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FROM KURUKSHETRA TO COURTROOM: DHARMA AS REFLECTED IN THE SRIMAD BHAGAVAD GITA AND THE CONSTITUTION OF INDIA - A STUDY OF JUSTICE, EQUALITY, LIBERTY AND FRATERNITY

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Abstract

This article explores the relationship between the *Shrimad Bhagavad Gita* and the Constitution of India through the constitutional ideals of Justice, Equality, Liberty, and Fraternity. It argues that although the Gita is a spiritual text and the Constitution of India a secular legal document, both seek to establish a just, ethical, and harmonious social order. Central to this inquiry is the concept of dharma, understood not as a religious doctrine but as a universal principle of moral responsibility, righteous conduct, and social welfare. The article further connects dharma with constitutional morality, arguing that ethical self-restraint and public responsibility are essential for sustaining democratic governance. Drawing upon constitutional provisions, judicial interpretations, and Indian philosophical thought, the study highlights the continuing relevance of the Gita's vision in contemporary Indian constitutional discourse.

Keywords – Constitution of India; Srimad Bhagavad Gita**;** Dharma; Preamble; Constitutional Morality; Indian Legal, Philosophical and Democratic History.

I. INTRODUCTION

The goal of both the Constitution of India[1] and the *Srimad Bhagavad Gita*[2] (hereinafter referred as the Gita) is to develop a society that is just, moral, and peaceful. India being a democratic republic, is founded upon the constitutional ideals of righteousness, equality, liberty and fraternity enshrined in the Preamble[3]

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[1] The Constitution of India, adopted on 26th Nov 1949 and enforced on 26th Jan 1950, is a secular and the supreme legal document of the land establishing India as a sovereign, democratic, republic based on justice, liberty, equality, and fraternity.

[2] The *Srimad Bhagavad Gita*, also known as the Gita, is a sacred ancient profound philosophical Sanskrit scripture comprising 700 verses arranged in 18 chapters and forms part of the *Bhisma Parva* of the *Mahabharata*.

[3] *Black's Law Dictionary* (Henry Campbell Black ed, 4th edn. West Publishing Co 1968) sv Preamble defines preamble as 'A clause at the beginning of a constitution or statue explanatory of the reasons for its enactment and the objects sought to be accomplished'; for basic understanding of judicial approach regarding preamble *see* Deepak Sharma,

of the Constitution of India. These foundational values may primarily termed as *'dharma'*, traced in the Gita. Though, it would be futile to give any definite definition of *'dharma';* it may only be explained. Great Indian monk and philosopher Swami Vivekananda[4] explained that "to be good and do good-that is the whole of '*Dharma*', and if a *'Dharma'* cannot help man it is not of much use, it will remain a theory for the chosen few".[5] It is also to be stressed here that *'Dharma'* is the first word of the Gita, thereby the word *'dharma'* marks a special significance in this context [6].

The Preamble of the Constitution of India with its commitment to justice, equality, liberty and fraternity reflects classical conception of *'dharma'.*[7] The idea and basic notion of *dharma* is that justice, righteousness and truth will triumph is also reflected in the Hon'ble Apex Court of India's *dharma chakra* logo,[8] which reads "*Yatodharmastato Jayah"* (where there is *dharma* there is victory).[9] The Apex Court in *Aruna Roy v Union of India* underscored that, *dharma* demands the protection of fundamental rights, including equality and justice [10]. *Dharma* is closely associated with the protection of the righteousness and the suppression of *adharma*, reflecting a conception of justice (*nyaya*) grounded in the preservation

'Preamble to the Constitution of India: The Key to open the Mind of Makers' 9(1) International Journal of Creative Research Thoughts 417- 420.

[4] The Thoughts and impact of Swami Vivekananda on the Indian freedom struggle and Indian philosophy serves as the gateway to understanding modern Indian thought, as it synthesizes the spiritual essence of Vedanta with the practical needs of national regeneration. Without grasping his vision, any study of Indian philosophy remains incomplete. Subhas Chandra Bose says that "the impact Swami Vivekananda made on students of our times by his works and speeches far outweighed that made by any other leader of the country. He, as it were, expressed fully their hopes and aspirations"; "Reading and rereading the works of Vivekananda each time I find in them something new that helps deeper to understand India, its philosophy" said E.P. Chelishev, a prominent Soviet Indologist and scholar who specialized in Indian philosophy and literature particularly the works and teachings of Swami Vivekananda. See Swami Vivekananda, 'My Idea of Education' (Advaita Ashram, 1st edn, July 2008; 1st impression, February 2009) appendix, 'Swami Vivekananda as seen by World Thinkers',126-127.

[5] See Swami Vivekananda, *My India the India Eternal* (The Ramkrishna Mission Institute of Culture, 1st Edition Fifth Reprint 1997 Nov) 79-80.

[6] *Dharma kshetre kuru-kshetre samaveta yuyutsavah*
Mamakah pandavash chaiva kim akurtava Sanjaya. (Chapter 1, Verse 1, Srimad Bhagavad Gita)

[7] See Robert Lingat, *The Classical Law of India* (tr J Duncan M Derrett, University of California Press 1973). Lingat argues that *dharma* constituted the foundational principle of law and governance in the Indian legal tradition, extending beyond religion to encompass moral and social obligations.

[8] Although its roots appear in Buddhist symbolism, the Dharma Chakra in the Apex Court's logo is used in a secular and philosophical sense. India's secularism does not mean rejecting symbols from religion, rather it may be used if they convey universal values relevant to all citizens.

[9] Mahabharata, Swargarohanika Parva, Book 18, Chapter 6, Verse 50.

[10] (2002) 7 SCC 368; Aruna Roy case links the classical notion of dharma to constitutional values especially equality before law, non- discrimination, dignity of the individual and the rule of law, thereby underlining that dharma demands protection of fundamental rights including equality and justice. The court says that dharma is for the stability of society, the maintenance of social order and the general well-being and progress of human kind. Whatever leads to the fulfilment of these objects is dharma; that is definite". The Apex Court also pointed out the importance of dharma by arguing that "even a very weak man hopes to prevail over a very strong man on the strength of *dharma*, just as (he prevails over a wrongdoer) with the help of the king".

of moral and social order.[11] *Nyaya* (justice) is served when *dharma* is protected.[12] Similar thoughts iterated by Martin Luther king,[13] "injustice anywhere is a threat to justice everywhere",[14] which was recognized by our several constitutional doctrines.[15] India, being a socialist democratic country, recognizes liberty, equality, and fraternity. These three form a trinity, one can't use its function without another.[16] All are the basic structure of the Indian Constitution.[17]

Just as the Constitution, the Gita also deals with these concepts and gives mandate through its verses to follow equality, liberty, fraternity; that we will discuss in below. The Gita may be seen as an ethical soil from which constitutional values can genuinely flourish, transforming citizens not merely into rights-bearers, but into morally responsible participants in a shared social order. For example, the Gita mandates moral and spiritual equality by affirming equal oath of all beings, at the level of *atman*(soul), irrespective of caste, birth, learning or social status.[18] This closely resonates with article 14 of the Constitution of India. Mahatma Gandhi, specially known for his protest against oppression, arbitrariness and inequality was inspired by The Gita. Mahatma Gandhi had lived the Gita,[19] and his non-violence is rooted in it to the core. He advised Indians to read the Gita during preparations for the Rowlatt Satyagraha.[20] He saw every Indian as his blood brother, which contends the notion of fraternity. Fraternity has been a contested concept

[11] *Rita* is the substratum of *dharma*. *Rita* is maintaining cosmic order. When principles of *Rita* apply to human life it is *dharma*. From the concept of *Dharma*, Justice *(Nyaya)* evolves.

[12] See Srimad Bhagavad Gita 4.7–4.8 (describing the restoration of Dharma and protection of the righteous); David Slakter, *Justice, Sovereignty and Dharma: The Role of Justice in Classical Indian Political Thought* 106–62 (discussing the role of Dharma in justice); Ratan Kaul, Reflections on Justice and Dharma (Righteousness) in Ancient Indian Texts, 6(2) *Int'l J. Hum. & Educ. Res.* 80, 80–83 (2024).

[13] Martin Luther King (1929-1968) was a civil rights leader and minister whose advocacy of nonviolent resistance profoundly influenced American law and constitutional principles of equality and justice.

[14] To quote in full "Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of natality tied in a single garment of destiny. Whatever affects one directly affects all indirectly." Martin Luther King, 'Letter from Birmingham Jail' (16 April 1963) first published in Atlantic Monthly (August 1963) reprinted in Why We Can't Wait (1964), the letter was addressed while he was imprisoned, to eight white clergymen who had criticized his protest against racial segregation.

[15] Indian constitutional doctrines implicitly recognize that injustice in the sphere undermines the legitimacy of justice as a whole, a principle reflected in the Rule of Law, Article 14, Public Interest Jurisprudence and the Basic Structure doctrine.

[16] Liberty can't be divorced from equality, or vice-versa. Nor can liberty and equality be divorced from fraternity. See B. Shiva Rao, *The Framing of India's Constitution: Select Documents*, Vol IV, P. 944'; "Without fraternity, equality and liberty will be no deeper than coats of paint" B R Ambedkar said.

[17] *Kesavananda Bharati v. State of Kerala*, (1973) 4 SCC 225 (establishing the basic-structure doctrine and recognizing the fundamental constitutional character of the Preamble and its principles); *S.R. Bommai v. Union of India*, (1994) 3 SCC 1 (affirming the constitutional significance of the Preamble and its foundational values, including liberty, equality and fraternity).

[18] *vidya vinaya sampanne brahmane gavi hastini*
suni caiva svapake ca panditah sama-darshinah. (Chapter. 5 Verse 18 Srimad Bhagavad Gita)
[Translation: The wise look with an equal eye on a *brahmaṇa* endowed with learning and humility, on a cow, an elephant, a dog, and even a dog-eater].

[19] See Shoban Singh and Smriti Singh, 'Gandhi's Interpretation of Gita', (2019) 6(1) Journal of English Language and Literature 192-204.

[20] Mahatma Gandhi, 'Satyagraha Leaflet No.18' (Apr. 18, 1919), Vol 18, The Collected Works of Mahatma Gandhi.

since its first French revolution formulation. The use of the Sanskrit-derived *'bandhutva*', incorporates both the sense of being bound to the other as well as an ideology of friendship, with *'bandhu'* meaning 'friend'. This can be compared to the recent evocation of the Bantu word *'Ubuntu'* by the South African republic at the International Court of Justice, "I exist because you are".[21] This mutual presence of ideas is also reflected in the Gita. As the Gita puts, "he, who sees Him (Lord Krishna) everywhere and everything in Him, he is never lost to Him, nor He to him"[22] , and "the wise see equally all beings"[23] are the scriptural formulations that echo the mutual-being and equal-bond expressed by *bandhutva* and modern invocations of *Ubuntu*.

When the constitutional vision of India is read alongside the philosophical teachings of the *Gita*, it becomes evident that both seek to cultivate not only a legally structured society but also a morally awakened one. While the Constitution of India provides the institutional framework and enforceable rights necessary for maintaining order and protecting freedoms, the Gita offers the ethical compass that nurtures inner discipline and moral consciousness. Together, they do not stand in opposition but rather in complementarity. One governing the external actions of individuals as citizens, and the other shaping their internal character as moral beings.

II. UNDERSTANDING DHARMA

'Dharma' is a Sanskrit expression of the widest import. There is no corresponding word in other languages. It has a wide variety of meanings. Albeit, *dharma* is often translated as duty, righteousness, moral law but these words only scratch the surface. The *Mahabharata* contains a discussion in this context. *Bhisma* on being questioned by *Yudhisthira* states that *dharma* is the most difficult task to define.[24] But it may be explained. Thus, he explained '*dharma* is which ensures the welfare of living beings'.[25] *Madhavacharya*

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[21] See Rajmohan Gandhi, 'Review: Fraternity, Constitutional Norm and Human Need' <https://www.rajmohangandhi.com/articles/review-fraternity-constitutional-norm-and-human-need > (Accessed 9 May 2026).

[22] *yo mam pasyati sarvatra sarvam ca mayi pasyati*
tasyaham na pranasyami sa ca me na pranasyati. (Srimad Bhagavad Gita, Chapter 6 verse 30)
[Translation: One who sees Me everywhere and sees everything in Me never loses Me, nor do I lose him]

[23] Supra note 18.

[24] Hon'ble Supreme Court in a judgement reported as *A.S. Narayana Deekshitulu v State of A.P. & Ors* (1996) 9 SCC 548 quoted the concept of dharma explained by Justice M Rama Jois in his legal and constitutional History of India as "it is most difficult to define dharma."

[25] "The purity of dharma cannot be compromised with sectarianism. A sectarian religion is open to a limited group of people whereas dharma embraces all and excludes none. This is the core of our dharma, our psyche" argued the Hon'ble Apex Court in *Aruna Roy v Union of India* (2002) 7 SCC 368; "which ensures welfare of living beings is surely dharma." *A.S. Narayana Deekshitulu v State of A.P. & Ors* (1996) 9 SCC 548; Justice M. Rama Jois in *Aishat Shifa v The State of Karnataka & Ors*., (2022) 5 SCC 426 affirmed that *dharma* is that which helps the upliftment of living beings.

in *Parashar Smriti*[26] explained *dharma* is that which sustains wide varieties and ensures progress and welfare of all. *Taittiriya Samhita* states[27] that everything in this world is founded on *dharma*. Accordingly, in *Mimamsa,*[28] *dharma* is not merely an abstract moral ideal; it is an obligatory course of action whose normative character is disclosed through Vedic injunction.[29] While *dharma* touches wide varieties, the basic aspects of *dharma* is truthfulness, free from enmity and anger, forgiveness, procreation of children from one's own wife, and self-dependence are the *dharma.*[30] Therefore, though the word *dharma* has wide meaning concerning all matters such as civil, criminal, spiritual, moral, personal, constitutional; it gives precise meaning depending upon the context for which it is used. For example, when the word *dharma* is used to indicate giving of one's wealth for public purpose, it is charity. When it is said in a given case that *dharma* is in favour of the plaintiff, it means law (justice) is in his favour. Similarly, when *dharma* is used

[26] "*Abhyudaya- nihsreyasa – sadhantvena dharyati iti dharmah*" that which sustains(dharayati) beings by being the means (sadhanatvena) to both *abhyudaya* (material welfare) and *nihsreyasa*(spiritual liberation) is called dharma. *Parasar Dharma Samhita*, Sayana Madhavacharya Krita-Tikasahita (Sanskrit), (Vamanasharma ed, Bombay Sanskrit Series 1893), 63.

[27] *Dharmo visvasya jagatah pratistha*
loke dharmistham praja upasarpanti
dharmena papam apanudati
dharme sarvam prathistam
Tasmad dharmam paramam vadanti. (Mahabharata, Karna Parva, Chapter 69, Verse 58)

[Translation: *Dharma* is the foundation of the universe. People naturally gravitate towards one who is steadfast in dharma. Through dharma, sin is driven away. Everything in the world is established in dharma. Therefore, dharma is declared to be supreme]

[28] *Mimansa*, is a Sanskrit word that means 'critical investigation'. Particularly known as *Purva-Mimamsa*. It is one of the six orthodox schools of Indian philosophy, traditionally attributed to Jaimini. It primarily deals with the interpretation of the Vedas, the nature of *dharma*, Vedic injunctions and prescribed duties.

[29] The *Mimamsa* gives *dharma* a distinctly action-oriented and epistemological definition. Jaimini opens the Mimansa Sutra with the proposition *"athato dharmajijnasa",* announcing an inquiring into *dharma* and immediately defines it as *"codanalaksanortho dharmah". (*Translation- *dharma* is that object which is characterised by Vedic injunction).

