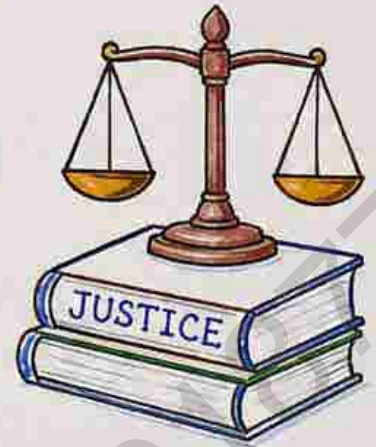


UNIT - 1

Q. Justice and its kind, civil justice and criminal ?

Introduction :

Justice is the most important and most discussed subject at any society and state. The word justice is demand to the rule and regulation for securing a fair distribution and equal treatment and just reward for all of you. It stand for harmony between individual interest and the interest of society.



Definition

Justice means to distribute the due share to everybody

Key feature of justice :

→ Justice is related to mutual relationship.

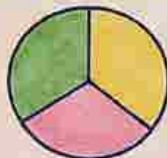


Key Features of Justice

1. Related to Mutual Relationship



2. Ensures Fair Distribution



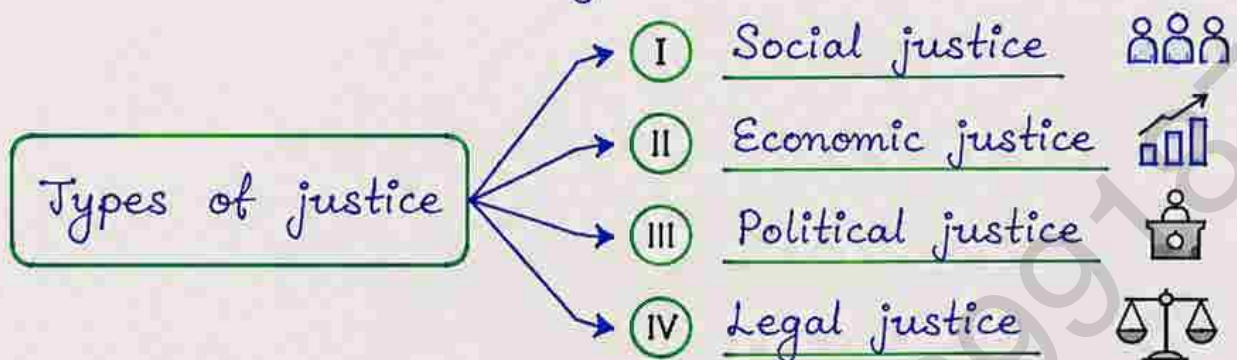
3. Provides Equal Treatment



of person living in **Society**.

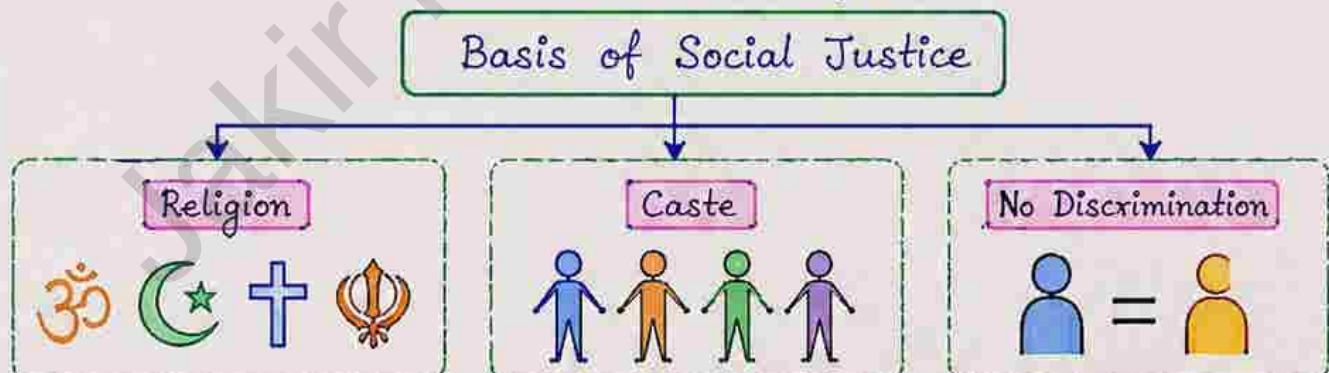
→ Justice is based on **value** and **tradition** of **society**.

