



The Indian Journal for Research in Law and Management

Open Access Law Journal – Copyright © 2026

Editor-in-Chief – Dr. Muktai Deb Chavan; Publisher – Alden Vas; ISSN: 2583-9896

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium provided the original work is properly cited.

THE ROLE OF LAW IN PROMOTING SOCIAL JUSTICE

Sam S Siryon

INTRODUCTION

Law is a concept which does not have a fixed definition but in practice, it is deemed as a command that is backed by sanctions from a sovereign authority. It is a tool that necessitates social welfare, maintain societal order and public morality. Law serves as a crucial component for social justice by establishing frameworks for equality, fairness, and human rights protection, which enables societal change through legislations like the anti-discrimination laws, inheritance rights and judicial interpretation, while also ensuring accountability and providing avenues for conflict resolution. Law provides a framework through constitutions and statutes that create rights and standards for fair treatment and challenges discriminatory practices.

Law promotes social justice by establishing a fair framework for rights, resources, and opportunities, ensuring equality, protecting vulnerable groups, resolving conflicts peacefully, and enabling societal change through constitutional mandates and progressive court interpretations that uplift marginalized communities and check power. Law defines what actions are acceptable, it holds people accountable for their actions, and provides mechanisms like community legal aid to ensure access to justice for all.

It is with the mandate that comes from the law, that the equitable distribution of resources is made possible. This prevents the concentration of wealth in the hands of a few elite groups, and it ensures access to education and opportunities, especially for disadvantaged groups.

PROTECTING THE VULNERABLE AND DISADVANTAGED COMMUNITIES

Laws specifically targets historical injustices, like abolishing untouchability, and create protections against workplace harassment, ensuring marginalized communities are

safeguarded. A constitutional mandate under *Article 39A*¹ obligates the State to ensure that legal system promotes justice and that the state must provide free legal aid so that justice is not denied to a citizen because of economic incapacity or other disabilities. In the case of *Hussainara Khatoon v. Home Secretary State of Bihar*², the Hon'ble Supreme Court held that *Article 39A* has made free legal services an inalienable element of reasonable, fair and just procedure and the right is implied under *Article 14*. Legal aid ensures the free legal representation of the poor or the weaker section in a court of law at the State expenses. The main purpose of legal aid is to provide the poor and vulnerable sections of the society the required legal assistance to enforce their rights in a court of law. This fulfills the "equal protection of the law" under *Article 14* of the Constitution³.

LAW AS A TOOL IN ENSURING JUSTICE IS SERVED EQUALLY UPON ALL

The law ensures equal justice through core principles like 'Equality before the law', a principle which mandates that no special privileges be given only to a certain class of people, but that the same rule must be applicable to all. Another core principle is the 'Equal protection of laws' to all persons which means that the State action must ensure fairness. Collectively, these principles guarantee rights to all persons regardless of their status. Mechanisms include constitutional mandates like India's *Article 14*, which ensures fair trials and provides legal aid for the [poor, and independent judiciary which strengthens unbiased and timely decisions. The law by its extension in protecting fundamental rights even of accused persons, that provides them of the right to a fair hearing, and safeguards against unfair procedures.

LAW AS A SOCIAL ENGINEER OF SOCIETAL CHANGE

Law does not just react to wrong but it serves as a social engineer by proactively shaping the society, balancing competing interests like Individual interests and collective interests, using statutes, judicial interpretation, and social welfare programs to achieve social goals like equality, justice, fraternity, and welfare, thereby guiding societal evolution and addressing inequalities through legislation and policies. This continuous guidance in societal evolution can be seen in the case of *Justice K.S. Puttaswamy v. Union of India*⁴, where the Hon'ble

¹ Article 39A, Constitution of India

² *Hussainara Khatoon v. Home Secretary, State of Bihar* 1979 SCR (3) 1276

³ Access to Justice to the Marginalized Section in India, Verma| December 13, 2020

<https://blog.ipleaders.in/access-justice-marginalised-section-india/#:~:text=in%20the%20preamble,-.Article%2021%20and%20legal%20aid,procedure%20implicit%20under%20Article%2021.>

⁴ *Justice K.S. Puttaswamy vs. Union of India*, (2017) 10 SC 1

Supreme Court moved from a narrow, silos approach to fundamental rights and adopted a holistic and liberal interpretation. By recognizing privacy as an intrinsic part of the right to life and personal liberty as provided under Article 21 of the Indian Constitution, as well as other rights under Article 14 and 19, the Court expanded the scope of individual liberties to meet the demands of a modern democratic society.

Constitutions and specific laws codify fundamental human rights, such as equality before the law, freedom from discrimination, and protection against exploitation. These legal mechanisms set the minimum standards for how individuals should be treated and provide recourse when these rights are violated. These frameworks also establish institutions and procedures, such as National Human Rights Commissions, and Anti-Discrimination Bodies, that ensure marginalized groups' issues are addressed and that state actors and private entities are held accountable for their actions.

REFERENCES

Article 39A, Constitution of India

Hussainara Khaton v. Home Secretary, State of Bihar 1979 SCR (3) 1276

Access to Justice to the Marginalized Section in India, Verma | December 13, 2020

<https://blog.ipleaders.in/access-justice-marginalised-section-india/#:~:text=in%20the%20preamble.->

[.Article%2021%20and%20legal%20aid,procedure%20implicit%20under%20Article%2021.](#)

Justice K.S. Puttaswamy vs. Union of India, (2017) 10 SC 1