

From Constitution to Policy: Revisiting Nehru's Legacy in Social Justice

Banita Kumari

Assistant Professor

Dept. of Political Science

Govt. College, Daultapur

Chowk-Una, Himachal Pradesh

Email: banitathakur213@gmail.com

Abstract

The phrase of 'social justice' is articulated as one of the central objectives in the preamble of constitution which aims to establish a society based on justice, equality and liberty. It ensures to protection of the rights of marginalized communities by eliminating discrimination and providing equal opportunities to all citizens. In this context, this paper explores Jawaharlal Nehru's vision of social justice and his role in translating the constitutional provisions into socio-economic and political policies. The paper critically examines how Nehru's ideological commitment to social reforms, secularism, and democratic socialism has influenced his policies to address the major socio-economic problems, which were the main roots of divisive tendency, inequality and injustice.

Keywords:

Social Justice, Equality, Human Rights, Constitutional Provisions, Marginalized Communities, Welfare State, Secularism, Economic Development.

Reference to this paper
should be made as follows:

Received: 20.02.2025

Approved: 22.05.2025

Banita Kumari

From Constitution to
Policy: Revisiting
Nehru's Legacy in Social
Justice

Vol. XVI, No.1
Article No. 02,
pp. 008-017

Similarity Check:20 %

Online available at
[https://anubooks.com/
journal-volume/jgv-vol-
xvi-no1-jan-june-2025](https://anubooks.com/journal-volume/jgv-vol-xvi-no1-jan-june-2025)

DOI: [https://doi.org/
10.31995/
jgv.2025.v16i01.002](https://doi.org/10.31995/jgv.2025.v16i01.002)

**This article has been peer-reviewed by the Review Committee of JGV.*

Introduction:

The complex social structure and hierarchical caste system of Indian society have led to unequal access to resources and exploitation of lower castes. Economic changes and agricultural commercialization in the mid-19th century shifted the untouchable position and prompted social reformers to address these inequalities and discrimination (Chandra, et al., 1999/2008). In this context Nehru aimed to uplift marginalized communities and in post-independence India he played a crucial role in translating constitutional provisions into reality through actionable policies.

Objectives of the study:

1. To analyze the conceptual foundations of social justice in the Indian constitution.
2. To examine Jawaharlal Nehru's political and philosophical understanding of social justice.
3. To evaluate Nehru's significant policy initiatives for social justice.

Concept of Social Justice

Social justice ensures fair treatment for all members of society. It may be defined as the right of the underprivileged, including the weak, aged, destitute, poor, women, and children, and to provide them equal opportunities with more advanced members of society. In other words, it is the balancing wheel between the 'haves and have-nots'. It has an important social content intended to promote public welfare, to remove all patent sources of disunity and disharmony to form a just and equitable society (Raju, 2006).

Constitutional Provisions for Social Justice in India

The constituent assembly aimed to establish the objectives and principles for the constitution of the newly emerging nation, achieved through Nehru's Objective Resolution. The resolution included eight clauses, one of which specifically addressed the Schedule Castes, Schedule Tribes, schedule areas, and tribes' areas, and another clause indirectly referenced them in the context of justice (Saksena, 1981). Nehru attempted to ensure social justice as a major objective in the preamble and constitution of India. To create a just and egalitarian society, various provisions were made in the Indian constitution which ensured to empowerment of marginalized and oppressed communities.

Preamble and Social Justice:

The Indian Constitution's preamble aims to ensure political, social, and economic justice for all citizens, stating that the people of India have solemnly resolved 'to secure to all its citizens: Justice- social, economic and political... Equality of status and of opportunities'. This phrase has been carved out from the

Objective Resolution framed by Nehru (Sharma, 1984:11). The term 'socio justice' explicitly dismantled the discriminatory social structure and status quo. The concept of social justice has been further strengthened by its translation and elaboration into specific provisions in Part III and Part IV of the constitution (Sharma, 1984).

