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Role of law in Promoting Social Justice

Kriti Pareek

Introduction:

“Justice is not a charity; it is a right guaranteed by the constitution”

In a truly civilized society, law is far more than a tool of control; it embodies our shared moral compass and drives meaningful social change. The law is not just a tool of governance but a vehicle for Equity, Dignity and rights. The law, at its highest calling is not merely a command backed by a sovereign it is the most powerful tool for shaping a just society. Law stands at the heart of today’s social-justice movements, guiding and protecting the transformations that lead to a fairer society.

This blog critically examines the constitutional foundations, legislative deployments, judicial interventions and ongoing challenges associated with the role of law in promoting social justice in India.

In any civilized society, law is more than a code of rules it is a reflection of collective conscience and an instrument of moral progress. When deployed justly, the law becomes a vehicle through which social justice is not only envisioned but realized.

In a democracy, law is not a passive set of rules, but a living instrument of change. It defines rights, disciplines power, and delivers justice not just in courts, but in everyday lives. The call for social justice the very cornerstone of the Indian Republic is where this urgency matters most.

Understanding Social Justice:

At its core, social justice is the principle that all individuals regardless of caste, class, gender, religion, disability, or economic status should have equal access to rights, resources, opportunities, and dignity.

It is about the fair distribution of wealth, opportunities, and privileges within a society. Social justice goes beyond political rhetoric; it is embedded in the Constitution and stands as a moral cornerstone for nation building.

Social justice is not a slogan it is a principle of equality that demands structural change. It envisions a society where resources, opportunities, and rights are fairly distributed, and where all individuals, regardless of caste, class, gender, religion, or ability, have the freedom to live with dignity.

Unlike formal equality which treats everyone the same social justice aims for substantive equality, acknowledging that historically disadvantaged groups need differential treatment and affirmative support to achieve real parity.

The Constitutional Mandate:

The Constitution of India is not value-neutral it is deeply imbued with moral commitments to justice, equality, and dignity.

- The Preamble commits the Republic to secure “Justice—social, economic, and political” to all citizens.
- Part III (Fundamental Rights) and Part IV (Directive Principles of State Policy) work in tandem to ensure both negative and positive liberties.
- Article 38(1) explicitly directs the State to promote the welfare of the people by securing a social order based on justice.

These provisions make social justice a constitutional obligation rather than a mere aspiration.

Law as an instrument of corrective and distributive justice:

Social justice entails more than formal equality. India has enacted several laws aimed at addressing deep-rooted social inequalities.

- The SC/ST (Prevention of Atrocities) Act, 1989: Protects vulnerable communities from caste-based violence and discrimination.

- The Right to Education Act, 2009: Ensures access to free and compulsory education for all children, promoting equality in learning.
- The Equal Remuneration Act, 1976 and Maternity Benefit Act, 1961: Strive for gender equality at the workplace.
- The Maintenance and Welfare of Parents and Senior Citizens Act, 2007: Ensures dignity for the elderly.
- Muslim Women (Protection of Rights on Divorce) Act, 1986 and Triple Talaq Act, 2019.

These laws seek not only to penalize discrimination but also to facilitate dignity, inclusion, and respect.

Challenges: Legal Idealism vs Ground Realities

Despite progressive laws and judgments, deep structural impediments persist.

Implementation gaps remain vast corruption, delay, and lack of awareness erode the transformative potential of legal provisions. Legal literacy is still a distant goal for many, particularly in rural and tribal areas.

Reimagining Law for Transformative Justice

Achieving social justice requires transformative constitutionalism a view that sees the Constitution as a living document capable of adapting to social change.

Legal education reform to in still social responsibility. Strengthening of institutions like the Legal Services Authorities Community-based legal empowerment and legal literacy campaigns. Use of technology and AI to expand access to justice.

The law must become not just a guardian of rights, but a catalyst for societal transformation.

Conclusion

The true test of law's role in promoting social justice lies not in statutes or speeches, but in its capacity to change lives to lift people out of indignity, to empower the voiceless, to break cycles of marginalization.

In a diverse and stratified society like India, the law must serve as a bridge between constitutional ideals and social realities. It must remain ever-evolving, morally anchored, and socially sensitive.

Hence, the role of law is not static. It must evolve as society evolves. It must protect the weak, challenge the powerful, and inspire collective action. In the pursuit of social justice, law is not the destination it is the starting point of a revolution in rights. The role of law in promoting social justice is thus both a duty and a dynamic pursuit—one that must constantly evolve to dismantle old injustices and build a more humane, inclusive future.

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