

P R E F A C E

The present study has attempted to analyse the role of the Indian Supreme Court not only as a protector of individual rights but as a catalyst for social change. One may recall the course of debate in the Constituent Assembly when the Founding Fathers sought to design the basic framework, i.e. the Constitution in such a way as to enable it to do justice to all section of the people.

Since the adoption of the Constitution, there have been serious debates, about the role of performance of different authorities under the Constitution. There have been serious conflict between the executive legislative on one hand and the judiciary on the other. Over the question not only of the authority and jurisdiction but also of the attitudinal diversions, towards ensuring social justice. Needless to mention, the central issue in these conflicts, revolved round the nature, extent and quantum of compensation for any property which state might acquire for 'public purpose'. In other words the controversy rested mainly around one particular issue. Individual claims vis-à-vis social need.

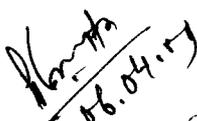
From another perspective the issue demands further analysis. In a caste structured society as in India, the role of caste cannot be ignored altogether. In such a social structure, it becomes imperative for the government to ensure justice for all people belonging to all strata in the society.

Here comes the role of the Institution whose primary task is to oversee the functioning of the political organisations for the fulfilment of the goals and objectives as outlined in the constitution. So far as the role of the Judiciary in general and that of the Supreme Court of India in particular is concerned, one may not be wrong in holding the

view that judiciary in India, has not followed a consistent and uniform approach with regard to this issue.

On a number of occasions, the judiciary took a very formal legal approach in dealing with the very delicate issue of social justice. Again, there are instances where the judiciary had taken a more liberal view in deciding upon cases relating to the protection of justice of the people belonging to disadvantaged groups.

The present study has examined this aspect, taken some leading cases in order to understand the problem that lies at the core of the issue. Since such a study cannot be uni-dimensional in nature. Various factors of legal, political, social and the like have also been analysed. As a result, the conclusion that has been drawn is tentative in the sense that the nature of political process and political environment have their own dynamics and in the process this may give birth to new set of forces, which may have their impact on the judicial decision making process in India.


06.04.17
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