
THE IMPACT OF VEDIC JURISPRUDENCE ON CONTEMPORARY INDIAN LEGAL SYSTEM: A CRITICAL EVALUATION

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ABSTRACT

This research paper encompasses how the pertinence of the *Vedas* has lingered on, through the ages. Since evolution, a system of order has prevailed, and human societies relied on unwritten social norms, customs, and informal mechanisms for order and conflict resolution. Through the passage of time, that system of order has come to inculcate law as well, to come together as a codified legal framework. It has relied on customs as *acara*, civil law as *vyavahara* and penance as *prayaschitta*, as a source of law. In modern India, alongside legislations, and judicial precedents, customs prove to be a prevailing source, as they have existed from the inception. Customs signify habitual behaviour which becomes traditional due to its repetitive nature, and later becomes widely accepted as a norm. These norms form a basis for law, as we know today, particularly personal laws. The foundational values that have been imbibed in the Vedas, and texts succeeding it, find their roots in the current legal ethos, in some shape or form. As the society progresses, their values and ethics, as a whole, and on an individual basis transform, and a need for balance between our customs and modern denotations of law is found. The jurisprudential notions in the Vedas provide for principles of justice, equity and good conscience, which are the fundamentals to any progressive society. They have made their way through the ages, into the formal codification of some, if not all, ethical and moral laws. *Vedic* jurisprudence, along with normative standards of justice provide for an epitome of legal understanding, which has major demographic significance. Laws such as succession laws find a grounding in statutes such as the Hindu Succession Act, 1956 (HSA 1956), which enshrines the essence of both age-old texts and legality. This research aims to bridge the gap between ancient jurisprudence, with the current legal dynamic, tracing India's evolution, both in the terminological meaning, and in the legal element. By unleashing the Vedic principles of *Dharma*, this paper provides insight into the ethical implications that shape the essence of justice, and development of modern laws in contemporary India.

Keywords: Vedas, Dharma, Smriti, Hindu Law, Legal Philosophy

I. INTRODUCTION

The predominant source of *Hindu*¹ jurisprudence are the *Vedas*², primarily the *Rig Veda*³. The Vedas are of utmost importance to this day, owing to the fact that they provide for a base in Hindu Law⁴, as customs are one of the central sources of law. Although, there is a disparity between customs and laws, as the *Vedic*⁵ texts highlight principles of *Dharma*⁶ which deal with righteousness, piety, selflessness, and the like. In the modern purview, these principles hold relevance only as foundations of virtue, but have no binding legal connotation. Law is not stringent, which means the nature of law is ever changing. Social transformation impacts the development of law, meaning law exists only when there are individuals who follow it. Law changes with the needs of the society, and law remains rigid when there is a basic structure laid out which provides the backbone of our society. Such is the dichotomy of law. In the current context, law has found its way through the ages as there have been several alterations in the legal history of India. In ancient India, individuals followed the principles of Dharma, for the greater goal of *moksha*⁷. There was a need for kingship, as our ancient texts have provided the supremacy of a ruler, and the states in ancient India followed a monarchical system of rule for the longest time, keeping in line with the principles of Dharma which were directives to the ruler. After India was colonised, the issue of the codified nature of laws was addressed, and Hindu Laws were codified, which grappled with inheritance, succession, family laws, etc., which found the essence of Dharma, even in modern times.

Under this backdrop the paper objectivises the following: firstly, to draw a comparative analysis between ancient and modern India, largely in the legal aspect and secondly, to emphasise the paramountcy of the Vedas, and their relevance in the structuring of the current legal system. Based on the objectives, therefore, the paper seeks to answer, firstly, what purpose do the principles of Dharma serve in the present legal system? And secondly, how has the Judiciary navigated its way through the changes that have occurred over the years, in relation to the sacraments, and the essence of Dharma? This research adopts a doctrinal, and

¹ Sanskrit Dictionary, 'hindudharma' (2026) <https://sanskritdictionary.com/hindudharma/282026/1> accessed 2026

² Sanskrit Dictionary, 'veda' (2026) <https://sanskritdictionary.com/veda/221891/1> accessed 2026

³ Sanskrit Dictionary, 'ṛgveda' (2026) <https://sanskritdictionary.com/ṛgveda/44053/1> accessed 2026

⁴ Legislative Department, 'Personal laws related' (Ministry of Law and Justice, 2026) <https://legislative.gov.in/personal-laws-related/> accessed 2026

⁵ Merriam-Webster, 'Vedic' (Merriam-Webster Dictionary, 2026) <https://www.merriam-webster.com/dictionary/Vedic> accessed 2026

⁶ Sanskrit Dictionary, 'dharma' (2026) <https://sanskritdictionary.com/dharma/109282/1> accessed 2026

⁷ Sanskrit Dictionary, 'mokṣa' (2026) <https://sanskritdictionary.com/mokṣa/182548/1> accessed 2026

largely analytical approach, examining excerpts from the Constitution of India⁸, and judicial pronouncements in relevance to the paper. Hindu Marriage Act, 1955 (HMA, 1955)⁹, and the HSA, 1956¹⁰ have been scrutinised as well. This research paper employs a qualitative research method, analysing scholarly work on Vedas, *Smritis*¹¹, constitutional debates, present-day statutes, and judicial decisions. It also draws on comparative approaches to shed light on intersections and departures between ancient Hindu legal thought and the current statutory provisions. Scholarly commentary, and case laws on the present-day bearings of *dharmic*¹² principles are reviewed as well.

