
CONCEPT OF JUSTICE IN THE CONTEXT OF DHARMA: AN ANCIENT PHILOSOPHY

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ABSTRACT

The concept of Dharma is in India since the very Vedic period. origin can be traced back to Vedas, and the holy scripture Bhagavad Gita depicts the wider connotation of dharma. Dharma in contradiction to the general understanding does not mean religion. The word Dharma originated from the Sanskrit word, 'dhr' means to uphold or to support what is stable and eternal. Manu-smriti prescribes dharma as the set of obligations incumbent on each member of social classes which to be carried out in the different stages of our life. Knowledge, patience, justice, love, and dedication are the pillars of the concept of dharma. So, dharma is a very wide concept, of which justice is a part. According to lord Krishna, dharma is for the soul and a path to ultimate salvation. Dharma has a wide variety of meanings. For example, the term can be used to refer to justice, what is morally right in a given situation, religious obligations of people, righteous conduct in all areas of life that benefits other living things, supporting a cause that benefits the public, giving alms to the poor, natural qualities or characteristics or properties of living things, duty, law, etc. We often equate law and justice to dharma, but dharma is a broader idea that encompasses different aspects of justice and much more. This paper analyzes the concept of dharma and its importance in the real world and also analyzes the concept of justice in relation to dharma and its interrelations. This paper also talks about the practical situations in which the concept of dharma was adopted by the Indian courts while rendering justice.

Keywords: Dharma, justice, inter-relation, ancient philosophy.

Introduction:

Dharma means the universal natural principles that apply to everyone. The word Dharma originated from the Sanskrit word, 'dhr' means to uphold or to support what is stable and eternal. The primary objective of the law during the Vedic era was to protect "dharma," which means "justice" and "obligation." Dharma is composed of moral and legal obligations. This includes a wide range of human activities, such as ritual purification, personal hygiene practices, and dress codes, in addition to laws and court proceedings. Dharma provided the fundamental principles that one attempted to live their life by. Dharma is Sanatana, meaning it has values that are beyond time and place and are, therefore, eternal.¹

Since the beginning of time, we have believed in Dharma. Religion and dharma are not the same things, but they are frequently used interchangeably because of this misunderstanding. The current legal system, which focuses more on rights than duties, is in sharp contrast to this idea of dharma, which is why injustice is causing everywhere.

Dharma is a wider concept of which the concept of justice is just a part. Dharma includes the various aspects like justice, law, righteousness, duty, right, equality, equity, and much more.

Meaning and evolution of dharma:

Dharma can mean a lot of different things. For example, the word is used to refer to justice, what is morally right in a given situation, religious obligations of people, righteous conduct in all areas of life that is beneficial to other living things, providing clarity to people who need it, or to a public cause or giving alms to the needy, natural qualities or characteristics or properties of living beings, duty, law, etc.

Dharma originates from the Vedas, which are Sruti (heard information) and are the best source of knowledge for humanity. Sruti is the narrative of what is heard from the ancient priests and sages. And the Vedas contain narration on everything relevant, including from the armed forces and politics to everyday life. Its various sources include Smriti, which is a translation of the Vedas. Mainly four sages have articulated the dharmasastras and are known as Smritikars. They are as follows:

¹ Ludo Rocher, Hindu Conceptions of Law, 29 Hastings L.J. 1283 (1978).

