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## Judiciary's Role in the Betterment of Society

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*This article examines the role of the judiciary in enhancing society, particularly by safeguarding human rights, enacting legislation, and promoting harmony. India is a diverse nation that follows democratic principles. In a diverse nation like India, it is important to maintain harmony and peace, for which people in society are provided certain rights and liberties. To enjoy these rights properly, there must be effective implementation of legislation. The judiciary plays a pivotal role in maintaining balance within the organs of state. In this article, an attempt has been made to explain to the readers regarding the judiciary's contribution in society, that is, how the judiciary contributes by protecting human rights, upholding the rule of law, interpreting statutes and eventually maintaining harmony through its active participation in protecting the democratic values of the nation.*

**Keywords:** *judicial independence, human rights, harmony, justice.*

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### INTRODUCTION

The judiciary is the most significant organ of a democratic society as it upholds the democratic principles and secures justice for the smooth governance of the society. Independence of the judiciary is pivotal for guarding human rights and societal legislations; otherwise, there would be no peace and stability in a society that values individual liberty.

The Constitution of India<sup>1</sup> explicitly provides powers and functions of the judiciary for the welfare of the people and society. Each organ of the state has been provided with separate roles and jurisdiction, and therefore, the scope of intervention is reduced.

Human rights must be protected and respected; for this, several rules and legislations are framed by the state, which need to be strictly adhered to by society. But sometimes the state does not provide a proper mechanism for the effective implementation and maintenance of these rules. Consequently, the judiciary becomes active and plays a key role in safeguarding those rights.

The judiciary has been provided with the major responsibility of protecting the rights of individuals and maintaining harmony in society, for which the courts have to check the legality and effectiveness of laws and their effective implementation. If a proper mechanism is followed, there would be less chaos, and people would be able to enjoy the liberties that they are born with.

If people in the society have no rights or their rights are continuously infringed, the courts must take necessary steps for the protection; otherwise, a state having no protection would hardly have any development. Therefore, for a state to grow in a rich manner, the people must be kept happy and safe, and this could basically be done by safeguarding their rights and liberties.

### IMPORTANT FUNCTIONS OF THE JUDICIARY

There are several important functions that the judiciary is required to perform, and they are as follows:

**Custodian of the Constitution:** The Constitution is the supreme law of the land, binding on all state organs, including Parliament and the State Legislature. The organs must act within the constraints imposed by the Constitution, and their every action must be justified by the Constitution. The Constitution of India<sup>2</sup> provides rights for the protection of people, and the judiciary acts as the guardian in keeping a check on whether these rights are properly being

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<sup>1</sup> The Constitution of India 1950

<sup>2</sup> *Ibid*

exercised by the people or not. The judiciary ensures that the law and rules are followed by society without any hindrance.

To avoid abuse and promote democracy, it is essential to preserve the balance of power between the wings of the government<sup>3</sup> and the judiciary plays a key role in maintaining this balance, as it is a ray of hope in protecting those rights provided by the Constitution. Therefore, the judiciary acts as a guardian of the Constitution because it protects constitutional rights by upholding its principles and values.

**The Judiciary's role as a custodian of the Constitution can be viewed by the judgments pronounced by the Honourable Apex Court:** The 'basic structure doctrine,' which was established in the 1973 decision of *Kesavananda Bharati v State of Kerala*,<sup>4</sup> states that no constitutional amendment can change the core principles of the document.<sup>5</sup>

- In *Maneka Gandhi v Union of India*<sup>6</sup> was held that the 'right to life and personal liberty' included the right to a life of dignity.<sup>7</sup>
- The *Minerva Mills v Union of India*<sup>8</sup> decision reaffirmed the harmony between directive principles and basic rights, highlighting the fact that neither may supersede the fundamental principles of the Constitution.<sup>9</sup>
- In a similar vein, the Court protected federalism by limiting the abuse of Article 356 in *S.R. Bommai v Union of India*.<sup>10</sup>
- The 2018 ruling in *Navtej Singh Johar v Union of India*<sup>11</sup> upheld the protection of individual rights by decriminalising consensual homosexuality under section 377 of the Indian Penal Code 1860<sup>12</sup>.

