

## CHAPTER 03

# Justice

### In this Chapter...

- Meaning of Justice
- Principles of Justice
- Different Dimensions of Justice
- Distributive Justice
- John Rawls' Theory of Justice
- Pursuing Social Justice

### Meaning of Justice

Justice means fair treatment of people and the quality of being reasonable. Justice helps in the maintenance of a **just** and **rational** society. Justice is the proper administration of the law. It is the fair and equitable treatment of all individuals under the law. Justice was associated with Dharma in ancient Indian culture and upholding **Dharma** or just social order, was considered to be a primary duty of kings.

Chinese philosopher **Confucius** argued that king should maintain justice by “punishing wrong doers and rewarding the virtuous.”

**Plato** in his book **The Republic** argued that “not to interfere in work area of others and to do our duties is justice”. He examined why we should be concerned about justice.

According to **Socrates** “justice does not only mean doing good to our friends and harm to our enemies, or pursuing our own interests. Justice involves the well-being of all people.”

According to the German philosopher **Immanuel Kant** “human beings possess dignity. If all persons are granted dignity then what is due to each of them is that they have the opportunity to develop their talents and pursue their chosen goals. Justice requires that we give due and equal consideration to all individuals.”

### Principles of Justice

To provide each person his/her equal importance, a number of different principles have been put forward which are as follows

#### Equal Treatment for Equals

One of the principles of justice is treating equals equally. All individuals have certain characteristics as human beings for which they deserve equal rights and treatment. For example, **right to life, liberty and property, right to vote**, which enable people to participate in political processes and certain social rights which would include the right to enjoy equal opportunities with other members of the society.

Apart from equal rights, the principle of treating equals equally also require that people should not be discriminated against on grounds of class, caste, race or gender. They should be judged on the basis of their work and actions and not on the basis of group to which they belong. As a result, if two people from different castes do the same job, they should be compensated equally.

#### Proportionate Justice

Justice is not solely based on the concept of fair treatment. There will be occasions where we believe that treating all fairly will be unfair. In such cases, fairness will mean rewarding individuals in proportion to the size and nature of their effort, assuming everyone begins from the same base line of equal rights.

Most people would agree that, while everyone should be paid the same for the same job, it would be reasonable and just to compensate different types of work differently based on factors like the amount of effort needed, the expertise required, the potential dangers involved in that job and so on.

If we use these parameters, we can find that some types of workers in our society are not paying a wage that adequately considers such factors. Miners, professional craftsmen and people in often risky yet socially useful occupations like police officers, for example, do not always receive a fair reward as compared to what others in society may be receiving. For justice in society, the principle of equal treatment needs to be balanced with the principle of proportionality.

## Recognition of Special Needs

This principle recognises for a society to take into account special needs of people while distributing rewards or duties. This would be considered a way of promoting social justice. People with special needs or disabilities could be considered unequal in some particular respect and deserving of special help.

Physical disabilities, age or lack of access to good education or health care, are some of the factors which are considered grounds for special treatment in many countries. In our country, lack of access to good education or health care and other such facilities is often found combined with social discrimination on grounds of caste. Therefore, the Constitution allowed for reservations of government jobs and quotas for admissions to educational institutions for people belonging to the Scheduled Castes and Scheduled Tribes.

Our discussion of various principles of justice revealed that governments may find it difficult to reconcile the three principles of justice discussed: equal treatment for equals, consideration of different efforts and skills when assessing incentives and burdens, and provision of a minimum standard of living and equal opportunities to the needy. Pursuing equality of treatment by itself may sometimes work against giving due reward to merit.

Emphasising rewarding merit as the core principle of justice may result in marginalised groups being at a disadvantage in many places because they lack access to amenities such as good nutrition and education. Depending on which theory of justice they emphasise, different groups in the country can favour different policies. Governments must then harmonise the various values in order to promote a just society, otherwise they would be at a disadvantage in certain ways.

## Different Dimensions of Justice

Different dimensions of Justice helps in creating a just society. **Legal, social, political and economic justice** are the key dimensions of justice. Here, we will try to understand these dimensions in some details.

1. **Universal Adult Franchise** It refers that all citizens who are 18 years and above irrespective of their caste, religion, education, colour, race and economic conditions are free to vote”.

## Legal Justice

It is a narrow concept of justice which is associated with the legal system and legal procedure existing in a society. The court of law interprets the law and applies it after hearing the partners involved in a dispute. Here, justice is what administered by the **court of law** and the **interpretation of the judge** is considered to be an embodiment of justice.

## Political Justice

In any democratic society political justice means providing **equal political rights**. Political justice stands for a free and fair participation of people in the political sphere. **Universal Adult Franchise**<sup>1</sup> is the expression of political justice. Equality of opportunity in getting elected and in holding public offices, freedom of expression and association are important pillars of political justice.

