

Social Justice in the Indian Constitution during 20th Century: A Historical Overview

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ABSTRACT

India's commitment to achieve social equality and justice has helped make its democracy the largest in the world. Equality before the law, protection of individual liberties, and ease of access to the judicial system are all aspects of what we mean when we talk about justice. The Indian Constitution has carefully included the concept of social justice through several clauses, notably the Preamble, which emphasizes concepts like "Socialist," "Social and Economic Justice," and "Equality." These constitutional provisions reaffirm the state's unwavering commitment to creating a society characterized by equality and its deep involvement in the well-being of its residents.

The complex topography of social welfare under the Indian Constitution is investigated at length in this research paper. Author emphasizes nuance by pointing out that the essence of social justice requires not just equal treatment but, where appropriate, preferential treatment. Just and fair application of government policies is crucial to establishing social justice.

KEYWORDS: *Indian Constitution, Social Justice in Indian Constitution*

INTRODUCTION

One of the most progressive constitutions in the world is India's, which was ratified in 1950. It protects a wide range of civil liberties, including the right to a public education, freedom of

expression, and equal protection under the law. In spite of this, the Constitution contains a number of measures designed to promote social justice on behalf of communities that have historically been at a disadvantage.

Article 15 of the Indian Constitution is one of the most important sections with regards to social justice. Religion, race, caste, sexual orientation, and place of birth are all explicitly outlawed in this article. Article 15 has proven crucial in overturning a wide range of discriminatory statutes and institutional policies. For instance, the Supreme Court overturned a law that reserved 68% of seats in Karnataka's medical colleges solely for members of the dominant Vokkaliga caste in the case of *M.R. Balaji v. State of Mysore* (1963).

Another essential provision promoting social justice is Article 16, which guarantees equal opportunities in matters of employment. This provision has been instrumental in challenging discriminatory workplace practices, such as job reservations based on caste.

In addition to these specific provisions, the Indian Constitution also outlines a series of Directive Principles of State Policy. While these principles are not legally binding, they are considered fundamental to the governance of the nation. These Directive Principles encompass goals such as fostering economic equality, eradicating untouchability, and safeguarding the interests of women and children.

Since its adoption in 1950, the Indian Constitution has made notable strides in advancing the cause of social justice. Nevertheless, substantial work remains unfinished. The entrenched caste system persists as a significant source of discrimination in India, and women and children continue to grapple with marginalization. It is imperative for the Indian government to take further action in implementing the Constitution's provisions, ensuring that every citizen reaps the benefits of social justice.

Several specific measures have been employed by the Indian government to promote social justice:

1. **Reservation of Seats:** Reserved seats in educational institutions and government employment have been allocated for members of Scheduled Castes (SCs), Scheduled Tribes (STs), and Other Backward Classes (OBCs).
2. **Affirmative Action Programs:** Affirmative action programs have been initiated to support women and other marginalized groups, striving to bridge gaps in opportunities and representation.
3. **Special Courts:** Specialized courts have been established to handle cases involving atrocities against SCs and STs, reinforcing legal protections for these communities.
4. **Legislation for Women and Children:** Laws safeguarding the rights of women and children have been enacted to address gender-based discrimination and protect vulnerable groups.

While these measures have positively impacted the lives of countless individuals in India, there remains a considerable journey ahead to fully realize social justice. The government must persist in investments in education, healthcare, and social programs that primarily benefit the impoverished and marginalized. Furthermore, it should address the root causes of discrimination, such as the deeply ingrained caste system.

Promoting social justice is an intricate and formidable undertaking, but the Indian Constitution provides a robust foundation for this endeavor. With unwavering dedication and continued efforts, India can indeed achieve its aspiration of establishing a fair and equitable society for all its citizens.

SOCIAL RIGHTS THROUGH THE FUNDAMENTAL RIGHT OF CITIZEN

a. Civil Liberties Controlled by the State in the Ways Specified in Article III: Rights that affect the larger community and can be governed by social norms are central to the concept of social justice. Since people are inherently social creatures, there is a social dimension to every right. The focus of social justice is on collective rather than individual rights.

Fundamental rights and directive principles were found to be complementary in the case *Keshavan and Bharti vs. State of Kerala* because they share the goal of promoting social reform and constructing a welfare state. Our constitutionally guaranteed freedoms are a reflection of egalitarian values. The prologue makes this point clear when it discusses Justice's "social, political, and economic dimensions."

