Justice Unbound: Redefining Rights and Equality for a Fairer World

Samyuktha V & Devarajan B, Sastra Deemed University, Thanjavur

Abstract

Injustice anywhere is a threat to justice everywhere.

-Martin Luther King, Jr.[1]

Justice is not merely an ideal to aspire to but a reality that must be lived and realized. The rights and equality espoused in the Indian Constitution are the ideals of the constitution makers of the country to ensure every citizen can exercise their rights without a struggle and be treated with equality, without bias or discrimination. This article examines how equality, rights, and justice are interdependent and emphasizes how crucial they are to creating a just society. It is the collective responsibility of society to ensure justice in society, not the legal system alone. The discussion concludes with a call for collective action to bridge the gap between constitutional guarantees and social realities. Rights, equality, and social justice are independent yet interlinked; none can exist without the others. The deprivation of one lead to the deprivation of the others. In our country, when wealthy people have access to justice, justice remains an elusive ideal for the underprivileged. This article discusses the bridging gap between the constitutional guarantee and its implementation in society. Rights are a sensitive topic that should not be exploited; rights without rules and regulations are just an abuse of power. While equality is being upheld by society, various reservations are prevailing in society with the thought of providing equality to everyone. Whether due to reservation equality has been achieved raises questions about its practical implementation, which is discussed in this article.

Keywords*: Rights, equality, Justice, Social responsibility, fundamental rights, democracy*

[1] Martin Luther King Jr., *Letter from the Birmingham Jail* (1963).

INTRODUCTION

We frequently hear and use words like rights, equality, and social justice in daily interactions. These words are fundamentals of life in a democracy. Are these aspirations, however, achieved? Is everyone taking advantage of their rights? Is everyone given the same treatment? Does our culture have social justice? We frequently think about these issues, especially after seeing or experiencing injustice. These ideas are essential human needs, not just platitudes. Social justice, equality, and rights must coexist and work together for a society to prosper. Rights without equality are meaningless because, without equality, it is just an abuse of power. Equality without social justice is insufficient, when all are treated equally without addressing the social barriers that are disadvantageous to some groups, it will be pointless and take away the essence of equality. Their interdependence is profound. When one is deprived, the others are unavoidably deprived, upending the fundamental basis of a fair and just society. The concepts of rights and equality are inalienable parts of social justice. However, upholding social justice is not exclusively the legal system's responsibility. As a citizen of India, and as a society, we are collectively responsible for maintaining and elevating social justice throughout the country.

While we often discuss rights and equality in theoretical talks, and these principles are well ingrained in our Constitution—their practical application is still debated. Are these ideals being followed? Do all citizens, regardless of gender, caste, creed, religion, region, or other differences, enjoy their rights and equality? This question challenges us to reflect on the gap between constitutional ideals and societal realities. Rights, Equality, and social justice are not recent concepts, they are rooted in our society over centuries. From Cyrus Cilinder, The Code of Hammurabi to the Magna Carta, the French Revolution, and many more; the concept of rights and equality is spread across the world. Throughout history, various rights have evolved and are embodied in our constitution. From fundamental rights to human rights have given life to our democracy.

The fundamental rights enshrined in part III of the constitution (Article 14-Article 32)[2] are adopted from the constitution of the United States, the concept of human rights in India is inspired by the Universal Declaration of Human Rights (UDHR)[3]. Directive Principles which have a separate place in part IV of the constitution (Article 36 to Article 51)[4] are borrowed from the Irish constitution.

- Equality

The word equality refers to the principle of treating all individual fairly and ensuring that everyone has the same opportunities, regardless of their background, gender, race, religion, or any other characteristic. The concept of equality has evolved significant over time, shaped by the country's socio-religious traditions, colonial experience, and constitutional framework. Historically the idea of equality has been a contested and evolving concept. Here an exploration of how equality has been understood and contested in India, from ancient times to the modern period.

I. Ancient India:

In ancient India, the idea of equality was largely absent in social and religious structures:

• Caste System: In the olden days, the society was stratified into four primary varnas, namely (Brahmins, Kshatriyas, Vaishyas, Shudras) and numerous jatis (sub-castes). This hierarchical system institutionalized inequality, with privileges concentrated among the upper castes and restrictions placed on lower castes, particularly Dalits (then referred to as untouchables).

• Religious Justification: the caste system was often justified through scriptures like the Manusmriti and tracing pack we can find the concept of karma was practiced which linked one's social status to deeds in past lives.

II. Medieval India:

During the medieval period, religious and social inequality persisted, but new movements like Bhakti and Sufi Movements initiated by Saints like Kabir, Ravidas, and Mirabai challenged these structures. The arrival of Islam introduced the idea of equality within the Muslim community. These movements sought to break down rigid social and religious hierarchies

[2] The Indian Constitution, Art 14 – 32 is available at https://www.indiacode.nic.in/bitstream/123456789/15240/1/constitution_of_india.pdf
[3] UDHR is available at https://www.un.org/en/about-us/universal-declaration-of-human-right
[4] See Supra note 1, Art 36-51

III. Colonial period:

The British Colonial period is termed as a turning point in the disclosure of equality:

• Social Reform Movements: Reformers like Raja Ram Mohan Roy, Jyotirao Phule, and Dr. B.R. Ambedkar campaigned against caste discrimination, gender inequality and oppressive practices like sati and child marriage. Phule and Amedkar focused specifically on the rights of lower castes and Dalits. Leaders like Mahatma Gandhi and Jawaharlal Nehru also emphasized unity and equality.

IV. Modern India (Post-Independence)

The adoption of the constitution in 1950 marked a significant step toward institutionalizing equality:

• Constitutional Guarantees: Articles 14, 15, 16, and 17 in the Indian Constitution provide to eliminate discrimination and promote equal opportunities for all, irrespective of caste, religion, gender, or economic background.[5]

• Gender Equality: The Constitution guaranteed equal rights for women, but patriarchal practices persisted. There were social reforms and movements, such as those advocating for women's education, equal pay, and legal protection (e.g., against dowry and domestic violence), which gradually expanded gender equality.

