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Phone : +91 73059 14348 – [info@iledu.in](mailto:info@iledu.in) / [Chairman@iledu.in](mailto:Chairman@iledu.in)



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## REALISING SOCIAL AND ECONOMIC JUSTICE UNDER THE INDIAN CONSTITUTION FROM CONSTITUTIONAL PROMISE TO PRACTICAL REALITY

**AUTHOR** – JAYA PRIYA S\* & DR. JAYENDRA KASTURE\*\*

\* RESEARCH SCHOLAR, VIT SCHOOL OF LAW, CHENNAI.

\*\* ASSOCIATE PROFESSOR, VIT SCHOOL OF LAW, CHENNAI.

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### Abstract:

*"So long as you do not achieve social liberty, whatever freedom is provided by the law is of no avail to you."*

–Dr. B.R. Ambedkar

The Constitution of India embodies a transformative vision aimed at fostering an inclusive and just social order through the principle of equitable distribution of resources. Rooted in the idea of distributive justice, it seeks not merely to regulate economic arrangements but to correct entrenched social and economic disparities that have historically disadvantaged large sections of society. This constitutional philosophy reflects a commitment to ensuring that the benefits of development are shared in a manner that prioritizes human dignity and collective welfare. An examination of the Preamble, Fundamental Rights and Directive Principles of State Policy reveals a coherent framework designed to harmonize individual freedoms with social responsibility. While the Preamble lays down the foundational ideals of justice, social, economic, and political. The Fundamental Rights act as enforceable guarantees against inequality and exploitation. Complementing these, the Directive Principles provide a guiding vision for the State to actively promote welfare and reduce disparities in wealth and opportunity. Together, these elements form a dynamic mechanism that seeks to balance competing interests and create conditions for substantive equality. Thus, the Indian constitutional scheme serves as a powerful instrument for restructuring societal relations, ensuring that economic progress does not come at the cost of social justice, but instead contributes to a more balanced and humane order.

**Keywords:** *Social Justice, Equality and Equity, Social Justice, Fundamental Rights, Distributive Justice, Socio-Economic Transformation.*

### Introduction:

Social and economic justice is the foundation of the Indian constitution. The framers of the Constitution had a clear awareness of the varied dimensions and practical constraints of different ideas of justice. In response, they sought to develop a model of justice capable of meeting the liberation movement's greater goals. Dr. B.R.

Ambedkar famously warned that India's political democracy would be imperilled without social and economic equality, stating: "We must remove this contradiction at the earliest possible moment or else those who suffer from inequality will blow up the structure of political democracy", emphasizing that liberty is meaningless without economic security and social justice. The

administration of justice has a social dimension and society at large has a stake in impartial and even-handed justice.<sup>289</sup> Bhagwati, J. observes that "Socio- Economic Justice does not emanate from the fanciful notions of any particular adjudication but must be found on a more solid foundation." In the opinion of J. GajendraGadkar: "The concept of social and economic justice is a living concept of revolutionary import; it gives sustenance to the rule of law and meaning and significance to the idea of welfare State."<sup>290</sup> During the 19th and 20th centuries, numerous countries broke free from colonialism, forsaking laissez faire principles in Favor of welfare. This cleared the path for safeguarding the Individual's rights, which are based on the Socioeconomic Justice Principle. A just state prioritizes promoting people's wellbeing by maintaining a just social order<sup>291</sup>. Socio-economic justice attempts to eliminate inequities based on wealth, opportunity, race, caste, religion, and title, while also balancing the interests of different groups. This promotes equitable possibilities for all residents in both social and economic activity.

The concept of "Socio-Economic Justice" aims to address inequalities in birth and opportunity, distribute income more evenly, and ensure access to basic necessities like Life, which should be guaranteed to every man. Pt. Nehru sought to eliminate all forms of discrimination. He followed socialism. He then defined the objectives of socialism using the following words: "Our ideal is that every man, woman and child in India should have equal opportunities and that big disparities should go."<sup>292</sup> According to President Roosevelt, some individuals face adversity and require assistance to meet their basic needs. The government should provide aid to those in need as a social responsibility rather than a kind of charity. The state is responsible for fulfilling this commitment on behalf of society. Socio-

economic justice is thus concerned with dealing equally and fairly amongst classes of society rather than between individuals.

