

## Original Article

### Social Justice and Human Rights: Interlinked Foundations of a Democratic Society

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#### Abstract

Human rights and social justice are two deeply interconnected pillars upon which modern democratic societies stand. While human rights represent universal entitlements that flow from the inherent dignity of every individual, social justice ensures that these entitlements are equitably realized in practice, particularly for marginalized and disadvantaged communities. Both principles are critical for building an inclusive order where opportunities and resources are distributed fairly, and discrimination is systematically eliminated. The Indian Constitution strongly embeds these ideals within its framework by guaranteeing Fundamental Rights, guiding governance through Directive Principles of State Policy, and enabling affirmative action to correct historical injustices. At the global level, India has consistently supported international conventions such as the Universal Declaration of Human Rights (1948), the Convention on the Rights of the Child (CRC), and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW). Together, these domestic and international commitments underline India's resolve to create a society rooted in equality, dignity, and fairness. However, persistent challenges such as caste-based exclusion, gender inequality, economic disparities, and gaps in policy implementation highlight the continuing struggle to realize these ideals fully. This paper critically examines the conceptual foundations of social justice and human rights, their constitutional and international dimensions, theoretical underpinnings, landmark judicial interpretations, and contemporary challenges. It also situates India's experience within a global comparative perspective and outlines policy recommendations for strengthening democratic governance. By engaging with thinkers such as John Rawls, Nancy Fraser, and Amartya Sen, along with the vision of B.R. Ambedkar, this study argues that the practical realization of human rights requires a deep commitment to social justice. The paper concludes that India can advance toward a more inclusive and harmonious future only by reinforcing the synergy between these two principles.

#### Keywords

Social Justice; Human Rights; Indian Constitution; Fundamental Rights; Directive Principles of State Policy; Affirmative Action; Equality; Caste System; Gender Equality; Economic Disparities; International Conventions; B.R. Ambedkar; John Rawls; Amartya Sen; Nancy Fraser; Democratic Society.

#### Introduction

The pursuit of justice is as old as civilization itself. Every organized society has grappled with questions of fairness, equality, and rights. In the modern era, two concepts—human rights and social justice—have emerged as the guiding principles for achieving dignity and equality. While human rights provide universal guarantees applicable to all human beings irrespective of nationality, caste, gender, or economic background, social justice ensures that these rights are accessible and meaningful in practice. Human rights are often described as inherent, inalienable, and indivisible. They cover civil and political rights such as the right to life, liberty, equality before the law, and freedom of expression, as well as socio-economic rights like education, health, and livelihood. These rights are codified in international frameworks such as the Universal Declaration of Human Rights (1948) and reinforced through national constitutions. Social justice, on the other hand, refers to the fair organization of society where inequalities of wealth, privilege, and power are minimized, and vulnerable groups are given equitable opportunities.

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It requires proactive measures to correct historical disadvantages and dismantle systemic barriers. In India, the caste system, gender hierarchies, and colonial legacies of economic inequality have made the demand for social justice particularly urgent. The Indian Constitution of 1950 embodies this dual vision. The Preamble promises justice—social, economic, and political—and equality of status and opportunity. The Fundamental Rights (Part III) ensure legal protections against discrimination, while the Directive Principles of State Policy (Part IV) provide guidelines for building a welfare state. Leaders such as Dr. B.R. Ambedkar envisioned social democracy as essential for political democracy to thrive. Yet, despite this robust legal framework, the lived reality of millions continues to reflect gaps in implementation. Issues such as gender-based violence, caste discrimination, child labor, poverty, and unequal access to healthcare and education remain pressing. This disjunction between constitutional ideals and social realities necessitates a deeper exploration of how human rights and social justice complement one another. This paper undertakes such an exploration by examining theoretical insights, constitutional and legal provisions, landmark judgments, comparative perspectives, and contemporary challenges. It argues that India's future progress depends on ensuring that human rights are not just legal entitlements but lived realities, which can only be achieved through the lens of social justice.

