Chapter 4: The Role of the Judiciary in Our Society

Exercise 4.1 — Questions and Activities

Q1 Write a model letter to the High Court or Supreme Court about a current social issue you have observed to bring it to the notice of the judiciary.

Guidance: Write a formal letter addressed to the Chief Justice of India (Supreme Court, New Delhi) or the Chief Justice of the relevant High Court. Begin with your name and address, then state the social issue clearly — for example, illegal discharge of industrial waste into a local river, denial of equal pay for equal work, or children being denied access to education. Explain how the issue violates a Fundamental Right (such as the Right to Life under Article 21) or a constitutional provision. Request the court to take suo motu cognisance or accept a Public Interest Litigation (PIL) on the matter. Close respectfully. The letter should be factual, specific, and free from personal attacks.

Q2 Imagine that you are part of the legislature or executive. Given the large number of cases in the judicial system, what are some innovative solutions that you can devise to address the issue?

As a member of the legislature or executive, several steps could help reduce the burden on the judiciary. First, expanding the use of Alternative Dispute Resolution (ADR) mechanisms — arbitration, mediation, Lok Adalats, and Gram Nyayalayas — so that disputes are settled before reaching formal courts. Second, increasing the number of judges and courts, especially at the district and subordinate level where most citizens seek justice. Third, promoting e-filing, hybrid hearings, and digital case management to speed up proceedings. Fourth, passing clear, unambiguous laws to reduce the scope for litigation. Finally, encouraging legal literacy programmes so citizens know their rights and can resolve minor disputes without approaching courts.

Q3 Create a moot court and enact the following cases. What are the considerations that the judge might need to take into account to arrive at a just outcome?
(i) Anita and Sameer worked in a factory that produced different types of screws. They had both completed an Industrial Training Institute diploma and joined the factory together. One day, Anita discovered that she was getting paid less than Sameer for the same job. After many appeals to her boss and no change in her salary, she decided to go to court. Enact this scene from the litigants' perspective, showcasing their respective points of view. What might be the outcome of the case?
(ii) The people of a village living next to a river used its water for drinking and irrigation purposes. Gradually, they began to notice that the clear water was turning a brownish colour and had begun to smell too. Many people were falling sick. They figured that this was due to the effluents that were being discharged by a factory upstream. What are the steps that the residents of the village could take to ensure that the water is clean again?

Guidance for the moot court activity:

(i) Anita vs the Factory (equal pay case): Anita's argument — she and Sameer hold identical qualifications (ITI diploma) and do the same job, yet she receives lower pay solely on the basis of gender, which violates the Right to Equality (Article 14) and the principle of equal pay for equal work. The factory's likely defence — that pay differences are based on performance or seniority. The judge would consider: (a) whether the work is genuinely identical; (b) whether any objective, non-discriminatory reason exists for the pay gap; and (c) constitutional and statutory protections against gender-based wage discrimination. A just outcome would be equalising Anita's pay and possibly awarding back-pay for the period of discrimination.

(ii) Village vs the upstream factory (pollution case): The villagers could file a complaint before the State Pollution Control Board, approach the National Green Tribunal (NGT) for urgent relief, or file a Public Interest Litigation (PIL) in the High Court under Article 226 invoking the Right to Life (Article 21), which includes the right to a clean environment. The judge would weigh the health harm to the community, the factory's obligation to treat effluents, and the need for immediate interim orders to stop pollution while the case is heard. A just outcome would require the factory to install effluent treatment, pay compensation to affected villagers, and restore the river water quality.

Q4 Many eminent individuals from across India have served as Supreme Court or High Court judges. Write an essay about one such individual from your state or district, talking about their contributions as a judge of the Supreme Court or High Court.

Guidance: Choose a judge from your own state or district — your teacher or school library can help identify one. Structure the essay as follows: (1) Introduction — name, state of origin, and the court(s) served on. (2) Appointment and qualifications — educational background, legal career before appointment. (3) Key contributions — landmark judgments authored, areas of law advanced (e.g., environmental protection, fundamental rights, gender justice), and any legal reforms shaped. (4) Legacy — how their work benefited citizens or shaped the law. Model example: Justice P.N. Bhagwati (Gujarat) is credited with pioneering the concept of Public Interest Litigation (PIL) in India, which opened court access to ordinary citizens who could not afford to litigate themselves. Any eminent judge from your region with verifiable contributions is acceptable.

Q5 Have an interaction with anyone you know who is a part of the judicial system. Try to understand their work, the challenges they face, and what gives them satisfaction. Create a small presentation and share it with the class. You can do this in small groups.

Guidance: In small groups, identify someone connected to the judicial system — a lawyer, a judge's clerk, a legal-aid volunteer, a court stenographer, or a magistrate. Prepare 5–7 questions in advance: What does a typical working day look like? What types of cases do you handle? What are the biggest challenges (e.g., large caseloads, delays, language barriers)? What gives you the most satisfaction? What advice would you give to young people interested in law? Record the conversation (with permission) and note key points. In the presentation, include the person's role, highlights of their work, the challenges they described, and what you learnt about the importance of the judiciary in everyday life.