1. Manu
2. Yajnavalkya
3. Brihaspati
4. Narada

The other source is the Puranas, which have eighteen different varieties and contain details about the beginnings of the dynasties of gods, sages, and kings, as well as a specific explanation of yugas. One verse from the Brihadaranyaka Upanishad, "punyo vai punyena Karmana bhavati, Papah Papeneti," which means "everyone becomes excellent via desirable deeds and awful through terrible deeds," or "everyone reaps what he sows" and "what's true is defined by Dharma," can be used to illustrate the idea that caused people to adhere to the Dharma. In comparison to modern law, classical Hindu law developed into a peculiar legal system because it adhered to a wholly distinctive set of rules and a system of governance with a distinctive set of values. Ancient India had a historically unbiased school of legal theory and practise, and it represented an awesome lifestyle of governance. Due to this morality and responsibility, "dharma" preservation became the primary goal of regulation during the Vedic era. It is generally accepted that Rita, which is a Vedic term that means "the straight line," was the source of Dharma and that it ultimately replaced it. Rita makes reference to the Law of Nature, which is founded on righteousness and denotes moral laws.² Rita just refers to anything being truthful, right, and nothing more. Rita developed alongside Dharma, but eventually, Dharma overtook Rita since the original Rita concept was unable to handle and address the problems that were becoming more and more complex due to societal changes. Natural law is a reflection of dharma.³

Classification of dharma:

As a remedy to the enduring problems resulting from the craving for material pleasure, the Dharma, or principles of blameless action, were developed. Dharma can be divided into Rajadharma, which is the highest dharma for rulers, and Ashrama dharma and Varna dharma, which is the highest dharma for the governed. In accordance with rajadharma, the King was to

² Ralph A. Newman, An Analysis of the Moral Content of the Principles of Equity, 19 Hastings L.J. 147 (1967).

³ Michael S. King, Natural Law, and the Bhagavad-Gita: The Vedic Concept of Natural Law, 16 RATIO Juris 399 (2003).

be considered as benefiting the people regardless of any harm or difficulty to him. The behaviour of a person at various points in his life is the subject of Ashrama Dharma. He dedicates himself to his studies in a gurukula during the first stage as a brahmachari. In the second stage, he marries, settles down, and has children as a young man. In the third, as a man is older, he settles into a forest-based isolated lifestyle and dedicates himself to Vedic Karma without much commitment to the outside world. In the fourth stage, he completely renounces the world to become a sannyasin, abandons even Vedic work, and directs his thoughts toward the Paramatman. Each of them required that greater emphasis be placed on one specific task while also fulfilling other commitments. The overarching goal of sustaining worldly dharma (lok dharma) is the Varnashrama Dharma is to support the development of the universal. This eternal Dharma is not a social arrangement or segregation, and rather, it is a statement of how any society is constituted. If every person follows these things, then justice will be prevailing in society. And because of this concept of Dharma, justice was upheld in ancient times. The happiness of the universe will undoubtedly be ensured if every social group does its duty; additionally, each will be able to obtain what is even more significant, the bliss of the Atma.⁴

Meaning and definition of Justice:

Any action that a reasonable person would deem "just" is regarded as "justice." According to Chanakya, "*It is the power of punishment alone when exercised impartially in proportion to the guilt, and irrespective of whether the person punished is the King's son or an enemy, that protects this world and the next*". According to Kautilya, maintaining law and order is a fundamental responsibility of the government. He uses a broad definition of "order" that covers both societal order and the kind of order that stops and punishes criminal conduct. As a result, both civil law and criminal law are found in the Arthashastra.

Concept of Justice in Dharma:

Law and dharma were not separate ideas in ancient Indian civilization. The concepts of justice, law, and religion were not differentiated in the dharma Sastras, Smritis, and Arthashastra. justice was always equated with dharma and vice versa. In ancient times justice was equated to dharma. Many scholars have spoken about the concept of dharma and justice. Dharma was

⁴ Shiv Narayan Prasad, *Eternal Law: The Underpinnings of Dharma and Karma in the Justice System*, 13 RICH. J. L. & PUB. INT. 49 (2009).

