**Constitutional and Judicial Interpretation of Philosophy of Justice under the Indian Constitution: An Analysis**

 **Dr. Bindu Sangra[[1]](#footnote-2)\***

***Abstract***

*According to the Indian Constitution, justice is the cornerstone of governance and represents the country’s socioeconomic, political, and legal goals. Justice is frequently viewed as the unwavering desire to give everyone what they are entitled to. From a legal jurisprudential perspective, it is possibly very elusive in this regard. However, the constant desire to achieve the ideal of a just world and, more significantly, the conflicting demands for justice made by various groups of people who share the same legal, political, social, and territorial space make the discussion of justice especially social, economic, and political justice to be highly stimulating. Although a lot has been written and discussed about justice, it may not have been from the standpoint of temporal justice because India is thought to be a stable political-legal culture in many ways. A strong commitment to justice as a guiding concept of governance is reflected in the Indian Constitution. This ideology has been broadened and interpreted by court rulings and is embodied in a number of constitutional clauses. The Indian Constitution has a complex definition of justice that includes social, political, and economic aspects. This study explores the judicial interpretations and constitutional framework that influence India's conception of justice.*

**Key words:** Constitution, Economic justice, Political justice, social justice

**I. Introduction**

The philosophy of justice under the Indian Constitution is a dynamic and evolving concept that lies at the heart of the nation’s legal framework. It is enshrined in the Constitution’s preamble, which emphasizes the core values of justice, liberty, equality, and fraternity. The judiciary plays a pivotal role in interpreting these principles, ensuring that the Constitution adapts to the changing needs and values of society while preserving its fundamental principles. This delicate balance between legal continuity and societal transformation underscores the ongoing dialogue between constitutional text and judicial interpretation. Throughout India’s legal history, landmark cases have shaped the understanding of justice, demonstrating how constitutional amendments and judicial decisions can either fortify or challenge the principles of justice enshrined in the Constitution. The relationship between judicial activism and restraint, particularly in the context of constitutional amendments and the doctrine of basic structure, further complicates this evolving narrative. The Indian judiciary, through its interpretative role, has not only protected individual rights but also contributed to redefining justice in the face of social, political, and cultural changes. This analysis aims to explore the complexities surrounding the constitutional and judicial interpretation of justice within the Indian legal framework. By examining significant case law, constitutional amendments, and judicial philosophies, it seeks to shed light on how the Indian judiciary has shaped and continues to shape the pursuit of justice, equality, and human dignity in contemporary India. Additionally, it will consider the impact of comparative constitutional perspectives in refining India’s understanding of justice and its broader implications in a democratic society.

**II. The Philosophy of Justice in the Indian Constitution**

The Indian Constitution, adopted in 1950, acts as the foundation of democracy and the legal framework of India. It is significant to interpret justice in the country, providing a structured approach to guarantee rights, responsibilities, and the status of law. The Constitution embodies a profound commitment to justice, equality and freedom, which are key philosophical ideas that guide its interpretation and application. As noted by Thuenvengadam, the Constitution reflects a global framework that faces the social, economic and political dimensions of justice, with its preambles that emphasize the objective of social justice together with political and economic justice.[[2]](#footnote-3)

One of the key principles sanctioned by the Indian Constitution is the concept of fundamental rights. Articles 12 to 35 of the Constitution guarantee specific rights such as the right to equality, the right to freedom, the right against exploitation and the right to constitutional remedies. These rights form the foundation of justice in the Indian socio-legal context. For example, “Article 14 guarantees equality before the law, prohibiting discrimination for reasons of religion, race, caste, sex or place of birth.” This principle is essential to ensure that all individuals have the same access to justice and legal protection, which is a crucial element of a fair judicial system. The judiciary, in particular the Supreme Court of India, plays a fundamental role in the interpretation of these principles. It has been stressed that the responsibility of the judiciary extends beyond the simple application of the law; thus, implying the active interpretation of the constitutional provisions to safeguard justice.[[3]](#footnote-4) A brief reference to the catena of cases illustrate this role vividly. In a particular case, the Supreme Court has expanded the interpretation of the right to life and personal freedom pursuant to Article 21, establishing that it cannot be limited except by a fair, just and reasonable process. This interpretation approached the judicial system of India to the ideals of substantial justice, underlining not only the procedural equity, but also the need for the laws to be right and fair.[[4]](#footnote-5)

In addition, the judiciary has often invoked the “directive principles of the state policy” (found in Articles 36 to 51) to improve the notion of justice. These principles, although not legally applicable, guide the state in the policy process and aim to guarantee social and economic justice. The case of the State of Kerala v. N.M. Thomas, is fundamental, where the Supreme Court stressed that these principles of directive should be harmonized with fundamental rights to achieve true justice.[[5]](#footnote-6)

The fundamental rights, detailed in Articles 12 to 35 of the Constitution, play a crucial role in modeling justice in India. These rights protect individual freedoms and guarantee equality before the law. For example, Article 14 guarantees the right to equality, stating that the state does not deny any equality of person before the law or to equal protection of the laws. This principle is essential to establish a right society in which each individual has the same legal rights, regardless of their background or status.

