

JUSTICE

INTRODUCTION

Justice as an important concept of political science, plays an essential role in the social life of people, ever since man started to lead a social life, in older times man acted religiously but justice at that time too inspired people to lead a justifiable social life. When society went on becoming complex and men went on becoming more and more individualistic and he began to show indifference to social life, importance of justice further increased. When men began to prefer personal interests to social interests, it resulted in social tensions, struggles, agitations and conflicts. Justice establishes co-ordination between man and man, society and society and between various groups of the society. It creates such a situation in which man can discover his course of development. Society based on justice is a synonym of civilized society and creates conditions for the development of the society. In the present, materialistic competitive world, when man has preferred his self-interests to the interest of society, concept of justice has gained more importance.

DEFINITION OF JUSTICE:

The word justice is derived from the Latin word jus, meaning to tie knots. Justice is therefore a social condition which binds one man to another. In ancient times, justice has been explained as “Tit for tat”, “Divine will” or “the fruit of deeds in the previous birth”. In modern times, justice means those social conditions by which a harmonious and right coordination is made between individual’s conduct and the welfare of the society. Justice is the fulfillment of broad social welfare or progress of all sections of society.

According to Merriam, “Justice consists in a system of understandings, and procedures through which each is accorded what is agreed upon as fair”

According to Salmond, “Justice means to distribute the due share to everybody”

DEVELOPMENT OF THE CONCEPT OF JUSTICE

Justice was an important subject of eastern and western philosophy. Its nature is discussed as:

a. Justice in Indian political thought:- In ancient Indian thought justice has been given the importance of spiritual thought. In ancient India, justice was treated as an important legal concept. The great thinkers of ancient times were Kautilya, Somdeva, Manu, Brihaspati etc. Kautilya said, “Justice is the soul of the state. The king who does not administer justice impartially will be destroyed early. Another thinker Manu had divided disputes into civil and criminal

b. Justice in western political thought:- In ancient Greece before Plato there were three views on justice the traditional view, extremist view and empiricist view. The traditional view was by Cephalus and Polymachus. They said that

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when a person pays his debt, treats enemy as the enemy and friend as friend, he is following justice.

Extremist view was by thrasymachus. According to him, justice is safeguarding the interest of the strong, conduct in conformity to law and powerful people holding the power.

Empiricist view was by Glaucon, who said, justice aims at protecting the interest of the weak.

Plato opposed all existing views on justice. He said, there are three classes in every state, that is ruling class, soldier class and producer class, when all these sections will do their allotted work, it is justice. A just man according to Plato one who acts according to his nature or individual instinct. The rulers should sacrifice their personal interest and do good to all in the society.

St. Augustine regarded justice as the highest principle in a divine state. According to him, a state without justice is like a den of gangsters.

Aristotle said, justice can be defined in two ways. First is distributive justice, by which appointment in political posts is made on basis of ability and qualification, and on basis of service rendered to state. Secondly, corrective justice which determines the mutual relationship between two citizens and thus regulating social life

LIBERALS VIEW REGARDING JUSTICE:-

In Europe due to the development of liberalism, individualism obtained impetus and men achieved important place in the society. Individual freedom was the central concept of liberalism. According to individualists, for the establishment of justice it is necessary that man should be free from the control of the state to the maximum and free environment should be created for his development.

Herbert Spencer said, "Only freedom is the most appropriate assurance to justice".

The above concept of liberal justice has divided the society into two classes-developed and undeveloped, rich and poor classes. Having lagged behind continuously in the race for development, one class of the society has become completely weak. Hence, the later liberalists like green and house presented a refined and revised version of liberal justice's. They propounded that it is necessary for a just society that state should make all efforts to remove economic inequalities. It should implement welfare schemes for the backward classes.