## Social Justice

It means to end all types of social inequalities and to provide proper opportunity to every citizen in each sphere of life, to develop her/his personality to ensure equality of law, prohibition of discrimination, social security, provision of equal political rights, etc. The concept of social justice is based on the belief that all human beings are equal and no discrimination should be made on the ground of race, religion, caste gender and place of birth.

## Economic Justice

It means to provide equal opportunities to everyone to earn her/his livelihood. It also means to help such people who are not able to work and earn their livelihood. The basic need of every person such as food, cloth, shelter and education should be fulfilled. It stands for by assuring adequate means of livelihood to all, by making provisions for fair distribution of resources, equal economic opportunity to all, etc.

While the concept of political justice is closely linked with the ideal of **liberty**, economic and legal justice with **equality** and social justice with **fraternity**, a just combination of all these four dimensions will help in achieving justice in life.

## Just Distribution

To achieve social justice in society, governments might have to do more than just ensure that laws and policies treat individual in **fair manner**. A society requires just distribution of goods and services. If there are deep inequalities in society, then it requires redistribution of goods and resources.

As a result, social justice within a country would entail not just that people are treated equally in terms of the society's law and policies, but also that they have some basic equality in terms of life conditions and possibilities. This is seen to be vital for each individual to be able to follow his or her goals and express himself.

For example, the Constitution abolished the **practice of untouchability** to promote social equality and ensure that people belonging to 'lower' castes have access to temples, jobs and basic necessities like water.

Different state governments have also taken some measures to redistribute important resources like, land in a more fair manner by instituting land reforms. Thus, distributive justice means that resources and goods should be distributed so that everybody can enjoy minimum quality of life. If everybody does not have **basic minimum resources**, then it should be redistributed from rich classes to poor classes.

## John Rawls' Theory of Justice

There were some questions arising like type of society to choose, how people want to live in etc. John Rawls had tried to answer these questions.

John Rawl was an important **political thinker**, who has given a theory of justice to achieve a just state.

He claims that the only way to reach a fair and just law is to imagine ourselves in a situation where we must make decisions on how society should be organised while not knowing which role we will take in that society. We have no idea what kind of family we will be born into, whether we will be born into a 'upper' caste or 'lower' caste family, whether we will be born into a wealthy or poor family, privileged or deprived.

Rawls claims that if we don't know, who we'll be in the future and what choices we'll have, we'll be more likely to support a decision about the rules and organisation of that future community that is equal to all members.

He describes this as thinking under a **veil of Ignorance**. He expects that there could indeed be a rational justification for acknowledging the need to provide help to the least privileged members of a society.

**Veil of Ignorance** means that individuals are put in a position where they do not know their status, wealth, class, ability, talent, etc. So, these individuals will choose privileges which will affect them once they come out of veil of ignorance. The merit of the veil of ignorance position is that it expects people to just be their usual rational selves; they are expected to think for themselves and choose what they regard to be in their interest.

The pertinent thing however is that when they choose under the 'veil of ignorance' they will find that it is in their interest to think from the position of the worst-off.

It will be evident that rational persons will not only see things from the perspective of the worst-off, they will also try to ensure that the policies they frame benefit the society as a whole.

It would make sense if they also try to ensure that their chosen policy does not also make those who are better-off weaker because it is also possible that they could be born into a privileged position in the future society.

Therefore, it would be in the interests of all that society as a whole should benefit from the rules and policies that are decided and not just any particular section. Such fairness would be the outcome of rational action, not benevolence or generosity.

This is Rawls' theory of justice where rationality rather than moral thinking can lead us to have a fair and just society.

## Pursuing Social Justice

Justice does not necessitate total equality and uniformity in how people live. However, a society is considered unequal if the disparities between rich and poor are so great that they seem to exist in parallel universes, and if the comparatively disadvantaged have no chance of improving their situation no matter how hard they work.

To put it another way, a just society should provide people with the **basic minimum conditions** to allow them to live safe, stable lives and grow their talents, as well as equal opportunities to achieve their desired goals in society.

Different governments and international organisations, such as the **World Health Organisation**, have developed various strategies for measuring people's basic needs.

However, it is generally understood that the basic amount of nutrition required to stay safe, shelter, access to clean drinking water, education, and a minimum wage are all essential components of these basic conditions. One of the duties of a **democratic government** is to meet the basic needs of its people.

In our country, different approaches are being supported by different political groups who debate the relative merits of different schemes for helping **marginalised sections** of the population, such as the rural or urban people.

### Just Society

According to **BR Ambedkar**, a just society is that society in which ascending sense of respect and descending sense of disrespect is dissolved into the creation of a compassionate society.

## Free Market vs State Intervention

**Free market** means that individuals should be free to own property and enter into contracts and agreements with each other regarding prices, wages and profits. They should be free to compete with each other to gain the greatest amount of benefit. This is a simple description of a free market.

