

Role of the Judiciary and the Right to Equality Under the Indian Constitution: A Critical Study

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Abstract

The judiciary is responsible for maintaining the right to equality provided in the Constitution of India, on one hand, by its interpretative role and on the other hand, by its enforcing role. The study critically analyzes the role of judiciary in protection of equality by way of important Supreme Court judgments & judicial interpretation of Articles 14 to 18. This shows the journey of the equality rights in India from an historical perspective by discussing how judicial activism increased the scope of the rule of law by making legal provisions to protect the marginalized communities and how systemic inequalities, political influences and debates on judicial restraint affect the expansion process of the rule of law. The research considers the role of judiciary as one of the social transformers and creating a more inclusive legal framework for India. Finally, future prospects require further judicial involvement in ensuring a substantive equality in a continuously changing socio-political environment.

Keywords: Judiciary, Right to Equality, Indian Constitution, Judicial Activism, Supreme Court, Constitutional Law, Legal Interpretation, Public Interest Litigation (PIL), Discrimination, Marginalized Communities, Judicial Restraint.

1. Introduction

Protecting rights inscribed in a constitution is essential to the creation of this society which is just. The judiciary in India has a significant role to play in interpreting and enforcing the right of equality which is ingrained in the Constitution of India. This right's purpose is to eliminate discrimination and also to provide the foundation for a number of social justice quests. From navigating socio-legal terrains whilst discerning between individual rights and public welfare, Indian judiciary has in numerous landmark judgments shaped the course of intellectual legal trend in India. The judiciary thus functions as a vital arbiter that not only defends mandates of constitution but also works as a change agent in bringing progressive change to the society. This study scrutinizes the dynamics between judicial activism and the right to equality in modern India, explicating how the judicial approach towards equality provisions is reforming the fabric of present law and society. It is important to analyze such because it provides a basis for determining how the evolving relationship of law and justice progresses in a democratic well of diversities.

A. Overview of the Indian Constitution and its significance

Indian Constitution provides a very important, necessary and basic framework that lets one uphold tenets of democracy, justice and individual rights, leading to pluralistic society. In this piece, a group of articles (Articles 14 to 18) constitutes a solid structure containing an elaborate Bill of Rights that seeks to eradicate

discrimination and attain equal treatment under the law in its myriad of forms. The Constitution is important since, apart from outlining the relationship between the state and its citizens, it gives the judiciary the power to protect these rights. In particular, the role of judiciary becomes more pronounced, where Public Interest Litigation (PIL) has been very successful in dealing with the violations of women's rights and in pursuing the cause of social justice, reflecting the adaptabilities in dealing with contemporary issues in a society which can be described as deeply patriarchal in character (Sood, et al., 2008). In addition recent developments show the judiciary being challenged with complex issues such as alienage discrimination given that congressional polices may provide shelter to the states against strict scrutiny (Hartley et al., 2007).

B. Importance of the judiciary in upholding the right to equality

Judiciary is a key spokesman of equity since judiciary is a pivotal guardian of equality in an Indian constitutional system. The judiciary besides adjudicating, interprets and applies laws to ensure the right to equality remains protected to all citizens by systematically eliminating discrimination on grounds of religion, race, caste, sex or place of birth. The judiciary's efforts to establish a more egalitarian society are also clearly reflected by landmark rulings dealing with the subject of gender discrimination. In addition, the judiciary's checking function as against possible abuses of power is reinforced by its power to assess the constitutionality of legislative provisions. This stance is especially critical given that the society is contending with some of the most deeply entrenched socio economic disparities. According to the emphasis on the need for the judiciary as part of the ongoing struggle for equality which various legal discourses have adopted (Sharma I, 2015)(Sedley S, 2011), the judiciary remains an indispensable partner in this struggle.

2. Historical Context of the Right to Equality

The story of the conception of the Right to Equality in the Indian Constitution is embedded in the larger story of the struggle against the colonial domination and systemic discrimination. Originating from socio political movements that tried to dismantle the hierarchical structures of the British rule that was littered with racial and class disparities, this right can be traced back to that period. The Independence of the country required social justice and the makers of the Constitution intended to question any injustice by providing provisions giving guarantee of equality before the law. While these injustices occurred in the past, however, an issue remains, because present day society still faces societal inequalities that have echoes of the past. Interpreting these constitutional guarantees and dealing with present diversities is done by the judiciary. For instance, Indian example takes inspiration from global ones like South Africa where the Constitution includes progressive rights in the context of very high socioeconomic inequality (Francis D et al., 2019). Although challenges exist to achieving equality in Latin America, thus meaning the complexities of power and privilege are still shaping societies (Becker M, 2013).