[30] *Akrodhah satyavachanam samvibhagah ksama tatha*
Prajanam svesu daresu saucam adroha eva ca
Arjavam bhrtyabharanam ta ete sarvavarnikah ||
Vyasa, The Mahabharata, *Śanti Parva* 12.60.7–8 (Kisari M. Ganguli trans, 1883–1896) (Bhandarkar Oriental Research Inst. ed., Pune).

[Translation: Freedom from anger, truthfulness in speech, sharing with others, forgiveness, purity, absence of hostility, straightforwardness, and proper support and care of dependants - these are duties common to all classes

in the context of duties and powers of the king, it means '*Rajadharma'*.[31] It is also to be remembered here that '*dharmarajya*' means Rule of Law not rule of religion.[32]

Prior to the commencement of the *Mahabharata* war on the Kurukshetra battlefield,[33] the formidable warrior Arjuna, beset with sorrow at the prospect of slaying his own relatives, relinquished his desire to engage in combat. At that critical moment, Lord Krishna, out of deep compassion for his devotee and friend, imparted divine knowledge to him. This sacred teaching, which dispels ignorance and shows the path of righteousness, is known as the Shrimad Bhagavad Gita. The Gita though addressed to Arjuna, its message is eternal and universal meant for the welfare of all beings.[34] The Gita, which was revealed in the form of guidance to one soul lost in delusion, has become the light of wisdom for all mankind. In The Gita Lord says doing your own duty without any consideration is *dharma*. As Arjuna's dilemma represents every person's struggle when duty conflicts with personal preference or emotional attachments, Lord says, for a worrier there is no better engagement than fighting[35] for upholding *dharma*[36]. Lord Krishna himself says in The Gita that *dharma* is eternal, and he himself is the substratum of the eternal *dharma* [37] and for establishing *dharma* on a firm footing He Himself manifests from age to age.[38]

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[31] '*Rajadharma*' is the idea of a welfare state in the Indian tradition, emphasizing the king's service-role, accountability, and moral obligations. *Dharma* in the context of legal and constitutional history only means *Vyavahara dharma* and *Rajadharma* evolved by the society through the ages which is binding both on the king the (ruler) and the people (the ruled), in the Dharmashastras and Smritis Rajadharma is dwelt upon a topic separate and independent from civil, criminal and procedural law; To explore how the concept of rajadharma integrates with governance and law in ancient India see. McClish, Mark, 'King: rājadharma', in Patrick Olivelle, and Donald R. Davis(eds), Hindu Law: A New History of Dharmasastra, Oxford History Of Hinduism (Oxford, 2017; online edn Oxford Academic, 18 Jan. 2018), <https://doi.org/10.1093/oso/9780198702603.003.0021> (accessed Jan,2026); see also K.K. Subha, 'Rajadharma: An Analysis of the Ancient Indian Political Texts' (March 2023) 10(3) Research Hub International Multidisciplinary Research Journal 20-24.

[32] Hon'ble Apex Court in *A.S. Narayana Deekshitulu v State of Andhra Pradesh & Ors* (1996) 9 SCC 548 observed: "dharma is used in the context of duties of the individual and powers of the king (the State), it means constitutional law (rajdharma)…the word dharma in the context of the word *'rajya'* only means law, and dharmarajya means rule of law and not rule of religion or a theocratic state."

[33] Kurukshetra is located in the state of Haryana, India, traditionally regarded as the battlefield of Mahabharata war. In the Gita, Kurukshetra is revered as *dharmakshetra* (the field of righteousness) because it is here the Lord delivered holy Gita. Modern thinkers interpret it as a metaphor. Swami Vivekananda says that the battlefield of Kurukshetra is within us all; Arjun is a human soul and Lord Krishna the divine charioteer guiding us through the battle of life.

[34] See. Dr. Sabir Naz & Dr. Junaid Rashid, 'Analytical Study of Major Themes of the Bhagavad Gita' (January-June 2025) 4(1) Journal of World Religious and Interfaith 310-326, Wherein Research Scholar from the Islamic Country of Pakistan in his research paper says the Gita explicitly refers to transcendence of religious/ cultural boundaries; see also Dragoman, D. 'Bhagavad Gita, and the Universal Wisdom of Hinduism' (2020) 49(1) Saeculum 76-85< https://doi.org/10.2478/saec-2020-0006 > (accessed 6th Jan 2026).

[35] The battle signifies both internal and external battles. 'Fight', in this context, is a metaphor for the inner battle every human faces- the fight between right and wrong, virtue and vice, self-control and desire, truth and illusion.

[36] *"Tasmad utthistha kaunteya yudhhaya krita-nischayah" (*Chapter 2, Verse 37 Srimad Bhagavat Gita.)
[Translation: Arjuna,be prepared for fight with determination].

[37] *"sasvatasya cha dharmasya sukhasyaikantikashya cha". (*Chapter 14 Verse 27, Srimad Bhagavat Gita.)
[Translation: I am the foundation of eternal *dharma*]

[38] *"Paritranaya sadhunam vinashaya cha duskrtam*
*Dharma-samsthapanarthaya sambhavami yuge yuge" (*Chapter 4 Verse 8, Srimad Bhagavad Gita)

Dharma is not only an idea it is practical in daily choices. For example, when one tells the truth even if it is hard, he or she honours *dharma*. Those civil servants take an oath to serve the country honestly, to fulfil that oath is *dharma,* he who doesn't follow it, certainly not following *dharma*. If we consider that merely going to a temple making prayer for ourselves is *dharma* then it is not. All of us go to temples to pray for ourselves, none make prayer for others, our countrymen. How does it become a *dharma* by sitting and making prayer for ourselves? In what way is it spiritualism? In modern times these questions were repetitively asked by Sri Ramakrishna Paramhansa[39] and then by Swami Vivekanada. Swami Vivekananda said "I do not consider it as *dharma* which cannot wipe away tears of a widow or which does not provide food for a hungry child". Like Swami Vivekananda, this cry of anguish constantly echoing around us. Couldn't we do something for them? Couldn't we wipe tears away from their eyes? Is it not a *dharma*? Then the Gita answers that yes, it is *dharma*. Gita says preaching as well as doing *karma* comes under the purview of *dharma.*[40] Sri Ramakrishna Paramhansa used to say to his disciple Swami Vivekananda that 'with your eyes closed meditate on God, and when your eyes are upon see the same God manifest before you in many forms, serve them with devotion', this is *dharma*. To be educated and to educate is a *dharma*. Being educated means that education should be ingrained in everyone's mind about higher values of life. Even democracy may degenerate into mob rule. The democracy that sentenced Socrates to death in Athens was essentially mob rule. The people of Athens at that time were ignorant of the higher values of life. That is why they were capable of condemning such a great individual to death. This tragic event turned Plato into a fierce critic of democracy.[41]Therefore, democracy in order to succeed, people must possess moral,[42] ethical, spiritual excellence and most importantly they must be educated enough to decide the differences between good or evil for country and humanity as well.[43] *Dharma* is to acting in harmony with the cosmic order.[44] When one acts according to *dharma*, he/she naturally accumulates good *karma* because he is

[Translation: For the protection of the righteous, for the destruction of the wicked, and for the establishment of *dharma*, I manifest Myself in every age].

[39] Sri Ramakrishna Paramahamsa was a 19th-century Indian spiritual Guru of highest order and a mystic. He believed that different religions are different paths leading to the same ultimate spiritual truth. He personally explored several religious traditions and emphasized religious harmony and spiritual experience over religious differences. His teachings deeply influenced his disciple Swami Vivekananda, who later spread his message of universalism and service throughout India and the world.

[40] *Dharma* and *Karma* are inextricably intertwined as complementary notions. See Luke M Ironside, 'The Concept of *Dharma* and *Karma* in the Bhagavat Gita' (WordPress, 8 October 2016),

[41] Swami Ranganathananda, *Universal Message of the Bhagavat Gita* (2nd edn, Advaita Ashrama).

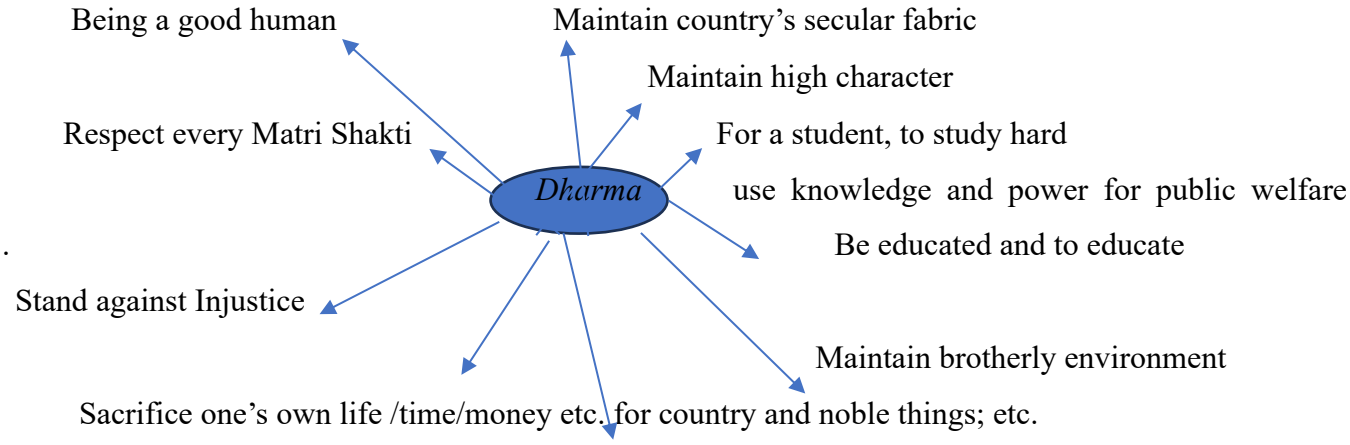
[42] "Morality forms a central part of liberal education" see Michael Walzer, 'Moral Education, Democratic Citizenship and Religious Authority' (January 2012) 1(1) Journal of Law Religion and State 5-15.

[43] How Democratic competence contributes to democratic ideals, such as fairness, due process, rights, respect for the dignity, see Thomas Bienengraeber, 'Educating Competence for Democracy' (2014) 43 (4) Journal of Moral Education 536-539.

[44] Abhilash Rajendran, 'Rita and Dharma: The Cosmic Blueprint of Order and Harmony in Hinduism' (Hindu Blog), <https://www.hindu-blog.com/2025/05/rita-and-dharma-cosmic-blueprint-of.html> (accessed 8 May 2026).

acting in harmony with cosmic order. Conversely, ignoring *dharma* creates *karmic* debt and inner conflict. Out of different kinds of *dharma*[45] *svadharma* means personal duty. But there is a difference between *dharma* and *svadharma*. Fighting with *Duryodhana* is *dharma*, fighting with *Duryodhana* in the way you can, that is, *svadharma. Dharma* is same for everybody, but *svadharma* varies according to your physical, social, temporal condition. But *svadharma is always something* within the ambit of *dharma.*

Dharma in various dimensions can be understood, in the following diagram:



When every individual follows their *dharma*, society becomes harmonious and enlightened. *Dharma* means something so essential that if we lose it, we lose your identity itself. For example, if we are a human, we must possess humanity, if we are a citizen of this country we must love and protect your country and must adhere to the laws of our country, that is *dharma.*

III. REFLECTION OF DHARMA IN THE PREAMBLE AND FUNDAMENTAL RIGHTS: BHAGAVAD GITA PERSPECTIVE

The Constitution of India is commonly viewed as a legal and political document shaped by modern constitutionalism, democratic governance, and the rule of law.[46] While such an approach is necessary, yet

[45] Sva-dharma (personal duty); Sanatana dharma (universal duty); varnashrama (social & stage duties); yuga dharma; apadharma.

[46] A.V. Dicey conceptualized the rule of law as the supremacy of law over arbitrary power, equality before law, and governance according to ordinary legal processes. Although the Indian Constitution does not expressly use the phrase "rule of law", its principles are implicitly embedded in the constitutional framework. Articles 14,19, and 21 collectively

it remains inadequate unless the Constitution is also understood in its moral significance.[47] The framers of the Constitution were concerned not only with the distribution of political power, but with the cultivation of ethical standards capable of supporting a diverse and plural society.[48] These ethical standards find their clearest expression in the Preamble. To find the basic philosophy of the Constitution of India one should begin with the Preamble which sets forth 'justice', 'liberty', 'equality,' and 'fraternity' as the Republic's guiding principles.[49]

A. Drafting of Constitution of India: Dharmic Departure

The drafting of the Constitution of India by Constituent Assembly[50] represents a profound *dharmic* departure in form but not in spirit. While the framers of the Constitution decisively moved away from *Dharma* as a source of legal authority grounded in religious texts, custom, and social hierarchy, they consciously preserved its ethical resonance within a modern constitutional framework.

Historically, political authority in India rested upon monarchs, emperors, or military conquerors whether native or foreign. The legitimacy of such authority flowed from conquest, lineage, or divine sanction, rather than from the conscious consent of the people.[51] Although Indian political thought did contain the ideal of *'rajadharma'*, which imposed ethical obligations upon rulers, these ideals were often aspirational rather than institutionalized. The framing of the Constitution marked a decisive rupture from historical pattern. For the first time in nearly five millennia of Indian history, a State was founded upon the political consciousness, moral agency, and collective will of the people. This transformation was not merely institutional; it was ethical in character. The Constitution subjected all forms of political power to legal limitation, accountability and moral justification. This transition mirrors the Gita's insistence that authority must be exercised in accordance with *dharma*. Lord Krishna repeatedly emphasizes that power divorced

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constitutionalize Dicey's conception by guaranteeing equality before law, protection of fundamental rights, and due process against arbitrary State action. See AV. Dicey, *Introduction to the Study of the Law of the Constitution*, (10th ed.1959) 188-203; see also *Indira Gandhi v Raj Narain* (1975) Supp SCC 1; see also *E.P. Royappa v State of Tamil Nadu* (1974) 4 SCC 3; see also *Manoj Narula v Union of India* (2014) 9 SCC 1.

[47] See. Granville Austin, *Indian Constitution: Cornerstone of a Nation* (Oxford University Press 1966) 50–51. "The Constitution was intended to be a social document, one that embodied moral commitments and aspirations of the people not merely a legal or political arrangement"; See also *Manoj Narula v Union of India* (2014) SCC 9.

[48] Readers may refer "The Constitution of India embodies a moral commitment to human dignity, equality and pluralism" -*Navtej Singh Johar v Union of India* (2018) 10 SCC 1.

[49] "Constitutional Morality is founded on the values of justice, liberty, and fraternity, which are essential to preserving human dignity and the unity of nation"- *Navtej Singh Johar v Union of India* (2018) 10 SCC 1.

[50] Ramchandra Guha, *India After Gandhi: The History of the World's Largest Democracy* (Macmillan, 20 New Wharf Road, London) describes "the proceedings of the Constituent Assembly of India were printed in eleven bulky volumes. These volumes, some of which exceed 1000 pages, are testimony to the loquaciousness of Indians, but also to their insight, intelligence, passion and sense of humour. These volumes are little known treasure-trove, invaluable to the historian, but also a potential source of enlightenment to the interested citizen. In them we find many competing ideas of the nation, of what language it should speak, what political economic systems it should follow, what moral values it should uphold or disavow".

