

## **Concept of Justice in the Indian Constitution**

**Shafaque Ammar**

**Research Scholar, Ranchi University**

### **Abstract:**

Justice is the cornerstone of the Indian constitution. Justice is the expectation of equitable treatment, parity of rights, and access to the legal system for all the subjects of the state. India, the largest democracy in the world, upholds the critical objective of achieving justice and equality transparently. The state works to create an equitable society and is involved in people's social welfare as per the provisions of the Constitution. It is a perfect example of balancing personal goals with those of society. According to the Indian Constitution, "Justice" is the cornerstone that will guarantee each person a meaningful and respectable life. All Indian citizens are sworn to be provided social, economic, and political justice; freedom of speech, thought, and religion; and equality of opportunity and status under the Indian Constitution. The Indian Constitution has clauses that guarantee that everyone in the nation has access to justice and that caste, money, or religion will not be used as grounds for discrimination. The study attempts to explore the idea of justice enshrined in the constitution, the different sections in the Indian Constitution that ensure the deliverance of justice to the right, and the different forms of justice that are inscribed in the Indian Constitution. It further focuses on how the Preamble, which introduces the Constitution, attempts to present justice as the central tenet guiding it and serves as both a safeguard and an advocate for the cause of justice.

**Keywords:** Indian Constitution, Preamble, Justice

**Introduction:** Justice serves as a defining characteristic of a civilized society. The Constitution of India is the soul of the Indian republic. The Constitution of India is replete with principles of justice firmly entrenched in its structure. The Indian Constitution holds justice as a core value, alongside democracy, federalism, and secularism. The preamble to the Indian Constitution evinces a commitment to an egalitarian society that aligns with the Rawlsian theory of justice. Moreover, the Indian Constitution's spirit and vision envision the state's responsibility to establish a social order that fosters justice and equality. The Indian Constitution, which came into effect on January 26, 1950, enshrines the concept of justice as a fundamental principle. It encompasses various dimensions such as social justice, economic justice, political justice, and legal justice. These concepts of justice in the Indian Constitution

are aimed at upholding the principles of equality, fairness, and non-discrimination. It recognizes the importance of addressing historical injustices and promoting equality by providing special provisions for certain groups, such as women and minorities, to uplift them, empower them, and protect them.

**Objectives:** This research paper has the following aims and objectives:

- To discuss the meaning of justice in the Indian Constitution.
- To discuss the idea of justice in the preamble.
- To explain the various forms of Justice in the Indian Constitution.
- To discuss the provisions in the Indian Constitution that envisage justice for the citizens.
- To assess the importance of justice in the Indian Constitution.

**Meaning of Justice:** The idea of justice is as old as society and civilization. It is a fundamental part of the Indian Constitution. The origin of the word Justice can be traced back to the Latin word "Justitia," which denotes equity or righteousness. Another source for the word "Justice" can be the old French word "Jostise," which means "uprightness," "equity," "the vindication of rights," and "the administration of law." (lecture by justice rituraj Awasthi, the idea of justice after 75 years of Independence). Justice is an ancient concept, and its meaning has evolved over time to fit the needs of modern civilizations but If justice were to be distilled into a single definition, it would be something like what Plato stated: "Justice is giving to each person his due."<sup>1</sup>

**Justice and the Preamble:** The Preamble of the Indian Constitution highlights the importance of justice as a guiding principle in several ways:

**Declaration of Justice:** The Preamble begins with the solemn declaration to secure justice for all citizens of India. It emphasizes the significance of social, economic, and political justice as fundamental pillars of the Indian Republic.

---

<sup>1</sup> Awasthi, Ritutraj, Speech Of Hon'Ble Chairperson, 22Nd Law Commission Of India, the idea of justice after 75 years of independance (2019). Retrieved April 10, 2024, from Indiankanoon.org website.

**Equality and Liberty:** The Preamble underscores the values of equality and liberty, which are essential components of justice. It aims to ensure that all individuals have equal rights and opportunities, and the freedom to express themselves without discrimination.

**Fraternity and Dignity:** By promoting fraternity and assuring the dignity of the individual, the Preamble emphasizes the importance of unity and integrity in the nation. This fosters a sense of solidarity and mutual respect among all citizens, contributing to a just and harmonious society.

**Egalitarian Society:** The Preamble envisions creating an egalitarian society where economic and social disparities are minimized, and individuals are responsible for their actions. It aims to provide broad protection to economic and non-economic liberties, ensuring justice through equal protection under the law.

**Foundation of Social Justice:** Social justice is identified as the foundation stone of the Indian Constitution, advocating for equal treatment of all citizens without discrimination based on various factors. This principle aims to uplift marginalized sections of society and improve their conditions.

**Distributive Justice:** The concept of economic justice in the Preamble signifies the elimination of inequalities in wealth, income, and property. It advocates for non-discrimination based on economic factors, leading to distributive justice where resources are fairly distributed among all individuals.

In summary, the Preamble of the Indian Constitution not only sets the tone for the nation's governance but also establishes justice as a core value that permeates through the entire constitutional framework, ensuring fairness, equality, and dignity for all citizens.

