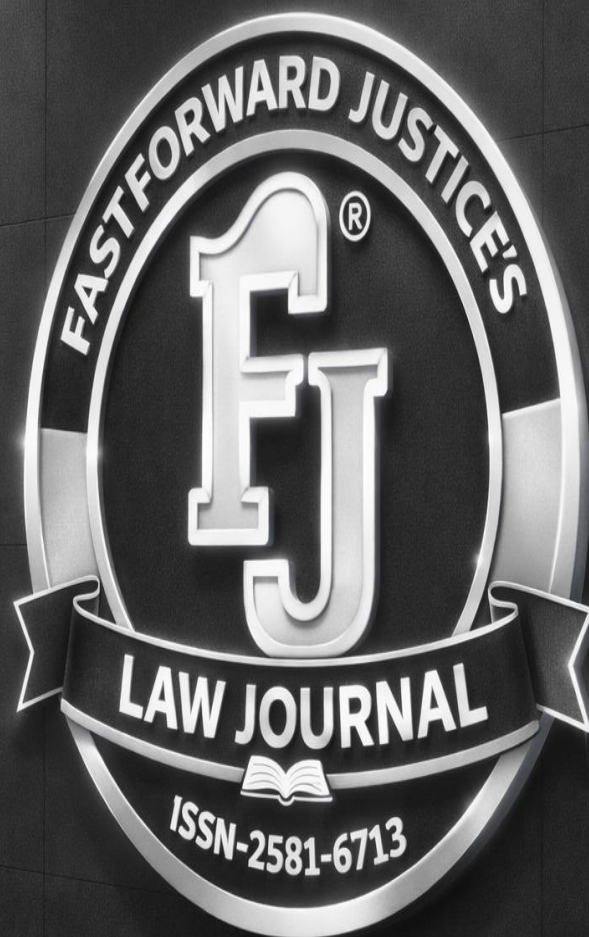


**Bridging the Gap Between Law and Reality: A Critical Study
of Anti-Discriminatory Laws and Social Justice in India**
**Authored by : Prabha Shankar Chaubey & Co -Authored by:
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Abstract

Injustice anywhere is threat to justice everywhere. – Martin Luther King Jr.

'The concept of social justice means equal and ease access to every individual of the society without any denial and discrimination on the basis of caste, gender, religion, creed, race or place of living.

'The historical background of social justice and discrimination can be traced back to the ancient times when it was being practiced highly and there used to be discrimination on many grounds such as caste and race which were mostly practiced by the people in past times.'

'The discrimination on the basis of caste can be traced back to Vedic period when the classification of varna came and then the discrimination started on such grounds in later Vedic age and Medieval Historical Period.'

'The Discrimination on the grounds of race or skin color is one of the most practiced and well-known ground of Discrimination which is known as apartheid and it was practiced by Britishers in India and it is still practiced in some parts of the world even today.'

'When there was apartheid in South Africa Nelson Mandela was fighting against it and he was in the Jail for more than 28 years for fighting against the British Government and the apartheid.'

'To ensure equality, and social justice we have the laws made by the Government to punish the one who are discriminating on any grounds and the famous one can be seen as the Article 17 which is the Abolition of Untouchability and also a fundamental right granted to every citizen of India. The preamble of the Indian

Constitution mentions for the Justice to all citizen which is Social, economical and Political Justice to its citizen. In these views we can say that The Constitution of India is having the provisions to provide social justice to every citizen and also by providing them equal opportunities like others with ease access and zero discrimination.

1. Introduction

INTRODUCTION

‘The concept of social Justice basically means ease access to the justice to every individual of society and providing them equality without any discrimination. The term justice can be defined as :-

Justice is a virtuous state of the soul where the rational part rules over the whole soul. – PLATO

Justice is treating equals equally and unequal's unequally, meaning people get what they deserve :- ARISTOTLE

According to **Karl Marx**, the idea of justice and its content varies with the economic interest of the ruling class. Justice according to **Chaim Perelman** is a virtue among others. “Each will defend a conception of justice that puts him in the right and his opponent in the wrong.” **Gautam Buddha's** concept of justice is not confined only to respecting the law, but it also justifies a revolutionary concept of disobedience or defying law, if the law is evil.¹

¹Ronald Dworkin, A Matter of Principle, p. 104-118 Harvard University Press, 1985.

