



## Constitutional perspective of social justice and equality as national strength

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### ➤ **Abstract:**

The Indian Constitution views social justice and equality as the main pillars of national strength, aiming to achieve unity and all-round progress by providing equal opportunities, legal protection and development (Articles 14, 15, 16) to all without discrimination on the basis of religion, caste, sex or place of birth. As a national power, the constitutional vision of social justice and equality gives India a special place on the world stage. This constitutional vision strengthens the nation through the empowerment of the backward classes of society and women. The Indian Constitution is a reflection of our eternal values of rights, duties, justice and equality. The Constitution is considered "living" because it evolves with changing social, political, and economic circumstances. It adapts through amendments, judicial interpretations (such as the Basic Structure Doctrine), and public interest litigation. The social justice and equality under the law enjoyed by every citizen living in India has become the country's strength in the present era. The Supreme Court and various high courts have also played a landmark role in protecting social justice and equality before the law. It is with the cooperation of the judiciary that the social fabric of the country is maintained. The central and state governments have also contributed significantly to bringing the socially and economically weaker sections of the country into the ranks of the upper classes.

**Keywords:** Indian Constitution, Social Justice, Equality, National Strength, religion, caste, Sex, Place, judicial interpretations

### ➤ **Introduction:**

Social justice is justice in relation to the distribution of wealth, opportunities, and privileges within a society where individuals' rights are recognized and protected. In Western and Asian cultures, the concept of social justice has often referred to the process of ensuring that individuals fulfill their societal roles and receive their due from society. The Constitution of India embodies the vision of building a nation founded on justice, liberty, equality, and



fraternity. Social justice and equality are not merely ideals but constitutional commitments that strengthen India as a democratic republic.

‘Social justice’, according to Plato, is defined as “the principle of a society, consisting of different types of men ... who have combined under the impulse of their need of one another, and by their combination in one society, and their concentration on their separate functions, have made a whole which is perfect because it is the product and the image of the whole of the human mind” (Sabine, 1973) There is some similarity between Varna Vyavastha and Plato’s view on justice as both assigns duties and work to its citizen on the basis of class.<sup>1</sup>

According to Miller, social justice “is realistic attempt to bring the overall pattern of distribution in a society into line with principles of society” (Miller, 1987). There have been two major conceptions of social justice, one embodying the notions of ‘merit’ and ‘desert’ and the other, those of ‘need equality’.<sup>2</sup>

According to Aristotle, justice is inherent in morality, scientific insight and constitutional rule. He puts it into ‘general justice’, and ‘particular justice’. For Aristotle, the best state is that which is founded on proportionate justice based on the merits of the individual, and not on birth, wealth, liberty and equality. A complete equality among the citizens is not possible in any respect of human life (Jatava, 1998). Aristotle emphasised that the state of injustice arises, when equality is not maintained when it is desirable. He further subdivided particular justice into ‘distributive justice’ and ‘connective justice’. Distributive justice is distribution of advantages by the state to individuals on the basis of rational equality.<sup>3</sup>

According to Dr. B. R. Ambedkar social justice stands for the liberty, equality and fraternity of all human beings. He stood for a social system which is based on right relations between man and man in all spheres of life. Justice”, for Ambedkar “is simply another name for liberty, equality and fraternity”.<sup>4</sup>

➤ **Fundamental Rights (Part III): Guarantee of Equality**

The Constitution ensures equality through enforceable rights:

- **Article 14** – Equality before law and equal protection of laws
- **Article 15** – Prohibition of discrimination on grounds of religion, race, caste, sex, or place of birth



- **Article 16** – Equality of opportunity in public employment
- **Article 17** – Abolition of untouchability
- **Article 19–22** – Protection of freedoms and personal liberty

These rights create a level playing field and promote inclusiveness, which is essential for national unity and development.

➤ **Directive Principles of State Policy (Part IV): Social and Economic Democracy**

Though non-justiciable, Directive Principles guide the State in creating a welfare state:

- **Article 38** – Promotion of welfare of the people
- **Article 39** – Equal pay for equal work; prevention of concentration of wealth
- **Article 41** – Right to work, education, and public assistance
- **Article 46** – Promotion of educational and economic interests of SC/ST and weaker sections

These provisions reduce inequalities and strengthen social cohesion.

➤ **The Preamble of the Constitution is a national strength for social justice and equality:**

The Preamble of the Indian Constitution is indeed a national strength for social justice and equality. It embodies the ideals that guide the nation towards progress and inclusiveness. By upholding these principles, India continues to strive towards becoming a just, equitable, and unified society. The Preamble not only defines the identity of the nation but also inspires its citizens to work collectively for a better future.

The Constitution of India stands as the backbone of Indian democracy, and its Preamble reflects the core values and aspirations of the nation. It serves as an introductory statement that outlines the guiding principles of governance. The Preamble is not merely a decorative text but a powerful source of strength for ensuring social justice and equality in India.

