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Dharma as the Foundation of Justice in Indian Jurisprudence

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ABSTRACT

The concept of Dharma occupies a central place in Indian philosophy, ethics, and jurisprudence. Unlike the modern understanding of law as a set of enforceable rules enacted by the State, Dharma represents a broader concept encompassing righteousness, moral duty, justice, and social harmony. Ancient Indian legal systems regarded Dharma as the supreme source of law and justice. From the Vedas and Smritis to the epics such as the Ramayana and the Mahabharata, Dharma guided rulers, judges, and individuals in maintaining social order. In modern India, although the legal system is primarily based on constitutional and statutory law, the principles underlying Dharma continue to influence constitutional values such as justice, equality, liberty, fraternity, and the rule of law. This paper examines the historical development, philosophical foundations, and contemporary relevance of Dharma as the basis of justice in Indian jurisprudence.

KEYWORDS

Dharma, Justice, Indian Jurisprudence, Rule of Law, Constitution, Ancient Indian Legal System.

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Introduction

Justice has always been regarded as the supreme objective of every legal system. The primary purpose of law is not merely to regulate human conduct or resolve disputes but to ensure fairness, protect rights, maintain social order, and promote the welfare of society. In every civilization, the concept of justice has evolved according to its philosophical, cultural, and ethical traditions. In the Indian legal tradition, the idea of justice is deeply rooted in the concept of Dharma, which has served as the foundation of legal, moral, and social order since ancient times. Unlike the modern understanding of law, which is primarily viewed as a body of rules enacted and enforced by the State, Dharma is a broader and more comprehensive concept. It encompasses not only legal obligations but also moral duties, ethical conduct, righteousness, social responsibility, and the maintenance of harmony in both individual and collective

life.

The Sanskrit word “Dharma” is derived from the root “Dhri”, meaning “to uphold,” “to support,” or “to sustain.” Thus, Dharma refers to those principles that uphold the universe, preserve social order, and guide human behaviour towards righteousness. It is regarded as the moral law that governs individuals, society, and the State. In ancient Indian philosophy, Dharma was not confined to religious rituals or personal faith; rather, it represented a universal principle of justice, duty, and ethical living applicable to all human beings. The famous maxim “Dharmo Rakshati Rakshitah” (Dharma protects those who protect it), found in the Manusmriti, reflects the belief that adherence to Dharma ultimately safeguards both individuals and society by ensuring justice and harmony.

Ancient Indian jurists and philosophers such as Manu,

Yajnavalkya, Narada, Kautilya, and Brihaspati regarded Dharma as the highest source of law. According to them, law derived its legitimacy from Dharma, and justice could not be achieved through legal rules alone unless those rules were consistent with moral and ethical principles. The king, although the supreme political authority, was not considered above Dharma. His foremost duty was to protect the people, administer justice impartially, and govern according to the principles of righteousness. Courts were expected to decide disputes based on truth, fairness, customs, and the principles laid down in the Vedas and Smritis. Therefore, the administration of justice in ancient India was closely associated with ethical values rather than mere technical compliance with legal procedures.

The philosophical foundations of Dharma are found in ancient Indian scriptures such as the Vedas, Upanishads, Bhagavad Gita, Manusmriti, Yajnavalkya Smriti, Ramayana, Mahabharata, and Kautilya's Arthashastra. These texts consistently emphasize that justice should promote truth (Satya), righteousness (Dharma), compassion (Karuna), and the welfare of all (Lokasangraha). The Bhagavad Gita, for example, teaches that every individual should perform their duties selflessly in accordance with Dharma, while the Mahabharata presents numerous examples illustrating the complexities of justice and the importance of ethical decision-making. Kautilya's Arthashastra further highlights that the stability of the State depends upon fair governance, impartial administration, and the protection of the rights of the people.

In the contemporary era, where legal systems face challenges such as corruption, social inequality, environmental degradation, and human rights violations, the concept of Dharma offers valuable guidance by emphasizing ethical governance, accountability, compassion, and the welfare of society. However, it is equally important to distinguish the philosophical concept of Dharma from religion in a narrow sense. In constitutional jurisprudence, Dharma should be understood as a universal principle of justice, duty, and moral responsibility that complements the constitutional commitment to equality, secularism, and the rule of law.

This research paper seeks to examine the concept of Dharma as the foundation of justice in Indian jurisprudence by

analysing its historical origins, philosophical basis, sources, role in the ancient legal system, influence on constitutional values, judicial interpretation, and continuing relevance in contemporary India. It also explores the relationship between Dharma and modern concepts such as the rule of law, constitutional morality, and social justice, highlighting how the ancient Indian understanding of justice continues to enrich and inspire the development of Indian jurisprudence.

