



Justice: A Comprehensive Analysis

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Abstract

The notion of justice remains at the centre of society and depicts justice as fair, equal, and protective of rights. It is in this respect that the concept of justice evolved from ancient philosophies to modern models, which is discussed in this report. While discussing the idea of distributive justice, procedural justice, retributive justice, and restorative justice, which are all relevant forms of justice that must be maintained within a society, many real-world case studies illustrate these diverse models of justice in practice through criminal law, social movements, and economic fairness.

This report presents the history of the evolution of justice, different types of systems where justice can be found, cultural perspectives of justice, and the challenges modern legal systems face in practice. Through case studies and analysis, we will also observe current practice with regard to justice and look at its future.

The report also analyses the future of justice by exploring how globalisation, technology, and other related environmental factors are likely to inform it. Justice, just as societies and legal systems change, develops and needs to respond to new ethical issues that serve to preserve its potency in terms of fairness and equity. The analysis in the report underscores, therefore, an evolved justice system in response to emerging global concerns. This report will also discuss the modern justice system, notable case studies, and how justice will evolve moving forward.

Keywords

Justice, Equality, Fairness, Law, Rights, Social justice, Retribution

1. Introduction

Justice is a cornerstone of any well-functioning society, ensuring that people receive equal treatment, opportunities and protection under the law. Justice is said to involve the conception of an age; through centuries, it has evolved to mold how Societies govern, punish, and reconcile differences. In this report, we'll dive deep into how justice evolved, all its forms, and the challenges that societies face in upholding it. The meaning of justice varies within each culture; however, the core principles of equity, accountability, and fairness remain universal.

Justice is a prized virtue that helps in maintaining social order, protecting individual rights, and fostering peace within communities. Without justice, societies would experience even chaos, inequality, and unchecked wrongdoing. Justice is one of the most basic principles governing human interactions.

It represents fairness, equality, and moral rightness, where all people in society are given a fair share, and the law and morals are portrayed. Philosophers, lawmakers, and other leaders have argued over the ages to mould it into what it remains today - the core feature of governance and civilisation.

2. Historical Background of Justice

Even when we trace the origin of justice, we find its creation is as old as the ancient civilizations of humans. Laws were formulated to guide the behaviour of human beings and resolve their conflicts. One of the earliest surviving legal codes from history dates back around 1754 BC in the ancient land of Mesopotamia. The code instituted 282 laws, which include a good number of rules over commercial engagements, rights related to property, and family relations with punishments issued for violations. This code is evolved from the popular principle "an eye for an eye"-which is a primitive form of retribution with punishments caught up to the level of crimes.

In the ancient Greek world, thinkers like Plato and Aristotle furthered the concept of justice. [1] Plato wrote in The Republic, that justice was harmony between individuals when they worked at their appropriate roles in society. He

believed that justice is not only legal compliance but also a virtue that would promote the well-being of the individual as well as the community. Aristotle coined the distributive justice concept, which is marked by being fair in proportion to desert.

The Roman Empire contributed to developing legal justice through establishing Roman Law. The Romans created an advanced legal system that introduced the concept of natural law, that is, certain rights are innate to human beings. To many modern legal systems, both common and civil law were deeply influenced by Roman law.

The Magna Carta of 1215 was another historical landmark in the history of justice. It declared that no one, including the king, was beyond the law and put provisions to guard individual rights. This document is seen as a foundation that heralded constitutional law and the growth of legal rights in the West.

Enlightenment thinkers such as John Locke and Jean-Jacques Rousseau. The social contract was proposed where the actual source of justice was argued to arise.

The principal wellspring of their consciousness was an agreement among individuals to form societies and abide by laws that protected the natural rights of those in society. This concept profoundly influenced modern democratic societies, where justice is tied to the degree of individual freedoms, equality, and the rule of law.

3. Types of Justice

Justice is not a one-dimensional concept but has many facets, each addressing different aspects of fairness. The primary types of justice include:

3.1 Distributive Justice

This justice addresses the fair dispersion of resources, wealth, opportunities, and privileges distributed to members of a society. The merit, need, or equality principle for distributive justice is that people should receive what they deserve based on merit, their needs, or equality. For example, welfare programs, which dispense cash handouts to families of low-income status, are a form of distributive justice as they seek to promote greater equity and provide for the poor. There are several philosophical perspectives that consider distribution in slightly different terms. For instance, [2] John Rawls, in his theory of justice, holds that resources have to be allocated in such a way that their distribution maximises the benefit to the least advantaged members of society.

3.2 Procedural Justice

Procedural justice refers to the processes through which disputes are resolved and decisions are made. It ensures that it treats all equally before the law and that the law works neutrally, in a transparent manner. Procedural justice is important because even if the outcome is fair, if the process is perceived as unfair or biased, people will lose trust in the System. Courts and legal procedure, with the right to a fair trial and presumption of innocence, are just some examples of procedural justice in action.

3.3 Retributive Justice

It states that the punishment must be in proportion to the crime. It seeks to restore moral balance by addressing those who commit wrong. Justice under this classification will essentially be elemental to criminal law because offenders are punished through penalty, fines, or imprisonment. Retributive justice operates under the belief that punishment serves as a deterrent to future crimes, upholds social order, and provides a sense of closure to victims.

