

## CONCEPT OF JUSTICE

Written by *Kalyani Abhyankar*

*LLM Student from National University of Advanced Legal Studies Kochi*

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### ABSTRACT

The concept of justice has been widely interpreted by great scholars like Plato, Aristotle, Bentham, Amartya Sen and many more and has confused the readers to a large extent. The attempt to define the vague word has been a risky venture as it has been defined at different times by the above scholars. Despite so many attempts, a satisfactory definition of justice has not been found due to its pervasive nature. But justice has a central value in disciplines like law, political science and philosophy.

There is a wide divergence in the notions of justice. Greek philosophers regard justice as supreme justice and morality constitutes an essential part of it. But for Rawls, justice is an important aspect of human existence. He calls it as a virtue of the society. Common usage continues to treat justice, despite all its inadequacies and limitations, as denoting some of the greatest human needs. Man's longing for justice is explained as the active process of preventing or remedying what would arouse the sense of injustice.<sup>i</sup>

This consciousness of injustice arises in society in the context of a prevailing system of human relationship. The origin of justice therefore, is traced to man's consciousness of injustice in society and consequently to his urge for change in the situation towards a better and desirable one. In other words, man's craving for what is good and what ought to be is the perennial experience that gives rise to the concern for justice.<sup>ii</sup>

The author through this article has brought to notice different interpretations of justice attempted by different scholars and different types of justice which can fit into different kind of system of governance at different times accordingly.

## PLATO

The Greeks believed that justice was related to ethics. Some Greek scholars attempted to define justice in following ways: -

1. Cephalus,- justice consists of telling the truth and repaying one's debt.
2. Polemarchus defines justice as giving what is due to every person in society.
3. Trasymachus opines that justice is the importance of the weaker.

Plato gave very significant importance to the concept of justice in his philosophy. He rejected all these definitions and called justice with Greek word "Dikaisyne" which means morality. He contended that justice is the quality of soul, in virtue of which men set aside the irrational desire to taste every pleasure and to get a selfish satisfaction out of every object and accommodated themselves to the discharge of a single function for the general benefit. He argued that there existed inequality in the society amongst men so he divided the societies into four classes the ruling class which is the representative of reason; auxiliaries, a class of warriors and defenders of the country is the representative of spirit; and the appetite instinct of the community which consists of farmers, artisans and are the lowest rung of the ladder.

Plato had realised that all theories propounded by Cephalus, Thrasymachus and Glaucon, contained one common element that all the them treated justice as something external "an accomplishment, an importation, or a convention, they have, none of them carried it into the soul or considered it in the place of its habitation". But according to him, the very nature of human soul is just. If one shall search and study the inner man and he will find justice. It is natural and always existed. Plato said that a human has three elements- reason, spirit and appetite. Reason means wisdom which governs the human himself on behalf of soul. The spirit is subordinate to reason and is combination of body and mind. Appetites are desires for bodily pleasures which are to be controlled by reason and spirit. On the basis of these elements only, he divided the society into above classes.

Individually "justice is a 'human virtue' that makes a man self-consistent and good: Socially, justice is a social consciousness that makes a society internally harmonious and good." He believed in the principle of non-interference where a man should do a job best suited to his nature and contribute to the whole state without interfering in other man's work.

Justice is, for Plato, at once a part of human virtue and the bond, which joins man together in society. It is the identical quality that makes good and social. Justice is an order and duty of the parts of the soul, it is to the soul as health is to the body. Plato says that justice is not mere strength, but it is a harmonious strength. Justice is not the right of the stronger but the effective harmony of the whole. All moral conceptions revolve about the good of the whole-individual as well as social.

## ARISTOTLE

Aristotle was highly influenced by Plato but he differed in certain aspects. He said that, justice in individual is the harmony in the human soul, and in the society is equality and proportion in the enjoyment of values.<sup>iii</sup> He says in his *Politics*-In all sciences and arts the end is a good, and especially and above all in the highest of all – this is the political science of which the good is justice. In other words, the common interest. All men think justice to be a sort of equality; and to a certain extent they agree in the philosophical distinctions which have been laid down by us about Ethics. For they admit that justice is a thing having relation to persons, and that equals ought to have equality. However there still remains a question – equality or inequality of what? Here is a difficulty which the political philosopher has to resolve”. Justice means that every member of a community should fulfil his moral obligation towards the fellow-members of his community.