The Supreme Court's role as the guardian of the Constitution is essential to maintaining the integrity of democratic governance. By ensuring that constitutional ideals are acknowledged

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<sup>3</sup> 'Supreme Court: Guardian of the Constitution' (*Asian Law College*, 28 December 2024)

<<https://alc.edu.in/blog/supreme-court-guardian-of-the-constitution/>> accessed 20 October 2025

<sup>4</sup> *Kesavananda Bharati Sripadagalvaru and Ors v State of Kerala and Anr* (1973) 4 SCC 225

<sup>5</sup> Supreme Court: Guardian of the Constitution (n 3)

<sup>6</sup> *Maneka Gandhi v Union of India* AIR 1978 SC 597

<sup>7</sup> Supreme Court: Guardian of the Constitution (n 3)

<sup>8</sup> *Minerva Mills Ltd. & Ors v Union of India & Ors* (1980) 3 SCC 625

<sup>9</sup> Supreme Court: Guardian of the Constitution (n 3)

<sup>10</sup> *S R Bommai v Union of India* (1994) 3 SCC 1

<sup>11</sup> *Navtej Singh Johar & Ors v Union of India Thru Secretary Ministry of Law and Justice* (2018) 10 SCC 1

<sup>12</sup> Indian Penal Code 1860, s 377

and upheld, the Court protects individual rights, upholds the balance of power, and advances the rule of law. As societies evolve and new problems arise, the Supreme Court must continue to interpret and apply the Constitution in ways that promote justice, equity, and liberty for all.<sup>13</sup>

**Protector of Human Rights:** The Constitution and other legislation provide for human security and liberty. If any threat appears to human dignity and security, the honourable court actively participates to protect their rights.

For example, the increasing cases of illegal arrest and custodial torture resulted in the pronouncement of judgments by the Honourable Supreme Court, including D.K. Basu<sup>14</sup> where the court signified the necessity of proper arrest procedure and laid down guidelines regarding the same. And in the case of Nilabati Bahera,<sup>15</sup> the court clearly held that custodial violence is against human dignity and it is a violation of Article 21 of the Constitution. The Hon'ble Court has given many such judgments which show that the judiciary never takes a step back but always comes forward to protect the rights of an individual.

**Maintain Social Justice in Society:** The judiciary maintains peace in society by ensuring justice. Maintaining justice in a society is not an easy task that the judiciary can single-handedly manage, but with the cooperation of other state organs, the efficiency improves. For example, if the legislative organ formulates beneficial legislation for the downtrodden members of the society then the executive authority must also work towards its effective implementation otherwise those in need would never get the benefits of such legislation and if these authorities do not perform their respective roles then the judiciary has to maintain checks and balances ensuring that the members of society are not being exploited by those having powers in their hands, that is the judiciary has to keep a check to avoid any abuse in the social sphere.

For example, women and children are considered as the vulnerable class of a society and to protect their rights certain legislations are made, in case of absence or lack of any regulation

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<sup>13</sup> Supreme Court: Guardian of the Constitution (n 3)

<sup>14</sup> *Shri D K Basu, Ashok K Johri v State of West Bengal, State of UP* AIR 1997 SC 610

<sup>15</sup> *Smt Nilabati Behera Alias Lalit Behera v State of Orissa & Ors* (1993) 2 SCC 746

which a society requires the judiciary steps in to fill that gap and guides the state in the form of guidelines such as the **Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013**<sup>16</sup> that was introduced after the Hon'ble Supreme Court laid down Vishakha guidelines in the case of *Vishakha and Ors. v State of Rajasthan*<sup>17</sup>, which was a necessary step as there was no legal framework to protect women against sexual harassment at the workplace. It was only after the judiciary's intervention that the state formulated legislation to protect the fundamental rights of women.

Another important role that the judiciary plays is through judicial activism and PIL. For example, PIL has contributed to dealing with environmental issues, as in the case of *Rural Litigation and Entitlement Kendra, Dehradun v State of Uttar Pradesh (Doon Valley Case)*,<sup>18</sup> a PIL was filed because the limestone quarrying in the Doon Valley was disturbing the environmental balance. The Supreme Court ordered the closure of mining operations for the purpose of maintaining ecological balance.