given a lot of weight by Kautilya.⁵ He asserted that "dharma is the ultimate source of all law." In the name of "dharma," he made appeals to human dignity, moral rectitude, and enlightened patriotism as well as to a feeling of honour and duty.⁶ It makes sense why the judge in the Arthashastra was referred to as the "dharmashta," or promoter of dharma. He argued that as long as each "Arya" upholds his "svadharma," taking into consideration his "varna" and "ashrama," and the king upholds his "rajdharma," social order will continue to exist. Kautilya recognized the value of king's law or rational law and its priority for "dharma," "vyavahara," and "charitra." He argued that the rules laid down in the three Vedas, which define the four "varnas" and "ashramas," should be followed by the law of the land. King was not the only person to translate the dharma. In reality, no particular organization was given the power to interpret the dharma. Everyone was thought to be able to interpret it. This contributed significantly to the Vedic state's non-religious nature. He said that Dharma was superior in cases of dispute between the several laws.⁷

Scholars did not consider legislation to be a manifestation of the people's free choice. As a result, citizens did not possess sovereignty or the right to enact laws. Dharma (sacred law), vyavahara (evidence), charita (history, tradition, and custom), and rajasasana (edicts of the King) were the four sources from which laws were developed. Any issue must be decided on the basis of the four principles of justice, according to Kautilya.

Inter-relationship between justice and dharma:

"Dharma is not an outer thing, like the law, or righteousness, or religion, or justice; it is the law of the unfolding life, which molds all outside it to the expression of itself."- Anni Besant. The rules for good and successful living are set forth by dharma for the purpose of social organization and interaction. Dharma broke up the most rigorous form of the social structure in response to the trend for social crystallization.⁸ The Dharma had periodic reincarnation, changing from an idea to a compromised system before becoming convention and law. Dharma's power comes from the fact that it is preventative rather than punishing. Dharma remains still applicable in the current world for this reason. Dharma has a secular aspect, where

⁵ Narasingha Prasad Sil, Political Morality vs. Political Necessity: Kautilya and Machiavelli Revisited, 19 JAH 101-142 (1985).

⁶ Kalyani Abhyankar, Concept of Justice, 6 JLSR 55-69 (2020).

⁷ Sanoj Rajan, Principles of Laws of War in Ancient India and the Concept of Mitigating Armed Conflicts through Controlled Fights, 5 J. INT'L HUMAN. LEGAL Stud. 333 (2014).

⁸ Gourav Asati, The Correlative Notion of Dharma as Duties in Hindu Law, 10 Supremo Amicus 106 (2019).

all justifications for man are discovered to be contained in man himself, uniting various men. Similarly to this, secularism is necessary for social fairness.

Criminal Justice in Dharma:

One of the main characteristics of sovereignty in Indian legal theory was the ability to administer justice and impose punishment. The concept of punishment or dand for the offense committed has two different analyses.⁹ The concepts that we study today were there from the ancient period in the form of Dharma. The King should be in charge of the law, and that people who commit crimes should be punished. Punishment should serve to deter future offenses because it is a means to an end. In India, we have placed a high value on "dandaniti," which encompasses safeguarding, acquiring, enhancing, and dispersing property. According to him, justice is a crucial component of sovereignty and must be upheld by the State, with the King bearing ultimate responsibility.¹⁰ Utilitarian justice, which seeks to prevent the offender from committing the same crime in the future, and retributive justice, which calls for a just punishment for the offense committed. The goal of dharma is to have the Sovereign impose severe penalties on its people so that they might practice self-control. If they go too far, the element of *jus desert* should be used to punish them for departing from the dharmic path.

Administration of justice under the concept of dharma:

Effective law enforcement is dependent on three distinct factors.

1. Honesty on the part of law enforcing authorities. In the concept of dharma, there is an emphasis on the need for honest and law-abiding behaviour on the part of law enforcers, especially the king.
2. Impartiality while deciding any case by a judiciary that is judicial fairness. There is also an emphasis on minimizing legal errors through expedient trials and standards of proof.
3. Third factor is impartiality, proportionality, and certainty of punishment provided by adjudicating authority, and it was also said that there should be state representation of the

⁹ David A. Funk, Traditional Orthodox Hindu Jurisprudence: Justifying Dharma and Danda, 15 S.U. L. REV. 169 (1988).

