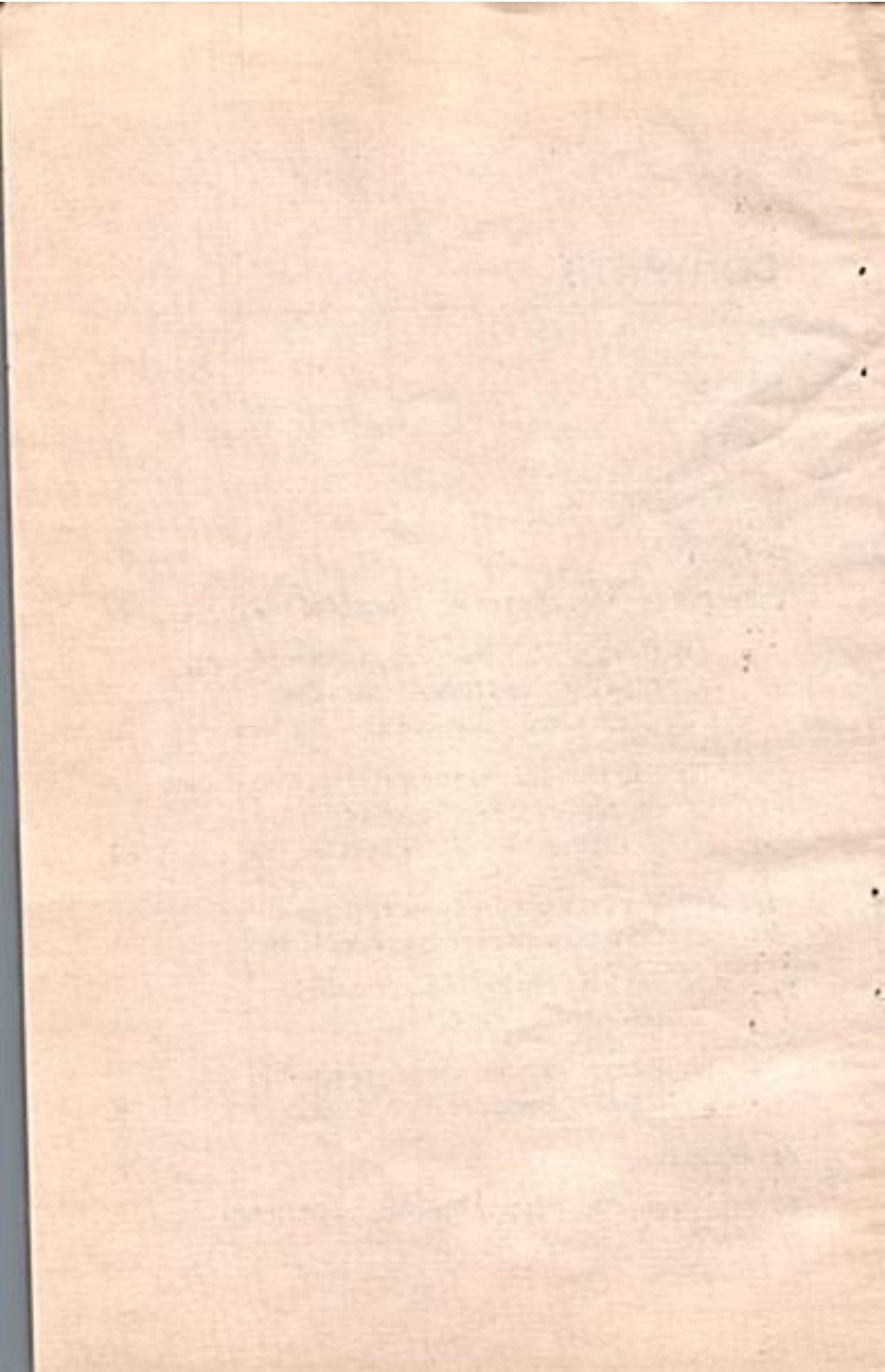
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## FOREWORD

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**O**ne concept which at once attracts and eludes a student of Indian polity is "Social Justice", because of the prime position it occupies in our system, having been declared to be the organisational objective of the government in the Preamble of the Constitution. Not only does it declare the resolve of the people to constitute India into a sovereign, socialist, secular, democratic republic but also undertakes to secure justice; social, economic and political; liberty of thought, expression, belief, faith and worship and equality of status and opportunity. It also promises to promote fraternity. This basic strain of Social Justice has been broadcast all over this Document but has been spread thicker in Part III and IV of the Constitution. This concept of Social Justice though so importantly placed, has proved to be elusive especially to those social scientists who want to circumscribe this concept in concrete parameters. It has been universally admitted that equality, liberty and fraternity are the basic components of this concept. Yet the equality it envisages is not the absolute classical concept of equality. It does not seem to treat rich and poor alike. It discards the concept of equality of the status quo. This dynamic concept of equality may use discriminatory treatment to elevate the poor in an endeavour to evolve an egalitarian society. It wants to inculcate in all the capacity to assert their will equally. This equalisation can not be a one time process. It is a continual dynamic effort in as much as the society has

an inherent tendency to create inequalities and so sails have to be adjusted midstream to reach the appointed goal.

The liberty which resulted in *laissez-faire* society cannot be the liberty which would constitute a component of this concept. The liberty over a period of time has become the liberty even to exploit the poor workers, petty traders and have nots generally.

The traditional notion of fraternity implies charitable, condescending and sympathetic behaviour towards one's fellowmen. Can this be an ingredient of the concept of Social Justice which claims the right of a man to share the resources, tangible and intangible? Another facet of social justice is redistributive justice.

These factors perhaps were responsible for the remark of the Supreme Court in 1955 in the *Muir Mills* case which provoked Sri Jagdish Chandra Dikshit, Chairman of the Legislative Council, U.P. the author of this treatise to think about this concept. His quest led him to study and analyse the concept of Social Justice in light of what was said by various thinkers. He has made a thought-provoking analysis of the various aspects of the concept in his intellectual journey from Plato to Gajendragadkar. Various views have been critically examined to churn out the essence of the concept. Various standpoints have been considered and the components listed out. The concept of justice has then been examined from natural, religious, economic, ethical, political and sociological angles. After examining the concepts of equality, liberty and fraternity, an attempt has been made to finally define Social Justice as "an order of persons and an order of principles regulating the determination of the right to

persons which is measured and determined by the parliament's concept of democratic socialism which has still to become public". His effort is commendable. He has been connected with the labour movement & has thus a clear concept of the Social Justice, its dynamics & various nuances.

This conclusion also shows that the concept of Social Justice is incapable of being bounded by precise parameters. Perhaps, it should not be so bounded if it has to be a pragmatic concept. It has to answer the need of the time which is everchanging. The persons who ferry us towards utopian egalitarian society may, after a small distance themselves claim privileges over the rest of the people. At that point of time the tool of the Social Justice will have to be readjusted to bring them to the level of the rest.

Social Justice, may, therefore, be the fine tuning of these contents of equality, liberty and fraternity on the foundation of human dignity and self-actualisation according to the demand of the contemporary conditions. Its goal is clear yet the modalities have to be adjusted according to the existing needs.