A. Evolution of the right to equality in Indian constitutional law

The historical evolution of equality in the domain of Indian constitutional law is one that is highly complicated, resulting from an intricate interrelation of social justice ideals as opposed to judicial interpretation. Enshrined in the Constitution of India framed for the Declaration of Independence from the colonial era, the Articles 14 to 18 inculcating the tenets of equality are being upheld through them. These provisions have been put to work within the Indian judiciary interpreting them, and that has often been done in cases dealing with marginalized communities' rights. It is notable that the Supreme Court recognizes the right to equality, not only formal equality, but looks particularly to ensure substantive

inequality in the society. However, landmark judgments have expanded the scope of equality with social justice, affirmative action like elements. Thus, the judiciary's responsibilities have grown beyond pure enforcement, which is acting as a catalyst for social transformation as well as taking jurisprudence to the standards of an engaged and evolving society (Peel J et al., 2019)(Orgad L, 2010).

B. Key constitutional provisions concerning the same (Articles 14–18)

Articles 14 to 18 constitute a strong constitutional framework of equality in the Indian Constitution and make the judiciary responsible for its implementation. Article 14 pertains to the right to equality before the law and to equal protection of the laws, the principle upon which anti-discrimination jurisprudence stands on. Articles 15 and 16 explicitly mention religious or racial discrimination, caste, sex, or place of birth in prohibiting discrimination. Article 17 abolishes untouchability and is merely a reflection of the wide spectrum of cases where intervention of Courts is required to prevent citizens misusing their constitutional rights. These provisions collectively oblige the judiciary to regard any law or action that may have the effect of denying equality, showcasing the ongoing strife against stubborn discrimination and the journey in the direction of social equity in India, as talked about in discussions as of now on climate equity and transnational law based regulation, which shows further impacts of these heiedadotes (Chun WHK et al., 2021; Peel J et al., 2019).

3. The Judiciary's Role in Protecting the Right to Equality

Robust interpretation of the concept of equality enshrined in Indian Constitution have been provided by the several judicial pronouncements wherein such pronouncements have formed the basis for nascent societal norm and individual rights. Interestingly, however, the positive changes in respect of the rights of marginalized communities, especially through landmark judgments tackling societal prejudices and legal disparities, have been initiated by the judiciary. Constitution provides for instance Article 14 which talks that equality before law, Articles 15 and 16 prohibit on basis of sex discrimination and judiciary has enforced these provisions in cases relating to LGBTQ+ rights. Most importantly, decriminalisation of Section 377 of the Indian Penal Code, which was conducted not only by those in power in the legislative, executive and judiciary but also by judicial intervention, is a case in point, which has resulted in the radical change in legal frameworks for promoting equality, as is extensively analysed by (Khanna P, 2022) of such transformative legal judgements such as this milestone, affecting the right to equality, the LGBTQ+ community, and the greater debate around human rights and dignity in India. Still, the struggle for acceptance and recognition in the society is a great challenge for many scholars (Francis D et al., 2019).

A. Landmark Supreme Court judgments that shaped equality rights

The history of evolution of equality rights in India is interwoven with plethora of judgments passed by Supreme Court which have expanded the justice and fairness from within the four walls of Constitution. The case of Vishaka v was one such case. Fundamentally reinforcing womens rights in a patriarchal society in desert region in India, State of Rajasthan, where the Supreme Court laid down guidelines of prevention against sexual harassment at the workplace. Similarly, the judgment in Navtej Singh Johar v. This has led to the decriminalization of consensual homosexual acts and the recognition of the dignity and rights of the LGBTQ+ community by Union of India. These rulings show the judiciary's readiness to take up social causes and step into areas where the status quo demands to be challenged. The dedication of the Courts towards the promotion of equality rights is also evident in the fact that the Channels of the Courts are open to even the voiceless and the marginalized through the Public Interest Litigation (PIL) mechanism which enables them to seek redress, this enabling the constitutional promises to transform into social reality

(Sood et al., 2008, Chaudhary A, 2022).

B. The judiciary's approach to interpreting equality in contemporary cases

For, within the verdant Indian jurisprudence, the judiciary has gradually transformed into the wayshifter of the equality gospel, reading the constitutional provisions in sync with the social imperatives of our times. One of the evidence of this dynamic approach is when landmark decisions of this Supreme Court have reinforced the fundamental right to equality by modifying their interpretation to deal with ever changing societal norms. Moreover, in discrimination cases in favour of the marginalized communities, the judiciary has made use of the doctrine of equality in striking down the very laid down injustices and has reinforced that the Constitution is a living one which responds to the current needs (S Chakraborty, 2008). Moreover, the interaction between judicial interpretation and legislative powers has rendered the Basic Structure doctrine a subject to constant reexamination with the court's duty to protect individual rights against the state under the same roof (F Schauer et al., 1995). However, ultimately the judiciary's progressively interpreted notion of equality serves to place it in central role in developing a more inclusive legal framework in India.

4. Challenges Faced by the Judiciary in Upholding Equality

Eating equality under the Indian Constitution, however, the Judiciary has to counter several thorny hitches in its way. A major problem is the judiciary's fight against wider systemic inequalities that afflict society and are perpetuated by caste, class, economic and gender biases. Referring particularly to forced evictions and exploitation in fisheries sector (Blake D Ratner et al., 2014), marginalized communities also feel more susceptible to human rights violations due to domination. Moreover, the interference of the judiciary in public interest litigation recently and passionately is reflecting the notion that judiciary has become more and more active and that is threatening the balance of power amongst governmental branches and can also be considered as an excess authority of judiciary (Mate M, 2013). Thus to overcome these challenges the judiciary's role in ensuring actual equality has to be seen in more rigorous light and therefore an overhaul of the reforms accompanied by laws in place to ensure legal justice as well as social equity within the context of the country's complex sociocultural mosaic has to be attempted.