3.4 Restorative Justice

As a new orientation to conventional retributive justice, restorative justice deals with the necessity of repairing harm caused by criminal acts. Restorative justice is connected with reconciliation between victims and offenders with the hope of bringing back relationships and reintegrating offenders into society. Restorative justice encompasses practices such as victim-offender mediation. This restores the possibility of knowing the effects of the criminal act made by victims, and the offenders may be given a chance to settle the issue.

This can help create the opportunity for restitution and recompense in taking responsibility for their deeds. This technique is very effective when dealing with petty crimes or when healing the community is the most significant part of the process.

4. Cultural Perspectives on Justice

Justice is not a universal concept; it is shaped by the cultural, religious, and philosophical traditions of different societies.

4.1 Western Perspectives

In the west, justice appears to have much more resonance with individualism, equality, and rationality. In reality, the enlightenment philosophers even determined the latter-day protection of civil liberties and the tradition of due process in the West. The West has several characteristics of the adversarial system, where both sides of the controversy argue out their respective cases in front of an impartial judge or jury. [3] Classical theorists such as Immanuel Kant postulated that justice ought to be. Although these ground themselves on moral considerations, to uphold the dignity of humans, for

example, rather than merely in terms of consequences or results of a decision. And this is reflected in the organisation of most of the Western systems of law, which prioritises individual liberties and democratisation.

4.2 Eastern Perspectives

On the other hand, this approach contrasts with Eastern philosophies, which typically regard justice as a means of preserving balance and harmony within the community. Confucianism-the dominant philosophy of East Asia-emphasises social order, authority, and the observance of morality. The basis of justice, according to Confucian thought, lies not in individual rights but in fulfilling one's duties in society and improving the collective good. Similarly, Buddhism focuses on the ethical and moral pros of justice, with a focus on compassion, empathy, and a zero-harm approach. Eastern systems of justice tend to desire restorative approaches to justice that focus on reconciliation and rehabilitation rather than on punishment.

There are also cultural differences in justice as manifested in legal practices. For example, in Japan, legal disputes often are resolved through mediation and negotiation rather than by adversarial court trials. This is because the culture bases its values on social harmony and conflict resolution.

5. Comparative Justice System/Overview of Legal System

In today's world, justice is administered through legal systems that are designed to protect individual rights, maintain social order, and resolve disputes. There are several types of justice systems used globally, including:

5.1 Common Law Systems

It is prevalent in the United States, United Kingdom, and Canada, common law systems are based on the doctrine of judicial precedent. Decisions taken at higher courts establish the legal precedent that lower courts must follow in similar cases. Flexibility and adaptability characterise common law systems: judges have the authority to interpret laws and apply them to new situations. This system relies a lot on case law and the decisions of judges.

5.2 Civil Law Systems

Civil law systems are popular in Europe and Latin America, with written codes and statutes forming the general body of law. In civil law, judges do not make new laws; rather, they apply existing ones to the cases. Civil law is much stricter; cases are decided due to the written code but they enlighten and make judgments in law cases look rational and consistent.

5.3 Religious Law Systems

Some countries have religious laws that dominate judicial systems. In this case, Sharia law is imposed in several Muslim-dominated countries. Sharia law encompasses civil and criminal matters and is oftentimes quoted from the Quran and other Islamic scriptures. Similarly, Jewish Halakha and Hindu Dharma also influence legal practices in specific regions. Religious law systems are very many and most overlap secular legal systems, thus creating a unique blend of justice that is heavily influenced by legal as well as spiritual principles.

6. Current Situation on Justice System

According to the data of NJDG (National Judicial Data Grid) we will see that till now the condition of justice system in India is very bad, NJDG is an online platform which presents real-time data of cases of districts and subordinate courts of India. Its objective is to promote transparency and accountability of the judiciary.

6.1 Overall Pending Cases

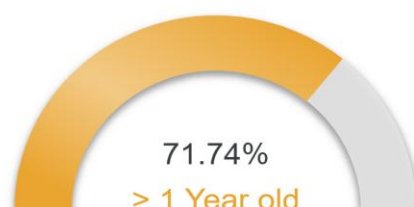
6.1.1 Civil Cases

(What are Civil Cases?) A civil case is a legal dispute between two or more people or businesses. The dispute can be over money, property, or personal rights. Civil cases include every type of legal action except criminal actions, including personal injuries, contract disputes, adoptions, divorces and faulty consumer goods.

Civil Cases

1,09,36,429

More Than 1 Year Old: 7845737



The total number of **civil cases**[4] which are pending is 1,09,36,429 and among these, the number of cases which are more than one year old is 78,45,737 which is 71.74% of the total pending civil cases.

6.1.2 Criminal Cases

[5](What are the Criminal Cases?) A criminal case is a court proceeding in which a federal, state, or local government prosecutor accuses someone of committing a crime. The process begins when the person is arrested and the charges are explained to him or her—often in a hearing called an “indictment.” In criminal cases, the defendant is presumed innocent unless the court finds “beyond reasonable doubt” the evidence. If the court finds someone guilty, he or she undergoes the sentencing process under criminal law: jail or imprisonment, fine, community service, or a combination of these. These cases cover a wide range of crimes—from violent offences like murder and assault to property crimes like theft and arson, and even offences against public order like drug crimes and cybercrimes.

