



Concept of social justice and Indian constitution

Chandralekha Purohit, Kusum Lata Purohit

¹ Assistant Professor, Department of Hindi literature, Gajendra Singh Shaktawat Government Girls College, Bhinder, Udaipur, Rajasthan, India

² Assistant Professor, Department of Political Science, Gajendra Singh Shaktawat Government Girls College, Bhinder, Udaipur, Rajasthan, India

Abstract

The identity of any civilization can be judged by the way of governance present in it and the sense of harmony among the people living there. A nation and nation state are formed from the society itself. The voice of justice rises in the society when the people living there feel victimized in some way or the other. The demand for social justice is changed according to the time and circumstances. As an ideology the meaning of social justice is to resist all forms of harassment whether social, economic, Cultural and political. It believes in the concept of equal justice. It also provides support to democratic principles. Like democracy, social justice too urges us to treat all human beings as equal. It also means for equal social opportunities to the development of personality to all the people in the society, without any discrimination on the basis of caste, sex or race.

Keywords: concept, social justice, Indian constitution

Introduction

Social justice is the idea of creating a society or institution that is based on the principles of equality and fraternity, that understands and values human rights and that recognises the dignity of every human being. To terrified of the cruelty and discrimination of that society, the people started looking for a new medium for anchoring the society. Different parts of the world rose against feudalism elements. At that time the concept of democracy was produced in this world which was based on the ideals of social justice. The Indian constitution is unique in its contents and spirit. Under this the use of social justice is accepted in a wider sense which includes social and economic justice. Social justice is a concept always necessary for the welfare state. The Indian constitution adopts this concept in various provisions including preamble in the form of 'socialist' social and economic justice, equality etc that clearly indicates that the state lengthily involved in the social welfare of people and endeavor to establish an equal society. Social justice is found useful for everyone to its kind and flexible form. Although social justice is not defined anywhere in the constitution, it is an ideal element of feeling which is a goal of the constitution and it is the foundation stone of the Indian constitution. In order to make the system of democracy more effective, recourse to social justice is taken. It has been clearly indicated not to discriminate against anyone on the basis of social, religious and cultural prejudice. Social justice became a prominent slogan of the Indian politics in the early nineties. For this reason it became possible that even the classes and groups who were away from power, got golden opportunities to come in the center of the political authority.

The Concept of Social Justice

Social justice as a concept arose in the early 19th century during the Industrial Revolution and subsequent civil revolution throughout Europe, which aimed to create more egalitarian and remedy capitalistic exploitation of human labor. Because of stark stratification between the wealthy and the poor during this time, early social justice advocates on capital, property and the distribution of wealth. By the mid-20th century, social justice had expanded from being primarily concerned with economics to including other spheres of social life to include the environment, race, gender and the other causes and manifestations of inequality. The term "social justice" implies several sound and eminently desirable concepts enunciated for the good of the society in general and of course fairly for every section, especially for the weaker groups of population. If we talk about social justice, we can say that there are several provisions in our constitution for different aspects of our society. Dr. Ambedkar is the first man in history to successfully lead to secure social justice to the vast section of Indian humanity, with the help of law.

The aim of social justice

1. Social justice helps to create a democratic atmosphere in political, economical and social fields.
2. The aim of social justice is to attain a substantial degree of the social and economic equality.

3. Social justice is the arch of the constitution which ensures life to be meaningful and purposeful with dignity of person. It also protects the rights of the backward classes.
4. To try to understand the reasons for the caste based affirmative action to bring hitherto excluded, marginalized groups into the national mainstream.

Indian Constitution and Social Justice

The constitutional scholar Granville Austin, in his magisterial work, states that probably no other constitution in the world, "has provided so much impetus towards changing and rebuilding society for common good". We can say social justice is the foundation stone of Indian constitution. Now we discussed about social justice in the light of Indian constitution.