However, the issue arises: how can we give form to the ideas of social justice so that they go beyond mere words and appear in reality? How do we help people realise that good government is the key to achieving social justice?

b. The Origins and Extent of India's Basic Human Rights The Bill of Rights is a common name for Part III of the Indian Constitution. The Constitution and the democratic way of life it has brought to this country rests squarely on these guarantees of individual liberty. All parties agree that these rights are sacred, inalienable, and cannot be violated in any way. It is essential to remember that Article 51A's Fundamental Duties and the chapter on Directive Principles of State Policy are supposed to be read together when attempting to grasp the Constitution's protections for individual liberties and individual security. These protections need to be revised so that they keep up with changing social and economic norms.

The Constitution gives the State the right to amend the Constitution and the Fundamental Rights to allow for such changes. For instance, the provisions pertaining to Fundamental Rights were changed in the First Amendment of 1951.

The Fundamental Rights, which are secured by the Constitution of India, are grouped under the following heads

- (i) Right to Equality (Articles 14 to 18)
- (ii) Right to Freedom (Articles 19 to 22)
- (iii) Right to Education (Article 21-A)
- (iv) Right against Exploitation (Articles 23 and 24)
- (v) Right to Freedom of Religion (Articles 25 to 28) (vi) Cultural and Educational Rights of minorities (Articles 29 and 30) and (vii) Right to Constitutional Remedies (Article 32)

INDIAN CONSTITUTIONAL PROVISIONS COMPRISING SOCIAL JUSTICE

Fundamental rights in Part III some of which are available to all persons and some are enjoyable only by the citizens of India are:-

- a) Equality before law (Art 14)
- b) Prohibition of discrimination on ground of religion, race, caste, sex or place of birth (Art 15)
- c) Equality of opportunity in matters of public employment (Art 16)
- d) Abolition of Untouchability (Art 17)
- e) Abolition of titles (Art 18)
- f) Protection of certain rights regarding freedom of speech etc. (Art 19)
- g) Protection of life and personal liberty (Art 21)
- h) Protection in respect of conviction for offenses (Art 20)
- i) Protection against arrest and detention in certain cases (Art 22)
- j) Protection of traffic in human beings and forced labour (Art - 23)
- k) Prohibition of employment of children in factories or mines or in any other hazardous employment (Art 24)

- l) Freedom of Religion (Art 25 - 28)
- m) Protection of interests of minorities (Art 29-30)
- n) Judicial remedies for enforcement of rights conferred by this Part - III of the Constitution (Art 32)

RELATED PROVISIONS OF SOCIAL JUSTICE UNDER THE CONSTITUTION OF INDIA

(A) Responsibilities Central to Promoting Social Equity Article 51A mandates protecting and enhancing ecosystems like woods, lakes, rivers, and wildlife, as well as encouraging kindness towards all forms of life. A commitment to encouraging scientific curiosity, humanism, and open-mindedness is also required.

In addition, these responsibilities impose upon parents and guardians the obligation to offer educational opportunities for their children and wards aged six to fourteen. These mandates were established after the 1976 presentation of the findings and recommendations of the Swaran Singh Committee. It's important to remember that these responsibilities are largely educational in nature, with the end goal of raising people's levels of consciousness and sense of personal accountability.

(B) The Constitution's inclusion of basic duties serves the fundamental goal of reminding each citizen that the assertion of their fundamental rights should be accompanied by the observance of their fundamental responsibilities. These responsibilities are seen as crucial to the maintenance of our democratic system. The framework for ensuring compliance with these essential obligations is in place.

The Rajasthan High Court ruled in *Surya Narain v. Union of India*³³⁶ that Article 51A's responsibilities are private, not government-mandated. As a result, a person who fails to carry out their responsibilities under Article 51A cannot be subject to legal action in the form of a mandamus.

Furthermore, the Minister responsible for tribal welfare, who may also be responsible for the welfare of scheduled castes and backward classes, may be involved in the administration of scheduled areas and tribal territories as per Article 244(1).

Purpose and Importance of Obligations: The major purpose of including basic obligations in the Constitution is to act as a constant reminder to every citizen that in addition to exercising their fundamental rights, they must also remember to fulfil their fundamental responsibilities. These responsibilities are vital to the maintenance of our democratic system. There are mechanisms in place to ensure that these core responsibilities are met.