### Social Justice in India:

Social justice is the concept of building a fair and equitable society in which all people have equal rights, opportunities, and access to resources. It is based on the notion that all people, regardless of caste, class, gender, religion, or economic background, are entitled to dignity, respect, and a reasonable quality of living. Justice is the genus, whereas social and economic justices are its species. Social justice empowers marginalized groups to live with dignity and equality. Social justice seeks to eliminate discrimination and ensure equitable distribution of resources and opportunities in society.<sup>293</sup> Social justice is based on the notion of equality. However, equality does not always imply treating everyone the same; rather, it entails being fair while taking into account individual needs and circumstances. This notion is commonly referred to as "equity," which ensures that disadvantaged groups receive more assistance in order to achieve true equality. In the case of *S.R. Bommai v Union of India*,<sup>294</sup> the court determined that social justice and judicial review are fundamental to India's constitution.

According to the Indian Constitution, social justice focuses on the rights that individuals share with society rather than those that they exercise individually. "Social Justice is a balance between social rights and social control in a manner that neither the right nor the control should go in to an excess."<sup>295</sup> The Indian constitution aims to promote social, economic, and political fairness through its directive principles. These ideas rely on the social good, social welfare or social and economic development in general. In *Central Bank of India V. Raj Gopalan*,<sup>296</sup> Justice Justice Gajendradkar

<sup>289</sup> V.R. Krishna Iyer, *Justice at Crossroads* 12 (Deep & Deep Publ'ns 1992).

<sup>290</sup> Suresh Mani Tripathi, *Concept of Socio -Economic Justice: Global Trends and Indian Response* (Ph.D. Thesis, Banaras Hindu University 2015)

<sup>291</sup> R.G. Chaturvedi, *Justice-Natural, Social, Political and Economic* 12 (Law Book Co. (P) Ltd. 1990).

<sup>292</sup> B.R. Sharma, *Socio Economic Justice Under Indian Constitution* 90 (Deep & Deep Publ'ns 1984).

<sup>293</sup> David Miller, *Social Justice* (Oxford Univ. Press 1976)

<sup>294</sup> AIR 1994 SC 1918

<sup>295</sup> R.G. Chaturvedi, *Justice-Natural, Social, Political and Economic* 12 (Law Book Co. (P) Ltd. 1990).

<sup>296</sup> AIR 1964 SC 742 para 19

opines social justice as a broad idea that encompasses more than simply industrial adjudication. The goal is to eliminate socioeconomic disadvantages and inequities based on the ideal of socio-economic equality. Dr. B.R. Ambedkar conceptualized social justice as "social democracy," an inseparable "union of trinity" comprising liberty, equality, and fraternity.

### Economic Justice in India:

Economic justice is the fair and equitable distribution of wealth, resources, and opportunities within a society. It ensures that everyone has access to basic essentials including food, shelter, healthcare, education, and employment, allowing them to live in dignity. Economic justice is a critical component of social justice, with an emphasis on minimizing economic inequities and fostering equitable growth. According to Roscoe Pound his theory is based on these lines "to satisfy maximum wants with minimum frictions and wastage."<sup>297</sup> Economic justice is founded on the notion of fair allocation of resources. It does not entail total equality in income or wealth, but rather a system in which inequalities are justified only if they help society's least advantaged members. This idea was strongly emphasized by John Rawls, who argued that social and economic inequalities should be arranged to maximize the benefit of the poorest sections.<sup>298</sup> Everyone should have an equal opportunity to pursue education, employment, and economic advancement without prejudice. Poverty, caste, gender, and regional inequities are common structural hurdles that limit chances, necessitating intervention by the state through policies such as reservations, subsidies, and welfare systems.<sup>299</sup> Economists such as Amartya Sen have broadened our understanding of economic justice by focusing on the "capability approach," which highlights individual's true freedoms to live the lives they value. Sen believes that justice should be evaluated not only by income, but also

