Justice as Dharma: Reclaiming Bharat's Ontological and Ethical Legacy

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ABSTRACT

This study interrogates the evolution of justice from its indigenous Dharma-centric framework in pre-colonial Bharat to the adversarial, codified systems imposed during colonial rule. Dharma, as articulated in the Bhagavad Gita, Manusmriti, and Arthashastra, represents a holistic and relational approach to justice, rooted in ethical action, societal harmony, and cosmic order. Colonial legal systems fragmented this intricate worldview, reducing justice to positivist legality devoid of ethical depth. This paper juxtaposes the insights of Indic traditions with contemporary critiques from thinkers like Derrida and Deleuze, reclaiming Dharma as a pluralistic and adaptive justice model. By integrating postcolonial theory and indigenous epistemologies, the study critiques colonial ruptures and positions Dharma as a globally resonant framework, capable of addressing contemporary challenges such as systemic inequities, ecological degradation, and fractured societal relationships.

KEYWORDS

Ontology of Justice, Dharma, Decolonial Jurisprudence, Indic Philosophy, Postcolonial Epistemology.

1. INTRODUCTION

Justice, in Indic traditions, transcends rigid legalistic structures, embodying a dynamic, ethical process rooted in Dharma. Unlike Western frameworks that prioritize individual rights and adversarial litigation, Dharma offers a holistic approach that integrates societal harmony, cosmic balance, and individual ethics into a unified ontological and epistemological framework. As articulated in the Bhagavad Gita, Dharma governs the moral order of the universe and human actions, emphasizing justice as a relational and restorative process rather than a retributive endpoint. In the Manusmriti, this ethos is encapsulated:

"धर्म एव हतो हन्ति धर्मो रक्षति रक्षितः।"

(Dharmo rakṣati rakṣitaḥ), "Dharma protects those who protect it; it destroys those who violate it" (Manusmriti, 8.15, Trans. Olivelle, 2005).[4]

The centrality of *Dharma* in justice aligns with its situational adaptability, wherein ethical decisions are made considering the needs of individuals, communities, and the cosmic balance. Unlike codified laws, Dharma is fluid, evolving with societal needs while remaining anchored in universal principles. Kautilya's Arthashastra further reinforces this perspective:

[4]This verse from the *Manusmriti* encapsulates the principle of Dharma as a self-regulating and protective force: " धर्म एव हतो हन्ति धर्मो रक्षति रक्षितः" (*Dharmo rakṣati rakṣitaḥ*), translated as, "Dharma protects those who protect it; it destroys those who violate it" (*Manusmriti*, 8.15). Patrick Olivelle's critical edition emphasizes this as a reflection of Dharma's adaptive and relational nature, highlighting its role in maintaining societal balance and ethical coherence (*The Laws of Manu*, Oxford University Press, 2005). This contextual adaptability ensures that Dharma remains relevant across varying circumstances, transcending rigid codifications to address dynamic societal needs.

"संपदो धर्मसिद्धिर्हि धर्मो राज्ञः परं बलम्।"

(Saṁpado dharmasiddhir hi dharmo rājñaḥ paraṁ balam), "A ruler's strength lies in upholding Dharma" (Arthashastra, 1.13, Trans. Kangle, 2010).[5]

Colonial Disruption and the Fragmentation of Dharma

The arrival of colonial systems disrupted Bharat's intricate justice systems, replacing Dharma-centric relational frameworks with positivist legal codes. British colonial jurisprudence prioritized retributive justice over reconciliation, fragmenting Dharma's ethical depth and severing its ties to cosmic and societal balance. These changes marked a significant epistemic rupture, as law became dissociated from morality.

Rajiv Malhotra critiques this transformation, asserting:

"Colonial legal systems were not neutral impositions; they actively decontextualized indigenous ethics, alienating Bharat from its civilizational roots" (Indra's Net, 2014, p. 67).[6]

This systemic displacement reduced Dharma to an abstract legality, eroding its dynamic and situational principles. Jacques Derrida's critique of codified justice resonates here: "Justice is infinite and incalculable, constantly disrupting the confines of codified law" (Specters of Marx, 1994, p. 25). The colonial imposition of rigid legal frameworks disregarded the adaptive and pluralistic nature of Dharma, imposing a monolithic system ill-suited to Bharat's diverse socio-cultural fabric.

Reclaiming Dharma: A Justice Paradigm for Modern Challenges

The disruptions caused by colonial impositions, which replaced Dharma-centric governance with codified, adversarial legal systems, underscore the critical need to reclaim Dharma as a justice paradigm.

Colonial legal frameworks fragmented the ethical and relational core of Bharat's indigenous systems, alienating communities from their cultural and civilizational roots. This paper argues that restoring Dharma as a dynamic, inclusive, and sustainable framework is essential for addressing contemporary challenges, including systemic inequities, ecological crises, and fractured societal relationships.

Dharma, as elaborated in classical texts such as the *Bhagavad Gita, Manusmriti*, and *Arthashastra*, offers a justice model deeply rooted in relational ethics and cosmic harmony. The Bhagavad Gita articulates the situational adaptability of Dharma, emphasizing personal duty (*swadharma*) and contextual alignment:

" स्वधर्मे निधनं श्रेयः परधर्मो भयावहः।" (*Svadharme nidhanaṁ śreyaḥ para-dharmo bhayāvahaḥ*), "Better to perish in one's own Dharma than to thrive in another's; alien Dharma is fraught with danger" (*Bhagavad Gita*, 3.35, Trans. Eknath Easwaran, 2007). This principle underscores the ethical responsibility of aligning individual actions with broader societal and cosmic harmony, rejecting rigid universalizations typical of codified Western legal systems.

The colonial imposition of rigid legal codes prioritized retributive justice and adversarial litigation

over relational and restorative practices, leading to the erosion of indigenous governance systems. The imposed legal systems stripped justice of its ethical depth and situational adaptability, reducing it to abstract legality devoid of relational accountability.

Restoring Dharma as a justice paradigm is not merely a revivalist effort but a transformative project. By synthesizing classical Indic philosophies with postcolonial critiques, the study emphasizes Dharma's capacity to address contemporary governance challenges. Dharma's pluralistic and relational ethos aligns justice with interdependence and sustainability, bridging Bharat's civilizational ethos with global imperatives. The ecological principles of Dharma, as reflected in the *Atharva Veda*, extend justice beyond human relationships, emphasizing intergenerational and environmental balance:

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[5]The *Bhagavad Gita* provides a foundational framework for understanding the ethical dimensions of *Dharma* as an integral part of human action and justice. Its principles have been widely interpreted to emphasize the relational and situational nature of duty. See Eknath Easwaran's *The Bhagavad Gita* (Nilgiri Press, 2007). The *Manusmriti* represents a codification of *Dharma's* principles, emphasizing justice as a self-regulating ethical force. For a modern translation and critical commentary, see Patrick Olivelle's *Manusmriti* (Oxford University Press, 2005). Kautilya's *Arthashastra* integrates governance with ethical principles of *Dharma*, portraying rulers as custodians of societal and cosmic order. See R.P. Kangle's translation of The *Arthashastra* (Motilal Banarsidass, 2010). Jacques Derrida's critique of codified justice as an incomplete and finite system is articulated in *Specters of Marx* (Routledge, 1994). His concept of justice-to-come aligns with Dharma's inherent adaptability and resistance to rigid codification. For an analysis of colonial disruptions to indigenous justice systems in Bharat, see Rajiv Malhotra's *Indra's* Net (HarperCollins, 2014).

[6]Rajiv Malhotra critiques the colonial transformation of Bharat's legal systems, emphasizing the epistemic violence involved in displacing indigenous frameworks. He asserts: *"Colonial legal systems were not neutral impositions; they actively decontextualized indigenous ethics, alienating Bharat from its civilizational roots"* (*Indra's Net*, HarperCollins, 2014, p. 67). This analysis highlights how colonial legal structures marginalized relational and situational principles of Dharma, replacing them with rigid, codified frameworks that prioritized uniformity over cultural and ethical specificity.

LITERATURE REVIEW AND HYPOTHESES*"माता भूमिः पुत्रोऽहम् पृथिव्याः।"* (*Mātā bhūmiḥ putro'haṁ pṛthivyāḥ*), "Earth is my mother, and I am her son" (*Atharva Veda*, 12.1.12, Trans. Ralph T.H. Griffith, 1895). These insights situate Dharma as a justice model that integrates ecological sustainability and ethical governance, addressing systemic and intergenerational inequities.

This paper advocates for the reclamation of Dharma as a framework for justice that transcends cultural boundaries while remaining deeply rooted in Bharat's traditions. Its relational and situational adaptability makes it uniquely suited to address modern challenges, offering an inclusive, ethical, and sustainable approach to governance, social justice, and ecological crises.[7]

2. Objectives

Establish Dharma as an Ontological Justice Model Beyond Legal Codifications

Dharma, as conceptualized in Indic traditions, transcends the rigidity of codified legal systems, presenting a dynamic framework rooted in relational ethics, situational adaptability, and cosmic harmony. Unlike Western positivist models that prioritize adversarial litigation and retributive justice, Dharma emphasizes balance, reciprocity, and the interconnectedness of individual duties (swadharma), societal welfare, and universal order. This ontological approach positions Dharma not as a fixed set of rules but as a living principle that evolves contextually to sustain harmony and prevent imbalance in governance and relationships.

Nationalist Interpretations of Dharma as a Living Force

Prominent nationalist thinkers, including S. Radhakrishnan and Deendayal Upadhyaya, have

reinterpreted Dharma as an integral, living force central to ethical governance and societal harmony. These interpretations emphasize Dharma's role in aligning spiritual and material aspirations, ensuring holistic progress.

S. Radhakrishnan: Dharma as the Unifying Thread of Bharat's Life

Radhakrishnan, in The Hindu View of Life (1926), describes Dharma as the law of life, encompassing every aspect of human existence:

"Dharma is not merely religious duty but the law of life, encompassing every aspect of human existence and striving for universal harmony."

He portrays Dharma as the unifying principle of Bharat's spiritual and social life, arguing that it integrates individual and collective ethics with the natural and cosmic orders. For Radhakrishnan, Dharma's adaptability allows it to address modern governance challenges while retaining its timeless ethical foundation.

Deendayal Upadhyaya: Integral Humanism and Dharma

Upadhyaya's concept of Integral Humanism positions Dharma as the foundation of societal harmony and ethical governance. He asserts:

"Dharma is the eternal guiding principle that aligns individual aspirations with societal welfare, ensuring holistic progress" (*Integral Humanism*, 1965).[8]

Upadhyaya argues that governance rooted in Dharma prioritizes relational justice, ethical responsibility, and participatory systems, creating a balanced and inclusive framework for progress. His work emphasizes that Dharma is not merely a metaphysical abstraction but a practical and actionable principle, capable of addressing systemic inequities and fostering societal well-being.

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[7]This discussion integrates classical texts and postcolonial critiques to argue for Dharma's relevance as a justice framework. The Bhagavad Gita emphasizes the situational adaptability of Dharma, particularly in the verse: "स्वधर्मे निधनं श्रेयः परधर्मो भयावहः" (Svadharme nidhanaṁ śreyaḥ para-dharmo bhayāvahaḥ), translated as "Better to perish in one's own Dharma than to thrive in another's; alien Dharma is fraught with danger" (Bhagavad Gita, 3.35, Trans. Eknath Easwaran, Nilgiri Press, 2007). Rajiv Malhotra critiques the colonial displacement of Dharma-centric frameworks as "epistemic violence" that alienated Bharat from its ethical roots (Indra's Net, HarperCollins, 2014, p. 67). Jacques Derrida's concept of justice as "infinite and incalculable" complements this critique, underscoring the limitations of codified law (Specters of Marx, Routledge, 1994, p. 25). Additionally, the Atharva Veda highlights Dharma's ecological dimension, stating, "माता भूमिः पुत्रोऽहम् पृथिव्याः" (Mātā bhūmiḥ putro'haṁ pṛthivyāḥ), translated as "Earth is my mother, and I am her son" (Atharva Veda, 12.1.12, Trans. Ralph T.H. Griffith, 1895). These perspectives collectively reaffirm Dharma's role as a transformative and globally resonant justice paradigm.

