

## **SOCIAL JUSTICE IN A GLOBALIZED WORLD**

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### **ABSTRACT**

Social Justice is a term related to justice which talks more of societal justice as a whole. While formal definitions of social justice differ in their language, there are some common threads:

1. Equal rights
2. Equal Opportunity
3. Equal Treatment

With these ideas in mind, we can define the term 'Social Justice' as something which means everyone has equal rights and equal chances and a right to fair treatment. This term "social justice" refers to protecting and safeguarding human rights of everyone and providing similar and equal chances to everyone. This does not imply that the society will be faultless or that everyone will be happy at all times but on the other hand it will ensure that everyone will have a fair share of fighting chance at living the life they desire. They will not be obstructed by factors beyond their control such as structural barriers or discrimination. For achieving Social Justice, it is necessary to have human rights, access to participation in everything and equity for all which are also known as the four pillars of social justice.

In 1919, when the International Labor Organization (ILO) was founded, the desire for social justice in which every working man and woman can claim their due part of the wealth that they have helped to generate freely and on the basis of equality of opportunity was similar to the level right now. Now with ILO celebrating its 100<sup>th</sup> anniversary in 2019, the demand for attaining Social Justice has become more urgent, owing to the rise in inequality and discrimination which is a danger to social cohesion, economic growth, and human progress.

Today we are experiencing a world of labor that is changing at an unprecedented pace and scale as a result of climate change, demographic shifts, technological advancements, and more broadly, globalization. Many social justice activists are depressed now all throughout the world. Some of them believe that in today's global economy, social justice is a lost cause. This paper examines some of the opportunities and insecurities created by globalization and attempts to demonstrate how, despite the very real external limits imposed by globalization, a great deal of social justice remains within our reach.

## **INTRODUCTION**

The concept of justice is connected with that of fairness. When fairness is evident in society it is referred to as social justice. Fairness in healthcare, work, housing, and other areas is all connected to this and is a part of this. Clearly there is no clear framework for what successful social justice looks like in practice or what exactly it is supposed to be, so concepts like participation and involvement become important. There is always a scope of improvement for social justice till the time a country prioritizes it and remains devoted to the concept of equality. Even though the term "social justice" is now commonly used it is not new. According to The Federalist Papers it was first used in around 1780s. With the end of the Industrial Revolution, legal experts in the United States started applying the term to economics. In today's time, social justice now encompasses all facets of society including race and gender and is inextricably linked to human rights.

It includes providing equal social chances for personal development of all members of the society without any discrimination based on caste, gender or ethnicity. It further implies that nobody be denied the social conditions because of these distinction that are necessary for social growth. Social justice is linked to issues of social equality, social equality, and social rights all of which are the basis of economic equality and rights. The concept of Social Justice can only be achieved in a social structure which is free from exploitation of one man by another and where privileges of the few are not based on the suffering of the many. Understanding this, the Constitution of India tries to ensure Social Justice to all by its various provisions.

The makers of the Indian Constitution had induced several provisions in our constitution which protects equality in society and thus ensures social justice in the country. There are provisions like Article 14, 15 and 21 which try and provides equality to all, protection against any kind of discrimination and the right to life to all.

In *Muir Mills Co. Ltd. vs. Suti Mills Mazdoor Union*<sup>1</sup>, Justice Bhagwati observed that the concept of social Justice does not emanate from the fanciful notions of any particular adjudicator but must be founded on a more solid foundation.

The real question or rather say the real issue that arises is ground level implementation. Implementation is often seen as a major challenge for the Government. To solve this issue there is a need to check the ground level report of securing social justice in the society. For this purpose a thorough investigation in the context of the following two streams of entitlements is needed<sup>2</sup>:

- Sustainable Livelihood – This branch includes adequate means of living such as shelter, clothing, food, access to developmental means, employment, education, health, and resources<sup>3</sup>.
- Social and Political Participation – This branch includes adequate protection of fundamental rights, right to participate in government formation and access to justice<sup>4</sup>.

In general, social justice refers to the availability of equal social chances for all citizens of the country without any discrimination on the basis of caste, color, race, religion, sex, or any other social characteristic. Here equal social chances and equality implies that there should be special laws for the improvement of the condition of women and backward classes of the society who need an extra pull to make them stand equal to all other section of the society.