by access to opportunities and basic capacities.<sup>300</sup> Economic justice means providing equal access to material resources and preventing concentration of wealth in a few hands<sup>301</sup>, says Justice Krishna Iyer. In *Maneka Gandhi v. Union of India*, Justice P.N. Bhagwati marks, Economic Justice is an essential part of social justice and implies the absence of exploitation and the presence of fair distribution of resources in society.<sup>302</sup>

### Historical Background of Socio-Economic Justice:

The emergence of an egalitarian society founded on equality, solidarity, and respect for human dignity is referred to as socio-economic justice. It strives to eradicate inequality and offer equal opportunity in social and economic spheres by striking a balance between social rights and social control. Although the idea is as old as civilization, the International Labour Organization's founding and significant historical turning points like the French and Russian Revolutions are frequently cited as its contemporary origins. Religious and Western Views This idea has historically been formed by Western philosophy through a variety of perspectives. Plato promoted a system based on need and ability, viewing justice as the cornerstone of society. The concept of Socio-Economic Justice thus takes within it sweeps the objective remaining all inequalities and affording equal opportunities to all citizen in social affairs as well as economic activities.<sup>303</sup>

The term socioeconomic justice in India can be traced back to ancient philosophical and legal traditions based on Dharma. Dharma represented a moral and social order that sought to ensure the well-being, balance, and advancement of all members of society. It required rulers to govern in a way that promotes fairness, protection, and common well-being. Ancient literature, such as the Manusmriti,

<sup>297</sup> Roscoe Pound, *An Introduction to the Philosophy of Law* 47 (Yale Univ. Press 1922)

<sup>298</sup> John Rawls, *A Theory of Justice* (Harvard University Press, 1971).

<sup>299</sup> K.L. Sharma, *Social Stratification in India: Issues and Themes* (Sage Publications, 1997).

<sup>300</sup> Amartya Sen, *Development as Freedom* (Oxford University Press, 1999).

<sup>301</sup> V.R. Krishna Iyer, *Social Justice and the Indian Constitution* (1984).

<sup>302</sup> (1978) 1 S.C.C. 248 (India).

<sup>303</sup> L.M. Singhvi, *Law of Poverty* 15 (1973).

emphasized the king's obligation to administer justice impartially and to protect the interests of all subjects. The king was figuratively compared to the earth, which sustains all living beings equally, highlighting the principle of universal wellbeing and non-exclusion. Kautilya's Arthashastra presented a more structured and pragmatic framework for government, emphasizing the state's obligation to vulnerable members of society. It highlighted the ruler's responsibility to guarantee the welfare of orphans, the old, the impoverished, and the helpless, evoking an early form of state-sponsored social and economic justice.

Modern jurists trace the origins of the idea of socioeconomic justice back to the International Labor Organization's founding following World War I. The magnificent 1688 revolution in The American War of Independence, which ended in 1776, the French Revolution, which resulted in the Declaration of Human Rights (1789), the Russian Revolution of 1917, and England, which produced the Bill of Rights. Our constitution prioritizes socioeconomic justice for citizens. Granville Austin describes the Indian constitution as embodying socioeconomic fairness. Preamble of the Indian constitution begins with the words "we the people of India" and solemnly resolve to establish a sovereign socialistic and secular state. The democratic republic promotes social, economic, and political justice. Socioeconomic justice is essential for a functioning democracy. Socioeconomic justice ensures equitable opportunities for all Indians and protects their social position.

