



Was the social justice bench of the Supreme Court a failed idea?

A reason for doing away with the social justice bench could be that in the one year of its existence, the bench did not deliver a single judgment



All the cases heard by the social justice bench have been re-distributed among various benches of the court.
Photo: Mint

New Delhi: In December 2014, then chief justice of the Supreme Court constituted the social justice bench to hear cases concerning socially marginalized groups. A bench comprising justices Madan B. Lokur and U.U. Lalit was to sit every Friday at 2pm.

Given the increasing pile of public interest litigation questioning state action, the move seemed much needed. The bench also heard fresh cases and in certain instances took suo moto cognizance (the court taking up a case on its own). The bench heard cases on issues such as rehabilitation of Kashmiri Pandits, exploitation of children in orphanages in Tamil Nadu, monitoring of rehabilitation of those impacted by the construction of the Sardar Sarovar dam, monitoring of the Nirbhaya fund and the fund for rehabilitation of Devdasis in Karnataka.

After a little over a year and with a new chief justice in charge, the social justice bench experiment seems to have been shelved. "The chief justice said that this bench doesn't exist anymore. It was a very hardworking bench and took on a quantum of cases," Colin Gonsalves, a senior advocate, said.

All the cases heard by the bench have been re-distributed among various benches of the court.

A reason for doing away with the social justice bench could be that in the one year of its existence, the bench did not deliver a single judgment. According to a 2014 notification of the court to set up the social justice bench, disposal of cases was one of the bench's mandates.

"In the Supreme Court, several cases relating to the domain of social justice have been pending for years. The Chief Justice of India is of the view that these cases shall be given a specialised approach for their early disposal so that masses will realise the fruits of the rights provided to them by the Constitutional text."

But could disposing cases be a realistic objective for the social justice bench?

"The nature of cases before the social justice bench required constant monitoring and not speedy disposal. When multiple functionaries of the government are involved, if we don't keep track of the progress the issues could get diffused," said Alok Prasanna Kumar, senior resident fellow at the Vidhi Centre for Legal Policy.

One case that the social justice bench heard multiple times was disposed of in its first hearing by a new bench in January. A case was filed by Trained Nurses Association of India seeking parity in pay scales and improved benefits for nurses working in government hospitals in 2011. It was disposed of by a bench comprising justices Anil R. Dave, Shiva Kirti Singh and Adarsh Kumar Goel after the government was directed to take necessary action.

The social justice bench is not the only initiative of the previous chief justice that has been shown the door. The special tax bench, comprising justices A.K. Sikri and Rohinton F. Nariman, which was a hit for its high disposal rate has also been axed. Read: [The apex court's tax bench experiment](#)

"The social justice bench was perhaps the most progressive in the court. Just look at how the judges pull up state and central governments in the most difficult cases," said a lawyer who regularly appeared before the bench and did not want to be identified.

The Lokur-Lalit bench was known for hauling up government officials for ineptitude. "The criminal trial system in Uttar Pradesh is a joke," the bench told the state's top law officer after hearing him in a case about a minor rape survivor being locked up by the police when she went to register a complaint.

The court acted on its own, based on a report by *The Indian Express* (Read: [Women cops put minor 'rape' victim in lock-up](#)) about the issue in 2013.

Recently while hearing a public interest litigation filed by non-profit Swaraj Abhiyan on drought relief to farmers, the court pulled up states (Read: [SC raps states for non-implementation of food security law](#)) for not implementing the food security law.

"When the law extends to the whole of India, why is Gujarat still considering its implementation? Is the state not a part of India?" the court had asked the counsel for Gujarat.

The decision to form special benches or not is the chief justice's prerogative as he is the master of the roster. Justice Thakur has made it abundantly clear since he took over that clearing pendency is his top priority.

But should decisions of the previous chief justices be shelved without an official notification or reasons? "When taking administrative decisions that affect litigants, bar and all citizens of the country, the court should at least be transparent," Kumar said.