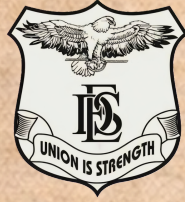


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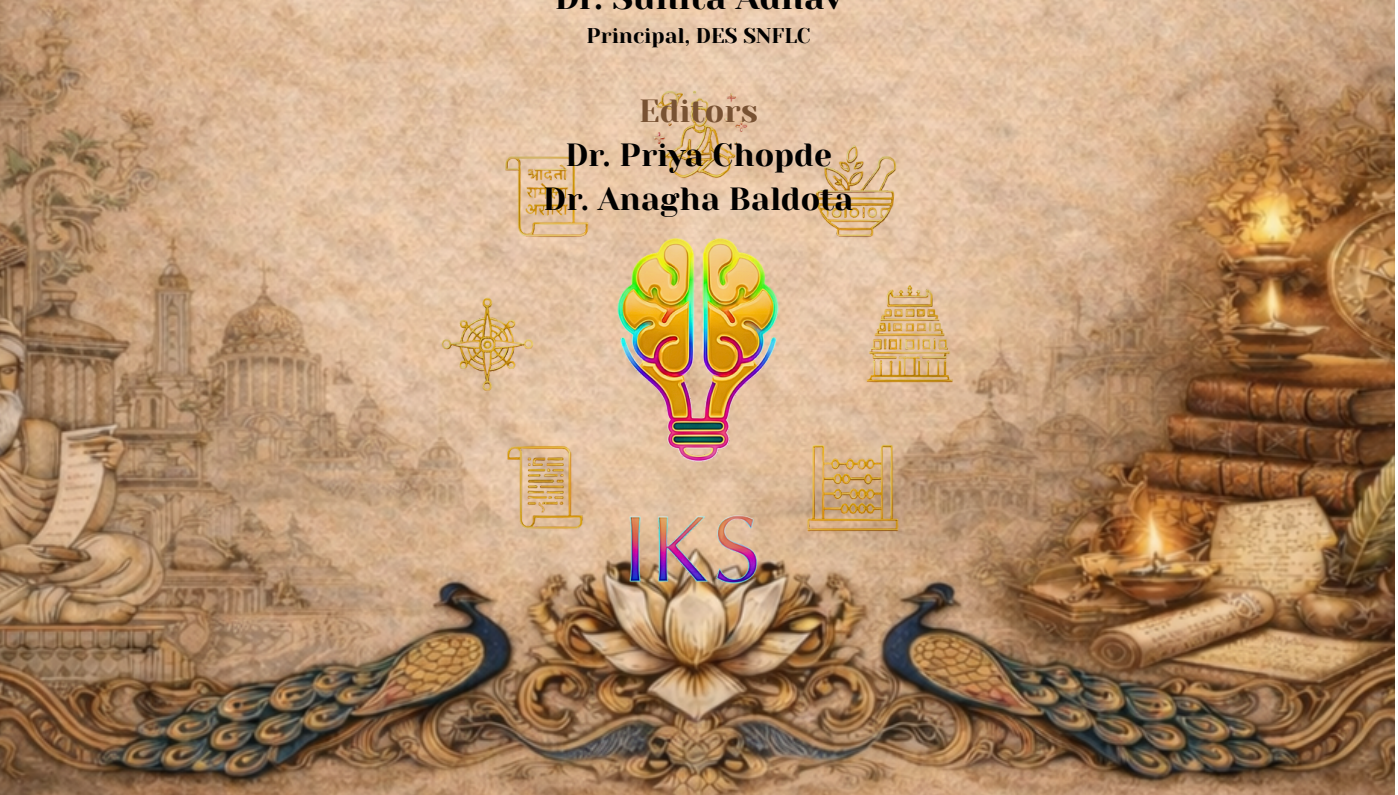
TRANSFORMING HIGHER EDUCATION THROUGH INDIAN
KNOWLEDGE SYSTEM: A GLOBAL PERSPECTIVE

Editor in Chief
Dr. Sunita Adhav
Principal, DES SNFLC

Editors
Dr. Priya Chopde
Dr. Anagha Baldota



IKS



TRANSFORMING HIGHER EDUCATION THROUGH INDIAN KNOWLEDGE SYSTEM: A GLOBAL PERSPECTIVE

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Chairman's Address

Shri. Pramod Rawat
Chairman, GB & Council, DES



The Deccan Education Society has always been a cradle for nation-builders. Our role is to ensure our graduates are “Global Citizens with an Indian Heart.” I congratulate the Principal, the organizing committee, and the contributors for their tireless efforts.

We proudly carry forward the legacy of our founding ancestors to contribute to character building through education. The glory of ancient wisdom & modern technological advents must be combined to tackle the challenges of post independent India. The youth must shape their personality with values & ethics along with a day today education. Multidisciplinarity is not a trend, but a call for the hour! Ancient universities like Nalanda and Takshashila did not survive on silos, but on multidimensional approach towards knowledge & skills. The problems like unemployment, disharmony, discrimination etc. were non existent. The lawyer was expected to understand logic, astronomy, and various arts. While maintaining the गुरु-शिष्य Ethos, in an era dominated by AI, the human-centric, value-driven approach of IKS provides the necessary “soul” to the “machine” of education. At Shri Navalmal Firodia Law College, we explore how Dharma, encompassing duty and cosmic order complements the “Rule of Law,” moving from mere dispute resolution to the restoration of सम्राट (social harmony).

I hope these pages ignite a spark of inquiry. May we transition from being mere consumers of knowledge to being creators of a narrative that is authentically Indian yet globally resonant.

Shri. Pramod Rawat
Chairman,
GB & Council, DES

Vice Chairman's Address

Adv. Ashok Palande

Vice Chairman, GB & Council DES
Chairman CDC, DES SNFLC



It is a matter of profound intellectual pride and institutional honor to present this compendium of scholarly deliberations, born from our International Seminar on "Transforming Higher Education through Indian Knowledge System (IKS)."

As we stand at the crossroads of a civilizational renaissance, the Deccan Education Society, an institution founded by the titans of the Indian freedom struggle like Lokmanya Bal Gangadhar Tilak and Gopal Ganesh Agarkar, finds itself uniquely positioned to lead this discourse. Our founders didn't just seek to educate; they sought to liberate the Indian mind from colonial mimicry.

Today, as we navigate the mandates of the National Education Policy (NEP) 2020, we are essentially returning to our roots to find the wings for our future. The Indian Knowledge System is not a museum of stagnant thoughts; it is a living, breathing tradition of inquiry. For centuries, the Indian approach to learning was defined by the term Vidya, which transcends "information" to encompass "realization." While Western paradigms have long prioritized the "What" and the "How," the IKS framework compels us to ask the "Why."

In the context of higher education, and specifically legal education here at Shri Navalmal Firodia Law College, the integration of IKS is not an act of nostalgia. It is an act of epistemic justice. It is about recognizing that logic (न्याय), linguistics (व्याकरण), and ethics (धर्म) thrived in this land long before the modern university system was codified.

At Shri Navalmal Firodia Law College, we are particularly interested in how IKS reshapes our understanding of Justice. The Western concept of "Rule of Law" is robust, yet it often lacks the nuanced flexibility of Dharma, a term that encompasses duty, righteousness, and cosmic order. This proceeding book is not merely a record of "what was said." It is a blueprint for "what must be done." The scholars whose papers grace these pages, their work is the bridge between ancient wisdom & contemporary quest that a 21st-century student can use to solve contemporary century problems.

असतोमा सद्गमय । तमसोमा ज्योतिर्गमय ।

(Lead us from the unreal to the real; lead us from darkness to light.)

Adv. Ashok Palande

Vice Chairman, GB & Council DES
Chairman CDC, DES SNFLC

From the Principal's Desk

Dr. Sunita Adhav
Principal, DES SNFLC



Transformation is not about looking backward with nostalgia; it is about looking forward with a grounded identity. It is about “De-colonizing the Mind,” but doing so through the constructive lens of our own intellectual treasures!

For decades, the Indian higher education landscape has operated under a borrowed light. While global standards are essential, the “soul” of our education must be indigenous to be truly transformative. The National Education Policy (NEP) 2020 has provided us with the statutory courage to reclaim our heritage, and the publication of the proceeding is our humble attempt to bridge the gap between ancient wisdom and modern application.

In the specific realm of legal education, the Indian Knowledge System offers a treasure trove of insights that remain startlingly relevant. The Western adversarial system, while structured, often focuses on the “letter” of the law. In contrast, the Indian tradition of Nyaya and Dharma focuses on the “spirit” of justice and the restoration of social equilibrium.

The articles contained within the proceeding explore a vast topography from the linguistic precision of Sanskrit as a precursor to computational logic, to the environmental ethics found in our ancient texts. These contributions challenge the “siloed” approach of modern academia. They advocate for a multidisciplinary identity, where a law student understands the philosophical foundations of governance (राजधर्म) and the economic principles of अर्थशास्त्र.

With deepest gratitude to all the contributions, I wish, may the proceedings of this seminar serve as a vital reference point for policymakers and educators who are navigating the implementation of the National Education Policy (NEP) 2020, as the Indian Knowledge System offers a holistic alternative to the colonial pattern of education.

Dr. Sunita Adhav
Principal,
DES SNFLC

PREFACE

A blend of reverence for the past and a futuristic vision lays down a foundation for the present compendium. Indian Knowledge System is not just about "ancient history", it's about the contemporary relevance of traditional wisdom in science, linguistics, governance, and sustainability.

The journey of human civilization is often charted through the lens of its innovations. However, for centuries, a significant portion of the world's intellectual heritage, the Indian Knowledge Systems (IKS) has been relegated to the sidelines of "tradition" rather than being recognized as "science." This book seeks to bridge that gap.

The global landscape of higher education is currently navigating a profound inflection point. For decades, the pedagogical North Star has been oriented toward a Western-centric, industrial-age model of efficiency and specialization. While this has yielded undeniable technological progress, it has often come at the cost of holistic human development and ecological harmony. This volume, a curated synthesis of the International Seminar on Transforming Higher Education through Indian Knowledge System (IKS), serves as a manifesto for a more integrated, sustainable, and wisdom-driven future.

Indian Knowledge Systems represent a comprehensive indigenous ecosystem of learning that spans from the linguistic precision of Panini's grammar to the advanced metallurgical techniques of the Vedic era, and from the ecological ethics of the Bishnois to the profound psychological insights of the Darshanis. In an era where the world is grappling with sustainability crises and the limitations of purely materialistic frameworks, the holistic approach of IKS offers more than just historical pride; it offers solutions.

Through this volume, we aim to provide a structured, evidence-based exploration of these systems. We have curated contributions from scholars who are not only masters of their respective texts but are also capable of translating that wisdom into the language of modern inquiry. Our goal is to inspire a generation of "rooted cosmopolitans", thinkers who are deeply grounded in their own heritage while being fully capable of engaging with global discourse.

As you turn these pages, we invite you to move beyond the superficial "East vs. West" dichotomy. Instead, view these chapters as an invitation to expand your cognitive toolkit. We have designed this book to be an accessible gateway for students, researchers, and curious minds alike, stripping away the esoteric to reveal the practical brilliance of our ancestors.

We hope this work serves as both an anchor and a compass, anchoring you in a rich intellectual identity and pointing the way toward a more balanced, sustainable future.

EDITORIAL

The global landscape of higher education is currently navigating a profound inflection point. For decades, the pedagogical North Star has been oriented toward a Western-centric, industrial-age model of efficiency and specialization. While this has yielded undeniable technological progress, it has often come at the cost of holistic human development and ecological harmony. This volume, a curated synthesis of the International Seminar on Transforming Higher Education through Indian Knowledge System (IKS), serves as a manifesto for a more integrated, sustainable, and wisdom-driven future. At the heart of this collection is a fundamental reclamation of identity. The Indian Knowledge System is not merely a "traditional" alternative or a historical curiosity; it is a sophisticated, multidimensional framework that has historically integrated the sciences, arts, and ethics into a seamless tapestry. From the foundational logic of न्याय to the linguistic precision of Panini, and the ecological consciousness embedded in the Vedas, IKS offers a template for what modern academia calls "interdisciplinary." The contributors to this ISBN-accredited work argue that transforming higher education is not about replacing modern science with ancient lore. Rather, it is about epistemological pluralism. It is the brave act of inviting the sages and the Researchers to the same table, recognizing that while the "what" of education provides our livelihood, the "how" and "why"—deeply rooted in IKS provide our life's purpose. The current academic crisis is often one of "fragmentation." Students learn physics in isolation from ethics, and economics in isolation from ecology. The insights shared in these chapters highlight how IKS-based pedagogy facilitates a shift from श्रवण (listening) to मनन (reflection) and निधी ध्यासन. By integrating IKS into the curriculum, we move away from the "banking model" of education where information is simply deposited into passive minds and toward a model of Chiti (collective consciousness). The papers within this volume explore practical applications, including:

- Ø Integrating Vedic Mathematics to enhance computational thinking and cognitive flexibility.
- Ø Applying Ayurveda and Yoga as foundational pillars for mental health and holistic well-being within campus life.
- Ø Reviving the "गुरुकुल" - Spirit in modern digital classrooms to foster mentorship over mere instruction.

A Global Imperative - While the "I" in IKS stands for Indian, the "K" stands for Knowledge, a universal currency. In an era defined by climate change, AI-driven existential questions, and social fragmentation, the IKS principle of वसुधैव कुटुम्बकं (The World is One Family) offers a necessary ethical compass. This editorial asserts that a Bharat-centric education is not insular; it is a gift to the world, offering a sustainable alternative to the hyper-individualism of the modern era. The transformation envisioned here is systemic. It requires a radical restructuring of credit systems, teacher-training modules, and research methodologies. It demands that we look at our indigenous languages not just as tools for communication, but as storehouses of unique conceptual worldviews. This book is intended for all those who strive for the better future of education by exploring its roots. As we step into an era where "emotional intelligence" and "ethical reasoning" are becoming as vital as "technical skill," the Indian Knowledge System provides a time-tested roadmap. We invite the reader to engage with these pages not as a record of the past, but as a blueprint for a future where education does not just make us "employable," but makes us truly human. This transition from विद्या (knowledge) to ब्रह्मविद्या (ultimate realization) begins with the courage to transform our institutions today!

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HIGHER EDUCATION: A PERSPECTIVE FROM THE INDIAN KNOWLEDGE TRADITION

Dr. Sharad Kunte

Former Chairman, Deccan Education Society, Pune

ABSTRACT

Knowledge is the supreme force, a celestial light that transcends every other power in the universe. It is the master key that renders the impossible achievable, provided one pursues it with a holistic and disciplined spirit. We must distinguish mere information from true knowledge; the latter is a profound synthesis of data, lived experience, and refined wisdom. Education serves as the sacred conduit for this alchemy, a process designed to dispel the shadows of ignorance and replace them with the brilliance of enlightenment and empowerment.

Within the foundational years of school, education serves to harmonize an individual's physical, mental, and intellectual faculties. It is here that the seeds of character are sown, fostering a deep rooted love for one's heritage, society, and the natural world. Modern frameworks, such as the National Education Policy (NEP 2020) emphasize that this foundational stage should also grant practical mastery over arts and skills, ensuring that a learner becomes economically self sufficient and ethically grounded without the absolute necessity of advanced degrees for basic survival.

As the learner ascends to higher education, the focus shifts toward societal transformation and complex problem solving. True scholarship is not a mere instrument for personal enrichment or career advancement; it is a catalyst for social progress. It demands that the individual recognize the plight of their community and the potential of their environment, applying intellectual

rigor to manage resources strategically. This practical application of intellect is wisdom manifest a form of technology that transcends simple employability.

Ultimately, the essence of education is to evolve the human spirit. It aims to empower the learner to survive with quality, sustain themselves through social contribution, and succeed on a global stage. By blending the timeless wisdom of our ancestors with the urgent, contemporary needs of the present, education fulfills its ultimate purpose: the continuous evolution and elevation of the human race.

KEY WORDS: *IKS, NEP 2020, Higher Education, Global Competence and Indian Educational Systems etc.*

I. ANCIENT INDIAN EDUCATION SYSTEM

For generations, a persistent myth suggested that the British arrived in a void of ignorance and bestowed wisdom upon the Indian populace. Mahatma Gandhi fundamentally challenged this illusion at the London Round Table Conference, asserting that prior to colonial intervention, India possessed a highly sophisticated and decentralized educational infrastructure. This expansive network spanned from foundational primary instruction to advanced scholarly pursuits, with over a million village *Gurukuls* serving approximately 750,000 settlements. These centers were inclusive sanctuaries of learning where both boys and girls studied together. Remarkably, the teaching faculty represented a vibrant cross section of society; skill based and vocational training were often spearheaded by communities that colonial narratives later marginalized.

Children typically entered these *Gurukuls* at age eight. While smaller village centers functioned as day schools, larger hubs offered residential

facilities where students lived under the disciplined guidance of their Gurus. A hallmark of this system was its total financial autonomy; education was free for all, sustained not by state control, but by the voluntary “*Dharmadan*” of societal well wishers. This ensured that the pursuit of knowledge remained untainted by political shifts.

For those seeking mastery, India hosted approximately one hundred world renowned universities, including legendary centers like *Taxila*, *Nalanda*, *Kashi*, and *Paithan*. These institutions were global magnets for scholars. While the local *Gurukuls* provided the essential skills for daily life, a select elite roughly one to two percent of students advanced to these universities to specialize in high tech disciplines, research ancient manuscripts, and innovate for the public good. This intellectual rigour was the engine of India’s prosperity, fueling a civilization so economically dominant that it commanded twenty five percent of global maritime trade until the late 17th century.

Tragically, the British dismantled this “Beautiful Tree” as meticulously documented by the scholar *Dharampal* through British archival records replacing it with a colonial model designed to manufacture clerks and subordinates. Even after independence, the lingering shadow of this Eurocentric system hampered national progress. Today, the National Education Policy (NEP) seeks to reclaim this lost heritage. By synthesizing the holistic characteristics of ancient Indian pedagogy with contemporary needs, India aims to re establish an education system that fosters self respect, economic sustainability, and global leadership once again.

II. ***GITA DNYAN: THE TYPOLOGY OF SEEKERS***

The Bhagavad Gita offers a profound classification of those who pursue higher knowledge, as Lord Krishna identifies four distinct temperaments. The first is the *Artharthi*, who seeks knowledge as a means to acquire wealth,

equating prosperity with happiness. The second is the *Arta*, the distressed soul seeking a remedy for life's tribulations. The third is the *Jijnasu*, the inquisitive mind driven by a thirst to understand natural wonders and social dynamics. Finally, there is the *Gnani*, the true seeker whose singular essence is the attainment of wisdom.

A sophisticated higher education system must acknowledge these intrinsic differences; it cannot impose a uniform curriculum upon such diverse motivations. Instead, pedagogy should be a personalized journey where teachers first satisfy the immediate needs of the student before progressively awakening a deeper, more refined thirst for universal truth.

III. THE *ARTHARTHI* AND THE PHILOSOPHY OF SUFFICIENCY

In Indian thought, the relationship between wealth and well being is governed by the principle of diminishing returns. Happiness derived from material resources is transient and bounded. While it is true that happiness scales with resources until basic needs are met, any accumulation beyond that point fails to yield additional joy. In fact, excessive wealth often invites anxiety and spiritual decay.

Consider the analogy of a person consuming fruit: the initial pieces provide nourishment and delight, but beyond a certain threshold, the same fruit leads to discomfort and illness. This illustrates that material pleasure has a natural saturation point.

“True wisdom lies in discerning the boundary between necessity and greed.”

Indian culture mandates that every individual should possess enough to fulfil their needs and provide a buffer for future crises. However, once this threshold of “necessity” is crossed, any further craving is viewed as a spiritual transgression a “consumption of sin.” Such surplus should ideally be redirected toward social

welfare to mitigate inequality and foster communal health. In our modern materialistic age, this may seem radical, but it is the only antidote to corruption. Corruption is not merely a legal failure; it is a manifestation of “corrupt thinking” the insatiable greed for resources to which one has no moral claim. Without these ethical foundations, the *Arthartha* risks devolving into what Sri Aurobindo termed a “lowly demon.”

IV. THE CALCULUS OF HAPPINESS

Mathematically, happiness can be viewed as a fraction where the numerator represents resources and the denominator represents desires. Since the Earth’s physical resources are finite, the numerator cannot be increased indefinitely. However, the denominator our needs can be consciously reduced. By minimizing desires, the quotient of happiness increases infinitely.

This is why a nation like Bhutan, despite limited financial capital, consistently ranks high on the Global Happiness Index; its people have mastered the art of wanting less. Indian philosophy does not advocate for poverty; rather, as the *Saint Tukaram Maharaj* taught, one should earn through diligent effort but spend with a spirit of selfless detachment. The goal of education is to ensure students remain masters of their wealth, rather than becoming slaves to it.

V. THE *ARTA*: SEEKERS OF RESOLUTION

The *Arta* enters the sphere of higher education driven by a necessity to resolve specific, pressing dilemmas. For these individuals, knowledge is a functional tool a means to dismantle obstacles. To serve them effectively, institutions must provide direct access to specialized technologies and the precise skills required for their mastery. Many such students gravitate toward higher education to decode complex socio economic or political enigmas; thus, their pedagogical requirements must be tailored to their specific needs.

Furthermore, a significant cohort of youth pursues degrees primarily as a gateway to international opportunities or to satisfy the mandatory graduation requirements of the UPSC and MPSC civil service examinations. For these aspirants, the academic curriculum is often a secondary hurdle rather than the primary focus, leading them to prioritize external competitive coaching over traditional college lectures. Under current rigid regulatory frameworks, colleges struggle to accommodate this pragmatic focus. A more progressive approach would involve creating distinct academic tracks for these students, allowing them to focus on external assessments. This would not only bolster their trust in the educational system but also fulfil their specific vocational requirements. Simultaneously, educators must guide these students toward contingency planning, encouraging them to cultivate alternative professional skills so that their morale remains resilient, even in the face of competitive failure.

VI. THE *JIJNASU*: ARCHITECTS OF INQUIRY

Curiosity is the fundamental catalyst for discovery and the primary engine behind our understanding of nature's profound laws. The *Jijnasu* arrives at higher education with a thirst to unravel the complexities of the physical and social worlds, often informed by their own prior observations. This innate inquisitiveness prompts them to challenge existing data and pose novel questions. When nurtured within the right academic environment, this persistent cycle of inquiry matures into rigorous research, which has historically been the cornerstone of human evolution. For the truly curious, the pursuit and dissemination of knowledge eventually transcend mere utility, becoming a lifelong mission and a dedicated path toward intellectual mastery.

VII. THE *GNANI*: THE RADIANCE OF WISDOM

The rarest and most esteemed class is that of the *Gnani*, the wise and experienced individuals who have already distilled profound insights from a lifetime of practice. Whether they are retired executives, distinguished scientists, high ranking officials, or veteran artists, these seekers return to academia not for personal gain or accreditation, but to explore how their wealth of experience can be leveraged for the collective welfare.

In this unique scenario, the traditional hierarchy of learning is inverted; college faculty and the institution at large often gain as much from these individuals as they provide. The interaction with a *Gnani* enriches the academic environment, blending the pursuit of spiritual satisfaction with a commitment to social service. Through this symbiotic exchange, the higher education institution transcends its standard role, becoming a vibrant sanctuary where seasoned wisdom and contemporary theory converge to empower society.

VIII. ANCIENT PEDAGOGICAL METHODS AND THE VISION FOR A DEVELOPED INDIA

The Bhagavad Gita offers timeless verses that illuminate the traditional Indian methodology of acquiring higher knowledge, emphasizing the behavioral discipline required of a scholar.

1. The Dialectic of Inquiry: तद्विद्धि प्रद्विपातेन परिप्रश्नेन सेवया

In ancient times, there was no lecture based method for higher education system like in contemporary colleges today. The learners would be exposed to inquiry based education by *Gurus*. With utmost humility & devotion, the learners used to seek knowledge by posing queries. The *Gurus*, would encourage the quest and motivate them to seek solutions by experiments & experience, by peer learning, gaining value addition from senior learners & also

by accessing the scriptures. In this method of *Vaad samvad*, students would ask their teachers questions about the subject they wanted to learn more about, or the teachers would in return, ask different types of aligned questions to get the students to think about the subject in a holistic manner. The students had to find the answers to these questions themselves. One way to do this was to discuss with other senior and experienced students studying under the teachers. Another way was to read the books written by the learned Maharishis, the sages of the past. The third way was to do some experiments or projects. Students would also enquire with the teachers about new projects as per the changing needs of the society and the students would perform those novel projects under the supervision of the teachers.

On the contrary, due to current lectures method, the students accumulate information, but fail to receive the actual experiential practical wisdom. Such information can not be equated with knowledge because it doesn't empower the students with skills and wisdom of experience. In ancient times, students would first discuss the topic with colleagues and the teacher, then plan a project, and then perform experiments again to solve the problems that arose in it. In this way, students would first experience and get an explanation from the teachers and convert those experiences into knowledge. This wholesome treatment to education would empower the then disciples by inculcating critical thinking, problem solving skills and utilizing these abilities for the society at large.

In antiquity, higher education was not a passive accumulation of lectures but a dynamic exchange rooted in polite inquisitiveness and rigorous inquiry. Students approached the Guru not as vessels to be filled, but as seekers to be guided. Learning was driven by *Pariprashna* using case studies & possible solutions. Teachers would visualise complex future prospects, challenging students to dive through three primary channels: dialectical discourse with

senior peers, deep study of the *Shastras* (treatises) written by ancient sages and empirical experimentation. Unlike modern systems where information often remains detached from reality, ancient pedagogy ensured that every theoretical concept was validated by lived experience. This cycle of discussion, project based application, and subsequent reflection converted information into practical, potent knowledge capable of serving societal needs.

2. The Sanctity of Transmission: न हि ज्ञानेन सदृशं पवित्रमिह विद्यते

Higher knowledge was regarded as the most sacred of pursuits. In this tradition, the Guru's transmission of wisdom was an act of "self devotion," rendered without any material expectations. This gift, however, carried a profound ethical obligation. Upon the completion of their studies, students took a solemn oath to employ their intellectual mastery not for personal enrichment, but for the collective welfare of society.

Ironically, the present education does not shape such character of the student. The gaps between the gains of ancient systems & modern academia are due for bridging. The bridging is possible only if the teaching learning methods are revised, values are added to the curriculum & ethical practices are promoted in the industry.

3. The Yogic Path to Concentration: श्रद्धावान् लभते ज्ञानं तत्परः संयतेन्द्रियः

Knowledge is attained by exercising complete restraint on the body, mind, and intellect, and by faithfully following whatever the Guru says. This can be related to the yoga based method of acquiring knowledge. Knowledge was not acquired through lectures like today. The concentration of the students was increased by following various processes of yoga. From such a state of extreme concentration, the student would gain complete knowledge of the subject on which he was contemplating. Swami Vivekananda has made many

comments regarding such methods of acquiring knowledge. The knowledge which was difficult for students to acquire even after studying for ten to twenty years, the students would acquire in a short time through the methods of yoga. But for this, it was necessary to achieve extreme concentration. To achieve this concentration, the student had to study these yogic methods, for which it was considered very necessary to have complete self control and strong faith in the Guru. Ayurveda is a science about which medicines can be prepared from various parts of plants. Ancient sages did research on medicines prepared from millions of plants and all their parts. They were done through this yoga based method.

Since ancient times, these yogic practices were taught to every student from the *Gurukula* itself, especially due to the invasion of English curriculum, these ancient practices disappeared. Swami Vivekananda has strongly asserted that by reviving that practice, we can progress much faster in the field of knowledge acquisition. According to his guidance, it is the need of the hour to create a modern higher education system by properly combining modern science and ancient methods of knowledge acquisition.

True wisdom is the fruit of complete mastery over the body, mind, and intellect. Ancient Indian education utilized yogic techniques to sharpen the student's concentration to a razor's edge. Swami Vivekananda often noted that through such intense mental focus, scholars could assimilate in months what might otherwise take decades. This "contemplative research" allowed ancient sages to decode the medicinal properties of millions of plants the foundation of Ayurveda without modern laboratories. By reviving these vanished yogic practices and integrating them with modern science, as envisioned by Vivekananda, we can drastically accelerate the pace of intellectual discovery.

IX. Developed India 2047: A Call to Action

While the number of youth entering higher education today is surging, we face the paradox of “educated unemployment.” Many students wander through academia without a clear sense of purpose, disconnected from the goals they initially set. Higher education must be redefined; it should not merely be a degree mill, but a beacon that illuminates the individual’s life and dispels the national shadows of poverty and stagnation.

As India marks over 75 years of independence, the transition from a “developing” to a “developed” nation by 2047, as championed by Prime Minister Narendra Modi, is our collective mission. This development transcends mere GDP growth; it encompasses a holistic revolution in healthcare, infrastructure, environment, and trade. Higher education institutions must serve as the primary engines of this momentum, providing the inspiration and energy required for national transformation. By synthesizing the precision of modern science with the profound wisdom of our ancient traditions, we can empower a new generation of youth to lead India toward its destiny as a global leader.

LAW, DHARMA, AND NATURE: TRACING ENVIRONMENTAL JUSTICE IN ANCIENT INDIAN LEGAL PHILOSOPHY

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ABSTRACT

The idea of sustainable development remains conceptually fluid and lacks a universally acceptance. This concept is articulated in the Brundtland Report which advocates meeting the needs of the present generation without compromising the ability of future generations to meet their own. In this light, sustainable development demands a holistic framework that harmoniously integrates economic viability, social equity, and environmental responsibility. Such integration forms the foundation of what may be termed the jurisprudence of sustainability.

In the modern era, global development strategies are largely guided by liberal economic policies and foreign trade mechanisms. While these strategies have driven economic growth, they have simultaneously produced grave environmental concerns. Conversely, commercial and financial institutions now face an ethical and legal imperative to mitigate ecological degradation. Yet, neither current strategies nor traditional approaches alone can secure environmental justice. It is therefore crucial to examine the de facto and de jure principles of law to discern the temporary and permanent attributes of legal systems and to explore how ancient jurisprudence can evolve into modern mechanisms for ecological governance.

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In the twenty first century, global economic strategies have become increasingly oriented toward liberalization and foreign trade. Although these approaches have accelerated material progress, they have also intensified ecological degradation and widened the gap between economic growth and environmental stewardship. As the world struggles with the consequences of climate change. This paper argues that the principles of Dharma and ancient Indian legal philosophy can provide a profound ethical and jurisprudential foundation for India's Climate Vision 2047. The classical Indian conception of Dharma encompasses duties toward all living and non living beings, reflecting an inherently eco centric worldview. Texts such as the Vedas, Upanishads, and Smritis articulate a legal ethical order wherein harmony between human conduct and natural law is paramount. Within this framework, the environment is not merely a resource but a moral and legal subject entitled to protection.

Drawing upon these sources, the paper proposes Dharma based environmental justice designed to align with both modern sustainability goals and India's climate objectives. The framework follows a seven step process identification, interpretation, integration, evaluation, legitimation, implementation, and monetarisation to operationalise the ethical precepts of Dharma within modern legal structures. Through this framework, the study seeks to advance three principal objectives To provide ante mortem legal protection to the environment by recognizing nature's inherent legal personality; to reconcile the persistent conflict between development imperatives and ecological preservation and to establish a coherent ethical legal model Sustainable Development Goals (SDGs).

By synthesizing ancient jurisprudence with contemporary environmental governance, the paper argues that a Dharma informed approach can transform environmental law from a reactive regime into a proactive, justice oriented system and one capable of guiding India, and indeed the world, toward a sustainable and equitable ecological future

KEY WORDS: *Ancient Jurisprudence, Environmental Justice, SDGs, Climate Change, De facto De jure principles.*

I. INTRODUCTION:

Indian Knowledge Systems (IKS) continue to hold significant relevance in the modern world. Given India's vast diversity and plurality, multiple cultural, philosophical, and ecological traditions provide rich foundations for understanding the purpose and scope of education. At the global level, education is widely recognized as a fundamental human right and has been constitutionally guaranteed in many countries, including India. The philosophical underpinnings of this right can be traced to indigenous traditions of knowledge that emphasize holistic learning, ethical responsibility, and social harmony principles deeply involved within the Indian Knowledge System.

Over time, however, the practical application of IKS in everyday life and formal education was largely neglected in favour of Western epistemological models. In the contemporary context of environmental degradation, climate change, and sustainability challenges, there is a renewed recognition of the relevance of IKS. Integrating these knowledge traditions into daily practices and educational frameworks has become essential for promoting sustainable living and ecological balance. Indian Knowledge Systems emphasize harmonious coexistence between humans and nature, guided by concepts such as *dharma*, *rita*, and respect for all forms of life. This paper seeks to highlight the importance of Indian Knowledge Systems as a conceptual bridge connecting law, ethics (*dharma*), nature, and sustainable development. By adopting a comparative and exploratory research methodology, the study examines international practices aimed at environmental protection and sustainability, while simultaneously exploring the emergence and significance of IKS in environmental education. Through this approach, the paper

argues that integrating Indian Knowledge Systems into environmental education can strengthen ethical awareness, environmental responsibility, and justice oriented learning, thereby contributing to both national and global sustainability goals.

II. LAW IN ANCIENT INDIAN JURISPRUDENCE

In ancient India not only was there tremendous development of mathematics, astronomy, medicine, grammar, philosophy, literature, etc. but there was also tremendous development of law. Fact this a fiction, and in fact the Hindu law really emanated from books. If we study Roman history most of the law were not based on legislatures but philosophy and theory of roman jurist like Ulpian, Palpinia etc . Such trend of customary practice law had some touch of civil law i.e, Jus Civil¹. Where the commentaries and theories where court also started referring in Court of law. Like this, in common law countries like England where Indian ancient literature also referred like, smritis which include manusmriti, yajnavakya smriti , Vishnu smriti and many more. Said smritis were not made by the parliament or by any other colonies but it is today referred as digest in legal practice.

Navigating the principles of dharma and justice to have central principles to the judicial system it is observed that, its reference always emphasised moral righteousness. In *Shri A.S. Narayana Deekshitulu v. State of Andhra Pradesh* ² in this case Hon'ble Apex Court which define dharma which enhances righteousness. Further, Manusmriti articulated that, the administration of justice reflects the moral and ethical values of the society. As per Menski , law and morality are crucial for balancing the social order, which is required for the justice to be perceived as legitimate by the populace.³ Indian knowledge system when we explore dharma

¹ Raymond Wyacks, *Understanding Jurisprudence*, 5(2018).

² (1996)6 SCC548

³ Amt Pandey, Dr Swapnil Pandey, *The Judicial System In Ancient India: Examination Regarding Hierarchy And Integrity*, Chanakya Law Review (Clr) , 19, 19-27, 2024,

<https://www.cnlu.ac.in/wp-content/uploads/2025/05/The-Judicial-System-In-Ancient-India-Examination-Regarding-Hierarchy-And-Integrity-by-Mr.-Amit-Pandey-Dr.-Swapnil-Pandey.pdf>

and justice both plays important role in maintenance of harmony. It ensures that, individual perform their duties and responsibilities and on other hand justice guarantees, these duties are recognised and upheld in an fair and equitable manner. King and rulers were expected to uphold *Dharma* to ensure justice was served. In this essence, *dharma* provides not only ethical but also moral framework to ensure the principles of fairness, equity and righteousness. Hence, it is correct to say that justice is derived from the broader concept of dharma. Which are guideline principles for what constitutes just behaviours.⁴

III. TRADITIONAL SYSTEMS, EDUCATION AND SOCIAL STRUCTURE

In our country, where society is characterised by unity in diversity in respect of language, culture, tradition and various religious beliefs and so on. The first one is where the citizen follow *de jure* Indian Constitution and second one *de facto* where hegemony traditional practice creates inequality which ingrained into the minds of individuals. Hence, manuscript is considered to be one of the kind of *de facto* constituting whose fundamental faith is the inescapable. Now said *de facto* and *de jure* constitutional principles are somehow also applicable to the environment jurisprudence, it is need to compare Indian ancient jurisprudence with contemporary environment practice. In next part of the study, we can trace the idea of environment jurisprudence in ancient and contemporary India.

IV. ENVIRONMENT JURISPRUDENCE IN ANCIENT INDIA

In Sanskrit, *Paryavaran* is a word for the environment, which still has a link with environmental studies i.e; it is advent of modern science. Indian

⁴ Ratan Kaur, *Reflections on Justice and Dharma (Righteousness) in ancient Indian texts*, International Journal of Humanities and Education Research, 80-83, 2024, <https://www.humanitiesjournal.net/archives/2024/vol6issue2/PartB/6-2-14-107.pdf>

civilisation has always been sustainable and eco friendly civilisation which set an example to every generation how to inculcate said practice in today's educational system. In Indian consideration, environment is a living and active mechanism and an individual is one among the various creatures that inhabit the earth. Hence, according to the Stoic theory of natural law, we can argue, "comparison between animal and human being can be possible on one ground that, individual has a capacity to apply logic and questioning". Considering said argument the Indian knowledge systems is not stagnant, it evolved from time to time because human being started collecting answers of his own questions and due to said investigation efforts it is crucial to understand the preservation and conservation of Paryavaran i.e., environment.

From an India's perspective environment is not just a physical and lifeless being but a very living and active mechanism. Human beings are just considered among the various other creatures that inhabit the earth. Their always was awareness for the need for having the right balance between man environment interaction. Indian literature has always showcased great respect for nature. There were many Indian thinkers who have related all things happening in the environment to divinity. They were aware of the fragility of living in the environment if it was not conserved and given its own space. They had emphasized on adapting to the environment and the ecosystem around rather than trying to change it. Many principles and guidelines were put forward so as to ease the interaction between human beings and environment⁵. The ancient environmental awareness is in existence since pre Vedic period, which also flourished extremely well in the northern parts of Indian hence, it is appropriate to say that it is extend

⁵ Donald K. Anton, *The Global Environment And The Public Interest*, Austrain Centre fo Enviomenatl Law, <https://openresearch-repository.anu.edu.au/server/api/core/bitstreams/be4b36aa-8ec9-4c8f-9cb6-3d17b65d9ff1/content>.

from Indus to northern valley. The archaeological department have made discovery such as the Harappa to Mohenjo Daro civilisation were these values well respected.

V. UNDERSTANDING THE INDIAN KNOWLEDGE SYSTEM

Indian Knowledge system has diverse range of traditional knowledge like Ayurveda, Yoga, Vastu Shastra, Agricultural Practice, water management and Conservation and many more. Said system emphasise balance with nature and resources. Hence, key principles of IKS “ Loksamagraha” which has linked with Sustainable Development Goals. Study of Sustainable Goals is important. IKS is having ancient wisdom that spans multiple domain like agriculture organics farming crop, sustainable food production in India. Considering an another aspect lie Water, water conservation techniques like step well, johads tank irrigation systems which create ecological balance. Further, IKS also focused on health care like Ayurveda, Yoga which encourage preventive healthcare practice. Further, important aspect of IKS is Education, the Gurukul system always promotes holistic education, intellectual and practical knowledge to nurture an individual and society. Said branches were designed to promote and ensure social equity, long duration of sustainability and ecological balance hence, Indian knowledge systems is currently flowing in every aspect. Considering environmental law, Article 21 of Indian Constitution promote Right to Live in Healthy Environment, Right to Have Clean Air , water hence, ancient education still having footage in not only in education but also In legal system.

VI. INDIAN KNOWLEDGE SYSTEM AND ENVIRONMENTAL LAW IN INDIA

This rearssearch explores the conceptual and theoretical framework that critically analyses the Sustainable Development Goals, through the Indian Knowledge System. Generally through IKSs we can draw decolonial perspective, political ecology, feminism rather than treating KS as substitute to the global

discourse, said system has foundational capacity to interrogate the assumptions, silence and structures of SDGs. If we understand DE colonial theory it is need to understand that, the western framework domain revolves how to narrate SDG on universal platform while our Indian knowledge system gives or provides us an education and practical training how to inherit it in daily life⁶. Conceptually the KS is a living and dynamic system which not only preserve biodiversity and promotes ecological balance but also it provides ethical, spiritual common values which are majorly missing in the SDGs. We have to worship our nature which is mentioned in IKSS so that, we will transfer the awareness of SDGs from one generation to another generation. It is need to inculcate Indian Tradition in today's life to preserve and protect environment. Hence, through this approach this paper aims to explore the limitation of dominant sustainability paradigms the transformative potential of indigenous knowledge in reimagining future that is more equitable⁷.

VII. IKS AND ENVIRONMENTAL EDUCATION

Ancient Indian Practices emphasized to live in harmony with the nature, as discussed above traditional water management systems, agricultural practices and other related things are tailored to local eco system.⁸ On canvas of global education policy, the international framework and national policies play a significant role in

⁶ Communicable Diseases (SDG 3) Initiatives like the National AYUSH Mission have promoted Ayurveda-based interventions for lifestyle diseases, addressing healthcare gaps. 3. Organic Farming in North-East India (SDG 2 and SDG 12) Traditional agricultural practices in Meghalaya and Nagaland have led to sustainable food production, aligning with SDG targets for hunger and responsible consumption.

⁷Bhoomi Shroff, *Indian Knowledge Systems (IKS) and Environmental Sustainability: Integrating Tradition with Sustainable Development Goals (SDGs)*, International Journal of Political Science and Governance 2025; 20-26 <https://www.journalofpoliticalscience.com/uploads/archives/7-7-16-793.pdf>.

⁸ M. M. Sheikh, *Indian Knowledge System And Sustainable Development: Integrating Ancient Wisdom With Modern Sustainable Development Goals*, January 2025 , <https://isdesr.org/wp-content/uploads/2025/01/6.-M-M-Sheikh.pdf>,

achieving sustainable development. These goals are adopted by United Nations member states in 2015 and are aimed at the reduction in poverty, protect planet and ensure peace and prosperity by 2030. If we talk about SDG4 which ensures equitable quality education for all and promotes lifelong learning opportunities without any bias or discrimination. Every member country strives to meet these ambitious targets.⁹ Implications for Policy and Practice as nations strive to align their educational frameworks with global sustainability targets; the integration of SDGs into NEP 2020 will be a great collaboration and serves as a blueprint for transformative action. Below, we explore the implications of this alignment for policy formulation, implementation strategies, and educational practice.

VIII. NATIONAL EDUCATION POLICY, INDIAN KNOWLEDGE SYSTEM AND ENVIRONMENTAL JUSTICE

NEP 2020 emphasises on the holistic development, socio emotional learning, and interdisciplinary curricula aspects, In conclusion, Indian environmental law consists of the dynamic convergence of the constitutional values, statutory regulation, judicial innovation, and international commitments, which need to be stressed upon. While significant progress is made in making sure the domestic laws aligns with global environmental norms, challenges remain in enforcing, regulatory capacity, and balancing economic development with the ecological sustainability. Strengthening the institutional mechanisms, enhancement of the public participation, and integrating all of these with the international best practices will be pivotal in ensuring environmental justice and sustainable development, up skilling in India within the global environmental governance framework. Although significant progress has been made in aligning domestic laws

⁹ Dr. Pappu Lal Gupta Meetha Lal Meena, *Bridging Global Aspirations and National Innovations: The Role of SDGs in Shaping NEP 2020*, AIJRA 1-50 , <https://www.ijcms2015.co/file/2024/aijra-vol-9-issue-1/aijra-vol-9-issue-1-50.pdf>

with global environmental norms, there still are challenges in enforcement, regulatory capacity, balancing economic development with ecological and environmental sustainability. It is imperative to strengthen institutional mechanisms, enhance public participation, and integrate international best practices to ensure environmental justice and sustainable development in India. This policy aligns with the global framework for transformative sustainability education. In the absence of a clear conceptual framework, environmental education will be confined to only the technical discussions of sustainability and climate change, and the deeper questions of social equity, marginalization, and constitutional responsibility will be overlooked. It becomes essential to develop a justice oriented lens to link the environmental learning with lived experiences of inequality, sustainability and ecological vulnerability. NEP 2020 offers tremendous scope to advance the Environmental Justice Education, even though the policy does not clearly elaborate the concept of environmental justice. The policy emphasizes sustainability, ethical values, multidisciplinary learning, and experiential pedagogy repeatedly, all of this creates an ecosystem for justice centred environmental education. Scholars have noted that NEP 2020's focuses on the curricular flexibility, competency based learning, and localization of content. This provides opportunities to come up with a progressive and context sensitive environmental pedagogies. Key policy provisions includes holistic and integrate curricular design, localized content, culturally responsive teaching, and emphasis on constitutional duties which will be strategically leveraged to provide details on the environmental justice perspectives within formal education.

Indian Knowledge Systems (IKS) further strengthens the possibilities to integrate the environmental justice with sustainability and development goals. Traditional agricultural practices which are documented in texts such as *Vrikshayurveda* emphasize on the aspects such as organic farming, mixed cropping, and ecological balance, this contributes to the food security and biodiversity

conservation. The Sikkim Organic Mission,¹⁰ inspired by indigenous agricultural knowledge and experience has transformed the state into India's first fully organic region, which has also ensured sustainable food production and it also aligns with Sustainable Development Goal (SDG) 2 on Zero Hunger. Cultural aspects like the Ayurveda and Yoga, central components of IKS, promote preventive healthcare and holistic well being of an individual. Initiatives under the National AYUSH Mission expand to the traditional healthcare in rural areas, addressing multiple health issues such as the non communicable diseases and contributing to SDG 3 on Good Health and Well Being¹¹.

The principles of holistic learning which is embedded in the ancient Gurukul system works very well with the SDG 4 on Quality Education. This system emphasizes on the moral, intellectual, and practical development via experimentation and community based learning. Contemporary efforts, such as the work of the Indian Knowledge Systems Division at IIT Delhi, demonstrate how the traditional knowledge can be integrated with the modern curriculum thus promoting inclusive and equitable education in the domain of water and sanitation for the Indian water management system. The revival of such systems in Rajasthan has led to significant impact to the groundwater levels and enhanced access to clean water, directly contributing to SDG 6¹².

IKS also offers valuable insights in the consumption and climate action. Traditional Indian lifestyles were inherently circular, emphasized on reuse,

¹⁰ Alka Parikh, *Sikkim: Making of the first 100% organic state of the world*, Indian Journal of Sustainable Development, 9 (1) 2023, 22-28.

¹¹ Sustainable Development Goal-3: *Good Health and Well Being, Performance Audit on Public Health Infrastructure and Management of Health Services*, 306
https://cag.gov.in/uploads/download_audit_report/2024/23-Chapter-9---SDG-066a38e847ae4b1.78224581.pdf.

¹² Supriya Singh, *Assessment of Water Resources in Development of Rajasthan, Wastewater Assessment, Treatment, Reuse and Development in India*, 239-260,
https://www.researchgate.net/publication/360173372_Assessment_of_Water_Resources_in_Development_of_Rajasthan

recycling, and minimal waste generation. This was evident in the practices such as repurposing organic waste for fuel and bio fertilizer. Contemporary zero waste initiatives in Kerala draw inspiration from such traditions and completely align with SDG 12 on Responsible Consumption and Production. Ancient ecological philosophies which are articulated in the texts like the *Atharva Veda* highlight the interconnectedness of all living beings and emphasises on the environmental stewardship. The Chipko Movement in Uttarakhand¹³, is rooted to the traditional forest conservation ethics, which showcases the community led climate action and contributes to SDG 13. Additionally, the preservation of sacred groves (*Devrai*) by local communities has played a vital role in biodiversity conservation and resulted in sustainable land use. Efforts to revive sacred groves in Karnataka and Maharashtra shows the continued importance of indigenous conservation practices to SDG 15 on Life on Land. Collectively, these examples highlight that integrating Environmental Justice Education with NEP 2020 and Indian Knowledge Systems can help to foster a culturally grounded, ethically informed, and justice oriented approach to sustainability. This approach not only aligns education with global development goals but also results in strengthening the learners' capacities to engage critically with environmental challenges as cultivate into a well informed and responsible citizens.

IX. INTERNATIONAL PERSPECTIVE AND INDIAN KNOWLEDGE SYSTEM IN ENVIRONMENT EDUCATION CONTEXT

Indian environmental law has evolved as a complete legal framework which aims to protect the ecological resources and balances the developmental needs. Rooted in constitutional mandates, statutory enactments, and judicial interpretation,

¹³ Dr. RBS Rawat, *Chipko Movement : Pioneering Community- Driven Conservation in Himalayas*, 2025, <https://www.sdcuk.in/chipko-movement-pioneering-community-driven-conservation-in-the-himalayas/>.

India's environmental jurisprudence emphasises on both domestic priorities and international environmental commitments. The Constitution of India provides the foundational framework for environmental protection through Article 48A, directs the State to protect and improve the environment and the ecosystem, and Article 51A(g), imposes fundamental duty on citizens to safeguard natural resources and help foster them. These provisions are to make people aware that environmental protection is a shared responsibility of the State and society. The Indian judiciary has played a transformative and major role in strengthening environmental law through judicial activism, reforms and public interest litigation (PIL). The Supreme Court and High Courts have expanded the scope of Article 21, interpreting the right to life to include the right to a clean and healthy environment. In *M.C. Mehta v. Union of India*¹⁴ Hon'ble supreme Court has established principles like the polluter pays principle, precautionary principle, and sustainable development which are merged into Indian environmental law. Further, in 2010 National Green Tribunal established to institutionalised environment adjudication by providing a specialized forum to resolve environment issues connecting domestic with international perspective, Indian legal practice in the context of evident is majorly influence by world principles where India is signatory body of various international convention, bilateral and multilateral treaties like *Stockholm Declaration*, *Rio Declaration*, *Convention on Biological Diversity*, *United Nations Framework Convention on Climate Change* and *Paris Agreement*. These documents have contributed to enhances environmental policies and reform which help to ndertsan the it importance not only in legal stream but also in educational sector. Further, talking about Brundtand Commission, which promote environment education throughout world. In 1987, World Commission on Development defined Sustainable development to meet the needs of the present without compromising

¹⁴ AIR 1987 SC1086

the ability of future generations to meet their need. In Vellore Citizen's Case¹⁵ Supreme Court relied on Brundtland Report to balance environment protection and development. By integrating the Brundtland Commission's vision, Indian environmental law aligns itself with international norms that emphasize intergenerational equity, precaution, and responsible resource use.

X. CONCLUSION:

In conclusion, Indian environmental law represents a dynamic convergence of constitutional values, statutory regulation, judicial innovation, and international commitments. While significant progress has been made in aligning domestic laws with global environmental norms, challenges remain in enforcement, regulatory capacity, and balancing economic development with ecological sustainability. Strengthening institutional mechanisms, enhancing public participation, and integrating international best practices will be essential for ensuring environmental justice and sustainable development in India within the global environmental governance framework.

In this paper it is observed that Indian Knowledge System holds vital position for achieving SDGs. Several traditional practices try to bridge gap between traditional or customary and modern practices which requires policy and interdisciplinary study. IKS also demands community participation to spread environment justice through the world. The principles like sustainability, holistic community preservation and conservation rather worship of natural resources helps us to gain environment justice. It is essential to incorporate IKS in today's educational structure to harmonise ancient knowledge with contemporary strategies.

¹⁵ (1996) 5 SCC 647

FROM PRĀYAŚCITTA TO PROBATION: INDIAN KNOWLEDGE SYSTEMS AND THE REFORMATIVE JURISPRUDENCE OF THE PROBATION OF OFFENDERS ACT, 1958

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ABSTRACT

The philosophy of punishment in Indian criminal jurisprudence has undergone a significant transformation from retributive and deterrent models towards reformatory and rehabilitative paradigms. The Probation of Offenders Act, 1958 represents a landmark legislative recognition of this shift, privileging conditional liberty, individualized sentencing, and social reintegration over incarceration in appropriate cases. While the Act is often examined through modern penological theories borrowed from Western criminology, its deeper normative foundations remain insufficiently explored within indigenous legal thought. This paper argues that the reformatory ethos underlying probation in Indian law is not an imported concept, but is deeply rooted in Indian Knowledge Systems (IKS), particularly in ancient Hindu jurisprudence, Dharmashāstra traditions, and classical theories of Danda nīti and Prāyaścitta. Drawing upon primary Sanskrit sources such as the Manusmṛiti, Yājñavalkya Smṛiti, Arthashastra, and Puranic literature, this study demonstrates that ancient Indian penal philosophy emphasized proportionality, moral reformation, repentance, and reintegration of the offender into society. Concepts such as Prāyaścitta (atonement), Kṣamā (forgiveness), and Anukampā (compassion) reveal a sophisticated understanding of crime as a deviation from dharma rather than a

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mere violation warranting physical punishment. These ideas closely parallel the objectives of modern probation, where the offender is granted conditional freedom under supervision to facilitate behavioral correction without exposing them to the criminogenic effects of imprisonment.

The paper adopts a doctrinal and analytical methodology to trace the historical evolution of probation from ancient Indian practices through medieval English common law to its statutory consolidation in India. It critically examines the Probation of Offenders Act, 1958 in light of constitutional mandates under Articles 14, 20, and 21 of the Constitution of India, alongside judicial interpretations such as Rattan Lal v. State of Punjab, which affirm the reformatory purpose of probation. By integrating Indian Knowledge Systems with contemporary legal doctrine, the study highlights the continuity between indigenous penal philosophy and modern correctional jurisprudence. This research contributes to legal scholarship by offering an indigenous jurisprudential framework for understanding probation, thereby decolonizing penological discourse and reaffirming the relevance of Indian Knowledge Systems in shaping humane and constitutionally grounded criminal justice policies.

KEY WORDS: *Probation, Indian Knowledge Systems, Prāyaścitta, Reformatory Justice, Probation of Offenders Act, 1958, Sentencing Jurisprudence.*

I. INTRODUCTION

1. Background and Context:

Modern criminal jurisprudence has progressively shifted from retributive and deterrent models of punishment towards reformatory and rehabilitative paradigms. Contemporary sentencing theory increasingly recognises that punishment should not merely inflict suffering, but must aim at the moral, social, and psychological reformation of the offender. Among the most significant

institutional expressions of this shift is the concept of probation, which allows offenders particularly first time and minor offenders to remain within society under supervision rather than being subjected to incarceration.

While probation is often presented as a Western legal innovation, particularly associated with Anglo American penology, a deeper historical and philosophical inquiry reveals that the idea of reformatory justice is deeply embedded in Indian Knowledge Systems (IKS). Ancient Indian jurisprudence, grounded in concepts such as Dharma, Prāyaścitta (atonement), Nyāya (justice), and restorative social harmony, emphasised correction, repentance, and reintegration rather than mere retribution. Texts such as the Dharmaśāstras, Smṛitis, Arthaśāstra, Buddhist Vinaya Pitaka, and Jain ethical doctrines reveal a sophisticated understanding of moral culpability, proportional punishment, and the reformatory role of penance.

The Probation of Offenders Act, 1958 marks a critical moment in Indian criminal law, institutionalizing reformatory justice within the statutory framework. Enacted in the post constitutional era, the Act reflects not only international penal reform movements but also an implicit continuity with indigenous jurisprudential traditions. However, contemporary legal discourse often overlooks this civilizational continuity, treating probation as a borrowed Western concept rather than an evolved synthesis of ancient Indian wisdom and modern constitutional values.

This chapter seeks to bridge this gap by situating probation within the broader framework of Indian Knowledge Systems, while simultaneously engaging in a comparative judicial analysis involving Indian, American, and English courts. By doing so, the study aims to enrich the jurisprudential understanding of probation and enhance its normative legitimacy within Indian criminal justice.

2. Statement of the Problem:

Despite the statutory recognition of probation in India, its application remains inconsistent and is often under utilized in practice. Courts frequently grapple with balancing societal interests, victims' rights, and the reformatory needs of offenders, leading to a tendency to default to imprisonment even in cases where probation would be more appropriate. Moreover, the absence of a coherent philosophical grounding particularly one rooted in Indian traditions has led to probation being perceived as leniency rather than as a principled sentencing alternative.

Further, while Indian courts have progressively expanded the scope of probation through judicial interpretation, comparative insights from American and English apex court decisions on probation and sentencing are rarely integrated into Indian academic analysis. This lack of comparative and indigenous contextualization limits the doctrinal development of probation as a robust reformatory tool in Indian criminal law.

3. Research Questions:

This study is guided by the following research questions:

- a. Whether the concept of probation has philosophical and jurisprudential roots in Indian Knowledge Systems?
- b. How do ancient Indian notions of Prāyaścitta and reformatory justice correspond with modern probationary principles?
- c. How have Indian courts interpreted and applied the Probation of Offenders Act, 1958?
- d. What insights can be drawn from American and English apex court decisions on probation and sentencing?
- e. Whether integrating IKS based reformatory philosophy can strengthen contemporary probation jurisprudence in India?

4. Objectives of the Study:

The primary objectives of this research are:

- a. To examine the concept of reformative justice within Indian Knowledge Systems.
- b. To analyse Prāyaścitta as a proto probationary mechanism in ancient Indian jurisprudence.
- c. To critically study the Probation of Offenders Act, 1958 through an IKS lens.
- d. To evaluate judicial interpretation of probation by Indian courts.
- e. To undertake a comparative analysis with American and English probation jurisprudence.
- f. To propose a philosophically grounded and jurisprudentially coherent framework for probation in India.

5. Research Methodology:

The study adopts a doctrinal and comparative legal research methodology. Primary sources include constitutional provisions, statutes, and judicial decisions of the Supreme Court of India, High Courts, the U.S. Supreme Court, and English apex courts. Secondary sources include classical Indian legal texts, commentaries, books, journal articles, Law Commission reports, and international legal literature on sentencing and probation.

The research employs:

- a) The analytical method to interpret statutory and judicial materials.
- b) The comparative method to examine foreign jurisprudence.
- c) The historical method to trace probationary ideas in Indian traditions.
- d) The philosophical method to integrate IKS concepts with modern criminal law.

6. Scope and Limitations:

The scope of the study is confined to probation as a reformative sentencing mechanism and does not extend to parole or remission systems. While the research engages with ancient Indian texts, it does so selectively to maintain doctrinal relevance. Empirical prison data is referred to only illustratively, as the study primarily remains jurisprudential and normative in nature.