This is claimed to have been used as an effective interpretational catalyst by the very Supreme Court the edict of which provoked Mr. Dikshit to this essay. It brought home the concept of equality in payment of wages and in treatment of the pensioners. The principle of liberty was applied even to the convicts, to emancipate bonded labour, and to free long languishing prisoners and also to mandate that it was essential to provide legal assistance to all. Right to life gained a new dimension in a number of cases and was interpreted as right to live with dignity and freedom. To

maximise Social Justice, by inculcating in the have-nots the capacity to participate in managing their affairs, the workers were permitted to intervene in proceeding of the winding up of a company in the case of *National Textiles Corporation* and still more they were handed over an industry which the employer was not willing to run.

All these judicial interventions giving effect to the principles of Social Justice would not have been possible had the seive of the adjective law of locus standi not been adapted by the Supreme Court to let in the public interest litigation. The constitutional promises were made obtainable reliefs. On post-cards it issued directives prohibiting their exploitation. On newspaper reports the infringement of their right were taken cognizance of, Social Action groups and socially inclined persons were made effective conduits to activate the Supreme Court and the High Courts.

All this and more was achieved in the name of Social Justice by the judiciary.

The best way to understand the concept would, perhaps, be to know the motivating views of the Founding Fathers.

"The first task of this Assembly is to free India through a new constitution. To feed the starving people and to clothe the naked masses and to give every Indian the fullest opportunity to develop himself according to his capacity."

"The service of India means service of the millions who suffer. It means the ending of poverty and ignorance and disease and inequality of opportunity. The ambition of the greatest men of our generation has been to wipe every tear from every eye. That may be beyond us. But as long as there



are poor and there are tears and sufferings so long our work will not be over." said Jawahar Lal Nehru.

As long as there are tears, there will be need to reassess the dynamics of Social Justice, to wipe them dry, by some public spirited person.

Nov, 14, 1989

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## PREFACE

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The reflex action of the consequential epilog of the first world war ushered in a new era of social, political and historical marvels. Shortages of essential commodities made men to move and beckon authorities for the satiation of their basic needs. The tides after tides of revolts and strikes of industrial workers started mounting over the head of the victorious powers obliging them to discover a panacea for ills and evils that a war generates. The process of discussion that followed culminated in the Treaty of Versailles. A committee with Gempers, President of the American Federation of Labour came to be appointed thereof. They found that the laws-local or international, as they existed could not by themselves be trusted any more as wars were breaking inspite of them. Laws, Judges, legal decisions failed to prevent the people of the most advanced and cultured nations from growing sanguine or holding the hand of a person of one nationality or religion resolved to kill man of another nationality or persuasion. It became evident to them as well as to other that the existing concept of justice which claimed to be majestic was not so. It had some basic infirmities. How to diagnose them? What remedy to provide? When the principle of "take from each according to his capacity and give to each according to his needs" was enunciated by Marx. Jurists said that marxian concept of justice denuded people of their natural right of liberty. When Gandhi asked people 'to labour if they wanted

to enjoy 'and 'produce what they wanted to consume', stating further that to act otherwise would be to follow the satanic law. Those enthroned in arenas of high tribunes relegated Gandhian concept to the background depicting that as far too ideal and utopian. The class of jurists that rules asked what would happen to the principle of laissez faire if Marx and Gandhi are followed? Champions of common law and customary jurisprudence remain relentless even today. Be it anything law, authority or even mountains, if they stand in the way of dynamic restless forces, they are bound to be swayed either by revolutions or be swallowed by metamorphic forces social, or political.

The period which followed the first world war saw such countless spectacles in myriad forms. In Russia classical Russian Jurisprudence had to yield to it in the Bolshevick Revolutions lead by Lenin and gave place to Soviet system of Jurisprudence. In India repulsion to Austinian Jurisprudence lead to the advent of suffering its stings and pangs quietly and piognantly - which later came to be known as non-violent struggle for truth. The quest of Marx and Gandhi was finding out means to secure lasting peace which is not only right but also righteous.

Anything that distinguishes a man and a man on the basis of the pigment of his skin or his affluence can hardly be accepted as righteous or as 'Justice' to the votaries of Nehruvian or Gandhian Jurisprudence. Justice to be just should create a social cosmos where all are economically and socially equals. A philosophical and social quest for such a realm is bound to press its war towards 'equilibrium'. Equilibrium thus becomes a pole star to guide the path of those who cherish to have equality more laudable ideal than liberty. Dr. M.N. Das's learned treatise

on Nehru's Political Philosophy testifies that achievement of social equilibrium was be all and end all for Nehru. An exercise of securing social equilibrium of Nehru's concept is bound to land one in the Eldarado of social justice.

The social philosophy of Nehru is nothing more than scientifically revised version of Gandhian social philosophy. What Gandhi depicts as his Ram Rajya is the Rajya of equilibrium for Nehru. When Jawahar Lal Nehru imported the word of social justice in the preamble of our Constitution he only gave juristic grammer to Gandhian concept of justice that is what is righteous can only be right and just or that which represents social equilibrium.

Writing this essay on Social Justice-written more than 20 years ago-, which is being published today owes its impulse to the hypnotic hold that Nehru had on me. This publication may be regarded as an humble tribute to his memory by J.K. Mathur, Director, Institute of Judicial Training and Research, U.P., Lucknow and its author. The credit of catching the time by its forelock for paying homage to Nehru weighs more on Mr. Mathur's side because it is mainly his initiative that gave me the gratifying opportunity of paying homage to that builder of modern India, and also because it provides me with a boon of basking in the luminous light of his scholarship and diligence.

Jai Hind.

J.C. Dikshit

Chairman, U.P. Legislative Council.

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## SOCIAL JUSTICE

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On January 26, 1950 India entered a new phase. On that august day, India gave to itself a constitution pledged to uphold equality, liberty, fraternity and justice -social-economic and political. These were, as Shri Justice Gajendragadkar held, and I share his insight, principles of revolutionary import. Of all these, the crowning principle is Social Justice which has been ruling over the sub-continent of India since the advent of our republic constitution.

### Dubious and elusive character

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Inevitably, therefore, we are led to examine what it means. The conscience of many Indians was rocked, when Shri Justice Bhagwati described it "a vague and indeterminate expression." It however, at the same time moved some sensitive people, amongst whom the present author may be regarded as one, to resolve to unravel this mystic concept. In the quest that followed it was found that the promotion of Social Justice to ensure the well-being of economic security to all people was one of the avowed objects of the Constitution Act of the Philippines of 1935. But its performance spelled disappointment. According to Mr. Clero P. Calderon, former Director of Labour Education of the University of Philippines, the conception of Social Justice met its Nemesis in Judicial approach which varied

from Judge to Judge and the policy considerations and economic factors played a less important part.

In Australia, the conception of Social Justice had a limited application. Its sphere was limited to industrial relations. Mr. Kenneth F. Walker of Massachussets Institute, in his monumental study of Australian industrial relations affirms that "the conception of Social Justice in conditions of employment is open to various interpretations, as experience in the system has shown, although it has achieved a considerable measure of success in being able to protect labour from the arbitrary authority of management without overriding the demands of efficiency and right of those who own the business". Another student of the same subject, namely, Kingsley Loffer of the University of Sydney finds that "at present, however, the system appears to be operating without a clearly thought purpose or sense of direction." Loffer's complaint, incidentally, provides explanation for the failure of Social Justice to strike its roots in Australia or Philippines.

