

charities and doles trotted out by them must be through the agencies recognised by the Governments. The Hindu community must not be driven to the necessity of taking law into their hands in retaliation to this monstrous invasions. It may not be out of place to

suggest that perhaps, it would be better to seek redress by way of an appropriate writ for a direction to all the State and the Central Governments to make an appropriate law in this regard to protect the interests of the Hindu community against the onslaught.

SOCIAL JUSTICE - DREAM OR REALITY

By

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The concept of social justice is on the lips of every person occupying important positions in our body politic. It is an ideal, it should be made a reality. Social Justice consists the upliftment of backward classes of people. There are various categories of people who are regarded as backward classes for viz., The Scheduled Castes and Scheduled Tribes, Women, Children, Disabled persons, and Minorities etc.

Special efforts have to be made for their upliftment and for the welfare of the people under such categories. The various Government that come to power in our country no doubt realize the importance of achieving social justice and make long sermon on it. However, in reality we find that such weaker sections do not seem protected adequately. The following reports in leading Newspaper published recent times clearly bring out this fact.

1. Problems Regarding Child Labour.

a. Abuse of Child Domestic Workers Rampant¹

“The recent case of nine-year-old girl who was physically abused by her employer is not an isolated incident. Work carried out by organizations like Human Rights Law

Network, M.V. Foundation and the National Domestic Workers Movement shows that most children employed as domestic helps work in distressing conditions. Children from districts are sent by their parents to work at homes. Parents believe that children will have access to a better quality of life and education if they work in the city.”

b. Child Labourer Rescued²

“A child labourer who was accused of stealing Jewellery by her employer and allegedly tortured by the latter, was rescued. The non-Governmental organization that led the rescue team, said an electricity department employee had employed the girl to look after his granddaughter. Employer assured the girl’s mother that he would also take the responsibility of her education. He allegedly gave Rs.5,000/- to and agreed to pay Rs.5,000/- a year towards salary. The girl had been working in house for the past seven months. Recently, he accused the girl of stealing jewellery from his house and since then was allegedly beating her to recover the same. After rescuing the girl, the NGO approached the police seeking action against the employer. Police Inspector said a criminal case was being booked against Employer following a complaint from the girl’s father.

1. “The Hindu” dated : 24th Dec 2005

2. “The Hindu” dated : 23rd Jan 2006

In addition to Section 323 of IPC, we'll also invoke relevant provisions of Child Labour Act, The police said".

If some children are abused by the employers, some others are abused by persons related to the employer, says co-ordinator of Advocates for Child Rights. Mistreatment of children at houses does not always take obvious forms like physical or sexual abuse, says Regional Co-ordinator of the National Domestic Workers Movement, Verbal abuse, segregating the child, preventing her from meeting her parents, not protecting the child when she is hurt or exploited, using the child as mortgage or property or placing the child in circumstances that work against him or her also constitute abuse, Speaking of instances where the child is placed in unfavourable circumstances, she says it is common for children to be accused of theft whenever something goes missing in a house. Today domestic child abuse goes unpunished largely because of the clause in the Child Labour (Prohibition and Regulation) Act, 1986. Under the Act, only those who employ children in hazardous work can be punished. Domestic child labour has not been identified as 'hazardous work'.

2. Problems Regarding Women.

a. *Man, In-Laws Booked On Dowry Charge After Wife's Death*³

"The police have booked a case under the Dowry Prohibition Act against the husband and in-laws of victim, who died under suspicious circumstances in her husband house".

"The case was registered after victim's father lodged a complaint with the police alleging that accused strangled victim to death. Accused, according to victim's father, was harassing victim for an additional dowry of Rs.5 lakhs since their marriage. victim's father, in a statement to the media here, said

he had given Rs.5 lakhs, including dowry and household articles to accused at the time of marriage and that accused was harassing his daughter using foul language and manhandling her for the additional dowry".

c. *Woman robbed*⁴

"A housewife who was alone at home was sprayed with some sedative and all the valuables in the house looted by a miscreant in a locality. According to the police, as soon as House wife opened the door, the miscreant sprayed some sedative in her face. She fell unconscious and the intruder took away Rs.1 lakh in cash and gold ornaments weighing nearly 20 tolas".

