

## Social Justice Provision in Indian Constitution

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**Abstract:** Indian democracy is the largest one in the world that embraces within a very important goal to achieve social equality and justice in a very clear way. Justice is always associated with a presumption of fair treatment, equal rights and access in the legal system. Social justice is a concept necessary for the welfare state. Indian Constitution adopts this concept in various provision including preamble in the form of 'Socialist', 'Social and Economic Justice', 'Equality' etc. that clearly states that the state is lengthily involve in social welfare of people and endeavour to establish an equal society. The author in this research paper has elaborately discussed the scheme of social welfare as enumerated in the Indian Constitution. The author has stressed that Social justice does not demand equal treatment but preferential treatment. The proper and balanced implementation of government policies is needed to ensure social justice in the society.

### 1. INTRODUCTION

The Indian Constitution is unique in its contents and spirit. The constitutional scholar Granville Austin, in his magisterial work

1 states that probably no other Constitution in the world "has provided so much impetus towards changing and rebuilding society for the common good". Though borrowed from almost every constitution of the world, it has several salient features that distinguish it from the constitutions of other countries. Social justice is the idea of creating a society or institution that is based on the principles of equality and solidarity, that understands and values human rights, and that recognizes the dignity of every human being.

2 Feeling of social justice is a form of relative concept which is changeable by the time, circumstances, culture and ambitions of the people.

3 Social inequalities of India expect solution equally. Under Indian Constitution the use of social justice is accepted in wider sense which includes social and economical justice both. The constitution of India was adopted on November 26, 1949.

Some provision of the constitution came into force on same day but the remaining provisions of the constitution came into force on January 26, 1950. This day is referred to the constitution as the "date of its commencement", and celebrated as the Republic Day. The Indian Constitution is unique in its contents and spirit. Through borrowed from almost every constitution of the world, the constitution of India has several salient features that distinguish it from the constitutions of other countries. Social justice denotes the equal treatment of all citizens without any social distinction based on caste, colour, race, religion, sex and so on. It means absence of privileges being extended to any particular section of the society, and improvement in the conditions of backward classes (SCs, STs, and OBCs) and women. Social Justice is the foundation stone of Indian Constitution. Indian Constitution makers were well known to the use and minimality of various principles of justice. They wanted to search such form of justice which could fulfil the expectations of whole revolution. Pt. Jawahar Lal Nehru put an idea before the Constituent Assembly "First work of this assembly is to make India independent by a new constitution through which starving people will get complete meal and cloths, and each Indian will get best option that he can progress himself." Social justice found useful for everyone in its kind and flexible form. Although social justice is not defined anywhere in the constitution but it is an ideal element of feeling which is a goal of constitution. Feeling of social justice is a form of relative concept which is changeable by the time, circumstances, culture and ambitions of the people. Social inequalities of India expect solution equally.

The makers of the constitution who were well known to the use and minimalist of various principles of justice wanted to search such form of justice which could fulfill the expectations of whole revolution. Social justice found useful for everyone in its kind and flexible form. Although social justice is not defined anywhere in the constitution but it is an ideal element of feeling which is a goal of constitution and it is the foundation stone of Indian Constitution. The preamble and various Articles contained in Part IV of the Constitution promote social justice so that life of every individual becomes meaningful and he is able to live with human dignity. The concept of social justice engrafted in the Constitution consists of diverse principles essentially for the orderly growth and development of personality of every citizen. Social justice is thus an integral part of justice in the generic sense. Justice is the genus, of which social justice is one of its species; Social justice is a dynamic devise to mitigate the sufferings of the poor, weak, dalits, tribals and deprived sections of the society and to elevate them to the level of equality to live life with dignity of person.

### 2. MEANING OF SOCIAL JUSTICE

Social Justice as a concept arose in the early 19th century during the Industrial Revolution and subsequent civil revolutions throughout Europe, which aimed to create more egalitarian societies and remedy capitalistic exploitation of human labour. Because of the stark stratifications between wealthy and the poor during this time, early social justice advocates focused primarily on capital, property, and the distribution of wealth.

By the mid-20th century, social justice had expanded from being primarily concerned with economics to include other spheres of social life to include the environment, race, gender, and other causes and manifestations of inequality. Concurrently, the measure of social justice expanded from being measured and enacted only by the nation-state (or government) to include a universal human dimension. For example, governments (still today) measure income inequality among people who share citizenship in common.

