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Contents

S. No.	Title	Author(s)	Pages
1	Richard Hartshorne: A Biographical Sketch and Academic Pathways	Mumtaz Khan	1 - 29
2	Relevance of Space Imagination in Geography	Niladri Ranjan Dash	30-35
3	Social Justice through Quota in India	K. C. Ramotra	36-56
4	Cultural Studies: A Brief Note on the Emergence of a New Discipline	Atia Rabbi Nizami	57-64
5	An Empirical Analysis of Digital Marketing and Consumer Behaviour	Sonalika Beohar and Gyan Prakash	65-77
6	Impact of Self Help Groups (SHGs) in an Urban Milieu –A Case Study	Gayatri Sahoo and Pritirekha Das Pattanayak	78-97
7	Viral Marketing Communication: Word of Mouth to Word of Mouse	Meenu Kumar, Shakti Prakash and Akanksha Raman Khare	98-107
8	Role of NGOs in Swachh Bharat Mission (Gramin) in Madhya Pradesh	Akanksha Singhi and Akshant Nagar	108-114
9	The Influence of Social Media on the Voters Perception : An Empirical Study	Shakti Prakash and Apurva Srivastava	115-128
10	The Untold Story of Fishermen in the Mondermoni Coast, West Bengal	Kathakali Bandopadhyay and Sudhir Malakar	129-137

From the Desk of Chief Editor...

*It is a matter of proud privilege for me to place before the Indian academia the 8th volume of **Research Fronts (2018)**, one of the most regular journals in our country. Over the years, scholars from various universities have been highly appreciative of our attempt, to not only regularly publish and but also improve the quality of a research journal, being brought out from a mufassil college in a backward region. Contextually, it needs emphasis that I have succeeded in my endeavors, to a large extent, because of my **alma mater, The Jawaharlal Nehru University, New Delhi**. Despite shockwaves created by vested interests, the university is internationally recognized for scientific vision, academic freedom, interdisciplinary research and high quality of knowledge production. The **peer group** formed during my formative years in **CSRD/SSS/JNU**, are now noted academicians in various universities of our country. Whenever I requested for quality research papers for our journal, they never disappointed me. However, this 8th volume was hurriedly planned and executed, hardly within three months. Consequently, I could get response only from my JNU fraternity as well as from Indore University.*

*I, therefore, take an opportunity to highlight some of the salient features of the papers including areal coverage of the contributing universities as well as the disciplines. **One**, this volume contains **10 articles** from multiple disciplines of **Geography, Economics and Business Administration**. **Two**, the very first article, **Richard Hartshorne: A Biographical Sketch and Academic Pathways** is an outstanding piece of work, from the stature of a world class geographer that may encourage others to follow. Article on **Cultural Studies** will acquaint the readers with the emergence of a new discipline in the western world. Space and place may be considered as the **raison d'être** of geography. In this context, paper on **Space Imagination** interrogates the philosophy in a very simple language. Similarly, paper on **Social Justice through Quota in India**, conceptually rooted in the philosophies of social welfare provides some newer insights about it. Similarly, **all other papers** rooted in local/regional issues are also immersed in scientific rigour, employing appropriate methodologies and have their own great value.*

Three, it is a national level publication in terms of its geographical coverage of articles received from *North India* (3), *East India* (2), *West India* (2) and *Central India* (3). *Four*, the institutions involved are *Jamia Millia Islamia*, New Delhi, *ITS Engineering College*, Greater Noida, *The Maharaja Sayajirao University of Baroda*, Vadodara, *Shivaji University*, Kolhapur, *Devi Ahilya Viswavidyalaya*, Indore, *Calcutta University*, Kolkata, and *Ravenshaw University*, Cuttack. The overall improvement in the quality of research production and geographical coverage of articles in this volume ostensibly reflect that the journal has come out of its stage of infancy, and can rightly claim its national status.

I am highly thankful to all the contributors who have sent their scholarly works for publication as well as promptly revising them according to reviewer's comments. I am extremely obliged to my friends, Shri Mumtaz Khan (New Delhi) and Prof. Gyan Prakash (Indore), for their kind help and consistent encouragement, over the years, for improving the quality of publication besides reviewing the papers and suggesting the required changes.

I am extremely thankful to our Principal Dr. R. N. Singh for his patronage, inspiration and encouragement in this noble effort. I highly appreciate the academic and moral support of my enthusiastic colleagues, Dr. Shailendra Singh and Dr. Sanjay Thiske, the editor and associate editor respectively. I extend my special thanks to Dr. Pramod Kumar Mahish and Shri Raju Khunttey, both assistant editors, for extending their technical know-how in setting, formatting and converting the word files into pdf ones, so that we may be saved from the blunders of unprofessional printers of this small town. However, as Chief Editor of the Journal, for any lacunae, the sole responsibility lies in me. Moreover, suggestions for improvement in the quality of the journal would be highly appreciated.

Krishna Nandan Prasad

Social Justice through Quota in India

K. C. Ramotra*

Abstract

Social justice is very much concerned with ensuring liberty, providing equality, and maintaining individual rights for every human being in a region or country. It is nothing but a justice in terms of distribution of basic resources, wealth, opportunities and privileges in a society. In any society wherein a principle of distributive justice has been agreed and thereafter, it is principally implemented so that no one is discriminated, that forms a fair society. The universal and lasting peace can be established only if it is based on social justice. Fairness is found in a society wherein the resources are equitably distributed and rectification is being done where is inequitable. Thus, the aim of social justice is to remove all kinds of inequalities based upon region, caste, race, sex, power, position and wealth, and to bring about a balance between social rights and social controls. The provision of social justice in India has been done in such a way that no socially and economically backward community is discriminated, in fact, some legal special measures are adopted for improving their living conditions through the representation of their population in having jobs and education in government, and government aided institutions. It is endeavoured here to look into the provision of quota system for all, even other than SC-ST and OBCs, who have remained in power structure control over the resources and their distribution. And how far the justice provision and measures have been implemented and kept intact, various questioned are being raised on all these quotas.