[51] Romila Thapar, *Early India: From the Origins to AD 1300* (Penguin Books 2002) 381-383.

from ethical restraint leads to social disintegration as reflected in his warning that abdication of righteous duty by those in authority results in the breakdown of social order [52]. By entrenching constitutional supremacy, fundamental rights, and judicial review, the Constitution converts *rajadharma* into a democratic principle, ensuring that governance is guided by (nyaya) 'justice' rather than (*danda*) 'force'.[53]

B. The Preamble as the Moral and Dharmic Soul of the Constitution

The Preamble of the Constitution occupies a unique and foundational position. Often described as the "identity card of the Constitution"[54] or the "horoscope of our sovereign Democratic Republic",[55] is based on the Objectives Resolution[56], adopted by the Constituent Assembly. The Preamble clarifies who enacted the Constitution, the source of its authority, the nature of the polity sought to be established, and the goals and ideals that the Constitution seeks to achieve. Though the Preamble is not a source of substantive power, it functions as an interpretative guide.[57] The ideals of justice i.e. social, economic, and political; liberty of thought, expression, belief, faith, and worship; equality of status and opportunity; and fraternity assuring the dignity of the individual and the unity and integrity of nation are not merely political aspirations. They are moral imperatives closely aligned with the Gita's conception of *dharma* as the sustaining moral order of society.[58]

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[52] *"yadi hyaham na varteyam jatu karmanyatandritah*
Mama vartmanuvartante manusyah partha sarvasah" (Chapter 3, Verse 23, Srimad Bhagavada Gita)
[Translation: Should I not engage in action scrupulously at any time, great harm will come to the world; for, Arjuna, men follow My way in all matters.]
"Utsideyur ime loka na kuryam karma ced aham
Sanskarsya ca karta syam upahanyam imah prajah." (Chapter 3 Verse 24, Srimad Bhagavada Gita)
[Translation: If I ever cease to act, these worlds would perish; nay, I should prove to be the cause of confusion and the destruction of these people.]

[53] Harshit Mathur, '*Rajadharma* and Constitutional Morality: A Synthesis of Duty-Based Governance' (December 2025) 10 (12) International Journal of Novel Research and Development, b225-b228.

[54] N.A. Palkhiwala, a renowned jurist and constitutional expert made this statement while delivering a lecture on the Constitution of India in 1973.

[55] K.M. Munsi, member of drafting committee of constituent assembly and a renowned jurist defined preamble thus.

[56] Introduced by Pandit Nehru on Dec 13,1946 in the Constituent Assembly.

[57] "The preamble is a guiding star and reflects the moral and ethical values which the constitution seeks to promote" *Keshavananda Bharati v State of Kerala* (1973) 4 SCC 225.

[58] *Dharma* is presented not as personal piety but as the moral structure that sustains collective life.
"annad bhavanti Bhutani parjanyad annasambhavah
Yajnad bhavati parjanyo yajnah karmasamudbhavah
Karma brahmodbhavam viddhi brahmaksarasamudbhavam
tasmat sarvagatam brahma nityam yajne pratisthitam" (Chapter 3, Verse 14, Srimad Bhagavad Gita)
[Translation: All beings are evolved from food; production of food is dependent on rain; rain ensues from sacrifice, and Sacrifice is rooted in prescribed action. Know that prescribed action has its origin in the Veda, and the Vedas proceed from the Indestructible; hence the all-pervading infinite is always present in sacrifice.
Hence Lord Krishna says that all beings are sustained through a moral cycle of duty (karma) performed in the spirit of sacrifice i.e yajna, indicating that social order rests on ethical action.]

The 42nd Constitutional Amendment Act inserted the words 'socialist', 'secular', and 'integrity' into the Preamble. The term 'secular' was added later but the Gita's verses endorse it from the very inception in a normative philosophical sense.[59] These additions did not introduce new values but reinforced principles already embedded in the Constitutional framework.[60]

Although the word 'secular'[61] was not part of the Preamble, yet the Constitution was secular in its essence from its inception[62]. The 42nd Constitutional Amendment merely made this commitment explicit. Maintaining the secular fabric of the Nation is not only a constitutional duty but also a form of *dharma.*[63] Indian 'secularism'[64] differs fundamentally from western models, particularly the French doctrine of *'laicite'*[65] which seeks to exclude religion from public spheres. Indian secularism is based on neutrality, accommodation, and equal respect. The prevailing concept of secularism in India rests upon the principle

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[59] "*Ye yatha mam prapadyante tams tathaiva bhajamyaham*
*Mama vartmanubartante manusyah partha sarvasah" (*Chapter Verse , Sriamad Bhagavada Gita).
[Translation: Lord Krishna says to Arjuna that howsoever men seek Me, even so do I respond to them; for all men follow My path in everyway);
See also,
"Samo'ham sarvabhuteshu na me dvesyo'sti na priyah
Ye bhajanti tu mam bhaktya mayi te tesu capyaham." (Chapter 9 Verse 29, Sriamad Bhagavada Gita)
[Translation: I am equal to all beings; none is hateful or dear to me) prescribes neutrality and impartiality.
See also S. Radhakrishnan, *Indian Philosophy,* Vol. 1 at 86–87 (2d ed. 1951) "The Gita does not preach a sectarian religion but a universal ethic capable of harmonizing diverse modes of belief." le are the basis of all sovereignty.]

[60] "The insertion of the words 'socialist' and 'secular' in the Preamble by the 42nd Amendment merely spelled out what was implicit in the Constitution." Observed in *Minerva Mills Ltd. v Union of India*, (1980) 3 SCC 625; See also *S.R. Bommai v Union of India*, (1994) 3 SCC 1 where Apex Court says "Secularism was very much embedded in the constitutional philosophy before the word was expressly inserted in the Preamble.".

[61] Rajeev Bhargava, 'What Is Secularism For?' in Rajeev Bhargava (ed), *Secularism and Its Critics* (Oxford Univ. Press 1998) 486.

[62] See G.S. Sharma, *Secularism: Its Implications for Law and Life in India*, (NM. Tripathi Pvt Ltd, Bombay,1966 edn) Editor's Note (ii), "The concept of secularism is to become functional in India it has to relate itself to the racial, spiritual and cultural motivations of the social tradition. It came out clearly that inspite of the divergence of religions in the country there existed a tradition of mutual tolerance of people belonging to different faiths, and this tolerance was only disturbed not by the believers themselves living in social groups in remote areas, but by the armies of certain bigoted rulers who tried to enforce their religion upon their subjects. In spite of this history, however, a harmonious living for thousands of years was known in India"; Willy nilly, Indian secularism also depends on developments in Pakistan. Even if there were no Pakistan and no substantial Muslim minority, India would have needed secularism to fend off the advocates of a militant Hindu state, whatever that might mean. But the existence of Pakistan makes secularism indispensable, and throws both a challenge and an opportunity to the development of both Hinduism and Islam.

[63] Since *dharma* is about fulfilling ethical duties for the welfare of society, and secularism ensures equality, freedom and social harmony, so maintaining secularism satisfies both ethical (*dharma*) and legal (constitutional) obligations.

[64] Divyanshu Chaudhary, 'Indian Constitution Vis-A-Vis the Idea of Secularism: The Role of State in The Ongoing Trends' (2019) 7 Kathmandu School of Law Review 100-111; see also Sudipta Patra, 'Secularism and Constitution of India: An Analysis' (November 2018) 4(6) International Journal of Legal Development and Allied 232-242; To examine the basic causes of the problems of secularism in India and to analyse the basic effects of secularism in India see, Hridoijyoti Buragohain, 'Secularism In India: Its Cause and Effect' (September 2019) 8(9) International Journal of Current Advanced Research 1972-1974.

[65] The French doctrine of laicite refers to a strict model of secularism emphasizing the neutrality of the state in religious matters and the exclusion of religious symbols from public institutions, primarily derived from Article 1 of the French Constitution and the Law of 1905. Article 1 says "French shall be an indivisible, secular (laicite) democratic and social republic".

of impartiality between religions, ensuring equal support to all.[66] This approach finds philosophical support in the Gita, which acknowledges the plurality of paths to truth and righteousness. Lord Krishna declares that all Paths of faith ultimately lead to the same reality, as all devotion is sustained by the same divine source.[67] This universalism underlines the Supreme Court's characterization of Indian secularism as *'sarva dharma sambhava'*. Secularism in this sense, is not moral emptiness rather moral impartiality.[68] The ethical foundations of Indian secularism predate the Constitution.[69] Emperor Akbar's policy of religious neutrality[70], which ensured freedom of conscience and non-interference in matters of faith, represents an early articulation of secular governance. However, Indian secularism is not the product of any single ruler. It emerged through a long tradition of ethical statecraft, public reasoning, and moral restraint. These traditions later found institutional expression in the Constitution, transforming ethical ideals into enforceable legal principles.

A common misconception is that linking constitutional values with *Dharma* undermines secularism. However, Indian secularism differs fundamentally from Western notions of strict separation between state

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[66] Supra 63 at. Page 214.

[67]"yo yo yam yam tanum bhaktah sraddhayarcitum icchati
tasya tasyacalam sraddham tam eva vidadhamyaham" (Chapter 7 Verse 21, Srimad Bhagavad Gita)
[Translation: Whatever celestial form a devotee chooses to worship with reverence, Lord stabilize the faith of that particular devotee in that very form.]
Endowed with such faith, he worships that particular deity and obtains through that deity without doubt his desired enjoyments as verily ordained by the Lord. (Chapter 7, Verse 22 Srimad Bhagavad Gita); see also Swami Saradananda, *Sri Ramakrishna and His Divine Play*, 519-520 (Swami Chetananda Trans., Vedanta Society of St. Louis 2003; Ramakrishna Paramahansa's dictum 'Jato Mat Tato Path' (as many faiths, so many paths) encapsulates the principle of religious pluralism by recognizing that diverse religious traditions constitute different routes to the same spiritual truth.

[68] Historical experience shows that Indian secularism is not moral emptiness but moral impartiality. Emperor Ashoka's dhamma promoted tolerance, compassion, and respect for all sects, consciously avoiding favouritism while upholding shared ethical values, See Romila Thapar , *Ashoka and the Decline of the Mauryas* (Oxford University Press) 112-118; Centuries later Akbar's *Sulh-i-Kul* institutionalized interreligious harmony, freedom of conscience, and ethical governance without compromising his personal religious identity; Constitutionally, secularism is enshrined in Articles 25-28 of Constitution of India, guaranteeing freedom of religion while empowering State to regulate practices in the interests of morality, equality, and public order.

[69] The ethical foundations of Indian secularism long predate the Constitution and are deeply rooted in India's civilizational history. Ancient Indian thought, as reflected in the *Rig Veda* ("*Ekam sat vipra bahudha vadanti*"), affirmed pluralism by recognizing truth as one while allowing diverse paths to reach it. The Gita further strengthened this ethical pluralism by acknowledging multiple paths to the same ultimate reality (Srimad Bhagavad Gita, Ch 4. Verse 11), thereby rejecting religious exclusivity. Historically, Emperor Ashoka's Dhamma promoted tolerance, compassion, and respect for all sects without privileging any single faith, marking an early model of ethical neutrality of the State. During the Gupta period, despite royal patronage to Hinduism, Buddhism and Jainism flourished freely, reflecting religious coexistence without state monopoly. The Bhakti and Sufi traditions further deepened this ethos by rejecting orthodoxy and sectarianism, promoting human equality, devotion, and shared spiritual spaces across faiths. This tradition of religious restraint and moral neutrality continued through rulers like Shivaji Maharaj and the Sikh Gurus, and was later reaffirmed by freedom movement leaders such as Gandhi through the ideal of '*sarva-dharma-sambhava'*, which ultimately shaped constitutional secularism.

[70] *Akbarnama* by Abul-Fazl (court historian to Akbar) records debates among theologians at Akbar's *Ibadat Khana* (House of Worship). The very existence of these debates reflects a pluralistic dialogue under an emperor who identified as Muslim but entertained multiple religious viewpoints. This is widely cited in academic literature on Akbar's religious policies.

and religion. It implies principled neutrality and equal respect for all religions, while allowing the state to draw upon universal moral values. In *S.R. Bommai v Union of India*[71],the Supreme Court held that secularism is part of the basic structure of the Constitution and is rooted in tolerance, equality, and moral impartiality. These values are inherently *dharmic.* Similarly, in *Aruna Roy v Union of India,*[72] the Court clarified that exposure to India's philosophical and ethical traditions does not violate secularism, provided it does not amount to religious indoctrination. The judgment acknowledged that moral education drawn from multiple traditions can strengthen constitutional values.

If we discuss Pluralism, Heterodoxy, and the *Dharmic* Ideal of tolerance, India's civilizational history reflects an enduring tradition of pluralism. For centuries, the subcontinent has served as a shared home for Hindus, Buddhists, Jains, jews, Christians, Muslims, Parsis, Sikhs, and others. Each community has retained its identity while participating in a shared social and cultural space. This acceptance of heterodoxy is inherently *dharmic*. *Dharma* accommodates diversity while preserving harmony. The constitutional commitment to fraternity transforms tolerance from a social virtue into a binding moral and legal obligation. In the Gita, social harmony arises not from sameness but from the balanced performance of diverse duties. Similarly constitutional pluralism sustains unity without erasing difference.

In *dharmic* terms, the Preamble articulates the ethical obligations of the State towards society, much like the Gita articulates the ethical duties of individuals towards the world. The opening word and declaration of the first sentence and last one of the Preamble "we, the people of India ... .do hereby adopt, enact and give to ourselves this Constitution" establishes the doctrine of popular sovereignty.[73] Sovereignty resides not in any single institution but in the people collectively. While popular sovereignty is often viewed as a modern democratic concept, it normatively analogues with the Gita's idea of *lokasangraha*.[74]

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[71] AIR 1994 SC 1918.

[72] AIR 2002 SC 3176.

[73] Popular sovereignty is the constitutional principle that ultimate political authority resides in the people, and that all governmental power is derived from, exercised on behalf of, and accountable to them, whether directly or through democratically elected representatives. Rousseau, *The Social Contract,* Book 1, Chapter 6, (1762) asserted that sovereignty lies in the general will of the people and can't be alienated; In *S. R. Bombai v Union of India* (1994) 3 SCC 1 apex court affirms that Constitution derives its authority from the people of India;
India and the United States both recognize that popular sovereignty as the foundational principles of constitutional authority, affirming that all government power comes from the people rather than from monarchs or institutions.
See U.S. Constitution (Preamble) and Constitution of India (Preamble).

[74] Although *popular sovereignty* and *lokasangraha* are not identical, they are normatively analogous and can be theoretically harmonised, as both articulate ethical constraints on the exercise of power. *Lokasangraha* enjoins those in positions of power to act selflessly in order to sustain social order and promote the common good, rather than to pursue personal interest or rely on coercive force. Popular sovereignty similarly grounds the legitimacy of governance in the will of the people and subjects the exercise of power to public accountability. In both frameworks, the moral justification of authority lies not in its source alone, but in its orientation toward justice, social harmony, and the well-being of all.

C. Fundamental Rights and Dharmic Values

The Fundamental Rights enshrined in Part III of the Constitution illustrate the convergence between constitutional values and *Dharma*. Articles 14, 19, and 21 collectively ensure equality, freedom, and the right to life with dignity. These rights echo the Gita's emphasis on human dignity, moral autonomy, and ethical living. Article 14's guarantee of equality before the law aligns with the Gita's rejection of intrinsic hierarchy. Article 19's protection of freedom of expression resonates with the Gita's respect for freedom of thought. Article 21's expansive interpretation, encompassing dignity, privacy, and autonomy, reflects the *dharmic* understanding of the sanctity of human life.

Moreover, Article 17 of the Constitution, which abolishes untouchability and forbids its practice in any form, is a clear reflection of the concept of *dharma* as propounded in the Gita. The Gita emphasizes *samadarsana* (equanimity) where the wise perceive no moral hierarchy based on birth, caste, or social status. Practices like untouchability arise from *avidya* (ignorance) and *ahankara* (ego), which the Gita identifies as causes of moral decline and social disorder. Further, Lord Krishna clarifies that social distinctions are based on *guna* and *karma*, not by birth.[75] By abolishing untouchability in all its forms, Article 17 constitutionalizes this *dharmic* principle, transforming the Gita's moral command into a justifiable right.

