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ROLE OF JUDGE IN SOCIAL SERVICE AND SOCIAL DEVELOPMENT IN INDIA

PATEL MAMTABEN DANABHAI

Abstract:

In India, judges play a crucial role in influencing the country's path towards growth and fairness via their work in social service and social development. This abstract explores judges' complex roles and contributions in bringing about positive social change and progress in India. As the guardians of the law, judges play a vital role in ensuring that the Indian Constitution's guarantees of social justice and equality are upheld. The role of judges in India is to interpret the law and administer justice, particularly for the most vulnerable members of society. They achieve this through establishing precedents in cases involving abuses of human rights, environmental concerns, and other matters of social importance, which in turn shape social policies and practises. Public interest litigation (PIL) cases are brought and managed by judges, and they address a wide range of social and developmental concerns. Cases like this have the potential to spark widespread reform in areas like healthcare, education, the environment, and sex equality. The judgments' of judges, their support of judicial reforms, and their involvement with the public all play important roles in advancing social service and development in India. This abstract delves into the many facets of their function and highlights their importance in India's continuous effort to become a more just and socially evolved country.

Key words:Judge, Litigation, Society, Role, Social change....

Introduction: (Historical Evolution of Judge and Society in India)

It is intriguing to trace the development of judges and society in India through the ages, since this reveals much about the cultural, social, and political variety of the nation. The function of judges and their connection to the rest of society have changed dramatically from ancient times to the current day. Local councils and assemblies in ancient India were responsible for enforcing the law. These assemblies, which were called "Sabhas" and "Samitis," were crucial in settling conflicts and keeping the peace. Traditional rules and

Dharmic ideals, which place an emphasis on justice and morality, served as the basis for many of the rulings. The idea of a unified legal system took root throughout the reigns of the Mauryan and Gupta empires. Specifically, King Ashoka is credited with establishing a systematic system of justice, complete with appointed officials known as "Dharmadhikarins" who oversaw the consistent implementation of legal concepts throughout the empire.

Islamic law had an impact on India throughout the mediaeval period, especially under the Delhi Sultanate and Mughal dynasties. Qazis, or Islamic judges, were established to carry out judicial proceedings in accordance with Islamic law. Panchayats, or local self-governing councils, also emerged during this time and played an important role in settling disputes. The Indian legal system underwent major reforms as a result of British colonial control. When the English legal system was adopted, proper courts presided over by British judges were set up. Indian attorneys and judges rose to prominence as the legal system in India matured. The Indian judicial system has changed significantly since independence. Adopted in 1950, India's Constitution recognises a fair and impartial judiciary as essential to a functional democracy. In India, the highest court, the Supreme Court, is responsible for protecting people's basic freedoms and rights. The Indian judicial system has earned a reputation for upholding fairness, equality, and the law. To defend the rights of the marginalised and respect the values of justice, judges are selected via a rigorous procedure. In conclusion, the shifting dynamics of Indian government, culture, and law are mirrored in the historical development of judges and society. This transition from ancient local councils to a contemporary, independent court exemplifies the strength and flexibility of India's legal institutions in meeting the requirements of the country's varied population.

Judges' Influence on Social Behaviour:

Judges as Codes of Ethics:

In India, judges play the role of social norms, setting rules for acceptable behaviour. They lay down the bounds for acceptable conduct and the repercussions of not adhering to those boundaries for both people and institutions. As an example, sections 302 (murder) and 376 (rape) of the Indian Penal Code (IPC) create legal rules for individual behaviour, which in turn define the standards for social behaviour and help to sustain social order.

Judges as mediators of change in society:

In India, judges are a reflection of and a force for societal change. To aid in society development and problem solving, legal systems may be used. Issues like gender equality, LGBTQ+ rights, and environmental preservation have all been the focus of substantial law changes in India in recent years. The Supreme Court of India decriminalized homosexuality in *Navtej Singh Johar v. Union of India* (2018), a historic judgment that reflected changing societal norms and values in India and the transformative potential of the law.

The Role of Judges in Promoting Social Justice:

When it comes to enforcing the law and protecting citizens' rights, judges in India are indispensable. Their choices have far-reaching effects on the lives of individuals, particularly on the lives of those on the margins of society. In the Indian Constitution, the values of equality, non-discrimination, and justice are established, and it is the responsibility of the judiciary to ensure that these values are upheld. As a first step, judges make sure that laws and regulations don't discriminate on the basis of race, religion, gender, or socioeconomic class. Laws that go against these values may be overturned by them.

Second, judges are highly involved in cases of public interest, giving individuals a forum in which to challenge government wrongdoing and get remedy. The environment,

gender equality, and healthcare access are just a few of the problems that have benefited greatly from this process. In addition, judges advance social justice through advocating liberal readings of the law, promoting improvements to the legal system, and bringing attention to social concerns via their rulings. As a result of their work protecting the rights of all people, judges in India play a crucial role in making the country's society more fair and equal.

Judges' Social Impact:

Societal Norms and Values:

Judges in India are heavily affected by societal norms and values. Legal systems are shaped by and have implications for social norms, cultural norms, and religious beliefs. Personal laws, such as India's Hindu Marriage Act, Muslim Personal Law, and Christian Marriage Act, are shaped by religious conventions and practices that in turn reflect the norms and values of the respective groups they serve.

Alterations to Society and Legislation:

The community also plays a crucial role in propelling changes to the law. Law revisions are often sought for in response to changing social dynamics, shifting public views, and rising public expectations. The Protection of Women from Domestic Violence Act (2005) and the Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act (2013), for example, were both directly influenced by the efforts of the women's movement in India to secure equal rights and opportunities for all employees. These changes are the law's way of adapting to the shifting values and beliefs of modern society.