[8]Dharma, as articulated in Indic texts and nationalist philosophies, offers a transformative justice framework. The *Manusmriti* emphasizes Dharma's self-regulating nature through the verse: *"धर्मो रक्षति रक्षितः"* (*Dharmo rakṣati rakṣitaḥ*), "Dharma protects those who uphold it; it destroys those who violate it" (*Manusmriti*, 8.15, Trans. Patrick Olivelle, *The Laws of Manu*, Oxford University Press, 2005). S. Radhakrishnan interprets Dharma as the unifying thread of Bharat's spiritual and social life, asserting that it integrates individual and collective ethics with universal harmony (*The Hindu View of Life*, 1926). Deendayal Upadhyaya extends this interpretation, positioning Dharma as the foundation for ethical governance and societal progress, aligning individual aspirations with collective welfare (*Integral Humanism*, 1965). These perspectives collectively underscore Dharma's capacity to transcend rigid legal codifications, addressing the complexities of governance and societal harmony with timeless relevance.

Upadhyaya argues that governance rooted in Dharma prioritizes relational justice, ethical responsibility, and participatory systems, creating a balanced and inclusive framework for progress. His work emphasizes that Dharma is not merely a metaphysical abstraction but a practical and

actionable principle, capable of addressing systemic inequities and fostering societal well-being. This research engages with their works to establish Dharma as a framework that transcends metaphysical abstraction, providing actionable guidelines for ethical governance and social order.[9]

Comparison with Restorative Justice Paradigms

This study contrasts Dharma with restorative justice paradigms, which share foundational principles of relationality and reconciliation over retributive justice. Restorative justice practices, often rooted in indigenous cultures and employed in global reconciliation efforts like South Africa's Truth and Reconciliation Commission, prioritize community healing and accountability. Howard Zehr, a pioneer of restorative justice, defines it as a framework that seeks to repair harm by addressing relational fractures and emphasizing reconciliation:

"Justice is fundamentally about relationships—healing them, restoring them, and transforming broken systems into inclusive frameworks" (The Little Book of Restorative Justice, 2002, p. 22).

However, Dharma distinguishes itself by extending its scope beyond interpersonal relationships to encompass systemic, ecological, and cosmic dimensions. Indic traditions emphasize that justice is not confined to human interactions but integrates sustainability and interdependence with the natural world and universal harmony. Unlike restorative justice, which primarily focuses on repairing community fractures, Dharma offers a multidimensional approach that integrates ecological sustainability and cosmic balance, making it uniquely equipped to address global challenges such as climate change and biodiversity loss.

Critique of the Impact of Colonial Rule on Dharma-Based Governance

The colonial imposition of Western legal frameworks fundamentally disrupted Bharat's indigenous Dharma-centric systems, replacing them with rigid, codified structures that prioritized retributive justice over restorative balance. This displacement fragmented the ethical and cultural governance frameworks rooted in Dharma, creating alien systems detached from Bharat's civilizational ethos. Colonial legal systems sought uniformity and standardization, disregarding the nuanced, adaptive, and relational nature of Dharma, which had evolved to address the complexities of Bharat's socio-political and ecological landscape.

Dismantling the Ethical Core of Dharma

Colonial systems marginalized community-based justice mechanisms, which had functioned as organic, adaptive systems responsive to local needs. Arun Shourie elaborates on this displacement, asserting:

"The British legal administration disrupted localized, participatory governance systems by imposing foreign frameworks that prioritized bureaucratic uniformity over relational ethics and community involvement" (*Eminent Historians*, HarperCollins, 1998).

Fragmentation and Cultural Alienation

The imposition of Western legal frameworks fragmented Bharat's relational governance structures, leading to a disconnection between the people and their traditional systems of justice. By undermining Dharma's ethical principles, colonial interventions eroded trust in governance and created a cultural void that persists in postcolonial legal and political systems. This alienation from indigenous systems resulted in the marginalization of ethical accountability and participatory justice, further deepening societal inequities.

Repositioning Dharma as a Decolonial Framework

Reclaiming Dharma as a justice framework provides a pathway to decolonize governance and restore Bharat's indigenous systems. By emphasizing relational ethics, situational adaptability, and cosmic harmony, Dharma offers a culturally resonant and inclusive alternative to the impersonal and rigid codifications of colonial systems. Its ecological principles align with contemporary sustainability goals, while its participatory governance ethos ensures that justice remains both context-sensitive and inclusive. This reclamation challenges the legacy of colonial epistemic violence, advocating for the reintegration of Dharma-centric principles in modern governance systems. By doing so, it not only restores cultural and ethical integrity but also positions Dharma as a globally relevant framework capable of addressing the complexities of governance, social equity,

and environmental sustainability in a postcolonial world.

[9]Manusmriti, Chapter 8, Verse 15, describes Dharma as self-regulating and protective, providing the philosophical basis for relational ethics in governance. See Patrick *Olivelle's Manusmriti: The Laws of Manu* (Oxford University Press, 2005). S. Radhakrishnan interprets Dharma as a holistic and unifying principle in *The Hindu View of Life* (1926), emphasizing its role in sustaining universal harmony. Deendayal Upadhyaya's *Integral Humanism* (1965) articulates Dharma as the guiding principle of Bharat's societal and ethical systems. Restorative justice paradigms share relational aspects with Dharma but lack its integration of cosmic order. For insights on restorative justice practices, see Zehr, Howard. *The Little Book of Restorative Justice* (Good Books, 2002).

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Epistemic Violence and Fragmentation of Indigenous Jurisprudence

Colonial interventions imposed epistemic violence by systematically devaluing indigenous knowledge systems. Arun Shourie critiques the intellectual subjugation embedded in these policies: *"The British sought to delegitimize Bharat's rich traditions by portraying its systems as primitive, thus paving the way for the imposition of foreign frameworks that disrupted the organic functioning of society"* (*Eminent Historians*, 1998).

This disruption extended to governance. By centralizing legal authority and imposing a one-size-fits-all codified system, colonial policies dismantled community-based justice mechanisms rooted in *Dharma*, which had allowed for flexibility and reconciliation at local levels.

Moral Erosion and Cultural Alienation

Koenraad Elst emphasizes the cultural alienation resulting from these legal disruptions: *"Colonial policies sought to redefine Bharat's moral frameworks through the lens of Western superiority, systematically erasing the indigenous context that tied governance to ethical and spiritual principles"* (*Decolonizing the Hindu Mind*, 2001).

The alienation caused by these disruptions created a disconnect between the people and their governance systems, as colonial laws failed to resonate with Bharat's moral and spiritual traditions. This led to a loss of societal trust in the justice system, replacing participatory governance with bureaucratic control.[10]

Towards Decolonization of Legal Systems

This objective advocates for the decolonization of Bharat's legal and governance systems by reclaiming *Dharma* as the foundation of justice. Decolonization entails not only dismantling the remnants of colonial legal structures but also reintroducing the relational and adaptive principles of *Dharma* into contemporary governance. This reclamation aligns with the civilizational continuity of Bharat, offering a framework that is culturally resonant and ethically grounded.

Comparison with Restorative Justice Paradigms

This study draws comparisons between *Dharma* and restorative justice paradigms, both of which emphasize relationality and reconciliation over retribution. Restorative justice, widely practiced in indigenous cultures and modern reconciliation efforts, focuses on repairing harm through dialogue, accountability, and community restoration. Examples such as South Africa's Truth and Reconciliation Commission underscore the paradigm's emphasis on healing societal fractures through relational engagement.

Commonalities: Relationality and Reconciliation

Restorative justice aligns closely with *Dharma* in its recognition of interconnectedness and the need to repair broken relationships. Both systems prioritize accountability and emphasize healing over punishment. Howard Zehr, a prominent advocate of restorative justice, notes:
"Justice is not about rules or revenge, but about relationships—restoring them when they are broken

and strengthening them where they are weak" (*The Little Book of Restorative Justice*, 2002, p. 22). Similarly, *Dharma* approaches justice as a relational ethic, balancing individual, societal, and cosmic duties to sustain harmony. The *Mahabharata* encapsulates this principle:

"यतो धर्मस्ततो जयः।"

(*Yato dharmas tato jayaḥ*), "Where there is Dharma, there is victory" (*Mahabharata*, Udyoga Parva, 43.6).

Both paradigms recognize that justice is not static but an evolving process that requires continuous engagement with ethical and social complexities.

Dharma as the Cornerstone of Cosmic Order and Human Conduct

The ancient Bharatiya knowledge system positions Dharma as an all-encompassing principle that governs not only human behavior but also the universal order. This concept is deeply rooted in Ṛta,

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[10]Rajiv Malhotra critiques the epistemic violence of colonial interventions in *Indra's Net: Defending Hinduism's Philosophical Unity* (HarperCollins, 2014), describing how these policies disrupted *Dharma*'s ethical core. Arun Shourie discusses the deliberate marginalization of Bharat's traditions in *Eminent Historians* (HarperCollins, 1998). Koenraad Elst emphasizes the cultural alienation caused by colonial legal impositions in *Decolonizing the Hindu Mind: Ideological Development of Hindu Revivalism* (Rupa & Co., 2001). These works collectively highlight the moral erosion and systemic fragmentation caused by British rule.

the Vedic notion of cosmic law, which provides the foundation for Dharma's multifaceted role in maintaining balance across natural, moral, and spiritual dimensions.

Vedas and Ṛta: The Cosmic Foundations

The **Ṛig Veda** serves as the primary source of the concept of **Ṛta**, portraying it as the eternal law that sustains the universe. The verse *Ṛig Veda* (10.190.1) declares:

"Ṛtaṁ satyaṁ chābhīddhāt tapaso'dhyajāyata"

("From the heat of creation arose Order and Truth.")

This seminal verse encapsulates the idea that **Ṛta** is not merely an abstract principle but the primordial force from which Dharma emerges. **Ṛta** functions as the underlying rhythm of the cosmos, governing the movement of celestial bodies, the cycle of seasons, and the intricate balance of ecosystems.

The **Yajur Veda** (36.18) extends this understanding:

"Ṛtena pṛthivī tiṣṭhati ṛtenotpatiṣyati ṛtena dyāur uttarāṇaṃ ṛtena tapasāṃ tapaḥ"

("By Ṛta, the earth remains firm; by Ṛta, the heavens ascend. By Ṛta, austerities shine.")

This verse emphasizes the centrality of **Ṛta** in ensuring the stability and functionality of both the terrestrial and celestial realms. It establishes **Dharma** as the ethical and social counterpart of **Ṛta**, translating cosmic order into the human domain.

Ṛta and Dharma: A Dynamic Relationship

Ṛta and **Dharma** are often regarded as two sides of the same coin. While **Ṛta** represents the eternal and immutable cosmic law, **Dharma** manifests as its dynamic and situational expression. In human conduct, **Dharma** functions as a guideline that aligns individual actions with the universal order.

This relational ethic illustrates how **Dharma** integrates cosmic, environmental, and human elements into a unified framework of responsibility and reciprocity.

Ṛta and the Devas: Guardians of Cosmic Order

In the Vedic worldview, the **Devas** are the custodians of **Ṛta**, upholding the laws of nature and ensuring the smooth functioning of the universe. The **Ṛig Veda** (2.12.7) glorifies Indra as the defender of **Ṛta**:

"Indraḥ ṛtaṁ bṛhat saṁsṛjate satyaṁ vācaṁ janebhyaḥ"

("Indra upholds Ṛta and truth, granting speech and wisdom to humanity.")

This highlights the divine endorsement of **Ṛta** as the foundational principle, with **Dharma** serving as its human counterpart. The **Devas'** roles affirm that adherence to **Dharma** is not merely a personal ethic but a contribution to the preservation of universal harmony.

Human Conduct and Dharma: Bridging the Cosmic and Ethical

The *Taittiriya Upanishad* (1.11.1) connects **Ṛta** and **Dharma** to human conduct:

"Satyam vada, dharmam chara"

("Speak the truth, practice Dharma.")