Criminal Cases

3,48,38,844

More Than 1 Year Old: 26110245



This data shows the serious backlog problem of **criminal cases** in the Indian judicial system. According to this, 3,48,38,844 criminal cases are still pending. The most worrying thing is that out of these, 2,61,10,245 cases are more than a year old, which is 74.95% of the total pending cases. These statistics show that the disposal of cases in the criminal justice system is happening very slowly, which has an impact on both the victims and the accused.

6.1.3 Total Cases

Total Cases

4,57,76,609

More than 1 year old: 33949528



This graph gives an overview of **total pending cases** in India. According to the data, 4,57,76,609 cases are still pending. The most noteworthy thing is that out of these 3,39,49,528 cases are more than a year old, which is 74.16% of the total pending cases. The graph visually shows the number of cases stuck in the backlog, in which the portion of cases older than a year is much higher. This percentage shows that most of the cases are not getting resolved timely, due to which the backlog is continuously increasing. This trend reflects the speed and efficiency of case resolution in the Indian justice system.

6.2 Pe-Litigation / Pre-Trial

A “Pre-Litigation” or “Pre-Trial” case refers to a legal dispute that is being addressed and attempted to be resolved before a formal lawsuit is filed in court, often through methods like mediation, negotiation, or other **alternative dispute resolution** (ADR) processes; essentially, it’s the stage where parties try to settle a disagreement without going to trial.

Pre-Litigation / Pre-Trial

11,93,467

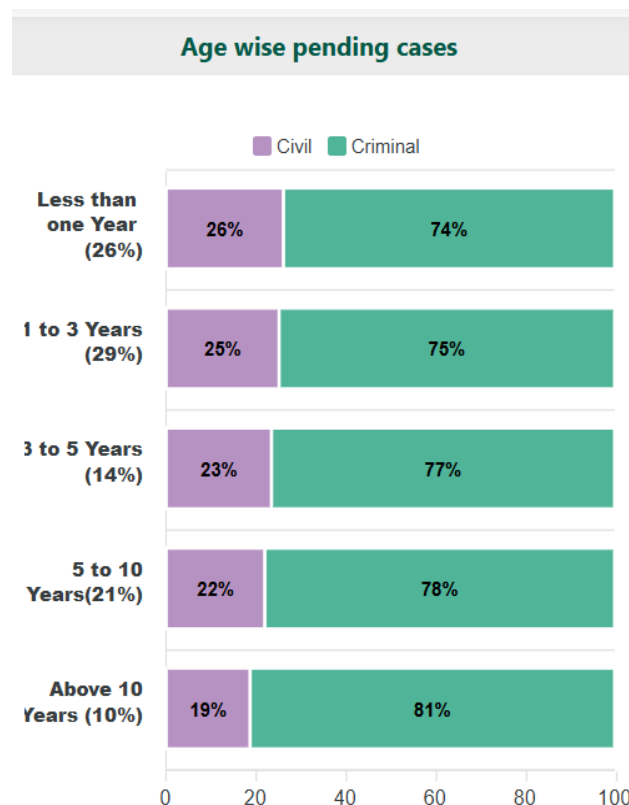
More Than 1 Year Old: 780285



This graph shows data of Pre-Litigation / Pre-Trial cases, which are those cases which happen in the stages before the trial. According to this, 11,93,467 cases are still pending. Out of these, 7,80,285 cases are more than a year old, which is 65.38% of the total pre-litigation cases. The graph visually shows that even in the pre-trial phase, the cases are suffering from backlog and are not being resolved timely. This backlog indicates that there are delays in dispute resolution and initial legal processing as well, which can put further load on the justice system.

6.3 Age-Wise Pending Cases

This graph shows "Age-wise pending cases", in which the distribution of civil and criminal cases is given on the basis of their pending duration.



A clear pattern is visible from the graph that as the cases are getting older, the percentage of criminal cases is consistently higher than civil cases. This means that the backlog of criminal cases is more severe and they are not being resolved timely.

6.4 The issue of backlog (pending cases)

6.4.1 Current Status: Pending Cases

It is clearly visible from the data on the website that cases worth crores are pending. There are many cases in both civil and criminal categories and many of these are more than a year old.

6.4.2 Excessively Dated Cases

Some cases are so old that they have not been resolved yet. These cases come under "Excessive Dated Cases".

6.5 Problems and what's wrong

6.5.1 Justice Delayed is Justice Denied

People are facing delay in getting justice and as the cases get old, no one pays attention to them and the cases remain unresolved, which may violate their rights.

6.5.2 Case Complexity and Procedural Delays

Some cases are complex and more steps and verifications are required in the legal process, which lengthens the process and cases get delayed.

6.6 Suggestions for improvement

6.6.1 Development of Fast Track Courts

There is a need to create special benches and fast-track courts that can resolve only pending cases. Separate special courts should be created for sensitive cases like murder, rape and corruption that can solve the cases immediately.

Lok Adalats and Gram Nyayalayas should be expanded so that small and medium cases can be resolved quickly.

6.6.2 Use of Digitalisation & Technology

Artificial Intelligence (AI) and Machine Learning (ML) should be used for case tracking and document management. E-courts and virtual hearings should be promoted so that cases can be disposed of quickly.

