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FROM THE GRASSROOTS TO THE COURTROOM: THEORIZING JUSTICE IN PRACTICE

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Abstract

This article embarks on an in-depth exploration of the concept of justice, tracing its evolution from the grassroots of literature to the contemporary era and examining the intricate dynamics between theoretical frameworks and practical applications. By delving into the symbiotic relationship between the judiciary, legislature, and executive, this article investigates how these branches of government collaborate to ensure justice for all, sans discrimination or bias. Through a nuanced analysis of landmark judgments and constitutional provisions, this article sheds light on the complex interplay between theoretical conceptions of justice and their practical implementation in the courtroom. Furthermore, it provides valuable insights into the challenges and opportunities that arise in realizing justice in a rapidly changing world, where societal norms, technological advancements, and global events continually reshape the justice landscape. A critical aspect of this exploration is the role of law as a tool for arriving at justice, examining how legal frameworks and institutions can both facilitate and hinder the pursuit of justice. Additionally, this article acknowledges that justice is a multifaceted and subjective concept, differing from person to person and community to community, and explores the implications of this subjectivity for the administration of justice. By bridging the gap between theory and practice, this article aims to contribute meaningfully to ongoing discussions on justice, human rights, and the rule of law.

Keywords: Justice, Judiciary, Legislature, Executive, Constitutional perspective, Access to Justice, Legal Theory, Courtroom Practice, Multifaceted and Subjective concept, Law and Justice, Legal Frameworks.

Introduction:

The concept of justice has remained a cornerstone of human civilization since antiquity, deeply embedded in both Latin and Greek philosophical traditions. The Latin term *jus*, meaning “to tie,” and the Greek word *dike*, signifying righteousness, together frame justice as a binding principle of fairness, authority, and the maintenance of rights. Yet, justice has never been a static ideal—it has continuously evolved, shaped by the cultural, political, and social dynamics of each era.

In ancient times, the administration of justice was intrinsically linked to monarchy and divine authority. The king was regarded as the ultimate guardian of order, morality, and fairness, with the power to determine right from wrong. Stories such as that of the Chola king Manuneechi Cholan, who upheld justice even for a grieving cow, reflect how justice was intertwined with ideals of absolute moral duty and impartiality. Village mandrams served as local institutions for dispute resolution, while methods of adjudication often relied on symbolic and sometimes brutal practices. Trials by ordeal—such as plunging a hand into a pot containing a cobra, where survival implied innocence—exemplify the intertwining of faith, fear, and authority in the pursuit of justice. Punishments, often severe and disproportionate by contemporary standards, ranged from execution for theft to mutilation, torture, imprisonment, and fines for other crimes. Over time, these practices gave way to more codified and institutionalized forms of justice. Today, justice is administered through courts, with law serving as the primary instrument to uphold rights and regulate conduct. The legislature formulates laws, the executive enforces them, and the judiciary provides redress when violations occur. This transformation marks a significant shift—from justice rooted in monarchic and communal authority to a modern system grounded in constitutional principles, legal frameworks, and human rights.

This paper, “From the Grassroots to the Courtroom: Theorizing Justice in Practice”, undertakes a critical exploration of the historical and conceptual evolution of justice. It examines how justice has been envisioned and practiced—from indigenous and community-based mechanisms to the structured authority of formal judicial systems—while tracing the continuities, disruptions, and shifting paradigms that shape its meaning across time. By situating justice within both its grassroots expressions and institutional frameworks, the paper seeks to illuminate the dynamic interplay between tradition and modernity, authority and rights, and theory and practice in shaping our contemporary understanding of justice.

Justice in Theoretical Frameworks:

Justice remains a **timeless, powerful idea** that has engaged thinkers from ancient philosophers to modern jurists in an ongoing global debate about **fairness**. These diverse theoretical blueprints aren't abstract concepts; they are the foundation for how we structure our laws, governments, and social order. This exploration traces how these **age-old philosophies** have evolved, demonstrating their direct relevance to the legal and social dilemmas challenging our complex modern world.