Different scholars talk about the justice in different way. The word justice originates from the word *Jus* which is a Latin root meaning *right or law*.

The term *social justice* means *justice to the society and in sociological term the Society is collection of every individual it can be said in simple words that social justice means justice to every individual of the society.*

The concept of social justice is a node of all dimensions and aspects of humanity regarding justice. The term social justice is closely related to the formation of the structure of people's lives based on the principles of equality and solidarity. In the concept of social justice there is an acknowledgment of human dignity which has the same fundamental human rights in interpersonal relations to the whole both material and spiritual.²

‘One of famous philosopher who discusses social justice is Karl Marx. Anyone who studies sociology or other social sciences must know this name. Karl Marx the phenomenal figure of the 19th century was the prophetess of sociology besides MaxWeber. His thinking is very coloring the history of the change of the world, until it reaches all parts of the world today.³ Karl Marx was a philosopher, economist, sociologist and political activist. Marx's thinking was influenced by Hegel, Feuerbach, French socialist thinkers such as St. Simon, Proudhon and revolutionary figures like Blanqui. During his life, Marx has produced many works, such as: Economic and Philosophical Manuscript, The German Ideology, The Class Structures

² Rahardjo, Satjipto. 2006. *Hukum Dalam Jagat Ketertiban*. Jakarta. UKI Press. hal. 56.

³ Bahari, Yohanes. 2010. Karl Marx: sekelumit tentang hidup dan pemikirannya. *Jurnal pendidikan sosiologi dan Humaniora*. April. Vol. 1 No.1.

in France and the Eighteenth Century of Louis Bonaparte, The Communist Manifesto, Das Capital.

The realization of justice and social justice in the rule of law is the main element, it's so fundamental, as well as the most complicated are broad, structural and abstract element. This condition is because the concepts of justice and social justice are contained in the meaning of protection of rights, equality and position before the law, public welfare, and the principle of proportionality between individual interests, social interests and the state. Justice and social justice cannot always be born of rationality, but also determined by the social atmosphere which is influenced by the values and other norms in society. In any position, according to Gustav Radburg, the legal presence must be able to realize three basic values, namely: (i) the value of justice, (ii) certainty, and (iii) value of benefits (utility).⁴

RESEARCH QUESTIONS

This study seeks to examine the concept of social justice and the effectiveness of anti-discriminatory laws in India by addressing the following questions:

- i. To what extent do anti-discriminatory laws in India promote substantive social justice?
- ii. How effective are constitutional safeguards in addressing structural and systemic discrimination?
- iii. What role has the judiciary played in safeguarding individual rights and

⁴ Mertokusumo, Sudikno. 1993. Penemuan Hukum: Sebuah Pengantar, Liberty, Yogyakarta. hal 1-2.

strengthening the anti-discrimination framework?

- iv. What are the key challenges in the implementation of anti-discriminatory laws in practice?

RESEARCH METHODOLOGY

The study is adopting a doctrinal and analytical research methodology, which is primarily based on the evaluation of Constitutional Provisions, statutory frameworks, and Judicial decisions relating to anti-discriminatory laws in India. In addition, the secondary sources such as scholarly articles, books and policy reports has been utilized to critically analyze the concept of social justice for the assessment of effectiveness of existing legal frameworks. The research follows a qualitative approach, focusing on interpretation and evaluation rather than empirical data.

HISTORICAL BACKGROUND OF SOCIAL JUSTICE

‘The historical background of social justice can be traced back to the ancient period which is a twist of the discrimination on the basis of caste, creed, race and sex as in the Vedic period in India or the time when the civilizations were just emerging there used to be discriminations on different basis and many of them are same as the above mentioned ones and the society was patriarchal so it was highly practiced that the women weren’t provided with equal rights same as to the men.

The revolutions were started to take place in 17th and 18th century where the demands for social justice and zero discrimination were put upon by the society and in French revolution the words fraternity, equality and liberty to come up with a just social order. social justice is inextricably related with the social order/social structure and

therefor a multidimensional concept that has to be understood in various ways. The basic aim of social justice is to create a just social order in society. The concept of social justice first surfaced in the wake of industrial revolution and the development of the socialist doctrine. The United Nation 2006, document “social justice is an open world. The role of the United Nations” states that “social justice may be broadly understood as the fair and compassionate of the fruit of economic growth.