Case filing and proceedings will have to be done online so that paper-based system can be eliminated and efficiency can be increased.

6.6.3 Promotion of Alternative Dispute Resolution (ADR)

Methods such as mediation, arbitration and negotiation should be promoted so that the burden of cases in courts is reduced. ADR should be promoted to resolve many commercial and property disputes outside the court. The government and private institutions should jointly establish dispute resolution centres so that small cases can be resolved without going to court.

6.6.4 Additional Judicial Resources

There is a dire need to increase the number of judges. A systematic policy of appointing new judges every year will have to be made. Development of court staff and support staff: Shortage of clerks, stenographers and IT professionals in courts is also a big problem. This will have to be removed quickly.

6.6.5 Focus on the training of judges and staff

New training modules will have to be prepared to make the work of the court more efficient. Small matters can be resolved without going to court.

7. Challenges in the Justice System

While the concept of justice aims for fairness, many modern legal systems face challenges that prevent the achievement of true justice. These challenges can be social, economic, or structural. Some of the most significant issues include:

7.1 Access to Justice

Legal resources and representation remain an issue for the very large majority, particularly the marginalised communities. Lawyering is costly, and those with lesser financial capacity cannot afford to hire other lawyers for legal advice. This has given an unfair advantage to the financially strong that may not receive justice as their counterpart who has wealth. Many free legal aid services are attended to by most countries; however, there still exist significant gaps, particularly in rural or underdeveloped regions.

7.2 Bias and Discrimination

Though laws are designed to be impartially administered, yet bias and discrimination present their manifestation in most ways. This ranges from racial, gender and class-related bias towards determining the way cases get conducted and even their fate in legal proceedings. Scientific studies in several countries have concluded that minor races are usually given heavier sentences or bear a greater percentage in the prison population.

In fact, prison population would perhaps best be the most significant challenge within this system if, for instance, its basis was on bias. Training, oversight, and even systemic reform would likely be required.

7.3 Overburdened Courts

A typical challenge that accrues in several legal systems is weighty workload which has led to a very long time when it comes to the determination of cases. In reference to Trimark, one of the age-old writing says goes a four letter word that began with a D which means that justice delayed is justice denied, and lengthy legal processes can be emotionally as well as financially draining for anyone who is a participant. The built up backlog of cases can also lead to plea bargains, where

individuals may accept plea bargains of reduced charges simply just to avoid going through the trial process even though they are innocent.

7.4 Corruption

As it is known, there is corruption in some countries in the legal sphere that continues to pose a major challenge to the delivery of justice. Bribery, coercion, and interference of political influence can lead to problems of obvious bias in trials and decisions. To this, corruption dilutes confidence of the public in the justice system and supports power related unfairness because it grants the elites full control. escape accountability.

7.5 Balancing Rights and Security

In the post-9/11 world, many it being so, governments have taken the effort of putting in place more stringent regulations that are national security. Still, it should be mentioned that these measures can at times violate individual rights and freedoms. For example, the recent laws against terrorism and surveillance programs usually evoke issues in privacy.

Human rights are adversely affected through torture, extra judicial killings, violation of freedom of assembly, freedom of the press, right to free and fair elections, right to access information, lack of protection of refugees and internally displaced persons, lack of independent judiciary, political interferences in affairs of the Judiciary, violation of the right to fairness and tranquility during elections, violation of freedom of movement, and arbitrary detention. The issue that current justice systems face is whether defending domestic and international security as well as promoting the rights of human persons. Attempts to bring change to the legal structures in order to combat these issues are ongoing. As already noted, most countries are now calling for judicial reform as a way of transparency measures, legal campaigns and awareness and legal communication strategy on the use of Information technology to address legal workflows.

8. Case Studies on Justice

In order to study the use of the concept of justice and the difficulties that can arise in the course of the realisation of justice in practice, it is important to work with realistic samples for the elaboration of legislation that have influenced the legal landscape. These case studies present aspects of the realisation of justice in parts, such as international humanitarian, civil liberties, post conflict and transitional justice. Each case answers valuable questions regarding the way justice is sought and the effect it has on societies.

8.1 The Nuremberg Trials (1945-1946)

The Nuremberg Trials are best described as a landmark in terms of the international law tradition. law and justice. Following the Second World War, the countries of the Allies aimed at criminalising the Nazi-period terms. offending rulers, war criminals, people guilty of acts of genocide and crimes against humanity crimes. The trials were held in Nuremberg, Germany, and were the first of their type. They are meant to prosecute individuals for his or her involvement in planning of genocide.

The importance of the Nuremberg Trials derives from their significant contribution to the creation and subsequent development of international criminal law. The trials introduced the treaty principle that also the individual persons could be punishable for breaks of international law. This was something new at the, so that, as it was in many previous instances with war criminals who evaded punishment. Excusing their action saying that they were just obeying what they were told to do.

In all twenty-four leading Nazi personalities were tried with charges from crime against humanity right up to the waging of an aggressive war. The trials resulted in twelve death sentences, three life sentences and several prolonged imprisonments. The Nuremberg Trials had several important effects that were brought out by the end of trials among them being; setting of legal jurisprudence for handling cases of genocide, war crimes, and crimes against humanity.

