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# **REDEFINING EQUALITY: A JOURNEY TOWARDS COMPLETE JUSTICE**

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## **ABSTRACT**

Equality, in its true sense, denotes a condition where all individuals enjoy equal rights, status, and opportunities without discrimination. Its core elements include the absence of special privileges, equal chances for development, and assurance of basic needs for all. In most legal systems, equality is a prerequisite for justice, often expressed through the Rule of Law. Yet, the gap between theoretical rights and lived realities makes “complete justice” an ongoing global challenge. To bridge this gap, the Indian Constitution employs tools such as reasonable classifications and affirmative actions under Articles 13, 32, 141, 142, and 226 to safeguard welfare. In recent jurisprudence, the Supreme Court has emphasized the ‘spirit of law’ over rigid textualism, prioritizing substantive justice over procedural technicalities, particularly in evolving reservations within Scheduled Castes. This reflects the dharmic principle that justice must be proportionate, targeting the “weakest of the weak.” Such judicial creativity, moving from ‘black letter law’ to transformative constitutionalism, ensures substantive equality and equity, advancing true justice.

**Keywords:** Reasonable classification- Affirmative actions- Complete justice.

## **1. INTRODUCTION**

Equality in India is both a constitutional guarantee and a social aspiration deeply rooted in the nation’s history and legal framework. The Indian understanding of equality is multidimensional, extending beyond mere formal equality to embrace substantive fairness, addressing historical, social, and economic disparities. The Indian approach distinguishes between formal equality and substantive equality. Formal equality refers to the uniform application of laws without favoritism, but treating unequals identically can exacerbate disparities. Substantive equality recognizes that individuals or groups differ and that corrective

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measures like reservations, affirmative action, and educational quotas may be necessary to achieve actual equality in outcomes which reflects a pragmatic, context-sensitive approach rather than rigid uniformity. The conceptualization of equality within the realm of legal jurisprudence has perennially oscillated between abstract philosophical idealism and pragmatic socio-legal application. Equality in its most rudimentary definition posits a framework wherein individuals are guaranteed symmetrical rights, status, and opportunities, devoid of arbitrary discrimination<sup>2</sup>. However, the mechanistic application of mathematical equality often results in severe inequities when superimposed upon a fundamentally unequal society. As noted by Roscoe Pound, the law must not be viewed merely as a system of static rules, but as a mechanism for social engineering, designed to satisfy the maximum of human wants with the minimum of friction<sup>3</sup>. The core elements of genuine equality transcend the mere absence of special privileges; they necessitate the proactive assurance of basic human needs and an equitable arena for personal and collective development. It is within this philosophical crucible that the distinction between formal equality (treating everyone the same) and substantive equality (treating people differently based on their systemic disadvantages) is forged<sup>4</sup>.

Equality in India is not limited to legal formalities. Social equality aims to eradicate caste hierarchies, gender discrimination, and systemic marginalization. Economic equality promotes equitable access to resources and opportunities through land reforms, welfare schemes, and EWS reservations. Gender equality ensures special protections and affirmative action to combat historical disadvantages. Cultural and religious equality is reflected in the protection of minority rights under Articles 29–30 and the promotion of secular governance.

In contemporary legal systems, equality operates as the foundational *sine qua non* for the realization of justice, a principle invariably operationalized through the doctrine of the Rule of Law<sup>5</sup>. Yet, the global legal fraternity continues to grapple with the profound chasm separating theoretical, de jure equality from actual, de facto socio-economic reality. This discrepancy requires a paradigm shift from a purely formalistic interpretation of rights toward a substantive approach that aims at "complete justice." Aristotle, in his *Nicomachean Ethics*, early on

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<sup>2</sup> John Rawls, *A Theory of Justice* 60 (Harvard University Press, Massachusetts, 1971).

<sup>3</sup> According to the work of Roscoe Pound, the law must be viewed as a mechanism for social engineering to satisfy human wants. For detailed understanding refer, Roscoe Pound, *An Introduction to the Philosophy of Law*, Yale University Press, New Haven (1922).

<sup>4</sup> Ronald Dworkin, *Taking Rights Seriously* 227 (Harvard University Press, Massachusetts, 1977).

