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### **Dispensation of Justice Challenges posed by New Amendments & emerging trends in Law**

**Singh Ravindra**

**Research Scholar, Department of Law, Sunrise University, Alwar (Raj.)**

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#### **ABSTRACT: -**

“Justice is not derived from the king as his free gift he is the steward of the public to dispense it to whom it is due. He is not the spring but the reservoir from whence right and equity are conducted by a thousand channels to every individual”. The right to property described as the “least defensible” right a socialist democracy and it happened in our country as well. It is very absorbing to note that right to property has induced the most number of amendments to our constitution and also has farmed the case from which some commendable and historic durations emerged out our judiciary.

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#### **Corresponding Author:-**

**Ravindra Singh**

Research Scholar,

Department of Law,

Sunrise University, Alwar (Raj.)

E Mail – [srulaw@gmail.com](mailto:srulaw@gmail.com)

## **BLACK STONE**

Justice has moral connotation. It is a concept that injects life in a society and gives meaning to the legal system. The society survives because it has a system of justice, whether human or divine. Dissenters against any system plead absence of justice as one ground to dissent and promise justice to all. In modern times, what is given by the courts to the people is not what an really be called justice but merely justice according to law. Judges are not legislators but they can correct the provisions of law during judicial review<sup>1</sup>.

Nozick, professor, of philosophy at Hayward advances theory of minimal state. This theory is based on just entitlements. In this concept notion of justice or distribution of justice has no place. The prof. is of the view that the state has emerged as the culmination of the process of self-protection. As such, the state has only minimum power required for that purpose. He believes in tradition of social contract and gives emphasis on interests of the individuals. Further he believes in minimum power theory like night watchmen state.

1. To provide the machinery for identify rights.
2. To provide protective force for protecting these rights once they have been identified.

## **LIBERTY AND EQUALITY:-**

The right to property described as the “least defensible” right a socialist democracy and it happened in our country as well. It is very absorbing to note that right to property has induced the most number of amendments to our constitution and also has farmed the case from which some commendable and historic derations emerged out our judiciary. The Indian constitution does not recognize property right as a fundamental right. Constitution does not recognize right property right as a fundamental. In the year 1977 the 44<sup>th</sup> amendment eliminated the right to acquire, hold and dispose of property as a fundamental rights. However, in another part of the constitution article 300 (A) was inserted to affirm that no person shall be deprived of his property save by authority of law. The result is that the right to property as a fundamental right is now substituted as a constitutional right. The amendment expanded the power of the state to appropriate property for social welfare.<sup>2</sup>

## **DOES LAW CHANGE THE SOCIETY?:-**

Law consists of mainly do's and don'ts and is basically to the individuals at the behest of the society. Main function of law is social control and the main method by which it controls the society is legislation and adjudication. Social change does and fall within the basic functions of the law. But if law is to include policy frame work and the government as such, the social change by the government through formulation and implementation of the policies becomes relevant law in traditional sense, as system of rules, has very little scope for introducing or leading a social charge.

## **DOES SOCIAL CHANGE ALTER LAW? –**

It gets the unequivocal support of the researches conducted by jurist historical school. The law rows like language in the society, keeps on adjusting with the change that occur in the society.<sup>2,3,4</sup>

(A) **Change of Individual:-**The law is needed only when majority of the people in society are gentle men law is not needed if all are scoundrels, law is again not needed. The law is needed only when majority of the people in society is good but docile and passive and minority is devilish but vocal and active. As safeguards, the majority leaves the job of handling devilish minority to law because law is top gentle to a gentle man and worst scoundrel to a scoundrel.

(B) **Change of Society:-** Another thinking is that change the society, the individuals will change the reason is that law alone is not capable of transforming and society from grass soot to the top but if other social farces join law in effecting the change, law can be quite helpful in leading the social change.

**Example:-** In India U.S.S.R. and many other countries law was used to reform societies, e.g. Hindu society in India was attempted to be transformed by Hindu codes, Its worked well so far.

## **CONTENT OF LEGAL JUSTICE:-**

Equality is no doubt, one of the well-established content of legal justice, apart from other like political justice, economic justice, social justice, formal justice, substantial or concrete justice.<sup>2,3,4,5</sup>

**JUDICIAL ETHICS:-**Dispensation of justice in my humble opinion will be complete without a reference to the topic of judicial ethics. Judicial scandal has always been regarded as for more deplorable than a scanted involving either the executive or a member of the legislature.

**CONCLUSION: -** Lawyers are important practitioners and in many ways they are architects of justice dispensation system of present & future because lawyers are grounded in theory and research & they are adaptive to a changing world. They are also committed to the public service and motivated by strong values. This quality of lawyers gives us confidence that the future of justice dispensation in this country is bright.

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