### 3. DEFINITIONS

Several organizations and institutions provide their own definitions for social justice. Here are a few: “Social justice may be broadly understood as the fair and compassionate distribution of the fruits of economic growth.”

“Social justice is the view that everyone deserves equal economic, political and social rights and opportunities. Social workers aim to open the doors of access and opportunity for everyone particularly those in greatest need.”

#### 3.1. National Association of Social Workers

“Social justice encompasses economic justice. Social justice is the virtue which guides us in creating those organized human interactions we call institutions. In turn, social institutions, when justly organized, provide us with access to what is good for the person, both individually and in our associations with others. Social justice also imposes on each of us a personal responsibility to work with others to design and continually perfect our institutions as tools for personal and social development.”

#### 3.2. Center for Economic and Social Justice

##### 3.2.1. Defining Social Justice

While formal definitions for social justice vary in wording, there are commonalities among them.

1. Equal rights
2. Equal opportunity
3. Equal treatment

With these core values in mind, we can define the phrase as such: **Social justice means equal rights, opportunity and treatment for all.**

#### 3.3. Constitutional Provisions Relevant to Social Justice & Empowerment of Vulnerable Sections

##### 3.3.1. Constitutional Provisions

1. **Article 23:** Prohibition of traffic in human beings and forced labour.

2. **Article 24:** Prohibition of employment of children in factories, etc.
3. **Article 37:** Application of the principles contained in this Part (DPSP).
4. **Article 38:** State to secure a social order for the promotion of welfare of the people.
5. **Article 39:** Certain principles of policy to be followed by the State.
6. **Article 39A:** Equal justice and free legal aid.
7. **Article 46:** Promotion of Educational and Economic interests of Scheduled Castes, Scheduled Tribes and other weaker sections.

### 3.3.2. Social Safeguards

1. **Article 17:** Abolition of Untouchability
2. **Article 25:** Freedom of conscience and free profession, practice and propagation of religion.

### 3.3.3. Political Safeguards

1. **Article 330:** Reservation of seats for Scheduled Castes and Scheduled Tribes in the House of the People.
2. **Article 332:** Reservation of seats for Scheduled Castes and Scheduled Tribes in the Legislative Assemblies of the States.
3. **Article 334:** Reservation of seats and special representation to cease after sixty years.
4. **Article 243D:** Reservation of seats (in Panchayats).
5. **Article 243T:** Reservation of seats (in Municipalities).

### 3.3.4. Agency for Monitoring Safeguards

1. **Article 338:** National Commission for Scheduled Castes

## 3.4. Social Justice a Fruit Of Revolution

Social Justice was initially a doctrine of Social philosophy but now it has entered into statecraft and has captured the constitutional field. The process has been historical. Social Justice secured equality whereas Political Justice secured liberty. The revolutions have lent this concept majesty that human relations and associations in all their social, political and economic forms are now clasped within its fold. The Preamble to the Constitution, a basic postulate of the nation's founding faith, expressly articulates the vision of the nation as a Social Justice State with a dynamic, democratic, egalitarian order. Indeed, Parts III and IV is plainly Fabians socialist.

1. Social justice and preamble of the constitution of India;
2. Social justice and fundamental rights of the citizen of India;
3. Social justice and directive principles of state policy.
4. Other provisions of the constitution of India.

### 1. Social Justice and Preamble of the Constitution of India

Justice, Social, Economic and Political are a triune phenomenon inscribed as a pledge in the Preamble glory of our Constitution. Economic democracy has a crimson material complexion and expressively emphasizes a socialist democracy. The Indian Constitution turned to this democratic commitment begins its Preamble thus: WE, THE PEOPLE OF INDIA, are 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; LIBERTY of thought, expression, belief, EQUALITY of status and of opportunity; And to promote among them all FRATERNITY assuring the dignity of the individual and The (unity and integrity of the Nation); IN OUR CONSTITUENT ASSEMBLY this twenty sixth day of November, 1949, do HEREBY ADOPT, ENACT AND GIVE TO OURSELVES THIS CONSTITUTION

### The Preamble secure social justice to all the citizens of India

1. Justice - Social, economic, and political. Liberty - Of thought, expression, belief, faith and worship Equality - Of status and of opportunity. The constitution of India professes to secure to the citizens

social, economic and political justice. Social justice means the abolition of all sorts of inequities which may result from the inequalities of wealth, opportunity, status, race, religions, caste, title and the like. To achieve this ideal of social justice, the Constitution lays down the Directives for the State in Part IV of the Constitution. The word "socialism" in the Preamble of the Constitution was expressly brought in the constitution to establish an egalitarian social order through rule of law as its basic structure.

