

Economic Justice in the Indian Constitution: A 75th Year Retrospective

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The Constitution of India was adopted in the year of 1950. It is not solely a political document. It is a social document which promises in its preamble to provide people with social, economic and political justice. However, economic justice has always been the fundamental aspiration to set the record straight for historically rooted inequities and provide equal access to the resources, opportunities and welfare. India was in a highly divided, poverty-stricken, uneducated and economically stagnant society at the time of Independence. It was during the time of Independence, which was led by Dr. B.R.Ambedkar, who tried to eliminate these differences by embedding promises in the Constitution which in turn would guide the state to build a more equitable society. From a constitutional perspective, over the recent 75 years, India has achieved considerable advancements in the area of 'constitution, laws and judgments' which aims to settle these principles in practice. Through the resources, which act as a moral compass, and amendments to the constitution like the 42nd and the 73rd, as well as welfare state legislation, like the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), the economic justice has been pursued deeply, in a bit counterbalanced way. Since the year of 1991, the liberations in the economic policies has shifted the debate of economic justice from inclusive growth and welfare schemes to redistribution. Despite progress in poverty alleviation, infrastructure, and economic empowerment, issues like unemployment, rising inequality, distress in agriculture, and inequitable educational and health resources Scheffler's social justice remain. The judiciary has shaped the license to life and dignity by constitutionalizing economic rights on the case law by transcendental judicial activism. Looking back in time, the 75 years of constitutional democracy in India paints a complex picture: economic justice has been achieved to a degree in some aspects, but it is a work in progress. The Constitution bolsters the framework of the country, but the attainment of economic justice is visionary and hinges on unrelenting political commitment and responsible governance, along with collective social action to actualize the transformative vision. The founding fathers of India envisioned it to be of the nation.

Keywords: Economic Justice, Indian Constitution, Directive Principles, Welfare State, Equality.

Introduction

One of the aims of the Constitution of India is to secure Economic Justice for each of its citizens. Members of the Constituent Assembly, when discussing what the future of India should look like, wished for a future where exploitation, poverty, and inequality did not exist. The Justice in the Preamble is stated as social, economic, and political, which are the two guide principles of the Republic. The emphasis is the political freedom is not sufficient, and in addition, social and economic empowerment also needed to be provided to the masses. Over the last seventy-five years, economic justice has informed the way India has interpreted its Constitution, formulated its public policies, and governed itself.

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The Definition of Economic Justice in India

Distributive justice entails treating every individual with fairness and equity in every field and aspect of life, irrespective of caste, class, or sex. Economic justice means income and resources. Beyond income, it embraces equity in education, healthcare, job opportunities, and access to certain basic minimum standards of living. In India, economic justice was viewed as a remedy for the stark inequalities inherited from the colonial rule, the rural abject poverty, landlordism, and the astounding industrial underdevelopment comprising of ecosystemic underdevelopment. In India's case, it was a backlash to the colonial rule. In the closing address to the Constitution Assembly, Dr. B.R. Ambedkar pointed out that democracy must also be economic. If not, the Constitution will be nothing but a visionary document. The Constitution has many provisions aimed at ensuring economic justice. The most important of all are the Directive Principles of State Policy (Part IV) that directs the state to maintain adequate livelihoods, equitable resource distribution, and avoidance of the social concentration of wealth and wealth sharing in the society. Articles 38 and 39 are particularly important as they assign the State the responsibility of minimizing inequalities and ensuring that the ownership and control of resources are for the common good of all. Economic rights are also supported by the fundamental rights. Article 14 provides for the equality of all before the law, while the Article 15 ensures there shall be no discrimination, thus, securing equality of opportunity in all economic activities. The right to earn a livelihood is implied in Article 21 and protected by judicial interpretation. All of them together show the constitutional welfare state and the commitment to distributive justice.

Directive Principles and the Evolution of Welfare Policies

Although the Directive Principles are non-justiciable, they have influenced policy making in a profound way. The land reforms in the 1950s and 1960s were aimed at preventing the concentration of wealth. The nationalization of banks and industries in the 1970s also showed the state's shift to a socialist orientation. The preamble's 42nd Amendment of 1976 attached the words "socialist" to the state's commitment. Welfare schemes like the Public Distribution System (PDS), rural employment, mid-day meals and other healthcare initiatives have further developed instruments of economic justice. In the 21st century, rights based welfare is exemplified by MGNREGA, the Right to Education Act, and the National Food Security Act which positioned the Directive Principles of State Policy as justiciable rights. These laws represent the increasing constitutionalization of economic justice in the country.

