

Analyzing the Role of Dharma in Constitutional Morality: The Impact of Indigenous Philosophies on the Indian Constitution

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Abstract

This research paper tries to analyse the intricate relationship between Dharma—a central concept in Indian philosophical thought—and constitutional morality within Indian legal institutions. Although India's Constitution draws structures and principles from Western liberal democracies, it at the same time also shows distinctly Indian normative ideas based on Dharmic traditions. By close examination of constitutional provisions, Supreme Court decisions, and academic writing, this paper shows that the Indian Constitution is neither a copycat adoption of Western models nor merely a carryover of conventional schemes, but a syncretic synthesis which takes selective cues from both traditions. The study explores how certain constitutional aspects—such as the Preamble, Fundamental Rights, Directive Principles of State Policy, and Fundamental Duties—embed or reinterpret Dharmic concepts like duty, cosmic order, and contextual ethics. The article also discusses landmark Supreme Court judgments that have invoked indigenous philosophical traditions explicitly or implicitly, showing a developing jurisprudence that balances constitutional principles and traditional values through ideas like transformative constitutionalism.

In identifying tensions between constitutional morality and Dharmic traditions, namely between community obligations and individual rights, the research also highlights important complementarities in their shared commitments to pluralism, social harmony, and contextual ethics. These conclusions counter simplistic "traditional" versus "modern" dichotomies and instead suggest the potential for fruitful conversation between diverse normative traditions. Indian experience presents lessons of enduring significance for comparative constitutional thinking and worldwide constitutional evolution, reaffirming the ability of non-Western philosophy traditions to impart an invaluable addition to contemporary politics without sacrificing cosmopolitan wisdom.

Comprehension of this special constitutional synthesis is important not merely for understanding Indian constitutionalism but also for enriching world constitutional theory and practice in a world of heightened cultural awareness and normative diversity.

Keywords: Dharma, Constitutional Morality, Indian Constitution, Indigenous Philosophy, Legal Pluralism, Comparative Constitutionalism

1. Introduction

When the Constitution of India began to function from January 26, 1950, it was more than the establishment of a new framework of law; it was a nation giving itself birth with aspirations to combine

the ancient culture left behind by millennia of past eras with today's desire for democracy, justice, and equality. The Indian constitutional experiment was distinguished by its endeavour to merge Western liberal democratic ideology with indigenous thought streams steeped in the subcontinent's ethos. The union invites some important questions regarding to what degree native Indian concepts, specifically Dharma, have determined India's constitutional morality.

Dharma is a complex Indian philosophical concept core to Hindu, Buddhist, and Jain traditions involving ideas of duty, virtue, cosmic order, and righteous action. In contrast to Western law traditions focused chiefly on individual rights, the Dharmic traditions prioritize duties, social cohesion, and contextual morality.

How these aboriginal philosophical ideas intersect with contemporary constitutional ideals is an intriguing field of research that has been too little investigated in constitutional thought.

This research paper explores how Dharmic values have shaped the drafting, interpretation, and evolution of the Indian Constitution. It examines the tension and synthesis between Western liberal concepts and indigenous philosophical traditions in shaping India's unique constitutional morality. The research contends that far from adopting a Western model of constitution in appearance, the Indian Constitution evidences a subtle yet deep engagement with indigenous philosophical traditions, and most notably Dharma, giving rise to a unique approach to duties, rights, and social justice.

The paper is structured into several sections. After this introduction, Section 2 offers a theoretical framework, examining the ideas of Dharma and constitutional morality. Section 3 discusses the constitutional history of India, with special reference to the contribution of indigenous philosophies in the debates of the constitutional assembly. Section 4 discusses certain constitutional provisions which are inspired by Dharmic ideas. Section 5 considers Supreme Court decisions that have drawn on indigenous philosophical traditions. Section 6 addresses the tensions and complementarities between constitutional morality and Dharma. Section 7 is concerned with challenges and contemporary relevance, and Section 8 concludes with comparative constitutional studies implications.

Through an examination of these dimensions, this paper adds to the increasing literature on pluralistic legal systems and comparative constitutionalism, providing insights into how indigenous philosophical traditions can fruitfully contribute to contemporary constitutional structures.

