

THE CONCEPT OF DHARMA AND JUSTICE DURING VEDIC PERIOD

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INTRODUCTION

The Vedic Period or the Vedic Age refers to that time period while the Vedic Sanskrit texts were composed in India. The society that emerged at some stage in that time is known as the Vedic Period, or the Vedic Age, Civilization. The Vedic Civilization flourished between the 1500 BC and 500 BC on the Indo- Gangetic Plains of the Indian subcontinent. This civilization laid down the muse of Hinduism in addition to the related Indian culture. The Vedic Age was accompanied by way of the golden age of Hinduism and classical Sanskrit literature, the Maurya Empire and the Middle Kingdoms of India. Linguistically, the texts belonging to the Hindu Vedic Civilisation can be categorized into the following 5 chronological branches:

1. RigVedic
2. Mantra language
3. Samhitha prose
4. Brahmana prose
5. Sutra language

Classical Hindu law was a peculiar legal system, as it followed a particular law and polity framework with a unique value scheme. Ancient India represented a distinct legal tradition and had a school of legal theory and practice that was historically independent. In the Vedic era the main purpose of the law was to uphold “dharma,” which means justice and obligation. Dharma is made of both legal and moral responsibilities. This covers not only rules and court procedures, but also a wide array of human activities such as ritual purification, personal hygiene systems, and dress patterns. Dharma gave the key guide by which one tried to live one’s life.

REVIEW OF LITERATURE

The Indian Journal of Political Science, Vol. 31, No. 4 (October—December 1970), pp. 356-366:

Dharma is viewed as divine law, permeating and preserving the whole world and combining into some sort of unity the different orders of life and the different stages at which these orders have achieved their spiritual development, is based on evolutionary philosophical monism, which can be called the fifth sense of Indian wisdom. Annie Beasant also defines dharma in the same way as the Inner Nature, which has reached a certain stage of development and unfolding in each individual, plus the law of growth for the next stage of evolution.' In short, dharma is not an outer thing, it is the inner unfolding of life that moves everything outside of it to the expression of itself. The dharma originally meant nothing more than the observance of Vedic rituals and injunctions. Dharma is defined in the Mimansa sutra as that good which is decided according to the Vedic ordinances. Kumarila supports that opinion, according to whom the word stands for Vedic sacrifices that lead to good results.

The word, at the time when vedism reigned supreme in our country, dharma, was identified with what was laid down in the Vedas and the Smrites to the extent that the latter's dictates did not conflict with those of the former. So understood it was easy to define what it meant clearly and precisely. Dharma in this sense meant either religion, or both religion and law. Manu adds a new detail to the which means of this term whilst he defines it as some thing that's enjoined through the Vedas and is followed through the discovered who are above attachment and antipathy and to which the coronary heart assents. But the idea that dharma lies in following the normal practices of good humans was no longer widely regular at that time. The observance

of Vedic injunctions persisted to constitute the essence of dharma for long. Even nowadays a massive range of Hindus hug the idea that dharma specifically is composed in gazing the standards and prescriptions as laid down in the Holy books.

ANALYSIS OF THE CONCEPT

Understanding the Concept of Dharma and Justice

The original meaning of the term is etymologically determined: from the root dhx-, ' to hold [halten], ' ' to support [support], ' an action noun [nomen actionis] dhárman, ' hold ' and ' support ' is formed when neuter, and an agent noun [nomen agentis\ dharmán, ' supporter ' when masculine. In historic India, Naman was seemed as the fountain of justice has to act as the lord of Dharma and turned into entrusted with the perfect authority of the administration of justice and his foremost responsibility turned into to shield the rights of his subject. The King's Court become the best courtroom, next to which came the courtroom of the Chief Justice (Pradvivaka). The King's Court become the highest court docket of appeal in addition to an original court in instances of vital significance to the state. In the King's Court the King became counseled with the aid of learned humans like Learned Brahmins, the ministers, the Chief Justice etc. As stated via Brihaspati, there had been four varieties of tribunals, namely, stationary, movable courts held beneath the royal signet in the absence of the King, and commissions below the King's presidency. So there has been hierarchy of courts. In villages, the village councils (Kulani) handled simple civil and criminal cases. At a better level in towns and districts the courts were presided over by authority's officers below the authority of the King to manage justice. In order to cope with issues amongst individuals of artisanal class, investor's etc. trade guilds were authorized to exercising an effective jurisdiction over their members. Family courts were also established. Puga assemblies made up of corporations of households in the same village decided civil disputes amongst own family members. Minor criminal cases have been treated with the aid of judicial assemblies in villages whereas criminal cases of a serious nature have been presented earlier than the central court docket generally held below the King or royal authority. The appeal machine became practised and the King turned into the highest body of appeal. One significant feature of the historic Indian legal device become the absence of lawyers 4. Another amazing function become that a bench of or extra

judges turned into usually favoured to administer justice in place of a single individual being the sole administrator of justice.