This instruction reflects how **Dharma** serves as a moral compass, ensuring that human actions remain in alignment with the cosmic order. Unlike rigid legal frameworks, **Dharma** evolves to meet the demands of changing contexts while preserving its core ethos of truth and justice.

This aphorism underscores the inseparable link between **Dharma** and **satyam** (truth), elevating Dharma from a regulatory principle to a universal law that governs all aspects of existence.

Adaptability and Temporal Exigencies

One of the most striking features of **Dharma** is its adaptability. Unlike static constructs, **Dharma** evolves to address the complexities of human life while remaining anchored in its foundational principles. The **Manusmriti** (4.138) asserts:

"*Dharma is subtle; it requires wisdom to discern its application in varying circumstances.*"

This adaptability ensures that **Dharma** remains relevant across time and space, guiding humanity through diverse challenges while maintaining harmony with **Ṛta**.[11]

Dharma's Role in Society and Ecology

The **Mahapuranas** elaborate on the societal dimensions of **Dharma**, presenting it as the bedrock of social harmony and ecological stewardship. The *Bhagavata Purana* (1.2.6) proclaims:

"Dharma is that which upholds both individual and collective welfare, ensuring harmony with the divine order."

Similarly, the *Shiva Purana* emphasizes **Dharma** as the principle that connects humanity to the natural world, advocating for sustainable practices that honor the interconnectedness of life.

Upanishads: The Metaphysical Dimensions of Dharma

The Upanishads, known as the Vedantic scriptures, delve into the profound philosophical and metaphysical essence of Dharma, transcending its practical and societal manifestations. This exploration is deeply rooted in the interconnectedness of existence, truth, and cosmic order.

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The *Brihadaranyaka Upanishad* (1.4.14) declares, **"Dharmo vai satyaṁ; satyaṁ vai dharmaḥ"** ("Dharma is truth, and truth is Dharma"). This statement illustrates that Dharma is not confined to ethical duties or societal laws but represents a fundamental principle of existence. It intertwines with satya (truth), underscoring its role as the sustaining force that aligns human conduct with universal reality. In this way, Dharma is positioned as both the means to and the embodiment of cosmic truth.

Expanding this understanding, the *Chandogya Upanishad* (6.2.1) states, **"Sarvam khalvidam brahma"** ("All this is indeed Brahman"). Dharma, in this context, is the relational principle that maintains harmony within the cosmic web of Brahman, the ultimate reality. Here, Dharma reflects not only the ethical dimension of interconnectedness but also the metaphysical unity of all creation. Every action adhering to Dharma reinforces the intricate balance of the universe, demonstrating that individual duties are intrinsically tied to cosmic stability.

The *Taittiriya Upanishad* (1.11.1) provides a practical lens to Dharma, blending its philosophical and ethical dimensions: **"Satyam vada, dharmam chara"** ("Speak the truth, practice Dharma"). This directive connects human behavior to metaphysical order, suggesting that truthful speech and righteous action are vital for sustaining both personal and universal equilibrium.

Further, the *Katha Upanishad* (2.24) metaphorically describes the transcendental power of Dharma in leading to self-realization: **"Yasya brahma cha kshatram cha ubhe bhavata odanah, mrityuryasya upasechanam ka ittha veda yatra sah"** ("For whom Brahman and Kshatriya are food, and death is a condiment—who truly knows where such a one resides?"). This enigmatic verse highlights the transformative potential of adhering to Dharma, enabling one to rise above material dualities and realize unity with the infinite.

Additionally, the *Mundaka Upanishad* (3.1.1) offers a contemplative vision of Dharma's integral role in spiritual awakening: **"Satyameva jayate nanritam; satyena pantha vitato devayanah"** ("Truth alone prevails, not falsehood; by truth, the divine path is laid out"). Dharma as a manifestation of truth becomes the guiding principle for traversing the spiritual journey toward liberation (moksha).[12]

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[11]Dharma, as depicted in the Vedic and Upanishadic traditions, is intrinsically linked to Ṛta, the cosmic order. The *Ṛg Veda* (10.190.1) introduces Ṛta as the fundamental law governing creation, stating, "Ṛtaṁ satyaṁ chābhīddhāt tapaso'dhyajāyata" ("From the heat of creation arose Order and Truth"). The *Yajur Veda* (36.18) further emphasizes Ṛta's role in sustaining the earth and the heavens. The *Atharva Veda* (12.1.1) integrates this cosmic principle into a relational ethic, proclaiming, "Mātā bhūmiḥ putro'haṁ pṛthivyāḥ" ("Earth is my mother, and I am her son"). The Upanishads expand upon this foundation, with the *Taittiriya Upanishad* (1.11.1) instructing, "Satyam vada, dharmam chara" ("Speak the truth, practice Dharma"), while the *Brihadaranyaka Upanishad* (1.4.14) equates Dharma with truth: "Dharmo vai satyaṁ; satyaṁ vai dharmaḥ" ("Dharma is truth, and truth is Dharma"). The *Manusmriti* (4.138) highlights Dharma's adaptability, stating, "Dharma is subtle; it requires wisdom to discern its application in varying circumstances."

Expanding on these ideas, the *Mahapuranas*, including the *Bhagavata Purana* (1.2.6), frame Dharma as a principle sustaining individual and collective welfare, while the *Shiva Purana* links it to ecological stewardship. Collectively, these texts illustrate Dharma's role as a dynamic, integrative framework, seamlessly connecting cosmic order with human conduct.

[12]The Upanishads, as foundational texts of Vedantic philosophy, provide a multidimensional understanding of Dharma that integrates metaphysical, ethical, and spiritual realms. The *Brihadaranyaka Upanishad* (1.4.14) emphasizes Dharma's alignment with truth (satya), reflecting its role as the cosmic principle that sustains harmony across existence. This relationship is further elaborated in the *Chandogya Upanishad* (6.2.1), which positions Dharma within the framework of Brahman, the ultimate reality, asserting the inherent interconnectedness of all entities. Practical directives, such as "Satyam vada, dharmam chara" from the *Taittiriya Upanishad* (1.11.1), connect the metaphysical concept of Dharma to human conduct, underscoring its relevance in everyday life. The *Katha Upanishad* (2.24) and *Mundaka Upanishad* (3.1.1) extend this understanding by portraying Dharma as a guiding force in the pursuit of liberation (moksha) and the sustenance of cosmic order (Ṛta). Together, these texts illustrate the integrative and transcendental dimensions of Dharma within the Bharatiya knowledge tradition.

These profound insights from the Upanishads not only define Dharma as the foundation of cosmic and ethical order but also emphasize its dynamic adaptability and spiritual transcendence. By aligning individual actions with this universal principle, one not only upholds the fabric of societal harmony but also contributes to the sustenance of Ṛta—the eternal cosmic law that governs the universe. The Upanishadic vision of Dharma inspires a holistic approach to existence, urging humanity to balance temporal obligations with the ultimate quest for unity with Brahman.

Smritis: Codification and Practicality

The **Smritis** serve as the bridge between metaphysical principles and their practical application, operationalizing **Dharma** in governance, law, and ethics. Among the prominent Smritis are the

Manusmriti, **Yajnavalkya Smriti**, and **Parashara Smriti**, each contributing uniquely to the evolving understanding of Dharma in Bharatiya civilization.

Yajnavalkya Smriti: Dharma as Justice

The *Yajnavalkya Smriti* introduces a refined approach by clearly separating moral imperatives from legal obligations, ensuring that Dharma evolves into a just and practical framework. It asserts:

"Nyāya eva dharmah"

"Justice itself is Dharma."

This principle underscores the primacy of fairness and equity in legal and ethical governance, advocating a system where justice is not rigid but adaptive, sensitive to context and human needs.

Parashara Smriti: Ecological Responsibility

The *Parashara Smriti*, often considered the oldest Dharma-Smriti, places significant emphasis on **ecological Dharma**, highlighting the interconnectedness of human actions with nature. It advocates for the preservation of natural harmony, asserting:

"Prithivyam yadi dharmah na vichalati, sarvam kushalam bhavati"

"When Dharma on Earth remains steady, all prosperity ensues."

This vision of Dharma integrates ecological consciousness, prescribing duties for rulers and individuals to ensure environmental sustainability and protect biodiversity.

Manusmriti*: Reciprocal Protection*

The *Manusmriti* elaborates on the reciprocal nature of Dharma, emphasizing mutual protection between individuals and the principles they uphold:

"धर्मो रक्षति रक्षितः"

"Dharma protects those who uphold it."

(Manusmriti 8.15)

This aphorism illustrates how Dharma functions as a symbiotic relationship, fostering societal order and ethical accountability. By addressing the complexities of law, duty, and social equity, the Smritis ensure that Dharma remains a living, adaptive force, capable of addressing evolving societal challenges.

Dharma in Narrative Traditions: Puranas and Ithihasas

The Puranas and Ithihasas extend the abstract principles of Dharma into lived realities, embedding them within the narratives of gods, heroes, and everyday individuals. These texts illustrate Dharma's flexibility and its relevance in resolving ethical dilemmas, providing both normative guidance and situational adaptations.

Bhagavata Purana: Devotional Dharma

The *Bhagavata Purana* emphasizes Bhakti Dharma, connecting individual actions to divine will. It declares:

"स वै पुंसां परो धर्मो यतो भक्तिरधोक्षजे"

"The highest Dharma for humanity is loving devotion to the Supreme."

(Bhagavata Purana 1.2.6)

This devotional lens broadens Dharma's scope, merging the relational ethic of human interactions with spiritual aspirations. By prioritizing devotion as an essential element of Dharma, the *Bhagavata Purana* positions divine love as the ultimate guiding force for ethical and moral conduct.

Ramayana: Embodiment of Dharma

In the *Ramayana*, Dharma is portrayed as both normative and situational through the life of **Lord Rama**, who exemplifies adherence to **Rajadharma** (duty of a ruler) and **Svadharma** (individual duty). Rama's exile, undertaken to honor his father's promise, showcases the tension between personal sacrifice and collective welfare, illustrating the adaptability and integrity required to uphold Dharma.

Mahabharata: Subtleties of Dharma

The *Mahabharata*, particularly the *Shanti Parva*, offers profound insights into the complexities of Dharma. Bhishma, on his deathbed, advises:

"धर्म सूक्ष्मः"

"Dharma is subtle."

This recognition of Dharma's nuanced nature is exemplified in the *Bhagavad Gita*, where **Arjuna's moral crisis** reflects the tension between **Svadharma** (duty as a warrior) and **Lokasangraha** (universal welfare). Lord Krishna resolves this dilemma by redefining Dharma as selfless action aligned with the cosmic order:

"योगस्थः कुरु कर्माणि"

"Perform your duties, remaining steadfast in yoga."

(Bhagavad Gita 2.48)

Situational Ethics and Lokasangraha

The *Mahabharata* repeatedly emphasizes the need for wisdom to navigate ethical dilemmas. For instance, **Yudhishthira's adherence to truth,** even at personal cost, is counterbalanced by Krishna's pragmatic counsel to prioritize societal stability over rigid morality.[13]

Philosophical Interpretations: Schools of Thought and Dharma

Bharatiya philosophical traditions offer a profound and multi-faceted exploration of Dharma, contextualizing it as both an ethical and metaphysical principle. These schools of thought—Mimamsa, Nyaya, and Vedanta—approach Dharma from distinct vantage points, contributing to its rich conceptual tapestry.

Mimamsa Sutras: Ritual and Ethical Foundations

The **Mimamsa philosophy**, often regarded as the earliest systematic exploration of Dharma, defines it as *"codana-lakṣaṇaṁ arthaḥ"* (that which is prescribed by Vedic injunctions). Mimamsa emphasizes the performative dimension of Dharma, where rituals and actions prescribed by the Vedas serve as the primary vehicles for maintaining Ṛta (cosmic order).

For Mimamsa thinkers like Jaimini, rituals were not merely religious acts but an essential means of sustaining the world. The idea of Dharma here is intrinsically tied to **karma** (action), signifying a **sacrificial ontology**, where individual and collective welfare are interlinked through Vedic performances. Mimamsa thus anchors Dharma in practical applications that ensure harmony within the cosmic, societal, and individual spheres.