d. *Sexual Harassment At Workplace: States Told To Set Up Panels*⁵

"Expressing concern over non-implementation of its judgment relating to sexual harassment at work places, the Supreme Court has directed the Chief Secretaries of all the States to inform within eight weeks whether they have set up committees in all the departments and institutions to deal with such complaints. Noted that the Apex Court in 1997 had issued a series of guidelines in the "Vishaka case" on how to deal with the problem of sexual harassment at work places. All the States were parties to those proceedings. "Now it appears that the directions issued were not properly implemented by the various States. The Counsel appearing for the various States submit that they would do the needful at the earliest..." "We find that in order to co-ordinate the steps taken in this regard, there should be a State level officer, i.e., either the Secretary of the Woman and Child Welfare Department or any other suitable officer who is in charge and concerned with the welfare of women and children in each State. "The Chief Secretaries of each State shall see that an officer is appointed as a nodal agent to

3. "The Hindu" dated : 16th Jan 2006

4. The Hindu dated 8th Jan 2006

5. "The Hindu" dated : 23rd Jan 2006

collect the details and to give suitable directions whenever necessary.” It also noted that directions were not fully complied with, in respect of factories, shops and commercial establishments. And therefore, directed the Labour Commissioner of each State to take steps. It asked the Labour Commissioner of each State to take steps. It asked the Labour Commissioner to act as nodal agency and collect details regarding the complaints and ensure that the required committees were established in such institutions”.

- e. *‘Sexual Abuse’ of Mentally Challenged Maid: 6 Held⁶*

“Three cousins and four of their friends allegedly sexually abused a mentally challenged woman working as a domestic help for the past one year. The heinous act came to light when the victim’s mother approached the local police. “It is also charged that the victim became pregnant but the accused got her seven-month pregnancy terminated a few weeks ago.” The 25 year old woman used to live with her elderly parents. At the instance of her parents, she took up work as a maid in the house of a watchman, a couple of years ago. Accused allegedly set his eyes on the maid as other members of the family used to go out for work. Accused Cousins, who also live in the same house, too allegedly began sexually exploiting the mentally challenged woman. Subsequently, accused friends and two others also raped the woman. All the six accused have been picked up and a case of rape booked against them”. Police said.

3. Problems Regarding Schedule Caste and Schedule Tribes.

- a. *NCW to Inquire into Alleged Rape of Dalit⁷*

“Taking *suo motu* cognizance of the alleged gang rape of a Rajasthani dalit social worker, the National Commission for Women (NCW) has constituted a four member inquiry committee headed by chairperson. Other members are NCW members were also member of the Rajasthan State Commission for Women.”

- b. *Six Tribals Killed in Police Firing⁸*

“Six tribals and one policeman were killed in a clash. Unconfirmed reports put the death toll at 13. Around 40 tribals and police personnel were injured. The incident took place around 11 a.m. when nearly 800 tribals from nearby villages reached there to protest against the construction of a boundary wall for a proposed six-million tonne plant. The police said the tribals threw bricks and shot arrows, injuring several policemen. One person was killed. The police opened fire after they failed to hold back the crowd. A curfew was imposed in the afternoon as more tribals reached the site and raised slogans against the police. The Government was monitoring the situation, announced an exgratia of Rs.1 lakhs to the next of kin of those killed.”

- c. *Jambavantha Temples Sought in SC Colonies⁹*

“The Madiga community in the state is all set to take up campaign with a difference. While agitating for the categorization of Scheduled Castes, it has decided to exert pressure on the Government to construct temples of Lord Jambavantha in all SC colonies. Claiming to be descendants of the lord, who is revered by the community, activists of the Madiga Samskritika Vedika have come up with a slogan of an exclusive temple for Jambavantha in each Dalitwada, in the place of Lord Rama. To boost the campaign, the organization brought out a ‘Maha Adi Jambavantha’ calendar, which was released. The Government recently said it

6. “The Hindu” dated : 25th Jan 2006

7. “The Hindu” dated : 26th Jan 2006

8. “The Hindu” dated : 3rd Jan 2006

9. “The Hindu” dated : 1st Jan 2006

would construct 25,000 Ramalayams in Dalitwadās. What we want is a temple for our Lord Jambavantha and not Lord Rama.” It is noteworthy that in some remount villages and towns, Delits are not allowed to enter in to temples off lord Rama”

- d. Tribal woman’s fight to get back infant son¹⁰

“In a desperate bid to get back her five-month old son, who was separated from her by her husband, victim, a tribal of, is waging a lone battle for justice.