Aristotle divided justice into two classes- distributive and corrective. Distributive justice means proportionate allocation of offices, honours, goods and services as per their requirement being a citizen of the state. He contended that offices should not be allocated on the basis of position but to those who have made highest contribution to the society as there are few virtuous people in the society. In a democratic society, distributive justice is dispensed by legislative body where as in a non- democratic society, a ruler does the same.

Another kind of justice is corrective justice. It aims to restore what an individual had lost due to the injustice of the society. This justice prevents from encroachments of one right over the other. The term "unjust" according to Aristotle, applies both to man who breaks the law and

the man who takes more than his due, the unfair man. Hence, it is clear that the law-making man and the fair man will both be just.

## **BENTHAM**

Bentham has made a great contribution to the English concept of justice. He analysed the role of justice and brought up two ideas for their effective functioning as follows: -

- The goal of each institution is to promote happiness.
- Happiness should be on the basis of utility.

He unlike Plato analysed human actions on the basis of pain and pleasure. He observes that, “Nature has placed mankind under the governance of two sovereign masters, pain and pleasure.”<sup>iv</sup>. So, a man engages in those activities, these two sovereign masters subject us all. The principle of utility recognizes this subjection and explains how to nurture happiness and reduce pain with the instruments of law and reason. Bentham explains that the community is a fictitious body, composed of the individuals who are its members. The interest of the community is the sum of the interests of the members who compose it. Thus, Bentham claims, it is in vain to talk of the interest of the community, without understanding what is in the interest of the individual. The principle introduced by the Bentham “greatest happiness of the greatest number” has been misinterpreted that he doesn’t take minority rights consideration but he always said subject to law. Therefore, the science of legislation occupies a center place in Bentham’s idea of justice and utilitarianism.

## **KARL MARX CONCEPT OF JUSTICE**

In a capitalist society, the justice is based on the capitalist mode of production. Justice is only for those who own the means of production. Marx very foundation of theory of justice was distributive in nature. He brought the concept of fair distribution where all benefits and burdens in the society shall be distributed amongst the society. The proceeds of labours belong to all members of the society and hence fair distribution is a right which can be claimed by them.

Absence of fair distribution means injustice exists in the society. He further said that only abolition of capitalism could ensure justice.

## **LOCKE'S THEORY OF JUSTICE**

Locke used to claim that justice is essentially negative, i.e. forbidding harm to other's life, health, property or possessions<sup>v</sup>. According to him justice is enabling human being's their own well-being and happiness without interference in other's life. He defined that the state of nature was "a state of peace, good will, mutual assistance, and preservation."<sup>vi</sup> "As justice gives every man a title to the product of his honest industry. So, charity gives every man a title to so much out of another's plenty, as will keep him from extreme want, where he has no means to subsist otherwise." [1.42]. Charity is both a right on the part of the needy and a duty on the part of those who have "enough and to spare." Justice and charity are complementary duties. John Locke said that to understand the concept of justice, one should understand other positive virtues like civility, charity and liberality<sup>vii</sup>. Trust played an important role in understanding the concept of justice. He said trust is "the bond of society". For Locke, trust includes at least three basic elements. First, it implies the responsibility on the part of magistrates to serve the public good. Secondly, it presupposes a structure of objective rights which constitute the criteria of positive law. Finally, the notion of trust includes the idea of the ultimate accountability of magistrates to the people. Rulers are held accountable for the safeguarding of the public good and the security of their subjects' property. Moreover, the criteria for the public good are defined primarily in terms of certain basic duties and rights based upon the law of nature<sup>viii</sup>.

## **RAWL'S CONCEPT OF JUSTICE**

John Rawls is one of the most influential philosophers of 20<sup>th</sup> century who is greatly regarded for his contribution on the concept of justice. He introduced the concept of justice as fairness where a society is assumed to have equal persons, equal opportunities and cooperative arrangements. Rawls has extensively emphasised upon the basic structure of society where

“society is a fair system of cooperation over time, from one generation to another”. He further states that the societies have their own rules which bind them together.

The concept of justice has a way for each society to define rights and duties for the people which affects efficiency, coordination and stability. Rawls is greatly concerned with the adequate theory of justice which shall morally respond to “distinction of persons”.

Rawls in order to explain justice introduced the idea of “original position” and “veil of ignorance”. He explains that people are negotiators who have wisdom but in order to protect their material interests, behind the veil of ignorance, they harm the interests of other people which leads to conflict in the society. In order to avoid such situations, they must abide by their law and justice system of the country.