These are a few examples where the judiciary came forward to maintain a peaceful and just society by providing a healthy environment to its members.

**Interpretation and Application of Laws:** If a law is formulated with a specific purpose and no meaning is attached to it, then that law will become futile, as a correct interpretation is necessary for an effective implementation of legislation so that it can achieve the purpose for which it was created.

One of the most important functions of the judiciary is to interpret the law to make its application convenient for society. There are several ways in which the judiciary interprets a statute, including the literal rule, the purposive approach, the golden rule, the harmonious construction, etc. Judiciary follows a specific approach while interpreting laws, and while doing that, it considers the aim for which that law was created.

**For example**, in the case of *Smith v Huhges*<sup>19</sup>, the court applied the mischief rule and stated that the reason for which the Street Offences Act 1959<sup>20</sup> was enacted was to make people walk

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<sup>16</sup> Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013

<sup>17</sup> *Vishakha and Ors v State of Rajasthan & Ors* (1997) 6 SCC 241

<sup>18</sup> *Rural Litigation and Entitlement Kendra, Dehradun & Ors v State of Uttar Pradesh & Ors* (1985) AIR 652

<sup>19</sup> *Smith v Huhges* [1870] LR 6 QB 597

<sup>20</sup> Street Offences Act 1959

down the streets freely and to restrict the nuisance caused by sex workers by soliciting people in a street or public place. The defendants raised the contention that they were not physically present in the street or public place but were standing in the balconies. The court in this case applied the mischief rule for interpretation and stated that the main aim of the Street Offences Act, 1959, was to curb the nuisance or solicitation by the common sex workers so that people could walk down the streets freely. Thus, it was held that those soliciting the passers-by, even from a window, balcony or door, would be held guilty under the Street Offences Act, 1959.

### **HOW THE JUDICIARY PROTECTS HUMAN RIGHTS?**

People living in a society must feel secure, and for their security, the state has provided many rights to them. However, the rights that are provided are sometimes infringed upon by some agencies of the state or by the people themselves, creating chaos in society. Therefore, to protect the rights of individuals and for the purpose of maintaining harmony in society, an independent judicial system is required.

The judiciary plays a crucial role in safeguarding human rights by upholding democratic principles. It is for the benefit of humans that rights are created; thus, it is the obligation of the state and judiciary to help people enjoy their rights. For example, fundamental rights under the Constitution of India are provided for the people and in case of their violation, the affected individual can directly approach the Supreme Court under Article 32 or to High Court under Article 226 of the Constitution of India.<sup>21</sup>

Apart from this, the Hon'ble Court has also expanded the scope of the rights of individuals. For example, the Constitution of India has provided the right to the protection of life and personal liberty, but the Supreme Court has widened its scope and interpretation through various judgments. This has only been done for the protection of the rights and dignity of individuals.

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<sup>21</sup> Constitution of India 1950, art 226

Some important cases where the court has given a wider interpretation of existing rights are as follows –

*Francis Coralie Mullin v Union Territory of Delhi*,<sup>22</sup> the court in this case held that the word ‘life’ in Article 21 implies not a vegetative life but a life with dignity and honour, that is, anything that provides dignity to an individual will be considered a part of the term ‘life’ under Article 21. Here, the court has provided a wider interpretation of Article 21.

In the case of *DK Basu v State of West Bengal*, the court laid down certain guidelines to be followed before the arrest of an accused, as the accused has a right to know the reason prior to arrest, so that he could at least manage to get legal help. Also, the court stated that custodial torture and death are a violation of Article 21, which provides an individual the right to live a dignified life. The court held that for any kind of violence in the custody, the police authorities will be made liable.

This clearly shows that the Hon’ble Court has never accepted anything that violates human rights.

Protection of Women from Domestic Violence Act 2005 was enacted to protect women, but there was no clarity regarding the status of live-in partners, that is, whether they are eligible to file under this Act so, the Hon’ble Court in the case of *Indra Sarma v VKV Sarma*<sup>23</sup> laid down certain guidelines for a better understanding of which relationships will fall under the umbrella of marriage. And in the case of *Lalita Toppo v State of Jharkhand and Another*,<sup>24</sup> the court held that a live-in partner can seek maintenance under the DV Act. These judgments display the active participation of the judiciary in the protection of women’s rights.

