
AN ANALYSIS OF DHARMA FROM THE PERSPECTIVE OF INDIAN SOCIETY

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शान्तितुल्यं तपो नास्ति तोषान्न परमं सुखम्।

नास्ति तृष्णापरो व्यधिर्न च धर्मो दयापरः।।

There is no other success like obtaining peace, no other enjoyment like fulfilment, no other sickness like greed, and no other Dharma like being kind to others.

ABSTRACT

Dharma refers to a moral way of life. Its purpose is to establish standards for all social action and to reconcile Kama and Artha's relationship. As a result, Dharma refers to the rules by which a man must behave as a member of society. Dharma has been linked with duty fulfilment. It is believed that doing one's responsibility, no matter how small, is preferable than doing the duty of others, no matter how large. . Dharma is the notion of each person's obligations and rights in an ideal society, and it serves as the law or mirror for all moral behaviour. Dharma is clearly of great relevance to Hindus since it is a way of life rather than a religion. Social ideals and cultural conventions are represented by Dharma. It was made for man's benefit and delight. It is a theory based on responsibilities and rights. This paper discusses the definition of Dharma, its nature, function, and importance to the Indian constitution, as well as how the notion of Dharma is changing in the contemporary age.

KEY WORDS: Dharma, Nature, Constitution and Dharma, Law and Dharma

INTRODUCTION

Dharma, according to Hindu philosophy, is the universal rule that encompasses and preserves the whole world while also uniting the many orders of existence and the phases at which these orders have reached spiritual maturity. Dharma is founded on evolutionary philosophical monism, often known as Indian wisdom's fifth sense. Dharma is the Greek term *ethos*'s semantic equivalent. Dharma, contrary to popular belief, is neither a religion nor does it support any, but rather a collection of norms and beliefs that includes religious rights, standards of conduct, and responsibilities. When we discuss religious rights or responsibilities, it does not favour one religion over another, but rather outlines them for all religions. According to Jaimini, Dharma is "based on revelation that is favourable to the welfare of society, as decreed by the ancient Vedas." In a nutshell, dharma is an inner flowering of being that causes everything outside of it to manifest. Following Vedic rites and injunctions was originally considered dharma. Dharma is defined as "that wonderful which is chosen according to Vedic laws" in the Mimamsa sutra. Kumarila concurs, arguing that the term relates to Vedic sacrifices with favourable results.

MEANING OF DHARMA

The name Dharma is derived from the Sanskrit word 'Dhr'(root) which means 'to uphold, support, nurture, and sustain'. Dharma is semantic equivalent to the Greek word 'ethos'. The Sanskrit term Dharma refers to the underlying order in nature, as well as human existence and conduct that adheres to that order. It signifies 'correct way of life' or 'appropriate behaviour' ethically, especially in religious contexts. In terms of spirituality, Dharma may be described as "the path to greater truths."¹

To comprehend the notion of Dharma, we must first comprehend the meaning of the term. Although "Dharma" has no direct English meaning, numerous people use it in many situations. "Duty" is one of the most prevalent definitions of Dharma. Dharma takes on numerous meanings depending on the setting and religious undertones. Dharma is a term used by

¹ Dharma is the imperative factor in all Indian faiths and philosophies. Right way of life, divine law, road of righteousness, order, faith, natural harmony, rule, core teachings, and responsibility are all common interpretations and glossaries. In a metaphysical theory, dharma can refer to laws of functioning of the mind or world, or to standards of conduct in an ethical philosophy.

Buddhists to refer to a cosmic rule, while Jains and Sikhs use it to refer to religious pathways².

The vedic notion of Rita³, which literally meant 'the straight line,' is widely acknowledged to have been developed and superseded by Dharma. Rita alludes to the Law of Nature, which denotes moral rules based on justice. When something is Rita, it simply means that it is accurate and correct. Dharma developed with Rita, but finally took over when Rita's old notion couldn't cope with and handle the issues that arose as societal complexity grew. Dharma refers to natural law.⁴

According to John Brockington, the meaning of dharma in the Ramayana changes based on the "transmitters'" perspectives. The term, however, is most typically connected with a sense of appropriateness or morality. According to James Fitzgerald, the term in the Mahabharata is mainly associated with action. Ashok Aklujkar analyses the ramifications of dharma in terms of ancient India's sociolinguistics, as well as current Indology's assumptions and predilections, using Patanjali's Vyakarana-mahabhasya and Bartruhari's Trikandi.⁵

There are several meanings and uses for 'Dharma'. For example, the term Dharma is used as moral order, used as sum of duties, used as object of pursuit, used as religion, used as bhakthi, used as ethics, used as divine justice, used as religious duty, used as law, used as good works⁶

