

**LEGAL EDUCATION AND TEACHINGS FOR SOCIAL  
JUSTICE**

~ Professor (Dr.) S. Surya Prakash\*

**ABSTRACT**

*Legal education is vital in shaping legal professionals who uphold justice and equity. However, traditional law school curricula often focus on doctrinal learning while neglecting critical perspectives on social justice and access to justice. To bridge this gap, legal education must adopt a more holistic approach that integrates social justice principles, fostering lawyers who can address systemic inequalities.*

*This article explores the role of legal education in promoting social justice, examining its constitutional foundation in India, particularly through the Directive Principles of State Policy and socio-economic legislation. It also highlights the judiciary's role in advancing social justice through landmark rulings. Additionally, the article emphasizes the need for experiential learning, legal aid clinics, and inclusive legal training to equip future lawyers with the tools to challenge injustice. By embedding social justice into legal education, law schools can produce professionals who not only understand the law but also work toward a fairer and more equitable society.*

---

\* Professor (Dr.) S. Surya Prakash is the Vice-Chancellor of National Law Institute University Bhopal.

TABLE OF CONTENTS

I. INTRODUCTION .....	368
II. THEORETICAL FOUNDATIONS OF SOCIAL JUSTICE IN LEGAL EDUCATION.....	370
III. SOCIAL JUSTICE AS A CORE OBJECTIVE IN LEGAL CURRICULUM.....	371
IV. SOCIAL JUSTICE UNDER THE INDIAN CONSTITUTION.....	372
A. ECONOMIC JUSTICE .....	374
B. SOCIAL JUSTICE.....	374
C. GENDER JUSTICE .....	374
D. EDUCATIONAL JUSTICE.....	375
E. HEALTH AND WELFARE:.....	375
V. SOCIO-ECONOMIC LEGISLATION IN INDIA.....	376
A. OBJECTIVES OF SOCIO-ECONOMIC LEGISLATION.....	377
VI. JUDICIAL INTERPRETATION AND SOCIAL JUSTICE.....	378
VII. CONCLUSION .....	381

## I. INTRODUCTION

Law is the means to deliver justice as the end. Hence, we may call law an instrument to achieve social justice. Thus, law and legal education can be an instrument for social good in several ways. In recent years, social justice has emerged as a powerful driver for work, both in law schools and in the legal services sector. Legal education is a cornerstone in shaping legal professionals who will navigate and influence the justice system. It has always been associated with the pursuit of justice and the protection of individual rights. In a society that deeply values fairness and equity, it plays a significant role in promoting social good by equipping law students with the necessary skills to address legal and social issues.

Firstly, legal education can enable students to identify and address social injustices. By studying legal principles and cases, students can develop a deep understanding of the complexities of legal systems and their impact on individuals and communities. Further, legal education can also provide students with a broader understanding of social issues and help them develop critical thinking and problem-solving skills that are essential for addressing these issues. Thus, integrating social justice teachings within legal education is essential to create lawyers who understand the law, both in its letter and spirit, and who aim to uphold equity and fairness in a society which is marked by deep systemic inequalities.

The Constituent Assembly declared its firm and solemn resolve to proclaim India as an Independent Sovereign Republic and drafted for her

a Constitution for her future governance.<sup>1</sup> The Constitution of India guaranteed and secured social, economic, and political justice for all the people of India.<sup>2</sup> It became the vision of the people and a promise, speaking through its preamble and some of the enacting provisions, that there shall be secured to all the citizens, social justice.

It must be noted at this juncture that social justice is not just a static idea. It has been a passion of philosophers, politicians, sociologists, and other social thinkers including the likes of Plato and Aristotle, to brood over social justice and define its parameters from time to time. Plato believed that the society being composed of different types of men — the producing type, the military type, the ruling type — is brought together under the impulse of their need for one another, to make a perfect whole.<sup>3</sup> According to him, a society is a depiction of Human mind. Thus, social justice is achieved when each of the abovementioned groups perform their natural roles.<sup>4</sup> Justice can be understood as a bond that holds the society together as a harmonious union of individuals; and social justice must uphold that bond. Aristotle described social justice as distributive justice, emphasizing on the proportionate allocation of office according to the worth of the individual.<sup>5</sup> He saw distributive justice as the most powerful instrument for the preventing revolutions, which helped in the strengthening unity and integrity of the society.

---

<sup>1</sup> INDIA CONST. Preamble.

<sup>2</sup> *Id.*

<sup>3</sup> Dr. Bhandari, *Plato's Concept Of Justice: An Analysis*, PAIDEIA ARCHIVE (1998), <https://www.bu.edu/wcp/Papers/Anci/AnciBhan.htm>.

