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CONSTITUTIONAL ASPECT OF SOCIAL JUSTICE AND ITS LEGAL IMPLICATIONS

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Abstract

Social justice is a critical element of constitutional frameworks worldwide, acting as a bridge between individual rights and the collective welfare of society. Constitutions often enshrine the principles of equality, fairness, and protection of marginalized groups, serving as foundational documents that advocate for equitable access to opportunities and resources. This Paper examines the various constitutional aspect of social justice, emphasizing the legal mechanism that facilitate its realization. As its core social justice entails the distribution of rights, responsibilities, and resources to ensure that every individual, regardless of their socio-economic status, gender, ethnicity, or other distinguishing traits, can fully participate in society. Many constitutions incorporate specific provisions aimed at promoting social justice, such as affirmative action policies, anti-discrimination laws, and social welfare protections. These legal frameworks underscore the state's obligation to rectify historical injustices and address systematic inequalities. Judicial Interpretation plays a vital role in the constitutional aspect of social justice, as courts are often tasked with enforcing these principles through landmark rulings. In various jurisdictions, judicial activism has expanded the scope of social justice enabling courts to uphold the rights of the marginalized and challenge oppressive practices. However, the effectiveness of constitutional guarantees depends on the political will and societal commitment to uphold these values. In Summary, the constitutional aspect of social justice serves as a vital framework for promoting inclusivity and equality. By embedding social justice principles into constitutions, societies can advance towards a more just and equitable future, ensuring that all individuals are empowered to enjoy their rights fully.

Introduction

In the ancient Indian approach, justice was concerned with the performance of duties, not with the notion of rights. In ancient Indian tradition, there were two approaches 'Dandaniti' and Dharma', which were concerned with justice. 'Dandaniti' was very close to the modern notions of justice (law and punishment). It suggested the legal aspect of justice. Dharma was another name for the code of duties and justice was nothing but virtuous conduct with dharma. Thus, like Platonic justice, the Hindu tradition linked justice with performance of duties prescribed by dharma.

The modern approaches to justice are broadly Liberal and Marxist approaches. The Liberal argument is that the individual's rights and liberty are necessary for a just society, while the Marxist approach relies upon equality for a just society. The latter believe that unless and until the existing inequalities in society are removed, society will not be just. The basic premises of justice are liberty, equality, and rights.

The concept of social justice emerged out of a process of evolution of social norms, order, law and morality. It laid emphasis upon just action and created space for intervention in the society by enforcing rules and regulations based on the principles of social equality. The term 'Social justice' consists of two words: one is social and the second is justice. The term 'social' is concerned with all human beings who live in society, while the term 'justice' is related to liberty, equality and rights. Thus, social justice is concerned with ensuring liberty, providing equality and maintaining individual rights for every human beings in society. In other words, securing the highest possible development of the capabilities of all members of the society may be called social justice.

According to Professor R.M.W. Dias, 'Justice is not something which can be captured in a formula once and for all; it is a process, complex and shifting balance between many factors.' The tasks of justice are 'just allocation of advantages and disadvantages, preventing the abuse of power, preventing the abuse of liberty, the just decision of disputes and adapting to change.'¹ Justice may be natural justice or distributive justice. Social justice is basically a term that provides sustenance to the rule of law. It has a wider connotation in the sense that it includes economic justice also. It aims at removing all kinds of inequalities and affording equal

¹ Dias, R.M.W. (1985), jurisprudence (5th ed.) London: Butterworths

opportunities to all citizens in social as well as economic affairs. Thus, the aim of social justice is to remove all kinds of inequalities based upon caste, race, sex, power, position and wealth and to bring about a balance between social rights and social controls.

The Meaning of Social Justice

The concept of social justice is broader than that of justice. The word 'social' is connected with society. Its scope is wide, including social issues, problems and reforms. Thereby it encompasses social and economic change, Social Justice involves measures taken for the advancement of the depressed and disadvantaged classes of society. Hence it calls for social engineering which is an attempt to change society in order to deal with social problems. Such socio-economic changes can be brought through law.