## History

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The most ancient definition of the term 'Social Justice' came from Plato. The Greek word 'Dibai Kaisume' which Plato has used, has been erroneously translated in English as 'Justice'. This mistaken rendering was corrected by Prof. Earnest Barker, who in his Greek Political Theory translated the term as 'Social Justice.' Plato's concept postulates a view of the individual not as an isolated self, but part of an order, intended not to pursue the pleasures of isolated itself, but to fill an appointed place in that order, The individual is not a whole and cannot be treated as such: "the State is a whole, and it must enforce upon the individual the

fact that it is, by treating him as a factor and fraction of itself." This concept of Social Justice (or righteousness) is the filling by each man of his appointed sphere, an obedience to that categorical imperative of Social duty which Goethe like Plato proclaimed. Another saying of Goethe is also apposite, 'A man must either be a whole or join a whole'. This, whatever be the defect of its qualities, is the cardinal concept of the Republic, and the fundamental basis of that view of public duty, to be discharged in some special station, and of public efficiency to be attained by some special training which the Republic was written to advocate.

Plato's view of Social Justice does not belong to the realm of Recht (legality), but to that of *sittlichkeit* (social morality). This may be accounted by the reason that Greeks had no word corresponding to the Latin "jus" and that their genius was specifically metaphysical. To clarify the foregoing view a little further, it may be said that the Social Justice of Plato, 'is not a matter of law or again of individual ethics, nor is it a fusion between the two; it is a conception of Social morality and a definition of the code of Social ethics, which no less than law, perhaps even more than law, underlines the play of social relations. It deals, with the ways in which a whole society may attain goodness or happiness; it is not confined to the goodness or happiness of the individuals. Its formula is that the essence of social morality was in the fulfillment of "one's duties" and this is the formula which modern thinkers can still employ. Behind this formula, and behind the whole concept of social morality, there lies the concept of society as a moral whole or an organism, having as an individual as an organ and in which every individual has a function. The political theory of Plato is a theory of moral organism, and his theory of justice is a theory of ethical code by which it lives.

## Stoics

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There was, yet another school of thought in Hellen, which had different views on the theme than Plato. It was the school of Stoics, who regarded 'Nature' as the foundation of Justice. But what Stoics understood by 'Nature' was that the ruling principle in the Universe was Reason and God. The premises of their thought was that men by their essential constitution and nature, were rational beings, who were a fragment, as they said, or detached part of the Cosmic reason and who all together shared, if only as such particles, in all pervading reason which was the constitution and nature of God. From this view the apologists of liberty concluded that men being rational in their nature, should all be regarded as free and self governing in their actions.

Stoicism thus became a philosophy which un-nerved the advocates of tyranny. The second principle, deduced therefrom was that men, being equal in their nature, should be regarded as equal in status. This may be regarded as the conclusion of Equality. The third conclusion was that men, being united to one another by the common factor of reason, should be linked together in the solidarity of world Society -a 'single City of Zews'- under the control of a common law in conformity with their common nature. This was the conclusion of Fraternity. Thus the triple ends of liberty, equality and fraternity have stoic foundations. These three together with Social Justice, represent the most efflorescent part of Hellenic political philosophy.

We owe it to the testimony of Prof. Barker, that the Stoic premise and its three conclusions, formed a currency of thought which flowed for 2000 years or more, through ancient Rome and middle Age, through the Age of



Enlightenment and the French Revolution, and it is still flowing in our own age. This current of thought carries in its course an idea of Justice, professing and claiming to be drawn from nature, which is a synthesis of three fundamental values, liberty, equality and fraternity. The conception of nature for which it stands is not a conception of physical nature of God and man, it is a conception of the spiritual or more exactly it may be said to be a religious or theological conception of the nature of God and a corresponding ethical conception of the nature of man. Nature is not, in this context, a source of Justice which is distinct from religion and ethics. When that school, therefore, appeals to nature as the source of Justice, its real appeal is to a code of ethics conceived as proceeding purely and solely from human reason as rationally calculated to promote the sum of human happiness. The great British Jurist, Blackstone indeed, concedes to the identification of ethics and natural law. According to him the rational pursuit, in the foundation of what we call ethics or natural law Modern 'State of nature' was foreign to conception of Stoics.

This twist may be due to language, as a result of the translation of the Greek word *Physic*, in the Latin as 'Nature'. It might also be due to Church men's, idea of Garden of Eden and the primitive grace which presaged the fall of man.

## **The Roman View**

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An insight into the origin of Roman Law may also help us to provide an answer to the question that confronts us. In a Latin dictionary one word given for a body of Law is *Jus*. Some people may regard this term to be cognate with the verb *jubeo* but such a view is mistaken. *Jus* does not mean

what is commanded by authority 'quod jus sumest'. It has a different connotation, and is associated with different ideas. It seems to be connected with the Latin word *Jungere*: it means primarily a joining or fitting, a bond or a tie; and it easily glides into the sense of binding or obliging. We may define *Jus* in its original form, as 'what is fitting' and therefore also binding. *Jus*, therefore, to Romans represented the principles of law that the courts recognized and enforced. Thus, it is the law-court and not the law-giver, which is summoned to the mind by the notion of *Jus*.

## Greek and Roman Views Compared.

The distinction between Greek and Roman views regarding justice is now evident. To a Hellenic mind the term justice, stood for a kind of social morality informing the constitution of society, whereas to Romans it was a judicial task to be undertaken by the courts. Obsessed by their metaphysical outlook, Greek took for granted that the Hellenic people, given a kind of special training or education can be trusted to usher in an autonomy of justice. But the analytical genius of Romans could perceive that it was only an abstract proposition. Hence, they while recognizing justice or *justitia* as an idea of joining or fitting or a bond or tie assigned it absolutely to the care of law courts. But with the passage of time, the way Roman law had to develop the original Roman idea of *jus*, withered away from the scene.

## The View of Church

Some Churchmen also contributed some ideas which in later ages were to form the foundations of social justice. The most important of them was their view of society as an

organic whole. In the striking words of St. Paul : 'the body is not one member but many. If the foot shall say, because I am not the hand, I am not the body ? And if the ear shall say, because I am not the eye, I am not the body; is it, therefore not of the body? If by the whole body we mean eye, where were the hearing? If the whole were hearing, where were the smelling ? Now they are many members yet one body. And the eye cannot say unto the hand, I have no need of thee; nor again head to feet, I have no need of you .... And where one member suffers, all the members rejoice with it, The foregoing view is the basis of biblical social justice.

## St. Augustine

A well known ecclesiastic, St. Augustine has his own preconceptions. With his mind full of righteousness, he identified Jus with justitia, he identifies justitia with vera justitia; and he argues accordingly where there is no righteousness, there can not be a reunion of men associated by a common knowledge of right. Justitia, he argues, is the virtue which gives to each his due. It must, therefore, include particularly, the giving of His due to God. In other words, it must include true religion; for it is only true religion which gives to God his due. As Prof. Barker points out, 'we must admit century upon century was destined to hold, and to hold tenaciously'. The view of St. Augustine implies the view that people, in order to be true people must not only be a legal society, but also have union and uniformity. This is the Elizabethan view, implied in the act of uniformity and expressed in the philosophy of Hooker; the commonwealth of the people of England must be a church as well as a State in order to be a commonwealth. Indeed so long as a form of establishment lasts, there still remains

a relic of the idea that religion is necessary to the existence of a Republic.