Article 21, which guarantees the right to personal life and freedom, further strengthens the concept of justice. It does not limit the right to physical existence but extends to the quality of life. In a landmark case, the Supreme Court interpreted Article 21 to include the right to live with human dignity.[[6]](#footnote-7) This interpretation marks a significant step in the expansion of the scope of justice in the Indian legal system, as it aligns legal rights to human rights. In addition, the role of the judiciary in making fundamental rights respect is a key aspect of justice in India. The courts have employed a PILs, which allows people to approach the courts for the application of rights on behalf of others. This mechanism has made it possible for marginalized groups to seek justice, indicating a judiciary that gives priority to social justice over rigorous legalism. The case of Vishaka vs State of Rajasthan is a remarkable example, in which the Supreme Court has established guidelines to prevent sexual harassment in the workplace. This case illustrates how the judiciary interprets the Constitution to face contemporary social issues and protect the rights of individuals.[[7]](#footnote-8)

**III. A Holistic Approach to Rights and Social Equity**

Overall, the philosophy of justice in the Indian Constitution is multifaceted, rooted in the ideals found in preamble and in fundamental rights. Through various cases of reference, the judiciary has shown its commitment in the interpretation of justice in a way that promotes human dignity and social equity. It has been underlined that this understanding of justice reflects the changing dynamics of Indian society and law, highlighting the role of the Constitution as a living document.[[8]](#footnote-9) The Indian judiciary continues to model and reshape the concept of justice, making it relevant in the context of the challenges of modern India. The Indian judiciary plays a crucial role in the interpretation of the Constitution and the formation of the understanding of justice in society. This interpretation is not a mere academic exercise; it directly influences how laws are applied and how justice is perceived by citizens. The judiciary decisions may reflect and redefine the principles of justice, as established in the Constitution. The Supreme Court of India, as the highest judicial authority, usually establishes significant precedents that guide the lower courts and affect people’s daily life.[[9]](#footnote-10)

In the legendary case of Kesavananda Bharati the Supreme Court introduced the “doctrine of the basic structure.”[[10]](#footnote-11) This doctrine states that certain fundamental characteristics of the Constitution cannot be changed or destroyed by amendments. In emphasizing the basic structure, the court reaffirmed the main principles such as justice, freedom, equality and fraternity as essential for the Constitution. This interpretation became a pillar of the Constitutional law in India and reinforces the idea that justice is linked to these fundamental values.

Through the medium of PILs, the judiciary has furthered its cause in the domain of interpretation of the Constitution. In the *Mohini Jain Case* the Supreme Court considered that the right to education is part of the right to life under Article 21 of the Constitution.[[11]](#footnote-12) Through this interpretation, the court expanded the definition of justice in addition to punitive measures to include affirmative rights, thus increasing the understanding of what justice means to the common person in India. Such trials reveal that the judiciary does not operate in isolation; instead, it is actively involved with contemporary social issues and interpretations of justice.

 It has been emphasized that judicial decisions often reflect broader social values ​​and justice debates.[[12]](#footnote-13) The principles established by the courts are a reference to evaluate government laws and actions. For example, in the case Navtej Singh Johar, the Supreme Court decriminalized homosexuality by reading Section 377 of the Indian Penal Code, thus interpreting justice as recognition of the rights of marginalized communities. This case demonstrated how the judiciary can remodel the legal definitions of justice to promote inclusion and equality.[[13]](#footnote-14)

These judicial interpretations not only clarify the law, but also serve as powerful tools for social change. By addressing injustices directly through innovative constitutional interpretations, the judiciary helps to articulate a more equitable view of justice in modern India. The decisions made by the courts resonate with the population, influencing attitudes and expectations about justice and justice in society. As the Indian judiciary continues to interpret the Constitution, it plays an essential role in the evolution of the philosophy of justice, making it a living and dynamic process that adapts to the needs of a changing society.

**IV. The Evolution of notion of Justice in Post-independence India: Historical Context Judicial Interpretations and the Constitutional Vision**

The Constitution of India, adopted in 1950, is rooted in a complex historical context that significantly influences how justice is interpreted today. To understand this impact, it is vital to look at the events that led to the creation of the Constitution and how these events shaped the principles of justice within the legal structure.

