Mains Practice Question

Q. Distinguish between distributive justice and procedural justice. How can principles of equity be incorporated into legal and social frameworks to ensure a just society? (150 words)

06 Jun, 2024   GS Paper 4 Theoretical Questions

Approach

- Introduce the answer by highlighting the significance of distributive justice and procedural justice
- Difference between distributive justice and procedural justice
- Suggest ways to incorporate equity into into legal and social frameworks
- Conclude suitably.

Introduction

In the pursuit of a just society, two fundamental concepts emerge: **distributive justice**, which concerns the fair allocation of societal benefits and burdens, and procedural justice, which focuses on the fairness of decision-making processes.

- As global challenges like **inequality, climate change, and technological disruptions** intensify, harmonizing distributive justice, procedural justice, and equity becomes not just a philosophical ideal but a **practical necessity for social stability and human dignity.**

Body

Difference Between Distributive Justice and Procedural Justice

Aspect	Distributive Justice	Procedural Justice
Core Question	"Who gets what, and is it fair?"	"Is the decision-making process fair?"
Focus	Outcomes of distribution	Process of decision-making
Primary Concern	Fairness of allocation	Fairness of procedures
Key Elements	Equality, equity, merit, need	Voice, neutrality, respect, trust
Historical Development	Rooted in theories of social justice	Evolved from legal principles of natural justice
Theories/Principles	**Egalitarianism, meritocracy,** need-based, social contract	**Due process,** transparency, impartiality
Legal Examples	**Progressive taxation**	**Right to fair trial**
Social Examples	Public healthcare, welfare programs	Public consultations, transparent hiring
Criticism	Can ignore importance of process	Can make unfair outcomes seem fair

Incorporating Equity into into Legal and Social Frameworks:

- **Equity Impact Assessments**: Implementing equity impact assessments for **new policies, programs, and initiatives** to evaluate their potential effects on marginalized communities.
  - Using these assessments to make informed decisions and prioritize equity in resource allocation and service delivery.
- **Data Collection and Analysis:** Collecting disaggregated data based on **race, ethnicity, gender, socioeconomic status**, and other relevant factors to identify disparities and measure progress.
  - Analyzing data regularly to understand trends, identify gaps, and inform evidence-based policymaking.
- **Inclusive Hiring and Promotion Practices:** Implementing policies and practices that promote **diversity, equity, and inclusion** within organizations, including **equitable hiring processes, fair promotion criteria,** and opportunities for professional development.
- **Equitable Access to Services and Resources:** Ensuring equitable access to essential services such as **healthcare, education, housing, and employment** opportunities for all individuals.
- **Equity in Justice and Law Enforcement:** Promote fairness and impartiality in the criminal justice system through reforms such as **addressing racial profiling, promoting alternatives to incarceration**, and supporting restorative justice approaches.

Conclusion

The journey towards a just society is complex, requiring a delicate balance of **distributive and procedural justice,** infused with **principles of equity.** By striving for this balance, we can create a world where **fairness is measured not just by what we allocate, but by how we make decisions** and whether we uplift the most vulnerable. This is the essence of true justice: a **society where every individual has a fair chance to thrive.**