The word 'dharma' and its meanings

The word dharma has its root 'dhr' meaning 'to uphold', 'to support', and 'to sustain' . the famous verse from Mahabharatha says :

धारणात् धर्मं इत्याहुः धर्मो धारयते प्रजाः ।
यः स्यात् धारणसंयुक्तः स धर्मति निश्चितः ॥

'Dharma' has a wide variety of meanings . For instance, the word is used to mean justice, what is right in a given circumstance, moral values of life, pious obligations of individuals, righteous conduct in every sphere of activity being helpful to other living beings, giving clarity to individuals in need of it or to a public cause or alms to the needy, natural qualities or characteristics or properties of living beings, duty, law, etc.

1. Dharma as law of things being what they are
2. Dharma as moral order
3. Dharma as sum of duties
4. Dharma as object of pursuit
5. Dharma as religion
6. Dharma as bhakthi
7. Dharma as ethics
8. Dharma as divine justice
9. Dharma as religious duty
10. Dharma as law
11. Dharma as good works

The Origin and Evolution of Dharma/Justice during the Vedic Period.

Dharma originated from Vedas that are Sruti (heard information) and they are the best supply of understanding for humans, as the narration of what is heard from the historic priests that is Sruti and they contain narration on everything viable ranging from army to politics to common

people's life. Its different sources are Smriti, which are the translation of Vedas and four sages have propounded the dharmasastras and are referred to as Smritikars. They are:

1. Manu
2. Yagnavalka
3. Brihaspati
4. Narad

The other source has been Puranas which are eighteen in variety and incorporates information approximately the introduction and dynasties of god, sages and kings and distinct description of yugas. All the sources are on the equal footstep and no one has supremacy over the different.

Idea which made humans adhere to the Dharma may be illustrated with the aid of one verse from Brihadaranyaka Upanishad which is, "punyo vai punyena Karmana bhavati, Papah Papaneti", meaning 'everyone becomes excellent via desirable deeds and awful through terrible deeds', in different words 'every one reaps what he sows' and what's true is defined through Dharma.

In evaluation with modern-day law, the classical Hindu law become a peculiar legal system as it followed a completely unique arrangement of regulation and polity with a unique scheme of values. Ancient India represented a awesome lifestyle of regulation, and had a historically impartial school of legal principle and practice. The most important intention of the regulation in the Vedic period become to preserve "dharma" because of this righteousness and duty.

THE RISE OF DHARMA FROM MERE EXISTENCE DURING VEDIC PERIOD

In the mingling with the anthropomorphic tendencies of the Vedic period. In due course of time, it became associated with the actions of individual deities. The Rita became associated with Varuna, the omniscient, all pervading sky God. Adityas became the Charlotters of Rita Varuna became the friend & keeper of Rita Varuna became the universal Power, which maintained Rita and was celebrated as having separated and established heaven and earth, spreading them out as the upper and lower firmament himself enthroned above them as the universal king, ordering the immutable moral law. Eventually Dharma overshadowed Rita in the later Vedic Era White Rita encompassed the ethical principles with a notion of cosmic

retribution, Dharma was said to be a path to be followed as per the ordinances of Rita. Failing to follow this path meant appearance of various forms of calamity and suffering. Committing to the path of Rita was "Dharma" so we can say that Dharma was originally conceptualized as a subordinate component. Rita Dharma became a very useful instrument in framing religious, moral and social regulations, that interest in it and discussion of its applications to social and moral order eclipsed all discussions of metaphysical and theological ideas. There was also an important change in later Vedic and Epic Era. The notion of Dharma shifted emphasis away from nature as executor of Rita and now it became more or less an individual duty to uphold the Dharma through one's actions. This was called Karma. Karma is what one does to uphold the Dharma and thus, the emphasis from the natural order vanished and it became essentially related to the pains and pleasures one experiences in life, and this tried to explain the gross inequality and injustice in the world. So, Karma was somewhat opposite to Rita as well as Dharma, Karma became the central piece of Hindu philosophy in later Vedic era.

LIVING WITH THE ESTABLISHED DHARMA AND JUSTICE DURING VEDIC PERIOD

Dharma is sanatana, i.e. which has eternal values; one that is neither time- sure nor space bound. The idea of Dharma is with us from time immemorial. Dharma isn't like religion; however they are generally misinterpreted to mean the same and hence used interchangeably. As the above said turned into distinguished via Justice J. Hansaria in *A.S.Narayana Deekshitulu vs State Of Andhra Pradesh & Ors* with the aid of quoting Swami Rama's book 'A Call to Humanity' by way of the subsequent words: "Religion is enriched by using visionary method and theology, whereas dharma blooms within the realm of direct experience.

