7.1 Findings

From the analysis of Chapter I i.e., Introduction it is found that, being a vast and diverse country, India has a composite population consisting of a number of groups based on various factors, such as - religion, language, backwardness – either social or economic or educational, caste etc. However, for the purpose of safeguarding the interest of these Backward Classes, in particular, for the upliftment of the socially disadvantaged groups, the framers of the Constitution of India took proper care and as a result, a number of provisions have been inserted in the Constitution of India to that effect. There are certain provisions under our Constitution which protect discrimination against SCs, STs, OBCs and women etc. as they are regarded as socially disadvantaged groups. These provisions are inserted in the Constitution with a view to help the socially disadvantaged sections to get integrated in the mainstream of national life. In terms of the provisions of Arts. 14, 15, 16, 330, 332 and 335 etc. of the Constitution of India, an attempt has been made to safeguard the interest of the Scheduled Castes and Scheduled Tribes to an extent.

There is no any specification regarding the Scheduled Castes or Scheduled Tribes. A caste is regarded as ‘Scheduled Caste’ or a tribe is regarded as a ‘Scheduled Tribe’ if it is notified as to be so in the President’s Order issued under Arts. 341 and 342 respectively. A member of a Scheduled Caste or Scheduled Tribe in one State, on migration to another State does not carry with him/her the status of the Scheduled Caste/Scheduled Tribe. It may differ from State to State, region to region depending on the Presidential Order made to that effect. There is no any indisputable yardstick evolved by the Government or uniformity of approach free from political expediency to identify backwardness on all-India basis till date.

In India, there are Other Backward Classes [OBCs] also, besides the SCs and STs who may avail the benefit of reservation under Arts. 15(4), 15(5) and 16(4) of the Constitution which are socially and educationally backward. As like as the SCs and
STs, each State has its own list of OBCs and therefore, a person belonging to OBC in one State may not be regarded as the same in another State.

Indian society, being basically a male-dominated society, women generally suffer from some social and economic disabilities. They are socially discriminated. There are some provisions under the Constitution of India such as Arts. 14, 15(2), 15(3) and 21 which may provide for equality, gender discrimination against women, empowering the State to make special law for women and right to live with human dignity respectively. Although these provisions are of general nature, yet, these are sufficient to remove the impediments of women, if implemented properly by the authority concerned of the State and interpreted adequately by the judiciary while dispensing social justice to women.

There are some provisions under the Constitution of India for setting up certain machineries for keeping continuous watch and vigilance over the workings of the safeguards to the socially Backward Classes such as appointment of a Commissioner for the Scheduled Castes and Scheduled Tribes by the President under Art. 338(1) which has been amended subsequently by the Constitution (65th Amendment) Act, 1990 to provide for the appointment of the National Commission for the Scheduled Caste instead of former Commissioner for the Scheduled Castes and Scheduled Tribes, one of the most important functions of which is the socio-economic development of the SCs/STs; appointment of Backward Classes Commission under Art. 340(1) etc. Moreover, the National Commission for Women Act, 1990 has also been enacted by the Parliament to establish the National Commission for Women (NCW) for ameliorating the general social condition of the women in the country.

The Constitution provides for the appointment of a Minister for Tribal welfare in each of the States of Bihar, Madhya Pradesh and Orissa under proviso to Art. 164(1) of the Constitution. For the purpose of preventing the commission of offences of atrocities against the Scheduled Castes and Scheduled Tribes, the Parliament has enacted the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

The observations from Chapter II, i.e., Genesis of Indian Social Justice may be enumerated as under—

In ancient India, during the Vedic period, there is no any reference to any judicial organization in Vedic literature for administration of justice. Later, justice
was administered by the Tribe and clan assemblies. Gradually, King came to be regarded as the origin of justice and thereby system of judicial administration of justice came into existence. The administration of justice was on the basis of Dharma Shastras, Niti Shastras and Arthashastra, subject to local and other usages having consistency with the Shastras.