Tribal woman who took up her cause, staged a dharna at the Collectorate here seeking action against her in-laws, husband who, she had approached for conciliation, and who cited caste equations and allegedly castigated her. She lost her parents in childhood, was eking out livelihood by working in a hotel, a man who was also employed in the same hotel, he married her two and half years ago in a temple against his parents wishes. Tribal woman had delivered a baby boy. The woman alleged that her in- laws, while pretending forgiveness, asked their second son to bring them home. Her husband and son had reportedly given her sedatives. She regained consciousness and found her child missing. On questioning them she was taken to a room and told her that the infant was given adoption. The brothers then reportedly deserted her there promising to return with the infant. After spending 20 days she managed to return her native place. But the in-laws with the support of the others deserted her again after a month. The tribal woman, when she reached her in-laws place again, was shunted out of the village by them”.

4. Problems Regarding Disabled Persons.

- a. *The Wheelchair Cannot Blunt his Wisecracks*¹¹

10. “The Hindu” dated : 22nd Jan 2006

11. “The Hindu” dated : 12th Jan 2006

“His wisecracks defy his tender age and affliction. Not only that he as a heart of selfless missionary with a passion to help disabled children. Meet twelve-year -old the Great Indian laughter challenge, who with his pithy jokes and spontaneous wit has become the darling of the people ever since the participation in the television show accompanied by his mother child prodigy taught why not take a chance when they said that anybody could perform. He said there were eight artists but I gave very good performance, well I want to continue in this line. I want to help handicapped children through my earnings. Six years ago I had both my legs in Plaster of Paris after an operation a relative gave me a cassette of joke to forget the pains later that day in narrated all the jokes to the children. Since then there was looking back for this child humorist who intersperses his jokes freely with profound Urdu couplets,”

- b. *Physically challenged seek better deal*¹²

Physically Challenge persons demanded their rights and urged the Government to treat them on a par with normal people. A Woman who has been running from pillar to post to get the help for her six-year-old mentally challenged son. The son’s father points out tri-cycle only help he got from Government. All of them spoke at a public hearing organized by the Network of Persons with disabilities organizations mentioning how they were being looked down upon by society. These physically challenged people from the rural areas poured out their tale of woe before a panel. The narrated instances when local Patwaris, Patels, Sarpanches and Mandal Parishad Development officers refused to listen to their problems and asked them to approach the Disabled welfare Department or the corporation for help.

5. Problems Regarding Custodial Death.

12. “The Hindu” dated : 1st Jan 2006

a. *Tribal Woman's Death In Lock - Up?*¹³

"Irate relatives and locals stormed excise station and ransacked the premises protesting against the alleged rape and death of a tribal woman in the station, after she was picked up on the charge of selling illicit liquor. Following a complaint lodged by the sister-in-law of the victim, the Police booked cases against the Excise Inspector, SIs and besides five other constables for alleged rape, murder and wrongful confinement of the tribal woman, according to ACP. The Excise personnel had picked up victim, from the tenement after demolishing her hut. "We were allowed to take food to her in the station yesterday afternoon. But the Excise Personnel turned away a relative who carried food for her dinner in the evening saying she did not need it. And this morning, an Excise constable came to our place and informed that victim was dead," the deceased's sister-in-law said in her complaint."

6. Atrocities Against Minorities.

a. *Attack on pastor, Christians : 12held*¹⁴

"Twelve persons were arrested in connection with the attack on a Pastor and three Christians respectively".

b. *AISF (The All India Students Fedration) lauds withdrawal of minority status*¹⁵

"A meeting convened on Dalit empowerment Stressed the need to ensure proportionate reservation for Dalit Christians by increasing the overall percentage of statutory reservations"

All the above reports clearly show that all is not well in the realization of concept of social justice in India. It appears to be a distant goal with reports of kind noted above pouring in Newspaper day after day.

There are various provisions under the Constitution of India for realization of social justice.

Article 14 of the constitution of the India lays down -"The state shall not deny to any person equality before the law or the equal protection of the laws with in the territory of India".