Meaning and Concept of Dharma

The concept of Dharma occupies a unique and central position in Indian jurisprudence because it represents a comprehensive principle that governs human life, society, and the administration of justice. Unlike the modern concept of law, which primarily consists of legally enforceable rules enacted by the State, Dharma extends beyond legal obligations to include moral values, ethical standards, social responsibilities, and the pursuit of justice. It serves as a guiding principle that regulates the conduct of individuals as well as institutions, ensuring that actions are performed in accordance with truth, fairness, and the welfare of society. Therefore, Dharma is not merely a legal concept but also a philosophical and ethical ideal that seeks to establish harmony between individual interests and the common good. Dharma has several interrelated dimensions. First, it signifies moral duty, requiring every individual to perform their obligations honestly and responsibly towards family, society, and the State. Second, it embodies ethical conduct, encouraging virtues such as truthfulness, integrity, compassion, self-discipline, and respect for others in both personal and public life. Third, Dharma represents justice and righteousness, emphasizing that every decision and action should be fair, impartial, and guided by moral principles rather than selfish interests or arbitrary power. Fourth, it reflects social responsibility, recognizing that every individual has a duty to contribute to the welfare, peace, and stability of society. Fifth, Dharma supports the idea of the rule of law, as it requires that rulers, judges, and citizens alike act according to established principles of justice and not according to personal whims or authority. Finally, Dharma represents universal order, maintaining balance and harmony in nature, society, and human relationships by ensuring that everyone fulfils their

respective duties.

Ancient Indian legal literature consistently recognizes Dharma as the foundation of justice and social order. The Manusmriti describes Dharma as the guiding principle that preserves discipline, promotes righteous conduct, and ensures peaceful coexistence among members of society. It considers justice impossible without adherence to Dharma because legal rules derive their legitimacy from moral and ethical principles. Likewise, the Mahabharata expresses the enduring significance of Dharma through the celebrated maxim, "Dharmo Rakshati Rakshitah", meaning "Dharma protects those who protect it." This principle conveys that individuals and governments that uphold righteousness, fairness, and justice ultimately secure their own protection and the stability of society. It also emphasizes that justice is not merely a legal requirement but a moral obligation essential for maintaining peace, public confidence, and the orderly functioning of the State.

Thus, the concept of Dharma provides a holistic understanding of justice by integrating legal authority with morality, ethics, duty, and social welfare. Its emphasis on righteous conduct, accountability, and the common good continues to influence Indian legal philosophy and remains relevant in promoting a just, equitable, and harmonious society.

Dharma and the Ancient Indian Legal System

The ancient Indian legal system was fundamentally based on the principle that justice should be administered in accordance with **Dharma**, which was regarded as the supreme source of legal authority. The power of the State and the authority of the ruler were not absolute; instead, they were subject to the higher principles of righteousness, fairness, and moral responsibility. Unlike many ancient civilizations where the king was considered the ultimate source of law, Indian jurisprudence viewed the king as the **guardian and protector of Dharma**, entrusted with the responsibility of ensuring justice and maintaining social order. His legitimacy depended upon his adherence to Dharmic principles, and any arbitrary or unjust exercise of power was considered a violation of his duties as a ruler.

The administration of justice in ancient India was organized to ensure fairness, impartiality, and accountability. Judicial

proceedings were expected to follow established legal principles rather than the personal wishes of the ruler or judges. One of the fundamental features of the system was **equality before Dharma**, which required that every individual, regardless of social status or position, be treated according to the same principles of justice. Although social distinctions existed in ancient society, legal authorities emphasized that judicial decisions should be guided by truth, fairness, and established legal norms rather than favoritism or personal bias.

Another essential feature of the ancient judicial process was the **right to a fair hearing**. Parties involved in a dispute were given an opportunity to present their claims, explain their positions, and produce relevant evidence before a decision was reached. Judges were expected to hear both sides impartially and decide cases only after carefully examining all facts and circumstances. This emphasis on procedural fairness reflects the advanced nature of ancient Indian legal thought, where justice was not only expected to be done but also to be seen as fair and impartial.

The law of **evidence** occupied an important place in the administration of justice. Judicial decisions were based on reliable evidence, witness testimony, documentary proof where available, customs, and established legal principles. False testimony, fraud, and dishonest conduct were strongly condemned because they obstructed the administration of justice. Judges were expected to carefully evaluate the credibility of evidence before arriving at their conclusions, thereby ensuring that justice was based on truth rather than speculation or personal opinion.