During the Mauryan times, the King was the head of justice. King Ashoka introduced certain reforms in administration of justice by following some ethics of procedure having similarity with today’s natural law principles.

As like as the Mauryan period, during the Gupta period also justice was often administered by the King who was regarded to be the incarnation of justice. However, in villages, justice was administered by royal officials with the help of village council or assembly.

During the Harsha period although there was severity in administration of justice in comparison to the Mauryan or the Gupta period, yet it was not found to be a very effective one.

In case of administration of justice in the southern India, in the regions ruled by the Chalukyas of Badami and Pallavas of Kanchi, the King was the fountainhead of justice and the final court of appeal. During the Cholas period there are references to Dharmasana in several inscriptions, probably signifying the King’s court of justice.

Before 1947, the legal system in India, imposed and designed by the British rulers was static, stale and counter-productive to social change and social justice which was anti-people, suppressive to human dignity and non-responsive to egalitarian goals of Indian people. The rules introduced by the British were unjust and coercively violent for which the Indians had to suffer a lot. Being dissatisfied with the tyrannical rule of the British Government for long, the Indians began to fight against the British Government, its laws and courts as they deprived the Indians of a meaningful life, liberty and national independence. Gandhiji expounded the theory of satyagraha to fight against the British exploitation over the Indians. He dreamt about the Ram Rajya in India, an open society based on non-violence, full of social equality, human dignity, class harmony, service to the poor etc. Jawaharlal Nehru, another architect of modern India too protested against the rules introduced by the British which failed to comply with the changing needs of time and society. As a result of Gandhian humanism and Nehru’s scientific temper, the new Constitution embodying the philosophy of liberty, equality and human dignity was enacted and adopted in
1950. The Preamble of the Constitution together with Fundamental Rights and Directive Principles of the State Policy constitute the *Bhagawadgita* of Indian sociological jurisprudence for which the Indians had to struggle a lot for long.

After independence, having a Constitution of its own, the Country (India) has been progressing towards a classless and casteless society according to the socialist pattern. Pursuant to the socialistic philosophy ordained in the Constitution, so many social legislations have been enacted by the Parliament by following it as a constitutional mandate. With the passage of time, Indian judges like M.C. Changla, P.B. Gajendragadkar, Krishna Iyer, P.N. Bhagawati, D. A. Desai, Chinnappa Reddy, Kuldeep Singh, Dr. A.S. Anand, CJ etc. had begun to act as catalic agents of social control, regulator, arbiter and social reformer in terms of their creative interpretative device, according to the needs of time and society instead of former static ones. Justice Bhagawati, in *People’s Union for Democratic Rights v. Union of India* 1, made a prophetic observation which had inspired the poor, the weak and the destitute to seek protection of the Court against exploitation, injustice and tyranny. Justice Krishna Iyer warned the judges not to be mere mechanical while interpreting laws. His creative role of making law as an instrument of social change and social justice, his love for Gandhian values and his crusade for judicial independence had made Justice Krishna Iyer the founding father of modern Indian sociological jurisprudence which is a desired goal of the Indian masses.

From Chapter III. i.e., Judicial Interpretation of Constitutionally Enshrined Social Justice it is found that the Preamble of the Constitution of India bears the fundamental Philosophy of equality. It is one of the basic features of the Constitution as reiterated by the Supreme Court of India in *Keshavananda*. The term ‘socialist’, inserted to the Preamble by the 42nd Constitution Amendment Act, 1976 aims at establishing an egalitarian social order through rule of law. In a number of cases the Court has observed that democratic socialism achieves socio-economic revolution to remove poverty, ignorance, disease and inequality of opportunity. Art.14 embodies the general principles of equality containing two expressions ‘equality before the law’ which is of English origin and ‘equal protection of law’ which is borrowed from the Constitution of America. Art.14 forbids class legislation, but does not forbid reasonable classification.