Judicial Interpretations and Economic Rights

The impact of the judiciary in extending the frontiers of economic justice is phenomenal. The judgment in *Kesavananda Bharati v. State of Kerala* (1973) court case emphasized socioeconomic objectives woven into the Directive Principles as fundamental to the basic structure of the Constitution. In the case of *Olga Tellis v. Bombay Municipal Corporation* (1985), the Supreme Court held the right to livelihood is part of the right to life, as contained in Article 21 of the Constitution. In the same line of thoughts, courts have also expanded the frontiers of economic justice in cases dealing with bonded labor, the right to a clean and healthy environment, and the rights of workers. Judicial interventions such as, the case of Public Interest Litigations (PILs), have simplified the cases of constitutional violation such as minimum wages, education, and food. In this manner constitutional ideals have been made practical through vigorous judicial activism.

Economic Justice and the Era of Liberalization

The paradigm shift brought by the reforms of 1991 was the commencement of the new epoch in the development history of the country. Many avenues for growth were opened by Liberalization, Privitization and Globalization, however, it also sparked new issues concerning its distributive aspects of growth. Globalization stemmed the growth of the economy, however, it also induced the advancement of the GDP and hence gross inequity of income, regional growth discrepancies, and employment uncertainty. In response, the state adopted a unique hybrid model of market driven policies along with welfare policies like rural employment schemes and Direct Benefit Transfers (DBTs). The argument in this era instead of being about redistribution, was about growth pole inclusion. Each of the marginalized members of the society, especially women, Dalits, Adivasis, and the rural poor, were now the subjects of globalization and it was the responsibility of the state to ensure that they were benefited from it and were protected by affirmative action, welfare policies, and empowerment programs.

Persistence of Economic Justice Challenges

The issues of economic justice are still to be fully-fledged, even with attaining some progress. The issues of unemployment and of the unstable economy due to the distresses caused to agriculture along with the informal economy issues still plague society as a whole. The exceptional wealth owned by a minute section of the society juxtaposed to the misery and deprivation of a larger section of the society is appalling. The absence of the basic resources like health and quality education, the society becomes incapable and deprived. The issues regarding gender-based violence are still prevalent as disparities in wages and employment are starker. The COVID 19 pandemic has highlighted the weak social security systems, especially for many of the migrant workers. While there are promises from the constitution, this has only served to underpin the very basic and foundational policies, which in this case concerning economic justice.

The Way Forward: Reimagining Economic Justice

Seventy-five years after independence and the adoption of constitutional governance, the quest for economic justice requires a renewed focus. The state has to improve welfare delivery, equitable access to growing digital and technological opportunities, and reduce regional developmental imbalances. Economic empowerment at the grassroots level should take advantage of decentralization through Panchayati Raj institutions as proposed in the 73rd Amendment. In addition, economic justice should also consider issues of sustainability and climate change. Resource access needs to be inclusive but should also be aligned with the requirements of the environment in order to achieve inter-generational justice. The social and market equity balance is and should continue to be, the biggest challenge for effective leaders and governance systems.

Conclusion

As seen from a distance over a period of seventy-five years, the journey of economic justice in India has changed from being a Constitutional promise, to a promise in need of continued social struggle, with the ideals enshrined in the Constitution as a legal framework. The Constitution's Preamble along with the Fundamental Rights and the Directive Principles of State Policy have served as the primary legal structure for all successive developments. Numerous legislations, social policies and varying judicial approaches have all aimed to realize these principles. Levels of poverty, inequality and social exclusion still rampant, however, emphasize a Constitution's vision, one that remains to be fully attained. Rather than a goal, economic justice in India is a work in progress, one that is going to take a combination of legal, institutional and social activism to complete. Fulfilling this promise is going to be vital in the years to come, in maintaining the social cohesion of India, along with the promise of the complete and fair society.

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