Classical Theories of Justice:

The earliest systematic accounts of justice can be traced back to Greek philosophy. **Plato**, in *The Republic*¹, defined justice as harmony—where each individual performs the role best suited to their abilities without interfering in others' functions. For him, justice was a virtue both of individuals and society, achieved when reason governed spirit and appetite, and when rulers governed with wisdom for the collective good. This idea of justice as social order and balance remains foundational even today.

Aristotle advanced this discussion by distinguishing between **distributive justice** and **corrective justice**. Distributive justice emphasized fairness in the allocation of goods, wealth, and honors, based on merit or need, while corrective justice focused on rectifying wrongs in interpersonal relationships, ensuring fairness through compensation and restoration. These distinctions profoundly shaped later Western legal systems, which continue to differentiate between distributive principles (e.g., affirmative action) and corrective principles (e.g., tort law).

In India, classical thought around justice centered on **dharma**. Ancient texts such as the *Mahabharata* presented justice as moral duty and cosmic order, while *Manusmriti* sought to codify principles of law and justice. Kautilya's *Arthashastra* further highlighted the role of the state in maintaining justice through law and order, linking it directly to governance and stability. Unlike Greek theories that emphasized reason, Indian traditions placed justice within a broader moral and spiritual framework, binding law with ethical duty.

Medieval and Religious Perspectives:

Justice also found expression in religious doctrines. In **Christian philosophy**, St. Augustine viewed justice as rooted in divine law, achievable only when human laws conformed to God's

¹ Plato, *The Republic*, trans. Desmond Lee (Penguin Classics, 2007).

will². Later, **St. Thomas Aquinas** blended Aristotelian philosophy with Christian theology, proposing that justice arises from natural law, which reflects divine order accessible through reason³.

In **Islamic jurisprudence (Sharia)**, justice (*adl*) is central, associated with fairness, equity, and adherence to divine commandments⁴. Islamic scholars emphasized that rulers are bound by justice, and any law or act that violates it loses legitimacy. This principle resonates with modern constitutional doctrines that hold state actions accountable to higher norms of justice. Similarly, in **Hindu, Buddhist, and Jain traditions**, justice was intertwined with karma, duty, and non-violence. These traditions emphasized that justice is not merely retributive but also restorative, aimed at maintaining harmony in society. Such perspectives highlight the cross-cultural recognition of justice as a moral imperative, albeit with different emphases on duty, divine authority, or compassion.

Modern Theories of Justice:

The Enlightenment era shifted the discourse from divine authority to reason and individual rights. **John Locke** emphasized natural rights to life, liberty, and property, viewing justice as protection of these rights through social contracts⁵. **Jean-Jacques Rousseau** argued that justice lies in collective will, where laws reflect the general interest rather than individual privilege⁶. **Jeremy Bentham**, the father of utilitarianism, defined justice in terms of utility—actions are just if they maximize happiness for the greatest number⁷.

While utilitarianism influenced lawmaking by prioritizing outcomes over processes, it also attracted criticism for ignoring individual rights. This critique set the stage for **John Rawls's theory of justice as fairness**, articulated in his seminal work *A Theory of Justice* (1971). Rawls proposed two principles: first, equal basic liberties for all; and second, social and economic inequalities are permissible only if they benefit the least advantaged. His idea of the “veil of ignorance,” where individuals design just systems without knowledge of their own position, remains one of the most influential frameworks in modern political philosophy.

Another significant contribution comes from **Amartya Sen**, who critiqued Rawls for being overly idealistic. In *The Idea of Justice* (2009), Sen emphasized “capability” rather than

² St. Augustine, *The City of God*, trans. Henry Bettenson (Penguin, 2003).

³ Aquinas, Thomas, *Summa Theologica*, trans. Fathers of the English Dominican Province (Benziger Bros., 1947).

⁴ Al-Quran, trans. Abdullah Yusuf Ali (Islamic Book Service, 2001).