Religion contributes to the changing levels of a culture; dharma enhances the beauty of spirituality. Religion can also encourage one to build a fragile, mortal home for God; dharma allows one to understand the immortal shrine within heart". The supremacy of Dharma may be understood from a easy factor that the King changed into now not above Dharma, he become governed by way of it, and if he didn't than the Dharmashastrakara give right to the general public to revolt in opposition to such an unjust, arbitrary and unrighteous king or government. The treaties of Manu, Kautilya and others consists of many rights and duties of both the king

and the public, and even recognised person rights like proper to private property, non- public wealth etc., which have been certain via the law for hobby of society at large.

Naman turned into seemed as the fountain of justice has to act because the lord of Dharma and was entrusted with the splendid authority of the administration of justice and his foremost responsibility changed into to defend the rights of his subject. The King's Court was the very best court, next to which came the court of the Chief Justice (Pradvivaka). The King's Court was the very best court docket of appeal in addition to an original court docket in instances of important importance to the state. In the King's Court the King changed into recommended with the aid of learned humans like Learned Brahmins, the ministers, the Chief Justice etc. As stated by way of Brihaspati, there were four kinds of tribunals, namely, stationary, movable courts held underneath the royal signet within the absence of the King, and commissions below the King's presidency. So there has been hierarchy of courts. In villages, the village councils (Kulani) dealt with simple civil and criminal cases. At a higher degree in towns and districts the courts have been presided over by authorities officers under the authority of the King to administer justice. In order to cope with problems amongst members of artisanal class, buyers etc. change guilds were authorised to workout an powerful jurisdiction over their members. Family courts have been additionally established. Puga assemblies made up of corporations of families in the identical village determined civil disputes amongst family members. Minor criminal instances have been dealt with the aid of judicial assemblies in villages whereas criminal cases of a extreme nature have been presented before the central courtroom usually held beneath the King or royal authority. The appeal machine changed into practised and the King changed into the very best frame of appeal. One great feature of the historical Indian legal gadget become the absence of lawyers. Another fantastic function become that a bench of two or extra judges became constantly desired to administer justice rather than a single character being the sole administrator of justice.

CONCLUSION

The concepts of dharma and justice post Vedic period in the present era have been used by numerous courts in assisting them to arrive at decisions even by means of the honorable Supreme Court in many cases. One of the vital instances is Shri A.S. Narayana Deekshitulu vs State Of Andhra Pradesh & Ors , which elaborately discusses the questions associated with

Dharma, 'what's dharma?', 'Is Dharma identical as Religion?' And each answered every doubt. Dharma as said above is wonderful from religion. Dharma even regulates the regulation today, via morality in and out of doors the court as within the Secretary, Ministry Of Information & Broadcasting v. Cricket Association of Bengal & ANR. . In Dattatraya Govind Mahajan v. State of Maharashtra, the court talks about the Dharma of the Constitution, and the karma of adjudication. Dharma idea to be an orthodox religion is used in the instances a lot unorthodox high facie including rights to transgenders . Dharma is been utilized by the court as prestigious as Constitutional benches and used in religion and equivalent of duty and reality or even the flag carries the dharma chakra of Ashoka . The courts have interpreted articles 25 and 26, consistent with Dharma, they have said while the articles are examine and religion approach Dharma that is co-life with welfare of others, not an orthodox view. The idea of dharma as stated earlier is fully explored in Narayana Deekshitulu vs State Of Andhra Pradesh & Ors , there may be a contrast between the constitutional laws and Raja Dharma, the definition of dharma is tried to be clarified with the aid of using extraordinary verses from everywhere, 'Dharma in context of Rajya handiest means regulation' and Dharma is secular or maybe the maximum secular. The equal view is held until now, by means of all of the courts and isn't always disputed that Dharma is an everlasting bliss, which has visible many part and parcels of human life, mortals, but remained immortal.

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- IV. P.V. Kane, History of Dharmasastra, Vol. III, Chap. XI, 288-289.
- V. K.P. Jayaswal, Hindu Polity, 313.
- VI. A. S. Altekar, Sources of the Hindu dharma in its socio-religious aspects, Institute of Public administration, Sholapur, 1952, p. 36.
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them as adharmā and in the same manner Dharma embraces every religion. In other words, following of Dharma is secular and not contradictory to Constitution.

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