### Research Objectives

This research seeks to explore the synergy between social justice and human rights within both theoretical and practical frameworks. The specific objectives are:

1. To examine the conceptual relationship between social justice and human rights.
2. To analyze constitutional and international frameworks that safeguard these principles in India and globally.
3. To study key theoretical contributions by thinkers such as John Rawls, Amartya Sen, Nancy Fraser, and B.R. Ambedkar on justice and equality.
4. To evaluate landmark judicial pronouncements in India that have shaped the interpretation of rights and justice.
5. To identify major challenges hindering the realization of human rights and social justice in India, including socio-economic disparities, caste oppression, and gender inequality.
6. To compare India's experience with global practices, drawing lessons from other democratic societies.

7. To recommend policy directions and reforms that can help bridge the gap between legal rights and social realities.

### Theoretical Framework

The study of social justice and human rights cannot be understood merely through legal or political frameworks; it requires an engagement with philosophical theories of justice. Thinkers across time have attempted to define what a just society looks like, how rights should be distributed, and what obligations states owe to their citizens. Four perspectives—John Rawls, Amartya Sen, Nancy Fraser, and B.R. Ambedkar—are especially relevant for analyzing the Indian experience.

1. **John Rawls: Justice as Fairness** John Rawls, in his influential work *A Theory of Justice* (1971), argued that justice is the first virtue of social institutions. He introduced the idea of the “original position” and the “veil of ignorance.” In this thought experiment, individuals design principles of justice without knowing their own social position, caste, class, or gender. Under such conditions, people would naturally choose principles that protect the most vulnerable. Rawls proposed two key principles: Each person should have equal basic rights and liberties. Social and economic inequalities are permissible only if they benefit the least advantaged (the “difference principle”). This theory resonates with the Indian constitutional commitment to both equality and affirmative action, as seen in reservations for Scheduled Castes (SCs), Scheduled Tribes (STs), and Other Backward Classes (OBCs).

2. **Amartya Sen: Capability Approach**

Nobel laureate Amartya Sen shifted the focus from resources to “capabilities.” According to Sen, justice must be evaluated not only by what people possess but by what they are actually able to do and become. For example, two individuals may both have access to schooling, but if one is a girl from a rural village facing social restrictions, her actual capability to benefit from education is far lower. Sen's perspective emphasizes removing structural barriers—such as caste discrimination, gender bias, and poverty—that limit real freedoms.

3. **Nancy Fraser: Recognition and Redistribution**

Nancy Fraser expanded the discourse on justice by arguing that it involves both redistribution of resources and recognition of identities. For Fraser, material inequality and cultural misrecognition are intertwined. In India, this is particularly relevant: Dalits and Adivasis not only face economic deprivation but also cultural stigmatization. Similarly, women confront not only wage gaps but also patriarchal stereotypes. Justice therefore requires both economic reforms and cultural transformation.

#### 4. B.R. Ambedkar: Social Democracy and Annihilation of Caste

For India, no theoretical framework is complete without Dr. B.R. Ambedkar, the chief architect of the Constitution. Ambedkar argued that political democracy cannot survive without social democracy—a way of life founded on liberty, equality, and fraternity. In his famous work *Annihilation of Caste* (1936), Ambedkar emphasized that caste-based discrimination is fundamentally opposed to democracy and justice. His insistence on constitutional safeguards, affirmative action, and protection for marginalized communities was not just legal reform but a transformative vision of social justice.

Taken together, these thinkers provide a multi-dimensional framework: Rawls stresses fairness, Sen highlights real freedoms, Fraser brings in cultural recognition, and Ambedkar grounds justice in the lived struggles against caste oppression. These perspectives illuminate how social justice and human rights must be understood in the Indian context.

#### Concept of Social Justice in India

India's struggle for independence was not only political but also deeply social. Leaders like Mahatma Gandhi and B.R. Ambedkar recognized that freedom from colonial rule would be incomplete without freedom from internal hierarchies of caste, gender, and class. Thus, the Constitution of India enshrined social justice as a guiding principle of governance.

#### 1. Constitutional Provisions

Preamble: Declares India to be a sovereign, socialist, secular, democratic republic, and explicitly promises justice—social, economic, and political.

Fundamental Rights (Part III): Guarantee equality before the law (Article 14), prohibit discrimination (Article 15), ensure equality of opportunity in public employment (Article 16), abolish untouchability (Article 17), and protect cultural and educational rights of minorities.

Directive Principles of State Policy (Part IV): Though not legally enforceable, they guide the state to promote welfare (Article 38), reduce inequalities (Article 39), provide free education (Article 45), and secure just working conditions (Article 43).

