

CONCEPT OF SOCIAL JUSTICE AND ITS CONSTITUTIONAL FRAMEWORK IN INDIA: A CRITICAL ANALYSIS

Murthy BSVVS¹, Dr. Nagendra Kumar Sharma², Dr. Ajit Singh³
^{1,2,3}Department of Law, Capital University, Koderma (Jharkhand), India

Corresponding Author:

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ABSTRACT

A basic principle of the Indian Constitution is Social Justice. Social justice, founded on the principles of liberty, equality, and fraternity, seeks to ensure equitable treatment for all individuals irrespective of caste, religion, gender, or socioeconomic background. The Indian Constitution encompasses a comprehensive framework that comprises the Preamble, Fundamental Rights (Articles 14-32), and the Directive Principles of State Policy. (Articles 36-51). This paper critically analyzes the concept and definition of social justice in India, its philosophical roots since the classical philosophers such as Plato, Aristotle, and Rawls, and how the IC views a just social order. The paper also touches on the provisions of the constitution as they apply to empowering vulnerable groups, the unending struggles in the pursuit of social justice, and how the 42 nd Amendment Act of the Constitution was a transformative act. The paper ends by concluding that although there is a considerable constitutional architecture on the way to achieving social justice, effective implementation, awareness, and institutional reform are critical in closing the gap between social justice constitutional promise and ground reality.

KEYWORDS: *Social Justice, Indian Constitution, Fundamental Rights, Directive Principles, Constitutional Jurisprudence, Equality, Marginalised Sections, 42nd Amendment*

INTRODUCTION

Social justice, otherwise known as civil justice, is attained when every aspect of the society such as economic, political, cultural, industrial and educational functions in a just manner. It means that everyone must be treated fairly and given equal chances to enjoy all the assets and opportunities of the society. This is meant to enhance a balanced and sustainable development of the society that will eventually favour the benefit of all people irrespective of their origin or social standing. Social Justice is a term that consists of two related components: social and justice. Although social refers to all individuals who are actively involved in the structure of the society, justice is linked to the larger ideals of liberty, equality and rights. A combination between these two, social justice can be viewed as the process of ensuring that everyone in the society is given a chance to realize his or her potential without being limited by caste, class, religion, and gender. The Indian constitutional system has a strong platform towards the quest of social justice. The leaders of the Indian independence movement had a vision of a society where all citizens were equally endowed with the right to social and economic development. Social justice is, therefore, a core element of political and social beliefs in India. It is so firmly embedded in the "Preamble, Fundamental Rights and Directive Principles of State Policy of the Constitution of India". This paper critically reviews the conceptual outlines of social justice in India, its philosophical foundation, the vision enshrined in the constitution, intended to deliver justice to the vulnerable groups, and the recurrent issues that hinder its complete realization.

PHILOSOPHICAL FOUNDATIONS OF SOCIAL JUSTICE

Social justice is a concept that has preoccupied philosophers and political theorists in civilizations. In his treatise on justice, Plato envisioned society as a group of different types of people: producers, military members, and those in authority, who are interconnected by interdependence. According to Plato justice is achieved when every category performs the duty that it was created to perform and this is the binding force that holds the society together as a united society. This concept was later expanded by Aristotle into distributive justice - the equitable distribution of roles and resources according to personal merit. Not only did Aristotelian distributive justice strengthen social cohesion, but was also considered the best way of averting political upheaval and revolution. This conception continued to have a strong impact in later centuries of legal and political thought. In contemporary political philosophy, the most widely and impactful treatment of social justice was John Rawls's masterpiece, *A Theory of Justice* (1972). Rawls suggested that all people have an innate right to justice, which he defined as the freedom to partake in a just system of cooperation that can be intergenerational. He expressed three principles: the principle of equal liberty, the principle of fair equality of opportunity, and the Difference Principle - according to which any social or economic inequalities should be ordered in such a way that the least advantaged people in society are given the benefits. In the Indian context, the idea of justice by Dr. B.R. Ambedkar was the key concern in the drafting of the constitution. Ambedkar stressed on the equality of all people, equitable distribution of welfare and eradication of prejudice and untouchability in social institutions. His vision influenced Articles 14-17 of the Constitution, which are the foundation of the anti-discrimination jurisprudence of India.

THE CONSTITUTIONAL VISION OF SOCIAL JUSTICE

The Indian Constitution (IC) was enacted in 1950 and is arguably one of the most comprehensive legal frameworks for promoting social justice worldwide. The Constitution's premise is explicitly articulated in the Preamble, which assures Indian citizens justice (social, economic, and political), liberty, equality, and brotherhood. The choice to prioritise social and economic justice over political justice is a deliberate constitutional decision; the framers believed that formal political rights lacking social and economic equity would be meaningless. The 42nd Amendment Act (1976) enhanced the constitutional commitment to social justice by explicitly incorporating the terms Socialist and Secular into the Preamble, so reinforcing the state's obligation to create a just social order. This amendment established India as a democratic, socialist, and secular republic, emphasising the Constitution's ideal of a society that actively eradicates economic inequities.