The struggle for the independence of the British colonial domain played an important role in the formation of values ​​and principles incorporated into the Constitution. Leaders like Mahatma Gandhi, Jawaharlal Nehru and B.R. Ambedkar had strong beliefs about justice, equality and individual rights. They imagined a society in which all citizens would have equal opportunities and would be treated fairly, regardless of their background. This view was essential in the formation of fundamental rights described in the Constitution, which ensures that justice remains a central principle of governance.

Learning from the colonial past, the Constitution emphasized the need for an independent judiciary that would act as a guardian of individual rights and freedoms. The judiciary thus became a crucial component in the interpretation and application of the values ​​of justice, with striking cases proving this role over time. The Supreme Court interpreted this right not only in a restricted sense, but in a broader context, ensuring that any law affecting the freedom of a citizen should be fair, just and reasonable. This crucial interpretation established the foundations for a more robust understanding of justice, emphasizing the need to protect individual freedoms against arbitrary state action.[[14]](#footnote-15)

In addition, the directive principles of the constitution of state policy (DPSP) play a vital role in the formation of justice in contemporary India. Although not justifiable, these principles guide the state to guarantee socioeconomic justice. Cases like Olga Tellis v. Bombay Municipal Corporation demonstrated how the judiciary can use DPSPs to promote justice by connecting the impact of historical contexts on contemporary legal interpretations.[[15]](#footnote-16)

The Indian Constitution was shaped by various historical cases, which played an important role in the definition of the interpretation of justice in India. In contemporary India, the interpretation of justice continues to evolve, influenced by judgments based on Kesavananda Bharati. The case serves as a point of reference in discussions on the balance between legislative power and constitutional protections. He underlines that an effective judicial system must be anchored in a framework that respects fundamental rights and maintains the ideals of democracy.

**V. Expanding Justice in India: Socio-economic Rights, Equality, and Non-Discrimination**

Access to justice has a different meaning in different societies. The customary idea of "access to justice" as understood is access to courts of law, which has become out of reach of people due to different reasons, for example, abject poverty, social and political backwardness, illiteracy, ignorance, procedural conventions, and the cost. It has been discussed the importance of socio-economic rights in his analysis of justice. He emphasizes that these rights are not only privileges, but are crucial to ensure a decent standard of living for all individuals.[[16]](#footnote-17) In India, the Constitution explicitly mentions some of these rights under the directive principles of state policy. For example, Article 39 directs the State to ensure that citizens have adequate means of subsistence and equal pay for equal work. These principles establish the foundations for a broader understanding of justice that goes beyond legal rights.

The judiciary played a significant role in the interpretation and application of socioeconomic rights in India. In cases like *Olga Tellis v. Bombay Municipal Corporation,* the Supreme Court recognized the right to subsistence as part of the right to life under the terms of Article 21 of the.[[17]](#footnote-18) This striking decision has marked a change in the way justice is interpreted, stating that a person's right to live should include the ability to make a living and provide for himself and his family. This interpretation expands the traditional understanding of justice, highlighting the link between economic stability and personal dignity. Another case-have that illustrates this evolution is *Unnikrishnan v. State Of Andhra Pradesh.* In this matter, the Supreme Court considered that the right to education is a fundamental right. By framing education as a need to access other rights, the court further extends the concept of justice. Indicates that without education, individuals cannot effectively participate in society or exercise their legal rights. This case emphasizes the idea that justice is interconnected with socioeconomic factors and providing access to education is essential to achieve a fair society.[[18]](#footnote-19)

 The role of the judiciary in the expansion of the concept of justice through its interpretation of socioeconomic rights shows a progressive change in the way rights are seen in India. Instead of focusing only on legal justice, the Indian Constitution recognizes that true justice covers economic and social dimensions. By ensuring that all citizens can access basic needs, such as food, education and health, the Indian judiciary aligns with a broader global understanding of justice, as described in various international agreements and statements.

Another important case is *Indra Sawhney v. Union of India,* also known as the case of the Mandal Commission.[[19]](#footnote-20) In this case, the Supreme Court confirmed the booking of jobs for the socially and educationally backward class. This judgment has recognized that affirmative action, although appearing to create inequalities, is a necessary measure to face historical injustices and promote equality. The Court stressed that true equality may require preferential treatment in some cases to level the playing field for marginalized groups, reflecting a progressive understanding of justice.