<sup>4</sup> *Id.*

<sup>5</sup> J.L. ACKRILL, *ARISTOTLE THE PHILOSOPHER* (Oxford University Press 1981).

## **II. THEORETICAL FOUNDATIONS OF SOCIAL JUSTICE IN LEGAL EDUCATION**

The concept of social justice is rooted in the idea of achieving a fair and equitable society where the rights of individuals are respected, and any systemic disadvantages are addressed. Scholars like John Rawls and Amartya Sen have emphasized principles such as equality of opportunity and the removal of institutional barriers to justice while theorizing their idea of social justice.<sup>6</sup>

Many legal education systems globally prioritize doctrinal learning, which includes teaching students to interpret statutes, analyse case law, and apply legal principles to fact patterns. While such training is essential, it often neglects critical perspectives that consider societal implications of the law. Thus, holistic legal education should play a dual role. The normative part should focus on instilling values of equity, justice, and fairness, while the practical part should equip future lawyers with tools to identify and dismantle structures of oppression within the legal framework. This dual role necessitates a curriculum that is not just doctrinal, but also critical and interdisciplinary. Legal education must critically examine how laws are framed, interpreted, and enforced, and their impact on marginalized communities.

---

<sup>6</sup> Shambhavi Goswami & Arvind Sharma, *Analysing Rawls Theory of Justice through Amartya Sen's Perspective*, 2 INDIAN J. INTEGRATED RSCH. L. 1 (2022).

### **III. SOCIAL JUSTICE AS A CORE OBJECTIVE IN LEGAL CURRICULUM**

Social justice, a principle that champions equity, inclusivity, and fairness, is fundamental to the rule of law and democracy. Incorporating social justice as a core objective in legal education ensures that the future custodians of the legal system are not only skilled in interpreting and applying the law, but are also conscious of their role in creating a more equitable society. Legal education, when intertwined with the ideals of social justice, shapes lawyers who serve as advocates for systemic change, protectors of human rights, and defenders of the marginalized. The legal profession is inherently linked to social justice as lawyers and judges are key players in shaping societal norms and ensuring equality before the law. By embedding social justice into the legal curriculum, students develop a critical understanding of how laws impact diverse social groups differently. They become equipped to challenge unjust structures, address systemic discrimination, and uphold the principles of justice and fairness. Social justice-oriented education also ensures that the legal profession aligns itself with the broader societal goals of inclusivity and human rights, thereby enhancing the credibility of legal institutions. A legal curriculum that prioritizes social justice seeks to achieve several interrelated objectives.

Embedding social justice in legal education involves restructuring curricula to address pressing social issues. Incorporating courses on social justice i.e., courses like Human Rights Law, Environmental Justice, Gender Justice, and Public Interest Law among others, helps students explore the intersection of law and social equity.

Further, legal education should ensure representation from diverse backgrounds including both, faculty and students. A diverse learning environment enriches discussions and fosters empathy. It should emphasize experiential learning through partnerships with non-profits, community organizations, and grassroots movements.

#### IV. SOCIAL JUSTICE UNDER THE INDIAN CONSTITUTION

The Constitution of India in its Preamble has assured the people of '*three-dimensional justice*', which encompasses the idea of social justice.<sup>7</sup> As discussed above, social justice emphasizes on fairness and equality in the society by removing economic, social, and political disparities. It seeks to ensure that all individuals, particularly the marginalized and underprivileged, have access to opportunities and resources for their holistic development. In the Indian context, social justice aligns with different ideals including, but not limited to reducing caste-based discrimination, providing equal opportunities for women, eradicating poverty, and securing basic rights such as education and health.

The concept of social justice in India is deeply rooted in its constitutional, cultural, and philosophical traditions, emphasizing equality, fairness, and inclusivity. The Constitution of India embodies the principles of social justice through its Preamble, Fundamental Rights, and Directive Principles of State Policy, aiming to eliminate discrimination and uplift marginalized communities. Teachings of leaders like Mahatma Gandhi,

---

<sup>7</sup> *Social Justice Bench*, SUPREME COURT OF INDIA (2014), [https://cdnbbsr.s3waas.gov.in/s3ec0490f1f4972d133619a60c30f3559e/documents/notices-circulars/2014-12-17\\_1418816381.pdf](https://cdnbbsr.s3waas.gov.in/s3ec0490f1f4972d133619a60c30f3559e/documents/notices-circulars/2014-12-17_1418816381.pdf).

who advocated for eradication of untouchability and economic self-reliance, and Dr. B.R. Ambedkar, who championed the rights of Dalits and advocated for social reform, form the foundation of India's approach to social justice. These principles emphasise on equal opportunities, dignity, and empowerment for all sections of society, irrespective of caste, gender, or religion. Through legal frameworks, affirmative action, and welfare schemes; India continues to strive toward an equitable society where social justice remains a guiding force in policymaking and governance.