FUNDAMENTAL RIGHTS AS SOCIAL JUSTICE INSTRUMENTS

Articles 12-35 of Part III of the Indian Constitution guarantees Fundamental Rights (FRs) to all citizens. These liberties are essential in safeguarding individuals from the capriciousness of state and societal prejudice.

Essential stipulations encompass:

- Article 14: Establishes legal equality and ensures equal protection under the law for all individuals in India.
- Article 15 forbids discrimination based on religion, race, caste, sex, or place of birth, and authorises the State to adopt specific measures for women, children, and socially or educationally disadvantaged groups.
- Article 16: Guarantees equitable access to public sector jobs and forbids discrimination in hiring practices.
- Article 17: Proclaims the end of untouchability in all its forms and its practice is punishable.

All these provisions are aimed at the protection of social justice as not only the principle but also the right that must be enforced.

DIRECTIVE PRINCIPLES OF STATE POLICY

The Directive Principles of State Policy (DPSP), which are socio-economic aspirations of the Constitution, are found in Part IV of the Constitution (Articles 3651). Although they cannot be judged in a court of law, these principles play a central role in ruling the nation. Article 39 (fair distribution of material resources and non-concentration of wealth), Article 41 (right to work, education, and public assistance), Article 43 (workers to receive living wages), and Article 46 (support

of educational and economic interests of Scheduled Caste and Scheduled Tribes) are some of the key directives that are applicable to social justice. The Supreme Court of India has repeatedly believed, especially in *Minerva Mills v. Union of India* (1980), that there is a symbiotic relationship between Fundamental Rights and Directive Principles - the two are the conscience of the Constitution, which should be read in harmony to further the object of a welfare state.

CONSTITUTIONAL PROVISIONS FOR VULNERABLE SECTIONS

The Indian Constitution incorporates affirmative action provisions, commonly known as reservation, to elevate historically marginalised groups: Scheduled Castes (SCs), Scheduled Tribes (STs), and Other Backward Classes (OBCs). Articles 15(4), 16(4), 46, and 335 confer upon the state the power to reserve seats in educational institutions, public employment, and the legislature for certain communities. Article 46 mandates the State to prioritise the educational and economic interests of marginalised populations, particularly the Scheduled Castes and Scheduled Tribes, and to protect them from social injustice and exploitation. This constitutional mandate is embodied in the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The protection of women is equally crucial. The amalgamation of Articles 14, 15(3), 39(a), 39(d), and 42 imposes a constitutional obligation on the state to ensure gender equality and prevent exploitation. The constitutional provisions regarding social justice in the pivotal Supreme Court decisions of *Vishaka v. State of Rajasthan* (1997) and *Navtej Singh Johar v. Union of India* (2018) demonstrate the interpretation of these provisions in alignment with contemporary social realities.

CHALLENGES IN ACHIEVING SOCIAL JUSTICE IN INDIA

The achievement of social justice in India is characterized by serious structural and systemic challenges although it has a sound constitutional architecture. The most prominent among them is the inertia of caste-based discrimination, which has prevented millions of Dalits, Adivasis and OBCs a fair opportunity to obtain education, job opportunities and social mobility despite decades of affirmative action policy. Another issue of concern is the misuse of reservations politically. Political parties mainly make use of reservations as a means of ensuring that certain communities will support them during elections as opposed to being a real tool of social upliftment as observed by Professor Dipankar Gupta. This has only served to perpetuate identity-based politics and, ironically, only solidified the caste consciousness instead of eradicating it. The issue of gender inequality is still a deep-rooted barrier. Even with constitutional provisions on equality, women still experience systemic discrimination in property inheritance, their involvement in the work place, their educational access, and their security. Social exclusion is also aggravated by economic marginalization, especially in the rural regions, where India scores 132 in the Human Development Index, which is a grim measure of the difference between constitutional aspirations and actuality. Also, constitutional rights are made a far-fetched ideality to a significant portion of the population due to the lack of legal literacy and awareness among marginalized communities. The right to justice, both in terms of physical access to courts and cost of access to legal services, is significantly unequal.

CONCLUSION

The idea of social justice is not just a dream enshrined in the constitution but rather the ethical basis on which the Republic of India was founded. The Indian Constitution with its Preamble, Fundamental Rights and Directive Principles provides a bold yet a necessary blueprint towards the destruction of discrimination and the promotion of fair opportunities to all citizens. The vision of justice informed by the philosophical heritage of Plato, Aristotle, Rawls, and Ambedkar, when taken together, requires formal equality of law to be understandable but substantially requires social change. Nonetheless, the above analysis shows that provisions in the constitution are inadequate. There must be major changes in policy implementation, judicial access, legal literacy and institutional accountability to close the gap between an ideal of social justice and ground-level realities. It requires a new social commitment based on compassion, awareness, and an inclusive government should India be able to live up to the transformative promise of its Constitution.

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[13]Minerva Mills Ltd. v. Union of India, AIR 1980 SC 1789.

[14]Vishaka v. State of Rajasthan, AIR 1997 SC 3011.