II. DEVELOPMENT OF THE VEDAS OVER TIME

There have been numerous modifications that have occurred amidst transitioning from ancient India to the current contemporary legal framework. A basic overview of the functioning of legal order would translate into moral understandings, and an inherent moral disposition, which would lead one to perform their day-to-day activities. The texts which are considered sacred in the present day were teachings which were lived by during the ancient times. It was believed that divine revelations were dispensed by the sages to the public for the greater good. This was done in two ways - the *Sruthis*¹³ (that which is heard) and the *Smritis* (that which is remembered). The *sruthis* are the prime source of *Dharmasutras*¹⁴. The *sruthis* have been later written down and are known as *smritis*. This was the form of order which was in action for the longest time, until a monarchical system came into place. The relationship between Dharma (cosmic law) and positive law can be best understood by the essentials of *Manusmriti*¹⁵ by Manu, and Kautilya's Arthashastra which entail the king's duty, which is to uphold the principles of Dharma, along with pragmatism (statecraft, etc.). This was the form of legal order which was maintained well into the 18th century, after which India was colonised. There was a rapid decline of the *dharmic* principles, and law found its way into codified texts and legislations. Venturing into the current legal frame, there have been judicial pronouncements

⁸ Legislative Department, 'The Constitution of India' (Ministry of Law and Justice, 2026) <https://legislative.gov.in/constitution-of-india/> accessed 2026

⁹ The Hindu Marriage Act, 1955, No 25, Acts of Parliament, 18 May 1955 <https://www.indiacode.nic.in/handle/123456789/1560> accessed 2026

¹⁰ The Hindu Succession Act, 1956, No 30, Acts of Parliament, 17 June 1956 <https://www.indiacode.nic.in/handle/123456789/1713> accessed 2026

¹¹ Sanskrit Dictionary, 'smṛta' (2026) <https://sanskritdictionary.com/smṛta/34933/4> accessed 2026

¹² Collins Dictionary, 'Dharmic' (Collins Dictionary, 2026) <https://www.collinsdictionary.com/dictionary/english/dharmic> accessed 2026

¹³ Sanskrit Dictionary, 'śruti' (2026) <https://sanskritdictionary.com/śruti/240486/1> accessed 2026

¹⁴ Sanskrit Dictionary, 'dharmasūtra' (2026) <https://sanskritdictionary.com/dharmasūtra/109744/1> accessed 2026

¹⁵ Sanskrit Dictionary, 'manusmṛti' (2026) <https://sanskritdictionary.com/manusmṛti/170453/1> accessed 2026

which have been based on the principles of Dharma, and the Hindu Law, which, to this day, holds its significance via family laws, laws related to inheritance and succession laws.

II.I The Operation of the Vedas in Ancient Time

The origin of the word "Vedas" is from the term "vid"¹⁶ (to know), which would translate that Veda means knowledge. To understand the eminence of the Vedas in the present day, the meaning of the term Dharma needs to be probed into. Dharma's meaning may be multifaceted, as it is a *Sanskrit*¹⁷ word, with its etymology blurred or unclear, as to where the term was birthed. It creates ambiguities, because Dharma has various meanings, but the purpose the expression serves is one and the same, which is to uphold principles of good conscience, to encapsulate it. As far as our history leads us, Dharma has its root in "dhri"¹⁸, which means to preserve, uphold or maintain. Here, the maintenance of principles of equity and good conscience are being referred to. The time frame during which such order was being given utmost importance, the understanding of rigidity in law was not a concept most familiarised themselves with. Categorically, Dharma connotes "svadharmā"¹⁹, which refers to an individual's own duty based on their natural disposition or ability (as is present in the *Bhagavad Gita*'s²⁰ implication of *svabhava*²¹, meaning innate nature). It was believed that based on an individual's svadharmā in a particular life, they would be placed in their next life, as, according to Hindu mythology, the principle of *karma*²² is paramount, as there are multiple lives for the soul, and the ultimate goal for the soul is moksha. The *purusarthas*²³ (goals) of an individual are fourfold - Dharma, *Artha*²⁴, *Kama*²⁵, and the conclusive goal - Moksha.

- Dharma signifies behaviour in accordance with *ṛta*²⁶ (cosmic order) around which the universe or the cosmos is practicable, and highlights an individual's rights and duties which align with the norms of social order, good conduct and principles of virtue which

¹⁶ Sanskrit Dictionary, 'vid' (2026) <https://sanskritdictionary.com/?q=vid&iencoding=iast&lang=sans> accessed 2026

¹⁷ Sanskrit Dictionary, 'saṃskṛta' (2026) <https://sanskritdictionary.com/saṃskṛta/244243/1> accessed 2026

¹⁸ Sanskrit Dictionary, 'dhṛ' (2026) <https://sanskritdictionary.com/dhṛ/111287/1> accessed 2026

¹⁹ Sanskrit Dictionary, 'svadharmā' (2026) <https://sanskritdictionary.com/svadharmā/276801/1> accessed 2026

²⁰ Sanskrit Dictionary, 'bhagavadgītā' (2026) <https://sanskritdictionary.com/bhagavadgītā/160928/1> accessed 2026

²¹ Sanskrit Dictionary, 'svabhavas' (2026) <https://sanskritdictionary.com/svabhavas/276890/1> accessed 2026

²² Sanskrit Dictionary, 'karman' (2026) <https://sanskritdictionary.com/karman/5079/2> accessed 2026

²³ Sanskrit Dictionary, 'puruṣārtha' (2026) <https://sanskritdictionary.com/puruṣārtha/138255/1> accessed 2026

²⁴ Sanskrit Dictionary, 'arthega' (2026) <https://sanskritdictionary.com/arthega/18833/1> accessed 2026

²⁵ Sanskrit Dictionary, 'kāma' (2026) <https://sanskritdictionary.com/kāma/54044/1> accessed 2026

²⁶ Sanskrit Dictionary, 'ṛta' (2026) <https://sanskritdictionary.com/ṛta/43705/1> accessed 2026

are present in the Dharmasutras. Dharma should remain an individual's topmost priority when performing all the other goals, as one who practices dharma throughout, is said to achieve the final goal, i.e., moksha.