Similarly, Article 23 of the Constitution of India corresponds with the concept of *dharma* in the Gita by upholding the principles of human dignity, freedom of action, and moral restraint against exploitation. The Gita conceives *dharma* as righteous conduct that preserves social harmony (*lokasangraha*) and condemns actions driven by greed (*lobha*) and coercion, which disrupt the moral order of society.[76]. Forced labor, beggar, and human trafficking negate the Gita's ideal of *karma* performed with free will and dignity, reducing human beings to mere instruments of profit. Such exploitation represents *adharma*, as it violates both individual freedom and collective welfare. By prohibiting these practices, Article 23 transforms the Gita's ethical injunction against exploitation into constitutional safeguard, ensuring that labor remains an expression of human agency rather than oppression.

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[75] *"Caturvarnyam maya srstam gunakarmavibhagasah*
Tasya kartam api mam viddhyakartaram avyayam." (Chapter 4, Verse 13, Srimad Bhagavad Gita)
[Translation: The four orders of society (viz., the Brahmana, the ksatriya, the Vaisya and the Shudra) were created by Me (the Lord Himself), classifying them to the Gunas predominant in each and apportioning corresponding duties to them; though the originator of this creation, know Me (the Lord), to be a non-doer.]

[76] *"Trividham narakasyedam dvaram nasanam atmanah*
Kamah krodhas tatha lobhas tasmad etat trayam tyajet" (Chapter 16, Verse 21, Srimad Bhagavad Gita)
[Translation: Desire, anger, greed all these triple gates of hell bring about the downfall of the soul. Therefore, one should shun all these three]; Sri Aurobindo, 'New Lamps for Old', Indu Prakash (Bombay) Aug.21, 1893 'Our actual enemy is not any force exterior to ourselves, but our own crying weaknesses, our cowardice, our selfishness, our hypocrisy, our purblind sentimentalism'.

Article 25 guarantees freedom of conscience and the right to freely profess, practice, and propagate religion. This aligns with the Gita's emphasis on inner freedom and individual moral choice. Lord Krishna does not impose belief but invites Arjuna to act after reflection.[77] *Dharma* as per the Gita, is rooted in conscience rather than compulsion, which article 25 constitutionally safeguards.

D. Duties, Governance, Svadharma

The concept of *svadharma* i.e, one's duty according to role and responsibility finds constitutional expression in the allocation of powers and duties among various organs of the state. Legislators, executives, and judges are entrusted with distinct responsibilities, and the effective functioning of constitutional democracy depends on each organ performing its assigned role ethically. In the Gita, Lord Krishna prescribes that every individual must perform their respective duty (*svadharma*) according to their role, nature and responsibility.[78] The inclusion of Fundamental Duties under Article 51A of the Constitution of India further strengthens the *dharmic* dimension of the Constitution. These duties emphasize harmony, scientific temper, humanism, and respect for diversity, values deeply rooted in Indian ethical traditions.

The idea of governance embodied in the Gita where rulers and institutions are obliged to act for *lokasangraha* i.e, the welfare and stability of society. Article 43 of the Constitution, which seeks to secure a living wage and humane conditions of work, reflects the same. Meaning thereby that protection of labor is not merely an economic policy but a constitutional manifestation of *rajdharma*, requiring the State to uphold the dignity, welfare, worth of every worker. Labor is an expression of human worth and moral agency, not a commodity to be exploited. Exploitation of labor, whether through unjust wages or degrading conditions, constitutes *adharma* because it reduces human beings to instruments of profit. By contrast, dignified work that ensures subsistence, security, and self-respect is a *dharmic* duty of society and the state.

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[77] *"Iti te jnanam akhyatam guhyad guhyataram maya*
Vimrsyaitad asesana yathecchasi tatha kuru" (Chapter 18, Verse 63, Srimad Bhagavad Gita)
[Translation: thus, has this wisdom, the most profound secret of all secret knowledge, been imparted to You (Arjuna) by Me (the Lord); deeply pondering over it, Arjuna now do as you like.]

[78] *niyatam kuru karma tvam karma jyayo hyakarmanah*
sarirayatrayapi ca te na prasiddhyed akarmanah (Chapter 3, Verse 8, Srimad Bhagavad Gita)
[Translation: Do perform your allotted duty; for action is superior than inaction. Desisting from action, one can't even maintain his body];
see also
Svadharme nidhanam shreyah, paradharmo bhayavahah (Chapter 3, Verse 35, Srimad Bhagavad Gita)
[Translation: One's own duty, even if imperfectly performed, is better than another's duty well performed]

IV. DHARMA AND JUSTICE

Whatever is considered as 'just', according to a reasonable man is considered as 'justice'.[79] Mahatma Gandhi stressed that building a fair and just society was essential for India to survive as an independent and vibrant nation.[80] The term 'justice' in absolute 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. In *Dharmashastras*, S*mritis*, *Arthasastras* the concept of justice, law, religion were not distinguished and *dharma* and justice were equated with each other.

The term 'justice', first used in the 12th century, derived from the Latin root 'jus'. The term is also derived from French 'jostise' which means 'uprightness', 'equality', 'vindication of right', 'administration of law'. The idea of justice is synonymous with the idea of equal rights and opportunities and to get fair treatment. The concept of *Ram Rajya* is an ancient ideal of a perfect society that is characterised by *dharma* and justice.

In Plato's Republic, the traditional view of justice as presented by Cephalus and Polemarchus, defines justice as telling the truth, repaying debts, helping friends, and harming enemies, reflecting a rule-based and socially acceptable morality.[81] This partly relates to the idea of *dharma* where duty, truth, and moral obligations are central to righteous conduct. However, *dharma* goes beyond such conventional ideas by emphasizing a higher, impartial and moral order. It is precisely this limitation of conventional, socially contingent notions of justice that creates the need for a more universal and rational framework. In this context arguments of John Rawls[82] may be introduced. John Rawls argues that the task of political philosophy today is to develop a conception of justice suitable for constitutional democracy; one that can be accepted by citizens holding diverse moral, religious and philosophical views.[83] He further argues that in pluralistic democratic societies, marked by enduring and reasonable disagreement over moral, religious, and philosophical doctrines, no single comprehensive moral theory can serve as a shared public basis of justice. Therefore, the task of political philosophy is to identify principles of justice that citizens with diverse conceptions of the good can reasonably accept. This requires applying the principle of toleration to philosophy itself, making the public conception of justice political rather than metaphysical. The Gita

[79] Lord Wright, *The Future of Common Law*, 114.
[80] MS Deshpande, *Light of India: The Message of Mahatma* (Wilco Publishing House 1958) 172.
[81] Ashok S. Chousalkar, *Social & Political Implications of Concepts of Justice & Dharma: A Comparative Study with Special Reference to the Republic and Shantiparva* (Mittal Publications 1986) 15.
[82] John Rawls was a twentieth-century American political philosopher best known for his theory of "justice as fairness," through which he profoundly influenced modern constitutionalism, liberal political theory, and contemporary understandings of justice, equality, and liberty.
[83] John Rawls, *Justice as Fairness: Political not Metaphysical*, (1985) 14(3), Philosophy and Public Affairs 223-251, 223.

also enunciates the same thing. Just as Rawls argues that justice in a pluralistic democracy must be political, not metaphysical, the Gita suggests that social harmony requires respect for diverse paths and duties rather than enforcement of a single moral doctrine. This shift from a seeking a single, universally binding moral foundation to accommodating reasonable pluralism is further deepened by Amartya Sen[84] who argues that equality is a foundational concern shared by all major normative theories of justice, even when those theories strongly disagree about what should be equalized.

Since the enlightenment, equality remained a central to political and moral thought, with every influential theory of justice demanding equality in some relevant 'space' such as liberty, income, rights, primary goods or legal and political standing. Even thinkers who are critical of distributive egalitarianism, such as Robert Nozick or James Buchanan, endorse equality in basic form, whether as equal libertarian rights or equal and political treatment.[85] Amartya Sen acknowledged that equality is a central concern of modern theories of justice, Sen uses the example of three children Anne, Bob, and Carla quarrelling over a flute to illustrate the plurality of reasonable and impartial principles of justice and the difficulty of identifying a single perfectly just outcome. Anne claims the flute because she alone can play it, appealing the utility; Bob claims it because he is the poorest and lacks other toys, invoking egalitarian concerns about reducing deprivation. Carla claims it because she made the flute herself, relying on principles of entitlement and the right to fruits of one's labor. Each claim is supported by a coherent, impartial line of reasoning and each corresponds to a major theory of justice- utilitarianism, economic egalitarianism, and libertarianism respectively. Sen argues that none of them can be written off as arbitrary or irrational, yet they lead to conflicting conclusions. This demonstrates justice can't always be uniquely or perfectly resolved through a single principle.[86]

The term justice in the Preamble denotes three distinct forms of justice, taken from Russian Revolution (1917)[87] that are Social, Economic, Political. Hon'ble Supreme Court of India observed[88] that 'the Constitution envisions to establish an egalitarian social order rendering to every citizen social, economic and political justice in a social and economic democracy of the Bharat Republic.' Article 38 directs the

[84] Amartya Sen, an Indian economist, philosopher and Nobel Laureate whose works on justice, capability, freedom and human development have significantly influenced contemporary political philosophy and constitutional thought.
[85] Amartya Sen, *The Idea of Justice* (Harvard University Press 2009) 291-293.
[86] ibid 12.
[87] For better understanding about the Impact of Russian Revolution 1917 on the character of Indian National Movement see VN Shukla, 'Russian Revolution (1917) and Character of the Indian National Movement' (1988) 49 Proceedings of the Indian History Congress 571–574, <http://www.jstor.org/stable/44148457> (accessed 6th January 2026); see also M Bhattacharya, 'The Russian Revolution and the Freedom Struggle in India: Rabindranath Tagore's Letters from Russia' (2017) 6(2) Agrarian South: Journal of Political Economy 237-262. <https://doi.org/10.1177/2277976017731847> (accessed 25 Dec 2025).
[88] *Samatha v State of Andhra Pradesh* (AIR 1997) SC at 3326.

state to promote social, economic, and political justice. This resonates with the Gita's ideal of *Lokasangraha* i.e, preservation and sustenance of social order through righteous action. In the Gita, *dharma* is not confined to personal morality or spiritual pursuit, it is inseparably linked with the welfare of society as a whole. Lord Krishna urges those in positions of authority to act selflessly, not for personal gain, but for the wellbeing of the larger community, recognizing that social harmony depends upon ethical leadership and collective responsibility[89] . In the same vein Article 38 does not view justice as a mere legal abstraction but as living social commitment, requiring the state to actively reduce inequalities and create conditions in which every individual can live with dignity. So, it may be said that Article 38 humanizes constitutional governance by transforming the Gita's moral imperative of *dharma* into a constitutional duty, affirming that legitimacy of the state lies in its continuous effort to promote inclusive welfare and maintain a just social order.

Social justice denotes equal treatment of all citizens without any distinction as prescribed in Constitution.[90] Jawaharlal Nehru emphasized the importance of 'social justice', and stated that India's longstanding poverty could be overcome only through achieving social justice.[91] Social justice, which guarantees equal treatment and dignity of all citizens, complements the Gita's affirmation of the intrinsic moral equality of beings and its rejection discrimination rooted in birth and or status, as reflected in its emphasis on *samatva* (equanimity). The Gita teaches that a wise person sees equal worth in all beings, from a *brahmin* to an outcaste, emphasizing equality over social hierarchy. This ideal finds constitutional expression in Article 14, which guarantees equality before law, Article 15 that prohibits discrimination on grounds of religion, caste, sex, or place of birth; and Article 17 which abolishes untouchability. Economic justice is non-discrimination between people on economic factors. It is understood as the elimination of exploitation and material deprivation. A conception of 'just' society requires the elimination of exploitative conditions alongside other forms of oppression,[92] which aligns with the Gita's ethics that condemns acquisitive excess and enjoins the performance of duty oriented toward collective welfare (*lokasangraha*). Article 39 of the Indian Constitution, which mandates the equitable distribution of material resources and seeks to prevent the concentration of wealth to the detriment of the common good, reflects a deeply

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[89] *Yad yad acarati sresthas tattad evataro janah*
Sa yat pramanam kurute lokas tad anuvartate. (Chapter 3, Verse 21, Srimad Bhagavad Gita)
[Translation: Whatever a great does that very thing other men also do; whatever standard he sets up the generality of men follow the same.]

[90] Constitution of India says discrimination should not be on the ground of caste, sex, race, religion, descent, place of birth, residence.

[91] For general understanding of The Socialist vision of Nehru, see Dr. Shyamal Kumar Das et.al, 'The Socialist vision of Jawaharlal Nehru and its impact on India's development' 8(4) IJRAR 189-194; see also Sukhadeo Thorat, 'Nehru's Vision of Development and its Relevance Today' (2014) 75(3) The Journal of Political Science 559-573.

[92] See Vidhu Verma, 'Exploitation and Justice: Should We Be Interested in a Theory of Exploitation?' (1998) 33(3) Economic and Political Weekly.

dharmic understanding of economic justice. The Gita repeatedly warns that greed and attachment to material possessions lead to moral degeneration and social disorder, identifying greed *(lobha)* as one of the gateways to collective ruin.[93] In the Gita's vision of *dharma*, economic activity is not condemned, but it must be guided by restraint, balance, and concern for the welfare of others. Wealth, when hoarded or monopolized, becomes a source of inequality and suffering; when fairly distributed, it serves *lokasangraha.* Article 39 mirrors this ethical insight into constitutional policy by obligating the state to regulate economic power in the interests of justice and human dignity, thereby institutionalizing the Gita's moral demand for fairness and responsibility in economic life.

Justice is not only about economic redistribution but also about political representation and participation. Individuals and groups must be included as full participants in decision making processes if justice is to be achieved.[94]

Political justice, which guarantees equal political rights, equal access to political offices and equal voice in the government. This is embodied in the Constitutional framework through equality before the law, free and fair elections, representative institutions, universal adult suffrage. The *dharmic* principle that rulers must exert authority in accordance with *rajadharma* rather than personal gain resonates with the Constitution's dedication to political justice. The Gita emphasizes that people in positions of power are accountable for the well-being of society and must behave in line with *dharma*. Where authority is legitimized not by power or privilege but by righteous action(*dharma*) exercised for the good of the society. Failure to fulfil this obligation results in the breakdown of societal peace. The Constitution of India puts this concept into practice and guarantees that political authority is accountable, restraint, and exercised in the public interest. The sayings of Granville Austin may be thus rightly put here. He says that the Constitution "transforms ethical ideals into enforceable obligations".[95]

The State's incapacity to take prompt and effective measures against principal suspect in rape, riots cases, especially where suspect holds social, economic, or political superiority, signifies a severe failure of constitutional governance and moral accountability. Such inaction violates Article 14 (which guarantees equal treatment under the law) and Article 21 (which protects the right to life with dignity) of the Constitution of India. When the accused's power makes law enforcement agencies hesitate or wait, the rule of power takes the place of rule of law. This institutional failure cannot be rationalized as an administrative oversight; it represents a fundamental breakdown of justice. From the perspective of the Gita this kind of behaviour is *adharma* in its greatest possible sense*,* because it means that people in

[93] Supra note 76.
[94] Nancy Fraser, 'Reframing Justice in a Globalizing World' (2005) 36(1) New Left Review.
[95] Granville Austin, *The Indian Constitution: Cornerstone of a Nation*, 50–57 (Oxford Univ. Press 1966).

positions are not doing their duty. The Gita says over and over that acting with fear, attachment, or self-interest is morally wrong. This principle aligns with *niskama karma*. The philosophy of *niskama karma* says that we should do our duty no matter what the personal or political consequences are. This applies directly to public officials exercising coercive state power. When the State chooses silence or delay in the face of sexual violence, it violates the foundational ethical command. Constitutional morality, as envisaged by Dr. B.R. Ambedkar similarly requires that governance be guided by ethical restraint rather than social pressure. Simultaneously the Supreme Court's insistence that constitutional morality must prevail over social morality reinforces this principle. Therefore, selective enforcement of criminal law is not merely unconstitutional but fundamentally *adharmic*. A State that fails to protect the dignity of the victim forfeits its moral authority to govern. In this context it may be said that justice delayed or denied represents not only a legal failure but a profound moral collapse of *Dharma* itself.

