

A Review Of Existing Paradigm Of Political And Economic Justice Under Indian Constitution

Dr. Ranjan Acharjee^{1*}, Dr. Surajit Debnath², Dr. Ankur Sarkar³

^{1*}Post Graduate Teacher (Political Science), Ananda Vidyaniketan H.S. School, S.D. Mission Camper Bazar, West Tripura, India.

²Guest Lecturer, Department of Sociology, Tripura University (A Central University), Tripura, India.

³Assistant Professor of Law, Tripura Government Law College, Agartala, Tripura, India.

Citation: Dr. Ranjan Acharjee, et.al (2024), A Review Of Existing Paradigm Of Political And Economic Justice Under Indian Constitution, *Educational Administration: Theory and Practice*, 30(4), 11086 - 11096

Doi: 10.53555/kuey.v30i4.9431

ARTICLE INFO

ABSTRACT

The very concept of justice is not very easy to define but the Preamble of Indian Constitution is clearly stated about the Justice of social, economic and Political. The several provisions of the Constitution categorically speak about Social, economic and political justice. Justice is the set of rules and regulations by means of which the concept of welfare society is achieved and accordingly the people of the society are aware of their responsibility and duties. The concept of justice encourages orderly living among people in society and ensures overall welfare of the individual. There is a renowned legal principle that, 'Justice should be seen to be done' means 'justice should not only be done, but it should also be obvious that justice has been done and it is important for upholding the rule of law and ensuring the fair administration of justice'. This paper is an attempt to look into the intricate framework of economic and political justice within the ambit of the Indian Constitution and to reveal the hitches behind the constitutional provisions and their implications on fostering a just and equitable society in the contemporary time.

Keywords: Justice, Political Justice, Economic Justice, Indian Constitution, Preamble, Fundamental Rights, Directive Principle of State Policy.

I. INTRODUCTION

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. Let's discuss the very notion of justice before elaborating the discussion. Justice is the symbol of ultimate truth, purity and perfection. As a concept of justice has a long history in political philosophy. Justice derived from the Latin words 'jungere', 'jus' that means 'to bind' or 'to tie'. Justice is something that links, ties, binds individuals with other individuals, groups with other groups, so as to build an order, a system. 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.¹ Aristotle distinguished between the distributive, corrective and reciprocal justice in his work *Nicomachean Ethics*.² Distributive justice refers to the distribution of things that are divisible like wealth, benefits, allocation and land, limiting its scope. Thus, justice is to things that are divisible. The indivisible ones like virtue, character and qualities remain outside the domain of distribution. The question of corrective or remedial justice arises when a person causes any damage to another person. Justice can be done to the person who suffers the damage, by eliminating the disadvantage. Reciprocal justice refers to 'fair exchange'.³ Justice in all these formulation of Aristotle relates to the question of equity and fairness. The Romans used the word justice to denote the body of laws and the courts to enforce them. During

¹*The Republic of Plato*. (1881). Translated by B. Jowett, Oxford: Clarendon Press.

²*The Nicomachean Ethics of Aristotel*. (1895). Translated by R.W. Browne, United Kingdom: George Bell & Sons.

³*The Politics of Aristotle*. (1883). Translated by J.E.C.Welldon, United Kingdom: Macmillan and Company.

the medieval European period, the idea of justice came to be related to the idea of the rule of the right, the idea of morality, more specifically, of the Christian norms, regarding the eternal law at the top, and the others in order as this: natural law, divine law and human law. Earnest Barker stated that, "The justice is the reconciler and the synthesis of political values like liberty, equality and fraternity that uniting them all in an adjusted and integrated whole".⁴ Justice is the basic idea behind these values and it is the final goal to which all these values should conform. This research article endeavors to present a comprehensive review of existing paradigms surrounding economic and political justice within the framework of the Indian Constitution.

II. REVIEW OF LITERATURE

Review of literature has been made on the studies related to economic and political justice in the context of Indian Constitution and existing theoretical understandings. Justice is one of the important pillars of democracy. The idea of democracy is closely related to the idea of justice. Justice is applied to the various aspects of social life that is legal, political and socio- economic notions of justice. The Preamble of the Indian Constitution mentions the establishment of justice in socio- economic and political spheres. The principles of liberty and equality are the means of justice where equality emphasizes the absence of discrimination and the benefits of liberty is equally extended to each individual in society. The principle of justice requires that the deprived and underprivileged sections should be given special protection in order to save them from the excesses of the dominant sections.

Western political philosopher Plato's concept of justice is based on the three principles of society, i.e. non-interference, functional specialization and principle of harmony. Plato holds that true justice means "doing good to all and harm to none".⁵ According to the contemporary political thinkers, justice continues to be normative concept, but it is also connected to empirical reality and as such has resulted in varieties of conceptualization. Julius Stone considered law and justice as contextual notions because the historical circumstances shape both law and justice. To him, justice is not a static but a dynamic concept, changing in accordance with the change in the perception of the society.⁶ Justice is conditioned by the needs, requirements and perceptions of the society.⁷ According to David Miller, 'Justice is essentially a matter of ensuring that the responsible individuals receive the benefits and the harms that they deserve'.⁸ Michael J. Sandel stated three approaches to justice. Utilitarian approach considers maximizing utility or welfare as justice. Greatest happiness of the greatest number becomes the objective of justice. Libertarian approach, justice means respect for freedom of choice. The freedom based theories give importance to justice. Idealistic approach, justice is understood as cultivating virtue and reasoning about the common good.⁹