Not all proponents of free markets today would support for completely unregulated markets. Many people are now willing to consider such restrictions; e.g. states could step into ensure that all people have a basic minimum standard of living so that they can compete on an equal terms.

But they might argue, that allowing markets to grow in health care, education, and other services is the most effective way of providing people with basic services.

One of the reasons for market distribution is that it provides us more options. Without a question, the business economy provides us with more options as customers. We have the freedom to choose what we eat and the school we attend, as long as we have the financial resources to do so.

Another common point in support of free markets and private enterprise is that the quality of services they provide is often superior to that of government institution. However, the expense of such facilities may be prohibitive for the vulnerable.

Private enterprise tends to go where it is most profitable, and therefore free markets tend to operate in the interests of the rich, affluent and powerful. Arguments may be made on both sides of the argument, but free markets often favour the already wealthy. This is why many argue that in order to ensure social justice, the government should intervene to ensure that basic services are provided to all members of society.

Disagreements about issues of distribution and justice are unavoidable and even healthy in a democratic society because they require us to consider other points of view and rationally defend our own views. Politics is all about resolving such differences through discussion.

Many types of **social** and **economic inequality** occur in our own country and much work remains to be done to reduce them. Studying the various concepts of justice should help us in debating the issues and reaching an agreement on the best course of action for seeking justice.

# Chapter Practice

## PART 1

### Objective Questions

#### • Multiple Choice Questions

1. .... means fair treatment of people and the quality of being reasonable.  
(a) Equality (b) Liberty  
(c) Fraternity (d) Justice  
**Ans.** (d) Justice means fair treatment of people and the quality of being reasonable.
2. Confucius was a philosopher who belonged to .....  
(a) India (b) China  
(c) Japan (d) South Korea  
**Ans.** (b) Confucius was a philosopher who belonged to China.
3. Which German philosopher argued that human beings possess dignity?  
(a) Socrates (b) Plato  
(c) Immanuel Kant (d) John Rawls  
**Ans.** (c) According to the German philosopher Immanuel Kant "human beings possess dignity."
4. 'The Republic' argued that "to not interfere in work area of others and to do our duties is justice". Whose word are given in the above statement?  
(a) Confucius (b) Socrates  
(c) Plato (d) Immanuel Kant  
**Ans.** (c) Plato in his book 'The Republic' argued that "to not interfere in work area of others and to do our duties is justice".
5. Consider the following statements.  
(i) Immanuel Kant was an English Philosopher.  
(ii) According to Kant, justice requires that we give due and equal consideration to all individuals.  
Which of the above statements is/are correct?  
(a) Only (i) (b) Only (ii)  
(c) Both (i) and (ii) (d) None of these  
**Ans.** (b) According to German philosopher, Immanuel Kant, Justice requires that we give due and equal consideration to all individual.

6. Which of the following statements is incorrect?  
(a) Plato investigated why we should be concerned with justice.  
(b) Socrates tells young people that if everyone is unfair, no one will profit from injustice.  
(c) According to the German philosopher Immanuel Kant, human beings possess dignity.  
(d) Justice requires that we should not give due and equal consideration to all individuals.

**Ans.** (d) Justice requires that we should not give due and equal consideration to all individuals.

7. Which one of the following is not the principles of justice?  
(a) Treating equals equally  
(b) Treating unequal equally  
(c) Recognition of special needs  
(d) Proportionate justice

**Ans.** (b) One of the principles of justice is 'treating equals equally.' All individuals have certain characteristics as human beings for which they deserve equal rights and treatment.

8. They should be judged on the basis of their .....  
(a) group to which they belong  
(b) work and actions  
(c) region  
(d) Both (a) and (c)

**Ans.** (b) They should be judged on the basis of their work and actions and not on the basis of group to which they belong or not.

9. Consider the following statements.  
(i) Justice is solely based on the concept of fair treatment.  
(ii) The principle of fair treatment must be matched with the principle of proportionality in order for society.

Which of the following statement is/are correct?

- (a) Only (i)  
(b) Only (ii)  
(c) Both (i) and (ii)  
(d) None of the above

**Ans.** (b) Justice is not solely based on the concept of fair treatment. The principle of fair treatment must be matched with the principle of proportionality in order for society.



10. The principle of fair treatment must be matched with the ..... in order for society to be justly.

- (a) recognition of special needs (b) justful distribution  
(c) principle of proportionality (d) free market intervention

**Ans.** (c) The principle of fair treatment must be matched with the principle of proportionality in order for society to be just.

11. Apart from equal rights, the principle of treating equals fairly requires that individuals not be discriminated against on the basis of class, caste, race or gender. They should be evaluated based on their .....

