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THE ROLE OF THE INDIAN CONSTITUTION ON SOCIAL JUSTICE FOR THE DIFFERENTLY CHALLENGED PERSONS

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Abstract

The Indian Constitution, as a reminder of written testament to the vision and foresight of its founding father has stood the test of time and guiding the Differently challenged persons through the Social Justice, complexities of governance, social change. The foundational document, drafted in precision and emotion, brings together the diverse sources of threads of India's culture, linguistic and regional heritage, enshrining differently challenged person's democratic values, social justice as its foundation stone. Over the past decade Indian Constitution has witnessed significant and advancement of several important of differently challenged legal reforms and fortifying the principles of social justice, equality and empowerment like RPwD Act-2016. When we think of India's Constitution journey, we are reminded that the true test of Democracy lies in its ability to adapt, evolve and respond to the aspirations of differently challenged persons. The fundamental rights of the Indian constitution were intended to establish a framework through which all citizens could enjoy equal freedoms. One of the main objectives of the Constitution is the ability of the state to establish the preconditions for a social justice. Universal and lasting peace for differently challenged persons can be achieved only if social justice is established in society.

Keywords: *Social Justice, Constitution Provisions, Strengthening Social justice, Safeguarding Rights, Challenges and way Forwards.*

Introduction

Today, the most important issue in the India is social justice. If we look around, we are seeing that the discussion is about social justice. Social justice is a matter where there is no social or economic discrimination and a society is formed on the basis of equality and justice. Here all people will enjoy complete freedom and overall security. Society will be governed by a spirit of service not by personal interests. Therefore, social justice will be based on collective needs rather than class interests. The Constitution of India was formed in close proximity to the ever-liberal world nature. Throughout the ages individuals have searched for the life-giving mantra in the hope of social justice, sometimes within themselves and sometimes within their communities. Society is made up of a collection of individuals. If social justice prevails in society all individuals will development from it. Differently Challenged persons are not outside of society. The Indian Constitution has shown us that the differently challenged are an integral and essential part of society and the country. The task of society or the state is to make each individual realize his or her own unique characteristics through the balanced development of social justice. Every life has value regardless of time, place or gender. If every develops a sense

of Social Justice then perhaps real social transformation will occur. The ability of the state to establish a justice-based society is one of the main objectives of the Indian Constitution.

Objectives and Methodology

The present study is descriptive and explanatory as it is awareness for social justice among the differently challenged persons. Differently challenged people's participation and inclusion of the society thus making citizens active partners on the social rights and social activities where India stands connected globally and also contributes to global endeavours. The role of the Government's, in social justice are very widening and dynamic. The major objectives which are going to elaborate throughout this paper –

- To explain and observe the opportunities on social justice for differently challenged person in social-economic development.
- To explain Constitution Provisions for the differently challenged on social justice.
- To explain Strengthening Social justice and Safeguarding Rights for the differently challenged persons.
- To adopt universal design for barrier free and inclusive environment.
- Suggestions and recommendation how to encourage and support different challenged person in social development process.

On the basis of present social perspectives this study Observe the differently challenged persons in social justice issues with the help of secondary data sources like Book, Articles, Journal, Government Policies, Government Acts, News Paper etc.

Review of Literature

The main purpose is to the review of literature published by according who tried to study the on social justice for the differently challenged persons.

Rawls, John. (1971) explained his book entitled “A theory of Justice” that seeks to establish principles of social justice within a liberal society.

Nussbaum.C. Martha. (1999). “Sex & Social Justice” human beings have a dignity that deserves respect from laws and social institutions. Human dignity is frequently violated on grounds of sex or sexuality and focussing number of transactions and endeavours that constitute ordinary civil life a free society.

Baxi. Upendra. (2008) explained his book “Preliminary Notes on Transformative Constitutionalism” that the core goal is dismantling power structures and achieving substantive justice and addressing deep-seated inequalities through judicial interpretation and action. Constitutional aspirations for social justice and equality is create a more democratic and egalitarian social order.

Bhargava, Rajeev. (2008) have pointed out in his book entitled “Outline of Political Theory of the Indian Constitution” that in everyday life, justice is seen as an attribute of law. But if we think closely, we shall realize that all law are not always just. Thus, impartiality and fairness are understood to aspects of justice.