A. Relation between Justice & Sovereignty

India, as a sovereign democratic country, the relationship between justice and sovereignty is constitutionally structured and normatively grounded.[96] Sovereignty vests ultimate authority in people, exercised through constitutional institutions. Whereas, Justice function as normative compass guiding that authority.[97] The Preamble of Constitution of India expressly places Justice that is social, economic and political at the forefront indicating that sovereignty is not absolute but conditioned by constitutional morality, fundamental rights, rule of law. It may thus put here that in Indian context, sovereignty derives its legitimacy from justice and justice attains practical realization through sovereign democratic framework established by Constitution.

B. Global justice

The Gita's concept of *dharma* bears a striking ethical parallel to the idea of Global Justice.[98] According to the Gita, *dharma* refers to a moral order that upholds not just an individual or a community but the entire world (*lokasangraha*), extending ethical responsibility beyond confines of kinship, state or self-interest, which parallels cosmopolitan theories of global justice. Cosmopolitan justice is founded on the principle that all human beings belong to a single moral community and are entitled to equal concern and justice

[96] See Upendra Baxi 'The Avatars of Judicial Activism: Explorations in the Geography of (In) Justice', in SK Verma and Kusum (eds.), *Fifty Years of the Supreme Court of India: Its grasp and reach* (Oxford University Press 2000).

[97] Constitution of India 1950, Preamble. The Preamble's commitment to social, economic and political justice is often understood as providing the normative direction for constitutional interpretation.

[98] Thomas Pogge, 'What is Global Justice?' (2008) 10(19) Revista de Economía Institucional 99-114; see also Sujian Guo and others, 'Theories and Concepts of Global Justice' in Sujian Guo and Yanfeng Gu (eds), Global Justice: Theories, Measurements and Rankings (Springer 2026) 1–24 < https://doi.org/10.1007/978-981-95-8485-7_1 > (accessed 5 July 2026).

irrespective of national boundaries.[99] Lord Krishna says that upholding universal harmony is facilitated by righteous deeds carried without attachment and consideration of selfish interests.[100] This vision is in line with modern theories of global justice, which look for fair and morally sound principles that are applicable to all countries while honoring cultural diversity. Similar to how global justice avoids imposing a single comprehensive doctrine, the Gita affirms universal values like compassion, restraint, and responsibility while accommodating plural paths and contextual duties *(svadharma).*

The idea of 'justice' whether viewed through the lens of a reasonable person, the moral vision of Gandhi, the philosophical reflections of Plato, Rawls, Amartya Sen, or the ethical teachings of the Gita, all converge on a shared aspirations i.e, the creation of fair, just, equitable, humane social order. While early and conventional notions of justice remained confined to duty, social norms, both *dharma* and modern political philosophy expand this understanding toward universality, impartiality, and pluralism. Justice in the Indian context is not merely a legal construct but a living moral commitment that bridges ancient wisdom and modern constitutionalism.

V. DHARMA AND LIBERTY

The term 'liberty' means absence of restraints on the activities of individuals, and at the same time, providing opportunities for the development of individual personalities. Jeremy Bentham, the founder of utilitarianism, viewed liberty primarily through the lens of utility and social welfare rather than as an intrinsic or natural right. For him, liberty was negative and conditional, it existed only insofar as it did not conflict with the legitimate exercise of government authority aimed at maximizing public happiness. Bentham emphasized security and order, believing that individual freedoms should be balanced against the collective good, and that unrestricted liberty could undermine societal stability. While often criticized as limiting traditional liberal values like dignity or intrinsic rights, his conception of liberty was practical, instrumental, and grounded in rational governance.

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[99] Kok- Chor Tan, *Justice Without Borders: Cosmopolitanism, Nationalism and Patriotism* (Cambridge University Press 2004); see also 'Key Approaches to Global Justice: Cosmopolitan, Communitarian, and Realist' PolSci Institute (30 September 2025) <https://polsci.institute/political-theory-concepts-debates/key-approaches-to-global-justice/ > (accessed 5 July, 2026).

[100] "Tasmad asaktah satatam karyam karma samacara
Asakto hyacaran karma param apnoti purusha." [Chapter 3, verse 19, Srimad Bhagavad Gita]
[Translation: therefore, go on efficiently doing your duty at all times without attachment. Doing work without attachment man attains the Supreme.]
"Karmanaiva hi samsiddhim asthita janakadayah
Lokasangraham evapi sampasyam kartum arhasi." (Chapter 3 verse 20, Srimad Bhagavad Gita)
[Translation: it is through action without attachment alone that Janaka and other wise attained perfection.]

Isaiah Berlin[101] in his book *"Liberty"* identifies two central concepts of liberty. The first is negative liberty, which refers to the absence of interference. A person is free to the extent that no one prevents them from acting as they wish. Coercion occurs only when others deliberately restrict one's actions. Natural limitations like poverty or physical inability are not by themselves constraints on freedom that are impossible, as it would lead to chaos, therefore some restrictions are necessary to ensure order and protect other's liberty. The key issue is determining the proper boundary between individual freedom and social control. The second is positive liberty, which concerns the source of control or authority who governs and determines one's actions. It focuses not on the absence of interference, but on self-direction and the ability to be one's own master.[102]

John Stuart Mill[103] iterated the same thing. He explained liberty as the protection of individuals against the arbitrary exercise of power by those in authority. In early societies the struggle was mainly between rulers and the subjects, where liberty meant protection from the power of political authorities. Since weaker members of society needed protection from stronger individuals, a powerful authority like a ruler was necessary to maintain order. However, because the ruler himself could misuse power, people had to remain constantly cautious. Therefore, the aim was to limit the ruler's power over the community, and this limitation came to be known as liberty. This was achieved in two ways. First by recognizing certain rights and freedoms that rulers should not violate, and second, by establishing constitutional checks so that important decisions require the consent of the people or their representatives.[104]

In the book titled *The Ethics of Liberty*, Murry Rothbard [105] argues that while theories of liberty exist, a clear strategy for achieving liberty is largely absent. He emphasized that libertarianism grounded in

[101] Isaiah Berlin was a distinguished 20th-century political philosopher known for his influential ideas on liberty and pluralism. He is best remembered for his essay *Two Concepts of Liberty*, where he distinguished between negative liberty (freedom from interference) and positive liberty (the ability to be one's own master). Berlin emphasized the complexity of human values and argued that no single ideal can dominate without risking oppression. His work remains central to modern political theory, particularly in understanding the nature of freedom in a democratic society.

[102] Isaiah Berlin, *Liberty* (Henry Hardy ed, Oxford University Press 2002) 166.

[103] John Stuart Mill was a prominent 19th-century English philosopher, political economist, and leading advocate of liberal thought. He is best known for his contributions to political philosophy, particularly his defence of individual liberty, freedom of expression, and representative government. Influenced by utilitarianism, Mill refined and humanized it by emphasizing the importance of individual dignity and moral development. His seminal work *On Liberty* remains a cornerstone in understanding the relationship between the individual and the state, and continues to shape modern democratic thought.

[104] John Stuart Mill, *On Liberty* (David Bromwich and George Kateb eds, Yale University Press 2003).

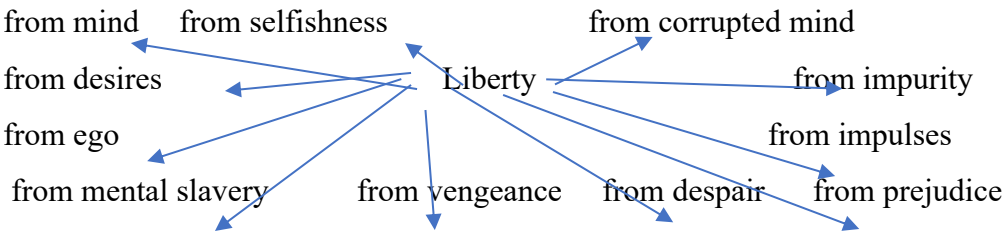
[105] Murray Rothbard was a 20th-century American economist and political philosopher, best known as a leading figure of the Austrian School and a principal theorist of libertarianism. He strongly advocated for individual liberty, private property rights, and a free-market economy, arguing against state intervention in economic and personal affairs. Rothbard developed the concept of anarcho-capitalism, proposing that all functions of the state, including law and security, could be managed through voluntary, market-based institutions. His works continue to influence debates on liberty, economics, and the role of government.

Natural Law. For him liberty is a moral principle rooted in justice, specifically the elimination of aggressive force.

All this can be linked with the concept of *dharma*, which emphasizes duty, moral order, and righteousness. *Dharma* supports liberty by encouraging moral responsibility alongside freedom. *Dharma* ensures that such actions are guided by ethical considerations and a sense of responsibility toward others. The ruler was not absolute; he was bound by *dharma*, meaning he had a duty to govern justly and protect the welfare of the people. Just as liberty seeks to restrict arbitrary power through rights and laws, *dharma* acts as a moral restraint on authority, ensuring that power is exercised responsibly. In Indian thought *dharma* acts as the foundation that regulates both *Artha* and *kama*, ensuring that human actions remain just and balanced. *Dharma* and liberty are interconnected. If one follows *dharma*, it automatically results in liberty. *Dharma* supports liberty by encouraging moral responsibility alongside freedom.

Freedom is the broader and more general idea whereas liberty is more specific and structured.[106] While freedom denotes the ability to act according to one's will, *dharma* ensures that such actions are guided by ethical considerations and a sense of responsibility toward others. For example, Freedom is 'I can do what I want', and Liberty is 'I can do what I want as long as it respects laws and other's right'. From the standpoint of *dharma*, liberty is superior to freedom because it harmonizes individual actions with moral duties and social order, whereas absolute freedom may lead to *adharma*.

Dharma and liberty are interconnected. *Dharma* is the pathway to liberty. It provides the moral foundation upon which true liberty can exist. Liberty from the bondage of ignorance, attachment, sufferings. By cultivating virtues such as compassion, forgiveness, righteousness, individuals can experience a sense of inner peace that transcends external circumstances. And inner peace paves the way for liberation.



The *dharmic* conception of liberty extends the limitation of external authority undoubtedly. It asks whether an individual is genuinely free from the internal forces that control his or her conduct. A person may be externally free but internally enslaved. By following the principles of *dharma* individuals can transcend ego, desires, attachments and move toward liberation. When one performs his *dharma* sincerely, actions

[106] See Eric Nelson, 'Liberty: One or Two Concepts? Liberty: One Concept Too Many?' (2005) 33(1) Political Theory 58, 61; see also Horacio Spector, 'Four Conceptions of Freedom' (2010) 38(6) Political Theory 780, 785.

are no longer driven by selfish motives, leading to inner freedom. If a politician in power practices performing duties selflessly (*niskama karma*) in accordance with *dharma* he becomes liberated from personal gain and attachment to office, ensuring honesty and integrity remain his foremost priorities. Similarly, when the government fulfil its duty by upholding fundamental rights and DPSP's, then citizens are able to fully enjoy the liberties of thought, belief, expression, and worship….

The Preamble of the Constitution of India guarantees citizens the liberty of thought, expression, belief, faith, and worship. This principle resonates with the Gita (18, 47-48), where Lord Krishna advises "it is better to engage in one's own duty, even though one may perform it imperfectly, than to perform another's duty perfectly." Lord Krishna emphasizes that all human actions carry inherent imperfections, and these very flaws become stepping stones for growth and evolution. Similarly, the Constitution grants freedom not as a shield from error but as the space to learn from mistakes, refine understanding and grow, both individually and collectively, provided that one's actions do not harm others.

The Gita's most distinctive contribution is its emphasis on inner liberty i.e,. freedom from fear, attachment, desire, and ego. This inner freedom becomes the moral precondition for meaningful external liberty. Here, liberty is not a license but freedom through self-mastery. An earnest and contextual interpretation of verses of the Gita reveals that the Gita is more focused on inner liberty rather than outer, it champions inner liberty, simultaneously a conscientious study of the Constitution of India unmistakenly reveals that our Constitution protects liberty of thoughts, expression, belief, faith and worship. Thus, while the Gita cultivates the moral foundation of liberty within the individual, the Constitution protects its outward manifestation through enforceable fundamental rights, together presenting a complementary vision of human freedom. For example, the Preamble of the Constitution of India assures liberty of thought, expression, belief, faith and worship. The Gita's philosophy explains that freedom of expression without inner freedom from hatred, ego or fear leads to misuse of speech. Liberty of thought without moral clarity leads to prejudice disguised as opinion. Legal rights without humanity erode fraternity. Dr. B.R. Ambedkar's concept of Constitutional Morality[107] here reflects the Gita's emphasis on cultivating inner ethical transformation.

[107] In the 19th century, British historian George Grote developed the idea of Constitutional morality. He defined it as "coexistence of freedom and self-restraint". Ambedkar's greatest gift to the Constitution was not the tangible Constitution but a notion of Constitutional Morality. He made Constitutional morality a pillar of Indian democracy. Ambedkar explained constitutional morality as a necessary democratic culture based on respect for the Constitution, institutions, procedures, and limits on power. He believed that constitutional morality required citizens and political leaders to follow constitutional methods rather than violence or extra-constitutional agitation, respect dissent, avoid hero-worship, and uphold liberty, equality, and fraternity; *K M. Munshi*, in the Constituent Assembly Debates, 23 Jan. 1947, articulated the idea of constitutional morality by drawing upon the Gita's conception of dharma and its emphasis on duty-based ethics "Our entire cultural civilisation is based on Dharma. The Bhagavad Gita teaches us to act according to our duty without attachment to the result. The very basis of our rule of law, of the ideals of justice, liberty and equality,

All these philosophical relationships may find expression and strength in the Fundamental duties enshrined under the Constitution of India, which contends that exercise of liberty must be accompanied by a sense of moral responsibility, discipline, and commitment toward the welfare of society. And when an individual uses their liberty with compassion, forgiveness, righteousness, then liberty becomes guided and disciplined. Such conduct therefore reflects the spirit of *dharma*. Over time, this way of living purifies the mind, reduces attachment, and brings inner peace. This inner transformation gradually prepares the individual for a higher state of freedom. In Indian Philosophical thought, this amelioration is known as liberation or *Moksha*.[108]

The concept of *moksha* or liberation was included as the fourth end after *dharma, artha, kama*.[109] This concept was elaborately discussed by the Indian idealist thinkers. The concept of immortality.[110] The *Mahabharata* elaborately discussed the concept of liberation[111], as it was a formative stage of Indian philosophy when the great Vedic philosophical systems were getting systematised and made definitive. The *Shantiparva's* third *parva* which refers to *Moksadharma Parva* contained different ideas on liberation of soul. *Bhishma* in his discourse on liberation in the Santi Parva of the Mahabharata, explains the attainment of supreme bliss (*moksha*) by drawing upon the philosophical frameworks of Samkhya and Yoga.[112] In the Gita, *Samkhya philosophy* was sought to understand the nature of *dharma (*it must be mentioned here that Samkhya philosophy discussed in the Santiparva and the Gita was different from the version of *Samkhya Karika* of *Ishvarkrishna* who flourished in the 4th century A.D). Some basic postulates of *Samkhya* were accepted in the Gita but it could not be said that it was based on the Samkhya philosophy. In the epic, *Panchashikha* and several other Samkhya teachers tried to explain some fundamental assumptions of the *Samkhya* thought.