- (a) wages (b) job and behaviour  
(c) work experience (d) qualifications and skills

**Ans.** (b) Apart from equal rights, the principle of treating equals fairly requires that individuals not be discriminated against on the basis of class, caste, race or gender. They should be evaluated based on their job and behaviour.

12. Which of the following are key dimensions of justice?

- (i) Legal Justice (ii) Emotional Justice  
(iii) Political Justice (iv) Economic Justice

Select the correct options.

- (a) (i) and (ii) (b) (ii), (iii) and (iv)  
(c) (i), (iii) and (iv) (d) All of these

**Ans.** (c) Legal, social, political and economic justice are the key dimensions of justice.

13. Which of the following is not an expression of political justice?

- (a) Universal adult franchise (b) Social inequalities  
(c) Upholding dharma (d) Both (b) and (c)

**Ans.** (a) Universal adult franchise is the expression of political justice.

14. Which type of society is mentioned by B.R. Ambedkar?

- (a) Distributive Society (b) Just Society  
(c) Horticultural society (d) Industrial Society

**Ans.** (b) B.R. Ambedkar mentioned about the Just Society. According to him a Just society is that society in which ascending sense of reverence and descending sense of contempt is dissolved into the creation of a compassionate society.

15. The term 'Veil of Ignorance' is attributed to .....

- (a) Socrates (b) BR Ambedkar  
(c) John Rawls (d) Immanuel Kant

**Ans.** (c) The term 'Veil of Ignorance' is attributed to John Rawls

16. Consider the following statements.

- (i) Free markets are required to ensure fair distribution of goods.  
(ii) State intervention in markets is required so that quality goods and services can be provided.

Which of the above statements is/are correct?

- (a) Only (i) (b) Only (ii)  
(c) Both (i) and (ii) (d) None of the above

**Ans.** (d) Free markets are required so that quality goods and services can be provided. Hence, statement 1 is incorrect.

State intervention in markets is required to ensure fair distribution of goods. Hence, statement 2 is incorrect.

Therefore, options (d) is correct answer.

## ● Assertion-Reasoning MCQs

**Directions** (Q. Nos. 17-20) In the questions given below, there are two statements marked as Assertion (A) and Reason (R). Read the statements and choose the correct option.

**Codes**

- (a) Both A and R are true and R is the correct explanation of A.  
(b) Both A and R are true, but R is not the correct explanation of A.  
(c) A is true, but R is false.  
(d) A is false, but R is true.

17. **Assertion (A)** According to Chinese philosopher Confucius "justice does not only mean doing good to our friends and harm to our enemies or pursuing our own interests. Justice involves the well-being of all people".

**Reason (R)** Justice was associated with Dharma in ancient Indian culture and upholding Dharma was considered a primary duty of kings.

**Ans.** (d) A is false, but R is true. According to Socrates "justice does not only mean doing good to our friends and harm to our enemies or pursuing our own interests. Justice involves the well-being of all people".

18. **Assertion (A)** The Constitution allowed for reservations of government jobs and quotas for admissions to educational institutions for people belonging to the Scheduled Castes and Scheduled Tribes.

**Reason (R)** In our country, lack of access to good education or health care and other such facilities is often found combined with social discrimination on grounds of caste.

**Ans.** (a) Both A and R are correct and R is the correct explanation of A.

19. **Assertion (A)** The concept of legal justice is based on the belief that all human beings are equal and no discrimination should be made on the ground of race, religion, caste gender and place of birth.

**Reason (R)** Political justice stands for a free and fair participation of people in the political sphere.

**Ans.** (d) A is false, but R is true. The concept of social justice is based on the belief that all human beings are equal and no discrimination should be made on the ground of race, religion, caste gender and place of birth.

**20. Assertion (A)** In spite of the fact that Rawls theory has strong procedural features it can also be seen as a major contribution to social justice.

**Reason (R)** He is categorical that there is a need for rational justification of all departures from equality.

**Ans.** (a) Both A and R are true and R is the correct explanation of A.

## ● Case Based MCQs

1. Read the passage and answer the questions that follow.

Differences of opinion on matters such whether and how, to distribute resources and ensure equal access to education and jobs arouse fierce passions in society and even sometimes provoke violence. People believe the future of themselves and their families may be at stake. We have only to remind ourselves about the anger and even violence which has sometimes been roused by proposals to reserve seats in educational institutions or in government employment in our country. As students of political theory however we should be able to calmly examine the issues involved in terms of our understanding of the principles of justice.

(i) What is the ultimate result of differences of opinion on matters of distribution of resources?

- (a) Fierce passion in society
- (b) It can provoke violence
- (c) Both (a) and (b)
- (d) Neither (a) nor (b)

**Ans.** (c) Differences of opinion on matters such whether and how, to distribute resources and ensure equal access to education and jobs arouse fierce passions in society and even sometimes provoke violence.

