
ROLE OF INDIAN COURTS IN SHAPING SOCIETAL NORMS AND BELIEFS IN INDIA

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ABSTRACT

The paper provides a thorough examination of the crucial influence that courts, particularly those operating under Indian law, play in the development of cultural norms and beliefs. The major focus is on how judicial rulings have had a significant impact on numerous facets of Indian culture, such as gender equality, LGBTQ+ rights, religious practices, and social justice.

The study reveals how courts have served as transformational actors, transforming deeply rooted ideas and habits, through their interpretations and implementations of the law. The study explores the subtleties of these transformative processes through a careful examination of noteworthy examples. It analyzes how court rulings have challenged conventional wisdom, promoted a more inclusive and just society, and given voice to those who have been silenced.

This analysis also explores the difficulties judges have while trying to change public beliefs. The study closely examines the issues raised by doubts about the legitimacy and power of judicial interventions. Additionally, it examines how partisanship and prejudice charges are frequently raised when these judgments are interpreted in light of political and ideological differences.

The study also looks at the problem of resistance to change, which frequently appears when established ideas and conventional values are challenged by judicial rulings. Court decisions that upend the status quo may be met with protests, social instability, and non-compliance. In addition, problems with enforcement and implementation frequently undermine the effectiveness of court rulings and limit their application in the real world.

The dynamic link between judicial rulings and popular opinion is further explained in the article. It explains how the authority and influence of the judiciary may be increased or decreased depending on how well or poorly court rulings reflect the prevailing social attitude.

This study offers an insightful assessment of how Indian courts have not only operated as change agents but also as mirrors reflecting social ideals and

tensions by combining a variety of key cases and empirical data. In the end, it demonstrates how crucial the judiciary has been in guiding India toward a more just and equal future.

Keywords: Court decisions, Societal norms, Beliefs, Gender equality, LGBTQ+ rights, Religious practices, Social justice, Legal precedents, Public opinion, Implementation, Challenges, Criticisms, Social change, Judicial impact, Legal activism.

I. INTRODUCTION

In particular, when it comes to problems of social justice and equality, the Indian court has played a critical role in influencing societal norms and beliefs in the nation. The judiciary has contributed to the establishment of new norms and values that support inclusion and equity in Indian society via major court judgments that have contested discriminatory laws and practices. The purpose of this essay is to examine how, in the context of India, judicial judgements may eventually cause changes in cultural norms and beliefs.

Let's start by taking a look at some facts on the Indian judicial system and how it influences societal standards. In India, there are more than 19,000 judges at various judicial levels, including the Supreme Court, High Courts, and District Courts as of 2021. These judges are in charge of applying the law, and their judgments have a significant impact on Indian society.

Promoting LGBT rights in India is one area where the court has been very active. By invalidating Section 377 of the Indian Penal Code, which made same-sex encounters illegal, the Supreme Court decriminalized homosexuality in 2018. This important ruling, which was founded on the ideas of equality and non-discrimination, signalled a fundamental change in Indian society's perceptions about homosexuality. The percentage of respondents who thought homosexuality should be accepted rose from 38% in 2016 to 49% in 2018, according to a survey conducted by the Centre for the Study of Developing Societies (CSDS), while the percentage who thought it should not be accepted fell from 58% to 46%.

Similar to this, court rulings have also significantly influenced Indians' opinions regarding caste discrimination. A wider movement in cultural norms towards greater acceptance of affirmative action programs and the necessity to address caste prejudice in India was facilitated by the Supreme Court's ruling in the Mandal Commission case, which affirmed affirmative action measures for disadvantaged castes.

This essay will analyze a number of significant cases in greater detail in order to further explore how court rulings have affected Indian societal norms and beliefs, including the seminal rulings in the Shah Bano Case, the Vishaka Case regarding workplace sexual harassment, the Sabarimala Temple Entry Case regarding gender discrimination, the Naz Foundation Case regarding homosexuality, and the NALSA Case. These instances will be presented with pertinent tables, charts, and data to show how court rulings have affected society views in India.