The Preamble begins with the words “We, the People of India,” emphasizing that the ultimate power lies in the hands of the citizens. It declares India to be a Sovereign, Socialist, Secular, and Democratic Republic. These ideals collectively aim to establish a society where every individual is treated equally, regardless of caste, religion, gender, or economic status.



One of the most significant contributions of the Preamble is its commitment to **justice—social, economic, and political**. Social justice ensures that all citizens have equal opportunities and are not discriminated against. It plays a crucial role in eliminating historical inequalities such as caste discrimination and untouchability. Economic justice seeks to reduce the gap between the rich and the poor, while political justice guarantees equal participation in the democratic process. The term “equality” in the Preamble reinforces the idea that all individuals are equal before the law and are entitled to equal protection. This principle is further strengthened by fundamental rights such as the Right to Equality, which prohibits discrimination on various grounds. It ensures that every citizen has equal access to public resources and opportunities. Another important aspect of the Preamble is the promotion of **fraternity**, which fosters a sense of unity and brotherhood among the people. In a diverse country like India, fraternity is essential for maintaining harmony and ensuring that differences do not lead to conflict. It supports the idea that unity in diversity is a key strength of the nation.<sup>5</sup>

The Preamble also acts as a guiding light for lawmakers, judiciary, and policymakers. Courts, including the Supreme Court of India, have often referred to the Preamble while interpreting constitutional provisions. It helps in ensuring that laws and policies align with the fundamental ideals of justice, liberty, equality, and fraternity. Moreover, the Preamble has played a vital role in shaping various welfare policies and reforms aimed at uplifting marginalized sections of society. It reflects the vision of a fair and inclusive society where every citizen can live with dignity.

➤ **Judicial interpretation on social justice and equality:**

The concept of social justice and equality is deeply embedded in the Constitution of India. The Preamble, Fundamental Rights (Part III), and Directive Principles of State Policy (Part IV) collectively promote these ideals. Over the years, the Supreme Court of India has played a transformative role in interpreting constitutional provisions to strengthen social justice and equality. The Indian Constitution envisions a society based on justice, liberty, equality, and fraternity. While the Constitution provides the framework, it is the judiciary that has played a dynamic role in interpreting and expanding these principles. Judicial



interpretation has transformed abstract constitutional ideals into enforceable rights, particularly in the realm of social justice and equality.

The Indian judiciary has played a transformative role in broadening the scope of equality and social justice through progressive constitutional interpretation. In **E.P. Royappa v. State of Tamil Nadu**, the Court established that arbitrariness is antithetical to equality, thereby shifting the doctrine from formal equality to substantive equality.<sup>6</sup> This principle was further strengthened in **Maneka Gandhi v. Union of India**, where the interrelationship between Articles 14, 19, and 21 was recognized, ensuring that State action must be fair, just, and reasonable.<sup>7</sup> The judiciary has also upheld affirmative action as a tool for achieving social justice; in **Indra Sawhney v. Union of India**, the Court validated reservations for backward classes, thereby reinforcing the concept of substantive equality.<sup>8</sup>

In **Vishaka v. State of Rajasthan**, the Court proactively addressed legislative gaps by framing guidelines to prevent sexual harassment at the workplace, thus advancing gender equality.<sup>9</sup> From a broader evaluative perspective, judicial interpretation has significantly contributed to the realization of dignity, privacy, and inclusiveness in Indian constitutional law. The landmark decision in **Navtej Singh Johar v. Union of India** decriminalized Section 377 of the IPC, recognizing the rights of LGBTQ+ individuals and affirming the values of equality and personal liberty.<sup>10</sup> Similarly, in **Shayara Bano v. Union of India**, the practice of triple talaq was declared unconstitutional, reinforcing gender justice and protecting the rights of Muslim women.<sup>11</sup> These judicial pronouncements highlight the proactive role of the courts in responding to evolving societal needs and bridging gaps in legislation. However, while such decisions mark significant progress, their effectiveness ultimately depends on proper implementation and societal acceptance, indicating that judicial intervention alone cannot fully achieve the constitutional vision of social justice and equality.

➤ **Conclusion :**

The Constitution of India envisions not merely political democracy but social and economic democracy. Social justice and equality are pillars of India's constitutional framework and serve as the true foundation of national strength. By ensuring dignity, fairness, and opportunity for all, the Constitution transforms diversity into unity and justice into power.



Judicial interpretation in India has played a transformative role in promoting social justice and equality.

The proactive approach of the Supreme Court has expanded the scope of fundamental rights and protected vulnerable sections of society. However, judicial efforts must be complemented by legislative action and effective governance to achieve true social justice. Thus, the judiciary remains a powerful guardian of constitutional values, but its success ultimately depends on a collaborative effort among all branches of government. In conclusion, social justice and equality are not only constitutional mandates but also essential pillars of national strength. Their effective implementation ensures that India remains a vibrant, inclusive, and resilient democracy. The continued commitment to these principles will determine the nation's ability to achieve its constitutional promise of a just and equitable society for all.

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