**Indian Constitution and Provisions Related to Justice:** The Constitution of India embodies the concept of a welfare state. Although the term "justice" is not used frequently in the Indian Constitution yet it guarantees citizens access to many forms of justice through its various articles. The preamble speaks of justice – Social, economic, political. The forms of justice that are talked about in the preamble are included in part III and part IV of the Indian Constitution in the form of Fundamental Rights and Directive principles of the state respectively. <sup>2</sup> The various types of rights bestowed on the citizen under part III and part IV (Article 14-35) in the constitution are the rights that pave the way to achieve social,

---

<sup>2</sup> Bhargava, R. (2009). Politics and ethics of the Indian constitution.

economic, political, and legal justice. The various types of rights provided to the citizens by the Constitution are listed below:

- **Equality rights (Articles 14-18)** – These rights guarantee equality before the law for everyone irrespective of their caste, creed, economic status, and religion. These rights protect a person against any discrimination on the grounds of caste, creed, and religion. These rights are important for social justice.
- **Freedom rights (Articles 19 – 22)** – These rights provide citizens with the right to freedom of speech, protection of life and liberty, and freedom to move anywhere in the country and be in the profession of these choices. These rights ensure social, economic, and political justice of the subject.
- **Rights against exploitation (Articles 23 - 24)** – These rights are part of legal justice and prohibit economic and social exploitation of the subjects and ensure the dignity of the subject.
- **Freedom of religion and culture (Articles 25 -30)** – Religion is an important aspect of human life. Religion gives people a sense of belonging, and oneness and acts like a ray of hope at the time of despair. These rights are essential for the protection of the identity of minorities and the social fabric and integrity of the nation. These rights are important for ensuring social justice for every Indian.
- **Right to constitutional remedies (Articles 32 -35)** - These articles give people the right to move to the Supreme Court if they are denied any of the rights conferred by this part. Hence these rights ensure that legal justice is available to all the subjects.

**Types of Justice:** The constitution of India doesn't mention the forms of justice but through the nature of rights incorporated in the Indian constitution, we can distinguish various forms of justice. Based on nature and the goal of rights, we can say that the Constitution has ensured four types of justice – social, economic, political, and legal.

**Social Justice:** The idea of social justice emerged in the early 1800s during the European civil and industrial revolutions, with the goal of reversing the capitalist exploitation of labour and establishing more egalitarian society. Early social justice advocates concentrated mostly on capital, poverty, and the distribution of wealth because of the glaring disparities between the rich and the poor at this period. By the middle of the 20th century, social justice had

moved beyond its initial focus on economics to encompass other areas of society such as the environment, racial and gender issues, and other factors that contribute to and result from injustice.<sup>3</sup> There is no exact definition for the term "social justice." It doesn't have any distinct features or defined contours. It varies according to the people, the eras, the culture, and the status of the economy.

Justice in society can be enforced by delivering social justice to the subjects. According to our constitution, the state's main goal is to achieve social fairness. It is implied by social justice that all citizens receive the same treatment regardless of their social standing due to factors such as birth, race, caste, religion, sex, title, etc. Given the doctrine of the basic structure established by the Supreme Court in the Kesavananda Bharati decision, social justice is considered to be central to and integral to the Constitution, and it is assumed that it cannot be reduced, amended, or eliminated. Social justice is a revolutionary idea that gives life purpose and meaning and gives the rule of law a dynamic quality.<sup>4</sup>

According to the Indian Constitution, social justice is the equitable allocation of resources, opportunities, and advantages among all societal segments, with a focus on disadvantaged and marginalized populations. For some, social justice refers to the equality of status among persons and the distribution of goods among people in order to promote economic prosperity. More good for more people is what social justice entails, and those who are not equal should be treated fairly. It offers equal opportunities for everyone to live honourable lives and shields them from prejudice based on factors like sex, caste, religion, and so forth. Social equality is the foundation of the idea of social justice. Only in a society where there is no man-on-man exploitation can social fairness be upheld. Only when citizens work together harmoniously can social justice be achieved.<sup>5</sup>

**Economic Justice:** Social justice itself includes economic justice in some way. Socioeconomic fairness was envisioned by the Indian Constitution as falling within the state policy Directive concept. Conversely, economic justice guarantees fair access to resources and opportunities in the economy, encouraging inclusive growth and minimizing income

---

<sup>3</sup> Suvarnakhandi, S. S. (2020). Social Justice Provision in Indian Constitution. *International Journal of Political Science (IJPS)*, 6(3), 1-9.

<sup>4</sup> Babu, R., & Prasad. (2020). Dr. B R. AMBEDKAR'S CONCEPT OF SOCIAL JUSTICE AND CONSTITUTION OF INDIA. 8, 2320–2882. <https://www.ijcrt.org/papers/IJCRT2012278>

<sup>5</sup> Shukla, S. (2013). Social Justice in India: Constitutional Vision and Thereafter. *The Indian Journal of Political Science*, 357-368.

disparities.<sup>6</sup> To achieve economic justice, one must ensure economic equality, opportunity, and the removal of financial barriers. It is always carried out within the framework of social justice. The Indian Constitution contains clauses that guarantee citizens the right to pursue their career path in any region of the nation without facing any form of discrimination.