<sup>5</sup> A.V. Dicey, *Introduction to the Study of the Law of the Constitution* 110 (Macmillan, London, 10th edn., 1959).

identified that injustice arises as much from treating unequals equally as from treating equals unequally<sup>6</sup>. The Indian Constitutional framework, conscious of deep-rooted historical stratifications spanning centuries of caste-based and economic marginalization, does not prescribe a blind, monolithic equality. Instead, it wields specialized jurisprudential tools such as the doctrine of reasonable classification and affirmative action anchored in Articles 14, 15, 16, 32, 141, 142, and 226, to actively engineer social welfare<sup>7</sup>.

India's reservation system is a constitutional tool aimed at leveling the playing field for socially and educationally backward communities. Reservation has long stood at the crossroads of social justice and political debate. Introduced to uplift historically marginalized communities, it has evolved into a complex system that sparks questions about equality, merit, and representation. Different perspectives exist on the meaning of reservation. One view sees it as an anti-poverty measure, while another considers it merely a right of access rather than a right to redressal. Reservation implies a separate quota reserved for special categories of persons. In India, it was introduced with the aim of advancement and adequate representation of Scheduled Castes, Scheduled Tribes, Other Backward Classes, and Economically Weaker Sections.

To truly appreciate the Indian journey toward complete justice, one must abandon the rigid confines of 'Black Letter Law', a methodology that interprets statutes strictly by their literal text, often ignoring the socio-economic context of the litigants. As Justice Holmes famously articulated, the life of the law has not been logic; it has been experience<sup>8</sup>. The Indian Supreme Court, acting as a "*sentinel on the qui vive*", has increasingly prioritized the 'Spirit of law' over textual interpretation. This shift represents what contemporary legal scholars' term 'transformative constitutionalism' the idea that the Constitution is not merely a charter to limit state power, but a proactive mandate to dismantle oppressive social hierarchies<sup>9</sup>. By targeting relief at the "weakest of the weak," the Indian judiciary embodies the dharmic ideal that complete justice is necessarily proportionate, recognizing that a rigidly equal application of the law upon a profoundly unequal populace is the very antithesis of equity.

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<sup>6</sup> Aristotle, *Nicomachean Ethics* 112 (W.D. Ross trans., Oxford University Press, 1925).

<sup>7</sup> M.P. Jain, *Indian Constitutional Law* 890 (Kamal Law House, Calcutta, 5th edn., 1998).

<sup>8</sup> Justice Holmes famously articulated that the life of the law has not been logic; it has been experience. Refer, O.W. Holmes, *The Common Law*, Little, Brown and Company, Boston (1881)

<sup>9</sup> Upendra Baxi, "Transformative Constitutionalism" 46 JILI 125 (2004)

## 2. GENESIS OF EQUALITY

The research problem stems from the debate over reservation policies in India, specifically the transition from formal equality, which emphasizes equal treatment under law, to substantive equality, which seeks equitable outcomes for historically marginalized groups. By analyzing the transition within Scheduled Caste reservations, this research provides a framework for designing evidence-based, legally sound, and socially just affirmative action policies in India. This approach aligns with the constitutional spirit of Articles 14, 15(4), 16(4), and 341 through judicial interpretations. The central question is to what extent India's caste-based reservation system facilitates equity rather than mere equality, and how intra-group disparities, creamy layer effects, and state-level variations can be incorporated into a more outcome-oriented affirmative action framework.

To fully grasp the jurisprudential weight of 'complete justice,' one must inevitably return to the foundational epistemology of the Indian republic: The Constituent Assembly Debates (CAD). The framers of the Constitution did not view equality as a static, western-imported legal fiction; rather, they approached it as a radical tool for social surgery in a profoundly stratified subcontinent. When the provisions regarding equality (initially drafted as Draft Articles 10 and 11, which later metamorphosed into Articles 14, 15, and 16) were debated, the discourse was deeply polarized. The Assembly was torn between those advocating for an absolute, color-blind formal equality and those demanding explicit constitutional mandates for substantive socio-economic restitution<sup>10</sup>. This was not merely a semantic debate over legal drafting; it was an existential struggle to define what 'justice' would mean for a newly independent nation scarred by centuries of caste hegemony and colonial exploitation.