→ Justice is related to all aspect of **human behaviour** in **Society**.



I Social justice :-

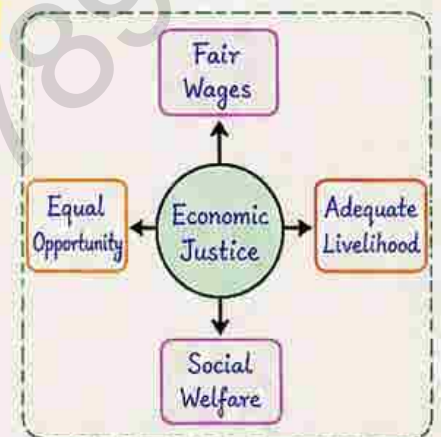
Large number of scholars use to preface to describe the concept of justice as **social justice**. Social justice is the mean that all the people in a **society** are to be equal and there is **no discrimination** on the basis **Religion**, **caste**,



Creed , Colours , Sex , place of birth or Status .

② Economic justice ◉

Economic justice is closely related to social justice because economic system are always an integral part of the social justice . Economic justice demand that all citizen should have adequate opportunity to earn their livelihood and get fair wages .



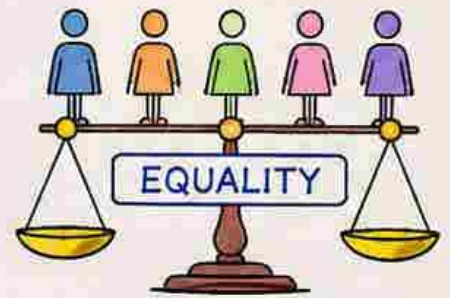
③ Political justice ◉

Political justice means

giving equal political rights and opportunity to all citizens to take part in the administration of the country . The citizen

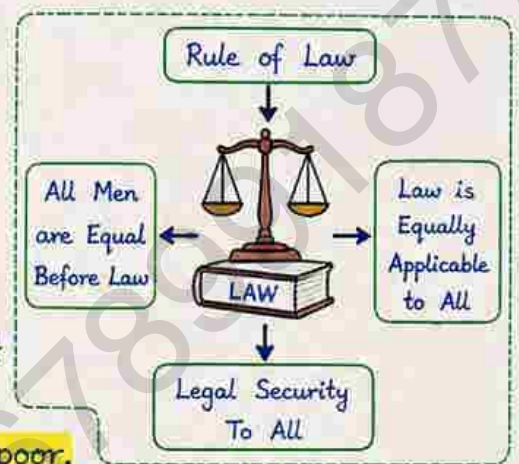


Should have equal right to casting vote without any discrimination on the basis of Race, Religion, Caste, Sex, place of birth. or status.



④ Legal justice :-

Legal justice means rule of law of any person, it includes two things that all men are equal before law, and that law is equally applicable to all, it provide legal security to all that laws does not discriminate between the rich and poor.