### **Realisation of Social and Economic Justice through the Constitutional Trinity:**

The Indian Constitution offers a revolutionary vision for achieving social and economic justice through a carefully structured framework known as the Constitutional Trinity, which includes the Preamble, Fundamental Rights (Part III), and Directive Principles of State Policy (Part IV). The

Preamble, Fundamental Rights, and Directive Principles serve as the ethical foundation for constitutional social engineering to create an egalitarian society. This trinity serves as the moral and structural backbone of the Indian constitutional structure, acting as a cohesive mechanism to bring about a social revolution. The fulfilment of socioeconomic justice in India is profoundly entrenched in this tripartite framework, which attempts to reduce inequality, enhance welfare, and ensure dignity for all citizens. It expressly promises to ensure "justice-social, economic, and political," putting socioeconomic justice at the forefront of constitutional goals.<sup>304</sup>

#### **1. Preamble and Socio Economic Justice:**

The Preamble provides guidance for interpreting constitutional laws and aims to promote an equal social order. The Preamble has been acknowledged by the courts as an essential component of comprehending constitutional theory. The phrase "Justice- social, economic, and political" appears in the descriptive part. These words, expressed in Para 5 of the Objectives Resolution, serve as the foundation for a strong, adaptable, and desired Constitution. The term "Justice" or "Socio-Economic-Justice" appears in the Preamble or introductory articles of numerous Constitutions around the world. However, no country has utilized the phrase "Justice, social, economic, and political." In India, a country with political, economic, and social oppression, a significant portion of the population experiences various forms of disability. There is a pressing need for a constitution that ensures justice in economic and political spheres.<sup>305</sup> Thus, In *Bhola Prasad v. King Emperor*<sup>306</sup>, the Court observed that the Preamble is "a key to open the minds of the makers of the Constitution, and shows the general purposes for which they made the several provisions in the Constitution." The inclusion of the term "socialist" in the Forty-Second Amendment emphasized the

<sup>304</sup> B. Shiva Rao, *The Framing of India's Constitution: A Study* 139 (1968).

<sup>305</sup> K.C. Markandan, *The Preamble: Key to the Minds of the Makers of the Indian Constitution* 131 (1984).

<sup>306</sup> (1942) 46 C.W.N. (F.B.) 32, 37.

commitment to decreasing inequities and achieving distributive justice. In *Sanjeev Coke Mfg. Co. vs. Bharat Cooking Coal Ltd.*,<sup>307</sup> Justice Chinnappa Reddy observed: The term "Socialist" was added to the Constitution's Preamble through a late amendment, but it has always been the goal as stated in the Directive Principles of State Policy. The change was intended to underscore the urgency. In *Minerva Mills Ltd. v. Union of India*<sup>308</sup>, the Supreme Court noted that socialism in India seeks to achieve socioeconomic justice through a harmonic balance of rights and directives. The Apex Court stated in *Workmen of Meenakshi Mills Ltd. v. Meenakshi Mills Ltd.*,<sup>309</sup> that the Preamble to the Constitution expresses India's commitment to ensuring justice for all citizens, including social, economic, and political rights.

## 2. Fundamental Rights:

The Fundamental Rights entrenched in Part III of the Constitution are the primary vehicle for achieving socioeconomic justice in India. Known as the "Magna Carta of the Indian Constitution," these rights are enforceable and intended to safeguard citizens from arbitrary official action. Article 13 strengthens this framework by forbidding measures that limit or remove fundamental rights, guaranteeing that the pursuit of justice is legally protected. The right of equality, as outlined in Articles 14 to 18, serves as the foundation for Socio-Economic justice. Article 14 guarantees equality before the law and equal protection of laws, which the judiciary has regarded as a safeguard against arbitrariness. The concepts of equality and socio-economic justice are complementary to one another, and for them to continue to be effective, they must be in harmony with one another. In *E.P. Royappa v. State of Tamil Nadu*,<sup>310</sup> the Supreme Court ruled that arbitrariness is the polar opposite of equality, tying equality to fair governance as a essential prerequisite for socioeconomic justice. In *Indira Sawhney v. Union of India*,<sup>311</sup> the Court maintained reservations for the backward