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1. supra note 15, Chapter II.
2. supra note 1, Chapter III.
There are some provisions under the Constitution providing reservation for socially and educationally Backward Classes. Under Art. 15(3), the State may make any special provision for women and children. It aims at eliminating the socio-economic backwardness of women and empowering them in such a manner as to bring about effective equality between men and women. Pursuant to this provision of the Constitution, the Supreme Court of India observed in *Government of Andhra Pradesh v. P.B.Vijay Kumar*\(^3\) that, 30% reservation for women in government services is valid. Art. 15(4) is also an enabling provision for the advancement of any socially and educationally Backward Classes of citizen or for Scheduled Castes and Scheduled Tribes, whereunder seats can be reserved in government educational institutions for SC, ST and OBC candidates. Art. 15(5), inserted to the Constitution by the Constitution 93\(^{rd}\) Amendment Act, 2005 has provided for reservation of seats for admission of SC, ST and OBC candidates to educational institutions including private institutions whether aided or unaided by the State, other than the minority educational institutions established under Art. 30(1) of the Constitution. In fact, Art. 15(5) can be regarded as a reinstatement of Art. 15(4). Under Art. 16(4) reservation can be made in case of appointments or post in matters of public employment in favour of any Backward Class of citizens, not adequately represented in the services under the State, in the opinion of the State. However, in no case reservation can exceed 50%, otherwise, it will affect the concept of equality, one of the basic structures of the Constitution of India and the benefit of reservation can be provided only after removal of creamy layer, as it was observed by the Supreme Court of India in *Indra Swahney v. Union of India*\(^4\) and also in *Ashoka Kumar Thakur*\(^5\). *Indra Swahney* is one of the most remarkable pronouncement of the Supreme Court of India where a number of questions relating to reservation for Backward Classes have been dealt with in a very exhaustive manner. After all, the judiciary has to take cognizance of many complex but very momentous questions such as in no case reservation can exceed 50%, providing the benefit of reservation after the removal of creamy layer etc. having a bearing on the future welfare and stability of Indian society while deciding cases relating to reservation.

\(^3\) supra note 32, Chapter III.
\(^4\) supra note 53, Chapter III.
\(^5\) supra note 58, Chapter III
After Indraw Sawhney, with a view to somewhat tone down the impact of the Supreme Court pronouncement, two constitutional amendments have been incorporated in Art. 16(4). Art. 16(4A), inserted by the Constitution 77th Amendment Act, 1995, with effect from 17-06-1995, providing for reservation in promotional matters in services in favour of SCs and STs. Then, the expression ‘in matters of promotion to any class’ has been substituted by ‘in matters of promotion, with consequential seniority to any class’ by the Constitution 85th Amendment Act, 2001.