H. Arendt (1951) insights into the erosion of political justice underscore the importance of safeguarding democratic principles.¹⁰ Nozick (1974) in his book "Anarchy, State, and Utopia" states a libertarian perspective, critiquing redistributive policies. His work sparks debates on the role of the state in ensuring political justice.¹¹ Rousseau's classic, "The Social Contract" (1762), laid the groundwork for understanding political authority and legitimacy. His ideas on the general will continue to shape discussions on political justice.¹² Rawls' seminal work, A Theory of Justice (1971) continues to be a cornerstone in discussions on economic justice. He focused on the "veil of ignorance" concept has influenced debates on fair distribution.¹³ Piketty's Capital in the Twenty-First Century (2014) delves into economic inequality, offering a historical analysis and proposing policy solutions. His work prompts reflections on the challenges of wealth distribution in modern societies.¹⁴

Kamal Jit Singh (1995) in his book "Distributive Justice in India: A Socio-Legal Study", stated that the three instrumentalities of the government i.e., legislature, executive and judiciary have played a significant role in translating the philosophy of distributive justice as the principal instruments to ensure justice- social, economic and political - to Bonded Laborers, the Downtrodden, Women, Children, Scheduled Castes,

⁴ Barker, E. (1967). *Principles of Social and Political Theory*. London: Oxford University Press.

⁵ Plato: 'The Republic'. (2000). G. R. F. Ferrari (ed.), Translated by T. Griffith, United Kingdom: Cambridge University Press.

⁶ Stone J. (1965). *Human Law and Human Justice*. California: Stanford University Press, Stanford.

⁷ Stone J. (1966). *Social Dimensions of Law and Justice*. London: Stevens and Sons.

⁸ Miller, D. (1991). Recent Theories of Social Justice. *British Journal of Political Science*, 21(3), (July), pp.371-391.

⁹ Sandel, M.J. (2010). *Justice Whats the Right Thing to Do?* New York: Farrar, Straus and Giroux.

¹⁰ Arendt, H. (1951). *The Origins of Totalitarianism*. Harcourt Brace.

¹¹ Nozick, R. (1974). *Anarchy, State, and Utopia*. Basic Books.

¹² Rousseau, J.J. (1762). *The Social Contract*. Penguin Classics.

¹³ Rawls, J. (1971). *A Theory of Justice*. Cambridge: Harvard University Press.

¹⁴ Piketty, T. (2014). *Capital in the Twenty-First Century*. Belknap Press.

Scheduled Tribes, Backward Classes etc.¹⁵ V. R. Krishna Iyer (1999) in his book “Justice at Crossroads” stated that each country, particularly belonging to the weaker category, has to evolve new principles of jurisprudence, new miles, regulations, laws, canons of justice and new instrumentalities to protect the weaker sections so that freedom may not be the monopoly of some and a suppressive order be the lot of the many. The rule of law geared to the rule of justice whereby each individual and community may have the opportunity to unfold its personality in the political, social and economic fields must become a reality. According to the author, the Justice System is our only stable asset, as yet not corrupt.¹⁶ J. Prabhaskar (2001) in his book “Affirmative Action and Social Change, Social Mobility of Dalits” stated that reservation is one of the few policy instrumentalities provided in the Indian Constitution to peck a new socio-political order based on equality and justice. The policy seeks to compensate for the unprecedented discrimination heaped on the marginalized sections of society, and on the other side to empower and integrate these people with the mainstream society. He stated that the overall picture that emerges after fifty years of the implementation of the protective discrimination policy for Dalits in Kerala is one small part and the vast part remaining to be done. It is true that they have made some achievements in matters of education, occupation, political representation and income. But the mobility so far achieved is far from authentic as it has many grey areas.¹⁷ Mahatma Gandhi and Dr. B. R. Ambedkar both the eminent thinkers emphasized on social justice. They envisaged an ideal society in which benefits and privileges are not the monopoly of a few but are shared by the entire society. In other words, they wanted to establish an egalitarian society based on the principles of equality and justice. Bipin Chandra opined that, “both share in common total opposition to caste oppression and caste discrimination and commitment to transform the social, economic and cultural conditions of Harijans”.¹⁸

M.K. Gandhi accepted the view that every individual should have the means to secure his freedom and to develop his personality; and he also believed that the means of livelihood should not be monopolized by any one section of society. Gandhiji did not consider the state as a means to achieve these ends.¹⁹ Gandhiji was very much concerned with the economic well-being of the weaker sections of society. The main purpose of his theory of trusteeship was that a rich person should be left in possession of his wealth provided that he would use only that part of it which he reasonably required for his personal use and would act as a trustee for the remainder to be used for the society.²⁰ To him, politics and religion were an inseparable part of each other and the one could not exist without the other. He preferred a decentralized state in which power rested not at one level but at many levels of political organization. He wanted everyone to take part in the governance of the country and therefore supported adult suffrage.²¹ Gandhiji was against the idea that benefits and privileges should be monopolized by one section of society in all spheres of social, economic and political sectors.

Dr. B. R. Ambedkar throughout his life struggled and for socio-economic and political justice. He opposed the caste based social structure because it created inequality in society. “Caste does not result in economic efficiency. Caste cannot and has not improved the race. Caste has, however, done one thing. It has completely disorganized and demoralized the Hindus”.²² He wanted to establish a society on the basis of equality and rational thinking.

Ambedkar believed that economic injustice was a major cause behind social injustice for that he emphasized the role of the state in safeguarding the interest of the weaker section of the society. The state has the power to plan the economic life of the people so that there will be an equitable distribution of wealth and it should be prescribed by the law of the Constitution as well as the will of legislature. 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.”²³

¹⁵ Singh, K.J. (1995). *Distributive Justice in India: A Socio-Legal Study*. New Delhi: Reliance Publication House.

¹⁶ Iyer, Krishna V. R. (1999). *Justice at Crossroads*. Delhi: Deep & Deep Publication Pvt. Limited.