• Dalit and Adivasi Rights: Leaders like Ambedkar ensured legal safeguards for marginalized communities, though social and economic inequality remains significant.

The idea of equality in India has always been contested and remains an unsolvable issue. While ancient traditions often reinforced hierarchies, reform movements, constitutional guarantees, and grassroots activism have gradually expanded the idea of equality to include caste, gender, religion, and sexual orientation. Achieving true equality in practice requires addressing entrenched social and economic inequality alongside legal and policy reforms.

In India, equality is classified as Political Equality, Social Equality, and Economic Equality.

Political Equality

The Political Equality gives all citizens equal voting rights and opportunities to participate in political processes such as contesting in Elections, voting power, decision making, and

[5] Art is available at https://www.indiacode.nic.in/bitstream/123456789/15240/1/constitution_of_india.pdf

expressing opinions without discrimination. In this regard, Mohinder Singh Gill vs. Chief Election Commissioner (1978) is a landmark judgment[6]. The Supreme Court of India held that free and fair elections are a fundamental aspect of political equality. This case emphasized the equal voting rights of every citizen, ensuring no individual is denied the right to participate in the democratic process.

Social Equality

Here the definition of the Social equality promotes the idea that all individuals, regardless of their caste, religion, gender, or ethnicity, should be treated equally in society without discrimination and freedom from practices like untouchability, exclusion, and social stigma. The importance of social equality is highlighted in the case of State of Madras v. Champakam Dorairajan(1951)[7], where the Supreme Court struck down caste-based reservations in educational institutions and stressed that equality must prevail. However, the case also paved the way for constitutional amendments to protect affirmative action for disadvantaged groups and ruled against caste-based discrimination in education.

Economic Equality

Economic Equality ensures that everyone has fair access to resources, education, and employment opportunities, reducing the gap between the rich and the poor. In the case of Air India v. Nargesh Meerza (1981)[8] The court ruled against discriminatory wage policies and unequal treatment of female employees in the aviation sector. This case promoted economic equality by ensuring equal pay for equal work.

The Indian Constitution enshrines equality as a fundamental principle to ensure a just and fair society. Some Constitutional provisions for equality:

1. Article 14

   Equality Before the law. It guarantees that every individual is equal before the law and has equal protection under the law, at the same time it prevents arbitrary action by the state and ensures fairness in the judicial process. The case of Maneka Gandhi v. UOI (1978)[9] is one of the landmark cases for equality in India. Here the Court expanded the scope of Article

[6] *Mohinder Singh Gill* v. *Chief Election Commissioner*, [1978] 2 S.C.R. 272
[7] *State of Madras* v. *Champakam Dorairajan*, AIR 1951 SC 226
[8] *Air India* v. *Nergesh Meerza*, 1981 SCC (4) 335

[9] *Maneka Gandhi* v. *Union of India*, 1978 AIR 597

14 by linking it with Article 19 & 21, ensuring procedural fairness and non-arbitrariness in government actions. Justice Bhagwati again quoted with approval the aforesaid concept of equality and held- "Equality is a dynamic concept with many aspects and dimensions and it cannot be imprisoned within traditional and doctrinaire limits. Article 14 strikes at arbitrariness in state action and ensures fairness and equality of treatment. The principle of reasonableness, which legally as well as philosophically, is an essential element of equality or non-arbitrariness, pervades Article 14 like a brooding omnipresence"[10]. By interpreting Article 14, one of the important case laws viz. E.P. Royappa v. State of Tamil Nadu (1974)[11] is resolved. The equality and arbitrariness are sworn enemies; one belongs to the rule of law in a republic while the other, to the whim and caprice of an absolute monarch. The Supreme Court ruled that equality is a dynamic concept and prohibits arbitrary action by the state, and this case introduced the principle of "arbitrariness" as a violation of Article 14.

2. Article 15

Prohibition of Discrimination on specific grounds and provides the foundation for ensuring equality and social justice. It is a key provision under the right to equality and aims to eliminate unfair treatment based on personal attributes like caste, religion, gender, and race, sex, or place of birth. Article 15(2) prohibits any restriction on access to public places or use of public utilities (e.g., wells, roads, shops) based on the grounds mentioned above. However, it allows special provisions for women and children and enables affirmative action policies, such as reservations for Scheduled castes (SC), Scheduled Tribes (ST), and other backward classes for socially and educationally. In D.P. Joshi v. State of Madhya Bharat (1955)[12] case, the fact of the case is a state-imposed capitation fee on students from outside the state but exempted local students. The Supreme Court held that "place of birth" under Article 15 does not include "place of residence." Thus, the distinction was valid. The A. Periakaruppan v. State of Tamil Nadu[13] case highlighted the importance of maintaining a balance between affirmative action and equality. The significance of the case is strengthened by the Doctrine of Equality under Article 14 & 15(1) and balanced reservation

[10] https://thelawmatics.in/interpretation-of-article-14-by-justice-bhagwati-in-maneka-gandhi-case/
[11] *EP Royappa* v. *State of Tamil Nadu*, 1974 SCC (4)
[12] *D.P Joshi* v. *State of Madhya Bharat*, 1955 AIR 334

[13] *A.Periakaruppan* v. *State of Tamil Nadu*, 1971 SCC (1) 38

policies including the introduction of the 50% ceiling rule and the concept of reasonable classification.