In addition, the *Navtej Singh Johar v. Union of India* represents critical progress in the interpretation of non-discrimination. The Supreme Court decriminalized consensual relationships of the same sex by lowering section 377 of the Indian penal code, which had been used to discriminate LGBTQ+ individuals.[[20]](#footnote-21) The judgment highlighted the need to support the dignity and autonomy of each individual, strengthening the principle that non -discrimination is vital for a right society. In this context, legal scholar Gautam Bhatia maintains that the recognition of different identities and the dispensation of justice should be aligned with the fundamental principles of equality sanctioned in the Constitution.[[21]](#footnote-22)

In addition, in the *National Legal Services Authority case (NALSA)* the Supreme Court recognized transgender people as a third kind, affirming their right to self-identify and enjoy the same rights as other citizens.[[22]](#footnote-23) This judgment was a significant step towards inclusion and reflected the understanding that justice must understand all types of gender. He stressed that equality and non -discrimination are integral not only in the law but also in the social fabric of India.

In addition, the 2017 case of *Shayara Bano v. Union of India* has challenged the practice of the Talaq instantaneous Talaq.[[23]](#footnote-24) The Supreme Court has established that this practice has violated constitutional law to equality and non-discrimination for Muslim women. The judgment was celebrated for strengthening the principle according to which personal laws should not be at the expense of fundamental rights, thus expanding the scope of justice in a pluralistic society.

Through these historical judgments, the Indian judiciary has shown its commitment in the interpretation of justice as a reflection of equality and non-discrimination. The continuous evolution of legal interpretations in the context of these principles shows that justice is not only a legal concept but also a social mandate that tries to eradicate inequality and support dignity for all individuals in contemporary India. The “right to freedom of expression is one of the most essential rights recognized by the Indian Constitution. Article 19 (1) (a) guarantees this right, allowing people to express their thoughts and opinions without fear.” However, the exercise of this right often leads to a complex interaction between freedom of expression and social norms. The Indian Judicial plays a crucial role in the balance of these two aspects, interpreting freedom of expression not only as a fundamental right, but also as part of a broader understanding of justice within society.

A significant case that illustrates this tension is the ruling of the 2015 Supreme Court in *Shreya Singhal v. Union of India.*[[24]](#footnote-25) In this case, the Court annulled “section 66A of the Information Technology Law, 2000”, which penalized users for sending offensive messages through the communication service. The court argued that the law was unconstitutional, since it imposed unreasonable restrictions on the right to freedom of expression. The trial emphasized the importance of freedom of expression in a democracy, noting that open discourse is vital to the vibrant health of society. This case demonstrates how the Judiciary actively safeguards freedom of expression against government overreach, while recognizing that certain limitations are necessary to defend morality and public decency.

However, the act of balance between freedom of expression and social norms is not easy. In another case, the Supreme Court confirmed a law that prohibited certain types of speech, illustrating a more restrictive interpretation.[[25]](#footnote-26) The Court ruled that the State could impose limits on freedom of expression when such speech could lead to public disorder. This case reveals the role of the Judiciary in the justification of the limitations in freedom of expression when conflicting with public order, although it also raises concerns about where to draw the line between protecting society and quelling dissent.

Another relevant case is the 2012 judgment in the *Indira Gandhi v. Raj Narain*, where the Supreme Court reiterated that the right to freedom of expression cannot be stopped simply because it offends social norms.[[26]](#footnote-27) The court declared that freedom of expression is essential for democracy, and any limitation must be carefully analyzed to ensure that it does not suppress legitimate expression. This willingness to rigorously examine the reasons for restricting the discourse indicates the commitment of the Judiciary to defend the constitutional right, even when facing challenges rooted in the public feeling.

**VI. Public Interest Litigation (PIL) and Access to Justice**

The concept of individual rights versus collective-good is also evident in the 2020 ruling on the Citizenship amendment act, 2020. The law aimed to grant citizens to non -Muslim refugees in neighboring countries, which led protests throughout the country. The Supreme Court is reviewing the act and the matter is still pending, and its next decision will reflect how the Judiciary balances the national security concerns against the rights of persons who could be affected by law. These cases highlight the continuous tension between protecting the rights of Specific groups and address the fears of the largest population with respect to immigration and demographic changes.

Loughlin analyzes the philosophy of justice and raises questions about how laws must be interpreted in a way that avoids the tyranny of the majority. This is particularly relevant in the Indian context, where various religious, cultural and ethnic identities coexist. The role of the Judiciary in decision-making that sometimes favour individual rights over collective practices reflects the understanding that justice must also be equitable and inclusive. How the Judicial Power interprets the Constitution in such cases plays a fundamental role in the configuration of the perceptions of justice in contemporary India.