FORMS OF DHARMA

Dharma has been interpreted in a broader meaning to refer to a person's obligations. The Hindu social organization considers the individual not just in terms of his or her personality, but also

² Dharma and notions like law, justice, and religion are all used interchangeably in some ancient Hindu scriptures. As a result, no distinction appears to exist between Dharma and law in general. However, we must recognise that Dharma also has a theological and moralistic foundation. <https://www.toppr.com/guides/legal-aptitude/jurisprudence/schools-of-jurisprudence-concept-of-dharma/>

³ The notion of rita led to the doctrines of dharma (obligation) and karma as Hinduism evolved from the old Vedic religion (accumulated effects of good and bad actions). Rita is the physical order of the cosmos, the order of sacrifice, and the world's moral code. Because of rita, the sun and moon continue their daily excursions across the sky, and the seasons move in predictable patterns..Information available at; <https://www.britannica.com/topic/rita-Hinduism>

⁴ <https://www.toppr.com/guides/legal-aptitude/jurisprudence/schools-of-jurisprudence-concept-of-dharma/>

⁵For more information visit ; <https://www.thehindu.com/books/Study-on-the-concept-of-dharma/article16813375.ece>

⁶ Information available at : <https://thelawbrigade.com/wp-content/uploads/2020/09/Bobbala-Jyothirmai-APLPR.pdf>

as a member of the group. Dharma may be interpreted on numerous levels of human existence in this way.

i) Ashrams Dharma:

Purushartha's idea is put into practise in the Ashrams system. The Ashrams system has been viewed as a place of labour and life phases through which a man travels his whole life span. Brahmacharya, Grihastha, Vanaprastha, and Sanyasa are the four Ashrams, respectively. Deva Rina, Rishi Rina, and Pitri Rina are the three Rinas that a man is meant to pay off. Only by passing through the Ashram system, particularly Grihastha Ashrams, can these Rinas be realised. A guy travels to the wilderness and lives as a recluse at the Vanaprastha Ashrama. A guy must be free of all worldly ties in order to enter the Sanyasa Ashrams. In this way, the Ashrams system established Dharma, or responsibilities, at each level of human development.⁷

ii) Varna Dharma:

There were four Varnas or classes in ancient Hindu civilization. Each Varna was given a certain task to complete, and this task was completed as a matter of Dharma. Whatever the meaning of the Varna, one thing is certain: it represented the separation of society into separate divisions. As a result, Varna and Dharma referred to the assignment of responsibilities to distinct categories of individuals. A man must do his Varna's tasks, according to the Varna system. The Brahmin Varna is responsible for teaching, while the Kshatnya Varna is responsible for organising and managing the society's affairs. The Vaishya Varna is in charge of the financial affairs, whereas the Sudra Varna is responsible for providing service to the other three Varnas. The Varna Dharma establishes a person's code of behaviour and way of life.⁸

iii) Manava Dharma:

Hinduism may also be thought of as the religion of mankind. The goal of Manava Dharma, or humanity's religion, is to discover the ultimate truth. Dharma, according to Manava Dharma Sastra, is satisfaction, forgiveness, self-discipline, abstention from encroaching on the lives of others, control of the senses, and ultimate knowledge of the truth and reality.⁹

⁷ <https://www.yourarticlelibrary.com/hindu-philosophy/essay-on-dharma-hindu-philosophy/4089>

⁸ Ibid

⁹ Ibid. The religion of humanity, according to Vishnu Dharma Sastra, encompasses tolerance, self-control, nonviolence, dedication to instructors, sympathy, freedom from wants, and reverence for seniors.

iv) Kula Dharma:

The kula Dharma involves a person's responsibilities, which he must fulfil in line with the Dharma established for the householder. The Hindu Sastrakaras believe that man's interests should not be limited to his own self-interest. A person's selfish desires should not be the sole thing on his mind. After offering a portion of one's dinner to Gods, Bhutas, visitors, animals, and saints, one should eat his own meal.¹⁰

v) Yuga Dharma:

Hindu Dharma has become exceedingly dynamic and adaptable thanks to the Hindu Sastrakaras. A man must act according to his age and circumstances, and it is his responsibility to move and operate in accordance with the demands of the times. According to Prabhu, Hindu Dharma fluctuates so much that even Adharma might become Dharma if the circumstances require it.¹¹

vi) Raja Dharma:

The tasks according to which the ruler and the ruled must conduct their lives have been listed in this category. The Kshatriya's job is to safeguard the people. It is the king's responsibility to preserve and safeguard the public's interests. It is the public's responsibility to follow the laws of the kingdom and the king's orders.¹²

vii) Apat Dharma:

To deal with life's complexity, duties have been imposed. It is believed that a Brahmin may follow the Dharma of Kshatrya in an emergency, but if this is not feasible, he should follow the Dharma of Vaishya. In an emergency, even actions that are ordinarily forbidden become the individual's responsibility if they help rescue the atma and Dharma.¹³

