

Social-Economic Justice and Judicial Activism in India - An Analytical Study

*Madhwendra Tiwari, Research Scholar,
Rajeev Gandhi Government P.G College,
Ambikapur, Chhattisgarh

**Dr Tarun Rai, Assistant Professor,
Rajeev Gandhi Government P.G College,
Ambikapur, Chhattisgarh

Abstract

In the context of India's legal system, this paper explores the complex link between judicial activism and social-economic justice. Starting with a conceptual framework that explains and places both ideas in perspective. This paper examines the development of judicial activism in India, highlighting significant rulings and judges who have influenced the court's perspective on socio-economic problems. A fair analysis of the research is given by examining criticisms and disputes concerning judicial activism. The paper also discusses challenges and limitations on the successful application of social-economic justice, providing insights into the difficulties the courts confront in resolving socioeconomic inequality. Examining the Indian method in comparison to other countries highlights its distinctiveness and provides insights for potential future advancements. Future possibilities are examined in light of anticipated trends in judicial activism for social-economic justice as well as possible legislative changes and governmental initiatives.

Keywords: *Judicial Activism, Indian Legal System, Constitution of India, Right to Education, Public Interest Litigations, Separation of Powers*

Introduction

"Justice is a genus, social, economic and political justices are its specie."

Social-economic justice, a notion firmly based in moral precepts that aims to achieve the fair allocation of resources, opportunities, and privileges among all community members, is the cornerstone of a thriving and just society. By guaranteeing access to basic services including work, healthcare, and education, this multimodal strategy aims to address systemic injustices and improve neglected populations. The Indian context views the pursuit of social-economic justice as a constitutional duty rather than just an abstract ideal, reflecting the nation's unshakable commitment to promoting an inclusive and just society.¹

¹*Concept of Justice under Indian Constitution.* (2022, May 16). Manupatra. Retrieved December 18, 2023, from <https://articles.manupatra.com/article-details/Concept-of-Justice-under-Indian-Constitution>.

The dynamic field of social-economic justice presents judicial activism as an essential and versatile instrument. The judiciary's proactive attitude is crucial in interpreting and protecting the values that underpin the pursuit of social-economic justice. Judicial activism has a transformational effect when it actively fills up legislative gaps, corrects injustices, and spurs beneficial social change. Its importance is especially noticeable when legislative actions are insufficient or do not sufficiently safeguard the rights and interests of the disadvantaged. Judicial activism is a potent tool for promoting social-economic justice in the legal system because of its interpretive and remedial capabilities.

India's judicial system, which is deeply ingrained in the country's culture, serves as the main arbitrator of justice. Steeped in a constitutional framework that reflects the goals of a heterogeneous citizenry, the judicial system is charged with defending basic rights and advancing justice in all spheres of society. The Indian judiciary, which consists of the Supreme Court and other High Courts, has the power to interpret the law and decide cases. In light of this, the function of judicial activism takes on particular importance as it gives the court the ability to proactively redress socioeconomic injustices and significantly contribute to the implementation of constitutional goals. In this sense, the Indian legal system, driven by judicial activism and social-economic justice principles, becomes a major factor in creating an inclusive and just society for all.²

Conceptual Framework

Social-Economic Justice

With roots in the earliest moral and ethical philosophical statements, the idea of social-economic justice has developed over time and had special resonance in the historical resistance to British colonial authority in India. Social and economic inequality was made worse by the colonial past, which acted as a trigger for the incorporation of justice-oriented ideas into the post-independence constitutional framework. Aware of the past injustices that colonial authority had perpetuated, the Indian Constitution's writers purposefully included provisions intended to address socioeconomic disparities and provide the foundation for a more equal society. Given the ongoing problems with poverty, inequality, and social exclusion, the importance of socio-

² Social and Economic Justice under Constitution of India: A Critical Analysis. (2018). *International Journal of Law Management & Humanities*, 2(1), 1. <https://www.ijlmh.com/wp-content/uploads/2019/04/Social-and-Economic-Justice-under-Constitution-of-India-A-Critical-Analysis.pdf>.

economic justice has increased in the context of modern-day India. The growing divide in society between the rich and the downtrodden highlights the pressing need for laws and policies that support inclusion and guarantee equal chances for everyone. Due to the complex nature of social-economic justice today, a thorough analysis of problems including equal access to resources, work opportunities, healthcare, and education is required.³

The dynamic nature of societal landscape evolution necessitates a continuous and flexible strategy to guarantee the relevance and efficacy of the notion of social-economic justice in tackling new issues. The intricate interplay of social and economic aspects in today's world necessitates a detailed knowledge of these intersections, underscoring the need for comprehensive policies that are flexible enough to adjust to the changing demands of a varied and dynamic society. India can seek to create a society where social and economic justice are real, attainable realities for all of its residents by staying true to the values enshrined in the country's constitution.