This article guarantees to every person the right not to be denial equality before the law or equal protect of laws. As earlier as 1953 the Supreme Court in *Satish Chandra v. Union of India*,¹⁶ pointed out. The guiding principal of the article is that all persons and things similarly circumstanced shall be treated alike, both in privileges conferred and liabilities imposed. Prof. *Jennings* in his work points out that equality before law means that the amongst the equal. The laws should be equal and should be equally administered and that the like should be treated alike. From the above observation it is clear that law does not permit different treatment of unequals. The quintessence of rule of law means that like should be treated alike and unlike should be treated differently. Every treatment of unequals is as bad as unequal treated of equals.

In India there are various classes of people. The weaker section constitute the bulk of the society. Discriminatory provisions therefore become necessary to facilitate their upliftment. This is what is described as social justice. The concept of social justice has been brought out by the Supreme Court by *AIR Indian statutory corporation v. United Labour union* in the following works. "The preamble and Article 38 of the constitution envisages social justice as the arch to insure life to be meaningful and livable with human dignity. Jurisprudence is the eye of law giving an insight into the environment of which it is the expression. Social Justice relates the law to the spirit of time and makes it rich. Law

13. "The Hindu" dated : 16th Jan 2006

14. "The Hindu" dated : 6th Jan 2006

15. "The Hindu" dated : 6th Feb 2006

16. AIR 1953 SC 250

is the ultimate aim of every civilized society as a key system in a given era to meet the needs and demands of its time. Justice, according to law, comprehends social urge and commitment. The Constitution commands justice, liberty, equality and fraternity as Supreme values to usher in the egalitarian social, economic and political democracy. Social justice, liberty, equality and dignity of person are corner stones of social democracy. The concept of "social justice" "which the Constitution of India engrafted, consists of diverse principles essential for the orderly growth and development of personality of every citizen. "Social Justice" is thus an integral part of justice in the generic sense. Justice is the genus, of which social justice is one of its species. Social justice is a dynamic device to mitigate the sufferings of the poor, weak, dalits, tribals and deprived sections of the society and to elevate them to the level of equality to live a life with dignity of person. Social justice is not a simple or single idea of society but is an essential part of complex social change to relieve the poor *etc.* From handicaps, penury to ward off distress and to make their life livable, for greater good of the society at large. In other words, the aim of social justice is to attain substantial degree of social, economic and political equality, which is the legitimate expectation and constitutional goal. Social security, just and humane conditions of work and leisure to workman are part of his meaningful right to life and to achieve self expression of his personality and to enjoy the life with dignity. The State should provide facility and opportunities to enable them to reach atleast minimum standards of health, economic security and civilized living while sharing according to their capacity social and cultural heritage.

In a developing society like that in India steeped with unbridgeable an ever widening gaps of inequality in status and of opportunity. Law is a catalyst, Rubicon to be proved *etc.* to reach the ladder social justice. What is

due cannot be ascertain by an absolute standard which keeps changing depending upon the time, place and circumstances. The constitutional concerned, social justice as a elastic and continuous process is to accord justice of all section of the society by providing facilities and opportunity to remove handicap and disabilities with which the poor, the workmen *etc.* are languishing and to secure dignity of their person. The constitution therefore mandate the state to accord justice of all members of the society. The concept of social justice enlightens practical life. Rule of law is potent instrument of social justice to bring about equality in results. In *Kedarnath, Bajoria v. State of West Bengal* Supreme Court observes "the equal protection of the laws guaranteed by the Article 14 of the Constitution does not mean that all must be in general in character and universal in application and the state is no longer have the power to distinguishing and classifying persons or things for the purpose of legislation¹⁷. This observation of the APEX Court envisages that Article 14 does not rule out classification for purposes of legislation. There are special provisions under Articles 14 and 15 of the Constitution of India which heal social justice and contain principles on compensatory and protective to discrimination.

