

Judicial system - Justice is a core value of any judicial system. It is the ultimate aim in the decision-making process - When we combine notion of “Justice as Fairness” with the notions of “Distributive Justice”, to which Noble Laureate Prof Amartya Sen has also subscribed, we get jurisprudential basis for achieving just results for doing justice to the weaker section of the society. [Para 12]

Held, Justice is a core value of any judicial system. It is the ultimate aim in the decision-making process. In post-traditional liberal democratic theories of justice, the background assumption is that all humans have equal value and should, therefore, be treated as equal, as well as by equal laws. This can be described as “Reflective Equilibrium”. The method of Reflective Equilibrium was first introduced by Nelson Goodman in “Fact, Fiction and Forecast” (1955). However, it is John Rawls who elaborated this method of Reflective Equilibrium by introducing the concept of “Justice as Fairness”. While on the one hand, we have the doctrine of ‘justice as fairness’, as propounded by John Rawls and elaborated by various jurists thereafter in the field of law and political philosophy, we also have the notion of “Distributive Justice” propounded by Hume which aims at achieving a society producing maximum happiness or net satisfaction. When we combine Rawls’s notion of “Justice as Fairness” with the notions of “Distributive Justice”, to which Noble Laureate Prof Amartya Sen has also subscribed, we get jurisprudential basis for achieving just results for doing justice to the weaker section of the society.

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