Prof. K.T. Shah argued that mere legal equality without socio-economic parity would perpetuate injustice, laying the groundwork for substantive justice<sup>11</sup>. Dr. B.R. Ambedkar engineered a constitutional synthesis, balancing equality of opportunity with affirmative action. His vision was inherently dharmic, emphasizing proportionality and the necessity of reservations to preserve the rule of equality itself. The philosophical crescendo of this debate was delivered in Dr. Ambedkar's final address to the Constituent Assembly on November 25, 1949. He issued a stark, prophetic warning that encapsulates the absolute necessity of substantive justice over

<sup>10</sup> B. Shiva Rao, *The Framing of India's Constitution: A Study* 178 (Universal Law Publishing, Delhi, 2004).

<sup>11</sup> Shiva Rao. B. (1967). *The Framing of India's Constitution: A Study*, Indian Institute of Public Administration, pp. 215–220.

rigid procedural technicalities: "On the 26th of January 1950, we are going to enter into a life of contradictions. In politics we will have equality and in social and economic life we will have inequality... We must remove this contradiction at the earliest possible moment or else those who suffer from inequality will blow up the structure of political democracy."<sup>12</sup> This explicit historical intent mandates that contemporary courts must adopt a posture of 'transformative constitutionalism.' When modern constitutional courts invoke Article 142 to dispense complete justice bypassing procedural rigidities that threaten to paralyze the constitutional promise, they are not engaging in judicial overreach; they are fulfilling the explicit mandate set forth by the republic's founding fathers<sup>13</sup>.

The old paradigm of equality under Article 14 rested on the doctrine of reasonable classification, crystallized in *State of West Bengal v. Anwar Ali Sarkar*. The Court established the twin test of intelligible differentia and rational nexus, preventing arbitrary state action. While this formalistic approach curbed blatant discrimination, it often validated injustice when classifications met technical criteria but failed substantive fairness. Scholars like Upendra Baxi criticized this rigidity, noting that the test became a doctrinaire straight jacket<sup>14</sup>.

A decisive shift came in *E.P. Royappa v. State of Tamil Nadu*, where Justice P.N. Bhagwati declared equality and arbitrariness as sworn enemies, redefining equality as a dynamic concept inseparable from justice. This transformative approach culminated in *Maneka Gandhi v. Union of India*, where the Court integrated Articles 14, 19, and 21 into the "Golden Triangle," holding that any procedure depriving liberty must be just, fair, and reasonable<sup>15</sup>. Together, these precedents mark the judiciary's evolution from black-letter law to transformative constitutionalism, ensuring substantive equality and complete justice<sup>16</sup>.

In what is now considered a holy grail of constitutional law, Justice P.N. Bhagwati fundamentally rewrote the DNA of Article 14. Departing from the claustrophobic confines of classification, Justice Bhagwati pronounced the 'new doctrine' of equality, declaring that

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<sup>12</sup> Dr. Ambedkar issued a stark, prophetic warning regarding the contradictions of political equality and social inequality. Refer, Constituent Assembly Debates, Vol. XI, Lok Sabha Secretariat, New Delhi (1989)

<sup>13</sup> Granville Austin, *The Indian Constitution: Cornerstone of a Nation* 50 (Oxford University Press, New Delhi, 1966).

<sup>14</sup> *State of West Bengal v. Anwar Ali Sarkar*, AIR 1952 SC 75; Baxi, U. (1980). *The Crisis of the Indian Legal System*, Vikas Publishing, pp. 112–115.

<sup>15</sup> *E.P. Royappa v. State of Tamil Nadu*, AIR 1974 SC 555.

<sup>16</sup> *Maneka Gandhi v. Union of India*, AIR 1978 SC 597.

