

Constitution and its Importance to Bring Social Change in India

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Abstract

Social Change is the obvious requirement of the time and its abstract idea evinces change of characteristics of a group of people. The adaptation and enforcement of the Constitution of India was the path breaking event in the Indian socio-political structure. Since then the Constitution of India has travelled a long way through various amendments to adapt the requirements of time. The Constitutional philosophy in India relating to social change derived from the schemes of the preamble, fundamental rights and directive principles of state policy. All these parts explain various factors and freedoms which are the basic requirements of the prospective social changes. With the modernisation of the society, the Constitutional goals as mentioned in the preamble and various rights and sureties under Part III and IV the Constitution are shaping day by day with new outlooks. This new trend to interpret the Constitutional provisions by the Judiciary to bring the required social changes projects the Constitution as an instrument of social change. Thus, this Article primarily enquires about the Constitutional inputs to the social change in India.

Keywords: *Constitution, Social change, Judiciary*

I. Introduction

Society and social conditions never remain static. Social Change is the obvious phenomenon of a society and it is also true for any nation. Any comprehensive study of social change is always a challenging proposition, more so, in the context of the developing systems, owing to its unique situational realities. Further, the impact of social change on a society or a nation cannot be evaluated fully until it is placed within the perspective of the interrelationships of social institutions. Thus, the inter-relationship among the basic social institutions like family, political and economic organizations, social instruments constitute a characteristic pattern for a specific society.² Any change taking place in one or

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² C. WRIGHT MILLS, POWER, POLITICS AND POWER 25 (1st ed. 1963).

more of these social institutions will bring about a change in the pattern of society and, consequently, in the totality of the social structure. Hence, this will, in turn, affect a change in power relationships and the overall relationship among persons, organizations and social institutions.³

The Constitution is the social document and it has a clear influence on the basic structure of the nation. It is designed in such a way so that it can approach immortality as nearly as human institutions exist.⁴ Thus, for the application of the Constitution, our contemplation cannot be only of what has been, but of what may be also, which will help us to understand the future requirements.

II. Conceptual Framework to Social Change

Social change is a change in established patterns of structures, or change in social values, or change in social relations and subsystems operating in society. Social change may be partial or total, however, in a modern society mostly it is partial. Some scholars also categorised social change as continuous or evolutionary and discontinuous or revolutionary.⁵ Sharyn L. Roach Anleu approached that the most common form of change is a continuous one.⁶ Others defined it as a perennial topic of sociological inquiry.⁷ Thus, a fundamental social change happens when social struggle⁸ is able to put forward a new dominant ideology inspired by radically different values to those that allowed the repression or the conflict to take place.⁹

³ STANLEY H. SMITH, *A CASE STUDY ON SOCIO-POLITICAL CHANGE*, 21(4), *PHYLON*, 380, (1968).

⁴ *Weems v United States*, 54 L.E. 801 (US).

⁵ *SOCIAL CHANGE* (A. Etzioni & E. Etzioni eds., 1964); W. MOORE, *SOCIAL CHANGE* (1st ed. 1963).

⁶ *Indian Hotel and Restaurant Association v State of Maharashtra*, A.I.R. 2019 S.C. 589 (India).

⁷ SHARYN L. ROACH ANLEU, *LAW AND SOCIAL CHANGE 2* (1st ed. 2000).

⁸ MICHAEL McCANN, *LAW AND SOCIAL MOVEMENTS: CONTEMPORARY PERSPECTIVES*, 2, *Annu Rev Law Soc Sci*, 17 (2006).

⁹ CLARA SANDOVAL, *TRANSITIONAL JUSTICE AND SOCIAL CHANGE*, 11(20), *SUR – IJHR*, 181, 184, (2015).