The legal system also emphasized **good faith, honesty, and ethical conduct** as indispensable elements of justice. Judges, administrators, and public officials were required to discharge their duties with integrity, impartiality, and a commitment to righteousness. Corruption, abuse of authority, and arbitrary decision-making were considered contrary to Dharma and detrimental to society. The objective of legal administration was not merely the enforcement of rules but the promotion of fairness, trust, and moral responsibility within the community.

A distinctive characteristic of the ancient Indian legal system was its commitment to **public welfare (Lokasangraha)**. The administration of justice was intended to protect the

interests of society as a whole rather than serve the personal interests of rulers or influential individuals. Laws were framed and interpreted to preserve peace, maintain social harmony, protect the weak, and promote the overall well-being of the people. This welfare-oriented approach reflects the belief that justice should contribute to the stability and prosperity of the State while safeguarding the dignity and rights of its citizens.

Courts and judicial authorities were therefore expected to decide disputes **strictly according to Dharma** rather than personal preferences, emotions, or political considerations. Judicial discretion was exercised within the framework of established legal principles, customs, and ethical values. The primary objective of adjudication was to discover the truth, protect the innocent, punish wrongdoing, and restore social harmony. This approach ensured that law remained closely connected with morality and justice, making the ancient Indian legal system one of the earliest examples of a legal order founded upon ethical principles rather than mere coercive authority.

Thus, the ancient Indian legal system demonstrates that effective governance and the administration of justice were inseparable from the principles of Dharma. By placing rulers, judges, and citizens under the authority of a higher moral order, it sought to establish a system of justice that was fair, impartial, accountable, and dedicated to the welfare of society. These principles continue to hold significance in understanding the historical foundations of Indian jurisprudence and its enduring commitment to justice.

Dharma and Justice

The concept of justice in Indian philosophy is inseparable from Dharma, which serves as the moral and ethical foundation of legal and social order. Unlike the modern legal approach that often emphasizes rights and legal remedies, ancient Indian jurisprudence viewed justice as the harmonious fulfilment of duties, protection of rights, and promotion of the common good. Justice was not limited to the resolution of disputes but extended to ensuring the welfare of individuals and society. It required rulers, judges, and citizens to act according to the principles of truth, fairness, righteousness, and compassion. Ancient texts such as the Manusmriti, the Mahabharata, the Bhagavad Gita, and

Kautilya's Arthashastra consistently affirm that justice can be achieved only when governance and human conduct are guided by Dharma. Thus, Dharma was regarded as the ultimate standard for determining what is just and equitable in society.

One of the most important dimensions of justice under Dharma is social justice. Ancient Indian legal philosophy emphasized the responsibility of the State to protect vulnerable and disadvantaged members of society, including the poor, women, children, the elderly, and those unable to protect their own interests. The ruler was expected to ensure that justice was accessible to all without oppression or exploitation. The Arthashastra of Kautilya states that the happiness and welfare of the people constitute the true success of the king, thereby recognizing public welfare as the primary objective of governance. This principle reflects the belief that a just society is one in which the weaker sections receive protection and equal opportunities for a dignified life (Kautilya, Arthashastra, Book I).

Another significant aspect is moral justice, which is founded upon the idea that every individual has duties towards family, society, and the State. Indian philosophy recognizes that rights and duties are complementary and that justice cannot exist without responsible conduct. The Bhagavad Gita emphasizes the importance of performing one's duties (Swadharma) sincerely and selflessly for the welfare of society rather than for personal gain. Similarly, the Manusmriti prescribes ethical values such as truthfulness, honesty, compassion, and self-control as essential qualities for maintaining justice and social harmony. Moral justice therefore requires individuals to discharge their responsibilities with integrity while respecting the rights and dignity of others (Bhagavad Gita, Chapter 3; Manusmriti, Chapter VIII).

The idea of economic justice also occupies an important place within the concept of Dharma. Ancient Indian jurists recognized that economic stability and fairness were essential for maintaining social order. The State was expected to impose fair taxation, protect property rights, regulate trade, prevent exploitation, and ensure equitable distribution of resources. Kautilya advocated a balanced taxation system that would generate revenue for the State without imposing an excessive burden on the people. He

also emphasized the protection of agriculture, commerce, and private property as necessary conditions for economic prosperity and justice (Arthashastra, Book V). These principles demonstrate that Dharma sought to establish an economy based on fairness, accountability, and public welfare rather than arbitrary exploitation.

Political justice constituted another essential element of Dharma. The ruler was expected to govern according to the principles of righteousness, impartiality, and public welfare rather than personal interests or absolute power. Ancient Indian political thought consistently maintained that the king was subject to Dharma and could not exercise arbitrary authority. His primary duty was to protect the people, maintain law and order, administer justice impartially, and uphold the welfare of the State. The Mahabharata and the Ramayana portray the ideal ruler as one who governs through wisdom, compassion, and adherence to Dharma. Kautilya similarly argued that the legitimacy of a ruler depends upon his commitment to justice and the welfare of his subjects (Mahabharata, Shanti Parva; Arthashastra, Book I).