## Thomas Aquinas

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The mediaeval church believed and this belief holds sway in the Roman Catholic Church today, that the twin instruments of expression of the notion of justice in the world are God and his church. Justice to these men meant the rule of right and they regard it as an impersonal source of law and the sustainer of the state in its task of declaring and recognising law. This theory of Thomas Aquinas is an epitome of such a belief. Aquinas believed that God himself acts under a rigid *lex actena*, rule of right in the order of universe which he has created and always continues to move. Its corollary, therefore, is that *lex humana* the positive law imposed by a human authority, derives its mandate, its value, and its final cogency, from conformity with *lex divina* and *lex naturalis* divine and Aquinas has also constructed a parallel theory of human authority so as to indicate he actually achieved. Authority, according to his system has three elements; the primordial formal element of its *modus*.

Accordingly it has to be guided by the principles of divine and natural law as revealed or disclosed by God; and it will make the positive law, which it imposes on the members of the community, in conformity with those principles. Blackstone acts as Thomist when he observes that upon these two foundations, the law of nature and the law of revelation, depend all human laws, that is no human law should be suffered to contradict them.

## **The Rise of Liberalism**

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Emergence of Renaissance with its renascent spirit in Europe led to Reformation and in the epoch there was the French Revolution, a new social class established its title to a full share in the control of the state... the banker, the trader, the manufacturing owner, the ecclesiastic, and the warrior, as the types. The idea of social control of the trader, the manufacturing owner, the ecclesiastic are the predominant social influence. The idea of social initiative and social control imperatives of social justice observed idea of individual control. Uniformity of religious belief gave way to scepticism which found a right of expression. New material conditions, in short, gave birth to new social relationships and in terms of the new philosophy was evolved and afforded a rational justification for the new world in which the scope of Social Justice was under an eclipse during this period.

## **Rousseau**

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Rousseau, regarded as Neo Plato, resuscitated the ancient Hellenic concept of society as an organism through the instrumentality of his thought of General Will. Much different conclusions were drawn from his postulates, leading to utilitarianism, German Idealism, British idealism and even socialism. These three, namely utilitarianism, British idealism and socialism have exerted and are exerting today a profound influence on the growth of the idea of Social Justice.

To the vortex of different systems of thought which have given encouragement to the concept of social justice, came

to join Gandhism and sociological school of justis during this century.

Before we proceed to evaluate the contributions made by different systems of thought to the evaluation of social justice, it is worthwhile to examine some of the definitions attempted of this dubious and elusive term. Because a critical study of myriad definitions would unravel the mysticism surrounding the concept, as well as unfold to us a few speculations in regard to the scope of its activity.

## Some definitions

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### Webster's

Webster's Third International dictionary defines social justice 'as a state or doctrine of egalitarianism-Egalitarianism according to the same dictionary includes:

(a) A belief in human equality ; a belief that all men are equal in intrinsic worth and are entitled to have access to the rights and privileges of their society, a social philosophy advocating the levelling of social, political and economic inequalities. According to Roy Lewis and Maude, this theory in England has postulated a levelling up and not down, of increasing and not diminishing middle classes, the belief that men are born equal in aptitude and capacities, which according to H.E.Barnes and H.P.Baker controverts Plato's view of human nature and the conviction that men are naturally unequal.

(b) The suppression of all distinction between individuals and groups is inherently unjust. Tiv people of Nigeria have intrinsic faith in this concept. From Miss Barbara Wootan,

we learn that Tivs are nurtured in fierce or rather brutal social justice. They dislike any thing that singles anybody for special attention.

(c) Social, political or economic equality of the kind traced by Barnes and Baker to early Christian communities where distinctions of classes were disregarded and even a slave could hold an important position.

## **Dr. Henery Pratt**

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Dr. Henery Pratt Fairchild, in his Dictionary of sociology, (published by the Philosophical Library, New York, 1944 p.285) defines, the term social justice as the intelligent cooperation of people in producing an organically united community, so that every member has equal and real opportunity to grow and learn to live the best of his native abilities. These ideal conditions of justice through socio-union are essentially those of democracy.

He further states that it aims to create-

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1. secure conditions for the growth of children etc.
2. for every native person, a secure job.
3. for every person an income adequate to maintain him in the position of his highest social service.
4. for every person such influence with the authorities that is needed and whose ideals receive due consideration by them.

## Churchill

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Sir Winston Churchill simply equates 'Social Justice' with four freedoms. But this view is obviously unsatisfactory as it is a now truth recognised on all hands that political institutions cannot prove it to be an effective instrument for the attainment of four freedoms unless they are built upon political, economic and social realities.

## Gandhi

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Turning to India, we find communal view of society or organic conception of state to be as hoary as its past. Classical works of Dr. K.P. Jaiswal, Dr. Radha Kumud Mukherjee, Dr. Beni Prasad, Dr. Altekar and Dr. Saletere are replete with their testimonies. Indian view found its full blossom in the philosophy of Mahatma Gandhi. This saint politician regarded the prevailing western notion of justice, based on natural law, as 'old law, the law of jungle,' 'blow against blow', where 'each one thinks always of himself and is not bound to think for others'. In its place he wanted to enthrone, 'pure justice, which is inspired by fellow feeling and compassion' as the sovereign principle. To use the language of Dr. Dhawan, 'right' to be right for Gandhiji must be righteous. On July 13, 1946 in sheer desperation, his soul echoed a melancholic pathos:

"With hands upraised I cry, with none to listen to me Dharma (duty) yields both wealth and desire, why is that Dharma not observed?"



## **R.R. Diwakar**

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The nearest English connotation of his concept of Dharma is indeed, social justice. This is what Shri R.R. Diwakar, one of the ardent Gandhians at least believed writing in the National Herald of October 13, 1962. He observed: 'India has the reputation of being the land where Dharma or law has always prevailed', and asserted that social justice involves the right under a single administration. The basis of grouping may be different in race, caste, religion, creed, languages and occupation: or it may be different in class, economic or political interests. The mutual relationship between such groups on the one hand and their relationship with the government of the day on the other, has to rest on and be regulated by certain principles of social justice. Such principles have to be uniform but have to be applied equally and equitably when conflicts arise.

## **Dr. Rajni Kant Das**

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First Indian attempt to define the term 'Social Justice' was made by Dr. Rajni Kant Das in 1941, when he was delivering special Readership lectures at the Calcutta University on 'the principles and problems of Indian Labour Legislation'. He stated that an outstanding force in social evolution is social justice for establishment of social relationship. In establishing Social Justice the state attempts to equate them with the whole society of which they form an integral part.

## Issacs and Deshmukh

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Mr. Issacs, a Lawyer, pleading for the Muir Mill Company before the Supreme Court ( 1955) S.C.A. 321 (330-331) argued that Social Justice connotes the balance of adjustments of the various interests concerned in the social and economic structure of the state in order to promote harmony upon an ethical and economic basis. Shri C.D. Deshmukh also presented the concept in the same vein when he was once pleading before the parliament for the modification of the Bank Award.

## Justice Gajendragadkar

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Shri Justice Gajendragadkar, Judge of the Supreme Court, has thrown considerable light on this mystic term. He observed, the concept of social and economic justice is a living concept of revolutionary import; it gives substance to the rule of law and a meaning and significance to the ideals of a welfare state (S.C. 'State of Mysore Vs. Workers of Gold Mines, 1958 LLJ II at page 434); it is not a static concept and may expand with the growth and prosperity of our industries and rise in our production and national income. (S.C. Patna Electricity Co., 1959 LLJ II at page 373): 'In its attempt to do social justice industrial adjudication has to adjust rival claims of the employer and his workmen in a fair and just manner and this object can be best achieved by dealing with each problem as it arises on its facts and circumstances. Very recently, in a foreword to one of the commentaries on the Industrial Disputes Act. Shri Gajendragadkar has defined the term more succinctly but giving expression to almost a similar view.