 Khaitan plunges into the effectiveness of the Public Interest Litigation in the fight against systemic inequalities within Indian society. He underlines the case of the Peoples Union for Civil Liberties v. Union of India, where the Supreme Court held that the “right to food was part of the right to life under article 21 of the Constitution.”[[27]](#footnote-28) This decision emerged from a PIL which highlighted the fate of millions of people in the face of hunger and malnutrition. He forced the government to implement a public distribution system to ensure food security. Thanks to such decisions, the judiciary has played a proactive role in safeguarding the rights of vulnerable populations, ensuring that their basic needs are met.

The principles underlying the PIL also reflect the broader philosophy of justice, as envisaged in the Indian Constitution. The Constitution highlights not only legal law but also social, economic and political justice. Examining how the judiciary engages with the DPSP to promote social justice and well-being. The courts have often referred to these principles when they make decisions related to the rights of marginalized communities.[[28]](#footnote-29) It has also been extended by Abeyratne, this argument by highlighting the responsibility of the judiciary to ensure that the State implements policies that align with the DPSP. In the historic case of Olga Tellis v. Bombay Municipal Corporation, the Supreme Court ruled in favor of the inhabitants of the slum who were expelled without appropriate rehabilitation.[[29]](#footnote-30) The court has recognized the right to subsistence as an essential aspect of the right to life and stressed the need for policies that reflect the objectives of the DPSP. This decision illustrates how the judiciary can apply principles that support human dignity and justice, transforming ambitious objectives into founded realities.

The judiciary has also adopted a transformative approach in the interpretation of the DPSP when it deals with cases surrounding health, education and social well-being. For example, in the *Vishaka v. State of Rajasthan,* the Supreme Court has established guidelines to prevent sexual harassment in the workplace, effectively strengthening the right to work in a safe environment.[[30]](#footnote-31) This decision has recognized the importance of dignity and respect inherent in each individual, aligning the moral imperatives of the DPSP.

In addition, in the *Maneka Gandhi v. Union of India*, the Supreme Court stressed that the interpretation of “Article 21 should also consider Article 39, which obliges the State to obtain adequate livelihoods.”[[31]](#footnote-32) The decision underlined the interdependence of the various constitutional provisions and how they work collectively in the accomplishment of justice. The will of the judiciary to interpret these principles expands expansively its commitment to achieving substantial justice rather than a simple procedural equity.

In short, the balance between judicial activism and judicial restriction in India is dynamic. The judiciary’s willingness to engage in activism has led to significant advances in human rights and the protection of marginalized groups. However, it remains a respectful recognition of the need for restriction, especially when it respects the principles of democracy and the roles of other government agencies. This continuous dialogue between activism and restriction shapes the philosophy of justice in contemporary India, making the judiciary a crucial actor in the search for a just society. The Indian Constitution is a living document, which means that it can be modified or modified to reflect the needs of the country it serves. The constitutional amendments play a crucial role in modeling the picture of justice in India. The process of these amendments has aroused an intense debate between legal scholars and professionals.

**VII. Evolution of Justice in India: Constitutional Amendments and Socio-Political Influence**

Roznai discusses the concept of “rooted provisions”, which are some rights that cannot be easily changed.[[32]](#footnote-33) The doctrine of the basic structure of the Constitution, established in the case of *Kesavananda Bharati in 1973*, refers to this idea. The Supreme Court stressed that while Parliament has the power to change the Constitution, it cannot alter the basic characteristics that support democracy and fundamental rights. This doctrine acts as a guardrail against arbitrary changes that could undermine justice, thus ensuring that principles such as equality, freedom and fraternity remain at the center of Indian governance.

The ability of the Supreme Court to break down the amendments that challenge the basic structure maintains control over parliamentary power. This dynamic is essential to understanding how justice evolves in the constitutional framework. The judiciary, interpreting these amendments, not only acts as a protector of rights but also determines the scope of justice in various contexts. When one studies the concept of justice in different democracies, one can see various interpretations and applications that can offer valuable information to India. In their work, Hirschl and Gluck provide a comparative lens to understand how different nations address their constitutional structures, shedding light on their justice philosophies and how these philosophies can inform the Indian context.[[33]](#footnote-34) Hirschl argues that many democracies have moved more and more toward a more judicialized form of governance. This means that the courts play a significant role in the interpretation of laws and the guarantee of justice. For example, in countries such as Canada and South Africa, courts have emerged as proactive rights advocates, often intervening when legislative bodies seem to neglect the principles that are consecrated in their Constitutions.

In addition, Hirschl and Gluck illustrate that justice is not only about the application of existing laws, but also involves a continuous and dynamic process of interpretation influenced by social values. In this sense, the disposition of the Indian judiciary to interpret its constitution in the light of changes in social norms reflects a comparative understanding of Constitutional law. The concept of “social justice” enshrined in the Constitution of India corresponds to the global movements of civil rights, adopting clues of other democracies while responding to their unique contexts.