Key Words : Justice, Social justice, merit, equality, equity, proportionate delivery, Spatial distribution, Basic rights and Basic needs.

Introduction

Social Justice is a fascinating concept. Its meaning is taken as there is fair and just relation between the individual and the society. A fair society refers to any society where a principle of distributive justice has been agreed and thereafter it is forced. Justice is considered in terms of distribution of wealth, opportunities, and privileges within a society. It aims to

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assign the rights and duties among individuals and institutions in society in such a way as to ensure people to receive the benefits of living in a system of co-operation. Justice is getting what you deserve, good or bad. Social justice is another term for wealth distribution. Justice is correction for a wrong. Whether it is personal or civil, at its most basic level.

The concept of social justice can be traced through the theology Augustine of Hippo (2016) and Philosophy of Thomas Paine (Fruchtman, Jr.2009), the term 'social justice was used explicitly since 1840s but the expression is much older. A Jesuit priest named Luigi Taparelli is typically credited with coining the term and it became more popular revolutions of 1848 with the work of Antonio Rosmini-Serbati. It has been proved this term has been in use even before the nineteenth century. In the beginning it was a formal concept rather than a material one. Now it stands what is right or wrong. From the early 20th century it was mentioned in the international law and institutions; the preamble to establish the International Labour Organization recalled that "universal and lasting peace" can be established only if it is based on social "justice (Supiot, Alain, 2015). It was done aftermath of the bloodbath of the first World War, in the form solemn declaration in 1919 when it was included in the treaty of **Versailles** and became the integral part of the preamble of the constitution of ILO. President Roosvelt from Jan. 1941, also his famous four freedom speech, established a close link between the achievement of social justice and the defence of democracy (Supiot, 2015).

Different scholars have given their view points and definitions of social justice depending upon the circumstances, location and time. The journey of social justice commences from home to office and finally the court of law. In a family, when head, treats every-one equally, in office doing work honestly and with morality and getting remuneration/ reward accordingly, in the court getting rid of false blames or getting punished a person who has done something wrong and getting satisfaction and relief out of this, justice is being done.

For Plato (1992) justice is nothing but a virtue that establishes rational order, with each part performing its appropriate role and not interfering with the proper functioning of other parts. Aristotle (1991, 1999) say justice consists in what is lawful and fair, with fairness involving equitable distributions and the correction of what is inequitable. For Augustine (1984, 1991), the cardinal virtue of justice requires whatever is due should be given to the people; for Aquinas Thomas, (1988), the justice is that rational mean between opposite sorts of injustice, involving proportional distributions and reciprocal transactions. Hobbes Thomas (1994) believed justice is an artificial virtue, necessary for civil society, a function of the voluntary agreements of the social contract. For Kant (1999), it is a virtue whereby we

respect others' freedom, autonomy, and dignity by not interfering with their voluntary actions, so long as those do not violate others' rights. Rawls John (1971) analysed justice in terms of maximum equal liberty regarding basic rights and duties for all members of society, with socioeconomic inequalities requiring moral justification in terms of equal opportunities and beneficial results for all.

Social justice is essential for a peaceful society. There are historical injustices in India in the form of feudalism and caste system. Government plays the important role in ensuring the social justice for the people it represents.

Dr. B. R. Ambedkar says that social justice is concerned with ensuring liberty, providing equality, and maintaining individual rights for every human being in a region or country (Kumar, 2016). Social Justice is nothing but justice in terms of distribution of wealth, opportunities and privileges within a society. Social justice and human rights are different concepts but they are closely linked.

The 1948 Universal declaration of human rights includes economic, social and cultural rights such as Right to Health and Security in the event of unemployment, and education.

In 1966, these rights were brought into the International Covenant of Economic, Social and Cultural Rights (ICESCR). The UK is a signatory to this bill. In 1993, Vienna declared the Poverty Inhibits the social justice. Dr. B. R. Ambedkar says: Social Justice aims at removing all kinds of inequalities and affording equal opportunities to all citizens in social as well as in economic affairs. Thus, the aim of social justice is to remove all kinds of inequalities based upon caste, race, sex, power, position, and wealth and to bring about a balance between social rights and social controls. The relationship between inequality and social justice is not a simple one.

The Minimum Wages Act, 1948

There is an Act to provide for fixing minimum wages in certain employments. This Act has been enacted in order to avoid any discrimination or injustice to the employee.

The payment of minimum rates of wages in respect of any scheduled employment a notification under section 5 is in force, the employer shall pay to every employee engaged in every scheduled employment under him, wages at a rate not less than the minimum rates of wages fixed by such notification for that class of employees in that employment without any

deductions except that may be authorised within such time and subject of such conditions as may be prescribed.

It is further clarified that

- (a) the appropriate government may fix the number of hours of work which shall constitute a normal working day, inclusive of one or more specified intervals;
- (b) provide for a day of rest in every period of seven days which shall be allowed to all employees or to any specified class of employees and for the payment of remuneration in respect of such days of rest;
- (c) provide for payment for work on a day of rest at a rate not less than the overtime rate.