1 *Muir Mills Co. Ltd. vs. Suti Mills Mazdoor Union* (1955) 1 SCR 991.

2 Rajat Prakash, Concept of Social Justice (March 17, 2015) <https://dx.doi.org/10.2139/ssrn.2589869>.

3 Id.

4 Id.

The definition of Social Justice requires a strong commitment to the protection of human rights and civil freedoms.

### **COVID -19 AND SOCIAL JUSTICE**

The COVID-19 pandemic has deeply affected the social justice component in the society and had hampered the above two components of social justice. The pandemic had caused loss in jobs and employment and had directly hit the source of income of many thus, affecting many households. The unemployment had resulted into loss of shelter and resultant loss in various other means of development. Secondly, the pandemic had also affected the social and political participation of the citizens as they are being denied the access to justice.

Since the beginning of the pandemic the courts have been working remotely through virtual platforms, thus creating inequality by making access to justice dependent on the access to technology.

Recently, Hon'ble CJI (Chief Justice of India) Mr. Sharad Arvind Bobde, while speaking at an event on Constitution Day, said that "*courts simply didn't exist for a large section people who had no access to technology*"<sup>5</sup>. Thus, in order to minimize the effect of the pandemic, there is a growing call to identify the locally tailored solutions and giving effect to that out Hon'ble Prime Minister had come up with the concept of 'Vocal for Local' or self-reliant (aatmanirbhar) India as this would benefit those who are affected by the pandemic and will give them a sustainable livelihood and will promote social justice in the society.

Apart from that, COVID-19 vaccines pose 'equity and social justice concerns'. Coronavirus vaccines should be served to all specially to hard to reach communities and tribes to ensure that no health inequities happens. It will promote social justice to a great extent. India has many places that are unreachable by roads, thus it would be very difficult to send vaccines to those areas which are not accessible by roads. Apart from this, there are other problems like many hospitals in villages and small towns don't have ultra low- temperature freezers and they can't even afford to buy it. Even if the Government provides them those equipments, still they face issues like electricity shortage, which will make it more tough. It all depends on the resources provided by the Government to handle these problems and their strong intention to provide vaccines to all.

5 'Coronavirus pandemic created inequality, made access to justice dependent on technology, says CJI', The Scroll, (Nov. 27, 2020; 11:46 AM) <https://scroll.in/latest/979614/coronavirus-pandemic-created-inequality-made-access-to-justice-dependent-on-technology-says-cji>.

The vaccinations from Pfizer and Moderna are a fantastic start, but they rely on a complex supply chain of freezers and temperature-controlled shipping systems known as the "cold chain." Because many parts of the world cannot maintain one, this reliance on the cold chain raises problems about equality and social justice<sup>6</sup>. Vaccines that bypass the logistical and cost nightmare of cold chain delivery are being developed by the researchers.

There are no mechanisms to store vaccines at low temperatures in poor areas, more distant portions of the world, or in places where the average daytime temperature is high and electricity is unavailable or intermittent.

Many of these locales may not even have roads, let alone airports, and even if they do, they may be impassable at certain times of the year or inaccessible due to political upheaval or civil disturbance. Some companies such as AstraZeneca and Johnson & Johnson, are developing vaccinations that just require refrigeration rather than freezer storage. The AstraZeneca vaccine was approved for use in the UK in late December. Both vaccinations should be available to the global market in the coming months and they have the potential to dramatically expand immunization coverage.

Refrigeration is preferable to freezing, however for distant places, room temperature is preferable, and researchers are developing non-refrigerate COVID-19 vaccines. Techniques that eliminate the requirement for a vaccination cold chain have been utilized successfully for decades. One example is freeze-dried vaccinations. In 1955, the first thermostable vaccination for smallpox was created, and it is credited with helping to eradicate the illness.