classes, finding that substantive equality necessitates affirmative action to lift historically disadvantaged groups. In *Life Insurance Corporation of India v. Manubhai Shah*,<sup>312</sup> it is held that unless the circumstances dictate differently, constitutional principles in general and basic rights in particular must be interpreted wide. This illustrates that equality under the Constitution is more than just a formal requirement; it also attempts to reduce socioeconomic inequalities. To make the theory of equality function in these settings, two principles have been adopted under the constitutional scheme: to provide equal opportunities for all Indian citizens to develop their personalities, and to support underprivileged individuals in facing life challenges. While these two ideas may seem contradictory, combining them provides equal chances for all residents to develop their own lifestyle. The doctrine emphasis on equality of opportunity often results in inequality, which the doctrine aims to eliminate.<sup>313</sup>

Articles 15(1), 15(2), 16(1), 16(2), 17 and 18 of the Constitution establish "social equality in law," the first listed principle. The second principle relies on the notion of "Equality, in fact." Prof. C.H. Alexandrowicz describes this as "protective discrimination." Article 15(3) empowers the state to establish specific provisions in favour of children and women. Article 15(4) allows the state to make specific provisions for the advancement of any socially and educationally backward class of citizens, including scheduled castes and scheduled tribes. Affirmative Action under Articles 15(4) and 16(4) underlines the Constitution's commitment to redressing historical injustices against Dalits, Tribals, and other underprivileged communities. These clauses give the state the authority to implement special measures for the advancement of socially and educationally disadvantaged groups, as well as Scheduled Castes (SCs) and Scheduled Tribes (STs). Articles 16 (3) and (4) give protection against

<sup>307</sup> AIR 1983 SC 239

<sup>308</sup> A.I.R. 1980 S.C. 1789, 1798–99.

<sup>309</sup> (1992) 3 SCR 33

<sup>310</sup> (1974) 4 SCC 3

<sup>311</sup> 1992 Supp (3) SCC 217

<sup>312</sup> AIR 1993 S.C. 171 at 176

<sup>313</sup> Justice K. SubhaRao, Fundamental Rights under the Constitution of India.

discrimination in services. Article 16 reduces economic inequality. Unless social and economic equality are realized, the concept of socioeconomic justice will fade away. Untouchability is the greatest blemish on Indian society. Article 17 bans untouchability, and any resulting handicap is penalized by law. Thus, it protects socioeconomic justice and the dignity of man. Article 19(1) ensures freedoms that promote social, economic, and political justice. Article 19(1)(a) also protects free thought and expression. Freedom of the press is crucial in exposing injustices and promoting justice. However, these essential freedoms are not absolute. Article 19 clearly states that these rights are not absolute and cannot be taken as ends in themselves. Articles 20–22 deal with the right to freedom and individual liberty. Article 22 gives protection against arrest and detention in certain cases. All these articles put together, define the scope and limits of liberty. Socio-economic justice includes the elimination of slavery and semi-slavery. Article 23(1) of the Constitution prohibits human trafficking and forced labor. Article 23 promotes socioeconomic justice by outlawing trafficking and forced labor. In *People's Union for Democratic Rights v. Union of India*,<sup>314</sup> the Supreme Court ruled that paying wages below the minimum wage constitutes forced labour. This interpretation expanded the reach of Article 23 to protect economically weak workers from exploitation, connecting labor rights with human dignity and justice. Articles 29 and 30 protect minorities' cultural and educational rights while promoting socioeconomic justice. Article 29 guarantees the preservation of unique languages, scripts, and cultures, thereby preserving minorities from cultural marginalization. Article 30 gives minorities the right to construct and run educational institutions, allowing them to get access to education and empower themselves. In *T.M.A. Pai Foundation v. State of Karnataka*,<sup>315</sup> the Supreme Court ruled that such rights are necessary for minority development and

autonomy. These clauses promote inclusivity, equality of opportunity, and the advancement of marginalized groups, thereby reinforcing the constitutional ideal of a fair and diverse society.