Fundamental Rights and Provision for Affirmative Action:

Part III of the Indian Constitution related to fundamental rights is the foundation of India's democratic framework which ensures individual dignity, and freedom, and promotes equality before the law. These rights not only provide legal protection but also serve as a foundation for a just society, addressing social inequalities, discrimination, and injustice (Chandra, et al., 1999/2008). Though Part III guarantees political and civil rights to all citizens without any discrimination, but it also explicitly protects the interests of the weaker and disadvantaged sections, indirectly linking the following fundamental rights for social justice and equality.

Article 14 pertains to the right to equality, stating that the state must ensure equal protection of laws and equality before the law within India's territory (Part-III: Fundamental Rights, n.d.). The doctrine of positive or affirmative action has been deduced also from the 'equal protection' clause of Article 14. Protective discrimination for SCs and STs is part of the constitutional scheme of social and economic justice, aiming to integrate them into the national mainstream and establish an integrated social order with equal dignity. It means that Article 14 encourages the State to take into account *de facto* inequalities that exist in the society, and to take affirmative action by way of giving preference to the socially and economically disadvantaged persons or inflicting handicaps on those more advantageously placed, in order to bring about a real equality (Patnaik, 2018).

Article 15 prohibited discrimination on grounds of religion, race, caste, sex or place of birth. (Part III: Fundamental Rights, n.d.). And under Art. 15 (3), for the gender equality there are provisions in favor of women or children and under 15 (4), (5) special provisions for backward classes, SCs and STs in the public educational institutions also considered that will not be a violation of article 14 and 15 (Patnaik, 2018).

Article 16 provides equality of opportunity in matters of public employment. And Art. 16(4) provides reservation for an appointment in favor of SC, ST and OBS (Part III: Fundamental Rights, n.d.).

Article. 17 abolitions of Untouchability found the vision of constitution-makers to liberate the society from blind and ritualistic adherence to mere traditional superstitious beliefs or rational basis. This proved as a critical step towards social justice as it reinforces human dignity and increases the participation of marginalized sections in mainstream of society. It also laid the foundation for social movements and reforms (Patnaik, 2018).

Part II of the constitution ensures social justice, dignity, and equality for marginalized groups, with constitutional remedies being the most crucial right allowing citizens to access the judiciary for other fundamental rights protection.

Besides the fundamental rights there are some major Constitutional provisions to protect the interests of marginalised sections. Article 330 and 332 provide for the reservation of seats for SCs and STs in the House of People, and legislative assemblies of states, and Article 335 appointments to services and posts related to Union or state affairs. Article 338 mandates the establishment of a National Commission for the SCs and STs to oversee and investigate safeguards provided to them. Under Article 339 president may appoint a commission after ten years of the constitution's commencement to report on the administration of scheduled areas and the welfare of scheduled tribes (Part XVI: Special provisions relating to certain classes, n.d.). These provisions in the constitution aim to combat protective discrimination by providing special rights, reservations, and affirmative action to historically disadvantaged groups, and promoting social justice, inclusivity, equality, and empowerment.

Directive Principles of State Policy and Provision for Social Justice

The Part IV of the Indian constitution, known as the Directive Principles of State Policy, aims to promote social and economic revolution and social justice (Chander, 1992). Although not justiciable but these principles are fundamental in the governance of the country and some are particularly related to social justice:

Article 38 urges the state to ensure the welfare of the people by securing and protecting the social order, and promoting justice in social, economic, and political aspects. It aims to minimize income inequalities and eliminate inequalities in status, facilities, and opportunities among individuals and groups residing in different areas or engaged in different vocations. The provisions of a statute which is a social welfare measure should be integrated in the light of the public law principles Article 14, 15, 21, 38, 39, 43-A, 39-A, 46 and 51-A. Article 41 mandates the state to ensure the right to work and education and any reservation in favor of one, to the extent of reservation, is an inroad on the right of others to work and to learn. Article 46 of the Constitution mandates the state to prioritize the educational and economic interests of weaker sections, particularly SCs and STs and safeguard them from social injustice and exploitation (Patnaik, 2018).

