



The Indian judiciary plays a pivotal role in driving social change

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Abstract

The study of "social change" aims to address the age-old conundrum of why, where, and how our society is always changing. Whenever we speak about a shift in society, what we really mean are alterations to its social order, or its structures and functions. Because of our social nature, any discussion of societal change necessarily implies a shift in people's worldviews, values, and practices. The Indian Supreme Court is the subject of this article because of the social shift it has sparked inside India's judicial system. Through its decisions and interpretations of the constitution, the Indian court greatly influences the progress of society. The role of the judiciary in influencing societal transformation is multifaceted. Environmental adjudication, basic life rights, social justice (especially for women and children), and accountability of public governance are some of these areas. Through its decisions in various situations, the Indian Judiciary has the power to influence social change.

Keywords: "Social-change, Catalytic, Governance, Judiciary, Fundamental Rights"

Introduction

Social change is a change in social interactions, values, or structures and subsystems in our society. Social change affects established social connection patterns, masculinizing the social structure. This transformation affects our "family, neighborhood, work group, play group, religion, economic and political life, leisure activities, and more". Social change is partial or total, but generally partial. Some components of family, marriage, banking, caste, factory, and other social structures may alter, but none change completely. Social systems never change completely. Social transformation is usually partial.

Social change is complicated, thus its speed, direction, and reasons cannot be predicted as accurately as in natural sciences. Astronomers can predict plant relations in a solar system, but sociologists and social scientists cannot forecast human relations. It is impossible to predict if a marriage will survive forever or result in divorce after a few days. Modern times have more change than classical or formal times. Rapid growth in material technology and social methods has cumulative effects.

Objectives

This study tries to

1. "To examine the role of Indian judiciary in promoting social change".
2. "To explore the major areas in which judiciary have induced social change".
3. "To find out the major judicial cases that deal with social change in India".

Literature Review

Steven Vago's¹ book "Social Change" addresses social change, social sciences' most significant, demanding, and ongoing topic. How, where, and why society changes is examined. In this book, Vago

¹"Vago, S. (2003). Social Change. Pearson Publication".



uses real-life examples to highlight social change's traits, processes, and perspectives across cultures. Social change “theories, patterns, spheres, reactions, impact, duration, costs, assessments, and methods” are covered.

S P Verma's² edited book "Indian Judicial System: Need and Directions of Reforms" compares problems. The essay examines system issues and offers solutions. After describing the judicial system, the author emphasizes the importance of swift justice as indicated by the “Indian Law Commission”. Here, the author also discusses the judiciary's independence from political executive interference in judge nomination and transfer and offers detailed solutions to corruption.

Z Modi's³ "Judgements That Changed India" covers the Supreme Court's ten landmark rulings that changed Indian democracy and our lives. The book conceptualizes judgments, explains fundamental concepts, and discusses their primary social implications, including conservation and environmental jurisprudence⁴.

“Judiciary as an Agent of Social Change”

Every democratic nation has three pillars: legislative, executive, and judiciary. In a democratic state, these three organs share supreme power as constitutional functionaries. Each organ acts independently and within its domain; none is superior. The constitution's preamble states that courts administer justice in social, economic, and political areas. The judiciary becomes the most significant and remarkable tool of the constitutional system to execute its purpose. The courts must be constructive, active, and inventive to provide socioeconomic justice to India. The Constitution gave the judiciary certain duties, much as the legislative and executive. The judiciary must carry out the “Constitutional message” and monitor the democratic system in conformity with the Constitution.

The Indian judiciary has been around for 70 years and has made significant contributions to governance that have impacted the lives of the people and changed the social structure. It has changed the character, scope, and methods of “public governance” and expanded the constitution to benefit different groups, especially the poor. In other areas, the judiciary supports Indian federation, helps achieve goals, deepens democracy, and protects citizens from state excesses. It also fosters peace, harmony, balance, and coordination across government agencies. It was once believed that the judiciary only interprets “laws and regulations in conformity with the constitution and makes legal decisions. Today, this perception has altered. Growing public support” for the activist activity of the “Indian judiciary” took the faithful position among three government organs. The judiciary has been hearing petitions about government administration, governance, and policy in addition to legal matters.