Justice as Fairness is the idea that was fully developed and presented in book form in 1971 by John Rawls. The idea simply proposes that the most reasonable principles of justice are those, which can be agreed upon by mutual consent of individuals under fair conditions. John Rawls started working on the idea of ‘justice as fairness’ in 1957 when he published his nine-page article in Journal of philosophy on justice as fairness. The book attracted wide publicity because of the novelty of idea and lucid presentation and was generally accepted to have revived normative political theory after a gap of almost 100 years. Rawls did not stop, in 1971; he went on adding improving and spreading his idea of justice as fairness till his death in 2002. But the main idea remained intact.⁵

1. THORIES OF SOCIAL JUSTICE

There are various theories of social justice and all of them are wide and broad in them are the one which should be achieved in order to make a just society. The Hindu Smritis and Dharmshastras mentions different theories of social justice. But, the concept or theory of social justice in the modern sense is, probably, missing in our

⁵ Journal of Research in Humanities and Social Science Volume 9 ~ Issue 12 (2021)pp: 31-37

ancient texts. But, in the occidental world, the concept and theories of social justice are found since the days of Socrates and Plato. The disciples of Socrates, Thrasymachus and Polymarchus, argued that justice was the “justice of the strong and wealthy”, Socrates dissented and asserted that justice was based on knowledge for “knowledge is virtue” and vice versa. Inspired by the teaching of his mentor Socrates, Plato enunciated a class-based theory of social justice.

SOCIAL JUSTICE UNDER THE CONSTITUTION OF INDIA

The constitution of India which is the supreme law of India. It provides provisions for social justice and equality to its citizen along with the provisions for Anti-Discriminatory laws. The Preamble explicitly articulates this vision by securing to all citizens justice—social, economic, and political—thereby laying the normative foundation for an egalitarian society.

The Fundamental Rights under Part III of the Constitution play a crucial role in promoting these ideals. Article 14 guarantees the right to equality before the law. Article 15 prohibits discrimination on grounds of caste, sex, religion or place of birth, while Article 16 ensures equality of opportunity in matters of public employment. In addition, Articles 17 and 18 provide for the abolition of untouchability and titles, reinforcing the principle of equality in Indian society.

The Preamble of The Constitution of India which reads as :-

WE, The People of India, having solemnly resolved to constitute India into a [SOVEREIGN SOCIALIST SECULAR DEMOCRATIC REPUBLIC] and to secure

to all its Citizens :

JUSTICE, social, economic and political;

LIBERTY of thought, expression, belief, faith and worship;

EQUALITY of status and of opportunity and to promote among them all;

FRATERNITY assuring the dignity of the individual and the [unity and integrity of the Nation];

IN OUR CONSTITUENT ASSEMBLY this twenty sixth day of November, 1949 do
HEREBY ADOPT ENACT AND GIVE OURSELVES THIS CONSTITUTION.⁶

With the reading of the Preamble of Constitution of India, we can see that it provides for social justice and ensures to its all citizens that they have the right to access to social justice and equality of status and opportunity.

The article 14 which provides for right to equality and along with this the Article 15 of the Constitution prohibiting the Discrimination on any grounds whether it is on the Ground of race, sex, caste, religion or place of birth. The Article 16 of the Constitution guarantees the equality of opportunity to all its citizens irrespective of their caste, sex, race or place of birth and Religion.

The framers of Constitution realized that unless unequal is treated unequally the socio-economic, political, regional and gender gaps could not be bridged. The compelling social situation led to the creation of special provisions in the Constitution for the advancement of socially and economically backward classes of citizens. The positive discrimination was thought of as a policy mechanism to realize the social

⁶Preamble, The Constitution of India, 1950

goals set before the nation and as means by which the backward citizens could reach the mainstream to achieve social justice.⁷ The Constitution of India has solemnly promised to all its citizens justices-social, economic and political; liberty of thought expression, belief, faith and worship; equality of status and of opportunity; and to promote among the all fraternity assuring the dignity of the individual and the unity of the nation. The Constitution has attempted to attune the apparently conflicting claims of socio-economic justice and of individual liberty and fundamental rights by putting some relevant provisions.

