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## INDIAN CONSTITUTION IN SOCIAL AND ECONOMIC JUSTICE

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### ABSTRACT

The term 'social and economic justice' refers to the concept of 'distributive justice' which refers to the elimination of economic inequality and the correction of injustices caused by inequalities in society. This makes more sense than reducing inequality, relieving debt, or regulating contractual relations by levying different taxes; this means that property has been restored from those who have been deprived of it by abusive deals; It can also take the form of forced redistribution of wealth as a means of equitable distribution of material resources among members of society. Social justice is concerned with sharing benefits and burdens. The basis of distribution is the area of dispute between rights, needs and means. The Indian Constitution promises to provide social, economic and political justice to all citizens; Freedom of thought, belief, belief and worship; Equality of status and opportunity; And in order to promote all the brothers and sisters who guarantee the dignity of the individual and the unity of the nation in three parts, one is the preamble as stated earlier, the second by fundamental rights and the third by directive principles.



**KEYWORDS :** social and economic justice , Equality of status.

### INTRODUCTION

A society that protects the rights and freedoms of the people in a society and provides all the economic and social benefits for the greatest benefit of the least beneficiary elements of the society can be justified. The Constitution of India was adopted on 26 November 1949 with its unique content and sentiments. Although borrowed from every event in the world, the Indian Constitution has many features that set it apart from the events of other countries. The Preamble to the Indian Constitution is designed to make all people in India aware of socio-economic justice. Social and economic justice has a new significance in the Indian context. It does not bear resemblance to the sense in which it is written in Western society. The stratification of Hindu society based on institutional hierarchical social inequality makes the upward movement of the lower castes impossible. Due to the division of the society into Brahmins, Kshatriyas, Vaishyas and Sudras, the society was divided vertically. The rigidity of the caste system sealed the movement of people from one caste to another. Under the quadrangle of Hindu society, a large section of people known as Panchmas are subject to the degenerate practice of untouchability. There are other sections that live the lives of nomadic nomads due to civilization; Social evolution has not reached them. The original inhabitants of this country, the tribal are now commonly known as the Scheduled Tribes. The attainment of social and economic justice forces a change in the basic structure of society by establishing a new legal order to reconcile the conflicting interests of different elements. Discretionary treatment provided by law for

further social justice cannot be said to be discriminatory as the whole society is the basis of discriminatory measures.

Has entered the 68<sup>th</sup> year of the Indian Constitution, one must keep in mind that the Constitution is the basic law where the basic objectives are laid down and the objectives are fulfilled. The legislature is the legislative body in the assembly of our country and the executive directs the legislature to implement it. The judiciary in our constitution is the oversight of the constitution. It is looking at both law making and law enforcement through the other two branches of constitutional democracy. The functions and role of these institutions are essential for the successful execution of constitutional democracy in our country. Democracy means government through discussion. The people's representatives wish the voters well in carrying out their ideology of socio-economic development and their policy making. Modern democracy is predictable without a judiciary. This organ is not only the protector of the Constitution but also the protector of the fundamental rights of the citizens. Bryce celebrated; "There is no test of the government's superiority over the efficiency of the judicial system. The well-being and security of the common man is not felt beyond this because it does not know that it can rely on a specific and immediate administration." Modern democracy is understandable without a judiciary. This organization is not only the protector of the constitution but also the defender of the fundamental rights of the citizens. Bryce said, "There is no better test than the efficiency of the government's judicial system. The well-being of the common man is paramount because we do not know that it can rely on the speedy and speedy administration of justice." Two main reasons need to be emphasized: Liberal democracy traditionally places a premium on the need to protect citizens from a very powerful state, and therefore on the impartiality of the judicial process, enhances the independence of the judiciary, and enhances respect and confidence. Second, in order to prevent excessive concentration of political power in the hands of the government and to be vigilant against the 'tyranny' or 'oppression of the majority' of democracy, emphasis should be placed on aspects of the principle of separation of rights. For this purpose, the Constitution presents some of the basic strategic choices in the Constitution as Part III and Part IV. The Indian incident is the first and most important social document in the context of Granville Austin. In the constitution its founding father and mother have established both the ideals and institutions of the country and the process to achieve them. The ideal was national unity and integrity and a democratic and just society. The new society was to be achieved through a socio-economic revolution run in a democratic spirit by using constitutional, democratic institutions. Thus unity, social revolution and democracy were goals that were interdependent and should be pursued together, not independently. The above observation gives an apt description of the Indian state asked by the thinkers of the incident.

