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Philosophical and Social Dimensions of Welfare State in Constitution of India

Abstract : The Preamble contains the fundamental of constitution. It is the Preamble wherefrom the Constitution commences and it consists philosophy of constitution. It describes the overall goal of the Constitution. The Constitution is given direction and purpose by the Preamble, but no authority is granted. "We, the people of India, have solemnly resolved to constitute India into a Sovereign, Socialist, Secular, Democratic, and Republic and to secure to all its citizens: Judicial, social, economic, and political justice; liberty of thought, expression, belief, faith, and worship; equality of status and opportunity; and to promote among them all fraternity assuring the dignity of the individual and the unity and integrity of the Nation," the Constitution's preamble stated. It establishes the fundamental form of governance and politics that the nation hopes to develop. The Preamble may specify the parameters of the Directive Principles of State Policy and fundamental rights.

In a welfare state, the people's social and economic well-being is safeguarded and promoted by the government or an established network of social organizations. Its cornerstones are equal opportunity, equitable economic distribution, and public accountability for those who cannot afford the requirements of a good life. organization may be referred to by the broad phrase. Housing, healthcare, and basic education are often provided by the government as part of the welfare state. It establishes certain economic and social policies that India's federal and state governments must follow. The Constitution's definition of "socialism" is to establish a socialist state in India that ensures socioeconomic justice for its citizens by implementing the Directive Principle of state policy and the Fundamental Rights.

Key words : Philosophy of Constitution of India, social

dimension, Welfare State.

Introduction : Welfare state and the Constitution: Constitution is fundamental law as it prescribes certain decisive principles, political rules to ensure the exercise of powers by the state. It is ultimate source of law and from it all the rights emanate. A method known as the extraordinary procedure of amendment allows for the modification or replacement of fundamental legislation included in constitutions. It represents a nation state's concept and ideology. Additionally, there are particular laws that often concentrate on the rights of the people, including those pertaining to speech, language, religion, assembly, the press, property, and so on. Welfare State which has assumed public responsibilities for the provision of basic economic and social necessities of its citizen. It seeks to minimize the concentration of economic Power in a few hands on the assumption that glaring disparities in wealth tend to distort the process of democracy. Preamble, directive principle of state policy fundamental rights provisions regarding social justice for the weaker section carried this concept. Social welfare programs meant for disadvantage class for improvement of their life condition have been provided but goals of these programs and policies are not achieved in desired manner. As they are not properly implemented due to inadequate fund, lack of human resources and technical advancement, professional knowledge, education of people, communication. Lots of lacunae exists in preparation of blueprint and its application. If it applies it reaches to few people of creamy layer from the disadvantage section.

Philosophy of Constitution of India : The Preamble expresses the Constitution's fundamental goal of establishing an equitable, equitable, and harmonious society. The fundamental framework of our constitution is included in the goals outlined in the preamble. The Constitution includes the Preamble. It draws attention to the fundamental ideas and tenets of the Indian constitution. It is thought of as the constitution's soul.

The Indian Constitution's Preamble is frequently regarded as its essence. It outlines the fundamental principles and goals that the Constitution aims to accomplish: Political, social, and economic justice. Freedom of speech, freedom of religion, freedom of faith, freedom of worship, equality of opportunity and status, and fraternity (preserving national unity and human dignity).

Political, social, and economic justice are covered in the Preamble. Justice is more than simply its narrow legal definition. Crucially, the words "economic" and "social" precede "political." The collective goals constitution of India had planned to achieve were social, economic, political and cultural. The societal objectives were freedom, justice, and equality. Among the economic objectives is distributive fairness. Establishing a political system in which the legislative is in charge of the executive branch, decentralizing political authority, and including an increasing number of people in decision-making are the political objectives. The shift from the religious to the secular philosophy was our cultural objective.

Discrimination based on religion, sex, ethnicity, caste, or place of birth must end in order to achieve social fairness. In order to achieve this Equal access to public posts must be granted to all citizens. The goal that the government must pursue is the welfare of all people. Guidelines for guaranteeing the social fairness anticipated in The preamble is part of the Directive Principles' notion of a welfare state. In order for there to be economic justice, exploitation must end and the wealth disparity must be closed. More equitable distribution of national resources and income among contributors to its growth is the aim of alleviating poverty, not to take away assets from those who already have them. In order to promote the general welfare, lessen wealth concentration, and The Directive Principles call on the state to provide equal compensation for

equal labor and to ensure that individuals, particularly women and children, are not mistreated in order to gain ownership and control over resources or forced by economic want into work unsuitable for their age or strength.