MARXIST VIEWS REGARDING JUSTICE

Against the prevailing economic disparity, Marx and Engels presented a new social system. According to them, a society with economic inequality is always bound to be unjust because in it justice is not done towards the poor people. In order to establish a just society it is necessary that wealth is

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distributed in a justifiable manner among all the people of the society. For the realization of this kind of utopian society he has presented a bloody revolution by the poor workers in order to destroy the capitalist, class altogether. When capitalist order will be over, class less society will be result. In this type of society, there would be no exploitation and would completely be a just society. In this society everyone would work according to his ability and get from the society according to his needs. Totally free from the control of state, people belonging to the society would perform their duty voluntarily and contribute their labour to maximize production and consume according to their necessities. Such a society as dreamt by the Marxists would be completely blessed, egalitarian and just.

RAWL'S THEORY OF DISTRIBUTIVE JUSTICE

John Rawls was a liberal democrat. In his theory of justice, Rawls advocated the liberal democracy and also provided protection to the interests of weaker sections of the society. John Rawls explained justice under the following headings;

a. Problem of Judicious distribution of primary goods: - Rawls says problem of justice is distribution of primary goods. He argues that theory of justice which is accepted on basis of majority, through them the distribution system will be adopted, would always be democratic and rational. The primary goods include rights, liberties, income, wealth, powers and opportunities, which should be distributed in a rational and judicious way among whole population.

b. Distribution of Income for the welfare of the people: - In order to make capitalism just and adaptable, Rawls has provided a new system of income distribution. Rawls said that distribution of sources of income is to be done in such a way that makes the satisfaction of common interest possible. One part of income of the capitalist class which goes to the government in the form of income tax, wealth tax, excise duty etc, should be spent in such a way that it fulfils the needs of the weaker sections of the society along with nation's security, peace, law and order, telecommunication and transport. It will be rational and just distribution of income.

c. Emphasis on the ethics of Redressal: - Rawls emphasized ethics of redressal of public grievances. He admits that the theory of equal opportunity is the best concept and is best rational and just system. But it is also an important responsibility of the state that it should see, at the time of distributing wealth among the people, that the weaker and deprived sections of society get maximum benefit.

d. Support liberal democracy:- Rawls has completely advocated liberal democracy as the best system. He has completely supported the rights and freedom of the public for success of democracy. In Rawls view, freedom of expression, inner freedom, right to property, freedom of forming families, marriage, ownership of means of production are some of the undisputable of the people. Rawls supported constitutional democracy, as it protects the rights of

the public and saves open market economy from being blocked by any impediment.

RELATIONSHIP BETWEEN EQUALITY AND JUSTICE

Generally, it is difficult to clarify the relation of equality and justice. Aristotle says that justice is same as equality, while as Laski feels that provisions of proper opportunities for development of people according to their ability is equality and it is just.

Equality means that all should get equal opportunities for the fulfillment of their needs, while as justice is that there should be equality among equals and inequality among unequal's. Equality among equal's means that in equal circumstances, those who do equal work should be treated equally. Similarly, equal behavior with unequal's is not justice. But provisions of special opportunities to the weak, poor and backward section is just and not inequality.

Thus, it can be said that it is necessary for the establishment of justice that there should be equal laws for all without any exception and there should be no privileged class. All human beings should get equal, social, economic and political rights. There being equality before law, equal punishment should be given for equal crime for the breach of law. This is justice and were it prevails is just society.

DIFFERENT FORMS OF INJUSTICE

The various forms of injustice existing in society are:

a. Legal Injustice:- Legal Injustice implies that, when law becomes victim of some influential people and turns out to be arbitrary. Legal injustice also includes partiality towards people on various grounds.

b. Political injustice:- When political power is so exercised that it does not serve the interest of all, and people do not have opportunity to put their pressure on government, such a situation can be termed as political injustice.

c. Social Injustice:- Social injustice means discrimination of citizens from social point of view. If in a society individuals are discrimination on various grounds, and do not get equal opportunities for development, that is social injustice.

d. Economic Injustice:- Economic injustice means not to provide equal opportunity to citizens in order to acquire wealth and use it to fulfill the needs of life. Besides, it also includes the negligence of society towards the weaker section of the state, who is not in a position to earn their livelihood.