¹⁷ Prabhaskar, J. (2001). *Affirmative Action and Social Change, Social Mobility of Dalits*, New Delhi: Anmol Publications Pvt. Ltd.

¹⁸ Bipin Chandra, “Gandhi versus Ambedkar: Caste System and Untouchability”, *Times of India*, 13 April, 1994.

¹⁹ M.K. Gandhi, “Hinduism”, *Young India*, 1921 p.6

²⁰ Prasad, B. (2012). *Gandhi, Nehru and JP: Studies in Leadership and Legacy*. New Delhi: Promilla and Co. Publishers. pp.45-46.

²¹ Shailendra K. Tiwary, “Social Justice: Gandhi and Ambedkar”, *Gandhian Perspectives*, No.XI, No.1-2, 1998, p.56.

²² Dr. Baba Saheb Ambedkar, *Writings and Speeches, (2020), Compiled by Vasant Moon Published by: Dr. Ambedkar Foundation Ministry of Social Justice & Empowerment, Govt. of India. Vol.1, p. 50.*

²³ https://prasarbharati.gov.in/whatsnew/whatsnew_653363.pdf, p.45.

Ambedkar opined that, every section of society had to participate in the governance of the country. He favored adult suffrage. He suggested that the system of joint electorate with reserved seats in order to ensure the representation of the weaker section of the society. But if adult suffrage was not accepted, he pleaded for separate electorates for the depressed classes. He stated, "We hold that the problem of the depressed classes will never be solved unless they get political power in their own hands."²⁴ Hence, he demanded their adequate representation in legislature, executive and public services.

Thus, in order to establish a society on the principle of social justice, 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 and to promote the participation of every section of the society. From the above scholarly works, it is clear that the constitutional foundations and democratic ideals of the country are very necessary to build a just and equitable society. Thus, it is necessary to analysis the economic and political justice enshrined in the Indian Constitution to just and equitable Indian society.

III. OBJECTIVES OF THE STUDY

The main objectives of this paper are-

- To examine the conceptual framework of political and economic justice in the Indian Constitution;
- To reveal the hitches behind the constitutional provisions and their implications on fostering a just and equitable society.

IV. METHODOLOGY

According to the nature of the topic, descriptive and explanatory method is used as suitable research method for this study. Additionally, empirical facts have been utilized to assess the impact of constitutional provisions on ground realities which has been collected from various secondary sources. Secondary sources have been used from different books, journals, articles, research works and websites for this study.

V. POLITICAL JUSTICE ENSHRIEND IN INDIAN CONSTITUTIONAL FRAMEWORK

According to William Godwin, in his Essay on Property (1793), used the term 'political justice' to denote a moral principle whose object was the 'general good' and which was especially invoked to evolve a genuine system of property.²⁵ Political justice is a cornerstone of the Indian Constitution, embodying the principles of equality, democracy, and representation. Enshrined in its preamble, the Constitution pledges justice in all its forms, including political justice. The framers of the Constitution recognized the importance of ensuring equal political rights for all citizens, irrespective of caste, creed, gender, or economic status. One of the key elements of political justice in the Indian Constitution is the concept of universal adult suffrage.²⁶ Article 326 guarantees the right to vote to every citizen above the age of 18 years, emphasizing the democratic principle of one person, one vote. This provision has played a pivotal role in fostering a participatory and inclusive political system, enabling diverse voices to contribute to the democratic process.²⁷ The Constitution also addresses historical injustices through reservations. Articles 330 and 332 provide for reserved seats for Scheduled Castes (SCs) and Scheduled Tribes (STs) in the Lok Sabha and State Legislative Assemblies, ensuring their representation in decision-making bodies. This affirmative action seeks to rectify historical discrimination and empower marginalized communities politically.²⁸ Furthermore, the Indian Constitution safeguards political justice by promoting gender equality. Despite the underrepresentation of women in politics, Articles 14, 15, and 16 emphasizes equality before the law and prohibits discrimination. The 73rd and 74th Amendments further strengthening political justice at the grassroots level by mandating reservation for women in local bodies, promoting their active participation in the political sphere.²⁹ The constitutional commitment to political justice extends beyond individual rights to protect the rights of linguistic and cultural minorities. Articles 29 and 30 safeguard the interests of minority communities by ensuring their right to conserve their distinct language, script, and culture.³⁰ This recognition fosters a pluralistic and inclusive political landscape, fostering a sense of justice for diverse segments of the population. Moreover, the judicial system acts as a guardian of political justice in India. The judiciary, vested with the power of judicial review, interprets and upholds the constitutional principles. Landmark decisions, such as *Kesavananda Bharati vs.*

²⁴Dr. Baba Saheb Ambedkar, *Writings and Speeches*, (2020), Compiled by Vasant Moon Published by: Dr. Ambedkar Foundation Ministry of Social Justice & Empowerment, Govt. of India. Vol.2, p. 506.

²⁵Godwin, W. (1793). *Enquiry Concerning Political Justice and Its Influence on Morals and Happiness*. London: G.G and J. Robinson.

²⁶Pylee, M.V. (2008). *An Introduction to the Constitution of India*. Noida: Vikas Publishing House Pvt. Ltd.

²⁷Fadia, B.L. (2013). *Indian Government and Politics*. Agra: Sahitya Bhawan.

²⁸ *ibid*.

²⁹Basu, D. D. (2019). *Introduction to the Constitution of India*. New Delhi: Lexis Nexis.

³⁰ *Ibid*.

