

My Idea of Justice

Bang! Bang! Bang! Bang!!!

"Why won't you die?"

"Beneath this mask, there isn't flesh.

Beneath this mask, there is an idea and ideas are bulletproof."

– A dialogue from the movie 'V for Vendetta'.

It is an irony that through the annals of human civilization, man's quest for justice had often been tumultuous and cataclysmic. Even before the birth of Justice as a concept, man had the inherent urge to be treated with justice. Little did he comprehend what justice truly is, much did he insist that justice is served. At different periods of history, deep thinking men have attempted to concretize the idea of justice by propounding numerous theories of which man today is grappling to rationalize.

I am no Plato or Aristotle or John Locke or John Stuart Mill or John Rawls to illustrate *'THE'* idea of justice. Otherwise, I might have to elucidate on Divine Command Theory, Theory of Natural Law, Social Contract Theory, Utilitarianism, Libertarianism, Distributive Justice or Egalitarianism. Fortunately, it is *'MY'* idea of justice shaped by my personal experiences, empirical occurrences, circumstantial evidences and deep mental indulgences that is being sought.

The idea of justice cannot make sense in a value neutral, amoral setting. Justice is value laden because it can effect sensibility only when it adheres to a law of morality. Moreover, justice is possible only in a democratic society where every individual is allowed to exercise free will and enjoy personal liberty subject to the same law of morality. Here, society includes all the institutions of which members of the society are part of – the social, religious, political, judicial, administrative and economic institutions. With this in view, justice must be weighed not merely from a narrow perspective of interaction only between parties of a case in point under the prevailing circumstances, rather from a panoramic perspective of causation by and ramifications on the social collective.

To me, Justice is the indispensable principle that accords an individual the minimal treatment that brings out the best in his condition without being prejudicial to the well-being of others. Justice, therefore does not happen naturally. It is a result of a conscious and positive intervention by members of the society in a human condition based on time tested moral principles. It is the actions of individuals in their respective capacities that offer or deny justice. Hence, it follows that for a holistic understanding of justice, every individual act needs to be put to the litmus test of justice. To ideate justice in its entirety, the domino and butterfly effects of every individual act must be accounted.

The Anatomy of Injustice

From the time an individual is conceived in the womb and acquires human consciousness, by virtue of being human, justice is due to him. Universal declaration of human rights states, *"All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act in a spirit of brotherhood"*. This is more elaborately resonated in the Indian Constitution under Article 21 which entitles every human being irrespective of nationality, the right to life of dignity and personal liberty. But even before these words were drafted, Rousseau had already dissected the fault in human society when he declared, *"Man is born free and everywhere he is in chains"*. He uncovered the reality of the human condition where justice is beset by the towering posture of injustice experienced right from birth.

By the time the baby cried its first, it has already been exposed to injustice because of its gender, colour of its skin, countenance of its face, the religion, race, caste, social position, economic status or character of the home in which it is born into. At the time of birth, the baby is an empty bucket ready to be filled with the virtues and knowledge the world offers. Instead as the baby grows up, the society fills it with prejudice, dishonesty, selfishness, violence and all the junk prevailing in the society. On top of that, the child

is subjected to systemic injustice depriving him of the means for his redemption such as essential childhood care, quality education, good health, nutrition and sanitation and all that is required to decontaminate and imbue virtue in his bucket. He is conditioned to grow up into a man in this state of depravity and when he becomes a man, society demands justice from him by subjecting his bucket to the scale of justice against the scroll of justice, blind to the seed and roots of his junk, ready to strike him down with the sword of justice, little realizing that the junk in his bucket is a reflection of its own and its failures to provide the means for his purification, thus making a mockery of Lady Justitia by abusing her scale, scroll, blindfold and sword.

Deciphering the fault in comprehending justice

Recently, the death row convicts in the sensational Nirbhaya case were hanged and society hailed that justice has been delivered to Nirbhaya. The society failed to understand that Nirbhaya was long denied justice when the perpetrators, the 'scums of the slum' were denied the necessary childhood care and education that civilizes and sensitizes gender equality, when they were allowed to grow up in an environment where domestic and social violence were a routine part of life, when throughout their lives, injustice and contempt by the 'civilized' society had become normal. Injustice had already been meted out to Nirbhaya when government and 'the civilized' society failed to sensitize society of respect for other's liberty, human lives and gender equality, when authorities failed to ensure sufficient regulation and safety of public transport, when the police failed to secure the streets of Delhi. She was denied justice when the system failed to imbibe sensitivity in the police force who fought over jurisdiction when she was found dying on the roadside.

