

Law and Social Transformation in Contemporary India: Legal Reforms, Landmark Judgments and Social Movements

Dr. Premsy PN, Associate Professor, Govt. Law College, Ernakulam

Abstract

This article examines the role of law as an instrument of social transformation in contemporary India. It argues that the Indian Constitution is not merely an administrative charter but a normative programme for restructuring social relations through equality, dignity and justice. The discussion studies major developments in caste-based affirmative action, anti-atrocity law, gender justice, LGBTQ+ rights, tribal and marginalised community rights, environmental constitutionalism, climate litigation and public interest litigation. It shows that legal reform has often moved in dialogue with social movements: courts and legislatures have responded to public struggles, while judgments and statutes have also shaped social imagination. At the same time, the article underlines the limits of purely formal reform. Enforcement gaps, social resistance, institutional capacity and democratic legitimacy continue to condition the transformative promise of law. The central claim is that law can open institutional pathways for social change, but substantive transformation depends on implementation, political will, constitutional culture and sustained public engagement.

Keywords

Social transformation; constitutional morality; affirmative action; gender justice; LGBTQ+ rights; forest rights; environmental justice; public interest litigation.

I. Introduction: Law as an Instrument of Social Change

The relationship between law and social change is especially significant in India because the Constitution was framed against a background of caste hierarchy, patriarchy, poverty, communal divisions and colonial administrative structures. Roscoe Pound's idea of law as social engineering is useful in understanding this role, for it sees law as a mechanism for balancing competing claims in society and for directing social interests towards a more orderly public life.¹ In India, however, law is more than an instrument of administrative adjustment. It is also a constitutional device for achieving a social revolution. The framers expected constitutional law to disturb entrenched privilege and to secure conditions in which liberty, equality and fraternity could become lived realities.

Granville Austin famously described the Indian Constitution as a social document, committed simultaneously to national unity and social revolution.² This insight remains central to contemporary debates. The Constitution promises equality before law, prohibits discrimination, abolishes untouchability, protects life and personal liberty, and directs the State to promote social, economic and political justice. These guarantees do not operate in isolation; they constitute a transformative vocabulary through which historically excluded communities have challenged unequal power relations.

This study surveys several such legal developments. It identifies affirmative action, the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, workplace sexual harassment law, triple talaq reform, reproductive rights, LGBTQ+ decriminalisation, forest rights, Sabarimala, environmental litigation and public interest litigation as major sites of legal transformation. The present article reorganises those themes into a compact research article and develops the central argument that law in India has been most transformative when constitutional principles, social mobilisation and institutional remedies have interacted with each other.

The article adopts a doctrinal and analytical method. It studies leading constitutional decisions, important statutes and social responses to legal change. The purpose is not to claim that every legal reform has produced immediate social

1. Roscoe Pound, *An Introduction to the Philosophy of Law* 47 (Yale University Press, New Haven, 1922).

2. Granville Austin, *The Indian Constitution: Cornerstone of a Nation* 50-52 (Oxford University Press, New Delhi, 1966).

equality. Rather, it is to show that Indian law has created new languages of claim-making and new institutional routes for marginalised groups. At the same time, the article recognises that law can also face resistance, remain under-enforced, or become dependent on judicial creativity where legislative and executive action is inadequate.

II. Caste, Affirmative Action and Anti-Atrocity Law

Caste has been one of the deepest structures of inequality in Indian society. The Constitution addressed caste through a combination of prohibitions and compensatory measures. Article 17 abolished untouchability, Articles 15 and 16 authorised special provisions and reservations for backward classes, and the Directive Principles required the State to promote social justice. Affirmative action therefore emerged not as an exception to equality, but as an instrument for making equality meaningful for communities historically excluded from education, employment and public power.

The Mandal moment remains a decisive point in this history. The implementation of reservations for Other Backward Classes in central services triggered intense social contestation, but the Supreme Court in *Indra Sawhney* upheld the constitutional validity of such reservations.³ The judgment recognised caste as a relevant indicator of social backwardness, while also introducing the fifty per cent ceiling and the creamy layer principle. These limitations reflected an attempt to balance distributive justice with the general equality principle. Later, the Court upheld reservations in higher education for OBCs, further consolidating the constitutional legitimacy of affirmative action.⁴

The subsequent recognition of a ten per cent reservation for Economically Weaker Sections introduced a new dimension to the reservation debate. In *Janhit Abhiyan*, the Supreme Court upheld the One Hundred and Third Constitutional Amendment, thereby permitting economic criteria to operate as a basis of affirmative action for those outside the existing backward class framework.⁵ The decision demonstrates that the meaning of equality in India remains contested and evolving. It also raises important questions about whether economic disadvantage can be addressed without weakening the historical rationale of caste-based remedies.