Usually, in a society, change comes from two sources. One source is random or unique factors such as climate, weather, or the presence of specific groups of people etc. Another source is systematic factors. For example, successful development has the same general requirements, such as a stable and flexible government, enough free and available resources etc. Thus, in other words, social change happens because of a few calculates, such as changes through innovation, demography, and philosophy, changes in political life and financial strategy and changes in legitimate standards or institutions.¹⁰ All these attributes affect the society at large in a bigger sense in respect of time and place. Thus, social change tends to shape the broader normative principles, the relative power of interest groups, and the values of policy-makers in a given situation. It refers to a restructuring of the basic ways in which people in a society relate to each other with regard to economics, government, education, religion, family life, recreation, language, and other basic human interaction activities.¹¹ Hence, Professor Mandelker rightly stated that social change always happened to demand a larger voice in the existing system for those who have been excluded from its benefits.¹²

In respect to a nation, the term “social change” generally refers to the notion of social progress or sociocultural evolution and the philosophical idea that society moves forward by evolutionary means. The primary aim of this paradigmatic change is always to bring change in the socio-economic structure of the nation. From the early notion of the existence of the “State”, there are many theories of social change. Generally, a theory of change includes elements such as structural aspects of change like population shifts, directions of change, and processes and mechanisms of change.¹³ Some of these are Marxist theory, Hegelian theory, Gandhian theory, Heraclitan theory, and Daoist theory etc. All

¹⁰ S. SOZHIYA & M. JAYAPREETHI, *LAW AS AN INSTRUMENT OF SOCIAL CHANGE*, 120(5), IJPAMS, 4123, (2018).

¹¹ STUART S. NAGEL, *OVERVIEW OF LAW AND SOCIAL CHANGE*, 13(4), *Am. Behav. Sci.*, 485, 486, (1970).

¹² DANIEL R. MANDELKER, *THE ROLE OF LAW IN SOCIAL CHANGE*, 8(2), *Osgoode Hall LJ*, 355, 357, (1970).

¹³ See for detail discussion, TREVOR NOBLE, *SOCIAL THEORY AND SOCIAL CHANGE* (1st ed. 2000); *SOCIAL CHANGE AND MODERNITY* (Hans Haferkamp & Neil J. Smelser eds., 1992).

these theories united in one sphere that social change will force the betterment of human civilization.

III. Constitution as an Instrument of Social Change

In 1947, India achieved freedom from political subjugation. This independence whether brings liberty to the Indian society was a question of consideration for the scholars of that period. As per them, political freedom does not necessarily ensure social change and without dynamic social change, society is not liberated. Thus, the period of 1947-1950, maybe called a period of “issue formation”, a period when issues of national priorities were in the formative stage. However, it is pertinent to mention here that two revolutions, social and political had been running parallel in India, since the World War I and till now the process continues.¹⁴ On the basis of this in 1950, the Constitution came into force and some sort of an institutional apparatus was visualized with latent commitments to social change, for instance in the form of directive principles of state policy and the universal political framework of a federal parliamentary democracy. The Constitution of India is the highest law of the land and all laws, draw their validity and legitimacy from it. In its form and structure, the Constitution follows the Western liberal model of Constitutionalism, but it has several features founded on Indian traditions and the special needs of the society.

Further, it can also be argued that the Constitution was adopted to force the pace of social and material renaissance in India as a step towards social change and nation building. Hence, the Constitution should be interpreted according to the will of the future generation and the changing social, political and economic values and needs of the people.¹⁵ The Supreme Court in *Raghunathrao Ganpatrao v Union of India*,¹⁶ thus, rightly observed that:

It is difficult to accept the contention that our Constitution makers after making immense sacrifices for achieving certain

¹⁴ ACHARYA NARENDRA DEV, *SOCIALISM AND NATIONAL REVOLUTION*, 4 (1st ed. 1946).

¹⁵ S. C. KASHYAP, *HUMAN RIGHTS AND PARLIAMENT* 163 (1st ed. 1978).

¹⁶ 1993 (1) S.C.A.L.E. 363 (India).

ideals made provision in the Constitution itself for the destruction of these ideals. There is no doubt as men of experience and sound political knowledge, they must have known that social, economic and political changes are bound to come with the passage of time and the Constitution must be capable of being so adjusted as to be able to respond to those new demands.