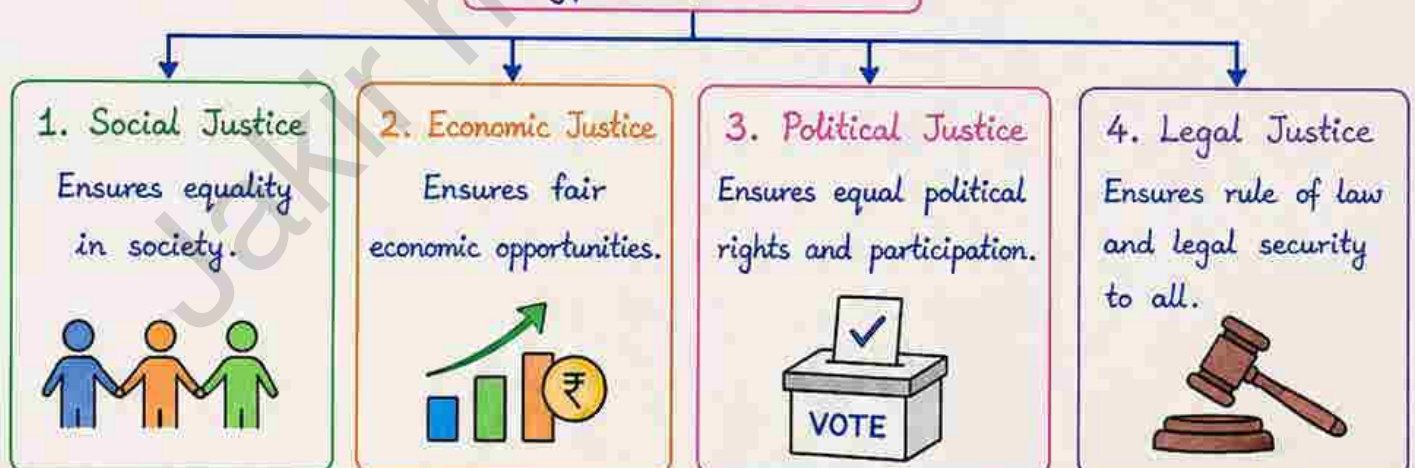


Civil justice :-



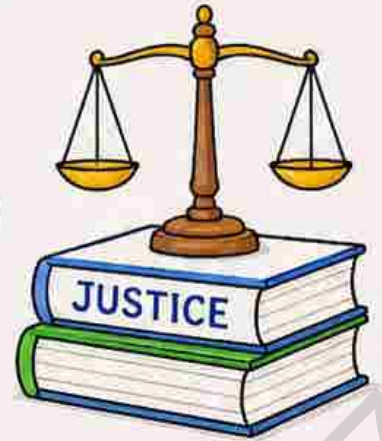
Civil justice that helps the individual and organisation resolved dispute.

Types of Justice



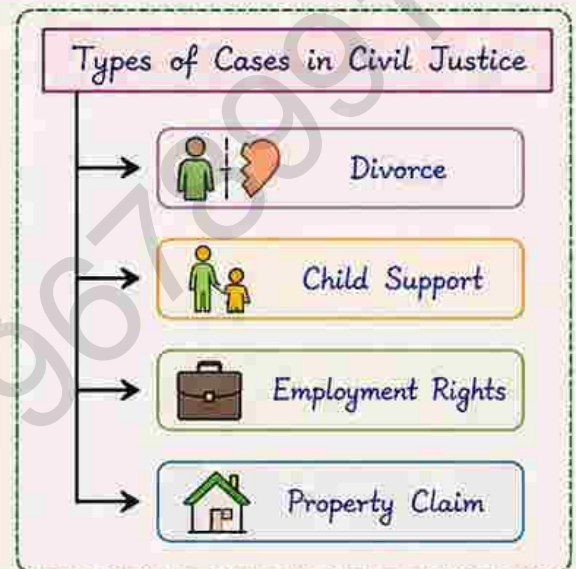
In fair and efficient way, civil justice like—

→ **Dispute resolution** :- civil justice allows the individual to sue for money what damages.



→ **Parties involved** :- The parties initiates the case is **plaintiff**, and the person being sued is the **defendant**.

→ **Types of cases** :- civil justice can cover a range of dispute including divorce, child support, employment rights, property claim.