The concept of equality enshrined in Part III and Part IV of the Constitution has two different dimensions. Articles 14, 15 (1), (2) and 16 (2) embody the principle of non-discrimination and Articles 15(3), (4), (5), 16(4), (4A), (4B), 39, 39-A and 41 obligate the state to make affirmative action for ensuring that unequal in society

are brought at a level where they can compete with others. The right of equality embodied in Articles 14 to 18 has to be understood in the light of social justice, issued by Articles 38, 39, 39 A, 41 and 46 of Part-IV of the Constitution (Patnaik, 2018). Thus, several provisions were incorporated into the constitution to safeguard the social and economic interests of the weaker sections. However, constitutional provisions and plans were well-conceived but not enough to address the issues of unprivileged sections until transformed into actionable policies. In this regard Jawaharlal Nehru has adopted and implemented various socio-economic policies to attain the real objective of social justice mentioned in the constitution.

Jawaharlal Nehru's Vision of Social Justice

Jawaharlal Nehru, a liberal humanist, was very sensitive to human suffering and subjection throughout the world. With his commitment to serve the humanity he took a pledge 'to the service of India and her people and to the still larger cause of humanity' (Nehru, 1961, p. 13). His aim was to provide equal opportunities to every man, woman and child therefore, before defining his policies for social justice, Nehru has analyzed the major causes of injustice and inequality and considered the socio-economic problems as the main root cause of divisive tendencies and suppression of certain communities. He stated that, 'you change the system, and you deal a body blow to these inequalities and social malpractices. The spirit of the age demanded equality and equality required an economic system which fitted in with it and encouraged it' (Dutt, 1990: 264). Nehru's social justice concept was multidimensional, based on the achievement of economic and social revolution and transformation. For him it was the removal of economic injustice and social exploitation. As he alerted 'if we cannot solve this problem soon, all our paper constitution will become useless and purposeless' (Sharma, 1984: 230). Nehru aimed to build a new social order by establishing equality and freedom and fulfilling the basic needs of the common man.

Nehru's Role in the Transition of Constitutional Provisions to Policies Formulations

For the socioeconomic transformation and to implement constitutional provisions of social justice, Nehru's role can be analyzed in two ways.

1. Adoption of democratic socialism and contribution to the welfare state.
2. Commitment to secularism and policies for social reforms and transformation.

1. Democratic Socialism and Welfare State.

Nehru's approach to social justice was a realistic one in the Indian situation. To him mere enunciation of the principle of justice, without making suitable

infrastructure was futile. As he stated, 'We have laid down not theoretical words and formulate, but rather the content of the thing we desire... In accordance with my own desire, I had put in that we wanted a socialist state (Sharma, 1984 :18). Nehru aimed to reduce economic inequalities by ensuring economic security and freedom for the masses. For this purpose, he adopted the model of democratic socialism in 1955, at the Avadi session of the Congress with the goal of 'establishing a welfare state and socialistic pattern of society' (Nehru, 1958/1970: 15; Nehru, 1964). In such a way he emphasized on economic democracy and considered economic development and upliftment of the sufferer as the only cure for social leprosy. However, the first step toward this goal was taken in 1950, by establishing a planning commission to promote welfare and implement the policies contained in directive principles of state policy (Sharma, 1984). The central inspiration of planning was a more equitable distribution of opportunities for people from all strata of society. He was particularly concerned about the hardships suffered by the weaker sections of society and, therefore, special emphasis was laid on all development programs to provide a helping hand to them (Shankar, 1990). Nehru advocated for economic socialism based on equality and social sharing, with the objective of enhancing living conditions and lessening the inequalities. He adopted an ethical and humanistic attitude and condemned exploitation (Raghavan, 2013/2014).

Agrarian and Land Reforms:

The Dalits and other marginalized groups were essentially landless laborers. So, Nehru has aimed to change the land relationship by enacting legislation for agrarian reforms and abolishing the zamindari system in India within a democratic framework (Mukherjee, 2024). This marked the initial step to reducing the concentration of wealth in a few hands and providing social and economic justice for the struggling rural masses. Nehru proposed reforming the land system and abolishing intermediary rights through five-year plans. The first plan focused on agriculture, community development, irrigation, power projects, industry, transport, communication, and social service schemes. The second plan aimed at socialist pattern of society by raising living standards and expanding opportunities for all, while the third plan in his tenure aimed to increase equality of opportunity, reduce income disparities, and distribute economic power more evenly (Sharma, 1984). The land reforms, the Green Revolution, the Community Development program, the emergence of the public sector, the focus on education and health being a public responsibility, protecting of working-class rights and popularising the socialist ideal were major steps taken by Nehru that greatly contributed to an equitable society (Mukherjee, 2024).