In *Minerva Mills Ltd. v. Union of India*,<sup>237</sup> the Constitution Bench had considered the meaning of the word "Socialism" to crystallize a socialistic State securing to its people socio-economic justice by interplay of the Fundamental Rights and the Directive Principles

### **2. Social Rights Through the Fundamental Right of Citizen**

#### **a. Social Rights Subject to Social Control as Charted out in part III of the constitution:**

Social Justice Concerns with such Rights only as have a social impact which can be controlled from wider social perspective. Speaking broadly, every rights has a social element man being a creature of the society social justice concerns itself with the rights of social rather than of a personal nature.

**Keshavanand Bharti vs. state of Kerala** The fundamental Rights and directive principles are supplement each other and aim at the same goal of about a social revolution and the establishment of a welfare state. The fundamental rights of our constitution are social justice. It is mentioned in the preamble itself Justice: Social, Political, and Economic. If the ideas of social justice were not to remain on paper, how do we give them concrete shape? How do citizens realize that it is through governance they ought to get social Justice?

#### **b. Fundamental Rights in India - Nature and Scope:**

Part - III of the Constitution is said to contain the bill of Rights for the people of India. They have been said to be the very foundation and the corner-stone of the democratic way of life ushered in this country by the Constitution. These rights have been declared as sacrosanct, inalienable and inviolable. It has been emphasized that Fundamental Rights are not to be read in isolation. They have to be read along with the Chapter on Directive Principles of State Policy and the Fundamental Duties enshrined in Article 51A. The Rights are to be kept in conformity with the changing socio-economic conditions. For the purpose, the Constitution confers power on the State, the constituent power, the power to amend the Constitution including the Fundamental Rights. For example, the Constitution 1st Amendment, 1951, amended the provision relating to Fundamental Rights.

#### **C. Social justice through the Fundamental rights of citizen**

The Fundamental Rights, which are secured by the Constitution of India, are grouped under the following heads

- (i) Right to Equality (Articles 14 to 18)
- (ii) Right to Freedom (Articles 19 to 22)
- (iii) Right to Education (Article 21-A)
- (iv) Right against Exploitation (Articles 23 and 24)
- (v) Right to Freedom of Religion (Articles 25 to 28)
- (vi) Cultural and Educational Rights of minorities (Articles 29 and 30) and
- (vii) Right to Constitutional Remedies (Article 32)

#### **D. Fundamental Rights are Available against the State:**

According to the philosophy behind Fundamental Rights, they are available only against the State, for they are limitations upon the powers of the Government, Legislative as well as Executive. It is against the might of the State that an individual needs constitutional protection Conceptually, the fundamental rights are available only against the State, However, there are provisions in part III of the Constitution, which impose limitations upon the action of private individuals as well, for example, Articles 15(2), 17, 18(2), 23(1), and 24. As regards these provisions, the Supreme Court in *People's Union for Democratic Rights v. Union of Indian* ruled that it was the constitutional obligation of the State of takes necessary steps for the purposes of interdicting such violation and ensuring observance

of the fundamental rights by the private individual who was transgressing the same. 245 The first Fundamental Right secured to the people of India is the "Rights to Equality". It is contained in Articles 14 to 18. These provisions are discussed under the following heads:

1. Equality Before Law or Equal Protection of Laws (Article 14)
2. Prohibition of Discrimination Against Citizens (Articles 15)
3. Equality of Opportunity in Public Employment (Article 16)
4. Abolition of "Untouchability" (Article 17)
5. Abolition of Titles (Article 18)

### 3. Directive Principles of State Under 35 to 51 provide Social Economic and Political Justice

Part IV of the Constitution sets forth the ideals and objectives to be achieved by the State for setting up in India a Social Welfare State, which aims at social welfare and the common good and to secure to all its citizens, justice-social and economic. The inspiration for including in the Constitution, such Principle is drawn from the Constitution of Ireland, 1937.