Besides, the reservation of seats in educational institutions and of posts in Government services for various socially backward sections of the society, there are certain other constitutional provisions, providing for reservation of seats in election matters. For example, Art.243D provides for reservation of seats for SCs and STs and also for women belonging to SCs and STs in every Panchayat. In the same manner, Art.243T provides for reservation of seats for the members of SCs, STs and women belonging to SCs and STs in Municipalities. Arts.330 and 332 provide for reservation of seats in the House of the People for SCs and STs except the STs in the Autonomous Districts of Assam and for reservation of seats in the Legislative Assemblies of every State for SCs and STs except the STs in the Autonomous Districts of Assam respectively. However, Art.335 in a way puts a limit on the extent of reservation by making it clear that the claims of the members of the SCs and STs shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to services and posts in connection with the affairs of the Union or of a State. These reservation provisions, although with some genuine limitations, ordained in the Constitution are justified only for providing social justice to the down-trodden. After all, reservation may be regarded as a constitutionally recognized method of overcoming backwardness. Moreover, one of the most important constitutional provision under the Constitution of India to secure social justice is Art.17, abolishing untouchability and forbidding its practices in any form, pursuant to which the Untouchability (Offences) Act, 1955 had been passed by the Parliament, and subsequently in 1976, it was renamed as the Protection of Civil Rights Act, 1955. The Parliament has also enacted the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 with the main objective to integrate the dalits in the national mainstream by putting an end to the social injustices, which had been facing by them since long.
From Chapter IV, i.e., Analysis on Welfare State Provisions of the Constitution it has been observed that, Part IV of the Constitution of India containing the Directive Principles of the State Policy (Arts. 36 to 51), borrowed from the Constitution of Ireland which had copied it from the Spanish Constitution is regarded as the novel feature of the Constitution. These provisions of the Constitution aims at establishing Welfare State in the country. These principles lay down some socio-economic goals which the various Governments in India have to strive to achieve. In case of formulating a policy or passing a law by the Union or the State Governments, must follow the Directive Principles as the ideals. In *Air India Statutory Corporation*\(^6\), the Supreme Court of India reiterated that the social justice concept contained in Art.38 of the Constitution aims at attaining substantial degree of social, economic and political equality which is the legitimate expectation and constitutional goal. It is a dynamic device to mitigate the sufferings of the poors, weaks, dalits, tribals and deprived sections of the society at large for the purpose of elevating them to the level of equality by living a life with human dignity. Art. 39(a) requires the State to direct its policy towards securing the equal right of men and women for adequate means of livelihood. Under Art. 39(b) State is under an obligation to direct its policy towards the distribution of ownership and control of the material resources of the community to the common good. Again, Art. 39(d) requires the State to direct its policy towards equal pay for both men and women. Art. 39(f) is amended by the Constitution (42\(^{nd}\) Amendment) Act, 1976 with a view to emphasize the constructive role of the State with regard to children requiring the State obligation towards providing opportunities and facilities to children for their development in a healthy manner and in conditions of freedom and dignity etc. Despite of the constitutional provisions in the form of directives viz., Arts. 38, 39 etc., the Government is yet to comply with these provisions in an adequate manner to promote social justice in true sense.

Art. 42 directs the State to make provision for securing just and humane conditions of work and for maternity relief, pursuant to which the Maternity Benefit Act, 1961 has been passed by the Parliament. Art. 45, substituted by the Constitution (85\(^{th}\) Amendment) Act, 2002 requires the State obligation towards providing early childhood care and education for all children until they complete the age of six years. Under Art. 39A, which has been added by the Constitution 42\(^{nd}\) Amendment Act,

\(^6\) *supra note 8*, Chapter IV.
1976, creates a State obligation towards legal aid to poor, equal justice etc. so that justice is not denied to any citizen by reason of economic or other disabilities. For the protection of the oppressed and promotion of national unity and integrity, the State is under an obligation to secure a Uniform Civil Code under Art. 44 which is yet to comply with by the appropriate authority even after a period of more than six decades from the commencement of the Constitution. Art. 40 aims at introducing democracy at the grass-root level by organizing village Panchayats.

The Directive Principles are nevertheless fundamental in governance of the Country, although these are specifically made non-enforceable by any court of law. Now-a-days, the Supreme Court of India has started a harmonious construction of the inter-relationship between the Fundamental Rights and the Directive Principles. Where two judicial choices are available, the Constitution in conformity with the social philosophy of the Directive Principles are given a preference. As the Fundamental Rights and the Directive Principles are complementary and supplementary to each other, the Courts have implemented the values underlying the Directive Principles to the greatest possible extent, even if these are not justifiable directly. Presently, some of the Directives are given the status of Fundamental Rights.