Thus, the ideas of comparative constitutional law bring up a shared mission between democratic systems: the pursuit of justice through the continuous evolution of legal interpretations. By examining international precedents, the Indian judiciary can learn from the successes and challenges faced by other democracies, promoting a deeper and more distinctive understanding of justice in contemporary India. The discourse on constitutionalism in India is increasingly complex, reflecting the tension between the original intent of the Constitution and its evolving interpretation by the judiciary. This complexity often leads to debates on how justice is perceived and implemented in the framework of Indian constitutional law. Emerging key elements of the constitutional interpretation are both from the text of the Constitution and by the principles established in several cases of reference.

A significant aspect of constitutionalism is the balance between authority and individual rights. The Indian Constitution is built based on justice, freedom, equality, and fraternity. However, as pointed out by Loughlin, the nature of constitutionalism is often contested, leading to different opinions on how legal principles should be applied. Some scholars support a text interpretation that respects the original meaning of the constitutional clauses.[[34]](#footnote-35) Others support a more dynamic interpretation that considers contemporary values ​​and social needs. This divergence in thought is prevalent in judicial decisions taken by the courts throughout India.

These debates are evident in key cases such as *Maneka Gandhi v. Union of India* and *Kesavananda Bharati v. State of Kerala.* In *Maneka Gandhi,* the Supreme Court has expanded the interpretation of the right to life and personal freedom, underlining that any law that affects these rights should not only be right, but must also join the principles of natural justice. This shift reflects a wider understanding of justice as not only the absence of oppression but as the promotion of individual dignity and freedom.

In the *case of Kesavananda Bharati*, the judiciary has established the “doctrine of the basic structure”, stating that some fundamental characteristics of the Constitution cannot be changed by the amendments. This principle acts as a safeguard for justice and democracy, ensuring that the Constitution remains a living document that protects individual rights from potential legislative overcoming. Loughlin’s analysis highlights how this evolutionary perspective on constitutional interpretation helps the judiciary to navigate contemporary issues, filling the gap between historical legal paintings and the realities of modern society. The critics of the approach of the judiciary claim that an expansive interpretation can lead to judicial activism, in which the judges exceed their role by making decisions that should be left to the legislator. This criticism aligns with Loughlin’s observations, which suggest that while the judicial interpretation is essential, it must be balanced with respect to democratic processes. This ongoing dialogue between judicial activism and moderation models the way justice is pursued in the Indian context.

In light of these discussions, the examination of constitutionalism in India requires an understanding of the philosophical basis of justice as divided into the Constitution. Each interpretative choice made by the judiciary significantly influences not only the legal scene, but also the wider social values ​​relating to justice in contemporary India. The discourse is in progress; the judiciary remains a critical factor in the interpretation and redefining the constitutional principles to better reflect the changing needs of society. The Indian judiciary does not work in the void; it is strongly influenced by the socio-political context of the time. The values ​​and needs of the company can directly model the way the laws are interpreted and applied. In a study, Brinks and Blass highlight that judicial decisions often reflect the pressure and realities of contemporary society. The Indian Constitution emphasizes justice, freedom, equality and fraternity, but the way in which these principles are issued in court is influenced by ongoing social issues and political climate.

Another critical area examined by Brinks & Blass is the influence of public opinion on judicial activism.[[35]](#footnote-36) When significant parts of the company support marginalized groups, the judiciary sometimes reinterprets the laws to align with these evolving social values. The decriminalization of homosexuality through the *Navtej Singh Johar case* in 2018 illustrates this dynamic. The Court’s decision not only recognized the LGBTQ+ rights, reflecting a changing social attitude, but also underlined the role of the judiciary in making justice advance through interpersonal dignity and equality.

The principle of “judicial review” indicates that the judiciary has the power to review the government’s laws and actions. This power is vital, as it means that courts can invalidate the laws that are unconstitutional or unjust. However, the way this power is exercised can be influenced by socio-political contexts. For example, the judiciary can be more cautious in risking laws during politically sensitive periods, reflecting the desire to avoid conflicts with legislative or executive branches.

The Indian Constitution presents a dynamic framework for justice that evolves with the changing needs of society. The Constitution, together with its guiding principles, emphasizes equality, freedom and social justice. The Judiciary plays a crucial role in the interpretation of these principles and adapting them to address contemporary problems. According to Versteeg and Zackin, the Constitutions do not exist in a vacuum; they must respond to the social and political realities of the times.[[36]](#footnote-37) This adaptability is important to maintain the relevance of justice in society. Another notable example is the Navtej Singh Johar case, where the Supreme Court decriminalized the consensual relations of the same sex by eliminating section 377 of the Indian Penal Code. The court argued that the criminalization of homosexuality violated the fundamental right to equality and dignity. This fundamental decision not only advanced LGBTQ+ rights, but also demonstrated how the Judiciary adapts justice to align with changing social attitudes. It reflects an evolving understanding of individual rights and emphasizes that justice must deal with contemporary moral and social challenges.