To protect the rights of children, the **Protection of Children from Sexual Offences (POCSO) Act 2012** was introduced, and the court has provided several clarifications regarding its provisions. In the case of *Nipun Saxena v Union of India*<sup>25</sup> court held that the identity of victims should not be revealed by any agency except in cases where the court itself has permitted, keeping in mind the interest of the child.

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<sup>22</sup> *Francis Coralie Mullin v The Administrator, Union Territory of Delhi & Ors* (1981) AIR 746

<sup>23</sup> *Indra Sarma v V K V Sarma* (2013) 15 SCC 755

<sup>24</sup> *Lalita Toppo v State of Jharkhand and Another* (2018) 16 SCC 796

<sup>25</sup> *Nipun Saxena & Anr v Union of India & Ors* (2019) 2 SCC 703

The court not only provides a better interpretation for giving numerous rights to its people, but the main aim of the court is to serve justice by protecting human rights in various ways. The court consistently works towards providing a resolution to the arising disputes just to give better access to rights to individuals in society, which shows that the court attempts to provide justice in society.

## JUDICIARY AND RULE OF LAW

John Adams used the historic phrase 'a government of laws and not of men.'<sup>26</sup> It could be understood from this phrase that a society must be governed by the rule of law, and power must not be concentrated in the hands of a few people. This is what the rule of law advocates, that is, it is a legal principle which supports equality, justice, accountability, transparency, prohibition of arbitrary powers, supremacy of laws of a nation, and the most importantly all is independence of the judiciary.<sup>27,28</sup>

Independence of the judiciary is a significant tenet of the rule of law, as it helps to protect the rule of law and provides justice to people in a society.

Laws made in a state must be certain and within the legal principles that a nation follows. For example, in India, the Constitution is the grundnorm, and all the legislation must follow the constitutional principles; otherwise, the law could be declared ultra vires. Also, the legislative authority must exercise its powers within the Constitution to formulate any law. If the legislative authority works beyond its powers, the judiciary has the authority to declare the rules as null and void; this way, independence of the judiciary protects the rule of law.

Thus, no one is above the law, and it is the rule of law that governs a state.

An independent judiciary provides an effective system of resolution in case a dispute arises, which serves the purpose of the rule of law that includes a free and speedy process of trial,

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<sup>26</sup> Hon'ble Justice A V Chandrashekar, 'ROLE OF COURTS IN UPHOLDING THE RULE OF LAW' (*High Court of Karnataka*) <[https://judiciary.karnataka.gov.in/kjablr/assets/articles/Role\\_of\\_Courts\\_in\\_Upholding\\_Rule\\_of\\_Law.pdf](https://judiciary.karnataka.gov.in/kjablr/assets/articles/Role_of_Courts_in_Upholding_Rule_of_Law.pdf)> accessed 20 October 2025

<sup>27</sup> 'Rule of Law, History, Principles, Important Factors, Significance' (*Vajiram and Ravi*, 03 December 2025) <<https://vajiramandravi.com/upsc-exam/rule-of-law/>> accessed 20 October 2025

<sup>28</sup> 'What Is the Rule of Law?' (*European Commission*) <[https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/what-rule-law\\_en](https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/what-rule-law_en)> accessed 20 October 2025



as the honourable judges are not controlled by the legislative authorities in a democratic state, and they move forward keeping in mind the constitutional values and principles, thus the process of fair trial remains unhindered.

Therefore, threats to the independence of the judiciary worry the free flow of justice, as unfair state practices may take a toll on people's liberty, which makes them suffer. Also, it can create difficulties in dealing with the legislative disputes.<sup>29</sup>

**Rule of Law under the Indian Constitution:** The rule of law is the guiding principle of the Indian Constitution. The principles of justice, liberty, fraternity, and equality are the pillars of the Constitution mentioned in the Preamble, which essentially form part of the rule of law, and in case of violation of these principles, an individual can easily approach the court.