¹⁰ Poornima Singh, Spirituality and the Role of Judiciary under Criminal Justice System Dharma in India: A Special Reference to the Element of Dharma, 4 INT'L J.L. MGMT. & HUMAN. 502 (2021).

helpless people.

King as an upholder of justice under the concept of dharma:

It has been emphasized that individuals who have political power must do so with dharmic values in consideration and that dharmic principles regulate all aspects of life, including national governance. In the Dharma Sastras, the king's obligations were clearly laid out, and if they were broken, the king lost his or her right to rule. And "rule of law" relates to what Dharma Rajya means. People would only regard a king as respectable if he upheld the law (dharma). Dharma's rules cannot be changed at the king's desire, and it is crucial for effective government that political authority is used in a way that is consistent with dharma. In today's context, the term "rule of law" refers to this.¹¹

The king of kings, in the words of **Dr. S. Radhakrishnan**, is dharma righteousness. It is both the people's and the ruler's own ruler. It reflects the authority of the law. In Indian tradition, dharma also refers to law and morality, and no polity can exist without both. Dharma is moral behavior, and dharma or virtue is conformance to reality. Dharma incorporates the idea of the rule of law in its protection of those who uphold it and the destruction of those who do not. Dharma was stressed by S. Radhakrishnan, who noted the sovereignty of the people has been much discussed. We have maintained that the moral code and human conscience possess the final say in matters of sovereignty that is dharma which renders in which justice is a part. Both people and rulers are subject to the principles of dharma. The king of all kings is dharma or righteousness. It is the one who rules over both the people and the rulers. What we have affirmed is that the law is sovereign. K.M. Panikkar claims that the king's crowning ceremony represents him dedicating his life to the cause of serving the people. Support for the king relied on him upholding justice or dharma.

Even the ancient jurist Kautilya places an enormous amount of importance on the king's responsibilities for preserving law and order in society which are the tools to attain justice in Arthashastra. The King was seen as a representative of righteousness and a defender of dharma. Like every other citizen, he was also bound by his dharma. Individual citizens were therefore allowed to challenge the King if any of his actions violated the prevalent notion of dharma. So, he writes in Arthashastra as "*The King is the guardian of right conduct of this world with four*

¹¹ Bernard S. Jackson, From Dharma to Law, 23 AM. J. COMP. L. 490 (1975).

'varnas' and four 'ashramas' he [alone] can enact and promulgate laws [to uphold them] when all traditional codes of conduct perish [through disuse or disobedience]."¹² Every time, he gets reminded that the only governing principle for all kings is "dharma." Kautilya was primarily concerned with the basic foundations of what he called Rajdharma, that is the kingship and rule.¹³

The purpose of law in society was to establish a just order, and the King and his advisors were tasked with carrying out this enormous responsibility. So, he says in one of his verses that, "*In the happiness of his subjects lies the King's happiness; In their welfare his welfare. He shall not consider as good only that which pleases him but treat as beneficial to him whatever pleases his subjects*"¹⁴

Yajnavalkya says that a king should order that the guilty get punishment; in the past, Brahma created justice by imposing a penalty. Let the monarch decide the case on the merits rather than the finer points because even the best-case scenario in the lack of evidence must fail. According to the Dharma Sastras, the king should decide legal disputes with learned Brahmins without emotions or desire for money.¹⁵ He continues to say that Every day, the king should review lawsuits in their proper order with the judges present while reflecting on his reward (such as the benefits of his sacrifices). The strength of the offender, his age, calling, and means, along with that of the crime's location and timing, shall result in the culprit receiving punishment. This is how the king upholds justice according to dharma, as told by Yajnavalkya.

Thoughts of many philosophers and jurists regarding justice in dharma:

The basis for all that happens in the world is dharma. Everything in this universe is based on dharma, which is why it is regarded as "supreme." Dharma commandments, like the rules of nature, prohibit intervention of any other man-made laws which are against to dharma.¹⁶

Manu:

Manu's Manusmriti, also known as Manava-Dharmashastra, addresses the complex idea of

¹² Jain, Vrinda, The Jurisprudence of Dharma in the Hindu epics, 19 Supremo Amicus 652-654 (2020).