(ii) ..... wanted to reveal in this passage that there should be a rational justification for acknowledging the need to provide help to the least privileged members of a society.

- (a) Immanuel Kant
- (b) John Rawls
- (c) Plato
- (d) Socrates

**Ans.** (b) John Rawls

(iii) What is a narrow concept of justice which is associated with the legal system and legal procedure existing in a society?

- (a) Political justice
- (b) Social justice
- (c) Legal justice
- (d) Economic justice

**Ans.** (c) Legal justice

(iv) Which of the following is required to balance a equal treatment?

- (a) State intervention
- (b) Political justice
- (c) Proportionality
- (d) None of these

**Ans.** (c) The equal treatment should be balanced by proportionality.

(v) Consider the following statements.

- 1. Justice ensures equal access to education and jobs arouse fierce passions in society.
- 2. It can also provoke violence.

Which of the statements given above is / are correct?

- (a) Only 1
- (b) Only 2
- (c) Both 1 and 2
- (d) None of these

**Ans.** (c) Both the statements are correct.

## PART 2

# Subjective Questions

## ● Short Answer Type Questions

1. What is justice? What is the view of Socrates on Justice?

**Ans.** Justice means fair treatment of people and the quality of being reasonable is the proper administration of the law and the fair and equitable treatment of all individuals under the law. Justice helps in the maintenance of a just and rational society.

According to Socrates, "justice does not only mean doing good to our friends and harm to our enemies or pursuing our own interests. Justice involves the well-being of all people."

2. Does the principle of considering the special needs of people conflict with the principle of equal treatment for all? [NCERT]

**Ans.** The principle of considering the special needs of people does not raise a conflict with the principle of equal treatment for all because

- People with special needs are given special treatment to facilitate their participation in the running of the society.
- People with special needs also require special treatment for integration with society and for securing opportunities and basic needs that would be otherwise denied to them.
- The senior citizens, women and socially backward people are given special treatment due to their special needs.

3. What do you mean by 'just distribution of resources'?

**Ans.** A society requires just distribution of goods and services for maintaining law and order. If there are deep inequalities in society, then it requires redistribution of goods and resources. For example, when India was under

British rule, then zamindars had acquired vast areas of land. But after independence, land reforms were introduced and land was redistributed among poor peasants.

If everybody does not have education, then open Civil Services Examination does not have any value because only highly educated people can take examinations then.

Thus, just distribution means that resources and goods should be so distributed that everybody can enjoy minimum quality of life. If everybody does not have basic minimum resources, then it should be redistributed from rich classes to poor classes.

**4. Explain the concept of protective discrimination.**

**Ans.** Protective discrimination is the policy of granting special privileges to the downtrodden and the underprivileged sections of society, most commonly women and socially weaker classes. Some of the citizens are depressed due to discriminatory social practices prevalent in the past and such a depression has hampered their right to basic dignified life.

They are considered to be a case fit for being treated preferentially. For example, the constitution allowed for reservations of government jobs and quotas for admissions to educational institutions for people belonging to the Scheduled Castes and Scheduled Tribes.

**5. What are three different dimensions of Justice? Explain Legal Justice.**

**Ans.** Different dimensions of Justice helps in creating a just society. Legal, social, political and economic justice are the key dimensions of justice.

**Legal Justice** It is a narrow concept of justice which is associated with the legal system and legal procedure existing in a society. The court of law interprets the law and applies it after hearing the partners involved in a dispute. Here, justice is what administered by the court of law and the interpretation of the judge is considered to be an embodiment of justice.

**6. 'Social justice is lacking in society'. Justify this statement with your real-life experiences.**

**Ans.** Social justice is based on the value of fairness, equality, respect for diversity, access to social protection and the application of human rights in all spheres of life, including in the work place. In society, lack of social justice is noticeable in every sphere of life such as distribution of resources, disrespect towards weaker and tribal people and women. On one hand, some people enjoy too much power, while on the other hand rights of deprived people are suppressed.

**7. What do you mean by distributive justice?**

**Ans.** Distributive justice is concerned with the fair distribution of the burdens and benefits of social cooperation among diverse persons with competing needs and claims. The modern framework of socio-economic ties among society's members is the foundation for distributive

justice. It is based on the assumption that the system contains a variety of rewards and advantages for various opportunities.

They should be divided in accordance with the people's merit and abilities. Positions in society are dispersed and should be distributed according to their value. The concept of justice is based on this. It also implies that social goods and responsibilities are shared among society's many members.

**8. Which conditions in India have affected the minimum standard of life needed by people?**

**Ans.** Continuous increase in India's population and the growth of the population residing in slums and small towns, has resulted in over-straining of infrastructure and a deterioration in public health. Inadequate civic amenities, lack of purchasing power and lack of knowledge and awareness among the poor have resulted in grave poverty.