"Equality is a dynamic concept with many aspects and dimensions and it cannot be 'cribbed, cabined and confined' within traditional and doctrinaire limits." He famously asserted that from a positivistic point of view, equality is antithetic to arbitrariness. In fact, equality and arbitrariness are sworn enemies; one belongs to the rule of law in a republic, while the other belongs to the whim and caprice of an absolute monarch. Where an act is arbitrary, it is implicit that it is unequal both according to political logic and constitutional law<sup>17</sup>. This was a monumental paradigm shift from Black Letter Law to transformative constitutionalism; it empowered the judiciary to strike down executive or legislative actions not merely because they failed a technical classification test, but because they offended the broader, substantive conscience of the Constitution. By establishing that procedural technicalities cannot act as a smokescreen for arbitrary state action, the Supreme Court inextricably linked substantive equality with complete justice, laying the foundation for future interventions on behalf of the "weakest of the weak."

### 3.CRITIQUING THE IDEOLOGICAL CONSTRUCT OF EQUALITY

The transition from formal equality to complete justice in India is most vividly reflected in the Supreme Court's evolving jurisprudence on affirmative action. Early rulings such as *State of Madras v. Champakam Dorairajan* struck down caste-based reservations by rigidly applying Article 15(1), treating equality as a literal, formal guarantee<sup>18</sup>. This triggered the First Amendment, inserting Article 15(4) to empower the State to make special provisions for backward classes. Yet, in *M.R. Balaji v. State of Mysore*, the Court still viewed reservations as narrow exceptions to equality, reinforcing the "exception theory."<sup>19</sup>

A decisive shift came with *State of Kerala v. N.M. Thomas*, where Justice K.K. Mathew declared that affirmative action was not an exception but a constitutional embodiment of substantive equality<sup>20</sup>. This transformative approach was entrenched in *Indra Sawhney v. Union of India*, where the Court upheld OBC reservations, recognized caste as a valid marker of backwardness, and introduced the "creamy layer" doctrine to ensure benefits reached the most disadvantaged<sup>21</sup>. By capping reservations at 50%, the Court struck a balance between

<sup>17</sup> M.P. Singh, V.N. Shukla's Constitution of India 88 (Eastern Book Company, Lucknow, 13th edn., 2017).

<sup>18</sup> *State of Madras v. Champakam Dorairajan*, AIR 1951 SC 226.

<sup>19</sup> *M.R. Balaji v. State of Mysore*, AIR 1963 SC 649.

<sup>20</sup> *State of Kerala v. N.M. Thomas*, AIR 1976 SC 490.

<sup>21</sup> *Indra Sawhney v. Union of India*, AIR 1993 SC 477.

meritocratic equality and substantive justice, rejecting black-letter formalism in favor of socio-legal engineering.

Together, these precedents from *Champakam Dorairajan* to *Indra Sawhney* chronicle the judiciary's journey from rigid textualism to transformative constitutionalism. By embracing substantive equality, the Court ensured that affirmative action became a constitutionally mandated bridge between abstract rights and lived realities, targeting the "weakest of the weak" and advancing the dharmic ideal of proportionate justice<sup>22</sup>.

#### 4. DYNAMICS OF SUBSTANTIVE EQUALITY

The tension between formal and substantive equality is sharply illustrated in the evolution of Scheduled Caste reservations. In *E.V. Chinnaiah v. State of A.P.*, the Supreme Court struck down sub-classification within SCs, holding that the Presidential List under Article 341 was sacrosanct and homogenous<sup>23</sup>. This rigid formalism ignored internal stratifications, allowing dominant sub-castes to monopolize benefits. The paradox was challenged in *State of Punjab v. Davinder Singh*, where the Court referred the issue to a larger bench, recognizing the constitutional obligation to prioritize the "weakest of the weak."<sup>24</sup>

This shift reflects the dharmic principle that treating unequals as equals violates justice. Just as the "creamy layer" doctrine filters out the advanced among OBCs, sub-classification within SCs ensures benefits reach the most deprived<sup>25</sup>. The judiciary's embrace of targeted affirmative action demonstrates transformative constitutionalism, privileging the spirit of law over textual rigidity. Article 142 further empowers the Court to deliver "complete justice," as seen in *Union Carbide Corporation v. Union of India*, where procedural barriers were bypassed to compensate victims of the Bhopal Gas Tragedy<sup>26</sup>.

The democratization of access to justice through Public Interest Litigation (PIL) reinforced this trajectory. In *S.P. Gupta v. Union of India*, locus standi was relaxed, enabling public-spirited individuals to represent marginalized groups<sup>27</sup>. Subsequent cases like *Bandhua*

<sup>22</sup> Galanter. M. (1984). *Competing Equalities: Law and the Backward Classes in India*, Oxford University Press, pp. 45–50.