Criminal justice :-

It is to be true that concept of crime is greatest hatred by all the **section of people in society**. The crime is a **public mirror** that always depend



On **public opinion**. This criminal justice is are delivered by the **court of law** and not the **police officer**. Once the police arrested an **accused person**, it is the **court of law** which decided whether the person is **guilty or not** —



four important player in the criminal justice :-



→ judge

→ Defence

→ Public Prosecutor

→ Police

Four important players

Conclusion :-



The **concept** of is the **vast concept process**, various jurist gives the **various kinds** of justice.



JUDGE

Decides the case impartially as per law.



DEFENCE

Represents the accused and protects rights.



PUBLIC PROSECUTOR

Represents the State and presents the case.



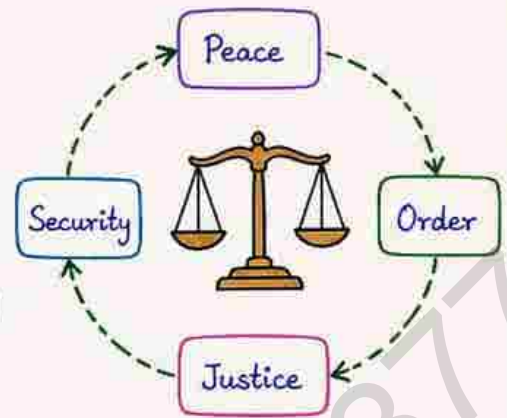
POLICE

Investigates the crime and arrests the accused.

① Administration of justice ? Theories of punishment ?

Introduction :-

The administration of justice implies the peace and maintenances of peace and order within the a political community by means of physical force of the state.



Concept of justice :-

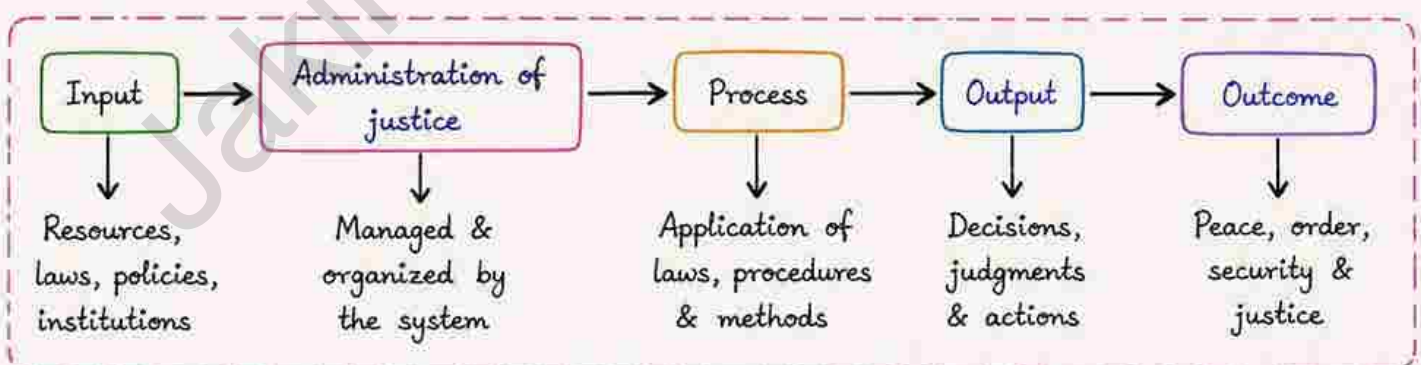
The concept of justice is an origin and growth of human society itself. The social nature of man demand that he must live peacefully in society.



Administration justice in may ways :-

① Organizational and managerial :-

The administration of justice can be seen



as organizational and managerial approach to the judicial system, in the court.



② Legislative :—

The administration of justice can also be seen from a legislative perspective where the parliament and state legislature can make law, within their jurisdiction as per the law.



vii Schedule.