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is rooted in this conception of Dharma." He also connected India's civilisation and constitutional values to the Gita's philosophy. In his words "We are inheritors of a culture whose foundation is the Gita, the Upanishads and our ancient ideals of righteous conduct. The Constitution we are framing must reflect this moral inheritance.

[108] *Moksha* in Indian philosophical thought refers to liberation from the cycle of birth and rebirth (samsara) and the realization of ultimate spiritual freedom, understood either as union with Brahman or as self-realization beyond ignorance and desire. See also *Chāndogya Upaniṣad* 6.8.7, in Patrick Olivelle (trans), *Upaniṣads* (Oxford University Press 1996);

[109] *Dharme carthe ca kame ca mokse ca bharatarsabha*
Yad ihasti tad anyatra yan nehasti na tat kvacit. (Mahabharata .1, *Adi Parva* 56.33)
[Translation: Concerning Dharma, Artha, Kama and Mokṣa, O best of the Bharatas, whatever is found here is found elsewhere; but whatever is not found here is found nowhere.]

[110] The sages reflected, an act being infinite could not produce a result from it or more lasting a thing that did not last imperfect and could not be the ultimate truth. Then the thinkers declared that the existence of this life was not true and emancipation from the same would be a step towards immortality. They maintained that the soul was. immortal, it did not die and the individual soul was the representative of the supreme soul. The world of appearances was not true, it was an illusion and it would not allow him to recognise the everlasting good clearly.

[111] *Mahabharata*, Santi Parva (*Mokṣa Dharma Parva*), 168–353 (Bibek Debroy trans., Penguin Random House India 2014).

[112] Mahabharata Santi Parva, Mokṣa-dharma Parva, chs 300–306; see also Bibek Debroy (trans), *The Mahabharata*, Vol 11 (Penguin 2015) (Santi Parva: Mokṣa-dharma Parva, Bhiṣma's discourse on Saṃkhya–Yoga liberation).

This understanding of liberation was not confined merely to metaphysical salvation; it also represented liberty from ignorance, attachment, fear, and selfish desire. The Gita repeatedly emphasises that true liberty begins with the individual. A person who conquers his mind, controls the senses, and performs duties without attachment attains liberty. Liberty in the *dharmic* tradition is not understood as unrestricted individualism, but as disciplined self-mastery guided by ethical consciousness. The famous exhortation that one must elevate oneself through one's own mind reflects the idea that the progress or decline of both the individual and society ultimately depends upon inner moral strength, integrity, civic virtue and self-awareness.[113]

The significance of inner dimension of liberty becomes particularly evident when freedom is situated within a constitutional order. Liberty, in its substantive sense, can't be sustained merely through the formal recognition of rights; it also depends upon the moral capacity of individuals to exercise those rights with responsibility and regard for others. Constitutional rights alone cannot guarantee responsible liberty; constitutional morality requires citizens and institutions to cultivate self-restraint. Dr. Ambedkar said "Constitutional morality is not a natural sentiment. It must be cultivated."[114] When Ambedkar said that constitutional morality is not natural, he meant that constitutional morality does not arise automatically from social habits or traditions. It requires conscious moral training, self-restraint, and respect for constitutional values. Mere legal enforcement cannot sustain liberty without inner ethical commitment. The Apex Court held in the case of *Government of NCT of Delhi v Union of India* [115] that constitutional morality requires self-restraint, mutual respect, and adherence to constitutional values, not mere legal compliance. The Gita similarly teaches[116] that freedom is not given by external conditions, but achieved through inner effort. The Constitutional morality and The Gita's inner liberty together explain how outer constitutional freedoms can be sustained in practice. One small yet significant instance may be drawn from the Bhagavat Gita[117], that is when Arjuna questions Lord Krishna about the force that compels a person to commit wrongful acts even against one's own will. In response, Lord Krishna identifies desire and anger as the real enemies of human freedom and urges mastery over the senses and the mind. This emphasis on inner self-control demonstrates that without ethical discipline and inner liberty, external

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[113] *Uddared atmanatmanam natmanam avasadayet*
atmaiva hyatmano bandur atmaiva ripur atmanah (Chapter 6, Verse 5, Srimad Bhagavad Gita.)
[Translation: One should lift oneself by one's own efforts and should not degrade oneself; for one's ownself is one's friend, and one's own self is one's enemy.]

[114] See. Ambedkar, B. R, Constituent Assembly Debates (Vol. 7, Parliament of India, 4 November 1948).

[115] (2018) 8 SCC 501.

[116] One must Elevate oneself by one's ownself. (Chapter 6 Verse 5 Srimad Bhagavad Gita); true freedom is freedom from fear, desire, anger (Chapter 2 Verse 56, Srimad Bhagavad Gita); the uncontrolled minds become one's enemy. (Chapter 6, Verse 6, Srimad Bhagavad Gita)

[117] See. Chapter 3, Verse 36-43, Srimad Bhagavad Gita.

freedoms whether moral or constitutional, risk being rendered ineffective or destructive. The Gita recognizes that the greatest threat to freedom may sometimes come from within the individual rather than from the state.

This conception of inner liberty finds constitutional expression in modern India through the guarantees embodied in Articles 19 and Article 25 of Constitution of India which protect freedom of speech, expression, conscience, and belief. This constitutional freedom mirrors the Gita's insistence on moral autonomy, where ethical action must arise from inner conviction, not external compulsion. Unlike authoritarian systems that suppress dissent, India's constitutional structure reflects that liberty is indispensable for moral growth, democratic participation, and human dignity.

Any government will have a strong basis for its survival if it is founded on liberty and justice.[118] Liberty and Justice create legitimacy, and legitimacy is what allows a government to survive. If we take an example of Russia-Ukraine war, we will see that since the Russian invasion of Ukraine, the Ukraine State has continued to function and retain strong public support largely because it is perceived as defending Liberty (national self- determination, democratic choice) and Justice (rule of law and resistance against unlawful aggression). Another example is France, where during protest over pension reforms, people exercised their liberty to protest while institutions worked to ensure justice through legal review and public debate. In India, the Supreme Court struck down degrading bail conditions imposed on tribal and *Dalit* individuals, calling them "cruel" and "unknown to law".[119] This shows how justice protects liberty especially for marginalised groups. It reinforces that the government and judiciary survive on public trust when they uphold dignity and fairness, an integral part of *dharma.*

VI. DHARMA AND EQUALITY

The concept of equality occupies a central place in both the Indian constitutional framework and the *Dharmic* tradition. While modern constitutionalism approaches equality as a legal and political principle, *Dharma* provides a deeper moral and spiritual foundation for it. Equality does not imply uniformity among individuals; rather it signifies equal dignity, equal worth and equal respect for all human beings.[120] The Constitution of India embodies this ideal through Articles 14 and 15, which guarantee equality before law and prohibit discrimination, but the philosophical roots of this principle can be traced to ancient Indian thought.

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[118] Ranganath Mishra, CJ. in *All India Judges Association v Union of India*, (1992) 1 SCC 119.

[119] Dhananjay Mahapatra, *'Clean thana' bail condition for tribals & Dalits degrading: Supreme Court' Times of India* (May 5, 2026).

[120] The right to equality in the Constitution of India is not merely a negative right not to be discriminated against but also a positive right to be treated as an equal.

The earliest foundations of equality in Indian philosophy are found in the Vedas and Upanishads. The Rig Vedic declaration *"Ekam Sat Viprah Bahudha Vadanti"* (Truth is one, though the wise describe it differently) reflects the belief that diversity in expression does not negate the underlying unity of existence. This idea is beautifully captured in the *Srimad Bhagavatam*. [121] As explained by Swami Ranganathananda,[122] the verse teaches that the one non-dual reality is variously described as *Brahman*, *Paramatman* or *Bhagavan*, thereby affirming the essential unity underlying apparent diversity. Such a worldview naturally nurtures equality by recognising the same divine essence in every individual. This idea is further developed in the *Chandogya Upanishad* through the celebrated dictum *"Tat Tvam Asi"* ("Thou Are That"), which teaches that every individual shares the same divine essence or *Atman*. Since the same spiritual reality resides in all beings, distinctions based on caste, class, wealth or social status lose their moral significance. Thus, the *Upanishadic* worldview provides a philosophical basis for the equality of all human beings. '*Sarva dharma sambhabhavana'* is a fundamental precept of *dharma.*[123] This predominant thread runs through several decisions of the Apex Court.[124]

The Gita transforms this metaphysical insight into an ethical principle through the doctrine of *sama-darsana* (equal vision). Lord Krishna teaches that the wise perceive the same divine reality in all beings and therefore treat everyone with equanimity.[125] And who practised equanimity, he conquered this mortal plane and later established in *Brahma.*[126] In another verse of the Gita, Lord Krishna states that the highest yogi regards friends and enemies, relatives and strangers, the virtuous and the sinful alike.[127] In Chapter 6, Verse 32, Lord says that he who looks all as one, on the analogy of his own self, and looks upon the

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[121] *Vadanti tattattvavidasttavam yajjnanamadvayam*
Brahmeti paramatmeti bhagavaniti sabdyate. (Srimad Bhagavata Purana Canti 1, Chapter 2, Verse 11)
[Translation: Those who know the truth describe that non-dual knowledge of reality as Brahman, Paramatma, or Bhagavan.]

[122] Swami Ranganathananda, *Central Theme of Srimad Bhagavatam*, Advaita Ashrama p. 14.

[123] The constitutional vision of equality also finds support in the *Dharmic* principle of *Sarva Dharma Sambhava*, which advocates equal respect for all faiths and spiritual paths. This principle does not imply the homogenisation of religions but rather the recognition of the equal dignity and legitimacy of diverse beliefs. Rooted in the Vedantic understanding that truth may be approached through different paths, it reinforces the constitutional commitment to non-discrimination and equal treatment.

[124] In *Aruna Roy v Union of India* (2002) 7 SCC 368 the Court (Justice M. B. Shah) explicitly used the phrase:
"All religions therefore have to be treated with equal respect (*sarva dharma sambhav*) … and there has to be no discrimination on the ground of any religion (panthnirapekshata)."; see also *S.R. Bommai v Union of India* (1994) 3 SCC 1; see also *Bijoe Emmanuel v State of Kerala* (1986) 3 SCC 615.

[125] Supra note 18.

[126] *Na prahrsyet priyam prapya nodvijet prapya capriyam*
Sthira buddhir asammudho brahma-vid brahmani sthitah (Chapter 5, Verse 20, Srimad Bhagavad Gita)
[Translation: He who, with firm intellect and free from doubt, rejoices not on obtaining what is pleasant and does not feel perturbed on meeting with the unpleasant, that knower of Brahma lives eternally in identity with Brahma.]

[127] "Suhrnmitraryudasina madhysthadvesyabandhusu
Sadhusvapi ca papesu samabuddhirvisisyate". (Chapter 6 verse 9 Srimad Bhagavad Gita)

joys and sorrows of all equally, such a person (yogi) is deemed to be the highest of all.[128] Equality, therefore, is not merely a legal entitlement but a moral consciousness arising from the recognition of the unity of life.

The Gita explains that the fourfold social order was created according to *guna* (qualities) and *karma* (actions).[129] This suggests that social functions were originally linked to aptitude and conduct rather than birth. Since the same divine presence exists in every being, no social group can claim inherent superiority over another. *Dharma*, therefore, cannot legitimately be interpreted as a justification for discrimination or oppression. Rather, it affirms the equal spiritual worth and dignity of all individuals.

Modern political thought recognised equality as an indispensable condition of a just society. Alexis de Tocqueville[130] viewed the advance of equality as an inevitable historical force accompanying democratic development. Thomas Hobbes grounded equality in the natural capacity of individuals, while John Locke linked it to natural rights and human freedom.[131] These ideas significantly influenced modern constitutional democracies and the development of human rights jurisprudence.

Despite these ideals, Indian society has historically been marked by inequalities based on caste, gender, class and community. Recognising this contradiction, Dr. B. R. Ambedkar famously observed that on 26 January 1950 India would enter "a life of contradictions," where political equality would coexist with social and economic inequality.[132] His warning highlighted the necessity of transforming equality from a constitutional promise into a social reality. The Constitution of India therefore adopts a comprehensive understanding of equality. Article 14 of the Constitution of India guarantees to every person including non-citizens and transgenders also.[133] While Article 15 prohibits discrimination on specified grounds.

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[128] Lord says who performs this, he is Yogi who is free from the contact of sorrow. It is also to be remembered that when one wants to attain that purity, he/she must go through the process of humiliation, disrespect, *akritagyata* (ingratitude), even he did something good for them, even then he/she must keep the ideal of his duty (niskam karma) inside. Then in time, he becomes more flexible in sorrow. Lord says in Chapter 6 Verse 46 that the Yogi is superior to those who perform action with some interesting motive. Then Lord Krishna made it simpler in Verse 47 that who is the best Yogi.

[129] *Catur-varnyam maya srstam guna-karma-vibhagasah*
Tasya kartaram api mam viddhy akartaram avyayam. (Chapter 4, Verse 13, Srimad Bhagavad Gita)
[Translation: the four orders of society (viz., the Brahmana, the ksatriya, the Vaisya and the Shudra) were created by Me (the Lord Himself), classifying them to the Gunas predominant in each and apportioning corresponding duties to them; though the originator of this creation, know Me (the Lord), to be a non-doer.]

[130] Alexis de Tocqueville, *Democracy in America,* described the gradual process of equality as an inevitable, fated historical force that fundamentally includes freedom from slavery and discrimination.

[131]The modern concept of equality has evolved from ancient Greece through philosophical shifts. One of the Proponents of Natural Law theory, Hobbes argued that natural equality based on human's equal capacity to harm one another, while Locke emphasized that universal natural rights to self-ownership and freedom. In the early 18th century, the assumption of inherent hierarchy began to erode, and the view was that all individuals are substantive equals before God.

[132] On 25 November 1949, the day before the Constitution of India was adopted, Dr. B. R. Ambedkar spoke about the contradiction between political and social inequality, in the Constituent Assembly. BR Ambedkar concluded his presentation with a powerful pointer: 'on the 26th January 1950 we are going to enter into a life of contradictions. In politics, we all have equality and in social and economic life we will have inequality.'

[133] *National Legal Service Authority v Union of India* 2014 5 SCC 438,487.

Together, these provisions seek not merely to prevent unequal treatment but to establish a social order based upon equal dignity and equal citizenship. The constitutional commitment to equality thus resonates with the *Dharmic* ideal that all human beings are manifestations of the same universal reality.

Ultimately, it may be said that *Dharma* and the Constitution converge upon a common principle that is the inherent worth of every human being. *Dharma* teaches spiritual equality through the doctrines of Atman, *sama-darsana* and universal unity, while the Constitution translates these moral insights into enforceable legal righ\ts. The former provides the ethical foundation, and the latter provides the institutional framework. Together, they offer a powerful vision of a society founded upon dignity, justice, equality and mutual respect.

VII. DHARMA AND FRATERNITY

The idea of 'fraternity' though commonly regarded as a modern constitutional concept but it has deeper philosophical roots. Fraternity refers to affection for everyone and hatred for none. It denotes a shared feeling of belonging that is essential for the existence and functioning of society. Historically, fraternity emerged in modern political thought as a response to totalitarian and absolutist monarchies and developed alongside the ideals of liberty and equality. The absence of fraternity renders liberty and equality incomplete, for liberty without social responsibility may lead to selfish individualism while equality without fraternity may become merely formal.[134] Consequently, fraternity serves as the moral bond that sustains democratic society. The concept of *dharma* in the same vein seeks to sustain social order by requiring individuals to act in a manner conducive to the welfare of others. *Dharma* is the most closely related notion in the Indian philosophical tradition to such an ethical framework. It acts as a moral fabric that binds individuals to their families, communities, and the broader world.[135] Far from being a narrow religious doctrine, *dharma* signifies the moral order that governs individual conduct, social relationships and political authority. The Gita presents *dharma* as a dynamic, context-sensitive principle that harmonizes duty, justice, restraint, and the welfare of society.