7. Structure of the Paper:

The chapter is structured into ten sections. Following this Introduction, Section 2 explores Indian Knowledge Systems and the concept of *Prāyaścitta*. Section 3 analyses reformative justice in ancient Indian jurisprudence, while Section 4 traces the evolution of probation in India. Section 5 critically examines the Probation of Offenders Act, 1958 from an IKS perspective, and Section 6 evaluates judicial interpretation with comparative case law from India, the United States, and England. Section 7 undertakes a comparative jurisprudential analysis, Section 8 discusses contemporary relevance and challenges, and Section 9 presents a critical evaluation and IKS inspired reform suggestions. The chapter concludes in Section 10 with a synthesis of findings and policy implications.

II. INDIAN KNOWLEDGE SYSTEMS AND THE CONCEPT OF PRĀYAŚCITTA: FORGIVENESS, REPENTANCE, AND REFORMATIVE JUSTICE

Indian Knowledge Systems (IKS) conceive justice not merely as punishment imposed by the sovereign, but as a moral, spiritual, and social process aimed at restoring harmony, dignity, and righteousness. Wrongdoing is not viewed as an irreversible label of criminality, but as a temporary deviation from *Dharma*, capable of correction through introspection, repentance, and ethical effort. Central to this worldview is the doctrine of *Prāyaścitta*, which embodies atonement, moral

accountability, and conscious self reformation. Unlike purely retributive penal sanctions, *Prāyaścitta* emphasizes self realization, proportional correction, and reintegration into society.

The philosophical foundation of *Prāyaścitta* is rooted in *Dharma*, understood as the moral law that sustains both individual conduct and cosmic order. The Ṛgveda articulates this ethical cosmology with remarkable clarity:

ऋतं च सत्यं चाभीद्धात् तपसोऽध्यजायत
(*Ṛgveda* 10.190.1)

This Vedic declaration affirms that **ṛta** (cosmic order) and **satya** (truth) arise from **tapas** disciplined moral effort. Jurisprudentially, this suggests that deviations from moral order are not corrected by vengeance or cruelty, but by ethical discipline and conscious rectification. Justice, therefore, is inherently **reformative**, seeking to restore the offender to a state of moral and social equilibrium rather than to merely inflict suffering.

Classical Dharmaśāstra literature further develops this reformative orientation by emphasizing **discretion, proportionality, and contextual judgment** in matters of punishment and atonement. Rather than prescribing mechanical or uniform penalties, these texts require the adjudicator to consider the **nature of the offence, the circumstances of its commission, and the moral capacity of the offender**. This principle of individualized justice though articulated differently across texts is foundational to the *Prāyaścitta* framework and resonates strongly with modern probation jurisprudence, which mandates assessment of character, background, and reformability before the grant of judicial leniency.

Beyond formal juridical texts, Indian Knowledge Systems articulate reformative justice with exceptional depth in **devotional and ethical literature**, which functions as a form of accessible moral jurisprudence. A profound expression of this philosophy appears in the **Śivāparādha Stotram**, traditionally attributed to

Ādi Śaṅkarācārya, wherein repentance, accountability, and compassionate forgiveness are woven into a single moral vision. The following śloka is particularly significant:

करचरणकृतं वाक्कायजं कर्मजं वा
श्रवणनयनजं वा मानसं वापराधम् ।
विहितमविहितं वा सर्वमेतत्क्षमस्व
जय जय करुणाब्धे श्रीमहादेव शम्भो ॥

This verse presents a comprehensive moral anatomy of wrongdoing and repentance, unmatched in its reformative clarity. The phrase “करचरणकृतं” acknowledges offences committed through physical action, while “वाक्कायजं” refers to wrongs arising from speech. “कर्मजं” extends culpability to actions performed in one’s social or occupational role. The verse then moves inward: “श्रवणनयनजं” (offences arising through perception) and “मानसं” (mental or intentional transgressions). Jurisprudentially, this establishes a holistic conception of culpability, recognising that wrongdoing may arise from action, speech, perception, or intention. Modern criminal law similarly evaluates **actus reus** and **mens rea**, reflecting this ancient insight.

The phrase “विहितमविहितं वा” is of exceptional significance. *Vihitam* denotes that which is prescribed or lawful, while *avihitam* denotes that which is prohibited or unlawful. By admitting both, the verse transcends technical legality and affirms comprehensive moral responsibility. This aligns with contemporary sentencing philosophy, where courts examine not only statutory violations but also conduct, intent, and character.

The words “सर्वमेतत् क्षमस्व” articulate forgiveness not as entitlement but as a plea grounded in confession and accountability. Forgiveness here is **conditional, corrective, and transformative**, not permissive. This directly

parallels probationary logic, where judicial leniency is granted only upon acceptance of responsibility and demonstrable willingness to reform.

The invocation “जय जय करुणाब्धे” portrays supreme authority as an ocean of compassion (*karuṇā abdhī*). Justice is not conceived as wrathful retaliation but as compassionate correction. This mirrors modern judicial expectations that sentencing discretion be exercised with humaneness and proportionality, particularly in the grant of probation.

Finally, “श्रीमहादेव शम्भो” symbolizes moral authority whose essence is *śānti*, welfare, and restoration. Punishment, therefore, is not aimed at destruction but at ethical renewal. Probation similarly seeks social reintegration rather than exclusion.

This single śloka thus encapsulates the entire reformatory cycle: acknowledgment of wrongdoing across body, speech, senses, and mind; acceptance of responsibility; plea for corrective mercy; and faith in compassionate authority. Far from moral weakness, this represents **jurisprudential maturity**, rejecting both mechanical punishment and moral absolution without accountability.

Buddhist jurisprudence reinforces this reformatory orientation through the **Vinaya Piṭaka**, where confession, correction, and restoration are preferred over expulsion. Even the **Arthaśāstra of Kauṭilya**, often characterised as deterrence oriented, recognises proportionality, mitigation, and the reformatory capacity of the offender as essential components of effective governance.

Taken together, Indian Knowledge Systems reveal a civilizational commitment to **forgiveness coupled with responsibility**. Divine and sovereign authority alike are not portrayed as perpetual punishers, but as moral guides who correct, forgive, and grant repeated opportunities for ethical transformation. Each day becomes a renewed chance for reform.

The **Probation of Offenders Act, 1958**, therefore, is not merely a colonial transplant. It represents a statutory re-articulation of India’s indigenous reformatory jurisprudence, expressed through constitutional legality, judicial supervision, and

procedural safeguards. Probation thus stands as a bridge between ancient moral wisdom and modern criminal justice, reaffirming the enduring relevance of Indian Knowledge Systems in shaping humane and reformatory law.

III. REFORMATORY JUSTICE IN ANCIENT INDIAN JURISPRUDENCE

Ancient Indian jurisprudence was intrinsically reformatory in orientation, emphasizing ethical correction, repentance, and reintegration rather than mere retributive punishment. Justice (nyāya) was conceived not as an instrument of vengeance wielded by the sovereign, but as a moral process aligned with Dharma, aimed at restoring social harmony and individual righteousness. Punishment (daṇḍa) functioned as a means of discipline, protection, and correction, not as an end in itself. This reformatory vision is consistently reflected across Vedic literature, Dharmaśāstras, Itihāsa, and Buddhist jurisprudence, revealing a civilizational commitment to restorative justice.

1. Daṇḍa as a Reformatory Instrument

The moral purpose of punishment is explicitly articulated in classical Indian jurisprudence, where daṇḍa is understood as both disciplinary and protective. The Manusmṛti, in its chapter on royal duties (Rājadharmā), offers a foundational articulation of this principle:

दण्डः शास्ति प्रजाः सर्वा दण्ड एवाभिरक्षति ।
दण्डः सुप्तेषु जागर्ति दण्डं धर्मं विदुर्बुधाः ॥
(*Manusmṛti* 7.18)

This verse affirms that punishment disciplines society, safeguards social order, and remains vigilant even when human vigilance fails. Crucially, daṇḍa is identified with Dharma itself, indicating that punishment must be morally regulated

and ethically restrained. Justice divorced from compassion and proportionality ceases to be Dharma. This conception underlies modern sentencing discretion, particularly in probationary jurisprudence, where punishment is justified only insofar as it advances correction and social protection.

2. Intention and Individualised Justice

Ancient Indian legal thought consistently emphasized intention (bhāva or cetanā) and moral agency as central to culpability. Rather than endorsing rigid or mechanical punishment, Dharmaśāstra literature requires contextual assessment of the offence, the offender's circumstances, and the potential for reform. Although often summarized in later doctrinal maxims, this principle is structurally embedded in texts such as the Yājñavalkya Smṛti, which repeatedly stresses discretion, proportionality, and situational judgment in both punishment and expiation.

This emphasis anticipates the modern doctrine of mens rea, reinforcing that justice must correspond not merely to the external act but also to the offender's mental state, ethical awareness, and reformability. Contemporary probation jurisprudence mirrors this insight by requiring courts to evaluate character, antecedents, and likelihood of rehabilitation before granting probation.

a. Prāyaścitta as a Mechanism of Moral and Legal Reform

The institution of Prāyaścitta occupies a central place in ancient Indian jurisprudence as a mechanism of moral purification and social reintegration. The Manusmṛiti devotes an entire chapter to expiatory practices, treating wrongdoing not as an indelible stigma but as a correctable moral deviation. The underlying jurisprudential assumption is that ethical transformation is possible, and that punishment should facilitate reintegration rather than permanent exclusion.

Prāyaścitta thus operates as a proto reformatory legal mechanism, allowing the offender to remain within the social order while undergoing moral correction. This approach closely parallels modern probation, which substitutes incarceration with supervised reform, conditional liberty, and ethical accountability.

3. Repentance and Self Realisation as Corrective Justice

The philosophical foundation of reformatory justice in Indian thought is deeply rooted in the Upaniṣadic emphasis on inner transformation. The Muṇḍaka Upaniṣad declares:

**सत्येन लभ्यस्तपसा ह्येष आत्मा
सम्यग्ज्ञानेन ब्रह्मचर्येण नित्यम् ।**
(*Muṇḍaka Upaniṣad 3.1.5*)

This teaching affirms that moral purification and self realisation arise through truthfulness, disciplined effort (tapas), right knowledge, and ethical self restraint. Jurisprudentially, it supports the view that genuine reform emerges from internal transformation rather than external coercion. Non custodial measures such as probation are grounded in this philosophy, privileging conscience based reform over punitive isolation.

4. Compassion and Ethical Restraint in Punishment

Indian jurisprudence consistently insists that the exercise of punitive power must be tempered by ethical restraint. The Mahābhārata encapsulates this balance in its celebrated maxim:

अहिंसा परमो धर्मः धर्महिंसा तथैव च ।
(*Mahābhārata, Anuśāsana Parva*)

This principle recognises that while punishment may sometimes be necessary to uphold Dharma, it must never abandon non violence, proportionality, and moral restraint. The legitimacy of punishment lies not in severity but in its

ethical purpose. This mirrors the probationary approach, where liberty is restricted without extinguishing dignity, and the State's power to punish is moderated by its duty to reform.

5. Buddhist Jurisprudence and Restorative Discipline

Buddhist jurisprudence reinforces the reformatory ethos through its emphasis on non violence, repentance, and reconciliation. The Dhammapada succinctly articulates this restorative philosophy:

**न हि वेरेन वेराणि सम्मन्तीध कुदाचन ।
अवेरेन च सम्मन्ति एष धम्मो सनन्तनो ॥**
(*Dhammapada 5*)

This verse affirms that hostility cannot be ended by hostility but only by non hostility. Jurisprudentially, it rejects retribution as a means of social healing and instead endorses restoration, supervision, and reintegration principles that align directly with probationary justice.

6. Judicial Discretion and Ethical Governance

Even in texts often characterised as deterrence oriented, such as Kauṭilya's Arthaśāstra, punishment is governed by proportionality, discretion, and pragmatic humaneness. Written primarily in prose, the Arthaśāstra recognises that lesser offences, mitigating circumstances, and genuine remorse justify corrective rather than purely punitive responses. Judicial discretion is thus integral to ethical governance.

This pragmatic reformatory orientation forms the backbone of modern probation systems, where courts are empowered to suspend sentences or release offenders on probation based on individual circumstances, societal interests, and the likelihood of reform.

IV. EVOLUTION OF PROBATION IN INDIA: FROM INDIGENOUS REFORMATIVE PRACTICES TO STATUTORY RECOGNITION

The evolution of probation in India cannot be understood as a sudden statutory innovation of the twentieth century. Rather, it represents a gradual juridical transformation in which indigenous reformatory principles embedded in Indian Knowledge Systems (IKS) were progressively reshaped through colonial legal structures and ultimately crystallised into statutory form after independence. Indian probationary law thus reflects conceptual continuity rather than historical rupture, bridging ancient moral jurisprudence and modern criminal justice.

1. Pre Colonial Foundations: Informal Reformatory Practices

Prior to the advent of codified criminal law, Indian society relied on contextual, community oriented, and discretionary mechanisms of correction. Justice was administered through village assemblies (sabhas), guild courts (śreṇī nyāyas), and royal courts, all of which exercised wide latitude in sentencing. For minor offences, first time transgressions, and youthful offenders, punishment was frequently mitigated through repentance, restitution, social supervision, and moral instruction, rather than through harsh corporal or custodial sanctions.

Classical Dharmaśāstra literature recognises that punishment and atonement operate together as instruments of justice. The Yājñavalkya Smṛti, for instance, directs rulers and judges to calibrate punishment in proportion to culpability and moral context, while also considering corrective measures. This dual approach reveals a jurisprudence that viewed crime as a moral deviation capable of correction, not as an immutable criminal identity an assumption that lies at the heart of modern probation theory.

2. Colonial Intervention and the Shift toward Codified Retribution

The British colonial administration introduced a uniform and centralised criminal justice system, most notably through the Indian Penal Code, 1860, and procedural codes that prioritised certainty, deterrence, and incarceration. Influenced by English utilitarianism, this framework largely displaced indigenous discretionary practices and emphasised imprisonment as the primary penal response.

However, colonial experience soon revealed the limitations of mechanical punishment. Overcrowded prisons, recidivism, and social dislocation demonstrated that indiscriminate incarceration often undermined, rather than advanced, public order. These practical concerns gradually compelled colonial administrators and courts to reconsider absolute retributivism and to explore conditional and non custodial alternatives.

3. Early Legislative Recognition of Probationary Ideas

The earliest statutory recognition of probation like relief emerged in Section 562 of the Code of Criminal Procedure, 1898 (later re enacted as Section 360 of the Code of Criminal Procedure, 1973). This provision empowered courts to release certain categories of offenders on good conduct instead of sentencing them to imprisonment, particularly:

- First time offenders
- Juveniles and youthful offenders
- Persons convicted of minor offences

Although articulated within a colonial legal idiom, the discretionary logic of Section 562 resonated strongly with indigenous reformative principles, granting offenders an opportunity for self correction without institutional confinement.

4. Judicial Sensitivity to Reformatory Justice in the Colonial Period

Even within the colonial penal framework, Indian courts frequently demonstrated sensitivity to reformatory considerations. Judicial discretion was often exercised to avoid imprisonment where it was likely to harden the offender or disrupt social reintegration. Courts implicitly recognised that punishment must remain proportionate, contextual, and humane.

This approach aligns with the long standing Indian juridical understanding that punishment serves the protection of moral and social order, rather than vengeance. Classical legal thought consistently treats *danḍa* as a means of sustaining dharma, not as an end in itself a principle that anticipates modern sentencing discretion.

5. Post Independence Constitutional Ethos and Penal Reform

After independence, India's constitutional framework fundamentally reshaped the philosophy of criminal justice. The Constitution foregrounded:

- Human dignity
- Equality before law
- Fair procedure and proportionality
- Reformation over retaliation

Articles **14**, **19**, and **21** collectively infused substantive fairness and procedural justice into penal policy. This constitutional morality created a normative foundation for non custodial sentencing and reinforced the idea that incarceration should be a measure of last resort, particularly for first time and youthful offenders.

The Law Commission of India repeatedly endorsed this reformatory orientation, emphasising the social costs of imprisonment and the necessity of structured alternatives grounded in rehabilitation and reintegration.

6. Probation as a Bridge between IKS and Modern Criminal Law

The conceptual architecture of probation in India evolved through the convergence of three distinct yet complementary streams:

1. **Ancient Indian moral jurisprudence**, emphasising repentance, ethical correction, and reintegration
2. **Colonial administrative pragmatism**, recognising the limits of incarceration
3. **Constitutional humanism**, privileging dignity, proportionality, and rehabilitation

This synthesis culminated in the enactment of the Probation of Offenders Act, 1958, which institutionalized judicial discretion, conditional release, and supervised reform within a modern statutory framework.

7. Conceptual Continuity with Indigenous Ethical Thought

While modern probation law is statutory in form, its animating spirit mirrors ancient Indian ethical assumptions: that wrongdoing admits of remorse, responsibility, and correction, and that justice achieves legitimacy only when tempered with compassion and moral restraint. Indian jurisprudence has long recognised that **internal transformation is more enduring than external coercion**.

Accordingly, probation in India should not be understood as a borrowed indulgence or colonial residue, but as **a juridical evolution rooted in civilizational ethics**, where modern law formalized principles that Indian society had long practiced informally.

V. PROBATION OF OFFENDERS ACT, 1958 – AN INDIAN KNOWLEDGE SYSTEMS (IKS) PERSPECTIVE

The Probation of Offenders Act, 1958 represents a decisive shift in Indian criminal jurisprudence from a predominantly punitive model to a reformatory and rehabilitative framework. Although frequently analysed as a product of modern penology and post Independence legislative reform, a deeper jurisprudential examination reveals that the Act embodies principles long embedded within Indian Knowledge Systems (IKS), particularly those relating to moral correction, proportionality, repentance, and social reintegration.

Rather than constituting a departure from indigenous traditions, the Act may be understood as a statutory articulation of reformatory ideas that were historically integral to Indian jurisprudence, translated into constitutional and procedural language suitable for a modern legal system.

1. Legislative Philosophy: Reform over Retribution

The central objective of the Probation of Offenders Act is to prevent the conversion of offenders into habitual criminals by avoiding unnecessary incarceration. Sections 3 and 4 of the Act empower courts to release offenders on probation of good conduct or after due admonition, particularly where:

- the offence is not grave,
- the offender is a first time or youthful offender, and
- the circumstances indicate a reasonable prospect of reform.

This legislative philosophy reflects a core assumption of Indian moral jurisprudence: punishment is justified only insofar as it contributes to ethical correction and social harmony. Classical Indian legal thought consistently treated punishment as a means of moral discipline rather than as an instrument of vengeance.

The reformatory orientation of the Act resonates with the Dharmaśāstric understanding that offenders remain capable of moral restoration through corrective measures, rather than permanent exclusion from society.

2. Judicial Discretion and Individualized Sentencing

A defining feature of the Act is the wide discretionary authority conferred upon judges. Courts are required to consider:

- the nature and gravity of the offence,
- the character and antecedents of the offender,
- the circumstances in which the offence was committed, and
- the likelihood of reform.

This emphasis on individualised sentencing is consistent with classical Indian jurisprudence, which rejected uniform or mechanical punishment. The Yājñavalkya Smṛti explicitly recognises that punishment must be proportionate to culpability and contextual circumstances:

दोषानुसारतः दण्डः प्रायश्चित्तं च कल्पयेत्
(*Yājñavalkya Smṛti*)

The principle underlying this injunction is not leniency but ethical judgment. Similarly, under the Probation of Offenders Act, judicial discretion is exercised not arbitrarily but in pursuit of reformatory justice.

3. Conditional Liberty and Moral Accountability

Probation under the Act does not amount to unconditional forgiveness. Release is subject to legally enforceable conditions, including:

- maintenance of good conduct,
- supervision by probation officers, and

- Compliance with behavioral or rehabilitative requirements imposed by the court.

This structure reflects an enduring principle of Indian moral jurisprudence: mercy is inseparable from responsibility. Correction follows acknowledgment of wrongdoing and commitment to ethical realignment, not denial of fault.

Probation thus functions as a controlled legal mechanism that balances societal protection with the offender's opportunity for moral rehabilitation.

4. Human Dignity and Constitutional Morality

The Probation of Offenders Act operates within the constitutional framework of Articles 14 and 21, which guarantee equality before law and protection of life and personal liberty. One of the most significant features of the Act is Section 12, which removes certain disqualifications ordinarily attached to conviction, thereby preventing lifelong stigma.

This constitutional concern for dignity aligns with the Upaniṣadic understanding that every individual possesses inherent worth and the capacity for self correction. The Muṇḍaka Upaniṣad affirms that moral and spiritual attainment is achieved through disciplined ethical effort:

सत्येन लभ्यस्तपसा ह्येष आत्मा

(Muṇḍaka Upaniṣad 3.1.5 partial citation used conceptually)

From an IKS perspective, probation recognises that moral failure does not extinguish moral agency or human dignity.

5. Probation Officers and Reformative Supervision

Under the Act, probation officers perform a role that is supervisory, corrective, and supportive rather than punitive. Their function is to assist offenders in reintegrating into society through guidance, monitoring, and moral support.

This role bears conceptual resemblance to traditional Indian practices in which elders, teachers, and community authorities guided errant individuals toward ethical realignment rather than social exclusion. The emphasis is on correction through engagement, not discipline through isolation.

Such an approach also finds resonance in the Buddhist reformatory ethic, which emphasises the cessation of harm through non-hostility and understanding rather than retaliation.

6. Statutory Continuity with Indian Moral Jurisprudence

Viewed through the lens of Indian Knowledge Systems, the Probation of Offenders Act, 1958 embodies four enduring jurisprudential principles:

- repentance over retaliation,
- correction over incarceration,
- proportionality over severity, and
- reintegration over exclusion.

These principles are neither novel nor externally imposed; they reflect a civilisational understanding of justice as a moral enterprise aimed at restoring balance rather than inflicting suffering.

Accordingly, the Act does not merely modernise sentencing policy. It constitutionalises reformatory justice, translating long-standing Indian ethical insights into enforceable legal norms and ensuring that criminal justice remains humane, proportionate, and socially constructive.

VI. JUDICIAL INTERPRETATION AND CASE LAW ANALYSIS

Judicial interpretation has played a decisive role in shaping probation as a reformatory sentencing mechanism in India and other common law jurisdictions. Courts in India, the United States, and the United Kingdom have consistently

recognised that probation is not an act of leniency but a principled exercise of judicial discretion aimed at rehabilitation, proportionality, and reintegration. This judicial approach closely aligns with the Indian Knowledge Systems (IKS) conception of justice as corrective rather than purely retributive.

1. Indian Judicial Interpretation

A. Supreme Court of India

i. Rattan Lal v. State of Punjab (1965) 1 SCR 676

This is one of the most authoritative decisions on probation in India. The Supreme Court held that the Probation of Offenders Act, 1958 must be interpreted liberally to advance its reformatory object. The Court observed that incarceration of youthful and first time offenders often results in moral contamination rather than correction.

- The Court emphasised that:
- probation seeks to reform rather than punish,
- imprisonment should be avoided where reform is possible, and
- judicial discretion must be exercised with sensitivity to the offender's future.

This judgment firmly established rehabilitation as the core objective of probationary sentencing in India.

ii. Ramji Missar v. State of Bihar (1963) Supp (2) SCR 1

The Supreme Court clarified that the benefit of probation should ordinarily be extended to youthful offenders unless compelling reasons justify denial. The Court recognised that early exposure to prison life may permanently damage prospects of reform.

This decision reinforces the principle that reformation and social reintegration take precedence over deterrent punishment, particularly for first time and young offenders.

iii. State of Gujarat v. Jamnadas G. Pabri (1974) 4 SCC 135

The Court held that the object of the Probation of Offenders Act is to prevent youthful offenders from being hardened by association with habitual criminals. Sentencing courts must examine the background, character, and reformatory potential of the offender before imposing imprisonment.

This case confirms that probation is a structured legal response grounded in individualised assessment rather than mechanical sentencing.

B. High Court Jurisprudence

i. Joginder Singh v. State of Punjab, AIR 1980 P&H 70

The Punjab and Haryana High Court held that denial of probation without recording reasons defeats the legislative purpose of the Act. The Court stressed judicial discretion must be exercised judiciously, transparently, and in furtherance of reformatory justice.

ii. Abdul Qayoom v. State of Uttar Pradesh, 2009 Cri LJ 4063 (All)

The Allahabad High Court reiterated that probation is intended to reform offenders who exhibit potential for moral rehabilitation and should not be denied solely on technical considerations where public safety is not endangered.

2. American Jurisprudence: Probation as Rehabilitation

i. Griffin v. Wisconsin, 483 U.S. 868 (1987)

The U.S. Supreme Court recognised probation as a form of conditional liberty aimed at rehabilitation under community supervision. The Court observed that probation allows the offender to remain within society while being subject to reasonable restrictions designed to promote lawful behaviour.

This decision affirms probation as a rehabilitative alternative to incarceration rather than a mere sentencing concession.

ii. United States v. Knights, 534 U.S. 112 (2001)

The Court held that probation conditions must be reasonably related to the goals of rehabilitation and public safety. Judicial discretion in imposing probation conditions must balance individual liberty with societal protection.

This reflects the principle of proportionality that lies at the heart of reformatory justice.

3. English Jurisprudence: Probation and Judicial Discretion

i. R v. Billam [1986] 1 WLR 349

The English Court of Appeal emphasised that sentencing must reflect proportionality, offender characteristics, and the possibility of reform. Probation was recognised as an appropriate response where custody would be counterproductive.

ii. R v. Smith (Edward Dewey) [1987] 1 WLR 1200

The Court acknowledged probation as a constructive alternative to imprisonment, particularly for first time offenders, where structured supervision and guidance may prevent future criminality.

These cases demonstrate the common law tradition of treating probation as a reformatory judicial tool rather than a discretionary indulgence.

4. Comparative Jurisprudential Insights

Jurisdiction	Core Judicial Principle	Reformatory Orientation
India	Individualized sentencing and rehabilitation	Prevents criminalization of first time offenders
USA	Community based supervision	Balances liberty and public safety
UK	Proportionality and discretion	Custody as a last resort

5. Jurisprudential Synthesis: Reformatory Justice as a Shared Legal Ethos

Across jurisdictions, judicial interpretation consistently confirms that probation is:

- not leniency,
- not avoidance of punishment,
- but a structured mechanism of ethical correction.

Courts emphasise:

- Judicial discretion guided by reformatory intent,
- Assessment of offender's character and future potential, and
- Reintegration rather than exclusion.

When viewed through the IKS framework, these principles mirror the long standing Indian jurisprudential understanding that justice must correct conduct without extinguishing human dignity. Modern probation law, therefore, reflects a **convergence of ancient moral reasoning and contemporary constitutional values**, rather than a departure from indigenous legal philosophy.

VII. COMPARATIVE JURISPRUDENCE: INDIAN KNOWLEDGE SYSTEMS AND MODERN PROBATION

Comparative jurisprudence enables an examination of probation not merely as a statutory sentencing device, but as a broader moral and legal philosophy concerned with correction, responsibility, and reintegration. When Indian Knowledge Systems (IKS) are placed in dialogue with modern probationary regimes in India, the United States, and the United Kingdom, a shared reformative logic becomes evident, notwithstanding differences in institutional form and legal expression.

This comparison demonstrates that probation represents a convergence of ancient ethical reasoning and contemporary criminal justice objectives, rather than a conceptual rupture between tradition and modernity.

1. Core Philosophical Alignment: IKS and Modern Probation

Principle	Indian Knowledge Systems (IKS)	Modern Probation (India / USA / UK)	Analytical Observation
Moral Transformation	Emphasis on repentance, ethical correction, and restoration of moral balance	Rehabilitation programs, counselling, behavioral reform	Both systems recognize the offender's capacity for moral improvement
Individualized Justice	Contextual judgment guided by Dharma and proportionality	Judicial discretion based on offence, intent, age, and background	Rejects mechanical or uniform punishment
Conditional Leniency	Corrective measures follow acknowledgment of wrongdoing	Probation granted subject to conditions and supervision	Leniency is structured and accountable

Principle	Indian Knowledge Systems (IKS)	Modern Probation (India / USA / UK)	Analytical Observation
Community Reintegration	Offender remains within social order during correction	Community based supervision rather than incarceration	Reintegration preferred over exclusion
Ethical Supervision	Guidance by rulers, elders, or moral authorities	Courts and probation officers oversee reform	Supervision aims at correction, not coercion

2. Indian Knowledge Systems and Post Independence Indian Probation

Indian Knowledge Systems have historically viewed wrongdoing as a deviation from moral order rather than as a permanent criminal identity. The emphasis lay on ethical correction, restitution, and reintegration. Post Independence Indian probation law, particularly the **Probation of Offenders Act, 1958**, operationalizes these ideas through modern legal mechanisms, including:

- judicial discretion in sentencing,
- conditional release instead of incarceration,
- supervised reform through probation officers, and
- Avoidance of stigma and social exclusion.

While modern probation law is expressed through statutory language and constitutional safeguards, its underlying logic reflects indigenous reformative principles. The continuity lies not in textual borrowing but in shared objectives: preventing criminalization, encouraging reform, and preserving human dignity.

3. American Probation: Reform through Structured Supervision

The probation system in the United States developed as an alternative to incarceration, with a strong emphasis on rehabilitation and public safety. Key features include:

- community based supervision under court authority,
- tailored probation conditions based on offender assessment, and

- Integration of counselling, education, and employment support.

American jurisprudence recognizes probation as a form of conditional liberty designed to reform rather than merely restrain. Judicial decisions consistently affirm that probation serves rehabilitative goals by allowing offenders to correct behavior while remaining within the community.

From a comparative perspective, this approach parallels the IKS emphasis on correction within society rather than isolation through punitive confinement.

4. United Kingdom Probation: Discretion and Rehabilitation

The United Kingdom's probation system, grounded in common law tradition, similarly prioritizes rehabilitation and proportionality. Core characteristics include:

- court supervised alternatives to custody,
- individualized sentencing based on offender circumstances, and
- Structured guidance through probation services.

British courts have long recognised that imprisonment should be a measure of last resort, particularly for first time or non violent offenders. This discretionary, reform oriented approach resonates with the Indian jurisprudential understanding that justice must balance social protection with ethical correction.

6. Comparative Overview

Dimension	IKS	India (Probation of Offenders Act, 1958)	USA	UK
Basis of Justice	Dharma and moral order	Statutory law informed by constitutional values	Statutory law with rehabilitative focus	Common law with rehabilitative emphasis
Role of Repentance	Ethical responsibility and self correction	Considered in sentencing discretion	Considered in pre sentence assessment	Considered in probation evaluation
Judicial Discretion	Central and contextual	Explicitly provided	Well established	Well established
Rehabilitation	Moral and social correction	Supervised reform	Structured programs	Community supervision
Social Reintegration	Integral	Core objective	Core objective	Core objective
Proportionality	Fundamental	Mandated	Ensured	Ensured

7. Key Insights from Comparative Analysis

1. **Reformative logic is universal:** Across jurisdictions and traditions, probation reflects the belief that ethical correction is superior to purely punitive responses.
2. **IKS provides philosophical depth:** Indian moral jurisprudence anticipated modern rehabilitative ideals such as proportionality, discretion, and reintegration.

3. **Institutional variation, conceptual unity:** While legal systems differ in structure, the reformative objective of probation remains consistent.
4. **Conditional leniency is central:** All systems treat probation as structured mercy, contingent upon accountability and compliance.

8. Synthesis: Probation as a Convergence of Morality and Law

Comparative probation jurisprudence reveals a convergence between civilisational moral insight and modern statutory frameworks. Indian Knowledge Systems contribute a foundational ethical perspective that reinforces:

- rehabilitation over retaliation,
- supervision as guidance rather than control, and
- re integration as the ultimate aim of justice.

Probation thus emerges as a juridical space where **law and morality intersect**, demonstrating that effective criminal justice is not only procedural but also ethical in orientation. Far from being an imported concept, probation reflects a shared human commitment to correction, dignity, and social harmony.

VIII. CONTEMPORARY RELEVANCE AND CHALLENGES

Probation under the Probation of Offenders Act, 1958 continues to occupy a critical place in India's criminal justice system as an instrument of reformative justice. In an era marked by prison overcrowding, rising recidivism, and growing recognition of human dignity in sentencing, probation remains a legally and morally relevant alternative to incarceration. However, its effective implementation faces significant contemporary challenges that require policy reform, institutional strengthening, and ethical reorientation.

Indian Knowledge Systems (IKS), while not prescribing statutory models, offer enduring normative insights into correction, responsibility, and social reintegration that can enrich modern probation practice.

1. Contemporary Relevance of Probation

A. Humanistic Rehabilitation

Modern criminological studies consistently demonstrate that punitive incarceration alone does not reduce recidivism and often exacerbates criminal behaviour, particularly among first time and youthful offenders. Probation advances a humanistic approach by enabling:

- supervised ethical and behavioural correction,
- access to counselling, education, and skill development, and
- reintegration into society without permanent social stigma.

From an IKS perspective, wrongdoing is understood as a moral deviation rather than a fixed identity. This aligns with probation's emphasis on correction of conduct rather than destruction of character, affirming the offender's capacity for reform.

B. Socio Economic Efficiency

Probation significantly reduces:

- prison overcrowding,
- financial burden on the state, and
- social disruption caused by prolonged incarceration.

Community based correction preserves family structures, employment prospects, and social ties, thereby reducing secondary harms of punishment. This reflects the IKS vision of justice as a mechanism for restoring social balance rather than merely inflicting suffering.

C. Protection of Juvenile and First Time Offenders

The Probation of Offenders Act provides special consideration to youthful and first time offenders, recognising that early exposure to prison environments may harden rather than reform individuals. This legislative choice resonates with the IKS understanding that moral lapses are corrigible and that early ethical intervention is preferable to punitive exclusion.

2. Key Contemporary Challenges

Despite its reformatory promise, probation in India faces several structural and operational challenges:

Challenge	Description
Limited Awareness	Offenders and communities often lack understanding of probation's objectives and benefits
Inadequate Probation Infrastructure	Low probation officer–offender ratio leads to ineffective supervision
Urban–Rural Disparity	Rural areas lack access to rehabilitation services
Insufficient Rehabilitation Programs	Limited availability of counselling, education, and vocational training
Judicial Reluctance	Courts sometimes default to imprisonment due to administrative convenience or lack of institutional support

These challenges weaken probation's reformatory potential and risk reducing it to a formal alternative rather than a meaningful corrective process.

3. Integrating IKS Inspired Ethical Principles into Modern Practice

While IKS does not provide procedural models, it offers ethical orientations that can strengthen probationary practice:

A. Accountability and Self Reflection

IKS places strong emphasis on acknowledgment of wrongdoing and conscious ethical correction. Modern probation can incorporate this through:

- structured reflective counselling sessions,
- offender focused rehabilitation plans, and
- behavioural accountability mechanisms.

Such measures encourage internal transformation rather than mere formal compliance.

B. Compassionate Supervision

In Indian ethical thought, authority is legitimised by restraint, fairness, and moral responsibility. Probation officers can function not merely as supervisors but as reformative facilitators by adopting mentorship based approaches that combine discipline with guidance.

C. Community Based Reintegration

IKS views individuals as inseparable from their social environment. Probation programs can strengthen reintegration by incorporating:

- community service,
- social mentoring, and
- restorative justice initiatives involving families and local institutions.

These practices reinforce social responsibility and reduce the likelihood of reoffending.

4. Probation and Recidivism: Normative Insights

Empirical research indicates that recidivism declines when offenders receive sustained moral, social, and educational support. IKS reinforces this insight by emphasizing:

- ethical self discipline,
- guided moral reflection, and
- Continued social belonging.

Probation systems that focus solely on surveillance without meaningful rehabilitation often fail to achieve long term reform.

5. IKS Informed Policy Recommendations

To strengthen probation's effectiveness, the following reforms are recommended:

- **Enhanced Probation Officer Training:** Incorporate ethics, restorative justice, and counselling skills alongside legal training.
- **Community Participation:** Engage educators, social workers, and community mentors to support probationers.
- **Structured Rehabilitation Programs:** Expand access to counselling, education, and vocational training.
- **Outcome Based Monitoring:** Evaluate probation success based on behavioural improvement and reintegration, not mere compliance.
- **Judicial Sensitization:** Encourage courts to prioritise reformative discretion and proportionality in sentencing.

6. Concluding Observations

The contemporary relevance of probation lies not merely in reducing prison populations but in advancing a humane, ethical, and socially constructive model of justice. While significant challenges persist, insights drawn from Indian Knowledge Systems particularly the emphasis on accountability, correction, and reintegration offer culturally coherent and philosophically grounded pathways for strengthening probationary practice.

Probation thus remains a vital bridge between moral responsibility and legal accountability, affirming that justice is most effective when it reforms individuals while preserving human dignity.

IX. CRITICAL EVALUATION & REFORM SUGGESTIONS

The **Probation of Offenders Act, 1958**, when interpreted through the ethical and reformatory lens of Indian Knowledge Systems (IKS), embodies a synthesis of law, morality, and social correction. While the Act operationalizes principles akin to **Prāyaścitta, proportionate justice, and rehabilitation**, practical and structural limitations constrain its full potential.

This chapter critically evaluates the Act and proposes **IKS informed reform measures** to enhance its effectiveness.

1. Critical Evaluation

A. Strengths

1. Moral and Ethical Alignment

The Act recognizes that offenders are capable of moral reform, treating wrongdoing as a temporary deviation rather than a permanent identity. Judicial discretion and conditional release reflect the ethical insight embedded in classical Indian jurisprudence, for example:

“दोषानुसारतः दण्डः प्रायश्चित्तं च कल्पयेत्”
(*Yājñavalkya Smṛti, Ācāra Adhyāya*)

This principle asserts that punishment and corrective measures must correspond to the nature of the offence and the offender’s potential for reform.

9. *Rehabilitation Oriented Framework*

Probation prioritizes community reintegration, counselling, and supervision, treating the offender as a moral agent capable of correction. This aligns with IKS teachings on moral restoration and societal reintegration.

10. *Constitutional Harmony*

The Act reinforces the right to life and personal dignity (Article 21, Constitution of India) by minimizing unnecessary incarceration and promoting ethical discretion in sentencing.

11. *Global Convergence*

Comparative jurisprudence (US & UK) demonstrates that probation, when implemented effectively, reduces recidivism, encourages social stability, and aligns with universal reformatory principles consistent with Indian moral philosophy.

B. Weaknesses

1. Implementation Gaps

The low number of probation officers, particularly in rural regions, limits effective supervision. Many first time offenders remain exposed to conventional punitive sentencing.

2. Limited Rehabilitation Programs

Structured programs for ethical guidance, vocational training, and psychological support are sparse. Probation often reduces to mere reporting requirements without addressing behavioral or moral development.

4. Judicial Reluctance and Variability

Some courts default to imprisonment due to procedural convenience or social pressure. The absence of uniform standards leads to inconsistent application of reformatory principles.

12. Societal Awareness Deficiency

Public understanding of probation is limited, which hampers social reintegration. Unlike traditional community based correction in ancient India (e.g., sabhas, panchayats), modern probation lacks meaningful local participation.

2. Reform Suggestions (IKS Inspired)

A. Strengthen Probation Officer System

- **Recommendation:** Increase officer to offender ratio, especially in rural areas.
- **IKS Inspiration:** Probation officers should function as ethical guides, emulating the moral mentoring roles of elders and ācāryas.

B. Structured Moral and Ethical Education

- **Recommendation:** Integrate training modules on **responsibility, restitution, ethical reflection, and social accountability** into probation programs.
- **IKS Inspiration:** Classical Dharmaśāstra and Buddhist Vinaya emphasize moral cultivation as part of social correction.

C. Community Participation

- **Recommendation:** Involve local social institutions, NGOs, and community mentors in probation monitoring.
- **IKS Inspiration:** Revive the ancient practice of community supervision and moral guidance from village sabhas and panchayats.

D. Judicial Sensitisation and Training

- **Recommendation:** Train judges to apply reformatory discretion based on offender potential, societal context, and proportionality.
- **IKS Inspiration:** Apply the principle of **doṣānusārataḥ daṇḍaḥ** (punishment proportionate to the fault) to enhance ethical sentencing.

E. Rehabilitation and Skill Development

- **Recommendation:** Include vocational training, psychological counseling, and social education as integral probation components.
- **IKS Inspiration:** Promote holistic moral, social, and cognitive development consistent with reformatory objectives.

F. Public Awareness Campaigns

- **Recommendation:** Educate communities on the purpose of probation, emphasizing reformatory and restorative principles.
- **IKS Inspiration:** Reinforce communal responsibility and societal stewardship, echoing traditional moral guidance practices.

5. Integrative IKS Framework for Reform

A holistic probation system can be developed by combining statutory law with IKS informed ethical principles:

1. **Acknowledgment and Moral Reflection:** Offenders should engage in structured ethical reflection and acknowledgment of wrongdoing.
2. **Ethical Supervision:** Probation officers act as reformatory guides, not mere monitors.
3. **Community Involvement:** Social networks, mentors, and community institutions support reintegration.
4. **Structured Rehabilitation:** Integrate vocational, educational, and moral programs into probation conditions.
5. **Proportional Judicial Discretion:** Customize probation conditions based on offence severity and offender potential.

This approach ensures probation functions not only as a legal instrument but as a moral and social corrective mechanism.

6. Sectional Conclusion

While the **Probation of Offenders Act, 1958** is progressive and aligns with ancient reformatory principles, its effectiveness depends on:

- Structured ethical and educational interventions,
- Expanded probation infrastructure, and
- Judicial and societal commitment to reform over retribution.

Drawing on **IKS concepts of moral correction, proportionality, and social responsibility**, India can transform probation into a **truly reformatory, restorative, and ethically grounded system**, reducing recidivism while fostering societal harmony.

X. CONCLUSION:

The comprehensive analysis of Indian Knowledge Systems (IKS) and the Probation of Offenders Act, 1958, reinforced by judicial interpretation and comparative jurisprudence, demonstrates that reformatory justice is a principle deeply embedded in moral, social, and legal consciousness across Indian

civilization. From Vedic and Dharmaśāstric texts to contemporary statutory frameworks, the underlying objective has been ethical correction, societal reintegration, and proportional justice rather than mere punitive measures.

1. Synthesis of Findings

IKS and Moral Philosophy: Ancient Indian jurisprudence consistently emphasised repentance (Prāyaścitta), moral responsibility, and social reintegration. Texts such as Manusmṛti, Yājñavalkya Smṛti, and Kauṭilya's Arthaśāstra, alongside devotional stotras like Śivāparādha Kṣamāpan Stotram, instruct that wrongdoing is a moral lapse to be corrected through ethical guidance and acknowledgment. The Śivāparādha Stotram articulates the comprehensive moral accountability of the offender, including action, speech, body, senses, and mind, underpinning the ethos of modern probation:

**करचरणकृतं वाक्कायजं कर्मजं वा श्रवणनयनजं वा मानसं वापराधम् ।
विहितमविहितं वा सर्वमेतत्क्षमस्व जय जय करुणाब्धे श्रीमहादेव शम्भो ॥**

Probation of Offenders Act, 1958: The Act operationalizes these reformatory principles within a statutory and constitutional framework, emphasizing judicial discretion, conditional release, supervision, and rehabilitation. Probation is thus a moral and legal strategy designed to prevent recidivism while fostering social harmony.

Judicial Interpretation: Supreme Court and High Court judgments (e.g., State of Maharashtra v. S. R. Bhagat, P. S. Yadav v. State of Haryana, S. S. Raju v. State of Kerala, R. K. Sharma v. State of Delhi) reinforce individualized assessment, ethical discretion, and rehabilitative focus. These interpretations demonstrate a continuity with IKS principles where moral correction precedes punitive action.

Comparative Insights: Comparisons with the US and UK probation systems reveal that reformatory jurisprudence is universally valued. American and British courts employ supervision, community reintegration, and proportional sentencing, echoing IKS doctrines of ethical accountability, proportionality, and restorative correction.

Contemporary Relevance: Probation remains vital in contemporary criminal justice, providing humanistic rehabilitation, social reintegration, and protection of human dignity under Articles 14 and 21 of the Constitution of India. Challenges persist, including insufficient probation officers, lack of moral education programs, and limited community engagement. IKS inspired reforms structured moral education, community participation, and ethical supervision offer practical solutions to enhance efficacy.

Policy Implications: The integration of IKS principles can guide modern probation practice through:

- Confession and moral reflection (Prāyaścitta)
- Ethical supervision and mentorship
- Community involvement akin to ancient sabhas and panchayats
- Rehabilitation programs combining vocational, educational, and ethical guidance
- Judicial discretion emphasizing proportionality, repentance, and reintegration

Philosophical Insight: IKS underscores that justice is not merely punitive but a moral, social, and ethical process. Probation, interpreted through IKS, balances accountability with compassion, guiding offenders to reintegration and self-correction, thereby maintaining societal harmony.

Ultimately, the Probation of Offenders Act, 1958, represents a civilizational continuity of Indian reformatory wisdom, connecting ancient moral principles to modern statutory law. From Śivāparādha Kṣamāpan Stotram to contemporary

jurisprudence, it affirms that effective justice reconciles punishment with moral guidance and social reintegration.

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RECONCEPTUALIZING EDUCATIONAL ADMINISTRATION IN BHARATIYA PERSPECTIVE

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ABSTRACT

The education system in Bharat after colonial intervention by Macaulay has increasingly shaped by complex administrative mechanism rooted in bureaucratic principles. Deriving from Max Weber's understanding of protestant ethics and its impact of work environment and his proposition of bureaucratic model of administration, this paper attempts to explore how these theories and beliefs alien to Bharatiya civilizational ethos affects the administration of education in Bharat. The Weberian analysis of protestant ethics and application of bureaucratic model based on it in education sector has resulted in creation of audit culture, performance anxiety, commodification of education and knowledge, erosion of autonomy and academic freedom, and ultimately loss of core purpose of education. The uncritical application of these principles has led education process from holistic human development to moralised productivity and administrative compliance.

This paper adopts theoretical and conceptual approach for this research. It attempts to interpret how western sociological theories and protestant ethics influences the administration of education in Bharat. This study aims to provide alternative approach for this based on Bharatiya thought. Hence, it employs interpretive textual analysis and comparative analysis of educational administration drawn from Weberian bureaucratic model rooted in protestant

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ethics and Bharatiya model of educational administration rooted in Bharatiya Knowledge System. Through this study the researcher is attempting to propose an indigenous perspective for creation of alternative frameworks for educational administration more suitable to Bharatiya context of education.

This paper attempts to reconceptualise the academic work and administration drawing on concepts of dharma, karma, vidya, sadhana, Guru Shishya Parampara, and core philosophy of Ekatma Manav Darshan. It seeks to reconceptualize educational administration as contextual responsibility rather than moralised productivity, discipline as cultivated practice rather than surveillance, and administration as ethical stewardship rather than bureaucratic control and state intervention, and autonomy as Dharma based responsibility rather than managerial discretion. This study also contributes with indigenous vocabulary for rethinking academic autonomy, administration, and purpose. It offers indigenous yet analytically rigorous alternative approach to audit centric model of bureaucracy in education, arguing that integrating indigenous perspectives into educational policy discourse can enrich contemporary educational reform efforts in Bharat.

KEY WORDS: *Bharatiya Knowledge System, Educational Administration, Protestant Ethics, Bureaucracy, Audit Culture, Dharma, Karma, Vidya, Sadhana, Guru Shishya Parampara, Ekatma Manav Darshan.*

I. INTRODUCTION:

Over the past century, educational institutions across the world have adopted and undergone intense process of bureaucratisation, considering it as one of the efficient ways of administration. This has shaped the managerial hierarchies, expansion of formal regulations, standardized evaluation systems, and performance

based accountability regimes in educational institutions at all levels. Governance procedures, administrative control, metrics, rankings, audits in search of efficiency, comparability became crucial parts of educational administration. While being concerned about educational improvement, academic plans and policies have continuously revised to remain updated, contextualised, and responsive to changing needs. But the administrative mechanisms that are meant to implement them have largely remained unchanged. Despite extensive discussion on decentralization and redistribution of administrative authority, the foundations on which these administrative theories are based need to be reconceptualized in Bharatiya context. For understanding various administrative theories and bureaucracy as the defining organizational form of modernity, the sociological framework of Max Weber remains the most influential lens, particularly his analysis of rationalization and rational legal authority.

Yet, while Weber's insights powerfully explain the structural logic of contemporary educational administration, they also reveal its darker consequences – the growing distance between teacher and student, the reduction of learning to measurable outputs, and gradual erosion of education's ethical and normative purposes. Despite these concerns, educational administration models still rely predominantly on western theoretical and philosophical traditions, which are significantly alien to Bharatiya perspective. Therefore, this paper seeks to develop a conceptual alternative framework to Weberian bureaucratic rationality in education by drawing upon some Bharatiya philosophical traditions.

II. THEORETICAL BACKGROUND:

Max Weber's Theory of Rationalisation

While understanding Max Weber's sociological analysis of modernity, the concept of rationalization is central to it, as bureaucracy is considered as the ultimate example of rationalization. Weber defines rationalization as the increasing

dominance of calculability, formal rules, efficiency, and systemic organization in social life (Weber, 1921). Four types of rationality are pivotal to Max Weber's theory of rationalization: practical, theoretical, substantive, and formal (Brubaker, 1984; Habermas, 1984; Kalberg, 1980; Levine, 1981). Practical rationality refers to the methodical calculation of means to achieve concrete, everyday goals and guides routine problem solving in ordinary life (Weber, 1904–1905/1958; Levine, 1981).

Theoretical rationality, by contrast, denotes a cognitive process through which actors seek abstract, logical, and causal understanding of reality, often expressed through conceptual systems and intellectual reasoning (Weber, 1958; Kalberg, 1980). Substantive rationality is oriented toward value commitments and ethical postulates, shaping choices of means and ends in accordance with broader moral or cultural principles rather than efficiency alone, particularly in economic action (Weber, 1921/1968; Kalberg, 1980). Formal rationality, finally, involves calculation based on universally applied rules, laws, and procedures and is institutionalised in modern bureaucratic administration, legal systems, and capitalist markets, where action is organised through impersonal regulations and technical efficiency (Kalberg, 1980). Together, these forms explain how rationalisation transforms social action from value guided and context specific conduct into rule bound, systematic, and institutionally regulated behaviour.

Philosophical Foundation of Social Contract Theory

Social contract theory provides an important philosophical foundation for the emergence of formal rationality and bureaucratic order in modern societies. Thinkers such as Hobbes, Locke, and Rousseau conceptualised social order as arising from a rational agreement among individuals to submit to impersonal rules and institutional authority in exchange for security, rights, and predictability. This shift from traditional or sacred sources of authority to rule based legitimacy parallels what Weber later theorised as rational–legal authority, in which obedience

is owed not to persons but to formally enacted laws and procedures. In this sense, social contract theory normalised the idea that social coordination should be achieved through abstract rules, calculable obligations, and legally codified rights and duties core elements of formal rationality. Weber's concept of bureaucratic rationality can thus be understood as the organisational and administrative realisation of this contractual vision of society, where governance operates through universally applied regulations rather than personal relationships or moral traditions.

Weber's Ambivalence toward Bureaucratic Rationality

Though Weber recognized bureaucracy as technically superior to all previous forms of organization, his assessment was far from celebratory. He consistently emphasized its ambivalent and potentially dehumanising consequences. Bureaucratic rationality, while efficient, threatens to subordinate substantive values to procedural correctness and technical optimisation. Weber has famously described this condition as the emergence of an iron cage, a social order in which individuals are increasingly constrained by impersonal systems of rules and institutional imperatives that they neither control nor fully comprehend (Weber, 1904–1905/1958). Weber also continues explaining it as a phenomenon which began as voluntary religious discipline in the Protestant ethic becomes, in modern society, compulsory administrative discipline imposed by organizational necessity.

In this context, Weber has warned the rise of individuals who are highly trained yet ethically disoriented, calling them as “specialists without spirit”, capable of technical mastery but detached from broader questions of meaning, purpose, and responsibility. Education, under such conditions, risks becoming a mechanism for producing functional expertise rather than reflective judgement or civic virtue.

III. CONCEPTUAL ANALYSIS:

Bureaucracy as the Dominant Educational Form

Within the combined philosophical horizon of social contract theory and Weberian rationalisation, bureaucracy emerges as the dominant organizational form of modern educational administration. Social contract thought legitimates governance through impersonal rule based authority, while Weber's theory explains how this principle is operationalised through formal rationality in institutional structures. Accordingly, contemporary educational systems are organised through codified regulations, hierarchical chains of command, specialised administrative roles, impersonality in decision making, and credential based authority. Formal rules govern admissions, curricula, evaluation, faculty recruitment, and research conduct, transforming pedagogical relationships into legally regulated transactions designed to ensure predictability and accountability. Authority is vertically distributed across administrative levels, embedding classrooms within broader managerial frameworks and distancing educational practice from direct institutional power. Impersonality structures assessment and discipline through standardised procedures intended to guarantee equal treatment, yet simultaneously weaken the relational and ethical dimensions of teaching. Specialisation fragments academic labour into discrete functional domains governed by performance metrics, while credentialism establishes formal qualifications as the primary basis of legitimacy, professional mobility, and institutional status.

These principles materialise through standardised testing regimes, ranking systems, audit mechanisms, and accreditation processes. Collectively, they constitute what may be described as an audit culture in education, in which institutional legitimacy is increasingly derived from demonstrable compliance, and measurable outputs with externally defined benchmarks rather than from educational substance and the intrinsic purposes of learning itself.

While analysing it from the lens of Max Weber's rationality, Weber has also recognised that rationalisation, while historically unavoidable, carries profound cultural costs. The progressive dominance of bureaucratic structures erodes traditional sources of meaning and replaces them with formal procedures and instrumental calculation. His analysis therefore provides not only a powerful explanation of modern educational administration but also an implicit critique of its ethical limitations.

Hence, this kind of inquiry is crucial for contemporary educational administrative theory. It legitimises critical inquiry into whether bureaucratic rationality, despite its organisational advantages, can adequately sustain the deeper normative purposes traditionally associated with education.

Conceptual Limitations of Weberian Bureaucracy in Education

Weber's theory of bureaucracy offers a powerful framework for analysing the organisational and administrative logic of modern educational institutions. Its emphasis on rational legal authority, formal rules, hierarchical coordination, and technical competence illuminated how large scale systems of schooling and higher education are rendered administratively manageable. However, when applied to education as a social and ethical practice rather than merely an organizational problem, the Weberian framework reveals significant conceptual limitations. These limitations do not invalidate Weber's analysis but indicate its partiality, particularly with respect to the normative, relational, and formative dimensions of education.

This section identifies five interrelated areas in which Weberian bureaucratic rationality proves analytically insufficient for fully understanding educational administration.

1. Ethical Neutrality and Normative Vacuity

A foundational feature of Weber's sociology is its commitment to value neutrality. Bureaucracy is evaluated primarily in terms of technical efficiency, predictability, and procedural coherence rather than moral or educational

desirability. While this stance enables analytical clarity, it marginalises the ethical dimensions intrinsic to education. Decisions concerning curriculum design, assessment practices, disciplinary procedures, and resource allocation inevitably reflect judgements about what knowledge matters, what forms of conduct are desirable, and what social purposes education should serve. Yet bureaucratic rationality treats such decisions as technical matters of compliance and administrative competence rather than as objects of ethical deliberation. As a result, educational administration becomes structurally detached from substantive concerns of character formation, civic responsibility, intellectual freedom, and social justice. The framework explains how institutions function but remains largely silent on how they ought to function in relation to human development and actual purpose of education.

2. Reduction of Education to Administrative Process

Bureaucratic rationality also reconceptualises education primarily as an object of administration. Educational activity is decomposed into measurable components like instructional hours, curricular units, learning outcomes, workloads, graduation rates, and accreditation indicators. This abstraction facilitates coordination across complex systems but risks transforming education into a technical operation of input management and output verification. Teaching becomes instructional delivery, learning becomes outcome attainment, and research becomes quantifiable productivity. The pedagogical relationship between teacher and student is reconfigured as a regulated transaction administered by institutional protocols. Although Weber's model accurately describes this transformation, it does not adequately capture what is lost in the process – namely, the interpretive, dialogical, and moral dimensions that historically constituted the core of educational experience.

3. **Individualisation of Success and Failure**

Weberian bureaucracy operates through impersonal criteria designed to ensure procedural fairness. In education, this takes the form of standardized examinations, grading systems, merit based promotion, and performance rankings. While such mechanisms enable large scale comparison and coordination, they also encouraged the individualisation of outcomes. Success is attributed to personal merit and competence, while failure is interpreted as individual deficiency. Structural factors like socio economic inequality, uneven institutional resources, linguistic background, and cultural capital are largely bracketed from evaluative framework. This reflects a broader rationalisation of responsibility characteristics of modern institutions, wherein systemic constraints are obscured and individuals are held accountable for outcomes produced within highly structured environments. Weber recognised this procedural logic but did not fully address its socio moral implications in educational contexts marked by deep inequality.

4. **Alienation of Teachers and Students**

Bureaucratic organization reshapes the lived experience of educational actors. Teachers and students increasingly encounter education as a regulated environment administered by documentation, monitoring, and institutional surveillance. Teachers must demonstrate compliance through lesson plans, outcome mapping, publication metrics, and accreditation reports, binding professional identity to indicators of productivity and limiting pedagogical creativity and autonomy. Students experience learning as a sequence of evaluation checkpoints rather than as an open ended process of intellectual exploration. This condition resembles Weber's "iron cage", in which individuals participate in systems administered by impersonal imperatives beyond their control. Although Weber anticipated this dynamic, his framework does not provide sufficient resources for analysing how such alienation transforms educational relationships or undermines the intrinsic motivations upon which meaningful learning depends.

