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THE ROLE OF THE INDIAN CONSTITUTION IN PROMOTING SOCIAL JUSTICE

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Introduction

Social justice is a fundamental principle that is strongly rooted in the fabric of the Indian Constitution, which practically aims at ushering in an egalitarian society by actively pursuing the elimination of discrimination in all its forms and providing an equal opportunity to all citizens of the nation. The great draftsmen of the Constitution were well conscious of the deep-rooted social inequalities that have long plagued various sections of Indian society, and they took requisite steps to incorporate various provisions that would endeavour to ensure justice this includes social justice, economic justice, and political justice. Through the enforcement of affirmative action policies, the establishment of fundamental rights, the articulation of directive principles, and the enactment of various legislative measures, the Constitution has decidedly played a central and revolutionary role in consolidating the cause of social justice in the nation.

This article deals with the constitutional mechanisms for the assurance of social justice such as affirmative action (reservations), fundamental rights, directive principles, and judicial interventions. It also touches upon the difficulties in the assurance of social justice and the way forward.

1. Constitutional Provisions of Social Justice

1.1 Introduction and the Philosophy of Social Justice That Underlie Them

The Preamble to the Indian Constitution is a universal introduction that sets the tone for the pursuit of social justice in the country by formally declaring India a "Sovereign Socialist Secular Democratic Republic." This important declaration brings for the commitment of India towards the provision of "Justice- social, economic, and political" to all and every citizen of the country, seeking to ensure that the ideologies of justice and equality are maintained. The conscious inclusion of the word "Socialist," which was added by the 42nd Amendment in 1976, strengthens the core duty of the state towards the active seeking of the mitigation of inequalities in society.

1.2 Basic Rights (Part III)

The Constitution provides basic rights which ensure equality and ban discrimination:

- Article 14 – Equality before law and equal protection of law.

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THE INDIAN JOURNAL FOR RESEARCH IN LAW AND MANAGEMENT, VOL. 2, ISSUE 9, JUNE - 2025

- Article 15 – This article specifically forbids discrimination of any form that may take place on the basis of a person's religion, race, caste, sex, or place of birth. It also empowers the state to introduce special provisions that are meant specifically to benefit and uplift women, children, and the socially backward classes, and these may include provisions like reservations in different sectors.
- Article 16 – Guarantees every individual an equal opportunity to secure employment in the government sector and provides for reservation of some posts or fixation of quotas in the backward classes.
- Article 17 seeks to abolish the practice of untouchability, a significant and radical step towards the pursuit of social justice for Dalits.
- Article 21 – This article provides the right to life and liberty, which the majority of courts have interpreted as not only the right to live at the bare minimum but also includes fundamental rights like education, healthcare, and the dignity of all human beings.
- Article 23 & 24 – These articles explicitly ban the use of child labour and forced labour and provide for the rights and protection of vulnerable workers in society.

1.3 Directive Principles of State Policy (Part IV)

- Though they are not legally enforceable, the Directive Principles serve as a powerful guideline that directs the state in its attempt to formulate policies so as to attain social justice.
- Article 38– Requires the state to reduce differences in income, status, and opportunity.
- Article 39 – This article provides that individuals receive equal remuneration for equal work, provides access to various livelihoods for all, and promotes the fair and equitable distribution of resources to the people.
- Article 46 – This article positively promotes and benefits the educational and economic interests of Scheduled Castes (SCs), Scheduled Tribes (STs), and other weaker and discriminated segments of society.
- Article 47– Requires the state to enhance public health and nutrition.

1.4 Affirmative Action (Reservations)

- The Constitution provides reservations for the benefit of historically disadvantaged groups of persons:
- Article 330 & 332 – Reserves seats in Parliament and State Legislatures for SCs and STs.
- Article 335 – Allows relaxations in the government job qualifying marks for SCs/STs.
- Article 15(4) & 16(4) – Allows reservations in education and government jobs.
- 103rd Constitutional Amendment (2019) – Introduced reservation of 10% for Economically Weaker Sections (EWS) of the upper castes.

2. Judicial Interventions and Their Role in Encouraging Social Justice Programs

The judiciary has long played a pivotal and essential role in interpreting the various provisions made under the constitution with the purpose of supporting and enhancing social justice for everybody in society.

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- *Indra Sawhney v. Union of India* (1992) – Held 27% OBC reservations but placed the condition of a 50% cap (exception in exceptional cases).
- *Navtej Singh Johar v. The Union of India* (2018) – Decriminalized homosexuality under Article 14, 15, and 21, advancing LGBTQ+ rights.
- *Vishakha v. State of Rajasthan* (1997) – Formulated guidelines against sexual harassment at the workplace.
- Right to Education (RTE) Act, 2009 – The Supreme Court reaffirmed Article 21A, ensuring free and compulsory education to children aged 6-14 years.

3. The Varying Challenges Encountered in the Pursuit of Achieving Social Justice

Even with constitutional safeguard, there are several problems that exist:

- Caste-based Discrimination – In spite of acts such as the SC/ST (Prevention of Atrocities) Act, untouchability and caste violence continue.
- Gender Discrimination – Women suffer from extreme disparities in wages, political representation, and general security in society.
- Economic Inequalities– The concentration of wealth amongst the rich continues unchecked, leaving the poor in the lurch.
- Implementation Gaps– Corruption and delay in bureaucracy collectively significantly impede the effective implementation of welfare steps and, therefore, the very intent and impact behind the schemes.

4. The Path That Lies Ahead

In order to improve social justice, India must:

- Enhance Education and Awareness – Foster social justice proactively by initiating extensive education campaigns and active sensitization efforts aiming to educate and enlighten individuals regarding such relevant matters.
- Strengthen Legal Frameworks – Ensure strict enforcement of anti-discrimination laws.
- Broaden and Strengthen Economic Opportunities – Emphasize strongly on skills development as well as on the generation of job opportunities for marginalized groups.
- Judicial and Police Reforms – There is a requirement to expedite the delivery of justice in cases of caste- and gender-based violence. Finally, Indian Constitution is a very powerful and vital instrument that is so designed to promote social justice in India. It offers a comprehensive framework of legal and institutional steps for the empowerment of marginalized and disadvantaged sections of society. Despite the fact that we have witnessed a whole lot of progress over the years in various spheres, it is important to understand that problems such as caste discrimination, gender disparity, and economic inequality do persist and impact the lives of many. By placing focus on strong implementation of these constitutional provisions and the formulation of inclusive policies that acknowledge the differentiated needs of all, India can move towards the realization of the constitutional vision of a just and equitable society for all.

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THE INDIAN JOURNAL FOR RESEARCH IN LAW AND MANAGEMENT, VOL. 2, ISSUE 9, JUNE - 2025

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