DHARMA**i) The term Dharma refers to duty and obligation**

¹⁰ Ibid

¹¹ Ibid

¹² Ibid

¹³ Ibid

In Hindu law, dharma refers to obligation in numerous contexts. This might encompass religious, social, legal, and spiritual duties. Some people use the word to mean righteousness, which gives it a moralistic sense. In legal language, some people refer to the concept of justice as Dharma.¹⁴

ii) Dharma promotes the growth and well-being of everyone

According to Justice M. Rama "Dharma is that which secures and encourages everyone's growth and prosperity in this world, as well as eternal bliss in the other," .Dharma is defined as everything that assists in the upliftment of living beings. As a result, Dharma is undoubtedly ensures the well-being of all living creatures. Dharma is defined as anything that is correct, just, and moral. Dharma seeks the wellbeing of the state and, more specifically, its people.¹⁵

iii) Dharma is not a religion

Contrary to popular belief, Dharma is not a religion and does not support any religion, but rather a set of rules and beliefs that includes religious rights, standards of conduct, and obligations. When we talk about religious rights or obligations, it does not favour one religion over another, but rather describes them for all religions. According to Jaimini, Dharma is "based on the revelation which is favourable to the welfare of society, prescribed by the great Vedas." Dharma is largely founded on the Vedas and contains several indices such as Sruti, Smriti, and moral regulations (sadachar) that regulated people's lives in ancient times.

iv) Dharma casts duties on every individual

As Duguit states, that the only right which any man may possess is the right to do his duty. His idea of Social Solidarity asserts that even the sovereign or the state does not stand in any particular position or privilege and its existence is justified only so long as it does its duty

SOURCES OF DHARMA

¹⁴ For more information visit; <https://www.toppr.com/guides/legal-aptitude/jurisprudence/schools-of-jurisprudence-concept-of-dharma/>

¹⁵ <https://www.britannica.com/topic/dharma-religious-concept>. Dharma, in idea, relates with duty, religion, and the inseparable nature of a thing or orders, i.e. virtuous behaviour of righteous man, and dharma literally means something that maintains or supports' and is a Sanskrit word derived from root dharma.

i) Rig Veda

The word "Dharma" is first used in Vedic literature like the Rig Veda to refer to the universe's basis. According to these holy writings, God created life by instilling Dharma principles in all living beings. According to Hinduism, salvation (or "moksha") is the everlasting Dharma for people.¹⁶

ii) Upanishads

Later Hindu scriptures, such as the Upanishads, considerably developed and moralised the notion of Dharma. Dharma took acquired a juridical significance during this period since nation-states began to emerge. Dharma was used in Hindu law books such as the Manusmriti to refer to people's religious and legal obligations. Dharma, in other words, became a prescriptive term, describing what individuals should and should not do. This view of Dharma persisted, and it may still be seen in Hindu legislation today.¹⁷

iii) Ramayana and Mahabharata

Dharma is mentioned in Hindu epics such as the Ramayan and Mahabharat. It is said that fulfilling one's Dharma is the ultimate goal of everyone. Because the principal purpose of a monarch is to defend Dharma, historical individuals are frequently referred to be "Dharmaraja" in these writings.¹⁸

iv) Other Sources

Puranas, another source, are eighteen in number and contain information on the creation and dynasties of gods, sages, and kings, as well as a full account of yugas. All of the sources are on the same page, and none is superior to the others.

¹⁶ Information is available at: https://www.toppr.com/guides/legal-aptitude/jurisprudence/schools-of-ju_risprudence-concept-of-dharma/

¹⁷ Ibid

¹⁸ Dharma as a concept evolved and was polished from numerous holy Hindu writings, as can be shown. Its significance and breadth grew through time, eventually becoming connected with legal and justice concepts. This is how we now interpret Dharma. <https://www.toppr.com/guides/legal-aptitude/jurisprudence/schools-of-jurisprudence-concept-of-dharma/>

NATURE OF DHARMA

i) Dharma favours duties over rights

In contrast to other systems of law, Hindu jurisprudence favors duties above rights. This is because Dharma, in its different forms, specifies each person's ultimate obligations. The nature of these responsibilities may vary from person to person, but the core principle stays constant. A king's Dharma, for example, is to enforce religious law, whereas a farmer's is to provide food.¹⁹

ii) Dharma closely resembles with natural law schools of thought

Another characteristic of Dharma is that it closely resembles natural law schools of thought. This is because ancient Indian law believes that people's rights are bestowed by God. As a result, divinity is the ultimate source of all social, legal, political, and spiritual rights.²⁰

iii) Dharma includes rules and traditions that govern a wide variety of topics

Dharma is a multi-faceted concept, despite its religious origins. It includes rules and traditions that govern a wide variety of topics like religion, administration, economy, civil and criminal laws, marriage, succession, and other topics.²¹