If any employer pays to any employee less than the minimum rates of wages fixed for that class of work or less than the amount due to him under the provision of this Act or contravenes violates any rule or order made under section 13, shall be punishable with imprisonment for a term which may extend to six months or with fine of appropriate amount (Rs. five hundred) or both.

An unequal distribution is not necessarily unjust, whether we refer to Scheduled Castes and other higher castes in India with respect to the distribution of resources, education, occupation, etc or blacks and whites in USA & other European countries.

In this context, the code on wages, 2017 was introduced in Lok Sabha on August 10, 2017. The code seeks to regulate wage and bonus payments in all employments where any industry, trade, business or manufacturing is carried on. It subsumes and replaces the following four laws: (i) The Payment of Wages Act, 1936, (ii) the payment of Wages Act, 1948, (iii) The Payment of Wages Act, 1965, (iv) the Equal Remuneration Act, 1976. In this Act of 2017, the minimum wages set by state governments will not be lower than the national minimum wage set by the central government. In case the existing minimum wages set by the state governments are higher than the national minimum wage, they cannot reduce the minimum wage. All employees will get the bonus, whose wages do not exceed a particular monthly amount to be notified by the central or state governments, will be entitled to a minimum bonus of 8.33% of the annual wage of the employee. It cannot exceed 20% of the annual wage of the employee. It is very clear that all employees (both men and women) in India will get the wages not less the wages fixed by the central government from time to time. It is done so that there should not be any sort of discrimination or violation of rule made by the central government to provide economic justice to the employees in different sectors of

economy. No discrimination is to be made while recruiting men or women workers (Equal Remuneration Act 1976 & Code on Wages 2017).

Principle of Justice

The most fundamental principle of justice which has been widely accepted since it was first defined by Aristotle more than two thousand years ago. Aristotle said that the justice consists of "treating equals equally and unequals unequally" (Smith, 1979). In that he clarifies that individuals should be treated the same, unless they differ in ways that are relevant to the situation in which they are involved. For example Jack and Jill do the same work and there are no relevant differences between them or the work they are doing, then in justice they should be paid the same wages. And if Jack is paid more than Jill simply because he is a man, or because he is white, we have an injustice- a form of discrimination- because race and sex are not relevant to normal work of situations (Velsquez et al 2019, Miller, 1999). If some people are standing in queue to the cinema ticket, the first come first is treated. The person standing first in the queue is given first choice of theatre ticket.

It is further clarified that the person who has contributed more to the work or project, should be paid more than others. Actually justice is individualistic: since deserts (deserve or merit) of individuals differ from one another, so should there rewards and punishment differ from one another. Justice is not a matter of averaging. All these criteria- need, desert, contribution, and effort, then it is considered as justifying differential treatment. But treating people on the basis of caste or race differently, then the distributive benefits among the members of the society is unjust.

The liberal thinkers like T.M. Green and J.S. Mill (1960, 1863,) accepted the positive functions of the state, which give way to the welfare state in the twentieth century. The welfare state is a concept of government in which the state plays a key role in the protection and promotion of the social and economic well-being of its citizens. It is based on the principle of equality of opportunity, equitable distribution of wealth, and public responsibility for those unable to avail themselves of the minimal provisions for a good life. This is done through collection of tax from the wealth people for the poor through which the gap between the haves and haven't can be mitigated.

An opposed to liberalism (free thinking), Marxism is primarily committed to conception of Social Justice. To Marxism economic equality is the basis of social justice. This can only be achieved in a classless society. Its vision of classless society is marked by

common ownership of property guided by the principle " From each according to his ability and to each according to his need" (Smith, 1979).

In recent times, John Rawls (1971) has articulated a conception of social justice within liberal framework. To him,

1. The problem of justice is the right distribution of public good, viz., income, wealth, rights, basis of self respect, etc. their institution.
2. Justice is the first virtue of social institution. If the institutions are just, their control would be just and the justice in the society would prevail.

Distribution refers to educational opportunities, money, income or any other condition contributing to human well-being.

Difference between Equality and Equity

Equality means every person receiving the same treatment irrespective of caste, class, sex, race, religion, region, etc.

Equity means fairness or in the words of oxford dictionary, recourse (course of action) to principles of justice, Which implies that people may be given differential treatment if this is deemed fair or just (proportional distribution).

This is similar to the distinction made by Aristotle 2000 years ago between Arithmetic and Proportional Equality.

Arithmetic Equality means that everyone is treated the same while **Proportional requires** that people receive things in proportion to desert, i.e. equal treatment in the same circumstances, where the circumstances vary and the treatment also varies. Some people in some places may be recognised as more deserving than others. For instance, **SCs and STs in India, Blacks in Africa.**

In some societies, some people get more or less than they desire. This can be redressed as follows:

Progressive Tax Policies

Tax can be collected more from the rich than it does from the poor. this collected tax can be spend in making the necessary provisions for the poor people e.g. on education and some other social services hospitals, etc.

Labour Laws: Provision of fair pay to labourers and maintenance of healthy working environment.

Public Services : Government's responsibility is to ensure its citizens to have access to quality of education & healthcare.

Supporting poor and helpless families, provision of unemployment and disability benefits.

Youth Policy : To make the youths its greatest resource by making provision of education and employment.

Supporting the historically disadvantaged sections of society.

Common to many is the desire to produce a better-ordered society where social ills based on inequality are eliminated.

Main objective is to produce a fairer society which allocates scarce resources on a more equitable basis.