⁵ Locke, John, *Two Treatises of Government* (Cambridge University Press, 1988).

⁶ Rousseau, Jean-Jacques, *The Social Contract*, trans. Maurice Cranston (Penguin, 1968).

⁷ Bentham, Jeremy, *An Introduction to the Principles of Morals and Legislation* (Oxford: Clarendon Press, 1907).

abstract fairness. Justice, according to Sen, is not about designing perfect institutions but about enhancing people's real freedoms to lead the lives they value. This pragmatic approach is particularly relevant for developing countries like India, where inequalities in education, health, and livelihood demand a justice framework rooted in capabilities and opportunities.

Contemporary Perspectives:

In contemporary discourse, justice is no longer confined to state institutions or philosophical ideals. Movements for **social justice**, **gender equality**, **LGBTQ+ rights**, and **environmental justice** reflect new dimensions of fairness. Feminist scholars challenge traditional theories for overlooking patriarchy and argue that true justice must dismantle systemic inequalities. Critical legal theorists highlight how law often serves power structures, perpetuating injustice rather than correcting it.

Furthermore, the rise of globalization and technology has produced new justice concerns: **digital justice** (data privacy, algorithmic fairness), **climate justice** (intergenerational equity, environmental protection), and **transitional justice** in post-conflict societies. These perspectives broaden justice beyond the courtroom, integrating it into global governance and collective responsibility.

Relevance of Theoretical Frameworks Today:

While theoretical frameworks may appear abstract, they profoundly shape judicial reasoning and legislative processes. For instance, Rawlsian ideas of fairness underpin affirmative action policies, while utilitarian calculations influence economic reforms. Religious and cultural traditions continue to inform laws on marriage, property, and morality in many societies. Importantly, contemporary justice movements draw inspiration from a blend of these frameworks, adapting age-old principles to modern contexts.

Thus, theoretical perspectives on justice not only provide philosophical depth but also act as reference points for legal practice. They remind societies that justice is not merely about enforcing laws but about aligning institutions with deeper moral and social ideals.

Justice in Practice: Role of the Legislature, Executive and Judiciary:

While theories of justice provide the normative foundations, it is in the realm of governance and institutions that justice takes concrete form. In a constitutional democracy, the **judiciary**, **legislature**, and **executive** represent the three principal pillars entrusted with the task of ensuring justice in its multifaceted forms—social, economic, and political. Each organ plays a

distinct role: the legislature formulates laws, the executive enforces them, and the judiciary interprets and safeguards constitutional ideals. Yet, these functions are interdependent, and their collaboration as well as friction shapes the lived experience of justice for citizens. This section examines how each organ contributes to the administration of justice, with particular focus on India, while drawing parallels with global practices.

The Legislature: Lawmaking as an Instrument of Justice

The legislature is the primary forum for translating societal aspirations into enforceable norms. In India, Parliament and State Legislatures enact laws that address issues of equality, rights, and welfare. The **Preamble to the Indian Constitution**, which enshrines justice—social, economic, and political—as a core objective, guides legislative functions.

Notable legislative interventions have sought to realize justice in diverse dimensions. For instance:

- **Right to Information Act, 2005 (RTI):** Democratized access to information, empowering citizens to hold the state accountable.
- **Mahatma Gandhi National Rural Employment Guarantee Act, 2005 (MGNREGA):** Secured the right to livelihood for rural households, advancing economic justice.
- **Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989:** Strengthened protections against caste-based discrimination, upholding social justice.
- **The Transgender Persons (Protection of Rights) Act, 2019:** Expanded recognition of gender identity and rights, aligning with constitutional values of equality.