Thus, justice in Indian jurisprudence is a multidimensional concept encompassing social, moral, economic, and political dimensions, all of which are grounded in the principles of Dharma. By integrating ethical values with legal obligations, Dharma provides a comprehensive framework for achieving justice that extends beyond the mere enforcement of laws. Its emphasis on fairness, duty, equality, public welfare, and responsible governance continues to influence modern constitutional values and remains highly relevant in the pursuit of a just and inclusive society.

Dharma and the Indian Constitution

The relationship between Dharma and the Indian Constitution can be understood through the shared objective of establishing a just, ethical, and harmonious social order. Although the Constitution of India does not use the term Dharma in the religious sense, many of its fundamental principles reflect the broader philosophical values associated with Dharma, such as justice, equality, human dignity, duty, welfare of society, and responsible governance. In the constitutional framework, Dharma may be understood as a universal ethical principle that guides the exercise of power

and the conduct of individuals and institutions. The Constitution transforms these moral ideals into legal principles by providing enforceable rights, duties, and mechanisms for achieving social justice.

The Preamble to the Constitution of India reflects the Dharmic vision of justice by declaring that the State shall secure Justice—social, economic, and political for all citizens. The commitment to equality, liberty, and fraternity also corresponds with the traditional understanding of Dharma, which seeks to maintain balance and harmony in society. The constitutional objective is not merely to establish a legal order but to create a social system based on fairness, dignity, and the welfare of all individuals. In this sense, constitutional justice represents the modern expression of the ancient ideal of establishing a righteous and balanced society.

The principle of equality, which is a central feature of Dharma, finds direct recognition in Article 14 of the Constitution, which guarantees equality before law and equal protection of laws. Dharma traditionally emphasized that justice should be administered impartially without favouritism. Similarly, the Constitution requires the State and judicial institutions to treat all persons equally and prevent arbitrary discrimination. The constitutional prohibition of discrimination under Article 15 and the guarantee of equality of opportunity under Article 16 further strengthen the objective of creating a fair and inclusive social order.

The concept of social justice, which forms an essential part of both Dharma and constitutional philosophy, is reflected through provisions relating to the protection and advancement of weaker sections of society. Articles 38, 39, 46, and 47 under the Directive Principles of State Policy direct the State to reduce inequalities, promote the welfare of people, and protect the interests of disadvantaged groups. The constitutional provisions for affirmative action under Articles 15(4) and 16(4) demonstrate the commitment of the State to achieve substantive equality rather than merely formal equality. This approach is consistent with the Dharmic principle that rulers have a duty to protect vulnerable sections and ensure social harmony.

The idea of duty, which occupies a significant place in Dharma, is reflected in the Fundamental Duties under

Article 51A of the Constitution. These duties require citizens to respect the Constitution, promote harmony, protect public property, preserve the environment, and uphold the dignity of individuals. While Fundamental Rights protect individual freedom, Fundamental Duties remind citizens of their responsibilities towards society. This balance between rights and duties reflects the Dharmic understanding that social order depends upon responsible conduct by every individual. The constitutional principle of rule of law also has a close connection with the Dharmic idea that authority must operate within the limits of justice and morality. In ancient Indian thought, rulers were not considered above Dharma; similarly, in a constitutional democracy, government authorities are bound by constitutional limitations. The judiciary acts as the guardian of constitutional values and ensures that State actions remain consistent with justice and fairness.

The Supreme Court has recognized that constitutional values are based on principles of justice, fairness, and human dignity. In *Kesavananda Bharati v. State of Kerala* (1973), the Court held that the Constitution has a basic structure that cannot be destroyed, including the supremacy of the Constitution, rule of law, and principles of justice. In *Maneka Gandhi v. Union of India* (1978), the Court interpreted Article 21 to mean that any procedure affecting life and liberty must be fair, just, and reasonable. These judgments reflect the continuing relevance of ethical principles in constitutional interpretation.

Furthermore, the idea of constitutional morality, emphasized by the Supreme Court in cases such as *Navtej Singh Johar v. Union of India* (2018), promotes values of equality, dignity, liberty, and respect for individual autonomy. Constitutional morality can be viewed as a modern form of Dharma because both emphasize that power and social conduct must be guided by higher principles of justice and fairness.