Judicial Activism

In particular, when conventional legislative or executive channels prove insufficient, judicial activism is a dynamic phenomenon that denotes the judiciary's proactive participation in interpreting and changing laws to effectively address social challenges. The judiciary has demonstrated a proactive approach by aggressively intervening to protect basic rights and further justice, going beyond traditional ideas of judicial restraint. According to this paradigm, judges actively participate in the development of legal doctrines that support constitutional ideals.⁴ The development of judicial activism in India may be seen via significant instances in which the judiciary, most notably the Supreme Court, had a revolutionary effect. The court was given more authority to closely examine legislative and executive acts to ensure that they adhered to constitutional norms as the concept of "judicial review" expanded. The concept of basic structure was established by seminal judgments such as *KesavanandaBharati v. State of Kerala*, which gave the courts the power to strike down legislation that violated fundamental rights.⁵

³Srwal, Ashwini, Bhati, Vikas, & Kalon, Jatin. (2018). Judicial Activism to Judicial Outburst: Contemporary Analysis of Indian Judicial System. *NUJS Journal of Regulatory Studies*, 2(3-4), 52-72.

⁴Morwal, Himanshu, & Mathur, Tarusha. (2020). Evolution of Judicial Activism in India. *International Journal of Law Management & Humanities*, 3, 1211-1218.

⁵(1973) 4 SCC 225; AIR 1973 SC 1461.

There is a strong constitutional foundation and legislative framework supporting the Indian judiciary's commitment to maintaining social-economic justice. For example, Scheduled Castes, Scheduled Tribes, and other weaker sections are examples of marginalized populations whose educational and economic interests the state is required by Article 46 of the Indian Constitution to aggressively support. Prominent legal actions, such as *Indra Sawhney v. Union of India* commonly known as the Mandal Commission case, guaranteed reservations for economically and socially disadvantaged groups in public jobs and educational institutions, promoting a more just and inclusive society.⁶

Public Interest Litigations (PIL) have become a powerful instrument for the judiciary to address socio-economic concerns in addition to constitutional obligations. The right to life under Article 21 was read broadly by the Supreme Court in the seminal decision of *Olga Tellis v. Bombay Municipal Corporation*, which included the right to livelihood.⁷ The aforementioned court declaration emphasized the judiciary's steadfast dedication to defending socio-economic rights and illustrated its crucial function in promoting a fairer and more equitable society.

Challenges and Limitations

There are several obstacles to the successful implementation of social-economic justice in the Indian setting, which include institutional, cultural, and structural issues. First and foremost, institutional complexity, characterized by corruption and inefficient bureaucracy, remains a barrier to the implementation of policies intended to reduce socioeconomic inequality. These obstacles function as strong roadblocks, preventing the effective implementation of programs and policies intended to promote social and economic justice.⁸

The difficulty is further compounded by the complex and diverse socioeconomic environment of India. Because different communities and regions have different socio-cultural dynamics at play, policies designed with one in mind sometimes prove ineffectual when applied to others. Achieving complete social-economic justice is made more difficult by inadequate infrastructure, especially in rural regions. The effective provision of social programs and services is hampered by a weak infrastructure, which impedes the advancement of underprivileged populations.

⁶AIR 1993 SC 477; 1992 Supp 2 SCR 454.

⁷1985 SCC (3) 545.

⁸*Supra* note 3.

Beyond institutional and physical barriers, deeply rooted caste-based prejudices and societal reluctance to adapt provide serious challenges to the overall objective of social-economic parity. These elements uphold past injustices by undermining equitable access to opportunities and resources. It takes deliberate initiatives that target cultural attitudes and perceptions in addition to policy execution to overcome these deeply ingrained prejudices.⁹

Even while judicial activism has been essential to the advancement of social and economic justice in India, difficulties still arise. One significant limitation is the possibility of the judiciary infiltrating areas customarily occupied by the legislative and executive branches. It takes caution to avoid overreach when attempting to strike a careful balance between interpreting the law and exploring policy issues. In addition, the lengthy legal processes add to the delays in the administration of justice, particularly when socioeconomic issues are involved.

There are further issues when PIL is used as the main tool to remedy these discrepancies. In the quest for justice, some concerns may unintentionally be prioritized above others, leaving out important facets of socioeconomic justice. Furthermore, there are practical challenges in converting court rulings into outcomes that can be implemented, necessitating cooperation across a range of parties, including governmental bodies and local government agencies.¹⁰

A comprehensive and cooperative plan is necessary to overcome India's complex web of socioeconomic disparity. All arms of the government should be included in this plan, which will promote cooperation between the legislative, executive, and judicial departments. Furthermore, in order to guarantee that interventions are grounded in the variety of needs and experiences of the populace, civil society's active participation and collaboration are essential. India can only successfully manage the complexity of its social-economic terrain and achieve significant progress toward real and long-lasting social-economic justice by using such an all-encompassing and inclusive strategy.