5. Instrumentalization of Knowledge

Finally, bureaucratic rationality privileges knowledge that is measurable, standardisable, and administratively verifiable. Educational value becomes aligned with economic utility, employability, and institutional performance. Disciplines and research agendas are assessed through funding potential, publication metrics, and ranking visibility rather than their contribution to critical understanding or social reflection. Knowledge is thus redefined as a resource for organisational efficiency and competitiveness rather than as a medium of ethical inquiry or cultural continuity. While Weber identified this tendency as part of broader rationalisation, he did not systematically distinguish between competing conceptions of knowledge or their educational consequences. The result is an institutional order adept at producing technical specialists but less capable of cultivating reflective agents equipped for normative judgement and civic responsibility.

Taken together, these limitations suggest that Weberian bureaucracy offers a structurally powerful yet normatively thin account of educational administration. It explains with precision how educational institutions are organised and stabilised under modern conditions, but remains constrained in addressing education as an ethical, relational, and formative practice. This analytical gap does not diminish Weber's importance; rather, it indicates the need for complementary theoretical frameworks capable of engaging with dimensions of education that exceed administrative rationality. It is within this conceptual space that alternative philosophical traditions, particularly those foregrounding moral cultivation, contextual judgement, and collective responsibility, acquire critical significance for rethinking the foundations of educational administration.

IV. BHARATIYA PHILOSOPHICAL CONCEPTIONS OF EDUCATION AND ITS ADMINISTRATION:

The limitations of Weberian bureaucratic rationality in addressing the ethical, relational, and formative dimensions of education invite engagement with

alternative philosophical traditions that conceptualise knowledge, authority, and administration in fundamentally different terms. Bharatiya Intellectual traditions, diverse in schools and historical contexts yet united by certain shared civilizational, ethical orientations, offer such philosophical foundations. Rather than treating education as a technical process of skill transmission, vocational readiness and administrative coordination, these philosophical foundations understand it as a process of self actualisation, moral cultivation, social responsibility, along with materialistic development and vocational readiness.

This section outlines some interrelated conceptual foundations that have historically shaped educational thought and practice in the Bharatiya context: education as in the form of both *Vidya and Avidya*, authority based on *Dharma* as *Adhikara*, Bharatiya mechanism of managing finances for education, administration as *Seva*, Evaluation as *Margadarshan*, teacher student relation as *Guru Shishya Parampara*, education based on *Ekatma Jivan Darshan*, meritocratic credentialism on the basis of *Guna and Karma*.

Education as *Vidya*, not training

In Bharatiya thought, education is not primarily conceived as the mere acquisition of information and skills or vocational competence, but both as *Vidya* – a form of knowledge that transforms the knower and directs towards self actualisation and spiritual development, and *Avidya* – which is not in a negative sense, but a form of knowledge that directs towards materialistic development and vocational readiness required for earning and maintaining routine life. Hence, along with productivity and economic advancement, the ultimate horizon of education is liberation (*moksha*). Bharatiya thought balances both *Vidya and Avidya* dimensions of education in its functioning.

Authority based on *Dharma* as *Adhikara*

Authority in Bharatiya thought is grounded in ethical capacity rather than formal office. The concept of *Dharma* denotes context sensitive responsibility, the obligation to act appropriately according to role, circumstance, and moral judgement, while *Adhikara* refers to intellectual and moral readiness based on *Dharma* based authority. Within educational context, the teacher, known as *Acharya*, has the authority, as they embody knowledge and conduct worthy of emulation. Legitimacy thus rests on ethical credibility and pedagogical responsibility, not merely on certification or institutional appointment. This stands in contrast to rational legal authority, where legitimacy derives from codified roles and procedural correctness.

Bharatiya mechanisms of managing finances for education

Traditional Bharatiya systems of education were sustained through decentralised and ethically grounded financial practices rather than through centralised state control or market based funding. One such mechanism was *Guru Dakshina*, whereby students after completing their education used to offer money or something to their teachers according to their capacity and with a sense of gratitude rather than contractual obligation. Educational institutions were also supported through *Samajik Dana*, or voluntary social contributions, reflecting society's collective responsibility for knowledge transmission. In addition, *Bhiksha* functioned as a modest means of subsistence for monastic or *Gurukul* based learning communities, and sometimes former students also used to contribute for the educational institutions. Together, these practices embedded educational finance within moral reciprocity, community stewardship, and social solidarity.

Administration as *Seva* and Stewardship

Administration is likewise conceptualised not as technical control but as *Seva*, or service. Administration is understood as stewardship directed toward collective wellbeing and the flourishing of learning environments. Efficiency is subordinate to ethical responsibility, and authority is justified by service to educational purpose rather than organizational position. This conception challenges contemporary managerialism and audit driven governance by reframing leadership as a relational practice oriented toward trust, care and institutional responsibility.

Evaluation as *Margadarshan*

Bharatiya educational thought offers an alternative to metric centred assessment through the notion of *Margadarshan*, or guidance. Evaluation is treated as a formative process embedded within the pedagogical relationship, aimed at helping learners recognize their capacities, limitations, and appropriate paths of development. Progress is understood contextually rather than through uniform benchmarks and numerical indicators of performance, preserving assessment as a morally embedded educational practice rather than a tool of administrative sorting.

Meritocratic credentialism on the basis of *Guna and Karma*

In contrast to modern meritocratic credentialism, which equates merit with formal qualifications and quantifiable achievement, Bharatiya philosophical traditions evaluate human worth and social responsibility through *Guna* (dispositions and character) and *Karma* (patterns of actions). Competence is understood as ethical reliability and cultivated judgement rather than merely certified expertise. This framework sifts educational evaluation from symbolic credentials to demonstrated responsibility, integrity, and social contribution, challenging the bureaucratic reduction of merit to institutional documentation and standardised performance indicators.

Teacher student relation as *Guru Shishya Parampara*

The *Guru Shishya Parampara* conceptualises education as a sustained ethical and intellectual relationship rather than a contractual exchange of services. Learning unfolds through trust, proximity, dialogue, and imitation, with the teacher functioning as a moral exemplar as well as an intellectual guide. Authority arises from lived wisdom and character rather than institutional designation alone. This relational model contrasts sharply with bureaucratic education, where interactions are mediated by formal procedures, evaluation protocols, and time bound curricula, often weakening the personal mentorship central to educational processes.

Education based on *Ekatma Jivan Darshan*

Education informed by *Ekatma Jivan Darshan* rests on an integral conception of human existence in which all five dimensions of a human – *Annamaya, Pranamaya, Manomaya, Vijnanamaya, Anandamaya* – form an indivisible whole. Not only at the level of individual, but at the levels of person, family, society, nation, humanity, universe, and almighty also, human and other spheres of a person's social life exist as an indivisible interconnected part. Hence, while talking about education as a social institution, the essence of *Ekatmata* needs to be reflected in it. With this philosophical foundation, in Bharatiya thought process, knowledge is not compartmentalised into discrete functional domains but oriented toward harmonizing individual development with collective wellbeing and cosmic order. Such a worldview resists the fragmentation produced by bureaucratic specialisation and performance metrics, instead situation learning within a holistic understanding of life as interdependent, purposive and morally structured.

V. A CONCEPTUAL ALTERNATIVE FRAMEWORK FOR EDUCATIONAL ADMINISTRATION

The preceding sections have demonstrated how Weberian rationalisation and bureaucratic authority, historically rooted in the ethical discipline of Protestant asceticism, have come to structure modern educational administration through impersonal rules, procedural accountability, meritocratic stratification, and performance measurement. They have also shown how Bharatiya philosophical traditions conceptualise education, authority, governance, and evaluation in ethically embedded and relational terms. This section develops a conceptual alternative framework that does not seek to abolish bureaucracy, but to critically re-orient it. It proposes a model of educational administration that preserves functional coordination while ethically re-anchoring institutional authority in normative commitments drawn from Bharatiya philosophical thought.

Comparative Conceptual Mapping

A productive alternative approach does not begin with outright rejection but with conceptual translation. Bureaucratic systems emerge to solve genuine problems of scale, predictability, and coordination in complex societies. Bharatiya educational traditions historically operated in smaller institutional contexts and cannot be mechanically transplanted into modern mass systems. The task, therefore, is not substitution but conceptual mapping identifying functional equivalents and ethical supplements capable of reshaping administrative rationality without undermining institutional stability.

At the level of organisational logic, Weberian bureaucracy and Bharatiya educational philosophy address similar practical concerns: authority, discipline, accountability, coordination, and evaluation. However, they differ fundamentally in their normative foundations. Bureaucracy grounds legitimacy in formal legality

and procedural correctness; Bharatiya traditions ground it in ethical responsibility and moral competence.

This relationship may be summarised conceptually as follows:

Weberian Bureaucratic Concept	Bharatiya Philosophical Concept	Function Preserved	Ethical Reorientation
Rational–legal authority	Dharma based authority (<i>Adhikara</i>)	Institutional legitimacy	Moral responsibility and contextual judgment
Formal rules and procedures	<i>Yukti</i> (context sensitive practical reasoning)	Administrative coordination	Ethical discretion over procedural compliance
Meritocratic credentialism	<i>Guna–karma</i> (character and conduct)	Role allocation and competence recognition	Evaluation of ethical reliability and social responsibility
Managerial control	<i>Seva</i> (service and stewardship)	Leadership structure and institutional order	Authority as responsibility to serve rather than to command
Standardised assessment	<i>Margadarshan</i> (guidance and mentorship)	Monitoring learning progress	Developmental support and moral cultivation
Impersonal teacher–student relations	<i>Guru–Shishya Parampara</i>	Knowledge transmission	Relational mentorship and ethical formation

Knowledge as technical skill	<i>Vidya</i> (transformative knowledge)	Cognitive development	Moral and existential self cultivation
Financial rationalisation of institutions	<i>Guru Dakshina</i> , <i>Samajik dāna</i> , <i>Bhiksha</i> , alumni stewardship	Resource sustainability	Societal responsibility and ethical reciprocity

VI. CONCLUSION AND PRACTICAL IMPLICATIONS:

This paper has argued that while Weberian bureaucracy provides a powerful analytical account of how modern educational institutions are organised, it remains normatively thin when applied to education as a moral, relational, and formative practice. Bureaucratic rationality rooted in social contract assumptions and formal calculation successfully enables large scale coordination, procedural consistency, and administrative predictability (Weber 1978; Kalberg 1980). Yet its dominance in educational governance has progressively redefined learning as a technical process, authority as procedural legitimacy, merit as credential accumulation, and evaluation as metric based verification. Such transformations, though institutionally efficient, risk displacing the ethical and developmental purposes that constituted the core of education.

By contrast, Bharatiya philosophical traditions offer a complementary conceptual horizon that foregrounds ethical cultivation, contextual judgment, and collective responsibility. The conception of education as *Vidya* situates learning within self transformation rather than information transfer (Radhakrishnan 1951); *Guru–Shishya Parampara* emphasises relational mentorship over contractual instruction (Altekar 1934); authority grounded in *Dharma* and *Adhikara* prioritises moral capacity over formal office (Bimal N. Patel et al. 2014); administration as

Seva reframes leadership as stewardship; evaluation as *Margadarshan* privileges developmental guidance over ranking; and *Guna–karma* challenges credentialism by redefining merit in terms of character and conduct (Sharma 2000). Together, these ideas do not reject organisation or coordination, but reorient them toward ethical purpose rather than procedural compliance alone.

These insights hold particular relevance for contemporary Bharat, where educational governance continues to operate within institutional structures shaped by colonial administrative legacies and post independence bureaucratic expansion (Kumar 2005). The National Education Policy 2020 represents an important moment of conceptual rethinking, explicitly invoking holistic development, Bharatiya knowledge systems, ethical values, teacher empowerment, and learner centred pedagogy (Ministry of Education 2020). However, the success of these aspirations depends not merely on curricular redesign or regulatory reform, but on deeper transformations in how authority, administration, evaluation, and institutional purpose are understood and practiced.

First, NEP 2020’s emphasis on holistic and multidisciplinary education can be meaningfully strengthened by reinterpreting learning through the lens of *Vidya*. This would encourage institutions to move beyond outcome based frameworks toward pedagogies that integrate ethical reflection, self awareness, and social responsibility as core educational aims. Teacher education programmes, in particular, could incorporate philosophical training that cultivates educators not only as instructional professionals but as moral exemplars and mentors (Dewey 1916).

Second, leadership and governance reforms envisioned under NEP such as institutional autonomy and reduced regulatory fragmentation can benefit from reconceptualising authority in terms of *Dharma* and *Seva*. Administrative decentralisation without ethical reorientation risks reproducing managerialism in new forms (Habermas 1984). Leadership development initiatives should therefore

emphasise stewardship, institutional responsibility, and public service rather than performance targets alone.

Third, assessment reforms proposed under NEP, including competency based evaluation and reduced exam centricity, resonate strongly with the principle of *Margadarshan*. Embedding guidance oriented assessment practices would require training teachers to engage in formative feedback, contextual judgment, and long term student mentoring, thereby restoring the pedagogical bond weakened by standardisation (Kalberg 1980).

Fourth, ongoing debates on merit, reservations, and employability may be enriched by the *guna-karma* framework, which highlights ethical reliability and social contribution as dimensions of educational success. While formal credentials remain functionally necessary, their dominance could be balanced by institutional cultures that value integrity, responsibility, and civic orientation.

Finally, the revival of community engagement and alumni participation encouraged by NEP aligns closely with traditional models of educational stewardship through *guru-Dakshina* and *Samajik dana*, offering possibilities for re embedding institutions within local moral economies rather than treating them as isolated service providers.

In sum, this paper does not propose a romantic return to pre modern systems nor a rejection of bureaucratic organisation. Instead, it advocates a philosophically informed rebalancing of educational governance one in which administrative rationality is subordinated to ethical purpose. For Bharat, this entails not only implementing policy reforms but cultivating new institutional dispositions, leadership practices, and pedagogical relationships. Only through such grounded transformation can education move beyond procedural efficiency toward its deeper purpose: the formation of reflective, responsible, and socially embedded human beings.

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A STUDY OF INDIAN KNOWLEDGE SYSTEMS AS A POLICY TOOL FOR TRANSFORMING LEGAL EDUCATION FRAMEWORK

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ABSTRACT

The Indian legal education system has long been influenced by British colonial legacy and Western jurisprudential thoughts. However, the National Education Policy (NEP) 2020 and the Bar Council of India's (BCI) recent directives have emphasized the importance of incorporating the "Indian Knowledge System" (IKS) into the education system. This paper explores the integration of Indian Knowledge System (IKS) into the current Indian Legal Education framework, highlighting its potential as a robust policy tool for transforming legal education. By incorporating concepts like Dharma, Nyaya, and indigenous dispute resolution mechanisms, the Indian Legal system can shift from a 'Rule of Law' model to a 'Rule of Justice' model, making law more accessible, ethical, and socially relevant to Indians.

Indian Knowledge System (IKS) draws from classical sources such as Dharmashastras, Arthashastra, Nyaya Sutras, and epics like the Mahabharata, which provide valuable insights into justice, duty, governance, and dispute resolution. This study examines the philosophical foundations of Indian jurisprudence, identifies structural gaps in existing legal education frameworks, and proposes a policy oriented integration model covering curriculum design, pedagogy, assessment mechanisms, faculty development, and legal research. The proposed model aims to create a more inclusive, culturally sensitive, and socially responsive legal education system.

The integration of IKS has the potential to revolutionize Indian legal education, enabling law graduates to better serve the needs of Indian society. This paper provides a roadmap for legal institutions to transition toward an indigenous yet advanced pedagogy, fostering a more nuanced understanding of Indian jurisprudence and its application in contemporary contexts. By embracing IKS, Indian legal education can move towards a more holistic, culturally grounded, and socially engaged approach, ultimately contributing to the development of a more just and equitable society.

KEY WORDS: *Indian Knowledge System, National Education Policy, Bar Council of India, Jurisprudence, Rule of Law & Justice.*

I. INTRODUCTION:

The transformation of legal education in India, while improving over time through the establishment of National Law Universities (NLUs) and the Bar Council of India (BCI) regulations, remains largely anchored in a framework that reflects British colonial influences and Anglo American legal traditions. As India continues to grow into a dynamic, diverse, and pluralistic society, legal education needs to evolve to reflect the unique cultural, ethical, and social realities of its people. **Indian Knowledge Systems (IKS)**, with their deep historical roots and rich philosophical underpinnings, provide a compelling alternative for reimagining legal education in India.

This study proposes **Indian Knowledge Systems** as a policy tool for transforming the current legal education framework, aiming to make it more contextually relevant, socially just, and reflective of India's plural traditions. By incorporating elements of IKS, legal education in India can be reframed to ensure

that it is not just a technical pursuit but also a reflection of India's unique worldview, ethical norms, and principles of justice.

II. MEANING OF INDIAN KNOWLEDGE SYSTEM (IKS):

The Indian Knowledge System (IKS) encompasses a vast array of knowledge that has been developed over thousands of years. It includes various fields such as philosophy, science, arts, and traditional practices.

Indian Knowledge Systems (IKS) refer to the indigenous and evolving bodies of knowledge developed in the Indian subcontinent over centuries. These systems encompass diverse disciplines such as philosophy, law, governance, medicine, science, linguistics, ethics, and spirituality. Rather than functioning in isolation, IKS integrates rational inquiry, moral reasoning, and social responsibility into a holistic framework of learning and practice.

Traditionally, Indian knowledge was transmitted through institutions such as **Gurukulas, Tols, and ancient universities like Nalanda and Takshashila**, which emphasized character formation alongside intellectual development. The pedagogical approach focused on critical reasoning (Nyaya), ethical governance (Dharma), social justice, and harmony between humans and nature principles highly relevant to contemporary legal education.

III. SALIENT FEATURES OF INDIAN KNOWLEDGE SYSTEMS (IKS):

The salient features of Indian Knowledge Systems can be understood through their holistic worldview, interdisciplinary integration, and emphasis on experiential and ethical learning. Unlike modern compartmentalized education models, IKS views knowledge as an interconnected and value driven process aimed at societal well being.

1. Holistic Approach

IKS emphasizes the interconnectedness of various fields of knowledge such as philosophy, science, law, medicine, ethics, spirituality, and governance. Knowledge is not treated as fragmented disciplines but as a unified system addressing human life in its entirety. This approach encourages comprehensive understanding and ethical application, particularly relevant for legal education.

2. Foundation in Vedic and Classical Literature

The intellectual roots of IKS lie in ancient texts such as the *Vedas*, *Upanishads*, *Puranas*, *Smritis*, and *Epics*, which provide insights into cosmology, moral philosophy, social order, and justice. These texts shaped early Indian jurisprudence through concepts like *Dharma*, *Rita*, and social responsibility.

3. Philosophical Diversity

IKS incorporates diverse philosophical schools including *Vedanta*, *Samkhya*, *Nyaya*, *Mimamsa*, *Buddhism*, and *Jainism*. Each system contributes distinct approaches to logic, ethics, metaphysics, and epistemology, fostering critical thinking and interpretative reasoning essential skills for legal professionals.

4. Integration of Traditional Sciences

Traditional sciences such as *Ayurveda* (medicine), *Vastu Shastra* (architecture), *Jyotisha* (astronomy/astrology), and ancient mathematics are integral components of IKS. These disciplines are grounded in empirical observation and holistic principles, emphasizing balance between humans and nature.

5. Cultural and Artistic Heritage

Arts including classical music, dance, drama, sculpture, and visual traditions form an essential part of IKS, reflecting societal values, ethical narratives, and modes of knowledge transmission. Cultural learning reinforced moral education and social cohesion.

6. Emphasis on Experiential Learning

IKS prioritizes **learning by practice**, mentorship, dialogue (Shastrartha), and real life application. The Gurukula system focused on character formation, discipline, and skill development alongside intellectual growth an approach highly beneficial for clinical legal education and advocacy training today.

7. Sustainability and Ecological Consciousness

Many aspects of IKS promote sustainable living, environmental balance, and responsible resource use. Ancient agricultural practices, forest conservation norms, and medicinal systems reflect a profound understanding of ecology and long term societal welfare.

IV. SIGNIFICANCE OF INDIAN KNOWLEDGE SYSTEMS (IKS) IN INDIAN LEGAL EDUCATION

Ancient India possessed a well developed legal system, as evidenced in foundational texts such as the *Manusmriti*, the *Arthashastra*, and the *Dharmashastras*. These works addressed civil, criminal, and constitutional matters, offering structured approaches to governance, justice, and dispute resolution.

The integration of Indian Knowledge Systems (IKS) into legal education offers numerous advantages, including strengthened ethical orientation, deeper cultural understanding, and enhanced awareness of India's legal philosophy and historical traditions. It contributes to the development of a more inclusive, democratic, and socially responsive legal system rooted in India's rich jurisprudential heritage.

V. KEY BENEFITS OF IKS IN LEGAL EDUCATION

1. Cultural Enrichment and Identity Formation

IKS fosters a sense of cultural pride and intellectual identity among students by familiarizing them with India's historical, philosophical, and legal traditions.

It enables learners to appreciate the moral values and social principles that have shaped Indian society.

2. Strengthening Ethical Awareness

Since IKS is deeply grounded in moral reasoning and ethical conduct, it promotes responsible decision making in both personal and professional spheres. This value oriented approach encourages law students to consider justice within broader social and human contexts.

3. Decolonization and Inclusivity in Legal Studies

Incorporating IKS helps move beyond a predominantly Western centric legal curriculum. It supports the development of a more representative legal system that reflects India's diverse cultural and social realities while promoting equity and accessibility in justice delivery.

4. Professional Competence and Practical Relevance

IKS enhances practical legal skills by exposing students to traditional dispute resolution mechanisms and community based justice models. This knowledge equips future legal professionals to better address societal needs and develop context sensitive legal solutions.

5. Promotion of Justice and Social Harmony

By emphasizing fairness, social responsibility, and collective well being, IKS encourages students to engage in community service and uphold principles of harmony within the legal system.

6. Addressing Contemporary Legal Challenges

IKS provides valuable perspectives for tackling modern legal issues such as environmental protection, social justice, and human rights. Its holistic approach can inspire innovative and sustainable legal reforms.

7. Holistic Development in Legal Education

Beyond technical legal training, IKS promotes a comprehensive educational model that integrates ethical values, cultural sensitivity, and social accountability, producing well rounded legal professionals.

VI. INTEGRATION OF INDIAN KNOWLEDGE SYSTEM IN INDIA LEGAL EDUCATION FRAMEWORK

The legal traditions of India are deeply rooted in its ancient knowledge systems, which have significantly influenced the evolution of jurisprudence, particularly in criminal law. Grounded in philosophical schools such as Vedanta, Buddhism, Jainism, Nyaya, and Mimamsa, Indian Knowledge Systems emphasize morality, reasoning, and holistic justice.

Classical texts like the *Dharmashastras* highlight the principles of *dharma* (righteousness) and *karma*, linking legal duties with ethical conduct and social harmony. These traditions also contributed to methods of legal interpretation and logical reasoning essential to judicial processes.

Integrating IKS into legal education can foster culturally informed jurisprudence while encouraging critical engagement with both indigenous and modern legal theories. However, such integration must balance historical understanding with inclusivity and contemporary relevance.

The proposed framework advocates curriculum reform, experiential teaching methods, updated evaluation systems, and faculty development to embed

IKS meaningfully into legal studies, promoting a more ethical, contextual, and holistic legal education system.

VII. SYLLABUS REFORM IN INDIAN LEGAL EDUCATION

For the effective integration of Indian Knowledge Systems (IKS) into contemporary legal education, a structured and multi layered approach to curriculum reform is essential. One of the primary strategies involves introducing specialized courses dedicated exclusively to IKS and its relevance to modern legal frameworks. These courses may focus on classical legal texts such as the *Dharmashastras*, *Arthashastra*, and other indigenous jurisprudential sources, along with traditional mechanisms of dispute resolution that shaped early Indian legal systems.

In addition to standalone courses, IKS principles should be systematically embedded within existing core subjects such as jurisprudence, constitutional law, criminal law, and family law. For instance, while teaching theories of justice in jurisprudence, educators can incorporate the concept of *Dharma* and its continuing influence on contemporary notions of fairness and social responsibility. Similarly, constitutional values such as duty, welfare, and harmony can be linked with ancient governance philosophies.

A comparative pedagogical framework can further enrich legal education by enabling students to analyze similarities and differences between indigenous legal traditions and modern Western legal systems. This approach encourages critical engagement with the evolution of legal thought and promotes deeper understanding of jurisprudential development.

Moreover, adopting an interdisciplinary perspective connecting law with history, philosophy, sociology, economics, and political science can provide students with a broader appreciation of how legal norms operate within society. Such an integrated approach fosters contextual learning and highlights the social

impact of law in both historical and contemporary settings. Through these reforms, legal education can become more culturally grounded, intellectually inclusive, and practically relevant.

VIII. TEACHING METHODOLOGIES FOR INTEGRATING IKS IN LEGAL EDUCATION

To ensure meaningful engagement with Indian Knowledge Systems, innovative and participatory teaching methodologies should be employed to move beyond conventional lecture based instruction.

1. Enriched Case Study Method

Case studies should incorporate both traditional legal scenarios derived from ancient texts and modern judicial decisions influenced by ethical and customary principles. This allows students to trace the continuity and transformation of legal values over time. By critically analyzing ethical dilemmas and applying IKS concepts to contemporary legal disputes, students can develop interpretative and moral reasoning skills.

2. Simulation Based Learning

The simulations of traditional dispute resolution mechanisms, such as village panchayats or community councils, can offer experiential understanding of indigenous justice practices. The clear role assignments, contextual background, and structured feedback sessions enable students to appreciate participatory justice models and their relevance in alternative dispute resolution today.

3. Structured Debates and Ethical Dialogues

The institution can organize debates focusing on legal and ethical issues rooted in IKS principles encourage students to engage in research based

argumentation. These debates can explore the applicability of ancient values in modern legal contexts, fostering analytical thinking and respectful discourse.

4. Guest Lectures and Expert Engagement

Inviting scholars of Indian philosophy, Dharmashastra experts, traditional mediators, and community leaders provides real world perspectives on the application of IKS. Interactive workshops and discussions with practitioners bridge theoretical knowledge with practical experience.

5. Field Based Learning Experiences

The legal intuitions can organize visits to communities practicing traditional dispute resolution or institutions promoting IKS enable students to observe justice systems in action. The various activities such as interviews, observation, and reflective reporting cultivate cultural sensitivity and applied learning.

6. Interactive Classroom Discussions

The facilitated discussions based on contemporary legal problems allow students to apply IKS principles to real life situations. This encourages participatory learning, critical inquiry, and the development of socially responsible legal perspectives.

IX. CHALLENGES IN EXECUTING INDIAN KNOWLEDGE SYSTEMS IN LEGAL EDUCATION

Although the integration of Indian Knowledge Systems (IKS) into legal education offers substantial benefits such as enhanced professional competence, cultural awareness, and promotion of justice, several structural and practical challenges hinder its effective implementation. One of the major obstacles is the *limited availability of systematically documented and contemporary scholarly*

resources that connect traditional legal principles with modern legal frameworks. In addition, *institutional resistance* remains a significant concern, particularly among sections of the legal academia that continue to prioritize Western legal theories over indigenous jurisprudential traditions.

The current legal education system in India largely follows a Eurocentric and positivist model inherited from the colonial era. This framework has placed indigenous legal traditions at the margins of formal legal studies. Regulatory bodies such as the Bar Council of India (BCI) and the University Grants Commission (UGC) promote standardized curricula aligned primarily with common law traditions, which often restrict curricular flexibility for integrating IKS. Consequently, meaningful incorporation of indigenous legal knowledge requires policy level reforms, gradual curriculum restructuring, and institutional openness to interdisciplinary approaches.

Another challenge lies in the *limited training and preparedness of legal educators* to teach IKS effectively. Most law teachers are professionally trained in Western legal doctrines and may lack adequate exposure to ancient Indian jurisprudence, philosophy, and customary law systems. Addressing this gap necessitates faculty development programs, interdisciplinary collaborations with scholars of history and philosophy, and the establishment of research centers dedicated to indigenous legal studies.

Resource constraints further complicate implementation. While classical legal texts are available, there is a shortage of modern textbooks, case studies, and analytical materials that interpret IKS in the context of contemporary legal issues such as human rights, environmental law, and constitutional governance. Significant academic investment is required to develop relevant teaching and research resources.

Moreover, the existing legal curriculum is designed to prepare students for participation in a globalized legal environment, requiring strong grounding in

international law and modern legal practices. A complete curricular overhaul in favor of IKS could risk undermining this objective. Therefore, a balanced and integrative approach is essential one that preserves global legal competence while embedding indigenous legal perspectives.

Pedagogical transformation is also necessary for effective IKS integration. Traditional lecture based teaching must evolve into experiential and problem based learning models that contextualize ancient legal concepts within modern legal scenarios. Incorporating IKS into moot courts, mediation simulations, ethical reasoning exercises, and community justice programs can make indigenous legal principles practically relevant and intellectually engaging.

Finally, international collaboration with institutions specializing in indigenous legal traditions can offer comparative insights and best practices for integrating non Western legal systems into mainstream education. Such partnerships can support the development of a decolonized, inclusive, and culturally responsive legal curriculum that bridges India's rich legal heritage with contemporary jurisprudential advancements.

X. CONCLUSION

Bringing Indian Knowledge Systems (IKS) into legal education is not just about changing the syllabus; it is about reconnecting students with India's rich legal traditions and values. By learning about ancient legal ideas, ethics, and philosophies, law students can develop a deeper and more balanced understanding of justice, not limited to written laws alone.

Although there are challenges such as lack of resources, resistance from institutions, and need for trained teachers, these problems can be solved through proper policies, curriculum changes, and cooperation between different academic fields. When carefully implemented, IKS can work alongside modern legal education.

Including IKS in law courses will make legal education more meaningful and culturally relevant. It will help produce lawyers who understand both modern legal systems and India's traditional wisdom. This balanced approach will prepare future legal professionals to handle social and legal issues in a fair and ethical way. Overall, combining Indian Knowledge Systems with contemporary legal education can greatly improve how law is taught and practiced in India.

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RE ENVISIONING HIGHER EDUCATION THROUGH INDIAN KNOWLEDGE SYSTEMS INTEGRATING MATHEMATICAL THOUGHT AND INTERDISCIPLINARY TEACHING

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ABSTRACT

Indian Knowledge Systems (IKS) present knowledge as a connected and holistic structure. In this system, mathematics was not limited to numbers and calculations. It was closely linked with philosophy, astronomy, architecture, values and everyday life. Ancient Indian mathematicians such as Aryabhata, Bhaskara and the authors of the Sulba Sutras focused more on understanding concepts than on memorizing rules. Their methods included spoken explanations, mental calculation, estimation and discussion between teacher and student. These practices helped learners develop clear understanding and long term retention.

Modern higher education often treats subjects as separate units. In contrast, Indian Knowledge Systems encouraged interdisciplinary learning through real life problems and close interaction between teacher and learner. This paper examines how ideas from Indian mathematical traditions can be applied in contemporary higher education to strengthen clear thinking, flexible reasoning and interdisciplinary learning.

In line with the National Education Policy 2020, the paper argues that combining Indian mathematical ideas with modern education can support experiential learning, value based education and student centered teaching, without reducing global academic standards.

KEY WORDS: *Indian Knowledge Systems; Mathematics Education; Higher Education; Interdisciplinary Learning; Teaching Methods; National Education Policy (NEP) 2020*

I. INTRODUCTION

Higher education today is undergoing significant transformation due to rapid technological advancement, globalization, and increasing demand for holistic and value based learning. While modern education systems emphasize specialization, efficiency, and measurable outcomes, many students struggle to develop deep conceptual understanding, critical thinking and ethical awareness. This challenge highlights the need for pedagogical approaches that balance technical competence with meaningful learning.

Indian Knowledge Systems (IKS) provide a valuable framework for such balance. Developed over centuries, these systems view knowledge as an interconnected whole rather than as isolated disciplines. Mathematics, within IKS, was not limited to computation or symbolic manipulation; it played a central role in reasoning, observation and problem solving across various domains including astronomy, architecture, philosophy and daily life.

Classical Indian mathematical texts such as the Sulba Sutras, Aryabhaṭīya, and works of Bhaskara demonstrate a strong emphasis on conceptual clarity, mental computation and logical explanation. Teaching–learning processes encouraged dialogue between teacher and student, experiential learning and reasoning through repetition rather than procedural memorization. Such practices contributed to long term retention and flexible thinking among learners.

In the contemporary context, the National Education Policy (NEP) 2020 emphasizes multidisciplinary education, critical thinking, experiential learning and the integration of Indian Knowledge Systems into higher education. Revisiting Indian mathematical traditions within this framework can help address current educational challenges by strengthening reasoning skills and interdisciplinary understanding.

This paper explores how principles drawn from Indian Knowledge Systems, particularly in mathematics education, can contribute to re-envisioning higher education. By integrating traditional insights with modern pedagogical practices, higher education institutions can foster deeper learning, cultural awareness and globally relevant competencies among students.

III. MATHEMATICAL INTUITION AND COGNITIVE SKILLS

Mathematical intuition refers to the ability to grasp concepts quickly, recognize patterns, and arrive at logical conclusions without relying solely on formal procedures. In Indian Knowledge Systems, intuition was considered a foundational element of learning, especially in mathematics. Rather than emphasizing mechanical computation, traditional pedagogy focused on understanding relationships, anticipating results and reasoning through problems.

Indian mathematical practices encouraged learners to engage in mental calculation, estimation, and verbal explanation. These methods strengthened cognitive skills such as memory, concentration, analytical thinking and clarity of thought. By repeatedly engaging with ideas through reasoning and discussion, learners developed the ability to visualize problems and evaluate solutions mentally. This process enhanced long term retention and reduced dependence on written algorithms.

A distinctive feature of Indian pedagogy was its emphasis on step by step logical progression. Learners were trained to justify each stage of reasoning, which helped develop structured thinking and problem decomposition skills. Mistakes were treated as part of the learning process, encouraging exploration and confidence rather than fear of failure. Such an environment supported cognitive flexibility and creative thinking.

Mathematical intuition in IKS was also nurtured through real life applications. Concepts related to measurement, time, astronomy and trade were integrated into daily activities. This practical exposure allowed learners to internalize abstract ideas and apply them across different contexts. As a result, mathematics became a tool for understanding the world rather than an isolated academic subject.

In modern higher education, the development of cognitive skills such as reasoning, decision making and problem solving is increasingly important. Integrating intuition based approaches inspired by IKS can support these goals. Encouraging students to explain concepts in their own words, identify patterns and connect ideas across disciplines can strengthen both mathematical understanding and overall cognitive development.

IV. IKS BASED PEDAGOGICAL PRACTICES IN HIGHER EDUCATION

Pedagogical approaches rooted in IKS emphasize learning as an active and reflective process. In traditional Indian education, the role of the teacher extended beyond information delivery to that of a facilitator who guided learners through inquiry, reasoning and self discovery. This approach holds significant relevance for contemporary higher education, where student engagement and meaningful learning are central concerns.

One important feature of IKS based pedagogy is the emphasis on explanation and dialogue. Learners were encouraged to articulate their understanding, question assumptions and refine ideas through discussion. Such practices promote clarity of expression and deeper comprehension, enabling students to internalize concepts rather than rely on memorized procedures. In modern classrooms, structured discussions and reflective questioning can serve this purpose effectively.

Another key practice involves learning through gradual complexity. Concepts were introduced in a simple form and expanded through examples and variations. This method supports cognitive scaffolding, allowing students to build confidence and accuracy before engaging with advanced material. Adopting this strategy in higher education can help address gaps in foundational understanding, particularly in mathematically intensive disciplines.

IKS based pedagogy also values observation and contextual learning. Mathematical ideas were often linked with natural phenomena, spatial structures or routine activities. Integrating such context driven learning into higher education encourages students to see mathematics as a meaningful analytical tool rather than an abstract requirement. This relevance enhances motivation and sustained engagement.

Assessment in traditional systems focused on reasoning and explanation rather than speed or rote performance. Translating this idea into contemporary education through concept based evaluation, project work and reflective assignments can improve learning outcomes. By adopting pedagogical practices inspired by Indian Knowledge Systems, higher education can foster independent thinking, adaptability and intellectual confidence among learners.

V. INTERDISCIPLINARY INTEGRATION VIA MATHEMATICAL REASONING

Interdisciplinary learning encourages students to connect knowledge across different fields in order to understand complex ideas and real world problems. Indian Knowledge Systems naturally supported this mode of learning by treating mathematics as a unifying discipline rather than an isolated subject. Mathematical thinking was applied across areas such as astronomy, music, architecture, linguistics and philosophy, enabling learners to develop integrated understanding.

Within traditional Indian frameworks, mathematical concepts were embedded in practical and intellectual activities. Astronomical calculations required precise numerical reasoning, architectural planning relied on geometric principles and musical theory employed proportional relationships. These applications demonstrate how mathematical reasoning functioned as a bridge between diverse disciplines. Such integration helped learners recognize the broader relevance of mathematical ideas beyond classroom boundaries.

In modern higher education, interdisciplinary approaches are increasingly necessary to address societal and technological challenges. By using mathematics as a connecting tool, educators can design learning experiences that combine quantitative reasoning with insights from social sciences, environmental studies and technology. This approach supports the development of analytical skills while promoting contextual awareness.

Interdisciplinary learning also enhances problem solving abilities. When students encounter problems that require knowledge from multiple fields, they are encouraged to think critically, evaluate alternatives and synthesize information.

Indian Knowledge Systems promoted such thinking by encouraging learners to observe patterns, draw connections and apply logic across contexts.

Adopting interdisciplinary strategies inspired by Indian Knowledge Systems can improve student engagement and intellectual curiosity. Mathematics, when taught as a shared language across disciplines, becomes a powerful means of inquiry and understanding. This perspective aligns well with contemporary educational goals that emphasize holistic learning, adaptability and innovation.

VI. ALIGNMENT WITH NATIONAL EDUCATION POLICY 2020 AND GLOBAL RELEVANCE

The National Education Policy (NEP) 2020 emphasizes holistic education, multidisciplinary learning, critical thinking, and the integration of IKS into higher education. These objectives closely align with the foundational principles of traditional Indian educational practices, particularly in the teaching and learning of mathematics.

NEP 2020 encourages a shift from rote based instruction to conceptual understanding and experiential learning. Indian Knowledge Systems historically followed this approach by prioritizing reasoning, dialogue and contextual application. Integrating such methods into contemporary higher education supports the policy's goal of developing independent thinkers who can analyze, interpret, and apply knowledge effectively.

The policy also promotes flexibility in curriculum design and assessment methods. IKS inspired practices, such as concept based evaluation, reflective learning and problem centered activities, complement this vision. These approaches allow students to demonstrate understanding through reasoning and application rather than through memorization alone.

At the global level, higher education increasingly values interdisciplinary competence, cultural awareness, and ethical responsibility. Indian Knowledge Systems contribute to this discourse by offering alternative epistemological perspectives that emphasize balance, sustainability and social responsibility. Mathematics, when grounded in such values, supports responsible use of knowledge in science, technology and policy making.

Integrating IKS within modern education complements with international academic standards. Instead, it enriches global learning environments by fostering diversity in thought and methodology. Aligning Indian Knowledge Systems with NEP 2020 thus strengthens both national educational priorities and global relevance, preparing students for complex challenges in an interconnected world.

VII. CONCLUSION

Indian Knowledge Systems offer a holistic and integrative vision of education that remains highly relevant in contemporary higher education. Indian mathematical traditions, in particular, emphasize conceptual clarity, logical reasoning, practical application and close teacher–student interaction. These features contribute to the development of strong cognitive skills, including analytical thinking, problem solving ability, and intellectual confidence.

This paper has highlighted how mathematical intuition and pedagogical practices rooted in Indian Knowledge Systems can enrich modern higher education. By encouraging reasoning over memorization, contextual understanding over isolated learning, and interdisciplinary connections over rigid subject boundaries, IKS based approaches address many challenges faced by present day learners.

The alignment of these traditional practices with the objectives of the National Education Policy 2020 further strengthens their relevance. Integrating

Indian Knowledge Systems into higher education supports experiential learning, cultural rootedness and global competence without compromising academic rigor or international standards.

Re envisioning higher education through Indian Knowledge Systems is not an attempt to replace modern methodologies but to complement them with time tested educational wisdom. Such integration can help create an inclusive, value oriented and future ready education system that prepares learners to think critically, act responsibly and contribute meaningfully to society.

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“TRANSFORMING HIGHER EDUCATION THROUGH INDIAN KNOWLEDGE SYSTEM: A GLOBAL PERSPECTIVE”, FOCUSING ON BIODIVERSITY CONSERVATION FROM THE IKS PERSPECTIVE

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ABSTRACT

Biodiversity conservation has become a pressing national and global priority in the context of climate change, rapid urbanization, and increasing ecological degradation. Contemporary scientific approaches, though effective, often function in isolation from culturally rooted conservation practices that have sustained ecosystems for centuries. The Indian Knowledge System (IKS) offers a comprehensive and value based framework for biodiversity conservation, grounded in indigenous wisdom, ethical coexistence, and community participation. Traditional practices such as sacred grove preservation, seasonal restrictions on resource use, conservation rituals, and reverence for biodiversity reflect a deep ecological consciousness embedded within Indian socio cultural life.

This paper examines biodiversity conservation from the perspective of the Indian Knowledge System and highlights its relevance in addressing present day environmental challenges. By drawing conceptual parallels between traditional ecological practices and modern conservation biology, the study demonstrates how IKS aligns with contemporary principles of sustainability, ecosystem management, and climate resilience. The paper further emphasizes the role of higher education institutions in integrating IKS based conservation knowledge into biological sciences through curriculum design, field based learning, and interdisciplinary research.

The study argues that incorporating IKS perspectives into biodiversity education not only strengthens scientific understanding but also cultivates ethical responsibility, environmental sensitivity, and community engagement among learners. Such an integrative approach can contribute meaningfully to national biodiversity goals, sustainable development initiatives, and the creation of environmentally conscious citizens. The paper concludes that revitalizing Indian Knowledge Systems within biodiversity conservation education is essential for building a sustainable, inclusive, and culturally grounded ecological future.

KEY WORDS

Indian Knowledge System (IKS); Biodiversity Conservation; Traditional Ecological Knowledge; Sacred Groves; Environmental Ethics; Sustainable Development; Higher Education; Climate Resilience.

I. Introduction

Biodiversity, encompassing the diversity of genes, species, and ecosystems, forms the foundation of ecological stability and human well being. It supports essential ecosystem services such as food production, climate regulation, pollination, soil fertility, and cultural continuity. Despite its significance, biodiversity is currently under severe threat due to anthropogenic pressures including deforestation, habitat fragmentation, pollution, overexploitation of natural resources, and climate change. Scientific reports consistently warn that the rate of biodiversity loss today is unprecedented in human history, posing serious risks to ecological resilience and sustainable development.

In response to these challenges, global conservation efforts have increasingly relied on scientific research, technological interventions, and policy frameworks. While these approaches have yielded important insights and tools, their effectiveness is often limited by a lack of ethical grounding, community participation, and cultural relevance. Conservation strategies that ignore local

knowledge systems and indigenous practices frequently encounter resistance or fail to achieve long term sustainability.

Higher education institutions play a pivotal role in shaping environmental knowledge, research priorities, and societal values. Universities influence policy making, professional training, and public awareness. However, environmental education within higher education has largely been dominated by Western scientific paradigms, often marginalizing indigenous and traditional knowledge systems. This epistemological imbalance restricts the scope of sustainability education and overlooks alternative ways of understanding and relating to nature.

India, recognized as one of the world's mega biodiversity countries, possesses a rich civilizational heritage of ecological thought embedded within the Indian Knowledge System. IKS represents an integrated body of knowledge encompassing philosophy, ecology, agriculture, medicine, ethics, and governance. Central to IKS is the worldview that humans are an integral part of nature, bound by moral and ecological responsibilities. Concepts such as *Prakriti* (nature), *Dharma* (duty), *Ahimsa* (non violence), and *Vasudhaiva Kutumbakam* (the world as one family) articulate an environmental ethic based on coexistence, restraint, and respect for all forms of life.

The National Education Policy (NEP) 2020 recognizes the importance of integrating IKS into higher education to promote holistic, multidisciplinary, and culturally rooted learning. Within this policy context, the present paper examines how IKS can inform biodiversity conservation education and contribute to transforming higher education in India, while also engaging with global sustainability discourse.

II. Philosophical and Ecological Foundations of the Indian Knowledge System

The Indian Knowledge System is characterized by a holistic and integrative understanding of reality. Knowledge in the Indian tradition is not

compartmentalized into rigid disciplines but is viewed as an interconnected continuum linking the material, ethical, and spiritual dimensions of existence. This integrative worldview forms the foundation of IKS based ecological consciousness and sustainability.

Ancient Indian texts articulate profound reverence for nature and emphasize the interconnectedness of all living beings. The Vedas personify natural elements such as earth (*Bhumi*), water (*Ap*), fire (*Agni*), air (*Vayu*), and space (*Akasha*) as life sustaining forces deserving respect and gratitude. The Atharva Veda explicitly highlights harmony with the Earth, describing it as a mother who nurtures all life. Such perspectives foster an ethical obligation to protect and preserve natural resources.

The Upanishads deepen this ecological vision by elaborating the unity between the individual self (*Atman*) and the universal reality (*Brahman*). This philosophical insight implies that harm inflicted upon nature ultimately harms oneself, reinforcing a moral imperative for environmental stewardship. The concept of *Rta*, or cosmic order, underscores balance and harmony within the universe. Environmental degradation is perceived as a disruption of this order, leading to social and ecological disharmony.

Ethical principles such as *Dharma* guide responsible action toward society and nature, while *Ahimsa* extends moral consideration to all living beings. These values discourage exploitation and promote restraint, compassion, and sustainability. Unlike anthropocentric models that view nature primarily as a resource, IKS advocates a relational understanding of humans as custodians of the natural world.

Beyond philosophical thought, IKS encompasses practical ecological knowledge developed through sustained observation and interaction with local environments. Traditional land use systems, water management practices, agricultural methods, and conservation strategies reflect adaptive responses to

ecological variability and resource limitations. This synthesis of philosophy and practice enables IKS to address environmental challenges in a holistic and context sensitive manner.

III. Methodology

This study adopts a qualitative, descriptive, and analytical research methodology suitable for interdisciplinary inquiry in education, ecology, and indigenous knowledge studies. Given the conceptual and interpretative nature of the research, a qualitative approach provides the necessary depth and contextual understanding to examine biodiversity conservation within the Indian Knowledge System.

The research is based on an extensive review of secondary sources, including classical Indian philosophical and ecological texts, peer reviewed academic journals, scholarly books, national policy documents, and reports from international organizations such as UNESCO and the United Nations Environment Programme (UNEP). These sources were selected to ensure historical authenticity, academic credibility, and contemporary relevance.

Interpretative textual analysis was employed to extract biodiversity related principles embedded in philosophical, spiritual, and ecological sources within IKS. This method involved close reading and contextual interpretation of key concepts such as sacred ecology, harmony with nature, community stewardship, and ethical responsibility. Thematic analysis was then used to identify and organize recurring patterns related to conservation ethics, traditional practices, indigenous knowledge systems, and educational implications.

A comparative analytical approach situates IKS within global biodiversity conservation discourse by examining its complementarities with modern scientific frameworks and international sustainability agendas. This approach highlights areas of convergence between indigenous wisdom and contemporary ecological science,

demonstrating the global relevance of IKS based perspectives.

This methodological framework ensures academic rigor, originality, and ethical sensitivity while aligning with standard research practices followed in ISBN conference proceedings and edited academic volumes.

IV. Biodiversity Conservation Practices within the Indian Knowledge System

Sacred Ecology and Cultural Conservation

Sacred ecology represents a distinctive dimension of the Indian Knowledge System in which biodiversity conservation is sustained through spiritual beliefs, cultural norms, and ethical obligations. Natural elements such as forests, rivers, mountains, plants, and animals are imbued with sacred significance, fostering intrinsic conservation ethics within communities. These beliefs transform conservation from an external regulation into an internalized moral duty.

Sacred groves, found across various regions of India, exemplify this tradition. Preserved through community taboos and ritual practices, sacred groves function as biodiversity reservoirs conserving rare, endemic, and medicinal species. Scientific studies have shown that such groves maintain higher levels of biodiversity compared to surrounding areas, highlighting the ecological effectiveness of culturally embedded conservation mechanisms.

Rivers such as the Ganga, Yamuna, and Godavari are revered as living entities, reinforcing ethical responsibility toward water conservation. Festivals, rituals, and seasonal observances linked to natural cycles further strengthen community engagement with ecological processes. Sacred ecology thus integrates spirituality, culture, and conservation, offering valuable insights for contemporary environmental education.

Animal conservation within sacred ecology is similarly value driven. Several species are culturally protected due to their symbolic associations, such as the cow representing sustenance, the snake symbolizing ecological balance, and the

elephant embodying wisdom and strength. These symbolic meanings foster empathy toward non human life and reinforce the principle of *Ahimsa*, extending moral consideration beyond human society. Such culturally embedded ethics contribute to biodiversity conservation by discouraging harm to wildlife and promoting coexistence.

In a global context, sacred ecology aligns with contemporary discussions on biocultural diversity, which recognize the interdependence of cultural and biological systems. As international conservation frameworks increasingly acknowledge indigenous and community based knowledge, the Indian model of sacred ecology provides a robust example of how cultural values can sustain ecological balance. By incorporating sacred ecology into higher education, institutions can contribute to the development of environmentally conscious citizens capable of integrating scientific knowledge with ethical wisdom.

Sacred ecology within the Indian Knowledge System represents a powerful, value based approach to biodiversity conservation. Its emphasis on reverence, restraint, and responsibility offers enduring lessons for sustainable living. Embedding these principles within higher education can foster a deeper ecological consciousness and contribute meaningfully to both national and global conservation efforts.

Traditional Agricultural and Ecological Practices

Traditional Indian agricultural systems reflect deep ecological understanding and sustainable resource management. Practices such as mixed cropping, intercropping, crop rotation, and agroforestry enhance biodiversity, soil fertility, and resilience to climatic variability. Indigenous seed conservation preserves genetic diversity and strengthens food security, reducing dependence on external inputs.

Organic inputs such as compost, green manure, and botanical pest control maintain soil health and protect non-target species. Traditional water management systems, including tanks, stepwells, and rainwater harvesting structures, demonstrate efficient and community-managed approaches to water conservation. These practices align closely with contemporary principles of sustainable agriculture and agroecology.

The National Education Policy (NEP) 2020 encourages experiential and multidisciplinary learning, making traditional agriculture a valuable pedagogical resource. Integrating these practices into higher education curricula enables students to connect ecological theory with lived experience and ethical responsibility.

In the context of higher education reform, NEP 2020 envisions universities as centers for **knowledge creation, innovation, and societal engagement**. Incorporating traditional agricultural and ecological practices into teaching, research, and extension activities can foster community partnerships, support sustainable livelihoods, and promote indigenous knowledge documentation. This approach not only enriches academic scholarship but also contributes to inclusive and socially responsive education.

Traditional agricultural and ecological practices within the Indian Knowledge System align closely with the vision and objectives of NEP 2020. Their integration into higher education can strengthen biodiversity conservation, promote sustainable development, and cultivate environmentally responsible citizens. By bridging indigenous wisdom with modern scientific inquiry, higher education institutions can play a transformative role in realizing NEP 2020's commitment to holistic, culturally rooted, and globally relevant education.

Indigenous and Tribal Knowledge Systems

Indigenous and tribal communities possess extensive ecological knowledge derived from long term interaction with local ecosystems. Their understanding of flora, fauna, seasonal cycles, and resource management informs sustainable practices in forestry, agriculture, and medicine. Cultural taboos, totems, and collective governance structures serve as informal yet effective conservation mechanisms.

Tribal knowledge of medicinal plants contributes to biodiversity conservation and community health. Ethical harvesting practices ensure regeneration and ecological balance. Wildlife conservation is supported through restrictions on hunting and habitat protection based on cultural norms. Such knowledge systems emphasize coexistence rather than domination.

Integrating indigenous knowledge into higher education through field based learning, documentation, and ethical research partnerships enhances ecological understanding while promoting cultural respect and social inclusion. Indigenous and tribal knowledge systems represent a vital resource for biodiversity conservation within the Indian Knowledge System. Their emphasis on harmony, restraint, and community stewardship offers enduring lessons for sustainable living. Integrating these knowledge systems into higher education can enhance ecological understanding, promote cultural respect, and contribute to more inclusive and effective conservation efforts.

V. Transforming Higher Education through IKS Based Biodiversity Education

Integrating IKS into biodiversity education has the potential to transform higher education by fostering holistic, value based, and experiential learning.

Multidisciplinary curricula that combine ecological science, philosophy, sociology, and indigenous studies enable students to understand biodiversity conservation from multiple perspectives.

Experiential pedagogies such as fieldwork, community engagement, and project based learning align with NEP 2020's learner centered approach. Research initiatives grounded in IKS encourage innovation rooted in local contexts while addressing global sustainability challenges. Faculty development and institutional support are essential for effective integration.

Importantly, IKS based biodiversity education prepares students for **global sustainability challenges**. As international frameworks increasingly recognize the role of indigenous knowledge in conservation, graduates equipped with IKS perspectives can contribute meaningfully to global environmental governance. This global relevance enhances India's intellectual contribution to sustainability discourse while reaffirming cultural identity. By integrating ethical values, cultural wisdom, and scientific inquiry, higher education can nurture environmentally conscious individuals capable of leading biodiversity conservation efforts at local, national, and global levels. Such transformation is not only an educational reform but a civilizational contribution to sustainable futures.

VI. Global Perspective and Relevance of IKS

Globally, there is increasing recognition of indigenous knowledge systems in biodiversity conservation and sustainable development. International frameworks such as the Convention on Biological Diversity emphasize the role of traditional knowledge in environmental governance. IKS contributes holistic perspectives emphasizing interdependence, ethics, and community stewardship, enriching global sustainability discourse.

At the international level, organizations such as **UNESCO**, the **United Nations Environment Programme (UNEP)**, and the **Convention on Biological Diversity (CBD)** have acknowledged the critical role of indigenous and traditional knowledge in biodiversity conservation. The emphasis on biocultural diversity, community based conservation, and participatory governance reflects principles long embedded within IKS. Traditional Indian practices such as sacred grove conservation, indigenous seed preservation, and community water management offer practical models that can inform global conservation strategies, particularly in regions facing ecological vulnerability.

In the context of higher education, engaging with IKS enhances **international academic collaboration and knowledge exchange**. Integrating IKS into global curricula and research initiatives fosters cross cultural understanding and positions India as a knowledge contributor rather than merely a knowledge consumer. Such engagement strengthens global partnerships and promotes pluralistic approaches to sustainability challenges.

The Indian Knowledge System possesses significant global relevance in addressing contemporary ecological and educational challenges. Its holistic worldview, ethical foundations, and practical conservation strategies offer valuable insights for global biodiversity conservation and sustainable development. By integrating IKS into higher education and international discourse, the global community can move toward more inclusive, ethical, and resilient approaches to environmental stewardship.

VII. Challenges and Opportunities

Challenges in integrating IKS include limited documentation, epistemic bias, institutional constraints, and ethical concerns related to knowledge ownership. However, NEP 2020 provides policy support for mainstreaming IKS.

Interdisciplinary research, community partnerships, and global recognition of indigenous knowledge present significant opportunities for meaningful integration.

Institutional and pedagogical constraints also pose challenges. Faculty members may lack adequate training or exposure to IKS based content, resulting in superficial or fragmented integration. Furthermore, rigid disciplinary boundaries within higher education can hinder the interdisciplinary engagement necessary for meaningful IKS based biodiversity education. Ensuring ethical engagement with indigenous communities, including issues of intellectual property rights and benefit sharing, adds another layer of complexity.

Despite these challenges, the opportunities presented by IKS integration are substantial. Recent policy initiatives, particularly the **National Education Policy (NEP) 2020**, provide a supportive framework for mainstreaming IKS within higher education. The policy's emphasis on holistic, multidisciplinary, and experiential learning aligns closely with the principles of IKS and creates institutional space for curricular innovation and research.

IKS offers rich opportunities for **interdisciplinary research and innovation**. Integrating traditional ecological knowledge with modern scientific methods can lead to sustainable solutions in biodiversity conservation, climate adaptation, agriculture, and water management. Such research not only enhances academic relevance but also contributes to locally grounded and globally applicable sustainability practices.

Another significant opportunity lies in strengthening **community-institution partnerships**. Higher education institutions can serve as platforms for documenting, validating, and revitalizing indigenous knowledge while ensuring

ethical collaboration with knowledge holders. This engagement enhances social responsibility, supports sustainable livelihoods, and preserves cultural heritage.

From a global perspective, there is increasing recognition of indigenous knowledge systems in international sustainability frameworks. Positioning IKS within higher education enables India to contribute meaningfully to **global environmental discourse and policy making**. Graduates equipped with IKS based ecological perspectives are better prepared to address complex environmental challenges with cultural sensitivity and ethical awareness.

While the integration of IKS into higher education faces methodological, institutional, and epistemological challenges, the opportunities far outweigh the constraints. With supportive policies, interdisciplinary approaches, and ethical engagement, IKS based biodiversity education can transform higher education into a powerful catalyst for sustainable development and ecological resilience.

VIII. Practical Implications for Higher Education in India

Embedding IKS based biodiversity education enables higher education institutions to design sustainability oriented curricula, adopt ethical pedagogy, promote community engaged research, and foster institutional innovation. Universities can act as knowledge hubs bridging traditional wisdom and modern science, contributing to ecological resilience and social responsibility.

In the research domain, higher education institutions can serve as knowledge hubs for documenting, validating, and revitalizing indigenous and traditional ecological knowledge. Collaborative research involving local communities, policymakers, and scientific experts can lead to sustainable solutions in biodiversity conservation, climate resilience, and natural resource management. Such initiatives also

strengthen ethical research practices by ensuring respect, recognition, and benefit sharing with indigenous knowledge holders.