3. Article 16

Article 16 guarantees Equality of Opportunity in public Employment or appointment to any office under the State and prohibits discrimination on grounds of religion, race, caste, sex, descent, or place of birth. Article 16(3) empowers Parliament to make laws prescribing residence requirements for certain jobs. Clause 4 allows reservations for backward classes to ensure adequate representation and permits the state to carry forward unfilled reserved vacancies for future years. The key case law for this Article 16 is the Indira Sawhney v. UOI (1993)[14]. The Supreme Court upheld the 27% reservation for OBCs but capped total reservations at 50% and the Court highlighted one of the important points that no *mandamus*[15] can be issued by the court directing the state Government to provide reservation. For instance, by including the case of Mukesh Kumar v. State of Uttarakhand[16], the Supreme Court held that the state Government is not bound to make reservations as there is no fundamental right which inheres in an individual to claim reservation in promotions. The justification for OBCs reservations is inadequately represented in public employment. But Mandal commission's recommendations were implemented to provide 27% reservations for OBCs in central government jobs and educational institutions. The creamy layer exclusion is an important segment of this article to ensure equitable distribution of benefits, economically advanced sections within OBCs (creamy layer) are excluded, making the system more effective for genuinely disadvantaged groups. It is clearly quoted in Ashoka Kumar Thakur v. Union Of India (2008)[17]. The supreme Court upheld the validity of reservations for OBCs in educational institutions but emphasized adherence to the creamy layer principle. The significant of Article 16 in reservations is promoting social justice, balancing efficiency and equality, flexibility for policy implementation and empowerment of women and OBCs whereas in reservation policies

[14] *Indira Swahney* v. *Union of India*, AIR 1993 SC 477
[15] a judicial writ issued as a command to an inferior court or ordering a person to perform a public or statutory duty.
[16] *Mukesh Kumar* v. *State of Uttarakhand*, AIR 2020 SC 992.
[17] *Ashoka Kumar Thakur* v. *Union of India*, (2008) 6 SCC 1 138

based on Article 16 have substantially increased participation and representation of OBCs and women in government services, thereby reducing disparities and fostering inclusivity.

4. Article 17

Article 17 of the Indian Constitution is a significant provision aimed at eradicating the deeply ingrained social evil of untouchability. It states that "Untouchability" is abolished and any type of practicing of untouchability is forbidden. The enforcement of any disability resulting from practicing "untouchability" shall be a punishable offense under law. The protection of Civil Rights Act, 1955 (originally known as the untouchability (offenses) Act, 1955)[18] was enacted to give effect to Article 17. This Act prohibits the denial of access to shops, public restaurants, hotels, places of public entertainment, or places of public worship, and refusal of entry to educational institutions, hospitals, and other public utilities. People's Union for Democratic Rights v. UOI (1982) is referred here[19]. This case is also known as the Asian workers' Case. The case expanded the scope of Article 17 and highlighted the nexus between caste-based discrimination, socio-economic exploitation, and labor rights The Supreme Court held that the fundamental rights under Article 17 allows actions against private individuals and it is the constitutional duty of the State to take required steps to see that the fundamental rights are not being violated by anyone. Article 17, supplemented by the Protection of Civil Rights Act, serves as a powerful tool to address such injustices and promote equality and dignity for all citizens.

5. Article 18

Article 18 prohibits the conferment of titles by the state, except for military and academic distinctions. It serves to uphold the fundamental principle of equality enshrined in the Constitution. Clause 4 restrains anyone holding office of profit or trust under the state from accepting foreign titles without presidential consent. The key objective of this article is to promote equality, ensure no individual gain undue social privilege or status based on titles. Balaji Raghavan v. UOI (1996)[20] - this case questioned the constitutional validity of

[18]Protection of Civil Rights Act is available at https://www.indiacode.nic.in/bitstream/123456789/15434/1/protection_of_civil_rights_act%2C_1955.pdf

[19] *People's Union for Democratic Rights* v. *Union of India*, SCC (3) 235 1982

[20] *Balaji Raghavan* v. *Union of India*, (1996) 1 SCC 361

national awards such as Bharat Ratna, Padma Vibhushan, Padma Bhushan, and Padma Shri. It was argued that these awards violated Article 18(1) by effectively functioning as titles that created inequality in society. The Supreme Court clearly distinguished between titles and awards. There is no violation of equality as the national awards are merit-based, non-hereditary, and do not create any legal inequality among citizens. Article 18 ensures that India remains a society free from feudalistic or aristocratic practices by abolishing titles that confer undue privilege.

Despite India's progress in various areas, inequality persists in certain sectors due to systemic barriers, socio-economic disparities, and lack of effective implementation of laws. An elaboration of key sectors facing inequality and recommended legal measures:

a) Education: In India, the education sector may experience significant inequalities, and there is a stark divide in access to education between rural & urban areas. Another complication is that the main objective of reservation in the country is for the uplift of the socially backward class. Such a reservation existing in the country for almost 76 years. However, due to a reservation, whether the socially backward classes are uplifted is a debatable issue. We can find reservations almost in every sector, they pave the way for SBC to get out of the vicious circle of discrimination and exploitation. Initially, a reservation was implemented for short duration. However, due to the country's slow progress that polices extended indefinitely. By that time, the idea of reservation had changed to vote bank politics. An important question arises when the topic of reservation is discussed. If a reservation exists in the society for a prolonged time, then the efficient candidate will not be able to get into their preferred platforms. When a reservation was favouring one side, soon it will be detrimental to the other groups of society. This issue has been in existence in the society for a long time. Above all, with the reservations, is there truly any progress in the society? Whether all the communities with merit ranking can pursue their opportunities as they deserve is a serious question.

b) Healthcare: In this sector, the inequality is evident in the urban-rural divide. Urban areas have better access to hospitals and specialized care, while rural areas suffer from a shortage of healthcare facilities and professionals. Some marginalized groups, particularly Dalits and adivasis, often face discrimination in hospitals, further exacerbating their health outcomes. Solutions for the problems introduce a law mandating affordable and accessible healthcare for all citizens, that cost is not a barrier to medical treatment.

c) Employment: Here inequality is pervasive, with significant wage disparities based on gender, caste, and region. Women, minorities, and marginalized groups remain underrepresented in higher-level positions. One of major leakage in the unorganized sector, including domestic work, construction, and agriculture, sees widespread exploitation, with workers often lacking basic rights and protection. With the Strengthening penalties under the Equal Remuneration Act (1976)[21] to ensure equal pay for equal work, irrespective of gender or caste, and to introduce quotas for SCs, STs, OBCs, and economically weaker sections in private companies, may help to improve representation and equity in society.