2. Theoretical Framework: Understanding Dharma and Constitutional Morality

2.1 The Concept of Dharma in Indian Philosophical Traditions

Dharma resists straightforward translation into English, being a multifaceted term that conveys the meanings of duty, virtue, ethics, law, and cosmic order. As Patrick Olivelle observes, "Dharma is one of the most important—perhaps the most important—concept in Indian civilization" (Olivelle, 2009, p. 3). Various schools of philosophy in the Indian subcontinent have interpreted Dharma differently, lending to its complexity and depth.

In the tradition of the Vedas, Dharma originally meant ritual and religious obligations but over time came to cover ethical behavior and social duties. The idea was further developed in works such as the Dharmasutras and Dharmasastras, which offered detailed codes of conduct for specific social classes and life cycles. These works, Menski (2006) argues, did not prescribe rigid rules but established templates for situation-sensitive moral decisions.

In the Mahabharata, specifically in the Bhagavad Gita, Dharma is presented as a complex ethical system balancing universal moral principles (samanya dharma) with contextual duties based on one's position and

capabilities (vishesha dharma). This dual approach to ethics—combining universal principles with contextual application—represents a sophisticated moral framework that resonates with contemporary discussions about contextual ethics and moral pluralism.

Buddhist interpretations of Dharma emphasized natural law, cosmic order, and ethical teachings leading to liberation. The Jain school, however, emphasized non-violence (ahimsa) and veneration of all forms of life as central parts of Dharma.

All these variations have much in common in their focus on responsibilities rather than rights, context-based ethics as opposed to rigid rules, and concord rather than personal gain.

Dharma in Indian Political thought has significantly influenced governance and law for more than a theological idea.

2.2 Constitutional Morality and Its Connection with Dharma

The traditions like constitutional morality first emerged in Western political thought, has acquired special relevance in Indian constitutional thinking. First articulated by George Grote in his history of Greece, the concept was prominently employed by B.R. Ambedkar during India's constitution-making process. For Ambedkar, constitutional morality signified "a morality which must become the sentiment of a majority of citizens; a sense of paramount reverence for the forms of the constitution" (Constituent Assembly Debates, Vol. VII, 1948).

Constitutional morality has transcended from a simple abidance with constitutional text in modern Indian jurisprudence to incorporate substantive principles such as liberty, equality, fraternity, and justice. As Justice D.Y. Chandrachud noted in *Navtej Singh Johar v. Union of India* (2018), constitutional morality "requires that the dignity and freedom of a person's rights are recognized and safeguarded," which demonstrates a compliance with transformative constitutionalism.

This transformation leads to piercing questions regarding how constitutional morality is made to fit cultural mores. Some hold that constitutional morality is a deviation from classical Hindu legal tradition, while others deal with potential complementarities. Granville Austin's famous treatise on the Indian Constitution refers to it as being a "social revolution" yet originating from native tradition (Austin, 1966). A number of theoretical models have been explicated to conceive the relationship between constitutional morality and Dharma within an Indian setting:

The "discontinuity thesis," argued by academics such as Rajeev Bhargava, underscores the break made by the Constitution with hierarchical forms of social organization, specifically the caste system. According to this understanding, constitutional morality is a break with customary Dharmic ideas.

The "continuity thesis," on the other hand, emphasizes fundamental continuities between constitutional values and Dharmic principles. Arguments from thinkers such as Granville Austin and Upendra Baxi observe that such notions of social justice, duty, and harmony are both expressed in Dharmic ancient texts and echoed in the constitution.

A third response, which could be called the "selective adaptation thesis," is that the Constitution selectively adopts compatible aspects of Dharmic traditions and excludes others. This selective adaptation, according to Mehta (2010), involves reinterpretation of traditional ideas to conform to contemporary democratic ideals.

A fourth strategy, the "dialogical thesis," of scholars like Amartya Sen and Martha Nussbaum views the relation as an ongoing dialogue between normative past and present. This perspective views both complementarities and tensions, viewing constitutional interpretation as a dynamic process of negotiation among several normative traditions.

This essay takes on aspects of the selective adaptation as well as dialogical schools of thought, acknowledging that the Indian Constitution neither fully accepts nor completely rejects Dharmic tradition but enters into a process of multi-faceted adaptation, reinterpretation, and synthesis. This theoretical base permits one to handle sensitively the process whereby Dharmic ideas have informed certain provisions of the Constitution and interpretations of the courts.