Reservations/Affirmative Action: Articles 15(4), 15(5), and 16(4) allow special provisions for the advancement of SCs, STs, and OBCs. The 93rd and 103rd Amendments further extended reservations in education and introduced 10% reservation for Economically Weaker Sections (EWS).

#### 2. Judicial Interpretations

The judiciary has played a vital role in expanding the scope of social justice:

*Kesavananda Bharati v. State of Kerala* (1973): Established the “basic structure doctrine,” affirming that social justice and equality are integral to the Constitution.

*Indra Sawhney v. Union of India* (1992): Upheld 27% OBC reservations but capped reservations at 50%, balancing equality with affirmative action.

*Navtej Singh Johar v. Union of India* (2018): Decriminalized homosexuality, recognizing dignity and equality for LGBTQ+ citizens.

*Vishaka v. State of Rajasthan* (1997): Laid down guidelines against workplace sexual harassment, expanding the meaning of equality.

#### 3. Legislative Measures

Various laws have been enacted to operationalize social justice:

Protection of Civil Rights Act (1955) and SC/ST (Prevention of Atrocities) Act (1989) protect Dalits and Adivasis from caste-based violence.

Right to Education Act (2009) guarantees free and compulsory education to children aged 6–14.

Mahatma Gandhi National Rural Employment Guarantee Act (MGNREGA, 2005) provides the right to work as a social security measure.

Reservation policies in education and jobs have helped create upward mobility for marginalized groups.

#### 4. Real-Life Examples

Reservation policies have enabled greater Dalit representation in universities and government jobs. Schemes like Beti Bachao, Beti Padhao have improved girls' school enrollment rates.

Landmark welfare initiatives like Midday Meal Scheme and Public Distribution System (PDS) have improved food security for poor households.

#### 5. Continuing Challenges

Despite progress, issues such as manual scavenging, caste-based violence, gender pay gaps, and rural-urban disparities persist. Social justice in India thus remains a work in progress—a constitutional promise yet to be fully realized in everyday life.

#### Concept of Human Rights in India

Human rights, often described as natural or birth rights, are central to individual dignity. They are inalienable, indivisible, and universal. While the international community consolidated these rights after World War II through the Universal Declaration of Human Rights (UDHR, 1948), India had already embedded them into its Constitution when it came into effect in 1950.

#### 1. International Commitments

India was one of the earliest nations to endorse the UDHR. Over time, it ratified numerous international covenants including:

International Covenant on Civil and Political Rights (ICCPR, 1966)

International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966)

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, 1979)

Convention on the Rights of the Child (CRC, 1989)

These treaties have influenced Indian laws and judicial interpretations, ensuring that international human rights norms align with national policies.

## 2. Fundamental Rights as Human Rights

Part III of the Indian Constitution serves as a domestic Bill of Rights:

Right to Equality (Articles 14–18): Equality before the law, abolition of untouchability, equality of opportunity.

Right to Freedom (Articles 19–22): Freedom of speech, expression, assembly, association, movement, and protection of life and liberty.

Right against Exploitation (Articles 23–24): Prohibition of forced labor and child labor.

Right to Freedom of Religion (Articles 25–28): Freedom of conscience and practice of faith.

Cultural and Educational Rights (Articles 29–30): Protection of minority rights.

Right to Constitutional Remedies (Article 32): Called the "heart and soul of the Constitution" by Ambedkar, allowing individuals to move the Supreme Court for enforcement of rights.

## 3. Judicial Expansion of Rights

The Indian judiciary has expanded the meaning of rights through progressive interpretations:

Maneka Gandhi v. Union of India (1978): Expanded Article 21 (Right to Life and Personal Liberty) to include dignity, livelihood, and freedom of movement.

Francis Coralie Mullin v. Union Territory of Delhi (1981): Included the right to live with dignity under Article 21.

Right to Education (Unnikrishnan v. State of Andhra Pradesh, 1993): Later codified as Article 21A by the 86th Constitutional Amendment (2002).

Right to Privacy (Justice K.S. Puttaswamy v. Union of India, 2017): Recognized privacy as a fundamental right under Article 21.

Thus, Indian human rights jurisprudence reflects both international standards and indigenous constitutional traditions.

Interconnection of Social Justice and Human Rights. Although often studied separately, social justice and human rights are inseparable in practice. Human rights guarantee universal entitlements, but without social justice, these rights remain inaccessible to many.