**I. Object and purpose Behind the Directive Principles:** is to bring social welfare state: The founding-fathers were aware of the drawbacks; the country had been suffering from, such as, poverty, unemployment, and lack of education, social, economic, and political backwardness. They, in order to eradicate, these evils, set forth in the very Preamble, the ideals and objectives to be achieved. The intention was to establish in India a democracy-political, economic and social. To achieve this cherished goal, the framers were unanimous to secure to the people practically all the prevailing political, social and economic rights. The effect of the insertion of Articles 31C was to provide supremacy for Directive Principles contained in Articles 39(b) and 39(c) over Fundamental Rights contained in Articles 14, 19 and 31

#### II. Promotion of social justice order in which social, economic and political justice:

*State of Mysore v. workers of gold mines* 317 Gajendragadkar had observed that social and economic justice have been given a place of pride in our constitution. Article 38(1) and 43 of the constitution 38(1) provides requires—The state shall strive to promote the welfare of the people by securing and protecting as, effectively as it may, a social order in which justice social, economic, and political, shall inform all the institution of national life. Clause (2) article 38—which was inserted by the constitution (44th amendment) act 1978 further requires—the state shall, in particular, strive to minimize inequalities income and Endeavour to eliminate inequalities in status, facilities and opportunities, not only amongst, individuals, but also amongst groups of people residing in different areas or engaged in different vocations 318— Article 43—enunciates another directive principle by providing that. The State shall Endeavour to secure, by suitable legislation or economic regulation or in any other way, to all workers agriculture, industrial or otherwise, worth a living wage, condition of work ensuring a decent standard of life and full enjoyment of leisure and social and cultural opportunities supreme court emphasized that the concept of social and economic justice is a living concept of revolutionary import, which gives substance to the Rule of law and meaning and significance to the ideal of a welfare state

**C. Article 39 provides:** "The State shall, in particular, direct its policy towards securing

- (a) That the citizens, men and women equally, have the right to an adequate means of livelihood;
- (b) That the ownership and control of the material resources of the community are so distributed as best to sub serve the common good;
- (c) That the operation of the economic system does not result in concentration of wealth and means of production to the common detriment;
- (d) That there is equal pay for equal work or both men and women;
- (e) That the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by the economic necessity to enter avocations unsuited to their age or strength 320. Those children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

#### D. Equal Justice and Free Legal Aid (Article 39-A):

Article 39A obligates the State to secure that "the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular provide free legal aid, by suitable legislation or



schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities". This Directive Principle was inserted by the Constitution (42nd Amendment) Act 1976. Article 39A promotes justice on the basis of equal opportunities. It imposes an imperative duty upon the State to provide free legal aid to the poor.<sup>321</sup> The court in *Rajan Dwivedi v. Union of India*<sup>322</sup> ruled that it could issue a writ of mandamus to enforce Article 39-A and the social obligation of equal justice and that free legal aid had to be implemented by suitable legislation or by formulating scheme for free legal aid. In pursuance of this suggestion Parliament passed the Legal services Authorities Act, 1987.

**E. Village Panchayats (Article 40 of the constitution and social justice)** Article 40 commands that "the State shall take steps to organize village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government". The Constitution (73rd Amendment) Act, 1992 and the Constitution (74th Amendment) Act, 1992 which have inserted Article 243 to 243ZG are the major steps taken in the direction of implementing the Directive Principles contained in Article 40. The Constitution of India has guaranteed social, economic and political rights to the women in order to promote equality of status and opportunity in all spheres. Equality in all spheres is inseparable from active political participation. The 73rd Amendment to the Indian Constitution has provided for the reservation of the seats and positions for women in the Panchayati Raj institutions. It was considered as the most effective institution to remove inequality, invisibility and powerlessness among the Indian women. The question of political empowerment of women in rural India had assumed considerable significance with the 73rd Constitutional Amendment. This amendment mandated the minimum one-third reservation for women in Panchayati Raj bodies, which is one of the most important aspects of this constitutional initiative.

Women when they come to the power in the Panchayati Raj should first try to provide legal literacy to their counterparts. It is only then that they will come to know what they are legally entitled to, and they may come forward to utilize it. The women member with the assistance of the other women of Gram Sabha should try to remove discriminatory family laws. They should also see that these cases are speedily disposed. The women should raise their voice against social customs. Those holding office in Panchayat can take up the lead in collective action

**F. Right to work, to Education and to Public Assistance (Article 41)**<sup>328</sup>: Article 41 requires that "the State, shall within the limits of its economic capacity and development, make effective provision, for securing the right to work, to education and to public assistance in cases of unemployment, old age sickness and disablement, and in other cases of underserved want.