3. Historical Context: Indigenous Philosophies and Constitution-Making in India

3.1 Historical Evolution: From Pre-Colonial Dharmic Systems to British Interventions and Nationalist Response

Pre-colonial India had varied legal systems guided by Dharmasastras and traditional practices, with localism and adaptability and village-level solution of disputes through institutions such as panchayats. The colonial era saw a drastic change in this context. Adopting non-interference in personal laws initially, By interpreting the Dharmasastras in the context of Western legal theory, British officials mocked them and essentially created a new Hindu law. Dharmic traditions, which would transform loose, duty-oriented customs into more specific, rights-based ones, would influence India's subsequent constitution-making process.

Multiple ideas on the post-independence legal system were produced by the Indian nationalist movement. Such codification generated tensions within the Gandhi's conception emphasized village-level self-governance based on indigenous traditions and condemned the adversarial nature of British legal orders. His conception of swaraj did not merely involve political independence but encompassed cultural and intellectual decolonization.

At the same time, Nehru promoted a modernist philosophy that stressed scientific rationality and Western democratic theory. Other writers such as Aurobindo Ghose and Radhakamal Mukerjee sought to reenergize traditional Indian philosophical approaches while reformulating them in accordance with modern demands, trying to "rethink the modern in terms of the traditional and the traditional in terms of the modern."

3.2 Constitutional Synthesis: Dharmic Concepts in Modern Constitutional Framework

The Constituent Assembly debates (1946-1949) reveal complex negotiations between traditional Indian concepts and modern constitutional principles. B.R. Ambedkar maintained a complex relationship with Dharmic concepts—while critical of hierarchical aspects of Hindu tradition, particularly the caste system, he drew upon Buddhist concepts of Dharma in articulating his vision of social justice and equality. Other assembly members like K.M. Munshi argued that fundamental rights should reflect India's spiritual heritage, while Alladi Krishnaswami Ayyar suggested that directive principles embodied traditional ideals of governance.

The final Constitution reflects what Rajeev Bhargava terms "ameliorative secularism"—neither wholly Western nor traditionally Indian but a distinctive synthesis. While taking on a rights-based approach common to Western constitutions, it did so with distinctively Indian elements like the Directive Principles of State Policy, which resonate with classical ideas of rajadharma (rulers' duties). The stress laid out by the preamble to justice, liberty, equality, and brotherhood can be understood as a consolidation of Indian culture and Western values perhaps to be understood by examining both classical Indian intellectual views as well as Western Enlightenment tradition. Again, the Constitution of India embraced a new form of secularism which embraced religious pluralism instead of church-state separation to build a secular state.

The Indian Constitution tries attempts a middle ground between the agonistics of numerous normative traditions instead of taking up archaic practices or indiscriminately adapting Western constitutionalism.

4. Constitutional Provisions Enshrining Dharmic Principles

4.1 The Preamble: Justice, Liberty, Equality, and Fraternity

The Preamble to the Indian Constitution, described by N.A. Palkhivala as its "identity card," articulates the document's fundamental objectives:

Ensuring justice, liberty, equality, and fraternity to all citizens. Although these ideals have obvious analogues in Western constitutional history, they also find echoes of sorts in Dharmic thought.

The Preamble's emphasis on social, economic, and political justice echoes the Dharmic concept of *nyaya* (justice), which extends beyond formal legal arrangements to encompass substantive fairness and proper social ordering. As Sen (2009) argues in "The Idea of Justice," the Indian concept of *nyaya* focuses on realized justice in people's lives rather than merely on institutional arrangements.

In the same way, the Preamble's promise of fraternity and "the dignity of the individual" expresses the Dharmic principle of *vasudhaiva kutumbakam* ("the world is one family"), which stresses universal kinship and human dignity. This principle, expressed in the *Maha Upanishad*, provides a unique constitutional values framework that complements Western conceptions of fraternity.

The 42nd Amendment's addition of "secular" and "socialist" to the Preamble in 1976 has been interpreted by scholars like Sathe (2002) as reinforcing rather than diminishing this connection to indigenous traditions, as Indian concepts of secularism and social welfare draw upon distinctive cultural frameworks that differ from their Western counterparts.