Such enactments illustrate the legislature's proactive role in expanding the ambit of justice. However, criticisms abound. Legislative inertia, political considerations, and populist policymaking often hinder progressive reforms. For example, despite decades of advocacy, the **Women's Reservation Bill** ensuring one-third representation in legislatures was passed only in 2023 after prolonged delay. Moreover, draconian laws such as preventive detention statutes (*National Security Act, 1980*) or colonial legacies like the sedition law (Section 124A, IPC, now omitted in the *Bharatiya Nyaya Sanhita, 2023*) highlight how legislation can also perpetuate injustice.

The Executive: Implementation and Administrative Justice

The executive branch—comprising government agencies, police, and administrative authorities—is tasked with implementing laws and ensuring public order. In practice, the

executive's role is perhaps the most visible manifestation of justice for citizens. Police reforms, welfare distribution, environmental regulation, and protection of fundamental rights all fall within executive responsibility.

For instance, **public interest litigation (PIL)** cases often reveal gaps in executive implementation. In *Vishaka v. State of Rajasthan* (1997)⁸, the Supreme Court laid down guidelines to prevent workplace sexual harassment precisely because executive and legislative measures were inadequate. Similarly, in cases involving environmental degradation, such as *M.C. Mehta v. Union of India* (Oleum Gas Leak case, 1987), the Court intervened to compel executive agencies to fulfill their duties.

The executive also administers welfare programs designed to advance justice. Initiatives like the **Mid-Day Meal Scheme** and **Ayushman Bharat** health insurance program demonstrate the executive's capacity to enhance distributive justice. Yet, the same branch has been criticized for bureaucratic inefficiency, corruption, and arbitrariness. Police brutality, custodial deaths, and misuse of preventive detention powers reflect the darker side of executive authority, undermining the promise of justice.

The Judiciary: Guardian of Constitutional Justice

Among the three organs, the judiciary occupies a unique position as the interpreter and guardian of justice. The Supreme Court and High Courts in India have been entrusted with the power of **judicial review**, ensuring that legislative and executive actions conform to constitutional values. Through this role, the judiciary operationalizes abstract ideals of justice into enforceable rights.

Some of the judgments demonstrate this transformative function:

- **Kesavananda Bharati v. State of Kerala (1973):** Established the **Basic Structure Doctrine**, holding that certain constitutional principles—such as democracy, secularism, and rule of law—are inviolable. This safeguarded justice against legislative overreach⁹.
- **Maneka Gandhi v. Union of India (1978):** Expanded the scope of Article 21 (Right to Life and Personal Liberty), holding that any procedure depriving liberty must be “fair, just, and reasonable.” This infused the principle of substantive due process into Indian jurisprudence¹⁰.

⁸ (1997) 6 SCC 241.

⁹ (1973) 4 SCC 225.

¹⁰ (1978) 1 SCC 248.

- **Vishaka v. State of Rajasthan (1997):** Recognized workplace sexual harassment as a violation of gender justice and fundamental rights, laying down guidelines in absence of legislation¹¹.
- **Navtej Singh Johar v. Union of India (2018):** Decriminalized homosexuality by striking down Section 377 IPC, affirming dignity and equality for LGBTQ+ persons¹².
- **Justice K.S. Puttaswamy v. Union of India (2017):** Recognized the right to privacy as a fundamental right, reflecting how justice adapts to technological and social changes¹³.
- **Atul Subhash Case (Custody Battle) Supreme Court Decision (Jan 2025):** The Supreme Court granted custody of the minor son of the late techie, Atul Subhash, to his estranged wife, Nikita Singhania, despite allegations against her in his death. The Court denied the custody plea of Subhash's mother (the grandmother), noting that she was "virtually a stranger to the child" and that custody must remain with the parent whenever possible and in the **best interest of the child**. The court specifically cautioned against basing decisions on mere allegations or media reports.
- **Ajith Kumar Custodial Death Case (Sivagangai):** Following a judicial probe which confirmed that the temple security guard, Ajith Kumar, died due to police brutality while in custody, the Madurai Bench of the Madras High Court ordered the Tamil Nadu government to pay an **interim compensation of ₹25 lakh** to the family (in addition to a previous sum). The court also transferred the investigation to the **CBI** and directed the Principal District Judge to ensure witness protection.
- **Kavin Honour Killing Case:** The murder of Dalit techie Kavin Selvaganesh in Tirunelveli (following a relationship with a woman from a dominant caste) prompted significant legal and political reaction. A political party, Tamizhaga Vettri Kazhagam (TVK), filed a petition in the **Supreme Court urging the enactment of a separate, comprehensive law to tackle caste-related honour killings**, arguing that existing IPC provisions are inadequate.
- **Stray Dog Suo Moto Case (Delhi-NCR):** The Supreme Court took *suo moto* cognizance of the 'stray dog menace.' An initial *suo moto* order (Aug 11, 2025) directed civic bodies to round up all stray dogs in Delhi-NCR and confine them in shelters without releasing them back. However, following outrage and pleas from animal