*State of Kerala*³¹, have emphasized the basic structure of the Constitution, preventing arbitrary changes that could undermine the core principles of political justice.³²

Political justice enshrined in the Indian Constitution reflects a commitment to creating a democratic and egalitarian society. The principles of universal suffrage, reservations, gender equality, and protection of minority rights collectively contribute to a political framework that strives for fairness and representation. As India continues to evolve, the constitutional provisions for political justice remain a guiding force, ensuring that the democratic ideals enshrined in the Constitution are upheld and strengthened. Analyzing the principles of political justice, the article scrutinizes the constitutional guarantee of universal adult suffrage, ensuring the right to vote for all citizens. It investigates the role of reservations for marginalized communities, especially Scheduled Castes and Scheduled Tribes, in fostering inclusive political participation. Additionally, the examination extends to gender representation and the constitutional efforts to empower women politically.

VI. Few Measures of Political Justice Existing in the Paradigm of Indian Constitution:

The Indian Constitution makers have ensured political justice for Indian citizens in various articles of the constitution. The articles related to political justice have been discussed below:

ARTICLE 19 - Freedom of Speech and Expression: Austin (1999) explores the nuances of Article 19, highlighting its pivotal role in safeguarding political justice through the protection of freedom of speech and expression.³³ Austin scrutinizes the separation of powers and safeguards for political rights, emphasizing the Constitution's role in ensuring political justice.³⁴

ARTICLE 21 - Right to Life and Personal Liberty: Kashyap (2011) discusses Article 21 and its broader implications for political justice, emphasizing the constitutional guarantee of the right to life and personal liberty as a cornerstone of a just political system.³⁵ He explores the evolution of political institutions, emphasizing their role in upholding justice and democratic values.

ARTICLE 50 - Separation of Judiciary from Executive: Analyzing Article 50, Basu (2019) delves into the constitutional mandate for the separation of the judiciary from the executive, underscoring its significance in ensuring political justice and the rule of law.³⁶

VI. THE CONCEPT OF ECONOMIC JUSTICE UNDER INDIAN CONSTITUTIONAL FRAMEWORK:

Economic justice is a fundamental concept that revolves around the fair distribution of resources, opportunities and wealth within a society. It addresses the ethical principles governing economic systems, aiming to ensure that everyone has the chance to prosper and lead a dignified life. In pursuing economic justice, societies strive to minimize disparities in income, education, and access to essential services. One important aspect of economic justice is the equitable distribution of wealth. Disparities in income often lead to social inequalities, impacting individuals' access to education, healthcare, and even basic necessities. A just economic system seeks to bridge these gaps, fostering an environment where wealth is distributed more evenly, reducing the divide between the affluent and the marginalized. Education plays a pivotal role in economic justice, as it serves as a pathway to opportunities and upward mobility. Ensuring equal access to quality education for all individuals, regardless of socio-economic background, is a cornerstone of economic justice. By doing so, societies empower individuals to break the cycle of poverty, contributing to a more just and inclusive economic landscape. Furthermore, economic justice advocates for fair labour practices and workers' rights. A just economy acknowledges the importance of decent working conditions, fair wages, and the right to organize. It seeks to address issues such as wage gaps and discrimination, fostering an environment where all individuals, irrespective of gender, race, or socioeconomic status, are treated equitably in the workplace. Access to healthcare is another critical component of economic justice. A just society recognizes that healthcare is a basic human right and endeavors to create a system where everyone has access to affordable and quality medical services. This not only promotes physical well-being but also contributes to a more productive and equitable society. The economic justice as a landscape examines Articles 38, 39, and 46, which emphasized the duty of the states to secure a just and equitable economic order. This includes scrutinizing affirmative action measures, land reforms, and policies aimed at eradicating economic inequalities. The research paper assesses how the legislature, executive and judiciary, interprets these constitutional mandates and their impact on political and economic justice.

³¹ AIR 1973 SC 1461

³²Fadia, B.L. (2013). *Indian Government and Politics*. Agra: Sahitya Bhawan.p.110.

³³ Austin, G. (1999). *The Indian Constitution: Cornerstone of a Nation*. New Delhi: Oxford University Press.

³⁴ Ibid.

³⁵Kashyap, S. C. (2011). *Our Constitution*. New Delhi: National Book Trust, India.

³⁶Basu, D. D. (2019). *Introduction to the Constitution of India*. New Delhi: Lexis Nexis.

This paper critically examines the literature surrounding economic within the ambit of the Indian Constitution. With a meticulous article-wise approach, it dissects constitutional provisions of economic justice. Article 14 declares that “the State shall not deny to any person equality before the law or equal protection of the laws within the territory of India.” This article reviews their works and dissects how Article 14 (Equality before Law) acts as a cornerstone for economic justice.³⁷ According to the Article 15, “the State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, and place of birth or any of them. Examining the literature on discrimination, this section delves into the societal implications of discrimination based on religion, race, caste, sex, and place of birth.³⁸ According to the Article 16 guarantees the equality of opportunity in matters of public employment. The state is prohibited from showing any discrimination against any citizen on grounds of religion, caste, race, sex, descent, place of birth or residence.³⁹

Economic justice is a multifaceted concept that encompasses wealth distribution, education, labor practices, and healthcare. Achieving economic justice requires a collective commitment to dismantling systemic inequalities and fostering an environment where everyone has the opportunity to thrive. By addressing disparities and promoting fairness in economic systems, societies can move closer to realizing the ideals of economic justice, creating a more inclusive and sustainable future for all.

VIII. Few Measures of Economic Justice Existing in the Paradigm of Indian Constitution:

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 is explored by Sharma (2007), emphasizing its role in promoting economic justice through non-discrimination.⁴⁰

ARTICLE 39 - Directive Principles of State Policy: D. D. Basu (2019) delves into Article 39 elucidating the constitutional commitment to securing socio-economic justice and minimizing inequalities of income and wealth.⁴¹

ARTICLE 43 - Living Wage: The concept of a living wage, rooted in Article 43, is examined by A. Sen (1999), discussed its implications for economic justice and the dignity of labor.⁴²

ARTICLE 300A - Right to Property: The transformation of the right to property under Article 300A is analyzed by Austin, shedding light on the constitutional balancing act between individual rights and economic justice.⁴³

The review of literature on economic and political justice within the framework of the Indian Constitution underscores the multi-faceted approach required for a just society. The intersectional aspects are crucial for addressing the diverse needs of a nation with varied socio-economic strata. Thus, it is necessary to analysis the theoretical understandings understanding of economic and political justice is pivotal in the Indian context, given in the diverse socio-economic landscape and political dynamics.