4.2 Fundamental Rights: Dharmic Influences on Liberty and Equality

The Fundamental Rights under Part III provide civil liberties such as freedom of speech, religion, and equality before the law. Although these provisions take their inspiration from Western liberal principles, they include distinctively Indian methods in accordance with Dharmic influences. Article 17, prohibiting untouchability, is an explicit confrontation of customary social orders. As

Ambedkar reasoned, this provision was not so much intended to create formal equality as to reorder social relations on the basis of a reimagined conception of *Dharma* which prioritized human dignity and social equality. A distinctively Indian secularity that adheres to Dharmic notions of religious pluralism is expressed in Articles 25–28, which protect religious freedom. The Indian Constitution upholds what Rajeev Bhargava has dubbed "principled distance," which allows the state to interfere on religious issues in a way that promotes change while preserving religious plurality, in contrast to the maximalist separation model of Western secularity.

The *Rigvedic* saying "*Ekam Sat Vipra Bahudha Vadanti*" ("Truth is one, the wise call it by many names") reflects the Dharmic tradition of allowing for a variety of spiritual pathways, which is in line with this approach.

Similar to this, the Constitution's provisions on minority rights exhibit a unique perspective shaped by native pluralistic traditions.

As Parekh (2000) argues, these provisions go beyond Western models of minority protection to establish a framework for "deep diversity" that acknowledges different groups' distinctive normative frameworks.

4.3 Directive Principles of State Policy: Rajadharma in Modern Form

The easiest way to discuss Dharmic issues is to refer to Part IV of our Constitution's Directive Principles of State Policy (DPSP). These non justiciable directives uphold the state's duties to its citizens and society, reflecting traditional philosophy of rajadharma (kings' duties) found in texts like as the Arthashastra and Shukra Niti.

Article 38, which directs the state to secure a social order promoting welfare, and Article 39, which outlines principles of economic justice, echo Dharmic concepts of distributive justice found in texts like the Mahabharata. As Amartya Sen notes, the emphasis on the ruler's responsibility to ensure the welfare of all subjects (sarvajanahitaya) represents a distinctive Indian approach to social justice.

Article 43, promoting cottage industries, and Article 48, advocating animal protection and agriculture development, reflect Gandhian principles that themselves drew upon indigenous traditions of economic self-sufficiency and non-violence.

Article 48's ban on cow slaughter illustrates how the Constitution engages with traditional values by specifically considering Hindu religious feelings. The Dharmic principles of sarva dharma sambhava (equal regard for all religions) and vishwa shanti (global peace) are encapsulated in Article 51, which requires the state to promote worldwide harmony, peace and collaboration.

4.4 Fundamental Duties: Articulating Dharma for Citizens

The Fundamental Duties, added to our Constitution by the 42nd Amendment in 1976, perhaps most explicitly incorporate Dharmic concepts. These duties, which include respecting the Constitution, preserving the natural environment, and developing scientific temper, reflect the Dharmic emphasis on individual responsibilities toward society.

As Justice Krishna Iyer observed in *Ranganath Misra v. Union of India* (2003), the Fundamental Duties represent "dharma in modern form," translating traditional ethical obligations into contemporary constitutional language. The obligations to conserve the natural environment and wildlife (Article 51A(g)) reflect the Dharmic value of respect for nature, and the duty to strive for excellence (Article 51A(j)) reflects the nishkama karma (action without attachment to fruit) of the Bhagavad Gita.

Thus, the fundamental obligations strike a compromise between the Constitution's rights-based structure and a view of obligations more a kin to Dharmic systems.

5. Judicial Interpretations: Dharma in Supreme Court Jurisprudence

5.1 The Development of Post-Independence Law: Conventions against Constitutional Principles

In the early years following independence, the Supreme Court had trouble interpreting a contemporary constitution in a culture that was so deeply rooted in traditional values. The Court examined conflicts between constitutional guarantees of equality and conventional social hierarchies in *State of Madras v. Champakam Dorairajan* (1951),

while in *Sarla Mudgal v. Union of India* (1995), it navigated the complex relationship between personal laws and constitutional principles, invoking both secular values and religious traditions to reform practices undermining women's rights—reflecting an attempt to reform traditions through internal critique rather than wholesale rejection.

The formulation of the Basic Structure doctrine in the case of *Kesavananda Bharati v. State of Kerala* (1973) is a pivotal turning point in the constitutional history of India. Justice H.R. Khanna's concurrence directly appealed to the notion of Dharma, and argued that similar to Dharma in classical thinking, the basic structure of the Constitution was a higher law limiting even sovereign

power. This doctrine has been compared to the Dharmic concept of *rita*—the cosmic order governing all beings, including rulers—establishing that Parliament, despite its democratic mandate, remained constrained by fundamental constitutional principles. This reasoning reflected "an indigenous jurisprudential creativity" integrating Western constitutional concepts with traditional Indian ideas about legitimate authority.