This is of course, not merely a recent goal. The structural shifts in the British economy, for example, produced in the 1920 and 1930s a noticeable imbalance of employment and prosperity between different regions. The imbalance in the distribution of industry, jobs and wealth which was suggested by the Barlow Report on minority recommendations. **The Minority Report (1930s)** stressed that there should be control on industrial location over whole of the United Kingdom. In this example, a fairer society is defined as one in which jobs are directed to where the people live, the main aim is to reduce the regional inequalities (Jones and Eyles, 1977). In India, Scheduled Castes (**SCs**) and Scheduled Tribes (**STs**) who were denied their share in the distribution of resources and educational opportunities are provided reservations in jobs and admissions in the educational institutions in order to raise their status at par with the higher caste people so as to make it a more fair society providing them social justice.

Fairness can be equated with justice and justice with fairness.

The definition again depends on one's value position. We consider that more equitable distribution of resources is both fairer and more socially just.

David Harvey in his book "Social Justice and the City" (1973) mentioned that in South-Eastern part of America where the American-African have been residing were not having essential facilities like electricity, potable water, metalled (pucca) road, toilets, etc. till 1972.

In theory - there is nothing more than unequal than the equal treatment of unequals.

There may be just distribution across the territory but not among the social groups. It creates a problem of scale. The idea of just distribution is, however, embodied in three criteria:

1.Need

Need is the relative concept, but there are certain categories of activity, which we need fairly

constantly over time- Food, housing, medical care, education, social and environmental, consumer goods, recreational opportunities, neighbourhood amenities. The problem is to attempt to define minimum standard for each category that could be equated with needs.

2. Contribution to the Common Good

It is taken to mean a spatial organization and pattern of territorial resource allocation which provides extra benefits in the form of need fulfilment (primarily) and aggregate output (secondarily) in other territories through spill-over effects and the like. An area contributes to the common good if its resource allocation e.g. industrial investment - had the effect of stimulating necessary activity in another district- e.g. the manufacture of components or perhaps the provision or higher order services.

3. Merit

It has a different meaning than it is expected. Merit of a territory here does not involve an extra allocation of resources for being the best territory, but such an allocation is used to compensate for a difficult social and or natural environment. Thus extra resources will be allocated to areas with worn-out environment and infrastructure or backward areas. Hence, this sort of merit becomes a regional policy to minimize the regional disparities (1973). Harvey (1973) Says that the Territorial Social Justice requires the following conditions:

The distribution of income should be such that-

- a) The needs of population within each category or territory met;
- b) The resources are so allocated to maximize the inter-territorial multiplier effects and
- c) Extra resources are allocated to help overcome the special or particular difficulties stemming from the physical and social environments and mechanism should be such that the prospects of the least advantaged or poverty stricken territory or social group are as great as they possibly can be.

David Smith (1977) points out very explicitly that the outcome of a just distribution justly achieved. In the well society people have sufficient income for their basic needs of food, clothing, shelter and a reasonable standard of living, poverty is then eradicated. People become socially and economically mobile and are respectful of the dignity of others. They will live in good quality of housing in decent neighbourhoods, having access to good health and educational facilities and to recreational amenities. Society will be stable with strong

family structure, little social disorganization. little crime and good public order. People will be able to participate fully in all aspects of social, economic and political life. Distribution of resources according to the needs is the basic element of justice which can provide equal status to the people in a given territory.

Karl Marx popularized the phrase: From each according to his ability, to each according to his needs (Smith 1979). But this was viewed as being the ultimate aim of a communist society. It is not something that should be implemented immediately. following the overthrow of capitalism. In the transitional socialist society incentives are still required and payment for the work is in accordance with its quantity and quality, in this way some get more than others, irrespective of need. Special needs in capitalist and socialist societies are recognised, which are fulfilled through the provision of free social service (e.g. education to poor people), subsidized housing and ration from Govt. shops on subsidized rates. Certain physical needs for food, clothing shelter and security must be met in order for the people to survive. Felt needs are different than the basic needs.

The Spatial Discrimination

The spatial discrimination or geographical discrimination one can see in many residential areas occupied by black people in American towns and cities. Black's residential areas are inferior to those of whites. In rural south (USA) everywhere black community is segregated who live in timber construction, living in unmade streets and having poor municipal services, e.g. Shaw Town, Mississippi state-Total population : 2500 (blacks 1500 and whites 1000). This town was in news pertinent to the spatial discrimination. The blacks were segregated by racially and spatially. It was found that 98% of all 450 black houses fronting on to unpaved streets occupied by blacks; 97% of houses not served by sanitary sewers was in black neighbourhoods, street lighting and drainage were inferior. There was a lot of spatial as well as social discrimination (Harvey 1973). In a given locality or territory, every social group race or caste should get according to their needs with dignity.

He further says that Just Distribution is that wherever you live you get the resources according to your needs, no matter where you live and who are you. For blacks in America, the gap in neighbourhood poverty has declined faster than segregation grounded on the census data of 1980-2010. Racial inequality in America persists in part because of racial differences in exposure to adverse neighbourhood environments (ibid). Blacks in particular are significantly more likely than other Americans live in high poverty neighbourhoods---

neighbourhoods characterized by poor schools and limited access to healthcare, jobs, and beneficial social networks- resulting into inequality of opportunity, as life chances are diminished for residents of such neighbourhoods. In addition, greater exposure to crime, noise, and congestion implies a lower quality of life. Black people live in black neighbourhoods because white neighbourhoods are not safe for them.

