

Administration of Justice

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Law & Justice

- **Justice** is a **concept of moral rightness** based on ethics, rationality, law, natural law, religion, equity or fairness, as well as the administration of the law
- **Justice** – Natural/Moral justice & Legal justice
- **Legal Justice** – justice dispensed by courts in accordance with legal rules
- Adm.of justice – one of the essential functions of the State
- Courts of justice are also courts of law

Legal Justice – Advantages & Disadvantages

- **Advantages:** uniformity and certainty, impartiality, acts as a corrective to falliability of individual judgment
- **Disadvantages:** Rigidity, conservatism, formalism/technicality, needless complexity,

Elements of judicial procedure

- Summons
- Pleadings
- Proof
- Judgment
- Execution

(in conformity with Principles of Natural Justice)

Administration of Civil Justice

- **Object:** to ascertain legal rights of parties
- To afford relief to injured party by way of damages, specific performance, injunctions, repayment or restitution
- State may or may not be a party
- Administered through civil courts
- CPC and other laws are followed by courts

Administration of Criminal Justice

- **Object:** to ascertain guilt of accused and to inflict punishment upon wrong doer
- **Theories of Punishment :** Retributive, Preventive, Deterrent and Reformative
- Ancient and Modern practices
- Recent trends

Standards of Justice

- Values
- Natural Law
- Independence of judiciary
- Accountability of judges
- Judicial standards
- Law v. social needs
- “ a decision should not be made purely by following the texts; if it is lacking in reason and good sense, it causes great injustice” – Brihaspati Smriti

- "The life of the law has not been logic; it has been experience. The felt necessities of the time, the prevalent moral and political theories, intuitions of public policy, avowed or unconscious, and even the prejudices which judges share with their fellow-men, have had a good deal more to do than syllogism in determining the rules by which men should be governed. The law embodies the story of a nation's development through many centuries, and it cannot be dealt with as if it contained only the axioms and corollaries of a book of mathematics." - **Holmes**, *The Common Law*, 1881

Conclusion

- Thank You