Rawls introduced the basic principles of justice as follows:

- *all people have equal claims to as much freedom as is consistent with everyone else having the same level of freedom*
- *'Social and economic inequalities are to be arranged so that they are both: (a) to the greatest benefit of the least advantaged consistent with the just savings principle and (b) attached to offices and positions open to all under conditions of their fair equality of opportunity*

In the first principle, Rawls claims that each and every individual has right to secure ‘primary social goods’. Primary social goods mean basic liberties, opportunity, power and a minimum of wealth. "Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all"<sup>ix</sup>. The basic liberties include equal liberty of thought and conscience, equal participation in political decision-making and the rule of law which safeguards the person and his self-respect.<sup>x</sup>

Rawls through his second principle put forth 'Each generation must not only preserve the gains of culture and civilisation, and maintain intact those just institutions that have been established, but it must also put aside in each period of time a suitable amount of real capital accumulation.'<sup>xi</sup> The second principle very well brings up the concept of distributive justice or social justice by focussing mainly on distribution rather than production and in contrast the first principle focusses on liberal individualistic justice. He has based his priority over first

principle over the second principle where liberty is more important than actual equality and political liberty is independent of distribution of primary goods. It can also be said that Rawls is not an egalitarian desiring equal distribution of social and economic advantages but he is an egalitarian as he is in favour of autonomy of each individual.

## MANU- ANCIENT INDIA

In Indian scriptures, “Dharma is used to connote justice”. It protects those who are right and destroys them who act against it. Manusmriti is known as the ancient source of Hindu jurisprudence as it contains rules relating to our Shastras and Dharma<sup>xii</sup>.

The word Dharma means justice (Nyaya). The entire concept of rule of law is incorporated in the concept of justice. Manu warns, "Do not destroy Dharma, so that you may not be destroyed. Manu believes that justice is found with the person not only in his lifetime but after his death also. He entrusts the power of administering justice of the state to king himself who is the head of the state. He says justice is honesty, impartiality and lawful in nature.

He has laid down few principles of Dharma which are as follows:

Vedah Smritih Sadacharah Swasya cha priyamatmanah

Atachchaturvidham parhuh Sakshaddharmasya lakshanam (II.12)

- Not to indulge in violence [mental or physical] against others;
- Truthfulness;
- Not to acquire illegitimate wealth [by methods such as theft, robbery, cheating, bribery, making undue profit in trade or business, exploiting the needs of others, unreasonable professional charges, commercialization of service-oriented professions, such as Lawyers, Doctors and Teachers etc. by resorting to professional exploitation];
- Cleanliness in thought, word and deed [Trikarana Shuddi]; and
- Control of senses.
- Conflict between good and evil is a fact of nature. And good implies participation in the cosmic process in our effort to move Beyond.

- Doctrine of repayment of debts to Gods, teachers, parents and society at large. To pay back this debt is human endeavour. The first stage in this endeavour is to serve one's "immediate superior that is one's master and one's mother and father.

## **KAUTILYA'S ARTHASHASTRA**

The Arthashastra of Kautilya occupies the most important place in the legal and constitutional history of India. The author of this work is Chanakya or Vishnugupta, who was the Prime Minister of the Magadha Empire during the reign of Chandragupta Mauryas, has made Arthashastra an encyclopedia of statecraft and legal system for the guidance of all concerned which covered the topics relating to law, constitutional law and other affairs of the state.

Kautilya maintained that it is essential duty of government to maintain order. He defines 'order' broadly to include both social as well as order in the sense of preventing and punishing criminal activity. Arthashastra thus contains both the civil law and criminal law. Kautilya ascribed a lot of importance to 'dharma'. According to him, 'the ultimate source of all law is dharma'. He appealed in the name of 'dharma' to the sense of honour and duty and to human dignity, to moral responsibility and to enlightened patriotism. It's quite intelligible that the judge in the arthashastra was called 'dharmashta' or upholder of dharma. He maintained that so long every 'Arya' follows his 'svadharma' having due regard to his 'varna' and 'ashrama' and the king follows his 'rajadharma', social order will be maintained.

Kautilya did not view law to be an expression of the free will of the people. Thus sovereignty – the authority to make laws, did not vest with citizens. Laws were derived from four sources – dharma (sacred law), vyavhara (evidence), charita (history and custom), and rajasasana (edicts of the King). Kautilya prescribe that any matter of dispute shall be judged according to four bases of justice. These in order of increasing importance are:

- 'Dharma', which is based on truth
- 'Evidence', which is based on witnesses
- 'Custom', i.e. tradition accepted by the people
- 'Royal Edicts', i.e. law as promulgated.