¹¹ (1997) 6 SCC 241.

¹² (2018) 10 SCC 1.

¹³ (2017) 10 SCC 1.

welfare organizations, a larger bench **modified the "too harsh" order** (Aug 22, 2025). The court directed that captured stray dogs must be **sterilized, dewormed, vaccinated (as per Animal Birth Control Rules, 2023), and then released back to the same area** from which they were picked up. The court also expanded the scope to formulate a **national policy** on stray dog management. Balancing the fundamental right to life and safety of citizens with the constitutional value of compassion towards all living beings (Article 51A(g)), and ensuring state action conforms to established animal welfare rules.

- **Noida Dowry Death Case (Sep 2025)**: In the case of Nikki Bhati, who died from severe burns following alleged dowry harassment, a Chief Judicial Magistrate's court in Noida **rejected the bail pleas** of her husband and in-laws. The court emphasized the **gravity and serious nature of the case** (murder and dowry harassment) and concluded that there were "no sufficient grounds for bail" at this stage. Upholding the seriousness of crimes related to dowry and murder, ensuring that accused individuals face trial and that justice is not circumvented by granting bail prematurely.
- **Karur stampede**: The Madras High Court reacted swiftly and sternly to the Karur stampede, which caused 41 deaths, by immediately ordering the constitution of a **Special Investigation Team (SIT)** to probe criminal liability. The Court strongly **condemned the event organizers** for abandoning the victims and rejected their anticipatory bail pleas. Crucially, it imposed a **temporary ban on political rallies on highways** until the state formulates new, stringent Standard Operating Procedures (SOPs), prioritizing public safety and accountability.

These cases reveal how the judiciary bridges the gap between theory and practice, embedding ideals like dignity, liberty, and equality into the lived experiences of citizens.

Interdependence and Friction among the Three Organs:

While each organ performs a distinct function, the realization of justice depends on their cooperation and balance. The **doctrine of separation of powers** ensures independence, but not isolation. Legislatures create laws, executives implement them, and judiciaries interpret them. However, frictions frequently arise.

For example, judicial interventions in policy matters—such as directing the executive on environmental regulations or governance reforms—are sometimes criticized as encroachments into legislative or executive domains. Conversely, legislative attempts to curtail judicial

review, such as during the Emergency (1975–77), threaten the judiciary’s role as a guardian of justice. Such tensions reflect the delicate balance necessary for justice to prevail in practice.

Challenges in Realizing Justice in a Changing World:

“Technology will integrate police, forensics, jails, and courts, and will speed up their work as well. We are moving towards a justice system that will be fully future-ready.”

- Prime Minister, Shri Narendra Modi

Justice, though a timeless ideal, faces new challenges in an era shaped by globalization, technological transformation, and shifting socio-political realities. Courts and legislatures today must grapple with issues unimaginable to the framers of the Constitution, thereby testing the resilience of established frameworks.