### 3. Directive Principles of State Policy:

The Directive Principles of State Policy given in Part IV of the Indian Constitution serves as the country's socioeconomic conscience. The Directive Principles seek to establish a social order based on justice as social, economic, and political as described in the Preamble. The Directive Principles play a significant role in the constitutional design. Fundamental rights can only be realized within the socioeconomic framework envisioned by the Directive Principles. Article 37 establishes directive principles as "fundamental" in the country's government, making them important to millions of underprivileged individuals.

Article 38 requires the state to promote the welfare of the people by reducing disparities in income, status, and opportunity. This provision represents the primary goal of socioeconomic justice by requiring the state to actively work toward an equal society. Article 39 establishes particular socioeconomic goals, such as equal livelihood rights, equitable resource distribution, prevention of wealth concentration, equal compensation for equal effort, and worker and child protection. The judiciary has interpreted this provision broadly in *Hussainara Khatoon v. State of Bihar*,<sup>316</sup> the Supreme Court recognized free legal aid and a rapid trial as essential to fair procedure under Article 21, thus connecting Directive Principles to enforceable rights. Article 41 protects the right to employment, education, and public support in the event of unemployment, old age, sickness, or disability. Similarly, Article 42 mandates reasonable and humane working conditions as well as maternity leave, while Article 43 guarantees workers a living wage and an acceptable level of living. Collectively, these provisions seek to ensure economic justice and worker dignity. In *Bandhua*

<sup>314</sup> (1982) 3 SCC 235

<sup>315</sup> (2002) 8 S.C.C. 481 (India).

<sup>316</sup> (1980) 1 SCC 81

Mukti Morcha v. Union of India,<sup>317</sup> the Court used these principles to address bonded labour and improve working conditions, proving their practical use in furthering socioeconomic justice. Article 43A introduces the concept of worker participation in management, indicating a shift towards industrial democracy. Article 44, which advocates for a uniform civil code, seeks to promote national unification and equality. In Mohd. Ahmed Khan v. Shah Bano Begum,<sup>318</sup> the Supreme Court emphasized the importance of Article 44 in upholding justice, especially for vulnerable women. Article 45 promotes free and compulsory education for children, but Article 46 instructs the State to support the educational and economic interests of Scheduled Castes, Scheduled Tribes, and other marginalized groups. Article 47 aims to improve public health and standard of living. These provisions jointly indicate the Constitution's commitment to empowering marginalized groups and addressing socioeconomic disparities. The Supreme Court has always upheld the complimentary link between Fundamental Rights and Directive Principles.

### Judicial Activism in Advancing Social and Economic Justice:

After independence, India's judiciary underwent a considerable upheaval. The judicial process has transformed from a conventional interpretive function to an active tool for achieving social and economic justice. Judicial activism arose as a potent weapon for courts, frequently in collaboration with social activists and public interest litigators, to ensure that constitutional promises to welfare and justice were met. Judicial activism suggests that courts do more than just interpret the law; they creatively interpret it in light of constitutional principles, particularly the pursuit of social and economic justice. Maneka Gandhi v. Union of

India, was an iconic event in constitutional history, when the Supreme Court broadened the extent of personal liberty under Article 21. The Court ruled that any procedure depriving life or liberty must be "just, fair, and reasonable," effectively transforming Article 21 into a source of positive human rights. This was the start of a new era in which the judiciary actively deduced socioeconomic rights from Fundamental Rights and Directive Principles. In a series of activist decisions, the Supreme Court attempted to enforce socioeconomic fairness. In Sunil Batra v. Delhi Administration,<sup>319</sup> the Court established the right against torture and supported inmates' dignity. In Bandhua Mukti Morcha v. Union of India,<sup>320</sup> it addressed bonded labor and reinforced the right against exploitation. Similarly, in People's Union for Democratic Rights v. Union of India, the Court ruled that nonpayment of minimum wages constitutes compelled labour, effectively protecting workers rights.<sup>321</sup> In Olga Tellis v. Bombay Municipal Corporation,<sup>322</sup> the judiciary ruled that evicting pavement squatters without rehabilitation violates Article 21. M.C. Mehta v. Union<sup>323</sup> of India strengthened environmental justice by recognizing pollution-free environments as part of the right to life. In Upendra Baxi v. State of Uttar Pradesh,<sup>324</sup> the Court highlighted the right to human dignity, especially for disadvantaged individuals. In Sheela Barse v. Union of India,<sup>325</sup> the Court reinforced the right to legal aid. In M.K. Sharma v. Bharat Electronics Ltd.,<sup>326</sup> it stressed workers safety and protection. In Krishen Pattnayak v. State of Orissa,<sup>327</sup> the judiciary handled acute poverty and famine, while Vishal Jeet v. Union of India<sup>328</sup> dealt with child exploitation. In M.C. Mehta v. State of Tamil Nadu,<sup>329</sup> the Court shielded children from dangerous employment, supporting socioeconomic fairness for minors. In instances such as Banwasi Sewa Ashram v. State