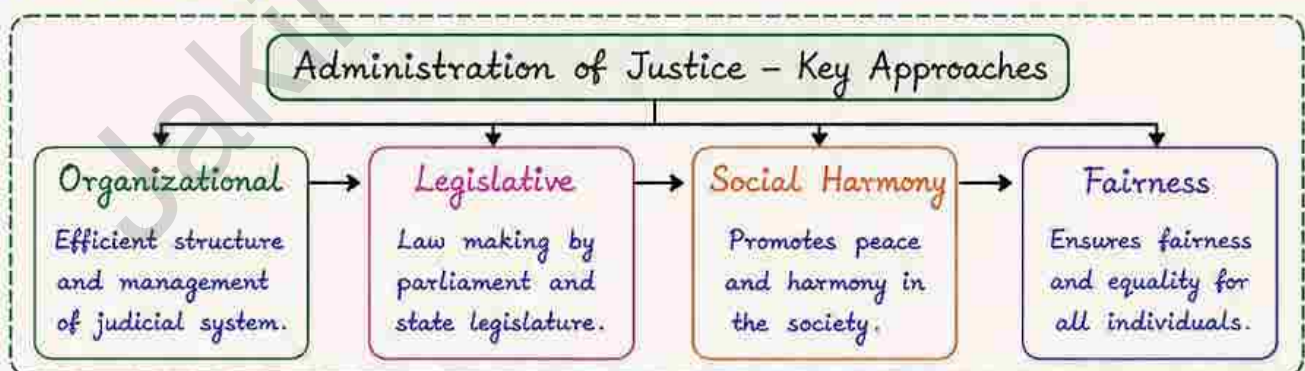
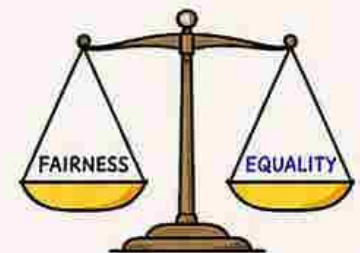
③ Social harmony :—

It is to be noted that a well-functioning administration of justice is essential for promoting social harmony.



④ Fairness :—

The administration of justice aims to ensure fairness and equality for all individuals.

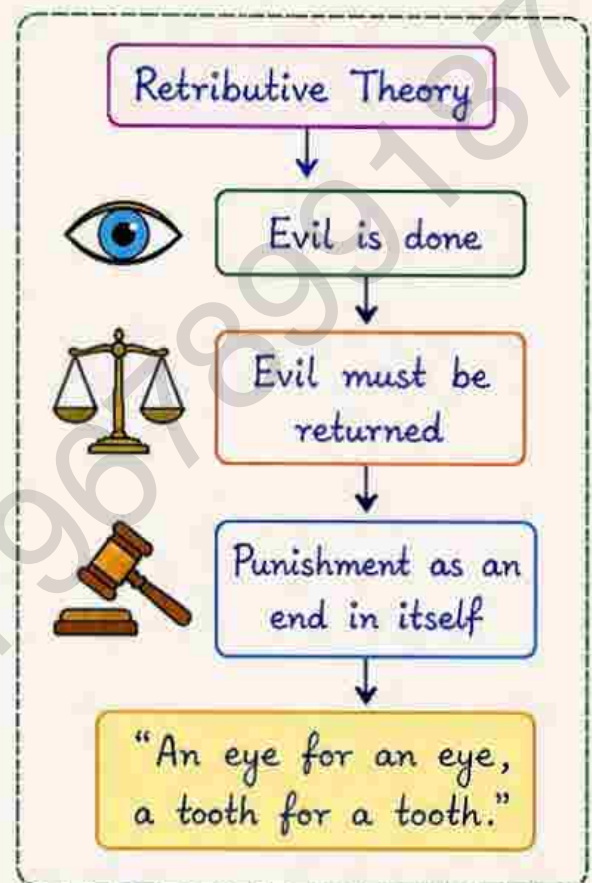


ensure fairness and uphold the rule of law, that means. There must be some strict law, that & everyone must follow.