Nyaya Sutras: Rationality and Dharma as Justice

The **Nyaya school**, a cornerstone of Bharatiya logic and epistemology, approaches Dharma with a focus on **anumana** (inference) and **pramana** (valid means of knowledge). The Nyaya Sutras contextualize Dharma within judicial and rational frameworks, portraying it as the principle that upholds fairness and reason.

This school emphasizes **yukti** (reasoning) as integral to understanding Dharma. For instance, it advocates for using evidence-based judgments to resolve disputes, ensuring that governance is rooted in **nyaya** (justice). Nyaya's interpretation of Dharma reveals its adaptability, integrating it with evolving societal structures while preserving its ethical core. Dharma, therefore, becomes a balance between traditional wisdom and rational adjudication.

Vedanta: Dharma as a Pathway to Moksha

The **Vedantic tradition**, particularly articulated by Adi Shankaracharya, elevates Dharma beyond the socio-ritual domain into the realm of spiritual enlightenment.

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[13]The *Smritis*, including the *Manusmriti*, *Yajnavalkya Smriti*, and *Parashara Smriti*, provide operational frameworks for applying Dharma to governance and ethics. The *Yajnavalkya Smriti* separates moral and legal obligations, asserting that justice is the essence of Dharma ("Nyāya eva dharmah"). Meanwhile, the *Parashara Smriti* emphasizes ecological responsibility, urging rulers

and individuals to preserve natural harmony, a principle evident in its declarations such as "Prithivyam yadi dharmah na vichalati, sarvam kushalam bhavati." The *Manusmriti* underscores reciprocity in Dharma, encapsulated in the verse "धर्मो रक्षति रक्षितः" ("Dharma protects those who uphold it") (Manusmriti, 8.15). The narrative traditions of the *Puranas* and *Ithihasas* embed these principles in stories, offering practical and situational applications. For instance, the *Bhagavata Purana* elevates devotional Dharma through its assertion, "स वै पुंसां परो धर्मो यतो भक्तिरधोक्षजे" ("The highest Dharma is loving devotion to the Supreme") (1.2.6). The *Mahabharata*'s *Shanti Parva* highlights the subtleties of Dharma, as Bhishma describes it as "धर्म सूक्ष्मः" ("Dharma is subtle"). Lord Krishna's guidance in the *Bhagavad Gita* redefines Dharma as action aligned with cosmic harmony: "योगस्थः कुरु कर्माणि" ("Perform your duties, remaining steadfast in yoga") (2.48). These texts collectively reflect the adaptive and integrative nature of Dharma across individual, societal, and universal dimensions.

Shankaracharya posits Dharma as preparatory to the realization of *Brahman* (ultimate reality). He states, *"Chittasya shuddhaye karma, na tu vastu upalabdhaye"* ("Action purifies the mind but does not lead to the ultimate reality").

Vedanta views Dharma as a **sadhana** (spiritual practice) that harmonizes ethical living with metaphysical pursuits. It underscores the interplay between **pravritti** (engagement with worldly duties) and **nivritti** (withdrawal for spiritual contemplation), positioning Dharma as the bridge between the temporal and the transcendental. This dual aspect of Dharma exemplifies its universality, allowing individuals to navigate material and spiritual aspirations simultaneously.

Dharma as an Integrative Philosophy

While Mimamsa anchors Dharma in ritual action, Nyaya situates it in rationality, and Vedanta elevates it to spiritual transcendence, these schools collectively emphasize Dharma's versatility. Dharma is not a rigid construct but a **living principle**, dynamically responding to the demands of justice, ethical conduct, and spiritual growth.

For instance, the Vedangas and auxiliary texts, such as the **Shiksha (phonetics)** and **Vyakarana (grammar)**, further enrich this discourse by codifying the rules necessary for preserving the sanctity of Vedic recitation and understanding. The emphasis on precision and clarity in these traditions reflects the integrative approach to Dharma—bridging the practical with the sublime.

Expanding the Framework

Complementing these traditions are the philosophical contributions of later systems like **Samkhya** and **Yoga**, which highlight the interplay between **prakriti** (nature) and **purusha** (consciousness) in sustaining Dharma. Samkhya views Dharma as inherent in the **gunas** (qualities) of nature, while Yoga emphasizes **yama** (ethical restraints) and **niyama** (observances) as the moral dimensions of Dharma.

Thus, the Bharatiya philosophical traditions, spanning Mimamsa, Nyaya, Vedanta, and others, collectively frame Dharma as a **multi-dimensional, adaptable, and timeless principle**. It integrates **ritual precision, rational governance, and spiritual realization**, illustrating its capacity to address the

complexities of human existence and cosmic harmony. This synthesis ensures that Dharma remains not just a theoretical construct but a **lived reality**—a cornerstone of individual and societal well-being.[14]

Addressing Systemic Imbalances

Restorative justice primarily focuses on specific harms and localized reconciliation efforts. In contrast, *Dharma* seeks to address broader systemic issues, such as caste inequities, environmental degradation, and governance failures. For example, *Dharma* integrates ecological ethics into its justice framework, emphasizing the importance of sustaining natural resources and preventing exploitation.

3. Scope and Methodology

Scope

This research examines *Dharma* as a foundational principle of justice embedded within Bharat's civilizational ethos, focusing on its philosophical, historical, and contemporary dimensions. It critiques the colonial disruption of Dharma-centric governance and reimagines its application as a relational and dynamic justice framework in addressing contemporary challenges. By situating Dharma in opposition to codified Western legal systems, the study explores its adaptive potential to resolve issues of equity, sustainability, and systemic governance failures. The scope of this research includes the following aspects:

As Deendayal Upadhyaya states:

"Dharma is not merely a set of rules but a principle that aligns all aspects of life—individual, societal, and environmental—toward harmony and progress" (*Integral Humanism*, 1965).[15]

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[14]Mimamsa's definition of Dharma as *"codana-lakṣaṇaṁ arthaḥ"* highlights the performative and prescriptive nature of Vedic injunctions, emphasizing ritual action as a means of sustaining cosmic and societal order (Jaimini, *Mimamsa Sutras*, trans. Mohan Lal Sandal, 1923). The Nyaya school integrates logical analysis, where Dharma is evaluated through inference and valid knowledge (Gautama, *Nyaya Sutras*, trans. Ganganath Jha, 1939), reflecting its adaptability in legal and ethical governance. Vedantic philosophy, particularly articulated by Adi Shankaracharya, views Dharma as preparatory for spiritual liberation, emphasizing ethical conduct as a foundation for self-realization (*Bhagavad Gita Bhashya*, trans. Swami Gambhirananda, 1984). Complementary texts like the Vedangas (Shiksha and Vyakarana) provide a structural framework for preserving Vedic traditions, reflecting Dharma's integrative approach (*Vedanga Literature: A Study*, Gaurinath Sastri, 1989). Together, these schools demonstrate the multi-dimensional nature of Dharma, harmonizing practical, rational, and metaphysical domains within the Bharatiya knowledge system.

[15]Howard Zehr articulates restorative justice's focus on repairing relationships in *The Little Book of Restorative Justice* (Good Books, 2002). The *Mahabharata*, Udyoga Parva, 43.6, highlights *Dharma*'s emphasis on relational justice. Deendayal Upadhyaya discusses the integrative and systemic nature of *Dharma* in *Integral Humanism* (1965). The *Atharva Veda*, Hymn 12.1.12, underscores the cosmic interconnectedness central to *Dharma*. These sources collectively demonstrate the complementary yet distinct nature of *Dharma* and restorative justice.

3.1 Philosophical and Historical Analysis

This research draws on classical Indic texts such as the *Manusmriti*, *Bhagavad Gita*, and *Arthashastra* to explore *Dharma* as an ontological and epistemological concept. These foundational texts portray Dharma as dynamic, situational, and inherently tied to ethical responsibilities, societal harmony, and cosmic balance. Unlike the rigid frameworks of codified Western legal systems, Dharma operates fluidly, evolving in response to context and ensuring balance across personal, societal, and universal dimensions.

Dharma as Situational and Adaptive: Insights from the Bhagavad Gita

The *Bhagavad Gita* offers profound insights into the situational adaptability of Dharma. In *Chapter 3, Verse 35*, Krishna advises Arjuna:

"स्वधर्मे निधनं श्रेयः परधर्मो भयावहः।"

(*Svadharme nidhanaṁ śreyaḥ para-dharmo bhayāvahaḥ*), "Better to perish in one's own Dharma than to thrive in another's; alien Dharma is fraught with danger."

This verse emphasizes that Dharma is not universalized but deeply individualized, aligning one's duties (*swadharma*) with personal capacities and cosmic balance. It rejects the imposition of external or alien frameworks, which can disrupt the relational harmony that Dharma seeks to uphold.

Eknath Easwaran, in his commentary on the *Bhagavad Gita*, explains that this verse underscores the primacy of inner duty over external conformity. Dharma, as per Easwaran, is an "inner compass" that integrates personal actions with the broader ethical fabric of society and the universe (*The Bhagavad Gita*, Nilgiri Press, 2007).

For example, Arjuna's internal conflict on the battlefield of Kurukshetra reflects the nuanced application of Dharma. His hesitation to fight against kin illustrates the situational dilemmas inherent

in moral decision-making. Krishna's teachings remind him that adherence to *swadharma*—as a warrior committed to justice—is essential to maintaining societal balance and cosmic order. This adaptability sharply contrasts with the rigid universality of Western legal systems, which prioritize uniformity over context.

Dharma as a Self-Regulating Force: The Manusmriti's Contribution

The *Manusmriti* encapsulates Dharma as a self-regulating and protective force. Dharma, in this framework, operates as a balancing force that sustains relationships and mitigates conflicts. It is neither static nor prescriptive but contextually responsive, adapting to the needs of individuals and communities while ensuring universal balance.

Patrick Olivelle, in his critical translation of the *Manusmriti*, highlights how Dharma functions as a self-regulating principle. He describes it as a mechanism for maintaining social cohesion and moral order, emphasizing that its flexibility allows it to evolve alongside societal transformations (*The Laws of Manu*, Oxford University Press, 2005).

For instance, the *Manusmriti* delineates duties specific to different roles in society—rulers, householders, ascetics—emphasizing that justice is relational rather than absolute. Unlike the codified laws of colonial legal systems, which prioritize punitive measures, Dharma promotes restoration and balance within interpersonal and systemic relationships.

Dharma in Governance: Kautilya's Arthashastra

Kautilya's *Arthashastra* integrates Dharma into governance, situating it as the ethical foundation for statecraft. In *Book 1, Chapter 13*, Kautilya asserts:

"A ruler's strength lies in upholding Dharma, which ensures the welfare of his people while adapting to the exigencies of time and place."

This statement illustrates the pragmatic application of Dharma in governance. While ethical principles provide the framework, their execution must account for temporal and contextual realities. For instance, the use of *danda* (punishment) in governance is justified only when it aligns with Dharma's broader objectives of societal welfare and cosmic harmony.

Kautilya's vision, as articulated in the *Arthashastra*, merges ethical responsibility (*Dharma*), practical governance (*Artha*), and legal enforcement (*Danda*). This integrated approach highlights the relational nature of Dharma, which balances individual rights with collective responsibilities and cosmic balance.

T. Ganapati Shastri, in his critical edition of the *Arthashastra*, notes that Kautilya's pragmatic integration of Dharma ensures governance remains responsive to societal complexities while adhering to universal ethical principles (*The Arthashastra of Kautilya*, 1924).

Relational Justice in Indic Traditions

The interplay of Dharma across these texts highlights its inherently relational nature. Unlike Western systems, which often prioritize individual rights and adversarial litigation, Indic traditions emphasize the interconnectedness of personal duties, societal welfare, and universal harmony. This relational justice model reflects the following principles:

1. **Ethical Adaptability**: Dharma evolves in response to contextual realities, balancing individual actions with societal and cosmic needs.

2. **Restorative Focus**: Dharma prioritizes restoration and reconciliation over retribution, ensuring that justice sustains harmony rather than perpetuates conflict.

3. **Cosmic Balance**: Dharma's scope extends beyond human relationships to include ecological and universal dimensions, as evident in the *Atharva Veda*.

