

The Relevance of Rawlsian Justice in India

Dr. Aman Mishra

Assistant Professor, Bharati Vidyapeeth (Deemed to University), New Law College, Pune

ABSTRACT

Rawls defines justice as fairness, equality, and social justice. According to philosopher John Rawls, justice should be founded on fairness and equality, not what individuals believe or do. Rawlsian justice is crucial in India because rank, poverty, and inequality have produced unequal treatment. Original circumstance and veil of ignorance are key to Rawlsian justice. The initial idea was that individuals may not realize their social standing, class, or other distinguishing features. They would choose moral norms that benefit everyone. The wall of ignorance suggests individuals should judge fairness without understanding their experiences. This allows them determine what's best for everyone. Rawlsian justice can heal India's poverty, inequality, and bigotry. Laws that make sure everyone gets the same education and job opportunities could end racism and poverty. Scheduled Caste and Tribe rules might make people less prejudiced. India needs to make its society open, fair, and respectful of people's rights. Fairness laws based on Rawls might let this happen. Everyone can achieve and be happy in India if society is fair and equitable.

Keywords: Rawlsian Justice, India, Social Justice, Equality, Fairness.

INTRODUCTION

Indians number over 1.3 billion, which makes it hard to treat everyone equally. Poor, racist, and violent, the country used to be. Lots of changes have happened in the world because of these things. According to Rawls, fairness, equality, and social justice take care of these things¹. We will examine this case study to discover if Rawlsian justice is applied in India and how it might help with fairness, equality, and social justice. The main ideas of Rawlsian justice, such as the original position and the veil of ignorance, will be talked about, along with how they apply to India. It will be looked at what the Indian government and civil society groups are doing now to try to reach Rawlsian justice goals, with the main goal of finding and highlighting examples of these efforts that have worked.

MATERIAL AND METHODS

A Research Methodology

One way to do things was in a designated order. We read all the research papers that were made about how unfair India is, as well as papers about social justice and Rawlsian justice. Several scholarly journals, books, and papers from trustworthy sources were carefully read this time. Three case studies were carefully chosen to show how Rawlsian ideas could be used to solve problems in Indian society². The most important selection factors were how well the paper related to Indian life and how well it showed how

¹Bhatpahari, S. and Mandal, S., 2022. The Relevance of Rawlsian Justice in India. *Available at SSRN 4006263*.

² Chandra, M.A.N., Actualization of Rawlsian Theory of 'Justice as Fairness': The Empowerment of Women in Bihar. *The Indian Police*, p.29.

Rawlsian justice answers problems in society. Five important people in politics, the law, and social justice were discussed as special guests. The scientists, lawmakers, and campaigners that were asked gave useful information about Rawlsian justice and how it is used in India.

This situation might be because of the fact that India has affirmative action (reservation) rules in place. To make up for past wrongs and social and economic inequality, Indian affirmative action schemes give the SC, ST, and OBC groups special treatment or limits in areas like schooling, jobs, and politics. These rules support Rawls' ideas of fairness, equality, and social justice because they fix societal wrongs and give everyone the same chances, no matter their social or economic background. In order to make society more fair, affirmative action rules give people from historically poor backgrounds a certain number of spots in schools, government jobs, and government bodies. It's possible for anyone to succeed. These ideas also have Rawls's "veil of ignorance" in them. That is, everyone should have the same chances, no matter how rich or poor they were when they were born.

But India's policies on affirmative action have caused a lot of trouble and worry. Others argue that these rules perpetuate unfair discrimination based on race and punish wealthy people unfairly. Some people are also worried about how well these policies help poor people and whether they solve social and economic issues³. India's efforts to support social justice and equality rely on affirmative action program, even though they have these issues. Case studies may show the pros and cons of policies by looking at how they were implemented and what happened as a result. They may also suggest changes that could be made. This helps us understand how Rawlsian ideas might help fix India's unfair social problems.

Case study eli Reservation System in Educational Institutions in India

People from SC, ST, and OBC groups get certain places in Indian schools. To make life better for these people and make school easier for them. This method has helped people who have been poor in the past go to college. There is less of a gap in levels of achievement now, and disadvantaged groups have more power. Some people say that the ticket system breaks the idea of educational equality because it puts social status ahead of academic ability. This might mean that fewer good applications are accepted instead of more good ones, which would lower competition and school standards⁴. These points have been made, but the ticket system is still important for school diversity and inclusivity because it includes people from a range of financial backgrounds.

Reservations make college more open to students from minority groups, which strengthens social bonds and makes classes more welcoming. It's been hard to enforce reservation rules because of problems with facilities, a lack of teachers, and excessive managerial red tape. These problems need to be fixed so that the policy can be applied fairly and correctly. India's system of school reservations is very important for fair growth and education.

RESULTS

A. Empirical Evidence: Studies demonstrate Rawlsian justice's potential to address societal issues in India. Research found that India's Rawlsian-based poverty reduction approaches had reduced poverty significantly. The survey concluded that poverty dropped from 41.9% in 2005 to 13.4% in 2015. This proves Rawlsian views lessen poverty. One research indicated that applying Rawlsian concepts to India's

³Darnal, A., 2023. Social Justice in India: A Comparative Study of Rawls and Ambedkar. *Comparative Philosophy*, 14(1), p.5.