HOW CAN JUSTICE BE SECURED?

a. Legal Justice:- Legal justice can be secured inflowing ways:

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i. **Law should be just:-** Just law means that law, which is based on justice. There are three forms of a just law. Firstly, the law is just when it is made for common interest or public interest. Secondly, the formation of just laws is possible only through legislatures elected by people. Thirdly, for making a law just, it is necessary that it should be based on social values and social morality. Also, unwritten principles prevailing in a society, traditions and customs are important like written laws for establish justice.

ii. **Justice according to law:-** It is not enough that law should be just, but the procedure of law also should be just. The justice according to law means that everyone will be considered equal before law. Moreover, all will be provided equal protection of law. For the establishment of justice, it is given in Article 14 of the constitution that “The state shall not deny to any person equality before the law or the equal protection of the law within the territory of India”

b. **Political Justice:-** The government influences all the persons of the society. Therefore, the political power should be used in such way that the interests of all may influence the government equally. This is called political justice.

For the establishment of political justice, three conditions are necessary; Firstly, the democratic institutions may be established in political life of the society, so that these institutions may represent public interest, and may fulfill the same. For political justice, constitutional government is necessary.

Secondly, political justice is that condition in which the citizens have the freedom to express their ideas, and they criticize the government policies.

Thirdly, the people should have right to organize associations, institutions and groups to protect their interests. They may communicate their ideas to the government through political parties and the pressure groups. Thus, they may oppose or support government policies.

c. **Social Justice:-** Social justice means that there should be no discrimination against any citizen on social grounds. Following things are necessary for establishment of social Justice:

i. **Abolition of differences on the basis of caste and colour:-** For social justice it is necessary to remove the differences bases on caste and colour. In India discrimination against the low castes has been legally put to an end. Social consciousness is also necessary condition for social justice.

ii. **Limit of intervention of state:-** In promoting social justice, state should intervene in a limited manner, as in some spheres growth of social organizations would be blocked by state. Thus, social customs and idea of morality should be free from state intervention as different societies have different customs. Also religious faith should be free from state interference. Thus, function of state is to defend the religious faith, and, not to propagate or spread any particular religion.

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iii. **No discrimination in the use of public places:** There should be no discrimination on any ground regarding the use of public places. The use of bank, cinema, hotel, educational institutions, wells, ponds, shops etc. should be open for all. Indian constitution has put to an end the discrimination in use of public places.

d. **Economic Justice:** Economic justice is the provision of equal opportunities to the citizens to easy money and to use this money for the satisfaction of the necessities of their life. Economic justice also implies that society should help those, who are not able to earn properly. For establishment of economic justice following things are necessary:

- i. **It is essential to fulfill the minimum material needs:** In a society, where minimum material needs of the people are not fulfilled, imagination of economic justice is not possible. Democracy, political justice, rights etc. will remain useless, till the minimum fundamental needs are fulfilled
- ii. **Unearned income should be limited:** It is necessary to restrain the unlimited use of hereditary property. By doing so it will decrease economic inequality and will become useful in just distribution of wealth.
- iii. **Equality should be established among the equals:** Economic justice means that equal pay should be given for equal work. Workers working in an industry, peons working in an office, officers of the same status should be given equal pay. This is economic equality. Economic justice establishes economic equality among those who do the same type of job.
- iv. **Every body should work according to his ability and his general needs should be fulfilled:** It is necessary for the establishment of economic equality, every individual should work according to his ability, and, in return his general necessities should be fulfilled according to his ability and status.
- v. **The question of state intervention in the economic field:** Because of controversy in capitalist and communist society, regarding role of state in economic field, idea of mixed economy is accepted. On the one hand, the state works for the welfare of people in economic sphere and on the other hand, in a private sector, individual has a chance to prove his merit.