3.2 Critique of Colonial Impacts

Colonial rule in Bharat fundamentally disrupted its indigenous justice systems, which were deeply rooted in the principles of *Dharma*. These systems prioritized relational and restorative frameworks that adapted to local cultural, ethical, and societal contexts. The British replaced these organic mechanisms with codified legal frameworks that prioritized adversarial litigation and retributive

justice, alienating communities from their ethical and cultural roots.

Epistemic Violence and Dismantling of Indigenous Knowledge Systems

The British codification of laws sought to establish uniformity but overlooked the relational and context-sensitive justice principles integral to Dharma. Malhotra argues that this disruption was intentional, aiming to delegitimize indigenous practices by portraying them as primitive or backward. This epistemic violence extended beyond governance to distort Bharat's intellectual and ethical self-perception, replacing fluid relational ethics with rigid, impersonal frameworks.

Delegitimization of Local Systems

Arun Shourie critiques the colonial imposition as a deliberate erasure of Bharat's culturally resonant systems. He asserts:

"Colonial systems disrupted organic justice mechanisms that were deeply rooted in relational ethics and local cultural contexts" (*Eminent Historians*, HarperCollins, 1998).

The British prioritized bureaucratic uniformity, which was often alien to the socio-cultural diversity of Bharat. For instance, indigenous Panchayati systems, which emphasized collective decision-making and reconciliation, were sidelined in favor of centralized judicial frameworks that lacked cultural resonance. This shift marginalized communities and disconnected governance from the lived realities of the people.

Fragmentation of Context-Sensitive Justice

Before colonial interventions, Dharma-centric systems were inherently flexible, adapting to the specific needs of individuals and communities. For example:

1. **Customary Laws:** Indigenous justice systems often incorporated customary laws that varied across regions but upheld relational ethics and community harmony.

2. **Restorative Practices:** Justice mechanisms emphasized reconciliation over punishment, ensuring that societal harmony was prioritized over adversarial litigation.

The British codified laws, however, ignored these nuances, imposing universalized rules that disrupted localized and relational approaches. This shift created a justice system that was impersonal, punitive, and detached from the ethical fabric of society.

Impact on Governance and Ethical Integrity

The colonial legal frameworks replaced Dharma's focus on ethical governance with a rigid, retributive system. Koenraad Elst critiques this displacement, stating:

"Colonial policies systematically alienated Bharat from its moral and cultural frameworks, replacing them with rigid legal constructs that were unsuited to the complexities of its diverse communities" (*Decolonizing the Hindu Mind*, Rupa Publications, 2001).

This alienation extended to governance structures, where colonial authorities centralized power, eroding the participatory and relational aspects of Dharma-centric systems. The new systems prioritized punishment and compliance over understanding and reconciliation, creating a disconnect between the state and its people.

Loss of Relational Ethics

Colonial frameworks severed the relational and restorative aspects of justice that had defined Bharat's governance for centuries. The imposition of adversarial litigation replaced processes of dialogue, accountability, and reconciliation with rigid legal battles focused on winning or losing. This was fundamentally at odds with the Dharma-centric principle of relational balance.

In contrast, British systems operated on the assumption of universal application, ignoring the ethical complexities of Dharma, which adapted to the needs of both individuals and communities. This resulted in an erosion of trust in governance systems, as laws were increasingly perceived as alien and disconnected from the moral and spiritual traditions of Bharat

Legacy of Colonial Codification

The colonial legal imposition left a lasting legacy in post-colonial Bharat, where many of these codified systems persist. Despite independence, the legal frameworks in use today often continue to

reflect colonial priorities rather than the relational and restorative principles of Dharma. Addressing this legacy requires a conscious effort to decolonize governance and reintegrate ethical principles into contemporary justice systems.

3.3 Comparative Global Frameworks

This study situates Dharma within a comparative global framework, exploring its relational and restorative dimensions alongside global justice paradigms. While restorative justice, widely practiced in indigenous and post-conflict societies, shares significant parallels with Dharma in its focus on reconciliation, accountability, and relationship-building, Dharma surpasses restorative justice by incorporating cosmic and ecological dimensions. This broader perspective situates Dharma as a holistic framework for justice that transcends human-centered paradigms.

Restorative Justice: Relational and Reconciliatory Framework

Restorative justice emphasizes healing and reconciliation over retribution. It seeks to repair the harm caused by injustice by fostering dialogue, accountability, and mutual understanding between victims and offenders. Howard Zehr, a foundational thinker in restorative justice, defines it as:

"A framework that seeks to repair harm and rebuild relationships, emphasizing accountability, healing, and reconciliation over punishment" (*The Little Book of Restorative Justice*, Good Books, 2002, p. 22).

Restorative justice focuses on the interconnectedness of human relationships, recognizing that harm is not merely a legal violation but a rupture in the relational fabric of communities. Practices such as South Africa's Truth and Reconciliation Commission embody this ethos, aiming to rebuild fractured societies through restorative dialogue rather than adversarial legal processes.

The core tenets of restorative justice align with Dharma's principles of relational ethics and reconciliation. Both frameworks emphasize the importance of accountability, healing, and balance within relationships. For example, the Panchayati system in Bharat traditionally functioned as a relational justice mechanism, prioritizing reconciliation and harmony over punitive measures.

Dharma's Expanded Scope: Cosmic and Ecological Dimensions

While restorative justice emphasizes interpersonal and community-level reconciliation, Dharma's scope extends far beyond human relationships to include systemic and cosmic interdependence. Unlike restorative justice, which is often confined to social contexts, Dharma addresses the interconnectedness of humanity, nature, and the cosmos. This perspective situates justice within a larger framework of sustainability and universal harmony, emphasizing the importance of protecting natural resources, respecting ecological balance, and ensuring intergenerational equity.

Cosmic Balance and Justice

Dharma views justice not merely as a resolution of human conflicts but as a means to sustain cosmic balance (*Rta*). This principle is foundational to Indic traditions, where the disruption of cosmic order is considered a form of injustice. For example, the *Rig Veda* declares:

"ऋतं सत्यं महिता।"

(*Rtam satyam mahita*), "Cosmic order and truth are the highest" (*Rig Veda*, 10.190).

Incorporating this cosmic dimension, Dharma addresses issues such as ecological degradation, climate change, and the exploitation of natural resources. This expanded scope makes Dharma uniquely positioned to tackle global challenges that restorative justice frameworks, with their human-centric focus, often overlook.

Systemic Imbalances: Addressing Broader Injustices

Restorative justice, while effective at addressing specific harms, often lacks the tools to tackle systemic inequities and ecological crises. In contrast, Dharma's expanded framework integrates these dimensions into its justice model. For example:

1. Caste Inequities: Dharma, when interpreted through its relational and contextual lens, offers pathways to address entrenched social hierarchies by emphasizing equity, interdependence, and mutual respect.

2. Environmental Justice: Indic traditions rooted in Dharma advocate for sustainable practices,

as reflected in the concept of *Ahimsa* (non-violence) toward all living beings. This aligns with modern ecological movements advocating for the rights of nature.

3. Intergenerational Justice: Dharma prioritizes long-term balance, ensuring that decisions made today do not harm future generations—a principle embedded in sustainable development frameworks.

Case Study: Environmental Justice in Indic Traditions

Dharma's integration of ecological justice is evident in ancient practices and texts. The *Arthashastra* outlines guidelines for sustainable resource management, emphasizing the protection of forests, water bodies, and wildlife. It mandates the preservation of natural resources as an ethical duty of the ruler, reflecting the principle of cosmic interdependence.

In contrast, restorative justice paradigms have yet to fully incorporate these ecological dimensions. While effective in addressing social fractures, they lack the philosophical foundation to extend justice beyond human relationships to the natural world. Dharma's holistic approach offers a model that bridges this gap, providing actionable frameworks for global environmental governance.

Human-Centric vs. Cosmic-Centric Justice

Aspect	Restorative Justice	Dharma
Scope	Human relationships and community reconciliation	Human, ecological, and cosmic interdependence
Focus	Healing interpersonal and societal fractures	Sustaining Harmony across personal, societal, and universal levels
Approach to Nature	Limited to human perspectives	Emphasizes ecological sustainability and cosmic balance
Temporal Focus	Short-term reconciliation	Long-term sustainability and intergenerational equity
Philosophical Foundation	Dialogic and accountability-based	Rooted in *Rta* (cosmic order) and *Dharma*

4. Contemporary Applications

Dharma, as a foundational principle of justice and harmony, has profound relevance for addressing the challenges of modern governance, education, and environmental sustainability. By integrating Dharma's relational ethics into contemporary systems, this study envisions a framework capable of resolving systemic inequities, governance failures, and ecological degradation, while maintaining

alignment with Bharat's civilizational ethos.

Dharma in Modern Governance

Governance, when inspired by Dharma, emphasizes participatory, inclusive, and adaptive systems that prioritize ethical responsibility and societal welfare. Deendayal Upadhyaya's *Integral Humanism* offers a comprehensive framework for governance rooted in Dharma. He articulates:

"Dharma is not merely a set of rules but a guiding principle that aligns spiritual and material progress to ensure holistic development" (*Integral Humanism*, 1965).

Dharma-centric governance is characterized by:

1. **Participatory Decision-Making**: Inspired by traditional systems like Panchayati Raj, governance frameworks rooted in Dharma advocate for decentralized and participatory structures. This ensures local communities have a voice in decisions that affect them, fostering accountability and inclusivity.

2. **Adaptive Policies**: Unlike rigid legal codifications, Dharma-based governance evolves contextually to address the unique challenges faced by diverse communities. For instance, policies inspired by Dharma prioritize reconciliation over punishment, ensuring justice is both ethical and restorative.

3. **Holistic Development**: Governance aligned with Dharma bridges the material and spiritual needs of individuals and communities, emphasizing equity and harmony across all levels of society.

A contemporary example of Dharma-inspired governance is the emphasis on *Antyodaya* (uplifting the last person), a principle advocated by Upadhyaya, which aligns with the relational and inclusive ethos of Dharma.

Dharma in Education

Education rooted in Dharma offers transformative potential by fostering ethical awareness, critical thinking, and a sense of relational accountability among learners. Ancient Bharatiya educational systems, as exemplified by *gurukuls*, integrated Dharma into curricula, focusing on holistic development that included intellectual, ethical, and spiritual dimensions.

In the modern context, Dharma can:

1. **Promote Ethical Education**: Curricula infused with Dharma emphasize the importance of values like *Ahimsa* (non-violence), *Satya* (truth), and *Seva* (service), which nurture responsible and compassionate citizens.

2. **Foster Contextual Thinking**: Dharma's adaptability encourages students to approach problems contextually, balancing individual goals with societal welfare and ecological sustainability.

3. **Encourage Interdisciplinary Learning**: Dharma inherently connects disciplines by integrating philosophy, science, and environmental awareness into a unified framework.

Dharma and Environmental Sustainability

Indic traditions rooted in Dharma view humanity as an integral part of the natural world, emphasizing ecological interdependence and sustainability. Dharma provides a framework for addressing contemporary environmental crises by prioritizing harmony with nature.

Key applications of Dharma in environmental policy include:

1. **Sustainable Resource Management**: The *Arthashastra* emphasizes the ethical use of natural resources, mandating the protection of forests, water bodies, and wildlife as a ruler's duty. Kautilya states: *"A king must ensure that the resources of his kingdom are preserved not only for the present but also for future generations"* (*Arthashastra*, 2.1).

2. **Climate Action and Resilience**: The concept of *Rta* (cosmic order) underscores the importance of maintaining ecological balance. By aligning environmental policies with

Dharma, Bharat can lead global sustainability efforts, emphasizing renewable energy, conservation, and community-led initiatives.

3. **Intergenerational Justice**: Dharma emphasizes long-term sustainability, ensuring that decisions made today do not compromise the well-being of future generations.

For instance, the Chipko Movement, inspired by Indic values of environmental stewardship, demonstrates the practical application of Dharma in grassroots environmental activism.

