



# Harmonizing Jurisprudence: A Quest For Ethical Legal Practice Through The Integration Of Indic Civilization Values Into Legal Education

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## ARTICLE INFO

## ABSTRACT

धर्म एव हतो हन्ति धर्मो रक्षति रक्षितः ॥

तस्- माद्धर्मो न हन्तव्यः मानो धर्मो हतोवधीत् ॥

The word "Bharat," which appears in Article 1 of the Indian Constitution, can be understood as a reflection of the civilizational identity of our country. Any legal system that is not rooted in the native and ethnic character of the community will eventually fall short as society changes over time. Colonial residual ideas have greatly influenced modern legal education in India. The present study delves into the incorporation of ideals from Indic civilization into the field of legal education, acknowledging the significant influence that philosophical and cultural underpinnings can have on the advancement of legal practitioners. The study explores the possible advantages of the rich tapestry of the Indic civilization, which includes several traditions including Buddhism, Jainism, Hinduism, and other intellectual schools.

This study evaluates the current frameworks and pedagogies for legal education in order to pinpoint areas where the addition of Indian values can improve the quality of education as a whole. The study investigates how important ideals like dharma (righteousness), ahimsa (non-violence), and Satya (truth) can support the development of a more comprehensive and morally grounded legal practitioner.

In addition, the researcher assesses the possible obstacles and objections related to incorporating the principles of Indic culture into a contemporary legal curriculum, taking into account questions regarding diversity, cultural sensitivity, and the secular character of legal education. The research attempts to offer insights into workable strategies for blending Indic principles with modern legal education through a case analysis and comparison with current educational methods. This integration aims to produce legal professionals who not only possess an in-depth awareness of the law but also imbibe a sense of responsibility, compassion, and justice deeply rooted in the values of the Indic civilization by fostering a deeper understanding of ethical and moral dimensions.

**Keywords:** Legal Education; Jurisprudence; Indic civilization; Indic values; Dharma; Pedagogy

## INTRODUCTION

### i. BACKGROUND

Numerous international articles, such as the report "Learning: The Treasure Within" from the International Commission on Education for the Twenty-first Century that was submitted to UNESCO, emphasize the aim of education to lead to the "full development of human personality." The most important instrument for bringing about social and economic shifts is the law. The role of law to regulate social life, socio-cultural dimensions and individual behaviour through institutionalism is indispensable. The effectiveness of the systems that spread legal education determines the nature of law and its capacity to bring about these profound changes. Both the

nation's future and the quality of our administrative system is shaped by the calibre and nature of legal education.

The Committee led by Chairman Dr. Kasturirangan gave a specific emphasis on legal education suggesting reforms based on culture and history to ascribe morality and ethics in the legal profession. The Committee has proposed two noteworthy recommendations: bilingual education and curriculum that takes sociocultural circumstances into account. However, the National Education Policy 2019's paragraph 16.7 confines the conversation on legal jurisprudence to a single paragraph and skips over any mention of Indian jurisprudence or schools of thought.

## **ii. RULE OF LAW, LEGAL PRINCIPLES, AND PROFESSIONAL ETHICS**

The industrialization of legal education and its subsequent corporatization have led to the commercialization of justice. The rule of law, legal principles, and professional ethics have all been undermined as a result of this. It is critically important to make structural changes in the nature of legal education. Rebuilding the legal education system from the ground up is required to stop the spread of ethical vulnerability and intellectual ineptitude. For contemporary policymakers, addressing indigenous legal concerns can be achieved by appealing to the "West." The aim of introducing westernization under the pretence of modernization has put Indian legal culture and fundamental principles at danger. The practice of comprehensive and multidisciplinary education has a long history in India.

Vedic philosophy served as the theoretical foundation for law, while sociocultural norms and ethical behaviours served as the procedural foundation. But under British supremacy, these indigenous legal education systems were weakened. The legacy of imperialism and colonial activities is seen in modern legal education.

The system of education in India is based on the acceptance of indigenous ideas and self-liberation, culminating to the quest of life beyond schooling. Notable alumni include Chanakya, Aryabhata, and Bhaskaracharya. All forms of education need to represent morals, ethics, and values related to culture in the workplace. Professional ethics, together with regulations and codes of behaviour, are the principles and values that govern a profession in the modern world. In the everyday application of the law, ethics ensure morality and propriety. The legal community in India is in a state of upheaval; future practitioners lack the foundations for social responsibility, and the field functions similarly to legal ethics without the "ethics." The legal profession still lacks ethical norms, despite numerous institutional and scholarly attempts to instil them.