The social justice jurisprudence of the Supreme Court illustrates a reworking of Dharmic principles to justify constitutional promise in terms of equality and human dignity. In *Indra Sawhney v. Union of India* (1992), the Court upheld reservations for "backward classes" and developed an advanced theory of social justice balancing formal equality and substantive outcomes—

Indian concept of equality based on conventional perceptions of *dharma* as a responsibility in context. Likewise, the Court's emphasis on workplace dignity in the *Vishaka v. State of Rajasthan* (1997) case conformed to Dharmic values of respect, equality and decent behavior.

5.2 Spreading Dharmic Influence: Conservation of the Environment and Constitutional Ethics

Maybe the greatest impact of Dharmic ideas is observable in the Court's eco-jurisprudence, which has openly borrowed from historical Indian dispositions toward nature. In *M.C. Mehta v. Union of India* (1988), Justice Kuldeep Singh invoked the traditional Indian concept of reverence for rivers, particularly the Ganga, to support stringent environmental regulations. Similarly, in *T.N. Godavarman Thirumulpad v. Union of India* (1996), the Court's forest conservation jurisprudence drew upon traditional Indian concepts of humans as trustees rather than owners of natural resources. This jurisprudence represents a "re-embedding" of environmental law in traditional cosmological frameworks that view humans as part of nature rather than separate from it—contrasting with Western environmental jurisprudence, which has historically struggled to transcend anthropocentric frameworks.

Recent Supreme Court jurisprudence has continued to navigate the relationship between constitutional morality and traditional values. In *Indian Young Lawyers Association v. State of Kerala* (2018) (the Sabarimala case), Chief Justice Dipak Misra's majority opinion explicitly invoked constitutional morality to invalidate the prohibition on women of menstruating age, holding that "in a constitutional democracy, while the right to believe, practice and propagate religion is recognized, the right is not absolute." Justice D.Y. Chandrachud's concurring opinion suggested that constitutional morality requires reinterpreting religious practices to align with constitutional values of equality and dignity—an approach reflecting "transformative constitutionalism" that uses constitutional principles to reform traditional practices while respecting religious freedom. Similar to this, the Court had to balance Indian sexual variety customs with Western conceptions of individual rights in *Navtej Singh Johar v. Union of India* (2018), which allowed consenting homosexual conduct. In her dissenting opinion, Justice Indu Malhotra (SC) noted that "history owes an apology" to the LGBTQ people, demonstrating the Court's determination to reframe accepted conventions in terms of constitutional morality. These cases illustrate the continued conversation between constitutional values and customary values in Indian law. Rather than simply rejecting traditional concepts, the Court has engaged in "jurisgenesis"—creating legal meaning through the integration of diverse normative traditions.

6. Tensions and Complementarities: Dharma and Constitutional Morality

The connection between Dharmic traditions and constitutional morality in India unearths serious conceptual tensions, especially concerning individual rights versus the duties of the community. While the Constitution promotes individual rights inhering in Western liberal traditions,

Dharmic schemes place precedence on context-dependent duties contingent on social position and life stage. This tension is seen in conflicts between group rights and individual freedoms, where traditional models tend to prioritize group harmony over individual autonomy, in contrast to constitutional morality's growing focus on individual dignity. The Shabrimala case illustrates this conflict, where traditional religious practice came into conflict with equality rights, as criticism that constitutional interpretations enforce "homogenizing secularism" at the cost of normative pluralism.

In spite of all these tensions, the two frameworks are significant in their shared commitments to pluralism and social harmony. The Constitution's approach to religious freedom and minority rights reflects "value pluralism" that resonates with Dharmic concepts like *anekantavada* (many-sidedness of reality). Both traditions emphasize collective welfare, with constitutional directive principles echoing the Dharmic concept of *lokasamgraha* (welfare of the world), providing a foundation for dialogue between traditional and modern normative frameworks. Unlike the maximalist separation model of West secularity, the Indian Constitution preserves what Rajeev Bhargava has said "principled distance," whereby the state can intervene on religious matters in a way that encourages reform while retaining religious diversity. This process is demonstrated by examples like Navtej Singh Johar, who develops new normative syntheses by relying on both constitutional standards and traditional values.

