The Concept of Justice - Law Notes

1. Introduction to Justice

Justice means fairness. It ensures equality, protects rights, and corrects wrongs. It's a core value in India and the USA.

2. Theories of Justice

- Aristotle: Distributive and Corrective Justice
- Rawls: Justice as Fairness (veil of ignorance)
- Amartya Sen: Removing real-world injustice
- Nozick: Libertarian, individual rights-based

3. Types of Justice in Law

- Distributive: Fair distribution (e.g., reservations, affirmative action)
- Procedural: Fair processes (e.g., right to a fair trial)
- Corrective: Compensating victims
- Restorative: Healing through dialogue
- Social: Ensuring dignity and equality

4. Justice in the Indian Constitution

Justice is mentioned in the Preamble. Key Articles: 14 (equality), 21 (life & liberty). Landmark cases include Maneka Gandhi, Indra Sawhney, and Navtej Johar.

5. Justice in the US Legal System

Focuses on liberty and due process. Key amendments: 5th and 14th. Important cases: Brown v. Board, Gideon v. Wainwright, Roe v. Wade.

6. Legal vs Moral Justice

Legal justice follows written laws. Moral justice is based on what feels ethically right. Sometimes they conflict, like in civil disobedience or LGBTQ+ rights.

7. Contemporary Challenges

- Digital justice (e-courts, online trials)
- AI in courts (SUPACE in India)
- Concerns: bias, privacy, access issues

8. Comparative Jurisprudence

India focuses on social justice, USA on liberty. India allows PILs; USA requires personal standing. Both value due process and judicial independence.

9. Real Case Studies

- Maneka Gandhi (India) - Fair process
- Gideon v. Wainwright (USA) - Right to counsel
- Navtej Johar - LGBTQ+ rights
- Brown v. Board - Ended segregation

10. Future of Justice

Justice must evolve with society. Technology helps but should not replace human judgment. The goal is fairness, dignity, and equal access for all.