The Judiciary also covers the philosophy of restorative justice, promoting improvement and reconciliation about mere punishment. In the case of *Vishaka v. State of Rajasthan,* the Supreme Court addressed the issue of sexual harassment in the workplace and established guidelines to guarantee a safe work environment for women. This approach changed the approach to punitive measures to protect the rights and dignity of women, which demonstrates the commitment of the Court to shape justice in a way that reflects social progress towards gender equality.

Versteeg and Zackin have argued that the concept of justice is not static; It is continuously made up of social transformations and the historical context in which it exists. The Indian Judiciary embodies this belief by getting involved with several social movements and adapting legal frameworks to meet emerging demands. As social norms change, so does the interpretation of justice within the Indian constitutional framework. Ultimately, the role of the Judiciary in this evolution is not only an interpreter of the laws but also as a proactive force that can promote progress in legal and social systems. This illustrates the commitment of the Indian legal system to defend the spirit of justice, ensuring that it remains relevant and receptive to the needs of its people. While we look at the future of the interpretation of justice in India, it becomes clear that the relationship between the Indian Constitution and its judiciary will continue to evolve. This evolution is modeled by various challenges and trends that reflect the changing needs and aspirations of the nation. Fisher and Sen have highlighted important issues that are relevant while we consider what awaits us in the search for justice in India.[[37]](#footnote-38)

**VIII. Conclusion**

The role of the judiciary in the interpretation of constitutional principles, such as equality, freedom, and fraternity, will be vital when society faces issues such as communism, social inequality, and economic disparities. Judicial decisions that resonate with the values ​​of the Constitution can help to encourage social harmony and improve the rule of law. A significant trend is the growing dependence on public interest litigation. This legal mechanism allows ordinary citizens to present cases for the benefit of the public, in particular on issues concerning marginalized communities. Over time, PIL has shown that it is a powerful tool capable of dealing with social injustices, environmental concerns, and human rights violations. However, although it has opened the doors for greater access to justice, there are also concerns about improper use, especially when the cases are frivolous or for personal profit. The ability of the judiciary to manage this tendency will be crucial in determining the integrity of the judicial system. Another important challenge is the backlog of cases in the Indian courts. With millions of outstanding cases, the judiciary struggles to provide timely justice. This backlog creates frustration among citizens who seek legal recourse. Various solutions have been proposed, including the establishment of fast-tracked courts and alternative dispute resolution mechanisms to resolve disputes. The effectiveness of these solutions will play a role in modeling the trust of the public in the judicial system and its ability to support justice as required in the Constitution.

Technological progress also presents opportunities and challenges for the administration of justice. The integration of technology in the judicial process can lead to a more efficient management of cases and better access to justice. Online video conferencing and digital storage of court proceedings have already started changing the functioning of the courts. However, concerns remain for the digital gap, since not all citizens have equal access to technology. Efforts must be made to ensure that progress does not inadvertently create further obstacles to justice for the disadvantaged.

Furthermore, the role of the judiciary in the interpretation of constitutional principles, such as equality, freedom, and fraternity, will be vital when society faces issues such as poverty, social inequality, and economic disparities. Judicial decisions that resonate with the values ​​of the Constitution can help to encourage social harmony and improve the rule of law. The reference-to-reference cases, such as *Navtej Singh Johar v. Union of India,* which decriminalized homosexuality, illustrate how the judiciary can affirm rights and promote inclusiveness.

Furthermore, the influence of political and social movements cannot be ignored. As most citizens become vocal on their rights and requests, the pressure on the judiciary to respond to these changing dynamics will increase. The judiciary must carefully navigate these pressures to maintain its independence while remaining tuned to the needs of the company.

Fisher and Sen have also underlined the importance of philosophical discourse in understanding justice.[[38]](#footnote-39) The evolution interpretation of justice will be modeled by debates relating to equity, social justice, and equality. The way these debates take place in public and political spaces will have an impact on judicial initiatives and reform efforts.

Overall, as India advances, the challenges and trends in the interpretation of justice will require an effort concerted by all the interested parties involved in the legal and Constitutional ecosystem. The resilience of the judiciary, the dynamic nature of the Constitution, and the active commitment of citizens will all contribute to modeling the future of justice in India.