Article 14 guarantees the right to equality before the law and equal protection of laws, which is it believes everyone is equal before the law and no one is above the law.<sup>30</sup> Also, the law protects each person in society irrespective of their caste, religion, sex or gender. This is what the rule of law also advocates and preaches.

Article 19<sup>31</sup> of the guarantees freedom of speech and expression, and if this freedom is curtailed without any reasonable restriction, then the individual can easily approach the court for its protection, and in this case, also the judiciary will protect the freedom of people, which ultimately upholds the rule of law.

Article 21<sup>32</sup> protects the life and liberty of individuals, which cannot be curtailed except through the procedure established by law, and it also forms the basis of the rule of law.

The power of judicial review is provided to the court, and if there is any inconsistency in the laws made by the state, the power of judicial review can be exercised.

**Judgements related to the Rule of Law:** The Hon'ble Court has pronounced several judgments where it has emphasised the importance of the rule of law.

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<sup>29</sup> Lisa James and Jan van Zyl Smit, 'The rule of law: what is it, and why does it matter?' (*The Constitution Unit Blog*, 15 December 2022) <<https://constitution-unit.com/2022/12/15/the-rule-of-law-what-is-it-and-why-does-it-matter/>> accessed 20 October 2025

<sup>30</sup> Chandrashekar (n 26)

<sup>31</sup> The Constitution of India 1950, art 19

<sup>32</sup> The Constitution of India 1950, art 21

In the case of *Kesavananda Bharati v. State of Kerala*,<sup>33</sup> the court laid down that the basic structure doctrine is fundamental to the Constitution, and it cannot be amended by the legislative authorities. The court also discussed that the principle of the rule of law forms part of the basic structure doctrine.<sup>34</sup>

In the case of *Indira Gandhi v Raj Narain*,<sup>35</sup> the court held that the doctrine of the rule of law is a part of the basic structure of the Constitution.<sup>36</sup>

In *Som Raj v State of Haryana*,<sup>37</sup> the court held that the doctrine of the rule of law emphasises justice and liberty, which subsequently negates the existence of arbitrary powers; thus, where the rule of law prevails, arbitrariness cannot exist in that society.<sup>38</sup>

In *Veena Seth v State of Bihar*,<sup>39</sup> the honourable court, while emphasising the importance of the rule of law, clearly stated that this principle applies to the whole society, irrespective of their social or economic status.<sup>40</sup>

The judiciary in this case also signified that no one is above the law and the rights of an individual will always be preferred over the arbitrary use of powers by the state.<sup>41</sup>

### **How do Courts uphold the Rule of Law?**

The judiciary has played a great role in interpreting and expanding the principle of the rule of law. It could be understood from the judgments that the honourable Supreme Court has

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<sup>33</sup> *Kesavananda Bharati Sripadagalvaru and Ors v State of Kerala and Anr* (1973) 4 SCC 225

<sup>34</sup> K R Adithyaa Shankar, 'Evolution of Rule of Law and Action in India' (*Academike*, 02 September 2024) <<https://www.lawctopus.com/academike/evolution-of-rule-of-law/>> accessed 20 October 2025

<sup>35</sup> *Indira Nehru Gandhi v Shri Raj Narain & Anr* (1976) 2 SCR 347

<sup>36</sup> Rule of Law, History, Principles, Important Factors, Significance (n 26)

<sup>37</sup> *Som Raj & Ors Etc v State of Haryana & Ors Etc* (1990) AIR 1176

<sup>38</sup> Tanya Sharma, 'RULE OF LAW: A DETAILED ANALYSIS' (2020) 8(10) *International Journal of Creative Research Thoughts* <<https://www.ijrt.org/papers/IJCRT2010155.pdf>> accessed 20 October 2025

<sup>39</sup> *Mrs Veena Sethi v State of Bihar & Ors* (1982) 2 SCC 583

<sup>40</sup> Sharma (n 38)

<sup>41</sup> 'Indefinite Detention of Mentally Incapacitated Prisoners and the Role of Public Interest Litigation: Analysis of *Veena Sethi v. State of Bihar*' (*Case Mine*, 12 May 1982)