It is implied by political justice that every citizen should have an equal chance to engage in the political process. Regardless of caste, sex, or religion, as well as any educational or professional background, one person, one vote is guaranteed. It serves as the cornerstone of the democratic democracy that the Constitution envisions.

Preamble : The Preamble represents the idea of the Indian Constitution. According to the 42nd Amendment of the Constitution, the people of India have established a sovereign, democratic, socialist, and secular republic, and to therefore provide liberty, equality, and fraternity for its citizens, as well as social, economic, and political justice. It should be noted that the idea of justice was intentionally given precedence over liberty, equality, and fraternity, as well as over social and economic justice over political justice. The arrangement of the phrases suggests that social and economic fairness was perhaps the most important principle of the Indian Constitution.

In Pt. Thakur Dass Bhargawa's words the most valuable section of the constitution is the Preamble, which serves as both its essence and its key. It is essential for enlarging the minds of those who drafted the constitution. The constitution contains a gem. It is an excellent text in fact, it is flawless. It serves as a suitable yardstick for evaluating the constitution's value. The four main goals listed in the Preamble are to be "secured by the state for all its citizens."

(1) **Justice:** India seeks to provide its citizens with social, economic, and political justice. (i) The prohibition of discriminating against anybody based on caste, creed, color, religion, sex, or place of origin, as well as the lack of socially favored classes are examples of social justice. India is committed to ridding society of all types of exploitation. (ii) **Economic Justice:** This refers to the absence of discrimination against individuals based on their financial situation, income, or wealth. It represents decentralization of economic resources, economic equality, the elimination of monopolistic control over production and distribution methods, fair wealth distribution, and the guarantee of sufficient chances for everyone to make a living. (iii) **Political Justice:** This refers to giving everyone an equal, free, and fair chance to take part in the political process. It advocates for granting everyone, without exception, equal political rights. Every individual has the freedom and right to engage in a liberal democracy, as stipulated by the Indian Constitution.

(2) **Liberty:** According to the Preamble, securing liberty is the second cardinal goal. The purpose of freedom of religion and worship is to bolster secularism. It encompasses freedom of thinking, speech, faith, and worship.

(3) **Equality:** According to the Preamble, equality is the Constitution's third goal. Equality entails two fundamental concepts. (i) The inalienable equality of all individuals as free, equal Indian citizens who get the same treatment under the law is known as equality of status. (ii) Equality of opportunity, or sufficient chances for everyone to grow. The basic right to equality is granted and guaranteed by the Indian Constitution in order to ensure equality of position and opportunity.

(4) **Promotion of Fraternity:** The fourth goal is to Encourage everyone to be fraternal. The instillation of a strong sense of spiritual and psychological oneness among individuals is known as fraternity. It is intended to protect national unity and integrity as well as individual dignity.

Fundamental rights : According to the Constitution, every person has certain fundamental rights. Section III of In six major categories—Right to Equality, Right to Freedom, Right Against Exploitation, Right to Freedom of Religion, Right to Cultural and Educational Rights,

and Right to Constitutional Remedies—the Constitution protects a number of basic rights. It is designed to secure this objective. According to the Constitution, every person has certain fundamental rights. Laws that restrict or eliminate rights cannot be passed by the state. provided by this section, and any such laws shall be void to the degree of the infraction. A legislation is null and invalid if it infringes against any of the fundamental rights. Constitution of India permits the state to use categorization of persons to restrict the fundamental rights of equality and freedom. The Constitution has given the Supreme Court the authority to provide remedies alongside the High Courts in order to guarantee that basic rights are appropriately safeguarded.

Directive Principles of State Policy : The Constitution of India provided implementation Directive Principle of State Policy for economic upliftment and elimination of inequalities in employment. These directives are the guidance of both the executive and legislature in applying these Principles in making law, rules and regulation. These directions have been employed as guidelines for statutory and constitutional interpretation. However, if the State is unable to take any proactive steps to advance the Directive Principle of State Policy, these are not legally binding.

The Directive Principles of State Policy and Fundamental Rights do not inherently clash with one another, and both are equally important in advancing the goals and purposes of the Constitution. Laws that restrict or eliminate the rights granted by this provision cannot be passed by the state. and any such laws shall be void to the degree of the infraction. A legislation is null and invalid if it infringes against any of the fundamental rights. They are complimentary to one another and supplemental. The Directive Principles must be taken into consideration while interpreting fundamental rights.