IV. Preamble and Its Impact

The Constitutional philosophy can be derived from the scheme of the Preamble. While the concept “social justice” has laid down in the preamble as a social goal, fundamental rights and directive principles elaborate the principles of social justice in India.¹⁷ The Preamble of the Constitution serves two purposes: (i) it indicates the source from which the Constitution derives its authority, and (ii) it also states the objects, which the Constitution seeks to establish and promote but it cannot, in and of itself, impose additional rights to those explicitly stipulated in the Constitution.¹⁸

The Preamble was drafted in the light of the *Objective Resolutions* which was adopted on Jan. 22, 1947, by the Constituent Assembly. It was said by Jawahar Lal Nehru while moving the *Objective Resolution* on Dec. 13, 1946, that “all power and authority of sovereign independent India, its constituent part and organs of the Government are derived from the people”. The Preamble assured that political justice must include real economic freedom of starving millions of people. The founding fathers of the Constitution, therefore, in the *Objective Resolution*, at the time of speaking on behalf of, “We, the people of India”, also pledged on their behalf to accord justice, social, economic and political to all the citizens, equality of status and opportunity and dignity of the person with liberties. The objectives stated in the Preamble contain the “basic structure” of our Constitution, which cannot be amended in the exercise of the power under Article 368. Thus, the Supreme Court in *Society for Un-aided Private Schools of*

¹⁷ *Indra Das v State of Assam*, (2011) 3 S.C.C. 380 (India); *Government of Andhra Pradesh v P. Laxmi Devi*, A.I.R. 2008 S.C. 1640 (India).

¹⁸ LIAVORGAD, *THE PREAMBLE IN CONSTITUTIONAL INTERPRETATION*, 8(4), ICON, 714, 728, (2010).

Rajasthan v Union of India,¹⁹ observed that socio-economic rights generally serve as a vehicle for facilitating the values of equality, social justice and democracy, and the State is a key player in securing that goal. The preamble, fundamental rights and the directive principles of state policy are often called and described as “conscience of the Constitution” and they reflect our civil, socio-economic and political rights which we have to protect for a just and humane society.

Granville Austin by considering the social justice mechanism, in his book,²⁰ states that probably no other Constitution in the world has provided so much impetus towards changing and rebuilding society for the common good.²¹ The concept of elementary human needs involves a list of physiological and social aspects. It includes the minimum social needs of right to health, food, housing, education and livelihood and provides a foundation upon which human development can occur and basic human freedoms can flourish. These minimal social rights need to be conceptualized in terms of entitlement both as individuals and as members of society.²² As a result, the Constitution aims at the establishment of a social welfare State, where the rights and welfare of all its citizens are not merely protected but insured. However, it is not an easy task to attain that goal. It requires that constant efforts be taken in that direction. Thus, the concept of social change is not narrow, one-sided, or pedantic, and is not confined to a particular area, its sweep is comprehensive. It is founded on the basic ideal of social-economic equality and its aim is to assist the removal of socio-economic disparities and inequalities.²³

¹⁹ A.I.R. 2012 S.C. 3445 (India).

²⁰ AUSTIN GRANVILLE, *WORKING A DEMOCRATIC CONSTITUTION: THE INDIAN EXPERIENCE* (1st ed. 1999).

²¹ RAJKUMAR SINGH, *CONTEMPORARY INDIA WITH CONTROVERSIAL NEIGHBOURS* 47 (1st ed. 2011).

²² TARUNA RATHORE, *SOCIAL JUSTICE AND INDIAN CONTEXT*, 3(9), *IJSR*, 110, 110, (2014).

²³ *Municipal Corporation v Female Workers*, A.I.R. 2000 S.C. 1274 (India).

V. Rights and Its Assurance

The social solidarity was to be brought about by the concept of social change.²⁴ The objectives enshrined in the Preamble permeate throughout the entire Constitution.²⁵ It was to give effect to these objectives the Fundamental Rights and the DPSP were enacted in Part III and Part IV of the Constitution, and through them, the dignity of the individual was sought to be secured through the Constitutional mechanism.

However, the concept of social change in India should be judged in the dimension of the welfare state and it is an admitted fact that in welfare society the absolute concept of liberty and equality are very difficult to achieve. Hence, the Constitution prefers a middle path and provides such rights with certain restrictions which the government is expected to ensure for its citizen. Thus, the enjoyment of these rights is subjected to the interest of the people. The State may, therefore, encroach on the domain of these rights for the common good or the common interest only.²⁶ The question whether a fundamental right is subjected to restrictions for the common good or public interest will depend upon the conditions and circumstances prevailing at that particular time.