From Chapter V, i.e., PIL in India - A Pace towards Social Justice, it is found that, PIL is a socio-economic movement generated by the judiciary to reach justice especially to the weaker sections of the society. Justice Krishna Iyer, being one of the most prominent and activist judges of the Supreme Court of India, initially sowed the seed of the concept of PIL in the year 1976 while deciding Mumbai Kamgar Sabha v. Abdulbhai. In PIL, the Court exercises its jurisdiction on the basis of some strategies which are firmly rooted in the Preamble, Arts. 14 and 21 and Directive Principles of the State Policy etc. of our Constitution. Prof. Upendra Baxi termed PIL as ‘Social Action Litigation’, because the problems, brought before the Courts under PIL, generally relate to much wider field of social injustice which need extra-ordinary remedies for the their removal. In PIL, any member of public having sufficient interest and acting bona-fide may be allowed to initiate the proceedings before the Court on behalf of a section or group or class of people for redressal of the injury

8. ibid.
9. supra note 5, Chapter V.
caused to them so that these people are not deprived of justice due to their poverty, illiteracy or ignorance etc.

In the field of PIL the writ jurisdiction of the Supreme Court of India and the High Courts of the State under Articles 32 and 226 of the Constitution plays an important role as the PIL petitions are usually filed by making a prayer to the Court to issue suitable writ.

Being the august judicial institution of the country, the Supreme Court of India has been playing a very significant role as a law creating organ according to the needs of the changing society, by exercising the power of judicial review, the cornerstone of constitutionalism. Although, the term judicial review is nowhere specifically used in the Constitution of India and no direct or explicit authority has been conferred on the higher judiciaries of the country for that purpose, yet the higher judiciaries of India has been exercising the power of judicial review based on several provisions of the Constitution such as Arts. 13(2), 32, 131 to 136, 141 to 143 and 226 respectively and thereby the higher judiciaries of the country have become activist judiciary instead of former committed judiciary. In the field of socio-economic rights the activist judges of the Supreme Court of India such as Justice Krishna Iyer, Justice P.N.Bhagawati etc. have evolved a new Indian jurisprudence which may be termed as judicial law making, a highly creative judicial function for the cause of justice, protecting and preserving the rule of law. Justice Krishna Iyer and Justice P.N.Bhagawati championed the cause of judicial activism to promote social justice by liberalizing the rule of *locus standi* in PIL cases, which may be regarded as a great revolution in this respect. But in comparison to the former judges like Justice Krishna Iyer, Justice P.N. Bhagawati, the present judges are seem to be less interested in taking initiatives in this respect.

However, PIL has introduced a new dimension to our legal system. The burgeoning process, seminal and innovative, makes the Apex Court of India a catalyst of justice, defender of constitutional faith and protagonist in the drama of human rights for common man. The establishment of a PIL Cell in the Supreme Court of India has given an independent status to PIL and all the letter petitions are now processed by the Cell and placed before the Chief Justice after thorough scrutiny. During the present juncture, PIL has created a ray of hope in the realm of justice system and in the view of innumerable divergent problems of Indian society, it may usually serve as a candle in the darkness of injustice.
From Chapter VI, i.e., Social Justice in terms of Legal Aid, it has been observed that, legal aid is a method adopted for ensuring that no one is debarred from professional advice and assistance because of lack of funds which is based on humanitarian considerations, aiming at helping the people who are socially and economically backward. There are some constitutional mandates of the Constitution of India providing either directly or indirectly for legal aid service such as Art. 39A, Art. 14, providing for basic principles of equality; the Preamble, bearing the philosophy of justice - social, economic and political etc.

The legal aid movement in India is an outcome of the emergence of socio-economic philosophy and Welfare State. However, it is said that the movement started from the appointment of Justice N.H. Bhagawati Committee in 1949 by the Government of Bombay to examine the feasibility of providing free legal aid to indigent and socially disabled persons and to make recommendations for easy access of justice to them. The National Legal Aid Conference, held in March, 1970 drew attention towards the pressing need for implementation of a comprehensive scheme of legal aid in India. On 27th October, 1972, the Government of India appointed an Expert Committee on Legal Aid under the Chairmanship of Justice V.R.Krishna Iyer which submitted its report in May, 1973 with a handful of recommendations in the matter of legal aid especially to the weaker sections of the community and persons of limited means in general.

