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Dharma and Justice: A Correspondence

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ABSTRACT

The concepts of Dharma and Justice are deeply interconnected, with Dharma serving as a broader framework that encompasses morality, law, duty, and justice. Originating from the Sanskrit word dhri (to uphold or sustain), Dharma extends beyond religious connotations to embody a universal moral order. In ancient Indian thought, Dharma was inseparable from law and governance, emphasizing the sovereign's duty (Rajadharma) to uphold justice and ensure public welfare. Similarly, personal duties were codified under Ashrama and Varna Dharma, fostering harmony within society.

Justice, often equated with fairness and equity, is considered an extension and realization of Dharma. Ancient texts like the Dharma Shastras and Arthashastra viewed law and morality as intertwined, while the Bhagavad Gita highlights the ethical imperatives of Dharma through Arjuna's moral conflict, emphasizing righteous action and the balance between duty and consequence. Leaders like Mahatma Gandhi and philosophers like Amartya Sen have interpreted and adapted these principles to modern contexts, linking Dharma and Justice through ideals like Ram Rajya (just governance) and Swarajya (self-rule).

While the concept of Dharma evolves with societal changes, its timeless principles-truth, fairness, and duty-remain foundational to governance and justice. Modern legal systems, though distinct, often reflect these enduring values, advocating fairness and morality alongside statutory law. Thus, Dharma and Justice together form a holistic framework for ethical governance, societal harmony, and individual moral conduct. This interplay of ancient wisdom and modern jurisprudence underscores the universality and relevance of these principles across time and cultures.

I. INTRODUCTION

'Dharma' and 'Justice' both the terms are often times confused by us. In the common interpretation by most of the people the term Dharma is mostly associated and linked with the Hindu religion and religious practices. In the absolute sense the Dharma is an ancient Indian concept, embodying within its various parameters of justice and beyond. It is an extensive concept laying down duties of the sovereign political authority, could be termed a ruler of the state, the ruled, duties in public and personal relations and so on. The term Justice in absolute

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sense is the fair treatment of people or the quality of being fair and reasonable. In the context of Dharma, justice is a virtue that comes about when dharma is taken to its logical conclusion.

II. THE PHILOSOPHY OF DHARMA AND ITS EQUATION WITH JUSTICE

The term Dharma has acquired a variety of meanings and interpretations in the course of time. The term itself is derived from the Sanskrit word ‘dhri’ meaning to hold together,² to keep or to maintain. Dharma in Indian tradition also stands for law and morality and no state can be devoid of law and morality. Dharma is right action; Dharma’s virtue is conformity with the truth of things. Dharma protects those who protect it and those who destroy it get destroyed and the entire concept of rule of law is incorporated in Dharma.

In ancient Indian society, Law and Dharma were not distinct concepts. In Dharma Sastras, Smirities and Arthashastra, the concept of Justice, law and religion were not distinguished and invariably Dharama and Justice are equated with each other. Anciently, it was emphasized that those who exercise the sovereign political authority must hold the baton of Dharma and the principles of Dharma governs every sphere of activity including governance of the state. The duty of the sovereign political authority, the king was clearly defined in Dharma Sastra and for violation, the king becomes unfit to rule. King respected by the people only if he acted according to Dharma establishing the ‘Dharma Rajya’ (The Rule of Law) in state with the principles of Dharma. Rules of Dharama are not alterable according to whim and fancy of the king and it were essential that the exercise of political power must be in conformity with Dharma – the most essential aspect of good governance. According to the first Vice-President of India Dr. S Radhakrishnan, “Dharma righteousness is the king of kings. It is the ruler of both the people and ruler themselves. It is the sovereignty of the law.”

Dharma can be categorized as Rajadharma as the highest dharma for the ruler and Ashrama and Varna dharma as the highest for the ruled. The obligations of a king or emperor towards his subjects, to ensure their prosperity and peace during his reign is regarded as good for the King irrespective of any disadvantage or inconvenience caused to him as per Rajadharma. Ashrama Dharma deals with an individual's conduct during different life stages. In the very first stage, in the brahmacharya, he devotes himself to studies in a gurukul. In the second stage, as a youth, he marries and takes a wife, settles down, and engender children. In the third, as he ages, further, he becomes a forest recluse and, without much attachment to worldly life, engages himself in Vedic Karma. In the fourth stage, he forsakes even Vedic works, renounces

² Bhumika Sharma, Relationship between Dharma and Justice: An Indian Perspective, LOKAYATA: JOURNAL OF POSITIVE PHILOSOPHY Volume III (Mar. 2013) <http://lokayatajournal.webs.com>

the world utterly to take sanyas and led a sanyasi life, and turns his mind towards the Parmatma. During each one of these, greater importance was required to be given to one particular obligation while discharging other obligations as well. Varna Ashram Dharma aims to promote the development of the universal, eternal Dharma. It is not a social arrangement or segregation; it is rather a statement of how any society is arranged. The four castes (varnas) have to feel that the social order has been designed with the overall aim of maintaining dharma (lok dharma or lok kalyan). If each caste cling to its duties, the welfare of the world will doubtless be assured; besides, each will be able to win what is even more important, the delight of the Atma. In the categories of Dharma, the essence of law, practice, justice and certain conduct could easily be observed.

III. JUSTICE AS ANTICIPATED BY DHARMA

The term 'Justice' was first used in the 12th century. It is derived from the Latin root 'jus', which means something that is just and associated with the law itself. The term is also derived from the French word 'Jostise', which means uprightiness, equity, vindication of right, administration of law. The idea of Justice is most frequently linked to the underlying presumption that Justice is synonymous with the idea of equal rights and opportunities and to get fair treatment.