A primary challenge lies in addressing **technological advancements**. The digital revolution has raised complex questions about privacy, surveillance, and data protection. The Supreme Court’s recognition of privacy as a fundamental right in *Justice K.S. Puttaswamy v. Union of India*¹⁴ reflects judicial awareness of these challenges, yet the absence of robust data protection legislation continues to hinder full realization of this right. Emerging technologies such as artificial intelligence, facial recognition, and predictive policing raise fresh dilemmas about balancing innovation with civil liberties. Example: A petition filled with fabricated citations reveals the dangers of using AI without due diligence.¹⁵

Kerala High Court mandates all courts in State to adopt AI tool to record witness depositions¹⁶:

The Kerala High Court has directed all courts in the State to adopt “Adalat.AI”, a speech-to-text transcription tool, for the recording of witness depositions. With a view to reduce delays and modernise court processes, recording of witness depositions using Adalat.AI was introduced on a pilot basis in four trial courts in Ernakulam district from February 1 this year. It has now been decided to extend the mandatory use of Adalat.AI to all courts in the State with effect from November 1.

¹⁴ (2017) 10 SCC 1.

¹⁵ <https://indianexpress.com/article/opinion/columns/ai-law-indian-judiciary-justice-system-ai-writes-petition-10281905/>

¹⁶ <https://www.barandbench.com/news/kerala-high-court-mandates-all-courts-in-state-to-adopt-ai-tool-to-record-witness-depositions>

Unauthorised Use Of Celebrity Voice Using AI Tools Violates Rights : **Bombay High Court Grants Relief To Asha Bhosle¹⁷**

The Bombay High Court has held that making Artificial Intelligence (AI) tools available which allow the conversion of any voice into that of a celebrity without consent amounts to a violation of personality rights.

Another pressing challenge arises from **socio-economic inequality**. Despite constitutional guarantees under Articles 14, 15, and 21, large sections of the population continue to face systemic marginalization. The judiciary has attempted to bridge this gap through expansive interpretations of socio-economic rights, as in *Olga Tellis v. Bombay Municipal Corporation*¹⁸, where the Court recognized the right to livelihood as part of Article 21. Yet, the enforcement of socio-economic rights often collides with resource constraints and policy considerations, underscoring the limits of judicial activism in delivering distributive justice.

Globalization further complicates the justice landscape by intertwining domestic law with international norms. India, as a signatory to several human rights treaties, faces the task of harmonizing domestic practices with international obligations. Courts have occasionally drawn upon international conventions to enrich constitutional interpretation, as in *Vishaka v. State of Rajasthan*¹⁹, where the Court relied on the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). However, selective adoption and inconsistent enforcement highlight the friction between international aspirations and domestic realities.

Political populism and rising intolerance also present formidable barriers to justice. The judiciary's independence, a cornerstone for ensuring unbiased justice, often comes under strain when populist rhetoric challenges constitutional values²⁰. In such circumstances, courts must walk a fine line between respecting democratic will and safeguarding fundamental rights.

Finally, **environmental justice** has emerged as a defining challenge of the 21st century. Landmark cases such as *M.C. Mehta v. Union of India* established principles like absolute

¹⁷ <https://www.livelaw.in/high-court/bombay-high-court/bombay-high-court-protects-personality-rights-of-singer-asha-bhosle-305803>

¹⁸ (1985) 3 SCC 545.

¹⁹ (1997) 6 SCC 241.

²⁰ Pratap Bhanu Mehta, *The Indian Supreme Court and the Art of Democratic Positioning*, in *Unstable Constitutionalism: Law and Politics in South Asia* 233–34 (Mark Tushnet & Madhav Khosla eds., 2015).

liability and sustainable development²¹, but industrialization, climate change, and resource exploitation continue to threaten ecological balance. Ensuring intergenerational justice requires innovative legal strategies, strong enforcement, and coordination between state organs.

Thus, the pursuit of justice in a rapidly changing world is fraught with tensions between tradition and innovation, national sovereignty and global obligations, individual rights and collective interests. The challenge lies in adapting existing legal frameworks to meet these evolving realities without diluting the foundational ideals of fairness, equality, and dignity.

Law as a Tool for Justice – Facilitator or Hindrance?