Researchers are still looking for new strategies to stabilize viral vaccines, ranging from air drying using low-cost sugar films to freeze drying with various stabilizing chemicals. Some researchers are also working on stable liquid formulations, such as live attenuated flu viruses, to bypass the costly freeze-

drying procedure, which is not always easy for low and middle-income nations to do. All of these technologies could be used in live virus vaccines that use an attenuated virus, such as the flu vaccine, as well as both of AstraZeneca's and Johnson & Johnson's corona virus vaccines in development.

<sup>6</sup> Supra Note 4.

## **SOCIAL JUSTICE IN A GLOBALIZED WORLD**

In the last twenty-five years, social justice has suffered greatly, particularly since the rise of globalization and its major handmaids, liberalization and marketisation. Social justice has not progressed an inch further in today's world, despite big promises enshrined in various countries' constitutions and legitimized by the United Nations through the Universal Declaration of Human Rights (UDHR), in fact, on the contrary, social injustice has increased and is threatening to reach alarming proportions everywhere<sup>7</sup>.

Social justice is a political system condition and it is argued in this article that civil society is a tool for enforcing and improving social justice. This isn't to say that the state is required for social justice to exist, or that civil society is always supportive of it. While civil society in the contemporary sense is a relatively new concept, the state as a political institution and a means of building and maintaining social order has a long and illustrious history.

At the same time, if one accepts that social justice has an ethico- philosophical and moral grounding and is at the heart of all human values, the notion and practice of social justice predates both of these and may be traced back to the dawn of civilization<sup>8</sup>. As such, social justice is an abstraction that arises from an underlying drive embedded in human nature that a person should obtain what he or she deserves as a fellow participant of the interaction process in any contact among humans (what we call social interaction). Social justice, in this sense, has two components: intrinsic and comparative.

Intrinsic justice is concerned with micro-level analysis and states that no one should be given unjustified benefits or forced to undergo undeserved obligations (Principle of Equity). The macro-level examination (Principle of Equality) is the focus of comparative justice<sup>9</sup>.

7 Dr. N.V Paranjape , Studies in Jurisprudence and legal theory, 251-252 (8<sup>th</sup> Edition, Central law Agency)

8 Social Justice, available at <https://plato.stanford.edu/entries/justice-social/> (last accessed on 27.12.2020 at 12.30 A.M).

9 Supra Note 4.

This element is more developed and well-known since it assumes that all humans are fundamentally equal. Indeed, comparative justice has got more attention recently, particularly from civil society organizations, than intrinsic justice, and it has a number of implications.

Since social justice is more of an ethical-philosophical idea, it is more difficult to define and achieve than the other two elements in our plan. Some regard social justice as an attribute of a 'just society,' which is defined as a society that provides individuals and groups with 'fair treatment' and a 'just share' of society's benefits<sup>10</sup>. Diverse advocates for social justice, on the other hand, have formed different views of what constitutes fair treatment and a reasonable share<sup>11</sup>. As a result, associating social justice with just society complicates our work since we have added more terms to our vocabulary and must now cope with extra notions such as fair treatment and just share.

The growth of numerous types of justice, many of which overlap with social justice, further complicates the situation<sup>12</sup>. Natural justice, retributive justice, distributive justice, civil justice, economic justice, and other notions, for example, all have some interaction with social justice at some point. The definition and extent of these phrases are also a source of contention among political, legal, and moral authorities. Most political parties today campaign for social justice, and this is especially true under democratic regimes due to their ability to mobilize popular support.

Most political parties today campaign for social justice, and this is especially true under democratic regimes due to their ability to mobilise popular support. In fact, it appears in the manifestos of most populist parties, but the debate is about what constitutes social justice and how it can be achieved, given that many parties are diametrically opposed (ranging from left wing radicals to right wing conservatives). Social justice is enacted through the legal framework and operationalized through fundamental rights from a legal standpoint. However, what is legally correct and how one enforces one's fundamental rights are equally contentious issues.

According to social justice, society is responsible for its members' unjust suffering, and as a result, society as a whole should heal the deprivation and establish social measures to ensure that such harm does not occur. This is the argument behind why society should come to the aid of an unhappy

10 Id.

11 Id.

12 Cathrine Holst, Global Social Justice, available at

<https://www.sv.uio.no/arena/english/research/publications/arena-working-papers/2019/wp-3-19.pdf> ( last accessed on 26.12.2020 at 7.00 pm).

individual<sup>13</sup>. If someone does something wrong to another person, the wrongdoer may be asked to compensate the aggrieved. If, on the other hand, a person is forced to bear an unjust burden for no obvious reason, there is no one culprit who can be recognized, and society must come to his or her aid.