<sup>23</sup> *E.V. Chinnaiah v. State of A.P.*, AIR 2005 SC 162.

<sup>24</sup> *State of Punjab v. Davinder Singh*, 2020 SCC OnLine SC 677.

<sup>25</sup> *Indra Sawhney v. Union of India*, AIR 1993 SC 477.

<sup>26</sup> *Union Carbide Corporation v. Union of India*, AIR 1992 SC 248.

<sup>27</sup> *S.P. Gupta v. Union of India*, AIR 1982 SC 149; *Bandhua Mukti Morcha v. Union of India*, AIR 1984 SC 802.

*Mukti Morcha v. Union of India* exemplified how procedural law yielded to substantive rights under Article 21. Together, these developments mark the judiciary's evolution from black-letter law to a dharmic pursuit of proportionate justice, ensuring equality is realized as lived reality rather than abstract promise.

The trajectory of equality jurisprudence in India is fundamentally incomplete without a rigorous, critical examination of Article 142 of the Constitution. This unique provision arms the Supreme Court of India with the plenary power to pass any decree or make any order necessary for doing "complete justice" in any cause or matter pending before it. Unlike the rigid statutory mandates that govern lower appellate courts, Article 142 acts as a supreme constitutional safety valve, ensuring that substantive equity is not suffocated by the labyrinthine technicalities of procedural law<sup>28</sup>. This sweeping equitable jurisdiction is a direct, constitutional manifestation of the Dharmic concept of Nyaya (substantive, realized justice) prevailing over mere Niti (formal procedural rules and institutional arrangements). As Upendra Baxi observes, the apex court's utilization of this power transforms it from a mere court of error into a dynamic institution of systemic socio-legal correction<sup>29</sup>.

The operational mechanics of Article 142 are intrinsically linked to the realization of equality for the marginalized. The interlinking of Article 142 with fundamental rights, particularly Articles 14 and 21, has produced a robust, unparalleled mechanism for rectifying systemic failures where ordinary statutes fall devastatingly short. This was most visibly demonstrated in the aftermath of the Bhopal Gas Tragedy. In *Union Carbide Corporation v. Union of India*, the Supreme Court famously invoked Article 142 to leapfrog restrictive, archaic civil procedural laws and deliver an immediate, consolidated compensatory settlement to the thousands of victims<sup>30</sup>. However, the pursuit of complete justice under Article 142 is not an unfettered invitation to judicial despotism or arbitrary law-making. The Supreme Court, cognizant of the separation of powers, has established stringent, self-imposed guardrails to govern this extraordinary jurisdiction. In *Supreme Court Bar Association v. Union of India*, a Constitution Bench explicitly clarified that while the powers under Article 142 are entirely of a different level and of a different quality, they cannot be used to supplant substantive statutory law<sup>31</sup>. Article 142 is intended to supplement the law where it is silent or severely deficient, not to

<sup>28</sup> Delhi Judicial Service Association v. State of Gujarat, (1991) 4 SCC 406.

<sup>29</sup> Upendra Baxi, "The Avatars of Indian Judicial Activism" 45 JILI 12 (2003).

<sup>30</sup> Union Carbide Corporation v. Union of India, AIR 1992 SC 248.

<sup>31</sup> Supreme Court Bar Association v. Union of India, AIR 1998 SC 1895.

override express statutory prohibitions. When applied to marginalized communities, this delicate balance means the Court can engineer specialized equitable remedies such as directing the creation of specialized tribunals, relaxing locus standi, or mandating specific affirmative action protocols that standard statutory interpretation would otherwise fail to accommodate.

This delicate interplay between procedural constraint and substantive liberation is the hallmark of modern Indian constitutionalism. By bypassing statutory roadblocks that perpetuate structural inequality, the Court effectively bridges the gap between theoretical rights and actual reality, as highlighted in the foundational abstract of this research. It demonstrates that equality is not merely a passive right to be claimed, but an active, continuous process of judicial and executive balancing, ensuring that the architecture of the state serves the welfare of its most vulnerable citizens<sup>32</sup>.

