

Justice in the Indian Constitution and the Realization of Social Justice

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Abstract

India is a pluralistic and diverse country marked by a long history of social inequalities and structural injustices. The Constitution of India, which came into force in 1950, was envisioned as a transformative document aimed at dismantling entrenched hierarchies and ensuring justice, liberty, equality and fraternity for all citizens. At the heart of this constitutional vision lies the concept of social justice, which seeks to promote equitable distribution of resources, equal access to opportunities and the elimination of discrimination and exploitation. Despite the robust constitutional framework, social injustices in India persist in multiple forms, including caste-based discrimination, gender inequality, religious intolerance and widening economic disparities. These realities raise important questions regarding the effectiveness of constitutional provisions in achieving substantive social justice. The judiciary has often played a proactive role in interpreting fundamental rights expansively to protect marginalized communities. Similarly, affirmative action policies—particularly reservations in education, employment and political representation—have contributed significantly to improving the status of historically disadvantaged groups. However, the journey toward social justice remains incomplete. Structural barriers, limited access to justice, socio-economic exclusion and intersectional forms of discrimination continue to impede progress. Furthermore, implementation gaps, administrative inefficiencies and socio-cultural resistance often dilute the transformative potential of constitutional guarantees.

This paper critically examines the relationship between the Indian Constitution and social justice. It analyzes constitutional provisions, judicial interventions, policy initiatives and persistent challenges. The study argues that while the constitutional vision of social justice remains normatively strong, its realization requires deeper institutional reforms, inclusive governance, grassroots empowerment and sustained public awareness. Strengthening representation, improving access to education and justice and fostering collaborative policymaking are essential steps toward achieving the constitutional promise of social justice in India.

Keywords: Constitution, Pluralistic, Justice, Transformation, Inequalities, Egalitarian.

1. Introduction

Justice occupies a central and foundational position in the Indian constitutional framework. The framers of the Constitution envisioned justice not merely as a legal ideal but as a transformative social goal capable of restructuring Indian society along egalitarian lines. In the Indian context, justice implies equal treatment of individuals, parity of rights and universal access to the legal system without discrimination.

Constitutional scholar Granville Austin famously described the Indian Constitution as a “social document,” emphasizing that its primary purpose was to promote social revolution. At the time of independence, India was burdened with deep-rooted inequalities based on caste, gender, religion and economic status. The Constitution-makers were acutely aware that political independence would be meaningless without social and economic transformation. Consequently, they embedded within the Constitution a comprehensive framework designed to promote social justice.

Social justice thus became the philosophical bedrock of the Indian constitutional order. The framers carefully integrated multiple principles—equality, liberty, dignity and fraternity—to ensure that the new republic would move toward a more humane and inclusive social order. Pandit Jawaharlal Nehru articulated this aspiration in the Constituent Assembly when he emphasized that the Constitution must ensure food, clothing and opportunities for development to every Indian.

The Preamble to the Constitution explicitly reflects this transformative vision. The inclusion of the words “Socialist” and “Secular” through the 42nd Constitutional Amendment further reinforced the commitment to a welfare-oriented state. The term “justice” in the Preamble encompasses three interrelated dimensions: social justice, economic justice and political justice. Together, these aim to eliminate inequality, prevent concentration of wealth and ensure equal participation in governance.

Social justice, in its constitutional sense, requires the removal of privileges attached to birth-based hierarchies and the upliftment of historically disadvantaged groups, including Scheduled Castes (SCs), Scheduled Tribes (STs), Other Backward Classes (OBCs), women and minorities. Economic justice focuses on reducing disparities in income, wealth and property. Political justice ensures universal adult franchise and equal political participation.

To operationalize these ideals, the Constitution provides for affirmative measures such as reservations in education, public employment and political representation. Articles 330 and 332 mandate reservation of seats for SCs and STs in legislatures, reflecting the principle of distributive justice. Article 32¹, described by Dr. B. R. Ambedkar as the “heart and soul of the Constitution,” empowers citizens to directly approach the Supreme Court for enforcement of fundamental rights.

¹ Indian Constitution, Article 32

In addition, the Directive Principles of State Policy (Articles 36–51)², though non-justiciable, provide a roadmap for building a welfare state. These principles guide the State in formulating policies aimed at reducing inequalities and promoting social welfare.

The demand for social justice arises whenever individuals or communities experience systemic disadvantage or exclusion. Importantly, the meaning and scope of social justice are dynamic; they evolve with changing socio-economic conditions. In contemporary India, social justice encompasses issues of caste discrimination, gender equality, minority rights, disability rights, environmental justice and digital inclusion.

This paper examines the constitutional architecture of social justice in India, evaluates its effectiveness and identifies persistent challenges. It argues that while the constitutional framework is normatively progressive, its transformative potential depends heavily on implementation, institutional capacity and societal attitudes.