We see in Arthashastra that law was not viewed just as code of prohibition, nor was it limited to corrective justice of law courts. Its range was wider than morality itself and institutions were creation of law while traditions and customs rested on its sanctions. All ideas of society were moulded by it and law was blended with religion, with morality and with public opinion and by its subtle operations subjected the society to its will.

## **KINDS OF JUSTICE**

### *Natural Justice*

The rule of natural justice is not a codified law. It has developed with the growth of civilisation. They are basically common – sense justice which are built- in the conscience of human being. They are based on natural ideals and values which are universal in nature. Natural Law has been differently named by various jurists as Divine Law, Universal Law or Common Law, Eternal Law and sometimes as Law of Reason or Law of Nature. The Phrase ‘jus naturale’ conveys the idea of a natural law which speaks of a physical law of nature like the natural law of gravitation and a philosophical system of legal and moral principles purportedly deriving from a universalized conception of human and divine justice rather than from legislative or judicial action. However, the term natural justice has more to do with the procedural aspect of trial, process and the result rather than with legal theory behind it. The procedure and the process of trial however, must ensure ‘justness’ and ‘fairness’. In course of time however, the judges nurtured in the traditions of British Jurisprudence, often invoked natural justice in conjunction with a reference to ‘equity and good conscience. Sarkaria, J. has observed "Rules of natural justice are principles into the conscience of man. Justice being based substantially on natural ideals and human values the administration of justice is here freed from the narrow and restricted considerations which are usually associated with a formulated law involving linguistic technicalities and grammatical niceties. Rules of natural justice are not embodied rules Being a means to an end not an end in themselves, it is not possible to make an exhaustive catalogue of such rules.”<sup>xiii</sup>

### ***Political Justice***

Political justice prevails in a society where everyone has a share in the political process. The state should establish political by creating conditions under which all including the minorities find scope for exercising their political rights in pursuance of a system of Universal Adult Suffrage, rule of law, achievement values as opposed to ascriptive values. The essence of political justice as enshrined in the Constitution of India, is the opportunity to all for taking part in the government of the state. The makers of the Indian Constitution say that political justice involves Universal Adult Franchise and no distinction on the grounds of religions, sex, caste, colour and the like in matters of recruitment of public services. It also ensures reasonable reservations and safeguards for the betterment of the minorities and other weaker sections of the society.

### ***Distributive Justice and Corrective Justice***

Distributive justice requires proportional equality whereby each individual has a share in the distribution of goods in society in proportion to that individual's merit. Thus, distributive justice requires the distribution of goods among individuals in accordance with some mediated criteria of merit. Corrective justice, in contrast, is based on what Aristotle termed an arithmetic equality, in which all individuals are treated as absolutely equal regardless of merit. Corrective justice provides for the rectification of wrongs committed by one individual that cause harm to another. Each individual who is harmed by a moral wrong committed by another has a right to rectification, regardless of distributive merit. The key purpose of corrective justice is to redress damage caused by a moral wrong in a particular transaction, and all individuals have an absolutely equal claim to such redress, regardless of the claimant's qualifications for a distributive share and whether the claimant's holdings are in proportion to her qualifications. Thus, the key question in an appeal to corrective justice is to identify the transactional moral wrong which forms the basis for the claim. Claims of corrective justice are bi-polar and therefore particularly well-suited to judicial resolution. In contrast, the key question in an appeal to distributive justice is to identify the criteria of merit which form the bases for the distribution. The criteria must mediate the distribution among multiple groups of individuals. In one view of distributive justice, we all have reasons for acting in certain ways for providing

each member of the community with whatever the principle of distributive justice requires. This responsibility falls on each of us, but coordination in efficiently discharging this duty is difficult. Therefore, we create a larger institution, the state, which acts as our agent and ensures that we discharge our obligations under distributive justice.