- Artha is the “means of life” - this is an individual's ideal in life, as performing activities based on the artha, the svadharma activates itself, as they are complementary to each other, owing to the fact that leading a life based on an individual's svadharma is the ethic to be followed for the achievement of the final goal. This generally refers to the career an individual is in, all while maintaining the principles of dharma.
- Kama necessitates desire, passion, love or pleasure, without lustful denotations. This forms part of the lifestyle, as procreation is a mandate to one's livelihood, but it should be done without violating dharmic principles, or one's moral responsibility, or it will deter an individual's path to moksha.
- Moksha is liberation from the cycle of life and death, which is achieved through selfless action, devotion and knowledge²⁷.

There were no binding authoritative bodies present during this time, but the thought of not being placed favourably in the succeeding lives was the driving force for individuals, in order for them to perform their svadharma. The svadharma of an individual also involved inculcating the principles of Dharma in their daily life, and the same would lead to the good (*punya*²⁸), and moving away from it would lead to sin (*papa*²⁹); having later connotations during the king's rule to redeem oneself, in the form of penance (*prayaschitta*³⁰) which was done by way of punishment (*danda*³¹) based on the degree of misdemeanour.

There are vast connotations of the Vedic texts, if properly delved into. The chronology of the texts is of penultimate importance, which help in navigating through the history of the Vedas; and subsequent texts which have served great importance in enriching the domain of arts,

²⁷ Patrick Olivelle, "Moksha" (Encyclopaedia Britannica, 19 July 1998) <https://www.britannica.com/topic/moksha-Indian-religion> accessed 2026

²⁸ PrabhupadaBooks, 'sukṛti' (2026) <https://prabhupadabooks.com/cc/antya/16/100?d=1> accessed 2026

²⁹ "Kosha Sanskrit Dictionary, entry for पाप (sin)" available at <https://kosha.sanskrit.today/word/sa/pApa> (accessed 2026)

³⁰ "Sanskrit Dictionary, entry for प्रायश्चित्त (atonement)" available at <https://sanskritdictionary.com/prāyaścitta/255767/3> (accessed 2026)

³¹ "Sanskrit Dictionary, entry for दण्ड (punishment)" available at <https://sanskritdictionary.com/daṇḍa/98214/1> (accessed 2026)

sciences, mathematics, warfare, family life, etc. for the years to come. The Vedas are a principal source of law, as we know today, but in the ancient legal sense, these texts were more principled toward an individual's dharma, rather than being grounded in the legal framework. Customs are a source of law, but in the present day, dharma does not play as paramount a role, as it did earlier. What this denotes is that, law has gone through various time frames, and finds a rigid structure in modern connotations. Livelihood is dependent on law, as it provides a basic structure for maintaining a principled way of life. Law, as we witness presently, is the result of social transformations through the ages. Earlier, customs and dharmic principles played a major role in shaping the lifestyle of an individual, but in the present day, principles of equity, justness, and good conscience are directives, rather than hard rules. The need for law is supreme, as we progress through the ages or *yugas*³² (epoch) as it is said that dharma is to be reduced by twenty-five per cent with every yuga, and in the *kali yuga*³³, it has evaded individuals by seventy-five per cent.

The Dharmasutra belongs directly to one of the branches in the Vedas - a class of *Kalpa Sutra*³⁴, which consists of *Shrauta-sutras*³⁵ (regulated most elaborate rituals), *Griha-sutras*³⁶ (regulated modest household rituals) and *Shulba-sutras*³⁷ (devoted to the correct construction of the sacrificial altar). Each of these Kalpa Sutras exist in each branch of the Vedas. The Vedas are broadly divided into the Rigveda, *Samaveda*³⁸, *Yajurveda*³⁹ (white Yajurveda - *Shukla Yajurveda*⁴⁰ and black Yajurveda - *Krishna Yajurveda*⁴¹) and *Atharvaveda*⁴². The Vedas are sub classified into the *Samhita*⁴³, *Brahmana*⁴⁴, *Aranyaka*⁴⁵, and the *Upanishad*⁴⁶. The Vedas are a collection of hymns, containing prayers and knowledge about rituals, but they go beyond these, as the Vedas are the main source of Hindu jurisprudence, so they contain information

³² Sanskrit Dictionary, 'yuga' (2026) <https://sanskritdictionary.com/yuga/186389/1> accessed 2026

³³ Sanskrit Dictionary, 'kali' (2026) <https://sanskritdictionary.com/kali/51947/1> accessed 2026

³⁴ Sanskrit Dictionary, 'kalpasūtra' (2026) <https://sanskritdictionary.com/kalpasūtra/52176/1> accessed 2026

³⁵ Sanskrit Dictionary, 'śrautasūtra' (2026) <https://sanskritdictionary.com/śrautasūtra/240898/1> accessed 2026

³⁶ R.T.H. Griffith (trans), The Hymns of the R̥gveda, Sacred Texts, available at <https://sacred-texts.com/hin/sbe29/index.htm> (accessed 2026)

³⁷ Śulbasūtras (शुल्बसूत्र), ancient Sanskrit mathematical sutra texts on geometry and fire altar construction, available at <https://www.wisdomlib.org/definition/shulbasutra> (accessed 2026)

³⁸ Sanskrit Dictionary, 'sāmaveda' (2026) <https://sanskritdictionary.com/sāmaveda/260456/1> accessed 2026

³⁹ Sanskrit Dictionary, 'yajurveda' (2026) <https://sanskritdictionary.com/yajurveda/183442/1> accessed 2026

⁴⁰ Shukla Yajurveda, <https://www.shuklayajurveda.org> (accessed 2026)