FUNCTIONING OF DHARMA

Dharma is sanatana, or having eternal values; it is neither time-bound nor space-bound. Dharma has been with us since the beginning of time²². Dharma is distinct from religion²³, yet they are sometimes mistaken to signify the same thing and hence used interchangeably. As previously stated, Justice J. Hansaria distinguished the foregoing in A.S. Narayana Deekshitulu versus

¹⁹ <https://www.toppr.com/guides/legal-aptitude/jurisprudence/schools-of-jurisprudence-concept-of-dharma/>

²⁰ Ibid

²¹ Ibid

²² All you need to know about Hinduism. Available at: <http://history-of-hinduism.blogspot.in/2010/11/sanatana-dharma.html> quoted from [https://www.lawctopus.com/academike/dharma-and-law/#:~:text=Functioning %20of%20Dharma ,same%20and%20thence%20used%20interchangeably.](https://www.lawctopus.com/academike/dharma-and-law/#:~:text=Functioning%20of%20Dharma,same%20and%20thence%20used%20interchangeably.)

²³ Information available at: [https://www.lawctopus.com/academike/dharma-and-law/#:~:text=Functioning %20of%20Dharma ,same%20and%20thence%20used%20interchangeably.](https://www.lawctopus.com/academike/dharma-and-law/#:~:text=Functioning%20of%20Dharma,same%20and%20thence%20used%20interchangeably.) Rajesh Himmat lal Solanki versus Union of India, GHC, 2011. It was held that Dharma and Religion are two distinct entities; just because specific practises are not widespread in some faiths does not make them adharmic, and Dharma encompasses all religions. In other words, adhering to Dharma is secular and does not violate the Constitution.

State Of Andhra Pradesh & Ors²⁴ by referencing Swami Rama's book 'A Call to Humanity' with the following words: "Visionary technique and theology strengthen religion, whereas dharma blossoms in the world of direct experience." Religion adds to a culture's shifting stages; dharma enriches the beauty of spirituality. Religion may motivate one to construct a frail, mortal dwelling for God; dharma assists one in recognising the everlasting shrine inside."²⁵

THE PURPOSE OF DHARMA

The goal of dharma is not only to connect the soul with the absolute truth, but also to recommend a rule of conduct that would provide both worldly delights and sublime happiness. In Vaisesika, Rishi Kanda defines dharma as "that provides worldly delights and leads to supreme happiness."²⁶

TEN RULES FOR THE OBSERVANCE OF DHARMA

The ancient philosopher Manu's Manusmriti recommends ten essential rules for adhering to dharma. These are :--

- i) Patience (*dhriti*),
- ii) forgiveness (*kshama*),
- iii) piety and self control (*dama*),
- iv) honesty (*asteya*),
- v) sanctity (*shauch*),

²⁴ A.S. Narayana Deekshitulu vs State Of Andhra Pradesh & Ors, 1996 AIR 1765, JT 1996 (3) 482.

²⁵ The supremacy of Dharma may be understood simply by noting that the Monarch was not above Dharma; he was ruled by it, and if he did not, the Dharmashastrakara granted the public the right to revolt against such an unjust, tyrannical, and unrighteous king or government. The treaties of Manu, Kautilya, and others contain various rights and obligations of both the monarch and the people, and even recognised individual rights such as the right to private property, personal riches, and so on, which were bound by law for the benefit of society as a whole. Information available at : <https://www.lawctopus.com/academike/dharma-and-law/#:~:text=Functioning%20of%20Dharma,same%20and%20thence%20used%20interchangeably.>

²⁶ Hinduism is a religion that proposes techniques for achieving the ultimate ideal and eternal joy here and now, rather than elsewhere in paradise. It, for example, supports the notion that it is one's dharma to marry, raise a family, and provide for that family in whatever way is required. Dharma practise provides a sensation of inner serenity, joy, strength, and calm while also disciplining one's life. <https://www.learnreligions.com/what-is-dharma-1770048>

vi) control of senses (*indraiya-nigrah*),

vii) reason (*dhi*),

viii) knowledge or learning (*vidya*),

ix) truthfulness (*satya*) and

x) absence of anger (*krodha*).²⁷

DHARMA IS MORAL LAW OF THE WORLD

Dharma is defined in Hinduism as the inherent universal principles whose compliance allows mankind to be comfortable and joyful while also save oneself from degradation and suffering. Dharma is the moral code paired with spiritual discipline that serves as a direction for one's life. Dharma, according to Hindus, is the basic foundation of existence. It refers to "something which holds" the inhabitants of this planet as well as the entire creation. Dharma is a "law of being" without which nothing exists.

