



Mains Practice Question

Q. "Not only must Justice be done; it must also be seen to be done." Examine. (150 words)

07 Nov, 2019 GS Paper 4 Theoretical Questions

Approach

- Introduce by mentioning the importance of justice as a principle.
- Mention judiciary's role in upholding justice and instances which erode people's faith in the system.
- Mention some other dimensions needed to ensure a just society.

Introduction

In the words of John Rawls, "*justice is the first virtue of a social system, just as truth is the first virtue of the system of thought.*" This indicates the utmost importance of 'justice' as a value in our society. Upholding justice is not only the duty of those in power but is also the foundation of people's trust in the governance structure.

Body

- Judiciary is considered to be the pillar of democracy on which the duty of upholding the ideals of fairness and rectitude lies. It is not only expected to maintain the rule of law but also ensuring that people's trust in the institution is maintained.

However, the following situations raise concerns on the impartiality of judiciary:

- **Recusal of judges:** Judges must recuse themselves on the apprehension of bias on certain matters. Justice Arun Mishra's decision not to recuse himself from the Indore Development Authority case highlights the lack of ethical propriety in the judiciary.
- **Appointments in quasi-judicial bodies:** Immediate acceptance of post-retirement assignments certainly creates a dent on public confidence in judicial independence.

Also, there are other dimensions for ensuring a just society.

Social justice: Upliftment of Dalits cannot be done merely by providing affirmative action policies, rather when they are treated fairly in everyday life as equal citizens of our society.

Economic justice: Starvation deaths in remote areas despite the provision of Public Distribution System (PDS), raises serious questions on the epilogue of 'Nyaya' and 'Niti'.

Conclusion

Maintaining the faith of the people is important as it is the bedrock on which the edifice of judicial review lies. Thus, transparency in the justice delivery system is the key to ensure that justice is not only done but also seen to be done.

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