⁴¹ Sri Sharada Vedalayam, Krishna Yajur Veda, <https://srisharadavedalayam.org/krishna-yajur-veda/> (accessed 2026)

⁴² Sanskrit Dictionary, 'atharvaveda' (2026) <https://sanskritdictionary.com/atharvaveda/4192/1> accessed 2026

⁴³ Sanskrit Dictionary, 'samhitā' (2026) <https://sanskritdictionary.com/samhitā/244638/1> accessed 2026

⁴⁴ Sanskrit Dictionary, 'brāhmaṇa' (2026) <https://sanskritdictionary.com/brāhmaṇa/160365/1> accessed 2026

⁴⁵ Dr Shashi Tiwari, "Aranyakas," Vedic Heritage, <https://vedicheritage.gov.in/aranyakas/> (accessed 2026)

⁴⁶ Sanskrit Dictionary, 'upaniṣad' (2026) <https://sanskritdictionary.com/upaniṣad/39960/1> accessed 2026

about Vedic sciences, and how an individual is to live their life based on principles of selflessness, sacrifice, and inner consciousness. The Rigveda is considered the prime source of the Vedas, as it dates back as far as before 4000 BC. All the other Vedas are based on the Rigveda, as they draw on philosophy.

The Dharmasutras (600 BCE-200 BCE), have been sourced from the Vedas, and, the Dharmasastras (200 BCE-500 CE) have been derived from the Dharmasutras. The Dharmasutras⁴⁷ are composed in *sutras*⁴⁸ (aphorisms), which are short without commentaries; whereas the *Dharmasastras*⁴⁹ are composed in the form of treatises or manuals that provide extensive commentary on connoted aspects of Dharma. Dharmasutras are considered to be more authoritative than Dharmasastras, as they are believed to be based on the teachings of the ancient sages or *rishis*⁵⁰. Dharmasastras, on the other hand, are often attributed to specific authors. The Vedas have been watered down into the Smritis, eventually; the Smritis are literature which is found available, as the Vedas are considered *apauruseya*⁵¹ (meaning, they have no human authors, but were revealed to sages or rishis through veneration, or deep meditative states by The Divine). The Sanskrit treatises on Smritis appeared as commentaries and digests, the most important of which were the *Mitakshara*, written by Vijnaneswara (1100 A.D.), and *Dayabhaga* written by Jimutavahana (1300 A.D.)⁵². Over time, Smritis were used in reference to work dealing with social conduct, norms, and laws, such as the Manusmriti⁵³. The theory of divine origin attains its most developed form in the Manusmriti. VII. 3, 4, 8 of Manusmriti states that “The Lord created a king for the protection of this whole creation, taking (for that purpose) eternal particles of *Indra*, of the Wind, of *Yama*, of the Sun of Fire, of *Varuna*, of the Moon, and of the Lord of Wealth, *Kubera*”⁵⁴.

Kautilya’s Arthashastra was another source, wherein the duties of the king have been delved

⁴⁷ "Differentiate Between Dharmasutras and Dharmashastras" (Krayonnz, no date) <https://www.krayonnz.com/user/doubts/detail/62a2d56bf37dc6004b847446/differentiate-Between-Dharmasutras-and-Dharmashastras> accessed 2026

⁴⁸ Sanskrit Dictionary, entry for सूत्र (aphorism) available at <https://sanskritdictionary.com/sūtra/269853/1> (accessed 2026)

⁴⁹ Sanskrit Dictionary, 'dharmaśāstra' (2026) <https://sanskritdictionary.com/dharmaśāstra/109684/1> accessed 2026

⁵⁰ Vyasa Online, "Rishi," <https://www.vyasaonline.com/encyclopedia/rishi/> (accessed 2026)

⁵¹ Apaurusheya, "What Is Meant By The Term 'Apaurusheya'," Indian Philosophy, 29 February 2020, <https://indicphilosophy.com/2020/02/29/what-is-meant-by-the-term-apaurusheya/> (accessed 2026)

⁵² M S Rama Rao, *Hindu Law* (Msrlawbooks, 2012) 1–2 (introduction: overview of Hindu Dharma, Smritis, Dharmashastra, major commentaries and schools of Hindu law, and the codified and uncodified system)

⁵³ "Vedic Literature, Features, Shruti & Smriti, Significance!" (Testbook, no date) <https://testbook.com/ias-preparation/vedic-literature> accessed 2026

⁵⁴ Majumdar, R. C. (n.d.). *Ancient India*. Motilal Banarsidass Publishers Private Limited

into, as earlier stated, the primordial duty of the king is to uphold principles of Dharma. The king's rule of conduct is based on administering justice, and he must do so on the basis of Dharma, *Vyavahara*⁵⁵ (custom), *Charitra*⁵⁶ (usage), and ultimately, *Rajasasana*⁵⁷ (his own edict).

Through the passage of time, the king's rule was paramount, and there was no order that would overstep the king's order. Throughout the ages, or the yugas, this was the system of rule, although it started dwindling when the colonisers invaded the country.

III. COLONIAL HISTORY OF LAW AND ITS SUBSEQUENT EVOLVEMENT

India has witnessed change through the eons. The country found its base in the king's rule, and kept up with legal order set forth by the king. The last known predominant monarchical system was when the country was invaded by the *Mughals*⁵⁸ in the 1500s, and they ruled for about three hundred years, with their last known ruler to be Bahadur Shah Zafar II, around which time India concurrently was under colonial governance. With the decline of the Mughals, came the decline of the monarchical system of law and order. In the prime, ancient legal sense, the duty of the king was to rule over his subjects, maintaining principles of Dharma. Gradually, after the descent of the kingship rule, India was heading toward colonisation by the British troops. The king's rule nevertheless did exist regionally, but not in its prior, pronounced form.

