Introduction

Ever since the birth of the society, distributive justice has been one of the most important quests of human endeavour. Ever since the evolution of human civilization the philosophers, jurists, social-scientists, bureaucrats and many others have always tried to throw some light on the ambit and scope of distributive justice. However, the stark reality is that it denotes the philosophy of delimiting and harmonising the conflicting desires, claims and interests in the social life of the people and giving every one what is due to him. To be true, it embraces within its kingdom the whole political and economic dimension of social justice, the entire question of distribution of goods and services within the society. It demands equality in the distribution of privileges and burdens with an aim and objective to strike a balance in the socio-economic and political structure of the society. All social-scientists from Plato to Gandhi and others are unanimous about the basic reality that distributive justice is a device to abolish social injustice, tyranny and exploitation.

It is quite interesting to pinpoint here that justice in India has been extolled as the very embodiment of God itself whose sole mission is also to uphold justice, truth and righteousness. The immortal epics Vedas, Ramayana and Mahabharata demonstrate the deep commitment and faith of our sages towards justice. All the
four Vedas insist on equality and respect for human dignity as is evident from Yajurveda. "You are ours and we are Yours". The spirit of distributive justice as contained in the immortal epics has further been translated into concrete action by Lord Budha in his Message: "Cease to do evil, Learn to do good, and cleanse your own heart." Similarly, Emperor Ashoka borrowed the spirit of justice from Lord Budha and endeavored to give a practical shape to it during his regime. It was Budha and Ashoka who really preached and practiced equality amongst all classes, men and women and prohibited exploitation of man by man, rejected discrimination on grounds of caste, sex, religion or profession and espoused the doctrine of equality as the sheet-anchor of distributive justice. The promotion of distributive justice was considered by them to be the sole substance of their kingship. There was, however, witnessed a sea change in the whole spectrum of justice during Muslim era for the reason that Muslim Rule in India was not founded on the basic principles of human dignity, equality and was essentially autocratic, theocratic and irresponsibly devoid of iota of rules of justice. The philosophy of distributive justice also could not find favour during British era. The early British rulers adopted a policy of status-quo with little or least change in the

2. Ibid.
administration of justice. The British Raj was responsible for glaring social, economic and political inequality. They were more governed by 'Economic Drain Policy' than acceleration of political change and social justice. The British polity gave birth to the exploitative aspect of Indian economy with the result that number of the poor, the unclothed and the unfed increased to a miserable extent.

All this, therefore, compelled our freedom fighters not only to fight for the political independence but also to reconstruct Indian society on the dynamic philosophy of distributive justice. Our national leaders were fully aware of the problems of growing inequality and so they aimed at revolution in depths, a true revolution that transforms man and renews the colonial society. The Constituent Assembly, therefore, drafted a constitution to foster the achievement of the distributive justice. It was their firm belief that unless inequality, poverty, disease, squalor and illiteracy which India got in legacy from the Britishers was not done away with political independence will have no meaning. The idea of distributive justice was quite clear in the minds of the wise founding fathers of the constitution. The content of distributive justice was best expressed by Nehru at the dawn of independence 3: "The first task of this Assembly is to free India through a new constitution, to feed the striving people and to clothe the naked masses and to give every Indian the fullest

opportunity to develop himself according to his capacity.

In the same vein Dr. Ambedkar said: "We must begin by acknowledging the fact that there is complete absence of two things in Indian society. One of these is equality on the social plan, we have in India a society based on the principle of graded inequality which means elevation of some and degradation for others. On the economic plan, we have a society in which there are some who have immense wealth as against many who live in abject poverty..... 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 which the Assembly has so labouriously built-up."

Thus, keeping in view the gross social, economic and political injustice, discrimination and disabilities of the poor and the inhuman inspiration and exploitation to which they have been subjected over the centuries, the founding fathers of our constitution bestowed much thought and attention to their problems in all its facets. Various Articles have, therefore, been incorporated in our national charter to ameliorate the conditions of the poor with a firm determination to lift them to a position of equality with others.

The survey of the provisions envisaged in our constitution reveals that our wise founding fathers of

the constitution have designed these provisions with a hope to relieve them of the bondage of poverty and exploitation. These aim at making the Indian masses free in the positive sense, from the passivity engendered by centuries of old coercion by society. The very Preamble of the constitution is a pledge to accomplish the goal of distributive justice which explains the very objective and purpose sought to be achieved by the constitution. The spirit of distributive justice is succinctly crystallised in the Preamble. The core of the commitment to the distributive justice lies in the Preamble, Fundamental Rights and the Directive principles of State Policy. The Preamble strongly declares its resolve to secure certain basic objective to all citizens, and most important place is given to social, economic an political justice.

Similarly, Part III of the constitution contemplates a vital change in social structure in order to effect a transition from serfdom to freedom and attempts to remake the material condition of the society. It deals firmly with the objective to foster the goal of distributive justice by creating a society equalitarian to the extent that all citizens are to be equally free from the coercion by the State. It declares that liberty is no longer to be the privilege of the few. It furnishes guarantee to the effect that all citizens have the right of

5. See, Constitution of India, The Preamble.
freedom, the right against exploitation, the right to freedom of religion, the cultural and educational right and the right to constitutional remedies.