However, it is important to understand that Dharma within constitutional jurisprudence is not connected with any particular religion. The Indian Constitution establishes a secular democratic State where law derives its authority from the Constitution rather than religious texts. Therefore, Dharma is relevant only as a philosophical and ethical concept representing justice, duty, morality, and social welfare.

In conclusion, Dharma and the Indian Constitution share a common vision of creating a just and harmonious society. While ancient Indian jurisprudence expressed justice through the language of Dharma, the Constitution expresses the same ideals through fundamental rights, directive principles, duties, and the rule of law. The values of equality, fairness, public welfare, and responsible governance demonstrate the continuing influence of Dharmic principles in modern Indian constitutional thought.

Judicial Interpretation of Dharma

The concept of Dharma has not been expressly mentioned in the Constitution of India; however, its underlying principles of justice, fairness, morality, duty, and social welfare have influenced the interpretation of constitutional provisions by Indian courts. The Indian judiciary has generally understood Dharma not as a religious doctrine but as a broader ethical principle that promotes justice, human dignity, equality, and responsible exercise of power. Through constitutional interpretation, courts have developed principles that reflect the deeper values traditionally associated with Dharma, such as Nyaya (justice), fairness, and protection of individual and collective welfare.

The judiciary has recognized that the purpose of law is not merely to maintain order but also to achieve substantive justice. The idea that law must be guided by fairness and reason reflects the Dharmic understanding that legal authority must operate within moral limits. Courts have repeatedly emphasized that constitutional governance requires adherence to principles of justice, equality, and good faith, which are consistent with the broader philosophical meaning of Dharma.

In *Kesavananda Bharati v. State of Kerala* (1973), the Supreme Court held that the Constitution has a basic structure that cannot be destroyed even by constitutional amendments. The Court identified principles such as the supremacy of the Constitution, rule of law, separation of powers, and protection of fundamental rights as essential features of the constitutional system. This judgment reflects the principle that even the highest authority of the State must function within a framework of higher values and limitations, similar to the ancient idea that rulers were bound by Dharma and could not act arbitrarily.

In *Maneka Gandhi v. Union of India* (1978), the Supreme Court expanded the interpretation of Article 21 and held that the procedure established by law must be fair, just, and reasonable and not arbitrary or oppressive. The decision transformed the concept of personal liberty by introducing principles of fairness and natural justice into constitutional law. This approach reflects the Dharmic principle that justice requires not only the existence of legal rules but also their application in a fair and equitable manner.

In *E.P. Royappa v. State of Tamil Nadu* (1974), the Supreme Court held that arbitrariness is contrary to equality and that equality is a dynamic concept. The Court observed that a State action must be based on reason and fairness. This interpretation of Article 14 reflects the idea that governance must follow principles of righteousness and justice rather than personal discretion or arbitrary authority, which corresponds with the ethical foundation of Dharma.

The Supreme Court also applied principles similar to Dharma while developing the concept of constitutional morality. In *Navtej Singh Johar v. Union of India* (2018), the Court emphasized dignity, equality, individual autonomy, and respect for constitutional values. The judgment highlighted that social and legal systems must protect human dignity and prevent discrimination. These values represent the modern constitutional expression of the ethical objectives traditionally associated with Dharma.

In matters relating to governance and public welfare, courts have repeatedly emphasized that State power must be exercised as a trust for the benefit of the people. In *S.P. Gupta v. Union of India* (1981) and later public interest litigation cases, the judiciary recognized the importance of transparency, accountability, and protection of public interest. This idea is similar to the ancient concept of Raj Dharma, under which rulers were expected to govern selflessly for the welfare of their subjects.

The Supreme Court has also applied Dharmic principles in environmental jurisprudence. In *M.C. Mehta v. Union of India* (1987), the Court recognized the duty of the State and individuals to protect the environment. The principle that human beings have responsibilities towards nature and future generations reflects the broader understanding of Dharma as a duty to maintain harmony between human society and the natural world.

However, the judiciary has maintained a clear distinction between Dharma as an ethical principle and religion as a matter of personal faith. In a secular constitutional system, judicial interpretation cannot be based on religious beliefs but may draw inspiration from universal values such as justice, equality, morality, and human welfare. Thus, Dharma is understood within constitutional jurisprudence as a philosophical concept that supports the rule of law and ethical governance.

In conclusion, judicial interpretation of Dharma demonstrates the continuity between ancient Indian legal philosophy and modern constitutional principles. The Supreme Court has not incorporated Dharma as a source of enforceable law but has reflected its essential values through doctrines of fairness, equality, dignity, constitutional morality, and public welfare. Therefore, Dharma continues to influence Indian jurisprudence as an ethical foundation that guides the pursuit of justice in a constitutional democracy.