## **I. JURISPRUDENCE OF INDIC CIVILIZATION**

### **i. STONE AGE AND INDUS VALLEY CIVILIZATION**

Starting from the stone age (12000BC to 9000BC), the historians have found the evidences of Matsya Nyaya which was practiced by the early man. This theory propounds that in the times of chaos, when there is no ruler, the strong devour the weak, just as in periods of drought big fish eat little fish. Thus, the need for a ruler was viewed as absolute. Then moving towards the era of proto history, Indus Valley Civilization (3250BC to 1750BC), where priestly law was followed.

"There is nothing that we know of in prehistoric Egypt or Mesopotamia or anywhere else in Western Asia to compare with the well-built baths and commodious houses of the citizens of Mohenjo-Daro. In those countries, much money and thought were lavished on the building of magnificent temples for the gods and on palaces and tombs of kings, but the rest of the people seemingly had to content themselves with insignificant dwellings of mud. In the Indus Valley, the picture is reversed, and the finest structures are those erected for the convenience of the citizens. Temples, palaces, and tombs there may of course have been, but if so, they are either still undiscovered or so like other edifices as not to be readily distinguishable from them."

-Sir John Marshal

### **ii. LEGAL DEVELOPMENTS DURING VEDIC PERIOD**

The Vedas are the most invaluable present that a creator could have given to mankind at the dawn of civilization, and their divine spiritual wisdom has inspired people worldwide. Humans are inspired and directed by this revealed truth to pursue the Moksha (Salvation), or everlasting joy, and to rise above transient and uninteresting worldly concerns. All creative, linguistic, and scientific developments have their roots in the Vedas. The foundation of the best writings created in history to help people live meaningful, moral, forward-thinking, and happy lives is found in the Vedas. Religious authorities from all other religions have paid their homage to these greatest assets that humanity has, in contrast to the spiritual leaders of the Hindu faith.

Upanishads are the most significant repository of Hindu philosophical ideas that originated as the last sections of the Vedic divisions. Vedanta, which means "the end of the Vedas," is categorized as authoritative and shruti, or "that which is heard." The Upanishads are a philosophical commentary on the earlier Vedic texts, based on the rishis' real-world experiences.

The world is a single family, according to the Upanishads (Vasudhaiv Kodambakkam). Upanishads means students sitting near his guru. The two Upanishads, Mundak and Kado, teach us the concept of unity and diversity and how societal fabrics are to be observed. Civilization was affected and origination of Vedic literature was seen during the period of Rigveda.

The Vidyarambha ceremony—the pupil's initiation to education—was extended in the educational system as it appears in Smriti literature. The second birth, Upanayana, was the one who began the official introduction. The initiation rules vary throughout castes. Compared to the Brahmana, the other castes had a far shorter time of theoretical studies and book learning before beginning their separate careers in the real world. Comprehensive information about the Upanayana ceremony is provided. Additionally, a student must meet certain moral requirements in order to be admitted. He needed to be well-behaved, pure, focused, have a strong memory, and exhibit controlled passion. It was believed that the teacher-student relationship was sacrosanct and unbreakable.

One may argue that the Vedas and Upanishads are the original sources of law in India. The idea of "Dharma," nevertheless interwoven with religious rules, was recognized as the inspired writings and pervaded every human being's existence. One could define "dharma" as the set of regulations that outline the correct way to go about one's daily business. The era of epics and Smriti documents provides a more detailed picture of the educational system that was stated in the Upanishads and Brahmanas. The early years of life are a time of preparation brought about by training, discipline, and education. This was the level of schooling that served as training for a career; topics and methodologies varied depending on the caste and class of students. Only those pursuing an economic career were advised to lead an intellectual or learning life. For the most part, the Sudras were beyond the nation's educational sphere.

## II. INFLUENCE OF DHARMA ON LEGAL EDUCATION

Countries are promoting their indigenous national values in the current globalizing globe. In the digital economy, transformative education and thought leadership have the potential to have an enormous effect on humankind as a whole. To bring Indic concepts into the global arena, specific policy directives are required. The internationalism of knowledge can also be influenced by the values that underpin an educational system. The goal of expanding globalism must be supported by sensible national initiatives to develop and support progressive Indian works. A civilization can be created through institutions.

