

Justice or Just Ice?

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The word justice, more than its literal meaning reflects unsaturated essence from such diverse subjects as law, history, philosophy, science etc. In the perception of individuals, it possesses an amazing elasticity that can define the gap between two diametrically opposite views. Thus what is just for one need not be just for others.



Although the concept of justice is part of human consciousness, on many occasions we miss the point while expressing it. In this context the word 'justice' will have a clearer and perhaps more accurate meaning if it is split into two words, 'just' and 'ice'. No doubt, it suggests that justice has a better intrinsic meaning as 'just ice' rather than its literal meaning. It is common knowledge to apply ice on body parts affected due to burns or insect bites, although it is known that ice cannot cure, but only give temporary relief. Justice also is similar in many ways to ice. It promises relief, but not a permanent cure. It is also characteristically similar to ice, in its ability to melt away over a period.

Scientifically, retribution for the past commission of any offence is not advocated by the jurisprudence, but practically everyone seeks retribution for the offences alleged to have been committed against them. From a larger point of view, a theoretician can

persuade people to be large-hearted and forgive an offender. But the offender finds it difficult to understand and keep pace with the 'larger-heart' theory. A section of the society advocates that the offender must be punished suitably, although the extents of that suitability are open for debate. Heinous crimes like rape and murder attract the attention of

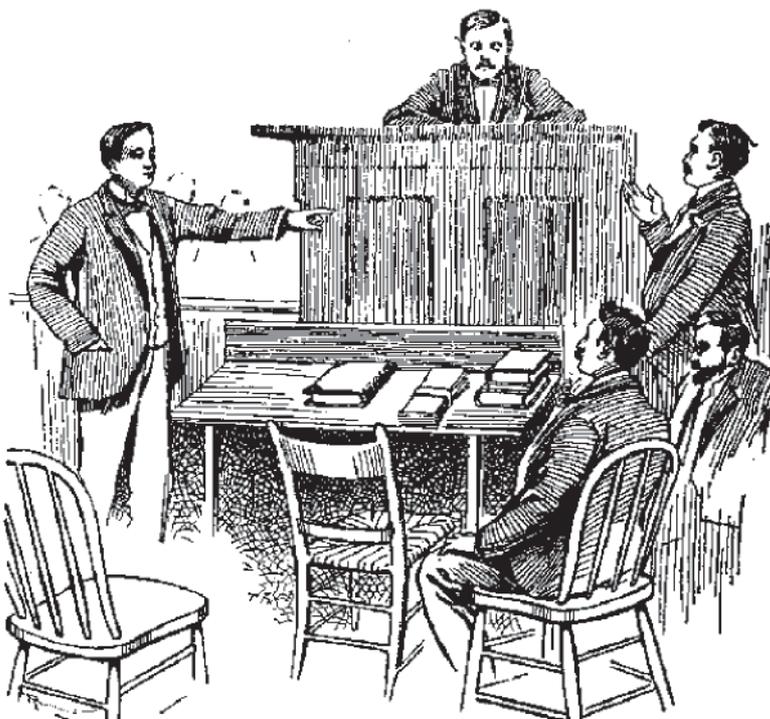
court, but whatever was delivered by the court had to be taken as justice. It is easier said than done. For the winner it is justice and for the loser it is injustice. Justice is derived from the evidence produced before a trying judge following the procedural limitations of act and procedures. Hence although by all means a trial is supposed to find the eternal

personal level, most of us tend to flout the accepted norms in one way or the other. In civil litigations of monetary claims arising out of non performance of contractual obligations, litigants are bound to forget the real issue for which they went to the court. By the time he approaches a higher court, his basic contentions are no more than mere issues of academic interest.

Politically motivated issues are sometimes referred to the Judiciary. More than arriving at a quick solution, the objective may be to incarcerate it with the procedural delays. Thus the challenges the judiciary faces are immense. It tries to do justice to the huge task at hand, but sometimes ends up in a position which the executive describes as 'judicial activism'.

Judicial performance is judged by the rate of disposal of cases, and naturally the tendency is to attempt a quicker disposal of as many cases as possible. Adherence to procedural laws and rules is like a twin-edged sword. A litigant may not be fully conversant with the legal procedures. Hence he hires a lawyer for proper guidance. But unfortunately, in the event of a wrong filing or procedural flaw, it is the litigant who is punished, not the lawyer.

The impact of the social status and popularity of the litigant is by no means a trivial matter. The media overplays it while reporting it. And in the end, the one who actually needed the support of the justice-delivering-machinery



the society, and the adequacy of punishment for such crimes is always discussed at large. Public opinion supports the theory of meting out punishments commensurate with the gravity of the crimes committed. Justice in this context is likely to be debated in terms of adequacy of sentence awarded by a court.

Failed litigants may argue that they did not get justice from

truth, unfortunately it ends up tilting towards reliable evidence. This leads to manufacturing fictitious documents and fabricating evidences. Some believe that things can be managed to get a favourable verdict, but unfortunately do not realise that such attempts also would form part of the outcome termed as justice.

Systems are derived to suit the society at large. But at a

realizes that the system was not meant for him, but for those who can afford bigger and better representation. A successful lawyer is one who can save his client. Nobody needs a lawyer to tell whether a bank loan has to be repaid or not. The legal brain is needed to find an easy way out! One who commits a crime does not require a legal luminary to warn him of the consequences, but to save him from it.

If we expect a change of approach overnight, we would only be trying to be ambitious.

What counts utmost is pure impartiality, something that is impossible in the first place. Can the influences of blood relatives, associates, colleagues etc. be avoided? To decide impartially who is right and who is wrong, one may not even require legal knowledge. On the contrary knowledge of law would impede a person from thinking impartially. Knowledge of law comes in to fix the alleged commission to the defined offence and thereafter to decide the quantum of punishment accordingly.

Again even after deciding the right or wrong one never steps into the shoes of the offender to find what prompted him to commit that offence. It could again be the subject of an individual perspective that evaluates the various aspects, while arriving at a conclusion. Delivering a sentence could be easy, but arriving at a conclusion as to who is right or wrong is purely the work of an impartial mind. This leaves lot more to be decided on the current systems and procedure.

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