## **Bhubaneshwar Resolution**

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The Bhubaneshwar resolution adopted by the Indian National Congress regarded 'Social Justice', as the keynote of democratic socialism. The Congress ideology of democratic socialism is based on democracy, dignity of the human individual and Social Justice.

### **Attributes of Social Justice**

Above, we have narrated a number of foreign and indigenous definitions of 'Social Justice'. But the scientific nature of our enquiry obliges us to examine which of them is more appropriate, and if none of them satisfies us, our obligation grows further and we may have to make our own humble attempt to construct a profile of the concept of Social Justice. Since, there is some grain of truth in all the definitions cited above, it would, therefore, be worthwhile to deduce there from basic attributes of Social Justice. Having done that, we proceed to examine its scope and resolve the problem of its definition.

Our conclusion from the foregoing definitions is that Social Justice implies:

1. A belief in human equality is a belief that all men are equal in intrinsic worth and are entitled to have access to the rights and privileges of their society, implying that suppression of distinction between individuals and groups as are inherently unjust.
2. A Social philosophy advocating levelling of social, political and economic inequalities.
3. Fellow-feeling and compassion.

4. Intelligent cooperation of people in producing an organically uniform united community so that every member has an equal and real opportunity to grow and learn to live the best of his native abilities.

5. The balance of adjustments of the various interests concerned in the social and economic structure of the state in order to promote harmony upon an ethical and economic basis.

6. In an attempt to find social justice, the court will have to adjust rival claims.

7. And in Indian context, the paramount purpose of Social Justice is democratic socialism.

We have now known the basic attributes of Social Justice, but to be able to define it succinctly, we will have to knock at the doors of some of the sources of justice and will also have to examine some political theories. We may at the end of our pursuit get a convincing idea of the concept. Our method of treatment does not admit of any kind of independent discussion of any of them. We will simply notice them and pass by them and pick up materials which may be of use to us.

## **Morphology of Social Justice.**

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### **Nature**

The primordial source of justice, is nature. The idea of nature and of natural order of things, as a source of justice, is an idea far older than any development of modern natural science. Even when with the advent of reason and an age of enlightenment the foundations of liberalism and laissez

faire began to crack, Rousseau saved the concept of nature from undergoing any humiliation. Jurists like Blackstone tried to reinforce it, as a result to quote the dictum of Pope—the proper study of the mankind became man. This view reflects itself when the Bhubaneswar resolution of the Congress makes the dignity of the individual co-exist with social justice as one of the twin ends of India's democratic socialism.

### Religion

Next to nature comes religion as a source of justice. Even when we are secular in our outlook our thought and conduct reveal the impact of religious beliefs and practices frozen into legal principles or rules of conduct. Indian religious view of life, for instance, finds expression when Gandhiji demands instillation of mercy, righteousness and compassion in our notion of justice. Such a philosophy leads to the creation of a confluence where private and social ideas of justice conjoin.

### Economics

A third source of justice now by common consent is economics. Even when one does not share economic determinism of Marx and subscribes to democratic socialism, has to admit that poverty is a threat to the existence of society and human culture. This is what the ILO meant when in its Philadelphia Declaration (1944), it declared that 'poverty anywhere constitutes danger to prosperity every where'. To prevent civilization from being eroded by poverty, one has to think in terms of socialism or in terms of Duguit's principle of solidarity. So far as the logic of socialism is concerned, its first pre-condition is the

removal of the poverty in the country with all its attendant evils. Duguit's principle of solidarity based on an economic fact—the fact that men increasingly cooperate as they increase production—presses forward to be evaluated as a factor of justice. The economic fact of solidarity even when it is turned into a principle and regarded as a value, needs the complement of other values. That is why people say that man does not live by bread alone. Economics as a factor of justice needs 'along with them and in common with them, some principle of unity and reconciliation which creates a system, gives each of the values its place in the system, and causes and explains their inclusion'. Accordingly, giving this principle of Solidarity a new name of fraternity the pioneers of the French Revolution did in 1789 place it by the side of liberty and equality.

## Ethics

Can we find any material for our purpose from ethics? If we answer in the affirmative, the moral standard of the community, precipitated in and enforced by the general moral conscience will be the source of a notion of justice containing a synthesis of values, which will be in its turn the impersonal source of law. We shall accordingly hold that if law is to have value as well as universal validity and not some single "broken arc" of value called by the name of "solidarity" or by some other such name— it must satisfy in the last resort what is just and right in the conduct of human relations. But here we face an equivocation. Law is not ethics and obedience to law is not the same as morality. Law being concerned with external facts is extrovert, but ethics being concerned with internal motive is introvert. An act is legal so far as it corresponds to the Law but is not moral, if

it is not inspired by an internal motive and does not proceed from what Aristotle says, "a state of character concerned with choice"

According to one view, ethics dictates to law to establish a moral minimum - a lowest measure of conduct, which all can compass and for that reason could be made a uniform rule of action for all. But the possibility of a moral minimum being enforced by non-moral means can hardly stand to reason. We have, therefore, to examine the alternative view of the idealist school of thought. Looked from this angle, the law seeks to secure the set of external conditions necessary for moral action or the general framework of external order in which the moral conscience can act and determine itself most easily and most freely. All moral development is inevitably confronted by external obstacles or hindrances; it is the function of law to "remove obstacles" or "hinder the hindrances". It implies that compulsion at one point should always result in a more than proportionate freedom at others. This might have been the dominant passion of Prof. Laski when he observed: the power of the state can be justified only in terms of what it seeks to do. Its law must be capable of justification in terms of demands it makes, and must be capable of justification in terms of demands it seeks to satisfy. The state provides over a vast welter of interests; personal and corporate, competing and cooperating. Its claim to allegiance must obviously be built upon its power to make the response to social demand maximal in character. It must strike such a balance that what emerges as satisfied is greater than that can be secured on any alternative programme?

An ethical view of justice enjoins, what the Bhubaneswar resolution of the Congress said, "the dignity of labour should

be recognised. Indeed, the dignity of the individual in every grade of life should be ensured'. The idea here being that the state should make it possible the highest development of all the capacities of personality in all the members of society. Prof. Hutchinson had claimed that action is best, which procures the greatest happiness for the greatest number. This view was made popular by Bentham and his followers and became a political philosophy of utilitarianism. But this view had an incurable infirmity. By identifying happiness with pleasure, it was destined to lead to a static condition of pleasurable sensation. A static condition is not in harmony with the condition of the time-process to which man is subject. A formula based on the philosophy of Aristotle may remedy the defect of quality in Bentham formula. We must, therefore, take into account the presence not only of individual personality but also of social personality. We now come to what organism signify.

To regard State as an organism in the current sense of its being something animate and a compound of parts serving one another may invite some hazards. It could be used as a handle by tyrannous forces to crush urges of purely democratic character. It is better, therefore, to regard a state as a scheme of organisation.

### **Politics**

Politics, as a value of justice is not of much relevance for us. The political justice, on analysis, reveals itself in the justice of representation. It can mean adult franchise or a franchise where caste and class have no place or functional democracy manifesting itself in group representation. This aspect does not project itself in the field we are investigating.