<sup>317</sup> (1984) 3 SCC 161

<sup>318</sup> AIR 1985 SC 945.

<sup>319</sup> AIR 1980 SC 1579.

<sup>320</sup> (1984) 3 SCC 161

<sup>321</sup> (1982) 3 SCC 235.

<sup>322</sup> AIR 1986 SC 180

<sup>323</sup> AIR 1985 SC 652.

<sup>324</sup> (1983) 2 SCC 308

<sup>325</sup> (1986) 3 SCC 596

<sup>326</sup> AIR 1987 SC 1792.

<sup>327</sup> AIR 1989 SC 677

<sup>328</sup> 1990 SC 1412.

<sup>329</sup> (1996) 6 SCC 756.

of Uttar Pradesh,<sup>330</sup> the Court upheld the rights of tribal groups that rely on forests for their livelihood, recognizing the nexus of environmental and socioeconomic justice. Similarly, in *Sankar v. Durgapur Projects Ltd.*,<sup>331</sup> the Court ruled that forcing a person to live in subhuman conditions constitutes a deprivation of life, thereby tying dignity to socioeconomic rights. The Supreme Court has frequently underlined the relationship between Fundamental Rights and Directive Principles. In the Kerala Education Bill of 1957, the Court urged for a balanced interpretation of both parts.<sup>332</sup> Later, in *Ashok Kumar Gupta v. State of Uttar Pradesh*,<sup>333</sup> it acknowledged social justice as a fundamental right, emphasizing its importance in constitutional law. Judicial activism has converted the Indian court into a vibrant institution dedicated to social and economic justice. By broadening the scope of rights, protecting vulnerable groups, and enforcing welfare obligations, the courts have bridged the gap between constitutional ideals and practical reality. This active judicial role remains essential in a growing society in which justice must be participatory, inclusive, and attentive to the concerns of the marginalized.<sup>334</sup>

### **Social and Economic Welfare Policies and Implementation Challenges:**

Social and economic welfare policies in India are critical to realizing the constitutional goal of justice as social, economic, and political. These programs, based on the Directive Principles of State Policy, seek to alleviate inequities, empower underprivileged people, and assure access to basic necessities such as food, education, employment, and healthcare. Affirmative action plays an important role in welfare policy. The reservation system for Scheduled Castes (SCs), Scheduled Tribes (STs), and Other Backward Classes (OBCs) in education, public employment, and political representation aims to remedy historical

injustices while also promoting substantive equality. The 103rd Constitutional Amendment expanded on this paradigm by establishing reservations for Economically Weaker Sections (EWS), increasing the scope of social justice.<sup>335</sup> Poverty reduction and job creation programs are also important. The Mahatma Gandhi National Rural Employment Guarantee Act<sup>336</sup> (MGNREGA) guarantees rural households 100 days of wage employment, providing their livelihood security. Similarly, the Public Distribution System (PDS) distributes subsidized food grains to low-income families to combat hunger and malnutrition. The Pradhan Mantri Jan Dhan Yojana (PMJDY) promotes financial inclusion by providing access to banking services to economically disadvantaged people. These projects aim to provide economic security and alleviate poverty.