d) Gender Equality: In India, Gender-based violence, including domestic violence, sexual harassment, and honor killings, continues to undermine women's safety and dignity. In the predominant case, women remain underrepresented in politics, the judiciary, and corporate leadership. Recommendation for law in these cases is to ensure strict enforcement of the Domestic Violence Act (2005)[22] & Sexual Harassment of Women at Workplace Act (2013)[23], and mandate establishment of childcare facilities in workplaces and extend maternity/paternity leave to support work-life balance. The laws of the country are there to protect all the victims. But for certain crimes, only women are given full protection, not for men. The prejudice that men are not subjected to these types of crimes, which are mostly women-centric, provides the due advantage to the criminals in most of the provisions in Indian laws. The only solution is to make equal gender-neutral laws to avoid misuse and to protect the victim under the name of law.

India has made significant strides in promoting equality, but systemic inequalities persist across key sectors. Addressing these disparities requires a robust legal framework, effective implementation, and accountability mechanisms. Inclusive policies and targeted interventions can bridge gaps and foster progress. To ensure true equality, India must strengthen laws and enforcement mechanisms across all sectors, creating a fair and equitable society for all.

- Rights

[21] https://www.indiacode.nic.in/bitstream/123456789/1494/1/AAA1976___25.pdf

[22] https://www.indiacode.nic.in/bitstream/123456789/15436/1/protection_of_women_from_domestic_violence_act%2C_2005.pdf

[23] https://www.indiacode.nic.in/bitstream/123456789/2104/1/A2013-14.pdf

Our fundamental rights are quoted and explained in the Constitution of India, which is also called the supremacy of land. The rights are legal, moral, social entitlements granted to individuals to ensure their dignity, freedom, and equality within society. The legal framework serves as safeguards that protect individuals from exploitation and oppression. Fundamentally, rights provide the framework for a just and equitable society, ensuring that every person can live with dignity and participate fully in their community. Examples of fundamental rights include the right to life, freedom of speech, and the right to equality. These rights empower individuals, enabling them to make choices, express opinions, and access opportunities essential for personal and societal development.

The concept of rights has undergone significant evolution in India, reflecting its historical, cultural, and social-political changes. Before independence, colonial rule heavily restricted every Indian's rights. The freedom movement emphasized the need for fundamental rights as an integral part of an independent India. Influenced by global events, such as the American and French revolutions, and documents like the Universal Declaration of Human Rights (1948), the framers of the Indian Constitution enshrined a comprehensive charter of rights for its citizens.

Fundamental Rights Guaranteed under the Indian Constitution

Part III of the Indian Constitution enumerates six categories of fundamental rights:

• Rights to Equality (Article 14-18): Article 14 ensures equality before the law and equal protection of the laws. Article 15 prohibits discrimination on ground of religion, race, sex, caste, or place of birth. As well as Article 16 gives rights to reservation.

• Rights to freedom (Article 19-22): includes freedoms of speech and expression, assembly, association, movement, residence, and profession (Article 19). In Romesh Thapper v. State of Madras (1950)[24], Justice Patanjali Sastri rightly observed that "freedom of Speech and the press laid at the foundation of all democratic organization, for without free politics discussion no public education, so essential for the proper functioning of the process of popular government, is possible."[25] Freedom of speech and expression means the right of a person to express one's

[24] *Romesh Thappar* v. *The State of Madras*, 1950 AIR 124

[25] https://www.telegraphindia.com/opinion/democracys-fate-rests-upon-the-argumentative-indian/cid/1826677

convictions and opinions freely without any hindrance through words of mouth, writing, printing, pictures, or any other mode. Srinivas v. State of Madras (1992)[26] - Thus freedom of speech & expression includes liberty to propagate not one's views only. It also includes the right to propagate or publish the views of other people this may be called as freedom of the press. The important point is the rights granted by Article 19 are available only to citizens and not to a foreigner or an alien as well as they cannot claim a right under Article 19.

• Protection in respect of conviction for offenses (Article 20), Clause 1 states that Ex post facto law, whereas this clause prohibits retrospective criminal laws. A person cannot be convicted for an act that was not considered as crime at the time of its commission. In the case of Kedar Nath v. State of West Bengal (1953)[27], the court held that punishing a law that was not in force at the time of the offence would violate Article 20(1), especially the Supreme Court held that the enhanced punishment could not apply to the act committed by the accused in 1947 and hence set aside the increasing additional fine imposed by the amended Act.

• Protection of life and personal liberty (Article 21) is one of the most significant and widely interpreted provisions. It guarantees the fundamental rights to life and personal liberty and has been expanded through judicial interpretation to cover various aspects of human dignity, privacy, and personal freedom. In Kharak Singh v. State of UP (1963) case[28], the Supreme Court held that the term "life" under Article 21 does not mean mere animal existence but it includes all those aspects which make life meaningful. The meaning of "Personal Liberty" is laid out in the case of Maneka Gandhi v. UOI (1978)[29] expanded the scope of personal liberty to include all fundamental rights, emphasizing that any law affecting personal liberty must be just, fair, and reasonable. One of the landmark cases for Right to Privacy is K.S. Puttaswamy v. UOI (2017)[30], in which it is declared the right to privacy as a fundamental right under Article 21, affecting areas like Aadhaar, surveillance, and personal autonomy. Right to a clean environment states M.C. Mehta v. UOI (1987)[31] which recognized the right to a pollution-free environment as part of the right to life. Right to Livelihood is the most important segment of life in the case of Olga Tellis v. Bombay Municipal Corporation (1985). The Supreme Court held that the right to livelihood is included in the right to life. This Article 21 is the heart of

[26] *Srinivasa* v. *State of Madras*, 1992 SCC (2) 643
[27] *Kedar Nath Bajoria* v. *State of West Bengal*, 1953 AIR 404
[28] *Kharak Singh* v. *State of Uttar Pradesh*, 1964 SCR (1) 332
[29] See Supra Note, 9
[30] *K.S Puttaswamy* v. *Union of India*, 2017 SCC 4161
[31] *M.C. Mehta* v. *Union of India*, AIR 1987 SUPREME COURT 1086

fundamental rights and has been widely interpreted to protect various aspects of life, with dignity, and personal freedom. Courts have played a significant role in ensuring that laws affecting life and liberty are just, fair, and reasonable, thereby strengthening human rights in India.

