What then is justice?

By Gopa Nayak, January 18, 2019

The words identified as the most looked up in dictionaries for the year gone by, include ‘Toxic’ in Oxford Dictionary, ‘Justice’ in Merriam Webster Dictionary and ‘misinformation’ in Dictionary.com among others. An article on CNN.com summed up the association of the three words in a very interesting manner- ‘Many people want justice from the damages wrought by toxic leaders and their misinformation campaigns.’ (December 18th, 2018) A similar sentence in the Indian context could read like this. The misinformation on the Rafale deal led to a toxic atmosphere created both inside and outside the Parliament calling for justice on the grounds of gender equality for a Minister.

Among all the three words particularly intriguing is the word ‘justice’. Irrespective of its Latin origin and biblical connotation in seeking, maintaining and upholding justice for the love of lord, the close intimacy of the word ‘justice’ with ‘law’ in the Indian legal system makes it worth dwelling upon. The recent remark by a civil servant being denied ‘natural justice’ brought the Indian bureaucracy and judiciary into limelight over the meaning of justice. A judge had to take a position in the duel between two politicians and that decision of the judge cost the bureaucrat his job. The judge had to give up a post-retirement assignment because it was perceived as a political reward for his stand. The whole drama around a particular position in the bureaucracy called for an interpretation of justice or lack of it in curious ways.

‘Justice’ is used in the Indian Constitution quite sparingly. Justice – social, economic and political is to be secured to all the citizens of India as mentioned in the Preamble to the Constitution and the Directive of State Principles. The Constitution mentions justice in the context of legal systems and their responsibility to ensure that justice is not denied to anyone with economic or other disabilities. However economic disability was seldom separated from social in India until the recent bill on separate reservation for the economically marginalized.

Economic justice which is the first consideration to ensure equality has finally entered through the proposed bill into the Indian nation cutting across the age old prejudices of caste, creed and religion. India perhaps, has finally provided restorative justice to the economically backward by acknowledging that there is a gap between the rich and the poor. Although the procedural justice on what constitutes economically backward in a country like India where some of the richest in the world live, can be debated.
In a democracy where everyone has equal rights the danger for ‘justice to prevail’ comes from all sides of the fence. If the wrong doer is powerless, the brunt of justice denied will have to borne. If the upholder of justice is powerful, the accusation of arbitrariness is levelled. If the powerful deny justice then there is anarchy. If the powerless refuse to accept justice then there can be disruption. In modern democracies where power comes from numbers and not brains, numbers rule the roost. This is evident in all major democracies. In the current political scenario in the US, is Trump’s reluctance to accept the decision of the Congress, justice? In the United Kingdom is there justice for the people who failed to tilt the vote against Brexit by an insignificant margin?

The old saying – ‘Let justice roll on like a river’ seems to have lost its luster in modern democracies including India where the Ganges had to be kept pure and unpolluted for the Kumbh by enforcing strict laws in the form of penalty and many felt unfairly treated and complained of denial of justice. What then is justice? No wonder people want to find the meaning.