In the common parlance Justice is equated with everything that is morally good, mercy, charity, and truth and other equivalent expression. Whatever is considered as 'just', according to a reasonable man is considered as 'Justice'. Gandhiji emphasized the need for establishing a 'just society' which he considered; as a necessary ideal for India's survival as an independent and vibrant nation in his concept of Ram Rajya and Swarajya.³ This particular two concepts connect the dots the dots of Dharma and Justice. The concept of Ram Rajya is an ancient ideal of a perfect society that is characterized by Dharama and Justice. Under this the society is governed with the Principles of Dharma, the Equality, Justice, Non-violence, Democratic self-governance, Decentralization, Grassroots empowerments. And the concept of Swarajya is a political philosophy that means 'independent domain' or 'sovereignty'. It is based on the idea of self-rule, or self-governance, through the community and individuals. Swarajya is rooted in ancient Indian political thought and is a basic concept in Mahatma Gandhi's political philosophy.

The first legal code of Hindus enshrines both philosophy of life and of law with special stress on morality, punishment(dand) and Justice. Justice is a moral state. Legal Justice i.e., according

³ Prof. Dr. Mukund Sarda & Basim Akhtar, *Bharati Law Review* pg. 179 (Jan – Mar, 2017)

to law has several inadequacies and fails to meet, what is justice in truth.⁴ Over this period of time there has been many changes in the common people point of view towards Justice. Justice is not merely aspect of fairness or equality but the essence of morality, conduct and many other factors also plays the crucial role. The Justice is delivered, it must be done according to Dharma, if not it could not be said that Justice is delivered.

IV. SRIMAD BHAGAVAD GITA: DHARMA AND JUSTICE

Srimad Bhagavad Gita is the divine discourse spoken by the Supreme lord Sri Vasudev Krishna himself and is the most prominent and well known of all the sacred scriptures from ancient India. Always being revered as a true source of spiritual knowledge reveals human existence's purpose and goal.

A central concept in Hindu philosophy, and most prominently the central concept in the Srimad Bhagavad Gita, The Dharma is a moral code of behavior that follows from one's sacred duty to the gods, other peoples, and the universe. Throughout the text in Srimad Bhagavad Gita, Gandivdhari Panduputra Arjun learns to follow his Dharma as a warrior in Dharmashetra Kurukshetra, despite his initial worry that his Dharma as a member of the Kuruvansh should prevent him from killing his cousins, the Kauravas. Following one's Dharma, or acting ethically, means performing according to one's position in the world and coming closer to the divine; this is generally a function of one's caste position. Maha Vishnu often enters the material world (here, in the avatar of Sri Vasudev Krishna in Dwaparyug) to restore dharma in the universe.

‘सर्वधर्मान्परित्यज्य मामेकं शरणं ब्रज।

अहं त्वा सर्वपापेभ्यो मोक्षयिष्यामि मा शुचः।।‘

(BG 18:66)

This verse of Srimad Bhagavad Gita by Sri Krishna depicts the Supreme Dharma of a human being. The verse also describes the variable duty of human beings in their lifetime and what he/she did to attain ‘moksha’, the supreme Justice delivered to the human being by going beyond the endless cycle of life and death.

In the particular aspect of Justice, the Srimad Bhagavad Gita conveys the message of Equality, Liberty, Fraternity, and Freedom. There is Justice for all living beings with the infallible law of karma. For every action we take, we will face a reaction. The Gita also conveys lessons

⁴ Code of Manu was constructed between 200 BC and AD 200.

⁴Prof. Dr. Mukund Sarda & Basim Akhtar, *Bharati Law Review* pg. 182 (Jan – Mar, 2017)

about Justice that include:

1. Balance Justice with other goals: The world is not ideal, and sometimes people must choose between injustice and death.
2. Accept what is just: Value to life, people should balance seeking justice with accepting what is just.
3. Live according to Dharma: Bhagavad Gita promotes the idea of living according to one's duty, or dharma.
4. Fight for what is right: God calls people to action to fight for what is just and right.

Amartya Sen, an Indian economist and philosopher discussed the debate between Arjuna and Krishna in the Bhagavad Gita in his book *The Idea of Justice*.⁵ Understanding that Arjuna represents sensitivity to consequences, while Krishna is an archetypal deontologist in our mythological understanding and Indian history with time.

V. CONCLUSION

The correspondence of Dharma and Justice has a clear understanding, both the terms are correlated to each other and it could be concluded that Justice is a part of Dharma, a concept in ancient Indian society, Dharma and law were not distinct concepts, and Justice was often equated to Dharma. In Hinduism Dharmaraj 'Yama' is believed to be the God of Justice and death, He is the Chief Justice in one of the 21 Universe of Brahm Kal who keeps account of all deeds of every creature, he is responsible for the execution of law and reward and punishment.

The far vision of ancient laws (Dharma) has been accepted in the modern legal system (Justice). The philosophers like Gandhiji and Amartya Sen have significantly linked the dots between Dharma and Justice. Gandhiji has promoted the idea of "Dharma and Justice" through the concepts of "Ram Rajya and Swarajya". And by certain observations in the divine discourse of Sri Krishna in Srimad Bhagavad Gita, the interrelation of the terms could easily be observed.

With the development of society, norms of Justice change, and Dharma also changes with age (yug). Certain principles of Dharma are for all times such as the value of truth, loyalty to the State (country), duties of husband wife for each other, etc. We don't need to modify our laws to conform with Dharma rather adopting a mode prescribed by it. The practices and rules of applied Dharma might change according to changing causes; but even then, the practices have to be tested based on the sastras, not based on advantage.

⁵ Joshua Anderson, Sen and the Bhagavad Gita: Lessons for a Theory of Justice, *Asian Philosophy* 22(1): 63-74 (2012) <https://www.tandfonline.com/doi/full/10.1080/09552367.2012.664879>