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Law As A Tool For Social Justice And Empowerment

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INTRODUCTION

Human society is essentially anchored in the concept of law and legal responsibility. It serves as the cornerstone controlling our interactions and preserving justice and order. While legal responsibility relates to the obligation to operate inside the boundaries of the law and to be accountable for one's actions, the law creates a framework of rules and guidelines that both people and institutions are required to follow. Law's basic goal is to build a system that supports fairness, equality, and protection of personal liberties. It provides a basis for suitable behaviour and a way to resolve problems and arguments. Without laws, society would collapse and there would be no way to control human behaviour. The legislation is a major instrument for social transformation, not only a set of guidelines and rules. Legal systems have been absolutely important historically in forming societies, preserving peace, and defending rights. Particularly for underprivileged and marginalised groups, the law is absolutely important in modern democratic systems in promoting social justice and empowerment. Fundamentally, social justice advocates the equitable distribution of resources, opportunities, and benefits inside a society; empowerment, on the other hand, emphasises on arming people and groups to exercise their rights and participate completely in social, political, and financial spheres. Law combined with these values forms the basis of an equitable and inclusive society. Many times, the idea of justice is associated with the belief that it entails within the legal framework equal rights, access, and fair treatment. A welfare state cannot be without social justice since it is fundamental. The several clauses of the Indian Constitution really reflect the idea of social justice. Terms like "Socialist," "Social and Economic Justice," and "Equality" in the Preamble of the Constitution suggest that the state will be very important in the welfare of its people and aim to produce an egalitarian society. Furthermore, a particular part of the Directive Principles of State Policy addresses the welfare responsibilities of the government, so delineating the guidelines for excellent government meant to advance the welfare of the people. Through Public Interest Litigations (PILs), historic decisions, and creative legal interpretation, the court has greatly helped social justice to develop. Law has promise, though, in guaranteeing social justice, not without challenges. Many times, ignorance of legal issues, financial constraints, complex processes, and society prejudices limits access to justice, so making empowerment an unmet need for many people. The aim of this research article is to look at how law might help to create social justice and empowerment. It will examine the contributions made by legislation and the court in this field and highlight the difficulties still standing in order to realise these objectives.

CONCEPTUAL UNDERSTANDING OF SOCIAL JUSTICE

Legal, social, and empowerment are connected fundamentally in legal, social, and philosophical theories developed over many millennia. Social justice evolved from the change in society standards, order, legal systems, and moral values. It emphasised only moral behaviour and supports society intervention by means of policies based on social equality. The term 'social' refers to all individuals within a society, while 'justice' pertains to concepts of liberty, equality, and rights. Therefore, social justice guarantees freedom, equality, and upholds individual rights within society. To put it differently, achieving the utmost development of the abilities of every individual within society can be referred to as social justice. Social justice refers to the fair treatment

of every individual, regardless of social distinctions such as caste, colour, race, religion, or gender. It signifies the lack of special advantages granted to any specific group within society, along with the enhancement of circumstances for marginalised classes (SCs, STs, and OBCs) and women.

In modern usage, the idea of social justice has also come to represent the moral responsibility of states and communities to bridge social and economic gaps. It is no longer confined to theoretical debates but has become a guiding principle for drafting constitutions, framing welfare policies, and enforcing human rights obligations. By linking fairness with inclusivity, social justice as a concept has gained global recognition in development agendas, including the United Nations' Sustainable Development Goals (SDGs).

Philosophers, politicians, sociologists, and various social thinkers have long been engaged in contemplating social justice and periodically outlining its boundaries. Plato believed that society is formed by various types of individuals: the producers, the military, and the rulers.¹ These groups come together, driven by their interdependence, to create a harmonious whole that reflects the entirety of human thought. He argued that social justice is achieved when each type fulfils its inherent role effectively. For Aristotle, it evolved into distributive justice, focussing on the proportional allocation of positions based on an individual's merit.² The discussion surrounding 'social justice' peaked in 1971 with the release of *A Theory of Justice*, authored by Harvard philosopher John Rawls.³ According to Rawls, social justice involves ensuring equal access to liberties, rights, and opportunities, while also providing support for the least advantaged individuals in society. According to Frederich Von Hayek, the ability to make informed economic choices fosters a setting of logical social coordination, ultimately leading to what he referred to as "spontaneous order." These observations prompted Hayek to determine that the government ought to adopt a much more restrained and limited approach in overseeing social and economic collaboration.

ROLE OF LAW IN ATTAINING SOCIAL JUSTICE

The law serves to uphold justice by establishing a fair and unbiased framework for settling conflicts, penalising offenders, and guaranteeing that all individuals receive equal treatment under legal statutes. The law guarantees fair conflict resolution, protects personal liberties, and advances the welfare of all by means of a fair and orderly society. It creates a legal framework that supports stability, justice, and the welfare of people as well as of the society.