It is called compensatory discrimination because the present equal treatment is a compensation for the ill-treatment meted out to them during the ages by war. It is protective because that cannot compete with the advanced classed on equal footing and need protection till such time as a real equality is restored. Article 15 of the constitution contains equal provision regarding protective discriminative clause 1 of the article lays down "The state shall not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them". Having brought out in the above provision that there shall be no discrimination based

17. AIR 1954 SC 404

only on grounds like religion, race, sex *etc.* the article further clarified in clause 3 as under “Nothing in this article shall prevent the state for making any special provision for women and children”. Women belong to the weaker section of community and hence protective discrimination in their favour is permitted under this Article. It may be pointed out that Manu Smriti, written in 200 A.D., *i.e.*, 300 years after Manu Smriti only marginally improved the position of women. Even till recently, *i.e.*, the passing of Hindu Succession Act in 1956 Woman had only limited estate in regard to her property. Section 14 of the Act lays down that “any property, possessed by a female Hindu, Whether acquired before or after commencement of this Act, shall be held by her as full owner thereof and not as a limited owner”.

In *Gittha Hari Haran v. Reserve Bank of India*¹⁸ the Supreme Court considered the aspect of ‘Gender equality’ with reference to Section 6(a) of Hindu Minority and Guardianship Act (32 of 1956).

Section 6 of the above mentioned Act deals with the question as to who is the natural guardian of a Minor. Clause (a) of Section 6 lays down.

“If the minor is a boy or unmarried girl, the father is the natural guardian and after him the mother”.

Declining with the above - provision the Court observed:

Section 6(a) uses the words, “the father and after him, the mother”. This phrase on a cursory reading, does give an impression that the mother can be considered to be natural guardian of the minor only after the lifetime of the father. If the section is so understood the section has to be struck down as unconstitutional as it undoubtedly violates gender equality, one of the basic principles of our Constitution”.

Social Justice therefore requires special provisions of a Protective nature in favour of women.

Clause (4) of Article 15 further lays down that nothing in the Article “shall prevent the State from making any special provision for the advancement of any socially and educationally backward classes of citizens or of the Scheduled Caste or Scheduled Tribes”.

Problems of Social justice and obligation of provisions of compensatory discrimination the two most contentious issues in the application of Article 15, Clause 4 as well as Article 16(4) have been

1. Determination of Backward classes.
2. Extent or quantum of reservation.

Although Article 16(4) does not qualify backward classes of citizens as Article 15(4), thus by using the words socially and educationally the problem of determining such clauses is similar under both the provisions. So far as Scheduled Castes and Scheduled Tribes are concerned they are defined in the definitional under Article 366 under clause 24 and 25 respectively in the constitution. Article 340 however contemplates of a Commissioner to investigate the condition of socially and educationally backward classes and such other matters as may be referred to the Commission by the President.

Backwardness under Article 15(4) must be social and educational and that backwardness is, in the ultimate analysis, the result of poverty. One’s occupation and place of habitation could be the other relevant factors in determining social backwardness. The Court invalidated the test of the backwardness which was based predominantly if not solely on caste. In *R. Chintralekha v. State of Mysore*,¹⁹ the Government of Mysore laid down that classification of socially and educationally backward classes should be

18. AIR 1999 SC 1149 = 1999 (2) ALD (SCSN) 13

19. AIR 1964 SC 1823

made on the following basis: (i) Economic conditions and (ii) occupations. But the order of the Government did not take into the consideration the caste of the applicant as one of the criteria for backwardness. The Supreme Court held that though the caste of a group of citizens might be a relevant circumstance for ascertaining their social backwardness, it could not be the sole or dominant or even essential test in that behalf. The Court accepted the criteria adopted by the Mysore Government for ascertaining the backwardness of a class.

Article 16 deals with Equality of opportunity in matters of Public employment and clause I lays down as under: "There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State".

Clause 4 of the Article proceeds to lay down the principle of Protective discrimination as under:

"Nothing in this Article shall prevent the State from making any provision for the reservation of appointments or posts in favour of any backward class of citizens which, in the opinion of the State, is not adequately represented in the services under the State".

This clause expressly permits the State to make a provision of the reservation of appointment or posts in favour of any backward classes of citizens which, in the opinion of the State are not adequately represented in the services under the State. The power conferred on the State can only be exercised in favour of backward classes and therefore, whether a particular class of citizens is backward, is an objective factor to be determined by the State. While the State has necessarily to ascertain whether a particular class of citizens is backward or not having regard to acceptable criteria, it is not the final word on the question. It is a justiciable issue and may be canvassed if that decision is based on irrelevant considerations.

Article 23 of the Constitution lays down:

1. Traffic in human beings and beggar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.
2. Nothing in this Article shall prevent the State from imposing compulsory service for public purposes, and in imposing such service the State shall not make any discrimination on grounds only of religion, race, caste or class or any of them.

