



INTERNATIONAL JOURNAL OF CREATIVE RESEARCH THOUGHTS (IJCRT)

An International Open Access, Peer-reviewed, Refereed Journal

Economic Justice Reflected In The Constitution Of India

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Abstract- Justice social, economic and political is enshrined in the Preamble of the Constitution of India. Whereas the Social justice is genus and political and economic justice are species and interwoven with each other. Out of the three pillars of Justice this paper is an attempt to analyze the notions of political and economic justice, as because without political and economic justice the major social justice will not achieved. Justice is the symbol of ultimate truth, purity and perfection. As a concept of justice has a long history in political philosophy. The Constitution, as it emerged through the labors of the Constituent Assembly, promised an all out war against untouchability. It abolished, as a matter of fundamental right, untouchability and bonded labour. It shall be an offence to enforce any disability on the ground of untouchability. It is to be noted that such a provision could be seen only in the Constitution of India. This underlines the mood of commitment to total abolition of untouchability. Discrimination of any kind on the basis of caste, religion or birth was made unconstitutional. Special solicitude for the 'weaker sections' was the distinctive theme of the Directive Principles. The Constitution of India and its preamble, formed with commitment to provide justice, equality, and liberty based on intertwined principles depicted in it. The principle of social, economic and political justice thus lies with principles to ensure or guarantee equality, rights and liberty to all the citizens. Analyzing the political and economic justice in the context of the Indian constitution, lots of hitches has been found which acts as a barrier for providing the same for welfare of the nation. Dr. Ambedkar was not unaware of the fact that economic injustice was a major factor in social injustice. He emphasized the role of the state in safeguarding the interest of the weaker sections of society. He thought that it was necessary to entrust the state with the power to plan the economic life of the people so that there will be an equitable distribution of wealth. This duty should not be left to the will of the legislature, but should be prescribed by the law of the Constitution. Gandhiji was very much concerned with the economic well-being of the weaker sections of society. The Congress, prior to his emergence as a national leader, was dominated by the middle class. It was

Gandhiji who brought the masses under the fold of the Congress. He devoted his life to bridge the gap between the rich and the poor and to discipline the masses.

Keywords: The Constitution of India, Economic justice, Supreme Court, Directive Principles.

Introduction-

The economic reforms introduced in 1991 were a departure from the planned economic development followed in the previous decades. Amongst the hallmarks of the new economic policy was deregulation and denationalization. Emphasis was laid on competition and efficiency. Private players including foreign players were encouraged to take active part in economic activities. New sector specific policy guidelines were issued. Three of such policy issues were contested before the court, viz., the new telecom policy, the policy of disinvestment and the new industrial policy. The cases where these policy decisions of the Government were challenged are the Delhi Science Forum v. Union of India, Baleo Employees Union v. Union of India, and Zippers Karamchari v. Union of India case. In the first case the National Telecom Policy was challenged, in the second case the disinvestment policy and in the third case the policy of de-reservation of industries in the small scale sector was challenged. Beside these three cases there have been many other cases where the court has reiterated the principles laid down in these cases. The impact of the judicial intervention has been two fold. First, court has been able to reinterpret and bring changes in the rights of people through active intervention and adjudication, and second, the court has been able to attain similar results by refusing to intervene in policy decisions. For instance, in Balco disinvestment case the court refused to stall the policy on the grounds of rights of the labour. The court held that policy decisions cannot be judicially intervened and the consequent violation of fundamental rights of employees is an incidence of service. Gandhiji was very much concerned with the economic well-being of the weaker sections of society. The Congress, prior to his emergence as a national leader, was dominated by the middle class. It was Gandhiji who brought the masses under the fold of the Congress. He devoted his life to bridge the gap between the rich and the poor and to discipline the masses. He was dead against the exploitation of one class by another but he was for adopting peaceful methods to end such exploitation. He hoped that trusteeship would be accepted by the capitalists, but if they failed then he was in favor of depriving them of their possession through state action with minimum exercise of violence'. He thus advocated an economic order in which capitalist possessions should be equitably distributed on a voluntary basis or through state action as and when need arises.

Economic Justice Reflected in the Constitution of India

Justice social, economic and political is enshrined in the Preamble of the Constitution of India. Whereas the Social justice is genus and political and economic justice are species and interwoven with each other. Out of the three pillars of Justice this paper is an attempt to analyze the notions of political and economic justice, as because without political and economic justice the major social justice will not achieved.

Justice is the symbol of ultimate truth, purity and perfection. As a concept of justice has a long history in political philosophy. In ancient Greece, justice meant the interest of stronger. Plato's 'Republic' had a subtitle 'Concerning Justice', where he stated justice as the principle of harmony between the three classes (Rulers, Soldiers and Farmers) and right ordering of the three elements of human mind (Reason, Spirit and Appetite), the former concerns justice in the state and the latter justice in the individual.

Economic rights in the Indian Constitution are primarily enshrined in the Directive Principles of State Policy (Part IV), particularly Articles 38, 39, and 41, which guide the state to ensure economic justice and a decent standard of living for its citizens, though these are non-justiciable. Amartya Sen in his work "The Idea of Justice" has argued that the "exclusion of all economic and social rights from the inner sanctum of human rights keeping the space reserved only for liberty and other first-generation rights, attempts to draw a line in the sand that is hard to sustain." Dr. Ambedkar was not unaware of the fact that economic injustice was a major factor in social injustice. He emphasized the role of the state in safeguarding the interest of the weaker sections of society. He thought that it was necessary to entrust the state with the power to plan the economic life of the people so that there will be an equitable distribution of wealth. This duty should not be left to the will of the legislature, but should be prescribed by the law of the Constitution. In his last speech in the Constituent Assembly he stated: 'In politics we will have equality and in social and economic life we will have inequality. In politics we will be recognizing the principle of one man one vote and one vote one value. In our social and economic life, we shall, by reason of our social and economic structure, continue to deny the principle of one man one value. If we continue to deny it for long, we shall do so only by putting our political democracy in peril'. Thus, in order to establish a society on the principle of social justice, he emphasized the fact that the economic structure should be based on the principles of democratic socialism and that the state should take the responsibility to reorganize the economic structure of society.