At its foundation, law serves as a tool for social engineering, balancing the competing interests of people and organisations while guaranteeing that no segment of society is left behind. Roscoe Pound's view of law as a weapon of social control and change resonates well in India, where legislation and judicial pronouncements are regularly utilised to uplift marginalised groups and lessen disparities.

Legal terms refer to social justice as the fair sharing of rights, opportunities, and resources among members of a society. It addresses the systematic injustices, prejudice, and oppression that specific groups face from various sources. These often include factors such as disability, race, gender, or socioeconomic status. In legal terms, social justice means ensuring everyone has equal access to legal protections and opportunities that improve individual and community well-being. It involves respecting basic human rights, promoting diversity, and tackling social issues along with government barriers.

Social justice aims to create a society where everyone has equal opportunities to participate, grow, and be treated fairly. This involves creating laws, policies, and legal systems designed to address social and economic inequalities, protect the rights of marginalized groups, and promote equality and dignity for all. Within the legal framework, social justice recognizes that achieving a fair society relies heavily on equity and justice.

Furthermore, the law helps to establish accountability procedures. Institutions like as the National Human Rights Commission (NHRC), National Commission for Women (NCW), and National Commission for Scheduled Castes (NCSC) are governed by legal frameworks, which ensure that marginalised groups' issues are adequately addressed. This institutional underpinning promotes citizens' belief in the rule of law as a means of achieving justice.

¹ Abhijeet Pimparkar, *Plato's Political Philosophy*, PSIR Notes (September 21, 2023)

<https://politicsforindia.com/platos-political-philosophy/>

² Dr. Sajiya Sultan Begum, *Aristotelian And Rawlsian Concept of Distributive Justice*, 6 JETIR 849 , 851 (2019)

³ John Rawls, *A theory of Justice* 52 (The Belknap Press of Harvard University Press Cambridge revised ed. 1999)

Social justice movements that shape India's path and challenge long-standing inequality are closely linked to its history. From the struggle for independence from British rule to current issues surrounding gender equality, environmental sustainability, and the rights of poor people, India's efforts showcase its diverse and resilient character. Figures like Mahatma Gandhi and Bhimrao Ambedkar laid the groundwork for social justice by advocating for the rights of marginalized classes, women, and underrepresented communities before independence. The Indian freedom movement illustrated the power of collective action and nonviolent resistance in opposing colonial rule and building a more inclusive society.

The pursuit of social justice continued after independence, with movements like the Dalit movement and feminist initiatives gaining strength. As a result, the concept of social justice is embedded in the Indian Constitution, and the courts have played a key role in emphasizing the connection between law and social justice.

Today, the function of law in achieving social justice encompasses current issues such as climate change, digital inequality, and employment rights in the gig economy. Laws addressing environmental protection, data privacy, and social security for informal workers are increasingly crucial to the justice debate. This demonstrates that social justice is a dynamic concept that requires the law to continually adjust to the changing requirements of society.⁴

CONSTITUTIONAL ASPECT OF SOCIAL JUSTICE

Founders of the Indian Constitution underlined social justice as a fundamental principle. Social justice, according to the Constitution, is the equitable and equal sharing of rights, wealth, and possibilities inside society. This goal is quite clear from the Preamble, which declares India to be a sovereign, socialist, secular, democratic republic guaranteeing social, economic, and political justice for all of its people.

The concept of social justice was not an afterthought, but rather a fundamental goal of India's independence war. Thinkers such as B.R. Ambedkar argued that political democracy without social and economic democracy would result in contradictions. Mahatma Gandhi's advocacy for the abolition of untouchability and the upliftment of the weakest parts influenced caste discrimination legislation, whereas Jawaharlal Nehru's vision of a socialist society emphasised distributive justice and state-led welfare programs. Thus, the framers made certain that the Constitution addressed not only political liberty but also the social and economic empowerment of the marginalised.⁵

The Indian Constitution's Part III guarantees citizens' fundamental liberties and equality. Social justice is built on maintaining people's dignity and advancing inclusiveness, so guiding these rights.

Articles 14–18: Rights to Equality This right forbids discriminating based on religion, colour, caste, gender, or place of birth. Specifically, Article 17 forbids “untouchability” and criminalises its practice, so addressing caste discrimination.

It is -Articles 19–22, which guarantee that people are not unfairly limited because of their background and so safeguard many liberties including those of expression, assembly, association, and mobility, so ensuring that people are free.