Affirmative action, however, deals primarily with representation and access. It does not by itself eliminate caste violence, humiliation or social boycott. The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 was enacted because ordinary criminal law and the Protection of Civil Rights Act were insufficient to address the specific nature of caste-based atrocities.⁶ The statute treats caste-motivated offences as distinct wrongs, creates special courts, restricts anticipatory bail and provides relief and rehabilitation. Its significance lies in the legal recognition that caste violence is not merely individual criminality but a structural attack on dignity and citizenship.

The controversy surrounding the Act reveals the tension between due process concerns and the need for strong deterrence. In *Subhash Kashinath Mahajan*, the Supreme Court introduced procedural safeguards such as preliminary inquiry before arrest, expressing concern about misuse.⁷ Dalit organisations viewed this as a dilution of the Act and mobilised against it. Parliament responded by amending the statute to restore its stringent operation, and the Supreme Court later upheld the amendment in *Prathvi Raj Chauhan*.⁸ This episode shows that anti-caste law is shaped not only in courtrooms but also through political mobilisation by affected communities.

Caste-based legal reform therefore illustrates both the promise and limitation of law. Reservations have broadened representation in education and employment, while anti-atrocity law has made caste violence legally visible. Yet implementation remains uneven. Low conviction rates, social pressure on victims, police inaction and continuing caste prejudice limit transformative outcomes. The law has unsettled caste hierarchy, but it has not ended it. Its success depends on administrative seriousness, victim support, social education and the continuing assertion of rights by marginalised communities.

III. Gender Justice and Women's Rights

Gender justice has been another major field of legal transformation. Indian constitutional law has increasingly treated women's equality not merely as formal non-discrimination but as a matter of dignity, bodily autonomy, safe working

3. *Indra Sawhney v. Union of India*, 1992 Supp (3) SCC 217.

4. *Ashoka Kumar Thakur v. Union of India*, (2008) 6 SCC 1.

5. *Janhit Abhiyan v. Union of India*, (2023) 5 SCC 1.

6. The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, Statement of Objects and Reasons.

7. *Subhash Kashinath Mahajan v. State of Maharashtra*, (2018) 6 SCC 454.

8. *Prathvi Raj Chauhan v. Union of India*, (2020) 4 SCC 727.

conditions and equal participation in public life. The Vishaka decision is a classic example. In the absence of specific legislation on sexual harassment at the workplace, the Supreme Court relied on Articles 14, 15, 19 and 21, along with international human rights norms, to frame binding guidelines for employers.⁹

Vishaka was transformative for two reasons. First, it recognised workplace sexual harassment as a violation of fundamental rights rather than as a private inconvenience. Secondly, it imposed positive duties on institutions to prevent and redress harassment. Parliament later enacted the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, giving statutory form to the judicial guidelines.¹⁰ The movement from judicial guideline to legislation demonstrates how courts can fill normative gaps, while legislatures later institutionalise those principles.

Reform of personal law has also been a prominent site of gender justice. In Shayara Bano, the Supreme Court invalidated the practice of instant triple talaq.¹¹ The majority held that a unilateral, instantaneous and irrevocable divorce by the husband was arbitrary and incompatible with constitutional equality. Parliament subsequently enacted the Muslim Women (Protection of Rights on Marriage) Act, 2019, which declared triple talaq void and criminalised its pronouncement.¹² The reform was celebrated as a victory for Muslim women's rights, although the criminalisation of a marital wrong continues to be debated.

The expansion of reproductive autonomy marks a further step in gender jurisprudence. The privacy judgment in Puttaswamy recognised decisional autonomy as an aspect of dignity and liberty.¹³ Building upon this constitutional foundation, the Supreme Court in *X v. Principal Secretary* held that unmarried women could not be excluded from access to termination of pregnancy up to twenty-four weeks where the statutory conditions were otherwise satisfied.¹⁴ The Court also acknowledged that pregnancy caused by marital sexual assault could fall within the meaning of rape for the purpose of the Medical Termination of Pregnancy framework.

