The recent judgment of the high court in the Sabarimala case is facing criticism from devotees. Many claim that it hurts the sentiments of a large section of devotees, including women. Petitions for review have already been filed. The judgment is criticized as being destructive of religious faith and belief.

No doubt there is widespread adverse opinion against the judgment, but there are sufficient reasons to take away the sanctity of it.

We are not born with belief and faith. Our belief is culturally taught and dependent on the pool of information in which we are brought up. It is obvious that cultural devotion feel the judgment is unjust, but is not what we think to be just, but what we believe is just. The idea of justice will never become clear unless the sense of injustice is developed. Justice is dependent on injustice for its existence.

Society had always been ruled by the power of interpretation. In primitive societies power to make law and power of interpretation was in a single hand. In modern societies, following the concept of distribution, and separation of power, judiciary is the institutional system that interprets, and applies law, and such power of interpretation is sanctioned under the authority of law. As a dispute resolution system, the judiciary does not make law, it has been entrusted with the job of interpretation and its immediate application in the facts of each case. It is the institutional system for delivery of justice, a system that has authority under law to go to any extent if justice demands.

Socrates confronted the idea of justice by asking Cephisias, “Justice, what is it?” to speak the truth and to pay your debts—no more than this! And then correctly said, “speaking truth and paying your debt is not a correct definition of justice,” at the same time it was not agreeable to him that justice is obedience to the command of the ruler. Since the time of Socrates, the notion of justice has changed a lot. We were raised as a commodity, we kept slaves, we followed the sacred command of Sut, not because we desired but we felt it to be just. The question is if it was so just, why did we stop? When we feel that it is the transformation of justice into injustice and the common acceptance of the conversion. The sense of being just in dynamic, as is justice. The social sense of justice, for obvious reason, deviates from justice in accordance with law. This plays a crucial role in the making of a judicial decision.

Justice defined in Sabarimala case

By upholding the Constitution, the Court upholds popular will and this must be appreciated in the Sabarimala case as well, says JEWEL CHANDA.