



THE INDIAN CONSTITUTION AND SOCIAL-ECONOMIC JUSTICE IN INDIA

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ABSTRACT The expression 'economic justice' envisaged in the preamble of the Indian Constitution denotes the determination of India in bringing socio-economic revolution. Article 39 (b) and (c) are also very significant constitutional provisions in relation to economic justice as they affect the entire economic system of India. Social justice is concerned with the distribution of benefits and burdens. The basis of distribution is the area of conflict between rights, needs and means. The Constitution of India has solemnly promised to all its citizens justices-social, economic and political; liberty of thought expression, belief, faith and worship; equality of status and of opportunity; and to promote among the all fraternity assuring the dignity of the individual and the unity of the nation in three parts, one is Preamble as I mentioned before, second Fundamental Rights and thirdly through Directive Principles. In this paper, an analysis has been made as to how the social and economic justice removes inequalities and provides for proper distribution of benefits through the provisions of The Indian Constitution.

KEYWORDS :

INTRODUCTION

The Constitution of India was adopted on November 26; 1949. The Indian Constitution is unique in its contents and spirit. Though borrowed from almost every Constitution of the world, the Constitution of India has several salient features that distinguish it from the Constitutions of other countries. The Preamble of Constitution of India is designed to realize socio-economic justice to all the people in India.

BACKGROUND

Realization of social and economic justice compels alteration of the basic structure of the society by ushering in a new legal order to harmonize the conflicting interests of different sections. Differential treatment accorded by law to further social justice cannot be termed discriminatory since the welfare of the society as a whole is the basis for the differential measures.

Social and Economic Justice

Economic justice is a component of social justice. It is a set of moral principles for building economic institutions, the ultimate goal of which is to create an opportunity for each person to create a sufficient material foundation upon which to have a dignified, productive, and creative life. For prevention of social wrongs and injustice there must be efficient administration of justice according to predicated principles of law and this can be done through the machinery of courts and legal process. The socio economic justice as visualized by the Indian Constitution is found mostly in the Directive Principles of State Policy – Part IV of the Constitution of India and to a little extent in the Chapter on Fundamental Rights and certain other provisions of the Constitution.

The term „Social Justice" is not capable of any precise definition. It has neither any specific content nor does it have any definite contours. It changes with the times, with the culture, with the state of economy and with the people.

'Economic Justice' means the banishment of poverty, not by expropriation of those who have but by the multiplication of the national wealth and resources and an equitable distribution thereof amongst all who contribute towards its production, is the aim of the state envisaged by the directive principles. Economic democracy will be installed in our sub-continent to the extent that this goal is reached. In short, economic justice aims at establishing economic democracy and a „welfare state".

The right to economic justice to the scheduled castes, scheduled tribes and other weaker sections is a fundamental right to secure equality of status, opportunity and liberty.

Constitutional Emphasis On Social And Economic Justice

Social Justice is the principles that go into the formation of a welfare state. Themes and principles of socio economic justice are amply reflected in the Preamble to the Constitution, in Part III Fundamental Rights and in Part IV the Directive Principles of the Constitution. It has

been held that the validity of any law enacted by the legislature would be tested against the touchstones of the Preamble, Fundamental Rights and Directive Principles.

The Preamble, Fundamental Rights and the Directive Principles form the ethical basis for the constitutional Endeavor of social engineering for the creation of an egalitarian society.

The Apex Court observed that the Preamble to the Constitution declares the solemn resolve of the people of India to secure to all the citizens justice-social, economic and political.

Law 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.

Social justice is a dynamic device to mitigate the sufferings of the poor, weak, Dalits, tribal's and deprived sections of the society and to elevate them to a status of equality and enable them to live life with the dignity of person.

In other words, the aim of social justice is to attain substantial degree of social, economic and political equality, which are the legitimate expectations. 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 facilities and opportunities to them to reach at least minimum standard of health, economic security and civilized living while sharing according to the capacity, social and cultural heritage.

Social justice is concerned with the distribution of benefits and burdens. The basis of distribution is the area of conflict between rights, needs and means.

The Constitution of India has solemnly promised to all its citizens justices-social, economic and political; liberty of thought expression, belief, faith and worship; equality of status and of opportunity; and to promote among the all fraternity assuring the dignity of the individual and the unity of the nation in three parts, one is Preamble as I mentioned before, second Fundamental Rights and thirdly through Directive Principles.