Dharma refers to the religious ideals promulgated by Hindu gurus in ancient Indian scriptures. Tulsidas, the author of the Ramcharitmanas, characterised the basis of dharma as compassion. Lord Buddha embraced this notion in his everlasting book of tremendous knowledge, the Dhammapada. The Atharva Veda explains dharma symbolically: Prithivim dharmana dhritam, which means "this world is maintained by dharma." In the epic poem Mahabharata, the Pandavas represent dharma in life while the Kauravas represent adharma.²⁸

DHARMA IN BUDDHISM

In Buddhism doctrine of Dharma is universal truth shared by all persons at all times. Buddhists believe that through practising meditation and adhering to the Buddha's lifestyle, humans can

²⁷ "Non-violence, truth, non-coveting, cleanliness of body and mind, control of senses are the core of dharma," Manu continues. As a result, dharmic rules regulate not just the person but also the entire community. for more Information please visit ; <https://www.learnreligions.com/what-is-dharma-1770048>

²⁸ Dharma is defined in Hinduism as the inherent universal principles whose compliance allows mankind to be comfortable and joyful while also save oneself from degradation and suffering. Dharma is the moral code paired with spiritual discipline that serves as a direction for one's life. Dharma, according to Hindus, is the basic foundation of existence. It refers to "something which holds" the inhabitants of this planet as well as the entire creation. Dharma is a "law of being" without which nothing exists. Information available at : <https://www.learnreligions.com/what-is-dharma-1770048>

be liberated from suffering. The Dharma refers to Buddha's teachings, which he taught in India around 2,500 years ago. He frequently stated that he delivered so many teachings in unique ways that any human being may receive them in the way that was most beneficial to them.²⁹

This implies that there is no single correct approach to grasp Buddhist teachings. Buddha gave vehicles to assist in providing many paths to experiencing and awakening via the dharma teachings. These vehicles are known as the Three Baskets, which contain Hinaya teachings such as Sutras, Buddha's tales, and teachings such as The Dhammapada and other Theravadin lineage teachings. Several of these customs continue to exist throughout Southeast Asia.³⁰

THE DECLINE OF DHARMA AND THE RISE OF POSITIVE LAW

With the arrival of Muslim administration, followed by British rule, Dharma (Hindu) began to lose its lustre and origins. During Muslim administration, teachings of Quran took the place of dharma, yet many practises survived, therefore it remained mostly undisturbed.

The onset of British rule, and their ignorance of Indian laws, had a devastating effect on the concept of Dharma, as they discovered no laws here to govern people, and they began to fix the problem by either importing western law, or natural law, with the devices of equality, justice, and good conscience, or imposing western laws through codification in fields where neither the Hindus nor the Muslims had offered any law.³¹

DHARMA AS THE BASE OF WELFARE STATE CONCEPT

The notion of welfare state, which is the essence of state today, is discovered to have origins in Dharma. As in dharma, it is the responsibility of the king to work for the benefit of the people; similarly, it is the duty of the state to strive for the wellbeing of human beings. Human rights and fundamental rights have been inspired by Dharma and Rigveda.³²

²⁹ Information is available at **Error! Hyperlink reference not valid.**

³⁰ Ibid

³¹ people's civil rights and freedoms were eroded. Indians were treated cruelly and arbitrarily suppressed in all aspects of life, from politics to social and economic life. Indians fought back for the privileges and liberties they had previously enjoyed under the Dharma Law. During his famous Champaran trial, Gandhiji stated that he defied the law not to disrespect British law, but to "follow the higher law of our being - the sin of conscience," which he meant Dharma. Information available at : <https://www.lawctopus.com/academike/dharma-and-law/>

³² Ibid . Maneka Gandhi v. Union of India, 1978, 1 SCC 248. According to the Supreme Court, "these fundamental rights represent the basic values cherished by the people of this country since Vedic times, and they are calculated to protect the dignity of the individual and create conditions in which every human being can develop his personality to the fullest extent."

DHARMA AND INTERNATIONAL HUMAN RIGHTS

When dharma of ancient India is compared to International Human Rights in the current world, we notice a remarkable similarity. The fundamental ideas behind both are, if not identical, highly similar. As previously said, the entire notion of Dharma is built on the four main principles of humanism, neutrality, impartiality, and independence. When seen as building blocks, they mirror the fundamental ideals on which the IHR framework is based and has been created.³³

.As a result, we are required to reconsider the origins of IHR and recognise that, while contemporary approaches did emerge in modern-day Europe, they are not the only starting point of human rights. Dharma, an ancient notion dating back more than two thousand years, continuously calls into question the basic foundation of the concept of human rights, implying that it is the progenitor of the concept itself. Thus, if the East and other such nations that believe in Dharma accept this notion, there will be no infringement of human rights because Dharma principles are nothing more than the forerunner and ancient eastern concept of human rights.³⁴