On the other hand, in the name of justice, grave injustice was done to the convicts by sending them to the gallows on the presumption that their crime is too heinous and appalling that they are beyond reformation. Retributive justice if not directed at reforming the guilty is no justice at all. Hanged on the basis that their act shook the collective conscience of the society and therefore fell under the rarest of the rare case, except the society failed to realize that these 'scums who don't deserve to live' are the Frankenstein of society's collective conscience and the rarest of the rare is the manifestation of the all-pervasive evil of social failure. Ironically, the price of this social failure and the failure of the criminal justice system to reform the convicts are made to pay with their lives.

The preamble of the Indian Constitution envisions for India a society where JUSTICE, social, economic and political is secured to all its citizens. But why are we still so bereft of justice? Because the rights and laws presented as justice have often been the greatest instruments of injustice. The vote has been abused through vote banking and criminalization of politics and monetization of elections to fan communalism, casteism and regionalism. The reservation is abused as an instrument to ostracize the beneficiary class as inferiors and free riders by the dominant class and as a cover for the government's dereliction to accord adequate amenities and opportunities to these marginalized groups. The PDS is diverted to fatten influential pockets at the expense of emaciated millions. The AFSPA is perverted to prey on the life and dignity of Manoramas, Memchas, Sagolsems and Faisals for the gratification of sheer force. The sedition law is abused to stifle dissenting voices, muffle cries of justice and preclude exposure of injustice. The justice delivery system is prostituted to incriminate hapless scapegoats and exonerate powerful culprits by capitalizing on loopholes and lacunas, and in the name of reformation, prisoners are subjected to inhumane treatment.

Often justice is reduced to mere statistics and records without actual reflection on ground. Manual scavenging abolished, untouchability criminalized, RTE made a fundamental right, 100% electrified, crores sanctioned, kilometers of roads constructed, PHCs in every village built, except people still swim the gutter, people are still avoided touch, children still don't find teachers at school, families still have dinner in the dark, roads still unmotorable, patients still die on the way to town. Laws and policies framed in the name of justice without the necessary mechanism to ensure delivery of it in letter and spirit are no instruments of justice at all. Justice is not necessarily the adherence of legislative law if the Statement of objects and

reasons of the law is in contravention of the principles of justice. In fact, the greatest injustice is when a law presented as justice is employed for the indulgence of injustice.

Justice owed is justice due

Every human being is owed justice right from his first cry to his final sigh. But the pertinent question is, from whom is justice owed? Justice is not something that is due to us from government and courts alone. The Preamble of the Indian Constitution offers us the answer again. *"We, THE PEOPLE OF INDIA, having solemnly resolved.... to secure to all its citizens: Justice, social, economic and political..."* We owe justice to ourselves, to each other. We deny ourselves justice when we sell our votes for money or favour or elect corrupt politicians to represent us. We deprive ourselves of justice when we grease the palms of officials and politicians to sail our work through. We snatch away our own justice when we treat the other person with contempt based on gender, colour, food habits, race, caste, religion or region. We deny ourselves justice when we manipulate scales to make a little more profit, when we exploit cognitive biases of gullible customers to enhance business. We bereave each other of justice when we withhold or avoid paying due taxes, when we make false representations to avail unmerited scholarships and schemes or pay bribes to buy jobs, when we default on our duties or keep proxies as employees of the state. We encourage injustice when we give the cold shoulder at the injustice others face or toe the line of corrupt officials and politicians for money or power. We breed injustice when children are exploited, disrespected and abused for the gratification and amusement of adults, when we allow our children to use unfair means in board exams to get good grades, when schools become businesses focusing not on quality of students but on quantity. The degree of fairness with which we deal with each other in our daily interaction as members of the same society defines justice. These seemingly insignificant and innocuous dealings gradually accrete into either a just society or a horribly unjust one.

To award true justice, any case of injustice must not be adjudicated simply in isolation within the confines of applicable laws. This narrow approach only offers a piecemeal solution and ignores the root of injustice. Rather, injustice must be thoroughly examined beyond the limits of prima facie evidence and prima facie solution to identify the faults within the society that culminate to the commission of the case and solution must include efforts for the redemption of these social failures. Every act of an individual, therefore is accountable to 'My' idea of justice. Yes, I am Nirbhaya but I am also Mukesh, Vinay, Pawan and Akshay.

The sword that Lady Justitia holds is a double edged sword which not only represents retribution against injustice but more importantly, stewardship of justice. The people have reposed this responsibility in the judiciary, the executive and the legislature. But lately, rust has accumulated on this indispensable sword and so long as this rust is left unattended, justice will remain elusive. So long as 'My IDEA' of justice does not become 'My ACT' of justice, I will still be gasping for justice. Let justice be preventive rather than curative or punitive.

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