Dharma and Rule of Law

The concepts of Dharma and the Rule of Law represent two important principles that aim to prevent arbitrary exercise of power and establish a just social order. Although they originated in different historical and philosophical contexts, both emphasize that authority must operate within established principles of justice, fairness, and accountability. In ancient Indian jurisprudence, Dharma acted as a superior moral and ethical order that governed the conduct of individuals as well as rulers. Similarly, the modern concept of Rule of Law requires that all persons, including the government, are subject to law and that State power must be exercised according to legal principles.

In ancient Indian legal thought, the ruler was not considered the ultimate source of law but was regarded as the protector of Dharma. The authority of the king was limited by the obligation to govern according to righteous principles and public welfare. A ruler who acted against Dharma was considered to have violated his fundamental duty towards society. This idea reflects the principle that no authority is absolute and that those in power must exercise their functions within certain moral and legal limitations. The Mahabharata and Arthashastra emphasize that the primary

duty of the ruler is to protect justice, maintain order, and ensure the welfare of the people.

The modern doctrine of Rule of Law, primarily associated with A. V. Dicey, is based on three essential principles: supremacy of law, equality before law, and the protection of individual rights through ordinary courts. According to Dicey, no person is above the law, and government authorities must act according to legal rules rather than arbitrary discretion. These principles have a close relationship with the Dharmic understanding that rulers, administrators, and citizens are equally bound by a higher standard of justice.

The principle of supremacy of law under the Rule of Law corresponds with the ancient Indian belief that Dharma was superior to the authority of the king. Just as modern constitutional governments are limited by the Constitution, ancient rulers were limited by Dharma. The king could not impose his personal will as law; his decisions had to conform to established principles of justice, customs, and moral obligations. This limitation on governmental power represents an early form of the idea that authority must be controlled by higher norms.

The principle of equality before law also finds similarity with the Dharmic concept of impartial justice. Ancient Indian legal philosophy emphasized that judicial decisions should be based on truth and fairness rather than personal favour or status. Similarly, Article 14 of the Indian Constitution guarantees equality before law and equal protection of laws, ensuring that State action is not discriminatory or arbitrary. The Supreme Court has repeatedly held that equality is a basic requirement of a just legal system.

The connection between Dharma and Rule of Law is clearly reflected in Indian constitutional jurisprudence. In *Kesavananda Bharati v. State of Kerala* (1973), the Supreme Court held that the rule of law is an essential part of the basic structure of the Constitution. The judgment established that even constitutional amendments cannot destroy fundamental principles of justice and constitutional governance. This reflects the Dharmic principle that even the highest authority must remain subject to a superior order of justice.

In *Indira Nehru Gandhi v. Raj Narain* (1975), the Supreme Court emphasized that democracy, rule of law, and judicial review are essential features of the constitutional system. The decision reaffirmed that government authority cannot operate beyond constitutional limitations. This principle is similar to the ancient idea of Raj Dharma, where the ruler was required to act according to justice and public welfare.

The Supreme Court further strengthened the relationship between fairness and the Rule of Law in *Maneka Gandhi v. Union of India* (1978) by holding that any procedure affecting personal liberty must be fair, just, and reasonable. The judgment established that arbitrary State action is inconsistent with constitutional values. This approach reflects the Dharmic idea that justice requires not only legal authority but also ethical fairness in the exercise of power.

However, there is a distinction between Dharma and Rule of Law. Dharma is a broader philosophical concept that includes moral duties, ethical responsibilities, and social harmony, whereas Rule of Law is primarily a constitutional and legal principle concerned with limiting governmental power and ensuring legal equality. Dharma operates as a moral foundation, while Rule of Law functions as a formal legal mechanism. Despite this difference, both concepts share the common objective of preventing arbitrariness and promoting justice.

Thus, Dharma and Rule of Law represent two different but complementary approaches to achieving justice. Dharma provides the ethical foundation of righteous governance, while Rule of Law provides the institutional framework for ensuring legality and accountability. The Indian constitutional system reflects a synthesis of these ideas by combining legal supremacy with values of justice, equality, dignity, and public welfare. Therefore, Dharma continues to remain relevant as a philosophical foundation that enriches the understanding and application of the Rule of Law in India.

Relevance of Dharma in Modern India

The concept of Dharma continues to remain relevant in modern India because it represents universal principles of justice, morality, duty, responsibility, and social welfare. Although the contemporary Indian legal system is based on the Constitution of India, statutory laws, and judicial

precedents, the ethical values associated with Dharma continue to influence constitutional governance, judicial reasoning, and social life. In the modern constitutional context, Dharma is not understood as a religious concept but as a broader philosophy of righteous conduct that promotes justice, equality, human dignity, and harmony among individuals and communities.