## 5. TRANSFORMATIVE CONSTITUTIONALISM

The ultimate synthesis of equality and complete justice culminates in the overarching doctrine of 'Transformative Constitutionalism.' This paradigm dictates that the Indian Constitution is not merely a charter of negative liberties intended to limit State power, a common characteristic of western liberal constitutions but a proactive, living instrument explicitly designed to dismantle oppressive social hierarchies<sup>33</sup>. A strictly literal 'Black Letter Law' approach is inherently conservative; it preserves the status quo by enforcing laws that were historically drafted by, and for, the privileged echelons of society. To counter this, the Indian judiciary has consciously adopted a teleological interpretive strategy, reading constitutional texts through the lens of their ultimate societal objective: the socio-economic emancipation of the masses.

Transformative constitutionalism necessitates a profound departure from textual originalism. It requires the judiciary to constantly re-evaluate the "Spirit of law" in the context of contemporary socio-economic realities. This was decisively illustrated when the Supreme Court struck down archaic, discriminatory provisions of the penal code in *Navtej Singh Johar v. Union of India*<sup>34</sup>. Chief Justice Dipak Misra declared that the Constitution must be a catalyst for the metamorphosis of society from a state of entrenched inequality to a state of substantive

<sup>32</sup> M.P. Singh, V.N. Shukla's Constitution of India 312 (Eastern Book Company, Lucknow, 13th edn., 2017).

<sup>33</sup> Gautam Bhatia, *The Transformative Constitution* 22 (HarperCollins, New Delhi, 2019).

<sup>34</sup> *Navtej Singh Johar v. Union of India*, AIR 2018 SC 4321.

liberty and dignity. When evaluating the rights of marginalized groups whether they be Scheduled Castes, religious minorities, or sexual minorities a transformative approach acknowledges that the State's duty extends far beyond simply refraining from discrimination. It requires the active creation of conditions where equal opportunity can genuinely be exercised, thereby converting theoretical rights into complete, lived justice<sup>35</sup>.

While the jurisprudential shift from Black Letter Law to transformative constitutionalism marks a monumental ideological victory, the realization of complete justice requires pragmatic, structural engineering. Legal declarations of equality remain sterile unless accompanied by what Nobel Laureate Amartya Sen conceptualizes as the 'Capability Approach.' Sen argues that justice cannot be measured merely by the distribution of primary goods or the granting of formal legal rights, but by the actual capabilities of individuals to convert those rights into functioning, meaningful lives<sup>36</sup>. For the marginalized, formal legal equality is entirely illusory if they lack the socio-economic capacity, education, and institutional support to exercise those rights. To bridge the space between actual equality and complete justice, the State must pivot from a purely compensatory model (such as standard, unmonitored reservations) to a comprehensive capacity-building model<sup>37</sup>.

A sincere approach to substantive equity also mandates the explicit constitutional recognition of intersectional marginalization. A Dalit woman living in a rural, underdeveloped sector faces a multi-layered matrix of discrimination caste, gender, and geography that a homogenous, single-axis affirmative action policy cannot adequately address. The Indian judiciary has tentatively begun to acknowledge this complex intersectionality, most notably in its recognition of the transgender community as a socially and educationally backward class, directing targeted practical remedies spanning healthcare, education, and public employment<sup>38</sup>. However, judicial directives must be met with robust legislative frameworks. As Upendra Baxi poignantly asserts, human rights must not merely remain the domain of a judicial elite; they must be vernacularized, demystified, and structurally embedded into the local administrative machinery<sup>39</sup>.

<sup>35</sup> Upendra Baxi, *The Future of Human Rights* 142 (Oxford University Press, New Delhi, 3rd edn., 2008).

<sup>36</sup> Amartya Sen, *Development as Freedom* 74 (Oxford University Press, New Delhi, 1999).

<sup>37</sup> Martha C. Nussbaum, *Creating Capabilities: The Human Development Approach* 33 (Harvard University Press, Cambridge, 2011).

<sup>38</sup> *National Legal Services Authority v. Union of India*, AIR 2014 SC 1863.

<sup>39</sup> Upendra Baxi, *The Future of Human Rights* 142 (Oxford University Press, New Delhi, 3rd edn., 2008).