• Article 22 gives protection against arbitrary arrest under the Indian Constitution.

• Right against Exploitation (Article 23-24) by referring to the case of Bandhua Mukti Morcha v. UOI (1984)[32] that deals with Prohibition of human trafficking. Article 24 states the prohibition of child labor.

• Right to Freedom of religion (Article 25-28) whereas Article 25 guarantees individuals the freedom to profess, practice, and propagate their religion. Indian Young Lawyers Association vs. State of Kerala (2018)[33] it was namely called the Sabarimala case, here the court ruled that prohibiting women from entering the Sabarimala temple violated Article 25 & 14. Article 26 is to establish and maintain a religious institution and manage their affairs in religion. Tilkayat Shri Govindlalji Maharaj Etc. vs. State of Rajasthan and Others (1963)[34] stated that state interference in religious affairs is justified when it is for public welfare. Article 25-28 ensure a balance between individual religious freedom and state intervention for secularism and public welfare. Dav College vs. State of Punjab (1971)[35], the court interpreted Article 28 as holding that government–aided institutions cannot compel students to take religious education. The Supreme Court has consistently ruled that while religious freedom is fundamental, it is not absolute and must comply with constitutional values, with these articles.

• Article 29 states that protection of the language, script, and culture of minorities. Article 30 gives rights of minorities to establish and administer educational institutions.

• Right to Constitutional Remedies - Here Dr. B.R. Ambedkar called Article 32 “the heart and soul of the Constitution.” Kesavananda Bharati v. State of Kerala (1973)[36] - this case established the basic structure Doctrine. The Supreme Court and High Courts can issue writs like Habeas Corpus, Mandamus, Certiorari, Prohibition, and Quo-Warranto.

• Directive Principle of State Policy (DPSP) (Part IV of the Constitution) - these principles are not enforceable in court but guide the state in policymaking. Article 39A refers to Hussainara

[32] *Bandhua Mukti Morcha* v. *Union of India*, [1984] 2 S.C.R. 67
[33] *Indian Young Lawyers Association* v. *State of Kerala*, [2018] 9 S.C.R. 561
[34] *Tilkayat Shri Govindlalji Maharaj Etc.* v. *State of Rajasthan*, 1963 AIR 1638
[35] *DAV College* v. *State of Punjab*, 1971 SCR 677

[36] *Kesavananda Bharati* v. *State of Kerala*, (1977) 3 SCC 592

Khatoon v. State of Bihar (1979)[37] case where it is stated that it is an equal justice and free legal aid. Article 41 & 43 give the right to work and education, and living wage for the worker respectively. As well as Article 47 governed the improvement of public health.

Apart from the constitutional rights, several statutory laws will safeguard individual rights:

- The Protection of Human Rights Act, 1993
- The Right to Information (RTI) Act, 2005
- The Right to Education (RTE) Act, 2009
- The Consumer Protection Act, 2019
- The Prevention of Atrocities Act, 1989 (SC/ST Act)

These statutory laws play a crucial role in safeguarding individual rights, ensuring justice, equality, and empowerment in various aspects of life.

Policies and Acts implemented for rights under the Indian Constitution, which include Social Rights, Economic Rights, Political Rights, and Educational Rights :

1. Social Rights:

• Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act, 1989), whereas it protects those communities from discrimination and violence.

•The protection of women from Domestic Violence Act, 2005[38]- ensure the safety and rights of women in domestic relationships.

2. Economic Rights:

• The Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA), 2005[39], provides guaranteed wage employment for rural households.

• The Minimum Wages Act, 1948[40], establishes minimum wage standards to protect workers from exploitation.

3. Political Rights:

• The Representation of People's Act[41], 1951-Regulates elections to ensure free, fair, and democratic processes.

4. Educational Rights:

[37] *Hussainara Khatoon* v. *State of Bihar*, [1979] 3 S.C.R. 169

[38] See Supra Note, 21

[39] https://www.indiacode.nic.in/bitstream/123456789/2014/5/a2005-42.pdf

[40] https://clc.gov.in/clc/sites/default/files/MinimumWagesact.pdf

[41] https://www.indiacode.nic.in/bitstream/123456789/2096/9/A1951-43.pdf

• The Rights of Children to Free and Compulsory Education Act, 2009 (RTE)[42]-Ensures free and compulsory education for children aged 6-14.

These legislative measures uphold constitutional rights by fostering social justice, economic security, political participation, and educational empowerment in India.

Recommendations for Strengthening Rights in India by Repeal of Archaic Laws to prevent misuse against dissenters, Gender Justice, Privacy and Data Protection by robust Personal Data protection Law, strengthen Labour welfare laws, and judicial reforms by reducing case backlog and improve access to legal aid.

To conclude, Indian Constitution provides a strong framework for protecting and promoting rights. However, challenges in implementation, misuse of laws, and lack of awareness hinder full realization of these rights. Stronger legal frameworks, better enforcement mechanisms, and increased public participation can bridge these gaps, ensuring India upholds its commitment to democracy, equality, and justice.

Fostering Fairness: The Essence of Social Justice

Social justice is a concept that has been adopted and is an essential part of our democratic society. Social justice is a fair and equitable distribution of resources, opportunities, and rights regardless of differences. The essence of social justice lies in fostering fairness, equality, and respect for everyone in a society. Plato and Aristotle were great philosophers in Greece, their ideas of social justice are based on harmony in the society. Plato's idea of social justice is about balance and proper functioning of the whole system with the individual and the society, he emphasized idealism and a structured society whereas Aristotle's concept of social justice was more rational and focused on fairness in distribution, with the everyday political system. In a democratic country like India, Social justice is deeply rooted in the framework of our constitution. The main aspect of social justice is Equality, and our constitution mainly focuses on it. But it has limitations, we know that everyone is not equal as their resources and opportunities are not equally distributed. Some are born rich, while some are striving in poverty. Our constitution is carefully framed in such a way that there are no inequalities and disparities in a country.