Social justice aims towards creating political, economic and social democracy, ending class and caste distinctions. It combines the principles of socialism with the personal freedom granted by democracy. So the word 'Social' has a wide connotation, connected with society and how it should be organized, and what should be its social values and structure.²

The concept of justice can be defined by different perspectives. The Greek Philosopher Plato saw justice as the true principle of social life. According to Ernest Barker, an English Political scientist, justice was the hinge of Plato's thoughts and the text of his discourse.³ Plato in his book *The Republic* discusses the concept of justice through a dialogue with friends like Cephalus, Polemarchus and Glaucon.

Cephalus says justice consists in speaking the truth and paying one's debt, while Polemarchus explains justice is in giving to each man what is proper for him. "Justice is the art which gives good to friends and evil to enemies." Glaucon argues justice is in "the interest of the weaker Thrasymachus, a sophist of ancient Greece, saw justice as the interest of the stronger, in other words, might is right.

Plato rejected all these definitions because they treated justice as something external and artificial. For Plato, justice is the primary moral value and is intrinsically linked with other

² Kanta kataria. *Relevance of Ambedkar's ideology*. New Delhi: Rawat Publication, 2015, p.204.

³ E.Barker. *Plato and his Predecessors*. London, 1952. P. 153

essential and moral qualities.⁴

Another Greek Philosopher, Aristotle, propounded the concept of 'distributive justice'. Aristotle's distributive justice is the name of that principle of distribution by which goods, services, honour and offices are distributed among the citizens of the state. But the principle of distribution is based upon the worth or virtue of an individual. The principle recognizes and preserves distinction between the worthy and the non-worthy. It counters equality of the unequal and ensures that a man's rights, duties and rewards correspond to his merit and social contribution. Aristotelian distributive justice is thus, another name for proportionate equality. The word 'justice' means fair treatment of people: which means law based on the principles of justice and rationality, that is, equal rights and justice for all, irrespective of class, sex, race or caste distinctions. It means that the state should deal with people correctly and completely: it should be morally fair and reasonable; and it should frame just laws and enact them justly.⁵

Justice V R Krishna Iyer, a former judge of the Supreme Court of India, says, "Social justice is not cant but conscience, not verbal borrowing from like documents but the social force of the supreme law". Social justice is people oriented, legal justice is canalized, controlled and conferred by law.⁶

Ambedkar's Views on Social Justice

According to B.R Ambedkar, social justice is a means to create an ideal or a just society. To him a just society is a casteless society, based on the principles of social justice and a combination of three components: liberty, equality and fraternity. Ambedkar's ideal society is based upon two fundamental principles.

The first is that the individual is an end in himself and that the aim and object of society is the growth of the individual and development of his personality. Society is not above the individual and if the individual has to subordinate himself to society. It is because such subordination is for his betterment and only to the extent necessary. The second essential is that the terms of associated life between members of society must be regarded by consideration

⁴ Forsyth and Keens-soper (eds). A Guide to the Political Classics. Oxford University Press, 1988. P. 25

⁵ Kanta Kataria. 2015. Pp. 203-204

⁶ Krishna Iyer. B.R Ambedkar Centenary: Social Justice and the Undone Vast. Delhi: B.R Pub, 1991. P.141