Protests in the Courts and the Power of the People:

Legal institutions and judicial decisions in India have often been impacted by social movements. As a type of judicial activism, public interest litigation (PIL) has been utilised by individuals and organisations to advance causes including human rights, access to justice, and environmental safety. To safeguard the environment and public health, for instance, judicial activism and social pressure led to the Supreme Court of India intervening in the case of *MC Mehta v. Union of India* (1986), which ultimately resulted in the closure of polluting factories in Delhi.

Conflicts arising from judges' interactions with society:

Justice in Form against in Absence of Form:

The official and informal legal systems in India are not on equal footing. In many sections of the nation, customary rules and traditional conflict resolution procedures coexist with official legal systems, which are comprised of legislations and judicial institutions and attempt to deliver justice and safeguard the rights of citizens. The concepts of fairness, equality, and justice may not always be reflected in these unofficial structures since they are impacted by societal conventions, habits, and practises. This complicates efforts to ensure that all people, particularly those at the margins of society, have access to justice.

Discrimination and inequality based on gender:

Gender discrimination and inequality continue to be problems in Indian society, notwithstanding recent legislative improvements. Gender-based violence, job discrimination, and uneven access to resources and opportunity are still problems that women confront today. Despite the fact that legislation has been passed to address these problems, they are notoriously difficult to put into practise due to entrenched patriarchal conventions and

cultural views. Examples include the Nirbhaya case (2012) and the Kathua rape case (2018), both of which shed light on the pervasiveness of sexism and violence against women in Indian culture and the need of a coordinated response from the legal and social sectors.

Unfair social structures and caste discrimination:

Even though caste prejudice is illegal, it remains a societal problem in India. The caste system is strongly rooted in Indian culture, and it frequently leads to discrimination, marginalisation, and social injustice for those from lower socioeconomic classes. Despite the existence of legislation meant to safeguard the rights of those from Scheduled Castes and Scheduled Tribes, such as the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (also known as the SC/ST Act), caste-based discrimination is nevertheless pervasive. The need for social reform and sensitization is vital in tackling the difficulties of caste discrimination and social inequality, which often prevent the effective execution of such laws.

Judicial Re Dress for All:

Many people, particularly those from more vulnerable social groups, have trouble engaging the formal legal system, despite the fact that the Constitution guarantees access to justice for everyone. Their access to the official legal system is frequently hampered by issues including poverty, illiteracy, lack of understanding, and geographical isolation. This causes people to rely on less reliable, less transparent, and less fair and reasonable informal conflict resolution processes. A significant obstacle in the relationship between law and society in India is the lack of legal education, legal representation, and support structures necessary to provide equal access to justice.

Social Justice Promotion: The Role of Judges and Society:

Legal Education and Awareness:

For social justice to progress, it is essential that more people have access to and knowledge of the law. Legal literacy courses, awareness campaigns, and efforts to make legal information available and clear to everyone may help people feel more in control of their life by increasing their understanding of their rights and responsibilities. This might aid people in understanding their rights, navigating the justice system, and pursuing compensation when they've been harmed. Efforts to educate the people about the law and increase awareness of social inequities such as sexism, racism, and classism are crucial, as are those to foster a culture of respect for the rule of law.

Movements for Social Change:

Legal changes in India have often been propelled by social reform movements. Progressive legislation protecting the rights of women, Dalits, LGBTQ+ communities, and other marginalised groups have been enacted thanks to movements pushing for their rights. Changes in cultural attitudes and practises have resulted from the increased visibility, scrutiny, and discussion of social concerns brought about by these movements. The legal system in India has been significantly influenced by the interaction between law and society, particularly via social reform movements.

Judicial System Sensitization:

When it comes to implementing and interpreting the law, society relies heavily on its judicial institutions. In order to achieve equitable and just results, it is essential to sensitise these institutions to societal concerns including sexism, casteism, and social injustice.

Vishaka v. State of Rajasthan (1997) and Navtej Singh Johar v. Union of India (2018) are two examples of how judicial activism has helped solve societal concerns and advance social justice. The judiciary's ability to adapt to the changing demands of society and to advance social justice via its rulings depends in large part on the success of sensitization activities including training programmes, seminars, and awareness campaigns.

Interaction with Judges and the society:

The relationship between law and society functions best when both parties work together. Legal institutions, civil society organisations, and communities must work together to close the information gap between the formal and informal legal systems, raise public understanding of the importance of the law, and develop infrastructure to ensure everyone has access to justice. Working together, the legal system and civil society may better address societal issues, ensure that laws are followed, and advance the cause of social justice.

Conclusion:

Judges and society in India interact in a nuanced and intricate way. While the law may be used to promote social justice, it is ultimately shaped by and reflects the values of the society it serves. Access to justice, gender inequality, caste discrimination, and the gap between the official and informal legal systems are all issues that continue despite the best efforts of law and society to resolve them. Promoting social justice and constructing a fair and equitable society requires legal education, awareness, social reform movements, judicial institution sensitization, and joint efforts between law and society. In India, the connection between judges and the general public is intricate. Cultural norms, traditions, and attitudes frequently impact the creation, interpretation, and enforcement of laws, even if the law provides the foundation for advancing social justice. Together, the law and society must address the problems of gender inequality, caste discrimination, lack of access to justice, and other social injustices. Positive improvements and the advancement of social justice may result from efforts to increase people's knowledge of the law, the visibility of social reform movements, the sensitivity of judicial institutions, and the cooperation between law and society.

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