Such disagreements create the likelihood of a syncretic understanding of the Constitution that incorporates aspects from both traditions, acknowledging the value of Dharmic teachings such as societal harmony and context-specific ethics but retaining the Constitution's devotion to individual rights. This can be seen in modern juridical thought such as "transformative constitutionalism," where values within the constitution are employed to transform social practice so that cultural heritage is included.

7. Contemporary Relevance and Challenges

7.1 Dharma in Contemporary Political Discourse

Dharmic ideas remain active in modern Indian political thought, albeit frequently in disputed form. Political movements both across the left-right spectrum appeal to Dharma to legitimize their readings of India's destiny, testifying to the idea's staying power and versatility.

Hindu nationalist groups and parties have enlisted Dharma in order to express visions of India as a Hindu state, stressing conventional values and cultural continuity. Such an approach, as noted by Jaffrelot (2007), frequently contrasts Western secular models with dharma, with the latter presented as more intuitive to Indian experience.

Progressive movements, on the other hand, have redefined Dharma in the context of social justice and ecological protection. In contrast to Dalit scholars like Kancha Ilaiah, who have reinterpreted Buddhist dharma as a blueprint for resisting control of caste, activists such as Vandana Shiva called on older notions of nature respect in fighting against pollution. Such rival interpretations are designed to illustrate the continued validity of the Dharmic philosophy and the challenge in determining how it applies to constitutional structure.

As Pratap Bhanu Mehta says, rivalry over Dharma is a reflection of larger discussions on Indian identity and the appropriate balance between religion, culture, and state (Mehta, 2019).

7.2 Uniform Civil Code Debates: Personal Law and Constitutional Unity

One of the most long-standing concerns in Indian constitutionalism is the interplay between personal laws based on religious traditions and the directive principle mandating a Uniform Civil Code (UCC). The problem directly faces the tension between religious pluralism and constitutional uniformity.

Article 44 of the Indian Constitution requires the state to attempt to implement a uniform civil code for the entire country of India.

displaying conformity with legal oneness. India still, though, retains unequal personal laws between various religious communities in the fields of marriage, divorce, adoption, and inheritance, displaying conformity with cultural diversity.

This friction has generated ongoing controversies regarding whether and how to adopt a UCC. Supporters are convinced that personal laws perpetuate gender disparities and religious segregation, in contrast to promises in the constitution of equality and national integration. Critics maintain that enforcing uniformity would violate religious freedom and cultural rights, particularly for minorities.

The Supreme Court has addressed this conflict by promoting gradual change and eschewing sudden uniformity. In *Mohd. Ahmed Khan v. Shah Bano Begum* (1985) and such cases, the Court tries to balance personal laws with the constitutional principles of gender equality and respect religious pluralism.

The UCC debate highlights the ongoing challenge of balancing normative plurality with constitutional unity—a challenge that lies at the heart of the relationship between Dharma and constitutional morality in contemporary India.

7.3 Digital Governance and Traditional Values

New technologies pose a challenge to the relationship between Dharmic traditions and constitutional governance. With India rapidly digitizing, there are issues of how conventional ethical theories can guide governance of technologies such as artificial intelligence, social media, and biometric identification.

India's digital governance strategy has sought to reconcile technological modernization with cultural values. The Supreme Court's establishment of privacy as a constitutional right in *Justice K.S. Puttaswamy v. Union of India* (2017) drew on Western privacy theory and available Indian thinking on space and dignity. Since, this syncretic process builds a distinctive Indian contribution to global debates on privacy. Similarly, India's suggested moral principles for AI reference Indian thought traditions as many as global norms, suggesting that indigenous concepts could inform regulation of technology. Concepts like *vasudhaiva kutumbakam* (the world is one family) and *sarvodaya* (well-being for all) offer paradigms of ethical inquiry to digital technologies that are complementary to Western ones.

These shifts show that dialogue between constitutional rule and Dharmic traditions is ongoing as these two paradigms attempt to address matters arising, a testament to the adaptability of the two paradigms.

7.4 Global Relevance: Dharma and Comparative Constitutionalism

The Indian experience of synthesizing traditional philosophical traditions and contemporary constitutional regimes has implications well beyond India's shores. When constitutional systems all over the globe struggle with cultural legitimacy and normative pluralism, India's syncretic constitutional experiment yields valuable lessons.