founded on liberty, equality and fraternity.⁷

James Massey writes that in Ambedkar's view, a caste-based society gives no place to an individual, whereas, in Ambedkar's proposed society, individual is the final end. In a caste-based society a person's relationship with members of other classes is already fixed. But in the society envisioned by Ambedkar, relations have to be based on liberty, equality and fraternity.⁸ Besides the two essential elements, one of the most important components is 'justice', or the 'principle of justice', because for Ambedkar, "the norm or the criterion for judging right and wrong in the modern society is justice". Justice, according to him, was "simply another name for liberty, equality and fraternity."⁹ Thus the key components of Ambedkar's concept of social justice are liberty, equality and fraternity. The first component is liberty. Ambedkar, quoting Laski, said: that for liberty to be real, it must be accompanied by certain social conditions. Firstly, there should be social equality. Privilege tilts the balance of social action in favour of its possessors. The more equal are the social rights of citizens, the more able they are to utilize their freedom.....If liberty is to move to its appointed end it is important that there should be equality.¹⁰ Secondly, there must be economic security. A man may be free to enter any vocation he may choose....yet if he is deprived of security in employment, he becomes a prey of mental and physical servitude incompatible with the very essence of liberty.....The perpetual fear of the morrow, its haunting sense of impending disaster, its fitful search for happiness and beauty which perpetually eludes, shows that without economic security, liberty is not worth having. Men may well be free and yet remain unable to realize the purposes of freedom.¹¹ Thirdly, knowledge must be made available to all individuals. In the modern complex world, man lives at his peril and must find his way in it without losing his freedom. There can, under these conditions, be no freedom that is worthwhile unless the mind is trained to use its freedom. The right of man to education becomes fundamental to his freedom. Deprive a man of knowledge and you will make him inevitably the slave of those more fortunate than himself.....deprivation of knowledge is a denial of the power to use liberty for great ends. An ignorant man may be free.....but he cannot employ his freedom, so as to give him assurance of happiness.¹²

⁷ Dr. Babasaheb Ambedkar. Writings and Speeches, vol.3. Mumbai: Government of Maharashtra, 1987. P. 95

⁸ Mohammad Shabbir(ed). Ambedkar on Law, Constitution and Social justice. Jaipur. Rawat pub., 2005. P. 159.

⁹ Dr. Babasaheb Ambedkar. Writings and Speeches, vol.3. Mumbai: Government of Maharashtra, 1987. P. 25

¹⁰ Ibid p.39

¹¹ Ibid p.39

¹² Ibid p.39

So, Ambedkar believed that the three essential conditions that make liberty real were:

- Social equality
- Economic equality
- access to knowledge

He believed that there can be no real liberty in ancient societies and under Hinduism because of the absence of these three conditions. The second component of social justice is equality. It means all men are of the same essence, all men are equal and everyone is entitled to the same fundamental rights and to equal liberty. Ambedkar says, The system of rank and gradation is, simply another way of enunciating the principle of inequality so that it may be truly said that Hinduism does not recognize equality.¹³ It is to be noted that in ancient societies there is no equality because they are based on the principle of gradation and rank. The antique society as also Hinduism lead to a degradation of human personality because of denial of social and religious equality. Ambedkar held that with social justice, equality would be the mainstay of a modern society. The third component of social justice is fraternity. Ambedkar, talking about the importance of fraternity in a society, writes, There are two forces prevalent in society such as Individualism and fraternity.

Hence Ambedkar's concept of social justice included:

- unity and equality of all human beings
- equal worth of men and women
- respect for the weak and the lowly
- regard for human rights
- benevolence, mutual love, sympathy, tolerance and charity towards fellow beings
- humane treatment in all cases
- dignity of all citizens
- abolition of caste distinctions
- education and property for all and
- good will and gentleness

He emphasized more on fraternity and emotional integration. His view on social justice was to remove man-made inequalities of all shades through law, morality and public conscience. He

¹³ Dr. Babasaheb Ambedkar. Writings and Speeches, vol.3. Mumbai: Government of Maharashtra, 1987. P. 25

stood for justice for a sustainable society.¹⁴ He further maintained that the root of untouchability was the caste system; the root of the caste system was religion; the root of the religion was attached to varnashram; the root of the varnashram was Brahminism and the root of Brahminism lies in political power.¹⁵

Constitutional Aspect of Social Justice

The preamble of our Constitution begins with the words -

We, the people of India, having solemnly resolved to constitute India into a sovereign socialist secular democratic republic and to secure to all its citizens:

JUSTICE, social, economic and political.....