The Constitution makers determined that the possession of “fundamental rights” by all citizens and, to some extent by all denizens of the country is inherent in the very conception of a democratic State which India is declared to be. The Constitution distinctly and explicitly forbids both legislative and executive interference by every authority having jurisdiction over India or any part of it with what is termed Fundamental Rights and it solemnly entrusts the prevention of any interference to the Supreme Court by Article 32 and the High Courts by Article 226.²⁷

²⁴ JACKSON JACK & AKUJOBI CHIEDOZIEM THEOPHILUS, *SOCIAL CHANGE AND SOCIAL PROBLEMS*, in MAJOR THEMES IN SOCIOLOGY: AN INTRODUCTORY 491 (E. M. Abasiokong, E. A. Sibiri, et al. eds., 2017).

²⁵ PRITI TIWARY, *THE IDEOLOGY OF SOCIALISM IN INDIAN CONSTITUTION*, 4(1), IJAR, 222, (2018).

²⁶ Rajesh Ranjan Yadav v CBI, A.I.R. 2007 S.C. 451 (India).

²⁷ Rani Raj Rajeshwari Devi v State of U.P., A.I.R. 1954 All 608 (India) .

Apart from these, to secure fundamental rights and freedoms, the State is under a compulsion to provide codify legislation to that regard. Though in some cases, howsoever fundamental the law that codifies such rights may be, it cannot be treated as the sole repository, at least in case of certain rights and freedoms. For instance, the right to life and liberty²⁸ is not something which a human being acquires under an enacted provision, of parent legislation, like the Constitution, or ordinary legislation, like an Act. Even when the society was in a disorganized form, persons enjoyed such rights.²⁹ Thus, though certain fundamental rights got its statutory recognition as a result of social change such as the Right of Children to Free and Compulsory Education Act 2009, Right to Information Act 2005 etc., it should always be judged in parity with the Constitutional mandates. In parity, in the year 2002 the Constitution was amended by inserting Article 21A to implement the right to free and compulsory education of every child aged between 6-14 years. Hence, the fundamental Rights and its guarantee under the Constitutional framework always secure the path for bringing social change as per the need of the time.

VI. The Directive and Its Impact

The Directive Principles of the State Policy provides the basic guidance to the State to follow in the process of providing governance to its citizens. Thus, it elaborates the principles of social change, enunciated in the preamble. The crux of these “directives” in the context of social change is that the largest share of acquisition should go to the people at large, and should not remain confined to a particular segment of beneficiaries, political, economic or social, which is the basic phenomenon of the Utilitarian theory of law. In similar terms, the Supreme Court in *Akhil Bharatiya Soshit Karamchari Sangh v Union of India*,³⁰ observed that:

The directive principles which are fundamental in the governance of the country enjoin upon the State the duty to apply that principle in making laws. The State is enjoined

²⁸ INDIA CONST.,art. 21.

²⁹ *M. Narayan Reddy v Govt. of India*, 2011 (4) R.C.R. (Civil) 418 (India) .

³⁰ A.I.R. 1981 S.C.298 (India).

upon by the directive principles to promote the welfare of the people, to eliminate inequalities in status, facilities and opportunities.

It is notable that these directives are not enforceable through the judiciary under the Constitutional outline. Thus, no one can force the State to follow these directives by using judicial review. The directive principles specifically articulated, *inter-alia*, the socio-economic responsibility of the State towards its citizens by securing just and humane conditions of work and maternity relief,³¹ the public assistance in cases of old age, sickness and disablement,³² equal pay for equal work,³³ healthy environment,³⁴ and also by raising the level of nutrition and the standard of living and public health³⁵. Basically, directive principles uphold the spirit of the Constitution of India as a “social document” that embodies socio-economic goals of the country.³⁶ Thus, the main object of enacting the directive principles is to set standards of achievement before the legislature and the executive, the local and other authorities, by which their success or failure can be judged. It was also anticipated that those failing to implement the directives might receive a rude awakening through the elections procedures. It should however, be noted that the directive principles do not impose any particular brand or pattern of economic or social order. However, they only lay down the goals which may be achieved through various means.³⁷ By comparing the importance of fundamental rights and DPSP the Supreme Court in *State of Tamil Nadu v L. Abu Kavier Bai*,³⁸ stated that the purpose of the two distinct chapters was to grant the Government enough flexibility and latitude to implement the principles depending on the requirement of the time

³¹ INDIA CONST., art. 42.