The Constitutional Duality: DPSPs and Fundamental Rights as Pillars of Social Justice

[42] https://www.education.gov.in/sites/upload_files/mhrd/files/upload_document/rte.pdf

Our fundamental rights enshrined in Part 3 of the Constitution are essential to ensuring social justice in the country. Article 14[43], addresses the right to equality, which is an important aspect of social justice. Though the article is brief, it holds immense significance and is a cornerstone for social justice. Article 15[44] ensures the Prohibition of discrimination on grounds of religion, race, caste, sex, or place of birth. Article 16[45] ensures equal opportunity to be given in public employment. Article 17[46] abolishes untouchability and Article 18[47] prohibits the usage of titles. Article 21[48] says about the Protection of life and personal liberty it is also extended to give the right to education, health, and to live with dignity. It is an important article in the constitution that cannot be suspended even during times of emergency. Our constitution is carefully framed to make sure that the articles provide a constitutional guarantee to social justice in the country. Those who face violation or deprivation of justice can approach the court to seek remedies.

Part IV of the constitution, from Article 36-51, is directive principles of state policy[49]. They are constituted for the moral and social welfare of the country. They are not legally enforceable, which means that one cannot approach the court to seek remedies when one of their rights under DPSPs is violated. They are formed to give guidance to the government's policy-making and governance. Article 39 emphasizes fair distribution of wealth and resources and Article 39A[50] promotes equal justice and free legal aid. Article 41[51] gives the right to work, education, and public assistance in certain cases of unemployment, old age, sickness, disablement, and other cases of undeserved want. Article 42[52] Provides for just and humane conditions of work and grants for maternity relief. It promotes equal pay, the right to free education, the right to work, the right to public assistance, and many more for the welfare of the citizens. Article 45[53] focuses on free and compulsory education and Article 47[54] calls for the Duty of the State to raise the level of nutrition and the standard of living and to improve public health.

[43] See Supra note 1, Art 14
[44] See Supra note 1, Art 15
[45] See Supra note 1, Art 16
[46] See Supra note 1, Art 17
[47] See Supra note 1, Art 18
[48] See Supra note 1, Art 21
[49] See Supra note 1, Art 36-51
[50] See Supra note 1, Art 39A
[51] See Supra note 1, Art 41
[52] See Supra note 1, Art 42
[53] See Supra note 1, Art 45
[54] See Supra note 1, Art 47

In a nutshell, DPSPs focus on encouraging social justice, bridging the gap between social inequalities, protecting marginalized communities, promoting gender equality and the right to education, the right to work and emphasizing public assistance, abolishing untouchability, and caste-based discrimination.

Bridging Gaps: Legal Pathways to Social Justice

Tracing back, citizens of India were always divided by caste, and caste discriminations were prevalent in the country. To combat caste discrimination, various laws and acts were introduced to abolish caste discrimination in the country.

Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989

SC/ST Act is influenced by Article 46 of DPSPs i.e. protection of SC/ST from social discrimination and exploitation. The Act was introduced to protect SC/ST communities from discrimination, atrocities, and violence, and ensure their rights. [55]

Reservation Policies

Reservations in India have been existing in the society for a long time. Reservations are first introduced to prevent social discrimination and upliftment of socially backward communities. Reservations are constitutionally guaranteed under Articles 15(4) and 16(4) that have drawn inspiration from Article 46. Reservation policies provide reservations in education, government jobs, and political representation for SCs, STs, and Other Backward Classes (OBCs).

In Indra Sawhney V. Union of India 1992, the Supreme Court established reservation principles. The case addressed the constitutional validity of 27% reservation on OBCs and reservations in promotions. The Supreme Court upheld 27% reservation for OBCs in central government services. It also established a 50% cap on reservations and concluded that there would be no reservations in promotions. The court emphasized social justice and social equality. And kept a strong affirmation of equal opportunity.[56]

Equal Remuneration Act, 1976 this Act is introduced with respect to Article 39, which addresses equal pay. It aims to ensure that both men and women receive equal pay for equal work, free from gender discrimination.[57]

[55] SC/ST Act available at https://www.indiacode.nic.in/bitstream/123456789/15338/1/scheduled_castes_and_the_scheduled_tribes.pdf

[56] *Indra Sawhney* v. *Union of India*, AIR 1993 SC 477

[57] ERA, 1976 available at https://www.indiacode.nic.in/bitstream/123456789/1494/1/AAA1976____25.pdf

The Right to Education Act of 2009 ensures free and compulsory education for children, and the Child Labour (Prohibition and Regulation) Act of 1986 prohibits children under the age of 14 from working in hazardous industries. Various food security and health laws were introduced for the welfare of the people.[58]

Gender-centric laws were introduced to ensure justice for all without gender bias. Such as The Protection of Women from Domestic Violence Act, 2005[59], and the case of Vishaka V. State of Rajasthan[60] facilitated in introducing Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013[61] it was established to ensure the protection of women in the workplace.

