



Analytics and Its Role in Judicial Interpretation

Deciphering Constitution Benches Over 15 Years

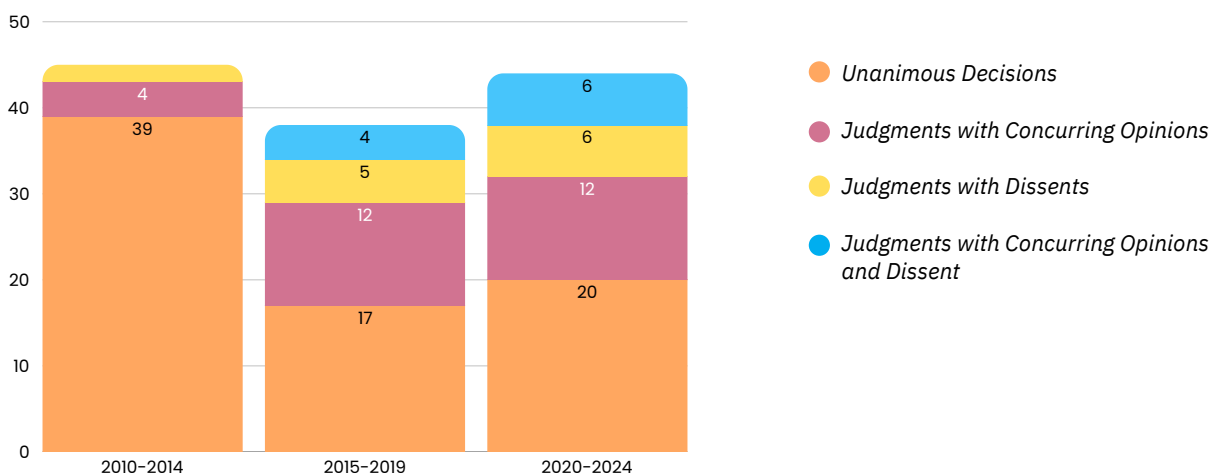
This article leverages data to analyze the functioning and impact of Constitution Benches over the past 15 years, highlighting the need for systemic reforms to uphold constitutional principles effectively.

The Constitution Bench of the Supreme Court of India occupies a pivotal role in shaping the nation's judicial framework. Constituted under Article 145(3) of the Constitution, these benches, comprising a minimum of five judges, are entrusted with the critical responsibility of addressing substantial legal questions concerning constitutional interpretation. Their decisions form the bedrock of India's constitutional jurisprudence, profoundly impacting principles like fundamental rights, federalism, the separation of powers, and individual liberties.

At the time of India's independence, Constitution Benches were intended to be the primary forum for resolving substantial legal questions. During the 1960s, their activity peaked, with nearly 100 benches comprising five or more judges convening annually. However, by the early 2000s, this number had plummeted to just nine per year, indicating a shift in judicial priorities and growing systemic pressures. Despite the increase in the number of Supreme Court judges from 8 in 1956 to 31 in 2008, this expansion did little to alleviate the challenges of mounting case backlogs and inefficiencies within the judicial system.

This decline in the frequency of Constitution Benches, coupled with persistent challenges like judicial backlogs and inefficiencies, highlights the need for innovative approaches to understand and address these issues. Analytics applied to legal texts offers a promising solution by uncovering hidden patterns, recurring themes, and subtle nuances that traditional methods might miss. By examining extensive legal data, such as case laws and judicial opinions, this approach provides valuable insights into judicial efficiency, case disposal rates, and systemic backlogs. It involves deconstructing judgments into their components, critically analyzing each part, and reassembling them to gain a deeper understanding of the judiciary's functioning.

Constitutional Bench judgments



The analysis of Constitutional Bench judgments reveals evolving patterns in judicial decision-making over three distinct time periods: 2010-2014, 2015-2019, and 2020-2024. These judgments are categorized into four types of opinions:

1. Unanimous Decisions
2. Judgments with Concurring Opinions
3. Judgments with Dissents
4. Judgments with Both Concurring Opinions and Dissents

Key Trends

2010-2014

This period is marked by a predominance of unanimous decisions, indicating strong consensus among the judges.