(G) Just and Humane Conditions of Work (Article 42)<sup>329</sup>: Article 42 requires that "the State shall make provisions for securing just and humane conditions of work and for maternity relief "This Article exhibits the concern of the framers of the Constitution for the welfare of the workers.

(H) Article 43 sets out the ideals to which our Social Welfare State has to approximate in an attempt to ameliorate the living conditions of the workers.

(I) Participation of Workers in Management of Industry (Article 43A): Article 43A obligates: "The State shall take steps, by suitable legislation or in any other way, to secure the participation of workers in the management of undertakings, establishments or other organizations engaged in any industry "Article 43A was inserted by the Constitution (42nd Amendment) Act, 1976. The workers participation may mean sharing in decision-making and policy-making with the management, or it may be described as transfer of decision-making right in the enterprise or undertakings. The Supreme Court held that it was an accepted doctrine today that labour was the backbone of the Nation, particularly in the area of economic self-reliance

(J) Common Civil Code (Article 44) Article 44 directs: "The State shall Endeavour to secure for the citizens a uniform civil code throughout the territory of India."<sup>331</sup>

(K) Free and compulsory Education for Children (Article 45) Compulsory Early Childhood Care & Education for Children- the State shall Endeavour to provide early childhood care and education for all children until they complete the age of six years.<sup>332</sup> "The State shall Endeavour to provide, within a period of ten years from the commencement of this Constitution, free and compulsory education for all children until they complete the age of fourteen years.

(L) Promotion of Educational and Economic Interest of Weaker Sections (Article 46) “The State shall promote with special care the educational and economic interests of the weaker sections of the people, and, in particular, of the Scheduled Castes and the Scheduled Tribes, and shall protect them from social injustice and forms of exploitation<sup>333</sup>. The expression "weaker sections of the people" is not defined in the Constitution. It includes all sections of the society, who were rendered weaker due to various causes including poverty and natural and physical handicaps.

(M) Duty to Raise the Level of Nutrition and the Standard of Life intoxicating drinks and of drugs which are injurious to health. <sup>334</sup>

(N) Implementation of Directive principles of state policy-Role of Judiciary regarding social justice: It is well settled that both the Fundamental Rights and the Directive Principles aim at the same goal of bringing about a social revolution and the establishment of a Welfare State. It is a mandate of the Constitution not to the Constitution (86th Amendment) Act, 2002, inserting Article 21-A.

#### 4. Other Provisions of Social Justice Under the Constitution of India

(A) Fundamental duties regarding social justice U\A 51A to protect and improve the natural environment including forests, lakes, rivers and wildlife, and to have compassion for living creatures. Lakes, rivers and wildlife, and to have compassion for living creatures. To develop the scientific temper, humanism and the spirit of enquiry A parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen year

These Duties have been added to implement the recommendations of the Swaran Singh Committee reported in 1976. These duties are intended to create psychological consciousness among the citizens and are of merely educative value.

(B) Object and Importance of the Fundamental Duties: The fundamental duties have been incorporated in the Constitution with the mere object to remind every citizen that while enforcing his fundamental rights, he must also be conscious of his fundamental duties. These duties, it is said, would help to strengthen our democracy. These provisions are made for Enforcement of Fundamental Duties. In *Surya Narain v. union of India*<sup>336</sup>. The Rajasthan High Court held that the duties under Article 51A were the duties of the individual citizens. They cast no public duties and, therefore, a mandamus could not be sought against an individual who did not observe his duties under Article 51A. Minister in charge of tribal welfare who may in addition be in charge of the welfare of the scheduled castes and backward classes. Article 244 (1) Regarding administration of scheduled areas and tribal areas –

(1) The provisions of the Fifth Schedule shall apply to the administration and control of the Scheduled areas and Scheduled tribes in any state other than the state of Assam, Meghalaya, Tripura and Mizoram.

