

Judicial system - Social justice adjudication - Principle of fairness and equality -

Problem solving approach - *Held*, Prof (Dr) N.R Madhava Menon explains the meaning and contour of social justice adjudication as the application of equality jurisprudence evolved by Parliament and the Supreme Court in myriad situations presented before courts where unequal parties are pitted in adversarial proceedings and where courts are called upon to dispense equal justice. Apart from the socio-economic inequalities accentuating the disabilities of the poor in an unequal fight, the adversarial process itself operates to the disadvantage of the weaker party. In such a situation, the court has to be not only sensitive to the inequalities of parties involved but also positively inclined to the weaker party if the imbalance were not to result in miscarriage of justice. The courts, in such situations, generally invoke the principle of fairness and equality which are essential for dispensing justice. Purposive interpretation is given to subserve the ends of justice particularly when the cases of vulnerable groups are decided. The court has to keep in mind the “problem solving approach” by adopting therapeutic approaches to the maximum extent the law permits rather than “just deciding” cases, thereby bridging the gap between law and life, between law and justice. The notion of access to justice is to be taken in a broader sense. The objective is to render justice to the needy and that means fair solutions to the conflict thereby providing real access to “justice”.

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