The principles developed during the Nuremberg trials have been carried forward up to the present state of global law justice. Those trials provided the opportunity for formation of the International Criminal Court and other international courts meant for the trial of criminals have focused on the prosecution of atrocities committed by instigators. Additionally, the Nuremberg A principle has adopted a central role in international humanitarian law. arranging things in a way that people cannot escape justice in the event they engage in heinous violations of human rights.

8.1.1 Impact on Global Justice:

The Nuremberg Trials acted as the benchmarking system for post conflict accountability. They stressed that justice cannot be selective, and even in such circumstances. War is not incompatible with legal systems because they need to protect human rights. The trials also demonstrated the usefulness of history, using documented details from a historic site such as Nuremberg. They have since been useful in reminding the society the negative effects of war and the importance of justice.

8.2 Abetment to Suicide Case: Sr. Sagaya Mary v. State (2024)

8.2.1 [6]Madras High Court

A petition was filed under Section 528 of BharatiyaNagrik Suraksha Samhita, 2023. In this, G. Ilangoan called the impugned chargesheet and the proceedings related to it illegal and demanded their quashing. In the petition, the

chargesheet against hostel warden Sister Sagaya Mary was also asked to be quashed. The Defence asked for dismissal of the case, but the Court observed that the investigation is still incomplete, and substantive grounds are present - hence the proceedings will continue.

8.2.2 Background

Victim: A 12th class girl, student of Sacred Heart Higher Secondary School, Trichy, lived in the hostel.

Accused: Hostel warden Sister Sagaya Mary.

Accusation: The warden made the student do menial tasks (cleaning, grass cutting, etc.), which increased the girl's stress and she lost focus on studies.

Incident: On 09-01-2022, the girl consumed pesticide. Despite treatment in the hospital, she kept vomiting and died due to non-response.

Sections invoked: IPC Section 305 (abetment of suicide) and JJ(C&PC) Act Section 75.

8.2.3 Analysis and Decision

The Court held that a hostel warden is no less than a guardian, and the guardian's job is to protect the children; the intention to commit suicide is unlikely. But when the allegations say that the accused created such circumstances that the victim reached the last stage, the Court has to see whether the ingredients of "abetment" are fulfilled.

Reference of Parangounda v. Karnataka case: The Court referred to Parangounda v. State of Karnataka [(2023) 14 Scale 642], where it was settled that if the accused created such circumstances that the deceased committed suicide, the accused would be liable under IPC 306.

Trust in Investigation: The Court noted that the Investigating Officer acted with utmost dignity and did not unnecessarily pursue any angle like religious conversion or forcible conversion. The conversion angle was totally baseless and should have been avoided.

Test of Dying Declaration: The Court compared the contradictions between the dying declaration of the deceased and the statements of witnesses (Section 161(3) CrPC). The Court said that the veracity of the dying declaration cannot be tested except in the trial under the jurisdiction of Section 482 CrPC and hence this is not the right forum to question it.

Section 75 of JJ(C&PC) Act, 2015: Madras High Court did not question the petition, because open investigation is still going on and it will be decided in the trial whether there is proof of abetment. The trial court will frame the remaining charges and look into the matter further.

[Sr. Sagaya Mary v. State, CrI.OP(MD)No.14605 of 2024, decided on 16-12-2024]

8.3 Illegal Arrest and Violation of Fundamental Rights: A Case Analysis of Sachin Mahipati Nimbalkar v. State of Maharashtra

8.3.1 [7]Bombay High Court

The petitioner challenged that his arrest in the FIR dated 31-10-2023 (Karad City Police Station, Satara) without any reason and without specifying the 'grounds of arrest' was illegal. He also held that the remand order dated 01-11-2023 and all the subsequent remand orders passed by JMFC Karad are unconstitutional as he was not shown any justification under his fundamental rights (Article 21 & 22(1)).

The Division Bench (Justice Bharati Dangre and Justice Manjusha Deshpande) agreed that there was a total violation of the norms of Section 50 CrPC and Article 22(1) of the Constitution - hence the arrest was considered illegal and a gross violation of fundamental rights.

8.3.2 Background

Accusation: Case was registered against the petitioner under Sections 302, 364, 324, 323, 143, 147, 148, 149, 504, 506 IPC.

Arrest: Arrested on 01-11-2023 for producing before JMFC Karad, remanded in police custody till 06-11-2023, then extended till 07-11-2023.

Reason for FIR: It was written in the complaint that the complainant's brother was having an affair with someone's daughter. On 30-10-2023, when the complainant asked the whereabouts of the brother, the known suspect made him sit in the Bolero, father and Janardan were also there. There was beating from both sides – Janardan died. FIR was registered on 31-10-2023.

The petitioner also filed a regular bail application, which was pending with the Additional Sessions Judge, Karad. He argued that the reasons for arrest were not told to him in writing, which is against Section 50 CrPC and Article 22(1).

8.3.3 Analysis, Law, and Decision

Not giving Grounds of Arrest: The Court observed that no "grounds" were given to the petitioner in the arrest panchanama or the arrest surrender form. Only a generic message was given on the cell phone number of the wife, which is not enough.

Difference between Reasons vs. Grounds: The Court recalled *Prabir Purkayastha v. State* (NCT of Delhi), 2024 SCC OnLine SC 934: There is a difference between “reasons for arrest” and “grounds of arrest”. Just giving reasons is not enough—it is necessary to inform the lawful grounds in writing.