DHARMA AND LAW

Natural law concepts (Dharma) found their way into the constitution via basic rights. Dharma, was a duty-based legal system, whereas the modern legal system is a right-based one. Of course, these rights are not absolute and are subject to limitations. Some of the essential rights guaranteed are the right to equality, freedom of movement, and, most importantly, the right to life.

i) Dharma's application on indian law

The war for independence was a struggle for basic rights and civil liberties that every basic human being should have, and this was kept in mind when creating the Indian Constitution. As it became clear that the traditional way of living should shift to a more practical approach to

³³ The Ancient Indian Laws, such as those found in the Vedas, Upanishads, and Dharmashastra, created norms for rulers' behaviour toward their peoples, particularly laws to treat the vanquished compassionately and protect their dignity as a human being. These norms and restrictions were referred to as dharma rather than specific laws. It was 'Raj-Dharma' for rulers and 'Praj-Dharma' for the governed. Information available at : <https://nickledanddimed.com/2021/01/12/dharma-the-progenitor-of-the-concept-of-human-rights/>

³⁴ Ibid

life, The codification of Hindu law (Dharma) started in response to changes in viewpoint and lifestyles.

ii) Dharma is not law

Dharma is not the same as law. Dharma encompasses both religious and legal obligations and covers a broader spectrum of human actions than law in the traditional sense. In chapter 69 of the Mahabharatha verse number 58, it is said that Dharma is for the stability of society, the maintenance of social order, and the general well-being and growth of people. Dharma is everything that leads to the achievement of these goals."Nothing is more important than Dharma. On the basis of Dharma, even a very weak man aspires to conquer over a very strong man, just as (he triumphs over the wrongdoer) with the support of the King. So what is referred to as Dharma is actually truth. As a result, people refer to a man who speaks the truth as declaring Dharma, and a man who declares Dharma as speaking truth.

iii) Dharma encompasses the modern concept of law

Conduct is the foundation of Dharma, according to Manu Smriti (a religious literature), and "it is not what people think, but what people do that makes their Dharma." Dharma is commonly associated with religion, yet it has a far broader meaning. Dharma has several dimensions, including religion and law. As a result, the term Dharma also encompasses the modern concept of law.

iv) Dharma is the Indian version of Natural law

Dharma is the Indian interpretation of natural law, as viewed by Indians in ancient culture, however their concept was far-fetched and is lauded by many prominent figures such as Max Muller.

v) Dharma and Law both prevents a man from becoming a beast

In many areas of life man is identical to a beast, such as food, sleep, fear, sex, etc. It is the Dharma that provides him the ability to think and distinguish between good and bad. A man who lacks a sense of Dharma turns into a beast. Dharma teaches man how to live a peaceful life in a society. It governs man's behaviour in interacting with society in the same way law controls human beings' behaviour in society. Both Dharma and contemporary law seek to bring about social peace.

vi) Law is a component of dharma

God created humans with the capacity to think and reason, which led to the development of law. Dharma is a comprehensive concept whose principles are always applicable to law, such as good behaviour with others, speaking the truth, respecting others, and so on. as a result, law is a component of dharma.³⁵

vii) Differences between modern law and dharma

In spite of the fact that Dharma is considered a root of modern law, there are some differences between the two. Dharma denotes generally recognised order, religion, obligation, and the uniqueness of a virtue, but modern law is founded on reasoning and does not incorporate religious features. Dharma is a duty-based philosophy, yet current legislation emphasises rights above obligations. Dharma includes morality, ethics, and virtuous behaviour of a man, but the current system does not recognise moral or ethical principles, and instead of conduct or motivation, it now concentrates on the deed and the results.³⁶ Dharma presumes a supernatural and binds together by fear of the same supernatural, whereas law is founded on rationality and binds via legal consequences imposed by courts (human). Law in the contemporary meaning is concerned with rights, legal responsibilities, and so on, rather than with virtuous behaviour, and hence is limited in scope, whereas Dharma is all-encompassing and universal. The law is built on rationality and presupposes man's conception of 'what ought to be'.³⁷

INDIAN CONSTITUTION AND DHARMA

i) Preamble

The Preamble to the Indian Constitution declares unequivocally that India is secular in nature, does not subscribe to any specific religion, and does not have its own religion. The state is superior to every religion and highest obligation, i.e. Dharma is superior to the state. Dharma is frequently associated with humanity, and because humanity is above all, Dharma is above

³⁵ <http://www.lex-warrier.in/wp-content/uploads/2019/02/Dharma-Soul-of-Hindu-Jurisprudence.pdf>

³⁶ Ibid. Maneka Gandhi v. Union of India, 1978, 1 SCC 248. According to the Supreme Court, "these fundamental rights represent the basic values cherished by the people of this country since Vedic times, and they are calculated to protect the dignity of the individual and create conditions in which every human being can develop his personality to the fullest extent."

