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THE ROLE OF LAW IN PROMOTING SOCIAL JUSTICE IN INDIA

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Social justice is the base of what India's democracy is built on. It is not a fixed idea but a living process to include the last person out of the marginalized. In a society which has very strong roots of caste, religion, gender and economic status based hierarchies the law is the main agent of that change. The Indian legal structure does not just set rules; it is also a force for change. From the grand visions of the Preamble to the specifics of present day social welfare laws the role of law in social justice is many faceted, at once a protector of the weak and a tool which fights system wide oppression.

1. THE CONSTITUTIONAL BLUEPRINT: BASE OF JUSTICE.

➤ **SOCIAL, ECONOMIC AND POLITICAL v FUNDAMENTAL RIGHTS (PART III).**

The law works for social justice by removing the structures of discrimination. Article 14 reports that all are equal before the law. Article 15 reports that which is prohibited by the law includes discrimination based on religion, race, caste, sex, or place of birth. Article 17 is a milestone which in addition to doing away with Untouchability also makes it a crime.

➤ **DIRECTIVE PRINCIPLE OF STATE POLICY (PART IV)**

While we have enforceable Fundamental Rights what we have in the form of the Directive Principles (DPSP) is a road map for social justice. Article 38 puts it upon the State to bring into being a social order that promotes the welfare of the people. Also with the addition of Article 39A which put forward the idea of Equal Justice and Free Legal Aid we see an effort to see that economic disabilities do not prevent any citizen from access to justice.

2. LEGISLATIVE INTERVENTIONS: BRIDGING THE GAP

Beyond what the constitution provides, Indian Parliament has passed specific laws which address historical wrongs and protect marginalized groups. Scheduled Castes and Tribes. The 1989 “Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act” is a key piece of legislation which puts forward the fact that social justice is a fallacy without security. It identifies particular crimes against Dalits and Adivasis and sets up special courts which in turn attempt to redress the power imbalances present in rural and urban Indian society. Gender Justice and Empowerment. Social justice does not exist without women. Here the law has seen great change:.

- In 2005 the Hindu Succession Amendment Act gave women equal rights to ancestral property which in turn attacked the economic base of patriarchy.
- The Protection of Women from Domestic Violence Act, 2005 identified the home as a site of justice issues and put in place civil remedies.
- The Sexual Harassment of Women at Work Place (Prevention, Prohibition and Redressal) Act, 2013 (POSH) put in place measures to create safe professional settings which in turn promotes economic equality.

➤ LABOUR AND ECONOMIC JUSTICE.

Laws including the Minimum Wages Act of 1948, and the Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA) of 2005 turn the idea of “economic justice” into a “right to work” and a “right to a living wage.”

3. THE JUDICIARY AS THE WATCHFUL SENTINEL

Judiciary in India has filled the gaps when legislature or executive has been slow to act. Social Justice was revolutionized with the invention of “Public Interest Litigation (PIL)” in the 1980s by Justices P.N. Through various verdicts, the Supreme Court has changed "Article 21" (Right to Life) into an expanding right, covering the right to food, the right to a clean environment, and the right to education. Before the introduction of a statutory act known as ‘The Right to Education (RTE)’, the Supreme Court, in its judgement on Unni Krishnan v. State of Andhra Pradesh, 1993 held that children have a fundamental right to education and that none can rise in society without learning. ‘Decriminalization of Identity’ In “Navtej Singh Johar v. Union of India, 2013” the Court axed Section 377 and held that the LGBTQ+ community must be

included in any delivery system for social justice without the need to compromise on their identity which is guaranteed under Article 14 and that no threats or coercion to dignity can ever accompany any choice of sexual orientation.

4. AFFIRMATIVE ACTION: THE SCOREKEEPER STRATEGY OF "EQUALIZING THE SCORES"

One of the most debated yet important functions of law in India- 'Reservation'. The law provides for compensatory discrimination under "Articles 15(4) and 16(4)", though, to assist those who have been traditionally marginalized from the mainstream. This is not social justice, because it could be referred as "formal equality" (all people treated same) or "substantive equality" (people started from different positions). The law seeks to ensure that country's administration reflects its social diversity by providing seats in education institutions and public employment.

5. MODERN DAY CHALLENGES AND FUTURE APPROACHES

No matter how comprehensive the legislative framework is, India has a long way to go before social justice can be achieved:

- **THE DIGITAL DIVIDE** : Justice Systems go Online, Parts of the Poor are still Ignorant and a New "Digital Injustice" will Arise
- **IMPLEMENTATION GAP**: There are laws such as Manual Scavenging Act but these have been poorly implemented leading to persistence of practice since there is no push for rehabilitation
- **LAWS AND ANALYSIS**: Pendency of Cases — Justice delayed is justice denied Pending cases in Indian courts run into millions, but it is the poor who often cannot follow long legal battles that suffer.

➤ STRENGTHENING LEGAL AID

University and district-level institutions will have a key role to play through "Legal Aid Clinics." Social justice needs law from law books to the doorsteps of marginalized people. 'Tele-Law' and the 'Pro Bono Legal Services' are steps in the right direction to make sure that law is not a luxury for only those who can afford it.

CONCLUSION

In India, the law transcends a mere collection of laws, functioning as an agent of social change. The legal framework is how the State has consistently pushed the boundaries of who 'matters' from the abolition of untouchability to identification and recognition of third gender.

But was courtroom justice ever really social justice? Law, they argue, is the skeleton, but social awareness, political will and grassroots activism provide flesh and blood.