## Sociology

The sociological view of justice, according to Dr. Pound as Justice D.N. Mukerjee indicates, is based on the following jural postulates:

- (a) assumption in men of a society that others will not commit wanton aggression on them.
- (b) assumption in men of a society that they may control for beneficial purposes, things appropriated by them for their own use or things created or acquired by them:
- (c) assumption in men of a society that those with whom they deal, in general intercourse, will act in good faith in fulfilling reasonable expectation from their promises or undertakings and restore what comes to them unanticipated or by mistake or under situation not fully intended where by they receive that they could not have reasonably expected to receive in the circumstances:
- (d) assumption in men of a society that those who are engaged in some course of conduct will not involve others in unreasonable risks:
- (e) assumption in men of society that those who maintain things likely to escape or cause damages will act with restraint and take care to keep those within proper bounds:
- (f) right of the men to secure employment.
- (g) imposition of the burden of compensation for necessary human wear and tear, engaged or employed in enterprises of an industrialised society.
- (h) misfortune of individuals are to be borne by the society as a whole.

Dr. Pound's view is based on the belief that individual wills in social groupings produce more friction. Therefore, he insists that social wants must be satisfied.

Social Justice involves intergrated approach & synthetical outlook. We start from the individual power and duty of building a scheme of organised life by individual effort and building it for the purpose of individual betterment. The effort must be concerted and the betterment must be shared. Economics cannot dictate to us what our scheme of organisation should be and should do; on the contrary our scheme of organisation should dictate to economics (if there is to be any dictation and so far as dictation is possible), what economics should be and do.

### **The Indian Problem and its Ecology**

Having tapped all the known sources of justice for material necessary to build an edifice of Social Justice, we may now turn our attention to the limits placed by our Constitution. We are committed to a Constitution, which is written and one which unlike the British constitution does not believe in the supremacy of Parliament and makes things rigid by ensuring the theory of separation of powers. Along with Justice, Social political and economic, it also guarantees liberty, equality and fraternity to all people. We have consequently, to devise a scheme of social justice which is capable of harmonising these seemingly antagonistic concepts.

### **Liberty**

The foremost aim of our constitution is liberty, which is a very complex notion. At one time it unites men in its

allegiance, at another it divides them. Every political party claims to be a party of liberty. In its practice, law and justice have to face the most difficult task not only of reconciling the liberty of one man with that of others, but also of reconciling different liberties, or forms of liberty, with one another. It has also the task of conciliating liberty in general, in all its forms, with equality and also in addition, the task of conciliating both liberty and equality with fraternity. Justice thus assumes the form of synthesis and the balance, holding together all the three and holding them all in an equilibrium.

## Equality

The second aim of the constitution is to ensure equality to all our citizens. When we think of equality two notions simultaneously enter our minds- one that equality of legal capacity and another of social equality. It is beyond question that there is much to be done in matters of status, income and property before legal equality becomes a fact then economic equality has a powerful argument to meet. A society of economic equality is static and immobile and denies diversity and dynamic process of movement which are necessary conditions of the best society in which each can be at his best.

In terms of our constitution equality cannot remain aloof. It has to match with liberty and fraternity. It has to be harmonised with both, more particularly with the principle of liberty. Thus, equality of opportunity becomes imperative ultimately leading to the liberation of capacity- Economic ideal, hence is essentially an ideal of liberation. Before the battle of liberty can be won- the major and ultimate aim is the liberation of all into the service of free partnership, where all

have a voice in determining the rule of work and remuneration, and all enjoy the common liberty of helping to frame the common law under which all work and service.

### **Fraternity**

The last of these is fraternity. It is not *pari materia* with liberty and equality. It is a fact of feeling and springs from the sentiments of fraternity or cooperation. As Aristotle taught us in the ethics and politics and as all experience testifies, personal development requires equipment. In providing an individual equipment, we need in addition, a common equipment in which all can draw, and which must, therefore, provide by common and cooperative effort. It is here that the principle of cooperation and fraternity asserts itself, demanding the common equipment and dictating their common purpose.

Justice, as now is evident becomes a synonym for synthesis. And at this stage it becomes Social Justice. Its function is of joining or fitting together not only of persons or their rights but also of principles. It joins and knits together the claims of the principle of liberty with those of the principle of equality and both with those of the principle of fraternity. As Prof. Barker points out, "equality may quarrel with liberty for the application, be pushed to the length of what is called a classless society with absolute equality of possessions, it is at once brought into conflict with the liberty of each to try himself out in the effort of acquiring for himself some individual "equipment". Similarly, the principle of liberty may quarrel with that of cooperation; on the one hand man may stand on the claims of their liberty (whether the civil liberty of the ordinary individual or the economic liberty of the worker) to the detriment of the claims of cooperation to the

length of demanding the common provision and common possession of the whole equipment of life. But not only may these conflicts be between one another; there may also be internal conflicts inside the area of a single principle.

### **Social Justice : Defined**

There must, therefore, be a final principle of Social Justice, transcending that of liberty, equality and cooperation (fraternity), a principle which can balance each of these principles against one another, different and probably divergent mode of interpretations that may be present in the same area of a single principle. This balancing and reconciling in turn implies some final and ultimate object, to act as a guiding star, in the light of which and by reference to which a balance has to be struck and reconciliation achieved. Since Indian Parliament has set democratic socialism as its goal, here therefore a scholar of Indian Jurisprudence has little choice. Social Justice, in India, therefore, would mean an order of persons and an order of the principles regulating the determination of right to persons, which is measured and determined by the Parliament's concept of democratic Socialism which has still to become public. This is my view and my definition of the term. If I am not taking pains to show why definition cited above are inadequate, it is only because I do not want to tax any further the patience of my readers. It is also because the sequence of the logic I have adopted, unfailingly leads one to the conclusions I have reached.

### **Bhubaneshwar Resolution - A Confusion**

Concluding I cannot refrain from saying that the authors of Bhubaneshwar resolution of the Indian National

Congress are guilty of confusion, when they talk of Social Justice as a key to democratic socialism or when they say congress ideology of democratic socialism is based on democracy, dignity of human individual and social justice. In the first place the analogy of "Key" is very misleading to a common man. It may seem that social justice is the progenitor of socialism, which is certainly not. It is a process and a method intended to achieve Socialism. In this view, Socialism becomes the master and Social Justice is discreet, informed and enlightened executive. In the second place, Social Justice cannot be the basis of democratic Socialism. It has to be the other way round. Because of the very nature of Social Justice, Socialism shall have to be the basis of Social Justice. If this warning is not heeded, administration of Social Justice shall fail in India, as it has failed in some of the Asian countries. When it so happens, it will be a day of great disappointment for the country. At the end, here, it seems pertinent to observe that although adjudication by courts and Tribunals can be attempted as media of disbursing Social Justice, but the most suitable forums shall be tripartite, bodies of the kind of wages board or Bonus Commission. This is my opinion, which has been doubly enforced by the decision of Supreme Court, when in the ACC's case it suggested the setting up of a Bonus Commission and in the case of Behari Sugar Mills, recommended the issue of Retaining allowance to be committed to a wage Board, in the belief, that such bodies can do more Justice to the disputes involved in them from the point of Social Justice than a court with highly surcharged atmosphere of legal etiquette and formalities.