To this end, the Constitution of India enshrines some basic policy choices in the form of Part III and Part IV of the Constitution guarantees the State with judicial, economic and political, judicial enforceable responsibilities. The nature of the indicative principles of state policy, But it should not be concluded that the fact that the principles mentioned in Part IV are not enforceable by the court is less important than the rights mentioned in Part III. The reference to the definition of the word 'state' in Part-III and IV is sufficient to spread such ideas. Part III and IV have similarly defined 'state' as an indication of the possibility that the founding people of the Constitution were of the view that the ideals of the country were national unity and integrity and democracy achieved through democratic socio-economic revolution using constitutional, democratic institutions, Society. The apex court of the Indian team against Minerva Mills has said that there is no doubt that the court has always attached great importance to the preservation of human freedom, but some indicative principles of state policy have not been underestimated. The root of the commitment to a well-equipped social revolution in Part IV lies in Part III and Part IV. This is the conscience of our Constitution. The term social justice signifies the political and cultural balance of various interests in society. Democracy is the only means by which there is truly a dynamic process because human society has lofty goals. Social justice is an integral part of society. Social injustice cannot be tolerated for long and society can be harmed through rebellion. Therefore, the deprived class should be able to live with dignity. Social justice is a principle that lays the foundation for a society based on equality, freedom and brotherhood. The basic aims

and objectives of a society are to develop a personality and to develop its personality. The concept of social justice is a revolutionary concept that gives meaning and significance to life and accelerates the rule of law. When Indian society seeks to meet the challenge of social inequality through its laws and law enforcement, it seeks to achieve economic justice without any violent conflict. The ideal of the welfare state constantly pursues the principle of social justice.

### **SOCIO AND ECONOMIC JUSTICE:**

The socio-economic justice enshrined in the Indian Constitution is mainly found in the guiding principles of state policy - in Part IV of the Indian Constitution and in the chapters on fundamental rights and some other provisions of the Constitution. Social justice treats all citizens equally without any social discrimination based on caste, colour, race, religion, gender etc. This means that the absence of privileges is given to any particular element of society and the situation of the backward and women is improved. Social justice is the cornerstone of the Indian Constitution.

Competitors claim that there is a social form of social justice or inclusiveness in order to eliminate social imbalances or to align the interests of different groups and / or people in a social structure that will only make it possible to establish a welfare state. To prevent social injustice and injustice, there must be efficient administration of justice in accordance with the pre-determined principles of law and this can be done through the judicial system and through the legal process. The concept of social justice is a revolutionary concept that gives meaning and significance to life and accelerates the rule of law. When Indian society seeks to meet the challenge of social inequality through its laws and law enforcement, it seeks to achieve economic justice without any violent conflict. This is the significance and importance of the concept of social justice in today's Indian context. Social justice is achieved only through the co-operative efforts of the citizens.

The word 'social justice' is not capable of any exact definition. It has no specific content or any fixed adaptation. It changes with time, culture, economy and people.

'Economic justice' means the eradication of poverty, not by those who are on the brink of extinction, but by the multiplication of national wealth and resources and fair distribution among all those who contribute to its production. To the extent that this goal has been achieved, economic democracy will be established in our subcontinent. In short, the goal of economic justice is to establish economic democracy and a 'welfare state'.

The right to economic justice for the Scheduled Castes, Scheduled Tribes and other vulnerable groups is a fundamental right to equality of status, opportunity and liberty. Financial justice is an aspect of freedom without which the illusion of equality and dignity of personality is ignited. The ideal of economic justice is to make equality of status meaningful and to provide better opportunities in terms of lifestyle and to eliminate social, economic and political inequalities.

Social justice is a way of adopting justice. In other words, the term social justice means the elimination of economic opportunities, economic equality and social disability. These programs are meant in the Indian context for the purpose of equality under the law, equal opportunities, poverty alleviation, reduction of existing and non-existent gaps, redistribution of material resources, improvement of working conditions and elimination of castes. The idea of a welfare state in India for the disabled etc. is that the claims of social justice should be paramount. Thus the Indian Constitution in its preamble resolved to protect all citizens;

### **Constitutional sentiment on social and economic justice:**

The constitutional concern for social and economic justice as a flexible continuous process is to provide justice to all sections of society by providing facilities and opportunities for the persons with disabilities and respect for their safety. Social justice is the principle that goes into establishing a welfare state. The themes and principles of socio-economic justice are clearly seen in the preamble to the

Constitution, in the Fundamental Rights of Part III and in the Indicative Principles of the Constitution in Part IV. It is assumed that the validity of any law made by the legislature will be tested against the principles of the preamble, fundamental rights and directives.

The preamble, fundamental rights and guiding principles are the moral basis for the constitutional effort of social engineering to create an egalitarian society. The seeds of social justice sown in the preamble and when one part goes to the third and part to the fourth, they blossom completely. Articles 14, 15 and 16 speak of equality before the law and equal protection of the law. In addition to the preamble, the guiding principles of state policy in the fourth quarter of the Constitution reveal the philosophy of social justice.