So the very opening lines in the Preamble of our great Constitution lay down one of the most significant purposes of our Constitution. The concept of justice is as old as civilization and society. It is deeply ingrained in the roots of our Indian Civilization. The word 'Justice' finds its roots in the Latin term 'JUSTITIA' which signifies righteousness or equity. It is also derived from the French word 'JOSTISE' which means uprightness, equity, vindication of right, administration of law. The idea of justice is most frequently linked to the underlying presumption that justice is synonymous with the idea of equal rights and opportunities and to get fair treatment. Justice is the quality that ensures that each person receives their rightful compensation in opposed to any violation or harm. Justice means to give each and every person what they deserve. Justice means the standard of rightfulness, by standard of rightfulness one means to say that the minimum threshold should be applicable of what will amount to right or wrong. 'Justice can also be understood as the correct application of law, as opposed to arbitrariness'.

The idea of justice is so ancient that everything has been said about it and at the same time, it is so modern that it constitutes an ever-changing context of contemporary society. From this perspective, we may say that justice has a traditional meaning and has also acquired a more technical and complex meaning in modern times. Traditionally, justice was seen as a moral virtue of character as well as an important and desirable attribute that a political society requires. For Plato, justice is "giving to each person his due". Justice in this sense involves the

¹⁴ B.R Purohit and Sandeep Joshi. 2003. P.130

¹⁵ Mohammad Shabbir (ed). 2005. P.130.

fair, equal, moral and impartial treatment of all. In a simple sense therefore, justice, traditionally means ensuring that fair results are produced and each person duly receives what he is entitled to.

To understand the idea of justice in today's date, it is important to understand the concept of justice is enshrined in the preamble of Indian Constitution. The framers of Indian constitution were aware about the need of establishing justice in a country therefore they made sure that it is included in Indian constitution. Article 14, 15, 16 and 17 of the Indian constitution also reflect the idea of justice enshrined in the preamble of the constitution. All these articles are incorporated under part III of the constitution which gives fundamental rights to every citizen. Provisions relating to 'Equal Justice and Free Legal Aid' are enshrined under article 39A of the Indian constitution. Which give every citizen right to get free legal help from officers of the court. No one can be denied access to free legal aid. It is the duty of the State to secure that working of the legal system is based on justice, it should provide equal opportunity, and also, provide free legal aid, to ensure that any opportunity for securing justice is not denied to any citizen due to his economic or other disabilities.

One of the important concepts of justice as enshrined in the constitution is the concept of Distributive justice. Distributive justice means fair distribution of resources among those who are in need of it. This has been described in Article 38 and 39 of Indian Constitution. Natural justice, economic justice, political justice, social justice, and legal justice are a few examples of the many diverse types of justice. Indian Constitution defines 3 types of justice:- Social Justice Economic Justice and Political justice.

Social Justice

Social justice as a concept arose during industrial revolution of 19th century. Different definitions of social justice is provided by different institutions, for few it is fair and comprehensive distribution of goods among people for economic growth and for few its equality of status among individuals. Social justice means greater good for larger number of people and un-equals should be treated equally. The apex court in the *Kesavananda Bharati case*¹⁶ held that social justice is part of Basic structure of the Indian Constitution. Social justice means that equal social opportunities are available to every person for personal development

¹⁶ His Holiness Kesavananda Bharati Sripadagalavaru vs. State of Kerala (1973) 4 SCC 225

of every person without any discrimination based on race, sex or caste. No person should be deprived of social conditions necessary for development due to these differences. The concept of social justice is based on the practice of social equality. Social justice can only be enforced in a society where exploitation of man by a man is not present.

In the Case of *S.R Bommai v. Union of India*¹⁷, the apex court held that social justice and judicial review are two basic features of the Indian constitution.

Economic Justice

Economic justice is somehow part of social justice itself; the Indian constitution visualizes socio-economic justice as incorporated under Directive principles of state policy. Economic justice means providing economic opportunity, economic equality and removing economic disabilities. It is always implemented under the umbrella of social justice. Economic justice means there should be economic equality among everyone in the society. There should not exist any inequality among individuals based on their economic status. No one should be deprived of any opportunity due to his/her economic status.