2015-2019

A noticeable shift emerges, with an increase in judgments featuring differing opinions, such as concurring and dissenting opinions.

2020-2024

A more balanced judiciary is observed. While unanimous decisions continue to hold prominence, there is a significant rise in both dissenting and concurring opinions. This reflects an evolving judiciary, embracing diverse reasoning and adapting to the complexities of modern society. The growing plurality in opinions suggests an effort to balance judicial consensus with individual expression, potentially influenced by a more diverse bench and nuanced societal challenges.

Broader Implications



For Lawyers and Litigants:

The rise in non-unanimous judgments necessitates deeper analysis of opinions to distinguish between binding and persuasive authority.



For Society:

The plurality of judicial opinions resonates with societal pluralism, indicating the judiciary's engagement with diverse perspectives and complex issues.



Judicial Collegiality:

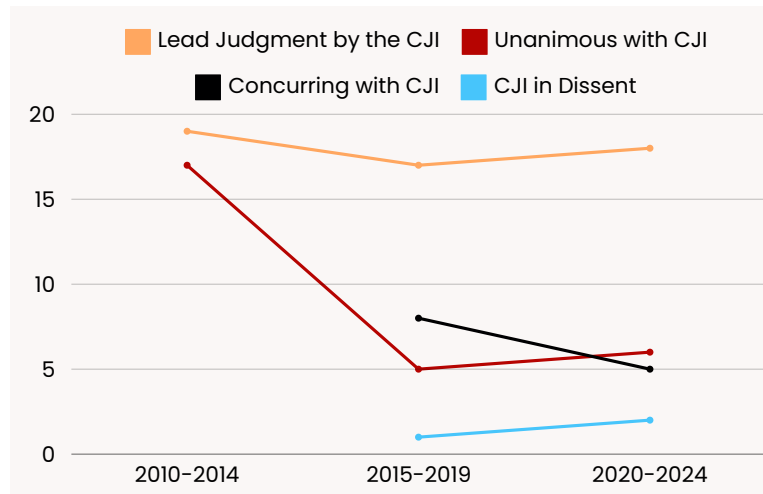
These trends may reflect healthy deliberation and robust debate within the judiciary, reinforcing its democratic role. However, significant dissent might also point to underlying ideological divides within the bench.

This analysis highlights how the judiciary's evolving decision-making patterns mirror broader societal and institutional dynamics, reiterating its critical role in interpreting and shaping the Constitution in an ever-changing landscape.

CJIs Setting the Pace

Rise of Concurring and Dissenting Opinions in Constitutional Benches.

The line chart highlights the evolving dynamics of Chief Justices of India (CJIs) in constitutional bench decisions. It tracks the rise of concurring and dissenting opinions over three time periods (2010-2014, 2015-2019, and 2020-2024) across four categories



1. Lead judgments by the CJI

2. CJI, unanimous decisions with the CJI

3. Concurring opinions with the CJI

4. Instances where the CJI was in dissent.

Observations and Analysis

Historical Context of CJI Dominance

As Nick Robinson noted in *Interpreting the Constitution: Supreme Court Constitution Benches since Independence* (2011), the Supreme Court of India has historically been "chief justice dominant." The article suggests that CJIs may have strategically chosen bench compositions to align decisions with their preferences. This is evident from the fact that between 1947 and 2009, the CJI dissented only 10 times on constitutional benches.

Recent Shift in CJI Dynamics

However, the data from the past decade indicates a shift. The chart shows that unanimous decisions with the CJI have declined over time (from 17 in 2010-2014 to 5 in 2015-2019 and 2020-2024). Conversely, instances of CJIs issuing dissenting opinions, though still rare, have increased.