CONCEPT OF ACCESS TO JUSTICE

Social justice concept and theories have evolved in the 18th to 20th centuries as an integral part of the growth of the liberal democracies in the West. Access to Justice refers in the words of Prof. Upendra Baxi, "is the availability of effective means to seek justice by which one can participate in the judicial process."

It is to be noted that Access to justice is not just of crucial importance in the enforcement of other substantive rights but a human right in itself. In a welfare State, one of the fundamental duties of the State is to make available for its citizens, justice-delivery mechanisms. Failure to make the necessary means and mechanisms available is tantamount to the denial of justice. In the absence of justice-delivery mechanisms, an individual whose rights have been violated is unable to effectively vindicate his rights. In other situations, although means and mechanisms may be available, citizens may find themselves deprived of justice, as the former may be inaccessible to them.

⁷ Narayana, K.S (1998), "Redefined goals of positive discrimination", Deccan Herald, p.54

Such a situation may arise on account of the existence of various impediments that prevent a justice-seeker from realizing effective access.⁸

There is a very common adage “Justice delayed is justice denied” (William E Gladstone) and “Justice denied anywhere diminishes justice everywhere” (Martin Luther King Jr.). Delay in dispensation of Justice generally devalues judgements. It generally creates anxiety among the litigants and results in deterioration of the evidence upon which rights are determined.⁹

What are the impediments that may generally hinder citizens from effective access to Justice? Broadly speaking there are operational barriers and structural barriers to access to justice. Operational barriers are those that are related to administration of justice system. Undue delay in the disposal of cases, high costs of litigation, procedural technicalities, unfilled vacancies in judges' posts, poor ratio of judges to population, backlog of cases, are some of the operational barriers that disallow effective access to justice. While structural barriers reflect problems that have to do with the very basic form of societal organizations but are inherently linked to the administration of justice. Inadequate laws, lack of legal aid and legal representation, lack of legal awareness, socio-economic inequalities and such other factors compose the structural barriers. In India three issues that regularly bedevil public debate over what is just, might serve to illustrate the point. First what secularism actually means

⁸ Couto, K. R, (2015), “Overcoming Impediments to Access to Justice”, Legal News and View, Vol 29, No.12, December, New Delhi

⁹ Rakesh K Singh, (2016). “Problems Faced by Judiciary and Delay in Dispensation of Justice: An Overview”, Legal New & Views Vol 30: No.9, Indian Social Institute, New Delhi

has become a matter of contentious debates. Is secularism about constructing a “wall of separation” between the state and religion. The second tension that continuously bedevils political debate in India is the one between universal conceptions of gender justice and personal laws of minority religions and third tension ridden issue in India is that of affirmative action, or protective discrimination for the Dalits/scheduled castes. The disagreements over the above cited principles of justice: secularism, gender justice and affirmative action, pose some of the most difficult problem for Indian democracy.¹⁰

SOCIAL JUSTICE TO VULNERABLE GROUPS

In India, attempts to repair complex forms of historical injustice, specifically untouchability, have produced unanticipated outcomes. Independent India adopted an ambitious programme of redistributive justice, which sought to turn existing inequities and hierarchies on their head. To accomplish this task, the project had to take cognizance of background inequalities, many of which were composed of little but layers of historical injustice. This initiative ensures the right of all citizens to privileges, opportunities, income, voice, and recognition. Most of the goods to which people have a right can be summarized in three categories: the right to material good, to voice and to recognition. Within the project of redistributive justice, affirmative action policies guaranteed the physical presence of Dalits in state-maintained educational institutions, in public employment, and in elected bodies. The advantages of these policies are, however, unevenly spread out. The constituency of affirmative