Legal reforms have also improved the framework for social justice. The Protection of Civil Rights Act of 1955 and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act of 1989 seek to abolish caste discrimination and give legal remedies to victims. The Protection of Women from Domestic Violence Act, 2005, and efforts such as the Beti Bachao Beti Padhao Scheme aim to increase women's socioeconomic standing while also protecting them from violence. The Right to Education Act of 2009 ensures free and compulsory education for children, while the Mid-Day Meal Scheme promotes school attendance and addresses nutritional needs. Scholarships for SC, ST, and OBC students improve access to higher education, thus fostering equality of opportunity. Despite these extensive welfare measures, there are substantial hurdles to their execution. Administrative inefficiency, corruption, and a lack of cooperation among several levels of government frequently impede successful delivery. Leaks in welfare schemes prevent benefits from reaching their intended recipients. Furthermore, underprivileged communities lack of awareness of their rights and entitlements

<sup>330</sup> (1992) 2 SCC 202

<sup>331</sup> AIR 1988 Cal 136.

<sup>332</sup> *In re Kerala Education Bill, 1957*, AIR 1958 SC 956.

<sup>333</sup> (1997) 5 SCC 201.

<sup>334</sup> The Role of Judicial Interpretation in Social Justice, IJLMH (2018)

<sup>335</sup> The Constitution (One Hundred and Third Amendment) Act, 2019.

<sup>336</sup> Mahatma Gandhi National Rural Employment Guarantee Act, 2005

inhibits the effectiveness of these initiatives. Structural inequities such as caste discrimination, gender inequity, and geographical discrepancies all impede implementation. Despite legal safeguards, vulnerable populations continue to experience socioeconomic hardship, as evidenced by judicial observations on bonded labor, malnutrition, and exploitation. Financial constraints, inadequate infrastructure, and poor monitoring systems all have an impact on welfare program success. While India has established a comprehensive framework of social and economic welfare programs, their effectiveness is dependent on efficient implementation. Addressing systemic difficulties, enhancing governance, and assuring active involvement of underprivileged populations are critical for fulfilling the constitutional goal of socioeconomic justice.

### Conclusion

The Indian Constitution promises a transformational social system founded on justice—social, economic, and political. This perspective is expressed in the harmonic interaction of Fundamental Rights, Directive Principles of State Policy, and judicial interpretation. Fundamental Rights provide legal guarantees of liberty and equality, whereas Directive Principles place a moral and constitutional obligation on the State to establish the conditions required for the achievement of these rights. The judiciary has taken a proactive role in furthering social justice by defending underprivileged groups rights, combating exploitation, and assuring dignity and livelihood. Public interest litigation and progressive decisions have changed the Constitution into a living constitution that responds to societal needs. The achievement of social and economic fairness is still lacking despite these institutional and constitutional initiatives. Deeply ingrained problems including poverty, gender inequality, caste-based discrimination, and regional differences still exist. Welfare policies frequently fail to produce the desired results due to administrative inefficiencies, corruption,

ignorance, and insufficient implementation mechanisms. Because of this, the most vulnerable segments of society do not always benefit from development. The difficulty is not just in creating progressive laws and policies but also in carrying them out successfully. The legislative, executive, judicial, and civil society branches must work together to achieve true socio-economic justice, it calls for a change to participatory government, in which underrepresented groups actively participate in decisions that have an impact on their lives.

### Suggestions:

- Strengthen institutional mechanisms to ensure transparency, accountability, and efficient delivery of welfare schemes.
- Increase awareness about rights and legal remedies, particularly among disadvantaged groups, and expand access to legal aid.
- Develop need-based and region-specific policies to address diverse socio-economic challenges.
- Empower local bodies such as Panchayats to ensure grassroots-level implementation of welfare measures.
- Continue judicial oversight through PILs to ensure enforcement of socio-economic rights



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NO. 08, ARUL NAGAR, SEERA THOPPU,  
MARUDHAANDA KURICHI, SRIRANGAM - 620102,  
TAMILNADU, INDIA.

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