The British rule was advantageous in the aspect that, under their domain, British India⁵⁹ witnessed significant growth in terms of law's binding nature, giving it an essence, which was absent earlier - in respect to codification, otherwise, the system of order was based on principles of morality, which were the guiding ethic. Many leading legislations in the contemporary structure, such as the Indian Penal Code, 1860 (IPC, 1860)⁶⁰ (now, Bharatiya Nyaya Sanhita, 2023 – BNS, 2023⁶¹) were formed during British rule. The colonisers saw a need for a

⁵⁵ Sanskrit Dictionary,

'vyavaharanavahartṛ' <https://sanskritdictionary.com/vyavaharanavahartṛ/225520/1> accessed

⁵⁶ Sanskrit Dictionary, 'caritra' <https://sanskritdictionary.com/caritra/79859/1> accessed

⁵⁷ राजशासन, ShabdKosh Hindi-English Dictionary, <https://www.shabdKosh.com/hi/dictionary/hindi-english/राजशासन/राजशासन-meaning-in-english> (accessed 2026)

⁵⁸ The Editors of Encyclopaedia Britannica, 'Mughal dynasty' (Britannica, 2026) <https://www.britannica.com/topic/Mughal-dynasty> accessed 2026

⁵⁹ Wikipedia contributors, 'British Raj' (Wikipedia, 2026) https://en.wikipedia.org/wiki/British_Raj accessed 2026

⁶⁰ Law Commission of India, 'Indian Penal Code' (lawcommissionofindia.nic.in, 2026) https://lawcommissionofindia.nic.in/cat_indian_penal_code/ accessed 2026

⁶¹ AdvocateKhoj, 'भारतीय न्याय संहिता, 2023' ('Bharatiya Nyaya Sanhita,

structured system of law and order, so as to keep the cycle of crime and punishment moving. Courts were set up, and subsequent legislations were formed. The royal courts, during the king's rule were replaced by the Mayor's Court in 1726⁶², by the Judicial Charter⁶³, which was the first, proper court set up by the British East India Company⁶⁴. Although the reason for setting up the Court was to serve the administrative requirements of the British, it introduced India to the modern connotation of law. However, the Court ignored local customs, and applied English Law⁶⁵ while adjudicating disputes, and causing disparities. It was more of a stopgap to address the legal requisites of the British, rather than of the Indians, and it eventually was dissolved. In the wake of establishing the Crown's⁶⁶ rule, the Supreme Court of Judicature at Fort William, Calcutta⁶⁷ was set up in 1774, by the order of the Regulating Act, 1773⁶⁸. Gradually, around 1772, the need for Anglo-Hindu Law⁶⁹ arose, as India finds its base in culture and custom, which was ultimately addressed, which was the first phase, and the ancient texts were interpreted by court-appointed *pandits*⁷⁰. From 1828-1855, British Acts of the Parliament⁷¹ were passed to revise laws in relation to widow remarriage, inheritance, etc. The Lex Loci Report⁷² was produced by the First Law Commission of British India⁷³ in 1837, which recommended the codification of penal laws, common civil law, limitation law, etc. Later, in 1864, during the second phase of Anglo-Hindu Law, when the British East India Company wound up, and India was formally under the British rule, the focus was more on written laws,

2023') <https://www.advocatekhoj.com/library/bareacts/bharatiyanayasanhita/index.php?Title=Bharatiya%20Nyaya%20Sanhita> accessed 2026

⁶² AllClearNotes, '4 The Mayor's Court of 1726' (2026) <https://allclearnotes.in/tag/4-the-mayors-court-of-1726/> accessed 2026

⁶³ LawColumn, 'The Charter of 1726 – Uniform Judicial System' (2026) <https://lawcolumn.in/the-charter-of-1726-uniform-judicial-system/> accessed 2026

⁶⁴ The Editors of Encyclopaedia Britannica, 'East India Company' (Britannica, 27 2026) <https://www.britannica.com/topic/East-India-Company> accessed 2026

⁶⁵ The Editors of Encyclopaedia Britannica, 'English law' (Britannica, 2026) <https://www.britannica.com/topic/English-law> accessed 2026

⁶⁶ Historic UK, 'Kings and Queens of England & Britain' (2026) <https://www.historic-uk.com/HistoryUK/KingsQueensofBritain/> accessed 2026

⁶⁷ Legal Service India, 'The Supreme Court of Judicature 1774' (2026) <https://www.legalserviceindia.com/legal/article-2433-the-supreme-court-of-judicature-1774.html> accessed 2026

⁶⁸ cbc.gov.in, 'Regulating Act of 1773' (2026) <https://cbc.gov.in/cbcdev/british/british1.html> accessed 2026

⁶⁹ Cambridge University Press, 'The creation of Anglo-Hindu law' in *Hinduism and Law* (2010) <https://www.cambridge.org/core/books/abs/hinduism-and-law/creation-of-anglohindu-law/C27734E3929A974688414B4ACA826D6E> accessed 2026

⁷⁰ Sanskrit Dictionary, 'paṇḍita' <https://sanskritdictionary.com/paṇḍita/125443/1> accessed

⁷¹ The Editors of Encyclopaedia Britannica, 'Parliament' (Britannica, 2026) <https://www.britannica.com/topic/Parliament> accessed 2026

⁷² AdvocateKhoj, 'Reform of Judicial System' (2026) <https://www.advocatekhoj.com/library/lawreports/reformofjudicial/3.php?Title=> accessed 2026

⁷³ Law Commission of India, 'Early Beginnings' (lawcommissionofindia.nic.in, 2026) <https://lawcommissionofindia.nic.in/about-department/early-beginnings/> accessed 2026

rather than religious laws, however, the pandits were dismissed due to inconsistent interpretations of the ancient texts.