¹⁰ Quest Journals Journal of Research in Humanities and Social Science Volume 9 ~ Issue 12

action has benefited, but in bits and pieces.¹¹ Social groups like Scheduled Castes (SCs), Scheduled Tribes (STs), Other Backward Caste (OBC), women, children, minorities and the people with disabilities need special focus and attention. According to the Article 46, the welfare measures that are directed to State for weaker section include: promote with special care their economic interest, educational interest, protect them from social injustice and from all forms of exploitation. Although women are an important segment of human family, they often do not get their due. They undergo pain and sufferings in the crime committed against them. There is a need to take a fresh look at the laws and understand why they have failed so miserably. The Criminal Law (Amendment Act, 2013 was enacted in order to amend the Indian Penal Code, 1860, the Criminal Procedure Code, 1973, the Indian Evidence Act, 1872 and the Protection of Children from Sexual Offences Act, 2012, The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.¹², was enacted after the Supreme Court laid down guidelines for the same in the Vishakha case.¹³ But even after the amendment there is no sign of decline in the crime against women.¹⁴

India is a welfare State with constitutional mandate and democratic obligations to

(2021)pp: 31-37 ISSN(Online):2321-9467, Dr. Avtar Singh

¹¹ Chandhoke, N. (2008), Quest for Justice: The Gandhian Perspective, Economic and political weekly, May 3, 2008, Mumbai.

¹² The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013, No. 14 Act of Parliament, 2013.

¹³ Vishakha v.State of Rajasthan (IT.1997 (7) SC384)

¹⁴ Ahmed I, (2018). "Gender Justice in India: Laws and the Society" Legal News & View, Vol 32. No.01, New Delhi. P.2-4

ensure social inclusion of all its citizens with special focus on the vulnerable, disadvantaged and weaker sections of the society. Empowering them at par with the rest of the society as part of social inclusion and inclusive development is the commitment of successive Governments to the people of the country. Some of the important measures and interventions can be classified as educational, social, economic, political, employable and affirmative action i.e., reservation in employment, education, political representation etc.¹⁵

THE ANTI-DISCRIMINATION LAWS IN INDIA

The Parliament of India farmed several legislations for the Anti-Discrimination laws to prevent discrimination and to provide for a just and beautiful social order. The anti-discriminatory laws play major role in providing social justice and equal opportunities to every individual of the society. The anti-discriminatory laws play a vital role as they create a fear and a reformative mindset to the people so that they stop the discrimination and the society gets in a just order.

Worth knowing as backdrop: India doesn't have one comprehensive anti-discrimination employment law; instead, there's a patchwork — the Sexual Harassment of Women at Workplace Act, protections for transgender persons, persons with disabilities under the Rights of Persons with Disabilities Act 2016, and persons with HIV/AIDS under a dedicated 2017 Act. That fragmentation is exactly why the caste-discrimination and trans-rights fights are happening through sector-specific rules (UGC regulations, the Transgender Act) rather than a single civil-

¹⁵ Muniraju.S.B, (2019), 'Social Inclusion: Strategies and Way Forward', Yojana, Vol 63, New Delhi.

rights-style statute.¹⁶

The anti-discriminatory laws which are mostly used and major are listed below :-

- Article 14,15,16,17 and 18¹⁷
- Section 153A of Indian Penal Code¹⁸
- Mental Healthcare Act, 2017¹⁹
- Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989²⁰
- The Rights of Persons with Disabilities Act, 2016²¹
- The Transgender Persons (Protection of Rights) Act, 2019²²

The Article 14,15,16,17 and 18 of the Constitution of India provides for the equality and are part of the fundamental rights called as Right to Equality under the Part III of the Constitution.

Section 153A of IPC Criminalizes the use of language that promotes discrimination or violence against people on the basis of race, caste, sex, place of birth, religion, gender identity, sexual orientation or any other category.

Mental Healthcare Act prohibits the denial of the facility and use of the mental health care equipment's to any person on the grounds of caste, race, religion, sex or place of birth.

¹⁶ L&E Global, <https://leglobal.law/countries/india/employment-law/employment-law-overview-india/04-anti-discrimination-laws/> viewed on 28th July, 2026

¹⁷ Part III of COI,1950

¹⁸ Indian Penal Code,1860 (Act 45 of 1860)

¹⁹ Act 10 of 2017

²⁰ Act 33 of 1989

²¹ Act 49 of 2016

²² Act 40 of 2019

The SC/ST Act ²³ provides for the prevention of atrocities to the people of lower class and along punishes the one who uses abusive words to them and exploit them.

Along with the acts mentioned above the other acts also work in the same manner and provides opportunities or provisions for the punishment of anyone who is discriminating or promoting discrimination on any grounds.