Requirement of Section 50 CrPC: In a situation of arrest without warrant, the accused has to be immediately informed in full detail- for which offences the arrest has been made and what are the grounds. This has been stressed repeatedly in judicial pronouncements, but here it has been completely ignored.

Constitutional Violation: Being a blatant violation of Section 50 CrPC, Article 22(1) has also been breached. Not disclosing grounds cannot avoid declaring the arrest as “illegal”.

8.3.4 Final Order

Writ petition allow: Arrest of Petitioner was held illegal and violation of fundamental rights.

Remand orders quash: Remand order of JMFC Karad dated 01-11-2023 and all subsequent remands declared null and void.

Release direction: Order to release Petitioner immediately after furnishing a bail bond.

(Sachin Mahipati Nimbalkar v. State of Maharashtra, 2024 SCC OnLine Bom 3493; decided on 23-10-2024. Judgment by Justice Manjusha Deshpande.)

8.3.5 Advocates who appeared in this case

For the Petitioner: Suyash N. Khosea/w Vaibhav Kulkarni, Mangesh Kusurkar, and Siddharth Sutaria.

For the Respondent: S. S. Kaushik, APP.

8.4 The International Criminal Court (ICC) (2002)

The ICC came into existence in 2002 and is an international court that tries persons accused of genocide, war crimes, and crimes against humanity. The ICC was established to serve as an appellate court of justice facility, intervening where national courts fail or refuse to prosecute. It resulted from the rising need for an international organisation that set Horizontal justice delivery systems in order to prosecute those engineer conflicts with a view of perpetrating heinous crimes around the world.

One of the most memorable cases of the ICC was that of Thomas Lubanga, a warlord of the Democratic Republic of the Congo, convicted in 2012 for enlistment of child soldiers during the Second Congo War. He was found guilty by the ICC and received a 14 year jail term making it the first conviction of the ICC and affirming the court’s resolve to bring to book, persons found guilty of war crimes.

However, as it dawned ICC has received criticism and challenges. Some of the world’s most powerful nations such as the United States, Russia and China have not ratified the Rome Statute which is the Statute that created the ICC. These countries claim that the court erodes sovereignty, and is partial to, especially in some parts of the African continent. However, it must be noted that most of the cases that are handled by ICC are true. of the African countries interested in the cases, resulting in outcry of selective justice.

8.4.1 The ICC's Role in Global Justice

Nevertheless, criticism remarks that the ICC has Problems, such as inadequacy, inconsistency, dissatisfaction, and inefficiency are not entirely unreasonable. However, it continues to be an important part of the functioning of the global justice system. It serves as a prevention tool against impunity for the most heinous criminal conduct. The court is also the place where victims can find their justice. The ICC’s existence emphasises the need for international collaboration in addressing the challenges mentioned above. This kind of cooperation is crucial for tackling cross-national crimes.

I have mentioned that as ICC grows the future challenges, one of which is the ability of the ICC to balance between Equality of justice (EOJ) and International politics (JEP) mandate for the political sovereignty of justice in delivering the rationality of international politics. However, its work has positively impacted the formulation and expansion of international criminal law and the cause of justice in the world as a whole.

8.5 The Indian Judiciary and the Vishakha Guidelines (1997)

[8] As the case in India *Vishakha V. State of Rajasthan* (1997) which led to the formulation of the Vishakha Guidelines – a path breaking case which dealt with Sexual harassment is one of the most common types of discrimination. The case further escalated when Bhanwari Devi, a social worker from Rajasthan and mother of five children, was gang-raped while she was trying to stop a child marriage. After all the accused were released (acquitted), some important developments came to light. People’s outrage and the consciousness that India needed more legal systems in dealing with the vice of sexual harassment.

In this regard the Supreme Court of India through the **Vishakha guidelines** has sought to put in place structures. Policies, that stated what constituted as sexual harassment and Legal duties of employers in relation to safeguarding their employees at the workplace women. The guidelines also outlined what came to be known as ‘workplace’ –the environment where vulnerable juniors would be exposed to the producers of the content they access. “Ignore” creation of “harassment committees” to deal with complaints of sexual harassment.

This case can be considered as a turning point both in the understanding of gender justice and women's rights in India. It not only pointed to a requirement for law changes but also led to the enactment of the **Sexual Harassment of Women at the Workplace (Prevention, Prohibition and Redressal) Act, 2013**, which has further enhanced measures to give women at the workplace.

8.5.1 Case Note

Constitution - gender justice - Articles 14 and 21 of Constitution of India and Section 2 of Protection of Human Rights Act, 1993 - petition for preservation and enforcement of right to gender equality and fundamental rights of working women - Court framed various guidelines including disciplinary action, complaint mechanism and complaints committee - Court directed that guidelines and norms would be strictly observed in all work places for preservation and enforcement of right to gender equality of working women.

8.5.2 Impact on Gender Justice

The Vishakha Guidelines have been a major role in empowering the female gender in India. They represent a Positive strategy employed to protect women and maintain their virtue and security in workplace spaces. However, the aforementioned guidelines have not been well implemented. Incomplete, especially many organisations now eventually do not equip with perfect system to manage reports of sexual harassment matters. Nevertheless, the case remains a significant factor in the fight for justice to women in India.