After the colonisers had taken full reign of the then British India, there was a need of binding laws into a codified form, so as to not cause any ambiguities, for instance, the Child Marriage Restraint Act, 1929⁷⁴ was formed to fix the marriageable age for girls at fourteen, and boys at eighteen, which also deems to showcase that there were vices present in our society, which required overhauling. To cater to this need, there were a number of reformist movements like the *Brahmo Samaj*⁷⁵ for instance, founded by Raja Ram Mohan Roy in 1828, which simultaneously addressed regressive issues, such as child marriage, female infanticide, or the practice of *sati*⁷⁶ (burning of widow on husband's funeral pyre). A codification against these norms was advocated for in legislations such as the Female Infanticide Prevention Act, 1897⁷⁷ (earlier, the 1870 Act⁷⁸ that was in practice, was repealed) or the Hindu Widow's Remarriage Act, 1856, which came into place after a great deal of tumult. For instance, the abolition of sati was a strenuous operation, and the principal force behind it was Raja Ram Mohan Roy, who wrote articles about this backward practice in his journal, *Sambad Kaumudi*⁷⁹. Ironic is the fact that people believed that sati was advocated for in the Vedas, and other texts, without substantial proof to this claim. The truth of the matter is that the Vedas have no mention of *sati pratha*⁸⁰, and neither do subsequent texts. Lord William Bentinck, the then Governor-General of British India helped pass the sati abolition laws.

Such is also the ideal behind the caste system (*varna*⁸¹ system, although there is no specific mention of "varna" in the Vedas initially, but it denotes the caste system) – it classifies

⁷⁴ Ministry of Women and Child Development, 'Child Marriage Restraint Act 1929' (wcdhry.gov.in, 2026) <https://wcdhry.gov.in/document/child-marriage-restraint-act-1929-size-160-kb-format-pdf-language-english/> accessed 2026

⁷⁵ Brahmo Samaj, Brahmo Samaj: The Society of Worshipers of the One True God, <https://brahmosamaj.org> accessed 2026

⁷⁶ Wendy Doniger and Charles Preston, 'sati' (Britannica, 10 September 2026) <https://www.britannica.com/topic/suttee> accessed 2026

⁷⁷ Female Infanticide Prevention (Amendment) Act, 1897, Act No 03 of 1897 (Legitquest) <https://www.legitquest.com/act/female-infanticide-prevention-amendment-act-1897/26C7> accessed 2026

⁷⁸ Female Infanticide Prevention Act, 1870 (repealed), Act 8 of 1870 (Legitquest) <https://www.legitquest.com/act/female-infanticide-prevention-act-1870-repealed/b4af> accessed 2026

⁷⁹ dsource.in, 'Sambad Kaumudi by Ram Mohan Roy' (2026) <https://dsource.in/dcontent/design-india/collection/collection-details2.php?id=202> accessed 2026

⁸⁰ Indiatoday.in, 'From royal rituals to grim reality: The rise of Sati practice in mediaeval India' (4 December 2024) <https://www.indiatoday.in/education-today/gk-current-affairs/story/sati-practice-rise-spread-abolition-india-2644905-2024-12-04> accessed 2026

⁸¹ Vocabulary.com, 'Varna' <https://www.vocabulary.com/dictionary/varna> accessed 2026

individuals into different classes, depending upon their vocation, without any negative connotations. Although, the original intent behind the caste system was not egregious, the denotation of caste system, as is dealt with in present times is unfavourable, even though it is specifically mentioned in the Constitution that there should be no form of discrimination meted out to any individual on the basis of caste, creed, sex, etc.

To underscore the themes of Dharma, the Gandhian⁸² essential of *ahimsa*⁸³ (non-violence) may be examined as well. Ahimsa means causing no harm to others, inclusive of other individuals, animals, and plants as well. The core values of ahimsa are enshrined in the dharmic principles, as Dharma is convergent with peace, and leading a life of calmness. King Ashoka (3rd century BCE) was a believer of ahimsa as well, showcasing another example of how rooted dharmic principles are.

Moving forward to when India was liberated from British rule, the modern meaning of Hindu Law, or Hindu personal laws, as we know them today (infused with an essence of ancient texts) located their source in Anglo Hindu Law, which took shape during the colonial period. The Constitution of India has been borrowed from other Constitutions, such as the Constitution of Ireland⁸⁴, or the American Constitution⁸⁵ to derive some pertinent features to form one binding legal document which was the need of the hour, at the wake of independence. Hindu personal laws took form in the HMA, 1955, and the HSA, 1956, mainly, after a few years after independence. Post independence, it was an utter state of chaos, in every corner of the country, especially at the borders. The unified personal law, or umbrella legislation for all religions, especially for the Hindus and the Muslims, that was suggested after the arrival of Governor-General William Bentinck in 1828 gained unpopular traction from the general public, and has remained a theory, which was not administered. The Hindu Code Bill⁸⁶ was passed in 1955, which is a conglomeration of four separate legislations, namely the HMA, 1955, the HSA, 1956, the Hindu Adoptions and Maintenance Act, 1956⁸⁷ and the Hindu Minority and

⁸² Vocabulary.com, 'Gandhian' (2026) <https://www.vocabulary.com/dictionary/Gandhian> accessed 2026

⁸³ Sanskrit Dictionary, 'ahimsā' <https://sanskritdictionary.com/ahimsa/25499/1> accessed 2026

⁸⁴ Government of Ireland, 'Constitution of Ireland' (1 November 2018) <https://www.gov.ie/en/department-of-the-taoiseach/publications/constitution-of-ireland/> accessed 2026

⁸⁵ United States Senate, 'Constitution of the United States' (2026) <https://www.senate.gov/about/origins-foundations/senate-and-constitution/constitution.htm> accessed 2026