Fundamental Rights

The basic and civil liberties of the people are hereby protected under the charter of rights contained in part III (Article 12 to 35) of the constitution of India (Wikipedia (2019)). These are individual rights, which are common to most liberal democracies, for example, equality before law, freedom of speech and expression, religious and cultural freedom and peaceful assembly, freedom to practice religion, and the rights to the constitutional remedies for the protection of civil rights by means of writs such as habeas corpus, Mandamus, Prohibition, Certiorari Quo warranto. The fundamental rights apply to all citizens of India irrespective of race, place of birth, religion, caste or gender. The violation of these rights subject to punishment.

These six fundamental rights (Basu,2008) are as follows:

1. Right to equality
2. Cultural and Educational Rights
3. Right to freedom
4. Right against exploitation
5. Right to freedom of religion, and
6. Right to constitutional remedies
7. Right to property

Right to equality is an important and meaningful right provided in [Articles 14, 15, 16, 17 and 18 of the constitution](#).

Equality before law: **Article 14** of the constitution guarantees that all people shall be equally protected by the laws of the country. It means that the State will treat people in the same circumstances alike. This article also means that individuals, whether citizens of India or otherwise shall be treated differently if the circumstances are different.

Social equality and equal access to public areas: **Article 15** of the constitution states that no person shall be discriminated on the basis of religion, race, caste, sex or place of birth. Every person shall have equal access to public places like public parks, museums, wells,

bathing Ghats, and temples etc. However, the State may make any special provision for women and children. Special provisions may be made for the advancements of any socially or educationally backward class or scheduled castes or scheduled tribes.

Equality in matters of public employment: Article 16 of the constitution lays down that the State cannot discriminate against anyone in the matters of employment. All citizens can apply for government jobs. There are some exceptions. The Parliament may enact a law stating that certain jobs can be filled only by applicants who are domiciled in the area. This may be meant for posts that require knowledge of the locality and language of the area. The State may also reserve posts for members of backward classes, scheduled castes or scheduled tribes, which are not adequately represented in the services under the State to bring up the weaker sections of the society.

Abolition of untouchability: Article 17 of the constitution abolishes the practice of untouchability. The practice of untouchability is an offense and anyone doing so is punishable by law. The *Untouchability Offences Act* of 1955 (renamed to *Protection of Civil Rights Act* in 1976) provided penalties for preventing a person from entering a place of worship or from taking water from a tank or well.

Abolition of Titles: Article 18 of the constitution prohibits the State from conferring any titles. Citizens of India cannot accept titles from a foreign State. The British government had created an aristocratic class known as *Rai Bahadurs* and *Khan Bahadurs* in India. These titles have been abolished.

Article 46 of the constitution of India states very clearly that, the state shall promote, with special care, the education and economic interest of the Scheduled Castes and the Scheduled Tribes and shall protect them from social injustice and discrimination.

Article 46 of the constitution of India states that the State shall promote with special care the educational and economic interests of the weaker sections of the society, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustices and all forms of exploitation.

In order to avoid the discrimination, the constitution of India has made the provision of reservation to the Scheduled Castes and the Scheduled Tribes for their presentation in government jobs in different sectors of economy in accordance with their proportion in the total population of the country as a whole or in its respective states. Historically, Jotiba Fule, first of all made a representation for reservation in 1883 to the Hunter Commission for the Scheduled castes (Atishudras). The provision of 50 per cent reservation for the non-Brahmins

and backward classes for the first time was made by Chhatrapati Rajrshi Shahu Maharaj of the princely state of Kolhapur on 26th July 1902. This was done by him on knowing that no other caste but merely Brahmins are literate and educated. He opened the doors for education and jobs for the people who were denied all this in past and were made to be dependent on this one community of higher caste for any kind of function or celebration as all were kept uneducated. This was the justice done to the backward castes by Shahumaharaj in Kolhapur (Maharashtra). Thereafter, in 1921, it was done in Mysore (Karnataka). It was also implemented in Madras in 1927. Finally, Dr. Babasaheb Amedkar has made the constitutional provision of reservation in education and government jobs for the Scheduled Castes and the Scheduled Tribes for their social and economic upliftment, and justice after getting independence from British and this has been strictly implemented in India as whole according to their share in the population on adoption and implementation of constitution of India on 26th Jan. 1950. In 1954, the ministry of Education suggested that 20 per cent of jobs should be reserved for the SCS and STs in educational institutions with a provision to relax minimum qualifying marks for admission by 5 per cent wherever required. In 1982, it was specified that 15 per cent and 7.5 per cent of vacancies in public sector and government aided educational institutes should be reserved for SCs and STs respectively. A Significant change commenced when Mandal Commission in 1980 recommended 27 per cent for the 52 per cent OBC population. It was earlier limited to SCs and STs only but thereafter it has been extended to the Other Backward Castes also.

The Mandal Commission (1980), or the Socially and Educationally Backward Class Commission (SEBC) was established in India on 1st January 1979 by Janata Party under the Prime Minister Morarji Desai. It identified the socially and economically backward classes to consider the question of reservation for the people to redress the caste discrimination, for that used 11 social, economic, and educational indicators to determine backwardness. In 1980, based on its rational that OBCs identified on the basis of caste, economic and social indicators comprised 52 per cent of India's population and commission's report recommended that the members of OBCs be granted reservation to 27 per cent of jobs under Central Government and public sectors undertakings, it made the total reservation for SC, ST and OBC to 49.5 per cent (Basu, 2008, Ramaiah, 1992 & see also Sheth, 1987).

This report was finally completed in 1980, the V.P. Singh government declared its intent to implement the report in August 1990, which led widespread opposition by the

students, and temporary stay was given to it by the Supreme Court of India, but it was finally implemented in 1992 in the Central government.