1. \* **Sr. Assistant Professor, The Law School, University of Jammu** [↑](#footnote-ref-2)
2. A. K. Thiruvengadam, *The Constitution of India: A contextual analysis* (Bloomsbury Publishing, 2017). [↑](#footnote-ref-3)
3. B. K. Sharma, *Introduction to the Constitution of India* (PHI Learning Pvt. Ltd., 2022). [↑](#footnote-ref-4)
4. *Maneka Gandhi v. Union of India*, (1978) 1 SCC 248. [↑](#footnote-ref-5)
5. *State of Kerala v. N.M. Thomas,* 1975 INSC 224. [↑](#footnote-ref-6)
6. Supra at 3. [↑](#footnote-ref-7)
7. *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241. [↑](#footnote-ref-8)
8. Ibid. [↑](#footnote-ref-9)
9. Richart Boldt & Dan Friedman, “Constitutional Incorporation: A Consideration of the Judicial Function in State and Federal Constitutional Interpretation” 76, 309 *Md. L. Rev*. (2016). [↑](#footnote-ref-10)
10. Ibid. [↑](#footnote-ref-11)
11. *Mohini Jain v. State of Karnataka*, (1992) 3 SCC 666. [↑](#footnote-ref-12)
12. Supra at 9. [↑](#footnote-ref-13)
13. *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1. [↑](#footnote-ref-14)
14. Supra at 3. [↑](#footnote-ref-15)
15. *Olga Tellis v. Bombay Municipal Corporation*, (1985) 3 SCC 545. [↑](#footnote-ref-16)
16. R. Abeyratne, “Socioeconomic rights in the Indian constitution: toward a broader conception of legitimacy.” 1 *Brook. J. Int'l L*. 39 (2014). [↑](#footnote-ref-17)
17. *Olga Tellis v. Bombay Municipal Corporation*, (1985) 3 SCC 545. [↑](#footnote-ref-18)
18. *Unnikrishnan J.P. v. State of Andhra Pradesh*, (1993) 1 SCC 645. [↑](#footnote-ref-19)
19. *Indra Sawhney v. Union of India*, (1992) 6 SCC 217. [↑](#footnote-ref-20)
20. *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1. [↑](#footnote-ref-21)
21. Guatam Bhatia, *Offend, shock, or disturb: Free speech under the Indian Constitution* (Oxford University Press, 2016). [↑](#footnote-ref-22)
22. *NALSA v. Union of India*, (2014) 5 SCC 438. [↑](#footnote-ref-23)
23. *Shayara Bano v. Union of India*, (2017) 9 SCC 1. [↑](#footnote-ref-24)
24. *Shreya Singhal v. Union of India*, (2015) 5 SCC 1. [↑](#footnote-ref-25)
25. *Ramji Lal Modi v. State of Uttar* *Pradesh*, (1957) SCR 860. [↑](#footnote-ref-26)
26. *Indra Gandhi v. Raj Narain*, (1975) 2 SCC 159. [↑](#footnote-ref-27)
27. *Peoples Union for Civil Liberties v. Union of India*, (2003) 2 SCC 33. [↑](#footnote-ref-28)
28. T. Khaitan, “Constitutional Directives: Morally‐Committed Political Constitutionalism” 82(4) *The Modern Law Review* 603-632 (2019). [↑](#footnote-ref-29)
29. *Olga Tellis v. Bombay Municipal Corporation*, (1985) 3 SCC 545. [↑](#footnote-ref-30)
30. Supra at 32. [↑](#footnote-ref-31)
31. Supra at 3. [↑](#footnote-ref-32)
32. Y. Roznai, *Unconstitutional constitutional amendments: a study of the nature and limits of constitutional amendment powers* (2014) (Doctoral dissertation, London School of Economics and Political Science). [↑](#footnote-ref-33)
33. Ran Hirschl, *Comparative matters: the renaissance of comparative constitutional law* (OUP Oxford, 2014). [↑](#footnote-ref-34)
34. Martin Loughlin, *Against constitutionalism* (Harvard University Press, 2022). [↑](#footnote-ref-35)
35. Danial.M. Brinks & Abby Blass, *The DNA of constitutional justice in Latin America: Politics, governance, and judicial design* (Cambridge University Press, 2018). [↑](#footnote-ref-36)
36. Mila Versteeg, & Emliy Zackin, “Constitutions unentrenched: toward an alternative theory of constitutional design” 110(4) *American Political Science Review* 657-674 (2016). [↑](#footnote-ref-37)
37. Louis Fisher, *Constitutional dialogues: interpretation as political process* (Princeton University Press, 2014). [↑](#footnote-ref-38)
38. Ronojoy Sen, *Articles of faith: religion, secularism, and the Indian Supreme Court* (Oxford University Press, 2018). [↑](#footnote-ref-39)