The goal of the state as envisioned by the directive principles is economic justice, which is achieved by increasing national wealth and resources and sharing them equally among all those who contribute to their production.<sup>7</sup> The goal of economic justice is to create a welfare state. A component of liberty that is necessary for equality of status and human dignity to exist is economic justice. Eliminating social, economic, and political inequality of opportunity and status is the goal of economic justice, which aims to make status equality meaningful and life worthwhile. To reduce the gap between the rich and the poor and to provide equal opportunities for everyone to advance and realize their ambitions, economic justice is crucial. Ensuring economic justice is crucial in safeguarding individuals against workplace exploitation and harmful practices such as forced labour.

**Political Justice:** Every citizen of India is guaranteed the right to engage in politics, including the ability to vote and hold public office, by the political justice clause in the Indian Constitution. A system devoid of political arbitrariness is referred to as political fairness.<sup>8</sup> Political equity needs to be a feature of how the government operates. Any individual should not benefit in any way from his political status. The court attempted to define political justice in *Raghunathrao Ganpatrao vs. Union of India*, noting that it was associated with the concept of the people's rights, which includes the right to democratic governance, universal suffrage, and the ability to participate in political affairs.”<sup>9</sup> Political justice means every law should be equally applicable to every person irrespective of his political status.

**Legal Justice:** Legal justice is another aspect of justice that is essential for a citizen to live a dignified life in society. Legal justice ensures that justice is administered fairly and without bias, with equal protection under the law for all individuals. Legal justice as per the Indian constitution means everyone should have freedom of thought and speech. Everyone should be

---

<sup>6</sup> GS, M. (2019). Social and Economic Justice under Constitution of India: A Critical Analysis. *Int'l JL Mgmt. & Human.*, 2, 22.

<sup>7</sup> Manupatra. (2024). *Articles – Manupatra*. Manupatra.com. <https://articles.manupatra.com/article-details/Concept-of-Justice-under-Indian-Constitution>

<sup>8</sup> Manupatra. (2024). *Op.cit.*

<sup>9</sup> Awasthi, Ritutraj, *Op.cit.*



equal before the law and should get equal opportunity to prove their innocence on being accused of a crime. Legal justice further ensures free legal aid to everyone so that they may stand an equal chance before the law as others. Legal justice further ensures that every life is equal before the law.

All the above-mentioned forms of justice are closely related to each other. One can't be obtained unless and until the other three are present. Indian Constitution under part III and part IV enforce all forms of justice by making provisions relating to equality and freedom. Social justice is the umbrella under which other forms of justice can be obtained.

### **Conclusion:**

Justice is the cornerstone of any civilization. It is important for the smooth working of human society as it ensures peace and the rule of law. The absence of justice may lead to chaos. It may further cause the exploitation of weaker sections of people by the powerful ones. Justice is a basic feature of the Indian Constitution and is present in various forms which makes every citizen equal in the eyes of the state. Justice is the tool through which people are protected socially, economically, politically, and legally. Indian Constitution not only provides different forms of justice but also the tools to achieve it and a system to enforce it if someone is being denied their rights. The provision in the Indian Constitution doesn't discriminate on the grounds of caste, religion, and sex instead it has provisions to protect the people of different caste, religion, and sex and give them equal opportunity as others. It bestows minorities special rights so that they can work on their welfare. It promotes gender equality so that the weaker may not be oppressed. The Constitution of India envisages provisions that are powerful enough to create a welfare and flourishing state where there is no discrimination based on caste, religion, or sex.

### **References:**

1. Awasthi, Ritutraj, Speech Of Hon'Ble Chairperson, 22Nd Law Commission Of India, the idea of justice after 75 years of independence (2019). Retrieved April 10, 2024, from Indiankanoon.org website.
2. Bhargava, R. (2009). Politics and ethics of the Indian constitution
3. Suvarnakhandi, S. S. (2020). Social Justice Provision in Indian Constitution. *International Journal of Political Science (IJPS)*, 6(3), 1-9.
4. Babu, R., & Prasad. (2020). Dr. B R. AMBEDKAR'S CONCEPT OF SOCIAL JUSTICE AND CONSTITUTION OF INDIA. 8, 2320-2882. <https://www.ijcrt.org/papers/IJCRT2012278>
5. Shukla, S. (2013). Social Justice in India: Constitutional Vision and Thereafter. *The Indian Journal of Political Science*, 357-368.

6. GS, M. (2019). Social and Economic Justice under Constitution of India: A Critical Analysis. *Int'l JL Mgmt. & Human.*, 2, 22.
7. Manupatra. (2024). *Articles* – *Manupatra*. Manupatra.com. <https://articles.manupatra.com/article-details/Concept-of-Justice-under-Indian-Constitution>
8. Manupatra. (2024). Op.cit.
9. Awasthi, Ritutraj, Op.cit.