A few government policies have specifically targeted the poor, but they have proved neither sufficient nor effective. The deteriorating health status of people in many parts of country needs urgent attention because many of recent health problems have potential to take an epidemic form if neglected. A resurgence of malaria, dengue and tuberculosis indicates that much of the poor health emanates (arise) from a lack of basic amenities such as sanitation, clean water and housing, coupled with a precautionary measure against preventable and infectious diseases.

**9. Explain the concept of free market.**

**Ans.** Free market means that individuals should be free to own property and enter into contracts and agreements with each other regarding prices, wages and profits. They should be free to compete with each other to gain greatest amount of profit. It is argued, if free markets are left free of state interference, then the sum of market transactions would ensure overall a just distribution of benefits and duties in society.

Now a days, free markets are demanding state to step in to regulate markets like provision of healthcare and education. Free market also allows us to have more choices and moreover, they provide good quality services in comparison to poor quality of services provided by government institutions. But free markets favor the privileged because they have money and resources to buy goods and services they want.

**10. What are the advantages and disadvantages of free markets?**

**Ans.** Advantages of free market are

- In free markets, there is less interference by state which ensures equal distribution of benefits and duties in society.
- Free markets allow us to have more choices. They also provide us good quality of goods and services.



Disadvantage of free market are

- Free markets favour the privileged because they have money and resources to buy goods and services they want
- Profit maximisation is the biggest motivation for firm. In a free market, firms may try to reduce their costs unethically by polluting the environment or by exploiting workers.

**11.** 'Justice delayed is justice denied'. Justify the statement and give suggestions for fast redressal of justice.

**Ans.** 'Justice delayed is justice denied' is an old saying, which means that if timely justice is not provided to the sufferer, it loses its importance and violates human rights. The Indian judicial system still lives in old age. It has been observed that a number of cases are pending in courts for a very long time.

Following are the suggestions for fast redressal of justice

- Number of judges should be increased.
- All existing vacancies should be filled immediately.
- Artificial intelligence system should be introduced in court of law which would accelerate the process of administration of justice and also aid in giving flawless justice, thereby reducing the need of appeal.

**12.** "Justice implies something which is not only right to do and wrong to do; but which some individual person can claim from us as his moral right." Comment on this statement given by JS Mill.

**Ans.** This statement of Mill is based on Utilitarian theory of justice

- Utilitarian see justice as part of morality and don't see justice to have a higher priority than any other moral concern.
- Utilitarian ideas of justice connect morality to the law, economic distribution and politics.
- For justice, Mill argued that we should reduce the division between workers and owners.
- Workers and owners often engage in class warfare or other hostile relations.

This might be a way for workers and owners to be blend together rather than be sharply divided groups which could reduce class warfare and hostile relations. For example, profits could be shared with the workers.

- All individuals share certain characteristics as human beings. Therefore, they deserve to be treated equally and equal rights should be provided.
- It includes civil rights like right to life, liberty and property, political rights like right to vote and social rights related to equal social opportunities.
- It also prohibits discrimination on the grounds of class, caste, gender and race. For example, two individuals from different backgrounds should be paid same reward for the same kind of job.

(ii) **Proportionate Justice**

- This principle indicates rewarding people in proportion to the scale and quality of their effort.
- It is just to reward different jobs differently on the basis of efforts, skills required and the danger involved.
- Proportionality provides balance to the principle of equal treatment. For example, the reward and compensation for a surgeon and an architect varies according to their skills which are required in their job.

(iii) **Recognition of Special Needs**

- This principle is based on distributing rewards and duties on the basis of special needs of people. On the basis of factors such as age, physical disabilities, and lack of access to good education or health care, special treatment is given in many countries.
- People with special needs or disabilities are treated unequal in some particular respect and therefore, are provided with some deserving and special help. A physically challenged person getting a reserved seat is an example of principle of recognition of special needs.

**2.** How does the Constitution of India promote the concept of social justice?

**Ans.** The Constitution of India has solemnly promised to all its citizens justices. Social, economic and political. The notion of justice is most commonly associated with an underlying assumption that justice equates to equal rights, access and fair treatment in the legal system. The concept of social justice is the necessary implication of welfare state. The scheme of social justice is very well incorporated in the various provisions of the Indian Constitution.

The Preamble of the Constitution includes the term like 'Socialist', 'Social and Economic Justices', 'Equality', etc, which specify that the state would extensively involve in social welfare of people and would try to establish a democratic society. Moreover, a distinct chapter of Directive Principles of State Policy has been dedicated towards the welfare responsibilities of the government, which lays down the norms of ideal governance of people's welfare.

Article 39 of the Constitution says that the state shall secure that the operation of the legal system promotes justice, on the basis of equal opportunity and shall, in particular provide free legal aid, by suitable legislation or schemes or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities.