Along with these acts there are charters and international acts to prohibit the discrimination on any grounds. Some of the acts are :-

- Charter of the Fundamental Rights of the Europe, Article 21 of the Charter
- Protocol 12 to the European Convention on Human Rights, 2000
- Directive 2000/43/EC on Anti-discrimination

The recent developments regarding the Anti-Discriminatory laws in India is the most recent Transgender Persons (Protection of rights) Amendment Act, 2026, passed by the Parliament of India, in March 2026, whose constitutionality is in challenge before the Apex Court.

ROLE OF JUDICIARY

The cry for speedy justice is going to be shriller in the next three decades as a conservative judicial estimate predicts that case pendency is going to register a five-fold increase to touch 15 crores but the judge's strength will go up only four times to settle at 75,000. At present, nearly 19,000 judges, including 18,000 in trial courts, are dealing with a pendency of 3 crore cases, resulting in a civil case lasting for nearly 15

²³Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989

years.²⁴ In fact, more than 30 million cases are now pending with different courts of India and the number of such inconclusive cases in 24 High Courts has mounted up to 3.85 million. The accumulation of such pending cases points out that our judicial system is collapsing day by day losing faith of the people.²⁵

It may be emphasized once again that to expect judiciary alone to provide a complete answer to the miseries of millions is an illusion. It is necessary that the two other organs of state, i.e., the Governors and the administration should make it a common cause by joining hands with the judiciary on the principle of cooperation, mutual respect and good will. A hostile attitude on the part of the governors and the bureaucrat, can thwart all the attempts of the judiciary in this direction to a very large extent.

Although the Concept of Social Justice has no definite and fixed meaning – The Supreme Court in *D.S. Nakara v. Union of India*²⁶ has observed that the principal aim of socialism is to eliminate inequality of income and status and standard of life and to provide a decent standard of life to the working people. The expression 'social and economic justice' involves the concept of 'distributive justice', which can note the removal of economic inequalities and rectifying the injustice resulting from dealings or transactions between the unequal in society. Social Justice, therefore, comprehends more than lessening of inequalities by differential fixation, giving debt relief or regulation of contractual relations.

²⁴ Time of India, Jan 17, 2013

²⁵ The Statesman, Kolkata, Thursday 23rd June, 2016

²⁶ *D.S. Nakara & Others vs Union of India* on 17 December, 1982 cites,

In *Minerva- Mill's case*²⁷, and the Supreme Court put on firm hold that the directive principles and fundamental rights should be harmoniously interpreted as two wheels of the chariot to establish an egalitarian social order. After *Champak am Dorai Raj's case*²⁸. The State shall protect them from social injustice and all forms of exploitation. *Rangachari's case*²⁹, *Thomas case*³⁰, declared that reservation in Promotions is a part of equality in Article 16(1) which was reiterated in *Indira Sawhney's case*³¹ that Article 16(4) is facet of Article 16(1) itself. Social justice to Scheduled Casts and Schedule Tribes for socioeconomic equality in results on par with other social group citizens has constitutionally been guaranteed to them. The protection of the minorities in Articles 29 and 30 is a facet of right to social justice and prohibition on grounds of religion outlawed by guaranteeing freedom of religion, right to practice of their choice and right to manage subject to social welfare of their institutions.

The Apex Court in *Ashok Kumar Gupta case*³² held that the term Social Justice is a Fundamental Rights. In *Ajaib Singh*³³, Court observed that in dealing with industrial dispute the Courts should keep in mind the Doctrine of Social Justice. Supreme Court

²⁷ *Minerva Mills Ltd. & Or's vs Union of India & ors* on 31 July, 1980.

²⁸ *Champakam Dorairajan* (AIR 1951 SC 226) is a landmark decision of the Supreme Court of India. This judgement led to the First Amendment of the Constitution of India. The Supreme Court's verdict held that providing such reservations was in violation of Article 29 (2) of the Indian Constitution.

²⁹ *The General Manager, Southern ... vs Rangachari* on 28 April, 1962 AIR 36, 1962 SCR (2) 586,

³⁰ *State Of Kerala & anr vs N. M. Thomas & ors* on 19 September, 1976 AIR 490, 1976 SCR (1) 906,

³¹ *Indra Sawhney Etc. vs Union of India and Others, etc. ...* on 16 November, 1993 SC 477, 1992 Supp 2 SCR 454

³² *Ashok Kumar Gupta , Vidya Sagar ... vs State of U.P. & Ors* on 21 March, 1997.