From the viewpoint of social policy, the entire Directive Principles of State Policy, Part IV, include direct and total significance. However, the claim that the Directives are towards building a truly Welfare State has to be dismissed as unrealistic.

The following clauses are among Part IV of the Constitution contains the Directive Principles of State Policy: In particular, the State will concentrate its policy on guaranteeing that: every citizen, male and female, has the right to a decent quality of life; the material resources of the community resources are owned and controlled in a way that best serves the common good; the economic system does not lead to the concentration of wealth and production means to the detriment of all; and (d) For equal labor, men and women get paid equally. that children are given the resources and opportunities to develop in a healthy way, in a setting of liberty and respect; that childhood and youth are protected from exploitation and material and moral abandonment; that workers, men, and women's health and strength, as well as the young age of children, are not mistreated; and that people are not compelled by financial need to pursue occupations that are inappropriate for their age or physical capabilities. Equal justice and free legal help. arrangements for the free and required education of children. equality with the law. ban against discrimination based on birthplace, caste, sex, religion, or ethnicity. Maternity leave and fair and compassionate working conditions are provided. Some Directive Principles of State Policy are included in the Constitution. Free legal assistance and equal justice, organization of panchayats in villages, rights to employment, education, and, in some situations, governmental support maternity leave and fair and compassionate working conditions, wages, etc., for employees, Employee involvement in industry management, citizens' uniform civic code, provision for children's obligatory and free education, promoting the economic and educational interests of Scheduled Tribes, Scheduled Castes, and other marginalized groups, The state's responsibility to improve public health, raise living standards, and improve nutrition, organize

agriculture and animal husbandry, preserve and improve the environment, protect forests and wildlife, preserve landmarks, locations, and objects of national significance, separation of the executive and judicial branches, Promoting global peace and security, which are seen essential to governance, is essentially the nature of directives given to upcoming legislatures and executive branches for their direction in establishing an equal social order. Prohibition of forced labor and human trafficking. prohibiting youngsters from working in industries, etc. protection in the event of an offense conviction. preservation of individual freedom and life. protection in some situations against arrest and incarceration. Tax payment freedom for the advancement of any certain religion. In certain educational institutions, there is freedom to attend religious instruction or worship. safeguarding minority' interests Minorities are entitled to establish and manage educational establishments. To promote the wellbeing of the populace, the state must provide a social order. State Policy Directive Principles are not justiciable in the case state do not take steps to implement them.

Special provisions for certain classes : A provision of the constitution Freedom to practice and spread religion, freedom to oversee religious matters, freedom of conscience and occupation, and untouchability are all outlawed. Supporting Scheduled Tribes, Scheduled Castes, and other underprivileged groups' economic and educational objectives. Seat reservations are made in the panchayats. Section X: Tribal and Scheduled Areas management of Tribal and Scheduled Areas. Establishment of a council of ministers, local legislature, or both as well as the construction of an independent state that includes some Assamese tribal territories. Special Provisions Concerning Specific Classes in Part XVI Seats in the House of People are reserved for the Scheduled Castes and Tribes. Representation of the Anglo-Indian community in the House of People. Reservation of seats for Scheduled Castes and Scheduled Tribes in the Legislative Assemblies of the States. Representation of the Anglo-Indian community in the Legislative Assemblies of the States. After sixty years, seat reservations and special representation will end. Scheduled Tribes and Scheduled Castes have claims to positions and services. Anglo-Indian communities are given special treatment in several services. Special arrangements regarding funding for education are created for the benefit of the Anglo-Indian population. The Commission on National Scheduled Castes. The Commission on National Scheduled Tribes. Union authority over Scheduled Area administration and Scheduled Tribes' welfare. Creation of a panel to examine the conditions of the poor, Scheduled castes, Scheduled tribes.

Welfare State : Welfare State is a state which has assumed public responsibilities for the provision of basic economic and social necessities of its citizen. Society as whole is responsible for the wellbeing of its members. Circumstances of poverty, sickness, old age, unemployment, illiteracy or disablement are not necessarily marks of individual moral failure. It is said that constitution of India is that of a welfare state as large portion of the text of constitution e.g. preamble, guiding principles of state policy, and social justice-related basic rights clauses for the weaker section carried this concept. In a welfare state, the people's social and economic well-being is safeguarded and promoted by the government or a well-established social network. Equal opportunity, fair economic distribution, and public responsibility for those who cannot afford the necessities of a decent life are its pillars. Numerous types of social and economic organization may be referred to by the broad phrase. A welfare state is a "concept of government in which the state plays a key role in the protection and promotion of the economic and social well-being of its citizens. It is based on the principles of equality of opportunity, equitable distribution of wealth, and public responsibility for those unable to avail themselves of the minimal provisions for a good life. The general term may cover a variety of forms of

economic and social organization.”

