

# Assessing Judicial Performance: Legalization and Social Dynamics in India

*Prof. K. Sitamanikyam<sup>1</sup>, M. Pardhasaradhi<sup>2</sup>, Vriddhula Dakshayani<sup>3</sup>*

*<sup>1</sup>Professor, Dr B R Ambedkar College of Law, Andhra University*

*<sup>2</sup>Third year LLB student, Dr B R Ambedkar College of Law, Andhra University*

*<sup>3</sup>LLM Scholar, Dr B R Ambedkar College of Law, Andhra University*

“Justice delayed is justice denied”

– Martin Luther King Jr.

**Abstract-** Legalization is a compelling but erroneous assumption that signifies it may be used as an embracing remedy to societal issues. This paper explores the interplay between societal evolution and judicial efficiency, emphasizing the importance of the judiciary as the pinnacle of power in a society that is democratic. A significant transition from fundamental to intricate social structures was brought forth by the reformation, which ushered in a new era of legislation and government. Unfortunately, the judiciary faces considerable issues regarding credibility and efficiency as it attempts to strike a balance between its independence and responsibility, particularly because the judge-to-population ratio is significantly lower compared with what the law commission recommended.

The paper analyses and illustrates how societal sensitivities such as religion, caste, and gender impact on judicial decision-making and its broader social consequences. Through various case studies, it highlights critical issues arising from the disconnect between judicial rulings and societal acceptance, which often creates tension between the principles of "justice delayed is justice denied" and "justice hurried is justice buried". In the culmination, the paper states the point that whilst justice persists as an integral part of democratic society, its efficacy is contingent upon a sophisticated grasp of societal dynamics and the inherent constraints of legal remedies.

**Keywords:** Legalization, Judicial Efficiency, Societal Sensitivities, Societal Impact.

## I. INTRODUCTION

Legalization is not an absolute panacea. In a manner reminiscent of the dispersion of light through a prism, the evolution of non-temporal societies reflects a fundamental law of change. The Enlightenment era stands as a transformative

milestone in human society, marking a shift from primitive to advanced intellectual and societal frameworks. This period, characterized by a move from savagery to scientific reasoning, elevated human civilization and facilitated the establishment of structured governance and the rule of law, achieving a pinnacle through natural selection. Much like how white light disperses into various colours when passing through a prism, societal evolution results in diverse manifestations of power and authority. Among these, the judiciary occupies a unique position within democratic systems. As an institution of supreme authority, the judiciary is distinguished by its appointment rather than election, which can lead to issues of accountability and transparency. The challenge lies in whether the judiciary is obligated to remain informed and responsive to societal adversities, given its role is defined by the will of the people. This dynamic often leads to complexities in implementation and raises questions about the credibility of judicial decisions.

In this context, the analogy of light failing to pass through a prism aptly illustrates the difficulties encountered in the effective operation of constitutional mechanisms. The judiciary's profound responsibility to navigate and administer constitutional laws can be obscured by the inherent complexities of its role, leading to potential deviations from its intended function. Among such venerable conditions, as per the target recommended by Law Commission's 1987 report recommending 50 judges per million population, presently the judge-population ratio in the country works out to be

<sup>1</sup> Professor, Dr B R Ambedkar College of Law, Andhra University.

<sup>2</sup> Third year LLB student, Dr B R Ambedkar College of Law, Andhra University.

<sup>3</sup> LLM Scholar, Dr B R Ambedkar College of Law, Andhra University.

approximately 21 judges per million population<sup>4</sup> and the complex structure leading to a heavy backlog of cases with under-established fast-track courts. This results in a clash between the theories of "justice delayed is justice denied" and "justice hurried is justice buried," which is a vehement reason for judicial despair. Now, let me highlight the predominant strong interest inclined towards divergent stigma, insecurities, identity, and pride which are recognized as religion, caste, and gender sensitive issues mostly used for vice rather than wisdom. For certain reasons, these sensitive notions tend to influence people at societal and psychological levels.

