



## Mains Practice Question

**Q.** With reference to Supreme Court judgments, discuss the role of the judiciary in promoting social justice in India, and how its interpretations have shaped policies for marginalized sections of society. (250 words)

10 Jun, 2025 GS Paper 2 Social Justice

### Approach:

- Define social justice and briefly explain the judiciary's role in it.
- Discuss key Supreme Court judgments that have significantly advanced social justice in India. Include how interpretations of constitutional provisions have contributed to policies for marginalized groups.
- Highlight Challenges and Measures to Strengthen the Judiciary in Ensuring Social Justice.
- Conclude suitably.

### Introduction

The judiciary, especially the Supreme Court, has been pivotal in advancing social justice for marginalized communities through **landmark rulings on reservations, women's rights, and socio-economic protections**. Through judicial review, PILs, and progressive interpretations of the Constitution, it has ensured greater equality and accountability, notably during challenges like the COVID pandemic, reinforcing its role in promoting an inclusive society.

### Body

#### Judiciary's Role in Promoting Social Justice

- **Guardian of the Constitution:** The SC ensures that laws and executive actions conform to the Constitution, through judicial review process it has struck down unconstitutional amendments and laws.
  - **For example in Kesavananda Bharati v. State of Kerala (1973)** established the Basic Structure Doctrine, safeguarding democratic and social justice features of the Constitution.
- **Enforcement of Fundamental Rights:** Articles 32 and 226 empower citizens to directly approach the Supreme Court and High Courts to enforce fundamental rights.
  - **For example in Maneka Gandhi v. Union of India (1978)**, the Court broadened the interpretation of **Article 21**, ensuring that personal liberty can only be curtailed through just, fair, and reasonable procedures.
    - This laid the foundation for expanding the **right to live with dignity**, influencing later rulings on education, environment, health, and privacy.
- **Social Justice for Gender and Sexual Minorities:** The judiciary has played a critical role in addressing the issues faced by LGBTQIA+ communities and transgender persons, directly challenging societal discrimination.
  - **In NALSA v. Union of India (2014)**, SC recognized transgender persons as a third gender, affirming their rights to equality, dignity, and social justice under the Constitution.
  - **In Navtej Singh Johar v. Union of India (2018)**, the decriminalization of homosexuality under Section 377 was a monumental step toward social justice for the LGBTQIA+

community.

- By reading down Section 377, the Court ensured that consensual same-sex relations are no longer criminalized, granting the LGBTQIA+ community equal rights and protection under the law.

- **Promoting Affirmative Action (Articles 15 and 16):** The judiciary has played a key role in upholding and refining reservation policies.
  - For example in *Indra Sawhney v. Union of India* (1992), the Court upheld OBC reservations but capped them at 50% and excluded the creamy layer, thus balancing social justice with equality.
  - ***M. Nagaraj v. Union of India (2006)*** reaffirmed reservations in promotions for SC/STs but required quantifiable data on backwardness, reinforcing the principle of substantive equality.
  - In recent the ***State of Punjab & Others v. Davinder Singh & Others case***, the court ruled that **sub-classification within the Scheduled Castes (SCs) is permissible**, allowing for separate quotas to be allocated to the more backward groups within the SC category.
- **Judicial Activism & PILs:** PILs have been instrumental in making justice accessible to the poor and marginalised section of society.
  - **For example in *Vishaka v. State of Rajasthan (1997)*** the Court issued guidelines to prevent sexual harassment at the workplace, filling a legislative vacuum and protecting women's rights .
  - In ***Bandhua Mukti Morcha v. Union of India (1984)***, the Court upheld the rights of bonded laborers, expanding the meaning of Article 21.

### Impact on Marginalized Communities:

- **Equality and Dignity:** The judiciary has consistently expanded the concept of equality, ensuring that marginalized communities are treated with dignity and their fundamental rights are protected.
  - Through Article 14 and Article 15, the Court has upheld affirmative action policies benefiting communities like SCs, STs, and OBCs.
- **Protection of Rights: Article 21** has been interpreted expansively to include rights to healthcare, education, and **a dignified life**, benefiting marginalized groups by ensuring access to basic needs.
  - **Right to Education Act (RTE)** are significant outcomes of this interpretation.
- **Empowerment Through Education and Employment:** The judiciary has ensured that **affirmative action policies** are implemented effectively, giving marginalized communities access to **better education and employment opportunities**.

### Challenges Faced by the Judiciary in Ensuring Social Justice:

- **Case Backlog and Delayed Justice:** India's judiciary is burdened with a significant backlog of cases, with over 3.5 crore pending cases across various courts. The delay in case resolution disproportionately affects marginalized communities, particularly those seeking justice in cases of caste-based discrimination, gender violence, land disputes, and labor rights.
- **Resource Constraints:** The Indian judiciary faces severe **resource limitations, including insufficient judges, overcrowded courtrooms, and outdated infrastructure**. The shortage of judicial personnel leads to longer waiting times for cases, particularly in areas affecting tribal and rural communities.
- **Judicial Independence vs. Accountability:** The **Collegium system for judicial appointments has faced criticism for its lack of transparency**, potentially limiting diversity and representation of marginalized communities within the judiciary.
  - Furthermore, the absence of robust accountability mechanisms regarding judicial conduct has contributed to concerns over the integrity and efficiency of the judicial system.

### Measures to Strengthen the Judiciary in Ensuring Social Justice

- **Expediting Justice Delivery:** Expanding the use of e-courts, virtual hearings, and fast-track courts can significantly reduce case backlogs, these technological innovations would also make courts **more accessible to rural and remote communities**.

- **Increasing Judicial Infrastructure:** To address the shortage of judges and inadequate infrastructure, there must be a **systematic increase in judicial recruitment and investment in court infrastructure**, particularly in under-served regions.
  - Targeted resources for **tribal, Dalit, and women-focused courts** could ensure that marginalized communities receive focused attention and efficient justice.
- **Ensuring Inclusivity and Transparency:** Revisiting the Collegium system and ensuring that gender, caste, and regional diversity are adequately represented in the judicial appointments. Clearer criteria and processes for accountability will also enhance public trust and confidence in the judicial system.
- **Strengthening Legal Aid Services:** Expanding legal aid services and ensuring they are accessible to marginalized groups is critical. Government-backed pro bono legal services and increased awareness campaigns about legal rights.

## Conclusion:

The SC has consistently expanded the scope of social justice by ensuring that policies and laws are **inclusive, equitable**, and tailored to the needs of marginalized sections. Its role remains vital in safeguarding the rights of these communities, ensuring that India continues on the path of justice and equality for all.

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