Despite their reservation in central government jobs, they have not been given their due representation according to their population share or fixed reservation for the different classes and castes. For example, in central universities there are 1125 professors. Out of this, SCs 3.47 per cent (39), STs 0.7 per cent (8). At the same time, out of 7741 assistant professors, SCs are 12.02 per cent (931), STs 5.46 per cent (423) and OBCs 14.38 per cent (1113). In 40 central universities, there is hardly any full-fledged professor from OBCs in 2018. The SCs and STs have not been given justice as their share in proportion of their population in the country for these positions is still much less. Among the professors, the general category population has occupied 95 per cent, 92.9 per cent of associate professors and 66.27 per cent assistant professors (Rajasthan Patrika, 17 Jan. 2019). As per the constitutional provisions SCs 15 per cent, STs 7.5 per cent and OBCs 27 per cent but all this shows they have not given due justice in context of their representation in jobs in central universities. More or less the same holds true in other government sectors or departments. Because of discrimination in reservation, the recruitment of 6000 vacancies in central universities have been on hold because of the pendency of the matter in Supreme Court (News 18.com).

Quota to All But Justice to None

The central government's move for reservation and 124th constitutional amendment bill to grant 10 per cent quota in government jobs and education for economically weaker sections irrespective of religion and caste has been passed by Lower House (Lok Sabha) with 323 in favour of and only three MPs against it, and in Upper House (Rajya Sabha) 165 in favour of and only seven MPs cast their vote against it. The President of India (Ram Nath Kovind) has also given his assent to the constitution Act, 2019. This Act amends Article 15 and 16 of the constitution, by adding the clause, which allows states to make "special provision for the advancement of any economically backward sections of the citizens of India".

This new quota announced by the government covering practically all the castes, which have not been covered earlier by reservation without indeed identifying the specificities of beneficiaries. This formula is just like giving equal weightage to all the indicators for measuring the development, giving equal weightage means no weightage to any indicator. The income criterion to be used is an annual household income of Rs. 8 lakh. As per IT (Income Tax) Department and NSSO (National Sample Survey Organization), it

covers 95 per cent Indian families in this limit. In India, a family consist of 4 persons and per person income comes 16, 666, but they considered a family of 5 persons, which give rise the per head income Rs. 13,333 and considered Rs. 13,000. In accordance with this criteria, it qualifies about 95 per cent families. To get the benefit, people (especially non-salaried) will try to get the income certificate below Rs. 8 lakh, there is possibility of mal-adjustment.

The land holding criteria of below 2 hectares, also covers nearly 86.2 per cent of all land holding in India.

Third criteria is that the size of the house should not be above 1000 sq. ft. As per this criteria, even half of this i.e. 500 sq. ft. will cover 80 per cent population and 1000 sq ft. as per NSSO will cover more than 90 percent population (TOI Jan. 9, 2019). The segments of population, which fall under reservation are SCs (15%), STs (7.5%) and OBCs (about 52%) and in all it is 74.5 per cent and the remaining population we can consider here is about 27 per cent, which was not getting the benefit of reservation, now almost all will be entitled. This is what in reality, quota to all but justice to none as it has not identified the families that should be prioritised to get this benefit to provide the justice to the most needy and this sort of reservation cannot be equated with the SC - STs quota which is, in fact, based on caste as they have been exploited and discriminated since long. If this down-trodden section was economically and socially backward was due to the high caste population, but the open category high caste community despite having control and accessibility to all resources, if they remained poor, were not due to the SC and ST population. This quota is to please all, considering the upcoming election to parliament so as to make them feel good and in-turn make good. This is all socio-political constructions by the political parties in power in the centre.

Maratha Quota

Marathas have launched a huge stir for quota who forms hardly 32 per cent of population in Maharashtra and have been given 16 per cent reservation in jobs and education. Looking at upcoming parliament as well as the assembly elections, Maharashtra government has given the due importance and justice to this long standing demand, the bill for the same was tabled in the winter session of the state and was passed unanimously in both the houses not only benefit this warrior Maratha caste but at the same time no party could dare to go against it as all wanted to harvest the election crop, hence passed unanimously. Moreover, whatever or whichever the political party is, does not matter, majority is of Marathas. Since May 1, 1960

the formation of Maharashtra state, there had been 17 Chief Ministers, 10 out of them were Marathas. And the question here arises being so politically and economically powerful, how come they all remained socially and economically backward. As long as they were not given this quota of 16 per cent, they were upper, superior, yeoman warrior, champions of Hinduism and landed caste, and dominate the power structure, now they are also put in the category of economically and socially backward caste as the SC, ST and OBCs are backward and were given quota. Being so powerful politically, economically and numerically also the Marathas (30 per cent) in the state have organised 58 silent marches under the banner of Maratha Kranti Morcha in the last two years, and the last two were (thok morchas) marches turned violent, impelled the state government to take the decision and declared finally 16 per cent quota to them. It is the single largest community, which is most influential socio-politically and economically as well has virtually held the state to ransom over its reservation demand. The other backward castes , even the Muslims extended their support for their demand. The backward Commission too, has certified Marathas are backward on social, economic and education front. In this context the commission has not conducted survey for justification . The decision on quota is based on the commission's recommendations though it has to undergo intense legal scrutiny. After having done this legal scrutiny Marathas will be finally declared backward and once it is held true by the court, they will remain so forever as the SCs, STs and OBCs in the state or may also be elsewhere in India. It may be noted that on Nov. 14, 2014, the Bombay High Court had stayed an ordinance that was promulgated by the previous Congress government just before the October 2014 assembly election wherein Marathas were given 16 per cent quota and 5 per cent to Muslims (who are 10.20 per cent) in Maharashtra and Supreme Court turned down these quotas as they were not in conformity with the existing law. As it seems, The State Government at present has taken all care to get it done to make it all feel good both the benefactor and the beneficiary.