³³ *Ajaib Singh vs Sirhind Coop. ...* on 8 April, 1999, *Municipal Corporation of Delhi Vs Female Workers (Muster Roll) and ...* on 8 March 2000.

in Municipal Corporation of Delhi³⁴, the provision entitling maternity leave under the maternity Benefit Act, 1961, even to women engaged on casual basis or on muster roll basis on daily wages and not only to those in regular employment are in consonance with the doctrine of social justice and any contention against it is contrary.

In the case of *Nipun Malhotra v. Sony Pictures Films India Pvt. Ltd.*, the Hon'ble Apex Court stated and emphasized that discriminatory representation and stereotyping in media are antithetical to the dignity and equality, which extended the scope of anti-discrimination beyond traditional state action into societal narratives.³⁵ Likewise, in *Sukanya Shantha V. Union of India*, the court addressed the issues of racial discrimination, in particular against the individuals of North-East India, and emphasized the need for proactive institutional mechanisms to ensure substantive equality.³⁶ Further, in its 2024 ruling on sub-classification within Scheduled Castes, the Supreme Court reaffirmed the principle of **substantive equality**, holding that differential treatment within marginalized groups may be necessary to achieve real equality rather than mere formal parity.³ Additionally, in 2024 the court in its judgement, regarding the sub-classification within the Scheduled Castes, the Apex Court reiterated the principle of substantive equality, holding that rather than mere formal parity.³⁷ Recently, the court is consistent in upholding the

³⁴ *Municipal Corporation of Delhi Vs Female Workers (Muster Roll) and ...* on 8 March 2000.

³⁵ *Nipun Malhotra v. Sony Pictures Films India Pvt. Ltd.*, (2024) Supreme Court of India.

³⁶ *Sukanya Shantha v. Union of India*, (2024) Supreme Court of India.

³⁷ Supreme Court Judgment on Sub-classification and Substantive Equality (2024).

civil liberties and non-discrimination principles, which can be seen in its directions protecting the student protestors from coercive state actions and putting an emphasis on accountability in the use of force.³⁸ These decisions are collectively demonstrating that the Judiciary is not merely a guardian of fundamental rights but also an active agent in the evolving anti-discrimination law in India.

CHALLENGES & SUGGESTIONS

The framework of social justice and anti-discriminatory laws in India reflects a deeply rooted constitutional commitment to equality and human dignity. Through a combination of fundamental rights, statutory protections, and progressive judicial interpretation, the Indian legal system has consistently sought to address both formal and substantive dimensions of inequality. The judiciary, in particular, has played a pivotal role in expanding the scope of these protections by interpreting constitutional principles in light of evolving social realities. While the legal framework is comprehensive in its design, its true significance lies in its continuous development and application in response to emerging forms of discrimination. Taken together, these elements demonstrate that the pursuit of social justice in India is not static but an ongoing process, shaped by constitutional values, legislative action, and judicial engagement.

CONCLUSION

In the light of all the statements, researches and facts what we understand and learn is that the concept of social justice is really wide concept and when there is anti-

³⁸Supreme Court directions in student protest cases (2026).

discrimination law is with it only then it can be achieved as the Anti-Discriminatory law plays the role of companion and a supplement to the social justice to make it achieved.

There are the laws in India related to anti-discrimination and the social justice but the core concept of social justice can be achieved only by the means of promoting equality, liberty and treating everyone with the needed ease access.

The Anti-Discrimination laws in India are rigid and provide equal opportunities to everyone, the laws are providing safe and Zero Discrimination to its citizen.

With the concept of reservation, the equality is being provided to the people of oppressed class.

The fundamentals of social justice are equality, access, equity and human rights. The respect for the diversity should be there only then the concept of social justice can be achieved. The laws for anti-discrimination are mostly misused by people still they are working for the needy and working in order to make a society which is full of social justice.

The social justice as stated by Plato is virtue of Ideal state and an Ideal state provides for the best environment to its people for their survival and betterment along with their progress.