* *Interpreting the Constitution: Supreme Court Constitution Benches since Independence* : Vol. 46, Issue No. 09, 26 Feb, 2011 ((Economic and Political Weekly)

Notably, there have been three such dissents in the last 10 years:



Justice J.S. Khehar

in Shayara Bano v. Union of India (2017)
(MANU/SC/1031/2017;
2017 INSC 785)



Justice U.U. Lalit

in Janhit Abhiyan v. Union of India (2022)
(MANU/SC/1449/2022;
2022 INSC 1175)



Justice D.Y. Chandrachud

in Supriyo v. Union of India (2023)
(MANU/SC/1155/2023;
2023 INSC 920).

Evolving Judicial Trends

- The consistent leadership of CJIs in issuing lead judgments (maintaining a high number across all three periods) suggests that their influence remains significant.
- The decline in unanimous decisions with the CJI reflects increasing diversity in judicial perspectives and greater independence among bench members.
- The modest but growing presence of dissent by CJIs highlights a more open judiciary, where even the head of the institution does not shy away from expressing minority opinions.

Broader Implications

Judicial Collegiality

The rise in concurring and dissenting opinions signals a more deliberative approach within benches, promoting robust debates and transparency in decision-making.

Checks on CJI Influence

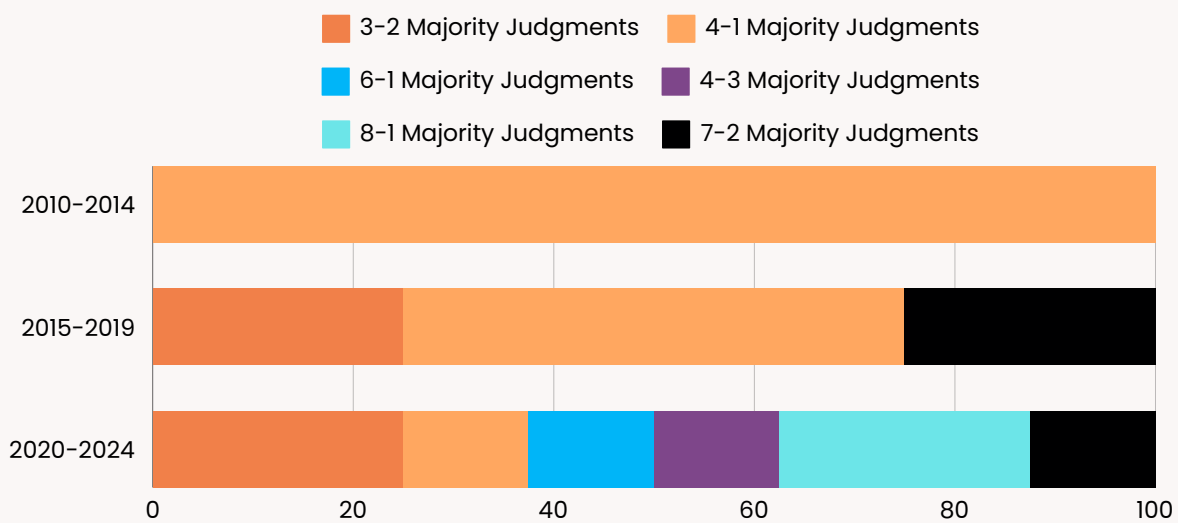
The increase in dissenting opinions, including those by CJIs themselves, could reflect a judiciary moving towards a more balanced and less hierarchical structure.

Public Perception

Greater plurality in opinions, especially at the highest judicial level, reinforces the judiciary's role as an independent and evolving institution that engages deeply with complex constitutional questions.

This shift, as reflected in the data and historical context, reflects a changing judicial landscape where the CJI's role, while still pivotal, is adapting to the broader ethos of judicial independence and diversity.

Split in Constitutional Benches



Split Decisions in Constitutional Benches led by the CJI.

