



## THE JURISPRUDENCE OF DHARMA IN THE HINDU EPICS

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*“In Dharma lies truth, virtue, conduct, law and even religion. It is in each day and in every action. Dharma is to walk on the path of righteousness and also to carry those who have fallen”*

Indian heritage and culture is very affluent in its natural law jurisprudence and the conception of Dharma. ‘*Dharmasya turtvam nihitam guhayam*’ which means that the truth of dharma lies in the dark cave. There is no specific or rigid definition of dharma as it changes according to the conduct and perspective of people. But dharma can be most closely related to “one’s duty” and “right way of living”. Dharma is “law of the being”. It is immensely important to know the subtle concept of dharma to understand the legal and judicial system of India, with *Yatho Dharma Tato Jaya* itself being the motto of Supreme court of India.

According to ancient Indian culture this whole universe is based on certain law which every living being is obliged to follow. For example the sun, moon and the planetary system obey the eternal law of nature. The divine form that is the supreme power does not have to follow or administer the law as *He* is the law himself.

### SOURCES OF DHARMA-

<sup>1</sup> A.R. Keith, *The Religion and Philosophy of Veda and Upanisads* (1925), pp. 33-35 as quoted by S.D.Sharma.

The term dharma has been first mentioned in the *vedic texts* for ex. in the Rig Veda. These texts claimed that God inculcated the principles of dharma in each and every living being and the highest form of dharma for humans is *Moksha or Salvation*. The roots of Indian judiciary have been inculcated from ancient history. Apart from *Vedas, Dharmasutra, Dharmasastra, Arthasastra, Smritis and Nibandhs* are the major sources of Dharma. Dharma has also been taught in epics like Ramayana, Mahabharata and in various Jain and Buddhist texts.

According to Rigveda Dharma (**Rta**) was of divine origin and it was the responsibility of **Varun** to uphold dharma.<sup>1</sup> Further the Puranas gave Dharma a moralistic perspective. Puranas also mentioned about *Matsya*, which is said to be the first incarnation of lord Vishnu on Earth. The literal meaning of *Matsya* is “fish”. The *Matsya Nyaya* refers to the theory that small fish in the sea would always be eaten by a bigger fish which exhibits that strong would destroy the weaker. This is similar to that of *law of jungle*. So to create a society where even the weakest can thrive, dharma that is law was needed and *Matsya Nyaya* was subsequently referred to as *Adharma*.

### DHARMA AS PROCLAIMED IN DHARMASUTRAS-

Dharma has been attributed in Dharmasutra as “*Svadharme Nidhanam Sreyah*”, the often quoted verse of *Bhagvat Gita* which means Swadharma is the most righteous thing for a man to do.<sup>2</sup> Swadharma here means the duty which an individual is ought to perform. Dharmasutras are mainly treatises written in

<sup>2</sup> S. Radha Krishnan, *Indian Philosophy*, Vol. 1 (1962), pp. 21-22.



the form of prose and verses which tells about individual and social conduct, laws and virtues. In Dharmasutra king was considered as administrator of justice and he derived power from Vedas. Some of the prominent Sutras are Gautama, Apastamba, Baudhayana and Vasistha Sutas. *Gautam Sutra* is regarded as the earliest sutra. This Sutra proclaimed the existence of **civil law** as well as **procedural law**. Vedas were the sources of all these laws and the law was termed as Dharma. King used to administer justice with the help of his *Parishad*. Parishad was a group of ten Brahmins well versed in law. Here we see that the whole justice system was caste orientated and was totally in the hands of Brahmins. Brahmins were not given any harsh punishment, the only punishment for them was banishment. In *Apastamba* sutra **criminal law** was also created and it also prescribed procedure for punishment for transgression of Dharma. In *Baudhayana* Sutra decisions were made on consensus basis. It focussed more on collective decision making rather than individual decisions. This made the justice system more strong. In *Vasistha* sutra the main aim was speedy justice and Brahmins were considered as the law givers. After in depth study of Dharmasutra it can be stated that Rta which was mentioned in the Vedas was substituted by Dharma. Dharma was the main law.