These decisions demonstrate the shift from protective paternalism to rights-based autonomy. Women are increasingly recognised as constitutional persons capable of making choices about work, marriage, sexuality and reproduction. Yet the gap between law and social reality remains wide. Sexual harassment is under-reported, personal law reform is politically sensitive, domestic violence persists, and marital rape remains outside the general penal definition of rape. Thus, legal recognition is necessary but not sufficient. Gender transformation requires institutions that take complaints seriously, social norms that respect autonomy and policies that enable equal participation in education, employment and public decision-making.

IV. LGBTQ+ Rights and Constitutional Morality

The development of LGBTQ+ rights in India reveals the capacity of constitutional interpretation to challenge majoritarian morality. Section 377 of the Indian Penal Code criminalised consensual same-sex relations for more than a century and produced stigma, police harassment and social invisibility. The shift began with public interest litigation and queer activism, but it reached constitutional maturity through a series of Supreme Court decisions that placed identity, dignity and privacy at the centre of fundamental rights.

In *NALSA*, the Supreme Court recognised transgender persons as a third gender and affirmed the right to self-identification.¹⁵ This decision rejected biological determinism and located gender identity within autonomy, dignity and equality. It also required the State to consider affirmative measures for transgender persons. *NALSA* prepared the doctrinal ground for later recognition of sexual orientation as an intrinsic aspect of personhood.

The decisive moment came in *Navtej Singh Johar*, where a Constitution Bench read down Section 377 so that it would no longer apply to consensual sexual acts between adults.¹⁶ The Court held that criminalisation violated Articles 14,

9. *Vishaka v. State of Rajasthan*, (1997) 6 SCC 241.

10. The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013.

11. *Shayara Bano v. Union of India*, (2017) 9 SCC 1.

12. The Muslim Women (Protection of Rights on Marriage) Act, 2019.

13. *K.S. Puttaswamy v. Union of India*, (2017) 10 SCC 1.

14. *X v. Principal Secretary, Health and Family Welfare Department*, Government of NCT of Delhi, 2022 SCC OnLine SC 1321.

15. *National Legal Services Authority v. Union of India*, (2014) 5 SCC 438.

16. *Navtej Singh Johar v. Union of India*, (2018) 10 SCC 1.

15, 19 and 21. It treated sexual orientation as an essential attribute of identity and rejected the idea that constitutional protection could depend on the numerical strength of a minority. The judgment is also important for its use of constitutional morality: social disapproval cannot justify a law that violates dignity and equality.

Navtej, however, was not the final destination. It removed criminality but did not create a full anti-discrimination code, marriage equality or family rights. The next major question was whether same-sex couples could claim legal recognition of marriage or civil unions. In *Supriyo*, the Supreme Court declined to read same-sex marriage into the Special Marriage Act and left the issue to Parliament.¹⁷ The decision affirmed the dignity of queer persons but refused immediate institutional recognition of their relationships. This outcome shows the limits of adjudication where reform demands extensive legislative design.

The LGBTQ+ rights trajectory is therefore complex. Decriminalisation has had deep symbolic and practical value. It has allowed queer citizens to claim public space and has compelled institutions to reconsider discrimination. At the same time, absence of family recognition, inheritance protection, adoption rights and comprehensive anti-discrimination law continues to expose queer persons to vulnerability. The law has moved from criminalisation to dignity, but the movement from dignity to equal citizenship remains incomplete.

V. Tribal Rights, Forest Autonomy and Cultural Inclusion

Social transformation also requires attention to communities whose relationship with land, culture and livelihood has been historically marginalised. The Forest Rights Act, 2006 is one of the most significant legislative interventions in favour of Scheduled Tribes and other traditional forest dwellers. Its preamble expressly recognises the historical injustice caused by the failure to record forest rights of communities who depended upon forests for generations.¹⁸

The Act shifts forest governance away from a purely bureaucratic conservation model and towards community-based recognition of rights. It permits individual and community claims, recognises minor forest produce rights and gives the Gram Sabha a central role in initiating and verifying claims. This structure is transformative because it treats forest dwellers not as encroachers but as rights-bearing communities and ecological stakeholders. It also links social justice with environmental democracy.

The *Niyamgiri* litigation illustrates this point. In *Orissa Mining Corporation*, the Supreme Court required the Gram Sabhas of the Dongria Kondh community to decide whether a mining project would affect their religious and cultural rights in the Niyamgiri hills.¹⁹ The subsequent rejection of mining by the Gram Sabhas demonstrated how law can transfer decision-making power to local communities. It also showed that environmental protection and indigenous autonomy can reinforce each other.