This article embodies two declarations, First, that traffic in human beings, beggar and other similar forms of forced labour are prohibited. The prohibition applies not only to State but also to private persons, bodies and organizations. Second, any contravention of the prohibition shall be an offence punishable in accordance with law. Under Article 35 of the Constitution laws punishing acts prohibited by this Article shall only be made by Parliament, though existing laws on the subject, until altered or repealed by parliament, are saved.

Traffic in human being means to deal in men and women like goods, such as to sell or let or otherwise dispose them of. It would include traffic in women and children for immoral or other purposes (*Raj Bhadur v. Legal Remembrancer*,²⁰ 522). The Suppression of Immoral Traffic (Prevention) Act, 1956 is a law made by Parliament under Article 35 of the Constitution for the purpose of punishing acts which result in traffic in human beings. Slavery is not expressly mentioned but there is no doubt that the expression 'traffic in human beings' would cover it (*Dubar v. Union of India*,²¹). Under the existing law (Section 370, Indian Penal Code) whoever imports, exports, removes, buys, sells or dispose of any person as a slave or accepts,

20. AIR 1953 Cal. 522.

21. AIR 1952 Cal. 496

receives or detains against his will any person as a slave shall be punished with imprisonment.

In pursuance of Article 23 the bonded labour system has also been abolished and declared illegal by the Bonded Labour System (Abolition) Act, 1976.

Begar means involuntary work without payment. It a fundamental right of a person, Citizen or non citizen, not to be compelled to work without wages, the only exception being commonly imposed public services. The guarantee is not restricted beggar alone but includes other similar forms of forced labour. Begar commonly connotes force labour for which no wages are paid or, if some payment is made, it is grossly inadequate. It means making a person work against his will and without paying any remuneration (*S. Vasudevan v. S.D. Mital*,²²). To ask a person to work and then not to pay him his wages savours of Beggar (*Suraj Narayan v. State of M.P.*,²³ but a voluntary agreement to do extra work for payment is not beggar or forced labour (*Samabai v. State of U.P.*,²⁴

Article 24 States: No child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

Employment of children below the age of 14 years in any factory or mine or other hazardous occupation is forbidden. Obviously, the provision is in the interest of health and strength of young persons and is in keeping with the provisions of the directives in Article 39(e) and (f). But in view of our socio-economic realities the Constitution makers could not prohibit the employment of children generally.

Till *People's Union for Democratic Rights v. Union of India*,²⁵ the general understanding was that the right secured by Article 24 will hardly

be effective in the absence of legislation prohibiting and penalizing its violation. However, in that case the Supreme Court clearly stated that Article 24 'must operate proprio vigore' even if the prohibition laid down in it is not 'followed up by appropriate legislation'. Accordingly the Court held that though construction work was not included among the hazardous industries in the Employment of Children Act, 1938 (replaced by Child Labour (Prohibition and Regulation) Act, 1986, construction work is 'plainly and indubitably a hazardous employment' prohibited by Article 24. Therefore, no child below 14 can be employed in construction work (*People's Union of Democratic Rights v. Union of India*,²⁶ This position has been reiterated in *Labourers, Salal Hydro Project v. State of J&K*,²⁷ where again it held that employment of children below 14 in construction work violates Article 24.

In addition to the Child Labour (Prohibition and Regulation) Act, 1986 which specifically prohibits the employment of children in certain industries and leaves the scope for such prohibition in others, the legislatures have, however, enacted many legislations before and after the commencement of the constitution prohibiting Child Labour (the Indian Factories Act, 1948, the Mines Act, 1952, the Merchant Shipping Act, 1958, the Motor Transport Workers Act, 1951, the Plantation Labour Act, 1951, the Bidi and Cigar Workers Act, 1966, the Apprentices Act, 1961 and many State Acts, particularly, those regulating conditions of workers in shops and establishments).

In all the ways noted above Social Justice is sought to be achieved by enacting wherever necessary principles postulating Protective Discrimination in favour of Weaker Sections of the Society.

22. AIR 1962 Bombay 53, 67.

23. AIR 1960 MP 303.

24. AIR 1959 ALL 57.

25. AIR 1982 SC 1473

26. AIR 1982 SC 1473.

27. AIR 1984 SC 177.