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## Appendix A

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## **Extracts from speeches of Pt. Jawahar Lal Nehru:**

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### **(i) Speech while moving the Objectives Resolution in the Constituent Assembly, New Delhi, December 13, 1946**

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We stand for democracy. It will be for this House to determine what shape to give to that democracy, the fullest democracy, I hope. The House will notice that although in this Resolution we have not used the word 'democratic', because we thought it obvious that the word 'republic' contains the meaning of that word and we did not want to use unnecessary words and redundant words, we have done something much more than using the word. We have given the content of democracy in this Resolution and not only the content of democracy but the content, if I may say so, of economic democracy. Others might take objection to this Resolution on the ground that we have not said that it should be a Socialist State. Well, I stand for socialism and, I hope, India will stand for socialism and that India will go towards the constitution of a Socialist State and I do believe that the whole world will have to go that way. What form of socialism it should be, again, is another matter for your consideration. But the main thing is that in such a Resolution, if in accordance with my own desire, I had put



in that we wanted a Socialist State, we would have put in something which might be agreeable to many and might not be agreeable to some and we wanted this Resolution not to be controversial in regard to such matters. Therefore, we have laid down not theoretical words and formulas but rather the content of the thing we desire.

## **(ii) Reply to debate on the Objectives Resolution in the Constituent Assembly, January 22, 1947**

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Today in this Assembly we represent a mighty cause and this Resolution that I have placed before you gives some semblance of that cause. We shall pass this Resolution, and I hope that this Resolution will lead us to a Constitution on the lines suggested by this Resolution. I trust that the Constitution itself will lead us to the real freedom that we have clamoured for and that real freedom in turn will bring food to our starving people, clothing for them, housing for them and all manner of opportunities for progress; that it will lead also to the freedom of the other countries of Asia, because in a sense, however unworthy we may be, we have become - let us recognize it - the leaders of the freedom movement of Asia, and whatever we do, we should think of ourselves in these larger terms. When some petty matter divides us and we have difficulties and conflicts amongst ourselves over these small matters, let us remember not only this Resolution, but this great responsibility that we shoulder, the responsibility of the freedom of 400 million people of India, the responsibility of the leadership of a large part of Asia, the responsibility of being some kind of guide

to vast numbers of people all over the world. It is a tremendous responsibility. If we remember it, perhaps we may not bicker so much over this seat or that post, over some small gain for this group or that. The one thing that should be obvious to all of us is that there is no group in India, no party, no religious community, which can prosper if India does not prosper. If India goes down, we go down, all of us, whether we have a few seats more or less, whether we get a slight advantage or we do not. But if it is well with India, if India lives as vital, free country, then it is well with all of us to whatever community or religion we may belong.

### **(iii) Speech In The Constituent Assembly August 14, 1947.**

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Long years ago we made a tryst with destiny, and now the time comes when we shall redeem our pledge, not wholly or in full measure, but very substantially. At the stroke of the midnight hour, when the world sleeps, India will awake to life and freedom. A moment comes, which comes but rarely in history, when we step out from the old to the new, when an age ends, and when the soul of a nation, long suppressed, finds utterance. It is fitting that at this solemn moment we take the pledge of dedication to the service of India and her people and to the still larger cause of humanity.

At the dawn of history India started on her unending quest, and trackless centuries are filled with her striving and the grandeur of her success and her failures. Through good and ill fortune alike she has never lost sight of that quest or forgotten the ideals which gave her strength. We end today a period of ill fortune and India discovers herself again. The

achievement we celebrate today is but a step, an opening of opportunity, to the greater triumphs and achievements that await us. Are we brave enough and wise enough to grasp this opportunity and accept the challenge of the future?

Freedom and power bring responsibility. The responsibility rests upon this assembly, a sovereign body representing the sovereign people of India. Before the birth of freedom we have endured all the pains of labour and our hearts are heavy with the memory of this sorrow. Some of those pains continue even now. Nevertheless, the past is over and it is the future that beckons to us now.

That future is not one of ease or resting but of incessant striving so that we may fulfil the pledges we have so often taken and the one we shall take today. The service of India means the service of the millions who suffer. It means the ending of poverty and ignorance and disease and inequality of opportunity. The ambition of the greatest man of our generation has been to wipe every tear from every eye. That may be beyond us, but as long as there are tears and suffering, so long our work will not be over.

And so we have to labour and to work, and work hard, to give reality to our dreams. Those dreams are for India, but they are also for the world, for all the nations and peoples are too closely knit together today for any one of them to imagine that it can live apart. Peace has been said to be indivisible; so is freedom, so is prosperity now, and so also is disaster in this one world that can no longer be split into isolated fragments.

To the people of India, whose representatives we are, we make an appeal to join us with faith and confidence in this

great adventure. This is no time for petty and destructive criticism, no time for ill will or blaming others. We have to build the noble mansion of free India where all her children may dwell.

#### **(iv) Speech in The Lok Sabha February 3, 1950**

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There has been, there often is, a kind of argument against capital, against labour, and much is said about what the capitalists do or do not do. I should like this House to consider this question apart from the personal equation that capitalists are good and capitalists are bad. As a matter of fact, the state of India is such today that capitalism is very immature here; it has not developed as in the other countries of the world. But the point is that our capitalists are the product of our history, of our economic system and the rest of it. They are not to blame. You change your system, if you like, gradually or rapidly. It is no good blaming them. But I will say this, that our capitalists, good and bad-and many of them I have no doubt are very patriotic-do lack what I call a social outlook. And if I may extend that, it is not the capitalists only but the non-capitalists also lack the social outlook. We talk a great deal about doing good to the masses. When I say 'we', I am not referring so much to the honourable members in this House but to the people in the country. And yet I would beg to say that we have not as a whole developed that social outlook yet which, if I may say so, is a common factor of communism, socialism and even capitalism in advanced countries. Without that basic thing, we talk of bringing about changes at the top by sudden laws. Well, let us have the laws, by all means, which will help, but ultimately, laws are the product of a nation's thought, a

nation's customs, activities and progress. All the laws in the world cannot make the people honest. You have got the Criminal Code, and yet you talk of corruption - and rightly too. It is not the lack of law that leads to corruption but something else. It is not the lack of law that possibly leads to that lack of social outlook and social sense in many of us, but something else which we have to develop. We have to consider our economic policies carefully and more from the point of view of which economic policy helps in the development of social outlook, and which helps in the hindrance of the anti-social outlook. That, I think, is the test. You cannot change millions of people suddenly. It cannot be done, however rapidly you may progress. You may, if you like, destroy what you have got and have a clean slate. Sometimes, that has to be done. But the process of destruction leads to utmost misery for long periods of time, may be generations. It is not worth while, unless it is forced down upon you. Therefore, you want to make progress without destruction, except destroying something that is bad.

So we have this vast problem before our country-the problem of raising 340 or 350 million people; raising them economically certainly, raising them educationally and raising them in so many unconscious ways, thus developing a new outlook amongst them. It is all integrated together. It is not merely an economic problem. It is not merely a political problem. It is a social problem and it affects our life in a hundred ways.

### **(v) Speech at a public meeting, Bangalore, February 6, 1962.**

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Democracy normally means political democracy, giving each person a vote. The right of voting is good and useful but it is precious little good if it is accompanied by hunger and starvation.

Therefore, the proper way is to have full democracy in the sense of not only political democracy but economic democracy. It should give an opportunity to large numbers of people to profit by the democratic method and to have more or less equal chances to progress. Political democracy should inevitably lead up to economic democracy. Even in countries which are supposed to be highly capitalistic the tendency to economic democracy is obvious. The tendency, in other words, is towards some form of socialism. In Europe there are many countries which are socialistic. The Scandinavian countries, possibly the most advanced countries of Europe, have socialist democracy.