The Directive Principles of State Policy (“**DPSPs**”), enshrined in Part IV of the Constitution of India reflect the vision of the framers for a welfare state.<sup>8</sup> Inspired by the Irish Constitution, these principles are non-justiciable, meaning that they cannot be enforced by courts. However, they are fundamental in guiding the state in formulating laws and policies that promote social and economic justice.<sup>9</sup> Together, the DPSPs and the principle of social justice form the cornerstone of India's constitutional vision to create a fair, equitable, and inclusive society. The DPSPs aim to achieve social justice by addressing systemic inequalities and setting aspirational goals for governance. The following sections discuss these mandates in detail:

---

<sup>8</sup> Khushi Pandya, *Comparative Analysis of Directive Principles of Social Policy under the Irish Constitution and Directive Principles of State Policy under Indian Constitution*, SSRN (December 19, 2021), <https://ssrn.com/abstract=3989021>.

<sup>9</sup> *Id.*

**A. ECONOMIC JUSTICE**

Article 38(1)<sup>10</sup>: Mandates the state to promote the welfare of the people by securing a social order in which social, economic, and political justice shall inform all institutions of national life.

Article 39(b) and Article 39(c)<sup>11</sup>: Mandates equitable distribution of material resources and prevention of wealth concentration.

**B. SOCIAL JUSTICE**

Article 39(a)<sup>12</sup>: Directs the state to secure that the citizens right to an adequate means of livelihood, regardless of their economic status.

Article 41<sup>13</sup>: Provides for the right to work, education, and public assistance in cases of unemployment, old age, sickness, and disability.

Article 46<sup>14</sup>: Enjoins the state to promote the educational and economic interests of Scheduled Castes, Scheduled Tribes, and other weaker sections.

**C. GENDER JUSTICE**

Article 39(d)<sup>15</sup>: Stipulates that men and women should receive equal pay for equal work.

Article 42<sup>16</sup>: Directs the state to ensure just and humane conditions of work and maternity relief.

---

<sup>10</sup> INDIA CONST. art. 38(1).

<sup>11</sup> INDIA CONST. art. 39(b), (c).

<sup>12</sup> INDIA CONST. art. 39(a).

<sup>13</sup> INDIA CONST. art. 41.

<sup>14</sup> INDIA CONST. art. 46.

<sup>15</sup> INDIA CONST. art. 39(d).

<sup>16</sup> INDIA CONST. art. 42.

#### **D. EDUCATIONAL JUSTICE**

Article 45<sup>17</sup>: Initially directed the state to provide free and compulsory education for children up to the age of 14, which later became a fundamental right under Article 21A.<sup>18</sup>

#### **E. HEALTH AND WELFARE**

Article 47<sup>19</sup>: Directs the state to raise the level of nutrition, standard of living and improve public health.

In contemporary times, DPSPs remain highly relevant as the guiding principles for policymaking. Programs such as the National Food Security Act, Mahatma Gandhi National Rural Employment Guarantee Act (“**MGNREGA**”),<sup>20</sup> and the Right to Education Act,<sup>21</sup> reflect the influence of DPSPs in advancing social justice. Thus, the DPSPs embody the spirit of social justice and serve as a moral compass for governance in India. While their non-justiciable nature poses challenges, their integration with Fundamental Rights and judicial interpretation has significantly contributed to advancing equity and inclusivity. By addressing systemic inequalities, the DPSPs continue to shape India’s journey toward a just and equitable society.

---

<sup>17</sup> INDIA CONST. art. 45.

<sup>18</sup> INDIA CONST. art. 21A.

<sup>19</sup> INDIA CONST. art. 47.

<sup>20</sup> National Food Security Act, No. 20, Acts of Parliament, 2013 (Ind.); Mahatma Gandhi National Rural Employment Guarantee Act, No. 42, Acts of Parliament, 2005 (Ind.) (“**MGNREGA**”).

<sup>21</sup> The Right of Children to Free and Compulsory Education Act, No. 35, Acts of Parliament, 2009 (Ind.).