## II. THE IMPACT OF LEGALISATION ON THE EFFICIENCY OF THE JUDICIARY

The imposition of legislation addressing these sensitive notions is anticipated to eventually restore order and stability, regardless of the odds that they might initially trigger chaos in society. The interplay between legalization and judicial efficiency represents a complex and critical issue with significant ramifications for the administration of justice. Legalization is defined as the formalization or enactment of practices and norms into law that affects the operational efficacy of the judiciary. This often entails the transformation of previously informal or unregulated activities into structured legal frameworks, which can influence judicial performance in multifaceted ways. Truly, the efficiency of the judiciary is the confidence on legalization over the rough ride in societies, such as its ability or its potential duty to stand as final controller of power, possession and influence. Greatly, such efficiency is built through serenity in judicial process than succumbing to chaos in society over the social and individual issues .it brought profound difference in believing judiciary, adding up sometimes legalization by judiciary is prolonging practise which grown customary to resolve issues. The confidence is being emphasized, a psychologically knowledgeable society where the other side may feel inefficient but is forbidden to forfeit sight of its supremacy over these sorts of issues.

<sup>4</sup> [https://www.hindustantimes.com/cities/delhi-news/indias-judge-population-ratio-stands-at-21-law-minister-tells-ls-101702050805063.html#google\\_vignette](https://www.hindustantimes.com/cities/delhi-news/indias-judge-population-ratio-stands-at-21-law-minister-tells-ls-101702050805063.html#google_vignette).

Legalization often involves codifying norms, practices, or previously informal arrangements into formal legal statutes or regulations. This process can encompass a wide range of activities, including the decriminalization of certain behaviours, the establishment of regulatory frameworks for emerging industries, or the formalization of new rights and protections. The intent behind legalization is generally to create a structured legal environment that promotes fairness, accountability, and predictability. However, the impact of legalization on the judiciary is not uniform. The effects can vary significantly depending on the nature of the legislation, the pre-existing legal framework, and the specific challenges faced by the judicial system. Thus, a nuanced examination is required to fully understand how legalization influences judicial efficiency.

P. M. Bakshi's "A Commentary on the Indian Constitution"<sup>5</sup> offers a thorough exploration of the Indian Constitution and its judicial interpretations, focusing on the interplay between legalization and judicial efficiency. Bakshi argues that a well-defined legal framework is essential for the judiciary to operate effectively, as it provides a structured foundation for adjudicating disputes and upholding rights. However, the presence of comprehensive legal provisions alone does not guarantee enhanced judicial efficiency. The effectiveness of the judiciary also hinges on factors such as the quality of legal interpretation, procedural efficiency, and the ability of judicial institutions to manage their caseloads effectively.

Bakshi's analysis reveals that while legalization is intended to streamline legal processes and foster consistency, it can also introduce complexities that may challenge judicial efficiency. He emphasizes that judicial efficiency is not solely a result of legal formalization but also depends on the judiciary's capacity to adapt to practical challenges and evolving contexts. Therefore, although legalization plays a critical role in shaping legal standards and norms, its impact on judicial efficiency is intricate. It necessitates ongoing reforms and administrative improvements to ensure that the judiciary can effectively uphold and interpret the law.

One significant aspect highlighted by M.P.Jain in his book "Indian Constitutional Law"<sup>6</sup> is the limitations

<sup>5</sup> Volume No. 1, P.M.Bakshi, A commentary on the Indian Costitution.

<sup>6</sup> Volume No. 1, M.P.Jain , Indian Constitutional Law .

inherent in the legal system itself. Legal frameworks, as outlined in the Indian Constitution, are designed to address specific issues through a structured approach. However, as Jain emphasizes, the mere presence of legal provisions does not automatically resolve underlying societal problems. For instance, while the Constitution provides for fundamental rights, their enforcement often encounters practical challenges. The judiciary's role in interpreting these rights is crucial, yet the legal system's effectiveness is sometimes constrained by socio-economic realities and institutional limitations. Jain's analysis underscores that legalization is not always a cure-all due to the interpretative nature of the judiciary. The Constitution's provisions are often broad and require judicial interpretation to apply to specific cases. This process is influenced by the prevailing social and political context, which can affect how laws are interpreted and implemented. Jain's work illustrates that the outcomes of legal disputes often depend on the judges' perspectives and the broader socio-political environment, rather than solely on the legal text itself.

