

The Indian Knowledge System and the constitution of India

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Abstract: The Constitution of India is the lengthiest Constitution of the world. The Drafting Committee of the Constituent Assembly worked hard to produce such a monumental document for the country. While drafting the Constitution the framers studied all Constitutions of the world and incorporated all those provisions which best suited for Indian context and socio political environment. Therefore, it is very often referred as a “borrowed constitution” or a “bag of borrowings”. There is no doubt on the fact that many provisions our Constitution were borrowed from the Constitution of UK, USA and other major Constitutions of the world, at the same time it should not be forgotten that framers of the Constitution were aware of our rich heritage, culture and knowledge system which deeply influenced the framing of our Constitution. In this paper an attempt has been made to analyze the influence of Indian Knowledge System in the Constitution of India.

Keywords: Indian Knowledge System, Constitution of India, “Dharma”, Fundamental Rights, Fundamental Duties

The Indian Knowledge System is an indigenous system of knowledge comprise of jnan, Vignan, and Jeevan Darshan that have evolved out of experience, observation, experimentation and rigorous analysis throughout the ages. “Knowledge of India” in this sense includes knowledge from ancient India and its successes and challenges and a sense of India’s future aspirations. It has impacted our arts, education, administration, law, justice and polity. The Indian Knowledge System (IKS) is a manifestation of universal principles which has been largely acclaimed and universally recognized under the Roman law. However, the IKS is a much older legacy than that of the Greeks and Romans. The main objective of drawing from glorious past and integrating the Indian Knowledge System is to ensure that our ancient systems of knowledge represented by unbroken tradition of knowledge communication and providing a unique perspective (Bhāratīya Drishti) is used to solve the current and emerging challenges of India and the world. The framers of the Constitution of India were aware of our knowledge systems and we could observe the impact of Indian Knowledge System in the democratic Constitution of India which came into force from January 26, 1950. The influences of Indian knowledge system could be noticed in different Parts and Articles of the Indian Constitution. Several provisions of the Constitution are based on the natural law theory which itself is an integral part of Indian Knowledge System. The Constitution of India and Indian Knowledge System shares common goals of social justice, individuals dignity, national integrity and welfare of all emphasizing on the principles of

harmony and non violence. The Indian Knowledge System influences Indian Constitution through its inherent values of justice, pluralism and holistic development preserving indigenous traditions within the modern structure. The major impacts of Indian Knowledge System on the Constitution of India may be highlighted as follows.

Philosophical and Ethical Foundations

The concept of “Dharma” (righteousness, duty and moral order) deep rooted in Indian Knowledge System serves as an ancient forerunner to the modern notions of 'Rule of Law' and 'Justice' enshrined in the Preamble to the Constitution of India. The concept of “Dharma” emphasizes on universal ethical principles, moral governance and protection of all individuals including the weakest. The Sanskrit phrase “Yato Dharmastato Jayah” meaning "where there is Dharma, there will be victory", is a motto of the Supreme Court of India and a theme of Hindu epic Mahabharata which signifies the integration of Indian Knowledge System in the Constitutional institutions of modern India. The promises of social, economic, and political justice in the Constitution and the emphasis on a society governed by law not by arbitrary power resonates with “Yato Dharmastato Jayah” belief of Indian Knowledge System. The idea that even rulers are bound by “Dharma” aligns with the Constitutional principle of limited government and accountability.

Fundamental Rights and Fundamental Duties

There is no doubt about the fact that the framers of the Constitution of India were influenced by the Constitution of USA while incorporating a chapter on Fundamental Rights in the Constitution. However, the Indian knowledge System finds its reflection in the Fundamental Rights of the Constitution, as these rights protect the pluralistic, indigenous and spiritual values inherent in Indian tradition. The Fundamental Rights guaranteed under Part III of the Constitution (Articles 12 to 35) act as the “conscience of the Constitution” and individual liberty, equality, culture and freedom. These rights facilitate individuals and communities to preserve their customs, practices, traditions and identities resembling with our historical freedom of thought, religion and worship. These Articles represent the spirit of our diverse knowledge traditions and constitutional obligation to preserve such traditions within the framework of individual and collective rights. The freedom of speech and expression guaranteed under Article 19 of the Constitution sustains the exchange of philosophical and scientific knowledge central to Indian Knowledge System. The principles of equality and justice in the preamble to the Constitution resemble with ancient concepts of “Dharma” (righteousness) and societal welfare. Article 21 of Indian Constitution declares, "No person shall be deprived of their life or personal liberty except according to procedure established by law." Over time, judicial interpretations have reshaped Article 21, evolving it from a basic safeguard against the arbitrary taking of life and liberty into a vibrant set of rights reflecting the life-affirming values of Indian thought. The Supreme