Law sits in a strange, tricky spot when it comes to fairness. Think of it as a crucial road:

On one side, it's the solid pavement that gives us a clear path, offering **predictability and clear rules** essential for a decent society. But on the other, if the road is broken, full of potholes, or built only for some, it becomes a **barrier**, actually causing accidents and letting **injustice continue** instead of fixing it. The effectiveness of the law always depends on how well it's built and maintained.

The **Indian Constitution** itself embodies law as a facilitator of justice. The Preamble, Fundamental Rights, and Directive Principles collectively provide the normative framework for ensuring equality, liberty, and dignity. Judicial interpretation has often converted these constitutional ideals into enforceable rights. For instance, in *Maneka Gandhi v. Union of India*²², the Supreme Court expanded Article 21, holding that procedure depriving liberty must be just, fair, and reasonable. Similarly, the recognition of environmental rights, privacy, and gender equality illustrates how law can be stretched to serve justice in evolving contexts.

At the same time, laws may **hinder justice** when misused or narrowly interpreted. Preventive detention laws such as the National Security Act (NSA) have often been criticized for enabling executive overreach and curtailing personal liberty in the name of national security. Likewise, colonial-era laws like sedition under Section 124A of the Indian Penal Code (now repealed in the Bharatiya Nyaya Sanhita) were frequently invoked to stifle dissent, thereby undermining the democratic promise of justice. This demonstrates how the persistence of outdated or draconian legal provisions can obstruct the path to fairness.

Moreover, **access to justice** is often mediated by law in ways that reinforce inequality. Complex legal procedures, high litigation costs, and delay in adjudication disproportionately

²¹ (1987) 1 SCC 395.

²² (1978) 1 SCC 248.

affect marginalized communities. Initiatives like the Legal Services Authorities Act, 1987, which institutionalized free legal aid, were designed to address this gap, yet practical challenges continue to limit its reach. In such cases, law in form exists, but law in practice falters in delivering substantive justice.

Law isn't a flawless machine that simply spits out justice. Think of it as a powerful, double-edged tool. It has the power to free us and the power to crush us, depending on who wields it and how.

Subjectivity of Justice and Its Implications:

Justice isn't a single, uniform statue; it's a deeply personal, ever-changing idea painted differently by every culture and every era. This means the concept of "right" and "wrong" can clash, creating both complications and opportunities for fairness in diverse societies like ours. For instance, debates around **personal laws** highlight how different communities interpret justice through distinct religious or cultural frameworks. The controversy over the practice of triple talaq, once permissible under Muslim personal law, illustrates this divergence. While defenders argued for its sanctity within religious tradition, the Supreme Court in *Shayara Bano v. Union of India* struck it down as unconstitutional, emphasizing gender equality and dignity under Articles 14 and 21²³. Here, justice for women's rights was prioritized over claims of religious autonomy, showing how judicial perspectives often redefine contested notions of fairness.

Similarly, the **reservation system** in India reflects competing visions of justice. For marginalized groups, affirmative action embodies corrective justice, ensuring representation and leveling the playing field. However, sections of society perceive it as reverse discrimination. The Supreme Court in *Indra Sawhney v. Union of India* upheld the validity of reservations but imposed a 50% ceiling, attempting to balance distributive justice with meritocracy²⁴. This demonstrates how subjective perceptions of fairness require careful judicial calibration.

The Indian Supreme Court's decision in *Navtej Singh Johar v. Union of India* decriminalized homosexuality²⁵, but the question of marriage equality remains unresolved, reflecting societal hesitation despite judicial recognition of dignity and autonomy.

²³ (2017) 9 SCC 1.

²⁴ 1992 Supp. (3) SCC 217.

²⁵ (2018) 10 SCC 1.

Another dimension of subjectivity arises in **transitional justice**. Post-apartheid South Africa opted for truth and reconciliation commissions rather than retributive justice, emphasizing healing over punishment²⁶. By contrast, post-World War II trials at Nuremberg embraced retributive justice, seeking accountability through criminal prosecution²⁷. Both approaches reflect distinct cultural and political choices about how justice should be understood and delivered.