Political Justice

Political Justice means a system free from political arbitrariness. There should be political fairness in the working of the government. Political status of any person should not give him any advantage. In *Raghunathrao Ganpatrao v. Union of India*¹⁸, the Court attempted to provide a meaning to the term political justice and observed thus: "Political justice relates to the principle of rights of the people, i.e., right to universal suffrage, right to democratic form of Government and right to participation in political affairs".

In *Canara Bank v. V.K. Awasthy*¹⁹, the Court highlighted the fundamental premise of natural justice and observed thus: The expressions "natural justice" and "legal justice" do not present a water-tight classification. It is the substance of justice which is to be secured by both, and whenever legal justice fails to achieve this solemn purpose, natural justice is called in aid of legal justice. Natural justice relieves legal justice from unnecessary technicality, grammatical pedantry or logical prevarication. It supplies the omissions of a formulated law".

¹⁷ (1994) 3 SCC 215

¹⁸ (1993) 1 SCR 480

¹⁹ (2005) 6 SCC 321

Reference could also be had to *State Bank of Patiala & Ors. v. S.K. Sharma*²⁰ wherein the Court had noted thus: “Justice means justice between both the parties. The interests of justice equally demand that the guilty should be punished and that technicalities and irregularities which do not occasion failure of justice are not allowed to defeat the ends of justice. Principles of natural justice are but the means to achieve the ends of justice. They cannot be perverted to achieve the very opposite end. That would be a counter-productive exercise.”

Indian Constitution under part III enforces all three types of justice by making provisions relating to equality under article 14 and 15. Also in 2019, 103rd constitutional amendment was enacted to ensure economic justice for everyone. The jurisprudence behind this amendment was implementation of economic justice.

Role of Judiciary

Judiciary has played an important role in the establishment of justice in the country and to make the concept of justice given in preamble a reality. The approach of judiciary has been progressive in this regard and it has shown through its decisions that justice is an essential ingredient of a developed and law abiding society. In cases like *Maneka Gandhi v. UOI*²¹ (right of liberty) the court has enforced the concept of social justice time and again.

The role of judiciary has also changed over the years and the courts have taken a more active role in realization of justice through judicial activism. In recent years, courts have risen in power across the world, and the Indian Supreme Court has rightly been pointed to as an example of this global trend. In many ways the Indian Court has become a court of good governance that sits in judgment over the rest of the Indian government. The Court has been able to expand its mandate as a result of the shortcomings (real, perceived, or feared) of India's representative institutions. The Indian Supreme Court's institutional structure has also aided its rise and it helps explain why the Indian Courts have gained more influence than most other judiciaries in the world. The Indian Supreme Court has been called the most powerful court in the world for its wide jurisdiction, its expansive understanding of its own powers and the billion plus people under its authority.

²⁰ (1996) 3 SCR. 972

²¹ (1978) 2 SCR. 621

The Doctrine of Basic Structure was propounded by the Indian Judiciary on 24th April 1973 in *Keshavananda Bharati case* to put a limitation on the amending powers of the Parliament so that the 'basic structure of the basic law of the land' cannot be amended in exercise of its 'constituent power' under the Constitution. What constitutes basic structure although not explicitly defined, most of its constituents can be derived from various Supreme Court judgements over the years like supremacy of the Constitution of India, Rule of law, judicial review, federalism, secularism, Fundamental rights, Article 32, balance between Fundamental Rights and Directive Principles of State Policy etc. The basic structure of our constitution is not static, but dynamic and continuously evolving.

Judicial activism is seen as a success in liberalising access to justice and giving relief to disadvantaged groups because of the efforts of Justice VR Krishna Ayer and Justice PN Bhagwati. It is an effective tool for upholding the citizens' rights and implementing the constitutional principles when the executive and legislative fail to do so. The shift from locus standi to Public Interest Litigation has made the Indian Judicial process more participatory and democratic. Judicial activism therefore counters the opinion that the judiciary is a mere spectator.