Justice is a genus, of which social and economic judges are species. Social justice is a dynamic tool to alleviate the suffering of the poor, vulnerable, dalit, tribal and deprived sections of the society and to give them equal status and enable them to live with dignity. In other words, the goal of social justice is to achieve adequate social, economic and political equality with legal expectations. Social security, fairness of work and human conditions and rest to the worker are part of their meaningful right to life and to express their personality and enjoy life with dignity, the state should provide them facilities and opportunities to get there. At least health, financial security and a cultured way of life while sharing potential, social and cultural heritage 'Social justice' and equality are complementary so that both must maintain their lifestyles. As a result, the rule of law is a powerful tool of social justice to enforce equality. Therefore, the rights given to citizens and citizens are not just personal or personal rights. They have great social and political content, as the objectives of the Constitution cannot be achieved otherwise. Fundamental rights represent the claims of the individual and restrictions on them are the claims of society.

The Indian Constitution promises to provide social, economic and political justice to all citizens; Freedom of thought, belief, belief and worship; Equality of status and opportunity; And in order to make progress in three parts among all the brothers and sisters who ensure the dignity of individuals and the unity of the country, one is the preamble as stated earlier, the second by fundamental rights and the third by directive principles.

Article 38 of the Constitution provides for the protection of the interests of the people and the protection of the interests of the people, the nation-society, the economy and the political-social system. Life and individuals trying to reduce income inequality are trying to eliminate opportunities, facilities, inequalities in groups of people living in different areas or engaged in different occupations. Read with Article 39A, Social justice will include 'legal justice' which means that the system of administration of justice must provide a cheap, fast and effective means to achieve justice through all elements regardless of social or economic status or their financial resources.

Justice, freedom, equality and fraternity are enshrined in the Constitution to achieve egalitarian, social, economic and political democracy. Social justice, equality and respect for the individual are the cornerstones of social democracy. The concept of 'Social Justice' formulated by the Constitution of India contains various principles necessary for the growth and systematic development of the personality of every citizen. 'Social justice' is an integral part of "justice".

#### **Jurisdiction wise Social and Economic Justice:**

The role of the judicial process in our society has changed significantly since independence. Judicial activism in contemporary India is demonstrated by the active support of social activists and public interest petitioners to support the government's commitment to social and social justice. One of the meanings of judicial activism is that the function of the court is not only to explain the law but also to share the imagination of the case for social and economic justice.

#### **CONCLUSION:**

There is now an urgent need in India for coordination between the executive and the judiciary in the state. Whenever there is heat on anything in our society, the legislature acts on it. But the light of that heat

should never be seen after the law is passed, especially for public enforcement. So you need to develop a workable judicial system by making changes to your existing procedural law and taking the necessary steps for proper implementation of laws, including timely filling of judges' posts in all courts. A single law or a single court cannot bring social justice. The development of the justice delivery system i.e. the judicial system is a part and parcel of the social justice program which depends on the interrelationship and coordination among the three organs of the state. Despite a heartfelt commitment to achieve social justice through a policy of equality or protective discrimination, government efforts have created some tension in society. Activities are also carried out in the name of social justice which has nothing to do with social justice. Ensuring proper and balanced implementation of policies is the need of the hour so that social justice can become an effective vehicle for social progress.

#### REFERENCES:

1. Pandey, Ashutosh (2018): 'Fundamental Rights and Socio-Economic Justice in Indian Constitution', International Journal of Research in Humanities, Arts and Literature, ISSN 2347-4564, Vol-6, Issue-6, pp 353-358.
2. Jain, R.B. (1970): 'India: Fundamental Rights and Socio-Economic Justice in the Indian Constitution by K.P. Krishna Shetty, Chaitanya, Allahabad 1969. X, 193p. Rs. 18', A Journal of International Affairs, Vol-26, Issue-2, pp. 190-191
3. Mahentesh, G.B. (2018): 'Social and Economic Justice under Constitution of India: A Critical Analysis', International Journal of Law Management and Humanities, Vol-2, Issue-1, pp. 1-11.
4. Jaswal, P.J. (1996): 'Directive Principles Jurisprudence and Socio-Economic Justice in India', Book Review, Journal of Indian Law Institute, APH Publishing Corporation, New Delhi.
5. Issues of Social Justice: Rights and Freedom, High Court New Delhi.
6. Beatty, David (1994): 'The Last Generation: When Rights Lose Their Meaning', in David Beatty (ed.), Human Rights and Judicial Review: A Comparative Perspective, pp. 321-61
7. Sharma, M. (2017): 'Constitution of India and Social Justice', International Journal of Scientific and Research, ISSN 2455-2631, Vol-2, Issue-5, pp. 285-287.
8. Katkuri, S. (2018): 'Role of directive principles towards welfare of the state and social development in India', International Journal of Law, ISSN 2455-2194, Vol-4, Issue-1, pp. 56-60.