On education front, the backward commission noticed that Marathas are hardly 35 per cent literate, 44 per cent are having education up to 12th standard and graduates about 7 per cent, that means 86 per cent are literate and educated, which is higher than the overall literacy rate for the Maharashtra state (82.34%) as per the 2011 census. It is also mentioned that 70 per cent Marathas are living in huts and mud houses, 91 per cent of the community members have an annual income less than one lakh, 24.2 per cent are below poverty line and 70 per cent are small farmers (TOI, Dec. 2, 2018). Moreover, caste-wise data is not available

and wherefrom these figures are made available, because caste-wise last census was conducted 1931, thereafter, it has been discontinued.

On economic front, Marathas along with Malis are the largest land-owning caste in the state and owning 3/4ths of agricultural land (Dikshit, 1986, p.65), They are 'Bagaitdars' (land owners) who own the sugar factories control the politics in rural areas and tilt the balance in favour of one group or the other. While their proportion of Marathas is about 30 per cent (Rajendra Vora (2007) of the total population of the state. They control 65 per cent seats in assembly and also hold 60-65 per cent positions in Zilla Parishad, samities, and co-operative institutions in the Marathwada region. The Maratha population was more than 43 per cent in Maharashtra and the Kunbi was 7 per cent, Brahmins (Saraswat and Prabhus) constitutes about 4 per cent (Jaffrelot, Christophe & Kumar, Sanjay; 2009).

Even in case of OBCs, a survey by the NSSO (National Sample Survey Organization (2004-05, TOI-Sep.1, 2007) put the OBC population in the country at 40.94 per cent; if it was so, how 27 per cent reservation to OBCs has been given in jobs and education because the figure 41 per cent is much less than 52 per cent what the Mandal Commission has quoted. The Panel of this commission has considered actually the 1931 census data wherein they have eliminated all non-OBC communities from the then total population (including Pakistan). It is felt by the general population that a caste census should be done in the next 2021 census and thereafter necessary corrections in the given quotas to OBCs in India and Marathas in Maharashtra, even for others, can be done to do a proper justice to the concerned communities and to the general population also.

In Maharashtra, the reservation or quota to SCs (59 castes) 13 per cent, ST (47 Tribes) 7 per cent, OBCs (346 castes) 19 per cent, SBC (Special Backward Class, 7 Castes), Denotified Tribes (DNT, or Vimukta Jati-VJ, 14 Tribes) 3 per cent, NT-B (Nomadic Tribes-B, 28+7 Tribes) 2.5 per cent, NT-C (Dhangar, Nomadic Tribes-C) 3.5 per cent and NT-D (Vanjari, Nomadic Tribes-B) 2 percent has been given and all it accounts for 52 per cent and if Maratha community gets 16 per cent after legal scrutiny it will be 68 per cent. Some of the Castes (about 50) have been deleted from this OBC quota.

Muslim Quota in Air

Currently, about 50 Muslim sub-castes get reservation under the Other Backward Classes (OBCs), Scheduled Tribe and Denotified Tribes (DNTs), are also known as Vimukta Jati categories in the state, but at present the Muslim community has been pressing their demand

for reservation for education and government jobs for all in the state of Maharashtra (HT, Aug. 27, 2018).

The earlier, Congress-Nationalist Congress Party (NCP) had approved 5 per cent quota to Muslim Community in education and government jobs for all in the state of Maharashtra by promulgating an ordinance in 2014, which was struck down by the Bombay High Court, however, court in an interim order had allowed reservation in education on grounds of the community's backwardness in this arena. But Muslims want the state should give 5 per cent reservation benefits in government jobs and education in the state as it is the well established fact that the community is socially and economically more backward than the Marathas. If Marathas have 6 per cent government jobs, then the proportion of Muslims is far less. If 70 per cent Marathas live in Kucha houses, they majority of Muslims live in slums. It is also a well known fact that most of the Muslims in India today have been converted to this community from the down-trodden Hindu communities to get rid of caste based discrimination and exploitation.

Conclusion

It is inferred here that the 10 per cent quota to all by the central government and the State of Maharashtra Government made the provision of 16 per cent quota to Maratha community in government jobs and education, here these communities find satisfaction and justice as they think that their next gen will also be able to achieve, what they were thinking, as the SC-STs and OBCs were getting being economically and socially backward. The critical question against reservation, which was in their mind earlier, now to some extent, has been diluted being part of beneficiaries of the quota as others were having.

In due course of time the other communities like Muslims' and Notified Tribes' demand in due course of time in Maharashtra will be materialised but not on the cost of quota which has already been allotted to the OBCs and SC-STs. To get the social justice in the given situation, it depends upon how politically and numerically the concerned community is stronger. Larger the size and politically empowered the community is, sooner the social justice they will get in having access to education and job opportunities to be at par with others.

The distributive justice should be on the line of proportionate distribution or equity; provision of equal distribution to equals, not the equal to the unequals. Before law, everyone

is equal whoever he/she is. The court of law follows the law of positivism that requires the proof / evidences and only truth, nothing else.

When any community in the society may be geographically isolated and / or socially and economically kept backward being denied access to the available essentially needed resources, and some have overly enjoyed on the cost of these weak and poor people, are given their share in the same, which was due to them since long, is the society proceeding towards social justice and forming strong base of a fair society.