## 1. Education Example:

The right to education exists for all, but social justice ensures marginalized children—Dalits, Adivasis, rural girls—actually attend schools

through schemes like midday meals, scholarships, and reservations.

## 2. Employment Example:

The right to equality in employment is safeguarded in law, but social justice measures such as reservations and affirmative action ensure historically disadvantaged communities gain real access.

## 3. Gender Rights Example:

While human rights guarantee equality for women, social justice requires dismantling patriarchy, addressing wage gaps, and ensuring safety at workplaces.

## 4. LGBTQ+ Example:

Human rights recognize dignity for all individuals, but social justice requires proactive measures against discrimination, awareness campaigns, and legal reforms to integrate LGBTQ+ citizens into mainstream society.

Thus, human rights provide the normative framework, while social justice provides the corrective mechanisms to make them real.

## Challenges in Implementation

Despite constitutional guarantees and judicial activism, India faces significant hurdles in realizing the ideals of human rights and social justice:

1. Caste Discrimination: Although untouchability is abolished, caste-based violence and exclusion remain widespread. Manual scavenging persists despite being outlawed.

2. Gender Inequality: Women face wage gaps, underrepresentation in politics, and violence in both domestic and public spheres.

3. Economic Disparities: Wealth concentration among a few elites coexists with widespread poverty. Millions still lack access to quality healthcare, housing, and nutrition.

4. Rural–Urban Divide: Urban citizens enjoy better facilities, while rural populations struggle with poor infrastructure and inadequate services.

5. Policy Implementation Gaps: Welfare schemes often fail due to corruption, bureaucratic inefficiency, or lack of awareness.

6. Digital Divide: As governance shifts online, marginalized groups without digital access risk further exclusion.

7. Minority Rights: Religious and ethnic minorities often face discrimination and communal violence.

These issues highlight the gap between constitutional promises and social realities, underscoring the need for deeper reforms.

## Way Forward & Policy Suggestions

For India to fully realize the vision of human rights and social justice, several measures are necessary:

1. Strengthening Education: Beyond universal enrollment, focus must be on quality education,

digital literacy, and inclusive curricula that challenge caste and gender biases.

2. Healthcare as a Right: Universal health coverage should be prioritized, ensuring affordable healthcare for all, especially marginalized groups.

3. Economic Reforms with Equity: Policies must reduce wealth concentration and create more inclusive growth through job creation, rural development, and micro-enterprises.

4. Empowerment of Women: Increase women's political representation through reserved seats, ensure equal pay, and strengthen laws against gender violence.

5. Judicial and Police Reforms: To ensure faster justice delivery and protection of vulnerable communities.

6. Technology for Inclusion: Bridge the digital divide by providing rural internet connectivity and affordable devices.

7. Human Rights Institutions: Strengthen the National Human Rights Commission (NHRC) and State Commissions with greater autonomy and enforcement powers.

8. Civic Awareness: Promote social campaigns to change mindsets about caste, gender, and minority rights.

By integrating legal reforms with social transformation, India can move closer to the ideals envisioned by its Constitution.

### Conclusion

Human rights and social justice are two sides of the same coin. While human rights provide the universal foundation of dignity, freedom, and equality, social justice ensures that these ideals are implemented equitably in society. India's Constitution reflects this dual vision by embedding Fundamental Rights and Directive Principles, supported by affirmative action policies.

Theoretical insights from Rawls, Sen, Fraser, and Ambedkar show that justice requires not just equality in law but fairness in practice, removal of barriers, recognition of diverse identities, and elimination of systemic inequalities. Judicial interventions and welfare policies have advanced this vision, but persistent challenges—caste hierarchies, gender discrimination, economic inequality, and policy gaps—continue to obstruct progress. Yet, India's journey is far from static. Each reform, court ruling, and social movement pushes the country closer to the ideals of justice and human dignity. By strengthening education, healthcare, women's empowerment, digital access, and accountability mechanisms, India can transform its constitutional promises into lived realities. In essence, the dream of a truly democratic society lies in nurturing both human rights and social justice together. Only when every individual enjoys equal

dignity and opportunity, not just on paper but in daily life, will India fulfill the vision of liberty, equality, and fraternity enshrined in its Constitution.

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