The Rajasthan High Court made it clear in the case of *Surya Narain v. Union of India*³³⁶ that the duties specified in Article 51A are personal obligations of citizens and do not create public duties. Therefore, those who violate Article 51A cannot be held accountable through the use of mandamus as a form of legal relief.

In addition, the Minister responsible for tribal welfare may be accountable for the welfare of scheduled castes and backward classes, as both are mentioned in Article 244(1), which deals with the administration of scheduled areas and tribal territories.

a) In the House of People, members of the Scheduled Castes and Scheduled Tribes are guaranteed a specific number of seats. Article 332 addresses the issue of reserving seats in state legislatures for members of the Scheduled Castes and Scheduled Tribes.

b) Article 334: The End of Special Representation and Reserved Seats in Legislatures and the House of the People after 50 Years.

c) Scheduled Caste and Tribe Claims to Services and Posts (Article 335). Appointments to services and offices associated to the Union or a state must take into account the rights of members of Scheduled Castes and Scheduled Tribes while yet maintaining an effective administration.

Article 338 creates the National Commission for Scheduled Castes and Tribes.

e) Union Control of Scheduled Caste and Scheduled Tribe Programmes (Article 339).

The President shall appoint a commission to investigate the conditions of the backward classes in accordance with Article 340.

The President may designate any class, race, tribe, occupation, or subclass thereof as a Scheduled Caste pursuant to Article 341.

CONCLUSION

Building a society on the principles of social justice—equality, freedom, and brotherhood—is how you do it. One of the primary goals of society is to provide a supportive environment in which people can flourish. This revolutionary idea of social justice gives life purpose and gives power to the rule of law. Through the application of law and the prevention of injustice, Indian society hopes to achieve economic justice without resorting to violence.

The principle of social fairness must be relentlessly pursued if the welfare state is to ever realise its full potential. Modern society places a premium on the concept of social justice since it refuses to be a relativistic one and instead works to ensure that all citizens of a state are treated fairly. It is of the utmost importance in a democratic society to guarantee that social progress is consistent with democratic values and norms, including but not limited to the ideals of social equality, social mobility, social stability, and social protection.

However, the caste structure in India undermines the country's democratic institutions. Democratic rights can be exploited to maintain caste identities, including those pertaining to equality, freedom of speech, expression, and association, and engagement in the election process and legislative forums. For decades, India has been a society plagued by massive inequities that put its democratic values at risk. Therefore, there needs to be a middle ground, where acceptable and required legislative requirements are implemented without being feared or resisted. In order to achieve economic and social fairness, it is essential that people's rights and liberties be protected while also being subjected to appropriate regulation and control.

Taking the appropriate and fair steps is important to social justice. The overarching goal of social justice is to create a fair and equitable society by addressing inequalities in the social, political, and economic spheres. It involves providing justice for those who have been unfairly treated in the past because of the way society is structured.

The five tenets of Babasaheb Ambedkar provide a framework for administering social justice. These principles include the following: creating a society in which people see themselves as the means to all social ends; establishing political, economic, and social democracy; using constitutional measures to ensure democracy; and ending the privileged few's stranglehold on political power.

But articulating the notion of fairness is only half the battle; putting it into practise is the other. The public services tasked with implementing the principle of social justice are crucial to its success. As individuals, we hold the key to ending societal injustice by remaining on guard against ideas, words, and deeds that dilute values, disobey rules, and corrupt authorities. In order to help disadvantaged people take advantage of equal chances, politicians must make concerted and sustained efforts to change the focus from equality of outcomes to equality of access.

A functional legal system must evolve to meet the needs of a changing society in order to protect the public interest. An efficient legal system must protect the intrinsic worth of every person and provide for their innate desire to reach their greatest potential.

Our modern court serves as a check on government power, a guarantee of individual liberties, a keeper of constitutional law, and a mediator between states in a federal system. As a result of judicial review, the public has more faith in the court system, which may now evaluate legislation that goes against the will of the people as well as presidential overreach. Judiciary matters to people on a much more personal level than to governments. Judicial proceedings are an essential aspect of any society that values its citizens' well-being and the promotion of social justice.

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