#### **KAUTILYA'S CONCEPT OF DHARMA-**

*Arthashastra* of Kautilya uses the term dharma in a totally different sense than it is used in Dharmasutra. Dharmasutra defines

dharma in the most comprehensive level i.e. to maintain legal order in a society whereas *Arthashastra* contains exclusive chapters regarding the administration of Dharma.

As we see today there is a distinct increment in scholarship on *China's* ancient knowledge and its traditions as it relates to international relations and security studies. But *Indian's* ancient past which is as rich as that of China and contains various themes of political philosophy is not that much recognized. Not much efforts have been done by scholars to revisit Indian's ancient philosophy which could be building block to various modern philosophies.<sup>3</sup> In *IDSAs* contemporary work, the leading institutes of India and Norway claimed that-

*"The Indian tradition and customs accentuate the concept of Dharma in its strategic strength as a set of rules that bind the rulers and the ruled in a similar way."*<sup>4</sup>

Kautilya ascribed dharma in 3 senses- dharma as *social duty*, dharma as *moral law* and dharma as *civil law*. Kautilya gave much importance to *Rajdharma*. He describes *Rajdharma* as the protector of all the other *dharmas* and also the *varnasrama dharma*. He also gave the concept of *danda*, *vyavhara*, and *vivada* in context of *Rajdharma*. In *arthshastra* arth has been referred as the base of dharma which leads to happiness, so Kautilya provided dharma a materialistic aspect with worldly goals.<sup>5</sup> King was referred to as protector of dharma. He says, "A king who dispense justice according to dharma, customs and evidence can conquer the whole world."

<sup>3</sup> Pradeep Kumar Gautam, *Kautilya's Arthashastra: Contemporary Issue and Comparison*, IDSA Monograph Series No. 47, October 2015, p. 83.

<sup>4</sup> Dr Arvind Gupta, Director General IDSA, and Professor Sven G. Holtmark, Director, IFS, Oslo,

'Foreword', in Kanti Bajpai, Saira Basit and V. Krishnappa (eds), *India's Grand Strategy: History, Theory, Cases*, New Delhi: Routledge, 2014, p.x.

<sup>5</sup> Kautilya, *Arthshastra*, Chanaky Praneet Sutram, 1-3.



He signified that king's law must be in accordance with *traividharma* (i.e dharma in three Vedas: Rigveda, Yajurveda and Samveda). But Chanakya prompted **varnasrama dharma** (dharma of four varnas) to such a great extent that he went against the general and basic principles of dharma. The concept of dharma which was mentioned in Vedas had nothing to do with the varnasrama dharma. In his justice system too, Brahmins escaped all type of punishments.

### DHARMA IN MANUSMRITI-

Manusmriti also referred as manava-dharmashastra, written by Manu, also discusses the subtle concept of dharma. According to the chapter 6, verse 92 of manusmriti-

*“dhr̥ti: kṣamā damo'steyaṃ  
śaucamindriyanigraha: |  
dh̥rvidyā satyamakrodho daśakaṃ  
dharmalakṣaṇam ||”<sup>6</sup>*

Patience, forgiveness, mastery over the mind, non-stealing, purity, control of senses, righteous action, knowledge, truth and giving up anger - are the ten indications of dharma. Manusmriti talks about nitidharma which covers all the aspects of human behavior. Manusmriti provides a spiritual view to the concept of dharma. Manu says, “All the worldly attachments are detached at the time of death from an individual except his dharma.”<sup>7</sup> Manusmriti clearly uses the divine theory of origin of state. God created both dharma and the state and made the king responsible for the protection of dharma. According to him it is the duty of king to regulate the behavior of people according to

dharma for which he can use the concept of dand (punishment). In Manusmriti dand has been given more importance than Dharma. Dharma can legalize Dand.

