

Social Inequality and The Indian Constitution: A Critical Analysis of Equality and Social Justice Provisions

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Abstract— Social inequality has been a defining feature of Indian society, historically rooted in caste hierarchy, class divisions, gender discrimination, and regional disparities. The Constitution of India was framed with a transformative vision to establish justice - social, economic, and political and to secure equality of status and opportunity for all citizens. This research paper critically examines the constitutional provisions relating to equality and social justice, particularly the Fundamental Rights and the Directive Principles of State Policy. It evaluates the role of affirmative action, judicial interpretation, and state policy in addressing structural inequality. While the Constitution provides a robust normative and legal framework for social transformation, persistent socio-economic disparities highlight the limitations of constitutional mechanisms in practice. The paper argues that transformative constitutionalism requires sustained institutional commitment, effective implementation, and broader socio-cultural change to achieve substantive equality in India.

Index Terms— Social Inequality, Social Justice, Affirmative Action, Transformative Constitutionalism.

I. INTRODUCTION

Indian society has historically been characterized by deeply entrenched systems of social stratification. The caste system, in particular, institutionalized hierarchy and exclusion for centuries. Gender - based discrimination, economic inequality, and regional imbalances further reinforced structural disparities. Colonial rule intensified socio-economic inequality by reshaping agrarian relations and concentrating wealth. Following independence, the framers of the Constitution of India envisioned it as an instrument of

social revolution. The Preamble promises Justice - social, economic, and political - and Equality of status and opportunity. These commitments reflect an aspiration not merely for political democracy but for social and economic democracy.

This paper seeks to address the following research questions:

- i. To what extent have constitutional provisions reduced social inequality in India?
- ii. How has judicial interpretation expanded the meaning of equality?
- iii. Have affirmative action policies resulted in substantive social transformation?
- iv. What are the contemporary challenges to achieving constitutional equality?

II. CONCEPTUAL AND THEORETICAL FRAMEWORK

Understanding Social Inequality

Social inequality refers to the unequal distribution of resources, power, opportunities and privileges within a society. In India, inequality manifests in multiple forms:

- Caste-based exclusion
- Gender discrimination
- Income and wealth disparities
- Educational inequality
- Rural–urban divide

These inequalities are interrelated and often intersect, compounding disadvantage.

Theoretical Perspectives

Marxist Perspective:

- Karl Marx located inequality in the ownership and control of the means of production, arguing that class exploitation is central to capitalist societies.

Weberian Perspective:

- Max Weber expanded the analysis by identifying class, status, and power as distinct yet interrelated dimensions of inequality.

Rawls' Theory of Justice:

- John Rawls proposed the "difference principle," which permits inequalities only if they benefit the least advantaged members of society.

Transformative Constitutionalism:

This framework views the Constitution as a dynamic instrument designed to transform society by dismantling structural oppression and promoting substantive equality.

These theoretical perspectives provide the analytical foundation for evaluating constitutional provisions addressing social inequality.

III. CONSTITUTIONAL FRAMEWORK FOR EQUALITY AND SOCIAL JUSTICE

The Constitution of India incorporates both enforceable rights and guiding principles aimed at establishing an egalitarian order.

Fundamental Rights (Part III)

Articles 14 to 18 form the core equality code.

- 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 18 - Abolition of titles

These provisions establish formal equality and prohibit arbitrary discrimination.

Protective Discrimination and Affirmative Action

Articles 15(4), 15(5), and 16(4) authorize the State to provide special provisions for socially and educationally backward classes, Scheduled Castes (SCs), and Scheduled Tribes (STs).

Affirmative action in India represents a constitutional commitment to substantive equality rather than mere formal neutrality.

Directive Principles of State Policy (Part IV)

The Directive Principles aim to establish socio-economic justice:

- Article 38 - Promote welfare and reduce inequalities
- Article 39 - Ensure equitable distribution of resources
- Article 41 - Right to work, education, and public assistance
- Article 46 - Promote educational and economic interests of weaker sections

Although non-justiciable, these principles guide legislative and policy initiatives toward social justice.

IV. JUDICIAL INTERPRETATION AND THE EVOLUTION OF EQUALITY

The Supreme Court of India has played a crucial role in expanding the scope of equality.

Substantive Equality

In *State of Kerala v. N.M. Thomas*, the Court held that equality permits reasonable classification and affirmative action, emphasizing substantive equality over formal equality.

Reservation and the 50% Ceiling

In *Indra Sawhney v. Union of India*, the Court upheld OBC reservations and introduced the 50% ceiling rule along with the "creamy layer" principle.