A new socio-spatio-politico model is emerged here wherein other than the depressed castes emphasizing on diminution in the SC-ST quota through application of innovative methods while keeping it intact on paper, and this model is more beneficial to the non-SC/ST segments of population.

It is finally inferred that this 10 per cent quota to all non-SC-ST/OBC population in India and 16 per cent to Marathas in Maharashtra is also a social justice at least for those among them stricken with poverty and are not capable to have higher education and better job opportunities in government institutions. Now there is no space for anyone to point out that they have come through quota as now almost everyone is given quota.

References / Further Reading

- Aristotle** (1999) *Nicomachean Ethics*. trans. Irbin, Terence (2nd Ed.), Indianapolis, Hackett.
- Aristotle** (1991) *On Rhetoric*, trans. Kennedy, George A., Oxford University Press, New York.
- Augustine, H. (1984)** *The City of God*, Trans. Henry Bettenson,(Called "City"), Penguin Books, London.
- Augustine, H. (1959)** *Augustine of True Religion*, trans. J.H.S. Burleigh (Called Religion"), Henry Regnery, Chicago.
- Burke, Thomas Patrick (2010)** The Origin of Social Justice, *Spring*, Vol.52, No.2.
- Basu, Durga Das (2008)** : *Introduction to the Constitution of India*. Published by Lexis Nexis, New Delhi

Delgado, T; Doody, J. and Paffenroth (2016) *Augstine and Social Justice* (Paperback), Roman and Littlefield/Lexington Books, USA.

Dikshit, K.R. (1986) *Maharashtra in Maps*, Maharashtra State Board for Literature and Culture, Mantralaya, Mumbai.

Equal Remuneration Act, 1976.

Fruchtman, Jr., Jack (2009) *The Political Philosophy of Thomas Paine*, John Hopkins University Press, Baltimore, Maryland.

Harvey, David (1973) *Social Justice and the City*, Edward Arnold, Cambridge. Massachusetts

Holloway, Harry (1960) “Mill and Green on the Modern Welfare State”, *The Western Political Quarterly*, Vol. 13, No. 2, pp. 389-405.

Jaffrelot, Christophe & Kumar, Sanjay (2009) *Rise of the Plebeians? The Changing Face of the Indian Legislative Assemblies*, Routledge India, pp. 216, 217.

Jones, Emrys & Eyles, John (1977) *An Introduction to Social Geography*, Oxford University Press, Oxford, pp.221-241).

Kant, Immanuel (1999) *Metaphysical elements of Justice*. trans. John Ladd, 2nd Ed. Indianapolis, Hackett.

Kumar, Ashok p. (ed.) (2016) *Dr. B.R. Ambedkar and Social Justice Towards a Egalitarian Social Order*, Meena Book Publications, New Delhi.

***Mandal Commission Report* (1980)**

Mill, J.S. (1863) *Utilitarianism*, Parker, Son & Broun, London.

Miller, David (1999) *Principles of Social Justice*, Harvard University Press, Cambridge.

National Sample Survey Organization Report (NSSO) 2004-05.

News 18.com

Plato (1992) *Republic*, Trans. Grube, G.M.A., Revised by C.D. Reeve, Indianapolis, Hackett.

Rajasthan Patrika, 17 Jan. 2019, p.1.

Ramaiah, A (1992) Identifying Other Backward Classes, *Economic and Political Weekly* (6 June), pp. 1203-1257.

Rawls, John (1971) *Theory of Justice*, Belknap Press, Harvard University Press.

Smith, David (1979) *Where the Grass is Greener : Living in an Unequal world*, Penguin Books Ltd., Harmondsworth, Middlesex, England.

Sheth, D.L. (1987) "Reservations Policy Revisited", *Economic and Political Weekly*, 22, (46), pp. 1957-1962.

Smith, David M. (1977) *Human Geography: A Welfare Approach*, Edward Arnold, London.

Smith, David M. (1973) *The Geography of Social Well-being in The United States : An Introduction to Territorial Indicators*, McGraw-Hill, New York.

Supiot, Alain (2015) Address : What International Social Justice in Twenty-First Century? Keynote Address to the *XXI World Congress of the International Society for Labour and Social Security Law*, Cape Town (Sep. 15-18).

The Minimum Wages Act, 1948 (Act No. XI of 1948), 15 March 1948.

The Times of India, Sep.1, 2007.

The Times of India, Dec. 2, 2018, p. 4.

The Times of India (TOI), Jan. 9, 2019, p.4.

The Code on Wages, 2017, Loksabha (India), Aug. 10, 2017.

Thomas, Aquinas (1988) *On Law, Morality, and Politics*, ed. William P. Baumgarh and Richard J., Regan, S.J., Indianapolis, Hackett.

Thomas, Hobbes (1994) *The Elements of Law*, ed. J.C.A. Gaskin, Oxford Univ, Press, Oxford.

UNO (1954) *Report on International Definition and Measurement of Standards of Living*, Committee of Experts, United Nations, New York.

Velgasqez, M. et al (2019) *Justice and Fairness*, Markhula Centre for Applied Ethics, Santa Clara University, Santaclara, California, USA.

Vora, Rajendra (2007) "Village Panchayats in Maharashtra", in Mohanti, Manoranjan; Mathew, George; Baun, Richard and Ma, Rong : *Grass Roots Democracy in India and China- The Right to Participate*, Sage Publications India.

Willson, J. Q. (1969) *Quality of Life in the United States: An Excursion into the New Frontier of Socio-economic Indicators*, Middlewest Research Institute, Kanas City, Mo.

Wikipedia (2019) Fundamental Rights in India (see also wikipedia.org).