The Directive principles contained in the Part IV of the Constitution aim at making the Indian masses free in positive sense. It ordains the State 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 institutions of national life. In order to accomplish the goal of distributive justice, Part IV of the Constitution enumerates the principles of policy to be followed by the State. Directive Principles exhort the State to ensure that citizens have adequate means of livelihood, that the operation of economic system and the ownership and the control of the material resources of the country subserve the common need, that the health of the workers including children is not abused, that citizens are not forced by the economic necessities to enter avocation unsuited to their age or strength, and that children are given opportunity

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6. Ibid., Article 19
7. Ibid., Articles: 23 and 24
8. Ibid. Articles: 25, 26, 27 and 28
9. Ibid., Articles: 29 and 30
10. Ibid., Article: 32
11. Ibid., Article: 38
12. Ibid., Article: 39
13. Ibid., Article: 39 (d)
14. Ibid., Article: 39 (b) (c)
15. Ibid., Article: 39 (c) (b)
16. Ibid., Article: 39 (d)
and facilities to develop in healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and moral and material abandonment. Similarly, the state is required to provide every citizen the right to work, to education and to public assistance in cases of employment, old age, sickness and disablement. Further, the State has been obligated to create an environment for securing just and humane conditions of work and special consideration will be given to pregnant women. The principle expresses the hope that within ten years of the adoption of the constitution there will be compulsory education for all children until they complete the age of fourteen years. Duty has also been cast on the state to promote with special care the education and economic interest of the weaker sections and protect them from social injustice and all forms of exploitation. The state is also required to provide equal justice through the mechanism of free legal aid in order to ensure that opportunities for ensuring justice are not denied to any citizen by reason of economic or other disabilities.

17. Ibid., Article: 39 (e)
18. Ibid. Article: 39 (f).
19. Ibid., Article: 41.
20. Id.
21. Ibid., Article: 42.
22. Ibid.
24. Ibid., Article: 45
25. Ibid., Article: 46.
26. Ibid., Article: 39 (A)
All these constitutional provisions establish beyond the shadow of doubt that the philosophy of distributive justice runs like a golden fabric through entire scheme of the constitution. All the three instrumentalities of the State—Legislature, Executive and the Judiciary have been expected to pave path for the realisation of the goal of the distributive justice. These are expected to improve the social and economic conditions of the people and abridge the gap between the rich and the poor to dig out the strong foundation to erect the democracy founded on the equalitarian principle, that is, securing to each and every human being the basic necessities of life like food, clothing, housing, medicine, education and the like. This is truly the voice of distributive justice and the very goal of the Indian Constitution.

Keeping in view the significance of the distributive justice, this topic has been taken up with an aim and objective to analyse that how far we have been able to accomplish the goal of distributive justice. To what extent we have succeeded in carrying out this goal and how far we have succeeded in weeding out the gap between 'haves' and the 'have-nots'? How far the instrumentalities of the state have succeeded in executing the goal of distributive justice? What are the bottlenecks which are still standing in our way to realize this goal and what are the reasons for them? What are the steps
necessary for actualizing the goal of distributive justice? Therefore, the present study is an attempt to examine in
detail the role played by the three organs of the state to
implement and put the constitutional philosophy into
action.

The study is divided into six chapters. Chapter I is devoted to the origin, meaning, kinds and
theories of justice. To explain and define the meaning, 
kinds and theories of justice, views of various jurists, 
judges and philosophers have been given proper 
place and due respect.

To know more about the philosophy of distributive justice, the whole chapter is further divided 
into four heads i.e. origin, meaning, kinds and theories 
of justice. Different theories have been discussed in
detail to know the true meaning and ambit of the 'Distributive Justice'.

Chapter II, deals with the developmental
perception of distributive justice. Development under
various eras i.e. ancient, medieval and modern have been
discussed in detail with regard to the genesis of 
distributive justice in India.

Chapter III envelops, deliberations of the
framers of the constitution with regard to the 
incorporation of the provisions relating to the philosophy 
of distributive justice. Chapter endeavours to highlight 
the various reasons that led the constitution makers to
formulate these provisions in the present form. The entire discussion has been divided into four heads i.e. the Preamble, Fundamental Rights, Directive Principles of State Policy and miscellaneous provisions concerning distributive justice.

Chapter IV has been devoted exclusively to the role played by the legislature, and the executive. Various legislative measures have been discussed in detail to see how far they are the earnest attempts to put the philosophy of distributive justice into actions. Besides, Five Year Plans have also been discussed in detail to assess the role of the executive in the light of the constitutional commitment towards distributive justice.

Chapter V seeks to evaluate the role played by the Judiciary to realize the goal of distributive justice. Various landmark decisions have been discussed and analyzed. An earnest attempt has been made to analyse the judicial response to compensatory discrimination programme, women and child welfare, agrarian reforms, labour welfare legislations and judicial activism with a view to assess as to how far the Indian judiciary has been successful to translate the values of distributive justice into action. Various judicial decisions have been examined so as to ascertain the fact that how far it has been able to appreciate the values of distributive justice. The concept of Free Legal aid, Social Action Litigation and Lok-Adalats have been discussed at length.
with a strong zeal to throw light on the fact that our judiciary is truly busy to foster the goal of distributive justice.

Finally, Chapter VI incorporates the appraisal and suggestions that follow from the entire discussion contained in chapter I to chapter V of this work.