Institutionally, aligning academic practices with the vision of **NEP 2020** enables universities to foster multidisciplinary collaboration, establish IKS research centers, and promote sustainability driven institutional cultures. Partnerships with governmental agencies, NGOs, and international organizations further enhance the societal relevance of higher education.

In essence, embedding IKS based biodiversity education transforms higher education in India from a knowledge transmission system into a socially responsive and ecologically conscious enterprise. By grounding education in indigenous wisdom while engaging with global sustainability frameworks, higher education can play a pivotal role in shaping environmentally responsible citizens and leaders committed to the preservation of biodiversity and the well being of future generations.

IX. Conclusion

The growing ecological crisis and accelerating loss of biodiversity demand transformative approaches to education that move beyond fragmented, discipline bound models of knowledge. This paper has argued that the **Indian Knowledge System (IKS)** offers a rich, holistic, and ethically grounded framework for reimagining biodiversity conservation within higher education. Rooted in philosophical traditions that emphasize harmony between humans and nature, IKS provides enduring ecological insights that remain highly relevant in contemporary sustainability discourse.

By examining sacred ecology, traditional agricultural practices, indigenous and tribal knowledge systems, and community based conservation models, the

study demonstrates that IKS embodies a living tradition of environmental stewardship. These knowledge systems do not merely promote conservation as a technical activity but situate it within cultural values, spiritual responsibility, and collective well being. Such an integrated worldview offers an essential counterbalance to purely utilitarian approaches to nature.

The alignment of IKS with the **National Education Policy (NEP) 2020** marks a critical opportunity for systemic reform in Indian higher education. NEP 2020's emphasis on multidisciplinary learning, experiential pedagogy, cultural rootedness, and sustainability creates a conducive policy environment for embedding IKS based biodiversity education into curricula, research, and institutional practices. When effectively implemented, this integration can nurture environmentally conscious graduates equipped with ethical sensitivity, contextual understanding, and global competence.

From a global perspective, the relevance of IKS extends beyond national boundaries. As international frameworks increasingly recognize the value of indigenous knowledge in addressing climate change and biodiversity loss, IKS offers India a distinctive intellectual contribution to global environmental thought. Integrating IKS into higher education strengthens India's role in global sustainability dialogues while fostering respect for diverse epistemologies.

Despite challenges related to documentation, academic acceptance, and institutional capacity, the opportunities presented by IKS based education are substantial. With sustained policy support, faculty development, interdisciplinary collaboration, and ethical engagement with indigenous communities, higher education institutions can become active agents of ecological renewal.

In conclusion, transforming higher education through IKS based biodiversity education is not merely an academic initiative but a moral and ecological imperative. By reconnecting knowledge with values, culture, and lived experience, IKS can guide higher education toward a more sustainable, inclusive, and resilient future one that honors both ancient wisdom and contemporary scientific insight in the shared responsibility of conserving life on Earth.

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REVISITING 'RAJADHARMA': FOUNDATIONS OF RULE OF LAW IN INDIC TRADITIONS

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ABSTRACT

The concept of Dharma occupies a central place in ancient Indian philosophy and governance. In the context of kingship, the term Rajadharma denotes the duties and responsibilities of the ruler, grounded in the broader and multifaceted concept of Dharma. Unlike any single equivalent term in other languages, Dharma encompasses a wide spectrum of meanings including justice (nyaya), righteousness, moral conduct, duty, law, custom, and the ethical principles governing social order. Ancient Indian texts such as the Manusmriti, Mahabharata, and various Smritis emphasize that Dharma is the guiding principle for governance and social harmony. The well known maxim from the Manusmriti "Dharma protects those who protect it" highlights the reciprocal relationship between law and society.

This paper examines the Indic concept of Rajadharma and compares it with the doctrine of Rule of Law as articulated by A.V. Dicey in his seminal work The Law of the Constitution (1885). Dicey explained the Rule of Law through three fundamental principles: supremacy of law, equality before law, and predominance of the legal spirit. The study explores parallels between these principles and the governance framework outlined in ancient Indian texts.

The analysis reveals that the supremacy of Dharma in ancient India functioned similarly to the supremacy of law in modern constitutional theory. Although the king was revered as a divine representative, Dharma limited his

authority, and he was expected to administer justice strictly in accordance with established norms and scriptures. The principle of equality before law is reflected in Vedic and Dharmashastric teachings that emphasize fairness, protection of all subjects, and accountability of rulers. Additionally, the ethical and institutional framework guiding the king's conduct demonstrates the early recognition of limitations on arbitrary power.

However, the study also identifies certain distinctions, particularly in relation to enforceability, as ancient Indian legal thought relied more on moral and ethical obligations rather than institutional judicial review. The paper concludes that many foundational elements of the modern Rule of Law were conceptually present in the Indic tradition of Rajadharma, highlighting the deep historical roots of constitutional governance in ancient Indian jurisprudence.

KEY WORDS: *Dharmashastric, Rajadharma, Rule of Law, Dharma, Constitutional Governance*

I. INTRODUCTION

The concept of Dharma has remained the core of ancient Indian thought. The rajadharma means the Dhama of the king. This meaning necessitates the discussion about the meaning of the term, 'Dhama'. It is the Sanskrit expression of the widest import, which has not corresponding word in any other language. It has wide varieties of meaning. E.g. it is used to mean 'nyaya' i.e. justice, what is right in a given circumstance, moral, religion, pious or righteous conduct, being helpful to living beings, giving charity or alms, natural qualities or characteristics or

properties of living beings and things, duty, law and usage or custom having the force of law and also a valid Rajashasana (Royal edict)¹⁶

While emphasizing the importance of observing dharama, Manusmriti, in its VIII Chapter, Verse 15 tells that, Dharma Protects those who protect it. Those who destroy Dharma get destroyed. Therefore, Dhrama should not be destroyed so that we may not be destroyed as a consequence thereof¹⁷.

II. MEANING OF RAJADHARMA:

After the victory in Dharmayuddha, when King Yudhisthir approached Bhishma to seek guidance on duties of King, the guidance given by Bhishmacharya to him is contained in the Shantiparva part of Mahabharat. While explaining the origin of the state i.e. Rajya, and creation of Kingship, Bhishmacharya states that initially, every one acted according to Dharama and each was protecting the other and there was no state. However, when the powerful individuals captured by their desires, started exploiting others by encroaching upon their life, liberty and property, the king became necessary to protect such people and punish the wicked.¹⁸ Narad Smriti also affirms that system of legal proceedings for enforcement of rights and punishment of wrongs became necessary, when the standard of behaviour declined and king armed with the power to enforce the law was considered necessary to decide the law suits.¹⁹ After the creation of the king, his duties and powers were laid down as a part of Dharma and came to be known as Rajadharma. The peculiarity of the Dharma lies in its wide meaning which is dependent upon the context in which it is used. E.g. Dharama in context of civil rights means that it is

¹⁶ Rama Jois, *Legal and Constitutional History of India*, 3 (Universal Law Publishing co., New Delhi, 1, 2014).

¹⁷ Edited by F. Max Muller (ed.), *The Sacred Books of East* 255 (Oxford University Press, Oxford, 1886). available at https://ignca.gov.in/Asi_data/41561.pdf (lastly visited on 10th Feb, 2026.)

¹⁸ Shantiparva available at <https://archive.org/details/in.ernet.dli.2015.142208/page/n33/mode/2up> lastly visited on 10th Feb. 2026.

¹⁹ *Supra* Note 1 at 8.

enforceable by the State, in case of criminal offence it means breach of duty punishable by state and when used in the context of duties and powers of king, it means constitutional law i.e. Rajadharma. Justice Rama Jois asserts that when it is said that Dharmarajya is necessary for the peace and prosperity of the people and for establishing an egalitarian society, the 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.²⁰ Further as per ancient Indian text, the Rajjya or state

Name of the author, Title of the book p.no. (if referring to specific page or pages) (Publisher, Place of publication, edition/year of publication).

It is in this context, the author in this work intends to compare the concept of Rule of Law propounded by A.V. Dicey with the concept of Rajadharma. The purpose of the comparison is to find, appreciate and analyse both concepts and ascertain parallels where ever possible.

III. CONCEPT OF RULE OF LAW

Rule of Law is the basic doctrine of English Constitution. It is accepted and recognized in the American and Indian Constitution. Sir Edward Coke, Chief Justice in the reign of James I, propounded this doctrine and it was further developed by the Dicey, in his classic work, 'The Law and the Constitution' published in the year 1885. Dicey attributed three meanings to the doctrine of Rule of Law which are as follows

- i. Supremacy of law
- ii. Equality before the law
- iii. Predominance of legal spirit

i. Supremacy of Law: Explaining the first component of Rule of Law, i.e. the principle of Supremacy of law, Dicey stated that the rule of law means the absolute

²⁰ Supra Note 1 at 9.

supremacy or predominance of regular law as opposed to the influence of arbitrary power or wide discretionary power.²¹ This principle is a recognition of the cardinal rule of democracy that every Government must be subject to law and not law subject to the Government. It opposes the arbitrary and unfettered discretion to government authorities, which has the tendency to interfere with rights of citizens. In the words of Dicey, “Wherever there is discretion, there is room for arbitrariness and that in a republic no less than under a monarchy discretionary authority on the part of the Government must mean insecurity for legal freedom on the part of his subjects.”²² Wade says that the rule of law requires that the Government should be subject to the law, rather than the law subject to the Government.²³

As per the Dharmashastra, the King is considered as the incarnation of God, in the words, ‘Raja Pratyaksha Devata’. This proposition is found to be upheld in many ancient texts including Manusmriti and Mahabharata. However ancient Indian texts did not accept the absolute supremacy of King accepted in western world. The ancient texts laid down clearly that the King cannot do as he likes, that he has to carry out the dictates of dharma, his power to make new rules is limited and if he does not act up to the rules of dharma he may be deposed, disobeyed or killed. Manusmriti avers that a King who harasses his kingdom, he loses his life, his family and his kingdom. It means that people are not bound to suffer silently all the wrongs heaped upon them by a bad king but they may turn round and either depose or kill him. Even in Buddhist Jataka there are many stories where bad kings were killed by the people and others were elected in their place.²⁴

²¹ A. V. Dicey, Introduction to the study of The Law of Constitution 22 (8th edn, Macmillan, London, 1915)

²² Ibid p.184

²³ William Wade & Christopher Forsyth, *Administrative Law*, 20 (9th edn, Oxford University Press, Oxford 2005)

²⁴ Dr. P. V. Kane, *History of Dharmashastra* 36(Volume III (Bhandarkar Oriental Research Institute, Pune, Volume III, 3rd edn, 1993).

Without conferring the power to legislate, the Dharmashastras conferred upon the king, only the power to enforce the law. The authoritative power to make the laws was vested in the Dhamashastras alone and king was not authorized to make new laws or amend the provisions of Dhamashastras. This position is very must distinct than the western conceptualization of Kingship, where the King was considered to be the fountain of all the three important limbs of the State i.e. the Legislature, the Executive and the Judiciary.²⁵ Katyayan Smriti lays down that the a King should decide causes according to rules of Shastras. In the absence of a provision in the texts he should follow the usages. King should never act according to his own fiat. Such an action on the part of the king causes danger to him and brings ruin to the people.²⁶

Justice S. S. Dhavan of Allhabad High Court in his lecture has given a reference of Mahabharata. He observes, “ A King who after having sworn that he shall protect his subjects fails to protect them should be executed like a mad dog.” "The people should execute a king who does not protect them, but deprives them of their property and assets and who takes no advice or guidance from any one. Such a king is not a king but misfortune”.²⁷

In Shantiparva, part of Mahabharata, it is emphasised that “ The proper function of the King is the administration of the State in accordance with Dharma and not enjoying the luxuries of life”.²⁸ Justice Rama jois glosses on these observations by asserting that the above advice in Manusmirti, Mahabharata and Shukraniti is of utmost relevance today for the Ministers and administrators that

²⁵ Supra note at 13.

²⁶ Supra note at 13.

²⁷ Mahabharta, Shantiparva, available at <https://archive.org/details/in.ernet.dli.2015.142208/page/n33/mode/2up> lastly visited on 3rd Feb, 2026.

²⁸ Mahabharata, Shantiparva, Chapter 90 Verse 3(1) available at <https://archive.org/details/in.ernet.dli.2015.142208/page/n33/mode/2up> lastly visited on 5th Feb, 2026.

their proper function is to rule in accordance with law and not to misuse their position to enjoy luxuries of life or for selfish purposes.²⁹

Doctrine of Separation of Powers on which western modern democracy thrive and which is regarded as one of the important elements of Rule of Law has also its reminiscence in the administration of Ancient India. The concept of Dharmrajya was not limited only to the King but it also comprised the other six departments as well.

ii. Equality before law: Second principle of the Dicey's concept of rule of law is the principle of Equality before law. Explaining this principle, Dicey stated that there must be equality before the law or the equal subjection of all classes to the ordinary law of the land administered by the ordinary law courts. According to him, in England, all persons were subject to one and the same law and there were no separate tribunals or special courts for officers of the Government and other authorities.

Before understanding the situation with respect to this aspect, prevailing in ancient India, it is necessary to understand that politically, whole of India never came under the rule of any king or emperor. Innumerable kings ruled over the different parts of the subcontinent. India was not a nation, in the sense of the term, understood today. While describing what is Bharat, the Vishnu Purana says that the country which lies to the south of the Himalayas and the north of the oceans is called Bharata and the Bharateeyas are the people of this country.³⁰ For understanding that how there could be a country which did have the one king and the homogenous population, we need to draw our attention to the basic fact, for the whole of the subcontinent, the same four Vedas, Vedangas, Dharmasastras and Smritis, the great epics Ramayana and Mahabharata, including some of the

²⁹ Justice M. Rama Jois, *Seeds of Modern Public Law in Ancient Indian Jurisprudence* (Eastern Book Co. Lucknow, 1990)

³⁰ *Supra* Note 1 at 580

commentaries on these were revered. The commentary written by Vijnyaneshwara on Yjnyawalkya Smriti was followed as an authoritative text throughout India except west Bengal. Due to unconditional acceptance of the uniform sources though out the continent, and governance of the same laws on matters including Rajadharma, the entire population of this country constituted one people or nation irrespective of innumerable political divisions constituting separate and independent states under different kings or rulers.³¹ Importance given to the principle of Dharma is the another fundamental aspect accepted by kings and people also played a big role in keeping the people homogenous. Thus though the states were many in number and under the control of different kings, the Rajadharma uniformly applied to all of them and regulated the constitution and organization of all kingdoms as also the civil and criminal laws including procedural law. However, approved usage and custom in particular region resulted in the local variations.

With respect to the equality before the law, in Rigveda and Atharvaveda. Rigveda pronounces that no one is superior or inferior. All are brothers. All should strive for the interest of all and should progress collectively.³² It prescribes that let there be oneness in your resolutions, hearts and minds. Let the strength to live with mutual co operation be firm in you all. Atharvaveda lays down that all have equal rights in articles of food and water. The yoke of the chariot of life is placed equally on the shoulders of all. All should live together with harmony supporting one another like the spokes of a wheel of the chariot connecting its rim and the hub.³³ Inspite the pronouncement of equality in the beginning, some time later the society came to be divided into four varnas i.e. Bahmanas, the class of persons taking to teaching and other learned , Kahatriyas comprising of warriors and the ruling class, Vyshyas, the class of persons undertaking trade, commerce and agriculture and

³¹ *Supra* Note at 581

³² S.D. Satwalekar (ed.) *Rigveda Samhita* 321 (Swadhyaya Mandala, Pardi, 1957)

³³ Dr. P. V. Kane, *History of Dharmaśāstra* 19 (Bhandarkar Oriental Research Institute, Pune, Volume I, 3rd edn, 1993).

Sudras, the class of persons rendering all other essential services to the society. Initially we can find the flexibility in the Varna Ashram system, where the person of one varna could change it by embracing different kind of work. There are ample examples of people where their varna got changed due to change in work they were doing.³⁴ However with the gradual emergence of the rigid caste system, the evil of discrimination as high and low among men, on the basis of birth, hereditary avocations and other considerations became the dominant feature of the Indian society. However, in the modern times, we can find the reestablishment of the principle of equality in the Constitution which confers equality before law and equal opportunity to one and all, prohibits discrimination on the basis of religion, caste and sex³⁵ and abolishes untouchability,³⁶ consistent with the promise of equality enshrined in the preamble of the constitution.

One of the incident mentioned in the book, 'Rajatarangini' demonstrates the supremacy of Dharma and its application for the protection of poor individual against the action of the officers of the King. It is indicative of the deep rooted faith in the Rule of Law i.e. Dharama Rajya. The officers of the king Chandrapida of Kashmir (680-688 A.D.) undertook construction of a temple of Lord Tribhuvanaswami on a certain site. On a portion of that site there was a hut belonging to a Charmakara (cobbler). He refused to remove his hut in spite of being asked to do so by the king's officers. Thereupon the officers reported the matter to the king about the obstinacy of the Charmakara. However, to their surprise, the officers got a rebuff from the king, who censured them for lack of foresight in encroaching upon the site belonging to the Charnakara and starting construction without taking his consent. The king ordered thus:

³⁴ Supra Note 1 at 584.

³⁵ The Constitution of India, art 14, 15.

³⁶ The Constitution of India, art. 17.

"Stop the construction or build (the temple) somewhere else. Who would tarnish such a pious act by illegally depriving a man of his land?

"If we, who are the judges of what is right and what is not right, act unlawfully, who then would abide by law?"

The next day, the Charmakara overwhelmed by the order of the king sought an audience with the king. He represented before the King: "Just as the palace is to Your Majesty, the hut is to me. I could not bear to see its demolition. You can very well appreciate the plight of a man who is deprived of his dwelling. However, if Your Majesty were to come to my hut and ask for it, I shall *give* it up having due, regard to the code of good manners (Sadachara)"

The King with all humility went to the Charnakara's hut and with his consent purchased the hut by paying a price to his satisfaction. The Charmakara then told the King with folded hands thus: "Yielding to another (however low), adhering to the principles of Rajadharma, is the appropriate course to a King. I wish you well. May you live long, establishing the supremacy of law (Dharma). Seeing in you such faith in Dharma others would also act accordingly."

The incident narrated about establishes the faith on the supremacy of Dharma. It made the poor cobbler stand tall against the power of the throne and take a stand. The story also demonstrates that if ruler acts according to the law, the subordinate officers and others also act accordingly.

The ancient text also shade light on equal treatment of law and secularism, elements inherent to rule of law. Manusmriti obligates the king to render equal protection to all persons without discrimination. It lays down, "Just as Mother earth gives full support to all living beings, a king should give support to all without any discrimination" (Manu smriti On Raj dharma vol 9 page 31).

Similarly, Narada Smriti makes extremely relevant statement on principle of Secularism, by providing, “The king should afford protection to compacts of associations of believers of Veda (Naigmas) as also disbelievers in Veda (Pashandis) and of others. (Narada Smriti Vide Dharmakosha Page 870)

Analysing the above texts Justice R Jois observes, “ these most ancient provisions show how in this land, where the Veda were regarded as Supreme, the disbelievers in vedas were respected and required to be protected. The above constituted the charter of equality in raj Dharma from ancient times and are now incorporated in Articles 14 7, 21 and 25 of our Constitution”.³⁷ He further added, “Dharma Rajya means rule of Law where all the citizens are given equal treatment. Just as rule of law and arbitrariness are sworn enemies: Dharma and theocracy are sworn enemies”.

iii. **Predominance of Legal Spirit** Explaining this principle, Dicey stated that in many countries, rights such as the right to personal liberty, freedom from arrest, and freedom to hold public meetings are guaranteed by a written constitution. However, in England, it is not so in the absence of a written constitution. These rights are protected and crystallized as a result of judicial decisions in concrete cases that have actually arisen between the parties. While emphasizing the role of courts as guarantors of liberty, Dicey suggested that rights would be secured more adequately if they were enforceable in the courts of law than by mere declaration of those rights in a document. Mere declaration without enforceability at law, according to him, would lead to the ignorance and curtailment of these rights. In his opinion, recognition of these rights in constitutions is actually the outcome or consequence of these rights being recognized and enforced by the courts.³⁸

³⁷ Supra Note 14 at 47

³⁸ C.K. Takwani, Lectures on Administrative Law 21 (6th ed., Eastern Book Company, Lucknow, 2017).

In ancient India, there was no forum before which any violation of the provisions of the Rajdharmas could be challenged. The king, whose position was subordinate to Dharma, was the highest court, and Smritis provided no forum where the actions of the King could be challenged violating Rajadharma.

IV. CONCLUSION:

Principles of Rajadharmas in absence of enforceability can be compared with the directive principles of the state policy prescribed under the Indian constitution. Though the provisions contained in the chapter relating to the principles of state policy are not enforceable at law courts, they are declared fundamental in the governance of the country.

The comparative analysis of the doctrine of Rule of Law propounded by A.V. Dicey and the Indic conceptualization of Rajyadharma leads us to the conclusion that in ancient India, the basic tenets of the doctrine of Rule of Law, such as supremacy of law, separation of powers, and absence of arbitrariness, were recognized and practiced long before the proponents of this doctrine were born.

CONTEMPORARY RELEVANCE OF IKS IN GOOD GOVERNANCE WITH REFERENCE TO PUBLIC WELFARE AND ACCOUNTABILITY

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ABSTRACT

Good governance promotes public welfare and it comprehends the principles and practices that warrant accountable and effective administration of the state. A good governance system contemplates the process of decision making and its effective implementation which brings social and economic development, ensures rule of law and administrative efficiency and builds political stability and trust. In India, good governance revolves around constitutional foundations, institutional mechanisms, policy innovations and persistent challenges in India's governance landscape. Good Governance is indispensable for achieving the constitutional goals of justice, liberty, equality and fraternity for all citizens.

Ancient Indian Literature like Arthashastra, Ramyana, Vidurniti and shantiparva form Mahabharata, Yajnavalkya smriti has a reach legacy of ethical and moral principles of good governance like righteousness dharma, transparency and accountability, justice, moral responsibilities of leaders and welfare of the subjects. Arthashastra and Yajnavalkyasmriti emphasize upon ethical leadership in the form of just and righteous ruler essential for good governance. As corruption, transparency, accountability, lack of institution integrity remain to be the significant challenges in good governance in India it becomes essential to examine how it can be addressed through the good governance principles under IKS. Moreover, Arthashastra underlined the importance of balance between ethical principles, pragmatic approach, law enforcement, and strategic thinking. These

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principles, while ancient, remain vital in respect of good governance in the Modern contemporary era.

The paper argues that integration of IKS good governance principles in current good governance policies in India strengthen the accountability and ensure inclusive, transparent and sustainable good governance. The paper will analyse the good governance principles present in the ancient Indian knowledge system and assess its significance in contemporary good governance practices and initiatives adopted in India. The paper will compare the IKS good governance principles and modern good governance principles influenced by western principles evaluating their strengths and weaknesses. Finally, the paper will make recommendations and suggestions regarding integration of good governance principles under the Indian knowledge system in modern good governance policies.

KEY WORDS: *Accountability, Good Governance, Indian Knowledge System, Public Welfare.*

I. INTRODUCTION

Good governance is fundamental in public administration to ensure transparency, accountability and Public welfare. Effective decision making and implementation processes are sine qua non for social, economic development, public welfare and establishing rule of law. Good Governance in India is ensured through constitutional, administrative and legislative safeguard. Good governance is not only a modern phenomenon but was an integral part of the ancient Indian knowledge system. ‘Rajdharma’ was given the paramount importance in the ancient Indian Knowledge System IKS and contended that all dharmas are included in rajdharma. Under IKS, there was ethical and moral obligation of the king to work

for welfare of the subjects. These features of ethical leadership and public welfare are viable in contemporary times.

II. GOOD GOVERNANCE: CONCEPTUALIZATION

A 1992 report, published by the World Bank explained the concept of good governance as sound development management and governance is defined as the manner in which power is exercised in the management of a country's social and economic development.³⁹ Good governance has 8 major characteristics: it is participatory, consensus oriented, accountable, transparent, responsive, effective and efficient, equitable and inclusive and follows the rule of law.⁴⁰ The government is primarily responsible for public good, which can be achieved through efficient, transparent, accountable public administration in a state. Good Governance is indispensable for public good as well as social and economic development of the nation. However, the government is not the only actor in good governance, Corporation, civil society, and other institutions also play their respective roles. Thus, good governance covers in its scope all government actions including participation of people and institutions.

III. GOOD GOVERNANCE AND KAUTILYAS ARTHASHASTRA

Kautilya, Arthashastra is an ancient treatise about art and science of government, state economic policy and military strategy. It describes duties and obligations of the king and outlines legal as well as bureaucratic principles for administration kingdoms, which is relevant to apply in modern good governance

³⁹ *GOVERNANCE AND DEVELOPMENT (ENGLISH)*. WASHINGTON, DC : THEWORLD BANK, <http://documents.worldbank.org/curated/en/604951468739447676> (last visited Feb. 8, .2026).

⁴⁰ UNITED NATIONS ECONOMIC AND SOCIAL COMMISSION FOR ASIA AND THE PACIFIC
WHAT IS GOOD GOVERNANCE? <https://www.unescap.org/sites/default/files/good-governance.pdf>, (last visited Feb. 8, .2026) .

initiatives for Public Welfare. Similarly Kautilyas Arthashastra also emphasize upon public well being and ethical practices to be observed by all stakeholders. While explaining the rules for the king Kautilya states “ in the happiness of his subjects lies his happiness ; in their welfare his welfare; whatever pleases himself he shall not consider as good ; but whatever pleases his subjects he shall consider as food.”⁴¹ According to Kautilya there are important elements for good governance of kingdoms which are called as *Saptang* which includes , the king ,ministers ,fortresses ,territory, treasury ,army and allies. This research paper analyzes the good governance aspects of this treatise.⁴² The good governance parameters present under Kautilyas Arthashastra are discussed under following heads;

1. Fair and Efficient Administration:

Efficient administration is an important feature of good governance .Kautilyas emphasis upon good governance is clear from his detailed discussion in his second book on structure of administration. Administrative efficiency is the prerequisite for economic development. Therefore, Kautilya’s thoroughly described duties of head of the departments, administrative hierarchy, municipal regulations and duties of citizens. For the efficient administration roles and responsibilities are allotted under different administrative departments and heads like Director of Trade, Taxes, The Director of Agriculture, the superintendent of passport, agriculture, horses, cattle, controller of shipping etc. To keep check on the

⁴¹ DR. R SHAM SASTRY ,KAUTILYAS ARTHASHASTRA, 82 (Mysore Press 1951) http://asi.nic.in/asi_books/900.pdf (last visited Feb. 5, .2026) .

⁴² KAUTILYA’S ARTHASHASTRA: A TIMELESS GRAND STRATEGY , VINAY VITTAL, WING COMMANDER, INDIAN AIR FORCE A THESIS SUBMITTED TO THE FACULTY OF THE SCHOOL OF ADVANCED AIR AND SPACE STUDIES FOR COMPLETION OF GRADUATION REQUIREMENTS SCHOOL OF ADVANCED AIR AND SPACE STUDIES MAXWELL AIR FORCE BASE, ALABAMA JUNE 2011, <https://apps.dtic.mil/sti/pdfs/AD1019423.pdf> (last visited Feb. 8, .2026) .

fairness in administration chapter 35 also made the provisions of secret agents, Kautilya states that “agents in the guise of ascetics directed by the administrator should ascertain the honesty, dishonesty of the farmers, cowherds and traders and of the department heads.”⁴³ Thus, these measures ensure transparency and accountability and curb corruption.

2. Duties of the king: Ethical Leadership:

The first and foremost duty of the king is protection and welfare of the subjects. Kautilya vouched for the ethical behavior of the king for achieving the welfare of the people. Kautilya also listed the different qualities the king like belonging to a noble family, godly, virtuous, truthful, enthusiastic, self disciplined and also put great emphasis on education of king in *vedas* and seven *Angas*.⁴⁴ Further, Arthashastra also mentions that king's happiness lies in the happiness of his subjects and he should not please himself but look after the welfare of his subjects. Hence, the king shall need be active and should discharge his duties. According to Kautilya the root of wealth is activity, and of evil its reverse. In the absence of activity acquisitions present and to come will perish; by activity he can achieve both his desired ends and abundance of wealth.⁴⁵ The King has several duties like maintenance of elderly persons, children and vulnerable subjects. Thus Ancient knowledge system expected the king to be educated, following moral decline and ethical principles.

⁴³ DR. R SHAM SASTRY , *Supra* note 3, at 212.

⁴⁴ KANE, PANDURANG VAMAN ,HISTORY OF DHARMASASTRA, (Bhandarkar Oriental Research Institute1930) <https://archive.org/details/in.ernet.dli.2015.37698> (last visited Feb. 8, .2026)

⁴⁵ KAUTILYA'S ARTHASHASTRATRANSLATED INTO ENGLISH BY R. SHAMASASTRY <http://library.bjp.org:8080/jspui/bitstream/123456789/80/1/R.%20Shamasastry-Kautilya%27s%20Arthashastra%20%20%20%281915%29.pdf> (last visited Feb. 8, .2026)

3. Administration of Justice and Rule of Law

Book 3 and 4 Of Kautilya states the duty of the government in maintaining law and order. Kautilya also discussed duties of judges, magistrate, procedures, civil law and criminal law. Kautilya contended that prevention of crime is essential for maintaining law and order in the state. According to Kautilya, punishment if exercised impartially in proportion to the guilt is bound to protect the world and the next. The king should be alert that the law breakers will be punished. *Dandaniti* is similar to our modern notion of politics as this is necessary for the security and wellbeing of that too much or too little punishment defeats imposes severe punishment exasperates people. Hence, *danda* or punishment should proportion to the gravity of the offence.⁴⁶ The task of the state was to repress by threat or use of force any violation of the rights and personal freedoms and property, to enforce the practice of peoples own traditional customs and usages and to take care of virtues and *Dharam*.⁴⁷ Thus protection of rights and rule of law was an integral part of the ancient legal system and kingships.

4. Qualification of Ministers:

According to Kautilya the ministerial appointments shall be purely on a qualification basis and man's ability shall be inferred from his capacity shown in the work and in accordance with the difference in the working capacity.⁴⁸ Thus this measure shows that welfare functions can be achieved through the able administrators and council of ministers.

⁴⁶ BROWN, D.M., INDIAN POLITICAL THOUGHT: FROM MANU TO GANDHI, 59 (Jaico Publishing House 1964).

⁴⁷ KANE ,*Supra* note 6 ,at 239.

⁴⁸DR. R SHAM SASTRY , *Supra* note 3 , at 14.

5. Welfare of People:

Welfare of the subject was at the center of Kautilyas statecraft and polity of governance. Kautilya maintained that a welfare state was the supreme concern of the ruler. He was not only interested in the material welfare of the people but also in their moral welfare. Arthashastra gives to the welfare of the citizens, the first place in all considerations of policy.⁴⁹

Other aspects of Kautilyas Arthashastra include decision making in consultation with the council of ministers and ethical administration. Kautilya in his book 7 chapter 5 explained the importance of focus on economic policies by the ruler for the benefit of the people.⁵⁰ According to Kautilya, “There cannot be a country without people, and there is no kingdom without a country.”⁵¹ Kautilya also emphasizes upon the importance of foreign policy for good governance.

IV. GOOD GOVERNANCE AND MAHABHARATA

Good governance concept in Mahabharata is found in two parts i.e. *Vidurniti* and *Shantiparva*. *Vidurniti* is the advice and wisdom shared by *Vidura* with king *Dhruvrastra* on different subjects. *Vidurniti* primarily talks about truthful and ethical conduct. It also talks about qualities of good king, one of the verses states,” Great Prosperity attends upon that king who knows how to inspire confidence in others, who inflicts punishments on those whose guilt has been proved, who is acquainted with the proper measures of punishments and who knows when mercy is to be shown”⁵² Thus *Vidurniti* specifically mentions that the king should repose

⁴⁹ Ajit Debnath, *The Concept Of Good Governance In Kautilya's Arthashastra*, Volume 6, Issue 2, IJRAR, 747-748 (2019), <https://www.ijrar.org/papers/IJRAR2001377.pdf> (last visited Feb. 8, 2026).

⁵⁰ R P KANGLE, *The Kautiliya Arthasastra* Part 1, 335 (University of Bombay 1960) <http://www.new.dli.ernet.in/handle/2015/326578> (last visited Feb. 5, 2026).

⁵¹ R P KANGLE, *The Kautiliya Arthasastra*. 486. (University of Bombay 1960).

⁵² English Translation by KM Ganguli: VIDURNITI, 45. https://dn710103.ca.archive.org/0/items/Sanskrit_EBooks_Assorted_Titles/ViduraNitiSnaskritText-WithEnglishTranslation.pdf (last visited Feb. 8, 2026).

trust and shall do justice with the virtue of values and righteousness. *Vidurniti* also asserts that king should know everything about his kingdom to retain his kingdom, *Vidur* in his two verses stated, “The king who knows not proportion or measures as regards territory, gain, loss, treasury, population, and punishment, can not retain his kingdom long,” further he states that the king who knows and is acquainted with these as prescribed in treatise, and possessed with the knowledge of religion and profit can retain his kingdom. Governance in *Vidurniti* revolves around virtues like justice, ethical leadership, resource management, truthfulness, accountability and spirituality.⁵³

Shantiparva is the lengthiest part of Mahabharata which is an intellectual discourse on varied subjects between *Bhishma* and *Yudhisthir*. This discourse also includes discussion on concepts of *Dharam*, *Rajdharm*, *dandaniti*, morality and justice. The principles of good governance revolve around Dharma. *Shantiparva* also have a discourse on subjects like kingship, elements of administration, roles and duties of kings and ministers. The Mahabharata in *Shantiparva* quotes *Brahspati* which states, ‘of what use is *tapas* to that king or of what use are even sacrifices to him who has well looked after his subjects ? He is surely one who knows all *Dharams*.’⁵⁴ This shows that the utmost duty of the king is protection of his subject. *Shantiparva* further mentions that , ‘ the king should not do what is pleasing to him, but what would conduce to the good of the people and the ancient dharma for the king is to keep the during people contended.’⁵⁵

King, Councils of ministers and administrators under *Mahabharat* required to adhere to righteousness with highest standard of ethical behavior and morality. Thus ethics, righteousness and value, reward systems, coordination between various authorities were at the center of good governance. There is a comparative

⁵³ *Id.* at 56 -57.

⁵⁴ KANE ,*Supra* note 6 ,at 61.

⁵⁵ KANE ,*Supra* note 6 ,at 62.

discussion between a rule of truth and a rule of rituals. While declaring truth to be far superior to rituals, *Bhishma* says, “to tell the truth is consistent with righteousness. There is nothing higher than truth... Righteousness was declared (by Brahman) for the advancement and growth of all creatures. Therefore, that which leads to advancement and growth is righteousness” (chapter, 109).⁵⁶

V. GOOD GOVERNANCE AND YADNYAVALKYA SMRITI :

Yadnyavalkasmriti is an important ancient scripture after Kautilyas Arthashastra. It is the *smriti* dealing with the *Dharmashastra* which can be described as ancient Indian Science of law. It is divided into three parts or three Adhyayas or books, namely Achara or ecclesiastical and moral code of conduct : Vyavahara or the civil law and Prayaschitta (Penance) or the penal code. While describing qualities of king YAJNAVALKYA. states, 'The ruler of men (a king) should be of great enthusiasm, vast aims (liberal and intelligent), remembering the deeds, serving the elders, disciplined, endowed with equanimity of good family, truthful in speech, pure, no procrastinating, of strong memory, non lowly, and also non harsh. He should be righteous and without bad habits, intelligent, brave and a knower of secrets, and guardian of his weak points. (He should be) well versed in the knowledge of Anviksiki, in Danda rule (in the theory of punishment), in varta (in Economy) and so also in the three fold sciences called Trayi. 309 311.'⁵⁷ The king should follow the virtue of righteousness and dharma, and be responsible for the welfare of its people. Good Governance mechanism is depicted in *Yadnyavalkasmriti* in varied ways and manner. It further states that the king should

⁵⁶ Nagappa Gowda K., *The Shanti Parvan: A Text on Varna and Governance*, Volume 2, Issue 3 JETIR, 319 (March 2015), <https://www.jetir.org/papers/JETIR1701D01.pdf> (last visited Feb. 8, .2026).

⁵⁷ ACHARA ADHYAYA. TRANSLATED BY RAI BAHADUR SRISA CHANDRA VIDYARNAVA, THE ' SACRED BOOKS OF THE HINDUS VOLUME XXI. YAJNAVALKYA SMRITI. MITAKSARA AND BALAMBHAT, TA. BOOK I, 394 (Sudhindra Nath Vasu, at the Panini Office, Bahadurganj, Allahabad.OCTOBER 1917 TO JUNE 1918).

appoint the minister based upon their intelligence and take all the decisions in consultation with the council of ministers.

Yajnyavalkya smriti states that kings should appoint loyal ,skillful, expert and pure officials to deal with different areas like dharma ,wealth ,income and expenditure. This would ensure administrative efficiency. Ethical leadership was also ensured as the king and ministers are expected to possess with the virtues like righteousness, integrity and loyalty. Good governance under **Yadnyavalkya Smriti** means extending fullest protection of the subjects. Fundamental concepts of governance like administrative efficiency and rule of law was present in **Yadnyavalkya Smriti** as kings needed to work according to Dharma. He was the protector of his subject. There was a well developed system of civil and criminal law and distinction was also made in sovereign courts and local courts. The provisions are made accordingly so that the king should be informed about the doings of his officers. The king is supposed to take information through spies about the conduct of his officials. Dishonest officials should be punished and honest officials should be rewarded. This ensures transparency, check and accountability in this administration.⁵⁸

Thus, according to **Yadnyavalkya Smriti** the sovereign or ruler needs to act as a father to his servant and subjects. This principle embodied in Yadnyavalkya smriti depicts truly the features of good governance and ethical leadership which rejuvenate since age and still relevant in modern times. Its insight into justice, accountability and righteousness constitutes the foundation and guidelines for modern governance and public administration system.

VI. CHALLENGES IN GOOD GOVERNANCE IN INDIA

In India good governance day is celebrated annually on 25th January from 2014, which is called as Sushashan Diwas, to enhance efficiency, effectiveness and

⁵⁸ *Id.*, at 414.

accountability in governance. The government also prepares the Good Governance Index, which is a tool, which assesses the good governance status in the states and assesses the impact of various initiatives and interventions by the government to enhance good governance. This index is prepared with the motto ‘less government more governance’ by the Department of Administrative Reforms and Public Grievances under the Ministry of Personnel, Public Grievances and Pensions. In the Good Governance Index 2021 Gujarat, Maharashtra and Goa ranked first, second and third respectively.⁵⁹

The Indian government has launched a number of initiatives to promote good governance. This good governance intervention includes legislative efforts like anti corruption laws and Right to Information Act to bring transparency and accountability in governance. Digital transformation is another intervention to curb bureaucratic practices and red tapism present in India .However; many challenges, still continue to exist in India.

a. Corruption:

Corruption continues to exist as a constant challenge in realisation of good governance in India despite continuous legal and administration interventions. The Anti corruption Laws Act was enacted to curb corruption. The Central Vigilance Commission was established in the year 1964 to review the conduct of public servants A Prevention of Corruption Act was enacted penalising corruption. Lokaykta was set up as the institutional safeguard against corruption. India ranked 96 out of 180 countries in the Corruption Perceptions Index (CPI) for 2024 according to a Transparency International report released on Tuesday,

⁵⁹ DEPARTMENT OF ADMINISTRATIVE REFORMS AND PUBLIC GRIEVANCES , GOOD GOVERNANCE INDEX 2021, 194 (2020-21).
<https://darpg.gov.in/sites/default/files/GGI%20%202020-21.pdf> (last visited Feb. 10, .2026).

(February 11, 2025).⁶⁰ This aggravated corruption problem became a hurdle in bringing efficiency and effectiveness in governance.

b. Criminalisation of Politics: Vohra Committee Report in 1993 made several observations relating to linkage between criminal, politics and bureaucracy and the situation continues to exist today also. Criminals in politics work towards achievement of their self interest and sideline their crucial role in delivery of service for attainment of public interest which adversely impacts the efficient and effective governance.

c. Lack of Accountability: Legislative safeguards like anti corruption law, Right of Information Act , Institutional Safeguards Lokayukta are in place for ensuring accountability as accountability ensures transparency and responsibility. However, there is the inability to hold the public servants accountable due to cumbersome, expensive and delayed procedures. Performance appraisal are not effectively structured. Inadequate implementation of laws and policies results in inefficiency in governance.

d. Awareness amongst Citizens: citizens are also the stakeholders in good governance. Aware citizenry only can make the good governance initiatives work successfully. Rights and duties go hand in hand. Citizens aware of their rights and duties ensure that public authorities perform their duties effectively and ensure good governance. E governance initiatives are to facilitate good governance; however unawareness of citizens and inadequate access to digital infrastructure is a challenge in achieving good governance.

e. Red Tapism in Bureaucracy : Although e governance brought flexibility in the rigid and formal processes and procedures in bureaucracy set up in Indian

⁶⁰ THE HINDU , **India ranks 96 out of 180 countries in Corruption Perceptions Index 2024**
Feb.13, 2025 11:05 am IST - New Delhi,<https://www.thehindu.com/news/national/india-ranks-96-out-of-180-countries-in-corruption-perceptions-index-2024/article69213911.ece> (last visited Feb. 10, .2026).

governance ,unequal access to this digital infrastructure continues the physical interface of common citizens. These cumbersome and rigid procedures become obstacles in realisation of good governance. Thus, Challenges in good governance involve bureaucratic and political accountability, creating awareness amongst citizens, fighting corruption, ensuring participation and bringing transparency in governance.

VII. INTEGRATION OF IKS IN MODERN GOOD GOVERNANCE RECOMMENDATIONS AND SUGGESTIONS

The concept of good governance found under IKS is based upon public welfare, justice, law and righteousness. Ancient texts like Kautilyas Arthshasstra, Mahabharata, Yajnyavalka Smriti have laid down the foundation of duty based governance ensuring fairness ,ethics and righteousness in administration. These fundamental principles of good governance necessarily form the foundation to incorporate ethical practices in current good governance initiatives by the government.

a. Ethical Leadership: Ethical leadership is the foundation of IKS depicted in Arthashastra , Mahabharata, Yajnyavalka Smriti . integration of these ethical leadership rules is necessary in the current administrative system due to growing corruption and criminalisation of politics. Fourth Administrative reforms committee Report on ‘Ethics in Governance ’ recommended incorporating ethics in governance by strengthening vigilance to curb corruption ,relationship between Political Executive and permanent civil Service, and code of conduct for different organs of Government.⁶¹ While

⁶¹ DEPARTMENT OF ADMINISTRATIVE REFORMS AND PUBLIC GRIEVANCES Fourth Report , Second Administrative Reforms Commission Report ,Ethics in Governance , (2007)<https://darpg.gov.in/sites/default/files/ethics4.pdf> (last visited Feb. 10, .2026).

Rajdharm promotes moral principles and ethics and modern governance promotes legal accountability. This legal accountability guided by ethics in contemporary administration will surely ensure good governance.

b. Public welfare and Rule of Law : Rajdharama under IKS primarily put an obligation on rulers to work for public welfare. The king or ruler is expected to look after education, health ,economic stability of its subjects. Modern governance is aimed at public welfare . The way of achieving it is different, today's approach is policy oriented. Whereas under Iks,it is duty based moral governance. There is a need for integration of IKS duty based ethical and moral approach for training of bureaucratic administration; it will ensure efficient effective implementation of good governance policies. Rule of Law principles under IKS based upon justice and righteousness need to be implemented in modern governance to eliminate unequal societies.

c. Sustainability, Justice System and De centralisation: Under IKS, King and ruler need to look after sustainable resource conservation and management for the public welfare. The modern Governance system needs to integrate IKS in sustainable policy making for sustainable development. The justice delivery system was based upon principles of equity and righteousness. Decentralisation at gross route level was also a feature in IKS which is reflected in the Local Governance system in the form Panchayat Raj. Integrating IKS in governance can strengthen participation.

d. Public Administration curricular Design: As the Indian Knowledge system is embedded in New Education policy , it demonstrates the fundamental step towards integrating IKS in governance ,development and Policy. Public administration curriculum need to be aligned with IKS based frameworks for ethics, leadership, governance, and well being. The Capacity Building Commission (CBC), along with the Central Training Academies (CTA's), plays a vital role by reimagining civil service training through Mission Karmayogi, ensuring that civil servants are

equipped with contextually rooted, values based approaches drawn from India's own intellectual traditions.⁶²

VIII. CONCLUSION

Integration of IKS and Modern Governance initiative will help to achieve more sound, ethical, sustainable policy making and governance model. IKS is based on ethics, justice, fairness, welfare of people and righteousness. Indian Knowledge system under ancient literature like Arthashastra, Mahabharata, Yajnyavalka Smriti represents a rich holistic model of governance based upon ethical and moral principles. Integrating IKS in modern good governance model will strengthen accountability, bring transparency and ensure ethical, duty bound leadership. Thus, integration of IKS in modern governance is the culturally grounded rich solution to address the modern governance challenges.

⁶²Shri Ramaswami Balasubramaniam, Ms. Tanushree Bhat and Dr. Sakshi Pandey, *Reclaiming the Future: Indian Knowledge Systems and the Decolonization of Policy and Capacity Building*, Vol 2(1), Journal of Communications Finance, 13-19 (Jul 2025), pp. <https://nicf.gov.in/wp-content/uploads/2026/01/Reclaiming-the-Future-1.pdf> (last visited Feb. 10, 2026).

FROM RIGHTS TO DUTIES: REIMAGINING JURISPRUDENCE THROUGH DHARMA

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ABSTRACT

Contemporary jurisprudence has largely evolved around the language of rights, prioritising individual entitlements as the central concern of legal systems. While this rights centric framework has played a crucial role in protecting personal liberty and limiting state power, it has also contributed to a gradual erosion of social responsibility, ethical restraint, and collective accountability. This paper argues that the persistent imbalance between rights and duties has created a normative gap in modern jurisprudence, one that cannot be adequately addressed through positivist or liberal legal theories alone. This paper uses the Indian Knowledge System to explore Dharma as a legal concept instead of a religious or theological belief. It views Dharma as a duty focused framework that guides behaviour through moral responsibility, contextual judgment, and the goal of social harmony. Unlike rights based Western laws, which often emphasize individual rights, Dharmic legal thought centres on duties within the Indian tradition. Duties are seen as essential for maintaining legal and social order. The paper examines classical texts like the Arthashastra and the Mahabharata, approaching them as sources of legal reasoning rather than just historical or cultural artefacts. These texts help show how relevant Dharma remains to current legal issues, such as restorative justice, responsible citizenship, and constitutional morality. The analysis then looks at the Indian Constitutional framework with a focus on Fundamental Duties, highlighting how duty focused thinking shapes constitutional

values, even if it is often been overlooked in practice. Ultimately, the paper argues that rethinking jurisprudence through Dharma does not undermine the concept of rights; instead, it enhances them by incorporating ethical balance, responsibility, and social purpose. By presenting Dharma as a living legal philosophy, the paper advocates for a more compassionate and duty focused legal system that is appropriate for diverse societies.

KEY WORDS: *Dharmoprudence, Rights and Duties, Indian Knowledge Systems, Constitutional Morality, Duty Oriented Jurisprudence*

INTRODUCTION

I. THE RIGHTS CENTRIC CRISIS IN MODERN JURISPRUDENCE AND THE REDISCOVERY OF DHARMA

Contemporary legal systems developed through their interpretation of law as a system dedicated to protecting human rights. The study of legal rights began with Locke's natural rights theory and continues through current constitutional court decisions. The post war human rights movement established individual rights as fundamental moral restrictions which control state power, thus strengthening this approach. The new legal standards provide better protection against arbitrary power and oppressive control, yet they result in an unexpected effect because they diminish the role of duties and obligations and ethical self control which should guide legal decision making. The legal system now uses claim based language to express its content, while justice systems define justice through their ability to enforce laws instead of their moral foundations.⁶³ The current legal system follows a rights based system which results in a normative crisis that affects contemporary

⁶³ Mary Ann Glendon, *Rights Talk: The Impoverishment of Political Discourse* 3–5 (Free Press 1991).

legal practice. The current legal systems face multiple issues which include social divides, increased courtroom battles, diminished public duty, and people using laws as tools, which rights expansion cannot solve. H.L.A. Hart's positivist legal theory distinguishes between legal systems and moral systems to create a framework which diminishes the moral basis that underpins legal obligations.⁶⁴ Even interpretivist approaches such as Ronald Dworkin's "law as integrity," while morally attentive, remain fundamentally rights oriented and individual centric.⁶⁵ The study of justice remains uncompleted because researchers have not solved the question of what reasons people must have to behave justly apart from their fear of punishment and their entitlement claims. The Indian legal system gains new value through its renewed focus on *Dharma* studies. The Indian Knowledge System considers *Dharma* to be more than a religious and ritualistic system because it includes all aspects of human existence. The system functions as a normative framework that establishes standards for human behaviour and relationship obligations, which create social order through ethical duties and context specific decision making. *Dharmic* thought establishes duty as the fundamental principle in legal and moral matters while rights only become available when people fulfil their responsibilities.⁶⁶ This inversion challenges the dominant assumptions of contemporary jurisprudence and invites a re examination of the foundations of law itself.

The *Arthashastra* and *Mahabharata* present an advanced legal understanding that defines law as a moral system, which can maintain social order through its implementation. *Kautilya's dandanīti* concept demonstrates that government operates through its requirement of leaders to fulfil their obligations while maintaining their self control. The *Mahabharata* presents justice as a concept

⁶⁴ H.L.A. Hart, *The Concept of Law* 181–207 (2d ed. 1994).

⁶⁵ Ronald Dworkin, *Law's Empire* 225–275 (Harvard Univ. Press 1986).

⁶⁶ Radhakrishnan, *Indian Philosophy* vol. I, 33–36 (2d ed. 1951).

that depends on particular situations, which require ethical decision making and fulfilment of responsibilities.⁶⁷ The legal system needs to maintain its ethical principles while allowing Dharma to adapt according to *deśa* and *kāla* and *pariṣṭhiti*, which represent different times and places and social conditions. *Dharmic* legal systems work through contextual analysis which creates a distinction between their system of operation and both universalism and mechanical positivism. *Dharma* remains applicable to all legal traditions because its principles extend beyond ancient legal systems. Constitutional discussions in India today show ongoing existence of duty based reasoning through the inclusion of Fundamental Duties which Article 51A of the Constitution establishes.⁶⁸ Judicial practice and legal education, however, continue to prioritise rights as enforceable guarantees, while duties are frequently reduced to moral reminders rather than treated as binding normative commitments. This imbalance reflects a wider global tendency to view citizenship largely in terms of entitlement, with comparatively little attention paid to ethical participation in the legal order.

This paper starts with the idea that laws and rules cannot work properly when people are not held responsible for their actions. It tries to look at laws in a way using the concept of *Dharma*. This does not mean getting rid of rights but rather finding a balance, between what people are allowed to do and what they should do. The paper looks at this idea from perspectives and asks big questions to show that thinking about duty in a *Dharmic* way can provide a kind and fair model for laws that works for everyone and does not favour one group over another. By treating *Dharma* as a living legal philosophy, the paper aims to address the moral and social limitations of rights centred legal systems and to contribute meaningfully to contemporary debates in global jurisprudence.

⁶⁷ Kautilya, *The Arthashastra* bk. I, ch. 4 (R. Shamasastri trans., 1915); *Mahabharata*, Shanti Parva §§ 109–115.

⁶⁸ INDIA CONST. art. 51A; see also *AIIMS Students' Union v. AIIMS*, (2002) 1 S.C.C. 428 (India).

II. THEORETICAL FOUNDATIONS: RIGHTS BASED JURISPRUDENCE VERSUS DUTY ORIENTED DHARMIC THOUGHT

The modern legal imagination is deeply rooted in the language of rights. From early social contract theorists to contemporary constitutional jurisprudence, rights have been treated as the primary markers of justice and legitimacy. Thinkers such as Thomas Hobbes and John Locke conceptualised rights as pre-political entitlements possessed by individuals, designed to safeguard personal liberty against both sovereign power and collective intrusion.⁶⁹ This intellectual trajectory later crystallised into liberal constitutionalism, where law functions predominantly as a guarantor of individual claims. While this framework has significantly advanced human dignity and personal freedom, it has also narrowed jurisprudential inquiry by equating justice with the recognition and enforcement of rights alone.

Legal positivism further entrenched this orientation by divorcing law from morality. Hart's distinction between law as it *is* and law as it *ought to be* consciously excludes ethical obligation from the domain of legal validity.⁷⁰ In such a system, obedience to law is secured through institutional authority rather than moral responsibility. Even interpretivist approaches, such as Ronald Dworkin's theory of "law as integrity," though morally sensitive, remain fundamentally rights-centric.⁷¹ Dworkin envisions law as a coherent system of principles that justify individual rights, but the ethical burden rests primarily on institutions rather than on citizens as moral agents. Consequently, duties appear largely as corollaries of rights, not as independent normative anchors.

In contrast, *Dharmic* thought presents a radically different jurisprudential starting point. Within the Indian Knowledge System, *Dharma* is not conceived as an abstract moral ideal or a fixed legal rule; rather, it operates as a normative

⁶⁹ John Locke, *Two Treatises of Government* bk. II, §§ 4–15 (Peter Laslett ed., Cambridge Univ. Press 1988).

⁷⁰ H.L.A. Hart, *The Concept of Law* 181–207 (2d ed. 1994).

⁷¹ Ronald Dworkin, *Law's Empire* 225–275 (Harvard Univ. Press 1986).

principle of obligation, guiding conduct in personal, social, and political life. The centrality of duty (*kartavya*) in *Dharmic* jurisprudence reflects an understanding of law as a lived ethical practice rather than a command backed by sanctions. Rights, within this framework, are neither absolute nor antecedent; they arise relationally when duties are performed in accordance with justice and social harmony.⁷²

This duty oriented orientation distinguishes *Dharmic* jurisprudence from Western natural law traditions as well. While natural law theorists such as Aquinas ground law in universal moral reason, *Dharmic* thought resists rigid universalism. *Dharma* is inherently contextual, shaped by *deśa* (place), *kāla* (time), and *pariṣṭhiti* (circumstance).⁷³ Such contextual aspects allows legal norms to adapt without collapsing into relativism. Justice, therefore, is not measured solely by conformity to abstract rules but by the ethical quality of action within a given social reality. This approach challenges the modern assumption that certainty and uniformity are the highest legal virtues.

Classical Indian texts reveal a sophisticated jurisprudential consciousness embedded in this duty based model. The *Arthashastra* envisions governance as a moral trust, where the ruler's primary obligation is the welfare of the people, not the assertion of sovereign power.⁷⁴ Similarly, the *Mahabharata* repeatedly portrays *Dharma* as subtle (*sūkṣma*), cautioning against mechanical application of rules without ethical discernment.⁷⁵ These texts underscore a legal philosophy in which obligation precedes entitlement and justice is inseparable from moral judgment.

From a contemporary theoretical standpoint, *Dharmic* jurisprudence resonates with emerging critiques of liberal legalism. Communitarian theorists and scholars of restorative justice have questioned the atomistic individualism inherent

⁷² S. Radhakrishnan, *Indian Philosophy* vol. I, 34–38 (2d ed. 1951).

⁷³ Werner Menski, *Hindu Law: Beyond Tradition and Modernity* 89–94 (Oxford Univ. Press 2003).

⁷⁴ Kautilya, *The Arthashastra* bk. I, ch. 4 (R. Shamasastri trans., 1915).

⁷⁵ *Mahabharata*, Shanti Parva §§ 109–115 (Bibek Debroy trans., Penguin Classics 2013).

in rights discourse, arguing for greater emphasis on social responsibility and relational justice.⁷⁶ However, unlike many modern critiques that remain peripheral to mainstream jurisprudence, *Dharma* offers a civilisationally grounded and internally coherent framework where duty is not imposed externally but internalised as an ethical discipline. Dharmoprudence does not seek to displace rights but to re anchor them within a broader ethical order. Such re anchoring is essential if jurisprudence is to remain responsive not only to individual liberty but also to the collective conditions that sustain justice itself.

III. DHARMA AS JURISPRUDENCE: RECONSTRUCTING LEGAL OBLIGATION, JUSTICE, AND SOCIAL ORDER

At the heart of Dharmoprudence lies a conception of law that is fundamentally different from command based or rights driven legal models. *Dharma* does not operate as a coercive rule imposed externally by the sovereign; rather, it functions as an internalised normative obligation, shaping conduct through ethical consciousness, social responsibility, and moral reasoning. This conception allows law to exist not merely as an institutional mechanism of enforcement but as a lived practice embedded in everyday decision making. In this sense, *Dharma* reflects a way of understanding jurisprudence that emphasises being just rather than merely acting in accordance with law. Unlike positivist approaches, which locate legal obligation in the authority of formally enacted rules, *Dharmic* obligation arises from one's place within a web of social and moral relationships. The individual is not seen as an isolated bearer of rights, but as a participant in a shared moral order. Justice, therefore, is not confined to formal compliance; it is assessed through the ethical quality of conduct and its effect on social harmony. This approach challenges the modern assumption that legality and justice necessarily

⁷⁶ Michael J. Sandel, *Liberalism and the Limits of Justice* 172–179 (2d ed. 1998).

coincide, an assumption that has often legitimised morally questionable outcomes under formally valid laws.⁷⁷

Classical Indian legal texts demonstrate how *Dharma* operated as a functional jurisprudence regulating governance, dispute resolution, and punishment. In the *Arthashastra*, *Kautilya* articulates *dandanīti* not merely as a system of penalties but as a moral responsibility of the ruler to maintain order, fairness, and public welfare.⁷⁸ Punishment, within this framework, is not justified by retribution alone, but by its capacity to correct conduct, deter wrongdoing, and preserve social stability. This approach anticipates what contemporary scholarship describes as restorative and reformatory justice, where the aim of law extends beyond retaliation toward moral repair and social reintegration.