(2) The 335 the New Caluse (K) was Inserted by the 86 Constitutional Amendment Act 2002 <sup>336</sup> AIR 1982SC135. 198 provisions of the sixth schedule shall apply to the administration of the tribal areas in the state of Assam, Meghalaya, Tripura and Mizoram.

a) Article 330: Reservation of seats for the scheduled castes and scheduled tribes in the House of People. Article 332: Reservation of seats for scheduled castes and scheduled tribes in the Legislative Assemblies of the states

b) Article 334: Reservation of seats and special representation in Legislative Assemblies and House of People to cease after fifty years.

c) Article 335: Claims of scheduled castes and scheduled tribes to service and posts. The claims of the members of the scheduled castes and scheduled tribes shall be taken into consideration consistently with the maintenance of efficiency of administration in the making of appointments to service and posts in connection with the affairs of the Union or of a state. d) Article 338: National Commission for scheduled castes and scheduled tribes.

e) Article 339: Control of the Union over the administration of Scheduled castes and Scheduled tribes.

f) Article 340: Appointment of a commission by the president to investigate the conditions of backward classes. 199 g) Article 341: Power of the President to specify the castes, races or tribes or posts of or groups within castes, races or tribes as scheduled castes.

### 4. CONCLUSION

Social justice is a principle that lays down the foundation of a society based on equality, liberty and fraternity. The basic aim and objective of society is the growth of individual and development of his personality. The concept of social justice is a revolutionary concept which provides meaning and significance to life and makes the rule of law dynamic. When Indian society seeks to meet the challenge of socio-economic inequality by its legislation and with the assistance of the rule of law, it seeks to achieve economic justice without any violent conflict. The ideal of a welfare state postulates unceasing pursuit of the doctrine of social justice.

The significance and importance of the concept of social justice today that Social justice is not a blind concept . It seeks to do justice to all the citizen of the state. A democratic system has to ensure that the social development is in tune with democratic values and norms reflecting equality of social status and opportunities for development, social security and social welfare. The caste system acts against the roots of democracy in India. The democratic facilities like fundamental rights relating to equality, freedom of speech, expression & association, participation in the electoral process, and legislative forums are misused for maintaining caste identity. It is true that India has been an unequal society from times immemorial. There are enormous inequalities in our society which are posing serious challenges to Indian democracy. Therefore, must not show excess of valour by imposing unnecessary legislative regulations and prohibitions, in the same way as they must not show timidity in attacking the problem of inequality by refusing the past the necessary and reasonable regulatory measures at all. Constant endeavour has to be made to sustain individual freedom and liberty and subject them to reasonable regulation and control as to achieve socio-economic justice. Social justice must be achieved by adopting necessary and reasonable measures. That, shortly stated, is the concept of social justice and its implications. The basic aim of social justice is to remove the imbalances in the social, political and economic life of the people to create a just society. It means dispensing justice to those to whom it has been systematically denied in the past because of an established social structure.

These are five basic principles, of Babasaheb Ambedkar, through which justice can be dispensed in the society. These are first establishing a society where individual becomes the means of all social purposes, second establishment of society based on equality, liberty and fraternity and third establishing democracy political, economic and social, forth establishing democracy through constitutional measures and fifth establishing democracy by breaking monopoly of upper strata on political power. These are main principles of Ambedkar's theory of social justice, Ambedkar was of the opined that Social Justice can be dispensed in a free social order in which an individual is end in itself. Associated life between members of society must be regarded by consideration founded on liberty, equality and fraternity.

When social justice has failed to have its effect. The answer to this is simple. To enunciate the principle of justice is one thing. To make it effective is another thing. Whether the principle of social justice is effective or not must necessarily depend upon the nature and character of the civil services who must be left to administer the principle. The solution to social injustice lies within us only. We should be aware of the expressions for the poor, for the backwards class. social justice which are being used to undermine standards, to flout norms and to put institutions to work. We should shift from equality of outcomes to equal of opportunities and in striving towards that, politicians should be doing the detailed and continuous work that positive help requires, the assistance that the disadvantaged need for availing of equal opportunities. Social processes are constantly changing the society, a good legal system is one which ensures that laws adapt to the changing situations and ensure social good. Any legal system aiming to ensure the basic dignity of the human being and the inherent need of every individual to grow into the fullness of life.

Today our judiciary is the protector of civil rights, it is the custodian of fundamental rights, it is the guardian of the Constitution, its role in a federal system as the arbitrator is well known and the power of judicial review has reposed faith of the people in the judiciary. Both legislative anti-people law making and the executive excesses can come under judicial scanner. The importance of judiciary is more for the citizens than for the States. The judicial system is a part of the judicial process for the welfare of people and for social justice.

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