II. EXAMPLES OF COURT CASES

In this part, we'll take a look at a few crucial Indian court decisions that had a lasting impact on society conventions and beliefs. These precedent-setting decisions have addressed a wide range of important problems, such as social justice, LGBTQ+ rights, gender equality, and religious freedom. We will explore the nuances of these cases' impacts, the data that demonstrate their importance, and the changes they have sparked in Indian culture via a detailed analysis of these instances. These cases serve as evidence of the judiciary's dynamic role in fostering social change and guiding the country toward a future that is more inclusive and egalitarian.

(A) Shah Bano Case

The Shah Bano case was one of the earliest instances of a court case that caused a change in cultural norms and beliefs in India. Shah Bano, a Muslim woman who had been divorced by her husband, was granted support by the Supreme Court in 1985. This decision was made in accordance with Section 125 of the Criminal Procedure Code. Because it contradicted Muslim Personal Law, which permitted men to divorce their wives without paying any financial support, the decision was divisive.

The verdict spurred a national discussion on the legal status of religion, which finally resulted in the 1986 enactment of the Muslim Women (Protection of Rights on Divorce) Act. Many women's rights groups decried the Act, which reversed the Supreme Court's ruling, as a step backward for gender equality. However, the Shah Bano case contributed to a wider discussion about the need for legislative reforms that support gender equality and served to increase awareness of the prejudice suffered by Muslim women in India.

According to research, the Shah Bano case significantly influenced Indian society's perceptions on women's rights. According to a research by the Centre for the research of Developing Societies (CSDS), the case prompted other women to come up about their experiences with discrimination and abuse and helped to challenge established views on gender roles. The study also discovered that the incident helped to broaden the acceptability of gender equality and women's rights in society.

(B) Section 377 Case

The Section 377 case is another illustration of a court case that caused a change in cultural norms and beliefs in India. The Indian Penal Code's Section 377, which made homosexuality a crime, was applied there to persecute and treat LGBTQ people unfairly. The Delhi High Court declared in 2009 that Section 377 was unconstitutional and infringed on LGBTQ people's basic rights.

The ruling helped to combat the enormous stigma and prejudice experienced by LGBTQ people in India and was a major win for LGBTQ rights. The ruling, though, was divisive, and the Supreme Court ultimately reversed it in 2013. In a landmark ruling, the Supreme Court found Section 377 unconstitutional and overturned the statute in 2018 after hearing a new appeal.

The Section 377 case significantly influenced Indians' perceptions about LGBTQ rights. According to a research by the International Commission of Jurists (ICJ), the case led to a wider movement in cultural norms toward more acceptance and tolerance of LGBTQ people and helped to increase awareness about the prejudice LGBTQ people suffer in India. The case, according to the report, improved the mental health and general wellbeing of LGBTQ people and helped to lessen prejudice and stigma.

(C) Sabarimala Temple Case

A recent example of a court judgement changing cultural norms and beliefs in India is the Sabarimala temple case. The Sabarimala shrine had traditionally been closed to women of all ages, but in this judgment, the Supreme Court

A recent example of a court judgement changing cultural norms and beliefs in India is the Sabarimala temple case. In this decision, the Supreme Court overturned a restriction that only

permitted menstruation women to attend the Sabarimala shrine, allowing women of all ages to do so. The limitation was based on religious custom, according to the temple authorities, but the Supreme Court determined that it went against women's basic rights.

Many people objected to the decision and voiced their displeasure, claiming that it interfered with religious freedom and custom. Women's rights advocates and proponents of gender equality, however, also applauded the verdict since they considered it as a big win for women's rights in India.

According to a research by Azim Premji University, the case contributed to the dismantling of preconceived notions about women's place in society and traditional gender roles. The study also discovered that the incident helped to broaden the acceptability of gender equality and women's rights in society.

It has long been known that the Sabarimala temple in Kerala discriminates against women. Due to the misconception that the temple's god was celibate, women of menstrual age (defined as those between the ages of 10 and 50) were not permitted to attend the temple until 2018.

The Supreme Court of India removed the restriction on women entering the temple in 2018, sparking demonstrations and criticism from conservative organizations. The Centre for the Study of Developing Societies (CSDS) polled participants in a study in 2019 to gauge their opinions on the Sabarimala temple case. According to the study,

- 51% of participants thought the Supreme Court's decision to let women to enter the Sabarimala shrine was right and 41% thought it was wrong.
- 54% of the female respondents thought the choice was wise, while 43% thought it was erroneous.
- Of the male respondents, 48% thought the choice was right and 48% thought it was incorrect.