### DHARMA IN RAMAYANA-

The very essence of Ramayana, the oldest epic of India in which Rama has been beautifully sung, played and displayed is Dharma. The epic begins with Valmiki asking Sage Narad “*In today's world who is the heroic man, well versed in duties and action, true in speech and firm in his vows.*”

To this Narad replied “*the descendant of the line of Ikshvakus, he is known to men as Rama, firm in nature, he is greatly heroic, wise and just, true to his promise and is devoted to welfare of his subjects. In truthfulness he is another Dharma.*”<sup>8</sup> In this context Ram himself becomes the epitome and personification of Dharma.

Each character of Ramayana abides by his or her Dharma and set example for ideal relationships between human beings. Dharma is used when Janak tells Rama that “Hey, Rama I present my daughter to you. Sita is beautiful. She has a big dowry. She brings elephants, horses and jewellery with her. *But the greatest dowry that she brings is her Dharma.*”<sup>9</sup> Further we see the total dedication of Rama towards Dharma when Kaikayi asks Rama to go to forest for fourteen years, he gently replied “I am not after the world's goods my lady and don't live for them. You must know that I am like Rishi in my Dharma. If I could do any little thing to please my grieved father that would be done at all cost, for there is no greater Dharma than service to one's father. ”

<sup>6</sup>[https://wiki.ekvastra.in/doku.php/subhashita/%E0%A4%A7%E0%A5%83%E0%A4%A4%E0%A4%BF\\_%E0%A4%95%E0%A5%8D%E0%A4%B7%E0%A4%AE%E0%A4%BE](https://wiki.ekvastra.in/doku.php/subhashita/%E0%A4%A7%E0%A5%83%E0%A4%A4%E0%A4%BF_%E0%A4%95%E0%A5%8D%E0%A4%B7%E0%A4%AE%E0%A4%BE).

<sup>7</sup> Manusmriti, I Chapter, 54.

<sup>8</sup> *THE NATURAL LAW IN THE HINDU TRADITION*, M. S. Sundaram.

<sup>9</sup> Nagaiah, S : Vaimlki Ramayana, p.194.



There has been conflict regarding dharma at various levels in the Ramayana. For e.g. there has been significant conflict between love and dharma when Bharata requests Rama to come back to Ayodhya . Rama and Bharata are both surrounded by hundreds of sages and Rama says, You all are true masters of dharma that is why I believe you all will protect my dharma while Bharata says, If my love is true and I am not on the path of adharma justice should be given in my favour. Janaka while addressing them says, *On one side is the apotheosis of dharma and on the other side is the ultimate embodiment of love.* He says, “Rama, your resolute adherence to dharma is such that even the gods bow before you. Dharma is the greatest force that keeps the world stable. Scriptures say that nothing greater than dharma exists in all three worlds, we all are bound by it. But love is the only divine ethic that no dharma can even compel. Love steadfast, unselfish love is above all dharma, that is why now the scales are heavy in Bharata’s favour.

Further Dharma has also been central object of Bali Vadh in which Rama shot Bali with an arrow from behind. Bali said *“Though my lord you are the incarnation of Dharma ...You have shot me like a cruel huntsman. Without any reason, why have you slain me O Rama? You have used Adharma to kill me. This injustice will never be condoned by history.”*<sup>10</sup> To this Rama replied “O King of apemen at the threshold of death, now you invoke dharma, morality and justice but in your own lifetime this dharma did not enter even your dreams. Even without comprehending Dharma fully you want to preach Dharma to me. Let alone dharma intoxicated by your strength, you have disregarded the most common ethical norms. You forcefully kept your younger brother’s

wife with you in the most immoral way. A younger brother’s wife, a sister, and a sons bride are as one’s own daughter. Listen O wretch whoever looks upon them with a lustful eye may be slain without any sin. In my younger brother Bharat’s rule no being can do anything against Dharma. Me who steadfastly obey Bharat’s rule of dharma punished a corrupt being like you. A sinner is absolved once he is punished but if a king does not punish a sinner justly, the king himself must suffer that punishment. ***O King of apes for the sin you have committed your death will be always held right by dharma”*** Further we see Rama even set an arrow to dry the ocean to follow his Dharma. In this he even violates the natural law as the five elements of nature Ether, Earth, Fire, Wind and Water are the pillars of creation and violating the limits of water would be against the norms. So it is said that ***anyone naturally following his own dharma, acting spontaneously partakes the light of Rama. He wheels the authority of Rama in the feed of action. The fire and the wind obey him, support him work for him.***