³² *Ibid.*, art. 41.

³³ *Ibid.*, art. 39(d).

³⁴ *Ibid.*, art. 48A.

³⁵ *Ibid.*, art. 47.

³⁶ VUAYASHRISRIPAT, *TOWARD FIFTY YEARS OF CONSTITUTIONALISM AND FUNDAMENTAL RIGHTS IN INDIA: LOOKING BACK TO SEE AHEAD (1950-2000)*, 14(2), *AUILR*, 413, (1998).

³⁷ J. N. PANDEY, *THE CONSTITUTION LAW OF INDIA* 390 (45th ed. 2008).

³⁸ A.I.R. 1984 S.C. 326 (India).

and circumstances,³⁹ which is the basic requirement for social change. Thus, Granville Austin rightly considers these directive principles to be aimed at furthering the goals of the social revolution or to foster this revolution by establishing the conditions necessary for its achievement.⁴⁰

VII. Amendments as a Tool of Social Change

The amendment in the provisions in the Constitution is the way to adopt social changes within the framework of the Constitution. The scholars who thought an adaptation of the Constitution either necessary or desirable, they also considered amendment as a means by which such adaptation should occur.⁴¹ It is this foresight in mind, the father and main architect of the Indian Constitution, Dr. B. R. Ambedkar inserted Article 368 to the Constitution which provides that “Any part of the constitution may be amended by adopting appropriate procedure except destroying the basic structure of the Constitution”. It reacts to the acceptance of the need for changing the law when the situation warrants. However, the power to amend the Constitution under Article 368 couldn’t be exercised in such a manner as to destroy or emasculate the fundamental features of the Constitution.

It is pertinent to mention here that already the Constitution has been amended for 103rd times to procure it as a document that is relevant under the modern social structure. Moreover, several amendments of the Constitution also have brought a revolution in the society. Thus, Justice Sikri observes that “A number of amendments such as 1st, 4th, 17th, 24th, 25th, 26th, 29th, 34th, 42nd, 64th etc. have been carried out in the context of the changing socio-economic scene”. Among these, the first amendment of 1951 placed the Zamindari Abolition Laws beyond challenge before the Courts of law and inserted Article 31-A for that purpose. It also amended Article 15 in the interest of educationally and

³⁹ SOLI J. SORABJEE, *EXPANSION AND PROTECTION OF FUNDAMENTAL RIGHTS BUT JUDICIAL INTERPRETATION AND INTERVENTION*, 7(1), NUJSL. R., 1, (2014); T. S. N. SASTRY, *INDIA AND HUMAN RIGHTS: REFLECTIONS* 26 (1st ed. 2005).

⁴⁰ GRANVILLE AUSTIN, *THE INDIAN CONSTITUTION: CORNERSTONE OF A NATION* 50-52 (1st ed. 1966).

⁴¹ P. HAMBURGER, *THE CONSTITUTION’S ACCOMMODATION OF SOCIAL CHANGE*, 88(2), Mich. L. Rev., 239, (1989).

socially backward classes. The word secular was not there in the original draft of the Constitution. On Dec. 03, 1948, Prof. K.T. Shah moved before the Constituent Assembly that the State being secular shall have no concern with any religion, creed or profession of faith and shall observe an attitude of absolute neutrality in all matters relating to the religion of any class of its citizens or other persons in the Union. However, even after this argument, the word secular was not inserted within the Constitution explicitly.⁴² It was only on Dec. 18, 1976 the word “Secular” was added in the preamble of our Constitution through the 42nd Constitutional Amendment Act, 1976. Thus, the expression “secular state” as it denotes a definite pattern of the relationship which can be applied to India.⁴³ The transformation of the right to property from the fundamental right to constitutional limitation also impacted the social dimension and person’s capacity to hold the property. Originally it was a fundamental right⁴⁴ and State has the capacity to impose by law reasonable restrictions on this right in the interest of the general public or for protection of the interest of any Scheduled Tribe.⁴⁵ But, through the 44th Amendment Act, 1978, the legislature has converted this right to constitutional limitation by inserting Article 300-A and by deleting Articles 19(1)(f), 19(5) and 31. The effect of this Amendment is that a person will not be entitled to invoke directly the writ jurisdiction of the Supreme Court for violation of his right to property, he will, however, be entitled to invoke the jurisdiction of the High Court.