Addressing Caste Inequities and Social Justice

Dharma, when interpreted through its relational and inclusive lens, offers pathways for addressing caste inequities and fostering social justice. Unlike colonial frameworks that codified caste hierarchies, Dharma emphasizes *Samata* (equality) and mutual respect.

Contemporary applications include:

1. **Policy Interventions**: Dharma-inspired governance can implement affirmative action programs aimed at dismantling systemic inequities while fostering societal reconciliation.

2. **Cultural Reforms**: By reclaiming Dharma's ethical foundations, efforts can focus on educating communities about its inclusive and egalitarian principles, challenging misinterpretations that perpetuate discrimination.

3. **Restorative Practices**: Inspired by Dharma, reconciliation efforts can address historical injustices by fostering dialogue and mutual understanding among communities.

Global Resonance of Dharma

Dharma's relational and cosmic dimensions offer a universal framework for addressing global challenges, from systemic inequities to ecological degradation. By integrating these principles into contemporary systems, Bharat can position itself as a global leader in sustainable and inclusive governance. As Deendayal Upadhyaya asserts:

"Dharma harmonizes the spiritual and material aspirations of society, ensuring individual freedom aligns with societal welfare" (*Integral Humanism*, 1965).

In a world grappling with fragmented systems and crises, Dharma provides a holistic approach that bridges human relationships, societal governance, and ecological sustainability.[16]

5. Methodology

This study employs a multidisciplinary approach to explore Dharma as a justice framework, synthesizing textual analysis, historical critique, comparative studies, and qualitative case studies. The methodology

integrates classical Indic traditions with contemporary justice paradigms to develop a comprehensive understanding of Dharma's relevance and adaptability in addressing modern challenges.

5.1 Textual Analysis

Classical texts such as the *Manusmriti*, *Bhagavad Gita*, and *Arthashastra* serve as the primary sources for understanding Dharma's foundational principles. These texts illuminate Dharma's role as a self-regulating and adaptive force that aligns individual duties with societal welfare and cosmic balance.

Deendayal Upadhyaya's *Integral Humanism* provides a modern reinterpretation of Dharma as a guiding principle for harmonizing individual aspirations with societal welfare. He states:

"Dharma is the eternal guiding principle that ensures individual and societal welfare by harmonizing aspirations with responsibilities" (*Integral Humanism*, 1965).

5.2 Historical Critique

This research critically examines archival colonial records and policy documents to trace the displacement of Dharma-centric justice systems by British colonial frameworks. The analysis explores how these interventions marginalized local governance mechanisms and imposed rigid, impersonal structures that disrupted the ethical and cultural fabric of Bharat.

- **Epistemic Violence**: Arun Shourie critiques the deliberate delegitimization of indigenous

systems, asserting:

"The colonial administration not only disrupted local governance but actively delegitimized the moral fabric of Bharat's traditions to impose alien frameworks" (Eminent Historians, HarperCollins, 1998).

- **Marginalization of Community-Based Justice Systems:** British codifications replaced relational and restorative justice mechanisms, such as Panchayati systems, with adversarial litigation. This shift prioritized punitive measures over reconciliation, creating a disconnect between legal systems and local cultural contexts. The analysis highlights how these policies contributed to the alienation of communities from their governance systems.

5.3 Comparative Analysis

This study situates Dharma within a global framework by comparing it with restorative justice paradigms. While sharing relational and reconciliatory principles, Dharma uniquely incorporates cosmic and ecological dimensions, addressing systemic imbalances that restorative justice often overlooks.

- **Restorative Justice Frameworks:** Restorative justice focuses on repairing harm through dialogue and reconciliation, aligning with Dharma's emphasis on relational ethics. However, Dharma extends these principles by integrating ecological sustainability and cosmic harmony.

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[16]Deendayal Upadhyaya's *Integral Humanism* provides the philosophical foundation for modern applications of Dharma in governance, emphasizing its role in aligning spiritual and material progress (1965). The *Atharva Veda* highlights ecological ethics through verses like *Mātā bhūmiḥ putro'haṁ pṛthivyāḥ* ("Earth is my mother, and I am her son"), emphasizing humanity's interdependence with nature (*Atharva Veda*, 12.1.12, Trans. Ralph T.H. Griffith, 1895). The *Arthashastra* by Kautilya articulates the integration of Dharma into governance, emphasizing sustainable resource management and intergenerational equity (*The Arthashastra*, Trans. L.N. Rangarajan, Penguin Classics, 1992). The Chipko Movement exemplifies the grassroots application of Dharma's environmental ethos, demonstrating its contemporary relevance in resisting deforestation and promoting ecological conservation. Ancient educational systems like the *gurukuls* provide insights into integrating Dharma's ethical values into modern curricula, fostering critical thinking, relational ethics, and interdisciplinary awareness.

- **Comparative Strengths of Dharma:** While restorative justice addresses human relationships, Dharma expands its scope to encompass systemic, ecological, and intergenerational justice. This holistic approach positions Dharma as a universal framework for sustainability and equity.

5.4 Qualitative Case Studies

The study incorporates qualitative case studies to illustrate the practical application of Dharma in addressing contemporary challenges.

- **Post-Partition Reconciliation:** Literary works such as Bhisham Sahni's *Tamas* and the writings of nationalist thinkers like K.M. Munshi provide insights into how Dharma-centric ethics facilitated the rebuilding of fractured communities during and after the Partition of 1947. *Tamas*, for instance, portrays the communal ruptures and moral dilemmas faced by individuals during the violence of Partition. The principles of reconciliation and shared humanity, reflective of Dharma, emerge as pathways for healing and restoring societal harmony. K.M. Munshi's advocacy for a cultural and ethical revival further emphasizes the role of Dharma in fostering resilience and unity amidst displacement and conflict.

- **Environmental Justice:** The ecological principles of the *Atharva Veda* and Kautilya's *Arthashastra* are applied to propose sustainable governance frameworks. The Chipko Movement serves as a case study, demonstrating the integration of Dharma's environmental

ethos into grassroots activism. Inspired by the Indic principle of living in harmony with nature, the movement resisted deforestation and highlighted the relational and restorative dimensions of environmental justice. These case studies underscore Dharma's relevance in addressing modern ecological crises. [17]

6. Literature Review: Investigative Exploration of Dharma and Justice

This literature review delves into the philosophical underpinnings, historical disruptions, and contemporary relevance of *Dharma* as a justice framework. It critically analyzes classical texts, nationalist reinterpretations, and colonial critiques to establish an investigative foundation for positioning *Dharma* as a globally resonant paradigm of justice.

6.1 Classical Foundations of Dharma in Justice

The concept of *Dharma* is central to Indic philosophy, embodying the principles of relational ethics, societal harmony, and cosmic balance. Unlike rigid legal codes, *Dharma* adapts to the situational and contextual needs of individuals and communities, creating an evolving framework for justice.

- **Manusmriti:** The *Manusmriti* describes *Dharma* as the protector of those who uphold it, emphasizing its role as a self-regulating force:

  "धर्मो रक्षति रक्षितः।"

  (*Dharmo rakṣati rakṣitaḥ*), "Dharma protects those who uphold it; it destroys those who violate it"

- **Bhagavad Gita**: The *Bhagavad Gita* conceptualizes *Dharma* as both personal duty (*swadharma*) and universal harmony:

  "स्वधर्मे निधनं श्रेयः परधर्मो भयावहः।" (*Svadharme nidhanaṁ śreyaḥ para-dharmo bhayāvahaḥ*), "Better to perish in one's own Dharma than to thrive in another's; alien Dharma is fraught with danger" (*Bhagavad Gita*, 3.35). Eknath Easwaran interprets this verse as an assertion of the individual's responsibility to align personal actions with ethical and cosmic order (*The Bhagavad Gita*, Nilgiri Press, 2007).

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[17]This research draws extensively from classical Indic texts and scholarly interpretations to analyze Dharma as a justice framework. The *Manusmriti* encapsulates Dharma's self-regulating and protective nature, stating, *Dharmo rakṣati rakṣitaḥ* ("Dharma protects those who uphold it; it destroys those who violate it") (*Manusmriti*, 8.15, Trans. Patrick Olivelle, *The Laws of Manu*, Oxford University Press, 2005). The *Bhagavad Gita* emphasizes Dharma's relational adaptability, asserting, *Svadharme nidhanaṁ śreyaḥ para-dharmo bhayāvahaḥ* ("Better to perish in one's own Dharma than to thrive in another's; alien Dharma is fraught with danger") (*Bhagavad Gita*, 3.35, Trans. Eknath Easwaran, Nilgiri Press, 2007). Kautilya's *Arthashastra* integrates Dharma into governance, highlighting its ethical and practical dimensions (*Arthashastra*, Trans. L.N. Rangarajan, Penguin Classics, 1992). Historical critiques by Arun Shourie (*Eminent Historians*, HarperCollins, 1998) examine the colonial disruption of Dharma-centric systems, while Howard Zehr's restorative justice paradigms provide a global comparative framework (*The Little Book of Restorative Justice*, Good Books, 2002). The *Atharva Veda* introduces Dharma's ecological dimension, asserting, *Mātā bhūmiḥ putro'haṁ pṛthivyāḥ* ("Earth is my mother, and I am her son") (*Atharva Veda*, 12.1.12, Trans. Ralph T.H. Griffith, 1895). Case studies like Bhisham Sahni's *Tamas* and the Chipko Movement highlight Dharma's relevance in post-Partition reconciliation and environmental sustainability. This multidisciplinary methodology positions Dharma as a dynamic and universal justice framework, bridging historical, cultural, and contemporary contexts.

- **Arthashastra**: Kautilya's *Arthashastra* integrates *Dharma* into governance, emphasizing justice as a dynamic interplay of ethics (*dharma*), statecraft (*artha*), and law enforcement (*danda*). It states:

"A king's duty is to ensure the welfare of his people through adherence to dharma, while balancing practical realities."

6.2 4.2 Nationalist Interpretations of Dharma and Justice

Nationalist scholars reinterpreted *Dharma* in response to colonial disruptions, emphasizing its relevance in modern governance and societal harmony.

- **S. Radhakrishnan**: Radhakrishnan highlights the holistic nature of Dharma:

  "Dharma is not a set of rituals; it is the essence of moral and spiritual order, binding individuals to their duties and communities to their ethical responsibilities" (*The Hindu View of Life*, 1926).

- **Deendayal Upadhyaya**: Upadhyaya's Integral Humanism articulates Dharma as a guiding principle for governance:

  "Dharma harmonizes the spiritual and material aspirations of society, ensuring that individual freedom does not conflict with societal welfare" (*Integral Humanism*, 1965).

- **Balraj Madhok**: Madhok critiques colonial interventions for disrupting Dharma-centric governance:

  "Colonial systems imposed alien frameworks that stripped Bharat of its moral and cultural autonomy, creating governance systems divorced from ethical grounding" (*Political Thinkers of Modern India,* 1971).

6.3 Colonial Disruptions to Dharma-Based Jurisprudence

British colonial rule systematically dismantled Bharat's *Dharma*-centric legal and governance systems. By imposing rigid, codified frameworks, the British disrupted the situational adaptability and ethical core of *Dharma*.

- **Rajiv Malhotra**: Malhotra critiques the colonial displacement of Dharma:

  "Colonial legal systems alienated Bharat from its civilizational roots, replacing its ethical governance structures with rigid, universalized laws divorced from cultural context" (*Indra's Net,* 2014).

- **Arun Shourie**: Shourie highlights the deliberate marginalization of indigenous governance:

  "The British systematically eroded Bharat's organic justice systems, portraying them as primitive to justify their imposition of alien frameworks" (*Eminent Historians,* 1998).

- **Koenraad Elst**: Elst underscores the cultural alienation caused by these disruptions:

  "By severing Bharat from its indigenous jurisprudence, colonial systems created a moral and cultural void that persists in post-colonial governance" (*Decolonizing the Hindu Mind,* 2001).

6.4 Dharma and Comparative Global Justice Paradigms

- **Restorative Justice**: Restorative justice paradigms emphasize relationality and reconciliation, aligning with *Dharma's* ethical focus. Howard Zehr states:

  "Restorative justice seeks to repair harm and rebuild relationships, rather than perpetuate cycles of retribution" (*The Little Book of Restorative Justice*, 2002).