The **implication of subjectivity** is that justice cannot be reduced to a universal formula. Legal systems must navigate competing values—individual rights versus community interests, tradition versus modernity, equality versus liberty. This often leads to tensions in constitutional democracies, where courts must act as arbiters of competing subjective claims. Yet, the dynamism of justice lies precisely in this subjectivity: its ability to evolve with society's moral compass, ensuring that law remains responsive to lived realities.

The strain on India's Judicial System: A crisis of backlogs

When justice is excessively delayed, the consequences cascade far beyond the courtroom. The maxim "Justice delayed is justice denied" manifests as a systemic erosion of faith. Prolonged waits breed deep tension among litigants and fundamentally jeopardize the integrity of the legal process. Last year, President Droupadi Murmu termed this hesitation as the "black coat syndrome".

The delay creates a fertile ground for corruption: it facilitates the tampering with evidence, the destruction of critical documents, and the disappearance of key parties and witnesses. Ultimately, this loss of integrity leads to a public withdrawal; people lose hope, participation in the system declines, and the very credibility of the judiciary is brought into question.

According to National Judicial Data Grid, 5.34 crore cases are pending across all courts in the country, including 4.7 crore pending trials in district and subordinate judiciary, 63.8 lakh in high courts, and 88,251 before the SC.

²⁶ Truth and Reconciliation Commission of South Africa Report, Vol. 1 (1998).

²⁷ *Trial of the Major War Criminals Before the International Military Tribunal*, Vol. 1 (Nuremberg, 1947).

CAUSES OF DELAY IN DISPOSAL OF CASES IN LOWER COURTS	
Counsel not available	62,03,680
Accused absconding	35,18,310
Missing witnesses	26,67,741
Stayed by lower courts	22,64,721
Awaiting documents	14,18,493
Frequent appeals	4,51,634
Stayed by dist courts	5,725
Stayed by SC	914
Total civil & criminal cases: 1,77,74,583	

Source: National Judicial Data Grid; As of Sept 25, 2025

While reasons for delay are not available for cases pending before the Supreme Court and high courts, the National Judicial Data Grid (NJDG) has cited 15 reasons behind delays in 1.78 crore cases before lower courts, out of the 4.7 crore pending with them. Of the cases with available reasons, 81% are criminal and 19% civil. For roughly three crore cases, no reasons have been provided.

The main reasons cited are "counsels not available" in over 62 lakh cases; absconding accused in over 35 lakh cases; missing witnesses in nearly 27 lakh cases; stay by various courts in over 23 lakh cases; "awaiting documents" in over 14 lakh cases; and "parties not interested" in almost 8 lakh cases.²⁸

Conclusion:

Forget the image of dusty, old books; law is a **dynamic, living tool** that shapes society. For this system to truly deliver justice, it needs **constant attention and care, like tending a garden**: the legislature must do the **weeding (reform)**, the executive must provide the resources, and the judiciary must offer the **caring hand of vigilant interpretation** to ensure the rules evolve to serve the people. The continuous challenge is making sure this system remains a **facilitator**—flexible enough to meet the messy, diverse, and changing demands of human society—rather than an obstacle.

²⁸https://www.google.com/search?q=pendency+of+cases+in+india&oq=pende&gs_lcrp=EgZjaHJvbWUqDAgBECMYJxiABBiKBTIGCAAQRRg5MgwIARajGCcYgAQYigUyDQgCEAAyKQIYgAQYigUyDQgDEAAyKQIYgAQYigUyDQgEEAAyQxiABBiKBTIHCAUQABiABDIMCAYQABgKGLDGAEMgcIBxAAGIAEMgcICBAAGIAEMgcICRAAGIAE0gEINDE5MGowajeoAgCwAgA&sourceid=chrome&ie=UTF-8

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