<<https://www.casemine.com/commentary/in/indefinite-detention-of-mentally-incapacitated-prisoners-and-the-role-of-public-interest-litigation-analysis-of-veena-sethi-v.-state-of-bihar/view-::~:~:text=The Court's legal reasoning is,misuse of the detention system>> accessed 20 October 2025

pronounced, and they have acted in favour of the advancement of society in terms of social justice.<sup>42</sup>

For example, in the case *E.P. Royappa v State of Tamil Nadu*<sup>43</sup>, the court established the principle that arbitrariness is antithetical to equality, and if there is any illegal action taken by the state, it can be struck down, as nothing can be accepted that is against the principle of the rule of law.<sup>44</sup> This decision was taken for the welfare of the society because justice must not only be done, but must also seem to be done, as laid down by Lord Hewart.

Thus, it can be easily said that the judiciary plays a key role in upholding the principle of the rule of law and keeps in check the legislative authority, whether the authority is not overreached in terms of formulating rules and policies. The courts can exercise the power of judicial review, and this subsequently results in maintaining the legality of the rules.

## GUARDIAN OF LEGISLATIONS

The Constitution of India has given separate powers to the organs of state, and it also provides for the independence of the judiciary under Article 50.<sup>45</sup> It is the duty of the legislative authority to formulate laws, and it is the responsibility of the judiciary to check the validity of those laws. If the legislations are ultra vires or not constructed under the authorised system, then the judiciary has been given the power to declare it null and void by exercising the power of judicial review, which is provided under Article 13.<sup>46</sup>

The judiciary is not only concerned with the validity of legislation but also with the effective implementation; that is, if a set of principles or guidelines is suggested by courts for formulating policies, the court reviews or asks for the same from the respective authorities for effective implementation to provide benefits to society.

Apart from the implementation of laws, a valid interpretation is also necessary for effectiveness, which ultimately safeguards the purpose of the enactment of the law;

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<sup>42</sup> Shraileen Kaur, 'Rule of Law' (*iPleaders*, 05 July 2022) <[https://blog.ipleaders.in/rule-of-law-2/-Rule\\_of\\_law\\_and\\_the\\_judicial\\_system\\_of\\_India](https://blog.ipleaders.in/rule-of-law-2/-Rule_of_law_and_the_judicial_system_of_India)> accessed 20 October 2025

<sup>43</sup> *E P Royappa v State of Tamil Nadu & Anr* (1974) SCR (2) 348

<sup>44</sup> Sakshi Kuthari, 'E. P. Royappa vs. State of Tamil Nadu & Another (1973)' (*iPleaders*, 02 June 2024) <<https://blog.ipleaders.in/e-p-royappa-v-state-tamil-nadu-mala-fide-abuse-discretion/>> accessed 20 October 2025

<sup>45</sup> Constitution of India 1950, art 50

<sup>46</sup> Constitution of India 1950, art 13

otherwise, the people could not bear the fruits of justice. For the interpretation of statutes, there are several methods that are employed by the Hon'ble Court, and these include- literal interpretation, the golden rule, the mischief rule, purposive interpretation, the rule of strict interpretation, etc. These rules help them identify any absurdity or to understand the real intent of the legislature. For example, in the case of *Lee v Knapp*<sup>47</sup>, there was no clear understanding regarding the word 'stop', that is, for how long a person should stay or stop after the accident. Here, the court applied the golden principle of interpretation and held that a person must stop for a reasonable time to know or inquire about the person involved.

If there is no clarity or a doubt exists in understanding any provision of a statute then the court may go behind the intent of that statute to have a better understanding for the application purposes, for example after the enactment of 2005 Amendment Act in Hindu Succession Act 1956 there were few doubts regarding the provisions and applicability, in the case of *Manu Gupta v Sujata Sharma*<sup>48</sup> one of the issues raised was related to the position of karta, that is whether a woman can be a karta or not. The court clarified the doubts and held that once a daughter has been made a coparcener and placed on the same footing as a son, she cannot be denied any rights which a son is also entitled to. Therefore, the recognition of a coparcener carries the incident of becoming a karta.