Similarly, the *Mahabharata* presents *Dharma* as inherently complex and resistant to rigid codification. Its repeated assertion that *Dharma* is *sūkṣma* (subtle) underscores the limitations of rule-bound adjudication detached from ethical discernment.⁷⁹ Judges and rulers, within this tradition, are expected to exercise *viveka* (practical wisdom), taking into account context, intention, and consequence rather than applying norms mechanically. This stands in clear contrast to modern formalism, which tends to value predictability even at the cost of moral sensitivity. At the same time, *Dharmic* jurisprudence does not invite arbitrariness; it situates discretion within a shared ethical framework shaped by social norms and sustained through moral education.

From a contemporary jurisprudential perspective, *Dharma*'s emphasis on obligation and harmony resonates strongly with emerging critiques of adversarial legalism. Scholars of restorative justice argue that modern criminal justice systems, obsessed with punishment and procedure, frequently marginalise victims,

⁷⁷ H.L.A. Hart, *The Concept of Law* 202–207 (2d ed. 1994).

⁷⁸ Kautilya, *The Arthashastra* bk. I, ch. 4 (R. Shamasastry trans., 1915).

⁷⁹ *Mahabharata*, Shanti Parva §§ 109–115 (Bibek Debroy trans., Penguin Classics 2013).

communities, and moral repair.⁸⁰ *Dharmic* justice, by contrast, foregrounds reconciliation, responsibility, and social balance. Wrongdoing, in this understanding, is viewed as a disturbance of moral order that calls for restoration rather than simple condemnation. This perspective offers useful insights into persistent problems such as prison overcrowding, repeat offending, and the marginalisation of victims, issues that rights based systems, by themselves, have found difficult to address.

Dharma also reshapes the idea of legal authority. Authority is not seen as flowing only from institutional power, but from moral legitimacy rooted in fairness, restraint, and ethical credibility. This idea finds partial echoes in Lon Fuller's theory of the "inner morality of law," which insists that legality depends on congruence between law's form and its moral purpose.⁸¹ Yet while Fuller sets forth his theory of procedural morality, *Dharma* debates the very substance of the requirements of legal obligations as addressed to ethical citizens, rather than simply legal subjects.

Recreating obligation in *Dharma* form, law as an intellectual and ethical pursuit is reclaimed rather than a technical exercise. This reconstruction of *Dharma* as obligation does not dismiss or negate rights and institutions; rather, it places them as part of a larger philosophy of justice that upholds law and justice not simply as a matter of constitution and adjudication, but as ethical commitment to it.

V. CONTEMPORARY CONSTITUTIONAL RELEVANCE: DUTIES, DHARMA, AND THE INDIAN LEGAL ORDER

The Indian Constitution holds a distinctive place in comparative constitutionalism, combining liberal rights based guarantees with an express recognition of social responsibility. While Part III sets out enforceable Fundamental

⁸⁰ John Braithwaite, *Restorative Justice and Responsive Regulation* 11–17 (Oxford Univ. Press 2002).

⁸¹ Lon L. Fuller, *The Morality of Law* 39–41 (rev. ed. 1969).

Rights, Part IVA incorporates Fundamental Duties under Article 51A, reflecting the understanding that a constitutional order cannot be sustained by rights alone. This dual structure reveals an implicit *Dharmic* consciousness within the constitutional design, one that views citizenship not merely as a bundle of entitlements, but as a moral and civic obligation toward society and the nation.⁸²

Despite this textual balance, constitutional practice in India has remained overwhelmingly rights centric. Judicial discourse has consistently privileged Part III, expanding the scope of rights through creative interpretation, while Fundamental Duties have largely been treated as non justiciable moral exhortations.⁸³ This imbalance reflects a wider jurisprudential tendency to treat duties as secondary, often denying them normative significance unless they are judicially enforceable. Such an approach risks reducing constitutional morality to a mere inventory of claims, severed from the ethical responsibilities that lend those claims their legitimacy.

The Supreme Court of India has, however, on occasion acknowledged the role of duties in sustaining constitutional order. In *AIIMS Students' Union v. AIIMS*, the Court observed that Fundamental Duties are not empty declarations, but operate as guiding principles for understanding and interpreting constitutional values.⁸⁴ Similarly, in *Ramlila Maidan Incident v. Home Secretary*, the Court underscored the reciprocal relationship between rights and duties, observing that the exercise of rights must be informed by civic responsibility.⁸⁵ These judicial observations, though limited in operative impact, reflect an underlying recognition that rights divorced from duties can undermine social harmony and public order.

⁸² Granville Austin, *The Indian Constitution: Cornerstone of a Nation* 50–52 (Oxford Univ. Press 1966).

⁸³ Upendra Baxi, *The Future of Human Rights* 118–121 (Oxford Univ. Press 2002).

⁸⁴ *AIIMS Students' Union v. AIIMS*, (2002) 1 S.C.C. 428 (India).

⁸⁵ *Ramlila Maidan Incident v. Home Secretary*, (2012) 5 S.C.C. 1 (India).

Viewed through the lens of Dharmoprudence, Article 51A represents a constitutional articulation of duty oriented jurisprudence. Duties such as respect for constitutional values, promotion of harmony, and protection of the environment resonate strongly with *Dharmic* notions of obligation toward society, nature, and moral order.⁸⁶ Unlike coercive legal mandates, these duties appeal to ethical self regulation, a hallmark of *Dharmic* jurisprudence. Their placement within the constitutional text signals an expectation that citizens internalise responsibility as an integral component of lawful conduct.

This form of *Dharmic* approach takes on special significance in light of challenges to constitutionalism in the present era. Matters like environmental damage, gratuitous exercise of freedom of speech, and public disturbance centre around claims and counter claims in rights, with no thought to social consequences. An obligation centered approach to constitutionalism, inspired by Dharma, would allow a shift from zero sum rights to a fairer evaluation. This is not a negation of rights; on the contrary, rights are placed in a holistic framework that is essential to address the complexities of a multitudinous society.

Most importantly, the incorporation of duty consciousness rooted in *Dharmic* values into constitutional theory does not suggest a move away from secularism or liberalism. *Dharma* concepts are employed and discussed as a jurisprudence, rather than a theology. It offers a culturally grounded yet universally intelligible framework for understanding legal obligation, one that complements constitutional morality by emphasising ethical participation in the legal order.⁸⁷

⁸⁶ INDIA CONST. art. 51A.

⁸⁷ Bimal N. Patel et al. eds., *Indian Legal System* 89–93 (Oxford Univ. Press 2014).

V. CONCLUSION, RECOMMENDATIONS & SUGGESTIONS

TOWARD A DUTY CONSCIOUS JURISPRUDENCE

This paper has argued that, despite its historical necessity and normative significance, the current dominance of rights centered jurisprudence is insufficient to address the ethical and social issues that modern legal systems face. A legal culture where entitlement frequently eclipses responsibility and legality is becoming more and more divorced from moral accountability has resulted from the consistent marginalisation of duties within jurisprudential thought. Through a re examination of *Dharma* from the standpoint of Indian Knowledge Systems, the paper has attempted to reinstate duty as the ethical foundation upon which rights genuinely rest rather than as a limitation on those rights.

When *Dharma* is reconstructed in this way, it becomes a living legal principle that is obligation focused, humane, and context sensitive. It views law as a shared moral endeavour that aims to maintain social harmony rather than just as a tool of control or adjudication. Importantly, Dharmoprudence does not advocate for a rejection of individual rights or contemporary constitutionalism. Rather, it suggests a recalibration where rights are used with social awareness and ethical restraint. By offering the normative depth, that rights based frameworks frequently fail to provide on their own, *Dharma* thus supplements constitutional morality.

From the standpoint of policy, this reorientation has obvious ramifications. First, legal education needs to go beyond focussing only on rights and remedies. Incorporating Dharmoprudence into jurisprudence courses, especially under Indian Knowledge Systems, can foster the development of legal professionals who view the practice of law as an ethical profession as opposed to a purely technical one. In order to avoid both doctrinal isolation and cultural romanticism, such engagement must continue to be analytical and comparative.

Second, a clearer application of duty oriented reasoning would be advantageous for judicial interpretation. To acknowledge the normative significance of

Fundamental Duties, courts do not have to make them justiciable. In addition to rights adjudication, a *Dharmic* interpretive lens promotes responsibility, restraint, and social consequence, particularly in situations involving public order, environmental protection, and the abuse of constitutional freedoms.

Third, *Dharmic* principles can be used in governance and law making to create regulatory frameworks that encourage compliance through moral involvement rather than just force. Whether in public health, environmental governance, or community based conflict resolution, policies based on accountability are more likely to be legitimate and maintain long term efficacy.

Fourth, *Dharmic* jurisprudence inspired restorative and reformatory models can be used to significantly reorient the justice system itself. These methods address the human aspects of conflict that adversarial systems often overlook by placing a strong emphasis on social reintegration, moral repair, and reconciliation.

More broadly, Dharmoprudence provides a useful non Western viewpoint that can enhance comparative legal theory in international jurisprudential discourse. Jurisprudence must transcend universal claims derived from distinct intellectual traditions in a world growing more pluralistic. *Dharma* offers a widely understandable, culturally rooted language for reconsidering duty, justice, and legal authority.

Therefore, using *Dharma* to reimagine jurisprudence is not a nostalgic endeavour. It is an attempt to reclaim the moral purpose of the law, reminding us that a just legal system depends on both the rights it upholds and the responsibilities it encourages. *Dharma* provides a jurisprudence of balance that holds lasting promise for constitutional governance and human flourishing in an era when the law is frequently invoked but rarely internalised.

CORPORATE SOCIAL RESPONSIBILITY IN INDIA: A JURISPRUDENTIAL SYNTHESIS OF THE COMPANIES ACT, 2013 AND THE INDIAN KNOWLEDGE SYSTEM

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ABSTRACT

Corporate Social Responsibility (CSR) in India represents a distinctive convergence of modern corporate governance and ancient ethical traditions. The statutory incorporation of CSR under Section 135 of the Companies Act, 2013 marked a significant shift from voluntary corporate philanthropy to a structured legal obligation, requiring certain companies to allocate a portion of their profits toward social development. While often viewed through contemporary global frameworks such as Environmental, Social, and Governance (ESG) standards, the philosophical foundations of CSR in India are deeply embedded in the Indian Knowledge System (IKS).

This paper examines CSR through a jurisprudential and philosophical lens, arguing that the Indian CSR model reflects the ethical principles of Dharma (righteous duty), Lokasangraha (collective welfare), Nyaya (justice), and Gandhian trusteeship. By analyzing statutory provisions, judicial interpretations, and classical Indian philosophical traditions, the study demonstrates how CSR operates as an institutional mechanism that integrates economic activity with social responsibility. Judicial decisions emphasizing environmental accountability,

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stakeholder participation, and equitable development further reinforce the normative alignment between corporate regulation and constitutional values.

The paper concludes that CSR in India is not merely a compliance mechanism but a contemporary institutionalization of longstanding civilizational ethics. It represents a unique model where corporate governance, constitutional principles, and indigenous knowledge traditions collectively shape a framework of responsible and socially oriented economic development.

KEY WORDS: *Corporate Social Responsibility (CSR); Companies Act, 2013; Indian Knowledge System (IKS); Dharma; Lokasangraha; Gandhian Trusteeship; Corporate Governance; Sustainable Development; Corporate Ethics; Social Justice.*

I. INTRODUCTION

Corporate Social Responsibility (CSR) in India represents one of the most significant developments in contemporary corporate governance. With the enactment of Section 135 of the Companies Act, 2013, India became the first major economy to mandate CSR spending for certain classes of companies. While CSR is often perceived as a modern governance innovation influenced by global ESG (Environmental, Social, Governance) frameworks, its philosophical foundations in India are far deeper and civilizationally rooted.

This article examines CSR through the lens of the Indian Knowledge System (IKS), arguing that CSR in India is not merely a statutory compliance obligation but a revival and institutionalization of indigenous ethical economic principles such as *Dharma* (duty), *Lokasangraha* (welfare of society), *Nyaya* (justice), *Satya* (truth), and Gandhian trusteeship. By integrating statutory

provisions, judicial interpretations, and classical Indian texts, this study demonstrates that Indian CSR embodies a synthesis of modern corporate regulation and ancient ethical philosophy.

II. EVOLUTION OF CSR IN INDIA: FROM CHARITY TO STATUTORY OBLIGATION

Pre Statutory CSR: Philanthropic Traditions

The roots of Corporate Social Responsibility (CSR) in India lie in a long standing civilizational ethos that treated wealth as a social trust rather than an instrument of private accumulation. Historically, Indian merchant communities such as Marwaris, Parsis, Chettiars, and Banias integrated philanthropy into their commercial practices. Inspired by ethical principles of Dharma (righteous duty) and Lokasangraha (welfare of society), business families voluntarily supported community welfare without any legislative mandate.

Philanthropy often took the form of funding educational institutions, constructing dharmashalas (rest houses for travelers), building temples and community centers, digging wells and water tanks, and financing hospitals or famine relief operations. These acts were not mere charity but expressions of moral obligation embedded in social and religious consciousness. For instance, the industrialist Tata Group established institutions such as the Indian Institute of Science in the early twentieth century, long before CSR became a statutory requirement. Similarly, several business houses funded schools, colleges, and public infrastructure as part of their community responsibility.

This model of pre statutory CSR was largely voluntary, value driven, and guided by social recognition and ethical accountability rather than state regulation.

It reflected a trusteeship approach to wealth, where prosperity carried with it a duty toward society.

Statutory Mandate under the Companies Act, 2013

The enactment of Section 135 of the Companies Act, 2013 marked a transformative shift in India's CSR framework. For the first time, CSR moved from being voluntary philanthropy to a structured legal obligation. Companies meeting specified financial thresholds based on net worth, turnover, or net profit are required to spend at least 2% of their average net profits from the preceding three financial years on CSR activities.

Schedule VII of the Act provides a broad framework of permissible CSR activities, including eradicating hunger and poverty, promoting education, achieving gender equality, ensuring environmental sustainability, supporting rural development, and contributing to national relief funds. This statutory approach institutionalized corporate social responsibility as a component of corporate governance rather than leaving it to managerial discretion.

For example, many large corporations now allocate structured CSR budgets toward rural education programs, sanitation drives, skill development initiatives, and environmental sustainability projects. Companies under the Reliance Industries Limited, through their corporate foundations, support healthcare and rural transformation projects in several states. Similarly, the Infosys Limited foundation undertakes educational and public health initiatives across India.

The legislative mandate transformed CSR from sporadic charity into an accountable and reportable governance obligation. Companies are required to constitute CSR committees, disclose CSR policies in their annual reports, and

explain any shortfall in expenditure. This shift reflects the transition from moral persuasion to legal accountability.

Thus, the evolution of CSR in India demonstrates a movement from ethically inspired philanthropy rooted in cultural traditions to a formalized statutory framework that integrates social responsibility into corporate structure. While the mechanism has changed from voluntary charity to mandated spending the underlying spirit of societal welfare remains continuous.

III. CSR IN THE INDIAN KNOWLEDGE SYSTEM

Dharma: Ethical Foundation of Wealth

In the Indian Knowledge System (IKS), *Dharma* represents the foundational principle that governs righteous conduct in personal, social, and economic life. Unlike purely market oriented economic theories that prioritize profit maximization, Indian philosophy integrates *Artha* (wealth creation) within the broader moral framework of Dharma. Wealth is considered legitimate only when pursued and utilized in a manner consistent with ethical duty and social harmony. The unrestrained pursuit of profit, divorced from moral considerations, is regarded as destabilizing to society.

The Bhagavad Gita articulates this philosophy through the doctrine of *Lokasangraha* acting for the welfare and stability of the world. In Chapter III, Lord Krishna emphasizes that individuals in positions of influence must act responsibly to preserve social order. This teaching extends naturally to modern corporations, which command vast economic resources and influence public life. CSR operationalizes this principle by mandating that corporations allocate a portion of their profits toward societal welfare.

Judicial reasoning in India increasingly reflects this ethical orientation. In *N. Narayanan v. Adjudicating Officer, SEBI*, the Supreme Court stressed that corporate fraud not only violates statutory provisions but undermines public confidence and economic stability. The Court underscored that corporate conduct must adhere to integrity and transparency, reinforcing the idea that economic power carries ethical responsibility. Thus, CSR becomes an institutional expression of Dharma embedding moral accountability within corporate governance.

For example, corporate initiatives aimed at eradicating hunger, improving education, or supporting rural livelihoods reflect this Dharmic obligation. When companies invest in skill development programs for marginalized communities, they contribute not merely to social branding but to sustaining social equilibrium, echoing the Gita's call for welfare oriented action.

Arthashastra: Regulated Economic Ethics

The Arthashastra, attributed to Kautilya (Chanakya), presents one of the earliest systematic treatises on governance and economic administration. Contrary to the perception that ancient economic thought was *laissez faire*, the Arthashastra advocates detailed regulation of markets to ensure fairness, prevent exploitation, and protect public welfare. It prescribes anti corruption mechanisms, fair pricing policies, inspection of trade practices, and accountability of state officials.

Kautilya recognized that unregulated economic power could lead to exploitation and social unrest. Therefore, he emphasized state oversight to maintain economic justice and public trust. Modern CSR parallels this philosophy by institutionalizing corporate accountability. Section 135 of the Companies Act, 2013 and related CSR Rules impose structured obligations on companies to contribute to

social development. This reflects a contemporary version of Kautilya's regulatory ethic balancing wealth creation with public interest.

Judicial affirmation of such regulatory philosophy can be seen in *Swiss Ribbons Pvt. Ltd. v. Union of India*, where the Supreme Court upheld the Insolvency and Bankruptcy Code, emphasizing that corporate regulation is essential for protecting stakeholders and ensuring economic order. The Court observed that legislation governing corporations must balance private enterprise with societal interests. This reasoning resonates with the Arthashastra's insistence on structured economic supervision.

For instance, CSR spending on environmental sustainability aligns with Kautilya's broader concern for resource management and public welfare. Corporate investments in renewable energy, waste management, and water conservation reflect regulated economic ethics rooted in ancient governance philosophy.

Gandhian Trusteeship

The ethical foundation of CSR in India also finds expression in the doctrine of trusteeship articulated by Mahatma Gandhi. Gandhi rejected both unbridled capitalism and violent redistribution. Instead, he proposed that wealth holders should act as trustees of societal resources. According to his theory, the accumulation of wealth is not inherently immoral, but its use must serve the broader community.

Gandhi famously asserted that "the rich must hold their wealth in trust for the welfare of the poor." This philosophy directly anticipates the logic of mandatory CSR. While Gandhian trusteeship relied on voluntary moral transformation, statutory CSR converts ethical persuasion into legal obligation. It ensures that

corporations systematically allocate a portion of their profits toward social development rather than leaving such decisions entirely to managerial discretion.

Judicial decisions have reflected this trustee like understanding of corporate roles. In cases concerning fiduciary duties of directors, Indian courts have consistently emphasized that directors act in trust for the company and its stakeholders. The broader corporate governance framework thus mirrors Gandhian thought power and wealth must be exercised responsibly and for collective benefit.

A practical example can be seen in corporate foundations funding rural healthcare or educational infrastructure in underdeveloped regions. Such initiatives embody trusteeship by redistributing corporate gains toward social upliftment. Mandatory CSR institutionalizes this model, ensuring continuity and accountability.

IV. CSR AS *LOKASANGRAHA*: OPERATIONALIZING COLLECTIVE WELFARE

The concept of *Lokasangraha*, drawn from the Bhagavad Gita, refers to actions undertaken for the maintenance, stability, and welfare of society as a whole. Within the Indian Knowledge System (IKS), wealth (*Artha*) is never viewed as an isolated or purely individual possession; rather, it is embedded within a network of social relationships and obligations. Economic power, therefore, carries with it a responsibility to sustain collective harmony. Corporate Social Responsibility (CSR), particularly under Section 135 of the Companies Act, 2013, may be understood as a modern institutional mechanism that operationalizes this ancient ethical principle.

CSR initiatives in rural development exemplify this understanding of *Lokasangraha*. Rural India continues to face disparities in infrastructure, education,

livelihood opportunities, and access to essential services. When corporations invest in building roads, sanitation facilities, irrigation systems, or skill development centers in rural areas, they are not merely fulfilling a statutory requirement but contributing to social equilibrium. Such initiatives reduce inequality between urban and rural populations and foster inclusive growth. For instance, corporate supported self help groups and agricultural training programs enhance rural livelihoods, thereby integrating marginalized communities into the broader economic framework. This aligns with the IKS idea that prosperity must circulate within society to maintain balance and stability.

Environmental sustainability is another significant dimension of CSR as *Lokasangraha*. Ancient Indian thought reflects deep ecological consciousness, emphasizing harmony between human activity and nature. The Vedic worldview perceives natural elements earth, water, air, fire, and space as sacred and interconnected. Modern CSR initiatives that focus on afforestation, renewable energy adoption, water conservation, and waste management reflect this ecological ethic. When corporations reduce carbon footprints or invest in sustainable technologies, they contribute to long term societal welfare rather than short term profit maximization. Environmental CSR thus becomes an expression of collective responsibility toward future generations, reinforcing the intergenerational dimension of *Lokasangraha*.

Educational scholarships funded through CSR further demonstrate the operationalization of collective welfare. Education in Indian philosophy has always been regarded as a public good, essential for societal advancement. By sponsoring scholarships for economically disadvantaged students, funding digital classrooms, or supporting research institutions, corporations help bridge social inequalities. These initiatives promote social mobility and empower individuals to participate meaningfully in economic life. In this sense, CSR in education does not merely

serve philanthropic ends but strengthens the human capital necessary for national development.

Healthcare access constitutes another critical area where CSR embodies *Lokasangraha*. Corporate contributions toward building hospitals, organizing medical camps, supporting vaccination drives, and providing access to clean drinking water directly enhance public well being. In many underserved regions, CSR funded health initiatives supplement state capacity and reduce the burden on public health infrastructure. Such interventions reflect the IKS principle that collective welfare requires shared responsibility among all social actors, including economic institutions.

Thus, CSR in India should not be perceived as an external imposition upon corporate autonomy. Rather, it institutionalizes a long standing civilizational ethic that integrates wealth creation with social duty. By channeling corporate resources toward rural development, environmental protection, education, and healthcare, CSR transforms economic power into a vehicle for social balance. In doing so, it operationalizes *Lokasangraha* within the framework of modern corporate governance, ensuring that economic progress remains aligned with justice, sustainability, and collective well being

VI. CSR UNDER THE COMPANIES ACT, 2013 AND JUDICIAL PERSPECTIVE

The enactment of Section 135 of the Companies Act, 2013 marked a transformative moment in corporate regulation. India became the first jurisdiction to statutorily mandate Corporate Social Responsibility (CSR) expenditure for qualifying companies. Unlike voluntary philanthropy, CSR under the Act is embedded within corporate governance architecture. Judicial interpretation, though

still evolving directly on CSR compliance disputes, has consistently treated corporate power as socially conditioned and constitutionally regulated. This judicial philosophy strongly resonates with the Indian Knowledge System (IKS), particularly the ideas of *Dharma*, *Lokasangraha*, and trusteeship.

Section 135 requires companies meeting prescribed financial thresholds to constitute a CSR Committee, frame a CSR policy, and spend at least 2% of average net profits on activities listed in Schedule VII. The statutory design integrates CSR into board responsibility and disclosure norms, thereby making social obligation part of fiduciary duty. Courts, while interpreting company law and constitutional provisions, have emphasized that corporations are not isolated profit maximizing entities but institutions functioning within a socio economic order.

In *Tata Consultancy Services Ltd. v. Cyrus Investments Pvt. Ltd.*, the Supreme Court examined issues of oppression, mismanagement, and corporate governance standards within the Tata Group. Although the dispute was internal to shareholders, the Court underscored the importance of fairness, probity, and adherence to governance norms in corporate administration. The judgment implicitly recognized that large corporations operate within a broader socio economic ecosystem and must maintain standards that inspire public confidence. This aligns with CSR philosophy: corporate governance cannot be divorced from ethical responsibility.

Similarly, in *National Textile Workers' Union v. P.R. Ramakrishnan*, the Supreme Court departed from a strictly shareholder centric model by recognizing the right of workers to be heard in winding up proceedings. Justice Bhagwati observed that a company is not merely the property of shareholders but a social institution affecting employees, creditors, consumers, and the community. This reasoning anticipated the stakeholder model later reflected in CSR legislation. The

decision reflects the IKS notion that economic institutions must function for *samaj kalyan* (collective welfare), not merely private gain.

Judicial reflections on environmental responsibility further deepen the CSR–IKS connection. In *M.C. Mehta v. Union of India*, the Supreme Court evolved the doctrine of absolute liability for hazardous industries. The Court held that enterprises engaged in inherently dangerous activities owe a non delegable duty to the community. This principle places societal protection above corporate profit and reinforces the ethical idea that economic power entails corresponding responsibility.

The Court’s reasoning in *Vellore Citizens Welfare Forum v. Union of India* incorporated the “polluter pays” and “precautionary” principles into Indian law as essential features of sustainable development. These doctrines impose financial and restorative obligations upon corporations for environmental harm. Such reasoning mirrors ancient Indian ecological ethics that emphasized harmony between human activity and nature (*Rta* and *Prakriti–Purusha* balance). CSR spending on environmental sustainability projects today directly reflects this jurisprudential foundation.

Further, in *Indian Council for Enviro Legal Action v. Union of India*, the Court directed polluting industries to bear the cost of remedial measures. The decision reaffirmed that economic development cannot occur at the cost of public health and environmental integrity. Corporate liability was thus framed not only in compensatory terms but as a moral and social obligation an approach consistent with Gandhian trusteeship.

The Gandhian theory of trusteeship, articulated by Mahatma Gandhi, posits that wealth creators hold resources in trust for society. Courts have repeatedly

echoed this philosophy in cases involving equitable distribution and social justice. In *Samatha v. State of Andhra Pradesh*, the Supreme Court protected tribal land from corporate exploitation, emphasizing distributive justice and community rights over unchecked industrial interests. The reasoning reflects the constitutional commitment to protecting marginalized communities values now operationalized through CSR initiatives focused on tribal development, education, and healthcare.

In *State of Gujarat v. Mirzapur Moti Kureshi Kassab Jamat*, the Court acknowledged that economic freedoms under Article 19 are subject to reasonable restrictions in the interest of general public welfare. This interpretative approach affirms that business activity is not absolute but conditioned by social good an essential philosophical basis for mandatory CSR.

Corporate governance jurisprudence also reflects this ethical orientation. In *Dale & Carrington Investment (P) Ltd. v. P.K. Prathapan*, the Supreme Court stressed fiduciary duties and fairness in management. Directors were reminded that their powers are held in trust and must be exercised for the benefit of the company as a whole. When CSR is integrated into board obligations, this fiduciary framework extends to social stakeholders as well.

More recently, amendments to the Companies Act have strengthened CSR compliance by introducing penalties for non spending and mandating transfer of unspent CSR funds to designated accounts. Although direct constitutional challenges to CSR provisions have not substantially altered the scheme, judicial acceptance of these provisions indicates recognition of Parliament's competence to impose social obligations on corporate entities in furtherance of Directive Principles (Articles 38 and 39).

The judiciary thus functions as a bridge between ancient ethical traditions and modern corporate regulation. Its interpretative approach demonstrates several consistent themes:

First, economic rights are not isolated from social justice. Corporate freedoms under Article 19(1)(g) are subject to reasonable restrictions aligned with public welfare.

Second, sustainability is integral to development. Environmental jurisprudence reinforces corporate accountability beyond statutory minimums.

Third, stakeholder inclusion is essential. Workers, consumers, and affected communities are recognized as participants in corporate destiny.

Fourth, transparency and accountability are foundational. Disclosure norms under the Companies Act, 2013 are judicially supported as tools of good governance.

These principles collectively embody the IKS vision where *Artha* (economic pursuit) operates under *Dharma* (ethical order) to secure *Lokasangraha* (social stability). CSR jurisprudence, therefore, is not a borrowed Western compliance model but an expression of India's civilizational ethos rearticulated through constitutional interpretation.

VII. SUGGESTIONS:

Corporate Social Responsibility (CSR) in India, institutionalized under Section 135 of the Companies Act, 2013, reflects not only statutory reform but also the ethical foundations of the Indian Knowledge System (IKS). To strengthen its transformative potential, the following refinements are suggested:

First, CSR compliance should shift from expenditure based reporting to impact based assessment. The 2% mandate must translate into measurable social outcomes, ensuring that corporate action genuinely advances *Dharma* and *Lokasangraha* rather than remaining a formal obligation.

Second, CSR policy should be more explicitly aligned with constitutional values, particularly the Directive Principles of State Policy. Judicial reasoning in *National Textile Workers' Union v. P.R. Ramakrishnan* and *Samatha v. State of Andhra Pradesh* affirms that corporations aaoperate within a broader social framework. CSR initiatives should therefore prioritize reduction of inequality, rural development, and protection of marginalized communities.

Third, environmental CSR must be strengthened in light of principles evolved in *M.C. Mehta v. Union of India* and *Vellore Citizens Welfare Forum v. Union of India*, which embedded sustainable development and polluter pays doctrine into Indian law. Long term ecological sustainability should be a core CSR focus.

Fourth, stakeholder participation in CSR planning should be institutionalized. Inspired by the stakeholder centric approach recognized in *National Textile Workers' Union v. P.R. Ramakrishnan*, companies should involve local communities and beneficiaries in decision making processes.

Fifth, corporate governance education should integrate IKS perspectives, including Gandhian trusteeship and ethical regulatory principles derived from the *Arthashastra*, alongside modern ESG frameworks.

Finally, courts should continue purposive interpretation in CSR related matters, as reflected in *Tata Consultancy Services Ltd. v. Cyrus Investments Pvt. Ltd.* and *Dale & Carrington Investment (P) Ltd. v. P.K. Prathapan*, reinforcing fiduciary responsibility and ethical corporate governance

VIII. CONCLUSION

Corporate Social Responsibility in India reflects a distinctive synthesis of statutory corporate governance and civilizational ethics. The incorporation of Section 135 in the Companies Act, 2013 transformed CSR from voluntary philanthropy into a structured legal obligation. However, its deeper foundations lie

in the Indian Knowledge System, where principles such as *Dharma*, *Lokasangraha*, *Nyaya*, and Gandhian trusteeship emphasize that wealth creation must remain ethically regulated and socially oriented.

Judicial interpretation has reinforced this ethical–economic balance. In cases such as *M.C. Mehta v. Union of India*, *Vellore Citizens Welfare Forum v. Union of India*, *National Textile Workers’ Union v. P.R. Ramakrishnan*, and *Samatha v. State of Andhra Pradesh*, the Supreme Court has consistently affirmed that corporate power is socially conditioned and constitutionally accountable. Economic growth, therefore, cannot be separated from environmental protection, stakeholder rights, and social justice.

CSR in India is thus not merely a compliance mechanism modeled on Western ESG standards. It represents a contemporary institutional expression of India’s normative tradition where *Artha* (economic activity) is guided by *Dharma* to secure collective welfare. In this sense, CSR under Indian law serves as a bridge between ancient wisdom and modern regulation, affirming that true corporate success lies in advancing equitable and sustainable societal progress.

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INDIAN KNOWLEDGE SYSTEM AND THE CONSTITUTIONAL VISION OF LABOUR WELFARE: A TRANSFORMATIVE EDUCATIONAL APPROACH

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ABSTRACT

The Indian Knowledge System (IKS) is a civilizational framework founded on dharma, social harmony, labour dignity, and collective well being. Despite being institutionalized through statutory enactments and constitutional safeguards, contemporary labour jurisprudence in India reflects fundamental ethical precepts firmly ingrained in ancient Indian thought. This study investigates the relationship between IKS and the constitutional vision of labour welfare, contending that current labour law education must incorporate indigenous intellectual traditions to produce a transformational and globally relevant pedagogy. The study illustrates that concepts such as worker dignity, social justice, and equitable resource allocation resonate strongly with Indian philosophical traditions by analyzing constitutional provisions, judicial interpretations, and labour welfare laws.

The paper delves deeper into how higher education, particularly legal education, might use IKS to foster ethical sensitivity, social responsibility, and global competitiveness in labour governance.

KEY WORDS: : *Indian Knowledge System, labour welfare, constitutional vision, dignity of labour, social justice, Directive Principles of State Policy, Sarvodaya, dharma based governance.*

I. INTRODUCTION

Labour welfare is essential to India's constitutional and legislative frameworks. The Constitution envisions a social system built on justice social, economic, and political. While India's labour laws have evolved because of colonial industrial regulation and post independence welfare legislation, their conceptual foundations are rooted in indigenous traditions. The Indian Knowledge System (IKS) includes philosophical, economic, social, ethical frameworks based on writings such as the Vedas, Upanishads, Smritis, Arthashastra, and subsequent reformist thought, including Gandhian and Ambedkarite philosophy. These traditions acknowledged the dignity of work (Shram), social interdependence, and welfare. This article contends that modern higher education, particularly legal education, must intentionally include IKS into labour law teaching in order to promote constitutional ideals and align Indian labour governance with global standards.

II. CONCEPTUAL FOUNDATIONS OF LABOUR WELFARE IN INDIAN KNOWLEDGE SYSTEM

Dharma and Social Order

Labour regulation was an important aspect of statecraft, according to Kautilya's (Chanakya's) Arthashastra. The treaty establishes wages for various worker categories, defends against exploitation, oversees guilds (shrenis), penalizes unfair commercial practices, and provides relief during famines and disasters. The king was seen as the champion of economic justice, with the right to intervene when

employers underpaid workers or violated contracts⁸⁸. These aspects offer an early form of labour inspection, contractual enforcement, and conflict resolution. Similarly, the Manusmriti discussed masters' responsibilities to servants and artisans, emphasizing justice and humanitarian behavior. Thus, according to the dharma paradigm, labour welfare was an ethical and legal obligation of the ruler rather than an act of beneficence.⁸⁹

Dignity of Labour (Shram)

Another fundamental tenet is the dignity of labour (shram). Instead of viewing physical labour as inferior, ancient Indian literature acknowledged the vital role that farmers, craftspeople, and artisans had in maintaining social order. There are allusions in the Rigveda that recognize productive jobs as essential to society. Every profession had intrinsic social significance, and labour was seen as karma, or a sacred obligation. The Bhagavad Gita's Karma Yoga theory further highlighted that dignity is found in carrying out one's duties with sincerity, regardless of one's social standing.⁹⁰

Through his "Bread Labour" concept, Mahatma Gandhi⁹¹ revitalized and reconstructed this ethos in modern India, contending that intellectual pursuits cannot replace manual labor and that everyone must engage in productive physical activity. Gandhi saw labor as a way to promote decentralized village industries, combat exploitation, and promote self reliance while also serving as a moral equalizer. Later, this philosophical stance found resonance in Article 21 constitutional jurisprudence, where the right to life has been construed to

⁸⁸ Arthashastra (R. Shamasastry trans., Government Press 1915) (c. 3rd century BCE)

⁸⁹ Manusmriti (G. Bühler trans., Clarendon Press 1886)

⁹⁰ Bhagavad Gita ch. III.

⁹¹ Mahatma Gandhi, *Constructive Programme: Its Meaning and Place* (1941); see also M.K. Gandhi, *Bread Labour*, in *Harijan* (1937)

encompass the right to a dignified life. In this way, labor was seen as a moral act, a spiritual discipline, and a way to promote communal harmony in addition to being an economic activity.

Sarvodaya and Collective Welfare

The principle of Sarvodaya, meaning “welfare of all,” further integrates labour welfare within a broader vision of social justice. Popularized by Gandhi and later advanced by Vinoba Bhave, Sarvodaya emphasizes that economic and social systems must prioritize the upliftment of the weakest sections of society an idea closely associated with Antyodaya.⁹² This philosophy aligns closely with modern labour welfare principles such as social security, minimum wages, safe and humane working conditions, collective bargaining, and the broader welfare state ideology. The constitutional commitment to social and economic justice, particularly through the Directive Principles of State Policy, reflects this indigenous tradition. Therefore, labour welfare in India is not merely a modern legislative development but an extension of long standing ethical, spiritual, and philosophical commitments embedded within the Indian Knowledge System⁹³

Constitutional Vision of Labour Welfare

India's long standing moral and philosophical convictions to justice and welfare are transformed into binding legal standards by the Constitution of India. A constitutional framework that requires social change institutionalizes what were once considered ethical obligations under dharma. Therefore, labour welfare is a constitutional goal based on justice, equality ,and human dignity rather than just a question of policy discretion.

⁹² Rigveda (*Ralph T.H. Griffith trans., E.J. Lazarus 1896*)

⁹³ Vinoba Bhave, *The Essence of Sarvodaya* (1962)

The Preamble establishes the normative framework by ensuring social, economic, and political justice. The foundation of Indian labour welfare law is this dedication to social justice. The state must address structural disparities that impact workers, especially those in unorganized and vulnerable sectors, in order to realize the goal of an egalitarian social order. Therefore, labour protection becomes a crucial tool for fulfilling the promise of justice in the constitution.⁹⁴

This framework is further reinforced by Part III's Fundamental Rights. Arbitrary discrimination in employment and working conditions is prohibited by Article 14, which guarantees equality before the law and equal protection under the law. The ability to organize groups and unions is guaranteed under Article 19(1)(c), which gives collective bargaining and trade union movements constitutional legitimacy. The judiciary has construed Article 21 broadly to safeguard the right to life and personal liberty, which encompasses the right to livelihood, humane working conditions, and dignity. Beggar and forced labor are expressly forbidden by Article 23.

The Supreme Court ruled in *People's Union for Democratic Rights v. Union of India* that failing to pay minimum wages constitutes forced labor under Article 23, constitutionalizing wage protection and connecting economic exploitation.

The Directive Principles of State Policy (DPSPs) under Part IV, which represent the welfare oriented philosophy of governance, complement fundamental rights. The State is required by Article 38 to advance a social, economic, and political order based on fairness. Article 39 requires equal compensation for equal labour and protection from wealth accumulation. The rights to employment, education, and public aid in the event of illness, disability, or unemployment are guaranteed under Article 41. The State is required by Article 42 to provide maternity leave and fair and decent working conditions. While Article 43A allows

⁹⁴ *INDIA CONST. pmbi.*

workers to participate in industry management, Article 43 instructs the State to guarantee workers a living wage and a respectable standard of living.

The Supreme Court has continuously reconciled DPSPs with Fundamental Rights to offer labour welfare protections substantial substance, despite the fact that they are not subject to judicial review. The Court upheld the State's duty to end bonded labour and provide decent working conditions in *Bandhua Mukti Morcha v. Union of India*, viewing labour welfare as a crucial aspect of constitutional government.

Therefore, the Indian Constitution envisions a revolutionary social order where economic justice, welfare, and worker dignity are fundamental rights rather than just governing labour relations.⁹⁵

Convergence Between IKS and Constitutional Labour Philosophy

The constitutional vision of labour welfare reflects ancient Indian ethical values in multiple ways:

IKS Principle	Constitutional Provision
Dharma based governance	Article 38
Dignity of labour	Article 21
Collective welfare (Sarvodaya)	Articles 39 & 43
Social harmony	Preamble

The constitutional scheme does not represent a radical break from tradition but a transformation of indigenous values into modern democratic structures.

Dharma Based Governance and Article 38

⁹⁵ *INDIA CONST. arts. 14, 19(1)(c), 21, 23, 38, 39, 41, 42, 43, 43A.*

According to ancient Indian philosophy, dharma demanded leaders to uphold justice, equity, and the safety of the weak. Governance was envisioned as trusteeship with the goal of preserving social balance rather than dominance. The king's duty to control salaries, stop exploitation, and oversee economic activities in order to safeguard the general welfare was emphasized in texts like the Arthashastra.

Article 38 of the Indian Constitution, which instructs the State to advance a social order based on justice social, economic, and political is where this ethical approach finds constitutional expression. The dharmic duty of rulers to achieve economic justice is mirrored in the notion that the State must actively eliminate inequality and secure distributive justice. Thus, moral kingship gives way to a constitutional welfare state.⁹⁶

Dignity of Labour and Article 21

Labour (shram) was regarded as sacred and socially useful in the Indian Knowledge System. While the Bhagavad Gita's Karma Yoga theory emphasized the inherent dignity of carrying out one's task with sincerity, the Rigveda acknowledged artisans and producers as essential to community functioning. Mahatma Gandhi reaffirmed this in the modern era with his ideas of moral equality of work and bread labour.

Article 21, which protects the right to life and personal liberty, strongly echoes this philosophical regard for labour. According to judicial interpretation, Article 21 now covers the rights to livelihood, reasonable working conditions, protection from exploitation, and a dignified existence. Thus, the concept of labour dignity has evolved from spiritual moral acknowledgment to an enforceable constitutional entitlement.⁹⁷

⁹⁶ Arthashastra (*R. Shamasastry trans., Government Press 1915*) (c. 3rd century BCE)

⁹⁷ Rigveda (*Ralph T.H. Griffith trans., E.J. Lazarus 1896*)

Sarvodaya, Collective Welfare, and Articles 39 & 43

The notion that economic systems must give priority to the most vulnerable is reflected in the Sarvodaya principle, which calls for the upliftment of everyone, especially the weakest. This was promoted by Gandhi and Vinoba Bhave as an example of equitable and decentralized development. This concept is embodied in Articles 39 and 43 of the Constitution. Equal compensation for equal labour, protection from wealth concentration, and preservation of the health and strength of employees are all required by Article 39. The State is required by Article 43 to provide workers with a livable salary and a respectable standard of living. These clauses transform moral aspirations into legal requirements by institutionalizing the Sarvodaya ideology within a democratic system.

Social Harmony and the Preamble

The Preamble's commitment to justice social, economic, and political and fraternity assuring the dignity of the individual echoes the IKS emphasis on *lokasangraha* (maintenance of social order and harmony). Ancient Indian thought stressed interdependence and collective balance; similarly, the Constitution envisions labour welfare as essential to maintaining social stability and unity.

Transformative Continuity

The constitutional scheme, therefore, does not represent a radical rupture from tradition. Instead, it signifies a process of **transformative continuity** where indigenous ethical values such as *dharma*, dignity of labour, Sarvodaya, and social harmony are reframed within a modern democratic, rights based structure. The authority of the king has been replaced by constitutional supremacy; moral duties have evolved into fundamental rights and directive principles; and spiritual

recognition of labour has been translated into enforceable guarantees of dignity and welfare.

In this sense, Indian labour jurisprudence reflects a synthesis of civilisational philosophy and contemporary constitutionalism, demonstrating that modern labour welfare is deeply anchored in India's intellectual heritage.

Labour Welfare in Contemporary Statutory Framework

Recent labour reforms consolidated 29 labour laws into four Labour Codes:

1. Code on Wages, 2019
2. Industrial Relations Code, 2020
3. Occupational Safety, Health and Working Conditions Code, 2020
4. Code on Social Security, 2020

These codes reflect welfare principles through universal wage protection, social security expansion, and workplace safety regulation.

III. TRANSFORMING HIGHER EDUCATION: NEED FOR AN IKS BASED LABOUR LAW PEDAGOGY

Limitations of Conventional Legal Education

Statutes, basic acts, amendments, and court rulings are the main focus of traditional labor law legal education, especially in many Indian law schools. Students receive instruction in interpreting labour law provisions, analyzing precedents, and comprehending procedural procedures. Even though this kind of technical information is crucial, it frequently lacks a wider philosophical and social framework. As a result, rather than being a dynamic tool of social justice, labour law is usually limited to a topic of regulatory compliance. This limited approach to instruction raises a number of issues.

First, it fosters ethical detachment, where pupils may understand the legal requirements but not understand the rationale behind them. Then, labour disputes might not be seen as issues affecting social justice, livelihood, or human dignity, but rather as standard litigation.

Secondly, it promotes an overly formalistic comprehension of the topic. Students may miss the moral underpinnings of labour welfare, such as distributive justice, fairness, and the protection of vulnerable workers, if their attention is limited to statute text and judicial interpretation. Thirdly, it restricts genuine international participation. Students who lack a foundation in India's philosophical and intellectual traditions risk depending solely on Western conceptions of labour rights, losing the chance to add their own viewpoints to the body of international labour law. As a result, traditional education frequently results in technically skilled attorneys who are not always socially or philosophically aware.

IV. INTEGRATING IKS INTO LABOUR LAW CURRICULUM

By adding depth to contemporary legal education in the areas of ethics, culture, and history, an approach based on the Indian Knowledge System (IKS) aims to close these gaps. Such a method enhances legislative analysis rather than replaces it. To comprehend early Indian concepts on wage fixation, state oversight of economic activity, and protection against exploitation, for example, students can study the regulatory system in the Arthashastra. This shows that labour laws have extensive origins in indigenous governing systems and are not just a contemporary import. In a similar vein, teaching students about Mahatma Gandhi's labour philosophy specifically, his emphasis on bread labour, decentralized production, and the dignity of labour can help them view labour as social and moral engagement rather than just a means of making money.

This knowledge is further enhanced by studying B. R. Ambedkar's theories, as his conception of social and economic democracy emphasizes the necessity of economic fairness and significant labor rights in order to sustain political equality. Additionally, students can place Indian labor philosophy within global frameworks through comparative study of international standards created by the International Labour Organization, guaranteeing both rootedness and global competency.

There are many advantages to incorporating IKS into labor law education. Lawyers who understand labor rights as essential to human rights and constitutional morality would be produced by such an approach. It would create policymakers who are aware of the realities on the ground, especially those that impact marginalized and informal workers.

Additionally, it would promote academic studies that make use of India's philosophical legacy, bringing fresh viewpoints to the global labor debate. In the end, an IKS based education balances tradition and modernity, establishing a connection between civilisational ethics and constitutional norms, and producing technically proficient and socially conscious legal practitioners.

V. JUDICIAL EXPANSION OF LABOUR WELFARE: ETHICAL UNDERPINNINGS

The Supreme Court of India has consistently expanded labour rights through purposive and socially transformative interpretation of Fundamental Rights and Directive Principles. Though the Court does not expressly refer to the “Indian Knowledge System” (IKS), its reasoning reflects core civilizational values such as *dharma* (duty), *nyaya* (justice), *karuna* (compassion), dignity of labour, and welfare oriented governance.

Below are key cases that demonstrate this expansion:

Human Dignity as the Foundation of Labour Rights

In *Maneka Gandhi v. Union of India*, Article 21 was interpreted broadly to include the right to live with dignity. This became the constitutional basis for labour welfare jurisprudence. The idea that life must be meaningful and dignified resonates with IKS, where human existence is viewed as sacred and worthy of ethical protection.⁹⁸

In *Bandhua Mukti Morcha v. Union of India*, the Court held that bonded labour violates Articles 21 and 23. The judgment emphasized that the State has a positive obligation to free and rehabilitate bonded labourers. This reflects the IKS principle that exploitation (*adharma*) must be eradicated and the vulnerable protected⁹⁹.

Right to Livelihood and Economic Security

In *Olga Tellis v. Bombay Municipal Corporation*, the Court recognized the right to livelihood as part of Article 21. The reasoning aligns with *raja dharma* the moral obligation of governance to ensure economic survival of the people¹⁰⁰.

Similarly, in *People's Union for Democratic Rights v. Union of India* (Asiad Workers Case), the Court held that non payment of minimum wages amounts to forced labour under Article 23. This transformative interpretation reflects the ethical commitment to fairness and protection of labourers from exploitation.¹⁰¹

Social Justice and Welfare Orientation

In *Sanjit Roy v. State of Rajasthan*, the Court ruled that even in famine relief work, workers must be paid minimum wages. Economic hardship cannot justify exploitation. This echoes IKS ideals of *nyaya* (justice) and equitable treatment.¹⁰²

⁹⁸ (1978) 1 S.C.C. 248

⁹⁹ (1984) 3 S.C.C. 161

¹⁰⁰ (1985) 3 S.C.C. 545

¹⁰¹ (1989) 5 S.C.C. 54

¹⁰² (1983) 1 S.C.C. 525

In *Randhir Singh v. Union of India*, the Court recognized “equal pay for equal work” as a constitutional goal derived from Articles 14 and 39(d). This reflects the traditional ethical emphasis on fairness and balance in social relations.¹⁰³

Safe and Humane Working Conditions

In *Consumer Education and Research Centre v. Union of India*, the Court held that health and medical care of workers are part of Article 21. Occupational health was treated as a fundamental right, reinforcing the IKS view that preservation of health (*arogya*) is essential to human well being.

In *M.C. Mehta v. State of Tamil Nadu*, the Court issued directions for elimination and rehabilitation of child labour. The decision reflects civilizational values that prioritize protection of children and ethical responsibility toward future generations.¹⁰⁴

VI. CHALLENGES IN IMPLEMENTATION

Despite Constitutional ideals:

- Informal labour remains vulnerable
- Gig workers lack adequate social security
- Enforcement gaps persist Integrating IKS into education may cultivate ethical administrators and socially conscious advocates capable of bridging these gaps.

VIII. RECOMMENDATIONS

1. Introduce interdisciplinary labour law courses incorporating IKS.

¹⁰³ (1982) 1 S.C.C. 618

¹⁰⁴ (1995) 3 S.C.C

2. Promote research linking ancient economic thought with modern welfare legislation.
3. Encourage clinical legal education focusing on labour rights.
4. Align labour curriculum with SDGs and global frameworks.

VII. CONCLUSION

India's constitutional conception of labour welfare is a continuation and development of the country's rich intellectual heritage rather than only a result of Western welfare theory. The Indian Knowledge System offers a philosophical underpinning that reinforces constitutional demands, emphasizing dharma, the dignity of labour, and collective benefit. Legal professionals that are globally competent, socially conscious, and morally grounded can be produced by transforming higher education through the incorporation of IKS into labour law pedagogy. A revolutionary educational strategy like this guarantees that labour welfare is seen as a moral and constitutional commitment to human dignity rather than just as legal compliance. When combined with constitutional democracy and international labour standards, India's civilizational wisdom provides a potent model for labour governance in the future.

INDIAN KNOWLEDGE SYSTEMS VIS À VIS CONSTITUTIONAL PERSPECTIVES

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ABSTRACT

The Indian Knowledge System (IKS) is deeply reflected in the Fundamental Rights guaranteed by the Indian Constitution. These rights do not merely protect individuals but also preserve India's rich diversity, indigenous traditions, and spiritual heritage. In many ways, the Constitution represents "old wine in a new bottle". Articles 12 to 35 function as the moral backbone of the Constitution, ensuring equality, freedom, and cultural protection. Through these rights, individuals and communities are empowered to maintain their distinct identities, beliefs, and customs, which echoes India's long standing traditions of tolerance, intellectual freedom, and collective self rule.

Judicial interpretation has further strengthened this connection between constitutional rights and Indian knowledge traditions. The Supreme Court of India, through its expansive interpretation of Article 21 the right to life and personal liberty has significantly broadened its scope over time. The Court has recognised that the right to life is not limited to mere physical existence but includes the right to live with dignity, access education, enjoy cultural freedom, and maintain holistic well being. It has also linked Article 21 to environmental protection, recognising the importance of a clean and healthy environment for a meaningful life. These interpretations resonate strongly with Indian philosophical traditions that view life as an integrated whole, encompassing physical, mental, spiritual, and environmental dimensions – truly "new lamps lit with ancient light".

Although the Supreme Court rarely uses the term “Indian Knowledge System” explicitly in its judgments, the underlying approach often reflects traditional Indian ideas and values. The Court’s reasoning draws upon themes such as harmony with nature, human dignity, collective welfare, and moral responsibility, which are core to India’s knowledge traditions. Thus, even without direct reference, the essence of the Indian Knowledge System continues to shape constitutional interpretation, ensuring that modern constitutional rights remain rooted in India’s civilisational spirit while responding to contemporary needs. This article argues that the promotion of Indian Knowledge System is not merely a cultural revival but a constitutional obligation flowing from different provisions.

KEY WORDS: *Indian Knowledge System, Constitution of India, Fundamental Rights and Article 21.*

I. INTRODUCTION

The Indian Knowledge System (IKS) refers to India’s centuries old indigenous knowledge traditions – encompassing subjects from mathematics and astronomy to yoga, Ayurveda, architecture, law, and philosophy¹⁰⁵. The recent *National Education Policy* (NEP) 2020 explicitly aims to integrate IKS into education, that “our ancient systems of Knowledge be used to solve current and emerging challenges”. Many Scholars characterize IKS as a holistic “body of Knowledge which evolved organically over millennia”¹⁰⁶.

Embedding IKS into formal education, however, raises constitutional questions. On one hand, India’s Constitution enshrines pluralism and cultural

¹⁰⁵ National Education Policy 2020, Ministry of Hum. Res. Dev., Gov’t of India, at 4 (2020), https://ncert.gov.in/pdf/nep/NEP_2020.pdf

¹⁰⁶ See, e.g., P. Mandavkar, Indian Knowledge System (IKS) and National Education Policy 2020, 15(3) Econ. Q. 1 (2025), https://papers.ssrn.com/sol3/papers.cfm?abstract_id=5205032

heritage. Articles 29–30 protect the rights of diverse communities to conserve language, script and culture, and to administer educational institutions, precisely safeguarding indigenous traditions. On the other, India is a secular and Republic State and thus the state must treat all citizens equally and not promote any one religion or orthodoxy. Foundational principles such as equality before law (Article 14) and prohibitions on discrimination (Article 15) impose limits on any curriculum that might be seen as sectarian. Fundamental Rights act as the conscience of the Constitution and have been said to safeguard civil liberties such as equality, freedom, and the protection of cultural rights reflecting India's commitment to its diverse knowledge traditions. However, some fear that blind acceptance of IKS might weaken secularism and scientific temper.

This article offers a Constitutional analysis of IKS and identifies key challenges and ensuring that IKS integration respects equality, secularism, and scientific temper, even as it advances cultural heritage.

II. HISTORICAL AND CONCEPTUAL BACKGROUND

India's indigenous knowledge tradition is rich and multifaceted. Over thousands of years, scholars developed sophisticated treatises in science, mathematics, philosophy, medicine and law (e.g. *Arthashastra*, *Sushruta*, *Jyotisha*, *Darshanas* like Nyāya and Vedānta). This heritage includes not only textual works but also traditions, techniques, medicine, agricultural practices, and philosophical worldviews centered on *Dharma* (ethical duty), *Ahimsa* (nonviolence). In ancient India education was predominantly conducted through *gurukuls* and *ashrams*, integrating spiritual and practical learning. India's knowledge culture emphasized spiritual insights coexisted with mathematical innovations (e.g. early concepts of zero), architectural sophistication, and empirical observation of nature. Pre colonial "Indian legal tradition" was itself

influenced by *dharmashastras* and community customs – part of the broader IKS imprint on society.

The colonial era reshaped India's educational system. British policies privileged Western science and literature over vernacular and *Sanskritic* learning and thus, traditional *gurukula* education was marginalized. Post independence, leaders wrestled with how to reconcile India's plural traditions with modern nationhood. The 1950 Constitution, drafted by a diverse assembly, aimed for a merging framework: it guaranteed religious freedoms and minority cultural rights (e.g. Articles 25–30) while also committing to scientific temper and social justice (Preamble, Directive Principles). Late 20th and early 21st century discourse has seen calls to “decolonize” knowledge and revitalize IKS.

The current NEP 2020 explicitly acknowledges India's heritage as a “guiding principle” and seeks to incorporate IKS “in a scientific manner” across curricula¹⁰⁷. The government has issued to incorporate IKS courses and minor degrees, emphasizing fields from yoga and Ayurveda to ethno medicine and ancient arts¹⁰⁸. Thus, IKS is no longer a marginal notion but is institutionalized through policy and academia. At the same time, this initiative has generated debate about the nature of IKS content and its place in a secular, rights based Constitution.

III. CONSTITUTIONAL FRAMEWORK AS IKS GUARDIAN

The Preamble's aspirations for justice, liberty, equality, and fraternity echo the *purusharthas* *dharma*, *artha*, *kama*, *moksha* from IKS texts, prioritizing ethical order alongside material progress. Articles 12 to 35 form the moral backbone and protecting not just individuals but communities' rights to preserve indigenous traditions, tolerance like *sabhas* and *samitis*.

¹⁰⁷ NEP 2020, *supra* note 1

¹⁰⁸ Univ. Grants Comm'n, Guidelines for Incorporation of IKS in Curriculum; see Ranchi Univ., UG NEP 2020 Syllabus (2023), https://ranchiuniversity.ac.in/nep_syllabus

Fundamental Rights as IKS Guardian

Article 29(1)¹⁰⁹ guarantees that “*Any section of the citizens... having a distinct language, script or culture of its own shall have the right to conserve the same.*” This clause expressly protects cultural and linguistic diversity, enabling communities to preserve traditions and knowledge systems. By its wording, it applies to *any section* of citizens – minority or majority – whose way of life is distinct. Article 29(1) is seen as reflecting the Constitution’s commitment to pluralism and indigenous knowledge and it gives legal force to the idea that each cultural tradition has a place in India’s mosaic. Complementing this, Article 29(2) ensures no student is denied admission to a state run school on religious or cultural grounds, underscoring nondiscrimination in education.

Article 30¹¹⁰ grants religious and linguistic minorities “*the right to establish and administer educational institutions of their choice.*” A key purpose of Article 30 is to let minority communities run schools or colleges preserving their culture and language. This constitutional right implicitly includes the freedom to inculcate knowledge relevant to that community’s heritage. Thus, a minority run school can teach Sanskrit, Tamil, Arabic or local history as part of its curriculum, without state interference. However, Article 30 is a special right for minorities only, and the State must not discriminate against such institutions (clause (2)). IKS programs in minority schools would likely be protected by Article 30, but state schools teaching IKS must navigate other constraints.

Article 21¹¹¹ (right to life and personal liberty) has been judicially expanded to include the right to education. However, Article 21 guarantees freedom of movement and occupation as well, which can underlie intellectual freedom, environment protection.