2. Objectives of the Study

The present study is guided by the following objectives:

1. To examine the concept of justice as embodied in the Preamble of the Indian Constitution.
2. To analyse constitutional provisions that promotes social justice.
3. To evaluate the role of fundamental rights and directive principles in advancing equality.
4. To assess the condition of marginalized communities in the context of social justice.
5. To identify challenges in the realization of constitutional promises.
6. To suggest measures for strengthening social justice in India.

Historical Perspectives

The inclusion of Fundamental Rights in the Indian Constitution was neither accidental nor merely imitative of Western constitutions. It emerged from India's unique historical experience under colonial rule and from the aspirations of the national movement.

During British rule, Indians faced widespread civil liberties violations, racial discrimination, economic exploitation and political repression. Consequently, the demand for fundamental rights became a central feature of the freedom struggle. Early constitutional documents such as the Nehru Report (1928) and the Karachi Resolution (1931) explicitly demanded guarantees of civil liberties and socio-economic rights.

Leaders like Mahatma Gandhi emphasized dignity, equality and protection of the weakest sections. Jawaharlal Nehru advocated democratic freedoms combined with socio-economic reforms. Dr. B. R. Ambedkar, drawing from his personal experience of caste oppression, strongly argued that political democracy must be accompanied by social democracy.

² Indian Constitution, Article 36-51

The Constituent Assembly debates reveal intense discussions on the scope and enforceability of rights. Ambedkar insisted that fundamental rights must be justiciable so that citizens could challenge state excesses. As a result, Part III of the Constitution was devoted to Fundamental Rights, making India one of the few postcolonial states to constitutionally guarantee enforceable civil liberties from the outset.

The framers also drew inspiration from global human rights developments, particularly the Universal Declaration of Human Rights (1948). However, they adapted these principles to India's socio-cultural context, especially the need to dismantle caste hierarchy and address mass poverty.

Overview of Fundamental Rights

1. Right to Equality (Articles 14–18)

The Right to Equality forms the backbone of social justice in India. Article 14³ guarantees equality before the law and equal protection of the laws. Articles 15⁴ and 16⁵ prohibit discrimination on grounds of religion, race, caste, sex, or place of birth while permitting affirmative action for socially and educationally backward classes.

Article 17⁶ abolishes untouchability, marking a revolutionary constitutional intervention against caste-based exclusion. Article 18⁷ abolishes titles, reinforcing the principle of social equality.

Judicial interpretation has expanded the scope of equality to include substantive equality, not merely formal equality. The Supreme Court has repeatedly held that treating unequals equally perpetuates injustice; therefore, affirmative action is constitutionally valid.

2. Right to Freedom (Articles 19–22)

The Right to Freedom ensures civil liberties essential for democratic functioning. Article 19⁸ guarantees freedoms of speech, expression, assembly, association, movement, residence and profession, subject to reasonable restrictions.

Article 21⁹, through judicial interpretation, has evolved into the most expansive fundamental right. The Supreme Court has read into it the rights to livelihood, health, education, clean environment, privacy and dignity. Article 22¹⁰ provides procedural safeguards against arbitrary arrest and detention.

³ Indian Constitution, Article 14

⁴ Indian Constitution, Article 15

⁵ Indian Constitution, Article 16

⁶ Indian Constitution, Article 17

⁷ Indian Constitution, Article 18

⁸ Indian Constitution, Article 19

⁹ Indian Constitution, Article 21

¹⁰ Indian Constitution, Article 22

3. Right Against Exploitation (Articles 23–24)

These provisions address historical exploitation of vulnerable populations. Article 23¹¹ prohibits trafficking and forced labour, while Article 24¹² bans child labour in hazardous industries. These provisions reflect the Constitution's commitment to human dignity.

4. Right to Freedom of Religion (Articles 25–28)¹³

India's secular framework is embodied in these provisions. They guarantee freedom of conscience and the right to profess, practice and propagate religion, subject to public order, morality and health. These provisions aim to maintain religious harmony in a deeply diverse society.

5. Cultural and Educational Rights (Articles 29–30)¹⁴

These rights protect minority identities. They allow minorities to conserve their language and culture and to establish and administer educational institutions. These provisions are crucial for preserving India's pluralistic character.

6. Right to Constitutional Remedies (Article 32)

Article 32¹⁵ empowers citizens to directly approach the Supreme Court for enforcement of fundamental rights. Ambedkar regarded it as the Constitution's "heart and soul." Public Interest Litigation (PIL) has further democratized access to justice, allowing courts to intervene on behalf of marginalized groups.

Concept of Social Justice

The modern concept of social justice emerged in the 19th century during the Industrial Revolution, when stark inequalities between capital owners and workers became evident. Initially focused on economic redistribution, the concept gradually expanded to include social, cultural and political dimensions.