Philosophical Dimension of welfare state : The idea that India is a sovereign, democratic, republican, socialist, secular, and egalitarian country that ensures equality of opportunity and position as well as social, economic, and political justice and freedom of expression, opinion, religion, faith, and worship is the foundation of our own Constitution.; and the promotion of fraternity among all its citizens while preserving their individual dignity. Concept of welfare has come to dominate social and political thinking. In general, it is used for describing the pursuit of planned social welfare in democratic countries. The welfare state seeks to minimize the concentration of economic power in a few hands on the assumption that glaring disparities in wealth tend to distort the processes of democracy. It undertakes to provide equality of opportunity and burden; to combat monopoly and curtail power; to encourage competition and aid small business; to distribute income equitably; to conserve the natural and human resources; to attain full and useful employment of capital, labour and resources; and to develop social security of an all -inclusive nature The welfare state rejects the possibility of maintaining a free economy under modern conditions without regulations and controls. To understand concept of welfare state it is use full to examine social philosophy of liberalism. As a social and economic theory, liberalism was an uprising against the advantages and limitations of feudalism. It cantered its ideology on the person and highlighted his capacity to think independently and decide what would best serve his interests.

Social Dimension of welfare state : The 42nd Amendment added the word "socialist" to the Preamble. But the word isn't defined in the Constitution. It is important to note that India's idea of socialism does not include the nationalization of all production methods or the elimination of private property. Along with equal opportunity, the elimination of special interests, and the elimination of income, social status, and quality of life differences, the idea of a "mixed economy" was established. However, given the present economic liberalization, one may challenge our state's socialist credentials. This idea represents the desire to guarantee a just allocation of resources and lessen social and economic disparities. Instead, then concentrating on governmental control, socialism in India emphasizes charity programs and efforts to reduce the wealth disparity. These principles, which are based on the Irish Constitution, stand for a dedication to social justice and the obligation of the state to advance the welfare of everyone. They emphasize social and economic equality and offer philosophical guidance for a welfare state, despite the fact that they are not legally binding. It is today considered to be one of the State's best qualities. It illustrates India's commitment to guaranteeing political, social, and economic equity for all of its people. In addition to opposing all forms of exploitation, India is in favor of making sure that wealth, resources, and income are distributed fairly. Peaceful, constitutional, and democratic methods must be used to guarantee this. What is actually meant by the phrase "India is a socialist state" is "India is a democratic socialist state."

Even though the Preamble didn't include the word "secular" until 1976, A country with such a vast population and such a wide variety of cultures and faiths needed a state that was always secular, as the Constitution envisioned. In fact, the nation's unity and fraternity could only be formed on a secular foundation. Despite the lack of a definition in the Constitution, other parts make it clear what the term "secular" actually means. It was not until 1976 that the word "secular" was added to the Preamble, however discrimination on the basis of religion is illegal. Everyone has the right to equality, regardless of their religious beliefs. Everyone has the right to practice their religion, faith, and beliefs as they see fit. Every faith must be treated equally by the state. Additionally, the state protects every region equally and does not favor any one faith as the

official state religion. In order to legally control or eradicate exploitative or harmful acts carried out in the name of religion, state involvement may be required.

However, given the nation's current socio-political climate, even people who should be expected to act responsibly are not beyond taking advantage of religious feelings for their own short-term political gain. An attempt may, therefore have to be made to clearly explain the meaning of secularism and firmly implement existing legislation to prevent the misuse of religion for political ends. It needs to be clarified that 'secularism' does not mean appearing minority interests even if it militates against the guarantee of equality of all religions. The safeguards provided by the Constitution itself in its various Articles are enough to protect minority interest. Extra-constitutional concessions to minorities, especially when some of these are socially retrogressive, merely to ensure to votes of these communities are not in keeping with the concept of a secular state. Exploitation of this kind is bound to damage our social fabric and erode our democratic system.