Theory of punishment :—

① Retributive Theory :—

In primitive societies punishment was mainly retributive. It was regarded as an end in itself. According to this Theory evil should be returned for evil without any regard to consequence. This theory based on the rule of natural justice which is expressed by the maxim — An eye for an eye and a tooth for a tooth. In early days The retributive punishment was considered as law.



② Deterrent Theory:-

The purpose of the punishment is to **deter** the **criminal from committing crime** in future and set an example that others also who will commit any crime will be punished **likewise**.



③ Preventive Theory:-



Key Idea:

Prevent crime before it happens.

The idea of **preventive** Theory is founded on the idea of preventing **repetition** of crime by **disabling** the **offender**. Through such as

- **imprisonment**
- **death punishment**
- **suspension**

of **license**. In ancient time

the offender was from crime again by **disabling**

him permanently for ex- punishment for theft

cutting of hand of the offender.



④ Expiatory Theory :-

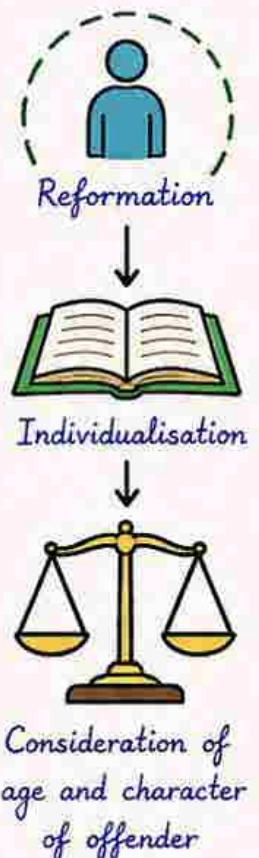
This theory also known as Theory of penance punishment is necessary, when the violate any law for the purpose of purification of the offender. In ancient time they believed after the punishment the person is getting pure.



⑤ Reformative Theory :-

The reformative Theory of punishment emphasises on reformation of offenders through the methods of individualisation.

This concept is modern in sense, because when the judge awarding punishment he consider the age and character of the offender.



Q. Legislation is the source of law which consist in the declaration of legal rules by a competent authority. Discuss legislation as source of law pointing out its merits and demerits. Mention the provision under the act which confers the powers of enacting legislation upon the legislature?

Introduction :-

Legislation is a primary source of law, defined as the formal declaration of legal rules by competent authority, such as a legislative body, it reflects the will of the sovereign and plays a vital role in the regulation of society. Under the constitution, legislative powers are divided among the union and the state.

Source legislation is a source of law :-

The term "legislation" is derived from the Latin word *Legis*, which means law and *latum* means to make or set. Thus the word legislation means making of law, it is categorised into —

① Suprem legislation :-

Legislature is supreme when it proceed from the sovereign power in the state and is incapable of being repealed or control by other legislative authority. on the other hand Supreme legislature means enacted by a sovereign authority without external limitations.

② Subordinate Legislation :-

Subordinate legislation proceed from any authority other then the sovereign power its depend on the continued existence and validity on some Supreme authority on the other hand delegated powers, such

rules or regulation by administrative bodies.

merits of legislation :-

- ① clarity and precision :- Laws are codified, making them clear & accessible.
- ② uniformity :- Ensures consistency across a jurisdiction.
- ③ adaptability :- Laws can be amended to meet societal needs.
- ④ democratic process :- Reflects the will of the people through elected representatives.
- ⑤ certainty :- Provide a definite framework, reducing ambiguity in legal interpretation.