IX. FEW INTERSECTIONAL MEASURES OF ECONOMIC AND POLITICAL JUSTICE:

This research article critically examines the literature surrounding economic and political justice within the ambit of the Indian Constitution. With a meticulous article-wise approach, dissects constitutional provisions, scholarly works, and the intersections of economic and political justice. Intersectional analyses by scholars like Dr. B. R. Ambedkar highlighted the interconnectedness of economic and political justice. He advocates for social and economic empowerment complements constitutional provisions. Article 39's directive principles guide the state in achieving social and economic justice, offering insights from legal scholars and policy analysts. Article 46, which promotes educational and economic interests examines the literature and focuses on the promotion of educational and economic interests of Scheduled Castes, Scheduled Tribes, and other weaker sections, as envisioned by the Constitution.⁴⁴

³⁷Pylee, M.V. (2008). *An Introduction to the Constitution of India*. Noida: Vikas Publishing House Pvt. Ltd.

³⁸Pylee, M.V. (2008). *An Introduction to the Constitution of India*. Noida: Vikas Publishing House Pvt. Ltd.

³⁹Fadia, B.L. (2013). *Indian Government and Politics*. Agra: Sahitya Bhawan.p.125.

⁴⁰Sharma, B. R. (2007). *Social Justice and the Indian Constitution*. New Delhi: Lexis Nexis.

⁴¹Basu, D. D. (2019). *Introduction to the Constitution of India*. New Delhi: Lexis Nexis.

⁴²Sen, A. (1999). *Development as Freedom*. Oxford, UK: Oxford University Press.

⁴³Austin, G. (1999). *The Indian Constitution: Cornerstone of a Nation*. New Delhi: Oxford University Press.

⁴⁴Kashyap, S. C. (2011). *Our Constitution*. New Delhi: National Book Trust, India

X. HITCHES OF EXISTING POLITICAL AND ECONOMIC JUSTICE PROVISIONS IN TUNE WITH THE SOCIAL JUSTICE IN THE PATH OF IMPLICATIONS TOWARDS JUST AND EQUITABLE SOCIETY:

The foundational resource for policy makers, scholars, and activists engaged in the pursuit of economic and political justice in India. But critical examination of the existing paradigms, seeks to contribute to the ongoing dialogue surrounding constitutional ideals and their practical implications for a more just and equitable society. Identify key challenges hindering the realization of economic and political justice, such as corruption, bureaucratic inefficiencies, and electoral disparities and so on. Simultaneously, a potential opportunity is part of reform and improvement within the existing constitutional framework. They have traced the evolution of social and economic justice paradigms from the framing of the Constitution to contemporary times, analyzing the impact of economic policies on inclusive growth and wealth distribution. They have taken the effectiveness of affirmative action policies in addressing economic disparities, considering their role in uplifting marginalized communities and promoting inclusive development. They have conducted a comparative analysis of economic justice models and have drawn the economic policies for the Indian citizens time to time.

After independence, political experts and policy makers have taken several initiatives from time to time to establish political justice in India. Political justice thrives within the democratic framework. Democracy always depends on representation and participation of all sections of the people. To ensure political justice for women, they will have equal opportunities to participate in all political institutions. The Preamble of the Indian constitution, act as a vital document to guide the development of India. There are lots of lacunae and hindrances in the way towards the Constitution's foundation. The fundamental principles and objectives of the Indian constitution has some special significance, side by side, the preamble also faces several hitches or challenges. There are some hindrances or lacunae, which is creating ambiguity, limited scope and lack of enforceability. The concept of socialism and secularism creates ambiguity due to lack of clear definition. Issues like environmental protection, LGBTQ+ rights, or disability rights always implicit with the limited scope. The different provisions of the preamble not even support direct enforceability in courts. Number of conflicts arises with the provisions related to amendments, implementation gaps and societal changes at different points of time. Any kind of amendment related to it changes the original intent of the constitution. An improper or inadequate implementation procedure of different principles always creates gaps in it. Evolution of societal values requires updates in this regard keeping the requirements or needs of the people at certain point of time. Number of important judgments and amendments are associated with these hindrances and lacunas like- *Golaknath Case (1967)*⁴⁵, which suggested that the preamble is part of the Indian Constitution; *KesavanandaBharati Case (1973)*, that the basic structure of preamble is not amendable; and *42nd Amendment (1976)*, that the idea of "socialist", "secular" and "integrity" included in the preamble of the Indian constitution.

Moreover, structural hitches also creates lots of ambiguity in terms of definitions regarding "socialism," "secularism," and "fraternity". Implementation hitches includes number of gaps that represents inadequate execution of the preamble principles. The number of conflicting laws contradicts the provisions of the preamble. Institutional weaknesses are also reflected the ineffective institutions hindering the objectives of the preamble. Interpretation hitches combines conflicting interpretations, judicial overreach and political interference. The different understanding of the provisions related to the preamble creates conflicting interpretations. The intent of the preamble gradually changes it due to interference and interpretation of courts. Even politics of Indian society influences the preamble. The social hitches include- societal changes' evolving out of values and needs requires updates; the cultural diversity balances diverse cultural interests; and the economic disparity addresses economic inequalities. The constitutional hitches include- amendments related to original intent of the preamble. The doctrine of basic structure limits amendments to the preamble. The Fundamental Rights of the Indian citizens enshrined in Part III of the Indian Constitution are facing various hitches or challenges, which we can see in Article 14 (Equality before Law), Article 15 (Prohibition of Discrimination), Article 16 (Equality of Opportunity), Article 19 (Freedom of Speech and Expression), Article 21 (Right to Life and Liberty), Article 22 (Protection against Arrest and Detention), Article 25 (Freedom of Conscience), Article 26 (Freedom to Profess and Practice Religion), Article 29 (Protection of Interests of Minorities) and Article 30 (Right of Minorities to Establish Institutions).