A. Fundamental Rights

The Supreme Court in *Sadhu Ram VS. Pullin Behari* observed that social justice is one of the aspirations of the Indian Constitution. In view of securing to all its citizens social justice our Constitution provides some Fundamental rights in Part III some of which are available to all. They are –

- (1) Equality before law (Art 14)
- (2) Prohibition of discrimination on ground of religion, race, caste, sex or place of birth (Art 15)
- (3) Equality of opportunity in matters of public employment (Art 16)
- (4) Abolition of Untouchability (Art 17)

- (5) Abolition of titles (Art 18)
- (6) Protection of certain rights regarding freedom of speech etc. (Art 19)
- (7) Protection of life and personal liberty (Art 21)
- (8) Protection in respect of conviction for offenses (Art 20)
- (9) Protection against arrest and detention in certain cases (Art 22)
- (10) Protection of traffic in human beings and forced labour (Art 23)
- (11) Prohibition of employment of children in factories or mines or in any other hazardous employment (Art 24)
- (12) Freedom of Religion (Art 25 - 28)
- (13) Protection of interests of minorities (Art 29-30)
- (14) Judicial remedies for enforcement of rights conferred by this Part - III of the Constitution (Art 32).

B. Directive Principles of State Policy

To realize the goal of social and economic justice our Constitution also provides some directives to the State in the form of Directive Principles of State Policy (Articles 39-50) and lays down that the state shall direct its policy towards securing these objectives. The most important of these directives are –

- (1) Promotion of welfare of the people (Art 38)
- (2) Adequate means of livelihood; equal distribution of material resources of the community; distribution of means of production to the common good equal pay for equal work; promotion of health and strength of workers, men and women and the children : Protection against exploitation of child hood and youth (Art 39).
- (3) Equal justice and free legal aid (Art 39A)
- (4) Right to work, education and to public assistance in certain cases (Art 41)
- (5) Just and human conditions of work and maternity relief (Art 43)
- (6) Living wages for workers (Art 44)
- (7) Uniform civil code (Art 44)
- (8) Free and compulsory primary education for children (Art 45)

Article 38 of the Constitution enjoins the State to strive to promote the welfare of the people by securing and protecting, as effectively as it may, the social order in which justice- social, economic, and political- shall inform all the institutions of the national life striving to minimize inequalities in income and Endeavour to eliminate inequalities in status, facilities, opportunities amongst individuals and groups of people residing in different areas or engaged in different vocation¹⁴. Read with Article 39A, Social Justice would include „legal justice“, which means that the system of administration of justice must provide a cheap, expeditious and effective instrument for realization of justice by all section of the people irrespective of their social or economic position or their financial resources¹⁵. Article 14 to 18 has to be understood in the light of social justice assured by Articles 38, 39, 39A, 41 and 46 of Part IV of the Constitution.

The Constitution commands justice, liberty, equality and fraternity as supreme values to usher in the egalitarian social, economic and political democracy. Social Justice, equality and dignity of person are cornerstones 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”.

Judiciary In Social And Economic Justice

After our independence a significant change has occurred in the role of judicial process in our society. Judicial activism figures prominently in the contemporary India with active assistance of social activists and public interest litigators for vindication of the governmental commitment to welfare and social justice. One of the meanings of judicial activism is that the function of the court is not merely to interpret the law but to make it imaginatively sharing the passion of the Constitution for social and economic justice.

CONCLUSION

There is now a strong need in India to have a co-ordination between the Executive and judicial organs of the State. Whenever there appears heat on any matters in our society, the legislature passes a law on it; but after passing of the law for want of implementation the people especially the masses, never see the light from that heat. So we need to develop a viable judicial system by changing our existing procedural law and taking necessary steps for proper implementation of laws including timely filling up of vacancies of the posts of judges in all courts. Law alone or the court alone cannot bring social justice. The development of delivery system of justice i.e. the judicial system is part and parcel of the programme of social justice which depends very

much on correlation and coordination among the three organs on the State.

Despite the well intentioned commitment of ensuring social justice through equalization or protective discrimination policy, the governmental efforts have caused some tension in the society. In the name of social justice even such activities are performed which have nothing to do with social justice. The need of hour is to ensure the proper and balanced implementation of policies so as to make social justice an effective vehicle of social progress.

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