  However, Dharma surpasses restorative justice by incorporating ecological and cosmic dimensions.

- **Truth and Reconciliation Commission**: The Truth and Reconciliation Commission in South Africa sought to heal societal fractures through dialogue and accountability. While effective in addressing human conflicts, it lacked the holistic scope of *Dharma*, which integrates justice for the environment and future generations.

6.5 Gaps in Existing Literature

The review identifies key gaps in existing scholarship:

- Limited exploration of *Dharma* as a justice model integrating ecological, relational, and cosmic dimensions.
- Insufficient critique of colonial disruptions to *Dharma*-centric governance.
- Lack of comparative studies positioning *Dharma* as a decolonial framework that transcends existing global paradigms.

This study addresses these gaps by synthesizing Indic philosophies, nationalist interpretations, and global justice frameworks to propose *Dharma* as a transformative justice model.

Literature Review

This section critically evaluates existing scholarly contributions to understanding Dharma as a justice framework, focusing on its historical, philosophical, and comparative dimensions. The review highlights Dharma's central role in Indic traditions, its contrast with restorative justice paradigms, the colonial disruption of Dharma-centric governance, and its relevance as a holistic and adaptable justice model in contemporary contexts.

7. Result and Discussion

Indic Traditions and Dharma

Dharma is a cornerstone of Indic philosophy, offering a fluid and relational justice framework that integrates personal ethics, societal welfare, and cosmic harmony. Unlike static legal codifications prevalent in Western systems, Dharma evolves contextually to address situational and temporal needs while maintaining its ethical foundations.

Restorative Justice Paradigms

Restorative justice, as articulated by Howard Zehr, offers a reconciliatory approach to justice, prioritizing the restoration of relationships and communal harmony over punitive measures. Zehr defines restorative justice as:

"A framework that seeks to repair harm and rebuild relationships, emphasizing accountability, healing, and reconciliation over punishment" (*The Little Book of Restorative Justice, Good Books,* 2002, p. 22).

This framework shares commonalities with Dharma, particularly in its relational and reconciliatory ethos. Both paradigms emphasize accountability, healing, and the rebuilding of fractured relationships. However, restorative justice predominantly focuses on interpersonal and community-level reconciliation, often addressing specific harms within localized contexts.

Dharma extends beyond these relational aspects, encompassing broader dimensions such as ecological sustainability and cosmic balance.

This verse reflects the interconnectedness of human actions, societal structures, and the natural world, situating Dharma as a holistic framework that addresses systemic imbalances and ecological crises. Unlike restorative justice, which primarily centers on human relationships, Dharma integrates environmental stewardship and cosmic harmony, offering a more expansive and inclusive vision of justice.

Rajiv Malhotra on Epistemic Violence

Rajiv Malhotra critiques these colonial interventions as a form of epistemic violence, asserting:

"Colonial legal systems alienated Bharat from its civilizational roots, replacing its ethical governance structures with rigid, universalized laws divorced from cultural context" (*Indra's Net, HarperCollins*, 2014, p. 98).

Malhotra's analysis highlights the colonial effort to decontextualize and homogenize legal systems, undermining the situational and relational adaptability inherent in Dharma. This alienation disrupted the organic evolution of justice systems that were deeply integrated with Bharat's civilizational ethos.

Arun Shourie on Marginalization of Indigenous Mechanisms

Arun Shourie further elaborates on the impact of British policies, stating:

"Colonial systems disrupted organic justice mechanisms that were deeply rooted in relational ethics and local cultural contexts" (*Eminent Historians, HarperCollins*, 1998).

Shourie's critique underscores how colonial administrators marginalized community-based justice systems, such as the Panchayati Raj, which emphasized participatory governance and reconciliation. These systems were replaced by adversarial litigation models that prioritized codification and centralized control, eroding the ethical foundations of governance.

Erosion of Ethical Foundations

The displacement of Dharma-centric governance not only fragmented relational justice systems but also alienated communities from their cultural heritage. British codifications treated justice as an impersonal and rigid construct, severing its ties to local customs, ethics, and community-based practices. This loss of cultural resonance resulted in diminished trust in governance structures and a disconnect between the people and the systems meant to serve them.[18]

Contemporary Relevance of Dharma

Dharma remains deeply relevant in addressing the multifaceted challenges of modern society, from systemic governance failures to ecological degradation and social inequities. As a dynamic and situational framework, Dharma provides solutions that integrate ethical responsibility, societal welfare, and sustainability. Nationalist scholars and modern thinkers have reinterpreted Dharma to align with contemporary contexts, positioning it as a unifying principle for holistic development and inclusive governance.

Deendayal Upadhyaya: Dharma as a Foundation for Holistic Development

Deendayal Upadhyaya, in his seminal work *Integral Humanism*, envisions Dharma as the guiding force for balancing spiritual aspirations with material progress. He articulates Dharma's role in harmonizing individual freedom with societal welfare, creating a foundation for ethical governance and sustainable development. He states: *"Dharma ensures individual freedom aligns with societal welfare, creating a foundation for holistic development"* (*Integral Humanism*, 1965).

Upadhyaya's interpretation situates Dharma as more than a metaphysical concept, framing it as a practical guide for addressing contemporary challenges. By integrating ethical decision-making into governance, Dharma transcends the narrow confines of codified legal systems and promotes participatory and equitable governance structures.

K.M. Munshi: Dharma as a Force for Resilience and Unity

K.M. Munshi highlights the transformative power of Dharma during periods of social upheaval, such as the Partition of 1947. Munshi argues that Dharma, as an ethical and cultural force, has the potential to rebuild fractured communities and address systemic inequities. He emphasizes:

"Dharma is not merely a religious or philosophical principle; it is the moral backbone of Bharat's civilizational continuity, capable of fostering resilience and unity in times of crisis."

Munshi's writings advocate for the revival of Dharma-centric ethics to counter the moral and cultural alienation resulting from colonial disruptions. His approach underscores the adaptability of Dharma in providing solutions to contemporary social conflicts and injustices.

Dharma's Adaptability and Contemporary Applications

These nationalist reinterpretations underscore Dharma's capacity to bridge historical wisdom with modern governance and justice frameworks. Unlike rigid, one-size-fits-all models, Dharma evolves to address context-specific challenges while maintaining its ethical core. Its relevance is particularly evident in the following areas:

- **Governance:** Dharma-inspired frameworks promote participatory governance that emphasizes ethical accountability and inclusivity. By aligning individual responsibilities with collective welfare, Dharma offers a model for addressing corruption and systemic inefficiencies.

- **Social Justice:** In addressing caste inequities, gender disparities, and communal disharmony, Dharma's relational ethics prioritize reconciliation and inclusion over

adversarial confrontation.

- **Environmental Sustainability:** Dharma's ecological principles, as reflected in the *Atharva Veda*, emphasize harmony with nature and intergenerational equity, providing a framework for combating ecological degradation.[19]

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[18]This section examines the conceptual frameworks of restorative justice and the colonial disruptions of Dharma-centric governance, drawing on classical and modern sources. Howard Zehr defines restorative justice as a framework emphasizing reconciliation, accountability, and the restoration of relationships over punitive measures (*The Little Book of Restorative Justice*, Good Books, 2002). While restorative justice shares commonalities with Dharma in its relational ethos, the latter integrates broader ecological and cosmic dimensions, as exemplified by the *Atharva Veda*: *Mātā bhūmiḥ putro'haṁ pṛthivyāḥ* ("Earth is my mother, and I am her son") (*Atharva Veda*, 12.1.12, Trans. Ralph T.H. Griffith, 1895). Rajiv Malhotra critiques the epistemic violence of colonial interventions that replaced Bharat's ethical governance structures with rigid, universalized frameworks divorced from cultural context (*Indra's Net*, HarperCollins, 2014). Arun Shourie elaborates on the marginalization of community-based justice systems, arguing that British policies disrupted relational governance deeply rooted in local ethics (*Eminent Historians*, HarperCollins, 1998). These analyses highlight how colonial frameworks displaced adaptive and participatory justice mechanisms, alienating communities from their civilizational roots and ethical traditions. Together, these insights position Dharma as a more holistic and inclusive framework for justice that transcends the limitations of restorative justice and resists the disruptions imposed by colonial codifications.

[19]This section explores the contemporary relevance of Dharma as reinterpreted by nationalist thinkers and modern scholars. Deendayal Upadhyaya's *Integral Humanism* positions Dharma as the guiding principle for balancing spiritual aspirations and material progress, stating: *"Dharma ensures individual freedom aligns with societal welfare, creating a foundation for holistic development"* (1965). K.M. Munshi underscores Dharma's role in fostering resilience and unity during periods of social upheaval, such as the Partition, advocating for its revival as an ethical and cultural force capable of rebuilding fractured communities and addressing systemic inequities. Munshi views Dharma as the moral backbone of Bharat's civilizational continuity, offering solutions to contemporary challenges. These reinterpretations frame Dharma as a holistic and adaptable justice framework that transcends the limitations of static legal systems, providing actionable insights for governance, social justice, and environmental sustainability. The *Atharva Veda* further illustrates Dharma's ecological relevance, asserting: *Mātā bhūmiḥ putro'haṁ pṛthivyāḥ* ("Earth is my mother, and I am her son") (*Atharva Veda*, 12.1.12, Trans. Ralph T.H. Griffith, 1895). Together, these insights reaffirm Dharma's enduring relevance as a transformative model for inclusive and sustainable development.

8. Findings

This study establishes Dharma as a dynamic and adaptable framework for justice, uniquely suited to address the multifaceted challenges of modern governance, social equity, and environmental sustainability. Unlike rigid codified systems or limited global paradigms such as restorative justice, Dharma's principles of relational ethics and cosmic integration offer a holistic approach to justice that is rooted in Bharat's civilizational ethos.

8.1 Relevance of Dharma in Contemporary Governance

Dharma-centric governance emphasizes ethical decision-making, relational accountability, and participatory frameworks. Unlike adversarial legal systems, which often exacerbate conflicts and prioritize individual rights over collective welfare, Dharma provides a path for harmonious resolution of societal issues.

Key aspects of Dharma-centric governance include:

- **Ethical Decision-Making:** Policies and laws are framed and implemented with a focus on long-term welfare and relational ethics.
- **Participatory Structures:** Community involvement is integral, ensuring that governance is inclusive and representative.
- **Accountability:** Governance rooted in Dharma aligns individual and societal responsibilities, minimizing corruption and inefficiencies.

For example, Kautilya's *Arthashastra* emphasizes that a ruler's strength lies in upholding Dharma to ensure the welfare of all, thereby aligning governance with ethical imperatives. This approach resonates with global calls for participatory and ethical governance while being deeply rooted in indigenous traditions.

8.2 Restorative Justice and Dharma

While restorative justice paradigms emphasize healing and reconciliation, Dharma transcends these frameworks by addressing broader ecological and cosmic dimensions. Restorative justice focuses on interpersonal relationships and localized reconciliation efforts, but Dharma's scope includes:

- **Systemic Inequities:** Dharma provides a framework for addressing caste, gender, and communal disparities through its emphasis on relational balance.
- **Intergenerational Justice:** It incorporates the rights of future generations, ensuring sustainable practices and equitable resource allocation.
- **Cosmic Harmony:** Dharma integrates ecological ethics, as reflected in the *Atharva Veda's* declaration, "Earth is my mother, and I am her son" (*Mātā bhūmiḥ putro'haṁ pṛthivyāḥ*), offering solutions for global ecological crises.

This expanded focus positions Dharma as a justice model that addresses interconnected human and environmental challenges, surpassing the interpersonal focus of restorative justice.

8.3 Colonial Disruptions and Decolonial Frameworks

The study critiques the colonial replacement of Dharma-centric systems with rigid, codified legal frameworks that prioritized uniformity over relational ethics. These disruptions led to:

- **Loss of Relational Governance:** Indigenous systems that emphasized participatory decision-making were supplanted by centralized bureaucracies.
- **Epistemic Violence:** Colonial systems delegitimized Bharat's indigenous knowledge systems, portraying them as inferior to justify foreign impositions.