We have other responsibilities to one another that are not matters of distributive justice; they are owed by us to other persons as a result of actions we undertake and relationships we form. Some of these duties are contractual and result from commitments of one sort or another. Others arise from the advantages we take of one another or the harms we occasion. So if I take your watch, I alone have a duty to return it. If I somehow destroy it, then I alone owe you compensation. Perhaps if I take all your possessions, you will fall below the social safety net. Everyone has a responsibility to see to it that people are situated above the safety net. I now have two connected responsibilities: one to return what I have taken; the other to see to it that you rise above the safety net. I can discharge both by returning your possessions. If I do not, then you are below the safety net and the duties of others under distributive justice apply. Each person has a duty to see to it that you rise above the safety net, which might entail working to get me to return your possessions, or failing that, to see to it that you are compensated for your loss. Usually that duty will be discharged by the state through welfare or other forms of social insurance. But the state is merely acting as our agent in discharging our duties under distributive justice.

The point of corrective justice is to eliminate or rectify certain gains and losses. It says nothing about who has this duty, if anyone does, in justice.

First, corrective justice asks whether the plaintiff has suffered an injustice at the hands of the defendant. As the doer and sufferer of the same injustice, the two parties are correlatively situated: the injustice done and the injustice suffered, far from being coincident but independent events, are normatively inseparable. Because the doing and suffering of an injustice are the active and passive correlates of each other, the normative considerations that govern the parties' relationship apply correlatively to both. Hence, a reason for considering the defendant to have done an injustice must also be a reason for considering the plaintiff to have suffered that injustice; and, conversely, a consideration that embraces only one of the parties has no standing, for it fails to explain the legal position of the other. Thus, the linking of the parties through an

injustice done and suffered means that correlativity provides the deep structure for the justifications operative within private law.

Second, the plaintiff's suit is an attempt to vindicate a right that the defendant has unjustly infringed. Just as corrective justice highlights the normative significance of the correlativity of doing and suffering, so the plaintiff's right and the defendant's corresponding duty are the normative categories expressive of that correlativity. Injustice consists in the defendant's doing or having something that is inconsistent with a right of the plaintiff. Right and duty are normatively correlated when the plaintiff's right is the basis of the defendant's duty and, conversely, when the scope of the duty includes the kind of right-infringement that the plaintiff suffered. Under those circumstances the reasons that justify the protection of the plaintiff's right are the same as the reasons that justify the existence of the defendant's duty.

Third, the remedy rectifies the injustice and thereby reflects its structure and content. Under corrective justice, the remedy does not provide the court with an opportunity to determine at some time after the injury what is best for the future, all things considered. Rather, since the rectification consists simply in undoing, to the extent possible, the very injustice that has been committed, the remedy must be intelligible as a response only to the factors that are constitutive of the injustice.

Fourth, just as the injustice is inconsistent with the plaintiff's right, so the remedy is a vindication of that right. The remedy is not simply the outcome of official power exercised at large in favour of the plaintiff but is something that the plaintiff can claim as of right in order to undo the particular injustice he or she has suffered. The nature of the right infringed determines the nature of the remedy to be awarded.

Finally, damages represent in monetary terms (to the extent that such a representation is possible) the injustice committed by the defendant upon the plaintiff. Through the mechanism of the damage award, a qualitatively unique moral event (the particular injustice done and suffered) receives the quantitative expression that enables it to be reversed through a monetary transfer. Since the injustice involves the infringement of a right, and the damages are a means of undoing that injustice, the damages are the notional equivalent at the remedial stage of the right that has been wrongly infringed. Accordingly, the plaintiff is entitled to damages only to the extent that they quantify the injustice that the plaintiff seeks to correct. A head of damages

that does not reflect the content of the plaintiff's substantive right is literally beyond his or her entitlement.

Corrective justice, then, embodies a notion both of the relationship of the remedy to the injustice that it remedies and of the relationship between the parties to that injustice. The two parties are correlatively situated as the doer and sufferer of an injustice that is itself undone by the corresponding remedy. Correlativity is inherent in the notion of liability, which treats the injustice done by former as the very injustice suffered by the latter. Correlativity is also inherent in the idea of damages, which treats the plaintiff as entitled to receive the very sum that the defendant is obligated to pay. These instances of correlativity are mirror images of each other, with the plaintiff's entitlement to damages from the defendant reflecting the plaintiff's entitlement to be free from suffering injustice at the defendant's hands.

### ***Economic Justice***

Economic justice, which touches the individual person as well as the social order, encompasses the moral principles which guide us in designing our economic institutions. These institutions determine how each person earns a living, enters into contracts, exchanges goods and services with others and otherwise produces an independent material foundation for his or her economic sustenance. The ultimate purpose of economic justice is to free each person to engage creatively in the unlimited work beyond economics, that of the mind and the spirit.