Kannabiran, Kalpana. (2012) have discussed his book “Tools of Justice: Non-Discrimination and the Indian Constitution” discrimination and the negation of liberty in this book the constitutionally inarticulate field of disability- based discrimination and a critical look at policy and legislation on disability- based discrimination.

Kumar, Kamal. (2014) had made a study of his book titled “Indian Constitution: The vision of B.R.Ambedkar” IOSR Journal of Humanities and Social Science (IOSR – JHSS), explores how Ambedkar's ideas of social justice, equality for marginalized communities(SCs/STs) shaped the Indian Constitution, focusing on provision for justice, rights and the need for a democratic society.

Khosla, Madhav, (2020). have pointed out on “India’s Founding Moment: The Constitution of a Most Surprising Democracy” discuss about the making of modern India marked such as remarkable moment in the history of modern constitutionalism-to uncovered its singularity is to consider how ideas about democracy.

Social Justice

The English word “Justice” comes from the Latin word “Justus” and “Justitia”. The word “Justus” means “Joining” or “Fitting” or “Tying together”. Although, there is no information available about the first use of the term “social Justice” it was first used in early 1800s in Europe. Many believe that the Jesuit Priest Luigi Taparelli was traditionally introduced by social justice in the 1840s. Justice is a moral concept. Justice is the opposite that is wrong, unjust and inconsistently. This idea contains idealism and purity. Justice is a symbol of ultimate truth, purity and perfection. Justice means the continuous and spontaneous recognition of each other’s social dignity and rights. Justice has two functions one is works to connect individual to individual and other hand connecting policy with policy. The connect people with people with an organized system and values with values within a value system this is called Justice. According to the Institutes of Justinian Justice is a subjective feeling and a consequent will for the general right and fitting order. There are three rules of engagement in this fitting order. These are firstly living up to one’s position, secondly not injuring the position of another, thirdly actually and positively respecting another’s position and rights. So, it can be said that justice is a social reality not an abstract conception.

Constitution Provisions

Today, differently challenged persons are the largest minority group in the world. They are victims of neglect and deprivation. Currently Different countries have extended a helping hand to the differently challenged bodied in various ways. Various initiatives are underway in various fields, from financial assistance to protecting their social justice and human rights. After independence the Indian Constitution assumed this responsibility. Various schemes and programs have been undertaken for social justice and welfare of the differently challenged persons. The Indian Constitution are Protects Social Justice of differently challenged persons that ensure equality and prohibition discrimination of justice in society such as Articles 14 (equality), 15(non- discrimination), 17(abolition of untouchability), and 21(right to life and liberty). The disability must be originally listed in the ‘State List’. The Seventh Shedule of the Indian Constitution is in the state list have relief for differently challenged and those who are not active in the work place. The Clause no- 26of schedule eleventh of the Constitution Talks about the social welfare and development of the differently challenged persons and also mentally retarded persons. Again, Clause no-9 of the twelfth schedule of the Constitution states that the interests of the differently challenged and mentally challenged who are a vulnerable pare of society, must be protected. Article 41 (DPSP), The Indian Constitution make effective provision for the right to work, education, and public assistance for the differently challenged. Rights of persons with disabilities Act 2016 (RPWD) is a key legislation builds on constitutional principles, focusing on non-discrimination, equal opportunities, accessibility and legal capacity for the differently challenged.

Strengthening Social justice

The Indian Constitution has several important strengthening to empower differently challenged persons in the field of social justice. There are discussed below-

- **We the People:** This line from the Preamble to the Indian Constitution reflects the concept of justice for the differently challenged persons. The Preamble creates a new

identity through we the people who provide equal opportunities and dignity to the differently challenged persons. Physically challenged persons are not individuals outside the community of humanity. They are one of the entire Human Race. And like five capable people, they gain the ability to manage their social lives.