¹⁰⁹ Indian Constitution art29

¹¹⁰ Indian Constitution art 30

¹¹¹ Indian Constitution art 21

Most directly on point, Article 28(1)¹¹² provides that “*No religious instruction shall be provided in any educational institution wholly maintained out of State funds.*” This is a secularism safeguard. It forbids state funded schools from teaching religion. If an IKS curriculum includes overtly sectarian religious content (e.g. scripture study, ritual instruction), that would breach Article 28(1). In practice, proposals like mandatory *Bhagavad Gita* recitation in government schools have been challenged on this ground. Article 25(1) (freedom of religion) and 26 allow individuals to practice religion, but they do not permit the state to propagate religious doctrine through education.

Articles 14–15 impose equality constraints. Article 14 demands equality before the law; Article 15 prohibits discrimination by the state on grounds of religion, race, caste, etc. Thus, if the state implements an IKS program, it must do so in an inclusive manner.

Fundamental Duties and Cultural Heritage

Part IVA of the Constitution frames Indian Knowledge Systems within a balanced constitutional vision. Article 51A(h) promotes scientific temper implying that IKS should be engaged with critically valued for evidence based knowledge or as cultural philosophy, not unexamined superstition. At the same time, Article 51A(f) mandates preservation of India’s composite cultural heritage, strongly supporting IKS as a shared civilisational legacy. Together, the Fundamental Duties endorse IKS, provided it is approached as inclusive cultural wisdom aligned with constitutional rationalism.

IV. EDUCATION LAW CONTEXT

Education is a concurrent subject on which both the Union and States can legislate. Since the 42nd Amendment (1976) introduced education as a Directive

¹¹² Indian Constitution art 28

Principle (Article 45), and the 86th Amendment (2002) made education a fundamental right (Article 21A), schooling has constitutional salience. The Supreme Court has acknowledged a basic right to education, but it has *refused to dictate specific curriculum content*. RTE embodies Article 28/29 values which mandates secular, balanced education and includes provisions for minimum standards. Any IKS integration must fit within those standards and fundamental rights constraints.

Thus our Constitution simultaneously **protects cultural diversity** and **limits state endorsement of religion or inequity**. The legal framework is structured to preserve India's plural heritage in a fair way.

V. JUDICIAL INTERPRETATIONS AND CASE LAW

Supreme Court judgment did not directly addressed IKS as a branded concept, but related case law illuminates the boundaries.

Minority Rights and Cultural Conservation

Article 29(1) and 30 have been upheld vigorously by courts as guaranteeing minorities' autonomy. In *T.M.A. Pai Foundation v. State of Karnataka*,¹¹³ the SC recognized minorities' right to establish educational institutions (Article 30) and held that admitting students of other communities cannot be denied (Article 30(2)). While *T.M.A. Pai Foundation v. State of Karnataka*,¹¹⁴ dealt with fees and management, its reasoning implies that minority run universities could include IKS subjects reflecting their ethos. Similarly, in *St. Stephen's College v. University of Delhi*¹¹⁵, the Court protected minority universities' constitutional right to determine admissions and curriculum, albeit insisting on some merit standards. These cases

¹¹³ T.M.A. Pai Found. V. State of Karnataka, (2002) 8 SCC 481

¹¹⁴ T.M.A. Pai Found. V. State of Karnataka, (2002) 8 SCC 481

¹¹⁵ St. Stephen's College v. Univ. of Delhi, (1992) 3 SCC 635

suggest Article 30 institutions (whether Hindu, Sikh, Muslim, or linguistic) can impart cultural knowledge without state interference, so long as general constitutional safeguards (like non discrimination) are respected.

Religious Instruction and Secularism

Article 28 is the most direct textual constraint on IKS in education. In *Gujarat High Court*, a petitioners argued that Gujarat's resolution mandating *Bhagavad Gita* in schools violated Art. 28(1) and secularism. Though the HC did not immediately halt the program, the notice was telling: the petition said teaching *Gita* (a Hindu scripture) in state schools gave one faith prominence, contravening Art. 28's ban and the Preamble's equality objectives. This argument echoes settled law, in *Ashok Kumar Thakur v. UOI*¹¹⁶, the SC held that secularism means treating all religions equally and forbids state intervention in religious practice.

By contrast, in *Pramathesh Acharya v. State of Odisha* (2019)¹¹⁷, the Odisha HC turned away a challenge to Durga Puja celebrations in school. Although religion was involved, the Court found the activity cultural and inclusive, since all students participated. This suggests that if IKS elements are presented in a secular, educational manner. The Madras HC's recent *Arsha Vidya*¹¹⁸ case also touched this: the Court insisted the trust's teaching of *Gita* and Yoga was non religious "moral science". This reasoning could potentially be used to argue that spiritual components of IKS can be taught academically.

¹¹⁶ *Ashok Kumar Thakur v. UOI*, (2008) 6 SCC 1

¹¹⁷ *Pramathesh Acharya v. State of Odisha*, W.P. © No. 21077/2019 (Odisha H.C. Apr. 8, 2019).

¹¹⁸ *Arsha Vidya Parampara Trust v. Union of India*, Madras H.C. (Dec. 22, 2025) (Swaminathan, J.)

Right to Education and Curriculum Content

Article 21A and RTE does not dictate curriculum subjects. Designing curricula is a policy matter for the legislature and experts. Thus, while citizens have a right to education, they do not have a constitutional right that *specific* content be included. As a result, adding IKS courses is permissible or required only to the extent that laws or regulations provide – it is not compelled by fundamental rights themselves.

This deference to policy making means tensions over IKS must largely be resolved legislatively or through guidelines, unless someone brings a rights challenge. If, for example, a state made Sanskrit learning mandatory for all students, a litigant might argue violation of Article 28 or 25 if it is religious in nature. Or a student could claim discrimination under Article 15 if the new curriculum burdened non-Hindu students. Courts would likely assess whether such mandates are reasonable and neutral. To date, most controversies (like *Haridwar law's dress code*, or the Gujarat *Gita* order) have hinged on equality and secularism principles rather than Article 21A per se¹¹⁹.

Equality and Non Discrimination

Fundamental rights of equality have been invoked in IKS debates. In the Gujarat PIL, petitioners argued the *Gita* mandate violated the Preamble and Articles 14 and 28 by placing one community's scripture above others. They contend this undermines secular education. While no final ruling exists yet, the argument echoes *S.R. Bommai*¹²⁰ which emphasized secularism as a basic feature of the Constitution. If courts apply a *basic structure* test, they might view forcing religiously inflected content as unconstitutional. Additionally, if an IKS policy

¹¹⁹ Firoz Iqbal Khan v. Union of India, (2023) SCC OnLine SC 178 (India); Ritesh Shah v. State of Gujarat, Special Civil Application No. 14322 of 2021 (Guj. HC); S.P. SATHE, JUDICIAL ACTIVISM IN INDIA 312–15 (2d ed. 2003)

¹²⁰ S.R. Bommai v. Union of India, (1994) 3 SCC 1

disproportionately disadvantages a protected class, it could be struck under Article 15.

VI. CHALLENGES AND DEBATES

Integrating the Indian Knowledge System into a constitutional democracy poses several challenges:

- **Secularism vs. Identity:** Critics warn of “*saffronisation*” – using IKS to advance a particular religious nationalist agenda. The state must therefore ensure IKS courses are framed academically (e.g. history of science) rather than devotional. The medium of instruction could be any language, but care must be taken that content does not become a covert form of worship. This is not merely academic: even textbooks have come under scrutiny. Education authorities should strictly avoid curricular instructions like reciting *shlokas* in prayers, which courts have cautioned against.
- **Inclusivity and Equality:** Though IKS is framed as a **national** knowledge base, it often centers Hindu sources. Educators must ensure that other traditions are not marginalized. The Constitution forbids making any one culture feel superior. Otherwise, the state could be accused of cultural favoritism. Implementation of Article 29 and 30 is crucial: while minorities have self protection rights, the majority community’s knowledge is *also* protected as part of the composite culture.
- **Implementation Logistics:** On the ground, there may be practical hurdles IKS needs realistic planning, curricular materials, and oversight to avoid diploma mill courses. If implementation is overtly ideological, there could be rights based challenges under Article 14 for violating educational standards or Article 15 if minorities feel schooling quality is uneven.

- **Freedom of Conscience:** Forcing students to participate in religiously infused rituals can violate their conscience rights (Articles 25–26). Courts have held that parents/students have a right to abstain from religious activity. IKS curricula should respect this: courses should be non-compulsory or provide secular alternatives. Balancing civic-cultural education with individual conscience will require delicate policy design.
- **Constitutional Morality:** The Preamble’s values (justice, liberty, equality, fraternity) and the *basic structure doctrine* (secularism as basic) serve as overarching guides. In particular, the Supreme Court has insisted that the state cannot promote an idea of one faith as “national” or essential to patriotism. IKS promoters must therefore avoid ideology branding that labels any tradition as exclusively Indian. IKS courses should be framed in humanistic, plural terms.

VII. CONCLUSION:

Indian Knowledge Systems are undeniably part of India’s rich heritage, and the Constitution’s different provisions explicitly endorse the conservation of diverse traditions. Fundamental Duties affirm that citizens ought to preserve this heritage. However, constitutionalism in India also demands secularism, equality, and rationality. As the courts have indicated, state-promoted education must treat all communities fairly. Rigorous legal scrutiny will apply wherever IKS content overlaps with religious instruction or potential discrimination.

In sum, IKS can enrich Indian education within the constitutional order *if* implemented with constitutional fidelity. Fundamental Rights both safeguard IKS as part of culture and circumscribe it by secular equality. Any attempt to revive ancient wisdom must therefore be *Constitutional wisdom* as well: mindful of India’s pluralism, committed to individual rights.

ARTIFICIAL INTELLIGENCE, DIGITAL EDUCATION, AND THE INDIAN KNOWLEDGE SYSTEM: ARE WE FORGETTING THE FOUNDATIONS OF LEARNING?

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ABSTRACT

The rapid integration of artificial intelligence (AI) and digital technologies in higher education has fundamentally transformed the processes of teaching, learning, and knowledge dissemination. AI based tools promise efficiency, accessibility, personalization, and scalability, making digital education a cornerstone of modern educational reforms. However, this technological transformation also raises serious concerns about the nature, purpose, and fundamental values of education. This research paper critically examines whether the increasing reliance on AI and digital platforms in higher education risks alienating students from the core educational principles embedded in the Indian Knowledge System (IKS). The Indian Knowledge System views education not merely as the transfer of information or the acquisition of skills, but as a holistic process focused on intellectual development, moral cultivation, self discipline, and social responsibility. Traditional teaching methods emphasized dialogue, reflection, experiential learning, and the ethical responsibilities of both teachers and students. In contrast, AI enabled education often prioritizes speed, adaptability, and outcome oriented learning, raising questions about the potential

decline of critical thinking, reflective inquiry, and human interaction in the learning process.

From a legal and constitutional perspective, this paper argues that education is intrinsically linked to human dignity, equality, and the development of rational and autonomous individuals. Over reliance on algorithm based learning systems can compromise the right to meaningful education by promoting passive consumption of knowledge, reinforcing biases embedded in algorithms, and exacerbating existing digital divides. Concerns related to data privacy, surveillance, academic autonomy, and institutional accountability further complicate the unchecked expansion of artificial intelligence in the education sector. This paper adopts a critical yet constructive approach by situating artificial intelligence within a regulatory framework inspired by the Indian Knowledge Systems (IKS). Rather than rejecting technological advancements, it advocates for a human centric paradigm of digital education where AI serves as a supportive tool, not a substitute for pedagogical wisdom, ethical reasoning, and teacher student interaction. The Indian Knowledge Systems offer valuable insights for reorienting digital education towards balance, where technological innovation coexists with reflection, ethical learning, and critical consciousness.

In a global context, as higher education systems worldwide grapple with the ethical and cognitive implications of AI driven education, India's civilizational knowledge traditions provide a unique framework for addressing these challenges. The paper concludes by emphasizing the need for legally informed educational policies that responsibly integrate AI while safeguarding the fundamental objectives of education. Ultimately, it raises the question of whether modern higher education is truly transforming or merely accelerating technologically at the cost of its intellectual and ethical foundations.

KEY WORDS: *Artificial Intelligence; Digital Education; Indian Knowledge System; Higher Education Reform; Constitutional Values; Human Centric Learning; Educational Ethics*

I. INTRODUCTION

Education has always been a central means through which society advances knowledge, values, and cultural continuity.¹²¹ Nowadays, the integration of artificial intelligence and digital technology into the education system is significantly transforming this role. Online platforms, adaptive learning algorithms, automated assessments, and AI tutors have become increasingly common in higher education institutions around the world. These developments promise democratization of access, individualized learning pathways, and efficiency in academic delivery.

In India, this shift coincides with a renewed institutional and policy level emphasis on the Indian Knowledge System. National educational reforms recognize the IKS as a repository of indigenous epistemologies, teaching methods, and ethical frameworks that have shaped education for centuries.¹²² The convergence of AI driven education and IKS raises a crucial question: does technological acceleration enhance education, or does it threaten to undermine its fundamental purpose? This paper argues that while AI and digital education have benefits, their unthinking adoption can undermine essential elements of education essential for IKS, such as reflection, ethical considerations, teacher student relationships, and social responsibility. This paper attempts to understand this tension by examining education from philosophical, pedagogical, legal, and constitutional perspectives.

¹²¹ Mohini Jain v. State of Karnataka, (1992) 3 S.C.C. 666 (India).

¹²² Ministry of Education, Gov't of India, *Indian Knowledge Systems (IKS) Initiative* (2020).

II. CONCEPTUAL FOUNDATIONS OF ARTIFICIAL INTELLIGENCE IN EDUCATION: LEGAL AND CONSTITUTIONAL PERSPECTIVES

Artificial intelligence in education refers to the use of computational systems to perform tasks that traditionally require human intelligence.¹²³ These systems rely on machine learning, natural language processing, predictive analytics, and automated decision making to support teaching and learning. In today's educational environment, AI is used to personalize curriculum, monitor student progress, automate assessments, recommend learning resources, and provide real time feedback. By processing large amounts of educational data, AI systems aim to increase efficiency, accuracy, and scalability in academic delivery.

The conceptual foundation of AI driven education is data centric governance. Student behavior, performance patterns, and engagement levels are transformed into quantifiable metrics that guide instructional design and evaluation. While this model promises optimization, it also redefines education as a process under algorithmic control. It prioritizes measurable outputs such as grades, rankings, and certifications, often at the expense of deep intellectual engagement, moral reasoning, creativity, and critical autonomy.¹²⁴ From a constitutional perspective, education in India is not merely an administrative function, but a fundamental right deeply intertwined with dignity, equality, and personal development. Article 21A guarantees the right to education, and court interpretations have emphasized that education should promote holistic development.¹²⁵ The Supreme Court has held that education is essential for the respect and informed democratic participation guaranteed under Article 21. An educational model that relies heavily on algorithmic decision making risks

¹²³ U.N. Educ., Sci. & Cultural Org. (UNESCO), *Artificial Intelligence and Education: Guidance for Policy-Makers* (2021).

¹²⁴ Martha C. Nussbaum, *Not for Profit: Why Democracy Needs the Humanities* (Princeton Univ. Press 2010).

¹²⁵ *Unnikrishnan J.P. v. State of Andhra Pradesh*, (1993) 1 S.C.C. 645 (India).

undermining these objectives by reducing learners to data subjects rather than autonomous individuals.

While AI is promoted as a solution to infrastructure shortages and uneven quality, constitutional compliance cannot be measured solely by accessibility and efficiency. Algorithmic systems can replicate social discrimination, violating Article 14, and unclear assessment tools raise concerns about arbitrariness.¹²⁶ AI based education also impacts privacy under Article 21, as recognized in *Puttaswamy*, necessitating legal regulation to ensure that efficiency does not override the deeper objectives of respect, equality, and education.¹²⁷

III. DIGITAL EDUCATION AND ITS GLOBAL EXPANSION: CASE LAW ON ACCESS, EQUALITY, AND DIGNITY

Digital education encompasses technology enabled learning models, such as online platforms, virtual classrooms, MOOCs, learning management systems, and blended learning environments. These models rely on digital infrastructure to deliver content, facilitate interaction, and assess outcomes. Over the past decade, digital education has evolved from a supplementary tool to a central mode of education worldwide.

The COVID 19 pandemic marked a turning point in this expansion. With physical institutions closed, technology became essential for continuing education.¹²⁸ Courts in many countries, including India, recognized the need for digital methods to prevent disruptions to the right to education. Furthermore, court responses reflected concerns that adopting technology during emergencies should not compromise equity or fair access.

¹²⁶ Solon Barocas & Andrew D. Selbst, Big Data's Disparate Impact, 104 *Calif. L. Rev.* 671 (2016).

¹²⁷ Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 S.C.C. 1 (India).

¹²⁸ Org. for Econ. Co-operation & Dev. (OECD), *Artificial Intelligence in Education: Challenges and Opportunities* (2020).

While digital education has improved flexibility and geographic reach, it has also reshaped educational relationships. Learning has become increasingly screen mediated and self directed, leading to standardized content delivery and assessment, often at the expense of interaction, mentorship, and experiential learning. Indian constitutional jurisprudence has consistently emphasized that education is not limited to the dissemination of information, but must also promote intellectual development, critical thinking, and dignity. *In Mohini Jain v. State of Karnataka*, the Supreme Court recognized education as part of the right to life and dignity under Article 21, meaning that access must be meaningful, not merely formal.¹²⁹ In *Unnikrishnan v. State of Andhra Pradesh*, the Court emphasized that education supports autonomy, equality, and democratic participation. Digital education models that exclude learners due to technological or economic barriers undermine these objectives.

In *Society for Unaided Private Schools of Rajasthan v. Union of India*, the Court reiterated the state's responsibility to ensure not only enrolment but also quality and access, including addressing the digital divide.¹³⁰ Article 14 jurisprudence further strengthens this view by recognizing indirect discrimination when policies disproportionately harm vulnerable groups. Digital education also raises privacy concerns. *In Puttaswamy*, the Court recognized informational privacy under Article 21. Without safeguards, data collection by online platforms poses the risk of surveillance and misuse. The Court has also emphasized dignity, holding in *Francis Coralie Mullin* that the right to life includes personal development. Overall, constitutional jurisprudence recognizes digital education as legitimate, but emphasizes that access alone is not enough. Equity, dignity, privacy, and meaningful engagement are essential. Therefore, digital education should be

¹²⁹ *Mohini Jain v. State of Karnataka*, (1992) 3 S.C.C. 666 (India).

¹³⁰ *Society for Unaided Private Schools of Rajasthan v. Union of India*, (2012) 6 S.C.C. 1 (India).

viewed not simply as a technological solution, but as a constitutionally mandated model.

IV. INDIAN KNOWLEDGE SYSTEM: CONSTITUTIONAL FOUNDATIONS AND ITS IMPORTANCE FOR AI DRIVEN EDUCATION

The Indian Knowledge System demonstrates a pluralistic, integrative, and human centric approach to education that closely aligns with the constitutional vision of learning in India. Rooted in cultural texts such as the Upanishads and Dharmashastras, and classical works on logic, medicine, ethics, and governance, IKS views education as a lifelong process of self realization, moral culture, and social responsibility.¹³¹ Knowledge is not simply considered information or technical skills, but a way to develop wisdom, ethical judgment, and reflective understanding.

This philosophical view is also reflected in Indian constitutional jurisprudence. Although IKS is not explicitly mentioned in the Constitution, judicial interpretations of the right to education consistently emphasize full development, dignity, and autonomy. In *Mohini Jain v. State of Karnataka*, the Supreme Court held that education is an essential component of the right to life and human dignity under Article 21, reflecting the IKS philosophy that education is not merely for work, but for personal growth and social participation. Previously, education under IKS went beyond institutional instruction to include community life and ethical practice. The Gurukul system fostered close teacher student relationships based on discipline, reflection, and moral accountability.¹³² Learning was interactive and experiential, with teachers guiding both intellectual and

¹³¹ Sarvepalli Radhakrishnan, *Indian Philosophy* vols. I–II (2d ed. 1951).

¹³² Dharampal, *The Beautiful Tree: Indigenous Indian Education in the Eighteenth Century* (Other India Press 1983).

character development. This relational model treats learners as whole human beings rather than passive receivers of information, which is consistent with the constitutional values of respect and equality.

In Unnikrishnan v. State of Andhra Pradesh, the Supreme Court emphasized that education is essential for freedom and equality, strengthening IKS's focus on inquiry, self discipline, and moral reasoning. In the context of artificial intelligence, IKS provides an essential normative framework. AI driven education prioritizes efficiency and measurable outcomes, often reducing learning to data points, undermining dialogue and moral development, and undermining respect under Article 21. AI platforms also raise equality concerns under Article 14 and privacy concerns under Puttaswamy. IKS does not prohibit innovation, but advocates balance and ethical restraint, viewing AI as a helpful tool rather than a substitute for human judgment. Grounding digital education in constitutional values and an understanding of civility helps India humanize technical education and uphold the fundamental purpose of education.

V. TENSIONS IN EDUCATION BETWEEN ARTIFICIAL INTELLIGENCE AND THE INDIAN KNOWLEDGE SYSTEM: TEACHERS' AND LEGAL PERSPECTIVES ON QUALITY EDUCATION

Artificial intelligence driven education relies on quantification, standardization, and predictive metrics, while the Indian Knowledge System views learning as a reflective process aimed at moral maturity and self discipline. *In the Mohini Jain case*, the Supreme Court linked education under Article 21 to dignity and personality development, reflecting the IKS's transformative approach to education. AI personalization often reduces interaction, which contradicts the relational model advocated in *Unnikrishnan*. Courts have emphasized that teachers are essential for quality education, as argued by K. Shyam Sundar and the *T.M.A.*

Pai Foundation.¹³³ Excessive reliance on automation stifles inquiry and reflection, undermining dignity under Article 21.¹³⁴ AI can help in learning but cannot replace the constitutional and civilisational role of teachers.

VI. LEGAL AND CONSTITUTIONAL ASPECTS OF EDUCATION IN INDIA

In India, education is recognized as a fundamental right under Article 21A of the Constitution. This reflects the Constitution's transformative approach, which sees education as a key means to achieving social justice, equality, and democratic participation. Judicial interpretation has expanded this right beyond mere access, emphasizing its intrinsic connection with human dignity, mental freedom, and the development of responsible citizens.¹³⁵

The Supreme Court has repeatedly held that education is essential for the realization of the right to life under Article 21. In *Mohini Jain v. State of Karnataka*, the Court held education essential for living with dignity and the full development of personality. This was further reinforced in *Unnikrishnan v. State of Andhra Pradesh*, where the Court emphasized that education provides freedom, informed decision making, and meaningful participation in democratic life. These judgments establish that education should be substantive and comprehensive, not merely formal. Education is also closely linked to equality under Article 14. The Court has recognized that equality is violated not only by explicit discrimination but also by policies that produce disparate outcomes.¹³⁶ Educational models that disproportionately disadvantage groups due to socio economic barriers or

¹³³ *State of Tamil Nadu v. K. Shyam Sunder*, (2011) 8 S.C.C. 737 (India).

¹³⁴ Valerio De Stefano, *Algorithmic Management and Labour*, Int'l Lab. Org. Working Paper No. 2018/07 (2018).

¹³⁵ *Unnikrishnan J.P. v. State of Andhra Pradesh*, (1993) 1 S.C.C. 645 (India).

¹³⁶ *State of West Bengal v. Anwar Ali Sarkar*, A.I.R. 1952 S.C. 75 (India).

technological exclusion raise constitutional concerns. In AI driven education, algorithmic systems that ignore social realities may further exacerbate inequality.

The Court has also emphasized that the quality of education depends on thoughtful teaching methods and qualified teachers, as held in the *State of Tamil Nadu v. K. Shyam Sundar case*. AI in education also raises privacy concerns, as surveillance and unclear decision making threaten autonomy and fairness. Overall, constitutional jurisprudence considers education a right based on respect, equality, and autonomy. Therefore, AI integration must be constitutionally conditioned, balancing innovation with safeguards for privacy, equity, human oversight, and the transformative purpose of education.

VII. ALGORITHMIC BIAS AND EDUCATIONAL INEQUALITY

Artificial intelligence systems are not value neutral and often replicate social and institutional biases present in their data.¹³⁷ In education, this impacts equality, fairness, and access. Standardized assessments and predictive analytics can disadvantage marginalized students due to language, socio economic, or contextual differences, thereby reinforcing structural inequalities. Such outcomes contradict Article 14's guarantee of substantive equality. The Supreme Court has recognized that even superficially neutral policies can violate equality if they disproportionately disadvantage vulnerable groups. Algorithmic bias also threatens dignity under Article 21 by limiting learners to data profiles. The Indian knowledge system offers a counter narrative through an understanding of pluralism and context. Therefore, eliminating algorithmic discrimination is a constitutional imperative based on dignity, equality and justice.

¹³⁷ Virginia Eubanks, *Automating Inequality* (St. Martin's Press 2018).

VIII. ACADEMIC AUTONOMY AND INSTITUTIONAL RESPONSIBILITY

The increasing automation of academic tasks through artificial intelligence raises serious concerns about institutional autonomy and accountability. Decisions on curriculum, assessment, and teaching methods are increasingly being determined by proprietary algorithms, threatening independent academic judgment. In *T.M.A. Pai Foundation v. State of Karnataka*, the Supreme Court recognized that institutional autonomy is essential for educational freedom, subject to public interest regulation. Reliance on AI risks commoditizing education and subjecting teaching methods to software design.¹³⁸ In *State of Tamil Nadu v. K. Shyam Sundar*, the Court emphasized that education cannot be reduced to a mechanical process and requires a deliberate pedagogical approach. Implicit algorithms undermine fairness and due process. Therefore, institutions must ensure that AI supports, not replaces, academic judgment, with transparency, human oversight, and regulatory safeguards to maintain autonomy and accountability.

IX. A COMPARATIVE GLOBAL PERSPECTIVE ON AI, DIGITAL EDUCATION, AND KNOWLEDGE TRADITIONS

The challenges of integrating artificial intelligence into education are global, although responses vary depending on cultural and constitutional traditions. In the United States, AI driven education follows a market oriented model that prioritizes efficiency and employability, often commodifying learning and narrowing the curriculum. The European Union adopts a human centric, rights based approach, classifying educational AI as high risk and emphasizing dignity, transparency, and human oversight.¹³⁹ East Asian countries integrate AI while

¹³⁸ *T.M.A. Pai Foundation v. State of Karnataka*, (2002) 8 S.C.C. 481 (India).

¹³⁹ Proposal for a Regulation Laying Down Harmonised Rules on Artificial Intelligence (Artificial Intelligence Act), COM (2021) 206 final.

preserving cultural traditions, although concerns about surveillance and standardization remain. In the Global South, scholars warn that AI threatens indigenous epistemologies and reinforces knowledge dominance. International human rights law emphasizes education for dignity and personality development. These experiences demonstrate that ethically grounded systems maintain educational depth. For India, this confirms the relevance of constitutional values and Indian knowledge systems in guiding human centric digital education.

X. TOWARDS A HUMAN CENTRIC MODEL OF DIGITAL EDUCATION

Instead of dismissing artificial intelligence or digital innovation, this paper advocates a balanced and human centric approach to educational reform. When guided by ethical judgment and educational understanding, technology can enhance access, administrative efficiency, and learning support. However, AI should serve as an assistive tool, not a substitute for human judgment, ethical reasoning, or teacher student engagement. Education, as both a constitutional right and a civilizational value, cannot be reduced to an automated process without undermining its fundamental purpose. A human centric model requires technology to remain subservient to educational values. The Indian knowledge system provides normative guidance by emphasizing balance, self restraint, and reflective inquiry. Within IKS, tools have value only when they promote understanding and moral development. When applied to digital education, it cautions against allowing algorithmic efficiency to redefine the purpose of learning. Technology should support reflection, dialogue, and moral reasoning, not replace them.

Constitutional principles reinforce this approach. The Supreme Court has emphasized that education is essential for understanding, freedom, and the development of intelligent individuals. Therefore, AI powered systems must preserve human agency and meaningful participation. Automated decisions should

be humanly supervised, and key teaching decisions should remain with teachers and institutions. Teachers are central to any human model. AI tools should strengthen their role by assuming administrative tasks, allowing teachers to focus on mentoring and ethical guidance. Institutional accountability and regulatory oversight are also essential. Ultimately, the goal of digital education should be to drive meaningful change, not to accelerate technology. By grounding innovation in constitutional values and the Indian knowledge system, India can reimagine education as a deeply human endeavour.

XI. POLICY IMPLICATIONS AND RECOMMENDATIONS

Integrating artificial intelligence into education requires a policy framework that is legally sound, ethically sound, and inclusive of society. AI can enhance access and efficiency, but its unregulated use risks undermining constitutional values and the fundamental purpose of education. Therefore, educational policy must move beyond the zeal for technology and adopt a normative framework that balances innovation with respect, equality, and educational integrity.

A top priority is to establish robust legal safeguards for data protection and algorithmic accountability. AI based systems rely heavily on personal and behavioral data, and given the constitutional recognition of privacy as a fundamental right, policies should ensure informed consent, purpose limitation, data minimization, and secure storage. Clear accountability systems are essential to identify responsibility for algorithmic decisions that impact assessment, progress, or opportunity. Transparency and explainability must be essential, especially where automated decisions have serious consequences for education.

Policies must also address algorithmic bias through inclusive design. AI systems should reflect linguistic, cultural, regional, and socio-economic diversity, and impact assessments should be conducted before deployment. Human oversight of critical decisions should be maintained to ensure complete equality. Curriculum

reform is equally important. Digital literacy should incorporate a necessary connection with technology, as well as ethical education drawn from Indian knowledge systems. Teacher training should incorporate technical, legal, and philosophical perspectives. Public investment in infrastructure should bridge access gaps, and institutional governance should include ethical review, grievance redressal, and audits. Based on constitutional values and IKS, such policies can ensure innovation without sacrificing human values.

XII. CONCLUSION

The integration of artificial intelligence and digital technology into higher education is a major turning point in global education. While AI powered platforms promise access, efficiency, and personalization, their unthinking adoption risks reducing education to algorithmic optimization and standardized outcomes, undermining its deeply human purpose.

Indian constitutional jurisprudence affirms that education is a fundamental right linked to dignity, equality, autonomy, and democratic citizenship. Judicial interpretations of Articles 14, 21, and 21A emphasize holistic development, ethical reasoning, and meaningful participation.¹⁴⁰ Overly mechanized educational models that view learners as data subjects rather than autonomous individuals threaten to violate these constitutional objectives. Indian knowledge systems provide a vital normative framework by viewing education as a process of intellectual, moral, and social transformation. Its emphasis on dialogue, mentorship, understanding of context, and ethical responsibility counters the depersonalizing tendencies of AI driven learning.

This paper concludes that a human centered and Constitutionally informed approach to digital education is both necessary and achievable. If guided by human judgment, teacher student relationships, and institutional accountability, AI can

¹⁴⁰ Francis Coralie Mullin v. Administrator, Union Territory of Delhi, (1981) 1 S.C.C. 608 (India).
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enhance access and efficiency. By grounding digital education in constitutional values and an understanding of civilization, India can create a globally relevant model that embraces innovation while maintaining the fundamental human purpose of learning.

RELEVANCE OF INDIAN KNOWLEDGE SYSTEM (IKS) IN CONTEMPORARY STUDIES OF HUMAN CONSCIOUSNESS

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ABSTRACT

Contemporary studies of human consciousness are predominantly shaped by neuroscientific and materialist paradigms that seek to explain awareness exclusively in terms of brain activity, neural networks, and cognitive mechanisms. While these approaches have generated significant empirical insights into perception, memory, and emotional processing, they remain conceptually limited in addressing the subjective, ethical, and transcendental dimensions of consciousness. Conscious experience is frequently reduced to a biological phenomenon, leaving unresolved the fundamental question of how inner awareness, meaning, and selfhood arise from purely physical processes. This unresolved explanatory gap, commonly described as the “hard problem of consciousness”, reveals the inadequacy of reductionist models that neglect the experiential and moral dimensions of human life.¹⁴¹ In contrast, the Indian Knowledge System (IKS) presents a holistic and experiential framework in which consciousness is regarded not as a by product of matter but as the foundational principle of existence itself.

Rooted in classical Indian philosophical traditions, particularly the Upanishads and Yoga philosophy, IKS offers a multidimensional understanding of human consciousness that integrates metaphysical inquiry, psychological analysis,

¹⁴¹ Chalmers, D. J. (1996). *The Conscious Mind: In Search of a Fundamental Theory*. Oxford University Press.

ethical discipline, and contemplative practice. Drawing upon the Taittiriya Upanishad, this paper analyses the pancha kosha, or five sheaths of human existence, a model that conceptualises the human being as comprising physical, vital, mental, intellectual, and blissful dimensions of awareness.¹⁴² In addition, the Upanishadic classification of four states of consciousness, namely jagrat (waking), svapna (dreaming), sushupti (deep sleep), and turiya (transcendental awareness), provides a refined psychological map that extends far beyond contemporary scientific models restricted to waking cognition. Concepts such as prana, understood as vital life force, and prajna, understood as higher wisdom, further demonstrate the integrative character of IKS psychology by linking physiological regulation with cognitive clarity and ethical insight.¹⁴³

The paper further examines the ethical foundations of consciousness within IKS through Nitishastra, which emphasises that moral self regulation and inner discipline are essential to psychological balance and social harmony.¹⁴⁴ This integration of ethics and psychology contrasts sharply with value neutral scientific models that isolate cognition from character formation. Recent neuroscientific research on meditation increasingly supports classical IKS insights by demonstrating improvements in emotional regulation, attentional stability, and mental well being among practitioners, indicating a convergence between ancient experiential knowledge and modern empirical investigation.¹⁴⁵

By bridging first person contemplative traditions with third person scientific methods, the Indian Knowledge System offers a complementary paradigm capable of deepening contemporary consciousness studies. This paper argues that IKS should be recognised not merely as cultural heritage but as a living knowledge

¹⁴² Radhakrishnan, S. (1953). *The Principal Upanishads*. HarperCollins.

¹⁴³ Sivananda, S. (1999). *Concentration and Meditation*. Divine Life Society.

¹⁴⁴ Sharma, C. (2000). *A Critical Survey of Indian Philosophy*. Motilal Banarsidass.

¹⁴⁵ Wallace, B. A. (2006). *The Attention Revolution: Unlocking the Power of the Focused Mind*. Wisdom Publications.

system with enduring relevance for interdisciplinary scholarship and higher education in India.

KEY WORDS: *Indian Knowledge System, Human Consciousness, Upanishadic Psychology, Yoga Philosophy, Pancha Kosha, Meditation and Neuroscience*

I. INTRODUCTION:

The nature of human consciousness has remained one of the most enduring and complex questions in intellectual history, occupying a central place in philosophy, psychology, and science. Despite remarkable technological advances in brain research, contemporary consciousness studies continue to struggle with explaining the fundamental nature of subjective experience. Modern neuroscience largely interprets consciousness as an emergent property of neural processes arising from complex interactions within the brain. Functional imaging techniques have identified neural correlates associated with perception, attention, memory, and emotional regulation, and theoretical models such as the Global Workspace Theory and Integrated Information Theory attempt to explain how distributed neural activity produces unified experience. However, these approaches remain largely correlational and mechanistic, describing how brain states accompany mental states without adequately explaining why physical processes should be accompanied by inner awareness at all. This unresolved explanatory gap, famously termed the “hard problem of consciousness,” highlights the conceptual limitations of a purely materialist framework.¹⁴⁶ While neuroscience excels in mapping mechanisms, it remains insufficient for addressing the qualitative dimensions of lived experience,

¹⁴⁶ Chalmers, D. J. (1996). *The Conscious Mind: In Search of a Fundamental Theory*. Oxford University Press.

including self awareness, meaning, ethical agency, and the deeper purpose of human life.

In contrast to reductionist models, the Indian Knowledge System (IKS) presents a fundamentally different epistemological orientation by treating consciousness not as a secondary product of matter but as the foundational principle of existence. Indian philosophical traditions have engaged in sustained and systematic reflection on consciousness for millennia, developing an integrated body of metaphysical, psychological, and ethical knowledge. From the Upanishads through Vedanta, Sankhya, Yoga, Buddhism, and Jainism, Indian thought consistently places consciousness at the centre of human identity and cosmic reality. These traditions do not merely speculate about the nature of mind but propose structured models of human experience grounded in disciplined introspection and ethical cultivation. Classical Indian texts emphasise that intellectual knowledge alone is insufficient for understanding consciousness, as self discipline, moral refinement, and experiential realisation are indispensable. This integrative orientation sharply contrasts with modern scientific approaches that often isolate cognition from ethics and inner development.

The Indian Knowledge System provides sophisticated conceptual frameworks for understanding human consciousness, among which the pancha kosha doctrine of the Taittiriya Upanishad occupies a central position. According to this model, the human being is not a single layered physical organism but a composite of five interrelated dimensions, namely the annamaya kosha or physical body, pranamaya kosha or vital energy, manomaya kosha or mind, vijnanamaya kosha or intellect, and anandamaya kosha or bliss.¹⁴⁷ This framework recognises graded levels of awareness operating simultaneously within human existence. Mental disturbances cannot be fully understood by reference to biology alone, as they arise from imbalances across multiple layers of consciousness. Such an

¹⁴⁷ Radhakrishnan, S. (1953). *The Principal Upanishads*. HarperCollins

integrative psychological vision anticipates contemporary holistic approaches to mental health, which increasingly recognise the interaction of physiological, cognitive, emotional, and ethical factors. Indian philosophy further refines its analysis through the classification of four states of consciousness, jagrat or waking, svapna or dreaming, sushupti or deep sleep, and turiya or transcendental awareness. This model demonstrates that ordinary waking consciousness represents only a limited portion of human awareness. Turiya, described as pure consciousness itself, transcends mental activity and sensory perception and points toward a dimension of awareness beyond empirical cognition a depth largely absent from modern scientific frameworks that restrict investigation to externally observable mental states.¹⁴⁸

A particularly significant contribution of IKS to consciousness studies lies in Yoga philosophy, which treats consciousness not merely as an object of theoretical analysis but as a domain of direct experiential transformation. Yoga is frequently misunderstood as a system of physical exercise, whereas classical tradition presents it as a complete science of human consciousness. The term yoga derives from the Sanskrit root yuj, meaning union, signifying the integration of individual consciousness with universal consciousness. Patanjali defines yoga as chitta vritti nirodhah, the cessation of mental fluctuations.¹⁴⁹ This definition reveals a refined psychological understanding of the mind as composed of constantly shifting thought patterns or vrittis that obscure deeper awareness. Classical yogic psychology further analyses mental functioning through concepts such as chitta or mind stuff, buddhi or intellect, ahamkara or ego, and samskaras or mental impressions. When these components are purified through ethical discipline, meditation, and self regulation, awareness expands beyond habitual patterns of

¹⁴⁸ Radhakrishnan, S. (1953). *The Principal Upanishads*. HarperCollins

¹⁴⁹ Patanjali. (2008). *The Yoga Sutras of Patanjali*. Translated by Swami Satchidananda. Integral Yoga Publications

reactive thinking. Yogic practices including asana, pranayama, and meditation exert direct influence on the nervous system and mental stability, enabling the transition from unconscious reaction to conscious living.¹⁵⁰ In recent decades, modern neuroscience has increasingly begun to validate these classical yogic claims. Empirical research demonstrates that meditation enhances emotional regulation, attentional stability, and cognitive flexibility, indicating a growing convergence between ancient experiential knowledge and contemporary empirical investigation.¹⁵¹

In the contemporary context marked by rising psychological stress, ethical uncertainty, and social fragmentation, the relevance of IKS becomes particularly significant. Modern education systems often prioritise technical competence while neglecting inner development, producing intellectual advancement without corresponding psychological and moral maturity. IKS addresses this imbalance by emphasising self awareness, ethical self regulation, and inner equilibrium as foundations of both personal well being and social harmony. Within Indian higher education, renewed engagement with IKS reflects the need to harmonise indigenous intellectual traditions with modern scientific inquiry. By situating IKS within contemporary consciousness studies, this paper argues that ancient Indian insights can significantly enrich modern theoretical frameworks and contribute to a more comprehensive and culturally grounded understanding of human awareness.

II. CONCEPTUAL FOUNDATIONS OF CONSCIOUSNESS IN THE INDIAN KNOWLEDGE SYSTEM

The Indian Knowledge System approaches consciousness through a comprehensive philosophical and psychological framework that views the human

¹⁵⁰ Sivananda, S. (1999). *Concentration and Meditation*. Divine Life Society.

¹⁵¹ Wallace, B. A. (2006). *The Attention Revolution: Unlocking the Power of the Focused Mind*. Wisdom Publications.

being as a multidimensional entity rather than a purely biological organism. Unlike modern scientific models that confine consciousness to brain activity alone, Indian philosophy recognises graded levels of awareness operating simultaneously within human existence. Among the most systematic formulations of this holistic vision is the pancha kosha doctrine presented in the Taittiriya Upanishad. According to this model, the human personality consists of five interrelated sheaths, namely annamaya kosha or the physical body sustained by food, pranamaya kosha or vital energy regulating physiological functions, manomaya kosha or the mental layer governing thoughts and emotions, vijnanamaya kosha or the intellectual layer responsible for discrimination and judgment, and anandamaya kosha or the innermost sheath associated with deep peace and bliss.¹⁵² This layered conception of human existence reflects a sophisticated psychological insight, as disturbances of consciousness cannot be fully understood by examining the body or brain alone but arise from disharmony across multiple levels of experience. Mental suffering often originates when the manomaya kosha dominates without guidance from the vijnanamaya kosha, resulting in impulsive reactions rather than reflective awareness. The pancha kosha framework therefore anticipates contemporary holistic psychology, which increasingly recognises that mental health depends upon the interaction of physical, cognitive, emotional, and ethical dimensions of life.

The pancha kosha doctrine also reveals the Indian understanding of happiness as a stable state of consciousness rather than a transient emotional condition. Modern psychology frequently equates well being with emotional pleasure, whereas the Upanishadic model locates lasting fulfilment in the anandamaya kosha, a dimension of consciousness accessed through self realisation rather than sensory gratification. This distinction is particularly significant in contemporary societies marked by material abundance yet widespread psychological distress. By identifying deeper sources of fulfilment, IKS provides a

¹⁵² Radhakrishnan, S. (1953). *The Principal Upanishads*. HarperCollins.

corrective to consumerist conceptions of happiness that remain confined to external satisfaction. Thus, the pancha kosha model is not merely metaphysical speculation but a functional psychology of human flourishing.

Complementing this multidimensional model is the Upanishadic classification of four states of consciousness, jagrat or waking, svapna or dreaming, sushupti or deep sleep, and turiya or transcendental awareness. In the waking state, consciousness is directed outward through the senses and engaged in action and perception. The dreaming state reflects internally generated experiences shaped by memory and imagination, while in deep sleep mental activity subsides and the individual experiences a temporary absence of differentiated awareness. These three states correspond broadly to modern psychological classifications. However, the Upanishads introduce a fourth state, turiya, which transcends mental activity altogether and represents pure consciousness itself.¹⁵³ Turiya is not a passing mental condition but the underlying reality present in all experiences, whether waking, dreaming, or sleeping. This conception challenges modern scientific frameworks that restrict consciousness to observable cognitive states and provides a deeper ontological account of awareness as the constant substratum of experience.

The recognition of turiya has profound implications for contemporary consciousness studies. Whereas neuroscience confines investigation to externally measurable phenomena, IKS acknowledges dimensions of awareness accessible only through disciplined introspection. The existence of such a state suggests that consciousness cannot be exhaustively explained through third person methodologies alone, making first person experiential investigation indispensable. This insight anticipates modern philosophical critiques of reductionism and supports emerging interdisciplinary approaches that seek to integrate phenomenology with neuroscience.

¹⁵³ Radhakrishnan, S. (1953). *The Principal Upanishads*. HarperCollins.

A further refinement of Indian psychological theory is found in its analysis of prana and prajna. Prana is described in the Upanishads as the vital life force sustaining all physiological and psychological functions. It is not limited to respiration but represents the dynamic energy animating the entire organism. The fivefold classification of prana, prana, apana, vyana, udana, and samana, demonstrates a sophisticated psychophysiological understanding linking bodily regulation with mental states. Yogic discipline seeks to balance pranic flow through controlled breathing and bodily regulation, thereby stabilising attention and emotional responses. Sivananda (1999) emphasises that mastery of prana calms the nervous system and enhances mental clarity, revealing a close correspondence between ancient yogic psychology and modern stress physiology.¹⁵⁴ Prajna, by contrast, denotes higher wisdom or pure consciousness that transcends ordinary intellectual cognition. While buddhi governs rational discrimination, prajna represents direct intuitive insight into reality and is closely associated with the realisation of Atman, the true Self. This distinction highlights the Indian recognition of multiple levels of knowing, ranging from sensory perception and rational thought to intuitive awareness, a depth largely neglected within modern cognitive science.

Closely related to prajna is the concept of cultivated awareness. Indian philosophy consistently emphasises that human beings ordinarily live in a state of partial consciousness, driven by habitual reactions rather than reflective understanding. Through self observation and ethical discipline, awareness expands, enabling individuals to act with clarity rather than impulse. This emphasis on conscious living reflects a sophisticated moral psychology in which ethical conduct arises from inner awareness rather than external compulsion.

Ethics occupies a central position in IKS through the tradition of Nitishastra, which integrates moral philosophy with psychological development. According to this tradition, inner discipline is essential for stable consciousness. Sharma (2000)

¹⁵⁴ Sivananda, S. (1999). *Concentration and Meditation*. Divine Life Society.

observes that Indian philosophy consistently links moral cultivation with mental equilibrium.¹⁵⁵ Principles such as satyanishtha or commitment to truth and abhiruchi or natural inclination towards righteousness emphasise that genuine morality must arise from internal conviction rather than fear of punishment. This ethical psychology contrasts sharply with modern value neutral models that isolate cognition from character formation. IKS recognises that without ethical refinement, intellectual power may increase while psychological harmony deteriorates. Thus, moral self regulation is not peripheral but central to the cultivation of balanced consciousness.

Together, these conceptual frameworks demonstrate that the Indian Knowledge System offers a comprehensive science of consciousness integrating metaphysics, psychology, and ethics. Far from being antiquated speculation, these models address dimensions of human experience that remain insufficiently explored within contemporary scientific paradigms. By situating consciousness within a multidimensional structure of human existence, IKS provides conceptual depth essential for advancing modern consciousness studies beyond reductionist limitations.

III. YOGA AS A SYSTEMATIC SCIENCE OF HUMAN CONSCIOUSNESS

Within the Indian Knowledge System, Yoga occupies a central position as a practical and experiential science of consciousness rather than a mere physical discipline. In contemporary popular culture, yoga is frequently reduced to bodily postures and fitness practices. Classical Indian philosophy, however, presents yoga as a comprehensive psychological and spiritual methodology aimed at transforming the structure of human awareness. The term yoga derives from the Sanskrit root yuj, meaning union, signifying the integration of individual consciousness with

¹⁵⁵ Sharma, C. (2000). *A Critical Survey of Indian Philosophy*. Motilal Banarsidass.

universal consciousness. This philosophical foundation reflects yoga's central aim of inner integration and self realisation. Patanjali defines yoga as *chitta vritti nirodhah*, the cessation of the fluctuations of the mind.¹⁵⁶ This definition reveals a refined psychological understanding of mental functioning, according to which ordinary human consciousness is dominated by incessant mental modifications or *vrittis* arising from perception, memory, imagination, and emotion. These disturbances obscure deeper awareness. Yoga is therefore not primarily concerned with bodily flexibility but with stabilising the mind so that true consciousness may be directly experienced.

Classical yogic psychology provides a detailed analysis of the components of the human mind by distinguishing between *chitta*, the total mental field, *buddhi*, the intellect, *ahamkara*, the ego sense, and *samskaras*, the latent mental impressions formed through repeated experiences. These *samskaras* shape habitual patterns of thought and behaviour, causing individuals to function mechanically rather than consciously. Yogic discipline seeks to purify these latent tendencies through ethical practice, self observation, and meditation. As mental impurities gradually subside, awareness expands beyond conditioned reactions. This psychological model anticipates modern theories of cognitive conditioning and behavioural habit formation, demonstrating the empirical sophistication of ancient Indian thought.

Yoga further integrates physiological regulation with psychological transformation. Practices such as *asana*, *pranayama*, and meditation exert direct influence on the nervous system and emotional stability. Sivananda (1999) observes that regulated breathing calms mental agitation and enhances clarity of thought by stabilising the flow of *prana*.¹⁵⁷ The intimate connection between breath and mind recognised in yogic psychology closely parallels contemporary

¹⁵⁶ Patanjali. (2008). *The Yoga Sutras of Patanjali*. Translated by Swami Satchidananda. Integral Yoga Publications.

¹⁵⁷ Sivananda, S. (1999). *Concentration and Meditation*. Divine Life Society.

psychophysiological research on autonomic regulation and stress response. Through systematic bodily discipline, yoga gradually leads the practitioner from physical awareness to mental refinement and ultimately to higher consciousness. This graded methodology reflects a comprehensive science of inner development grounded in experiential verification.

Yoga philosophy emphasises the transformation of unconscious living into conscious living. Ordinary life is dominated by automatic reactions driven by habit and emotion. Yogic discipline cultivates sustained awareness, enabling individuals to observe their thoughts rather than be governed by them. This capacity for reflective self regulation constitutes the psychological foundation of moral and emotional maturity. In this sense, yoga functions not merely as a spiritual practice but as an applied psychology of consciousness development.

The scientific relevance of yoga has gained increasing recognition in recent decades. Modern neuroscience has begun to investigate the effects of meditation on brain structure and function. Wallace (2006) reports that sustained contemplative practice enhances attentional stability, emotional regulation, and cognitive flexibility.¹⁵⁸ Neuroimaging studies demonstrate structural and functional changes in brain regions associated with self awareness and emotional control among long term meditators. These findings empirically validate classical yogic claims that disciplined awareness transforms mental functioning. Rather than contradicting scientific investigation, yogic psychology supplies refined experiential categories that can guide empirical research into consciousness.

This growing convergence illustrates that the Indian Knowledge System and modern neuroscience are not antagonistic but complementary. While neuroscience excels in describing neural mechanisms, yoga provides first person methodologies

¹⁵⁸ Wallace, B. A. (2006). *The Attention Revolution: Unlocking the Power of the Focused Mind*. Wisdom Publications.

for exploring consciousness directly. The integration of these perspectives offers a more comprehensive approach than either could achieve alone.

IV. MODERN SCIENTIFIC APPROACHES AND THEIR CONCEPTUAL LIMITS

Despite significant empirical advances, contemporary scientific models of consciousness remain constrained by methodological and conceptual limitations. Neuroscience primarily adopts a third person perspective, analysing externally observable brain activity. Although this approach has clarified neural correlates of cognition, it remains unable to explain why physical processes should give rise to subjective experience. Chalmers (1996) argues that this explanatory gap cannot be resolved through further accumulation of data alone, as it concerns the fundamental nature of consciousness itself.¹⁵⁹ Scientific explanations also remain largely value neutral, focusing on cognitive efficiency rather than ethical orientation or existential meaning. This restriction limits their capacity to address psychological well being in a holistic sense. Rising mental health challenges worldwide indicate that technological progress alone is insufficient for human flourishing. In this context, the Indian Knowledge System offers a corrective by integrating psychological insight with ethical cultivation and inner development, dimensions largely absent from dominant scientific frameworks.

The methodological gap between third person science and first person experience has prompted increasing interest in interdisciplinary approaches that incorporate introspective traditions. Indian contemplative systems provide structured methodologies developed through centuries of disciplined observation, offering an invaluable resource for expanding contemporary consciousness studies beyond reductionist constraints. By combining empirical investigation with refined

¹⁵⁹ Chalmers, D. J. (1996). *The Conscious Mind: In Search of a Fundamental Theory*. Oxford University Press.

experiential inquiry, IKS contributes perspectives essential for addressing dimensions of awareness that remain inaccessible to purely external measurement.

V. IMPLICATIONS FOR HIGHER EDUCATION IN INDIA

The integration of the Indian Knowledge System into higher education holds profound significance for both academic scholarship and student development. Contemporary education systems, while technologically advanced, often prioritise technical competence and professional skill acquisition over inner development, ethical sensitivity, and psychological balance. This imbalance has contributed to rising levels of stress, anxiety, and value confusion among students. The Indian Knowledge System offers a corrective framework by emphasising self awareness, ethical self regulation, and holistic personality development as central aims of education. By incorporating IKS into interdisciplinary curricula, universities can foster a more balanced educational environment that cultivates intellectual excellence alongside emotional maturity and moral responsibility.

IKS based education also encourages critical reflection on the nature of knowledge itself. Classical Indian philosophy does not restrict knowledge to external observation alone but recognises introspective and experiential modes of inquiry. This broader epistemological framework can enrich contemporary pedagogy by promoting reflective thinking and self inquiry among students. Courses integrating neuroscience with Indian psychology can expose students to multiple perspectives on consciousness, enabling them to appreciate both empirical investigation and experiential understanding. Such integration fosters intellectual openness and methodological pluralism, strengthening academic rigour rather than diminishing it. The incorporation of yogic and meditative practices within educational institutions further contributes to student well being and cognitive performance. Research demonstrates that meditation enhances attentional stability,

emotional regulation, and resilience under stress.¹⁶⁰ These outcomes are directly relevant to academic success and personal development. By institutionalising such practices, universities can address the growing mental health crisis in a preventive rather than purely therapeutic manner. This approach aligns with the Indian philosophical view that psychological balance and ethical clarity are essential foundations for intellectual growth.

Moreover, integrating IKS into higher education strengthens cultural confidence and intellectual sovereignty. Indian universities have long relied predominantly on Western theoretical frameworks, often neglecting indigenous intellectual traditions. Recognising IKS as a legitimate knowledge system enables India to contribute original perspectives to global scholarship rather than merely importing external paradigms. In the field of consciousness studies, this integration allows Indian academia to offer a distinctive synthesis of ancient wisdom and modern science, positioning India as a global leader in interdisciplinary research on mind and awareness.

VI. CONCLUSION:

The Indian Knowledge System offers a comprehensive and multidimensional framework for understanding human consciousness that meaningfully complements contemporary scientific approaches. While modern neuroscience has advanced empirical knowledge of brain mechanisms, it remains limited in addressing subjective experience, ethical orientation, and higher states of awareness. Indian philosophical traditions, by contrast, place consciousness at the centre of human identity and integrate metaphysical inquiry, psychological analysis, ethical cultivation, and experiential discipline into a unified system of knowledge. Conceptual frameworks such as the pancha kosha doctrine and the

¹⁶⁰ Wallace, B. A. (2006). *The Attention Revolution: Unlocking the Power of the Focused Mind*. Wisdom Publications.

classification of four states of consciousness demonstrate a sophisticated understanding of the layered structure of human awareness that extends beyond the scope of reductionist models and provides deeper insight into the nature of self and experience.

Yoga further exemplifies the practical orientation of IKS as a science of consciousness. By refining mental activity through disciplined practice, yoga offers systematic methods for transforming habitual patterns of thought into sustained awareness. Contemporary neuroscientific research increasingly validates these insights by demonstrating the cognitive and emotional benefits of meditation, thereby confirming that ancient experiential knowledge and modern empirical investigation are not mutually exclusive but mutually enriching. This convergence strengthens the case for integrating first person contemplative traditions with third person scientific methodologies in the study of consciousness.

In an era marked by psychological distress, ethical uncertainty, and social fragmentation, the relevance of IKS extends beyond academic theory to practical human development. Integrating Indian philosophical and psychological insights with modern science enables a more complete understanding of consciousness that unites objective analysis with inner experience. For higher education in India, this synthesis promotes interdisciplinary scholarship, student well being, and cultural renewal. The Indian Knowledge System must therefore be recognised not merely as a historical tradition but as a living and dynamic knowledge system capable of shaping the future of consciousness studies.

FROM ANCIENT WISDOM TO MODERN CLASSROOMS: REVISITING LEGAL EDUCATION THROUGH DHARMA AND INDIAN KNOWLEDGE SYSTEM

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ABSTRACT

Legal education, as a cornerstone of justice delivery and democratic governance, must transcend mere technical instruction to cultivate ethical reasoning, social responsibility, and critical consciousness. Indian Knowledge Systems (IKS), rooted in the civilizational concept of Dharma, historically envisioned education as a transformative process aimed at intellectual liberation and moral development. This paper revisits the foundations of legal education through the lens of Dharma and IKS, tracing their historical evolution from ancient pedagogical institutions such as the Gurukul, Takshashila, and Nalanda, where dialogic learning, experiential reasoning, and ethical formation were integral to legal training.

"विद्या ददाति विनयं, विनयात् याति पात्रताम्। पात्रत्वात् धनमाप्नोति, धनात् धर्मं ततः सुखम्॥"

Meaning: Knowledge gives humility, from humility comes worthiness; from worthiness, wealth; from wealth, righteousness, and from righteousness, happiness.

The study critically examines how traditional methods such as Tarka, Shastrartha, and Sabha fostered analytical reasoning, debate, and participatory justice, and contrasts these approaches with the contemporary Indian legal education system shaped by colonial legacies, doctrinal rigidity, and an overemphasis on adversarial and rights centric frameworks. Against this backdrop, the paper explores the potential of integrating Dharma based jurisprudence and IKS inspired pedagogy into modern legal education, particularly in light of the National Education Policy, 2020, which emphasizes holistic, multidisciplinary, and value oriented learning.

Further, the paper situates Indian Knowledge Systems within the contemporary framework of legal education, arguing that Dharma operates as a jurisprudential concept compatible with constitutional values and capable of informing normative legal reasoning. Addressing contemporary challenges, including concerns relating to secularism, standardization, and academic rigor, the paper proposes informed policy recommendations for integrating Indian Knowledge Systems into legal curriculum in an inclusive and critical manner. It concludes that revisiting legal education through Dharma and Indian Knowledge Systems can contribute to the development of ethically grounded and socially responsive legal professionals.