In communities where religion was strong, justice was carried out according to God's will. As a result, norms and values were developed, and social justice was promoted on ethical, moral, and philosophical grounds. Even while rulers were required to dispense equal justice to all subjects, Social Justice had no political connotations in this sense. The concept of natural law was also a part of Social Justice. Natural law was supposed to guide everything in nature and was viewed as a normative force, and it was thought to be just to everyone<sup>14</sup>. Social justice (religious and natural) has a metaphysical foundation in both circumstances and cannot be equated with dispensation through ordinary laws.

Any discussion of social justice must first address the term "justice." Justice can be viewed as a virtue from two perspectives: as a personal trait deriving solely from their deeds and the institutions they build, or as a feature of actions or institutions deriving solely from the individuals who bring them about. Harmony, divine mandate, natural law, or human creation may be considered the source of justice, or it may be seen as a subordinate to a more essential ethical ideal. In two areas, the demands of justice are pressing: equity and equality.

Equitable treatment, also known as distributive justice, entails treating people fairly, giving them what they deserve, providing benefits to the poorest, protecting whatever happens in the correct way, or maximizing total utility. Equality means that everyone is treated the same when it comes to owning and using socially acceptable commodities and services. Even while they must be kept separate for analytical purposes, the second subsumes the first and may be thought of as a sublimated form of the first.

## **CONCLUSION**

The entourage of livelihood, of human existence, of a meaningful existence shall never be in full effect unless the element of social justice is couched within the very basis of such existence. The

13 Available at <https://understandingsociety.blogspot.com/2011/10/rawlss-framework-for-global-justice.html>. (Last accessed on 24.12.2020 at 8.00 am)

14 Id.

importance of Social Justice and its essential presence become clear through this very statement and this leads us all to understand that how this concept is engulfed into the legal principles and societal necessities of the Country.

It primarily becomes important to understand that in very simple terms Social Justice is nothing but a process through which the principles of liberty, equality and justness are filled in the lives of common people and thence the individual rights are maintained in the society.

It becomes pertinent to quote J. Krishna Iyer in this regard who proclaimed that “social justice is not an exact static or absolute concept, measurable with precision or getting into fixed world, it is flexible, dynamic and relative”, which shows that though Social Justice seems to be a very simplistic concept but it has a very wide connotation and hence cannot be bounded through words.

As far as India is concerned, the vice of social inequality in our country assumes a rather reprehensible form which majorly covers the backward classes and the communities which were not able to make enough during the British Era. It is for the upliftment of this class and injecting the concept of equality in the veins of the Country that the Constitution of India has many Articles pertaining to the same. Through these provisions such as Article 15, Article 23, Article 38, Article 39(a) etc. the Constitution tries to fulfill its solemn promise of Social, Economical and Political Justice to its PEOPLE.

It is the Supreme Court which has time and again tried to enhance the stature of the principle by pushing the Authorities to apply these principles and ensure the everlasting development of social order. The Hon'ble Apex Court has stated in the case of *Balbir Kaur v. SAIL*<sup>15</sup> that “the concept of social justice is the yardstick to the justice administration system or the legal justice and it would be an obligation for the law Courts to apply the law depending upon the situation in a manner whichever is beneficial for the society”.

Hence, the importance of Social Justice in ensuring that the benefits of such application are reaped by the Society has been not only acknowledged in the Constitution but has time and again been upheld by the Final Court of Justice of the Country.

15 *Balbir Kaur & Anr vs Steel Authority Of India Ltd. & Ors*, 11881 of 1996.

On this note, the only conclusion that may come to one's mind is that though there is recognition of the principle in every manner in our country, but the implementation is still a far fetched dream for many and it is only after achieving such Social Justice in a true sense that our Country and its Countrymen can say that we live in a country that ensure Social, Economic and Political Justice to all.

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