First, we can see the preamble and Articles contained in Part 4 of the constitution promote social justice. It talks about justice for every individual so that they are able to live with human dignity. It is a dynamic device to mitigate the sufferings of poor, weak, dalits, tribals and deprived sections of the society and to elevate them to the level of equality. The preamble itself says, "we are the people of India, having solemnly resolved to constitute a sovereign, socialist and democratic republic and to secure for all its citizens-Justice social, economic and political...." clearly indicates social justice in all its forms and to all citizens was regarded as fundamental to the set-up which our founding fathers prescribed for the country.

The word "socialist", "secular", democratic and republic have been inserted in the preamble which reflects its form 'social welfare state'. The term 'Justice' in the preamble embraces three distinct forms-social, economic and political. To accept right to equality as an essential element of justice, Indian constitution prohibits unequal behaviour on the ground of religion, race, caste, sex. The term 'equality' means the absence of special privileges to any section of the society. To secure the rights of citizens Indian constitution provides social justice in Fundamental rights and Directive principles in Part 3 in which fundamental rights clearly discussed about the rights of ordinary citizens and Directive principles give some direction to the state under the state policy and lays down that the state shall direct its policy towards securing these objectives.

Indian Constitution Provision Ensuring Social Justice

Fundamental Rights in Part 3-

- a. Equality before law (Article 14)
- b. Prohibition of discrimination on the ground of religion, race, caste, sex or place of birth (Article 15)
- c. Equality of opportunity in matter of the public employment (Article 16)
- d. Abolition of untouchability (Article 17)
- e. Abolition of titles (Article 18)
- f. Protection of certain rights regarding freedom of the speech etc. (Article 19)
- g. Protection of life and personal liberty (Article 21)
- h. Protection in respect of conviction for offense (Article 20)
- i. Protection against arrest and detention in certain cases (Article 22)
- j. Protection of traffic in human beings and forced labor (Article 23)
- k. Prohibition of employment of children in factories or mines or any other hazardous employment (Article 24)
- l. Freedom of Religion (Article 25-28)
- m. Protection of interest of minorities (Article 29-30)
- n. Judicial remedies for enforcement of rights conferred by this part 3 of constitution (Article 32)

Chapter 4 of Indian constitution Article 36 to 51 incorporates certain directive principles of state policy which the state must keep in view the nation. The most important of these directive principles are:

- a. Promotion of welfare of the people (Article 38)
- b. Adequate means of livelihood; equal distribution of material resources of community; distribution of means of production to the common good and equal pay for equal work-promotion of health and strength of workers, men and women and the children; protection against exploitation of childhood and youth (Article 39)
- c. Equal justice and free legal aid (Article 39 A)
- d. Right to work, education and to public assistance in certain cases (Article 41)
- e. Just and human condition of work and maternity relief (Article 43)
- f. Living wages for workers (Article 44 g)
- g. Uniform civil code (Article 44 h)
- h. Free and compulsory primary education for Children (Article 45)

Conclusion

The aim of society is the growth of individuals and development of their personality. This concept of social justice is very powerful because it provides meaning and significance to life and makes the rule of law dynamic. India is a country of different cultures and societies so it always faces many challenges of socio-economic inequality. One of the most major challenges is the caste system which acts against the roots of democracy. To bring equality in our society our constitution founders accepted the ideology of social justice. It is our constitution which skilfully balances between enormous inequality spread in our society. Social justice is one of

most important ingredients to the civil society. The Indian constitution has provided a special provisions to the weaker sections of the communities to established civil society. The Indian government also provides special education provisions to the weaker section. These communities who are deprived of the right and dignity, could get their basic necessary rights and needs through education.

Reference

1. Austin Granville. Working a Democratic Constitution; The Indian experience
2. Subhash Kashyap. Our constitution, National Book Trust India, New Delhi, 2000.
3. Dr. Rupa Mangalani. Indian Government and Politics, Rajasthan Hindi Granth Academy, New Delhi, 2001
4. Laxmikanth M. Indian Polity, 2008, 29.
5. Dr. Saroj Bohra, Social Justice and Indian Constitution, ISSN-2348-8212
6. Mohit Sharma, Constitution of India and Social Justice, ISSN-2455-2631
7. Suda JP. Modern Political Thoughts, K. Nath & Co., Meerut, 306