KEY WORDS: *Indian Knowledge Systems; Dharma; Legal Education Reform; Experiential Learning; Jurisprudence; Ethical Legal Training.*

I. INTRODUCTION

The Indian Knowledge System (IKS) is a methodical and structured approach to transmitting knowledge from one generation to the coming. It distinguishes itself as a process of knowledge transfer rather than simply a tradition.

embedded in the Vedic literature, the Upanishads, Vedas, and Up Veddas, the IKS serves as a foundational principle honoured by the National Education Policy (NEP 2020). The core components of the Indian Knowledge Systems Jñāna (knowledge), Vignan (science), and Jeevan Darshan (philosophy of life) have evolved through a dynamic interplay of knowledge, observation, investigation, and rigorous analysis. This custom of confirmation and practical operation has left a profound impact on different fields similar as education, administration, law, justice, manufacturing, and commerce.¹⁶¹

Education is a pivotal pillar for the intellectual and artistic development of any society. Over centuries, India has developed a unique and vast knowledge system that encompasses diverse domains such as Ayurveda, Yoga, Astronomy, Linguistics, Mathematics, Environmental Science, Architecture, Ethics, and Philosophy. This indigenous knowledge is deeply rooted in India's civilizational heritage and has influenced global intellectual traditions.¹⁶² However, with the advent of colonial education policies and the increasing dominance of Western epistemologies, the Indian Knowledge System (IKS) has been sidelined in mainstream education. Today, as India advances towards becoming a knowledge superpower, there is an urgent need to reintegrate IKS into the formal education system.

The inclusion of IKS in contemporary education offers multiple benefits, such as fostering critical thinking, promoting cultural appreciation, and encouraging a multidisciplinary approach to problem solving. IKS provides a holistic understanding of the world, emphasizing sustainability, ethical living, and well being. For example, Ayurvedic principles in healthcare align with modern holistic

¹⁶¹ Dr. Salim Khan, Dr. Meeta Sharma, *An Overview on Indian Knowledge System*, 4, IJRAH, 42, 42, (2024).

¹⁶² Shrimalibhoi Nirajkumar Ramanbhai, Dr. Sujankumar Patel, *Integrating Indian Knowledge System (IKS) in Education: Roles of Teachers, Schools, and Governments*, IJSRHS, 2, 53, 54, (2025).

wellness trends, while ancient Indian mathematical concepts, such as Vedic mathematics, offer alternative problem solving techniques that enhance cognitive flexibility.

At the G20 Summit held on 22-23 November 2025 in Johannesburg, South Africa, Prime Minister Narendra Modi outlined a vision for inclusive global growth, emphasising initiatives that link traditional knowledge, skill development and security. Outlined a vision for Global Traditional Knowledge Repository, emphasising on traditional knowledge. These efforts highlight the importance of accessible information and vocational empowerment where opportunity, heritage and security come together to promote sustainable, human centred progress.

The Global Traditional Knowledge Repository seeks to preserve and disseminate India's centuries old scientific and medical heritage, enabling global innovation and wider recognition of indigenous systems. The Skills Multiplier Initiative aims to train one million trainers across Africa, strengthening communities through scalable vocational education. Collectively, these strategies exemplify the principle of leaving no individual behind and advancing inclusive, broad based growth at both national and global levels.

II. HISTORICAL AND CONCEPTUAL FOUNDATIONS OF DHARMA AND INDIAN KNOWLEDGE SYSTEMS IN LEGAL EDUCATION

Indigenous Knowledge Systems (IKS) represent ancient wisdom developed over thousands of years through the close interaction between communities and their natural environments. This knowledge arises from careful observation, practical experience, and its transmission across generations.

1. Historical Foundations of Legal Education in Ancient India

Legal education in ancient India was deeply rooted in the civilizational framework of Dharma, ethics, and holistic learning. Unlike the modern compartmentalized approach, ancient legal instruction was not confined to statutory interpretation alone but encompassed moral reasoning, social duties, justice, and governance. Institutions such as *Gurukuls*, *Takshashila*, and *Nalanda* served as centres where law, philosophy, ethics, and statecraft were taught in an integrated manner.

1.1 *Gurukul* System and Teacher–Student Pedagogy

The *Gurukul* system constituted the foundational pedagogical model of ancient Indian education, including legal learning. Under this system, students resided with their teachers, enabling close intellectual and moral mentorship. Legal instruction was primarily oral, relying on scriptures, commentaries, and interpretative discussions, emphasizing understanding, application, and ethical conduct rather than rigid codification.

This teacher–student relationship fostered personalized learning and moral discipline. The guru not only imparted legal knowledge but also inculcated values such as self-restraint, discipline, and social responsibility. Legal education, therefore, aimed at character formation rather than professional training alone.¹⁶³

1.2 Legal Education in Takshashila and Nalanda

Ancient universities such as Takshashila and Nalanda represented advanced institutional models of higher education. Takshashila, functioning as early as the 6th century BCE, offered instruction in law, polity, diplomacy, logic, and governance.

¹⁶³ Karan Singh Guleria, *Historical Perspective of Legal Education in Ancient India*, 4(2), Research Review Journal of Social Science, 45, 46, (2024), 10.31305/rjss.2024.v04.n02.007<https://rrjournals.co.in/> (last visited Jan 12 2026).

Legal education there focused on practical statecraft, dispute resolution, and the application of Dharmic principles in administration.¹⁶⁴

Nalanda Mahavihara was a highly organized residential university with an extensive curriculum that included Nyaya (logic), Dharmashastra, ethics, and jurisprudence. The pedagogy at Nalanda emphasized textual analysis, critical reasoning, and doctrinal debates, contributing to the development of structured legal reasoning and interpretative skills.¹⁶⁵

1.3 Role of Debates (Shastrartha) and Experiential Learning

A distinctive feature of ancient Indian legal education was Shastrartha, or formal scholarly debates. These debates tested students' mastery over legal texts, logical reasoning, and ethical clarity, serving as an early form of adversarial reasoning comparable to modern moot courts.

Experiential learning further strengthened legal education. Students observed dispute resolution mechanisms, administrative practices, and community governance, ensuring that legal learning remained socially grounded and context sensitive. This experiential approach enabled learners to internalize law as a living social institution rather than an abstract discipline.¹⁶⁶

¹⁶⁴ Mahesh K. M., P. S. Aithal & K. R. S. Sharma, *Literature Review on Indian Ancient University in Imparting Holistic and Multidisciplinary: To Create Indian Knowledge System (IKS)*, SSRN Electronic Journal, SSRN Paper No. 4714624,

https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4714624 (last visited Jan. 17, 2026).

¹⁶⁵ Pintu Kumar, *The Ancient Nalanda Mahavihara: The Beginning of Institutional Education*, 4 J. WORLD UNIV. F. 65, 65–79 (2011), <https://www.researchgate.net/publication/307908326> (last visited Jan. 14, 2026).

¹⁶⁶ Mrs. Jayati Sahu, *Impact of Ancient Indian Knowledge System and Technology on Teaching Learning Style*, 11, Gurukul International Journal, 25, 26, (2025), <https://gurukuljournal.com/impact-of-ancient-indian-knowledge-system-and-technology-on-teaching-learning-style/> (last visited Jan. 13, 2026).

1.4 Ethical Training and Character Formation

Ethical instruction formed the core of ancient legal education. The ultimate objective of legal learning was the realization of Dharma, which integrated justice, duty, righteousness, and social harmony. Students were trained to embody virtues such as impartiality, truthfulness, and compassion qualities essential for judges, administrators, and legal advisors.¹⁶⁷

Texts such as the *Dharmashastras* and *Arthashastra* reinforced the idea that law devoid of ethics was incomplete. Legal education thus sought to produce morally responsible individuals capable of administering justice in accordance with both legal norms and ethical principles.¹⁶⁸

2. Dharma as a Jurisprudential Concept

Dharma occupies a central position in Indian legal and philosophical thought, functioning as a comprehensive normative framework that governs individual conduct, social order, and institutional authority. Unlike narrowly defined legal rules, Dharma embodies a multidimensional concept encompassing moral obligation, social responsibility, and juridical order. It signifies that which sustains (*dharayati iti dharmah*) a principle that maintains harmony, justice, and balance within society.

In its moral dimension, Dharma prescribes ethical conduct grounded in notions of duty, righteousness, and self-restraint. It emphasizes personal responsibility and moral reasoning as integral to justice. Socially, Dharma operates as a regulative principle that structures relationships within the community, promoting social cohesion, reciprocity, and collective welfare. In its legal

¹⁶⁷ Guleria, *supra* note 3, at 46.

¹⁶⁸ Dr. Mahendra Subhash Khairnar, *Meaning, Nature and Scope of Indian Knowledge System with Reference to Legal System*, 12, Int'l J. of Research & Scientific Innovation, 814, 815, (2025) <https://rsisinternational.org/journals/ijrsi/articles/meaning-nature-and-scope-of-indian-knowledge-system-with-reference-to-legal-system/> (last visited Jan. 13, 2026).

dimension, Dharma informs norms of governance, adjudication, and dispute resolution, as reflected in classical texts such as the Dharmashastras, Arthashastra, and epic traditions.

Importantly, Dharma does not function as a rigid or uniform code. Its application is contextual, adaptive, and responsive to time (*kāla*), place (*deśa*), and circumstance (*pātra*). This inherent flexibility allows Dharma to operate as a dynamic jurisprudential concept rather than a static set of commandments, thereby enabling normative reasoning that is sensitive to social realities and ethical complexity.

2.1 Dharma vis à vis Modern Legal Positivism

Dharma really means something more than religion. It is from a root word which means to hold together; it is the inmost constitution of a thing, the law of its inner being. It is an ethical concept which includes the moral code, righteousness, and the whole range of man's duties and responsibilities.¹⁶⁹

The *Yajnavalkya Smriti* emphasizes Dharma as a layered source of authority, encompassing both sacred texts and lived customs. It states:

“वेदो धर्ममूलं स्मृतिशीले च तद्विदाम् ।
आचारश्चैव साधूनामात्मनस्तुष्टिरेव च ॥”

(“The Veda is the root of Dharma, along with the Smritis, the practices of virtuous people, and one’s own conscience.”) (*Yajnavalkya Smriti*, I.7).¹⁷⁰

A critical understanding of Dharma as a jurisprudential concept requires its comparison with modern legal positivism, which dominates contemporary legal education and practice. Legal positivism, particularly in its classical formulations, conceptualizes law as a system of rules derived from sovereign authority and

¹⁶⁹ Pandit Jawaharlal Nehru’s, *The Discovery of India*, 74-76 (Penguin India 2008).

¹⁷⁰ Rama Jois, *Legal and Constitutional History of India: Ancient, Judicial and Constitutional System*, 9, (Universal Law Publ’g Co. Pvt. Ltd., 2004)

institutional enactment. Legal validity, within this framework, is determined by procedural sources rather than moral content.

Dharma, in contrast, rejects a strict separation between law and morality. It views legal norms as inseparable from ethical purpose and social responsibility. While positivism prioritizes certainty, uniformity, and formal authority, Dharma emphasizes justice, fairness, and moral legitimacy. The authority of law, under a Dharmic framework, is derived not merely from institutional power but from its alignment with ethical values and societal welfare.

2.2. Debtor Creditor Relations: Dharma as Legal and Moral Duty

The Dharmashastras mention obligations which are guided by the dharma and not the law. For instance, the duty of a debtor to repay his creditor was not merely a contractual obligation under *Vyavahara*, but also a pious duty (Dharma). Similarly, the responsibility of sons to care for their aged parents was not framed only as family law but as Dharma itself. In practice, such obligations even though absent people used to follow because these practices are mentioned in dharma, ensuring justice through moral force rather than codified compulsion.

This duty based conception of justice extends across social roles, including rulers, judges, professionals, and citizens. Classical Indian legal thought emphasized the moral accountability of authority, where governance and adjudication were understood as fiduciary responsibilities rather than exercises of power. The legitimacy of legal decisions depended on their capacity to uphold social harmony, equity, and ethical balance.

Understanding Dharma as a jurisprudential concept is essential for reimagining legal education within the Indian Knowledge Systems framework. It offers a normative foundation for integrating ethical reasoning, contextual judgment, and social responsibility into legal training. By engaging with Dharma critically and academically, legal education can move beyond technical formalism

to cultivate reflective practitioners capable of addressing complex legal and social challenges.

2.3 Indian Knowledge Systems (IKS): Scope and Components

James Mackintosh said, “Legal History must form a special department by itself ... a separate and substantive study ... for the simple reason that the genesis and growth of the country’s law deserve and require independent treatment, it cannot be adequately worked out a mere incident in the general history”.

The knowledge system of Indians is key to sustain and popularize the increasing importance of legal education. It promotes multidisciplinary research on the topic of the Indian Knowledge Systems in the myriad of its aspects. It influences and mediates the further investigation to address the issues in society. Being an important constituent of the Vedic Bharatian laws and morals, Dharmaśāstras (DS) present us with an abundance of pieces of advice both in the management of the individual and governance of the society.

The IKS framework seeks to preserve, promote and apply indigenous knowledge in contemporary settings, including education, research, health, agriculture, biodiversity management and social governance. Its core purpose is to harness traditional wisdom for sustainable development, innovation and cultural continuity.

At the international level, several models offer useful guidance. South Africa's IKS framework, formalised in 2004 and implemented through the National IKS Office from 2006, emphasises social and economic development by strengthening education, research and locally relevant innovation.

India’s approach guided by NEP 2020, draws on ancient knowledge from the Vedas, Upanishads, Puranas and other classical texts to address contemporary challenges in health, agriculture and economics. It emphasises sustainability, ethical principles and the well being of communities. Together these frameworks demonstrate how indigenous knowledge can support cultural preservation,

strengthen problem solving capacities and advance sustainable development through time tested and context sensitive solutions.

Building upon this broader understanding, the scope of Indian Knowledge Systems (IKS) extends across multiple domains such as philosophy, law, governance, science, medicine, linguistics, art, ecology, and education. IKS is not confined to ancient texts alone but includes living traditions, community practices, and experiential knowledge systems developed through centuries of observation and practice. Its components encompass epistemological frameworks (ways of knowing), pedagogical methods, ethical principles, and applied sciences, all of which are interconnected through the normative idea of Dharma. In the context of higher education, particularly legal education, IKS offers alternative jurisprudential insights grounded in duty, social harmony, and ethical governance, complementing modern constitutional and rights based frameworks.¹⁷¹ By integrating textual knowledge with practice oriented learning and ethical reasoning, IKS provides a comprehensive and culturally rooted framework capable of enriching contemporary academic discourse and policy formulation.¹⁷²

III. PEDAGOGICAL FRAMEWORK FOR INTEGRATING INDIAN KNOWLEDGE SYSTEMS INTO LEGAL EDUCATION

Indian knowledge systems are not just for India; they are for the entire world. The Vedas, Upanishads, Yoga, and Ayurveda are universal in their appeal and application. They offer timeless wisdom on how to live in harmony with oneself, with others, and with nature. In an age of ecological crisis and spiritual

¹⁷¹ University Grants Commission, *Guidelines for Incorporation of Indian Knowledge System in Higher Education*, https://www.ugc.gov.in/pdfnews/1443724_IKS-Guidelines.pdf (last visited Jan. 13, 2026).

¹⁷² UNESCO, *Local and Indigenous Knowledge Systems*, <https://www.unesco.org/en/local-indigenous-knowledge-systems> (last visited Jan. 12, 2026).

confusion, India's ancient knowledge systems provide a roadmap for sustainable living and inner peace.¹⁷³

3. NEP 2020 and IKS in Higher Education

The National Education Policy (NEP) 2020 is a crucial step to mend this imbalance by advocating for the integration of IKS into contemporary education. This paper is an earnest endeavour to explore the historical and contemporary significance of IKS along with the pertinent challenges like lack of proper documentation, institutional resistance and the need for curriculum redesign for its seamless incorporation. The policy eventually aims to create a holistic education system that honours India's intellectual legacy and equips the students to address the challenges of the 21st century.¹⁷⁴ It is to be done by emphasizing the role of IKS in fostering cultural pride, interdisciplinary learning and sustainable development. The systematic and logical integration of NEP 2020 and IKS envisages an educational framework structure that bridges the past and the future to ensure that traditional knowledge systems are preserved, revitalized and made relevant in a competitive globalized world.

NEP 2020 advocates holistic and multidisciplinary education, integrating IKS with modern curricula to strengthen critical thinking, creativity and problem solving. Supported by extensive research on language learning, the policy recommends mother tongue instruction at least until grade 5. Early education in the mother tongue enhances comprehension and cognitive development, while multilingual proficiency equips learners for global communication.

The policy further prioritises essential twenty first century skills such as critical thinking, creativity, communication, collaboration, digital literacy, adaptability, leadership and information literacy. It promotes flexible and

¹⁷³ Frawley, David, *Awaken Bharata: A Call for India's Rebirth. Voice of India* (Bloomsbury India, 1998)

¹⁷⁴ Sooraj Kumar, Sibi C Babu, *Decolonizing Education and Reclaiming India's Intellectual Legacy: Integrating Indian Knowledge System in NEP 2020*, 3, TIJMR, 3, 4, (2025).

interdisciplinary learning that mirrors the interconnected reasoning found in both IKS and modern scientific inquiry. This approach fosters holistic problem solving and encourages innovation grounded in cultural and contextual understanding

3.2 Documentation, Digitisation and Knowledge Management of IKS

India has made significant strides in institutionalising IKS through a series of large scale national initiatives. One of the most prominent is the Traditional Knowledge Digital Library (TKDL), which documents over 450,000 formulations from Ayurveda, Unani, Siddha and Yoga. This extensive digital archive has helped prevent global misappropriation of traditional practices and strengthened India's position in international patent disputes.

The IKS Division under AICTE further advances this mission by promoting research, curriculum development and innovation through more than thirty two specialised IKS Centres across the country. Universities now have clear guidelines for developing textbooks and digital learning materials and students can even pursue a minor degree in IKS disciplines. The Division also funds research in areas such as ancient town planning, Ayurveda and Paninian grammar demonstrating how traditional knowledge continues to inform computational linguistics and modern scientific inquiry.

The University Grants Commission's project, Augmenting Study Materials in Indian Languages through Translation and Academic Writing (ASMITA) marks another important step. Implemented under the guidance of the Bhartiya Bhasha Samiti, ASMITA aims to produce twenty two thousand high quality books in Indian languages over five years. This initiative enriches higher education content, ensuring that university curricula remain rooted in India's intellectual traditions while meeting contemporary academic standards.

Culture's 'Gyan Bharatam mission, launched in 2025. Complementing these efforts is the Ministry of cultures 'Gyan Bharatam mission', launches in 2025, this initiative is creating a unified national digital repository of India's cultural and

intellectual heritage. Through large scale digitisation, conservation, cataloguing and public access, Gyan Bharatam brings manuscripts, artworks, historical documents and knowledge systems onto a single accessible platform.

Together, TKDI, ASMITA and Gyan Bharatam are transforming IKS into a dynamic, data rich knowledge ecosystem, supporting holistic development and offering practical solutions for education, health, agriculture, environment and cultural preservation.

3.3 Curriculum and Teaching Methodologies

Legal education pedagogy has been awash in positivist theory for a long time now, statutory interpretation, legal formalism, judicial precedence, and so alternative pedagogical strategies have been trying to break in as diversifying force. Nevertheless, to integrate the IKS, the notion of a more pluralistic approach should be more than Eurocentric epistemology and embrace the perspective of indigenous legal traditions. For this integration, theoretical foundations in terms of pedagogy must go from being more juridic to being more constructivist, experiential, interdisciplinary and narrative based, consistent with the legacy of historical jurisprudence and modern critical legal studies.¹⁷⁵ Rather than supplementing these legal curricula, these methodologies provide an entirely different basis for epistemology wherein law is posited within an ethically aligned, context and history grounded methodology.

3.4 Constructivist Approach to Legal Education

A constructivist approach to legal education rejects the notion of knowledge as a static body of rules transmitted unidirectionally from teacher to student.

¹⁷⁵ Dr. Kasturi Bhagat, *Pedagogical Approaches To Integrating Indian Knowledge System In Legal Education*, 12, *Bharatiya Jurisprudence and Indian Knowledge System: Vedas to Verdict*, 145, 148, (2025), 10.58532/nbennurBJIKSW12, (last visited Jan. 16, 2026)

Instead, it conceives legal knowledge as actively constructed through engagement with texts, cases, social contexts, and critical inquiry. Learning, within this paradigm, emerges from dialectical reasoning, interpretive engagement, and reflective interaction rather than passive absorption. Such an approach is particularly suited to the integration of Indian Knowledge Systems (IKS), which historically emphasized dialogic learning, debate, and interpretive plurality.¹⁷⁶

Applying constructivist pedagogy to IKS requires a deliberate and critical engagement with ancient legal traditions, textual hermeneutics, and jurisprudential synthesis. Classical legal texts such as the *Manusmriti*, *Arthashastra*, and *Yajnavalkya Smriti* are not treated merely as historical artifacts but as living sources of legal reasoning capable of informing contemporary jurisprudential debates. This pedagogical orientation situates legal education within a broader epistemological and cultural framework, allowing students to perceive law as a dynamic institution embedded in historical, ethical, and philosophical traditions rather than as a rigid, autonomous system.¹⁷⁷

3.5 Case Based Learning and Comparative Jurisprudence

Case based learning emerges as a particularly effective constructivist method for integrating IKS into legal pedagogy. Through comparative analysis, students can examine classical Indian legal principles alongside modern jurisprudential theories. For instance, Kautilya's conception of state responsibility and penal sanctions in the *Arthashastra* may be studied in comparison with Bentham's utilitarianism or Austin's theory of legal positivism.

¹⁷⁶ Capel, C., *Mindfulness, indigenous knowledge, indigenous innovations and entrepreneurship*, 16(1), JRME, 63, 67(2014), <https://doi.org/10.1108/jrme-10-2013-0031>, (last visited Jan. 14, 2026)

¹⁷⁷ Nyaya, *In Denotation of Generic Terms in Ancient Indian Philosophy*, The American Philosophical Society Press, 151, (1996) <https://doi.org/10.70249/9798893980592-014>, (last visited Jan. 15, 2026)

Such comparative engagement does more than juxtapose legal systems; it deepens conceptual understanding by situating legal doctrines within broader philosophical discourses. This method compels students to interrogate dominant legal assumptions and recognize alternative normative frameworks that emphasize duty, ethical balance, and social harmony. As a result, students develop critical reasoning skills and an appreciation for the diversity of legal traditions that inform contemporary legal systems.

3.6 Experiential Learning and Engagement with Indigenous Legal Institutions

Legal education cannot remain confined to abstract theoretical discourse; it must engage with law as a lived and evolving social reality. Experiential learning plays a crucial role in connecting IKS with legal pedagogy by facilitating direct engagement with customary and indigenous legal practices. Institutions such as Nyaya Panchayats, Lok Adalat, and other community based dispute resolution forums provide valuable insights into non formalized adjudicatory processes grounded in consensus, reconciliation, and ethical deliberation.¹⁷⁸

Fieldwork within these institutions allows students to observe oral jurisprudence in action, where disputes are resolved through negotiated settlements and community mediation rather than adversarial litigation. Such exposure enables students to critically examine the interaction between customary legal frameworks and the formal state legal system, particularly in light of constitutional imperatives. Issues relating to gender justice, caste based exclusions, and fundamental rights necessitate scrutiny to assess the legitimacy, adaptability, and ethical foundations of indigenous legal mechanisms.¹⁷⁹

¹⁷⁸ Gupta, R., *Manusmriti*, (Pustak Mahal, 2013).

¹⁷⁹ Prabha, D. (2021). Indigenous Knowledge Management vs Adam's Knowledge Management. *Acta Scientifica Agriculture*, 5(4), 44–45. <https://doi.org/10.31080/asag.2021.05.0968>, (last visited Jan. 17, 2026)

3.7 Interdisciplinary Methodologies

The meaningful integration of Indian Knowledge Systems into legal education demands an interdisciplinary approach drawing from philosophy, history, ethics, anthropology, and political theory. Indigenous legal traditions, developed over centuries, reflect complex normative, ethical, and epistemic structures that cannot be adequately understood through purely positivist analysis.¹⁸⁰

Indian jurisprudential schools offer rich resources for such interdisciplinary inquiry. The *Nyaya* school contributes sophisticated theories of logic, inference, and evidence that parallel contemporary standards of adjudication and proof. The *Mimamsa* tradition provides advanced principles of textual interpretation that can be critically examined alongside modern hermeneutical theories.

3.8 Pedagogical Outcomes and Contemporary Relevance

Integrating constructivist, experiential, and interdisciplinary methodologies grounded in IKS enables legal education to move beyond technical proficiency toward holistic intellectual and ethical formation. Such an approach fosters critical thinking, moral reasoning, and contextual awareness, equipping future legal professionals to address the complexities of legal pluralism and social justice.

By engaging with indigenous jurisprudence in a rigorous and critical manner, legal education can cultivate practitioners who are not only skilled in legal reasoning but also ethically grounded and socially responsive. This pedagogical framework aligns with contemporary calls for value based and contextual legal education and contributes meaningfully to the transformation of legal pedagogy in India.

¹⁸⁰ Andrae-Marobela, K., Okatch, H., Masizana-Katongo, A., Ngwenya, B. N., & Monyatsi, K. N., *The Dialectics of Indigenous Knowledge*. *AlterNative*, 8, An International Journal of Indigenous Peoples, 148, 155, (2012) <https://doi.org/10.1177/117718011200800204>, (last visited Jan. 16, 2026)

IV. ANALYSIS: EVIDENCE BASED EVALUATION OF IKS IN LEGAL EDUCATION

An analysis of recent policy developments, institutional practices, and pedagogical outcomes indicates a gradual but significant shift towards the inclusion of Indian Knowledge Systems (IKS) in legal education. The National Education Policy, 2020 provides formal recognition to indigenous knowledge traditions, creating an enabling framework for incorporating Dharma based jurisprudence within legal curricula. Several law universities have introduced courses on Indian jurisprudence, traditional dispute resolution, and legal ethics informed by indigenous philosophies, reflecting an emerging institutional willingness to diversify legal education beyond colonial frameworks.

4.1 Challenges in Implementing IKS in Legal Education

Despite the normative and pedagogical advantages associated with integrating Indian Knowledge Systems (IKS) into legal education, the process is fraught with multiple structural, institutional, epistemological, and practical challenges.

4.1.1 Institutional and Policy Level Resistance

One of the foremost challenges in implementing IKS in legal education is institutional resistance rooted in colonial legacies. The modern Indian legal education system is largely modelled on Western, positivist, and Eurocentric jurisprudence, which prioritizes codified law, adversarial litigation, and rights based frameworks. Indigenous legal traditions, including Dharma based jurisprudence, customary law, and restorative justice mechanisms, have historically been relegated to the margins of formal legal curricula. This resistance is further reinforced by regulatory bodies such the University Grants Commission (UGC), which emphasize a standardized curriculum aligned with the common law tradition.

4.1.2 Dominance of Western Legal Positivism and Epistemological Conflict

Another significant challenge lies in the epistemological divergence between IKS and modern legal positivism. Indian legal traditions are deeply grounded in moral duty (dharma), communitarian ethics, restorative justice, and contextual adjudication. In contrast, contemporary legal systems operate within frameworks of individual rights, codified statutes, and formal adjudicatory processes. This divergence raises concerns about conceptual compatibility, particularly in ensuring that IKS based teachings do not conflict with constitutional principles such as equality, gender justice, secularism, and non discrimination.

4.1.3 Lack of Standardized Curriculum and Academic Framework

The absence of a standardized and universally accepted curriculum for teaching IKS in law poses another major impediment. Unlike established doctrinal subjects such as constitutional law or criminal law, IKS lacks clearly defined learning outcomes, pedagogical models, and assessment mechanisms within legal education. This lack of standardization leads to inconsistencies in course design, content delivery, and academic rigor, making institutions hesitant to formally adopt IKS based courses.

4.1.4 Linguistic Barriers and Accessibility of Primary Texts

A critical practical challenge is the linguistic and interpretative complexity of ancient legal texts, many of which are written in Sanskrit, Pali, and Prakrit. Texts such as the *Manusmriti*, *Arthashastra*, *Dharmashastras*, and Buddhist legal traditions require not only linguistic expertise but also deep contextual and jurisprudential understanding. Existing translations are often influenced by colonial biases, which have distorted or oversimplified indigenous legal concepts.

4.1.5 Faculty Training and Pedagogical Constraints

The dominance of lecture based, doctrinal teaching further constrains the effective transmission of IKS, which traditionally relies on dialogic learning, ethical reasoning, and experiential engagement. Without systematic faculty orientation programs and academic collaborations with subject matter experts, IKS integration risks remaining theoretical rather than transformative.

Despite these challenges, successful examples of IKS integration exist. Currently, 38 formal IKS courses are offered across 12 universities, and around 8,000 institutions incorporate IKS content. The National Institute of Ayurveda (Jaipur) demonstrates the practical benefits of traditional knowledge, including vocational relevance and sustainable outcomes.

V. RECOMMENDATIONS

For meaningful integration of Indian Knowledge Systems (IKS) in legal education, practical and phased implementation strategies are essential. While the National Education Policy, 2020 provides the normative framework, regulatory bodies such the University Grants Commission should facilitate curricular reform by introducing IKS based modules as electives or interdisciplinary units, with a gradual integration into core law subjects including jurisprudence, constitutional law, environmental law, and legal ethics.

Institutional capacity building is equally crucial. Universities should establish dedicated IKS centres to coordinate research, curriculum development, and community engagement. Targeted faculty training programmes combining traditional knowledge, modern pedagogy, and digital tools must be prioritized. Digital initiatives such as annotated translations and open access repositories can improve accessibility to classical legal texts.

VI. CONCLUSION

It is rightly said that the road to success is never smooth. Implementation of IKS lessons faces several challenges. They are often context specific, orally transmitted, and less codified, with concepts that differ from modern scientific frameworks, making teaching complex. For instance, Maharshi Kanada's (6 2 century BCE) atomic theory predates John Dalton's (1766 1844) model, creating difficulties in comprehension and standardisation. Integrating IKS lessons with modern science therefore requires diligence, mother tongue instruction, robust teacher training, standardised assessments and recognition of their epistemological validity.

The integration of Indian Knowledge Systems into legal education represents not merely an academic reform but a transformative act of decolonization, aimed at re anchoring jurisprudence within India's civilizational and ethical foundations. Indian Knowledge Systems should not be confined to historical or cultural study but should function as a living and evolving source of legal thought, capable of enriching legal reasoning, pedagogy, and practice.

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BEYOND REACTIVE INTERVENTIONS: MAPPING INDIAN KNOWLEDGE SYSTEM FOR HOLISTIC DEVELOPMENT OF HIGHER EDUCATION STUDENTS IN AI ERA

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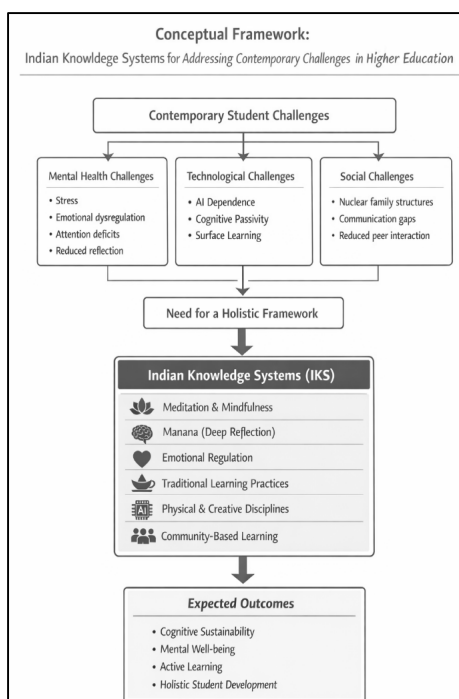
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ABSTRACT



Higher education institutions all over the world face a profound crisis in the youth, which is on display by declining mental well being, attention span, cognitive endurance, and self expression all amplified by Artificial Intelligence. Empirical evidence indicates that 57.4% of 72,288 first year students from 18 countries suffer from mental health difficulties ^[181]. In India, the crisis intensified to 13,000 students taking their lives during the year 2022^{[181][183]} Institutional responses are fragmented and

A policy-aligned, empirically grounded, cognitively framed study 'Indian Knowledge Systems as a sustainable educational architecture

reactive, prioritising short term interventions rather than developing

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frameworks for prevention. The AI era makes problems even worse with the "comfort growth paradox." Excessive use of generative AI develops "metacognitive laziness," in which students forgo important cognitive practices. This cognitive offload reduces active recall and deep problem solving, foundations in intellectual development. For this reason, students show a lack of conceptual understanding and a lack of creative confidence.

This study extends to Indian Knowledge Systems (IKS), which is a proactive systemic holistic framework for holistic developmental development of mind, emotions, and reasoning. Primary quantitative data of 51 higher education participants validate the findings. Notably, 68.6% agree with traditional IKS practices, and preventive frameworks got the highest rate of effectiveness (3.95/5.0), to validate Institutional Readiness to go beyond reactive models.

The framework of Pancha Kosh gives complete guidance for holistic development. IKS based pedagogic principles reclaim cognition: Manana (deep thoughts) means rigorous questioning; Shravana Manana Nididhyasana model allows for cognitive immersion through learning procession from receptive learning towards embodied wisdom. Research has made critical disclosures: 54.9% allow the impacts of negative screens; 52.9% encourage high inventive dependence of AI; however, 3.73/5.0 approve a balance and mindful technology association. Quantitative analysis revealed that there are four student segments that need differentiated intervention. 31.4% high risk, 33.3% moderate risk, 35.3% low risk. Faculty guided approaches turn out to be much more effective than stand alone practises.

Recommended interventions include reflective learning practises (3.77/5.0 effectiveness), meditation and mindfulness (88% effectiveness for emotional intelligence), emotional regulating techniques, and dharma centric pedagogical design. This is an evolutionary institutional change that is necessary for cognitive sustainability in the digital age.

The paper concludes that Indian Knowledge Systems embedded in the systems of higher education frameworks can provide cognitive sustainability, psychological resilience, and fuller student development. The findings offer policy relevant information for educators, institutions, and policymakers for the purpose of seeking culturally based, yet globally relevant reforms that are consistent with the goals of the National Education Policy (NEP) 2020.^{[185][182][189]}

We believe pedagogical frameworks derived from Indian Knowledge Systems, when integrated into curricular patterns in institutions, demonstrate a statistically significant decrease in cognitive offloading, metacognitive deficits, and psychological distress in contemporary students of higher education in comparison to the conventional models of reactive intervention.

KEY WORDS: *Indian Knowledge Systems (IKS), National Education Policy (NEP) 2020, Student Well being, Higher Education Reform, Empirical Research, Holistic Education.*

I. INTRODUCTION

We noticed something was wrong with how students were doing. Everyone around us seemed stressed most of the time. No one could focus. They were always on their phones or asking ChatGPT for answers instead of trying to think things out themselves. We'd talk to them and ask why, and they'd just shrug. They seemed to accept it as normal. This observation prompted our research.

We began by studying the environment around us carefully. Students consistently reported exhaustion. They struggled to maintain focus beyond thirty to forty five minutes. Many relied heavily on summarised content, videos, and artificial intelligence tools rather than engaging directly with source material. When

we asked why this pattern had become normalised, few could articulate a satisfactory answer. It was simply accepted as the current state of education.

Contemporary higher education has come to a critical juncture where institutional architectures of pedagogy have become increasingly maladaptive to the cognitive and emotional needs of people who are now learning in modern ways. This inquiry moves beyond simple enumeration of the crisis indicators to interrogate a more subtle dysfunction of the institutions: The abdication of responsibilities for crisis prevention in favour of symptomatic crisis management has acted as a sort of institutional default. Thus, educational institutions have effectively produced an externalisation of the development of intellectual resiliency to technologically designed systems that value efficiency over wisdom.

The "comfort growth paradox", which is growing at the forefront of the integration of AI, is the one that goes beyond a technical challenge, and is the symbol of an inflexion point in civilisation¹⁸³. When cognitive labour that is typically spent in algorithmic systems is absorbed, gridlocks us, and splits what had been radical independence of the mind and body, are accepted in the labour of cognitive practice, institutionalised thought is guilty of a Faustian bargain: technological convenience pays for decreased cognitive durability. This represents a problem essentially qualitatively different from previous problems that we may have faced in education in that it involves an erosion of the very means whereby human consciousness gains depth, resistance and integrative capacity, and not a scarcity or problem of resources and access.

The mandate given to the National Education Policy 2020 to incorporate Indian Knowledge Systems in higher education institutions was not in the spirit of revivalism, but rather as a pragmatic recognition¹⁸⁵¹⁸⁶¹⁸⁷. Traditional epistemologies embedded within IKS have sophisticated methods, which, in neurocognitive terms, make a lot of sense, precisely to remedy this institutional blind spot¹⁸⁸¹⁸⁷¹⁹¹¹⁹⁰. Yet, institutional adoption

remains tepid, fragmented and philosophically uncertain due, first and foremost, to the neglect (empirically) of the synthesis between old technologies of contemplations and modern technologies of cognitive sciences.

This research closes that gap by institutional and pedagogical research mapping practices that ask whether professional pedagogical frameworks rigorously derived from IKS could recalibrate institutional cultures toward a proactive mode of prevention rather than a more reactive mode of management. Rather than identify IKS as one of cultural restitution, this investigation grants it a place as a sophisticated cognitive architecture that can reinstall developmental processes that have been stunted by algorithmic systems. In this light, it puts pressure on a basic assumption of contemporary higher education: that technological augmentation necessarily promotes human intellectual flourishing.

II. OBJECTIVES OF THE RESEARCH PAPER

The modern life of higher learning is characterised by the growing number of difficulties related to the mental stability of students, their attention abilities, and the desire to gain meaningful learning. The rapid incorporation of technology, especially the use of artificial intelligence, has significantly changed pedagogical processes, thereby affecting the ability to focus attention, reflection, and cognitive acceptance in general. Together with the increased academic demand, students become increasingly challenged in their emotional self control and overall well being, which presents the limitation of education frameworks that objectively focus only on performance metrics. The article is a critical reflection on these current challenges and a description of why a more holistic, preventative approach to education is urgently needed.

Based on the keystones of the Indian Knowledge Systems (IKS), the discussion explores ways in which mainstream wisdom can be used to provide action oriented knowledge about emotional balance, conscious involvement, and

neurocognitive evolution. When one places the educational issues of the present age in the epistemological context of the IKS, the analysis results in the fact that ancient pedagogical principles already discuss most of the gaps found in the contemporary learning setups.

The paper goes on to describe a set of IKS based interventions designed to promote student welfare and enhance lifelong learning in the framework of higher learning. These suggestions include mindfulness, the dialectical learning framework and the treatment of community, which all lead to support commitment to resilience, self regulation, and long term motivation to academics.

In a theoretical problem solution frame, the research indicates the importance of incorporating Indian Knowledge Systems as a viable way of ensuring that a more humane, balanced and sustainable higher education ecosystem is created to provide a possible solution to the complex challenges brought forth in the present academic environment.

III. REVIEW OF LITERATURE & DATA COLLECTION PROCEDURE

The modern landscape of higher education can be described by a deep crisis of vulnerability among youth in the form of a strong decline in mental well being, cognitive endurance, and the ability to focus¹⁸¹. There is empirical evidence to suggest that 57.4% of students in their first year in eighteen countries experience mental health difficulties^[181]. In India, the situation has become critical to the point where student suicides have reached 13,000 cases in 2022, the tip of the huge "iceberg of student distress¹⁸²." Despite these alarming numbers, institutional

¹⁸¹ André Mason et al., Prevalence, Age-of-Onset, and Course of Mental Disorders Among 72,288 First-Year University Students from 18 Countries in the World Mental Health International College Student (WMH-ICS) Initiative, 183 J. PSYCHIATR. RES. 225 (2025)

¹⁸² Singh, M., & Nath, R. (2020). Education and cultural sustainability in India. *Indian Educational Review*, 58(1), 23–39

responses remain extremely fragmented and reactive: temporal and fixing favour short term interventions over structured and preventive establishment.¹⁸²

The advent of the AI era has made these challenges worse via the "comfort growth paradox."¹⁸³ While artificial intelligence promises an efficiency that has never been greater, its frictionless aid threatens to cause a vector of stagnation by doing away with the cognitive friction necessary for a developing human¹⁸³. Overstarting to rely too much on generative A.I. breeds "metacognitive lazy" whereby students drift from putting in the needed effort towards planning, monitoring and self reciting¹⁸³. This cognitive off analyst lessens opportunities for active recall as well as deep problem solving, which form the basic building blocks of cognitive development¹⁸⁴. Consequently, students who use AI assistance very often score low in conceptual understanding and show less confidence in being creative¹⁸⁴.

To overcome this crisis, the Indian Knowledge System (IKS) provides a more pro active holistic approach that fosters the growth of the "whole individual" mind, feeling and reasoning faculties¹⁸⁵¹⁸⁶. Central to this approach is the Pancha Kosh framework, which was derived from the Taittiriya Upanishad, and it delineates human existence in five interdependent layers from physical Annamaya, energetic Pranamaya, mental Manomaya, intellectual Vijnanamaya, and blissful Anandamaya¹⁸⁷. In contrast to Western models, which tend to silo academic learning, IKS argues that adventurous learning is an unsustainable direction for

183 Giuseppe Riva, The Architecture of Cognitive Amplification: Enhanced Cognitive Scaffolding as a Resolution to the Comfort-Growth Paradox in Human-AI Cognitive Integration, Humane Technology Lab., Catholic University of Sacred Heart, Milan, Italy (2025)

184 Binny Jose et al., The Cognitive Paradox of AI in Education: Between enhancement and erosion, 16 *Frontiers in Psychology* (2025)

185 Dr. Sunita Acharya, Integration of Indian Knowledge System into Higher Education through NEP 2020, 8 *INT'L J. RESEARCH CULTURE SOC'Y* 55, 55 (Sept. 2024)

186 Ms. Saraswati Maharana, Unification of Indian Knowledge System into Modern Education for Holistic Development via NEP 2020, 11(3), *IJARIE* (2025)

187 Dharna Malhotra et al., PANCH KOSH IN PRACTICE: REALIZING NEP 2020'S VISION OF HOLISTIC AND EXPERIENTIAL LEARNING, 5(6), *ShodhKosh: Journal of Visual and Performing Arts* (2024)

gaining academic knowledge when based on physical vitality, emotional stability, and interior joy¹⁸⁷¹⁸⁸.

Specific IKS based pedagogical principles are important in order to regain the cognitive agency of students in the era of artificial intelligence. These are Manana (deep contemplation), disciplined inquiry and reflective learning. Evidence based studies show the amazing benefits of incorporating practises like yoga and meditation into their classroom (IKS) to boost Emotional Intelligence (EI) and achievement. Notably, mindfulness is the critical mediator (88% of the effect of yoga on EI and 56% on academic achievement). Moreover, IKS brings to the forefront a dharma centric design whereby the technological thinking is harmonised with human values like dharma (righteousness) and satyam (truth) to ensure the good of the whole and the dignity of the individual.

This holistic shift is highly recommended by the National Education Policy (NEP) 2020, which envisages a complete change in the prevalent "rote learning" culture towards conceptual understanding and higher order cognitive capacities¹⁸⁹¹⁹⁰. By dissolving the stone walls between arts and sciences that now exist, NEP 2020 hopes to rekindle a long forgotten Indian tradition: the 64 Kalikas (arts) in India traditionally encompassed not just the scientific disciplines like chemistry, mathematics, etc., but also essential soft skills such as communication, debating, etc.¹⁸⁹¹⁹⁰

Nevertheless, the successful implementation of this system faces great difficulties, such as the lack of seriously trained faculty, a lack of factual learning materials, and the possibility of pseudoscience if IKS is taught without a rational

188 Wikipedia, Indian Knowledge Systems

189 Ministry of Human Resource Development, Government of India, National Education Policy 2020

190 Pushkar, The Coming Liberal Arts Wave in India, 109 International Higher Education Liberal Arts (2022)

and scientific look at it.¹⁹¹¹⁹² The synthesis of the nature of the integrated knowledge systems discovered in the world of religious ritual and around human interaction ultimately reveals that it is not only a return to tradition, but an evolutionary step forward, which is essential to secure cognitive sustainability and psychological effectiveness for students who cope with the complexities of the digital age¹⁸⁶.

IV. DATA COLLECTION PROCEDURE

Implementing mixed methods design, this study combined quantitative and qualitative methodologies to study the problem of well being among students in the framework of the higher education system. The descriptive, explanatory cross sectional design approach gathered information at a single point in time from 51 purposely sampled participants comprising various academic levels from undergraduate, postgraduate, doctoral and professional as well as varying disciplines from commerce, engineering, management, humanities, data science, law and medicine.

Primary data sources were collected through a structured questionnaire using Google form, which consists of a total of 14 Likert scale items with a 5 point scale to assess factors of mental exhaustion, attention span, cognitive endurance, memory retention, conceptual understanding and dependency on technological tools. A separate rating matrix of 10 items assessed the perceptions of effectiveness of Indian Knowledge System based interventions using 5 point scale parameters ranging from "No Impact" to "Very High Impact".

The independent variables of the study included demographic variables, and the dependent variables were mental well being, attention, cognitive resilience and

191 Mr. Khakchang Debbarma, NEP-2020 and Indian Knowledge System Implementation (A case study of Tripura Students), 3(12) The Academic – International Journal of Multidisciplinary Research (2026)

192 Dr. Pratima Mishra et al., Awareness of MED Students about the Concepts of the Indian Knowledge System and Its Applications in Education, 12(8) INTERNATIONAL JOURNAL OF RESEARCH AND SCIENTIFIC INNOVATION (IJRSI) (2025)

receptivity to interventions. Data analysis included descriptive statistics, correlation analysis and cross tabulation. Visualisations were created in Excel and Power BI.

Statistical validity was enhanced by having experts review the measure, conducting pilot testing, and assessing internal consistency. The anonymity of the survey helped to minimise response bias. Ethical safeguards included informed consent, assurance of confidentiality, voluntary participation and safe data storage.

Limitations of the study include the temporally constrained cross sectional design, possible self report bias, small numbers in the sample (n=51), and the fact that it was perception based rather than outcome based. These constraints highlight the explorative aspect of the findings and indicate that more research is required.

V. ANALYSIS

Increased scenarios among younger students can be linked with the lack of attention span, mental exhaustion, and online overload. The trend indicates the significance of preventative and self controlling strategies, including those provided by Indian Knowledge Systems, which aim at the control of attention, balance, and mindful technology usage.

SECTION 1: DEMOGRAPHIC PROFILE

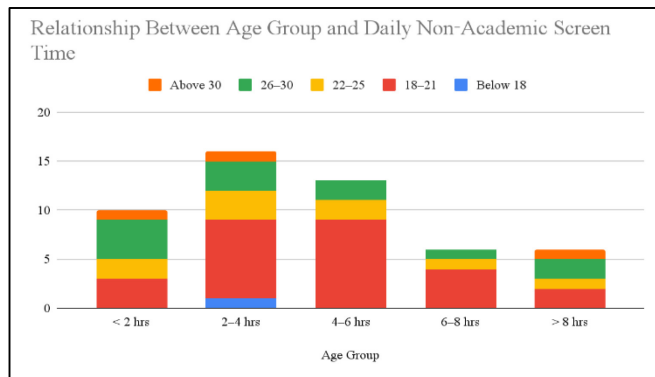
Age wise distribution of non academic screen time among students

Figure 1. Age wise distribution of non academic screen time among students

(Source: Responses of the Google Form made for this project)^{Error! Bookmark not}

defined.]

It is seen in the analysis that there is an obvious age trend in non academic screen time. The young population of students between 18 and 21 years has shown



to be more engaged in screens, with most of them dedicating more than four hours per day to non academic digital tasks. The older students, however, especially those who are 26 years of age and above, show

a relatively lower and controlled use of screens.

VI. MENTAL HEALTH AND COGNITIVE CHALLENGES ANALYSIS

The following table shows the average scores and the distribution of the responses on the key indicators of learning and mental health challenges that are faced by students in the existing AI driven education setting. It emphasises the comparative severity of all challenges depending on the perceived impact, which allows establishing the areas of concern of critical and moderate importance.

Table 1. Prevalence of Key Problems

Challenge Indicator	Mean Score	Status
Screen Usage Effects	3.55	Critical
AI Dependence	3.57	Critical
Attention Span Reduction	3.39	High
Mental Exhaustion	3.06	Moderate
Retention Difficulties	2.88	Moderate

Challenge Indicator	Mean Score	Status
Academic Routine Impact	3.08	Moderate
Focus Duration Issues	2.76	Moderate
Deep Understanding	2.65	Low
Handwriting Impact	2.43	Low

According to the research, the AI based and result oriented system of education represents a high cognitive load on students, which is manifested in the expanded time on the screen and the reliance on digital devices. These have a negative influence on attention span, mental energy and learning engagement, and the support mechanisms that are in place are mostly reactive.

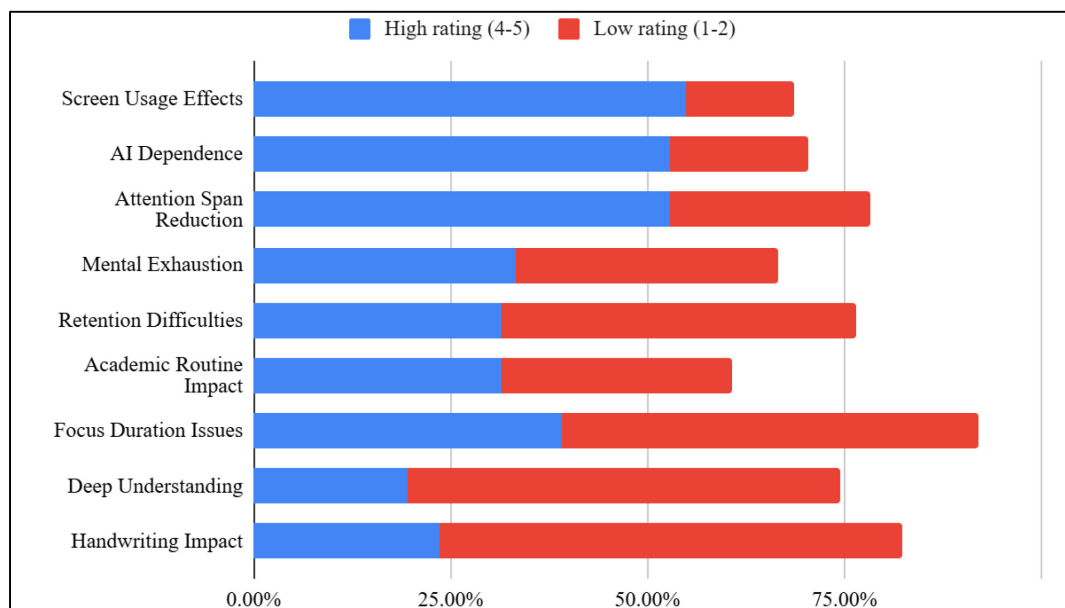


Figure 2. Source: Responses of the Google Form made for this project
not defined.

The results identify the potential of the Indian Knowledge Systems (IKS) as one of the preventive and holistic strategies that aim at focusing on the aspects of

attention, balance, and conscious use of technology to promote sustainable student well being during the AI era.

VII. AWARENESS AND OPENNESS TO SOLUTIONS

The following table describes the perceived effectiveness of different interventions of the Indian Knowledge System (IKS) in a ranking order as perceived by students. Mean scores and the percentage of high impact responses (responses with rating 4-5) are the way to determine priority areas to be practically integrated into the existing system of higher education.

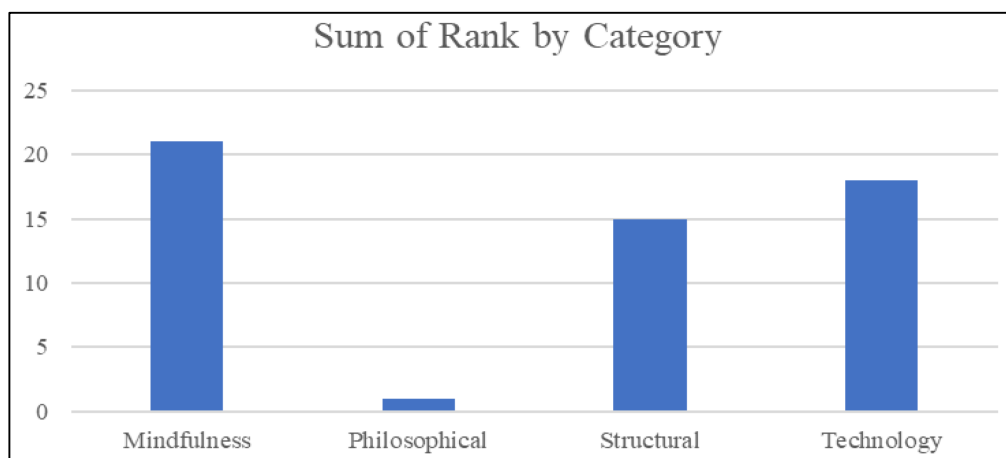


Figure 3. Perceived effectiveness of different interventions of the Indian Knowledge System (IKS) in a ranking order as perceived by students (Source: Responses of the Google Form made for this project)^[Error! Bookmark not defined.]

Rank	Intervention	Mean	% High Impact (4-5)	Category
1	Preventive vs. Reactive Well being	3.95	70.00%	Philosophical

Rank	Intervention	Mean	% High Impact (4 5)	Category
2	Reflective Learning (Journaling)	3.77	60.00%	Mindfulness
3	IKS Based Practices Within Subjects	3.75	57.50%	Structural
4	Mindful & Balanced AI/Digital Use	3.73	60.00%	Technology
5	Faculty Guided Workshops	3.6	57.50%	Structural
6	Offline/Reflective Learning	3.6	52.50%	Technology
7	Gradual & Voluntary IKS Adoption	3.6	45.00%	Structural
8	Digital Platforms for Well being	3.55	57.50%	Technology
9	Stress Management & Discipline	3.52	52.50%	Mindfulness
10	Brief Mindfulness (5 10 min)	3.27	42.50%	Mindfulness

Table 2. Perceived effectiveness of different interventions of the Indian Knowledge System (IKS) in a ranking order as perceived by students (Source: Responses of the Google Form made for this project)^[Error! Bookmark not defined.]

The findings indicate that the most effective IKS based interventions are perceived by students to be preventive well being strategies rather than reflective learning practices and IKS integration in academic subjects. Structurally integrated and continuous interventions are rated high as compared to short, standalone mindfulness activities. The responsible and careful application of AI is perceived as more effective than other solutions that are entirely technological as well. All in all, students have a definite inclination towards functional, holistic, and proactive uses of IKS that can be used to supplement the current AI based educational system. This aligns with the argument of the study that Indian Knowledge Systems will improve the well being of students when applied in a context and not as a theory.

VIII. OBSERVATIONS

We found the following observations after analysing the collected Primary Data while researching this paper.

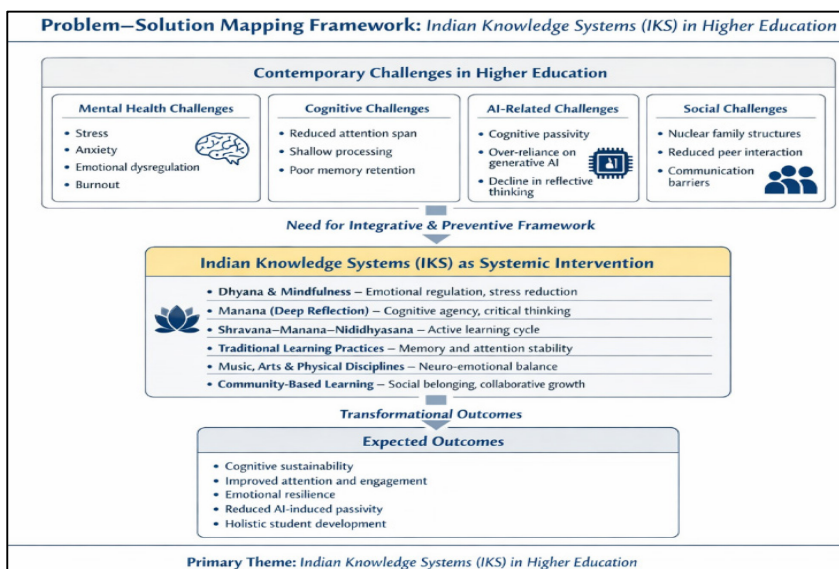
The quantitative analysis of 51 students from higher education institutions shows compelling evidence of institutional reform toward holistic and preventative frameworks. A significant 64.7% of the student population needs intervention first 31.4% is in high risk. Significantly, technology related challenges are the dominant ones, as it is 54.9% suffer from adverse effects of screen, while 52.9% can demonstrate that they also have a high level of AI dependence. Yet, a key discovery makes these findings come into focus: students have serious blind spots in relation to metacognition! They rate their comprehension quite highly (3.77/5.0) despite documented struggles with retention and deep understanding. This gap is an interesting space for reflective practises. The research premise receives a solid empirical validation. Students' masses endorse preventive approaches (3.95/5.0 the

highest rated intervention). Furthermore, 68.6% are in favour of traditional knowledge systems, with IKS based interventions ranking second and third in perceived effectiveness. Faculty guided approaches perform much better than these practices on their own, making the role of human centred support of learning particularly important. The data shed light on four different segments of students who need to be served with different pathways. This analysis provides a strong and evidence based basis for shifting away from a reactive approach to crisis management to a culturally grounded and sustainable approach to student well being towards achieving the aspirations of NEP 2020.

IX. RECOMMENDATIONS

This is a framework which is proposed for the phased implementation of Indian Knowledge Systems (IKS) in the institutions of higher education. Initially (0-3 months), institutions should focus on strengthening the preventive systems of well being, promoting reflective learning practises and initiating technology awareness campaigns. Subsequently (3-6 months), IKS should be incorporated into current curricula using faculty led workshops, utilising differentiated routes to fulfil assorted students. Medium term (6-12 months) efforts prevail, comprised of curriculum redesign focused on holistic development while involving faculty capacity building. Long term sustainability (12+ months) needs constant assessment systems able to measure impact and up scale effective interventions, to be responsive to contemporary student needs.