⁸⁶ Wikipedia, "Hindu code bills" (last modified 2026) https://en.wikipedia.org/wiki/Hindu_code_bills accessed 2026

⁸⁷ The Hindu Adoptions and Maintenance Act, 1956 (India), Act No 78 of 1956, enacted 21 December 1956, available at <https://www.indiacode.nic.in/handle/123456789/1638?locale=en> (accessed 2026)

Guardianship Act, 1956⁸⁸. The consolidation of the Acts took place because there was a requirement for Hindu personal laws to fall part of one unified legislation. This was also thought of, to have a modern definition of the Hindu personal laws by codifying them, and instilling a sense of national unity. The need for a Uniform Civil Code (UCC) was realised in 1925 by the Indian National Congress⁸⁹, and then again in 1985, when the Law Commission of India⁹⁰ suggested the introduction of UCC. The Hindu Code Bill had no provision in relation to the UCC. In 2005 again, the National Commission for Women⁹¹ recommended the introduction of the UCC, but there has not been any formal codification of the UCC, so it remains in Article 44⁹² under Part IV of the Indian Constitution which entail the Directive Principles of State Policy⁹³.

The evolution of time has unveiled the juxtaposition of the Vedic law with modern day law. Although, the manner in which the Vedas have been embedded in present day legislations are rather different than how they were treated in the ancient times. The subsequent parts will help in understanding the modern-day connotations of law, all while comprising Vedic principles in its very core.

IV. LATEST TRENDS OF VEDIC SIGNIFICANCE IN LAW

The principles of equity and good conscience, or the principle of good faith that has its grounding in the Vedas, as do many other directive principles, or legal rules, for that matter. The seeds which were sown through divine revelations in the Vedas, found their way in legislations such as the HMA, 1955, which are pertinent to this day. There have been statutes, judicial pronouncements, and constitutional debates to underline the principles of Dharma which prove relevant, because India is a land of culture and diversity, and the people of India have rooted beliefs in customs and their importance in shaping individuals through the ages.

⁸⁸ The Hindu Minority and Guardianship Act, 1956 (India), Act No 32 of 1956, enacted 25 August 1956, available at https://www.indiacode.nic.in/handle/123456789/1649?view_type=browse (accessed 2026)

⁸⁹ The Editors of Encyclopaedia Britannica, 'Indian National Congress' (Britannica, 25 September 2026) <https://www.britannica.com/topic/Indian-National-Congress> accessed 2026

⁹⁰ Law Commission of India, 'Report No. 88-109, 1983' (lawcommissionofindia.nic.in, 2026) https://lawcommissionofindia.nic.in/report_tenth/ accessed 2026

⁹¹ National Commission for Women, 'Annual Report 2005 – 2006' (ncw.gov.in, 9 January 2026) <https://www.ncw.gov.in/reports/annual-report-2005-2006/> accessed 2026

⁹² ConstitutionOfIndia.net, 'Article 44: Uniform civil code for the citizens' <https://www.constitutionofindia.net/articles/article-44-uniform-civil-code-for-the-citizens/> accessed 2026

⁹³ ConstitutionOfIndia.net, 'Part IV - Directive Principles of State Policy' <https://www.constitutionofindia.net/parts/part-iv/> accessed 2026

Customs are also a source of law, pointing to the fact that the origins of law are vast, and it encompasses deep rooted customs, which hold relevance in the current system of law and order. That being stated, it does not involve regressive customs, which would have an adverse effect, and not let law reach its full potential by way of evolution, as mentioned earlier.

Dharma has had various connotations, wherein, it has been believed that Dharma is law, but it is not primordially law – it is cosmic law, which is something beyond our grasp. Dharma in its prime form, is not law, it's a way of life – the eternal nature of reality. Dharma provides moral duties in which manner an individual will conduct himself, which are not of a strict nature, and not legally binding. Some of these ideals have remained with us in the present times, as their essence cannot be done without. When individuals committed papa in ancient times, it was not condoned as it is today, which equates to a crime, in modern terminology, if it goes against the nature of law. The reaction to papa committed were inner reflections of the perpetrated wrong, and the internal fear of not getting a favourable birth in the next life. This is the sole principle on which individuals contain themselves, by not tempting fate. In present times, moral rationale is not enough to hold back perpetrators of crime. According to the rational choice theory⁹⁴ under the School of Classical Criminology⁹⁵, it is assumed that humans have hedonistic features, meaning, they seek maximisation of pleasure, so a criminal would try to outweigh his choices – whether he derives “pleasure” in the commission of crime, or in the resulting factors of it, i.e., arrest, punishment, etc., which equate to “pain” is so stringent that he stops. The guiding principle behind this is Jeremy Bentham's utilitarian theory⁹⁶. There have been earlier derivations suggestive of the same in viewing the theory from a sociological perspective, i.e., in the *Leviathan*⁹⁷ by Thomas Hobbes, an individual chooses their actions by maximising their chances of security.

Dharma or pure Vedic thought is somewhat related to the natural law school of jurisprudence, as the belief that law rests with inherent principles of morality, derived from nature, or a divine source. Natural law is universal and eternal in nature, and will never cease to exist, even after

⁹⁴ SimplyNickerson, C., 'Rational Choice Theory' (Simply Psychology, 15 December 2021)

<https://www.simplypsychology.org/rational-choice-theory-of-criminology.html> accessed 2026

⁹⁵ LawTeacher.net, 'Critically Assess The Strengths And Weaknesses Of The Classical School Of Criminological Thought' <https://www.lawteacher.net/free-law-essays/criminology/the-classical-school-of-criminological.php> accessed 2026

⁹⁶ Jeremy Bentham, 'Jeremy Bentham' (Utilitarianism.net, 28 January 2023) <https://utilitarianism.net/utilitarian-thinker/jeremy-bentham/> accessed 2026

⁹⁷ SparkNotes, 'Leviathan: Full Work Summary' (SparkNotes, n.d.) <https://www.sparknotes.com/philosophy/leviathan/summary/> accessed 2026

time. However, the natural law school advocated that natural laws stand above all human laws, and when there is a contention, natural law will supersede human law – the difference in the nature of dharmic principles and the natural law school is that the Vedas (principal source) are not coercive in nature, and will not bind individuals to follow Dharma, it should come from within, and enforceability goes absolutely against the nature of dharmic principles. Striking the perfect balance between normative principles of the Vedas and the positive intent of the statutes, grounded in hard sources, is what the law stands for today.