Civilizational norms and cultural concepts can improve knowledge generation and transformational legal education in a multicultural democracy like India. An instruction in law founded on Human rights, democracy, and the rule of law can all be used as instruments to further national reconstruction while maintaining the social, political, and economic fairness goals outlined in the constitution. Since egalitarianism's constrictions and limited vision lead societies to become divided, it is ultimately the legal system's duty to promote a desired legal framework that will encourage social transformation. One key element in restructuring society is the comprehensive character of legal knowledge as it circulates through approaches to law and legal policy.

The approach and model of the educational system need to be significantly changed, according to an interdisciplinary investigation of legal education. To implement a "Dharma based model of education," the present system will need to modify some of its fundamental characteristics. The next difficult question that needs to be answered by policymakers is: What exactly makes up the Dharma model? Vedic literature and Indic transformative education need to be rediscovered and mainstreamed in order to confront related fundamental philosophical concerns. The scenario that follows is told in the Rajdharmas Prakaran of the Shanti Parva of the Mahabharata, which discusses ethics and justice in great detail-

'Nobody who speaks about righteousness can make a false statement. Dharma was established to promote the development of all living things. Dharma is therefore something which promotes development and progress'.

The responsibilities and rules of the asrama life of the student living in the preceptor house are summed up in a number of passages in the epics. In addition to following vows, humility, and celibacy, he was required to carry out Vedic rites and beg alms for his Guru. He needed to study the Vedas, purify his soul, and always be prepared to follow his Guru's instructions, even if it meant losing his life. Takshasila was regarded as the perfect learning centre. Three students of the renowned instructor Dhaumya, Upamanyu, Aruni, and Veda, outlined in great detail the ideal devotion to their Guru. These tales follow the Upanishadic customs about the studentship system.

The Mahabharata described traditional hermitages as places where students congregated to receive teachings from masters. Among the hermitages that were mentioned was the Naimisha Forest, which functioned similarly to a university. Saunaka, the place's chief eminent figure, called a large assembly of erudite individuals to Naimisha for talks on philosophical, scientific, and religious subjects. Another well-known educational institution was the Kanva Hermitage. It resembled a woodland university where all fields of study were practiced, including philology, physics, phonetics, metre, art, philosophy of the Absolute, philology, Bramopasona, and the four Vedas. The Mahabharata also mentions the well-known hermitages of Vaysa, Visvamitra, and Vasishtha.

## III. VEDIC IDEALS OBSERVED IN LEGAL EDUCATION

In the Manusmriti, the importance of law is clarified by the statement, "King also is bound to obey the law." In ancient India, there existed a complex judicial system. The Vedic era is when the idea of legal education first emerged. The defence of dharma was the king's main responsibility. Beginning with Ashoka, monarchs used the title Dharmaraja, which was derived from Yama, the name of the death god. By chastising the wicked and praising the virtuous, Yama and the king upheld the divine code. Despite the absence of official legal education, karma and dharma constituted each person's fundamental magnificence.

During that time, the subjects mentioned in the Upanishads and Brahmana were Vedic studies, Tryi-Vidya, or the threefold understanding of Rich, yogas, and Saman. The term "Anusasana" refers to six Vedangas: a) phonetics (siksha); b) astronomy (jyotisha); c) grammar (Vyakarana); d) exegetics (nirukta); e) metrics (chhandas); and f) ritualistic knowledge (kalpa). Philosophical systems such as Nyaya, Mimansa, and so on, or specialized sciences such as Vishavidya (the science of poisons), Itihasa-purana (the stories of old heroes and myths), Akhyana (stories), Gatha (songs and verses), Rasi (arithmetic), Sloka (the stories found in the Brahmanas), and Devajanavidya (the art of singing, dancing, playing musical instruments, etc.) are examples of Vidya. The Upanishads also discussed Paravidya, also known as the Supreme or Highest Knowledge, which is called Aparā and is differentiated from all other kinds of knowledge. The specialty of Paravidya is Ultimate Reality, which is referred to as "the foundation of all arts and sciences."