One of the principal arguments supporting legalization is its potential to enhance judicial efficiency by establishing clear and structured legal guidelines. By codifying practices and norms into law, legalization reduces ambiguity and uncertainty, which can streamline legal proceedings and promote more consistent and predictable judicial outcomes. Furthermore, the process of legalization can be both resource and time intensive. Drafting, debating, and enacting new legislation demands significant effort from legislators, legal experts, and various stakeholders, which can divert attention and resources from other crucial judicial functions, potentially impacting overall efficiency. Moreover, implementing new laws often necessitates modifications to existing legal structures, including the training of judicial personnel and the adaptation of administrative systems. These transitional phases can temporarily disrupt judicial operations, leading to inefficiencies in the system. The legalization of certain practices and beliefs, aligned with current social trends, provides increased clarity that simplifies the adjudication process. This, in turn, reduces the burden on courts by minimizing disputes

related to the interpretation of vague or outdated laws.

### III. SOCIETAL SENSITIVITY AND ITS INFLUENCE ON JUDICIAL DECISION-MAKING

Laws are not created solely to grant liberty or impose restrictions but to ensure adherence to a civilized lifestyle, which is a fundamental philosophy of living. Traditional ways of living, such as those based on dharma, Vedic principles, and customary practices, continue to influence contemporary legal systems and maintain a hierarchical relationship with modern laws. However, the essence of law lies in its ability to reflect and adapt to the dynamic nature of society. For instance, the introduction of three new criminal laws illustrates the legal system's responsiveness to the evolving needs of today's society. In the old criminal laws adultery was considered as a crime under section 497 of the Indian Penal Code and later decriminalised in the year of 2018, but in the new criminal laws which were drafted to meet the contemporary needs of the society, adultery was not criminalised.

Referring to the 248<sup>th</sup> Report of the Standing Committee of the Rajya Sabha on the Bharatiya Sakshya Samhita, the CJI said, "The growing scope of technology and new age crime which use the digital landscape to create networks of collaborative units to commit crimes cannot be pinned to an investigative situs. This has presented challenges in investigation of crimes, admission of evidence and prosecution, as well as justice delivery." While the new criminal laws create provisions that in sync with the current times, the CJI said that there is a case for investing in accompanying infrastructure. "This naturally means that we must heavily invest in capacity building of our forensic experts, conduct training of investigating officers, and invest in our court system. Key provisions of the new criminal law would only produce a positive impact if these investments are made as soon as possible."<sup>7</sup>

Judicial decisions in democratic societies are often subject to significant societal influences, which can impact their implementation and efficacy. This phenomenon is particularly evident in cases where judicial rulings, though constitutionally sound, encounter resistance or modification due to

<sup>7</sup> <https://www.thehindu.com/news/national/new-criminal-justice-laws-signify-watershed-moment->

[for-our-society-says-chief-justice-of-india-chandrachud/article68087186.ece/amp/](https://www.thehindu.com/news/national/new-criminal-justice-laws-signify-watershed-moment-for-our-society-says-chief-justice-of-india-chandrachud/article68087186.ece/amp/)

prevailing social pressures. This paper explores three landmark cases in India to illustrate how judgments can be obscured by dominant social forces and the consequences of such interactions on the rule of law and societal harmony.

The case of *Mohd. Ahmad Khan v. Shah Bano Begum* (1985)<sup>8</sup> is a seminal example of how societal pressures can overshadow judicial rulings. In this landmark decision, the Supreme Court of India ruled in favour of Shah Bano Begum, a divorced Muslim woman, granting her maintenance under Section 125<sup>9</sup> of the Criminal Procedure Code. The court's judgment was based on the principle of providing financial support to a divorced woman, reflecting a commitment to gender justice and equality. Despite the Supreme Court's progressive stance, the ruling was met with significant resistance from influential social groups. The dominant Muslim community, which viewed the decision as an infringement upon personal laws, exerted considerable pressure on the then United Progressive Alliance (hereby referred as UPA) government. The backlash from the community, which perceived the judgment as an encroachment on their religious autonomy, led to substantial political and social turmoil.

