
FROM TEXT TO PRACTICE: HAS THE INDIAN CONSTITUTION DELIVERED SOCIAL JUSTICE?

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ABSTRACT

The Indian Constitution is founded on social justice, and this goal is clearly stated in the Preamble, as well as in the Fundamental Rights and Directive Principles of State Policy. It was born in the aftershock of colonial exploitation, and in the most significant traditions of caste hierarchies: the Constitution promised not just political independence but a social reconstruction.. The paper has critically examined whether the constitutional promise of social justice has been converted in normative commitment to lived reality. It reviews the constitutional mechanisms (equality provisions, affirmative action, and judicial interpretation) based on the theoretical frameworks of B. R. Ambedkar (1949), John Rawls (1971) and Amartya Sen (2009). Although clearly the Constitution has led to greater legal protections and institutionalization of redistributive institutions, the continued existence of socio-economic disparities and gaps in its enforcement lead to the idea that the transformative potential has not been fully achieved. This paper will argue that despite giving a solid framework of social justice in the Constitution, the substantive realization of the same relies on the will of the political, integrity of the institutions and the transformation of the society.

INTRODUCTION

The introduction of the Constitution of India in 1950 initiated the process of a grandiose social change. However, the Indian Constitution proposed structural reform in a highly hierarchical society, unlike minimalist constitutions which are more concerned with restraining state power. The framers knew that social and economic justice is what would make political independence hollow. The promise of the Preamble to Justices, i.e. social, economic and political, put redistribution, dignity and equality to the forefront of the republic. To B. R. Ambedkar (1949), democracy was not only to be based on universal franchise; it

had to be based on annihilation of caste and setting up a social democracy. His advice that political equality may co-exist with social and economic inequality is still fundamental in evaluating the success of the constitution. This vision is also shed more light by theoretical perspectives. Rawls (1971) was of the view that social and economic inequalities should solely be justified in ways that are favorable to the least privilege members of the society. In a similar fashion, Sen (2009) accentuated on the growth of substantive abilities-the actual liberties people have to live lives they appreciate. Measured in these terms, the Indian Constitution is one of the most ambitious to entrench social justice in the post

SOCIAL JUSTICE CONSTITUTIONAL ARCHITECTURE.

The Constitution contains social justice in place in a variety of institutional ways. To begin with, the Fundamental Rights bring about formal and substantive equality. Article 14 and 15 are not allowed to discriminate and ensure equality before the law whereas Article 17 is used to abolish untouchability, a radical intervention in the hierarchies of the caste system. The broad definition of the Supreme Court of Article 21 has applied the right to life to a right to livelihood, education, and dignity.

Second, the Principles of Directives of State Policy offer a normative guideline of a welfare state. They are not justiciable; however, they guide the state to encourage just distribution of resources, equal remuneration, protecting the rights of workers, and education and public health. Such provisions reveal that the Constitution is not merely dedicated to civil-political rights, but socio-economic change as well (Austin, 1966).

Third, affirmative action policies incorporate substantive equality. Scheduled Castes, Scheduled Tribes, and Other Backward Classes Reservations are supposed to rectify historical injustices. These policies echo the Rawlsian thinking, where inequalities are allowed to exist, but only in such a way that they reinforce the least privileged (Rawls, 1971). Lastly, judicial innovation has saved the constitutional vision. In *Kesavananda Bharati v. In State of Kerala* (1973), the Supreme Court expressed the doctrine of the Basic Structure and said that certain basic principles like equality and justice could not be overridden by constitutional amendment. This doctrine made the constitution robust against the excess of majoritarianism.

NORMATIVE COMMITMENT TO INSTITUTIONAL PRACTICE: ACHIEVEMENTS

The Constitution has transformed the social landscape in India to a large extent. The caste discrimination was undermined in the professional legislative field by the abolition of untouchability. Policies of affirmative action have increased the presence of historically marginalized groups in legislatures, government posts, and schools.

The constitutional right to equality of opportunity is achieved through the institutionalization of the Right to Education. Expanding Article 21 to include the right to life by the judiciary changed the right to life into a storehouse of socio-economic rights. The impact of the Directive Principles is also evident in welfare schemes and rural employment schemes.

The constitutional structure of India in comparison with other post-colonial states has helped in the continuation of democracy and peaceful methods of social bargaining. Also, the Constitution has created a rights language. The protection against discrimination is increasingly being attempted by the marginalized groups through constitutional provisions. Such discursive shift is an improvement: social justice ceases to be a mere aspiration but a legal formulation and enforcement.



UNRELENTING LOOPHOLES AND SYSTEMICAL RESTRAINTS

With these successes, there would still be high disparities. Caste-based violence is still present, sex discrimination is still at its core, and the economic disparity has only deepened over the past decades. The constraints of legal reform as reflected by the presence of constitutional guarantees and structural exclusion are highlighted.

The lack of implementation undermines transformative intent. Redistributive policies are watered down by bureaucratic inefficiency, corruption and political contestation. As positive as it is, affirmative action has now been a politically controversial issue, sometimes contributing to identity-based polarization, instead of breaking down hierarchy.

Liberalization has brought novel inequalities in the market that are threatening the redistributive commitments. Although there has been growth, the distribution of it is uneven. Capabilities, especially in rural and marginalized communities are limited in a senian way (Sen, 2009).

Though protectionist, judicial activism does not replace a socio-economic systemic reform. Courts have the power to broaden right jurisprudence but the final servant of this is the executive and the commitment of the budget. This discrepancy between constitutional morality and social reality is one of the outstanding tensions of the Indian republic.

CONCLUSION

The Indian Constitution is one of the most articulate attempts to entrench social justice in a democratic constitution. It has set institutional protections, positive actions, and functional. language based on equality and dignity. To this degree, it has offered a structural basis of social justice.

Nevertheless, the design does not just turn over into realization. Constant caste discrimination, gender inequality, and economic inequality all demonstrate that constitutional transformation is not a finished product but a process that is still going on. The Constitution has given the framework of justice; its realization needs political will to be maintained over time. institutional integrity and social devotion to equality.

The words of Ambedkar (1949) are true and pertinent: without social democracy, there cannot be political democracy. Justice in the Indian Constitution has been set but it can be fully achieved through consistent interaction between the state institutions and the civil sector. Social justice is thus a constitutional commitment, as well as a duty of democracy.

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