"Anuvachana" was the technical term for the Vedic study guidelines. Instruction was given orally. First, the pupil is taught the text of a hymn from the Rig Veda. Second, he is taught the hymn's metre, God, and "rishi" (seer). The instructor is expected to continue in this manner, reciting the hymns associated with each rishi or each "Anuvachana," which comprise the daily instruction. An excellent teacher should impart the Vedas to his students solely out of a sense of religious obligation and without receiving any compensation. The lack of any financial relationship between the instructor and the students gave the teacher total autonomy over the selection and acceptance of the students. The principles and objectives of that education dictated the admissions exams as well as the rules guiding the student's life following acceptance. The goal was to create ideal householders who would properly uphold the family, the nation, and society—not just scholars.

In his 1948 edition titled Mahabharata and Ramayana, Sri Aurobindo demonstrated how the Ramayana captured the Indian imagination in all its most tender and lofty human ideals, transforming strength into courage and gentleness, fidelity into purity, and self-sacrifice into familiar forms that were colourful and harmonious enough to draw attention both the visual sense and the feeling.

#### **IV. INDIC PEDAGOGY RESEARCHED BY HIUEN TSANG**

The Chinese scholar and traveller Hiuen Tsang made some observations about the culture and education of the Brahmins. There were numerous indicators of Brahmanism's rise to prominence. Oral instruction was given, and it required a great deal of labour from the teacher. The pedagogical approach used was an attempt to stimulate the student's dormant cognitive abilities and help him draw conclusions. The studentship lasted for a good amount of time. Hiuen Tsang made reference to the custom of retiring students paying the preceptor's fees for instructing them, which was mentioned in the previous Smritis. During the time of Hiuen Tsang, there were still Brahmacharis in India who made the decision to focus on lifelong learning and celibacy in order to pursue higher education. Giving up material belongings, prestige, honour, and self-imposed destitution and adversity, they devote all of their time to studying various arts and sciences. Thus, the system of Brahmanical education, a singular accomplishment of the Hindu mind, achieved the ultimate goal of a learning institution, which is to instil in its graduates an engrossing passion of learning for its own purpose.

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The teaching strategies used in these institutions were organic and living rather than mechanical, soulless, and repressive. This helped foster in the students a spirit of inquiry and the pursuit of truth, which is the greatest gift a teacher can give them. The wonderful concept of "plain living and high thinking" was embodied in their lives. One notable feature of the Buddhist literary world was the academic discussions and tournaments, which had long been a feature of the nation's intellectual life under the Brahmanical system of education dating back to the time of the Upanishads. Hiuen Tsang has compiled the most significant customs and information regarding the topic.

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## V. CONCLUSION

It is true, as Dr. Radhakrishnan stated, that "a civilization is built with men, their quality and character, not bricks, steel, and machinery." Therefore, the ultimate goal of education is to help the body and soul reach their full potential for beauty and perfection. The state of affairs today is dire; we have nearly lost everything. The entirety of what has been passed down through the ancestors to us. The school system has completely lost the discipline, the friendly relationship between students and teachers, and the social and moral norms that the Vedic age established. While it is true that we are unable to implement every component of Vedic education, there are still some principles that apply to the current educational framework.

The goal of legal education always determines the approach to legal education. In turn, the objective of legal education is determined by the function it fulfils in society. Everyone must be familiar with the laws of the land. Thus, instruction in law may be provided in the either at the elementary school level, as a university graduate, as a professional degree to practice law or serve in a court of law, or for a legal position in the administrative division. A strong legal education system is a prerequisite for a solid legal profession.

The main focus of the Vedic and Brahminic systems was the development of oneself in all spheres—physical, mental, spiritual, social, and intellectual. "Not only did Brahmana education develop a system of education which survived the crumbling empires and the changes of society, but they also, through all these thousands of years, kept aglow of the torch of higher learning and numbered among them many great thinkers who have left their mark not only on the learning of India, but upon intellectual life of the world," observed Keay, F.E. in "History of Indian Education, Ancient and Later Times."

Vedic education positioned more emphasis on religious subjects, but the Brahminic system placed more emphasis on the holistic development of the person, which included character formation, self-control, self-reliance, knowledge of social life, cultural preservation, yoga, and physical exercise for physical growth. The traditional knowledge system of the nation, which is founded on life, culture, and values, gave rise to the ancient Indian educational system. It meets the needs of spiritual seekers, guiding them not only toward the attainment of objective knowledge but also toward fulfilment in oneself and the Supreme or Absolute Truth.

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