



JUSTICE

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Introduction:

- ▶ Justice is one of the **ends** of the state.
 - ▶ The concept of justice usually refers to the life lived as per the existing law.
 - ▶ In another sense it refers to ideal elements contained in a good law.
 - ▶ Today the term justice is used in every human activity.
 - ▶ The term justice is derived from the Latin word “**Jus**” which means the idea of **bond or tie**.
 - ▶ It refers to a set of rules endorsed by the court.
 - ▶ Justice by justifying the law binds it to human beings.
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Definitions of Justice:

- ▶ “Justice is a sense of fairness and morality.” – **Aristotle.**
 - ▶ “To provide every man his due or to give man his due or to give man what belongs to him.” is justice according to **Plato.**
 - ▶ “Justice is the bond which holds society together.” **Sabine.**
 - ▶ “Justice is the reconciler and synthesiser of political values.” **Ernest Barker.**
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Nature of Justice:

1. Justice is a **multi-dimensional** and dynamic concept.
 2. Justice is the bond that **connects many important political values** such as rights, liberty, equality, fairness and impartiality.
 3. Modern understanding **of justice is legal**. The laws of the state ensure justice to all citizens.
 4. Justice flows from the laws of the state and is **safeguarded by the judiciary**.
 5. Justice is meant to **protect individuals**.
 6. It is concerned with the relationship between citizens and groups or associations.
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Nature.....

7. Justice **protects the rights of the citizens** against violation or encroachment.
 8. Justice **is a bond of human relations** established on the basis of religion, nature, economics and ethics. These bonds are called the eternal law, natural law, divine law and human law.
 9. Modern concept of justice differs from the traditional concept of justice. The traditional concept was **based on value & morality** where as the modern concept of justice seeks to transform the society to realize human values.
 10. Justice **is an ideal** to be followed by every society. The purpose of renaissance, reformation was to get justice.
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Nature...

- ▶ Thus justice is a value that stands above every other principle.
 - ▶ Justice is the central value from which every other value emanates.
 - ▶ **Justice is the central bond that links liberty, equality, law and rights.**
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Significance of Justice:

- ▶ Justice is the very **basis of the goals of actions of the government.**
 - ▶ Governmental institutions such as the law **courts are there to ensure the preservation of justice.**
 - ▶ Following points indicates the importance of justice –
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1. High Ideal that links other values:

- ▶ Justice has been ranked the highest ideal of a state right from the time of Greek city states.
 - ▶ **Without justice the values like liberty, equality have no importance .**
 - ▶ It is because there can be no liberty if there is no equality and no equality in the absence of justice.
 - ▶ **So justice is the ideal which binds together all the ideal values in a democracy.**
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2. Achieves harmony and peace:

- ▶ Justice seeks to achieve harmony and peace among mankind in the society.
 - ▶ Justice available makes an individual feel secure within a state.
 - ▶ This feeling of security in turn ensures harmony within the state.
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3. Ensures Better life to Individual:

- ▶ The achievement of justice in all spheres of the life of the individual raises the standard of his life in every way.
 - ▶ For example, ensuring economic justice implies providing the bare necessities of life, employment, social security and so on.
 - ▶ Likewise, legal justice ensures the protection of the rights of the individual.
 - ▶ Thus, justice ensures better life to individuals.
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4. Justice is the criterion to measure the type of state:

- ▶ The idea of justice is related to equity and fairness.
- ▶ The extent to which the nation state strives to achieve justice indicates the type of state.
- ▶ **Justice is indeed the yardstick to determine whether the state is a totalitarian one or a liberal democracy.**
- ▶ In a democracy there is the protection of the weak and also the minorities.
- ▶ The excellence of any system is measured through the excellence of its judiciary which is the instrument of justice.


Kinds/Dimensions of Justice:

- ▶ The concept of justice is a **multi-dimensional** one.
 - ▶ Hence there are different kinds of justice which may be grouped as follows –
 1. Social justice,
 2. Political justice,
 3. Economic justice,
 4. Legal justice &
 5. Distributive justice.
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1. Social Justice:

- ▶ It is believed that the well-being of the society depends on social justice.
 - ▶ **Social justice is understood as the reconciliation of the rights of the individual with interest of the community.**
 - ▶ In fact social justice considers the interest of the community as predominant over the interest of the individual.
 - ▶ It implies that the individual is required to sacrifice certain rights in the public interest.
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Social justice.....