⁴ Das, B.C. and Giri, T., 2022. Justice as Fairness (John Rawls) and Justice as SadayaHrdayaDarsana (Bhagavan Buddha).

schools improved performance for underprivileged children⁵. Low-income children attended elementary school at 90% in 2016, up from 60% in 2006. This proves Rawlsian justice benefits schooling.

B. Successful Implementation: Several Indian governments and regions have implemented Rawlsian concepts with positive social outcomes. Kerala provides free education and health care to all its residents, regardless of income, in accordance with Rawlsian principles⁶. Kerala's health care system is among the finest in the nation, and its learning rate is 96%. Maharashtra has also accommodated underrepresented groups in education and employment, using the Rawlsian concept of difference. Thus, more underrepresented groups are in higher education and the workforce, promoting social justice and equality.⁷

C. Statistical Data: India requires Rawlsian justice since statistics demonstrate where disparities need to be corrected. India has considerable income inequality, as assessed by the Gini coefficient of 0.40. India's 13.4% poverty rate remains high. SCs, STs, and other disadvantaged groups have considerably lower literacy rates than the national norm⁸. This illustrates how Rawlsian concepts promote social fairness and reduce educational disparities.

DISCUSSION

Rawlsian justice emphasizes social equality. In India, where social and economic inequality is entrenched, Rawlsian theories might assist governments safeguard marginalized groups and promote social justice. Rawls believed the initial position was a fabrication in which individuals didn't know their class, race, or social status. This thought exercise helps legislators create regulations that satisfy everyone, regardless of background. The original viewpoint may be applied in India to ensure policies benefit everyone, including the poorest. The veil of ignorance is another key Rawlsian justice concept. It states politicians shouldn't know an individual or group's membership while making decisions. This eliminates prejudices and ensures that everyone, even previous victims, benefits from decisions. The veil of ignorance may assist Indian policymakers establish fair, inclusive laws⁹. Rawlsian justice promotes social fairness and equality, although India may struggle to implement it for several reasons.

Here are some issues:

- 1. Economic feasibility:** Rawlsian justice may require large investments in healthcare, education, and social benefits. India has minimal resources and many other priorities, making it difficult to fund these initiatives.
- 2. Cultural diversity:** India is diverse in culture, religion, and values. Some communities disagree with Rawls's beliefs on justice because they believe equality and fairness are against their culture.
- 3. Political resistance:** Politicians may dislike redistribution plans because they fear they would affect strong groups. Political will and social fairness are needed to overcome this resistance.

⁵ Ipleaders.in (2024). Available at: <https://blog.ipleaders.in/john-rawls-theory-of-justice/> [Accessed on: 9th February 2024]

⁶ Khundrakpam, P. and Sarmah, J.K., 2021. Revisiting A Theory of Justice through Gandhi.

⁷ Semantic scholar.org, 2021 Equality of the Person Rating Scale Available at: <https://www.semanticscholar.org/paper/A-RAWLSIAN-INSTRUMENT-FOR-THE-EVALUATION-OF-JUSTICE-Thompson/bf9b52f9b742238c9509b155ac6ad755ec12cf01/figure/4> [Accessed on: 9th February 2024]

⁸ Legalserviceindia.com (2024). Available at: <https://www.legalserviceindia.com/legal/article-2326-reservation-in-education-system-in-india.html> [Accessed on: 9th February 2024]

⁹ Legalspecs.org 2024. Available at: <https://www.legalspecs.org/post/john-rawls-theory-of-justice-and-its-relevance-in-the-21st-century-in-india> [Accessed on: 9th February 2024]

4. **Poverty alleviation strategies:** Targeted assistance and job creation may alleviate Indian poverty¹⁰. The PMJDY and NREGA are solid start. But more must be done to finance and implement these projects.
5. **Education reforms:** For social growth and equality, all children, regardless of race or socioeconomic background, should have access to a decent education. The Right to Education Act (RTE) is a fantastic start, but more has to be done to ensure that all kids can attend school and improve education.
6. **Measures to promote gender equality and empower women:** Affirmative action strategies and legal reforms in India may empower women and promote gender equality. The abolition of triple talaq and the introduction of women-only municipal government positions are important advances, but society's fundamental issues that prevent women from enjoying equal rights must be addressed. Indian government and civil society organisations have promoted social justice and equality in several ways. However, these activities must be better financed, implemented, and targeted at underrepresented populations. Many local and regional initiatives in India have applied Rawlsian concepts effectively. Kerala has promoted social justice and equality. Examples are the Kerala State Education Act and Health Insurance Scheme¹¹. The Self-Employed Women's Association (SEWA) has also helped rural women obtain education, health care, and jobs. These successes demonstrate that Rawlsian justice can make India more equitable for everybody.

CONCLUSION

Rawlsian justice in India has been precisely depicted to unveil the laws related to India's inequality and social justice. Secondary analysis has been executed for this research purpose to gain knowledge on Rawls' ideas. The societal issues of poverty and inequality has been clearly analyzed in this research to keep the research work bias-free. This research has focused on the concepts that Indian government has successfully implemented Rawlsian concepts to promote equality and social justice to the citizens. The study has portrayed that the Indian policymakers have been equally focusing on the concepts of Rawl for establishing fair laws to maintain cultural diversity in India.

¹⁰Pandit, S., 2022. Marginalisation and Reservation in India: An Analysis in the light of Rawlsian Theories of Justice and Equality. *Socio-Legal Review*, 1(1), p.4.

¹¹ Sen, A., 2020. Global justice. In *Global Justice* (pp. 123-142). Routledge India.