³⁷ For more information visit; <https://www.lawctopus.com/academike/dharma-and-law/>

everything. Thus, being secular implies that we obey the highest authority, Dharma, by not following any religion.³⁸

ii) Fundamental Rights

Furthermore, it is the notion of Dharma that led to the formation of Part III of the Indian Constitution, namely the Fundamental Rights. Fundamental rights are those that a person is born with and that cannot be taken away until death. They are available to everyone, regardless of gender, religion, caste, colour, or economic background.

Dharma encourages individuals to treat all people equally with peace and harmony in order for society to stay peaceful. Fundamental rights are a formalised version of the rights that individuals have in the past.

a) Article 15 (1) of India's constitution

Article 15(1) prohibits the state from discriminating on the basis of religion. The Supreme Court also ruled in *Nain sukh Das vs. State of Uttar Pradesh*³⁹ that the state's constitutional responsibility not to discriminate on the basis of religion applies to political and other rights. Dharma always favours equality of human beings without discrimination

b) Article 21 of Indian Constitution

The Supreme Court has interpreted Article 21 to cover all facet of life as life is more than mere animal existence, right to legal aid, right to dignity of a convict, and much more but does not include right to die. Article 21 has become less restricted by time and space.⁴⁰ Like Dharma, which embraced every element and dimension of human existence, whether internal or external, and offered a law to regulate and protect it, Article 21 does the same with the help of other essential rights. Article 21 is broad and inclusive, with the ability to impart every essential human right required to live a decent life.⁴¹

c) Right to Freedom of Religion(Article 25-28)

³⁸ It indicates that India does not consider any one religion, nor does it allow religion to influence state decision-making. It also implies that by not recognising any one religion as paramount and identifying as secular, it vows to protect every faith that exists in the country. The Supreme Court of India defines secularism with regard to all religions as "Sarva Dharma Sambhavana," which indicates that the state has no religion and must treat all persons of all religious groups equally.

³⁹ [1953] INSC 48

⁴⁰ For more information visit; <https://www.lawctopus.com/academike/dharma-and-law/>

⁴¹ Ibid

Dharma is a synthesis of all good teachings from various religions. According to Dharma, all religions across the world are equal and respectable. Article 25 of the Indian Constitution guarantees 'freedom of religion'. The most essential aspect is that it grants freedom to both individuals and groups. Furthermore, the Supreme Court ruled in *Ratilal Panchand vs. State of Bombay*⁴² that religious freedom applies to all 25 people, including foreign nationals. Article 26 allows all religious denominations to create and maintain religious organisations, govern their own religious affairs, and acquire and administer movable or immovable property. According to Article 27, no one can be forced by the government to pay taxes in order to promote a specific faith.

The Supreme Court has stated in *Kesavanada Bharati v. State of Kerala*⁴³ and *Indira Neharu Gandhi v. Raj Narain*⁴⁴ that secularism means that the state shall not discriminate against any citizen solely on the basis of religion, that the state shall have no religion of its own, and that all persons shall be equally entitled to freedom of conscience and the right freely to profess, practise, and propagate religion. Religious instruction is prohibited under Article 28 in educational institutions supported entirely by state funding. Finally, but not least, Article 325 provides that no person can be ineligible for inclusion in an electoral roll or can claim inclusion in a special roll on the grounds of religion.

CHANGING 'CONCEPT OF DHARMA'

In numerous situations, the notion of dharma, or simply dharma, has been employed by many courts to assist them in reaching decisions, including the Honourable Supreme Court. One significant case is *Shri A.S. Narayana Deekshitulu versus State Of Andhra Pradesh & Ors*⁴⁵, which exhaustively analyses Dharma-related concerns such as 'what is dharma?' and 'Is Dharma the same as Religion?' And each and every doubt was answered. It is very much clear now that Dharma is separate from religion. In the case of *the Secretary, Ministry of Information and Broadcasting v. Cricket Association of Bengal & ANR*⁴⁶ court stated that Dharma governs the law via morality in and out of the courts.

⁴² AIR 1954 SC 388

⁴³ (1973) 4 SCC 225

⁴⁴ 1975 SCR (3) 333)

⁴⁵ *Shri A.S. Narayana Deekshitulu vs State Of Andhra Pradesh & Ors*, 1996 AIR 1765, JT 1996 (3) 482. For more information visit; <https://www.lawctopus.com/academike/dharma-and-law/>

⁴⁶ *Ibid .Secretary, Ministry Of Information & Broadcasting v. Cricket Association of Bengal & ANR.*, 1995 AIR 1236, 1995 SCC (2) 161.