¹³ Bernard S. Jackson, From Dharma to Law, 23 AM. J. COMP. L. 490 (1975).

¹⁴ Aalok Sikand, ADR Dharma: Seeking a Hindu Perspective on Dispute Resolution from the Holy Scriptures of the Mahabharata and the Bhagavad Gita, 7 PEPP. Disp. Resol. L.J. 323 (2007).

¹⁵ Ujuval Garg, Justice System in India, 2 Jus Corpus L.J. 61 (2022).

dharma. According to chapter 6, verse 92 of Manu smriti-

"dhrti: ksama damo'steyam

saucamindriyanigraha:

dhirvidyd satyamakrodho dasakami Dharmalaksanam"

Which means, the ten signs of dharma are patience, forgiveness, control of the mind, non-stealing, purity, control of the senses, virtuous conduct, knowledge, truth, and discontinuing from anger. Manusmriti discusses nitidharma, which encompasses all facets of human behaviour. Dharma is presented from a spiritual perspective in Manusmriti.

Manu asserts, "Except for his dharma, all worldly attachments are severed from an individual at the time of death." All these aspects of dharma, as told by Manu, included the concept of justice.

Kautilya:

According to Kautilya, Dharma is the unchanging truth that rules the world. Vyavahara, or witnesses, and Charitra, or history, can be found in the customs (sangraha) of the people and sasana, or the kingly order. The four Vedas are the most helpful in determining the obligations of the four castes and the four orders of religious life. All people have a responsibility to act with kindness, truthfulness, purity, freedom from malice, lack of harshness, and forgiveness.¹⁶

Jaimini:

Dharma was established by the great Vedas and is based on the revelation that is beneficial to society. The ancient people's lives were ruled by dharma, which was primarily based on the Vedas and had numerous indexes, including sadachar, sruti, and smriti. Any special position or privilege and its existence are only justified as long as it fulfills its duty. Dharma was a duty-based legal system in which every individual owed a duty to other members of the society.

Madvacharya:

Dharma is extremely hard to define. Dharma has been defined as something which contributes

¹⁶ Sihag B, Kautilya on Administration of Justice During the 4th Century BC, 29 (3) JHET 359-377 (2007).

to the improvement of living things. Dharma is, therefore, unquestionably that which guarantees the welfare of living things. So, according to Madvacharya, dharma is one thing that remains in shunya also.

Brihadaranyaka:

One verse from the Brihadaranyaka Upanishad, "punyo vai punyena Karmana bhavati, Papah Papeneti," which means "everyone becomes good by good deeds and bad by bad deeds," or "everyone reaps what he sows" and "what's good is defined by Dharma," can be used to illustrate the idea that caused people to adhere to the Dharma. So, justice was completely governed and clarified by the concept of Dharma.

Application of the concept of dharma by courts to render justice:

Numerous courts, including the Honourable Supreme Court, in many instances, have adopted the principles of dharma and justice from the post-Vedic era to help them reach verdicts.

- One of the crucial cases is **Shri A.S. Narayana Deekshitulu vs. State Of Andhra Pradesh & Ors.**¹⁷ In this case, the court in-depth examines the topics of "What is dharma?" and "Is dharma identical with religion? ", among others. And each clarified every ambiguity. And the court said that the above-mentioned Dharma is an outstanding aspect of spirituality. The court continued to say that the meaning of dharma is attempted to be elucidated by utilizing exceptional verses from everywhere. "Dharma in the context of Rajya only means regulation," and "Dharma is secular or perhaps the most secular" are statements that could be made in opposition to constitutional regulations. The same belief that Dharma is eternal happiness, apparent in many aspects of mortal human existence yet remaining immortal, is still held today by all courts and is never contested.¹⁸
- In **Secretary, Ministry of Information & Broadcasting v. Cricket Association of Bengal & ANR**,¹⁹ the Court held that Dharma even controls law today through morals within as well as outside of courts.