## V. SOCIO-ECONOMIC LEGISLATION IN INDIA

Socio-economic legislation refers to laws enacted to address social and economic disparities, promote equitable resource distribution, and enhance the quality of life for marginalized and vulnerable populations. These laws address systemic inequalities, promote social justice, and ensure economic empowerment for marginalized groups. Further, they aim to foster a fairer society by addressing issues such as poverty, discrimination, unemployment, housing, and education. Socio-economic legislation in India is a cornerstone of its constitutional vision to create a just and equitable society.

They often draw their legitimacy from constitutional principles of equality, justice, and the welfare state. Rooted in the DPSP, socio-economic legislations aim to uplift disadvantaged sections by providing legal frameworks for their rights and welfare. Landmark laws include the Minimum Wages Act, 1948,<sup>22</sup> which ensures fair remuneration for workers; the MGNREGA 2005,<sup>23</sup> which guarantees employment to rural households; and the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989,<sup>24</sup> which protects vulnerable communities against discrimination and violence. Additionally, laws like the Right to Education Act, 2009,<sup>25</sup> and the National Food Security Act, 2013,<sup>26</sup> address basic needs such as education and nutrition, contributing to human development. By

---

<sup>22</sup> Minimum Wages Act, No. 11, Acts of Parliament, 1948 (India).

<sup>23</sup> *Id.*

<sup>24</sup> Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, No. 33, Acts of Parliament, 1989 (Ind.).

<sup>25</sup> *Id.*

<sup>26</sup> MGNREGA, No. 42, Acts of Parliament, 2005 (Ind.)

bridging socio-economic disparities, these legislations play a pivotal role in India's journey toward sustainable development and social justice. However, effective implementation remains a challenge, requiring robust governance and public participation to realize their full potential.

#### **A. OBJECTIVES OF SOCIO-ECONOMIC LEGISLATION**

Socio-economic legislation aims to foster a just and equitable society by addressing systemic disparities and ensuring the well-being of all citizens. The primary objective is the reduction of inequalities in wealth, resources, and opportunities, thereby bridging the gap between privileged and disadvantaged groups. These laws promote social justice by ensuring fair treatment and equity for marginalised communities, protecting their rights, and fostering inclusivity. They contribute to economic stability by providing welfare programs, and a safety net for vulnerable populations, helping them overcome poverty and deprivation. Another significant goal is the upliftment of marginalised communities, empowering women, minorities, and socially excluded groups through targeted measures and affirmative action. Additionally, socio-economic legislation supports sustainable development by integrating economic growth with environmental protection and social equity, ensuring long-term prosperity for future generations. These objectives collectively drive the transformative impact of such laws in creating a balanced and inclusive society.

## **VI. JUDICIAL INTERPRETATION AND SOCIAL JUSTICE**

The judiciary plays a pivotal role in upholding social justice, which seeks to ensure equality, fairness, and the eradication of systemic discrimination. As the guardian of the Constitution, and the interpreter of laws, the Indian judiciary has been instrumental in advancing social justice through landmark decisions, proactive interventions, and its power of judicial review. The provisions of Articles 32,<sup>27</sup> and 226,<sup>28</sup> confer a good deal of discretion on the Constitutional Courts. There are clear indications in the judicial pronouncements that the courts are taking cognizance of the violation of the fundamental rights of the citizens and through judicial activism gave life to the Public Interest Litigation (“**PIL**”). By safeguarding fundamental rights and enforcing constitutional principles, the judiciary acts as a catalyst for social change, addressing inequalities and protecting the marginalized. The judiciary’s role in promoting social justice is integral to achieving the constitutional vision of an equitable society. By protecting rights, enforcing constitutional principles, and addressing systemic inequities, the judiciary acts as a beacon of hope for the marginalized. However, continued efforts are needed to ensure that judicial pronouncements lead to meaningful and lasting social change. The following section addresses some of those Supreme Court’s landmark rulings.

---

<sup>27</sup> INDIA CONST. art. 32.

<sup>28</sup> INDIA CONST. art. 226.

In *Olga Tellis v. Bombay Municipal Corporation*,<sup>29</sup> the pavement dwellers in Mumbai challenged their eviction, arguing that it violated their right to livelihood under Article 21 of the Indian Constitution.<sup>30</sup> The Court held that the right to livelihood is an integral part of the right to life. It recognized the plight of the urban poor and emphasized that eviction without providing alternative accommodations was unjust. This case reinforced the judiciary's commitment to social justice by protecting the rights of marginalized groups.