Basic Structure Doctrine

In *Kesavananda Bharati v. State of Kerala*, the Court established the Basic Structure Doctrine, recognizing equality as part of the Constitution's fundamental structure.

Through these decisions, the judiciary transformed equality from a formal guarantee into a substantive constitutional principle.

V. ACHIEVEMENTS OF CONSTITUTIONAL MEASURES

The constitutional framework of India has played a transformative role in addressing entrenched social hierarchies and historical injustices. Through a combination of enforceable Fundamental Rights and guiding Directive Principles of State Policy, the

Constitution has facilitated measurable progress in representation, education, social justice, and welfare governance.

Increased Political Representation

One of the most visible achievements of constitutional measures has been the increased political representation of Scheduled Castes (SCs) and Scheduled Tribes (STs). Articles 330 and 332 provide for reservation of seats in the Lok Sabha and State Legislative Assemblies to ensure that historically marginalized communities have a voice in law-making institutions. This constitutional intervention has enabled greater participation of disadvantaged groups in democratic processes and policy formulation. Scholarly assessments note that political reservation has contributed to leadership emergence within marginalized communities and enhanced visibility of social justice concerns in legislative debates. Although structural inequalities persist, the institutional presence of SC and ST representatives has altered the composition of representative democracy in a manner consistent with the Constitution's egalitarian vision.

Expansion of Access to Higher Education

Reservation policies in educational institutions have substantially expanded access to higher education for marginalized communities. Article 15(4), introduced by the First Constitutional Amendment, explicitly empowers the State to make special provisions for the advancement of socially and educationally backward classes and for SCs and STs. Subsequent judicial interpretations have upheld such measures as constitutionally valid instruments of substantive equality. Empirical research demonstrates that affirmative action policies have improved enrolment rates of disadvantaged communities in universities and professional institutions. While disparities remain in quality of education and completion rates, the constitutional commitment to inclusive education has opened pathways for socio-economic mobility that were historically inaccessible.

Legal Protection Against Untouchability and Caste Discrimination

Article 17 abolishes untouchability and declares its practice in any form to be an offence punishable by law. This provision represents a categorical constitutional repudiation of caste-based exclusion.

The Protection of Civil Rights Act, 1955 and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 operationalize this constitutional mandate by criminalizing discriminatory practices and acts of violence rooted in caste prejudice. Judicial decisions have reinforced the constitutional prohibition against discrimination by interpreting equality provisions expansively. Although social practices cannot be transformed solely through legal prohibition, the normative significance of Article 17 has reshaped public discourse and strengthened institutional accountability mechanisms.

Development of Welfare Schemes under Directive Principles

The Directive Principles of State Policy, particularly Articles 38, 39, 41, and 46, have guided the State in framing welfare policies aimed at reducing socio-economic inequalities. Article 46 specifically mandates the promotion of educational and economic interests of weaker sections, especially SCs and STs. These constitutional directives have influenced the design of targeted welfare schemes, including scholarships, housing initiatives, rural employment programs, and social security measures. Although Directive Principles are non-justiciable, the judiciary has recognized their interpretative relevance in harmonizing socio-economic rights with Fundamental Rights. Consequently, constitutional governance has evolved toward a model that integrates distributive justice within democratic administration.

VI. PERSISTENT INEQUALITY AND CONTEMPORARY CHALLENGES

Despite an elaborate constitutional framework, social and economic inequalities remain deeply embedded in India's socio-political structure. The gap between constitutional promise and lived reality continues to pose significant challenges.

Economic Inequality and Wealth Concentration

India has witnessed rapid economic growth since the liberalization reforms of 1991. However, growth has been uneven and disproportionately benefited upper-income groups. Studies indicate increasing wealth concentration and widening income disparities in post-liberalization India. Market-oriented reforms have enhanced productivity and global integration, but they

have not adequately addressed distributive justice. The Directive Principles emphasize equitable distribution of resources, yet redistributive taxation, social security expansion, and universal welfare mechanisms remain limited in scope and implementation.

Furthermore, informal sector workers-constituting a substantial portion of the labour force-continue to lack job security, social protection, and minimum wage enforcement. Economic inequality thus undermines substantive equality and restricts access to education, healthcare, and dignified living standards.