These case studies provide a clear picture of many of the different types of interventions that can be used. What form justice can take, from post-war justice to civil rights success stories and inter-state criminal cases. They draw people's attention to the sophistication and problems of doing justice and show that the idea of justice requires constant attempts to promote and restore the values of justice, justice and ethical reasonableness in many ways, legal systems across the globe.

9. The Future of Justice

Justice is not a fixed or absolute concept; it evolves with time, according to changes in society, advancements in technology and updates in governance frameworks. Many factors will impact justice in the future, such as technological developments, cultural changes and the increasing demand for equality and human rights. But while looking at the future, we will also have to think about the challenges and trends that will shape it. Since institutions are often gendered, they also play a role in deciding how justice is sought, dispensed and reached to the people.

9.1 Technology and Justice

Another of the most influential pioneers driving the progress of justice is technology. The computerization and evolution of other communication technologies and artificial intelligence are rapidly developing analysis of intelligence (AI), and it is expected that blockchain can bring major changes to the justice system in a number of ways. From the improvement of the means and ways in accessions of legal resources in expanding possibilities for enhancing the transparency and effectiveness of judicial practice, technology has a promise but also includes a certain level of complexity.

9.1.1 Artificial Intelligence in Legal Systems

After analysing the results of studies, information is provided about AI's use in different dimensions of the legal system, from predictive policing to legal research.

In the future, it could be expanded where the Intelligent System will assume a crucial role in decision-making processes and a more significant part in dispensing justice. Many machine learning (ML) algorithms can process big data and provide valuable insights for predicting future outcomes. These insights can help courts make better, more informed decisions. For example, AI-powered systems and applications including Imprisonment Management Profiling and COMPAS (Correctional Offender Management Profiling for Alternative Sanctions), are used to assess the risk of recidivism among criminal defendants and evaluate the effectiveness of various new or alternative sanctions.

However, like every other AI tool comes with its advantages of supposed higher objectivity and efficiency and its disadvantages as well raises ethical concerns. Some people believe that with AI systems in place people will start to develop certain sorts of biases that they might not be conscious of, to intensify pre-existing prejudice within the remit of the justice system. For instance, if the data used which is employed to train the AI models has chronological biases, the AI will make some decisions by nature, it tends to reflect and further that kind of bias. It is important to make sure that AI will be properly utilised and ethically will be mainly trying for the future of justice.

9.1.2 Blockchain for Transparency and Accountability

Blockchain, with all the properties of decentralisation and completeness of the record of operations performed, shows potential for enhancing the concepts of transparency and accountability in the justice system. Smart contracts – agreements acting independently without the need for human intermediary terms — of which 'enforce terms' could be applied – to improve legal procedures, including legal remedies, contract violation and rights in property.

Besides, through the help of blockchain, corruption could be stopped as well as being considered as one of the main achievements in this sector within the justice system by having a right and proper record created and kept on file for that person's of legal transactions. For instance, land registers and deeds might be recorded on a blockchain and, therefore, could not be changed or forged.

However, blockchain also has some issues with the adoption and is best seen in the context of privacy and scalability. Tackling the problem of transparency, especially in the context of evolving technologies, the following are suggested: it will be seen that the right to individual privacy will also be relevant as At the moment that blockchain technology is adopted in their justice systems.

9.2 Globalisation and International Justice

With globalisation and the promotion of peace, the term justice needs to take stock of the new global environment it faces. Issues such as cross-border women and crime, human rights abuses across the world, and environmental degradation challenges put pressure on justice systems to engage across national boundaries. The first factor is more promotion of justice in the future through the enhanced coordination between agencies, the work of the ICC, and other international organisations. Human Rights Watch, in its February 2021 report, stated that the Sudanese government should engage with the International Criminal Court (ICC) and the United Nations Human Rights Council to address these international Issues.

9.2.1 International Criminal Justice

The ICC has had a significant duty when it comes to ensuring that people are prosecuted for Crimes against peace, war crimes, genocide and crimes against humanity. In the future, the ICC and other international courts will remain involved actors in the cravings for accountability of perpetrators of state-sponsored crimes against humanity. However, the ICC faces fierce challenges which include political barriers from influential parties that are not state parties to the Rome Statute, that is, those states which are not signatories of the treaty. In order to make a right use of international justice measures. There should be more international push and commitment towards the operations of the ICC. This can encompass attempts to enhance the obversion of global laws, amend the interconnection of national courts and international law organisations and to inquire into accusations concerning selective prosecution of Cases.

9.2.2 Human Rights and Justice

Future of justice will also give emphasis on preventing or punishing the younger generation with particular respect to: promoting human rights. As the world tends to become a global village, human rights are too. There is evidence that violations are not limited to the country alone. Whether it is the plight of refugees or victims of trafficking, as well as discriminated ones. International justice systems will need to be adopted in order to meet the requirement that human freedoms are protected all over the world.

Technology is going to be extremely important in recording and managing human rights violations. Crowdsourcing, Satellite images and other technologically advanced instruments can help now. Monitoring of social media posts can aid in recording abuses and the culprits as well accountable. Curiously, international institutions will have to act at the same time closely in cooperation with the local people so that justice that is given to them is timely and rightfully. Way appropriate to the cultural and social context of the particular area.