Another fundamental role that the judiciary plays is upholding the rule of law by protecting democratic principles. This way, the judicial system guards the legislation of society and contributes to the betterment of a nation.

## ROLE OF JUDICIARY IN MAINTAINING HARMONY IN THE SOCIETY

To maintain social order in a society, judicial independence is a must because executive action sometimes lacks efficiency in maintaining harmony.

The system of checks and balances that a society requires for better governance is ultimately the consequence of an independent judiciary or credible judges who believe in the values and principles of a democratic system, as good governance<sup>49</sup> and harmony in a society are

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<sup>47</sup> *Lee v Knapp* [1967] 2 Q B 442

<sup>48</sup> *Sujata Sharma v Manu Gupta* (2016) 226 DLT 647

<sup>49</sup> Justice Y K Sabharwal, 'ROLE OF JUDICIARY IN GOOD GOVERNANCE' (*High Court of Punjab and Haryana, Chandigarh*)

<[https://highcourtchd.gov.in/sub\\_pages/left\\_menu/publish/articles/articles\\_pdf/goodgovernance.pdf](https://highcourtchd.gov.in/sub_pages/left_menu/publish/articles/articles_pdf/goodgovernance.pdf)>  
accessed 13 December 2025

essentially based upon the protection of democratic principles and, most importantly, the rule of law. Therefore, the independence of the judiciary has a key role to play in the protection of a society.

If the judges work within their domain independently without any prejudice, public confidence in the judicial system is roused. And having faith in the judiciary gives them a sense of integrity and social security.<sup>50</sup> This way, people willingly follow the rules and policies to maintain a peaceful environment, and if people realise that the judiciary functions independently of other state organs, their faith in the judicial system becomes unshakeable.

The judiciary has actively participated in dealing with any kind of issue that arises in society related to the environment, gender, religion, caste, administration, education, etc. Disputes arise in many sections of society regarding multiple things, but the judiciary comes forward to settle them and thus ensures better governance in society.<sup>51</sup>

**The following are the reasons why the judiciary maintains harmony in society:<sup>52</sup>**

- A fair and unbiased judicial system makes decisions independently.
- The system of checks and balances helps to maintain harmony among the organs of state.
- Protecting human rights and liberties.
- Providing a better interpretation of statutes.
- Giving a wider interpretation to the existing rights of individuals.
- Resolving disputes without any outside interference.

## CONCLUSION

The state has been given the responsibility to formulate laws regarding the protection of human rights, but when the state agencies fail to protect the hopes of people, it is the judiciary

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<sup>50</sup> Meena Panickar, 'The Role of the Judiciary in Democratic Societies' (*Judicial Process and Administration*) <<https://ebooks.inflibnet.ac.in/lawp02/chapter/the-role-of-the-judiciary-in-democratic-societies/>> accessed 20 October 2025

<sup>51</sup> Sabharwal (n 49)

<sup>52</sup> Prashant Ranjan, 'The Power Of Courts: Safeguarding Justice And Upholding The Rule of Law' (*Legal Service India*) <<https://www.legalserviceindia.com/legal/article-11677-the-power-of-courts-safeguarding-justice-and-upholding-the-rule-of-law.html>> accessed 20 October 2025

that comes forward with the idea of safeguarding human rights and thus maintains harmony in society.

The Constitution of India guarantees rights to its people, and the judiciary is assigned the responsibility of upholding those rights. An unbiased and independent approach of the judiciary helps to maintain equilibrium in society. If the rights of an individual in a society are not protected, the people would lose their faith, and there would be no development in such a society.

Apart from protecting human rights, the judiciary is also given the responsibility of maintaining balance in a society by keeping a check on the system, that is, no organ of the state is misusing or overreaching the respective roles assigned to it. Therefore, the courts are also entitled to check the validity of legislation passed and can suggest to the legislature to provide certain rights to people or to the executive for an effective implementation.

All the roles and responsibilities that the judiciary is assigned, if performed religiously, can maintain harmony and peace in society. For this, independence and an unbiased approach are necessary in the judicial system so that the judges can work according to the legal principles and uphold the rule of law.