The court discusses the Dharma of the Constitution and the karma of adjudication in *Dattatraya Govind Mahajan vs. State of Maharashtra*⁴⁷. Dharma, which is regarded to be an orthodox topic, is employed in circumstances that appear to be quite unorthodox, such as transgender rights⁴⁸.

Dharma has been utilised by courts as prestigious as Constitutional benches in place of duty and truth, and even the flag bears the Ashoka dharma chakra⁴⁹. The courts have construed articles 25 and 26 in accordance with Dharma, stating that when the articles are read and religion means Dharma that is coexistence with the wellbeing of others⁵⁰, which is not an orthodox perspective.

The concept of dharma is fully explored in *Narayana Deekshitulu vs State Of Andhra Pradesh & Ors*⁵¹, where there is a comparison between constitutional laws and Raja Dharma, and the definition of dharma is tried to be clarified by using different verses from everywhere, 'Dharma in context of Rajya only means law,' and Dharma is secular or perhaps the most secular. All courts have kept the same perspective till now, and it is undisputed that Dharma is an everlasting happiness that has witnessed various parts of human existence, mortals, but has remained immortal. A Comparison

Mahayana teachings, including Zen traditions, are still practised across Asia (Japan, Korea, China, and Southeast Asia), whereas Vajrayana teachings originated in Tibet, Mongolia, sections of Nepal, and other central Asian nations.

In Buddhism, there is no hierarchy or competition between traditions or pathways. Each individual is on a journey with others, known as the "sangha," with the objective of extending support to one another in order to be liberated from suffering.⁵²

⁴⁷ Ibid. *Dattatraya Govind Mahajan vs. State of Maharashtra*, AIR 1977 SC 915 1977 Indlaw SC 157.

⁴⁸ Ibid. *National Legal Services Authority v. Union of India and others*, 2014 Indlaw SC 250.

⁴⁹ Ibid. *N. P. Amrutesh and Another v State of Karnataka and Others*, 1995 Indlaw KAR 245, AIR 1995 KAR 290.

⁵⁰ Ibid. *Shirish Christian v Maganlal Mangaldas Gameti and others*, 2012 Indlaw GUJ 2255.

⁵¹ *Shri A.S. Narayana Deekshitulu vs State Of Andhra Pradesh & Ors*, 1996 AIR 1765, JT 1996 (3) 482. For more information visit; <https://www.lawctopus.com/academike/dharma-and-law/>

⁵² The wheel is an essential Buddhist symbol because it represents the cycle of life and death. When a person dies, they are reincarnated into a new form, which might be a deity, a human, an animal, a lesser form, or an inmate of hell, according to Buddhist beliefs. All beneficial activities generate good karma and lead to rebirth in a better form. Bad karma can lead to reincarnation in a lesser form. Buddha taught the Four Noble Truths, which constitute the foundation of Buddhist thinking, as part of the Dharma. 1. Life is suffering. 2. Craving is the source of suffering. 3. Suffering can come to an end. 4. The Eight-Point Path leads to the abolition of suffering. Buddhists

CONCLUSION

Dharma and law may appear to be diametrically opposed, yet their underlying concept is the same. In general, law is an unbroken element of Dharma, and they form a single integrated whole. On the one hand, Dharma is seen as religious, however this is not the case, as confirmed by the Honourable Supreme Court in several decisions cited in the preceding sections. Dharma has guided and continues to guide our behaviour, morality, and laws to varied degrees. On the surface, there appears to be no connection between the two, yet upon closer examination, both are interconnected integrated wholes. 'Dharma' is one of several sources of current law that shapes society. As a result, 'dharma' and law are inextricably linked and intertwined. Dharma has proven its eternal character by withstanding the test of time. Dharma includes ritual activity. Rituals must be performed correctly in order for individual lives and communities to be ordered. The many sorts of rituals are described in the Dharmashastras (religious books, the earliest source of Hindu law). Naming and blessing a kid, initiating their education, and performing the death rites of parents are all part of the dharma. Rituals are activities that should have a part in the ordering of the world. Dharma is therefore also the social order, one's obligation as a member of a social division, such as a varna (caste) or jati (birth group). The Rig Veda identifies four varnas as emanating from various aspects of the divine entity who created the cosmos. Brahmins (priests), Kshatriyas (warriors), Vaisyas (merchants), and Sudras are among them (servants). Each varna helps God's creation in their own unique way. Priests, for example, are distinguished by their spirituality, warriors by their bravery, businessmen by their ability, and slaves by their service. When the various varnas carry out their responsibilities, the society is deemed just and in conformity with dharma. Correct activity in line with dharma is viewed as a service to both humanity and God.

believe that pain is caused by the transience of existence, and that the ultimate objective of Buddhism is to break the cycle of suffering. The accomplishment of this aim is referred to as nirvana.