In the Indian context, social justice has a distinctive meaning due to the caste system and colonial legacy. It involves dismantling hierarchical social structures and ensuring dignity and opportunity for historically oppressed communities.

Dr. B. R. Ambedkar was the foremost architect of social justice in India. He argued that political democracy without social democracy would be unstable. His vision emphasized liberty, equality and fraternity as mutually reinforcing principles.

Today, social justice encompasses:

¹¹ Indian Constitution, Article 23

¹² Indian Constitution, Article 24

¹³ Indian Constitution, Article 25-28

¹⁴ Indian Constitution, Article 29-30

¹⁵ Indian Constitution, Article 32

- Caste Equality
- Gender Justice
- Minority Rights
- Disability Inclusion
- Economic Redistribution
- Environmental Justice
- Digital Access

Indian Constitution and Social Justice

The Indian Constitution is widely regarded as one of the most socially transformative constitutional documents in the world. Granville Austin observed that it sought not merely to limit state power but to actively reconstruct society.

The Preamble, Fundamental Rights, Directive Principles and affirmative action provisions collectively create a comprehensive social justice framework. Directive Principles—such as Articles 38¹⁶, 39¹⁷, 41¹⁸, 42¹⁹ and 46²⁰—direct the State to minimize inequalities, promote welfare, provide education and public assistance and protect weaker sections.

Over time, the judiciary has harmonized Fundamental Rights and Directive Principles, treating them as complementary rather than conflicting. This has significantly strengthened the constitutional commitment to social justice.

Social Justice and Marginalized Communities

Despite constitutional safeguards, many communities continue to face systemic disadvantage.

Scheduled Castes and Scheduled Tribes

Historically subjected to untouchability, landlessness and social exclusion, SCs and STs remain vulnerable. Reservation policies in education, employment and legislatures have improved representation but have not fully eliminated structural inequalities.

Women

Gender inequality persists in wages, labour participation, political representation and safety. Constitutional guarantees of equality (Articles 14–16)²¹ and special provisions (Article 15(3)) support gender justice, but implementation gaps remain.

¹⁶ Indian Constitution, Article 38

¹⁷ Indian Constitution, Article 39

¹⁸ Indian Constitution, Article 41

¹⁹ Indian Constitution, Article 42

²⁰ Indian Constitution, Article 46

²¹ Indian Constitution, Article 14-16

Religious Minorities

Minorities sometimes face discrimination, socio-economic marginalization and communal violence. Cultural and educational rights provide protection, but socio-political tensions periodically challenge minority security.

Other Backward Classes and Emerging Marginalities

OBCs, persons with disabilities, migrant workers and informal sector labourers represent evolving categories of marginalization requiring updated policy responses.

Policies for Social Justice

India has adopted numerous welfare and empowerment schemes.

MGNREGA guarantees rural employment and income security.

National Rural Livelihood Mission promotes self-employment and women's collectives.

Pradhan Mantri Awas Yojana addresses housing inequality.

Beti Bachao Beti Padhao targets gender imbalance and girls' education.

Additionally, the Right to Education Act, National Food Security Act and various scholarship schemes contribute to social protection.

However, policy success varies widely across regions due to governance capacity, corruption and awareness gaps.

Public Awareness and Civil Society

Legal provisions alone cannot achieve social justice; societal attitudes must evolve. Civil society organizations, social movements, media and academic institutions play a critical role in:

- rights awareness
- legal literacy
- community mobilization
- policy advocacy
- watchdog functions

Public Interest Litigation has enabled activist groups to bring structural injustices before courts, significantly expanding the reach of constitutional rights.

Persistent Challenges

Despite constitutional and policy efforts, several obstacles remain:

- Deep-rooted caste prejudice
- Gender-based violence
- Uneven regional development
- Judicial delays and access barriers
- Digital divide
- Urban–rural inequality
- Intersectional discrimination
- Underrepresentation in decision-making

Implementation deficits often weaken otherwise progressive laws.

Conclusion

Justice is the moral and structural foundation of the Indian constitutional order. The Constitution provides an elaborate framework to secure social, economic and political justice and to protect the dignity of every individual. Through fundamental rights, directive principles and affirmative action, it seeks to transform India into an egalitarian welfare state.

However, constitutional promises do not automatically translate into social realities. Persistent inequalities, institutional weaknesses and socio-cultural resistance continue to impede the full realization of social justice. The path forward requires not only legal safeguards but also administrative reforms, inclusive policymaking, grassroots empowerment and sustained public awareness.

Strengthening access to justice, improving educational and economic opportunities, enhancing political representation and addressing intersectional disadvantages are essential for deepening India's social justice project. Ultimately, the success of the Constitution's transformative vision depends on the collective commitment of the State, judiciary, civil society and citizens.

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