Cultural inclusion has also raised difficult questions in relation to religious practices. In the *Sabarimala* case, the Supreme Court struck down the exclusion of women between the ages of ten and fifty from entry into the temple.²⁰ The majority held that exclusion based on biological characteristics violated equality and dignity and could not be justified as an essential religious practice. The decision placed constitutional morality above discriminatory custom. However, the intense protests that followed also showed that legal reform can provoke resistance when it confronts deeply held religious beliefs.

Both forest rights and *Sabarimala* demonstrate the negotiated nature of transformation. The Forest Rights Act requires continuous administrative support, fair claim processes and resistance to displacement by development projects. *Sabarimala* requires a conversation between constitutional equality and religious community sentiment. In each case, law opens a transformative pathway, but its success depends on whether affected communities, institutions and civil society can sustain the constitutional promise in practice.

VI. Environmental Justice and Climate Constitutionalism

Environmental protection has become a central part of Indian social justice. Pollution, deforestation and climate vulnerability affect everyone, but their burden is borne most severely by the poor, workers, fisherfolk, forest dwellers

17. *Supriyo v. Union of India*, 2023 SCC Online SC 1348.

18. The Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006, preamble.

19. *Orissa Mining Corporation Ltd. v. Ministry of Environment and Forest*, (2013) 6 SCC 476.

20. *Indian Young Lawyers Association v. State of Kerala*, (2019) 11 SCC 1.

and urban informal communities. Indian courts have therefore connected environmental protection with Article 21. The Oleum Gas Leak case introduced principles of absolute liability for hazardous industries and signalled that industrial development cannot be pursued at the cost of life and health.²¹

In Subhash Kumar, the Supreme Court expressly held that the right to life includes the right to enjoyment of pollution-free water and air.²² This opened the door for environmental public interest litigation. Later decisions adopted the polluter pays principle, the precautionary principle and sustainable development. In Vellore Citizens Welfare Forum, the Court treated these principles as part of Indian environmental law.²³ Environmental law thereby became a field where constitutional rights, international principles and public accountability converged.

Institutional reform followed judicial activism. The National Green Tribunal Act, 2010 created a specialised forum for environmental adjudication with judicial and expert members.²⁴ The NGT has provided a more accessible mechanism for environmental disputes, compensation and regulatory compliance. Its creation reflects the recognition that environmental conflicts require technical expertise and timely remedies. Nevertheless, vacancies, enforcement issues and appeals continue to affect its effectiveness.

The newest phase is climate constitutionalism. In *M.K. Ranjitsinh*, the Supreme Court recognised a right against the adverse effects of climate change as part of Articles 14 and 21.²⁵ This is a major development because it connects climate harm with equality, life and dignity. Climate change is not merely an environmental issue; it is a social justice issue because heatwaves, water scarcity, floods and livelihood disruption disproportionately affect vulnerable populations.

The challenge is to translate climate rights into workable duties. Courts can declare constitutional principles, but climate action requires legislation, regulatory design, scientific planning and coordination across governments. India must balance developmental needs with ecological responsibility. The constitutional recognition of environmental and climate rights therefore marks an important normative step, but its transformative potential depends on implementation, public participation and accountability of both State and private actors.

VII. Public Interest Litigation and Judicial Activism

Many of the developments discussed above became possible because of public interest litigation. PIL relaxed the traditional rule of locus standi and enabled public-spirited persons to approach courts on behalf of those unable to litigate. It emerged after the Emergency as part of a broader judicial effort to make fundamental rights accessible to prisoners, bonded labourers, workers, women, children and environmental victims.

Hussainara Khatoon is one of the earliest and most important PIL decisions. The Supreme Court addressed the plight of undertrial prisoners in Bihar and recognised speedy trial and free legal aid as part of Article 21.²⁶ In *Bandhua Mukti Morcha*, the Court intervened to secure the release and rehabilitation of bonded labourers.²⁷ In *People's Union for Democratic Rights*, it held that non-payment of minimum wages could amount to forced labour under Article 23.²⁸ These cases converted constitutional promises into practical remedies for vulnerable groups.

PIL also changed the method of adjudication. Courts accepted letters as petitions, appointed commissions, used continuing mandamus and required periodic compliance reports. This problem-solving style allowed the judiciary to respond to structural wrongs that ordinary adversarial litigation could not adequately address. The Court in *S.P. Gupta* gave doctrinal recognition to representative standing and expanded access to constitutional remedies.²⁹

Judicial activism through PIL has produced many transformative outcomes: environmental clean-up orders, prison reform, custodial violence guidelines, right to food orders and protection of labour rights. D.K. Basu is an important

21. *M.C. Mehta v. Union of India*, (1987) 1 SCC 395.