## • Long Answer Type Questions

**1.** Briefly discuss the three principles of justice outlined in this chapter. Explain each with examples.

**Ans.** The three principles of Justice are

(i) **Equal Treatment for Equals**

- This indicates the principle of treating people equally.

Various Fundamental Rights and its subsequent amendments also intended to ensure social justice to the disadvantaged citizens.

**3. What measures would you suggest to ensure social justice in India?**

**Ans.** Social Justice in India can be ensured in the following ways

**By Promotion of Equality** Social Justice and human rights have some shared goal-human dignity and equality for all. The issues that make social justice difficult to achieve are-poverty, exclusion and discrimination. Thus, social justice can be ensured by promoting equality.

**By Promotion of Welfare Systems** In society many people are socially and economically deprived. They can be ensured justice by promoting welfare systems-such as housing support, food security, free health services, free education, etc.

**By Giving Employment Rights** Equal distribution of wealth is a cornerstone of social justice. Equal sharing of wealth can be enhanced through equal opportunity of employment.

**By Government Accountability** Human rights provide a legal framework that allows individuals to hold government accountable and requires the state to create conditions necessary for the achievement of social justice.

**By Implementation of Constitutional Provisions** The Constitution of India provides many provisions to ensure social justice. But, due to lack of political will these Provisions are not implemented in its spirit. Thus, these provisions should be implemented to ensure social justice.

**4. What are generally considered to be the basic minimum requirements of people for living a healthy and productive life? What is the responsibility of governments in trying to ensure this minimum to all?**

**Ans.** Housing, supply of clean water, basic amount of nourishment, education and minimum wage are the basic minimum requirements of people for living a healthy and productive life. Government is responsible for providing these services to all sections of the society irrespective of their class, caste, race and gender at a cost they can afford. The responsibility of government in trying to ensure this minimum to all are

- Government should encourage private agencies to provide services such as health care, education, etc. and make policies that should try to empower people to buy those services.
- It might also be necessary for the government to give special help to the old and the sick who cannot compete.
- It should make availability of good quality goods and services at a cost people can afford.
- It should maintain a framework of law and regulations to ensure that competition between individuals remains free of coercion and other obstacles in market.

- In India, different approaches are being suggested by different political groups who debate the relative merits to help marginalised sections of people.

**5. How does Rawls use the idea of veil of ignorance to argue that fair and just distribution can be defended on rational grounds? [NCERT]**

**Ans.** Rawls uses the ideal of a Veil of Ignorance to argue that fair and just distribution can be defended on rational grounds in following manners

- He says that if a person keeps himself/herself under the Veil of Ignorance then he/she would come up with the just distribution, fair laws and policies that would affect the whole society.
- A person under the Veil of Ignorance is unaware of his/her possible position and status in the society, therefore, he/she would rationally decide from the point of view of the worst-off.
- It would be sensible in this situation for everyone to ensure that all resources are available equally to all persons.
- It will be clear to a person who can reason and think for himself, that those who are born privileged will enjoy certain special opportunities.
- It would make sense for each person, acting in his or her own interest, to try to think of rules of organisation that will ensure reasonable opportunities to the weaker sections.
- In this way, Rawls with his idea of 'Veil of Ignorance' is able to prove that fair and just distribution can be defended on rational grounds with the help of this idea.

## • Case Based Questions

**1. Read the passage and answer the questions that follow.**

Justice means fair treatment of people and the quality of being reasonable.... "Human beings possess dignity. If all persons are granted dignity, then what is due to each of them is that they have the opportunity to develop their talents and pursue their chosen goals. Justice requires that we give due and equal consideration to all individuals".... One of the principles of justice is 'treating equals equally.' All individuals have certain characteristics as human beings for which they deserve equal rights and treatment.

- (i) Whose words are there in above passage?
- (ii) What do you mean by justice?
- (iii) What does equal treatments for equal means?

**Ans.** (i) These are German philosopher Immanuel Kant's words.

- (ii) Justice means fair treatment of people and the quality of being reasonable.

- (iii) One of the principles of justice is 'treating equals equally.' All individuals have certain characteristics as human beings for which they deserve equal rights and treatment.

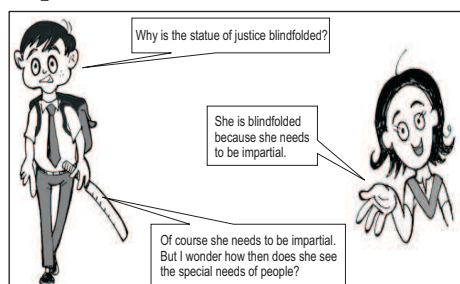
**2. Read the following source and answer the questions that follow.**

Differences of opinion on matters such whether and how, to distribute resources and ensure equal access to education and jobs arouse fierce passions in society and even sometimes provoke violence. People believe the future of themselves and their families may be at stake. We have only to remind ourselves about the anger and even violence which has sometimes been roused by proposals to reserve seats in educational institutions or in government employment in our country. We will discuss the theory of just distribution put forward by the well-known political philosopher, John Rawls. Rawls has argued that there could indeed be a rational justification for acknowledging the need to provide help to the least privileged members of a society.