- ▶ Social justice is a very wide term covering everything relating to 'general interest'.
 - ▶ This general interest includes the protection of the interest of the minorities, women and children, downtrodden and weaker sections of the society.
 - ▶ Social justice includes not only the principle equality before law and independence of judiciary but also the eradication of social evils like unemployment, ignorance, poverty, etc.
 - ▶ Thus, **social justice relates to the balance between the individual justice and community justice to ensure common good.**
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2. Political Justice:

- ▶ Political justice is the one which is available in a democracy.
 - ▶ **It implies the free and fair participation of the people in political affairs.**
 - ▶ It means the enjoyment of political rights like the right to vote, right to contest elections, criticize the government, etc.
 - ▶ Political justice has one more dimension which relates to equal opportunities for recruitment in public services.
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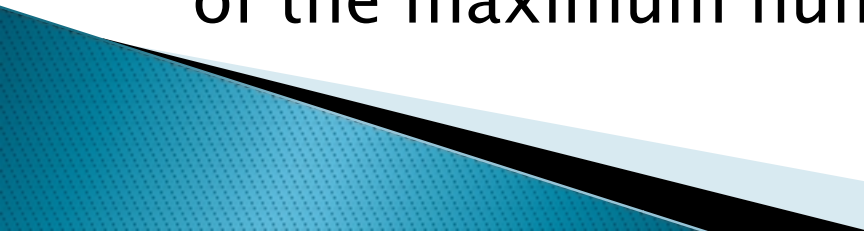
Political justice....

- ▶ It also means an independent press and independent judiciary to protect the liberty of the people.
 - ▶ So political justice requires the state to protect certain rights of the individual in order to take an active part in matters relating to the administration of the country.
 - ▶ It also requires the state to be a liberal democratic one to protect these rights.
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3. Economic Justice:

- ▶ Social and political justice are meaningless without economic justice.
- ▶ **Freedom is meaningless if it prevents the achievement of economic justice.**
- ▶ For example, to a hungry man or to a man who is denied human dignity, political freedom is an empty word.
- ▶ Economic justice implies the idea of non-discrimination between man and man in granting economic benefits.
- ▶ For example, equal pay for equal work, granting adequate means of livelihood for every man, freedom for all in the spheres of production and distribution, etc.


Economic justice....

- ▶ In order to achieve the economic justice the national economy may have to be reshaped to make it a socialistic pattern of society.
 - ▶ **Economic justice in a poor country like India relates to feeding the starving people, and clothing the naked masses, providing them shelter and giving equal opportunities for progress.**
 - ▶ In order to do this, the right to property may be restricted.
 - ▶ Thus economic justice implies the new balance to be established between individual interests and group rights in order to ensure maximum welfare of the maximum number.
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4. Legal Justice:

- ▶ Legal justice implies the system of justice with principles and procedures as laid down in the laws of the state.
 - ▶ Legal justice often seeks to protect the rights and duties of citizens.
 - ▶ The concept of legal justice is a new concept.
 - ▶ Legal justice believes in the principle of 'equality among equals under equal circumstances.'
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Legal justice....

- ▶ **In order to have a fair law, the law making organ must also be fair and just.**
 - ▶ **This law should not be static but dynamic to adjust itself to changing circumstances.**
 - ▶ **If the laws fail to reflect the changing social values it loses its utility (E. Barker).**
 - ▶ **The other term for legal justice is corrective justice or positive justice.**
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5. Distributive Justice:

- ▶ According to Aristotle, distributive justice means that equals should be treated equally and unequal unequally.
 - ▶ However in modern times, distributive justice has a different meaning.
 - ▶ **It means that the national wealth should be distributed or redistributed in a way that the gap between the rich and the poor is narrowed down.**
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Conclusion:

- ▶ Thus, justice is the great ideal of the state and its importance is more greater especially in a democratic state.
- ▶ **Justice today is the measuring rod to measure the excellence of a government (James Bryce).**