A. Judicial activism vs. judicial restraint in equality cases

The tension between judicial activism and judicial restraint has a large influence in terms of judiciary enforcing the right to equality in India. In such situations where equality rights are under threat, judicial activism has given the courts the power to interpret constitutional provisions in a broad manner to deal with systemic inequalities. On the contrary, advocates of judicial restraint propose that too much judicial intervention jeopardizes democratic processes, as it may intrude in the legislatures area. This balance, as discussed in the appointment of judges discussions, is stressed upon the independence of judiciary (Qureshi MA, 2025). In a situation where judges make their priority the constitutional morality, they will be able to walk on that thin line between activism and restraint, in such a way that justice can prevail free from the political interference (Salsabila A et al., 2024). The judiciary's approach to equality cases thus can have a tremendous impact on the path forward of civil rights and progress as a society, cementing the judiciary's place as a protector of constitutional values.

B. The socio political influences to judicial decisions on equality.

Socio political dynamics and judicial decision making in the Indian Constitution combine to create the contour of equality. In such a society that is also replete with caste hierarchies and systemic discrimination, courts are continually faced with the task of safeguarding constitutional guarantees while operating within

a society that has a certain set of social norms and expectations. Caste's stubborn endurance as a social determinant of opportunity serves as a pointer to a great challenge to equality in true sense; affirmative action policies formulated to correct caste differential outcomes in matters economic, educational and political have not made much of a difference. Contemporary discussions have highlighted the important role that inherited caste identity plays in life opportunities, which, however, tend to take a backseat in the discussion of inequalities which are more well known and discussed, such as gender and race (Mosse D, 2018). Finally, the judiciary's treatment of these matters tends to reproduce or reduce the importance of these identities in the legal landscape of equality (Montero P, 2018).

5. Conclusion

The analysis of how the judiciary upholds its role in the protection of the right to equality in the Indian constitution applies, a legal principle in conjunction with social and economic realities. Among those who have used courts to arbitrate claims of equality, they have been asked to resolve historical tensions between constitutional mandates and social inequalities. While legislation and adjudication of rights are praiseworthy efforts, the reality is that structural predispositions to inequality engender societal divisions that are reminiscent of what Francis D et al. (2019) point out in their analysis about South Africa's contradictory association between constitutionalism and inequality. The responses of judiciary to urban development and globalization are indicators of considerable implications to the right to equality, as in the evolution of Delhi, which even within economic advancement, socio spatial mismatch penetrated more and more (Véronique Dupont, 2011). Collectively, these tensions must therefore be resolved by way of a more integrated approach, seeking to create cooperation between judicial activism and socio economic reform, aimed at forming the basis for the ideals of equality as laid out by the Constitution to be made a reality for all citizens.

A. Summary of the judiciary's impact on the right to equality

The role of judiciary in evolving right to equality under Indian Constitution has been quite pivotal in shaping it and acting, as some time, as a bulwark against the systemic discrimination and social injustice. Landmark judgments were made by the courts to interpret equality not merely as a formal legal principle, but as a substantive right, inter alia, including different kinds of social or economic inequalities. This judicial activism has meant more protections for marginalized communities and the ability for them to bring claim to oppressive practices and policies. However there is often a tension between the transformative power of judicial interventions and societal power dynamics that mitigate the efficacy of judicial interventions and the entrenched nature of inequality. For example, though the Indian judiciary has made a significant contribution to the expansion of equality, it has struggled to cope up with the contours of economic inequality felt in a country like South Africa whose economy has one of the highest rate of inequality and poverty (Francis D et al., 2019). There is still an urgent need to address these power structures with a view to fostering meaningful equality inside the judiciary's operational framework ((Peel J et al., 2019)).

B. Future prospects for the judiciary in promoting equality under the Indian Constitution

In evolving social landscape of India the social challenges as enshrined in the constitution provide challenges and opportunities to judiciary to foster equality. Depending on how the judiciary interprets the constitutional provisions, future prospects will depend upon how it reads the provisions in the context of changing social realities on matters like caste discrimination, gender equality, economic disparity. In its quest to deal with cases that are a manifestation of systemic inequality, the judiciary still has much to do

to meet its constitutional responsibility, and this can be done by having a proactive judiciary with widened Article 14s definition of equality before the law. Indeed, the judiciary can take greater steps towards playing a larger role including focusing on public interest litigation to keep the marginalized voices out in the open and addressing their issues. The willingness of the judiciary to adapt legal doctrines in order to protect individual rights and maintain the underlying promise of equality written in the democratic framework of Indias constitution will be of primary importance therefore in determining the future trajectory of the judiciary in its attempts to advance equality.

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