Academics such as Boaventura de Sousa Santos have made the case for "epistemologies of the South" that value non-Western epistemologies to respond to current challenges. The Indian constitutional experience is a classic example of this strategy, which illustrates how local philosophical traditions can be used meaningfully to enrich contemporary governance models.

Similarly, "Asian values" constitutional debates can be informed by reference to India's experience of balancing universalism and cultural particularity. Sen (1997) suggests that the Indian approach demonstrates that adherence to cultural tradition is not mutually exclusive with the promotion of universal human rights, offering a middle ground between universalism and cultural relativism.

As African, Latin American, and other constitutional orders increasingly acknowledge indigenous rights and legal pluralism, the Indian experience of engaging with Dharmic traditions and constitutional morality offers a rich comparative reference point. Such global salience makes continued scholarly interest in India's unique constitutional vision all the more relevant.

8. Conclusion: Implications for Constitutional Theory and Practice

This research has examined the complex relationship between Dharma and constitutional morality in the Indian constitutional framework. The analysis makes several significant findings of far-reaching significance to constitutional theory and practice.

First, the Indian Constitution is neither an unreflective borrowing of Western constitutional models nor a mere perpetuation of traditional Dharmic forms but a novel synthesis drawing selectively from both traditions. Its syncretic character is seen in the structure of the Constitution, balancing rights-based individualism against duty-based collectivism, and its content, where liberal democratic ideas are mixed with indigenous ethical principles.

Second, the jurisprudence of the Supreme Court embodies an increasingly sophisticated practice of balancing constitutional morality and Dharmic traditions. From early restraint to present-day assertiveness, the Court has increasingly adopted a vision of "transformative constitutionalism" which seeks to change social practices as well as accommodate cultural diversity. This practice makes a distinctive contribution to international constitutional theory, demonstrating how courts can engage constructively with indigenous normative orders.

Third, there are constant tensions between Dharmic traditions and constitutional morality, and particularly over the relative emphasis to be placed on individual rights and community obligations, and the right relationship between religious practice and constitutional ideals. These tensions are not abstract but concrete policy debates around issues like personal laws, religious freedoms, and social justice programs. Fourth, and contrary to such tensions, Dharmic traditions and constitutional morality both possess powerful complementarities in their shared commitments to pluralism, social harmony, and contextual ethics. These complementarities provide resources for navigating challenges of the day from environmental protection to digital governance that recommend continued relevance of indigenous philosophical traditions in modern constitutional contexts.

These results have a number of significant implications for constitutional theory and practice. For constitutional theory, the Indian experience resists reductionist dichotomies between "traditional" and "modern," "Eastern" and "Western," instead inviting the possibility of fruitful conversation between rich normative traditions. As Upendra Baxi contends, Indian constitutionalism is "a third space" that breaks out of these binary schemes, opening up new possibilities for constitutional imagination.

For comparative constitutional analysis, the Indian experience illustrates the value of paying attention to local philosophical traditions when one examines constitutional systems. Instead of applying Western conceptual schemes unreflectively, one should pay attention to the way that local normative traditions shape constitutional interpretation and development, even if the formal constitutional document borrows extensively from Western sources.

For Indian constitutional practice, this study recommends the merit of direct reference to Dharmic ideas in constitutional interpretation. Rather than perceiving indigenous schools of philosophy as having no bearing on modern rule or being obstacles to constitutional thought, citizens, lawmakers, and judges could profitably draw upon such schools to address modern issues. This is not to encourage blind uptake of all prescriptive practices but engagement with indigenous moral systems on reflective terms.

Lastly, as a global constitutional model of development, the Indian experiment presents a vision of what Arjun Appadurai has called "vernacular globalization"—

interpreting universal constitutional values into regional culture and at the same time injecting regional wisdom into international debates. With constitutional regimes across the globe struggling with cultural legitimacy and normative diversity, India's syncretic constitutional adventure has a great deal to learn from it. The tension and dynamic struggle between Dharma and constitutional morality in India still mirrors wider tensions and hopes in Indian society.

As India continues to develop as a constitutional democracy, this dynamic will undoubtedly evolve. Yet the basic insight holds: constitutional rule in India has been and remains influenced by the fruitful exchange between native philosophical traditions and democratic ideals. This conversation is vital not just to understanding Indian constitutionalism but also to enhancing worldwide constitutional theory and practice.

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