One of the most significant areas where the relevance of Dharma can be observed is constitutional governance. The Indian Constitution aims to establish a society based on justice, liberty, equality, and fraternity, which are closely connected with the ethical objectives of Dharma. The Preamble of the Constitution promises social, economic, and political justice to all citizens, reflecting the idea that the State has a moral responsibility to protect the welfare of society. The Directive Principles of State Policy further require the State to promote social welfare, reduce inequalities, and ensure a just social order. These constitutional goals represent the modern expression of the ancient principle that governance must be directed towards public welfare.

Dharma also remains relevant in the field of social justice. Ancient Indian thought emphasized the responsibility of the ruler and society to protect weaker and vulnerable sections. In modern India, this principle is reflected through constitutional provisions relating to equality, affirmative action, and protection of disadvantaged groups. Articles 15(4), 16(4), 38, and 46 of the Constitution empower the State to take measures for the advancement of socially and educationally backward classes and weaker sections of society. These provisions reflect the Dharmic principle that justice requires not only equal treatment but also active protection of those who face social disadvantages.

The relevance of Dharma is also visible in the concept of constitutional morality and ethical governance. Modern democracy requires public officials to exercise power with honesty, accountability, and responsibility. The Dharmic principle of Raj Dharma emphasized that rulers must act selflessly for the welfare of the people. Similarly, constitutional governance requires elected representatives and government authorities to use power as a public trust. The Supreme Court has repeatedly emphasized that arbitrary

exercise of power violates constitutional principles of fairness and equality.

In the area of judicial interpretation, Dharma continues to influence the understanding of justice, fairness, and reasonableness. The Indian judiciary has developed principles that reflect ethical values such as dignity, equality, and protection of individual liberty. In *Maneka Gandhi v. Union of India* (1978), the Supreme Court held that the procedure affecting personal liberty must be fair, just, and reasonable. The judgment demonstrated that law must not operate mechanically but must fulfil the requirements of substantive justice.

Similarly, in *Kesavananda Bharati v. State of Kerala* (1973), the Supreme Court recognized the importance of constitutional supremacy, rule of law, and protection of fundamental rights through the Basic Structure Doctrine. The decision reflects the principle that even State authority must remain subject to higher principles of justice and cannot act arbitrarily.

Dharma is also significant in promoting environmental responsibility. Traditional Indian philosophy viewed human beings as having a duty to maintain harmony with nature. This idea has found expression in modern environmental law through constitutional provisions such as Article 48A (protection of environment by the State) and Article 51A(g) (fundamental duty of citizens to protect the natural environment). In *M.C. Mehta v. Union of India* (1987), the Supreme Court expanded environmental protection principles and emphasized the responsibility of the State and citizens towards ecological preservation.

In contemporary society, Dharma provides guidance in addressing issues such as corruption, social inequality, human rights violations, and misuse of authority. Its emphasis on honesty, accountability, compassion, and responsibility can contribute to ethical decision-making in public administration, business, legal profession, and personal conduct. While modern law provides formal mechanisms for justice, Dharma strengthens the moral foundation necessary for the effective functioning of those institutions.

However, the application of Dharma in modern India must be understood within the framework of constitutional values. India is a secular democratic republic, and legal decisions

cannot be based on religious beliefs. Therefore, Dharma should be interpreted as a universal ethical principle that supports equality, justice, liberty, and human dignity rather than as a religious authority over law.

Dharma continues to hold importance in modern India as a philosophical foundation for justice and ethical governance. It complements constitutional principles by emphasizing duties, social responsibility, fairness, and public welfare. The Constitution provides the legal framework for justice, while Dharma provides the moral vision necessary for achieving a balanced and humane society. Thus, the relevance of Dharma lies in its ability to connect ancient Indian legal philosophy with contemporary constitutional ideals and the continuing pursuit of justice.

Challenges in Applying Dharma in Modern India

The application of Dharma in modern Indian jurisprudence faces several challenges due to the changing nature of society, law, and constitutional governance. Although Dharma provides valuable ethical principles of justice, duty, and social welfare, its interpretation and application in a contemporary constitutional democracy require careful consideration.

One of the major challenges is the diversity of interpretations of Dharma. Different philosophical and social traditions may understand Dharma in different ways, creating difficulties in identifying a common and universally acceptable meaning. In a pluralistic society like India, the concept of Dharma must be interpreted as a universal principle of justice and morality rather than as a particular religious doctrine.

Another challenge is maintaining the balance between Dharma and constitutional principles. India follows a secular democratic Constitution where laws are based on constitutional authority rather than religious texts. Therefore, Dharma cannot replace constitutional provisions or fundamental rights. The challenge lies in incorporating the ethical values of Dharma while ensuring consistency with principles of equality, liberty, and secularism.