Lots of ambiguity arises with the vague definition of "equality", moreover, it also attaches limited scope out of economic inequalities that was never addressed. Number of conflicting judgments and different type of interpretations also creates chaos with it. Hitches related to Article 15 (Prohibition of Discrimination), one can observe through inadequate protection measures which do not cover all the forms of discrimination. Only few Exceptions are there which allows discrimination based on "reasonable classification". Limited enforcement is also part of it. Article 16 (Equality of Opportunity) provides limited scope that is only applicable to public employment. Though few exceptions are there that allows reservations and quotas. So, it represents inadequate implementation for the different demerits related to it. Article 19 (Freedom of Speech and Expression) faces challenges through reasonable restrictions on free speech, where ambiguity lies

⁴⁵ I.C. Golaknath and ors. Vs State of Punjab and others, AIR 1967 SC 1643.

through vague definition of “public order” or even for conflicting judgments related to it. Article 21 (Right to Life and Liberty) faces challenges like - limited protection related to right to health that doesn't explicitly include with it. Again, vague definition of “life” and “liberty” also create ambiguity with it along with conflicting judgments. Article 22 (Protection against Arrest and Detention), also offers limited protection and does not apply to preventive detention. So a kind of inadequate enforcement procedures is observable that provides exceptions through allowing detention without trial. Article 25 (Freedom of Conscience) creates tensions to balance religious freedom and secularism. It ambiguously provides vague definition of “conscience”. It also arise tough situations out of conflicting judgments. Article 26 (Freedom to Profess and Practice Religion), is only applies to individual freedom which limits its scope, though exceptions are there that allows restrictions on religious practices. Again this kind of hitches is also due to some conflicting judgments related to it. Article 29 (Protection of Interests of Minorities) does not explicitly include linguistic minorities and focus is more on religious minorities, thus limits protection scope, as definition of “minorities” is vague enough to create ambiguity. Inadequate enforcement is also a hindrance behind it. Hitches also lie with Article 30 (Right of Minorities to Establish Institutions) where it is applicable in educational institutions for religious minorities only. The Article states Hindus have no right to teach or teach their “Sanatana Dharma” in any educational institutions. Muslims and Christians have the right to propagate their Islamism in Madrasas and Christianity in Convents for their religious prosperity. So, the Article deliberately creates discrimination and betrayal against Hindus.

Moreover, interpretation also creates hitches with lots of ambiguity with vague definition of “minorities” and “educational institutions”. Different court interpretations through conflicting judgments add more problems associated with it. Implementation challenges includes - limited funding which is insufficient enough for government to support minority institutions; regulatory hurdles are also there with stringent regulations and bureaucratic processes; and hurdles also there to create difficulty in acquiring land for institutions. Societal and political pressures used to add more hitches in the way, which includes communal tensions, i.e., conflicts between minority and majority communities; political interference where different government machineries influences institutional management. Social biases also create discrimination against minority institutions, like- Aligarh Muslim University, Jamia Millia and Islamia, St. Stephen's College and so on. A kind of disparity is visible in these minority institutions which hardly used to admit students from other communities [Article 29(2)] and sometimes state can take over minority institutions in certain circumstances [Article 30(1A)]. Even judicial pronouncements through *TMA Pai Foundation vs. State of Karnataka (2002)* have been clarified rights of minority; and *PA Inamdar vs. State of Maharashtra(2005)*, addressed institutional autonomy.

Structural hitches also create lots of ambiguity in terms of Article 21 (Right to life); overlapping rights with similarities between rights (e.g., Articles 19 and 21); and includes limited scope in relation to certain rights only applicable to citizens, not persons. Implementation hitches encompasses enforcement difficulties with inadequate mechanisms for enforcing rights, impartially depicts institutional weaknesses with ineffective judiciary, police, and administration. Improper resource constraints plated with insufficient funding for social and economic rights. Interpretation hitches visible with judicial overreach where courts' interpretations potentially altering legislative intent. Even, executive interference through government influences judicial decisions. Social hitches include social inequalities with caste, gender, and religious biases; economic disparities with inadequate access to education, healthcare; and cultural constraints with traditional practices limiting rights. Constitutional hitches used to rise with different amendments that made frequent changes altering different rights. Exceptions and restrictions are there only visible through limitations on rights [e.g., Article 19(2)]. Conflict with directive principles here balances individual rights with state policies. Other specific hitches include Article 15 (Prohibition of discrimination) with inadequate protection for marginalized groups; Article 21 (Right to life) with limited protection for vulnerable populations; and Article 25 (Freedom of conscience) with tensions between religious freedom and secularism. Such key judgments and amendments include- *Golaknath Case (1967)*: Fundamental rights cannot be amended; *KesavanandaBharati Case (1973)*: Basic structure doctrine limits amendments; and *44th Amendment (1978)*: Added Article 21: Right to life and liberty.