Court has defined "life" in Article 21 as a life of dignity, not just mere survival. This has encompassed rights to privacy, health, education, a clean environment, shelter, a speedy trial, and livelihood, thus reinforcing the holistic concept of well-being found in Indian traditions. For instance, the Right to Education, connected to Article 21 by the judiciary and later codified as Article 21A, depicts India's long standing Vedic tradition that values universal and comprehensive education. The Right to a Clean Environment, incorporated into Article 21, aligns Constitutional principles with the traditional respect for nature (Prakriti) in Indian philosophy. Furthermore, the Right to Health and Livelihood, guaranteed under Article 21, reflects the Indian belief in health (Arogya) and economic activity (Artha) as essential for both individual and community well-being. The rulings of the Apex Court of the country interpreting Article 21 have broadened its scope to include rights and principles consistent with the Indian knowledge system (IKS) including cultural freedom, education, holistic well being, a clean environment and dignity of individuals. The Cultural and Educational Rights under article 29 and 30 of the Constitution unequivocally protect minority languages, cultures and scripts which reflect emphasis on diversity and indigenous traditions. Indian Knowledge System consistently emphasized the symbiotic relationship between rights and duties. The concept of "Dharma" inherently implied duties towards oneself, family, society, and nature. This finds resonance in the Fundamental Duties (Article 51A) inserted into the Constitution in 1976. Duties like striving towards excellence, promoting harmony, protecting the environment and developing scientific temper reflect values that side with Indian Knowledge System. Although the ancient Indian society had hierarchical structures based on caste system yet IKS contains philosophical strands emphasizing the underlying unity of all human beings. The constitutional commitment to equality (Articles 14, 15, 16) and the abolition of untouchability (Article 17) represent a reformative rupture from discriminatory historical practices to achieve a societal harmony, modern realization of an ideal discussed in the tradition of Indian Knowledge System.

Principles of Welfare State and Directive Principles of State Policy

The Indian Knowledge System tradition articulated in texts like "Arthashastra" and "Manusmriti" emphasized on the welfare of all. It was the most important duty of the king to ensure happiness of his subjects. The IKS tradition states- "Prajā sukhe sukham rājñah, prajānām ca hite hitam" which means the happiness of his subjects lays the happiness of the king and in what is beneficial to his subjects is his own benefit. This tradition directly resemble with the Directive Principles of State Policy (Part IV of the Constitution) which directed the state to secure a social order for welfare of people (Article 38), socio-economic justice public health and education. In fact, the Directive Principles of State Policy under Part IV of the Constitution enshrines "Dharma" ie duty of the State towards to citizens. The ancient maxim of Indian Knowledge System "Vasudhaiva Kutumba-

kam” (The world is one family) emphasizes on universal brotherhood and inters connectedness and unity of humanity. This philosophical position implicitly influences India's foreign policy (Article 51) promoting international peace and security, respectful and friendly relations with other states reflects a broad world view consistent with the spirit of international cooperation. These principles are modern articulations of ancient welfare duties of the king highlighted by different texts of Indian Knowledge System.

Governance, Administration and Judicial System

The ancient texts like “Arthashastra” of Kautilya outlined detailed account of state, administration, Duties of the Rulers (Rajdharma) including accountability, transparency, resource management and appointment of qualified persons for smooth administration of the state. These reflect principles of modern concept of good governance and support the Constitutional design of responsible and independent institutions like the Supreme Court, Public Service Commission and Election Commission of India. The modern Indian Legal System, though largely influenced by colonial English Common Law, still draws from the indigenous elements, integrating traditional philosophies and pluralistic approaches in statutes and judicial interpretation. The Indian Knowledge System provides ethical supports for family laws emphasizing on sympathy, duty and holistic development. The “Dharma shastras” like Manu Smriti, Yajnavalkya Smriti prescribed codes of conduct based on “Dharma” upholding equity, ethics and cosmic order. The “Arthashastra” offered detailed intuition into statecraft, governance and administration. The stories from the Epics like the Ramayana and Mahabharata illustrated models of justice, ethical dilemmas and principles of governance through allegories and narratives. The Indian Knowledge System (IKS) is deep rooted in India's legal tradition influencing its philosophies and ethical frameworks. Indian Knowledge System had developed refined systems of justice delivery including a hierarchy of courts from family courts to the King's court which laid emphasis on evidence and strong alternative dispute resolution mechanisms. The Constitution of India establishes an independent and impartial Judiciary which guarantees equal protection of law. The structure of the judicial system is modern but the original cultural acceptance of such mechanisms draw from roots of Indian Knowledge System.

Conclusion

The Indian Knowledge System isn't just a thing of the past; it's still very important for understanding and improving the Constitution of India. The Indian Constitution is a modern document shaped with the influences of different constitutions of the world but its foundational values vibrate with the principles embedded in Indian Knowledge System. The core values of the constitution often connect with IKS principles like “Dharma”, the common good, the value of duty and good governance. Recognition of such continuity offers indigenous solutions to contemporary socio- political and legal challenges moving towards a holistic and ethically grounded practice.

The Constitution of India integrates modern principles with the deep rooted Indian wisdom, creating a framework for individual rights, freedom and preservation of knowledge and culture.

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