

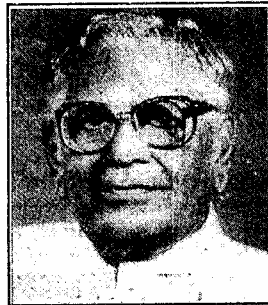
From the Bhavan's President

Ensuring Justice to People

R. Venkataraman

Legal justice requires that there be a system of law and that justice be done in accordance with pre-ordained and publicly known principles and rules.

The Theme of Law and Justice in a democratic society like ours is of utmost importance. The concept of justice changes with the times as well as with the social philosophy which informs the society. Expropriation of private property may be just in a socialist society and totally unjust in a capitalist society. An eye for an eye or tooth for a tooth was considered just in a primitive society and is no longer so in modern jurisprudence. Even today, capital punishment is just in the view of some people and unjust in the view of others. Plato's Republic was a



commonwealth without laws or judges. The philosopher king's knowledge and judgment ensured justice. In practice, however, this is unattainable and the method of deciding most issues in accordance with generally applicable opinion and published pre-determined rules became the accepted practice.

Accordingly, legal justice requires that there be a system of law and that justice be done in accordance with pre-ordained and publicly known principles and rules. Thus, in democratic societies laws serve as the yardstick of justice. The general will of the people expressed through duly elected

representatives and formulated as law helps judges render their decisions in consonance with such formulations. In order to achieve justice, the system of law must, in theory, be universal and capable of furnishing a rule for the determination of any issues which require decision. Sometimes rules of law are criticised as unjust. In the first place, any rule for the general and great mass of cases may be inappropriate and productive of injustice in particularly exceptional cases.

Furthermore, rules formulated at one time or place may not suit a later time or another place, when the circumstances or the social views change. Nevertheless, it is obvious that justice cannot be rendered without certain norms established by law and custom. It is in this context that we have to examine our Constitution and decisions of the judiciary to ascertain whether the intents and purposes had been carried out and whether they are in consonance with the social philosophy of the country.

The preamble to our Constitution declares that the people of India have adopted a sovereign democratic Constitution to secure to all its citizens, among other things, social, economic and political justice and equality of opportunity. Our Constitution guarantees important fundamental rights to the citizens and also lays down their fundamental duties.

The Directive Principles of State Policy embodies the desirable goals that the State should seek to achieve. We have very often seen conflicts between individual rights and social good. A society which does not render the greatest good for the largest number will either decay or erupt in a revolution. The machinery of law has to effect social changes in order to achieve the maximum good for the maximum number of people. That is why the Constitution itself has been amended several times to implement the constitutional mandate of a just social order.

Apart from the constitutional guarantees and mandates, there is on the Statute Book

multitude of socio-economic legislation covering almost the entire field of human activity. Making of laws, however, is only one side of the coin and their effective implementation by the agencies and instrumentalities of the State is the other side. This calls for continuous interaction between the law and the people. The citizens, particularly the common man, must become aware and conscious of his valuable rights and duties under the Constitution and the laws.

Without such awareness the socio-economic welfare schemes for the benefit of the people would remain only in the Statute-Book and would not prove useful. Legal measures relating to land ceiling or agrarian reforms, labour laws, quality control of consumer goods, anti-pollution and protection of environment and such other like measures need effective administrative machinery for

If the rule of law and democratic form of Government have to survive and succeed in our country, it is of great importance that socio-economic measures must be wisely formulated and efficiently enforced in an impartial manner to achieve social, political and economic justice.

their implementation so that their beneficial effects are enjoyed by people at large.

It is a truism that law or the rule of law is the basis of all civilised existence, be it in the national society or in the international community. Everyone has a stake in the preservation and maintenance of law. If the rule of law and democratic form of Government have to survive and succeed in our country, it is of great importance that socio-economic measures must be wisely formulated and efficiently enforced in an impartial manner to achieve social, political and economic justice.

If this is not done, a large number of landless labourers, the *adivasis* and the deprived will

continue to remain outside the pale of promise of social and economic justice which is enshrined in the Preamble of our Constitution.

The programme of greater coverage of Legal Aid, including legal aid workshops, imparting of knowledge and creating awareness among citizens of various legal rights and remedies helps augmenting socio-economic welfare schemes. Political freedom and democracy will have no significance to the common men unless they serve as a means to enable them to enjoy life, liberty and happiness. The non-implementation of various socio-economic laws or their delayed or indifferent implementation would cause frustration among the masses.

Coupled with this aspect of law, is the problem of delay in the administration of justice in the courts. It has been often said that justice delayed is justice denied. We are all concerned about the problem arising from accumulation of cases in courts and the consequent delay in the

judicial process. The sheer weight of numbers of pending cases threatens to damage the image of the judiciary.

As far as the common man is concerned, he would naturally tend to compare the time taken in court with the time taken in a proceeding before other Government agencies or even before a private agency.

To him speedy disposal of a litigation is valuable in itself and he is not likely to be satisfied with an erudite judgement running to hundreds of pages in learned language with a mass of precedents if the judgment becomes available to him only after a number of years and at the end of a long drawn out and agonising procedure in the court. This problem is neither new nor confined only to this country, but finding a remedy is nevertheless all too pressing. Everyone concerned in any way with any aspect of legal activity, whether as lawyers, judges, sociologists or economists should devote careful thought to this aspect of law and justice. The role of the

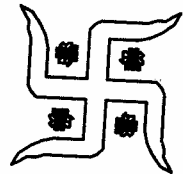
legal profession in the task of social engineering to enable the country to progress further as a Welfare State cannot be over-emphasised. The approach of everyone should be constructive and for the orderly development of our laws and institutions within the framework of our Constitution.

Justice should not only be speedy but cheap and no person should be denied his right because he is unable to afford the cost of securing it. Rich and influential parties manage to thwart justice to the poor by prolonging litigation and by

resort to several interlocutory and other proceedings. Legal Aid Societies and a vigilant judiciary can go a long way to help the indigent secure their rights. It is upto the Society of Law & Justice to devote special attention to the crying needs for cheaper justice and formulate proposals therefor.

The creation of a new social order is a continuing and unending process in which law as the instrument of socio-economic change has to make dynamic provisions from time to time so as to meet the challenge of times.

With best compliments from



CRAZE BISCUITS

Cookies (India) Pvt. Ltd.,

Chiyaram,

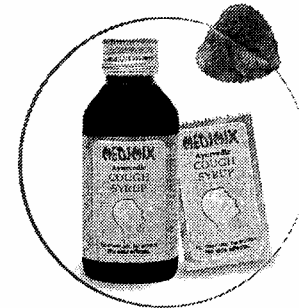
THRISSUR - 680 026.

**Now
all coughs
will come to a
FULL
STOP**

Heavy rains, polluting smoke, loads of dust... a potent combination to start a bout of cough while controlling traffic. But Medimix Ayurvedic Cough Syrup helps me to stay clear of all blocks a cough can put up.

Allergic coughs, smoker's cough, coughs due to inflammation of the windpipe, dry coughs, coughs with phlegm... Medimix Ayurvedic Cough Syrup offers protection from all kinds of cough.

Medimix Ayurvedic Cough Syrup. Natural protection for me and my family.



MEDIMIX
Ayurvedic
**COUGH
SYRUP**

Taste the healing power

● Immediate relief ● No drowsiness ● No alcohol ● No side effects