Part IV of the Indian Constitution contains the Directive Principles of State Policy (DPSP), which although not legally binding guide the government's attempts to advance social welfare. Establishing social justice depends critically on these concepts addressing poverty, unemployment, and education. These Directive Principles reflect the socio-economic vision of the framers. Article 38 calls upon the state to minimize inequalities not just in income but also in status, facilities, and opportunities, while Article 39 directs policies towards securing adequate livelihoods, fair distribution of material resources, and protection of workers. Though non-enforceable in courts, they serve as moral and political obligations, shaping welfare schemes like the Right to Education, MNREGA, and social security laws.

Article 38 mandates that the state guarantee political, social, and financial fairness all around all of its institutions.

⁴ Dr. Anupama Goel & Sohan Singh, *Law as an Instrument of Social Change*, Law Finder (August 11, 2025, 7:50 pm), <https://www.sconline.com/blog/wp-content/uploads/2020/07/20th-Harvard-bluebook.pdf>

⁵ Akhlaq Ahmed, *Weaker Sections of Society and the Constitution: A socio-legal analysis*, at 115-139, 2003 (Aligarh Muslim University), available at <https://core.ac.uk/download/pdf/144509506.pdf>

Article 39 mandates from the state fair compensation for equal work, enough means of subsistence, and protection from economic exploitation.

The Indian Constitution enables the government to award reserves and affirmative action to underprivileged groups in order to reach social justice. Empowering underprivileged groups and guaranteeing their presence in the workplace and in education depend on these laws.

Articles 15(4) and 16(4) let the state create specific arrangements for groups with social and educational disadvantage.

Article 46 of the DPSP guides the state towards advancing the financial and educational interests of SCs, STs, and other underprivileged groups.

In addition to these provisions, the Constitution has been amended over time to expand the scope of social justice. A key example is the 103rd Constitutional Amendment (2019), which introduced a 10% reservation for Economically Weaker Sections (EWS) among forward communities. This marked a shift in recognizing economic disadvantage as a basis for affirmative action, thereby broadening the concept of social justice beyond caste to include poverty as a criterion.

Furthermore, Part IVA on Fundamental Duties also complements the idea of social justice. Article 51A obligates every citizen to promote harmony, renounce practices derogatory to women, and preserve cultural heritage. These duties highlight that achieving social justice is not only the responsibility of the state but also of citizens themselves.

• JUDICIARY AND SOCIAL JUSTICE

Following our independence, the role of the judicial process in our society has shifted significantly. Judicial activism is significant in contemporary India, with the active participation of social activists and public interest litigators in defending the government's commitment to welfare and social justice. One definition of judicial activism is that the court's role is not only to interpret the law, but also to creatively share the Constitution's passion for social justice.

The Supreme Court stated in **D.S. Nakara v. Union of India**⁶, it was stated that the primary goal of socialism is to eradicate income, status, and standard of living disparities, as well as to offer a reasonable standard of living to working people. The term 'social and economic justice' refers to the concept of 'distributive justice,' which can refer to the elimination of economic inequalities and the correction of injustices caused by deals or transactions between the unequal in society. Social justice encompasses more than just reducing inequities through differential treatment, debt relief, and contract regulation.

The Supreme Court ruled in **Minerva-Mill's case**⁷ that directive principles and fundamental rights should be read together to create an equal social order, following **State of Madras v. Champakam Dorairajan**⁸. The Supreme Court ruled in **Rangachari's**⁹ and **Thomas**¹⁰ cases that reservation in promotions is an aspect of equality under Article 16(1). **Indira Sawhny's**¹¹ case further confirmed that Article 16(4) is a facet of Article 16(1). Scheduled Castes and Scheduled Tribes have constitutional rights to socioeconomic equality with other people. Articles 29 and 30 protect minorities as part of the right to social justice and ban discrimination based on religion. They ensure freedom of religion, the right to practise their choice, and the right to govern their institutions in accordance with social welfare standards.

The Supreme Court ruled in the **Ashok Kumar Gupta case**¹² that social justice is a fundamental right. According to the Supreme Court's decision in **Municipal Corporation of Delhi**¹³, the provision granting maternity leave under the Maternity Benefit Act of 1961 applies to all women, including those employed on a casual or muster roll basis based on daily wages, and is consistent with the doctrine of social justice.

These all above case laws highlights upon the judiciary role towards social justice and empowerment. Even though law is a great tool for empowerment and social justice, but this society still creates some challenges and barriers which leads to difficulty in achieving social change.