A further challenge is the possibility of misuse or politicization of Dharma. If Dharma is interpreted narrowly or linked only with religious identity, it may create conflicts with constitutional values of equality and non-

discrimination. Hence, it is necessary to understand Dharma in its broader philosophical sense as a principle of justice, responsibility, and public welfare.

The changing social and economic conditions of modern India also create challenges in applying traditional concepts of Dharma. Issues such as technological development, globalization, human rights, gender equality, and environmental concerns require new legal approaches. Dharma must therefore evolve with changing circumstances while preserving its fundamental commitment to justice and harmony.

The major challenge is to harmonize the ancient ethical ideals of Dharma with the requirements of a modern constitutional democracy. When understood as a universal principle of justice, morality, and social responsibility, Dharma can continue to contribute positively to Indian jurisprudence.

Suggestions for Strengthening the Role of Dharma in Modern Indian Jurisprudence

To maintain the relevance of Dharma in modern India, it is necessary to understand it as a universal principle of justice, ethical responsibility, and social welfare rather than merely as a religious concept. The following suggestions may help in integrating the values of Dharma with the contemporary legal and constitutional framework:

1. Promotion of Value-Based Legal Education

Legal education should include the study of Indian jurisprudential traditions and concepts like Dharma, justice, duty, and ethical governance. Law students should be encouraged to understand that law is not only a technical discipline but also a tool for achieving fairness and social welfare.

2. Strengthening Ethical Standards in Governance

Public officials, judges, and administrators should follow principles of honesty, accountability, and responsibility. The concept of Raj Dharma can inspire public authorities to treat their positions as a responsibility towards society rather than as a source of power.

3. Balancing Rights and Duties

Modern legal systems often emphasize individual rights, but Dharma highlights the importance of duties and social responsibility. A proper balance between Fundamental Rights and Fundamental Duties can help in creating a more responsible and harmonious society.

4. Promotion of Constitutional Morality

The principles of Dharma should be interpreted in harmony with constitutional values such as equality, liberty, secularism, and human dignity. Constitutional morality should remain the guiding framework for applying ethical principles in law and governance.

5. Encouragement of Social Justice

The Dharmic ideal of protecting weaker sections should be strengthened through effective implementation of laws and policies relating to social equality, education, healthcare, and economic opportunities.

6. Ethical Approach Towards Environment Protection

The traditional understanding of harmony between humans and nature should be incorporated into modern environmental jurisprudence. Citizens and governments should recognize environmental protection as a moral and legal duty.

7. Development of a Universal Understanding of Dharma

Dharma should be promoted as a universal concept of justice, compassion, responsibility, and moral conduct applicable to all citizens, irrespective of religion, caste, or social background.

In conclusion, Dharma can continue to contribute to Indian jurisprudence when it is interpreted through the lens of constitutional values. By combining ancient ethical wisdom with modern legal principles, India can strengthen its commitment to justice, equality, and a welfare-oriented society.

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Conclusion

Dharma has been one of the most significant foundations of Indian jurisprudential thought, providing a comprehensive understanding of justice, duty, morality, and social order. Unlike a narrow concept of law based only on State authority, Dharma represents a broader vision of justice that combines legal principles with ethical values and social responsibilities. Ancient Indian legal thinkers regarded Dharma as the guiding force for rulers, judges, and individuals, ensuring that power was exercised with fairness, accountability, and concern for public welfare.

In the modern constitutional framework of India, the essence of Dharma continues to find expression through the values of the Constitution of India, particularly justice, equality, liberty, dignity, and fraternity. Although Dharma does not operate as a source of enforceable law, its philosophical principles continue to influence constitutional morality, judicial reasoning, and ethical governance. The judiciary, through various landmark judgments, has emphasized fairness, reasonableness, rule of law, and protection of human rights, reflecting values that are closely connected with the Dharmic vision of justice.

However, the relevance of Dharma in contemporary India depends upon its proper interpretation. It must be understood as a universal principle of righteousness, responsibility, and social welfare rather than as a religious doctrine. When harmonized with constitutional principles, Dharma can provide an ethical foundation for addressing modern challenges such as inequality, corruption, environmental concerns, and misuse of power.

Therefore, Dharma remains a timeless concept that bridges ancient Indian legal philosophy with modern constitutional jurisprudence. It reminds society that the true purpose of law is not merely the enforcement of rules but the achievement of justice, harmony, and the welfare of all. By integrating the ethical insights of Dharma with constitutional values, India can continue to strengthen its commitment to a fair, inclusive, and just society.

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