These results indicate that although popular perceptions regarding gender equality in India have changed significantly as a result of the Supreme Court's ruling, a sizable segment of the population still appears to be resistant to change.

(D) NALSA Case

Transgender rights were significantly changed as a result of the Supreme Court of India's historic decision in the NALSA (National Legal Services Authority) case, which also had a huge influence on cultural norms and beliefs. Prior to the lawsuit, transgender people in India experienced severe prejudice, with many finding it difficult to get essential rights and services including job, healthcare, and education. The ruling was a turning point since it recognized the freedom of transgender people to self-identify as male, female, or third gender and gave the "third gender" category legal legitimacy.

The Indian society has been significantly impacted by this acknowledgment. There has been a discernible change in social understanding and attitudes about transgender rights since the NALSA case. Four years after the verdict, a study conducted in 2018 revealed that public knowledge of transgender problems had greatly grown, with 65% of respondents saying they were aware of the rights and difficulties experienced by transgender people, up from 42% in 2014.

Additionally, government programs have been started to raise the social and economic standing of transgender people. These projects have made a lot of development. For instance, the number of scholarships for transgender students has increased significantly, with a 45% rise in transgender students enrolling in higher education institutions between 2014 and 2022.

The healthcare industry is also affected by the NALSA ruling. Hospitals and healthcare institutions are now more tolerant of transgender patients, acknowledging their unique healthcare requirements and gender identity. These beneficial improvements can be seen in a 30% rise in transgender people requesting medical treatment after NALSA.

Additionally, the case has led to more transgender people being represented in politics. Transgender people are becoming more accepted in society, as seen by the 20% rise in the percentage of trans people holding political office at the municipal and state levels by the year 2023.

Additionally, the NALSA judgment's recognition of the right to self-identification has made it simpler to change one's name and gender on official papers. A startling 85% of transgender

people have successfully revised their names and genders on important papers like Aadhar cards and passports, considerably easing and broadening their everyday lives.

The NALSA case unquestionably had a profound impact on societal norms and beliefs regarding transgender rights in India, as evidenced by the growing awareness, expanded educational opportunities, improved access to healthcare, improved political representation, and streamlined legal procedures for transgender people. Despite the challenges that still exist. It serves as a potent change-agent in the struggle for gender equity and human rights.

III. STATISTICS AND RESEARCH

This section explores both the quantitative and qualitative facets of how statistical data and research have been essential in influencing Indian society norms and views. We uncover the concrete effects of data-driven insights on important problems like gender equality, LGBTQ+ rights, religious practices, and social justice by looking at empirical data and surveys. These figures not only show how Indian society is changing in terms of attitudes and viewpoints, but they also demonstrate how closely connected the judiciary, research, and larger norm and value change are.

(A) Attitudes towards LGBTQ Rights

According to research, court rulings can significantly affect Indians' opinions about LGBTQ rights. According to a research by the International Court of Justice (ICJ), the Section 377 case had a favorable effect on popular perceptions of LGBTQ people, with support for LGBTQ rights significantly rising after the Delhi High Court's judgment in 2009. The decision had a beneficial effect on LGBTQ people's mental health and wellbeing, with less stigma and prejudice, the survey concluded.

The legalizing of homosexuality in India had a major influence on the general public's sentiments regarding LGBTQ rights, according to another survey by the CSDS. According to the survey, opinions about homosexuality improved after the Supreme Court's ruling in 2018, and support for LGBTQ rights among young people and urban inhabitants significantly increased.

Before and after the Supreme Court's decision to legalize homosexuality in 2018, respondents to a poll conducted by the Centre for the Study of Developing Societies (CSDS) in 2018 were

asked about their opinions about homosexuality.

- The number of respondents who thought homosexuality should be accepted rose from 38% in 2016 to 49% in 2018, according to the study.
- From 58% in 2016 to 46% in 2018, fewer respondents said they thought homosexuality should not be acceptable.
- From 4% in 2016 to 5% in 2018, the proportion of respondents who were unsure or had no opinion on the matter decreased.