[134] See B.R. Ambedkar, *Constituent Assembly Debates*, Vol XI, Speech on the Adoption of the Constitution, Nov.25,1949; see also *Indra Sawhney & Others v Union of India* (1992) the Court held: "… inequality ill-favours fraternity, and unity remains a dream without fraternity. The goal … of fraternity assuring the dignity of the individual … must … remain unattainable so long as the equality of opportunity is not ensured to all." Thus, the jurisprudence links justice and equality under the Preamble, further connected with fraternity and dignity.

[135] The Concept of Dharma: Understanding Indian Ethical Traditions, (Philosophy Institute, 10 September 2023) <https://philosophy.institute/ethics/dharma-indian-ethical-traditions > (accessed Jan.15, 2026).

The framers of the Indian Constitution expressly incorporated fraternity into the Preamble to ensure the dignity of the individual and the unity and integrity of the nation.[136] It may be argued that fraternity may either serve as a tool for alignment of both individual and group aspirations, or may serve as the reason for its incompatibility. The Constituent Assembly debates reveal that fraternity was intended to promote social cohesion in a diverse society. Article 51A(e) of Indian Constitution further imposes a duty upon citizens to promote harmony and the spirit of common brotherhood transcending religious, linguistic, regional and sectional diversities. Thus, fraternity occupies a central place in India's constitutional vision. This constitutional commitment also closely resembles the *dharmic* obligation to maintain social harmony and respect the dignity of all persons irrespective of differences of caste, creed, language or belief.

The significance of fraternity was eloquently emphasized by J.B. Kripalini in the Constituent Assembly.[137] He described fraternity as doctrine allied with democracy and observed that all human beings are united by a common spiritual essence. According to him, fraternity is not merely a constitutional principle but a moral principle that must permeate every sphere of life. Dr. B.R Ambedkar similarly emphasized the indispensable role of fraternity in sustaining democracy. He observed democracy is not merely a form of Government. It is essentially an attitude of respect and reverence towards fellow men.[138]The Principle of Fraternity is a precursor to the attainment of secularism.[139]

This understanding bears a striking resemblance to the teachings of the Gita, where the recognition of spiritual unity forms the basis of ethical conduct and social harmony. Albeit the Gita does not explicitly employ the modern term 'fraternity'. Its teachings embody a much broader conception of universal brotherhood.[140] Lord Krishna teaches that a truly enlightened person perceives the same reality in all

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[136] The concept of fraternity was found in place in the declaratory part of the Preamble to the Constitution of the Third Republic that was adopted on September 28, 1946.; Constitution of India, art. 44. envisages a uniform civil code to promote national unity. The Gita advocates ethical universality- a moral law applicable to all, beyond sectarian divisions. *Dharma* in the Gita is universal, not religion specific, which philosophically supports article 44's objective. Constitution of India. art. 48A obliges the state to protect the environment. The Gita views nature (*prakriti*) as sacred and interconnected with human existence. Ecological balance is part of *dharma*, making environmental protection a duty.

[137] Constituent Assembly Debates, Vol. X, 17 October 1949, Speech of Acharya J.B. Kripalani, p. 454: "Again I come to the great doctrine of fraternity which is allied with democracy. There can be no fraternity without this. So, I want this House to remember that what we have enunciated are not merely legal, constitutional and formal principles, but moral principles; and moral principles have got to be lived in life. They have to be lived whether it is private life or public life, whether it is commercial life, political life or the life of an administrator. They have to be lived throughout. These things, we have to remember if our Constitution is to succeed."

[138] B.R. Ambedkar, *Annihilation of Caste* (1936), Chapter "The Ideal Society," where Ambedkar stated that "This is fraternity, which is only another name for democracy. Democracy is not merely a form of Government. It is primarily a mode of associated living, of conjoint communicated experience."

[139] See *S.R. Bommai v Union of India* (1994) 3 SCC 1.

[140] *Yajna- sistasinah santo*
Mucyante sarva- kilbisai
Bhunjate te tv agham papa
Ye pacanty atma-karanat (Chapter 3, Verse 13, Srimad Bhagavad Gita)

beings and all beings in oneself.[141] The same idea is reinforced in another verse where the Lord says that the wise see with equal vision a learned Brahmin, a cow, an elephant, a dog and an outcaste.[142] This teaching is remarkable because it rejects social hierarchies as the basis of human worth. The emphasis on *sama darsana* (equal vision) resonates strongly with the constitutional commitment to equality, dignity and fraternity. It also indubitably reflects the *dharmic* principle that moral worth arises from conduct and character rather than birth or social status.

The ancient ideal of *Vasudhaiva Kutumbakam* the world is one family further reflects the vision of fraternity. Recently the G20 Delhi summit of 2023 adopted the theme "One Earth, One Family, One Future", which illustrates the continuing relevance of this civilizational ideal. The philosophical foundation of this principle can be found in the Gita's repeated emphasis upon the unity of all existence and the interconnectedness of all beings. The Gita clearly states that the ideal is being able to see every oneself and oneself in everyone. He is the fool whose mind is diluted by egoism, considers himself to be the doer.[143] And when one gets to know that he is not the doer, his ego shatters and he resides in real self where no discrimination is possible, oneness comes naturally.[144] Be it different belief, all differences exist only on the surface, at the level of senses. If we deep within, there is complete oneness, oneness with the Lord, who is the fragment of every soul.[145]

The Gita links fraternity with selfless action and social responsibility. Lord Krishna teaches that individuals particularly those in positions of influence must act for the welfare of society.[146] The concept of *lokasangraha* discussed earlier demonstrates that personal conduct has social consequences. Fraternity

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[Translation: that Those who help others by giving them foods or sharing his portion he is a virtuous person. Those are the sinful ones who cook for the sake of nourishing their bodies alone, partake of sin only.]

[141] *Sarvabhutastham atmanam sarvabhutani catmani*
Iksate yogayuktatma sarvatra samadarsanah (Chapter 6, Verse 29, Srimad Bhagavad Gita)
[Translation: The yogi whose mind is harmonized sees the Self in all beings and all beings in the Self and thus sees equally everywhere.] This verse goes beyond mere social tolerance. It establishes spiritual equality as the foundation of human relations. If all beings share the same essential reality, discrimination and exclusion become morally indefensible. The constitutional principle of fraternity seeks social solidarity; the Gita seeks a deeper unity rooted in spiritual consciousness.

[142] *Supra note 18.*

[143] *Prakrteh kriyamanani gunaih karmani sarvasah*
ahankara- vimudhatma kartaham iti manyate. (Chapter 3, Verse 27, Srimad Bhagavada Gita)
[Translation: In fact, all actions are being performed by the modes of Prakriti (Primordial Nature). The full, whose mind is deluded by egoism, thinks: "I am the doer".]

[144] V Dwivedi, 'The Spirit of Vasudhaiva Kutumbakam in The Bhagavad-Gita' (2023) 2(1) Educational Metamorphosis 26-31.

[145] "*Mamaivamso jivaloke jivabhutah sanatanah*" (Chapter 15, verse 7, Srimad Bhagavad Gita)
[Translation: The eternal *Jivatma* in this body is a fragmant of His (the Lord) own Self; and it is that alone which draws around itself the mind and the five senses, which abide in *Prakriti*.]

[146] *Yad yad acarati sresthas tat tad evetaro janah*
Sa yat pramanam kurute lokas tad anuvartate. (Chapter 3, Verse 21, Srimad Bhagavad Gita).
[Translation: Whatever a great does that very thing other men also do; whatever standard he sets up the generality of men follow the same.]

therefore not an emotional formality but a duty requiring active participation in the welfare of others. And the preservation of *lokasangraha* is itself a central objective of *dharma*. The Gita's condemnation of selfishness and praising of sharing and mutual responsibility reflects the moral dimension of fraternity. And it may be said that the Gita's conception of fraternity reaches its highest expression in its doctrine of divine unity.[147]

Therefore, it may be said in this context that long before fraternity was formally incorporated into modern constitutional disclosure, the Gita articulated a vision of universe brotherhood, equality, selfless service and social responsibility. While the Constitution institutionalizes fraternity as a democratic value necessary for preserving dignity and national unity, the Gita elevates it into a universal ethical and human principle rooted in *dharma.*

VIII. SYNTHESIS OF LAW AND DHARMA – ANCIENT VALUES, MODERN PRINCIPLE

In modern times *Dharma* and Law may appear to be diametrically opposed, yet their underlying concept is the same. *Dharma* is not law, but it encompasses the modern concept of law, even though there are differences between modern law and *dharma*. *Dharma* and Law both prevent a person from becoming a beast. *Dharma* governs the law via morality in and out of the courts.[148]

In ancient Indian society, law and *dharma* were not viewed as separate ideas. Texts such as the *dharmasastras*, *Smritis* and *Arthasastra*, treated the concept of justice, law and religion as deeply inter-woven, and justice was equated to *dharma* and vice-versa.[149] Similarly, the Mosaic Law of Israel regarded law and justice as inseparably inter-woven[150] and justice was understood as an essential aspect of morality to which law must conform.[151] In ancient India, *dharma* was considered the highest of rights and embodied the idea of supremacy of law as even the king was subject to it. This principle is illustrated in the case of *Ananthapindika v Jetha*[152] where a dispute between a prince and citizen of his state was decided in favour of the citizen. The prince followed the orders of the court. This reflects that everyone including the king or royalty were subject to supremacy of court and everyone was considered equal in the state. In modern times this finds expression in Article 14 of the Constitution of India.

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[147] Supra note 22.

[148] *Secretary, Ministry of Information and Broadcasting v Cricket Association of Bengal & Anr* 1995 SCC (2) 161.
[149] N C Sen Gupta, *Evolution of Ancient Indian Law* (Arthur Probsthain, London 1954) 336.
[150] Julius Stone, *Human Law and Human Justice* (Stanford University Press) 22.
[151] H.L.A Hart, *The Concept of Law* (2nd edn, Oxford University Press 1972) 152-153.
[152] As reported in *VINAYPATRIKA*.

However, the early unified concept of *dharma* gradually faded with the Mughal era and further during British rule. The colonial legal system brought laws and reforms for India, but these were often not treated with rights, respect and dignity. Indians coveted for life, peace, rights they used to live while following *dharma* in ancient times. They retorted back initially in 1857, Satyagraha, and the Civil Disobedience Movement. M.K Gandhi clearly stated in this point that he was not disobeying British rule rather was obeying the higher law of our being, the *dharma*.[153] Therefore, it was felt that the concept of *dharma* in ancient times should be related to present times and be modified in a way that suits the needs of present situations and still has the same effect as it had.[154] Article 14 of constitution of India clearly states about it.[155]

In the Indian tradition, *Dharma* signifies both law and morality[156] and some jurists opined that no State can be devoid of law and morality.[157] Both are needed to attain justice. Justice Girish Kathpalia[158] beautifully summarizes and explains how *dharma* and law function in dynamic harmony to achieve justice. He explains with a vivid illustration that imagine a fire breaking out in a public place, people were rushing to escape, but two men could not run on their own. One has no legs and the other is blind. They realized that separately they can't escape. So, they decided to escape with a solution. The man who could see but without legs sat on the shoulder of the blind person. The man without eyes can run and the man without legs could see the way and guide therefore. Now in this metaphorical illustration, the blind man represents Law (the dynamic but lacking vision) and the man without legs symbolizes *dharma* (the static and moral compass). When law is guided by *dharma,* true justice (*Nyaya*) takes place. Together they successfully escape the danger. Moreover, every person's behavior is influenced by their socialization. As members of a certain civilization, our actions are dictated by the moral principles we have already learned.

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[153] M K Gandhi, *An Autobiography: The Story of My Experiments with Truth* (Mahadev Desai trans, Navajivan Publ'g House 2007) (1927).

[154] Leepakshi Rajpal & Mayank Vats, '*Dharma and the Indian Constitution' (2016)* 5(2) Christ University Law Journal 57–70. The authors argue that Dharmic principles continue to influence constitutional values and must be understood within contemporary legal and social realities.

[155] Article 14 of the Constitution of India, which guarantees equality before law and equal protection of laws. Article 14 embodies the *dharmic* ideal that law must operate fairly, reasonably, and without arbitrariness. Just as *dharma* in ancient Indian thought sought to maintain moral balance and social justice, Article 14 ensures that the State treats every individual with equal respect and dignity. The constitutional principle of equality thus represents a modern legal manifestation of the ancient *dharmic* commitment to fairness, justice, and righteous governance.

[156] The relationship between law and morality has long been debated in jurisprudence, most prominently in the Hart–Fuller debate. H.L.A. Hart argued that law and morality are conceptually separate, and that a law is valid if enacted through recognized procedures, regardless of its moral content. In contrast, Lon L. Fuller maintained that law necessarily contains an inner morality, grounded in fairness, consistency, and respect for human dignity, without which it loses legitimacy. Indian constitutionalism aligns more closely with Fuller's view, as the Constitution is not morally neutral but is founded upon ethical values such as liberty, equality, dignity, and fraternity. While acknowledging Hart's concern against judicial imposition of personal morality, the Supreme Court has consistently held that legality alone is insufficient, and that law must be guided and restrained by constitutional morality.

[157] See L M Singhvi, *Freedom on Trial* (1st edition, Vikash publishing House, New Delhi) 85.

[158] Hon'ble Justice, High Court of Delhi, India.

We assess people depending on the moral standard we establish based on the ethical concepts we have learned from society. The moral norms that we pick up from our society have an impact on not just human behavior but also our thoughts and opinions.[159]

IX. CRITIQUES, CHALLENGES AND POSSIBILITIES OF SOLUTIONS

While the Bhagavad Gita offers profound ethical insights that resonate with several constitutional values such as justice, equality and social welfare, its application within the framework of a modern democratic constitution is not free from debate. Scholars, jurists and constitutional theorists may raise important concerns regarding the extent of which religious philosophical text may serve as a normative guide for a secular republic. Questions may also be raised about the possibility of exclusionary interpretation of spiritually grounded concept into universally acceptable constitutional principles. Simultaneously, it is be kept in mind that all these possible criticisms do not necessarily diminish the relevance of the Gita; rather they highlight the need for a careful, inclusive and contemporary understanding of its teaching. The following discussion examines some of the principal challenges associated with invoking the Gita and *dharma* in Constitutional thought.

a. May the Gita help to form a secular Constitution?

Indian Constitution being a secular Constitution treats citizens equally regardless of religion, avoids establishing one faith, protects freedom of belief including the right to practice no religion. The framers of the Constitution debated religion extensively in the Constituent Assembly and rejected the idea of a State founded on a single religion.[160] At the same time, it may be said that many framers and thinkers drew ethical inspiration from multiple liberal ideas. The Gita is one of them. Many scholars argue that the Gita can enrich constitutional morality without replacing secular law.[161] Dr. Sarvapalli Radhakrishnan[162]

[159] See Bharati Chand, 'Critical Appraisal of Human Rights Followed by Universal Ethics in United Nations Universal Declaration of Human Rights and Bhagavad Gita' (Nov-Dec 2017) 4(37) Scholarly Research Journal for Interdisciplinary Studies 9121-9130, 9122.

[160] See Constituent Assembly Debates, Vol. VII, 6 December 1948; see also Shefali Jha, *Secularism in the Constituent Assembly Debates, 1946–1950*, Rajiv Gandhi Institute for Contemporary Studies (2024); see also James Chiriyankandath, "Creating a Secular State in a Religious Country: The Debate in the Indian Constituent Assembly," 38(2) *Commonwealth & Comparative Politics* 1–24 (2000).