The Higher Courts of the country innovatively interpreted the Constitution in a manner as to give effective rights to the citizens which are important in day-to-day life. The framers of constitution wished to empower citizens with certain rights which are levied as fundamental rights and they cannot be taken away by the government. In the years that followed, the judiciary, on its part innovatively interpreted the constitution and gave to us various rights like right to information, right to education, right to free legal aid, to include right to live with dignity in right to life.

But we must also understand that Judicial activism challenges the concept of separation of power of the three arms of the state. Many times, in the name of judicial activism, judiciary interferes in the administrative domain and ventures into judicial adventurism or overreach. This is when judicial restraint comes into picture. If judges are to freely decide and make laws of their choices, it would not only go against the principles of separation of powers but it would also result in chaos and uncertainty in the laws.

The five rights that shaped India are –

1. **Substantive equality** – India is no stranger to discrimination on the basis of sex. At one point, Air Indian air hostesses were compulsorily retired at 35 years of age or on getting married or pregnant. The Supreme Court in the case of *Air India vs. Nargesh Meerza*²², ruled that this represented official arbitrariness and hostile prejudice. Similarly, the criteria for promotion of women where they are benchmarked with men shall be same otherwise it is indirectly discriminatory and against substantive equality.

Another such example is the decision of the Supreme Court in the case of eligibility of women officers in short service commission in army for permanent commission. The persistence of the Supreme Court in this case, persuaded the Armed Forces to change their mindset and support equal status for women officers.

The Second fundamental right shaped by the Higher Courts is the

2. **Right to creative expression** - The Courts in India have developed the law and held that Article 19(1) (a) of the Constitution of India which states that, “all citizens shall have the right to freedom of speech and expression”, includes the right to creative expression. The philosophy behind this Article lies in the Preamble of the Constitution, where a solemn resolve is made to secure to all its citizen, liberty of thought and expression. The Supreme Court has recently said that when the ability to portray art in any form is subject to extra constitutional authority, there is a grave danger that fundamental human freedoms will be imperilled by a cloud of opacity and arbitrary state behaviour. A declaration attributed to Voltaire: “I despise what you say but will defend to the death your right to say it” encapsulates the essence of the protection of free speech. I may quote from the landmark judgment by Justice Dr DY Chandrachud, in the case of *Indibility Creative Pvt Ltd versus Govt of West Bengal* ²³“The true purpose of art, as manifest in its myriad forms, is to question and provoke. Art in an elemental sense reflects a human urge to question the assumptions on which societal values may be founded. In questioning prevailing social values and popular cultures, every art form seeks to espouse a vision. Underlying the vision of the artist is a desire to find a new meaning for

²² (1981)1 SCR 438

²³ (2019) 5 SCR 679

existence. The artist, in an effort to do so, is entitled to the fullest liberty and freedom to critique and criticise. Satire and irony are willing allies of the quest to entertain while at the same time to lead to self-reflection.”

The third is

3. **Right to practice ones’ religion** – The Right to freedom of religion is well described in the Articles 25, 26, 27 and 28 of Indian constitution. Religion is a matter of belief or faith. The constitution of India recognizes the fact, how important religion is in the life of people of India and hence, provides for the right to freedom of religion under Articles 25 to Article 28. The Constitution of India envisages a secular model and provides that every person has the right and freedom to choose and practice his or her religion. In a number of cases, the Apex Court has held that secularism is the basic structure of the Constitution, the most important being the *Kesavananda Bharati case*. Article 25 of the Constitution guarantees the “freedom of conscience and the right freely to profess, practise and propagate religion”. However, this right isn’t absolute and is subject to public order, morality, health, and other fundamental rights. While Article 25 itself does not read any other condition into the protection of this right, courts, over the years, have ruled that the right would protect only “essential religious practices” and not all religious practices. So, this test developed over the years by the Constitutional Courts decides which religious practices are protected under the Constitution.