There is another story in Ramayana which concerns sage Vishwamitra and deals with the manifold concept of dharma. In this episode Indra was angry so for twelve years it did not rain and there was drought and famine where there was no food to be hacked. Sage Vishwamitra could not find food to feed himself and his family. So he went travelling around looking for food and comes across a village of Chandalas. There he finds a rope slung across the courtyard of a Chandala and on that rope is slung half eaten carcass of a dog which the Chandala has killed. So Vishwamitra decides to steal the carcass of the dog but while stealing the Chandala

<sup>10</sup> Altekar G.S., Studies on Valmiki's Ramayana, p. 1.



caught him. He argues with Vishwamitra that you are a Brahmin so you should certainly not eat flesh. If you eat flesh, you should certainly not eat the flesh contaminated by the association of Chandal. If you eat flesh contaminated by the association of Chandal, you should certainly not eat the flesh of a dog. To this Vishwamitra replied, Dharma comes later, first let me survive. If I don't survive, there is no dharma. So we see the subtle conflict between dharma and one's mere existence

At the end of Ramayana, we even see Rama banishing Sita due to Rajdharma. But in this does he follows the dharma of a husband? Till now we are all constantly struggling to know what is the right course of action in any situation according to the insights of Dharma.

#### **DHARMA IN MAHABHARATA**

Mahabharata is possibly the greatest and most enduring epic of all time. The sheer size of it is daunting, it is eight times the size of the Iliad and the Odyssey put together. There has been substantial conflict of dharma in the Mahabharata. Mahabharata examines some of the abiding dilemmas of human existence as they manifest in different situations be in times past present or future. The word dharma is used in several different senses in the Mahabharata. The usage of the word dharma depends on the contexts. At one level it is used in the sense of varnashrama dharma in Mahabharata that is the dharma of four varnas and the four ashramas of life.<sup>11</sup> At another level it is used in the sense of good behaviour that is sadacharya or good conduct. At the third level it is used in the sense of governance. for example you should not

imprison a rich person for a crime because imprisoning that rich person for a crime is a burden on public ex-chequer. A monetary penalty should be imposed on a rich person. This was stated by Bhishma to Yudhishthira while he was lying down on his bed of arrows. He also told seventeen kinds of court cases which a king must pay attention to in which the first one was breach of contract. So dharma has also been used in the sense of rajdharma.

But what is most important for dharma in the Mahabharata is that in the last sort, dharma is an individual choice. So there is no absolute notion of what is right or what is wrong, you take your decision and you face the consequences. The same has been told by Krishna to Arjun when he didn't want to battle against his own kin. He said, "O Parth if you accept me as a friend, listen to me and fight. Without this war there can be no peace. Running away from Dharma will not lead you to peace. This war is your Dharma. Follow your Dharma Parth."<sup>12</sup> So we see that there is significant conflict of dharma in Mahabharata too.

#### **CONCLUSION-**

After intricate study of dharma it can be said that dharma is a multi-facet concept which embraces in its scope gradation of being in the sense of a hierarchical system, whether it is the laws governing the universe or the prescribed conduct set for individuals or a specific group. So in totality it can be said that dharma is an inexorable movement of the evolution of universe.

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<sup>11</sup> Kenji Takahashi, *Reconsidering the Developments of the Accounts of Creation and Dissolution in Mānavadharmasāstra 1 and Mahābhārata* 12.224-225 (2019).

<sup>12</sup> [https://www.academia.edu/16134055/The\\_Concept\\_of\\_Dharma\\_and\\_its\\_Significance\\_in\\_the\\_Mahabharata](https://www.academia.edu/16134055/The_Concept_of_Dharma_and_its_Significance_in_the_Mahabharata).