The bar chart above provides a breakdown of split decisions in constitutional benches led by the Chief Justice of India (CJI) across three time periods: 2010-2014, 2015-2019, and 2020-2024. The data reveals the evolving nature of judicial consensus and dissent in constitutional matters, showcasing shifts in the frequency and types of majority judgments over time.

The data highlights a general decline in narrow majority decisions like 3-2 splits over time, while lone dissenting opinions (e.g., 4-1, 8-1 judgments) and larger bench deliberations (e.g., 7-2 splits) have seen occasional increases, reflecting evolving judicial dynamics and decision-making trends.

Key Inferences

Shift Towards Larger Benches: The appearance of 8-1 and 7-2 majority splits in 2020–2024 suggest an increasing reliance on larger constitutional benches for significant cases.

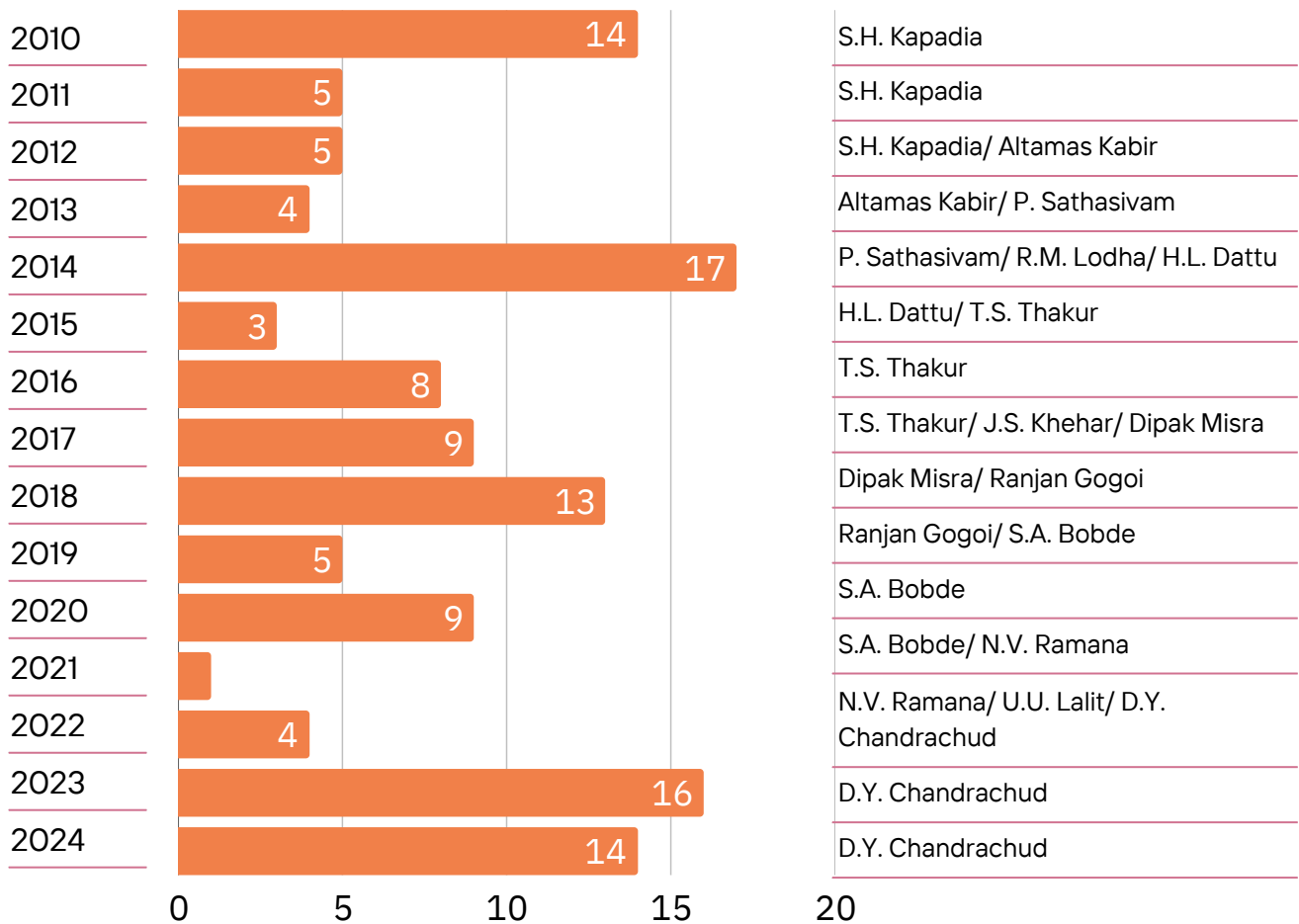
Diverse Opinions: The prevalence of 4-1, 6-1, and 8-1 majority judgments highlight the trend of individual judges expressing dissenting views, even in the face of strong majorities.