Similarly, another essential right developed by the Apex Court is the

4. **Right to privacy** – which is now a fundamental right that does not need to be separately articulated but can be derived from Articles 14, 19 and 21 of the Constitution of India. It is a natural right that subsists as an integral part to the right to life and liberty. It is a fundamental and inalienable right and attaches to the person covering all information about that person and the choices that he/she makes. It protects an individual from the scrutiny of the State in their home, of their movements and over their reproductive choices, choice of partners, food habits, etc. Therefore, any action by the State that results in an infringement of the right to privacy is subject to judicial review. A nine-judge bench of the Supreme Court in the case of *Puttuswamy v. Union of India* ²⁴ declared the right

²⁴ (2017) 10 SCR. 569

to privacy as a fundamental right protected under Part III of the Constitution of India. In declaring that this right stems from the fundamental right to life and liberty, the Court's decision has far-reaching consequences.

While primarily focused on the individual's right against the State for violations of their privacy, this landmark judgement has repercussions across both State and non-State actors and lays down the foundation for the enactment of a comprehensive law on privacy. This decision has connected our privacy jurisprudence over the years with our international commitments and established our conformity with comparative laws around the world. The Supreme Court has also recognized sexual integrity as an aspect of privacy and consensual sexual intercourse between two adults of the same was decriminalized.

And lastly and perhaps one of the most important is the

5. **Right to enforce fundamental rights** – Our Constitution has also put in place a legal mechanism through which a person can enforce his fundamental rights where there is an existing or threatened infringement to the exercise of such rights. The law also stipulates the constitutional remedies that can be sought and given to an aggrieved applicant. The Supreme Court under article 32 and the High Courts under Article 226 of the Constitution have the power to issue suitable writs for the enforcement of a power to issue suitable writs for the enforcement of a citizen's fundamental right. The fundamental rights created under the Indian constitution are necessary for a democratic society and articles 32 and 226 are very vital provisions, as they give citizens the remedy for enforcement of the fundamental rights medium through which they can enforce their fundamental rights and seek appropriate remedies.

Thus, the Idea of Justice is intricately interlinked with our Constitution. Just like our ever evolving and dynamic Constitution, the Idea of Justice is also forever evolving. Rather, it is our evolving Idea of Justice that drives the evolution of our constitution. We can see examples of this in the landmark changes made in our laws in the recent times like decisions of the Supreme Court on Right to Privacy, Section 377 of IPC, Coparcenary rights of Daughter under Hindu Succession, Triple Talaq, access to internet as fundamental right, and many more.

Conclusion

Thus, we can see that the Idea of Justice has forever been evolving since the adoption of our Constitution. The most general way to understand the Idea of Justice can be to say that Justice is the enforcement of the fundamental principles and values enshrined in our Constitution, Justice is when a person's fundamental rights are protected, Justice is when the State Machinery functions in accordance with the Constitutional principles and ethos, Justice is when the Constitutional Courts uphold the Constitutional Values. One might also say that to test whether justice has been done or not, one can simply see whether the act conforms to our Constitution, its fundamental principles and values. Justice is not mere literal interpretation of the provisions of the constitution in black and white, but it is to understand the aims and objective of the particular provision and the principles outlined in our constitution by our constitution framers. Our judicial system is the enforcer and protector of Justice. In this 76th year of Independence, with the society evolving at its most rapid pace, we have to focus towards the goal of a welfare state. The Directive Principles of State Policy contained in part IV of the constitution set out the aims and objectives to be taken by the state. The idea of welfare state and constitution can only be achieved if the state endeavours to implement them with a high sense of moral duty. We should strive to promote the Welfare of the people by securing and protecting a social order in which justice social, economic and political shall inform all the Institutions of National life. In the celebrated case of *Kesvananda Bharati vs State of Kerala*²⁵ the Supreme Court has said that fundamental rights and directives principles aim at the same goal of bringing about a social Revolution and establishment of a welfare state and they can be interpreted and applied together and that they are supplementary and complementary to each other.

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