From the legal standpoint, there have been legislations which imbibe the basic tenets of Vedic principles, such as the institution of marriage, inheritance laws and succession laws. This can be seen via legislations such as the Caste Disabilities Removal Act, 1850⁹⁸ (pre-independence), and the Hindu Minority and Guardianship Act, 1956 (post-independence), etc. *“A precedent is not merely evidence of law but also a source of law and the courts are bound to follow the precedents.”*⁹⁹ The above statement was made in reference to customs, which became judicial precedents, and thus, is an enabling mechanism for courts.

In the landmark judgment of *Sarla Mudgal vs. Union of India* (1995)¹⁰⁰, the Supreme Court had to deal with numerous petitions in lieu of bigamy, where several wives had filed them, where the contention was whether the Hindu husband may convert to Islam to solemnise a second marriage. Bigamy is unlawful as per Section 494 of the IPC, 1860¹⁰¹ [now Section 82(1) of the BNS, 2023¹⁰²], and a marriage can only be dissolved under the grounds provided in Section 13 of the HMA, 1955¹⁰³, under which bigamy isn't a ground because Hindu Law has no such provisions. Another landmark judgment is that of *Vineeta Sharma vs. Rakesh Sharma* (2020)¹⁰⁴ where daughters were granted equal coparcenary rights in certain cases. The Supreme

⁹⁸ Caste Disabilities Removal Act 1850 (Act No. 21 of 1850), enacted 11 April 1850, available at <https://www.latestlaws.com/bare-acts/central-acts-rules/family-laws/caste-disabilities-removal-act-1850/> (accessed 2026)

⁹⁹ R.K. Aggarwal, Hindu Law (Scribd, 18 November 2021) <https://www.scribd.com/document/541761879/Hindu-law-RK-Aggarwal-18-Nov-2021-15-46-17> accessed 2026

¹⁰⁰ *Sarla Mudgal v Union of India*, AIR 1995 SC 1531, (1995) 3 SCC 635 (Supreme Court of India, 10 May 1995)

¹⁰¹ Indian Penal Code 1860 (India), s 494, "Marrying again during lifetime of husband or wife," available at https://www.indiacode.nic.in/show-data?actid=AC_CEN_5_23_00037_186045_1523266765688&orderno=557 (accessed 2026)

¹⁰² BNS Criminal Code, Chapter V, s 82, "Marrying again during lifetime of husband or wife," available at <https://devgan.in/bns/section/82/> (accessed 2026)

¹⁰³ Hindu Marriage Act 1955 (India), s 13, "Divorce," available at https://www.indiacode.nic.in/show-data?actid=AC_CEN_3_20_00004_195525_1517807318992&orderno=13 (accessed 2026)

¹⁰⁴ *Vineeta Sharma v Rakesh Sharma* (2020) 6 SCC 1 (Supreme Court of India)

Court clarified that the rights to a co-parcener apply to daughters, who were born before the amendment of the HSA, 1956, or whose fathers died before the same. In *Indian Young Lawyers Association vs. State of Kerala (2018)*, or the widely known *Sabarimala Temple* judgment, it was held unconstitutional to infringe upon the fundamental rights of women aged 10-50, under Article 15 of the Constitution¹⁰⁵. The right against untouchability, based on the notion of 'purity' includes social exclusion. The Vedas have no mention of such regressive notions, so it is clear that in some cases, the Vedas have been watered down in such a way that the inner meaning of the texts get misinterpreted. The Vedas are a divine reality, and harping on these denotations, the law as we witness today is an amalgamation of the core of the Vedas, and modern Hindu Law.

V. CONCLUSION

To sum up, the denotations of the Vedas, and how it is being dealt with, in the modern, legal sense is different, as there are official codifications, principles have binding power, even if they are directives, they will find a grounding in legislative provisions. There has been major development, or evolvement in the contemporary legal framework, as it has gone through changes over the decades. The ancient sense in which the Vedas are interpreted, for the principles of morality and justice prove to be a good read, but when it comes to the practical application of the same, it is not possible in the way it was originally intended, because with time, dharma has reduced, and we rely on the revolution of crime and punishment, and to incorporate principles of equity, and good conscience are very much theoretical now, but they do pose as directions for a better quality of life, but have very little legal significance. What does have legal significance are Hindu personal laws, which find their way through legislations, judicial precedents, case laws, statutes, etc., and provisions such as Article 21¹⁰⁶ which guarantees citizens the right to life and personal liberty, stating that no person shall be deprived of these, and in ancient times, this was already in practice, along with many other principles of good conscience, as people led their lives based on dharmic principles, and here lies the difference between then and now, because, in the present day, basic fundamental rights demand codification.

¹⁰⁵ Constitution of India 1950, art 15, "Prohibition of discrimination on grounds of religion, race, caste, sex or place of birth," available at <https://www.constitutionofindia.net/articles/article-15-prohibition-of-discrimination-on-grounds-of-religion-race-caste-sex-or-place-of-birth/> (accessed 2026)

¹⁰⁶ Constitution of India 1950, art 21, "No person shall be deprived of his life or personal liberty except according to procedure established by law."