

CAMPAIGN FOR JUDICIAL ACCOUNTABILITY AND REFORMS

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Statement on

CJI Suryakant's unconscionable remarks against the marginalised, during two important recent hearings at the Supreme Court

1st February 2026

The Campaign for Judicial Accountability and Reforms (CJAR) strongly deprecates the unconscionable remarks made by the Chief Justice of India, Justice Surya Kant during two important hearings on 29th January. These remarks have attacked people's fundamental rights to work and equality, and diminished faith in the Supreme Court. The verbal observations made in these two important cases, represent a troubling departure from the constitutional discipline, erudition, and restraint expected of a judge occupying the highest judicial office in the country.

First, while dismissing a PIL seeking a comprehensive legal framework and enforcement of minimum wages for domestic workers, Justice Surya Kant observed that “trade unionism has been largely responsible for stopping industrial growth in the country”, that such unionisation doesn't work, that other means (other than such collective bargaining through unionisation) need to be put in place for countering exploitation and strangely, by some perverse logic also suggested that “once minimum wages are fixed, people may refuse to hire. Every-household will be dragged into litigation” and the workers will ultimately suffer.

Such utterances, delivered by the Chief Justice's bench, are not casual remarks. Apart from being reflective of a judge's personal biases, they carry the weight of institutional authority. Such statements can go on to influence how the judiciary at all levels responds to the lived realities of the marginalised. Domestic workers in India have remained outside formal systems of social security with little legal protection. They are exploited due to the lack of a dedicated rights based framework. Chief Justice Kant's statements are factually wrong and dismissive of the structural exploitation of domestic workers. The Constitution requires the government to work towards improving the lot of workers, and remarks such as this demean the efforts of workers fighting for their basic constitutional rights.

Minimum wages are not charity from the state but a fundamental right of workers affirmed by the Supreme Court itself. The Court has through multiple judgements made it clear that non-payment of minimum wages is forced labour and a cognizable offence (See *PUDR v Union of India* (1982) 2SCC 235).

Further the Chief Justice's remarks are dismissive of and misrepresent the central role that trade unions have had in securing minimum wages and fair working conditions for labour. These have been long struggles by trade unions, resulting in hard-won battles for dignity, equality, and social justice. Such utterances by the Chief Justice, risks normalising a regressive and anti-labour discourse that only undermines the judiciary's role as the custodian of social and economic justice, particularly of the most marginalised in the workforce.

These observations are also starkly contrary to the spirit of the judgement given by the Justice Surya Kant in *Ajay Malik v State of Uttarakhand* in January 2025, where taking cognizance of the exploitation

of domestic workers, he had directed that the government constitute a joint committee of experts to recommend a legal framework for the protection and regulation of the rights of domestic workers. The Chief Justices' recent utterance therefore represents a complete volte face.

Second, the order staying the University Grants Commission (UGC) regulations on Promotion of Equity in Higher Educational Institutions 2026 is contrary to the constitution and established principles of statutory interpretation. It is also a dramatic reversal of the court's position on the need for such regulations to protect Dalit, Bahujan and Adivasi students from discrimination on university campuses.

It is well settled law that a statute must be presumed constitutional and cannot be stayed unless there are glaring constitutional defects. No law can be stayed on hypotheticals or imagined effects. This is unfortunately exactly what the Supreme Court has done in this case - presumed lack of legality based on hypothetical scenarios. What is even more incomprehensible is that one of the judges on the bench (Justice Surya Kant) was part of the bench which called for a "strong and robust mechanism" earlier last year.

As unacceptable as the order was, we are also constrained to call out the manner in which the hearing unfolded where unwarranted observations were made on potential "misuse" of the regulations by Dalit, Bahujan and Adivasi students. No empathy was shown towards the student victims of casteist violence. The earlier regulations being revived is no remedy as the Supreme Court itself has acknowledged the lacunae in these regulations.

Further, the Chief Justice's remarks that the UGC regulations amounted to "going backwards" in the goal of attaining a "casteless society" is an insensitive insult to all Indian citizens who continue to suffer from caste based discrimination and oppression. As the head of the judiciary, the Chief Justice cannot feign ignorance of current social realities by iterating a formalistic reading of equality. Those suffering from caste based discrimination require a special protection to further the Constitution's commitment to substantive justice. The Constitutional goal of creating a casteless society can only be fulfilled when victims of caste oppression are provided effective and enforceable remedies. The Chief Justice's ill considered comments and actions have instead reinforced the problem, weakening constitutional protections and emboldened caste-based exclusion.

We urge the Chief Justice of India, Justice Surya Kant, to exercise due restraint during court proceedings and to function in accordance with the standards of judicial conduct and propriety befitting the office he holds. We request the Chief Justice to refrain from making remarks in court that may be perceived as discouraging or demoralising, particularly toward the poor and marginalised.