22. *Subhash Kumar v. State of Bihar*, (1991) 1 SCC 598.

23. *Vellore Citizens Welfare Forum v. Union of India*, (1996) 5 SCC 647.

24. The National Green Tribunal Act, 2010.

25. *M.K. Ranjitsinh v. Union of India*, 2024 SCC OnLine SC 570.

26. *Hussainara Khatoon v. State of Bihar*, (1980) 1 SCC 81.

27. *Bandhua Mukti Morcha v. Union of India*, (1984) 3 SCC 161.

28. *People's Union for Democratic Rights v. Union of India*, (1982) 3 SCC 235.

29. *S.P. Gupta v. Union of India*, 1981 Supp SCC 87.

example of court-made procedural safeguards against custodial torture and illegal arrest.³⁰ The right to food litigation similarly converted welfare schemes into enforceable obligations and influenced later statutory development.³¹

However, PIL also raises concerns. Courts sometimes enter areas of policy design, budget allocation and administration. Frivolous or publicity-oriented PILs can waste judicial time. Excessive judicial management may weaken democratic accountability if elected branches become passive. The legitimacy of PIL therefore depends on judicial restraint, genuine public interest, attention to affected communities and respect for institutional competence. Properly used, PIL remains one of India's most creative contributions to comparative constitutional law; misused, it risks becoming a substitute for democratic governance.

VIII. Limits of Legal Transformation

The preceding discussion shows that law has changed the language of rights in India. It has enabled backward classes to claim representation, Dalits and Adivasis to seek protection from atrocities, women to demand safety and autonomy, LGBTQ+ persons to claim dignity, forest dwellers to assert community rights, and citizens to insist upon environmental protection. Yet it is equally clear that law does not automatically transform society.

First, enforcement remains a major limitation. A statute may be progressive but ineffective if police refuse to register cases, if victims are intimidated, if complaints committees are biased, or if environmental regulators lack independence. Secondly, social resistance can obstruct legal reform. Mandal, Sabarimala and anti-atrocity law controversies show that redistributive or equality-oriented reform often provokes backlash from groups who perceive loss of privilege or disruption of tradition. Thirdly, courts have institutional limits. They can declare rights and issue directions, but long-term transformation requires policy design, funding, administrative capacity and social education.

Fourthly, legal change may be uneven across regions and communities. Urban queer visibility, for instance, does not automatically translate into safety for queer persons in rural or conservative social settings. Formal forest rights may not prevent displacement unless Gram Sabhas are empowered in practice. Reproductive rights may remain inaccessible without public health infrastructure. Thus, substantive equality requires attention to material conditions, not only legal doctrine.

Finally, law must remain connected to democratic dialogue. Transformative constitutionalism is not judicial supremacy. It is a shared constitutional project in which courts, legislatures, executives, universities, social movements, media and citizens participate. The strongest legal transformations are those that move from court order to public acceptance, institutional practice and everyday dignity.

IX. Conclusion

Law in contemporary India has played a major role in social transformation. From reservations and anti-atrocity law to gender justice, LGBTQ+ rights, forest autonomy, environmental constitutionalism and PIL, Indian legal development reflects a continuing effort to realise the Constitution's promise of social revolution. The legal system has not merely responded to social movements; it has also provided a vocabulary through which new movements have been articulated.

The central lesson is that law can be a powerful catalyst but not a complete solution. It can recognise injustice, create rights, impose duties and provide remedies. It can delegitimise oppressive customs and expand the moral imagination of society. Yet its success depends on implementation, political will, institutional integrity and social engagement. The Constitution provides the normative foundation, but social transformation requires continuous work beyond the courtroom.

Contemporary India therefore presents a complex but hopeful picture. Legal reforms have often faced resistance, but they have also opened spaces for equality and dignity. The continuing task is to ensure that these constitutional gains do not remain symbolic. The rule of law must become a lived practice for those most affected by inequality. Only then can law fulfil its role as an instrument of genuine social transformation.

30. *D.K. Basu v. State of West Bengal*, (1997) 1 SCC 416.

31. *People's Union for Civil Liberties v. Union of India*, (2013) 2 SCC 688.