In India after attaining Swaraj we drew up a policy for future progress. The policy was governed by certain resolutions passed by the Congress earlier and by the general outlook in the country in favour of certain reforms. The outlook was socialistically inclined. Among other things, for example, it attached importance to agrarian reforms. Any mass party in India must necessarily attach importance to agrarian reforms because the mass of people are rural. Therefore, the first thing which we did was to put an end to the *zamindari, talukdari and jagirdari* systems which were relics of feudal times in India. We had earlier put an end to the big princely states. We put an end to the whole feudal

system. We did it quietly and without much trouble. Then we discussed for a long time what agrarian reforms should be introduced and drew up certain principles on which the reforms should be based all over India.

We came to the conclusion that while agrarian reforms were very important, what India required was an industrial revolution. In Europe, science and technology helped the Industrial Revolution and the production of wealth. It is clear that without modernizing our methods of production we cannot produce enough to get rid of our poverty. Poverty has ceased to be inevitable now, because of science. Science can be used for destructive purposes; the same power can change the world for the better. It can change India. There is no other way than to modernize India in methods of production. We have to absorb the spirit of science in India.

We have applied the methods of science to our planning. There are bits of socialism in the First Plan, more of it in the Second Plan, and still more in the Third Plan. Essentially it is not socialism but scientific planning in order to lay the base for greater progress in future. Scientific planning enables us to increase our production, and socialism comes in when we plan to distribute production evenly. We do not want the profits of greater production in India to go into a few pockets. People, no doubt, are not equal in ability, in strength and in the capacity to work, but everyone should be given an equal chance to work and go ahead faster. In any case, there is no justification for the great disparities of income as have existed in India to continue. Broadly our objective is to establish a welfare state with a socialist pattern of society, with no great disparities of income and offering an equal opportunity to all.

In Western countries full-blooded democracy with adult suffrage came to the people very late, in the twentieth century. They had in the meantime profited by the Industrial Revolution. They got the resources before they gained a full-blooded democracy so that when the demands came for better living conditions they had the resources to fulfil them. In India we have full-blooded democracy, but not the resources. The only way to fulfil people's demands is to develop the resources as rapidly as possible. Practical considerations, as well as other considerations, drive us to the conclusion that we have to advance rapidly and we can do that only in a planned way. I think that India will advance along the particular path of democracy with a large measure of socialism - not doctrinaire socialism but practical, pragmatic socialism - which will fit in with the thinking of India and with the demands of India.



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## Appendix B

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## Excerpts from "The Political Philosophy of Nehru" by M. N. Das

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### (1) Nehru's Essence of Democracy

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As Independent India began to follow the path of democracy, the desire to depend upon the people grew greater in Nehru's mind. The progress of a country is a complex phenomenon. Opinions are many, and ideas are diverse. How should democracy operate where differences exist? His reply is :

'One has to find an equilibrium among the various forces at work. In finding this equilibrium in a democratic country, one has to take the vast masses of the people into confidence. One has to produce a sensation in them that they are partners in the vast undertaking of running a nation, partners in government, partners in industry, That is the essence of democracy'. (p.98).

### (ii) Nehru on Meaning of Democracy'

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'I would say that democracy is not only political, not only economic, but something of the mind, as everything is ultimately something of the mind. It involves equality of opportunity to all people, as far as possible, in the political and economic domain. It involves the freedom of the

individual to grow and to make the best of his capacities and ability. It involves a certain tolerance of others and even of others' opinions when they differ from yours. It involves a certain contemplative tendency and a certain inquisitive search for truth and for, let us say, the right thing. (p. 101)

### **(iii) Nehru's Idea of the Fullest Democracy**

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Political liberty, equality, and progress through peaceful methods- they form Nehru's basic democratic ideals. These ideals are in no way new, but Nehru pleads for their unrestricted growth. He wants to have what he terms 'the fullest democracy' since the days are gone when restricted democracy seemed desirable or practicable. The nineteenth century conception that each person should have a vote was good enough for those days, but it was incomplete, and so 'people think in terms of a larger and deeper democracy today'. After all, there is no equality between the pauper who has a vote and the millionaire who has a vote. 'There are a hundred ways of exercising influence for the millionaire which the pauper has not got.' Similarly, there is not equality between the person who has tremendous educational advantages and the person who has none at all. People will, he thinks, differ to some extent. All human beings are not equal in the sense of ability or capacity. But his whole point is that people should have equality of opportunity and that they should be able to go as far as they can go. (p.108).

### **(iv) Nehru's Economic Democracy**

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Democracy has been regarded as a means towards an end. What is this end to Nehru? 'I do not know if everybody will agree with me,' he says, 'but I would say the end is the good life for the individual. What form it should take can be argued about, but the good life certainly must imply a certain satisfaction of the essential economic needs, which will release him from continuous oppression, and which will give him a chance to develop his creative faculties. (p.177).

### **(v) Nehru and Socialism**

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Through years of thought Nehru evolved his own ideas about socialism; and as he worked on, he wanted to give them a practical shape. Regarding the basis of his philosophy it may be said that he developed a deep faith in the ultimate success of socialism as the panacea of human ills. He saw no way of ending the poverty, the chronic unemployment, the degradation and the subjection of the people except through socialism. He declared in 1936:

'I am convinced that the only key to the solution of the world's problems and of India's problems lies in socialism, and when I use this word I do so not in a vague humanitarian way but in the scientific, economic sense. Socialism is, however, something even more than an economic doctrine; it is a philosophy of life and as such also it appeals to me.'

Nehru saw through socialism the possibilities of vast and revolutionary changes in the political and social structure, the ending of vested interests in land and industry, as well as of the feudal and autocratic Indian States system. He also saw through socialism the ending of private property,

and therefore it must go. Whether poverty arises out of exploitation or otherwise, irrespective of the cause of its origin, its very existence must be challenged. In his ideas it is clearly noticed that he regards the removal of poverty as the prime objective of the socialist. Many a socialist might agree that since inequality is the root cause of poverty, removal of the former would bring about socialism. Nehru wants to fight inequality so far as it breeds poverty, but his greater emphasis is on the latter. His views tend to suggest at times that he would rather prefer inequality without poverty to equality with poverty. When he thinks of the equalization of wealth, mainly he means by it the equalization of plenty. As he explains:

'Socialism or communism might help you to divide your existing wealth, if you like, but in India, there is no existing wealth for you to divide: there is only poverty to divide. It is not a question of distributing the wealth of the few rich men here and there. That is not going to make any difference in our national income. We might adopt that course for the psychological good that might come out of it. But from the practical point of view, there is not much to divide in India because we are a poor country. We must produce wealth, and then divide it equitably.... Our economic policy must therefore aim at plenty. Until very recently economic policies have often been based on scarcity. But the economics of scarcity has no meaning in the world of today' (p.145).

### **(viii) Nehru on 'Socialist Pattern of Society'**

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'We mean a society in which there is equality of opportunity and the possibility for everyone to live a good

life. Obviously, this cannot be attained unless we produce the wherewithal to have the standards that a good life implies. We have, therefore, to lay great stress on equality, on the removal of disparities, and it has to be remembered always that socialism is not the spreading out of poverty. The essential thing is that there must be wealth and production.'

'I look upon it (socialism) as a growing, dynamic conception, as something which is not rigid, as something which must fit in with changing conditions of human life and activity in every country.' (p.165)