Comparative Analysis

India stands out on the international scene for its unique approach to judicial activism in the name of social-economic justice, which calls for a thorough comparison with other nations. Unlike the United States, where the judiciary has historically taken a more restrained approach, India's courts have increasingly taken the lead in resolving socioeconomic disparities. The

⁹Supra note 2.

¹⁰Supra note 3.

European Union, which is made up of many member states, offers a varied environment with different legal frameworks and perspectives on social-economic justice.¹¹ Interestingly, the Scandinavian countries, which are frequently praised for having strong welfare states, offer a convincing counterargument, depending mostly on legislative and policy-driven measures, in contrast to India, which depends on judicial activism to interpret and enforce socio-economic rights. An in-depth analysis of these disparate approaches enables a nuanced evaluation of the limitations and effectiveness of India's judicial activism in promoting socioeconomic fairness.

A thorough examination of the international scene offers a number of insights and best practices that might direct and improve India's attempts to use judicial activism to achieve social-economic fairness. India might improve its multi-stakeholder approach by taking cues from nations like Germany, which use cooperative techniques incorporating cooperation among the legislature, judiciary, and civil society. Furthermore, the Nordic countries' emphasis on preventive social programs highlights the need of a proactive, all-encompassing strategy by moving the emphasis from remedial justice to systemic transformation.

Additional global comparisons provide India important insights. The United Kingdom's experience with the Human Rights Act, 1998 and Canada's dedication to rapprochement with its indigenous population provide valuable perspectives for developing legislative frameworks that might strengthen India's legal arsenal for advancing social-economic justice. These international comparisons do more than simply draw attention to India's problems; they also provide a plethora of innovative strategies and models that might be used to improve the efficiency of judicial activism in promoting social-economic justice in India.

The Way Forward

Looking ahead to the future of India's legal system, a number of expected developments in judicial activism for social-economic justice become apparent. First and foremost, it is anticipated that the judiciary would persist in its proactive role in interpreting and broadening constitutional obligations concerning social-economic rights. This calls for a closer examination of problems including economic inequality, healthcare accessibility, and environmental justice. In order to ensure a more inclusive and fair society, the courts may use increasingly imaginative legal interpretations to fill in the gaps in the current legislation. Moreover, it is probable that the

¹¹*Supra* note 2.

judiciary will increasingly employ technology to expedite legal procedures and enhance the availability of justice. Virtual hearings and online platforms for case filing might lead to a more open and effective judicial system, preventing procedural roadblocks from impeding social-economic justice.

Judicial activism is being accompanied by an increasing awareness of the necessity of legislative changes and policy actions to strengthen the basis of social-economic justice in India. It is expected that legislative bodies would critically examine current legislation in order to find and close any loopholes that prevent the implementation of social-economic rights. This might entail passing new laws to deal with issues that come up or changing current laws to better suit changing social demands. It is anticipated that policy interventions would also be crucial in determining how social-economic justice is shaped in the future. Government programs aimed at reducing poverty and promoting work, healthcare, education, and employment are probably going to become more well-known. Furthermore, cooperative efforts across the legislative, executive, and judicial institutions may produce comprehensive policy frameworks meant to promote sustainable development and address structural imbalances.

Conclusion

The enduring and dynamic function of judicial activism in India highlights its significant contribution to the advancement of social-economic justice. As the protector of the Constitution, the courts have always been essential in forming and influencing social norms, especially when it comes to resolving the complex issues of socioeconomic inequality. Through the wise interpretation of constitutional provisions, the court has become a potent force for transformational change. The capacity of judicial activism to serve as a check and balance ensures that the social-economic justice ideals entrenched in the Constitution are actively sought and protected in practice, which is why it continues to be important. The court's interventions, which are frequently prompted by landmark rulings and PILs, have opened the door for precedent-setting rulings that advance justice, equity, and inclusion.

Furthermore, judicial activism is a dynamic force that may change to meet the changing requirements of society. The court is capable of interpreting the law in a way that assures the applicability of social-economic justice principles in India's dynamic environment, even when new difficulties arise and socio-economic dynamics change. It is critical to understand that judicial activism continues to play a significant role in society and the economy, extending

beyond the realm of law. Through its activity, the court has shaped policy directions and interpreted laws, causing legislative and executive actions to comply with constitutional demands.