The proactive participation of the Indian judicial branch, especially the highest court in the land, is condemned for being an abuse of power, a breach of a delicate equilibrium of sovereignty amongst the three institutions, and an indictment of the principle of separation of powers become legislative and executive instructions. However, the judiciary's active engagement in government correction has gained popular trust and support. People lose trust in leaders due to “corruption, nepotism, etc”. People visit courts to settle their problems. New political players have emerged as people want

²Verma, S. P. (2004). Indian Judicial System : Needs and Directions of Reform. Kanishka Publishers, Distributors, New Delhi”.

³Mody, Z. (2013). 10 Judgements That Changed India. New Delhi, Penguin Books India”.

⁴“Constitutional Rights And Social Justice In India: An Analysis. (2023). Journal of Namibian Studies : History Politics Culture, 35, 3128-3158. <https://doi.org/10.59670/jns.v35i.4174>”



inclusive growth and change. Public Interest Litigation has strengthened society's response to arbitrary authority use. It also allows the people to push the Executive to act where necessary through the judiciary⁵.

“Major Indian Supreme Court Cases”

“The Indian Supreme Court” has considered many rulings in a range of matters that have a significant impact on Indian society. The following discusses a few of these examples:

Golaknath Case⁶

In 1967, the Indian Supreme Court ruled in Golaknath versus State of Punjab that Parliament could not change Constitutional rights. Henry and William Golaknath's family owned approximately “500 acres of farmland in Jalandar, Punjab. In 1965”, Golaknath brothers appealed this ruling to the “Supreme Court”. The family used “Article 32 of the Bill of Rights to take on the 1953 Punjab Act”. They argued that the Act infringed upon their fundamental rights to justice, equal rights under the law, the ability to own and maintain property, and their capacity to engage in any profession. The complaint pertained to the constitutionality of the modification in light of “article 13(2)” and the modifiability of the “Fundamental Rights” as a whole.

Bandhua Mukti Morcha Case⁷

The Supreme Court argued in Bandhua Mukti Morcha Case that it could monitor bonded labour legislation. Because the Indian constitution forbade this horrible practice, it lasted only because the government did nothing. To overcome guilt over imposing authoritarian order on people, the emergency regime passed progressive laws like the Civil Rights Acts⁸, 1955, which replaced the “Untouchability Offence Act⁹, the Bonded Labour (Abolition) Act¹⁰ 1976, and the Urban Land Ceiling and Regulation Act¹¹ 1976”. Though defensive, the administration couldn't criticize the court because it asked the executive to fulfill its legislative promises. Jurisdiction also had a major impact on Indian society.

Conclusion

We may conclude from the debate that the Indian court is crucial to the process of societal development. The judicial system is a vital and significant instrument of the state because of its role in upholding the fundamental freedoms of the underprivileged and impoverished.

The court is developing new techniques, creative tactics, and various instruments in order to execute and provide social justice to the general public. The Supreme Court of India is known for its "activist role," which involves rendering important decisions in a number of cases that advance societal objectives. Since the 1950s when the republic's constitution came into force, the Supreme Court of the Republic of India has successfully performed this important job many times.

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⁵Arup Ghosh, 2020; Indian Judiciary as a Catalytic Agent of Social Change, Journal of Humanities and Social Sciences Studies (JHSSS)Website: www.jhsss.orgISSN: 2663-7197”

⁶“1967 AIR 1643; 1967 SCR (2) 762”

⁷“Bandhua Mukti Morcha v. Union of India & Ors. (1997) 10 SCC 549”

⁸ The Protection of Civil Rights Act, 1955 Act No. 22 of 1955

⁹ the untouchability (offences) bill, 1954

¹⁰ Bonded Labour System (Abolition) Act 1976

¹¹ Urban Land (Ceiling and Regulation) Act, 1976



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9. Article 13, Constitution of India 1950
10. Bandhua Mukti Morcha v. Union of India &Ors. (1997) 10 SCC 549
11. The Protection of Civil Rights Act, 1955 Act No. 22 of 1955
12. The untouchability (offences) bill, 1954
13. Bonded Labour System (Abolition) Act 1976
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