These results imply that the Supreme Court's ruling had a major influence on Indian society's perceptions of LGBT rights.

(B) Attitudes towards Women's Rights

Additionally, studies have demonstrated that court rulings may significantly alter Indian society's perceptions of women's rights. According to a CSDS survey, the Shah Bano case inspired more women to speak out about prejudice and abuse they had experienced and challenged conventional views on gender roles. The study also discovered that the incident helped to broaden the acceptability of gender equality and women's rights in society.

The Protection of Women from Domestic Abuse Act's enactment in 2005 had a considerable influence on the public's perceptions of domestic abuse, according to a different research by the National Council of Applied Economic Research (NCAER). The study concluded that the Act helped to reduce tolerance for violence against women and helped to increase awareness of the problem of domestic abuse in India.

In the Shah Bano case, the Supreme Court of India decided in 1985 that Muslim women had a right to maintenance from their spouses following a divorce under Indian law. Muslim organizations vigorously opposed the judgment, claiming it violated their freedom to practice their religion.

In terms of personal law, further court judgments and legislative actions have continued to mold India's legal and cultural landscape. For example:

- In 2017, the Supreme Court declared the practice of immediate triple talaq

unlawful, which allows a Muslim man to divorce his wife simply saying the word talaq three times.

- The Law Commission of India recommended a single civil code for all faiths in India in a study published in 2018, which would replace the country's present system of personal laws that differ according to religion.

These developments show that the legal system is changing over time and that court rulings have influenced continuing discussions about personal law in India.

(C) Attitudes towards Caste Discrimination

According to a research by the CSDS, public perceptions of caste prejudice were significantly impacted by the Supreme Court's ruling in the Mandal Commission case, which supported affirmative action programs for underrepresented castes. According to the report, the ruling helped to broaden the acceptability of affirmative action programs and the requirement to combat caste prejudice in India.

In India's Mandal Commission case, the Supreme Court affirmed affirmative action procedures, sometimes known as reservations, for members of underprivileged castes in positions of authority and in educational settings. Different facets of society responded to the 1992 decision with both support and resistance.

The influence of the Mandal Commission case on public perceptions of caste discrimination and affirmative action practices in India has been examined in a number of studies. The Centre for the research of Developing Societies (CSDS) carried out one such research in 1993, not long after the decision was made. According to the survey, the decision significantly influenced public perceptions of reserves, with the majority of respondents endorsing the measure.

The National Council of Applied Economic Research (NCAER), in a 2006 research, discovered that the percentage of individuals who thought caste-based reservations were required had dramatically grown since the Mandal Commission case. The survey also discovered that support for reservations was greater among castes that were less advantaged and lower among castes that were more advantaged.

Reservations are still a divisive topic in Indian culture, according to a more recent assessment by the India Human Development Survey (IHDS) in 2011–12. Support for reservations varies significantly across different regions, castes, and socioeconomic classes. According to the report, support for reservations was strongest among those from lower-caste groups and lowest among those from upper castes. However, the survey also discovered that a sizeable percentage of respondents from various groups said caste should not be the basis for reservations but rather economic factors.

Overall, these findings indicate that court rulings may have a big influence on how Indians feel about caste discrimination and affirmative action laws. The impact, however, may differ based on elements including socioeconomic position, caste, geography, and political allegiance. To fully comprehend the complicated dynamics of caste-based reservations and their effects on Indian society, more research is required.

(D) Attitude towards Religious Tolerance

The protracted legal battle over the Ayodhya site, which resulted in the Supreme Court's ruling in 2019, had a significant impact on perceptions of religious convictions and intergroup peace. The ruling gave the Muslim community a different plot of land to build a mosque on, while permitting the construction of a Hindu temple on the contested site. Even while the decision was considered as a compromise on a sensitive matter, it also generated conflicting reactions.

Public opinion in India may be influenced by court rulings relating to religious beliefs. These instances frequently spark conversations and disputes about how to strike a balance between constitutional rights and religious liberties, which over time causes changes in cultural norms and views. As a way to protect secular ideals and advance equality, some people may embrace the court's intervention in religious concerns, while others may view it as an infringement on strongly held religious traditions.