In response to the widespread discontent, the UPA government enacted the Muslim Women (Protection of Rights on Divorce) Act, 1986. This legislation effectively nullified the Supreme Court's ruling by limiting the scope of maintenance for divorced Muslim women to the provisions of Islamic personal law, rather than the broader framework of Section 125. This legislative action not only demonstrated the significant influence of social groups on legal outcomes but also underscored the challenges in achieving uniform legal standards in a pluralistic society. The *Shah Bano* case highlights the tension between judicial independence and societal pressures. While the Supreme Court's judgment aimed to uphold the principles of justice and gender equality, the subsequent legislative response illustrates how societal and political forces can significantly alter the implementation of judicial decisions. This case serves as a crucial example of

how the effectiveness of legal judgments can be compromised by the prevailing social and political climate.

In *Indian Young Lawyers Association vs The State of Kerala*<sup>10</sup>, popularly known as the Sabarimala Temple case represents a contentious intersection of religious practice and constitutional principles. On September 28, 2018, a five-judge bench of the Supreme Court of India ruled that the exclusion of women from the Sabarimala Temple, based on custom, was unconstitutional. The court's majority opinion held that this practice violated the fundamental right to freedom of religion as guaranteed under Article 25(1)<sup>11</sup> of the Indian Constitution. The verdict struck down Rule 3(b)<sup>12</sup> of the Kerala Hindu Places of Public Worship Rules, 1965, which permitted the exclusion of women based on traditional customs. The decision was hailed as a landmark in advancing gender equality and challenging regressive practices. However, the ruling faced intense backlash from certain segments of the Hindu community, which viewed the judgment as an encroachment on religious freedoms and temple autonomy.

The societal response to the Sabarimala verdict was marked by significant unrest, with protests and demonstrations occurring across Kerala and beyond. The deep-rooted cultural and religious sentiments surrounding the temple's traditions contributed to a polarized response. Despite the court's attempt to uphold constitutional principles, the implementation of the ruling was fraught with difficulties, including heightened tensions and resistance from devotees who sought to preserve traditional practices. The Sabarimala case illustrates the challenges inherent in applying secular legal principles to religious contexts. The court's decision, while aimed at ensuring gender equality, faced substantial resistance due to the complex interplay of religious beliefs and legal norms. This case underscores the difficulty of reconciling constitutional rights with deeply ingrained cultural and religious practices, highlighting the limits of judicial interventions in resolving such conflicts.

<sup>8</sup> *Mohd. Ahmad Khan v. Shah Bano Begum*, (1985) SCR (3) 844.

<sup>9</sup> Criminal Procedure Code, Section 125.

<sup>10</sup> *Indian Young Lawyers Association vs The State of Kerala*, AIR ONLINE 2018 SC 243.

<sup>11</sup> Indian Constitution, Article 25(1).

<sup>12</sup> Kerala Hindu Places of Public Worship Rules, 1965, Rule 3(b).

Another case study to be analysed is the situation in Manipur, specifically the civil writ petition filed by members of the Meitei Tribe Union, presents another case where judicial decisions were heavily influenced by societal dynamics. In this instance, the petition sought a writ of mandamus directing the Government of Manipur to recommend the inclusion of the Meitei community in the Scheduled Tribe (ST) list. The March 2023 order of the Manipur High Court's Single Judge Bench of then-Acting Chief Justice M.V. Muralidharan had caused widespread unrest and protests from all tribal communities in Manipur the moment it was made public in April. Within weeks, the agitation spilled over into violence in the form of the ongoing ethnic conflict. This conflict between the Scheduled Tribe hills-based Kuki-Zomi people and the dominant Valley-based Meitei people has gone on since May 3, 2023, and has resulted in the deaths of 200 people so far, injuring thousands of others and internally displacing tens of thousands.<sup>13</sup>

The High Court of Manipur, presided over by Acting Chief Justice M.V. Muralidharan, granted the petition, directing the state to consider the Meitei community's inclusion within a stipulated timeframe. The court's decision, intended to address the demands of the Meitei community, unexpectedly triggered widespread violence and unrest in Manipur. The decision to include the Meitei community in the ST list was met with significant opposition from other ethnic groups within the state, exacerbating existing ethnic tensions and leading to violent clashes. The unrest highlighted the deep-seated ethnic rivalries and the fragile nature of inter-group relations in the region. The aftermath of the High Court's ruling underscores the complex interplay between judicial decisions and societal stability. While the court's intention was to rectify perceived injustices, the decision inadvertently contributed to further discord among ethnic communities. This case demonstrates how judicial decisions, even when well-intentioned, can have far-reaching and sometimes unintended consequences on societal harmony and public order.