Rajiv Malhotra describes this disruption as "epistemic violence," asserting that colonial legal systems alienated Bharat from its civilizational roots. Reclaiming Dharma as a justice paradigm offers a pathway to decolonize governance, restoring indigenous principles that are adaptive, relational, and inclusive.

8.4 Integration of Environmental Ethics

Dharma's ecological principles emphasize sustainability, interdependence, and harmony with nature, providing solutions for contemporary environmental crises. For example:

- **Cosmic Balance:** Dharma's integration of human and natural systems ensures a sustainable approach to resource use and environmental stewardship.
- **Cultural Resonance:** Indic traditions, as articulated in the *Atharva Veda*, view humanity as part of a larger cosmic order, offering culturally grounded solutions to ecological degradation.

These principles align with global environmental frameworks such as the UN's Sustainable Development Goals (SDGs),

while also providing a culturally resonant and ethically grounded alternative. Dharma's ecological focus addresses not only the immediate environmental concerns but also the deeper systemic imbalances that contribute to ecological degradation.

8.5 5. Educational and Policy Implications

Embedding Dharma-centric principles into education and policy can foster a holistic understanding of justice that integrates ethics, governance, and environmental responsibility. Key implications include:

- **Educational Curricula:** Introducing Dharma-centric ethics into educational programs ensures that future leaders are equipped with a relational and inclusive understanding of justice.

- **Policy Formulation:** Policies inspired by Dharma prioritize harmony and sustainability, aligning governance with the needs of diverse communities and ecological systems.

- **Inclusive Justice:** Dharma's relational approach ensures that justice systems address structural inequities, promoting reconciliation and inclusivity over adversarial confrontation.

Deendayal Upadhyaya's concept of *Integral Humanism* advocates for such integration, emphasizing that Dharma harmonizes spiritual and material progress to ensure holistic development. Similarly, contemporary thinkers underscore the need to embed ethical governance into modern frameworks, drawing from Dharma's relational and adaptable principles.[20]

9. Limitations and Research Gaps

This study highlights the transformative potential of Dharma as a justice framework but acknowledges several limitations and gaps that require further exploration. These gaps provide fertile ground for expanding the theoretical and practical understanding of Dharma's application in contemporary contexts.

9.1 Limited Comparative Studies

While some scholarship compares Dharma to restorative justice and rights-based frameworks, detailed analyses that highlight their fundamental differences remain insufficient. Existing works primarily focus on parallels without deeply exploring Dharma's unique integration of universal harmony and ecological dimensions. For example, South Africa's Truth and Reconciliation Commission emphasized interpersonal reconciliation, whereas Dharma extends justice beyond human relations to include cosmic balance. This distinction remains underexplored.

Future research should delve deeper into such comparisons, identifying where Dharma diverges significantly and offering alternative justice models. *Truth commissions focus on addressing the past, but Dharma balances past actions with present responsibilities and future sustainability.*

9.2 Underexplored Environmental Dimensions

The ecological aspects of Dharma are deeply embedded in classical texts but have not been fully applied to contemporary environmental challenges. The *Bhagavad Gita* underscores the balance between human actions and natural harmony:

"योगः कर्मसु कौशलम्" (*Yogah karmasu kaushalam*), "Excellence in action is the alignment of duty and harmony" (*Bhagavad Gita*, 2.50).

This principle can inform modern policies addressing resource management and climate crises. However, there is limited academic engagement with how Dharma-centric ecological ethics could provide actionable solutions for issues like biodiversity conservation and renewable energy transitions.

Research must integrate Dharma's ecological principles with global sustainability frameworks, such as the UN Sustainable Development Goals, offering culturally resonant strategies for ecological resilience.

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[20]This section synthesizes the findings of the study, drawing on classical and modern interpretations of Dharma as a justice framework. Kautilya's *Arthashastra* highlights the importance of ethical governance, emphasizing that a ruler's strength lies in upholding Dharma to ensure societal welfare (*Arthashastra*, Trans. L.N. Rangarajan, Penguin Classics, 1992). Howard Zehr's restorative justice

framework aligns with Dharma's relational ethics but lacks its ecological and cosmic dimensions (*The Little Book of Restorative Justice*, Good Books, 2002). The *Atharva Veda* underscores Dharma's ecological principles, asserting, *"Mātā bhūmiḥ putro'haṁ pṛthivyāḥ"* ("Earth is my mother, and I am her son") (*Atharva Veda*, 12.1.12, Trans. Ralph T.H. Griffith, 1895). Rajiv Malhotra critiques colonial legal systems as "epistemic violence" that alienated Bharat from its civilizational roots (*Indra's Net*, HarperCollins, 2014), a critique echoed by Deendayal Upadhyaya, who advocates for Dharma as the foundation for harmonizing individual and societal aspirations (*Integral Humanism*, 1965). Together, these insights position Dharma as a holistic and adaptable framework for addressing governance failures, social inequities, and environmental crises in contemporary contexts.

9.3 Lack of Practical Implementation Models

Despite extensive philosophical discourse, Dharma lacks actionable frameworks for contemporary governance and justice systems. While the *Arthashastra* offers historical guidance, such as integrating ethics with statecraft:

"प्रजासुखे सुखं राजः प्रजानां च हिते हितम् ।" (*Praja-sukhe sukham rājñāh prajānām cha hite hitam*), "In the happiness

of the subjects lies the king's happiness; in their welfare, his welfare" (*Arthashastra*, 1.19). Modern governance systems have yet to adapt such principles into operational policies. The absence of pilot programs or case studies demonstrating the real-world application of Dharma in policymaking or education systems represents a critical gap.

Developing context-specific implementation models, particularly for pluralistic societies, would demonstrate how Dharma's principles can enhance inclusivity, ethical accountability, and sustainability.

9.4 Regional Variations in Dharma-Centric Practices

Dharma's adaptability to regional contexts remains under-documented. Bharat's diverse cultural and linguistic traditions have localized Dharma's principles into practices such as the *Panchayati Raj* for rural governance or water-sharing ethics in riverine communities. However, these adaptations are neither systematically analyzed nor compared to understand their broader applicability. For instance:

"अनेन प्रसविष्यध्वं एष वोऽस्त्विष्टकामधुक् ।" (*Anena prasaviṣyadhvam eṣa vo'stviṣṭakāmadhuk*), "Let the earth prosper and fulfill your desires" (*Rig Veda*, 10.22.1).

This verse reflects regional practices aligning prosperity with ecological ethics, which remain insufficiently explored in academic discourse.

Future research must map these practices to uncover commonalities and divergences, creating a comprehensive understanding of Dharma's adaptability in Bharat's socio-political and ecological contexts.[21]

Future Research Directions

- **Comparative Analyses**: Conduct in-depth comparisons between Dharma and global paradigms such as restorative justice, exploring Dharma's unique integration of cosmic and ecological ethics.

- **Ecological Applications**: Investigate how Dharma's principles can address contemporary environmental challenges, focusing on renewable energy policies and resource conservation.

- **Operational Frameworks**: Develop practical models to integrate Dharma into governance and legal systems, emphasizing its relevance in pluralistic societies.

- **Document Regional Variations**: Study how regional adaptations of Dharma inform governance and environmental practices, providing a foundation for culturally sensitive policy designs.

By addressing these gaps, future research will expand Dharma's relevance and applicability, bridging its historical wisdom with the demands of modern governance, justice, and sustainability.

10.   Conclusion

To conclude, this paper offers a thorough re-evaluation of justice, positioning Dharma not only as an ancient concept but also as a potent, decolonial framework for contemporary governance and social justice. The study critiques the colonial imposition of Western legal systems on Bharat, which displaced the fluid, ethical systems of justice embedded in Dharma. Dharma, as illustrated in texts like the Bhagavad Gita, Manusmriti, and Arthashastra, is a deeply relational and adaptive concept that integrates cosmic, societal, and individual ethical responsibilities, far removed from the rigid, positivist legal structures of colonial rule.

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[21]Dharma, as a justice framework, offers a multidimensional approach that transcends the limitations of contemporary global paradigms such as restorative justice and truth commissions. While restorative justice emphasizes interpersonal reconciliation, Dharma extends this scope to address systemic, ecological, and cosmic imbalances. The *Bhagavad Gita* underscores the alignment of duty with harmony: *"योगः कर्मसु कौशलम्"* (*Yogah karmasu kaushalam*), "Excellence in action is the alignment of duty and harmony" (*Bhagavad Gita*, 2.50, Trans. Eknath Easwaran, Nilgiri Press, 2007). Similarly, the *Atharva Veda* integrates human relationships with ecological ethics: *"माता भूमिः पुत्रोऽहम् पृथिव्याः।"* (*Mātā bhūmiḥ putro'haṁ pṛthivyāḥ*), "Earth is my mother, and I am her son" (*Atharva Veda*, 12.1.12, Trans. Ralph T.H. Griffith, 1895).

Despite its historical richness, Dharma's practical application in modern contexts remains limited. Kautilya's *Arthashastra* provides governance principles emphasizing the welfare of the people as the cornerstone of statecraft: *"प्रजासुखे सुखं राज्ञः प्रजानां च हिते हितम्।"* (*Praja-sukhe sukham rājnāh prajānām cha hite hitam*), "In the happiness of the subjects lies the king's happiness; in their welfare, his welfare" (*Arthashastra*, 1.19, Trans. L.N. Rangarajan, Penguin Classics, 1992). However, modern systems often fail to adapt these principles effectively. Rajiv Malhotra critiques colonial disruptions as epistemic violence that dismantled Bharat's indigenous frameworks (*Indra's Net*, HarperCollins, 2014). Arun Shourie elaborates on how British legal impositions alienated local governance systems and suppressed participatory justice (*Eminent Historians*, HarperCollins, 1998). To reclaim Dharma as a contemporary justice paradigm, future research must explore its practical integration into governance, sustainability, and pluralistic legal systems.

The Bhagavad Gita captures Dharma's dynamic and personalized nature in the verse, "Better to perish in one's own Dharma than to thrive in another's; alien Dharma is fraught with danger" (Bhagavad Gita, 3.35).

This highlights that Dharma is not an absolute, codified system but one that adapts to the specific duties and needs of individuals and communities while maintaining a broader, cosmic harmony. The Manusmriti further affirms this self-regulating principle: "Dharma protects those who uphold it; it destroys those who violate it" (Manusmriti, 8.15). The adaptability of Dharma allowed it to operate in fluid, context-sensitive ways, evolving to meet changing societal and ethical demands.

Colonial legal systems, in contrast, sought to replace these dynamic principles with rigid, positivist frameworks that prioritized retribution over reconciliation, undermining the relational ethics that had previously governed Bharat's social fabric. Rajiv Malhotra critiques this transformation, asserting that colonial legal systems "actively decontextualized indigenous ethics, alienating Bharat from its civilizational roots" (Indra's Net, 2014, p. 67). This epistemic violence not only fragmented Bharat's legal and ethical frameworks but also imposed a foreign legal ideology that disregarded the country's longstanding traditions of justice, which were grounded in ethics, reciprocity, and balance.

Dharma, as reclaimed in this paper, offers a global and decolonial alternative to the legal positivism that emerged during colonial rule. It is a justice model that transcends the human-centric approach of Western systems and integrates ecological, cosmic, and intergenerational dimensions. The Atharva Veda underscores this holistic perspective: "Earth is my mother, and I am her son" (Atharva Veda, 12.1.12). Dharma's inclusion of ecological ethics positions it as uniquely suited to address contemporary challenges such as environmental degradation and the climate crisis.

This paper advocates for the restoration of Dharma as a framework for justice that is pluralistic, relational, and adaptive, capable of addressing both global inequities and local injustices. The

reclamation of Dharma is not a return to the past, but rather a vital, transformative project that integrates ancient wisdom with modern challenges. By positioning Dharma at the center of contemporary discourse on justice, this paper not only critiques the colonial rupture but also reimagines a justice system that is inclusive, sustainable, and grounded in ethical responsibility towards both human and non-human entities. Dharma, therefore, offers a path toward decolonizing justice, making it a framework for equitable governance, restorative practices, and environmental stewardship in a postcolonial world.

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