Again, in 1976, the Central Government appointed a Committee consisting of Justice P.N Bhagawati and Justice V.R. Krishna Iyer of the Supreme Court of India with the former as its Chairman, which submitted a draft Bill for the enactment of National Programme of Legal Aid and Advice and with some modifications this has been enacted into Legal Services Authority Act, 1987. This Act has been amended by the Legal Services Authority (Amendment) Act, 1994, with effect from 9th November, 1995. Under the Act, the Central Government shall constitute a body called National Legal Service Authority pursuant to which the Central Committee constituted, has been functioning in the Supreme Court of India, with its present Patron-in-Chief, ex-officio, Hon’ble Justice Mr. Rajendra Mal Lodha, Chief Justice of India. Under the

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10. This Art. is inserted by the Constitution (42nd Amendment) Act, 1976.
11. The Legal Services Authority Act, 1987, Sec. 3.
12. supra note 30, Chapter VI.
Act, there are provisions for State Legal Service Authority\textsuperscript{13} and District Legal Service Authority\textsuperscript{14} too. Hon’ble Mr. Justice Abhay Monohar Sapre, the Chief Justice of Gauhati High Court is the present Patron-in-Chief, \textit{ex-officio}, of the Assam State Legal Authority\textsuperscript{15}. Besides these, in 1980, the Central Government constituted a Committee known as Committee for Implementing Legal Aid Schemes which has taken up programmes relating to promotion of legal literacy, creation of legal awareness amongst poor, provide legal service to the door steps of the deprived and exploited sections of the society etc.

Apart from these, there are certain other statutory provisions which are to be interpreted and implemented by the judiciary to the extent of its possibility, such as Sec.110 of the Cr. P.C., 1973, providing for the obligation of a Magistrate or a Judge to provide a defence counsel to the accused in pursuance of the mandate of Art.21 of the Constitution of India; Sec.304 of the Cr.P.C., 1973, providing for the aid to the accused at the State expenses in certain cases; Order XXXIII of the CPC, 1908, as amended by the Amendment Act, 1976, providing for legal aid suits in case of suits by the indigent person; Order XLIV of the CPC, 1908, providing for legal aid in appeal matters etc.

The Supreme Court of India has been playing a remarkable role in ensuring legal aid and assistant to the poor etc. Presently, the Supreme Court rulings make it mandatory for the State to provide the services of a competent lawyer to an undefended under-trial accused even for an offence punishable with death sentence.

Recently, the major obstacles to the legal aid movement in India are the lack of legal awareness of the people in its true sense and also the lack of adequate governmental support in this respect. People are not still adequately aware of their basic rights for which complexity arises in implementing the legal aid schemes. Lack of awareness leads to exploitation and deprivation of rights and benefits of the poor. Henceforth, it is need of the hour that the poor illiterate people should be imparted with legal knowledge and should be educated on their basic rights which should be done from the grass-root level of the country. The appropriate governments may take necessary steps by making arrangement to the greatest possible extent. In a country like India, for the preservation of rule of law and for upholding the philosophy of

\textsuperscript{13} The Legal Services Authority Act, 1987, Sec. 6.
\textsuperscript{14} \textit{ibid}, Sec. 9.
\textsuperscript{15} \textit{supra note} 33, Chapter VI.
social justice, legal aid to the poor and downtrodden is not only a prime requisite but also a constitutional mandate, implementation whereof depends on the awareness of the needy as well as enthusiasm of the lawyers, judges and researchers in this field. Until and unless poor and indigent persons are not legally assisted, they are denied equality in the opportunity to seek justice. Legal aid and advice must be made available to the weaker sections of the country for proper and effective implementation of socio-economic programmes of the nation.

7.2 Suggestions/Recommendations

On the basis of the above findings the investigator puts forward certain workable and practicable suggestions as follows –

- As the ultimate interpreter, the Supreme Court of India is expected to interpret the Constitution and the law as to inculcate constantly the values on which a democratic society thrives, such as individual liberty, human dignity, rule of law, constitutionalism, limited Government etc.

