individuals, as the constituents of the society, are to be assured a life of basic human dignity and complete self-fulfilment. That is why to arrive at a correct understanding of justice, has been the aim of moral and political philosophies from the earliest civilization to the present age. It has been and is regarded as the greatest interest of man on earth and the ligament which holds civilized beings and civilized nations together. Justice was and is the basis of a society through the instrument of codified or un-codified law that strives for peace and progress.

The highest ideal and dominant urge behind almost all the social revolutions in the world has been nothing but quest for justice. The French Revolution, The Russian Revolution, The American War of Independence, The Indian Struggle for Freedom etc. all had widest vision of justice behind them and that spectrum of justice survives in the modern times. It has always acted as a weapon in the hands of reformists, defence for the conservatives or those who were having neutral voice regarding any established system of organised or unorganised society. Justice has provided motivation for the most sublime categories of sacrifice and also for the worst deeds

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longer indifferent to the needs of the changing circumstances. It is jettisoning the role of an impartial arbitrator and is prepared to go beyond its prescribed role, to help the individuals as well as groups. The Judges in the Apex Court and the High Courts now go deep into the problems, then only to the evidence on record. It seems to have taken upon itself the responsibility of solving the problems of the masses through people oriented interpretations of law.

This expansion of domain by judiciary is termed as judicial activism. One section supports this whereas the other criticizes it to their tooth and nail. Now the question arises, do these courts really administer justice through this judicial activism? And if yes, then what kind and in what form that justice is delivered? At such a juncture it becomes indispensable to know the views and approach of the man who not only guided us through our long struggle of the freedom but also has relevance to solve our existing problems.

Gandhi, a barrister trained in England had his own view points about the law, lawyers and the justice according to law. His view of justice is bound up with ‘tyaga’ (sacrifice, renouncing) and ‘tapasya’ (suffering, austerity). He looked at justice as a whole virtue and not as a specific virtue. To him justice is a moral sentiment and not merely utility or legalistic fulfilment. It involves adhering to social, ethical, moral and
spiritual laws. He would reject the notion that justice derives its origin from the selfishness and a confined generosity of man or a scanty provision by Nature.

His conception of nature of man and nature of Nature are different from the western thinkers, and this made his view and mission of justice, different from others. In Gandhi’s view nature is ‘mother’ and not a bondage, she is not an entity to be conquered and exploited, and man has a selfish part in him, his greed is often insatiable, but he is never beyond reformation and redemption.

The two distinguishing features of Gandhi’s position on justice are firstly, he paid special attention to the elimination of poverty and exploitation of peasants and rural areas and secondly, he highlighted the conflict between justice and modern progress.

With this perspective in mind the present study aims to analyse and understand Gandhi’s approach to legal justice. Since the word justice and its connotations are very complex and Gandhi had a definite opinion about it, how in the present society this approach is applicable? Can it be used as an alternative to the existing approaches today?

Primarily the subject has followed an historical approach. But the methodology is two fold: first explaining the
background and concept of justice and then analyzing Gandhi's approach.

There is no dearth of material on the concept of justice. A large number of jurists of international repute have dealt with the topic in detail. All the standard and original works on Justice such as Plato's Republic, Austin's view of Justice, Stammler's Theory of Justice, Salmond's approach to justice etc., are available. For Gandhi's concept, An Autobiography or The Story of My Experiments with Truth, Satyagraha in South Africa and Hind Swaraj, all these three major works of Gandhi has been scanned. Besides, all the writings, speeches and interviews of Gandhi are also available in a 100 volume project, “The Collected Works of Mahatma Gandhi”. Gandhi's Journals, Indian Opinion, Young India and Harijan are also available to be scanned and systematically analysed. Full advantage has been taken of this material. The secondary sources wherever used are just to cross-check or authenticate the information taken from the primary sources.

Necessary information have also been collected through personal interviews and discussion with a number of scholars, academicians and experts on Gandhian Philosophy and legal justice. Frequent visits have been made to the related institutions and libraries to get the required information.
The study has been divided into five chapters. The first begins with the meaning, type, theories and justice in historical perspective. The chapter focuses on the philosophy of justice right from Plato’s Republic to that propounded by great jurists and experts Austin, Salmond, Kant, Roscoe Pound, John Rawls and others besides Indian view.

Being an advocate by profession Gandhi had a definite opinion and approach to justice. How did he define it, what are its different connotations and what was his approach to legal justice has been discussed in the Second Chapter. In the Third Chapter an attempt has been made to discuss Gandhi in the court of Justice in three capacities i.e. as an advocate, as a witness and as an accused.

Justice and Punishment are inter-related. As a staunch believer in non-violence what was Gandhi’s approach towards punishment forms the backbone of fourth chapter.

In modern times some latest tends in justice such as judicial activism, preference on equity and natural justice etc. vis-à-vis the procedure and technicalities are emerging very rapidly. To what extent Gandhi’s approach to justice is relevant in such a fast changing scenario, is the central theme of fifth chapter. And thereafter is the conclusion part of the study.

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