The Constitution of India for political and economic justice also depends on participation of women in these spheres of Indian society. But, Indian women are facing numerous challenges to participate which are a major hurdle behind patriarchal norms and family responsibilities. Those challenges are- lack of representation; societal and cultural barriers; financial constraints; violence and harassment; limited access to education and training; institutional obstacles; and tokenism. Despite the preamble providing for equality as one of the objectives and inclusion of fundamental rights, directives principles, Article 324, Article 325, Article 326, lack of representation of women in electoral politics becomes a major hurdle in it. The Constitution of India has reserved 33 percent seats for women at the panchayat and municipal levels, but the participation rate of the women at the parliamentary level is still very low. Political justice for women should be established by reserving 50 percent seats for women from Panchayat to parliamentary level. Lack of representation, thus becomes an issue, with women 13.63 percent representation elected from the Lower

House of the Parliament in 2024.⁴⁶ This kind of under representation is evident from various levels of government, including state and local levels.

Economic constraints also play a role, as women generally have lower levels of employment and income, reducing their capacity to fund political campaigns and activities⁴⁷. The Constitution of India ensures right to property and right to work for women, but women remain debarred from the right to own and inherit property, and are protected against discriminatory inheritance laws; and they don't have the right to work and choose their occupation, and are entitled to equal pay and working conditions as men respectively. Educational disparities also contribute to this problem, where women's literacy rates are very low comparing to men. Though, women have a literacy rate of 65 percent compared to men 82 percent,⁴⁸ but, it limits their access to information and resources necessary for effective political participation. Institutional hurdles within political parties and government institutions also hinder women's progress. One of the major issues arises with the women's reservation bill, which aims to reserve one-third of seats in the Lok Sabha and state legislative assemblies for women, still pending from 2010⁴⁹.

One of the major wings of the government is the executive body, where the main motto is to execute the laws properly through good administration at different level or stages of state affairs for good governance. But, it has been observed that several hitches of the administration hinder to establish political justice and economic justice in India. Those hitches include political justice i.e. bureaucratic red tape which is a complex procedures and delays hinder effective governance; institutional weaknesses through ineffective judiciary, legislative, and executive branches; corruption through pervasive graft and nepotism undermine democratic institutions; inadequate training through limited capacity building for administrators; lack of transparency that combines opaque decision-making processes; ineffective grievance redress by un-addressing citizen complaints; and electoral management through inefficient electoral processes.

Moreover, hitches are also associated with economic justice viz; inefficient resource allocation through mismanagement of public resources; inadequate infrastructure through limited access to basic services; regulatory framework through complex and outdated regulations; ineffective implementation through poor execution of economic policies; corruption through embezzlement and crony capitalism; inadequate social security through insufficient protection for vulnerable populations; and unequal access to education and healthcare through disproportionate distribution of resources. Other hitches include intersectional challenges include - caste-based discrimination through persistent social and economic exclusion; gender inequality that persists with limited economic opportunities and representation; religious and ethnic bias based on discrimination and marginalization; disability and accessibility with inadequate inclusivity; and environmental injustice that disproportionate impact on marginalized communities.

The democratic form of government like India, election plays a vital role, where it is pertinent from contemporary Indian society that there remains number of electoral hitches or challenges for establishing political justice and economic justice in India. Participation of peoples in elections is very less which is a significant concern undermines hitches in the legitimacy of democratic institutions. Individuals with criminal backgrounds participate in elections and influence electoral outcomes and thus issue of criminalization of politics becomes part of it.⁵⁰ Other electoral malpractices includes- vote-buying, booth capturing, and manipulation of electoral rolls also erode the integrity of the electoral process.⁵¹ The lack of transparency in campaign financing and electoral expenditure further exaggerates the problem.⁵²

Economic justice denotes non-discrimination of people based on economic factors. It involves the elimination of glaring inequalities in wealth, income and property. Some of the hitches related to Economic Justice of the citizen of India as per the articles of the Indian constitution can be observed through – Article 14 (Equality before Law) that include hitches like economic inequality where absence of equal economic treatment is a common concern, fostering economic disparities to persist; and limited scope that hardly address economic rights explicitly. Article 15(4) and 16(4) (Reservation for Backward Classes) include hitches like inadequate representation with insufficient reservations for marginalized groups; creamy layer issue that debates around reservation benefits for affluent sections. Article 19(1) (g) (Right to Practice Profession) include hitches with restrictions: Reasonable restrictions on economic activities; licensing and regulations through complex

⁴⁶<https://www.shankariasparliament.com/current-affairs/womens-participation-in-politics>, accessed on 22th October, 2024.

⁴⁷Indian Express- Representation of women, accessed on 20th October, 2024.

⁴⁸IJPSG- Women's participation in politics in India, accessed on 22th October, 2024.

⁴⁹<https://www.theigc.org/blogs/gender-equality/leaders-and-citizens-womens-political-participation-india>, accessed on 22th October, 2024.

⁵⁰Minch, M. I. (2013). "Criminalization of politics as a Threat to Indian Democracy". *Radix International Journal of Research in Social Science*. Vol. 2, Issue 2, February.

⁵¹Avgerou, C, S. Masiero & A. Poulyemenakau (2018). Trusting e-voting amidst experiences of electoral malpractices: The case of Indian elections". *Journal of Information Technology*.<https://core.ac.uk>, Accessed on 25/10/2024.