The Indian Constitution makers have ensured economic justice for Indian citizens in various articles of the constitution. The articles related to economic justice have been discussed below: Article 14 - Right to Equality: The jurisprudential significance of Article 14 that in ensuring equal protection under the law, emphasizing its role in promoting economic justice through non-discrimination. Article 39- Directive Principles of State Policy delves into elucidating the constitutional commitment to securing socio-economic justice and minimizing inequalities of income and wealth. Article 43 - Living Wage: The concept of a living wage, rooted in Article 43, its implications for economic justice and the dignity of labor. Article 300 A - Right to Property: The transformation of the right to property under Article 300A is shedding light on the constitutional balancing act between individual rights and economic justice. The Supreme Court is the successor of the Federal Court and replaces the Privy Council in India. It owes its existence to the Constitution.) With Independence, India started to be governed by its Constitution, which primarily drew inspiration from the Government of India Act, 1935. The land reform legislations passed by many state legislatures were severely contested by the erstwhile Zamindars and Jagirdars before the respective High Courts, on that ground alone. Those matters ultimately came before the Supreme Court of India. With the

adoption of the Constitution and the enumeration of the Right to Property as one of the guaranteed fundamental rights, petitions by these Zamindars were but obvious. Though rarely did the court invalidate these statutes of agrarian reform and out of an estimate, only one such statute was invalidated by the court that brought hardly any relief to the legislature. The Constitution First Amendment Act inserted Article 31A and 31 B and the 9th Schedule to the Constitution. The combined effect of all these amendments was that, the laws relating to agrarian reform were kept outside the purview of judicial scrutiny. The only protection being, a person cannot be deprived of the property by executive action. There has to be a law to provide for deprivation of property and more importantly the deprivation can only be for the public purpose and has to be accompanied by compensation. These amendments were immune from challenges on the ground of violation of the rights guaranteed in part III of the Constitution. The principal object of this Act was to enable the Government to implement its policy for the development and regulation of industries along the lines stated above. However Industrial Development and Regulation Act, 1951 Act achieved its purpose by creating industrial differentiation whereby smaller firm were left alone and larger firms were brought under government control, aiding in the creation and perpetuation of a patrimonial state. The Act was made applicable to 37 industries listed in the first schedule, which were using power and had employed more than 50 workers or firms not using power and employing more than 100 workers. In *Glass Chitons I & U Association v. Union of India* the court held that the government can entrust import of goods to selected agencies and such an act of the government will not violate 19 (1) (g) rights, notwithstanding the fact that it shall create a monopoly in favor of the agency selected for the purpose. The court held the government is only facilitating a number of people and is not creating special benefits and if the process some of the dealers get completely eliminated that is also permissible. This position was reiterated in *Narendra Kumar v. Union of India*.

In order to control the economy and ensure equal and just distribution of wealth and eradication of poverty the government of the day devised various measures in both industrial as well as agricultural front. While on the agricultural front the government successfully carried on the green revolution, its impact was observed only towards the end of this decade. Emphasis was laid on land reforms. Urban land was also put to scrutiny under the Urban Land Ceiling and Regulation Act, 1976 whereby the ownership and disposition of land in the urban areas could be regulated, and concentration of urban land in the hands of a few could be checked. The Constitution, as it emerged through the labors of the Constituent Assembly, promised an all out war against untouchability. It abolished, as a matter of fundamental right, untouchability and bonded labour. It shall be an offence to enforce any disability on the ground of untouchability. It is to be noted that such a provision could be seen only in the Constitution of India. This underlines the mood of commitment to total abolition of untouchability. Discrimination of any kind on the basis of caste, religion or birth was made unconstitutional. Special solicitude for the 'weaker sections' was the distinctive theme of the Directive Principles.

Conclusion-

Justice is never ending struggle because it is taking new shapes and forms, but it should ensure for underprivileged sections, values like equality, rights and liberty. Distributive criterion of justice must be according to need, effort and merit. Justice must consider fairness, equality, recognizes differences and entitlement. The principles of liberty and equality are the means for justice without discriminating any individual in society. The Constitution of India and its preamble, formed with commitment to provide justice, equality, and liberty based on intertwined principles depicted in it. The principle of social, economic and political justice thus lies with principles to ensure or guarantee equality, rights and liberty to all the citizens. Analyzing the political and economic justice in the context of the Indian constitution, lots of hitches has been found which acts as a barrier for providing the same for welfare of the nation. Those astonishing hitches that are existing in political and economic justice provisions, hinder the path towards a just and equitable society, more specially with unequal representation with insufficient representation of marginalized groups; electoral malpractices that relates corruption, vote-buying, and manipulation; limited accountability with ineffective checks on executive power; inadequate transparency that lacks in openness of decision-making process; and discriminatory laws with biased legislation against certain groups – are parts hitches related to political justice. On the other hand, hitches related to economic justice include - income inequality that widening wealth disparities; unemployment with limited job opportunities; exploitation related to unfair labor practices; inadequate social security with insufficient protection for vulnerable populations; and unequal access to resources with disproportionate distribution of resources. These hitches are crucial for ensuring political and economic justice and promoting a more just and equitable society in India to effectively promote the well-being of all citizens.

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