### ***Social Justice***

Social Justice is a revolutionary concept which provides meaning and significance to life and makes the rule of law dynamic. When Indian Society seeks to meet the challenge of socio-economic inequality by its legislation and with the assistance of the rule of Law; it seeks to achieve economic Justice without any violent conflict. The Idea of welfare state is that the claims of social Justice must be treated as cardinal and paramount. Social Justice is not a blind concept. It seeks to do justice to all the citizens of the state. Social Justice must be achieved by adopting necessary and reasonable measures. That shortly stated, is the concept of Social Justice and Its implications. Thus, the term Social Justice is a blanket term so as to include both

Social Justice and Economic Justice.<sup>xiv</sup> The concept of social-economic Justice is a living concept and gives substance to the rule of law and meaning and significance to the ideal of a welfare State. The Indian constitution is an illustration of the forces at work in socio-economic Jurisprudence. It sets out the Directive principles of State Policy fundamental to the governance of the country and spells out a social order in which Justice, Social, economic and political, shall inform all the Institutions of National life.<sup>xv</sup> Social Justice takes within its sweep the objective of removing all inequalities and affording equal opportunities to all citizens in social affairs as well as economic activities. The term "Justice without doubt means Justice to the deprived and weaker sections of society bringing an egalitarian order under which opportunities are afforded to the weaker sections of society."<sup>xvi</sup>

## CONCLUSION

The formal and abstract concept of justice without taking note of differential needs cannot rectify injustice. The formal and procedural concept of justice visualises man as an isolated and atomistic individual devoid of any particular social relation. The balancing and compromising approach justifies the existing inequality since objectives of justice can only be secured by elimination of roots of injustice. Justice being a social concept can only be realised and understood in terms of changing the social relation of man and the abstracting of it from social reality in its denial. The liberal thinkers have tried to rationalise the existing inequalities by abstracting it from ground reality. By giving importance on formal and procedural part of justice and ignoring its substantive content, the liberal theory has made the concept empty and ineffective. The overwhelming importance on the liberty at cost of equality and the primary to formal aspect over substantive one has denied justice to the underprivileged section of society and provided all the rationale to the possessive individualism and the hierarchic structural inequality.

## REFERENCES

- <sup>i</sup> . Edmond Cahn, 1968:347. The necessity of justice arises only when men confront or face a real or imagined instance of injustice which awakens and calls them to rid themselves.
- <sup>ii</sup> The desire for a just society has inspired the works of a great number of thinkers. The study of the conditions for and the consequences of establishing just order constitutes the central object of philosophy of law and moral, social and political philosophy (Perelman, 1963: 67). And whenever philosophy offered no answer or .. could not contrive to put them into effect force, rhetoric and habit have, in varying proportions, prevailed.
- <sup>iii</sup> Aristotle's politics
- <sup>iv</sup> See JEREMY BENTHAM, AN INTRODUCTION TO THE PRINCIPLES OF MORALS AND LEGISLATION 1781, location 221 (White Dog Publishing, Kindle edition, 2010). Bentham says, "They govern us in all we do, in all we say, in all we think: every effort we can make to throw off our subjection, will serve but to demonstrate and confirm it.
- <sup>v</sup> On the relation of justice to other virtues, including charity, in Locke, see J. COLMAN, supra note 2, at 194-205
- <sup>vi</sup> Two TREATISES [11.19].
- <sup>vii</sup> J. COLMAN, supra note 2, at 195
- <sup>viii</sup> Cf. Dunn, The Concept of Trust in the Politics of John Locke, in PHILOSOPHY AND HISTORY 297 (R. Rorty, J. Schneewind, & Q. Skinner eds. 1984).
- <sup>ix</sup> Rawls : A theory of justice
- <sup>x</sup> Ibid.
- <sup>xi</sup> Ibid
- <sup>xii</sup> Justice M. Rama Jois : Legal and Constitutional History of India, p. 3, Universal Law Publishing Co. Pvt. Ltd. (2001)
- <sup>xiii</sup> Swadeshi Cotton Mills Vs. Union of India AIR 1981 SC 818 (1981), SCR 533
- <sup>xiv</sup> 1 Anshuman Gupta "The Concept of Social Justice and the Poor 2006 P 5. – Legal Service India.com.
- <sup>xv</sup> S. K.K .Gupta 'minimum Bonus –A search for social justice ILI 1983. Journal vol .25 p. 390
- <sup>xvi</sup> Punjab National bank v. Gulam Dastagir AIR 1978 SC 481