⁶ D.S. Nakara v. Union of India, AIR 1983 SC 130

⁷ Minerva Mill Ltd. & Ors. v. Union of India, AIR 1980 SC 1789

⁸ State of Madras v. Champkam Dorairajan, 1951 AIR 226

⁹ The General Manager, Southern Railway vs. Rangachari, 1962 AIR 36

¹⁰ State of Kerala & Anr vs. N.M. Thomas & Ors., 1976 AIR 490

¹¹ Indra Sawhney Etc. Etc vs. Union of India & Ors, Etc. Etc., AIR 1993 SC 477

¹² Ashok Kumar Gupta & Ors vs. State of UP & Ors., AIR ONLINE 1997 SC 283

¹³ Municipal Corporation of Delhi vs. Female Workers (Muster Roll) & Anr., AIR 2000 SC 1274

CHALLENGES IN ACHIEVING SOCIAL JUSTICE AND EMPOWERMENT THROUGH LAW

While the law holds great promise as a tool for social justice and empowerment, the journey from written statutes to lived realities is often fraught with challenges. For many, the law exists on paper but remains distant and inaccessible in practice. Despite progressive legislations and landmark judicial decisions, several roadblocks continue to hinder the realisation of social justice, especially for the most vulnerable sections of society.

1. The Gap Between Law and Ground Realities

One of the most persistent challenges is the wide gulf between what the law aspires to achieve and what people actually experience in their daily lives. Even the most well-intentioned laws often fail to bring about meaningful change at the grassroots level. For example, while the law prohibits caste-based discrimination, many people from marginalised communities still face untouchability, exclusion, and violence in subtle and overt forms. The social mindset does not change overnight simply because a law has been passed.

2. Lack of Awareness and Legal Literacy

Empowerment through law is impossible if people are unaware of their rights. In rural areas, among the urban poor, and within marginalised groups, there is often a deep lack of awareness about available legal protections. A woman facing domestic violence may not know about the remedies available under the Domestic Violence Act. A manual scavenger may not be aware that the practice is legally prohibited. Legal illiteracy strips individuals of the power the law is meant to provide.

3. Economic and Social Barriers to Justice

Justice is not always equally accessible. The cost of hiring a lawyer, travelling to distant courts, and the sheer complexity of legal procedures can discourage people from seeking justice, especially those who struggle to meet basic needs. Social pressures, family honour, fear of backlash, and systemic discrimination within legal institutions can further silence victims. For many, especially women and those from lower castes, even approaching the police or courts can feel like an insurmountable task.

4. Delayed Justice and Inefficiency

For many others awaiting their cases to be heard, the adage “justice delayed is justice denied” is painfully accurate. Years, occasionally decades pass until a conflict is settled. This protracted legal process can cause people to give up their fight for justice and undermines confidence in the system. The court's slow speed and backlog of cases mean that the promise of the law for timely protection usually remains unmet.

5. Poor Implementation of Welfare Laws

Though strong on paper, several social welfare laws have poor application. Laws protecting rights to food, education, or employment might not be able to deliver because of bureaucratic indifference, corruption, or lack of responsibility. At times, schemes like MGNREGA have been attacked for slow payouts of wages and inefficient use of funds. When execution falls short, the empowerment meant by these laws becomes hollow.

6. Structural Inequality and Power Imbalances

The legal system by itself is not always free from prejudice. Power structures—based on caste, class, gender, or economic level—often permeate the operations of the police, court, and administrative agencies. Law enforcement may treat marginalised groups with hostility or indifference; the powerful may even distort the system to suit them. Under these circumstances, the law runs the danger of becoming yet another weapon for the privileged rather than a leveller.

7. Social Stigma and Fear of Reprisal

Although the law may provide protection, the cost of claiming one's rights can be socially and personally intolerable. If victims of caste violence, gender-based crimes, or workplace harassment seek legal action, they may worry about social rejection, loss of livelihood, or more violence. Many who might otherwise pursue justice are silenced by this fear, thus empowerment via law seems like a far-off dream.

CONCLUSION

Law is a living, breathing force with great power to transform society and improve people; it is not only a set of rules. It offers hope for people who have always been excluded, harassed, or denied their appropriate place in society. Progressive laws, the Indian Constitution, and an active court have all helped to greatly guarantee social justice and empower individuals by means of the law. Laws prohibiting discrimination, protection of basic liberties, and advancement of underprivileged welfare have opened the road for a society more inclusive and fairer one.

Still, laws by themselves do not guarantee justice. Usually, people's daily experience differs from what the law guarantees in a worrying way. For many, especially in rural areas or impoverished neighbourhoods, laws remain far-off and unreachable. Lack of legal awareness, financial problems, and complexity of legal processes all help to prevent people from claiming their rights. Delayed justice and inadequate application erode system confidence even more, thus many people think that legal empowerment is impossible. Real empowerment by law demands continuous efforts to close the gap between the legal framework and ground reality instead of depending just on legislative activity. Legal literacy, easily available legal aid, and quick court procedures are absolutely essential to ensure that the law truly serves the people it is supposed to protect. Social justice is an ongoing trip rather than a destination requiring the combined will of legislators, officials, the court, and society at large. Law is basically a great tool for building a fair, compassionate, and empowered society; but, only if we as a society try to make it truly accessible, relevant, and inclusive for all.