Similarly, to secure the participation of women in governance, the 73rd and 74th Amendments of 1992 provided for reservation of seats in the local bodies of Panchayats and Municipalities for women, which laid a strong foundation to their participation in decision making at the local levels and women empowerment in the society. This Amendment also provided women, in particular, the scope and opportunity to participate in public life as well as in the

⁴² JAMES CHIRIYANKANDATH, *CREATING A SECULAR STATE IN A RELIGIOUS COUNTRY: THE DEBATE IN THE INDIAN CONSTITUENT ASSEMBLY*, 38(2), *Commonw. Comp. Politics*, 1, (2000).

⁴³ MD. AYUB MALLICK, *CONTEXTUALIZING THE CONCEPT OF SECULARISM IN INDIA*, 2(51), *IJHSSI*, 39, 40, (2013).

⁴⁴ INDIA CONST., arts. 19(1)(f) & 31.

⁴⁵ *Ibid.*, art. 19(5).

nation-building process.⁴⁶The recent important amendment came with the Good and Services Tax (GST), where consumers would not be subjected to double or multiple taxations.⁴⁷ All taxes that are imposed while purchasing goods will include both the central government's taxes as well as the state government's taxes. The introduction of GST has prevented state governments from randomly increasing taxes.⁴⁸

Further, the Constitution (One Hundred and Third Amendment) Act, 2019 provided another remarkable change by providing reservation of appointments or posts in favour of any economically weaker sections of citizens, which is a pre-condition for allowing equal status in the modern society. It is pertinent to mention here that the reservations made for the economically weaker sections would be to a maximum limit of ten percent, in addition to the existing reservations and would exclude the classes of Scheduled Castes, Scheduled Tribes and Other Backward Classes.⁴⁹ Thus, all these amendments help the Constitution to be acquainted with the needs of the hour and also assist it to fulfil the demand and requirements of modern Indian society.

VIII. Judiciary and Its Role

The operational aspect of the Indian Constitution, specifically the role of Judiciary in the process of social change is always vital.⁵⁰The Constitution being a living document must be interpreted in the light of the hopes and aspirations of the people.⁵¹ This interpretative function is discharged by the judiciary through direct as well as indirect judicial review. Thus, the efficacy of the legal system

⁴⁶ APARAJITA SARANGI & GITANJALI MISHRA, *73RD CONSTITUTIONAL AMENDMENT AND WOMEN'S EMPOWERMENT- AN EMPIRICAL STUDY IN TRIBAL AND NON-TRIBAL DISTRICTS, ODISHA*, 32(4), *J Rural Dev.*, 383, 384, (2013).

⁴⁷ The Constitution (One Hundred and One Amendment) Act, 2016.

⁴⁸ For detail discussion see TARUN JAIN, *GOODS AND SERVICES TAX - CONSTITUTIONAL LAW AND POLICY* (1st ed. 2018).

⁴⁹ INDIA CONST., arts. 15(6) & 16(6).

⁵⁰ DAVID DITTFURTH, *JUDICIAL REASONING AND SOCIAL CHANGE*, 50, *Ind. L.J.*, 258, (1975).

⁵¹ To understand the importance of Constitution as living document see, ANDREW COAN, *LIVING CONSTITUTIONAL THEORY*, 66, *Duke L.J.*, 99, (2017).

and the wisdom of the judiciary are expected to fulfil the primacies of social change.⁵² In view of the changing realities of the socio-economic situation and primacy of goals of popular welfare and justice, amendments of the Constitution and the judiciary's corroboration of the same have to be viewed in the long-range perspective of social change. After independence, there are occasions of conflicts between the legislatures and the judiciary.⁵³ However, after *Kesavananda Bharti Case*⁵⁴ the relation between judiciary and legislatures is harmonious in nature and thereby accelerating the pace of social change. In fact, though the function of amending is entrusted upon the Parliament and the Parliament formally and consciously discharges this duty, yet no one can deny that judiciary also while interpreting the provisions of the Constitution consciously contributes to the change or reform of it by giving it a progressive interpretation to meet the changing demand of time.⁵⁵