¹⁷ Shri A.S. Narayana Deekshitulu vs. State Of Andhra Pradesh & Ors. AIR 1765, JT 1996 (3) 482.

¹⁸ Dutta, Mriganka Ahekar, Kak, Amba Uttara, Contempt of Court: Finding the Limit, 2 (1) NUJSLR 55-74 (2020).

¹⁹ Secretary, Ministry of Information & Broadcasting v. Cricket Association of Bengal & ANR, 1995 AIR 1236.

- In **Dattatraya Govind Mahajan v. State of Maharashtra**,²⁰ The court discusses the karma of judgment and the Dharma of the Constitution. When something seemingly unorthodox, like transgender rights, occurs, the Dharma idea of an orthodox region is applied. Dharma is applied by the judiciary on benches that are as prestigious as those found in the Constitution, as well as in the context of area, duty, and reality. In fact, Ashoka's dharma chakra is even displayed on the flag. While the articles are being examined and taken into consideration by religion, the courts have construed articles 25 and 26 in a way that is consistent with Dharma, stating that this is not an orthodox interpretation.
- **Ambujam V. T.S Ramaswamy**,²¹ In this case, the court expressed its view on Rajya-Dharma, which was coined by Mahatma Gandhi. Court held Rajya-Dharma has to be considered as the only spirit of the secular and secular state, which governs on the basis of the constitution.²²
- In **Aruna Roy and Others v. Union of India and Others**,²³ the Apex Court held that the unambiguous acceptance of the supremacy of dharma and the clear articulation of the status of 'dharma'—which is somewhat akin to the modern concept of the rule of law, is used in it and the court held that the modern concept of the rule of law is a product of dharma. It is an essential aspect of our ancient thought regarding the law.

Justice Rama Jois said that Dharma is what promotes and ensures everyone's welfare in this world and eternal happiness in the afterlife. The Dharma is declared in the manner of a command. The topic of defining dharma is also covered in the Mahabharata.²⁴

Conclusion:

Justice is a very narrow concept as compared to dharma. Dharma is a very wide topic. Dharma includes justice, and justice is a part of dharma. There are some similarities between dharma and justice like justice norms change as society develops, and dharma likewise varies with age (Yug). In the ancient period, both dharma and justice were analyzed and considered as same.

²⁰ Dattatraya Govind Mahajan v. State of Maharashtra, SCC (2) 161.

²¹ Ambujam V. T.S Ramaswamy, AIR 1973 Delhi 46, 8 (1972) DLT 292.

²² Leepakshi Rajpal & Mayank Vats, Dharma and the Indian Constitution, 5 Christ U. L.J. 57 (2016).

²³ Aruna Roy and Others v. Union of India and Others, AIR 2002 SC 3176.

²⁴ Justice Rama Jois: Harbinger of Dharma, Justice Rama Jois: Harbinger of Dharma - TheLawmatics (last visited on 07-01-2026).

But in real dharma is a much wider and a deep concept rather than justice. Truth, virtue, conduct, law, and even religion are all found in dharma. Every day and every deed contain it. Dharma is the practice of following the path of virtue and helping those in need. The fundamental principle of Indian law is dharma. Dharma significantly influences Indian law because of its significance in Hindu traditions. The current legal system has acknowledged the broad perspective that ancient law provides. The laws established by Narada, Brashpati, and Kautilya served as the foundation for the legislation that the British enacted, such as the Civil Procedure Code and the Indian Evidence Act. These laws remain valid today, even after centuries.²⁵ The Dharamsastras not only outlined punishments for offenders but also made a connection between the impact of the offense on their moral character. If laws are adequately enforced, people can be led towards a Dharma-based lifestyle in which following the law is motivated by social acceptance rather than fear of penalty.

²⁵ Alexandrowicz, Kautilyan Principles and The Law of Nation, 41 BYIL 301-320 (1966).