Reduced Even Splits: The decline in 3-2 judgments over time reflects a move away from closely contested decisions in smaller benches, possibly indicating a stronger consensus-building process.

Evolving Judicial Dynamics: The data demonstrates the judiciary's adaptation to more complex legal issues, often requiring larger benches and resulting in varied splits.

CJIs Overseeing Constitutional Benches

Chief Justices, as the master of the roster, are responsible for creating constitution benches to resolve significant questions of law.



This chart, titled "CJIs Overseeing Constitutional Benches," provides insights into the role of Chief Justices of India (CJIs) as masters of the roster, responsible for forming constitutional benches to resolve significant legal questions. It highlights the number of judgments delivered by these benches under each CJI across various years from 2010 to 2024.

Fluctuations in Judgments Delivered:

- The number of judgments delivered by constitutional benches has varied significantly over the years.
- Peaks are observed in **2014 (17 judgments)**, **2018 (13 judgments)**, and **2023 (16 judgments)**, indicating periods of heightened constitutional activity.
- Conversely, some years, such as **2021 (1 judgment)** and **2015 (3 judgments)**, reflect minimal activity by constitutional benches.

Role of Individual CJIs

- S.H. Kapadia (2010–2012) presided over an active period, delivering 14 judgments in 2010 alone, setting a strong pace for constitutional benches.
- P. Sathasivam and R.M. Lodha oversaw fewer constitutional bench judgments, with only 4–5 judgments annually during their tenure.
- Dipak Misra and Ranjan Gogoi showed higher activity in their respective tenures, particularly in 2018 with 13 judgments.
- D.Y. Chandrachud stands out in recent years, delivering 16 judgments in 2023 and maintaining high activity levels in 2024 (14 judgments), reflecting a proactive approach to constitutional issues.

Transitions in Leadership

- Some years, such as 2014 and 2022, show transitions between multiple CJIs (e.g., P. Sathasivam to R.M. Lodha, and N.V. Ramana to U.U. Lalit/D.Y. Chandrachud). Despite transitions, there were still notable outputs, suggesting continuity in addressing constitutional matters.
- The chart demonstrates how certain CJIs, particularly those with longer tenures, have been able to facilitate more constitutional bench judgments.

Trends Over Time

- While early years (2010–2014) saw fluctuations, recent years (2020–2024) have shown increased consistency in delivering judgments. This uptick reflects a judiciary increasingly addressing constitutional questions amid evolving legal and societal challenges.

Broader Implications

Judicial Leadership

The activity levels of constitutional benches are heavily influenced by the CJI, emphasizing the pivotal role of the master of the roster in prioritizing significant legal questions.

Evolving Challenges

The surge in judgments in recent years suggests a judiciary responding to complex constitutional issues, potentially driven by societal changes and legal developments.

Institutional Continuity

Despite leadership transitions, the data shows continuity in addressing constitutional matters, highlighting the institutional strength of the Supreme Court.

This analysis reaffirms the pivotal role of constitutional benches in shaping India's legal framework and highlights the significance of CJIs in directing the judiciary's focus toward pressing constitutional matters.