Social justice also involves economic justice. The government has introduced various schemes to ensure economic justice in the country. In society, everyone is treated equally when their standards of lives also raised. The Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (MGNREGA) guarantees 100 days of employment per year to rural workers in India. It supports the livelihood of the rural people. The government will compensate if work is not provided or there is a delay. [62]

The Rights of Persons with Disabilities (RPWD) Act of 2016 was a government initiative to make society more inclusive for people with disability. The Act aims to ensure that people with disability can live with dignity, and respect, without any discrimination, and are given equal opportunities. It also ensures that they are protected from abuse, cruelty, harassment, and discrimination. The Act guarantees that just like everyone else they can also exercise all their rights from voting rights to reproductive rights, inheritance rights, and many more.[63]

The Forest Rights Act (FRA) of 2006 is a measure introduced by the government to recognize the rights of the tribal groups whose livelihoods depend on the forest. When the forests were merged, their rights were confiscated. This Act ensures the restoration of their rights and

[58] RTE Act, 2009 available at https://www.education.gov.in/sites/upload_files/mhrd/files/upload_document/rte.pdf

[59] https://www.indiacode.nic.in/bitstream/123456789/15436/1/protection_of_women_from_domestic_violence_act%2C_2005.pdf

[60] *Vishaka* v. *State of Rajashthan*, AIR 1997 SUPREME COURT 3011

[61] https://www.indiacode.nic.in/bitstream/123456789/2104/1/A2013-14.pdf

[62] https://rural.gov.in/sites/default/files/nrega/Library/Books/1_MGNREGA_Act.pdf

[63] https://www.indiacode.nic.in/bitstream/123456789/15939/1/the_rights_of_persons_with_disabilities_act%2C_2016.pdf

protects the forest-dwelling communities from getting evicted from their forest. The government has set up a monitoring committee to ensure their rights are not seized.[64]

The Legal Sentinel: Judiciary's Pivotal Role in Social Justice

The judiciary serves as a guardian to ensure social justice exists in society and everyone gets to enjoy it. Whenever there is injustice, the judiciary will intervene and make sure that justice prevails in the country. Through judicial review and judicial activism and with the help of Public Interest Litigation, the judiciary bridges the gap between social ideals and social realities.

In Kesavananda Bharati v. State of Kerala, the case has laid down the basic structure doctrine. The court stressed that the basic structure of the constitution cannot be altered by amendments. Amendments that violate fundamental rights and that cause injustices in society will be struck down.[65]

Taking the judgment from Maneka Gandhi v. Union of India (1978) the court gave another perspective on Article 21 saying that the Right to Life includes the Right to live with dignity setting a precedent for various cases concerning social justice.[66]

Everyone has the right to education, highlighting free and compulsory education for children is the key point from the judgment of Mohini Jain v. State of Karnataka[67] and Unni Krishnan v. State of Andhra Pradesh[68], and it paved the way for introducing the Right to Education Act.

It is a universal fact that a person cannot survive for long without any livelihood, the right to livelihood is an integral part of our society. This was recognized in the case of Olga Tellis vs Bombay Municipal Corporation.[69]

The judiciary as a guardian of justice in India ensures that the fundamental necessities of the citizens are met. From the landmark judgment of People's Union for Democratic Rights v. Union of India (1982), the judiciary protected the rights of the marginalized communities and their labour rights. It underlined that non-payment of wages amounts to forced labour and it violates Article 23 of the Constitution[70].

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[64] FRA,2006 available at https://www.indiacode.nic.in/bitstream/123456789/8311/1/a2007-02.pdf
[65] *Kesavananda Bharati* v. *State of Kerla*, (1973) 4 SCC 225
[66] *Maneka Gandhi* v. *Union of India*, (1978) 1 SCC 248
[67] *Mohini Jain* v. *State of Karnataka*, 1992 SCC (3) 666
[68] *Unni Krishnan* v. *State of Andhra Pradesh*, 1993 SCC (1) 645
[69] *Olga Tellis* v. *Bombay Municipal Corporation*, 1986 AIR 180
[70] *People's Union* v. *Union of India*, 982 AIR 1473.

In recent times, public interest litigation has become a weapon to fight against injustice in the country. It made sure that the grievances of the people were addressed. PILs like KS Puttaswamy V. Union of India spoke about privacy infringement and questioned the government's rights to invade the rights of the citizens.[71] Due to PIL in the case of Vishaka v. State of Rajasthan the government has introduced guidelines against workplace harassment and established The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.[72]

Judicial Activism and Judicial Review have strengthened the judiciary. They act as a watchdog of the country which helps them to strike down discriminatory laws and policies. They act as a barricade against injustice.

Social justice is the foundation for a society to be fair and equal. Society has gained its justice only when every individual irrespective of gender, caste, creed, religion, or socioeconomic status, has access to equal rights and opportunities. Attaining social justice is not just a theory-based idea but a reality to be embedded in society. To achieve this there needs to be consistent efforts from all sides of the society. It should start with the country's citizens and should be constantly supported by the government, and the judicial system. The Indian constitution lays a strong groundwork for the constitutional guarantee of rights, equality, and dignity for the citizens but their practical implementation is a question mark. Addressing the barriers affecting social justice, making all the communities inclusive, and ensuring that marginalized communities are empowered and protected are critical for achieving social justice in the country. Eventually it is a collective responsibility to attain fairness, equity, and the upliftment of all sections of society. We can create a nation where justice prevails by embracing all the principles.

Navigating the Hurdles: Implementing Rights, Equality, and Social Justice in India

- **Unequal Paths: The Realities of Socio-economic Gaps**

A significant part of our country lives below the poverty line and a small portion of rich people can control the country's wealth. The country is dancing to the tune of the rich. While the rich remain rich and richer; the poor stay poorer. The country will never grow when there is always a significant population who are below the poverty line. This denies them access to various necessities that are easily accessible to rich people such as education, health, public assistance,

[71] *Ks Puttuswamy* v. *Union of India*, 2017 (10) SCC 1
[72] See Supra note 22

and other basic rights. When poverty prevails in society on one side while on the other hand, caste-based discrimination is not completely abolished from society. Caste discrimination is still one of the social issues that does not have a proper solution to put an end to it. Due to this, there are specific sets of populations whose rights are affected and their opportunities are obstructed. This issue persists both in rural and urban areas.

- **Unequal Realities: The Gender Gap**

Since ancient times women have been oppressed in this society. Even after various laws were introduced for the protection of women and weaker sections, discrimination against women and marginalized genders continues to persist. They are not given equal opportunities in education, employment, and other fields. Gender-based crimes are the serious crimes in India. In recent days the percentage of crimes against women never decreased and keeps on increasing. This adversely affects the society.