- (i) What was the issue on which violence will be evoked?  
 (ii) What does John Rawls have to say about it?  
 (iii) Who is well-known political philosopher?

- Ans.** (i) On the issue of distribution of resources and to ensure equal access to education and jobs.  
 (ii) Rawls has argued that there could indeed be a rational justification for acknowledging the need to provide help to the least privileged members of a society.  
 (iii) John Rawls.

**3. Observe the cartoon given below and answer the questions that follow.**



- (i) What do you mean by Rule of law?  
 (ii) Do you think that the statue of justice blind folded symbolise impartial judgement? Give your view.  
 (iii) What are the three principles of Justice?

- Ans.** (i) Rule of law means that people are ruled by impersonal law and not by the personal rule of a man.

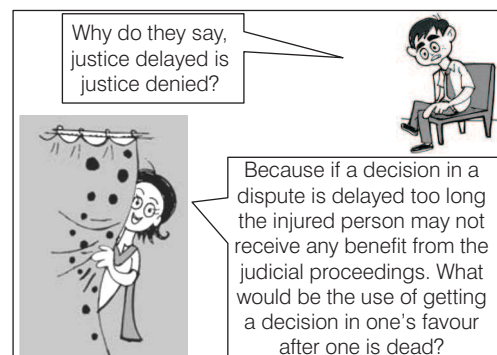
- (ii) Blind justice is the theory that law should be viewed objectively with the determination of innocence or guilt made without bias or prejudice. The statue of justice holds balance scales, which represent the weighing of evidence; weighs the factors of a case to render a verdict. The scales imply a mechanistic, rational process; too much weight (evidence) on one side will cause the scales to tilt in favour of innocence or guilt. The origin of the blindfold is unclear, but there is some evidence that early artists added the blindfold to indicate the tolerance.

But today, the blindfold represents objectivity that justice is or should be delivered objectively without fear, passion or prejudice regardless of money, wealth, power or identity; blind justice and impartiality.

- (iii) Three principles of Justice are as follows

- Equal treatment for equals.
- Proportionate Justice.
- Recognition of special needs.

**4. Observe the cartoon given below and answer the questions that follow.**



- (i) How is Justice delayed is Justice denied?  
 (ii) What do you mean by a just society?  
 (iii) What is protective discrimination?

- Ans.** (i) 'Justice delayed is justice denied' is an old saying. It means that if timely justice is not provided to the sufferer, it loses its importance and violates human rights. The Indian Judicial System still lives in old age. It has been observed that a number of cases are pending in courts for a very long time. Following are the suggestions for fast redressal of justice

- Number of judges should be increased.
- All existing vacancies should be filled immediately.

- (ii) A just society is that society in which ascending sense of respect and descending sense of disrespect is dissolved into the creation of a compassionate society.

- (iii) Protective discrimination is a policy of granting special privileges to the downtrodden and the underprivileged sections of society.

# Chapter Test

## ● Objective Type Questions

- 1 Who said that justice involves non-interference in work areas of others?  
(a) Plato (b) Ambedkar  
(c) Kant (d) Aristotle
- 2 Which of the following should be included in the list of Equal rights for all?  
(a) Right to life (b) Right to property  
(c) Right to vote (d) All of these
- 3 In Ancient Indian society, justice was associated with .....  
(a) Moksha (b) Dharma  
(c) Astha (d) None of these
- 4 It means to provide equal opportunities to everyone to earn her/his livelihood.  
What does 'it' refer to in the above statement?  
(a) Social justice (b) Legal justice  
(c) Economic justice (d) Political justice
- 5 Arrange the following in chronological order.  
The concept of political justice, economic and legal justice and social justice are linked with the ideals of  
(a) fraternity, liberty, equality (b) equality, fraternity, liberty  
(c) liberty, equality, fraternity (d) liberty, fraternity, equality

## ● Short Answer Type Questions

- 1 What are BR Ambedkar's views on just society?
- 2 What are contribution of reservation in promoting social justice?
- 3 Write the essence of state intervention in market.
- 4 Is justice all about fairness? Explain your views with examples.
- 5 What do you mean by social justice? To what extent India has implemented it? Explain with examples.
- 6 Which institution in our country has abolished untouchability?
- 7 Give two examples of treating equals equally.

## ● Long Answer Type Questions

- 1 Do you think that state intervention is good option for newly independent countries? Give reasons in support of your answer.
- 2 Explain the significance of the statue of justice depicted as blindfolded figure.
- 3 Write a note on Marxist's view of justice.