[161] Chinmayee Nimkhedkar & Soham Ravindra Paturkar, 'Converging Philosophies: The Constitutional Reading of the Bhagavad Gita' (2026) 8(1) International Journal for Multidisciplinary Research <https://doi.org/10.36948/ijfmr.2026.v08i01.69804 > (accessed March 25, 2026).

[162] Sarvapalli Radhakrishnan (1888–1975) was an Indian philosopher, statesman, and the second President of India. In the context of the Indian Constitution, he caturargued that constitutional democracy could not endure on legal institutions alone; it required a moral and spiritual foundation rooted in the ethical traditions of Indian civilization. While he firmly supported a secular democratic state, he understood secularism as equal respect for all faiths and the cultivation of universal moral values rather than the exclusion of religion from public life.

opined that Indian Constitution must be grounded in the nation's ethical and spiritual values.[163] Constitutional ideas and concepts such as justice, equality, restraint of power, selfless action, fraternity, liberty, freedom of choice are also engrained in the Gita as we previously discussed about.

The Gita promotes a spiritual consciousness that seeks to harmonize knowledge, action, and devotion. It does not prescribe uniform rules to all individuals. It prescribes different ways to attain the supreme bliss, someone follows straight steps, someone follows crooked ones, but at the end they reach the same destination. There are diverse tendencies and inclinations of human nature, no definite path can be prescribed to everyone.[164] This mirror one of *dharmic* teaching "*ekam sat bipra bahudha vadanti"* (truth is one, everyone expresses it in many ways). For those immersed in worldly ignorance the Gita prescribes *Karma Yoga*; for the wise *Jnana Yoga*; for the devotee *Bhakti Yoga*. Thus, it presents a comprehensive path tailored to each soul's evolution.

The Gita envisions a time when humility will rise beyond narrow identities and fulfil its true potential through conscious, responsible action guided not by fear or reward, but by deep inner realization and utility with the divine. The teachings of the Gita are applicable to all stages of life and to all walks of life, be it a householder, a student, a renunciate, or a ruler. It gives supreme value to performing one's *svadharma* (righteous duty) sincerely, while remaining ever united with God in mind and heart. Moreover, the Gita stands at the confluence of philosophy, spirituality, and ethics. And it is to be stressed here that philosophy, spirituality, ethics does not belong to any particular community or religion.

b. Possibility of misunderstanding dharma in exclusionary or casteist ways.

One of the major criticisms often raised against the concept of *dharma* is the possibility of its misuse in exclusionary, hierarchical, or casteist ways. Since *dharma* has historically been interpreted through different social and religious traditions, there is a concern that it may sometimes be employed to justify inequality or rigid social divisions. However, even within ancient Indian philosophical discourse such interpretations were not accepted without challenge.

In the *Mahabharata*, sage Bhrigu explains caste divisions on the basis of physical differences such as skin colour, but *Bharadvaja* immediately contests this reasoning by pointing out the immense variations in

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[163] Ibid 152; see also Constituent Assembly Debates, Vol. VII, 843–44, He said "We must build the house on strong ethical and spiritual foundations. We in India have our own distinctive outlook on life. We believe in the Gita's doctrine of disinterested action… to work without attachment to the fruits of action, dedicating all activity to God."

[164] *Ruchina vaichitryat rjukutila-nanapatha -jusam*
Nrnam eko gamah tvam iti nanyah pantha vidyate . (Pushpadanta, Shiva Mahimna Stotra 6)
[Translation: Just as different rivers rise from different places and yet all of them flow toward one ocean and merge their waters into it, similarly, O Lord, because of the diversity of individual tastes and tendencies, people walk on many straight or crooked paths but You alone are their one and only ultimate destination"].

complexion within every caste, arguing that if colour alone determined caste, then all castes would indubitably become mixed. *Bharadvaja* further raises deeper concern by asking a profound question "we all seem to be affected by desire, anger, fear, sorrow, worry, hunger and labour; how do we have caste differences then?".[165] Similar egalitarian ideas are reflected in *The Bhavisya Mahapurana*, which states that 'since members of all the four castes are children of God, they all belong to the same caste. All human beings have the same father, and children of the same father can't have different castes.[166]

Moreover, Lord Krishna says in the Gita that the four orders of society were created by Him according to our Gunas and karmas predominant in each.[167] There is no inequality of any soul to Him, all the souls are actually Himself then how is it possible to say that one order is superior than the other? Modern Indian thinkers like Swami Vivekaknanda, Sri Aurobindo[168], B.R Ambedkar[169] also strongly rejected the idea that *dharma* inherently supports caste discrimination. Swami Vivekananda consistently argued that caste was merely a social institution and not an essential component of religion. According to him, the caste system may once have emerged out of social necessity and historical circumstances. He clearly emphasized that the ancient strict caste system is "useless" in our society. "Caste is a social organization and not a religious one. Religion has nothing to do with it". "Hindu religion no longer requires the prop of the caste system. A Brahmin may interdine with anybody, even a Pariah. He won't thereby lose his spirituality".[170]

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[165] See Swami Abhedananda, 'The Social Status of the Indian People: Their System of Caste' in The Complete Works of Swami Vivekananda, chapter 3, https://www.wisdomlib.org/hinduism/book/complete-works-of-swami-abhedananda/d/doc493210.html (accessed 25 October, 2025).

[166] See Swami Vivekananda, 'The Mission of the Vedanta' in Lectures from Colombo to Almora, The Complete Works of Swami Vivekananda Vol 3 The mission of the Vedanta (accessed 25 October 2025).

[167] *Catur varnyam maya srstam guna-karma vibhagasah*
Tasya kartaram api mam viddhy akartaram avyayam. (Chapter 4, Verse 13, Srimad Bhagavad Gita).
[Translation: Which means that the four orders of society (viz., the Brahmana, the ksatriya, the Vaisya and the Shudra) were created by Me (the Lord Himself, classifying them to the Gunas predominant in each and apportioning corresponding duties to them; though the originator of this creation, know Me (the Lord), to be a non-doer.]

[168] "Caste was originally an arrangement for the distribution of functions in society, just as much as class in Europe but the principle on which the distribution was based in India was peculiar to this country.... A Brahmin was a Brahmin not by mere birth but because he discharged the duty of preserving the spiritual and intellectual elevation of the race, and he had to cultivate the spiritual temperament and acquire the spiritual training which could alone qualify him for the task. The Kshatriya was a Kshatriya not merely because he was the son of warriors and princes, but because he discharged the duty of protecting the country and preserving the high courage and manhood of the nation, and he had to cultivate the princely temperament and acquire the strong and lofty Samurai training which alone fitted him for his duties"- Sri Aurobindo, 'Caste and Democracy' ((Bande Mataram, 21 September1907) reproduced in India's Rebirth: A Selection from Sri Aurobindo's Writings, Talks and Speeches (S Nahar and Institut de Recherches Evolutives eds, Institut de Recherches Evolutives 2000).

[169] "Varna is based on the principle of each according to his worth-while Caste is based on the principle of each according to his birth. The two are as distinct as chalk is from cheese. In fact, there is an antithesis between the two." B R Ambedkar, *Annihilation of Caste* (1st edn, 1936) 48; see B R Ambedkar, The Untouchables (1948) in Dr. Babasaheb Ambedkar: Writings and Speeches, Vol 7 (Government of Maharashtra) 303, cited in Koenraad Elst, The Saffron Swastika: The Notion of "Hindu Fascism" (Voice of India 2010) ch 3, 252.

[170] Swami Vivekananda, "A Bengali Sadhu", Madura Mail (Jan 28,1893), reprinted in The Complete Works of Swami Vivekananda (Advaita Ashram ed.; see also Swami Vivekananda's quotes on caste and casteism, VivekVani (Mar.13, 2020) <https://vivekavani.com/swami-vivekananda-quotes-caste-casteism/ > (accessed on March 25, 2026)

According to him "The religion of the Hindus is divided into two parts: the ceremonial and the spiritual. The spiritual portion is specially studied by the monks. In that there is no caste. A man from the highest caste and a man from the lowest may become a monk in India, and the two castes become equal. In religion there is no caste; caste is simply a social institution."[171] Referring to Gautama Buddha, whom Swami Vivekananda called Shakya Muni, praised Him for spreading spiritual truths universally without caste barriers and for promoting inclusiveness and equality.[172] Swami Vivekananda repetitively tried to convince us that there is no use of fighting among castes. It will divide us all the more, weaken us all the more, degrade us all the more. And even if caste is unavoidable, then we must have a caste of purity and culture and self -sacrifice. Swami Vivekananda considered that then this caste will be of billion dollars.[173]

c. Need for universal interpretation of dharma beyond religious lines.

The need for a universal interpretation of *dharma* becomes increasingly important in a pluralistic and constitutional society, because *dharma* and religion are not identical concepts. *Dharma*, as understood in the Gita, is not synonymous with religion but refers to moral order and ethical duty. This distinction has been judicially recognized. It may be said that religion is born out of *dharma*. Justice J. Hansaria[174] says "religion may inspire one to build a fragile mortal home for God, *dharma* helps one to recognize the immoral shrine in heart." This distinction highlights that *dharma* is fundamentally inward looking and universal rather than merely ritualistic or denominational. *Dharma* is often related to humanity. And since humanity is above all, *dharma* is above all.

d. Dharma beyond Ritual

In contemporary society, people increasingly follow their own understanding of *dharma* through ethical conduct, constitutional morality, and adherence to law, which may itself be viewed as a modern institutional expression of collective *dharma*. We often think that performing few *dharmic* rituals are enough[175], but life is becoming more complex and challenging when that happens, as seen in the West. Conventional religious sentiment will be of little help in facing such difficult trials. Therefore, we need something deeper, more empowering, more invigorating. And that heroic message is what is in this great scripture, where one worrier instructs another not merely in battle, but in overcoming doubt, attachment

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[171] Swami Vivekananda, Buddhism, The Fullfilment of Hinduism, Address at the Parliament of the World's Religions, Chicago (Sept. 26, 1893); see also Swami Vivekananda's quotes on caste and casteism, VivekVani (Mar.13, 2020) < https://vivekavani.com/swami-vivekananda-quotes-caste-casteism/ >(accessed on March 25, 2026).

[172] Id.

[173] Swami Vivekananda, The Sages of India, Lectures delivered in Madras, 1897, reprinted in The Complete Works of Swami Vivekananda, Vol 3, Advaita Ashrama; see also Swami Vivekananda's quotes on caste and casteism, VivekVani (Mar.13, 2020) < https://vivekavani.com/swami-vivekananda-quotes-caste-casteism/ > (accessed on March 25, 2026).

[174] *A.S. Narayana Deekshitulu v State of Andhra Pradesh & Ors (*1996) 9 SCC 548.

[175] *Dharma* is not confined to religion or rituals, it is the path of righteousness, the moral compass that guides every human action. *Dharma* teaches us that our duties change with our roles, but the essence remains the same.

and moral confusion. And this heroic message meaningfully contrasted with the classic heroic epic poem 'Beowulf', which is a celebration of an outer hero who battles monstress and earns glory in a fleeting world. Here the Gita honours the inner hero, the one who conquers doubt, ego, and attachment to walk the path of truth.

X. CONCLUSION

When Winston Churchill made the momentous announcement that India was more a country than was the Equator, it was evident that his intellectual imagination was severely strained by the difficulty of seeing how so much diversity could fit into the conception of one country.[176] In this regard it may be said that the teachings of the Gita continue to hold significance. The concept of *dharma* as articulated in the Gita continues to possess profound relevance for contemporary constitutional thought. The Constitutional values of justice, equality, liberty, and fraternity reveal a striking ethical correspondence with the universal dimensions of *dharma.*

At the same time, the study cautions against reducing *dharma* to a narrow or exclusionary construct rooted in caste hierarchy, religious orthodoxy, or majoritarian assertion. The true essence of *dharma* lies not in rigid social conformity but in *Viveka* i.e. the moral conscience that enables human beings to distinguish right from wrong and to act in a manner conducive to both *abhyudaya* (material and moral welfare) and *nihsreyasa* (ultimate good). In this sense, *dharma* is fundamentally ethical and humanistic rather than sectarian.

The Gita itself cannot be read in isolation from the wider argumentative wisdom of the *Mahabharata*. As modern society confronts terrorism, war, violence, insecurity, epidemics, and severe economic inequalities, Arjuna's ethical anxiety concerning the consequences of violence remains as significant as Krishna's exhortation to perform one's duty. The Gita, therefore, does not advocate blind obedience or passive resignation; rather, it encourages reflective action informed by responsibility, restraint, and concern for the larger good. It is this dynamic and interpretative understanding of *dharma* that renders that text enduringly relevant in constitutional democracies.

The universal appeal of the Gita has long been acknowledged beyond India. Eminent English novelist and philosopher Aldous Huxley introducing the Gita to the Western audience in an English translation jointly done by Swami Prabhavananda and Christopher Isherwood, praises the the Gita for its universal philosophy applicable not only for Indians but for all mankind. He remarked that "The Gita is one of the

[176] Shashi Tharoor, 'India's Quiet Revolution' Washington Post (Feb. 4, 2007) <https://www.washingtonpost.com/archive/entertainment/books/2007/02/04/indias-quiet-revolution/16f95325-39db-475d-a133-1b1936d4b548/ > (accessed 25th April 2026).

clearest and most comprehensive summaries of the Perennial Philosophy ever to have been made. Hence its enduring value, not only for Indians, but for all mankind." Similarly, Max Muller recognized Sanskrit literature which obviously include the Gita and the Mahabharata, as a repository of profound moral and intellectual insight. He observed 'what I feel convinced of, and hope to convince you of, is that Sanskrit literature, if studied only in the right spirit, is full of human interests, full of lessons which even Greek could never teach us'.[177] Such observations underline the civilizational depth of Indian philosophical traditions and their continuing contribution to global ethical thought.

Judicial engagement with the Gita further illustrates the possibility of drawing upon ethical traditions without compromising constitutional secularism. In *State of Gujrat v Mirzapur Moti Kureshi Kassab Jamat* [178] While determining the constitutionality of the Bombay Animal Preservation (Gujarat Amendment) Act, 1994, a law prohibiting cow slaughter, the Court invoked the principle of compassion towards living beings as part of India's ethical consciousness, reflecting the Gita's emphasis on the interconnectedness of life. In a very important ruling, the Gujarat High Court dismissed a Public Interest Litigation filed by Jamiat Alma-e-Hind that challenged the inclusion of the Bhagavad Gita in the state's school curriculum, holding that the Gita conveys universal values rather than sectarian religious doctrine. Constitutional secularism in India does not require the exclusion of philosophical traditions from public disclosure, provided such engagement remains non coercive and universal in character.[179]

Ultimately, the relationship between the Gita and Constitution of India is not one of theological authority over constitutional law, but of ethical dialogue between ancient wisdom and modern constitutionalism. The Constitution transforms moral ideals into enforceable legal principles while preserving democracy, pluralism, individual freedom, and equality before law. The enduring significance of *dharma* therefore lies in its capacity to enrich constitutional morality by fostering justice, compassion, self-restraint, fraternity, and responsibility towards humanity. In this continuing dialogue between philosophy and law, the ethical vision of *dharma* remains capable of guiding both individual conduct and public life towards a more humane and just social order.

[177] Fedrick Max Muller, *India What Can It Teach Us? A Course of Lectures Delivered before the University of Cambridge* (Longmans, Green and Co) 6; Max Muller in the same speech said "If I were asked under what sky the human mind has most fully developed some of its choicest gifts, has most deeply pondered on the greatest problems of life, and has found solutions of some of them which well deserve the attention even of those who have studied Plato and Kant- I should point to India".

[178] AIR 2006 SC 212.

[179] *Jamiat Ulama-e-Hind Gujarat & Anr. v Union of India & Anr* (WPPIL/54/2022).