Figure 4. Problem Solution Mapping Framework (Source: AI Generated Image)



1. This tripartite model, Shravana Manana Nididhyasana, transforms learning from passive consumption to disciplined mastery.

- Shravana: This means systemised listening or exposure to veritable sources of knowledge, like teachers, scriptures, or approved content, where the modern world excludes this, also entails guided exposure to the AI content with the supervision of an academic.
- Manana: By engaging in logical reasoning (Tarka) about and with received or AI generated knowledge, students internalise wisdom, thus ensuring that they avoid the sort of thing that often happens with digital tools (superficial).
- Nididhyasana: Intensive absorbing absorption through thinking, meditation and re action, allowing the students to lower down the intellectual understanding into realised awareness and stabilised understanding.

2. Bio Cognitive: Focused Attention Training

- a. Pranayama: Controlled breath (such as Anulom ruler of dealing, and Vilom Delance) adjusts the sympathetic nervous system, lowering cortisol and shifting the ratio of absolute power brain currents EEG in the front in the theta and gamma word, key indicators of heightened attention and the level.
- b. Trataka: The steady gazing techniques works on improving ocular muscles coordination and mind endurance and can be defined as a non pharmacological intervention for digital eye strains and fragmented focus.
- c. Vedic Chanting; The "Sanskrit Effect": The rhythmic recitation builds grey matter bolus in areas of the brain implicated in memory transfers especially the hippocampus and higher ratio cognition.

3. Emotional: Raga Chikitsa and Pratipaksha Bhavana

- a. Raga Therapy: Listening to certain ragas, like Raag Bhairav to reduce stress levels, Raag Darbaari to increase right frontal cortex activity, and Raag Chhayana for the left frontal cortex, increases emotional control and reduces pre examination anxiety¹⁹³.
- b. Pratipaksha Bhavana: A Yogic "cultivating the opposite" technique in which the students are taught to deliberately substitute negative or dysfunctional thoughts with compassionate or positive thoughts; similar to current emphasis on Cognitive Behavioural Therapy (CBT).

X. CONCLUSION

The path being followed by higher education reform makes it seem required the systemic reconfiguration, which transcends institutionalised frameworks of cognitive and emotional powers of sustainability, way beyond episodic wellness initiatives. Future deployments of Indian Knowledge Systems within educational architectures will have to negotiate with some important paradigmatic issues:

193 Shrinit Babel et al., Impact of Listening to Indian Classical Music, or Rāgas, on the Electroencephalogram: A Meta-Analysis, 15(11) Cureus (2023)

creating empirically robust validation methodologies that avoid pseudoscientific appropriation while respecting epistemological authenticity; building such delivery mechanisms at the faculty level as they are scalable and yet create the collateral of comprehensive faculty mediation in their delivery while preserving the disciplinary and institutional heterogeneity of the institution; and building such assessment instruments where it is not only minimizing psychological symptomatology but rather making cognitive endurance and conceptual understanding qualitatively transformative.

Longitudinal studies that follow cohort paths along the way of semester long and multiple year implementations will show evidence regarding the nuances of the sustainability of IKS and variances in their differentiated efficacy for different student subpopulations. Institutional adoption models will require new types of hybrid pedagogical frameworks that incorporate principles of IKS (especially the Shravana Manana Nididhyasana scaffolding) that are combined with new insights emerging from neurocognitive science, coupled with technology mediated learning optimisation.

Future research trials would ask questions related to the 'synergy' possibilities of IKS practices as compared to contemporary psychological interventions by challenging mechanisms by which traditional epistemologies recalibrate neural substrates and autonomic functioning. Crucially, parental permissive adoption models institutionalised into policy frameworks need to graduate toward obligatory structural integration models to cope with equitable access across the socio economic strata and yet inculcate the pedagogical rigour. Ultimately evolution of Indian higher education remains a civilizational imperative as well: designing institutional educational ecosystems that will support the articulation of technological integration that enhances rather than replaces human cognitive agency with simulated and mediated human cognition that will generate graduates with simultaneous technological competence, psychological capacity to

endure, and contemplative wisdom – essential for human sexuality as prerequisites to living in complex, AI mediated global futures with intellectual and existential integrity.

Developing a generation of students who are technically competent and cognitively fragile is an alarming issue. The high levels of exhaustion described by students in disciplines with a high degree of elite – like characteristics, such as engineering and data science, highlight the realisation that human cognitive resources are finite and are currently being discharged faster than they are replenished.

The Indian Knowledge System provides a time tested, empirically validated technology for this reversal of depletion. By embedding the methodology of the Shravana – Manana – Nididhyasana in the Indian Universities, one could develop cohorts of graduated students who could have not just information, but the "Cognitive Endurance" and "Wisdom" that the students will need to lead in a digital complex world. The NEP 2020 provides the mandate; the student distress data provides the urgency; and the IKS traditions provide the solution.

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TRANSFORMING HIGHER EDUCATION THROUGH THE INDIAN KNOWLEDGE SYSTEM: A GLOBAL PERSPECTIVE

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ABSTRACT

The part of the revolution of higher education in this paper is through the Indian knowledge system (IKS). IKS is a massive intellectual tradition that encompasses philosophy, science, arts, mathematics, government, etc.¹⁹⁴ The system has not been given much attention despite its enormous contribution to the world's knowledge because of the dominance of the Western systems of education. The National Education Policy 2020 (NEP) has become an upheaval in the education practice in India¹⁹⁵, and particularly in the field of higher education and the enactment of the Indian Knowledge System (IKS). IKS is constructed from the cultural, philosophical, and intellectual heritage of India. India can also assume the role of rearing a new generation of thinkers and doers by inculcating IKS with higher education that will be anchored on the knowledge of the present and the wisdom of the past.

India is a country that is rich in terms of knowledge and practices that have been deeply etched in the history of man. All this wealth of knowledge was written on palm leaf manuscripts and preserved through the old traditions that are passed on by one generation after another, and when we think of the ancient Indian knowledge system and its applications, what first comes to our mind is its richness

¹⁹⁴ Kapil Kapoor, *Indian Knowledge System: Nature, Philosophy, and Character*, in INDIAN KNOWLEDGE SYSTEMS 1, 12 (Kapil Kapoor & Avadhesh Kumar Singh eds., 2005).

¹⁹⁵ Ministry of Education, Government of India, *National Education Policy 2020* (2020).

and everlasting nature. It was quite a harsh era, and the young minds were not aware of their personal philosophy, culture, and values. The university program does not provide adequate space where the students can identify with their roots. There are also the Smriti traditions, which involve the Bhagavad Gita, Puranas, Epics, etc., providing an immense source of intellectual literature. The paper goes on to highlight the growing popularity of Indian Knowledge Systems in the world, particularly in the area of yoga and Ayurveda, which have found acceptance at the academic and professional level around the world¹⁹⁶ & ¹⁹⁷. Moreover, the paper also critically analyzes the issues that accompany the implementation of the IKS in modern curricula, including the issues in standardization of the curricula, institutional opposition, and disjointed strategies.

The analysis of several case studies on Indian and international institutions enables the study to determine the successful integration of IKS within the higher education systems, where achievement would be obtained. The paper concludes that Indian knowledge systems are very important in determining a transformational educational paradigm in which wisdom will complement modern scientific knowledge. This paradigm leads to inclusive, multidisciplinary, and value based curriculum development. Higher Education facilities may be able to obtain leaders capable of handling complex issues in the world by including IKS, as far as integrating technology and tested tradition are concerned.

KEY WORDS: *Indian Knowledge System (IKS), Higher Education (HE), National Education Policy 2020 (NEP), Curriculum Integration, Holistic Education, Global Perspective.*

¹⁹⁶ Andrea R. Jain, *Selling Yoga: From Counterculture to Pop Culture* (2015).

¹⁹⁷ Marine Viale & Mark Vicol, *Conserving Traditional Wisdom in a Commodified Landscape: Unpacking Ayurveda in Europe*, 14 J. AYURVEDA & INTEGRATIVE MED. 100667 (2023).

I. INTRODUCTION:

THE EPISTEMIC CRISIS OF HIGHER EDUCATION WORLD WIDE

The world of HE is at a critical juncture with a profound epistemic crisis that calls in question what the university is about at all in the 21st century. For almost three hundred years, the dominant model in HE has been based on Western epistemological paradigms¹⁹⁸ Whilst this model has led to the development of technologies, it has also been the cause of a deadlock between human comprehension, dissociating "fact" and "value" as well as "intellect" and "self". The reductionist methodology has resulted in an "existential gap" in the education system a cycle that produces technically skilled graduates, yet, in most cases, lacking moral principles and emotional stability.

Historically marginalized by virtue of colonial modes of education started by Macaulay's Minute of Education (1835)¹⁹⁹ indigenous forms of pedagogy was made "invisible" within the formal university structure. However, the National Education Policy (NEP) 2020 in India, is a paradigm shift and brings out the need of reintegration of IKS in order to foster "cultural rootedness" along with global competence explicitly. Such an effort is consistent with global so called "epistemic justice" movements²⁰⁰, which have similarities with movements in New Zealand and Canada, to have Indigenous Knowledge Systems introduced in Western university schemes.²⁰¹

THE INTELLECTUAL VOID: MORE THAN THE "ADD ON" MODELS

Notwithstanding the policy impetus, one important critical theoretical limitation in current implementation of IKS is that it takes IKS as an "add on" and

¹⁹⁸ Martha C. Nussbaum, *Cultivating Humanity: A Classical Defense of Reform in Liberal Education* (1997).

¹⁹⁹ Thomas Babington Macaulay, *Minute on Indian Education* (1835).

²⁰⁰ Mason Durie, *Mātauranga Māori and the Interface with Science*, in *MĀTAURANGA MĀORI AND THE INTERFACE WITH SCIENCE* 15 (2005).

²⁰¹ Marie Battiste, *Indigenous Knowledge and Pedagogy in First Nations Education* 12 (2002).

not as a different "lens" through which knowledge is organised. The current, continuing but dominating model is of the assumption of "Modern Education + Some Indian Content IKS Integration." This particular paper is intended to argue that this is not integration that is the real gap rather the restructuring of the way that the universities think about knowledge. Furthermore, there is a humongous "Measurability Gap" as well.²⁰²

II. THESIS STATEMENT

This paper argues that IKS integration in the HE sector will need to preserve beyond the cosmetic incorporation of cultural contents and making a deeper rethink of the architecture of the curriculum through the epistemic prism of Indian traditions from disciplinary silos to interconnected areas of *Vidya* and *Shastra*. In addition to this, it contends that such integration is necessary to offer a necessary corrective to the existential crisis of modern education through a focus on the holistic development of the learner through constructs such as Panchakosha *etc.*

III. PROBLEM OF STATEMENT

While the philosophical merit of IKS is well documented, there is too little research done on trans-cultural applicability and structural compatibility of the IKS with modern, globalized frameworks of H.E. Specifically, "whether or not IKS pedagogies are or can be successfully standardized so that they would be internationally accredited and still retain their holistic essence is unknown."

IV. METHODOLOGY OF THIS RESEARCH

DOCTRINAL ANALYSIS:

This method is an in-depth examination of both primary sources (classical Indian texts, the National Education Policy 2020) and secondary sources (school of

²⁰² Research Gap Analysis, *The "Measurability" Gap in IKS Implementation 1* (2023) (unpublished manuscript).

Thought connecting academic literature in education philosophy) in order to know the conceptual foundations of IKS.

ANALYTICAL APPROACH:

Critical evaluation of the insights, constraints and friction points in the global implementation of IKS (not pure empirical survey, which is not suited for philosophical policy research).

COMPARATIVE RESEARCH METHOD (GLOBAL PERSPECTIVE):

The integration of IKS and the pedagogies of Maori Education (Matauranga) in New Zealand and First Nations in Canada in an endeavour to find the universal struggles in the decolonizing of curriculums.

V. DISCUSSION AND ANALYSIS

The Theoretical and Epistemic Basis of IKS

In order to reform the HE, it is important to identify the ontological difference between Indian and the western education. Western education splits the learning into a number of different specialized disciplines, whereas the IKS is based on the principle of Ekata (unity).

Reimagining Curriculum Structure

Modern universities separate the knowledge into "departments" (e.g. Physics, Philosophy). IKS is an organisation of knowledge through Vidya (knowledge), Shastra (science) and Kala (arts). In Western models such as these oftentimes 'Logic' is a sub discipline of Philosophy. In IKS, one of the basic means required for all of inquiry is Nyaya Shastra (Logic/Epistemology)²⁰³, which is also required for law and medicine. Nyaya includes the set of rules for valid knowledge (Pramana), considering the fact that doctor cannot be a practicing doctor without

²⁰³ Jonardon Ganeri, *The Lost Age of Reason: Philosophy in Early Modern India 1450–1700* (2011).

knowledge on logical inference.²⁰⁴ The division of "fact" and "value" is alien to IKS, and in Ayurveda, physical treatment of disease is not separate from ethical behaviour of the patient (Sadvritta).²⁰⁵ Therefore, to undergo transformation in the HE, there is a need to revamp the curriculum to include these frameworks which are not linear in nature.

The Ideal Graduate Panchakosha Vikas

Western liberal arts are attempting to produce the "well rounded citizen." I continued one step further, and its purpose is Self Realisation, IKS. The "ideal graduate" is not only good at skills but also "inner directed." This is translated into the model of Panchakosha (five sheaths): Based on physical, mental and spiritual level, checklists are going to be designed to most reflect the following levels:

- Annamaya (Physical): Diet, physical resiliency.
- Pranamaya (Vital) Breath control, focusing.
- Manomaya (Emotional): Emotional intelligence, Arts.
- Vijnanamaya (Intellectual): Critical thinking, logic.
- Anandamaya (Spiritual)," Inner Peace, Service (Seva)."

VI. Global Comparative Perspective on Integration of IKS

To ensure a successful incorporation of IKS into a HE framework, there is a clear need to discuss how other post colonial states have responded to "the dominance of Western systems." These examples not only operate concurrently to the presence of IKS, but also serve as a validation procedure in regards to "the upheaval" that is intended by NEP 2020.

²⁰⁴ Briggs, R., Knowledge Representation in Sanskrit and Artificial Intelligence, 6 AI MAG. 32 (1985).

²⁰⁵ G.L. Krishna, Ayurveda and the Scientific Method, 14 J. AYURVEDA & INTEGRATIVE MED. 100 (2023).

NEW ZEALAND

The New Zealand experience of integrating Mātauranga Māori (indigenous knowledge) provides a ready precedent for the IKS challenge of integrating Smriti traditions (remembered wisdom like Puranas/Epics).

IKS Connections: the importance of "the richness of ancient Indian knowledge," Maori knowledge was similarly subordinated. Nevertheless, modern day universities have adopted the "Mauri Model" of engineering, which finds its roots in Western cost benefit analysis and Maori "Mauri," or "life force."²⁰⁶

Application to India: This immediately serves to achieve IKS' goal of "integrating technology and tested tradition." If this is what New Zealand has been able to do for its evaluations of civil engineering works from the standpoint of "life force," then Indian universities can certainly bring this into environmental science to make IKS not only "a historical artefact" but truly scientific.

Canada: "Two Eyed Seeing" IKS Synthesis Goal

The Canadian idea of "Two Eyed Seeing"²⁰⁷ (Etuaptmumk) or seeing the world with one eye on Indigenous strengths and the other eye on Western strengths is a perfect analogy for the development of the vision for the education outlined, which is "anchored on the knowledge of the present and the wisdom of the past."²⁰⁸

The connection with IKS: The concept states that rather than being a relic, IKS must follow thinkers and doers. By acknowledging "Elder teachings" as credit worthy, Canadian universities such as Trent University have operationalized this.

²⁰⁶ Dan Hikuroa et al., *Integration of Indigenous Knowledge and Science*, 2 INT'L J. SCI. SOC'Y 105 (2011).

²⁰⁷ Univ. Can., *Enhancing Indigenous Education* (2023).

²⁰⁸ Marie Battiste, *Indigenous Knowledge and Pedagogy in First Nations Education* (2002).

By providing a model for how Acharyas or traditional Vaidyas (Ayurvedic doctors) can work alongside PhD holders as faculty members in contemporary universities, this fills the "Institutional Integration Gap" in India.

Validating Holistic Education: The Canadian emphasis on "place based learning" is similar to the Indian Gurukul system which laid emphasis on learning in conjunction with nature (Prakriti). It offers a modern and accredited model of the Aranyaka (forest academy) style of learning preached in the ancient Indian literature.

The Worldwide Impact: Ayurveda and Yoga versus Commodification

Certain areas of IKS are increasingly gaining popularity in the world, especially when it comes to yoga and Ayurveda. However, a comparative analysis highlights an important divergence of popularity and epistemic integrity. As a result,

Indigenous Medical Knowledge Commodification: A statement from a paper in the Indian Journal of Medical Research states, "The commodification of the religious system of medicine in the West, of which Yoga and Ayurveda have gained acceptance at the professional level". Research has shown that the Western world sometimes absorbs these religions and simplifies them into physical exercise or herbal supplements, not to their Vedic and Darshana (philosophical) roots. This stands in contrast to the way the South African Ubuntu movement focuses on deep philosophical values and less on commercial utility.

The Lesson for IKS: The "global perspective" is seen to warn India that "popularity" is not the same thing as "educational revolution." For IKS to really "transform HE" as per the title, it must not incorporate the Western

commodification model. Instead, it needs to follow the New Zealand/Canada model, where indigenous knowledge is institutionalised as a system of logic and values and not just as a consumer product. This guarantees that the "richness and everlasting nature" of IKS is preserved in the university curriculum.

VII. Proposed Frameworks for Original Innovation

In order to address the "Measurability," "Institutional," and "Digital" gaps in IKS research, this paper proposes three new frameworks. These frameworks go beyond existing ones. These recommendations offer unique approaches to implementing the "transformational educational paradigm."

"Digital Dharmic Twin": Closing the Distance in Measurability The inability to assess the holistic growth of a student (Panchakosha) with the help of Western metrics like CGPA is one of the main reasons for the lack of integration of IKS. This paper suggests the concept of a "Digital Dharmic Twin" which is an AI based dynamic student portfolio.

Concept: Similar to an engineering "Digital Twin", a Digital Dharmic Twin would not only virtually showcase a student's growth through the five sheaths (Koshas) but also do it on a real time basis.

Implementation: Instead of creating a transcript the university would create a profile that is electronic and can be modified which is the same as the process of making a regular transcript.

Original Contribution: This movement of IKS, philosophy to a quantifiable and tech integrated system. It employs modern AI to validate ancient developmental models, which indirectly tackles the "Measurability Gap" by setting a new standard of academic value that transcends grades.

VIII. The "Civilizational Credit Framework" (CCF) To address the "Institutional Integration Gap,"

Universities need to go beyond standard credit transfers.

The Issue: Current systems award credit only for "hours spent in a classroom." They ignore "lived experience" gained in traditional settings.

The Innovation: With CCF, students would receive credit for time spent in experiences similar to Guru Shishya apprenticeships (such as learning metallurgy from a traditional ironsmith). This would be based on matching their skills with Pramana (valid means of knowledge) rather than just attendance.

Outcome: This approach gives academic validity to the "wisdom of the past" thereby helping to decolonize the university's administrative structure.

IX. The Control of Knowledge

The Need for an "Epistemic Audit" One of the big areas of conflict is that of political polarization with respect to IKS. The IKS drive is feared to induce "Saffronization"²⁰⁹ promotion of ideology by means of decolonization. To tackle this issue, this paper moots an "Epistemic Audit."

Mechanism: In the same way as a university has a monetary audit of finances, there could be an "Epistemic Audit" of knowledge sources. The questions to be asked might be: "What percentage of knowledge sources is non Eurocentric? Are teachers imparting IKS in a dogmatic form or in a critical form of science?"

Objective: This auditing effort will stop the misuse of IKS as an instrument of propaganda. This is because "epistemic restructuring" will retain its rigor and intellect, which instead forge "thinkers and doers" and not mere "followers."

²⁰⁹ Shalini Sharma, Decolonisation or Saffronisation? The Politics of Higher Education in India (2019).

X. CONCLUSION

The transformation of HE through the IKS aims to address the "epistemic violence" of colonial education that has cut students off from their cultural roots. Looking at New Zealand and Canada shows that "indigenizing" universities is part of a global movement. For India, the way forward involves going beyond the "add on" model to fully integrate Vidya and Shastra. This paper introduces original frameworks: Digital Dharmic Twin and Civilizational Credit Framework. These provide practical methods to achieve this goal. These innovations do not merely "preserve" the past; they actively engage with it for the future. This approach ensures that the IKS "revolution" represents a real change. Ultimately, an IKS based university seeks to create a "Purna Manava," a complete human being who is technically skilled, ethically aware, and spiritually vibrant. In a world facing issues like sustainability and mental health, this "Indian" perspective is urgently needed as a "Global" solution.

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INFORMATIONAL SELF DETERMINATION AS HUMAN DIGNITY IN DIGITAL HIGHER EDUCATION: AN IKS FRAMEWORK UNDER ARTICLE 21

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ABSTRACT

The rapid digitalization of higher education has significantly expanded the collection, processing, and utilization of personal data relating to students, faculty, and researchers. Universities and educational platforms increasingly rely on data driven technologies for admissions, evaluation, learning management, and research administration. While such practices promise efficiency and innovation, they simultaneously raise profound constitutional questions under Article 21 relating to privacy, dignity, and informational autonomy as affirmed in K.S. Puttaswamy v. Union of India (2017).

Contemporary data governance frameworks, largely shaped by consent based and market oriented models, often reduce personal data to a tradable resource, inadequately addressing structural power imbalances between educational institutions and individuals. This paper examines the human right to informational self determination in higher education through the lens of Indian Knowledge Systems (IKS), positioning privacy not merely as a legal entitlement but as an expression of human dignity rooted in Atman (selfhood). Indian epistemological traditions conceptualize knowledge as ethically bounded, relational, and responsibility oriented, rather than as an object of absolute ownership or unrestricted use. Principles such as Dharma (righteous conduct), Swadharma (self duty), and custodianship embedded within texts like Manusmriti,

Arthashastra, and Upanishads impose moral limits on the acquisition and use of knowledge about individuals.

By juxtaposing Puttaswamy era privacy discourse with IKS perspectives, the paper critiques the adequacy of consent centric data practices in safeguarding dignity within educational ecosystems. It highlights how informational asymmetries and institutional authority often render consent formalistic rather than meaningful, thereby undermining genuine autonomy protected under Article 21. The study proposes an IKS inspired framework in which educational institutions function as ethical trustees (data fiduciaries) of personal data, bound by duties of purpose limitation, proportionality, and accountability aligned with Neeti Shastra. Such a framework re conceptualizes informational self determination as a continuous right rooted in dignity, rather than a one time contractual waiver.

By integrating Indian Knowledge System principles into contemporary human rights discourse, the paper demonstrates their global relevance in addressing digital transformation challenges in education, particularly through the National Education Policy (NEP) 2020's multidisciplinary approach.

KEY WORDS: *Article 21, Indian Knowledge Systems, Informational Self Determination, Atman, Data Fiduciary, Higher Education, NEP 2020, Digital Governance, Puttaswamy, Neeti Shastra*

I. INTRODUCTION:

The rapid digitalisation of higher education in India has transformed universities into data intensive ecosystems, where student records, learning analytics, and research profiles are continuously collected, processed, and monetised through edtech platforms and AI driven tools. While promising efficiency in admissions, assessments, and personalised learning, this shift raises

profound constitutional concerns under Article 21 of the Indian Constitution concerns of privacy, human dignity, and informational self determination affirmed in *K.S. Puttaswamy v. Union of India* (2017). Prevailing consent based data governance models, often market oriented, treat personal information as a tradable commodity, exacerbating power imbalances between institutions and individuals, rendering autonomy more formalistic than substantive.

This paper reconceptualises informational self determination through Indian Knowledge Systems (IKS), rooting privacy not merely in negative legal rights but in the affirmative ethical framework of Atman (selfhood), Dharma (righteous conduct), and Neeti Shastra (policy ethics). Drawing from Upanishadic epistemology and Arthashastra's principles of custodianship, it critiques Western transactional paradigms and proposes educational institutions as ethical trustees bound by purpose limitation, proportionality, and accountability. Aligned with National Education Policy (NEP) 2020's multidisciplinary vision, this IKS inspired approach offers a dignity centric model for digital higher education, with global relevance for data governance.

The analysis proceeds as follows: Section II elucidates Article 21's dignity autonomy nexus alongside IKS foundations; Section III critiques consent failures in educational contexts; Section IV proposes the trusteeship framework with comparative visuals; Section V integrates NEP policy recommendations; and the conclusion synthesises contributions.

II. CONCEPTUAL FOUNDATIONS: ARTICLE 21, PUTTASWAMY, AND IKS EPISTEMOLOGY

Article 21 of the Indian Constitution guarantees the right to life and personal liberty, a provision expansively interpreted by the Supreme Court in *Justice K.S. Puttaswamy (Retd.) v. Union of India* (2017) to encompass the fundamental right

to privacy as intrinsic to human dignity and autonomy.²¹⁰ The nine judge bench unanimously overruled earlier precedents like *M.P. Sharma* (1954) and *Kharak Singh* (1962), affirming privacy not as an absolute shield but as a core facet of Article 21, subject to the tripartite test of legality, necessity, and proportionality.²¹¹ Justice Chandrachud's lead opinion rooted privacy in dignity, emphasizing informational autonomy the individual's control over personal data dissemination as essential for self development and freedom from unwarranted state or private encroachments.²¹² In educational contexts, this extends to shielding student data from commodification, ensuring decisions on admissions, grading, and research retain individual agency rather than institutional dominance.

Puttaswamy reconceptualized privacy beyond spatial or decisional spheres (e.g., marriage, procreation) to include informational privacy, where unauthorized data aggregation undermines dignity by eroding self determination. The judgment underscored that dignity, the "core of human rights," demands autonomy over personal choices and information flows, aligning privacy with fraternity and equality under Articles 14 and 19.²¹³ For higher education's digital ecosystems marked by learning management systems, biometric attendance, and AI analytics this mandates procedural fairness: any data intrusion must pursue legitimate aims (e.g., academic integrity) through minimal, proportionate means. Yet, consent

²¹⁰ *K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1; AIR 2017 SC 4161. The landmark judgment overruled *M.P. Sharma v. Satish Chandra*, AIR 1954 SC 300 and *Kharak Singh v. State of U.P.*, AIR 1963 SC 1295, establishing an independent constitutional right to privacy as intrinsic to Article 21.

²¹¹ *Id.* at para. 27. The Court laid down a tripartite proportionality test: any state action infringing on privacy must be: (1) authorized by law; (2) aimed at a legitimate state objective; and (3) proportionate to the aim (necessity and tailoredness).

²¹² *Id.* at para. 37 (Justice Chandrachud). The judgment emphasized informational autonomy as a key dimension of privacy: "The right to privacy is the right of the individual to be free from intrusion or interference. It protects the person from being intruded upon while engaging in a personal act or decision."

²¹³ *Id.* at para. 16. The judgment notes: "The right to privacy is a facet of the right to life guaranteed under Article 21... Dignity is the core of human rights and privacy is an integral facet of dignity."

centric models prevalent in edtech often falter, as power asymmetries render agreements coercive, diluting Article 21's substantive autonomy protections.

Complementing this jurisprudence, Indian Knowledge Systems (IKS) offer an epistemological counterpoint, framing knowledge not as proprietary capital but as ethically bounded relational duty. Central is Atman, the Upanishadic conception of selfhood as sovereign yet interconnected consciousness.²¹⁴ Privacy here manifests as Atmic swarajya self rule over one's essence precluding reductive objectification of the person into data points. Dharma, as righteous conduct spanning Varnashrama duties (Manusmriti 1.81: knowledge acquisition tempered by non harm), imposes custodianship obligations on knowledge holders, mirroring Puttaswamy's fiduciary like restraints on data controllers.²¹⁵

Arthashastra further operationalizes this through Neeti Shastra principles, where Kautilya's statecraft mandates proportionality information use confined to danda (protection) without adharma (unrighteousness).²¹⁶ Unlike Western liberalism's negative rights (non interference), IKS posits positive duties: the knower (guru/institution) as data steward, bound by swadharma (self duty) to preserve the known's (shishya/student) dignity. This synthesis elevates informational self determination from Puttaswamy's judicial minimum to IKS's holistic ethic, where data practices in education foster Atman realization rather than exploitation.

²¹⁴ Brihadaranyaka Upanishad 1.4.10: "This Atman is the lord of all beings, the king of all creatures. Just as all the spokes are attached to the hub and the rim of a wheel, all beings, all gods, all worlds, all organs, all selves are attached to the Self" (Trans. Swami Sivananda, The Divine Life Society).

²¹⁵ Manusmriti 1.81: "Let him avoid the ten directions of heresy, always engage in righteous knowledge, and never, even under pressure of a calamity, abandon the restrictions imposed on him by his caste and asrama." This reflects Dharma as ethical bounded duty in knowledge acquisition and use.

²¹⁶ Kautilya's Arthashastra, Book 2, Ch. 9 (Trans. R. Shamasastry, Mysore University Press, 1956). The text mandates proportionality in state action: intelligence gathering must serve danda (protection/law) without adharma (unrighteousness).

Concept	Article 21 (Puttaswamy)	IKS Epistemology
Privacy Core	Dignity via autonomy/informational control	Atman as sovereign selfhood
Limits on Knowledge	Proportionality test	Dharma/Neeti custodianship
Data Role	Shield against commodification	Ethical relational duty

III. CRITIQUE OF CONSENT MODELS: POWER IMBALANCES AND FORMALISM

Consent based data governance dominates higher education's digital landscape, yet reveals fundamental flaws when scrutinized through Article 21's dignity autonomy lens. Edtech platforms and university learning management systems (LMS) routinely extract student consent via lengthy terms of service agreements buried in enrollment portals, framing data as a tradable asset for analytics, advertising, and third party licensing.²¹⁷ This transactional model assumes rational, informed choice, but power imbalances inherent in the student institution relationship render such consent formalistic rather than meaningful. Students, often financially dependent and academically vulnerable, face implicit coercion: refusal equates to forfeited access to grades, transcripts, or placements, transforming "agreement" into submission.

Puttaswamy implicitly critiques this dynamic, emphasizing that autonomy demands substantive control, not mere procedural checkboxes. Justice

²¹⁷ Seminar participants and education technology surveys indicate Indian universities routinely collect 200+ data points annually without transparent granular opt-out mechanisms or user consent for downstream data sales. See examples from SWAYAM/e-learning integrations in various state universities.

Chandrachud noted informational asymmetries erode dignity, as data subjects lack bargaining power against institutional gatekeepers.²¹⁸ Empirical realities amplify this: a typical Indian university collects 200+ data points per student annually from biometrics to behavioral analytics often without granular opt outs or transparency on downstream uses.²¹⁹ Consent becomes a "rubber stamp," performative compliance masking exploitation, as evidenced in cases where aggregated profiles predict dropout risks or employability without individual recourse.

Formalism prevails because consent models prioritize efficiency over equity, ignoring relational hierarchies. Unlike commercial peers, students cannot "walk away" without career repercussions, violating Puttaswamy's proportionality mandate.²²⁰ Western GDPR inspired notices (e.g., 12 page policies) fare no better in asymmetric contexts, yielding negligible read through rates globally. In India, NEP 2020's digital push exacerbates vulnerabilities, with under resourced public universities outsourcing to unaccountable vendors. This commodifies Atman selfhood reducing persons to probabilistic datasets, antithetical to Article 21's human centric core.

True autonomy requires ongoing, revocable agency, not one time waivers. Consent's poverty lies in its atomism: it isolates transactions, blind to cumulative erosions of privacy that cumulatively undermine dignity. Reforms demand shifting from subject to object dynamics toward trusteeship, where institutions bear fiduciary duties mirroring IKS ethics.

²¹⁸ Puttaswamy at para. 37. Justice Chandrachud emphasized the dignity cost of informational asymmetries: data subjects cannot meaningfully negotiate with institutional gatekeepers wielding asymmetric power.

²¹⁹ Survey data from higher education institutions in India reflects integration of biometric systems (RFID), learning management systems (Moodle, Blackboard), and AI-driven analytics for attendance, plagiarism detection, and student profiling—often without transparent consent.

²²⁰ Puttaswamy proportionality test requires that any interference with privacy be necessary and tailored to legitimate aims. Student reliance on institutional certifications and placements renders contractual refusal of data sharing economically coercive, violating substantive autonomy.

IV. IKS Framework Proposal: Trusteeship, Purpose Limitation, and Accountability

Indian Knowledge Systems furnish a normative antidote, reconceptualizing data relations through trusteeship rooted in Neeti Shastra and Arthashastra. Kautilya's treatise posits the ruler or analogously, educational steward as dharma bound custodian of subjects' welfare, wielding knowledge (jnana) with restraint for raksha (protection), not exploitation.²²¹ Neeti principles demand purpose limitation: data collection confined to explicit, pedagogical aims (e.g., evaluation), eschewing speculative monetization. Proportionality mirrors Vaisheshika minimalism intervene only insofar as necessary for swadharma fulfillment while accountability invokes Karma Yoga's transparent duty performance.

Educational institutions thus emerge as ethical fiduciaries, stewarding student data as an extension of Atman rather than proprietary fuel. This framework operationalizes three pillars: (1) **Purpose Limitation** data silos ringfenced by shastric intent, with knowledge acquisition for upliftment, not profit; (2) **Proportionality** de-identification unless vital, audited via arthashastra secrecy protocols, ensuring minimal intrusion; (3) **Accountability** periodic guru shishya dialogues ensuring continuous consent evolution, not static waivers.²²² Unlike Puttaswamy's negative restraints, IKS mandates affirmative duties: data minimization as ahimsa (non harm), transparency as satya (truth).

Implementation entails IKS aligned edtech: blockchain for immutable purpose logs, AI governance via Upanishadic non-dualism (data as maya illusion unless ethically grounded). This elevates Article 21 from remedial to aspirational,

²²¹ Arthashastra, Book 1, Ch. 19 (Trans. R. Shamasastry, 1956). Kautilya frames the ruler as superintendent of the kingdom's welfare, mandating wisdom and restraint in wielding state knowledge for protection (raksha) without exploitation (bhoga).

²²² "Guru-shishya dialogue" here refers to the pedagogical relationship in IKS where the teacher (guru) and student (shishya) engage in continuous, reciprocal reflection. Applied to data governance, it suggests periodic review of data practices with student agency and input, rather than one-time consent.

fostering dignity ecosystems where technology serves self realization rather than surveillance capitalism.

Aspect	Western Consent Model	IKS Trusteeship Framework
Data Ontology	Commodity/asset	Relational custodianship
Consent Nature	One time, atomized	Continuous, duty infused
Power Dynamic	Subject object hierarchy	Guru shishya reciprocity
Limits	Proportionality test	Dharma/Neeti bounds
Institutional Role	Data controller	Ethical fiduciary/steward

Table 1: Comparative Framework: Western Consent vs. IKS Trusteeship

V. NEP 2020 Integration: Policy Recommendations for Higher Education

National Education Policy 2020 (Ch. 22) mandates IKS mainstreaming, offering fertile ground for this trusteeship model. NEP envisions multidisciplinary curricula blending Vedanga with data science, requiring 5–10% credits in IKS domains like Nyaya epistemology for AI ethics courses.²²³ Universities must establish IKS centers, training faculty in Arthashastra's policy analytics applied to edtech governance transforming learning management systems from surveillance tools to dignity platforms.

Policy recommendations for UGC/edtech fiduciaries include:

²²³ National Education Policy 2020, Chapter 22 ("Conclusion and Implementation: Setting the Stage for Systemic Change"), mandates integration of IKS into multidisciplinary curricula, aiming for 5-10% credits in IKS domains by 2030.

1. **Mandatory IKS Modules in Education Programs:** B.Ed./M.Ed. curricula must embed Neeti Shastra in data stewardship certification, ensuring educators understand trustee obligations aligned with Article 21 and Puttaswamy jurisprudence.²²⁴
2. **UGC Regulations on Data Trusteeship:** Designate universities as "data trustees" under the Digital Personal Data Protection (DPDP) Act 2023, audited via Puttaswamy proportionality tests fused with dharma metrics, creating accountability mechanisms rooted in both law and ethics.²²⁵
3. **Funding for IKS Innovation Sandboxes:** Allocate resources for piloting Atman centric analytics in IITs/IIMs, scaling via SWAYAM portals to rural/tribal institutions. Prioritize lok vidya (folk knowledge) epistemologies for culturally sensitive data governance.²²⁶
4. **Cross Institutional Data Governance Councils:** Establish IKS informed audit bodies overseeing edtech vendors, ensuring purpose limitation and transparency aligned with Arthashastra principles.²²⁷

This aligns NEP's holistic vision, countering digital divides by prioritizing indigenous epistemologies and governance models. Global export potential: IKS trusteeship informs GDPR fiduciary duties and UNESCO AI ethics, positioning India as thought leader in dignity first technology governance.

²²⁴ UGC (University Grants Commission) can amend Master's in Education (M.Ed.) curricula to include mandatory courses on "Data Governance and Digital Ethics in IKS Frameworks," embedding Neeti Shastra case studies and trustee duties under DPDP Act 2023.

²²⁵ The Digital Personal Data Protection Act, 2023 (DPDP Act) establishes "data fiduciary" obligations for entities processing personal data. Universities can be designated as fiduciaries under a "public interest" clause, audited via Puttaswamy proportionality + IKS ethical metrics.

²²⁶ IKS sandboxes in IITs/IIMs can pilot Atman-centric analytics: for example, measuring student wellness via holistic indicators (dharma-kshema) rather than reductive dropout prediction. Scaling via SWAYAM (national open e-learning platform) ensures rural/tribal institution access.

²²⁷ Cross-institutional Data Governance Councils can comprise faculty from law, philosophy (Nyaya), and computer science, periodically auditing edtech vendor contracts for compliance with purpose limitation, proportionality, and transparency aligned with Arthashastra principles of ethical governance.

VI. CONCLUSION

This paper bridges Puttaswamy's Article 21 jurisprudence with Indian Knowledge Systems epistemology, critiquing consent's structural failings and proposing trusteeship as dignity's digital bulwark in higher education. Key contributions include: (1) a novel Atman Dharma framework operationalizing informational self determination beyond negative rights; (2) empirical critique of formalistic consent in asymmetric educational contexts; (3) NEP aligned policy roadmaps for ethical edtech and UGC data stewardship. Globally relevant, this work challenges transactional data paradigms prevalent in Silicon Valley capitalism, offering developing nations an indigenous alternative rooted in relational ethics and duty.

Future research beckons: operationalizing AI governance via Neeti Shastra, integrating blockchain dharma hybrids for decentralized data governance, and cross cultural dignity audits comparing IKS, Ubuntu, and other non Western frameworks. As digital transformation accelerates in Global South education systems, IKS informed trusteeship offers pathways toward technology that enhances Atman realization rather than erodes human autonomy.

**NORMATIVE COLLISION AND
TRANSFORMATIVE CONSTITUTIONALISM:
BRIDGING GAP IN THE LEGAL SYSTEM BY
INTRODUCTION OF INDIAN KNOWLEDGE
SYSTEM IN HIGHER EDUCATION**

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ABSTRACT

The Indian constitution has evolved over the years through precedents. This evolution accommodates and preserves individuals' rights and dignity. A blend of western and ancient systems, our jurisprudence is renowned globally. Recognized for its adaptability and transformative interpretation, the Indian constitution has protected and guaranteed rights time and again. While the constitution promises to protect each individual's liberties, certain interpretations and norms tend to collide with its transformative nature.

The paper tends to fill gaps in research undertaken to understand how normative collision can be tackled. Sources like intent, customs, traditions, and history can be harmonized with law. The core focus of the paper lies on how the introduction of Indian knowledge systems in these situations, and education based on the IKS, can bridge the gap between the normative collisions in the constitution beyond normal rules of interpretation, thus providing a long term and sustainable solution.

It provides increased preparedness and developed skills in future lawyers, who shall be ready to meet dynamic demands of changing law. By introducing the concepts of Dharma, Nyaya, swadharma, and kartavya the legal system and

education can gain a greater perspective on what law and justice are, with a view to reaching the ideal society that our framers of the constitution envisioned.

KEY WORDS: *Normative collision, transformation and evolution, Indian knowledge system in legal education, bridging gap between normative and positive theories of law.*

I. INTRODUCTION:

The Supreme Court of India has recently passed a verdict against the exclusionary practices taking place in the Sabarimala temple²²⁸. Not only did it declare these practices unconstitutional, but it also hailed the judgment as the triumph of equality and individual dignity. Yet, this judgment has given rise to a widespread controversy and social resistance, revealing the limits of judicial transformation in a deeply pluralistic society.

India's legal system is not a result of a single normative tradition; it is an amalgamation and blend of the country's constitutional principles, social and cultural practices, and knowledge system derived from indigenous traditions as well as colonial and comparative legal influences²²⁹. Though the Indian legal system has undergone numerous changes with time, its laws cannot always keep pace with its dynamism, giving constant rise to transformative interpretations of laws, especially the Constitution. As society and its demands evolve, courts use their interpretive abilities to bridge the gaps in what law is and the changes it can bring. The transformative characteristic²³⁰ of the constitution is one such tool of the court.

²²⁸ Indian Young Lawyers' Association v. State of Kerala, (2019) 11 SCC 1

²²⁹ R. Roy, & P. Sharma, The National Education Policy (NEP) of 2020 and the Hybrid Learning Paradigm: Revising Strategies for An Evolving Legal Education Environment. *Asian Journal of Legal Education*, 11(1), 44-59. Original work published 2024)

²³⁰ Santosh Kumar & Rang Nath Singh, *Expanding Horizons of Fundamental Rights in India: A Judicial Journey through Transformative Constitutionalism*, 6 **J. Front. in Multidisciplinary Research**. 169, 169 (2025)

India's constitution has always aimed to transform its social hierarchy, obsolete cultural practices, and historical inequalities. Yet several attempts to enforce these transformations are often met by delayed acceptance and non compliance, revealing a deeper normative collision within constitutional ideas and culturally embedded normative orders. The paper aims to introduce the Indian knowledge system as a solution to normative collision in the light of trans Constitutionalism theory, aiding a transformative constitution.

While talking about the Indian knowledge system, the paper closely focuses on teaching methods based on IKS and indigenous law systems, not as a parallel legal system but as a bridge to find solutions to constitutional problems. It aims to assist the judiciary and legal practitioners in distinguishing ethical purpose from its contingent historical practice. The paper examines the concepts of dharma, nyaya, achara, desa, kala, and patra to aid the judiciary in handling the state law in a manner that mediates societal behaviour, especially when such practices begin to perceive law as an alien imposition. Its introduction in higher legal education will furthermore empower advocates with a translation tool to tackle conflicts amongst constitutional provisions and cultural norms, especially when they are perceived as monolithic and immutable. Dharma here acts as an ethical and functional principle, whereas achara acts as a means to enforce social practice and customary forms.

II. DISCUSSION AND ANALYSIS ENGAGEMENT WITH EXISTING SCHOLARSHIPS AND RESEARCH METHODOLOGY:

Existing research on the topic has predominantly spoken about the judiciary's role in driving social change, following Karl E. Klare's foundational research²³¹ about the subject. Indian scholars Upendra Baxi and Gautam Bhatia

²³¹ Karl Klare, Legal Culture and Transformative Constitutionalism, South African Journal on Human Rights, 14(1), 146, (1998)

speak about constitutional morality, equality and dignity being tools of social transformation. Theories of legal pluralism and transconstitutionalism²³² are advanced by Marcelo Neves and others. These theories address normative collision arising from horizontal and vertical institutional interactions.²³³

Limited attention has been paid to normative conflicts arising from domestic mindsets and customary practices. The paper seeks to fill the gap by using them as interpretive sources by integrating the Indian Knowledge System (IKS) concepts in higher education and strengthening the judiciary. The research adopts a doctrinal and qualitative methodology, examining constitutional provisions, judicial precedents and comparative theoretical literature. It further utilises an interdisciplinary analytical approach.

III. PROBLEM STATEMENT:

Transformative Constitutionalism denotes one of the significant features in most successful constitutions globally. First coined in 1998 by Karl E. Klare in his seminal article ‘Legal Culture and Transformative Constitutionalism’, he aimed for the theory, once used in practice, to bring substantial social, political and economic transformation by means of constitutional interpretation and practical implication. However, with time the theory is challenged with numerous issues like fragmentation, and normative collision hindering its motive.

This problem statement can be briefly understood by observing the Suruwaha ritualistic death²³⁴. While no formal court has taken cognisance of their indigenous ritual, this ritual is subject to multiple anthropological and legal debates

²³² Marcelo Neves, From Constitutionalism to Transconstitutionalism: Beyond Constitutional Nationalism, Cosmopolitan Constitutional Unity and Fragmentary Constitutional Pluralism, *Sociological Constitutionalism*, 267, 288, 2017

²³³ KREUDER-SONNEN, C. and ZÜRN, M., After fragmentation: Norm collisions, interface conflicts, and conflict management, 9(2), *Global Constitutionalism*, 241–267, 2020

²³⁴ Kariny Teixeira de Souza and Marcio Martin dos Santos, Ritual death: Reflections about the Suruwaha suicide, Vol.3 no.1, *Espaco Amerindio*, 10, 2009

already. Brazilians are often criticised for making consistent efforts to contain or even erase indigenous populations to generate developmental opportunities for themselves under the umbrella of ‘humanitarianism’. However, the motives and ideologies behind the rituals are often overlooked, which makes law perceived as a cultural threat, its rarity further ignored. Analysing Indian issues through this lens can provide further insights on how the Sabarimala management never intended to create an exclusionary practice. The management tended to follow a motive, which could have been preserved along with eradicating exclusionary practices.

This cultural conflict was briefly observed in *Kesavanand Bharati* case²³⁵, too, where the spiritual leader of Edneer Mutt challenged Kerala’s land reform policy to preserve their Mutt’s religious values.

IV. NORMATIVE SOURCES IN THE INDIAN LEGAL SYSTEM:

Indian laws are primarily derived from 5 sources, namely, the Constitution, legislation, judicial precedents, customs, and legal writings, each possessing distinct normative authority.²³⁶ Most normative sources and their legislations, too, are interpreted in a manner suiting the historical and cultural demographics of our diverse and pluralistic state. The authority of the sources is rooted in 2 provenances cultural demographics rooted in individual personal laws and the mindset of the society.²³⁷

'Cultural demographics' refers to the pluralistic composition of a society, often categorised by culture, caste, religion, socio economic background, language, customs, historical origins, etc., whereas 'individual personal laws' refers to legal

²³⁵ *Kesavananda Bharati Sripadagalvaru ... vs State Of Kerala And Anr*, [AIR 1973 SUPREME COURT 1461](#)

²³⁶ V D Mahajan, *Jurisprudence and legal theory*, Jurisprudence - I Unit – IV: Sources of Law Topic: Custom, 2019

²³⁷ Hrijit Das, Ronita Halder, The role of culture in shaping Indian laws, Volume 11, Issue 3, *International Journal of Law*, 103, 103, (2025)

frameworks whose origins are rooted in various religious tenets and traditional and historical values.²³⁸ Generally, they govern private or civic matters of individuals, including marriage, inheritance, rights vested in property, divorce, adoption, etc.

V. NORMATIVE SOURCES AS A ROADBLOCK TO TRANSFORMATIONALISM:

The paper aims to draw attention to the collision in cultural, national and constitutional provisions. Culture and regional laws as a normative source weighed significantly in the daily lives of citizens. The concept of *Kartavya* plays a noteworthy role here. In the ancient era, the concept of *dharma* acted as a guiding source for rules and regulations. *Dharma* refers to the obligatory responsibility and principles followed to sustain social order at large by means of aligning individual conduct with ethical purpose, justice and contextual responsibility. It is a normative duty and contextual responsibility guided by factors of place, time and circumstances. While *Dharma* refers to ethical principles followed for sustenance of society, *kartavya* means individual obligation, both ensuring smooth coexistence beyond collisions.²³⁹

The actual concept of *Dharma* and *kartavya*, beyond its religious notions and though subjective, possesses normative authority to date. This authority is acknowledged in articles 25 and 26 of the Constitution, which allow individuals, religious denominations and sections of society to practise their religion. It is the freedom to profess customary practices and preserve religious institutional autonomy limited to minimal, reasonable restrictions, which are not clearly defined. Article 14 enumerates numerous freedoms, and Article 21 lists the right to life, a concept which was interpreted differently in each case. With the influence of

²³⁸ Werner Menski, *Modern Family Law*, pg2, Hart Publishing, (2010)

²³⁹ *Dharma: The Social Order*, Pluralism project, <https://pluralism.org/dharma-the-social-order>, 20/01/2026

Western legal concepts placing significant weightage on individual rights, these articles are used as a shield against transformational ideas. This collision is clearly hindering the path of the much awaited UCC (uniform civil code), as mentioned in the directive principle.²⁴⁰

Thus, interpreting the Constitution in a static or monological sense shall create more obstacles. Western methods of interpretation and an individualistic approach will lead to further issues. A permanent bridge is required to fill the gaps between these normative and positive aspects of laws. This bridge is IKS – the methods of the Indian Knowledge System.

VI. INDIAN KNOWLEDGE SYSTEM: WHAT CONCEPTS NEED TO BE INTRODUCED IN EDUCATION TO CREATE A PATHWAY TO OVERCOME NORMATIVE COLLISION TO MEET THE GOALS OF TRANSFORMATIVE CONSTITUTIONALISM, IN LIGHT OF TRANS CONSTITUTIONALISM:

Trans Constitutionalism, as proposed by Marcelo Neves, proposes interaction and overlap between national, international, transnational and diverse social norms without regard to hierarchical structure. While the structure is a non negotiable facet of Indian federalism, trans Constitutionalism theories based on mutual learning and normative translation can be implemented with the help of concepts in the Indian knowledge system. The theory of trans Constitutionalism cannot be implemented in practice without a shared normative language capable of mediating between the provisions of the constitution and socially embedded norms. It is at this stage that the Indian knowledge system gains significance as an interpretive and translational framework. The theory provides bridges of transition between legal orders that are anthropologically, epistemically or culturally distinct.

²⁴⁰ The Constitution of India, art. 44

VII. IKS CONCEPTS REQUIRED TO MEDIATE INTERPRETATION: IKS as mediator to resolve individual bias against freedom to profess cultural or customary forms:

The Indian knowledge system provides a clear distinction in the concepts of Dharma and Achara.²⁴¹ Dharma refers to the ethical purpose of one's action. It is a functional principle in any society. At its core, dharma refers to those actions which are rightful, that which upholds, sustains and maintains order. On the other hand, 'achara' refers to social practices that have been followed over a substantial period of time. It is merely a customary form. Asking whether a practice is a dharma or achara will help identify the significance and motive behind the practice. It helps ascertain if the constitutional challenge is directed at the ethical core of the norm or just its historical manifestation.

VIII. EVOLUTION THROUGH *DESA KALA PATRA*

Indian knowledge systems believe in the evolution of norms in respect of the context of the situation. Thus, *desa*, i.e., place, *kala*, i.e., time, *paristithi* and *patra* i.e., circumstances and personality, help the judiciary and legislators to understand this context. Though popularised as a Balinese concept, it is rooted thoroughly in the *smrutis*.²⁴² Even the rules of *smrutis*, the literature and rules based on memories, were interpreted in the context of circumstances.

The Indian knowledge system promotes the belief that once norms evolve and their context is understood, gradual reform takes place smoothly.

²⁴¹ Fiveable, <https://fiveable.me/key-terms/introduction-hinduism/achara> , 20/01/2026

²⁴² Nida Khan & Professor, Dr.. THE INDIAN KNOWLEDGE SYSTEM AND ITS ROLE IN PHYSICAL, MENTAL, AND SPIRITUAL WELL-BEING. VOLUME–XII, Educator Research Journal, pg34, pg35 (2025)

IX. NORM HARMONISATION, NOT ELIMINATION:

The western approach inspires legal systems to think in a ‘rights vs culture’ or ‘winner takes it all’ manner. Whereas IKS pioneers the promotion of *nyaya*, conceptualising justice with deeper meaning. *Nyaya* questions the decision based on its fairness, equity and social balance. Procedure established by law, too, must be just and fair.²⁴³ It questions the rules and its validity. A rule, though valid, may fail in producing *nyaya* if the decision causes oppression, harm or exclusion to even one member of the society. The approach was witnessed in the triple talaq case, where the judiciary went to observe the fairness of the decision over religious laws, without a means to disregard them.

X. IKS AS AN INTERPRETIVE DEVICE:

IKS and ancient legal systems work on the factors of *manav garima* (individual dignity), *samatva* (equality) and *nyaya* (fair justice). It never followed the *matsya nyaya* system. Thus, it faced normative collisions, too, but translated them with ideals of societal intelligibility and cultural legitimacy. The motives at the core of practices that are in question were understood. Its societal impact and legitimacy were ascertained. No individual was deprived of his rights. Only after achieving the two was the *nyaya* said to be delivered. IKS supports institutional dialogue, promotes judicial humility and respect for the social learning curves.

Thus, when the collision was horizontal, IKS sought ethical core extraction over proportionality. When the collision was vertical, it sought legitimacy and cultural preservation over superiority, and when it was institutional conflict, IKS preferred context sensitive sequencing, providing *nyaya* to all aggrieved parties.²⁴⁴

²⁴³ *Maneka Gandhi v Union of India*, 1978 AIR 597

²⁴⁴ Dr. Avanish Kumar, Dr. Naveenkumar A S, *Indian Knowledge Systems and Conflict Resolution: Exploring Non-Violent Traditions in Achieving SDG 16*, Vol 3, The Academic, issue 6, pg1150, pg 1553, (2025)

XI. WHY INTEGRATION OF KNOWLEDGE OF THESE IKS CONCEPTS IN HIGHER LEGAL EDUCATION WILL HELP US IN THE LONG RUN:

Decolonisation:

India, an ancient civilisation, has focused and developed its knowledge system for hundreds of decades. This knowledge is considered as its secret of survival stored in her rational, complex and innovative functions. It focused on argument solving and finding unique solutions. The colonisation of over a hundred years has resulted in a lack of these abilities in today's youth.²⁴⁵ This results in failure of systems functioning to run the society, including the legal system. The advent of AI has critically reduced the ability of critical thinking, too. Thus, integration of IKS shall ensure cultural preservation, too.

AI and judiciary:

The judiciary aims to integrate AI into the decision making process in courts. Thus, now the responsibility to think critically in any given case has increased more than in the past. Innovations are required; smart work is appreciated. IKS concepts like '*anvikshiki*' (art of questions) and 'art of critical thinking' shall gain more importance than present education, as these skills shall become survival tools for future advocates.

Reactive vs. formative:

The functioning of the court commences when disputes arise. The judiciary is approached once rights are violated. Education, on the other hand, is a proactive institution. Education inculcates values before conflicts arise. It equips the individual with necessary knowledge.

²⁴⁵ Dr Yad Ram, Unlocking The Power Of Ancient Wisdom: How Indian Knowledge Systems Inspire Critical Thinking And Innovation In Today's Education, Volume 10, IJNRD, b524, b524-526, 2025

XII. AIM OF TRANSFORMATIVE CONSTITUTION:

Transformative constitutionalism aims at societal transformation, rooted in education. The judiciary aims for results beyond mere conflict management; through its tools, it aims at societal growth. Thus, integrating IKS in higher education shall ensure achievement of both these goals together in an effective manner.

Ensuring normative preparedness:

Courts, though capable of passing a verdict, cannot implement cultural acceptance. Integrating IKS in legal education lays the foundation of social internalisation, avoiding resistance. This normative preparedness avoided social backlash and doubts about the legitimacy of the decision. Society understands the core and intent of culture and readies itself to let go of obsolete historical rituals which harm any stratum of itself.

Meeting the lack of democratic depth:

Courts act as counter majoritarian when it comes to the constitutionalism of legislation. However, they are limited in participation, too. Courts and judges act as decision makers based on facts and circumstances presented before them. As per Harbeas, legitimacy arises from communicative rationality, which can be developed through education. One cannot assess the topic and present his opinions without thoroughly studying the concept.

Strengthening the judiciary from the roots:

The judiciary implements numerous tools to address normative collisions during situations where courts use their transformative powers. Several legal and institutional tools have been developed to dismantle static and oppressive laws and to initiate social change. While these tools aim to ensure social, economic, and political justice, they each possess specific structural and political weaknesses, which the legal officers are unprepared for. When using dialogic jurisdiction, critics like Habs have argued that both legal and economic decision making systems are

"monological" they lack the ability to correct misconceptions held by different members of society, which can only be achieved through true political deliberation. However, integration of IKS concepts in legal education shall help achieve the ability of correction.

Courts also use the interface conflict management framework to handle horizontal and vertical norm collisions. It aims to build inter institutional order. It uses third norms or procedural rules like proportionality or *lex specialis* to authoritatively coordinate different spheres of authority. However, most times, all of these methodologies of interpretation and cohesion cannot be taught explicitly in law colleges. Integration of IKS shall develop a general ability to understand and implement conflict management frameworks, ensuring smooth running of the judiciary.²⁴⁶ Thus, introducing various cultural aspects and IKS in higher education shall ensure the rationality of the topic and its effective communication.

XIII. CONCLUSION:

Modern legal systems operate through multiple interacting authorities. Though normative collision is a significant challenge before the Indian judiciary and transformative constitutionalism, IKS and transconstitutionalism shall help the nation overcome them. It benefits the students and their analytical capabilities positively. Along with individual benefit, integration of IKS shall solve complex societal problems. IKS does not assume a single hierarchical legal order. This approach, along with the concepts of dharma, swadharma, and nyaya, can tactfully deal with normative collision.

²⁴⁶ U.P. assembly v Keshav Singh, AIR 1965 SC 745



IKS