- **Regional Imbalances: A Growing Concern**

Our country has been divided based on various criteria such as language, geographical areas, urban-rural, and many more. When unity in diversity sounds good in theoretical terms, however in practical due to various divisions the country has been facing many social issues. There is a developmental imbalance between the states. When urban enjoy better infrastructures and opportunities; rural areas don’t get to enjoy them as equal to urban areas, they lack resources and infrastructures.

- **Barriers Built by Unawareness**

Many citizens are not aware of the laws in India and the constitutional rights guaranteed by the constitution. Many are unaware of the legal remedies that they can seek when they experience injustice. Some deep-rooted traditions and practices that contradict the legal frameworks act as a cultural barrier to achieving social justice.

- **The Weight of Corruption and Bureaucratic Hurdles**

‘Justice delayed is justice denied' is a well-known quote that emphasizes the swift moves to be taken by the court to serve justice to the victims. However, delays in justice are persistent in the country, caused by various reasons ranging from bureaucratic inefficiencies to institutional red tape. The complex bureaucratic process often causes significant challenges, especially for marginalized communities, making it harder for them to access legal remedies. Corruption is

deeply ingrained in our society. On one side, we constantly urge the country to be vigilant, but on the other hand, it looks like the country is dormant in the face of corruption.

- **Weak Implementation of Laws**

Despite laws being progressive, their practical implementations remain inconsistent. Even after introducing Acts such as the Right to Education Act, the SC/ST (Prevention of Atrocities) Act, The Caste Disabilities Removal Act of 1850, and many more, the country's mindset is still backward. On top of that, on the ground level, they are not exercised at their fullest capacity. All over the courts in India from Session Court to the Supreme Court, hundreds of cases are filed daily and many of them are pending before the courts for years. When the court is burdened with so many backlogs timely justice will be difficult.

- **Social Prejudices and Stereotypes**

A large population in the country faces social prejudices and discrimination daily. It is an excuse when it comes to what causes discrimination. Subtle forms of stereotypes have become normal that we forget that these are not ideal for society. Society is resistant to progressive reforms such as gender-neutral laws, LGBTQ+ rights, and many more.

From Challenges to Change: Advocating Rights, Equality, and Justice

- **Fortifying the Foundations of Justice**

It is high time the judiciary should ensure the rapid practical implementation of constitutional provisions and laws protecting rights, equality, and social justice. Acts such as the SC/ST Act and the Right to Education Act should be enforced with force. The parliament should introduce laws that are welfare for of society. It should bridge the gap in the legal framework and protections for marginalized communities, such as gender-neutral laws and anti-discrimination laws, marital rape laws, and many more making the society more inclusive.

- **Judicial Reforms**

The judiciary system should be reformed. It is necessary to reduce the backlogs in courts. The judiciary should implement various measures to reduce the pending cases in the courts and encourage rapid verdicts in societal issues and cases. There should be more access to legal aid

for economically weaker sections of the country. The cases are to be handled more swiftly, efficiently, and transparently.

- **Uplifting Voices: Empowering the Marginalized**

Every citizen, especially the marginalized communities, must be aware of their rights and legal remedies. The government must ensure that awareness is made among the public about their legal rights and ensure that their justice is timely served. Marginalized communities and educationally backward communities must be educated and encouraged to take leadership and encourage them to fight for justice instead of giving up.

- **Raising Awareness and Promoting Education**

Education is an important tool and a powerful weapon to combat injustice and inequalities in India. In this country anyone can snatch anything from anyone except their knowledge. Once the society is more informed and less illiterate, social injustice will not persist in the society. Literacy campaigns has to be held partnering with various NGOs to educate the marginalized communities and keep them informed about their rights. Schools should add integrated programs involving social justice, rights, and equality.

- **Breaking Down Resistance in the Face of Change**

Society should be progressive, not regressive. The society should be educated about the progressive society and should break down the cultural and social resistance. Media should influence society in uplifting the country and emphasizing social justice, equality, and rights. The society should not resist change. There should not be any discrimination against any caste, creed, religion, region, and many more.

- **Tackling Political Polarization**

Tackling political polarization requires prioritizing common goals over individual ideologies. Instead of making caste upliftment promises, the political party should make promises for the welfare of the society and not to kindle the caste-based thoughts in the minds of the people. They should formulate policies for the social welfare uplifting social justice in the country. They should ensure transparency and accountability. Education and awareness campaigns should emphasize universal values of fairness, equality, and dignity.

CONCLUSION

Social justice is the surest guarantor of peace in the world.

- Guy Ryder

Rights and equality are the cornerstones of the very existence of a nation. It is an inviolable notion that a society cannot dream of living in another world without freedom for an individual. These two ideas bind together to guarantee social justice. It is not the sole responsibility of the legislature and judiciary to ensure social justice; above all, it is a legal and moral obligation of all citizens. Our Indian Constitution has been thoughtfully constituted by drawing inspiration from various countries, upholding the concepts of rights and equality as the pillars of our country. Today, it is more important that people's rights are protected and social justice prevails in society. Ever since ancient times, the notion of rights and equality has been an advent of time, with reformation in full swing being set down to suit the welfare of society. Rights and equality are living concepts that must be nourished, oriented, and introduced into social conditions with utmost effort. Mere manifestation of peace in a country is not enough; every citizen must work towards contributing to the development. The present era witnesses judicial activism assisting the public interest litigation (PIL) to counter inequalities. The Courts are, however, a watchdog body of society in the nation. But writing laws is not all; the implementation of these laws to make them effective is a big variable. The development of a nation is thus in the hands of its citizens.

If the constitution of a nation guarantees the rights, equality, and dignity for the citizens, citizens will in turn guarantee the prosperity and productivity of the nation. Social justice is not just a cause, but is the result of social injustice causing to people.

Give up on social injustice and live in the peaceful world having social justice.