Thus, through judicial review, the Judiciary performs the role of expounding the Constitution and also exercise the power of declaring any law or executive action as unconstitutional and hence void. This power of judicial review makes the judiciary the final arbiter of the Constitution and gives the Judiciary an ample opportunity to contribute to the development of the social structure and norms by putting the gloss on the bare text of the Constitution. Further, in some cases, Judiciary also provides guidelines for the application of laws and to curb social evils.⁵⁶ Therefore, Justice P. N. Bhagwati rightly quoted that "It is the judge who infuses lifeblood into the dry skeleton provided by the legislature and creates a living organism appropriate and adequate to meet the needs of the society".

⁵² ASHA KAUSHIK, *PARLIAMENT, JUDICIARY AND SOCIAL CHANGE IN INDIA*, 38(1), *IJPS*, 82, 87 (1977).

⁵³ *Sankari Prasad Singh v Union of India*, A.I.R. 1951 S.C.458 (India); *Sajjan Singh v State of Rajasthan*, A.I.R. 1965 S.C. 845 (India); *Golok Nath v State of Punjab*, A.I.R. 1967 S.C. 1643 (India).

⁵⁴ A.I.R. 1973 S.C. 1461 (India).

⁵⁵ D. A. DESAI, *LAW REFORMS IN INDIA* 5 (1990).

⁵⁶ *D. K. Basu v State of West Bengal*, A.I.R. 1997 S.C. 610 (India); *Vishaka v State of Rajasthan*, A.I.R. 1997 S.C. 3011 (India).

Apart from its traditional approach, the Supreme Court also preferred to adopt the broader approach of the rule of locus standi to utilize the initiative and encourage the public-spirited persons to move the courts to act for the general or group interest even though they may not be directly injured in their rights.⁵⁷ The PIL is a concept aimed at increasing the accessibility to justice and forms a part of constitutional jurisprudence in India.⁵⁸ Therefore, it can be TERMED AS SOCIAL ACTION LITIGATION WHICH RELIES ON NOTIONS OF social justice and a desire to see law become a tool for social engineering and social change. thus, by allowing new mechanisms, the judiciary plays the role of protector and interpreter of the constitution and secures social change as required by the time.

IX. Conclusion

On the whole, social change is usually a combination of systematic factors along with some random or unique factors and it dictates the agenda for social theory and social policy analysis.⁵⁹ As the Constitution is the basic social as well as a legal document of the nation, accommodation of newly evolved changes in the society should be incorporated within its sphere. A Constitution which cannot be amended constitutionally is an act of violence committed on the coming generations and an open invitation to revolution. To avoid this situation, the Constitution as a social document successfully adapted to the changes that happened in the Indian social structure till date. But the major concern lies in the implementation of these Constitutional provisions and whether we are able to use these provisions for the benefit of the citizens of India. In this respect, it can be suggested that there should be a method of check and balance in providing welfare services to the people so that misuse of the same can be curtailed.

⁵⁷ Indian Banks' Association, Bombay v Devkala Consultancy Service, J.T. 2004 (4) S.C. 587 (India); Citizen for Democracy v State of Assam, A.I.R. 1996 S.C. 2193 (India); D. C. Wadhwa v State of Bihar, A.I.R. 1987 S.C. 579 (India).

⁵⁸ S. DURGALAKSHMI & R. AMMU, *LAW AS AN INSTRUMENT OF SOCIAL CHANGE AND FOR EMPOWERMENT OF THE MASSES*, 5(12), Indian J. Appl. Res., 130, 132, (2015).

⁵⁹ MAURICE ROCHE, *CITIZENSHIP, SOCIAL THEORY, AND SOCIAL CHANGE*, 16(3), Theory Soc., 363, (1987).

Politics without criminal intent, simplicity in bureaucratic procedures, securing rights for the vulnerable section of society and exercise of free judicial discretionary power are the demands which till required to be addressed. Apart from these, the Constitution of India always concerned about the changes brought by technology, science, medical development and modern education and with the help of organs of the State always trying to enforce social changes for the betterment of Indian civilization and thus profoundly acts as an instrument of social change.