- The judges of the Supreme Court of India is required to be ever attentive to the expectation of the framing fathers of the Constitution, i.e., ‘the Supreme Court of India shall act as an arm of social revolution’ while adjudicating dispute/s involving social justice issue/s.

- As there is no any indisputable yardstick evolved by the Government of uniformity of approach free from political expediency to identify backwardness on all-India basis till date, the Supreme Court of India may provide guidelines in evolving such yardstick to protect/promote social justice to the disadvantaged.

- In deciding cases involving reservation the judiciary is required to interpret the constitutional provisions in a manner that the deserving candidates only can avail the benefit of reservation after exclusion of ‘creamy layer’.

- The judiciary is required to make an endeavor for promoting the concept of Welfare State which was the dream of the framing fathers of the Constitution and one of the constitutional goals.

- The higher judiciary is required to take necessary step in complying with the provisions of the Constitution viz., Art. 38, 39 etc. by the Government properly, in the interest of social justice.
• The judges may opt the construction in conformity with the social philosophy of the Directive Principles, where two judicial choices are available.

• The judges are required to be conscious of the oath taken by them before adorning the august office so that they cannot be motivated by any kind of pressure from the party in power or any other organization etc. So that the impartiality and independency of the judges may be maintained in an adequate manner.

• The judges of the higher judiciaries may bring a revolutionary change by creating new laws according to the needs of present day society.

• The present judges of the Supreme Court of India and the High Courts of the States may champion the cause of social justice, especially in PIL cases, by adhering to the ideology developed by the former activist judges like Justice Krishna Iyer, Justice P.N. Bhagawati etc.

• In deciding a case involving social justice issue/s, the judiciary may discover and identify the problem from the grass-root level and solve accordingly in terms of creative interpretation of various constitutional/legal provisions envisaged by the Constitution of India/inserted in any other statue available in this respect.

• For establishing the rule of law in the country, the judiciary has to perform its duties with great care and caution so that it may be able to uphold its dignity, impartiality and independency.

• During the present scenario where our unscrupulous leaders throw the rule to the winds and inflict a death blow to our polity, the Supreme Court of India may strike down any law which is against the constitutional norms affecting the greater interest of the public.

• The Indian higher judiciaries are expected to be more and more creative while protecting and promoting social justice.

• The power of judicial activism applied by the judges of the Supreme Court of India is to be based on some logical and intellectual plan as it is the people’s last resort to approach for the protection of rights, interests and entitlements of the people and to carry out their thwarted desire for essential changes, according to the need of time and society.
While exercising the power of judicial creativity to serve effectively the objectives of social justice, the judges of the higher judiciaries of our country may follow the ‘talisman’\(^\text{16}\) propounded by Gandhiji.

It is hightime to constitute a special Bench of judges in the Supreme Court of India to deal with PILs and for the speedy disposal thereof.

For making the legal aid provisions more fruitful, the higher judiciaries should take some necessary steps in organizing of Lok Adalats at National and State level at regular intervals, constituting of wings of Legal Aid Cell at different stages and different places of the country which will be ever ready to help the needy.

Indian judiciary should take initiative in promoting sufficient para-legal services in remote areas of the country in an adequate manner which may spread legal awareness among the people of such areas.

Although Lok Adalats have been organizing at National and State levels, yet the Supreme Court of India may make it more result-oriented by taking necessary step to organize it at shorter interval and in the right direction in the interest of social justice.

The Preambler commitment of justice – social, economic and political should be strictly carried out by the judiciary with a dynamic outlook responding to the aspirations of the downtroddens and disadvantaged citizenry of the country.

At the end, this research study parts with an expectation for an adequate protection and promotion of social justice particularly by the Indian higher judiciaries by adopting/implementing any/all of these suggestions/recommendations put forth, as and when they become adaptable/implementable.

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\(^{16}\) supra note 12, Chapter II.