9.2.3 Social Justice Movements

The future of justice is also being fashioned by social justice. Movements, which are advocating for radical changes to favour the elimination of the systems, that have been in existence for quite some time, existing prejudices and biases, Movements such as Black Lives Matter, MeToo and climate justice have raised many questions and concerns regarding racism. I reported on power relations in terms of poverty, race, and gender, on violence against women, and on unequal distribution of resources and environmental degradation. The prose market on the forefront of public awareness.

Racial Justice

A major issue in the fight for racial justice is criminal justice reform, Which will be a central focus in the future. In many countries, Black people and people of colour are the most vulnerable to police brutality, murders, justice, the death penalty, prisoner treatment, and disparities in the quality of lawyer services. The future of justice will also entail tackling the above-mentioned inequalities through the systemic and programmatic shifts, policy reforms, and grassroots mobilisations.

Changing the police policies, providing equal representations in the courts, and addressing racial disparities within the judiciary system will be paramount in advancing the agenda of racial justice. Furthermore, restorative justice practices, which involve offenders taking accountability and compensating victims for their misdeeds, along with engaging the local community, may become even more relevant in addressing racial injustice.

Gender Justice

The phenomenon of gender harassment has become a popular topic all over the world due to the **#MeToo movement**. Categories of based violence and harassment, leading to discussions around the globe on the need for gender justice. In the future, legal systems will require enhancement or changes in the following manner to further improve the observance of women's and other sexual minorities' rights. This may involve extending legislation on sexual harassment, domestic violence, and protection from gender discrimination and ensuring that victims have rights of recourse to justice and support services.

Gender justice also encompasses broader issues such as reproductive rights, LGBTQ+ rights, and equal pay. As societies continue to evolve, justice system must adapt to address these evolving demands for gender equality.

Environmental Justice

The threats such as climate change and environmental degradation are new generation threats. for the justice system. Environmental justice aims broadly at promoting the fair distribution of the negative impact of the environment. Give consideration to the fact that environmental detriment is far more pronounced among minorities as well as the populations living in low-income areas of developing nations. With the consequences of climate change now clearly defining itself, named, let alone suppression, the demand for environmental justice will only increase.

Climate Justice

[9]Climate Justice recognises the disproportionate impacts of climate change on low-income communities and communities of color around the world, the people and places least responsible for the problem.

It seeks solutions that address the root causes of climate change and in doing so, simultaneously address a broad range of social, racial, and environmental injustices. These solutions can be organised into **Six Pillars of Climate Justice**.

1. Just Transition
2. Social, Racial and Environmental Justice
3. Indigenous Climate Action
4. Community Resilience and Adaptation
5. Natural Climate Solutions
6. Climate Education and Engagement

Corporate Accountability

Since corporations are a central cause of environmental issues, such a function should help reverse the trend. The future of justice will involve effectively holding companies responsible for their actions. This could be achieved by expanding environmental governance rules, improving transparency in corporate governance, and offering legal opportunities through which affected people get justice.

One trend is a phenomena for legal action regulation of the economic performance of corporations. Responsible for the environment in their or part of the world. For example, several lawsuits have been brought against fossil fuel producers for their part in contributing to climate change. They possibly can establish noteworthy legal precision as these circumstances unfold: examples of what the future holds for environmental justice.

Restorative Justice and Community-Based Approaches

Restorative justice, a paradigm focused on healing and reparation rather than punishment, is rapidly gaining traction as a less punitive alternative to the traditional justice system. As we have seen in restorative justice, the offenders are persuaded to accept the consequences of their actions and compensate for the injury done to the victims and the community. It may be most useful in the following ways: crimes which affect a community's social or historical fabric for example racial violence or domestic abuse.

In the future justice systems, there may likely be better incorporation of restorative justice systems, especially in cases where conventional punitive measures have proven ineffective. The principles of community based justice that involve participation of local leaders/followers and incapacity have been identified as important in the resolution of conflict with stakeholders being seen as important in the healing process and could become more widespread.

9.3 Challenges to the Future of Justice

Despite the potential for progress, several challenges remain in achieving a just future. These challenges include:

9.3.1 Bias and Discrimination

Prejudice, and it can be race prejudice, sex prejudice or Finally the element of socioeconomic status, continues to undermine the fairness of justice systems. Biased free environment and equal chances for all are going to be a central issue in the future.

9.3.2 Access to Justice

Marginalised groups, including disabled individuals, indigenous peoples, the elderly, and others, often face barriers to accessing legal aid. Making sure that justice will prevail regardless of the financial position of a complainant. Status is going to mean serious changes in the organisation of legal aid and Representation.

9.3.3 Political Resistance

Efforts to reform justice systems are often met with political resistance, particularly from those who benefit from the system. Overcoming this resistance will require sustained advocacy and public support for change.

10. Conclusion

Technology is writing the future of justice with its capital letter at the crossroads of the world, developments, revolutions, and the problems of the twenty-first century. This means that it will be crucial to make sure that justice will not be lost even as we forge ahead. Systems are equitable, clear and open to fulfil the dynamic requirements of society. In relation to such aspects as prejudice, justice and equity, environmental responsibility, then we can make a much better world for everyone to live in the future for all.

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Declaration of Conflict

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

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