Social policy principles are the guiding ideas that underpin initiatives in social welfare, education, healthcare, and related fields. For example, one policy could prioritize equality, while another would emphasize freedom or choice. The creation of the welfare state was a product of a broad social democratic ideology-based on the acceptance of a mixed economy and a strong welfare state. Principles of capitalism needs regulation capitalism threatens social stability. Neo-liberal theory in general provides a cogent and consistent explanation of how the world works and ought to work, despite variations in emphasis and approach that reflect the preferences of individual writers. Deviations from the ideal can be swiftly corrected if the old truths are reasserted and the appropriate relationships between the state and its citizens, the government and the economy, the state and its citizens, and the state and civil society are restored.

The Welfare State seeks to minimize the concentration of economic Power in a few hands on the assumption that glaring disparities in wealth tend to distort the process of democracy. To understand the notion of Welfare State it is necessary to examine the social philosophy of liberalism. As a social and economic theory, liberalism was an uprising against the advantages and restrictions of feudalism. Finding the truth and using scientific techniques to describe the world were the roles of reason. Since truth has to be discovered, it became necessary to ensure the free expression of opinions that through the conflict of opinions truth would ultimately emerge. t highlighted his freedom to bargain, his freedom of business, and his ability to trade and engage into contracts. Above all, it assumed that societal advancement was contingent upon private property. Ensuring the peaceful use of property and providing the external circumstances of law and order were the responsibilities of the government. Labour reform, labour legislations, legislations for weaker sections, social defence, women, education medical care and social welfare have been placed on statutes books.

Most of the people in India suffer from poverty and India is to improve economic condition by giving it prime priority. People of India though enjoying political freedom live in economic backwardness. Without the fulfilment of economic and social right civil and political Liberties have no meaning is there any conflict between socio- economic rights and Political Liberties and how these rights should be balanced.

Welfare state in constitution of India : After India gained its independence, the liberal democratic model was used to further the idea of a welfare state, emphasizing the concepts of equality and liberty. "Equal justice on the basis of equal opportunity" is guaranteed under The Indian Constitution, Article 39. The objectives of equality, justice, and liberty are listed in the Constitution's preamble. While civil and political freedom are recognized as essential rights

under the Indian Constitution, other socio-economic rights are not. The objective of economic democracy is outlined in the Directive Principle of State Policy. The Welfare State Theory One of the primary goals is to construct a welfare state. of the Indian Constitution. The Preamble, the Fundamental Rights, the Directive Principles of State Policy, and the provisions safeguarding the rights of Scheduled Castes, Tribes, and the Backward Classes are among the relevant portions of the Constitution. discuss the topic. The ideals and principles embodied in these provisions when translated into reality the emerging social order in the country, it was expected, would be that of a welfare state. The State must guarantee the people's economic rights and social security principles, which include. It is said that constitution of India is that of a welfare state large portion of the constitution's content, including the fundamental rights provisions, the preamble, and the tenets of state policy regarding social justice for the weaker section carried this concept. Welfare State is a state which has assumed public responsibilities for the provision of basic economic and social necessities of its citizen. Society whole is responsible for the wellbeing of its members. Circumstances of poverty, sickness, old age, unemployment, illiteracy or disablement are not necessarily marks of individual moral failure.

Conclusion : A welfare state is defined by how welfare is sought within the framework of democratic political institutions, not by the provision of welfare. It represents the belief in progress and rational social control. Regarding law and order, liberalism is essentially a belief in the idea of authority, or the individual expression of needs and desires, on behalf of the legitimacy of people in positions of power—not simply those in power.

The purpose of social welfare in post-independence India is to guarantee that everyone has access to the financial needs and a respectable level of health and providing education, equal opportunity highest possible degree of self-respect and respect for fellow citizen and freedom of thoughts various steps have been taken by the State for social Welfare through certain provisions of The Constitution of India, Social legislations, Welfare programmes, for women, children, youth, elderly , S.C and S.T., minority, handicapped, and social policies for health , education, programs for rural and urban community development, employment housing, health, RCH care, family welfare, social defense and correctional services etc. . Social welfare programs meant for disadvantage class for improvement of their life condition but goals of these programs and policies are not achieved in desired manner. The causes behind are not proper implementation of these policies and program inadequate fund, lack of human resources and technical advancement, professional knowledge, education of people, communication. Lots of lacunae exists in preparation of blueprint and it application. If it applies it reaches to few people of creamy layer from the disadvantage section. It is evident that social legislation in the post independent period is inspired by practical purpose considered by society. However, there is lack of coordination in preparing blue print for enacting the legislation. The machinery enacted and funds provided are inadequate with the result often it remains on paper only.

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