## 6. SUGGESTIONS

To actualize complete justice and ensure the welfare of the people as envisioned by the Constitution, several practical, sincere, and systemic interventions must be institutionalized. First, the establishment of independent 'Equity Audits' within both public and private sectors is an absolute imperative. These audits would rigorously assess whether affirmative action policies and welfare schemes are genuinely penetrating the lowest economic stratifications or merely being absorbed by the 'creamy layer' of backward classes<sup>40</sup>. Without empirical tracking, affirmative action risks becoming a static entitlement rather than a dynamic tool for social mobility.

Second, the procedural accessibility of the justice system at the grassroots level must be radically overhauled. While PILs have democratized access at the appellate and Supreme Court levels, the labyrinthine procedures, prohibitive costs, and endemic delays of the lower judiciary continue to act as a barrier for the 'weakest of the weak.' Integrating localized, alternative dispute resolution (ADR) mechanisms and substantially empowering the National Legal Services Authority (NALSA) to provide high-caliber, free legal aid is a non-negotiable prerequisite for substantive justice<sup>41</sup>. Justice must not only be done, but it must be accessible without bankrupting the marginalized.

Finally, the right to education must be viewed as the foundational bedrock of transformative equality. The Right of Children to Free and Compulsory Education Act, 2009, while a monumental legislative step, requires stringent, punitive enforcement regarding the 25% quota for economically weaker sections in private institutions<sup>42</sup>. Education is the singular, most potent socio-economic tool for dismantling entrenched social hierarchies, fulfilling the dharmic mandate of lifting the downtrodden. True equity is achieved not when the State perpetually relies on compensatory discrimination, but when the structural deficiencies necessitating such actions are permanently eradicated<sup>43</sup>.

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<sup>40</sup> Ashoka Kumar Thakur v. Union of India, (2008) 6 SCC 1.

<sup>41</sup> M.P. Singh, V.N. Shukla's Constitution of India 312 (Eastern Book Company, Lucknow, 13th edn., 2017).]

<sup>42</sup> Pramati Educational & Cultural Trust v. Union of India, (2014) 8 SCC 1.

<sup>43</sup> Granville Austin, The Indian Constitution: Cornerstone of a Nation 50 (Oxford University Press, New Delhi, 1966).

## 7.CONCLUSION

The pursuit of complete justice in India is deeply connected to the global evolution of International Human Rights Law (IHRL). The UN Charter (1945) and the Universal Declaration of Human Rights (1948) established formal equality as a universal principle, with Article 1 of the UDHR affirming that all humans are born free and equal in dignity and rights<sup>44</sup>. However, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966 advanced this framework toward substantive justice. Article 26 of the ICCPR, interpreted by the Human Rights Committee, imposes positive obligations on states to adopt affirmative measures against entrenched discrimination, mirroring India's constitutional ethos of substantive equality<sup>45</sup>.

The Indian judiciary's proactive shift away from the rigidity of 'Black Letter Law' toward the emancipatory ethos of 'transformative constitutionalism' is not merely a legal development; it is a profound moral and constitutional imperative. Landmark cases on reservations and the invocation of Article 142 demonstrate the judiciary's commitment to bypass procedural rigidity in favor of substantive equity<sup>46</sup>. Yet, complete justice requires more than judicial decrees, it demands proactive state action such as capacity-building, equity audits, and robust enforcement of rights. Only through this synergy of judicial creativity and executive responsibility can constitutional equality converge with lived reality, fulfilling both India's dharmic vision and the international mandate of human rights<sup>47</sup>.

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<sup>44</sup> United Nations. (1945). *Charter of the United Nations*, UN, pp. 1–5; United Nations. (1948). *Universal Declaration of Human Rights*, UN, pp. 1–3.

<sup>45</sup> UN Human Rights Committee. (1989). *General Comment No. 18: Non-Discrimination*, UN Doc. HRI/GEN/1/Rev.1, pp. 26–28.

<sup>46</sup> *Union Carbide Corporation v. Union of India*, AIR 1992 SC 248.

<sup>47</sup> Baxi. U. (2002). *The Future of Human Rights*, Oxford University Press, pp. 112–118.