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<https://www.thehindu.com/news/national/manipur-hc-modifies-contentious-order-on-st-status-for-meiteis/article67871656.ece>

Another landmark judgment, *Supriyo @ Supriya Chakraborty & Anr. v Union of India*<sup>14</sup>, The five-judge bench of the Supreme Court affirmed the validity of the Special Marriage Act, 1954, and determined that the right to marry, as currently enshrined in the Act, does not constitute a fundamental right for individuals in same-sex relationships. Life of a queer individual often faces challenges related to both personal rights and societal values. While consensual same-gender relationships have been decriminalized in many places, the legal recognition of same-sex marriage remains an area of contention. This situation reveals a paradox, despite the progress in removing criminal penalties for same-gender intimacy, the absence of legal recognition for same-sex marriage underscores a tension between modern legal principles and traditional cultural norms. The argument against same-sex marriage often hinges on traditional views that prioritize natural procreation and the conventional family structure. These views are rooted in historical and cultural beliefs that emphasize the role of marriage in producing and raising children. Critics argue that these beliefs are both outdated and unjust, as they fail to accommodate the evolving understanding of family dynamics and individual rights.

To address these issues effectively, it is crucial to maintain a clear distinction between cultural or religious doctrines and secular law. Legal reforms must be grounded in principles of equality and human rights, rather than being influenced by dogmatic or discriminatory traditions. Such an approach ensures that the rights of queer individuals are recognized and respected, while also acknowledging the need for modern legal frameworks that reflect contemporary social values.

#### IV. CONCLUSION & SUGGESTIONS

The evolution of human societies, much like light passing through a prism, reflects an intricate interplay of transformation and adaptation. The Enlightenment era marked a pivotal transition from primitive societal structures to sophisticated intellectual and legal frameworks, ushering in an age of scientific reasoning and structured governance. This era symbolizes a shift towards advanced

<sup>14</sup> *Supriyo @ Supriya Chakraborty & Anr. v Union of India*, 2023 INSC 920.

systems of law and justice, setting the stage for the evolution of modern democratic institutions. Among these institutions, the judiciary occupies a crucial and unique role. Unlike elected bodies, judges are appointed, which introduces both strengths and weaknesses into the system, particularly concerning accountability and transparency.

The judiciary's primary challenge is to remain attuned to societal changes while upholding the principles defined by the rule of law. This dynamic, however, can create friction between maintaining judicial independence and addressing societal demands. Such challenges often lead to complexities in the implementation of constitutional mechanisms, where the judiciary's ability to administer laws may become obscured by the complexities of its role. One critical issue is the current judge-population ratio. To address these issues, several measures are proposed.

Primarily, increasing the ratio of judges relative to the population is essential. This adjustment would help reduce case backlogs, expedite legal proceedings, and improve overall judicial efficiency. Expanding the judicial workforce would also enable courts to better manage their caseloads, ultimately enhancing access to timely justice for all citizens. Subsequently, developing alternative dispute resolution mechanisms, such as mediation and arbitration, is crucial. These methods offer less formal and often quicker ways to resolve disputes, reducing the burden on traditional court systems. By encouraging the use of mediation and arbitration, the judicial system can alleviate some of the pressures associated with lengthy court trials and provide more accessible and flexible avenues for dispute resolution.

Furthermore, prioritizing speedy justice is vital for maintaining public confidence in the legal system. Implementing measures to accelerate judicial processes, such as adopting technology to streamline case management and reducing procedural delays, can significantly improve the efficiency of courts. Additionally, fostering a socialized judicial consciousness, where the legal system is perceived as responsive and fair, is essential for building trust and ensuring that justice is both accessible and credible. In conclusion, while the judiciary holds a prominent place within democratic systems, its effectiveness is contingent upon adapting to societal needs and overcoming inherent challenges. By increasing the number of judges, enhancing

alternative dispute resolution mechanisms, and ensuring the speedy delivery of justice, the judicial system can better meet the demands of a modern society. Such reforms not only address current inefficiencies but also reinforce the judiciary's role as a cornerstone of democratic governance, committed to upholding the rule of law and ensuring fair and equitable justice for all.