2. Nehru's commitment to secularism and social reforms and transformation

Nehru prioritized social justice and equality through social reforms and transformations, focusing on social development. Nehru adopted an integrated approach to social change. He was a committed secularist who believed in the innate spirituality and dignity of the individual and opposed bigotry, dogmatism, and superstitious practices of any religion and caste (Dutt, 1990). He regarded secularism as an effective strategy for social change, to reduce social and economic disparities and to protect all the minorities. He advised his Chief Ministers 'to create a sense of total security in the minds of all minorities' (Parthasarathi, 1985/1989 :212). Nehru was against communal political parties that exploited caste, religion, and language for their narrow interests.

Nehru opposed the Caste system and Untouchability:

Nehru opposed the exploitation of human dignity and condemned customs that led to social injustice, inequality, and exploitation. He argued that social evils hinder individual and national growth, and breaking down restrictive customs is crucial for social and economic progress. Nehru viewed about caste as, 'it is a separatist, destructive and it perpetuates inequality, that it leads to in the case of Harijans and the backward classes' (Parthasarathi, 1988: 21). The social outlook of superior and inferior, or class barriers could lead to social conflict so Nehru emphasized to strengthen human relationships among different castes. To cure these ills, he emphasized on the application of modern science and technology and stated that 'it was science alone that could solve these problems of hunger and poverty, of insanitation and illiteracy, of superstition and deadening customs and traditions, of vast resources running to waste, of a rich country inhabited by starving people' (Dutt, 1990: 266). Nehru viewed scientific education as a crucial component of the socio-economic transformation. Major institutions, the Indian Institutes of Technology, Indian Institutes of Management, the Council of Scientific and Industrial Research, the Atomic Energy Commission, the Bhabha Atomic Research Centre, the All-India Institute of Medical Sciences, the Defence Research and Development organizations and numerous other such institutions were all set up with the efforts of Nehru (Mukherjee, 2024). In the field of social reforming and consolidation of Hindu society Nehru's major contributions were the passage of the Untouchability (offences) Act and the Hindu Code Bill.

The Untouchability (Offences) Act 1955:

Nehru strongly opposed and assaulted the scourge of untouchability and other forms of enforced inequality. As he declared, 'We must promote unity and goodwill among all the people of India, and endeavor to abolish class distinctions

and those based on birth or caste or religion' (Nehru, 1958: 63). In this regard by important legislative measure Nehru has enacted the Untouchability (Offences) Act 1955. (Patnaik, 2018). And untouchability was made illegal which further specified that any offenses in this context were punishable with a fine or cancellation of licenses and public grants (Chandra, et al., 1999/2008). The provision which abolished untouchability and prohibited its practice gave legal support to the constitutional provisions to eradicate social evil which has sprung out of certain religious practices.

Hindu Code Bill and Women's Rights:

Gender inequality remains a major source of social injustice in India. As a Law Minister Dr Ambedkar spearheaded the introduction of the Hindu Code bill. Both Ambedkar and Nehru considered it a vital step in the introduction of true democracy in India and would remove the practices and the logic that underpinned the caste system (Rathore, 2020). Nehru faced strong opposition to the Hindu Code Bill but despite the pressure, he successfully passed the bill through parliament that gave significant emphasis to elevating Hindu women's position by providing their due rights of divorce, adoption, and inheritance that put an end to their exploitation and improved their position in society (Breacher, 1959).

Thus, Nehru has significantly impacted social structures by advocating for social justice and equality, removing differences and barriers. To translate the constitutional provisions of social justice, Nehru adopted such actionable policies on each aspect and applied an integrated approach to emancipate people from the bonds of poverty and ascribed social status, and gave new opportunities for development, which helped to make a just and egalitarian society in India. He contributed to the social and economic upliftment of marginalised groups by opposing the caste system and untouchability and adopting a secular, and democratic socialist structure Nehru has left an indelible impression on the constitution and socio-politico-economic institutions of independent India in terms of social justice.