In *Vishaka v. State of Rajasthan (1997)*,<sup>31</sup> the issue arose after a woman was gang-raped while attempting to stop child marriages. The petitioners highlighted the absence of laws addressing sexual harassment in the workplace. The Court established guidelines, which later came to be known as the *Vishaka Guidelines*, to prevent and address workplace harassment, emphasizing gender justice and equality. This judgment was a milestone in protecting women's rights in India, leading to the enactment of Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013.<sup>32</sup>

In *People's Union for Democratic Rights v. Union of India (1982)*,<sup>33</sup> several activists filed a petition alleging exploitation of workers in the construction of Asian Games infrastructure, arguing violations of labour laws and fundamental rights. The Court held that non-enforcement of labour laws

---

<sup>29</sup>*Olga Tellis v. Bombay Municipal Corporation* (1985) 3 SCC 545.

<sup>30</sup>INDIA CONST. art. 21.

<sup>31</sup> *Vishaka v. State of Rajasthan* (1997) 6 SCC 241.

<sup>32</sup> Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, No. 14 of 2013.

<sup>33</sup> *People's Union for Democratic Rights v. Union of India* (1982) SCC (L&S) 262.

amounted to a violation of fundamental rights under Articles 14,<sup>34</sup> 19,<sup>35</sup> and 21.<sup>36</sup> This judgment reaffirmed the judiciary's role in ensuring socio-economic justice for vulnerable workers.

In *Muir Mills v. Suti Mill Mazdoor Union*,<sup>37</sup> wherein it was stated that social justice must be founded on solid foundations and not fanciful notions of any adjudicator. However, a sample survey of the judicial decisions will indicate that adherence to a specific line is missing and the portrait of a developing idea is to be discerned, the contours still taking shape. If the criterion of greatest good for greatest number was applied in *Sadhu Ram v. Pulin Behari*,<sup>38</sup> the concept of distributive justice was found to have its own appeal in *Lingappa v. State of Maharashtra*,<sup>39</sup> while municipal cleanliness leading to an environment free of pollution and public nuisance was the dominant consideration in *Municipal Council, Ratlam v. Vardichan*.<sup>40</sup>

During the last four decades, the Supreme Court and the High Courts have delivered hundreds of judgments to protect the fundamental rights of the citizens in different spheres of life. Classroom discussions on PIL, particularly the judgments of Justice V.R.Krishna Iyer, Justice, P.N. Bhagwati, Justice B.L.Hansaria, etc., on bonded labour, child labour, contract labour, child rights, women rights, etc., are useful to explore the different dimensions of social justice. Further, the clinical courses like visits

---

<sup>34</sup> INDIA CONST. art. 14.

<sup>35</sup> INDIA CONST. art. 19.

<sup>36</sup> *Supra* note 14.

<sup>37</sup> *Muir Mills Co. Ltd. v. Suti Mills Mazdoor Union*, (1954) 2 SCC 708.

<sup>38</sup> *Sadhu Ram v. Pulin Behari* (1984) 3 SCC 410.

<sup>39</sup> *Lingappa v. State of Maharashtra* (1985)1 SCC 479.

<sup>40</sup> *Municipal Council, Ratlam v. Vardichan* (1980) 4 SCC 162.

to courts, police stations and prisons, etc., will help students understand the operation of the law at different places of law enforcement authorities.

## VII. CONCLUSION

The welfare of the people is paramount and no social instrument, be it the Constitution or otherwise, would prove equal to its task unless it promotes the welfare of the people and can be effectively used to wipe every tear from every eye. Social justice is not merely an aspirational goal but a foundational principle that legal education must uphold, which is not embedded in other disciplines like physics, chemistry, and mathematics, etc. By making it a core objective of the legal curriculum, law schools can produce lawyers who are not only proficient in the law, but are also committed to creating a fair and just society. Such an approach ensures that the legal profession remains a vital tool for societal transformation, bridging the gap between the law's ideals and its real-world impact.

Socio-economic legislation forms the backbone of any welfare state, bridging the gap between constitutional ideals and ground realities. Despite challenges in implementation, these laws are essential for promoting equity, reducing poverty, and ensuring the holistic development of society. Effective governance, active judiciary, and vigilant civil society are critical in realizing the transformative potential of socio-economic legislation.

Legal education has the power to shape the values and priorities of future lawyers. By integrating teachings on social justice, it can produce professionals who are not only skilled in the technical aspects of law but also committed to creating a more equitable society. This requires a

collective effort from institutions, educators, policymakers, and students to embrace reform and prioritise the greater good. In a world fraught with inequalities, the pursuit of justice must remain at the heart of legal education.