⁵²Gowda, M.V.R & E. Sridharan (2012). "Reforming India's Party Financing and Elections Expenditure Laws". *Election law Journal*, Vol II, No 2.

procedures hinder entrepreneurship. Article 21 (Right to Life and Liberty) includes hitches like economic insecurity with limited social security and livelihood protection; and right to livelihood also through conflicting interpretations. Article 38 (State to secure a social order) include hitches like inequitable distribution through wealth and resource disparities; and limited state intervention with inadequate policy implementation. Article 39 (Certain principles related to economic justice, social inequality and protection of workers' rights) include hitches like inequitable distribution that is related to failure that ensure equitable distribution of resources; exploitation out of limited protection against economic exploitation. Article 41 (Right to work) include hitches like unemployment i.e., limited job opportunities; and inadequate social security. Article 42 (Provision for just and humane conditions) include hitches like poor working conditions with inadequate labor protections; and limited enforcement. Article 47 (Duty of the State to raise the standard of living) include hitches like poverty that is persistence of poverty and inequality; and limited state capacity. Key judgments and amendments, one can find with *Minerva Mills Case*⁵³ that reflects reiterated directive principles of state policy and its importance; and *44th Amendment (1978)* that added Article 38(2) for social and economic justice.

XI. 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. Numbers of debates are exists in contemporary India in relation to political and economic justice, which are individual rights vs. national interests; right to privacy vs. national security; freedom of speech vs. hate speech; individual rights vs. collective interests; corruption vs. accountability; and economic growth vs. social welfare. Moreover, to balancing minority rights with national interests are also becomes an issue, whether to consider it under regional basis or to consider it as a whole under a nation-state. Issues arise with such paradoxes for inclusive development or policies related to reservation or/as to balance individual rights for collective interests. To strengthen democratic institutions for proper functioning and to ensure justice for citizens requires proper and coordinated network of legislature, executive and judiciary, so that good governance with fast economic development is possible, where intersectional inequalities become absurd and thus promoting inclusive and sustainable development for all towards political and economic justice, ultimately achieving the goal of social justice.

Source of Funding: During the preparation of this research paper the authors has not received any funds from any funding agencies)

XII. REFERENCES:

- [1] Adam, J. (Ed.). (1980). *The Republic of Plato (Vol-1)*. London: Cambridge University Press.
- [2] Arendt, H. (1951). *The Origins of Totalitarianism*. Harcourt Brace.
- [3] Austin, G. (1999). *The Indian Constitution: Cornerstone of a Nation*. New Delhi: Oxford University Press.
- [4] Basu, D. D. (2008). *Commentary on the Constitution of India*. Nagpur: Lexis Nexis
- [5] Basu, D. D. (2019). *Introduction to the Constitution of India*. New Delhi: Lexis Nexis.
- [6] Bhat. P. I. (2020). "The Concept and Significance of Political Justice under the Constitution of India". *CMR University Journal for Contemporary Legal Affairs*. Vol. 2, Issue 1, August.

⁵³ *Minerva Mills vs Union of India*, AIR 1980 SC 1789

- [7] Fadia, B.L. (2013). *Indian Government and Politics*. Agra: SahityaBhawan.
- [8] Ghai, K.K. (2008). *Indian Government and Politics*. New Delhi: Kalyani Publishers.
- [9] Godwin, W. (1798). *Enquiry Concerning Political Justice and Its Influence on Morals and Happiness*. London: G.G and J. Robinson.
- [10] Gupta, S. (1979). *Justice and Political Order in India*. Calcutta: K.P. Bagchi&Co.
- [11] Jaswal, P. S. (1996). *Directive Principles Jurisprudence and Socio-economic Justice in India*. New Delhi: APH Publishing Corporation.
- [12] Kashyap, S. C. (2011). *Our Constitution*. New Delhi: National Book Trust, India.
- [13] Lukas, J.R. (1980). *On Justice*. London:Clarendon Press, Oxford.
- [14] Maheshwari, S.R. (2007). *Indian Administration*. New Delhi: Orient Longman Private Limited.
- [15] Nozick, R. (1974). *Anarchy, State, and Utopia*. Basic Books.
- [16] Plato: '*The Republic*'. (2000). G. R. F. Ferrari (ed.), Translated by T. Griffith, United Kingdom: Cambridge University Press.
- [17] Piketty, T. (2014). *Capital in the Twenty-First Century*. Cambridge, MA: Belknap Press.
- [18] Pylee, M.V. (2008). *An Introduction to the Constitution of India*. Noida: Vikas Publishing House Pvt. Ltd.
- [19] Ramaswamy, S. (2003). *Political Theory: Ideas & Concepts*. Chennai: Macmillan Publishers India Ltd.
- [20] Rawls, J. (1971). *A Theory of Justice*. Cambridge: Harvard University Press.
- [21] Rousseau, J.J. (1762). *The Social Contract*. Penguin Classics.
- [22] Ryan, A. (1994). *Justice*. London:Clarendon Press, Oxford.
- [23] Sastry, T (2014). "Towards Discrimination of Election and Politics". *Economic & Political Weekly*. Vol XLIX, No I, January.
- [24] Sen, A. (1999). *Development as Freedom*. Oxford, UK: Oxford University Press.
- [25] Sen, A. (2009). *The Idea of Justice*. Cambridge: Belknap Press of Harvard University Press
- [26] Sharma, B.R. (1984). *Socio-Economic Justice under Indian Constitution*. New Delhi: Deep and Deep Publisher.
- [27] Sharma, B. R. (2007). *Social Justice and the Indian Constitution*. New Delhi: Lexis Nexis.
- [28] Sharma, G. S. (1966). Economic Justice and the Indian Constitution: Some Implications of the "Bonus" Case. *Journal of the Indian Law Institute*, 8(3), 457–464. <http://www.jstor.org/stable/43949915>
- [29] *The Nicomachean Ethics of Aristotle*. (1895). Translated by R.W. Browne, United Kingdom: George Bell & Sons.
- [30] *The Politics of Aristotle*. (1883). Translated by J.E.C.Welldon, United Kingdom: Macmillan and Company.
- [31] www.electioncomissionofindia.com
- [32] www.shodhganga.inflibnet.ac.in
- [33] www.adrindia.org
- [34] www.manupatra.com
- [35] www.niti.gov.in
- [36] www.darpg.gov.in