Relevance of Nehru's Vision of Social Justice

Social justice is essential to the development of nation. But still in the 21st century, society's attitudes towards marginalized groups remain unchanged, with caste-based discrimination persisting in rural areas, Dalits facing humiliation, insults, assaults, and women being molested, raped, and murdered. These problems cannot be addressed solely through constitutional provisions and policies; there is a need for real and psychological integration. Legal literacy campaigns to promote awareness and strict laws should be implemented to eradicate caste stigma at birth. There is a need for scientific temperament as Nehru has adopted to abolish those discriminatory

customs and social evils that are dividing people into low and high. There is a need for educational reforms and to change the psychological attitude of society to treat the human beings as human beings. Thus, it can be concluded that Nehru's vision of social justice which is rooted in social and economic equality, rights, inclusive development, secularism and social reforms remains highly relevant in the contemporary period to create a just and egalitarian society in India.

References:

1. Brecher, Michael. (1959). *Nehru: A political biography*. London: Oxford University Press.
2. Chander, Shailja. (1992). *Justice V.R. Krishna Iyer on fundamental rights and Directive Principles*. New Delhi: Deep & Deep Publications.
3. Chandra, Bipan, Mukherjee, Mridula, Mukherjee, Aditya. (1999/2008). *India since independence*. Gurgaon: Penguin Random House.
4. Dutt, V.P. (1990). *Jawaharlal Nehru and social change in India*. In Subhash C. Kashyap (Ed.) *Jawaharlal Nehru: His life, work and legacy* (Pg. 253-271). New Delhi: S. Chand & Company.
5. Mukherjee, Aditya. (2024). *Nehru's India: Past present and future*. Gurugram: Penguin Random House.
6. Nehru, Jawaharlal (1964). *Jawaharlal Nehru's speeches: September 1957-April 1963*. (Vol. 4). Delhi: Publications Division.
- (1958/1970). *Jawaharlal Nehru's speeches: March 1953-August 1957*. (2nd ed., Vol. 3) Delhi: Publications Division.
- (1961). *India's foreign policy, selected speeches: September 1946-April 1961*. New Delhi: Publications Division.
7. Part III: Fundamental Rights. (n.d.). Ministry of External Affairs. <https://www.mea.gov.in/images/pdf1/part3.pdf>
8. Part XVI: Special provisions relating to certain classes, n.d.). Ministry of External Affairs. <http://www.mea.gov.in/images/pdf1/Part16.pdf>
9. Parthasarathi, G. (1985/1989). *Jawaharlal Nehru: Letters to Chief Ministers: 1947-1964*. (Vol. I-1947-1949). Delhi: Oxford University Press.
- (1988). *Jawaharlal Nehru: Letters to Chief Ministers: 1947-1964*. (Vol. 4, 1954-1957). Delhi: Oxford University Press.
10. Patnaik, AK (2018). *Durga Das Basu: Shorter constitution of India*. (Vol. I, 15th Edition). Gurgaon: LexisNexis Publishers.
11. Raju, C. B. (2006). *Social justice and the constitution of India with reference to SCs/STs*. New Delhi: Serials Publications.

12. Rathore, Aakash Singh. (2020). *Ambedkar's Preamble: A secret history of the constitution of India*. India: Penguin Random House.
13. Raghavan, Srinath. (Ed.). (2013/2014). *Sarvepalli Gopal: Imperialists, nationalists, democrats: The collected essays*. Ranikhet: Permanent Black.
14. Saksena, HS (1981). *Safeguards for Scheduled castes and tribes: Founding Father's views, an exploration of the constituent Assembly debates*. New Delhi: Uppal Publishing House.
15. Shankar, P. Shiv. (1990). *Nehru: A crusader for social justice*. In Subhash C. Kashyap, (ed.) *Jawaharlal Nehru: His life, work and legacy* (Pg. **32-44**). New Delhi: S. Chand & Company.
16. Sharma, B. R. (1984). *Socio-economic justice under the Indian Constitution*. (Pg. **32-44**) New Delhi: Deep & Deep Publications.