- **Rights to Equality:** Equality means providing equal opportunities and facilities to the rich-poor, man-women, the caste, religion. The Constitution of India has gone beyond the traditional equality and recognized the real equality. Recognizing real equality greatly advances the interests of differently challenged persons. The state will not discriminate against any citizen on the basis of religion, caste, ethnicity, gender, place of birth and any differently able etc [Article-15].
- **Abolition of Untouchability:** The Untouchability Act was banned in the Indian Constitution in 1955. If an Indian is deprived of privileges or disrespected because he is untouchable, it is punished [Article-17]. This law has ended the long-standing stigma against differently challenged persons and broken ties with the past.
- **Directive Principles of State Policy:** The directive Principles of state Policy provide a more concise definition of social justice. The aim behind these ideas was to free the differently challenged of India from social, natural constraints [Article-36-51].
- **Universal Adult Franchise:** Article 326 of the Indian Constitution provides for adult suffrage. When all adult citizens of a country, regardless of race, religion or caste can vote and elect representatives, it is called universal adult suffrage. Universal Adult Suffrage based on the principle of one person, one vote, one value in a class-divided society. According to this principle, people cannot be deprived of the right to vote for any reason other than age. We are not talking about disability here.

Safeguarding Rights

The Indian Constitution talks about Justice “JUSTICE, social, economic and political”. The proposal has greatly strengthened the protection of rights and justice for differently challenged persons. The preamble basically mentions three justices-

- **Social justice:** Social justice does not mean equality under the law or equal protection under the law or the independence of the judiciary. Everything from protecting the interests of the differently challenged persons to elimination their poverty, illiteracy, unemployment, and favouritism is called social justice.
- **Economic Justice:** Justice not only does it discuss the principles of liberty the equality and fraternity but it also discusses economic issues. The India Constitution’s Preamble aims to eliminate economic inequality, align the principle of equality with the principles of justice and promote the advancement of the differently challenged.
- **Political Justice:** Political Justice refers to the protection of certain important political rights granted to every citizen by a state, regardless of race religion, gender, wealth etc. With their help, they can fully develop their personality and make important contributions to political life. The concept of political justice is deeply related to the concepts of political rights and political equality. According to the concept of political justice the people are the source and locus of political power. Therefore, the government has to be responsible to the people. The differently challenged live among the people.

Challenges and way Forwards

I believe that there is no other option but social justice for differently challenged to improve their quality of life. Social justice requires continuous effort. Social justice can be implemented on at four levels-

- **Individual level:** At this level the individual can actively participate in their own lives while maintaining self-respect.
- **Family level:** The family concerned receives proper guidance and support in social rehabilitation of differently challenged persons.
- **Social policies level:** Social policies levels must ensure that promote social justice at the local and national levels on social justice empowerment of differently challenged persons.
- **Social level:** There is a need to create awareness at the social level about the social justice. There is a Constitution and there are Laws. The RPwD Act-2016 was passed about ten years ago. Social justice is no longer achieved through law. We also need to change our way of seeing. The biggest problem in society is the creation of a society with regard to social justice for the differently challenged persons. If social justice for the differently challenged persons only happens in the government sector, there suffering will never be understood. I want the community around differently challenged persons to show compassion and sincerity in addition to their compassionate mentality. Let the work of getting this exposure begin in society now. The beginning of the works is extending the hand of social justice. No mercy, no pity, the differently challenged should be seen with their social status. So, let's make a concerted effort to implement government laws and start creating a suitable environment for differently challenged persons to live with their social justice.

Conclusion

Disability is an unfortunate part of human life. It affects not only the natural way of living but also despairs component strength democracy power. The government must enforce and oblige the constitutional norms. The Constitution must protect social justice provide opportunities equally to differently challenged persons. The government also needs to launch more project or schemes for the differently changed persons. The special cares are to be given to Divyang child and Divyang women. The Indian Constitution should protect of social justice and against abuse the social justice in society. An environment which is more welcoming for social justice of differently challenged persons must be established. As a result, society will be for everyone. If we miss this opportunity to build a society based on social justice, India which aspires to lead the world it will be a huge disappointment for India. The road is not smooth. The times are also unfavourable but our responsibility to differently challenged is immense. Through firm resolve and national unity, we will overcome all obstacles for our differently challenged brother and sister on social justice. The Philosopher, Logician and Nobel Laureate 'Bertrand Russell' said – "Genuine culture consists in being a citizen of the universe".

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