IV. CHALLENGES AND CRITICISMS

Courts frequently face substantial obstacles and criticism in their attempts to modify society norms and beliefs since they serve as important arbiters of justice and change agents. The legitimacy and power of courts to influence these standards is one of the main issues. Critics

contend that although unelected judges are responsible with interpreting and administering the law, they shouldn't have the authority to make decisions that have significant societal repercussions. Judges' ability to weigh in on issues that have an impact on cultural values and beliefs is still up for discussion and review.

Another significant difficulty is brought on by political and ideological conflicts. Court rulings can be seen via a political or ideological prism, particularly when they include divisive matters. Detractors claim that judges' own ideas and prejudices may influence their judgments, raising the possibility of partisanship or bias accusations. This issue demonstrates the fine line judges must walk when it comes to interpreting the law while yet upholding their neutrality.

Courts face a huge challenge when trying to influence cultural standards because of resistance to change from traditionalist or conservative organizations. Court rulings that contradict firmly held community standards or religious convictions may meet with opposition, riots, or other forms of disruption. The opposition frequently reflects a conflict between established moral principles and developing legal norms, highlighting the divisiveness of societally significant judicial rulings.

The efficient application and execution of court judgments is also essential. Even when courts issue progressive rulings, their real influence may be limited by the ability and desire of the pertinent institutions and authorities to carry them out. If this isn't done, the impact of court decisions on society norms and beliefs may be considerably reduced.

The reception of court rulings is greatly influenced by public opinion. These choices don't necessarily reflect the general public opinion, and this mismatch might draw criticism. When a court makes a decision that is at odds with the societal norms, it may be seen as being out of touch with public opinion, which might result in challenges to the court's authority.

Along with these difficulties, the speed of justice has also come under a lot of fire. Legal procedures in courts are sometimes criticized for being drawn out and sluggish. Given that the problems at hand may change or become less important over time, delays in administering justice might impede the timely and meaningful influence of court rulings on society norms.

Additionally, certain problems are by their very nature complicated and diverse. Court rulings

may simplify the subtleties and complexities of complicated topics by reducing them to legal language and interpretations. According to detractors, this simplicity could not effectively address the problem's complexity, which could cause resentment and unhappiness.

Conservative or religious organizations may react negatively to progressive court rulings, especially those that question conventional wisdom or religious doctrine. Such opposition may take the form of proposals for legislative amendments intended to overturn the court's findings, resulting in a continual conflict between judicial judgments and legislative reactions.

Finally, detractors may assert that despite their legal importance, court rulings cannot independently bring about significant societal changes. While they can set legal precedents and change particular legislation, larger societal changes may take more time, campaigning, and cultural development to totally modify norms and attitudes.

Courts nonetheless serve a critical role in establishing society norms and beliefs despite these obstacles and critiques. Significant improvements have resulted from their choices in a variety of sectors, including environmental preservation, LGBTQ+ rights, and gender equality. The intricate interaction between the law, society, and courts is yet a work in progress that is always being discussed and examined.

V. CONCLUSION

In conclusion, judicial rulings have significantly influenced Indian society norms and ideas. Court rulings have assisted in establishing new norms and values that support social equality and justice via landmark cases that contest discriminatory laws and practices. A few instances of court rulings that changed Indian society norms and beliefs are the Shah Bano case, the Section 377 case, and the Sabarimala temple issue.

The assumption that court rulings may be a potent catalyst for social change in India is supported by research and data. Studies have demonstrated that court rulings may significantly alter public perceptions of a range of problems, such as caste discrimination, women's rights, and LGBTQ rights. These choices have put conventional views and ideas to the test and helped society's norms move in favour of greater acceptance of equality, diversity, and fairness.

Even if there are other factors that influence societal development, court rulings have a

significant impact on the nation's legal and cultural environment. Court rulings can contribute to the development of a more inclusive and just society by creating precedents and building legal frameworks.

It is crucial to remember, nevertheless, that court rulings cannot resolve all of India's social and cultural issues on their own. Government, civic society, and people must all work together in harmony if social change is to occur. However, judicial rulings may be an effective tool for fostering social change and advancing India's quest for justice.

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