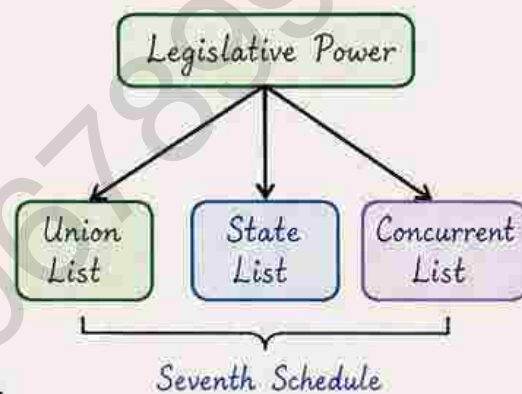
Demerits of Legislation :-

- ① **Rigidity** :- Laws may not accommodate unforeseen situations.
- ② **Time-consuming process** :-
Drafting and enacting legislation can be prolonged.
- ③ **Lack of flexibility** :- Immediate changes to address emergencies may not be feasible.



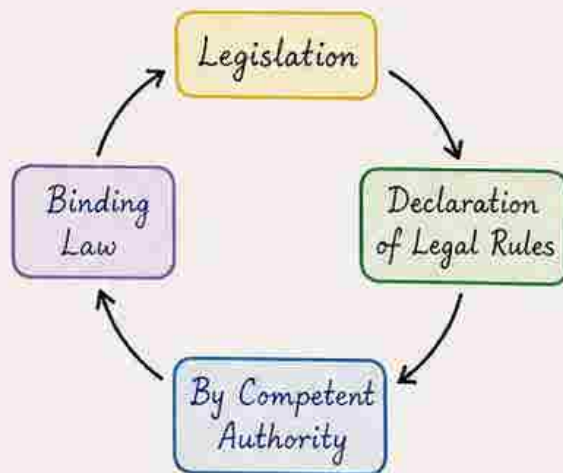
Provisions under the Constitution :-

- ① **Article 245** :- Empower the parliament and the state legislature to make laws.
- ② **Article 246** :- Distribute legislative power via three lists in the Seventh Schedule.



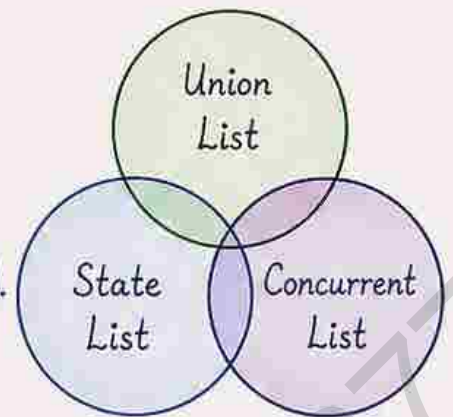
Q. Legislation :-

Legislation is the source of law which consist in the declaration of legal rules by a competent authority. Discuss legislation as source of law pointing out its merits and demerits. Mention the provision under the act which confers the powers of enacting legislation upon the legislature?



❖ Union List — Exclusive powers of Parliament (e.g., defence, foreign affairs).

❖ State List — Exclusive powers of State legislatures (e.g., police, public health).



❖ Concurrent Lists — Shared powers between Parliament and State legislatures.

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③ Article 248: Grants Parliament residuary powers to legislate on subjects not covered in any list.

Residuary Powers



④ Article 249: Enables Parliament to legislate on State List subjects in national interest.

National Interest



⑤ Article 254: In case of any conflict between the Union government and State governments.

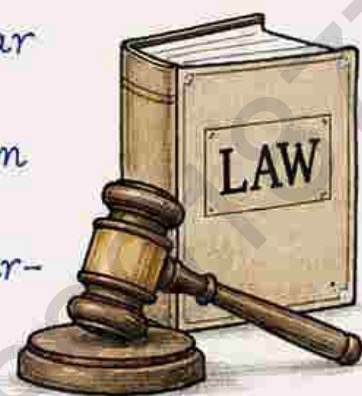
Conflict Resolution



State government laws on concurrent list subjects. The union law prevails.

⑥ Emergency provision (352-356) :

In the case of emergency due to war or any other external aggression from another country, in that case the parliament has exclusive power over the country in any law.



Conclusion :

Legislation is the indispensable as it ensures order, justice, and the progressive development of legal framework. Legislation is the cornerstone of governance and societal regulation.