Caste-Based Discrimination and Social Exclusion

Although Article 17 abolished untouchability and multiple legislations criminalize caste-based discrimination, social hierarchies continue to shape access to resources and opportunities. Caste-based violence, residential segregation, and discrimination in employment and education reflect the persistence of structural exclusion. Reservation policies have improved representation in public institutions, yet social stigma and exclusion remain entrenched in everyday practices. Moreover, debates around the “creamy layer” principle and demands for inclusion by new caste groups indicate the complex and evolving nature of caste politics. Constitutional safeguards have mitigated exclusion but have not dismantled caste as a social institution.

Gender Inequality and Intersectional Disadvantage

Gender disparities persist in labour force participation, wage parity, political representation, and access to property. Women from marginalized castes and rural backgrounds experience compounded disadvantage due to inter sectionality. While constitutional provisions guarantee equality (Articles 14, 15, and 16), patriarchal norms, unpaid care burdens, and limited economic autonomy restrict women’s empowerment.

Legal reforms addressing domestic violence, workplace harassment, and inheritance rights have strengthened formal equality, yet enforcement gaps and cultural resistance limit their transformative potential.

Regional Disparities and Rural-Urban Divide

Significant differences exist between states in terms of literacy, healthcare access, infrastructure, and per capita income. Southern and western states generally

outperform northern and eastern regions on human development indicators. The rural–urban divide further intensifies inequality. Urban centres benefit from industrialization, digital infrastructure, and employment opportunities, whereas rural populations face limited access to quality education, healthcare, and digital connectivity.

Digital Divide and Technological Inequality

Digitalization has created new avenues for growth but also new forms of exclusion. Access to internet connectivity, digital literacy, and technological infrastructure remains uneven. Marginalized communities are disproportionately affected by limited digital access, restricting participation in online education, e-governance services, and digital markets. The digital divide thus represents an emerging dimension of structural inequality.

VII. CRITICAL EVALUATION

The Indian constitutional framework represents one of the most ambitious efforts globally to institutionalize social justice. However, its transformative potential remains partially realized.

From Formal Equality to Substantive Equality

The constitutional guarantee of equality initially emphasized non-discrimination and equal protection of laws. Judicial interpretation progressively shifted towards substantive equality, recognizing structural disadvantage. However, the transition from legal recognition to material transformation remains incomplete. Formal guarantees cannot automatically neutralize historically entrenched hierarchies.

Strengths of the Constitutional Model

- Comprehensive Equality Code: Articles 14-18 establish a strong normative commitment to equality.
- Affirmative Action Mechanism: Reservation policies acknowledge historical injustice and provide institutional redress.
- Judicial Activism: The Supreme Court has expanded equality jurisprudence and safeguarded constitutional values.
- Directive Principles: Provide a moral and policy framework for socio-economic justice.

- These features distinguish India's constitutional model as transformative rather than merely procedural.

Limitations and Structural Constraints

Despite its strengths, several limitations persist:

Politicization of Reservations:

- Reservation policies often become electoral tools rather than instruments of social justice. Expansion demands by politically mobilized groups complicate the original redistributive intent.
- Limited Economic Redistribution:
- The Constitution enables welfare-oriented governance, yet large-scale wealth redistribution has not been systematically pursued.
- Intersectional Blind Spots:
- Policies frequently address caste or gender separately, without adequately recognizing intersecting forms of disadvantage.
- Social Prejudice and Cultural Resistance:
- Legal reform cannot alone dismantle deeply embedded social attitudes. Societal acceptance is essential for transformative constitutionalism.

Transformative Constitutionalism: Promise and Practice

- Transformative constitutionalism requires more than judicial interpretation; it demands sustained political will, institutional capacity, and civic engagement.
- The Constitution provides the normative blueprint for social revolution. However, transformative change depends on:
- Effective governance
- Inclusive economic growth
- Social reform movements
- Civic awareness and participation
- Thus, equality in India remains a dynamic and evolving constitutional aspiration rather than a fully realized reality.

Analytical Observation

India's constitutional project illustrates the tension between normative ideals and structural realities. The constitutional commitment to social justice is robust and visionary. Yet, achieving substantive equality requires continuous institutional reform, economic

restructuring, and societal transformation. The journey from constitutional promise to social reality remains on going.

VIII. CONCLUSION

The Constitution of India represents one of the most ambitious constitutional efforts globally to combat social inequality. It enshrines equality, prohibits discrimination, and mandates protective measures for disadvantaged groups. However, constitutional provisions alone cannot eliminate entrenched social and economic hierarchies. Effective governance, judicial vigilance, inclusive economic policies, and social reform movements are essential to realizing constitutional promises. Social justice in India remains an on-going constitutional project. The transformative potential of the Constitution depends not only on its text but also on its interpretation, implementation, and societal acceptance.

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