

VEDIC TRADITION OF LAW & LEGAL SYSTEM

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FOREWORD

JUSTICE SHARAD A. BOBDE

Former Chief Justice of India

PUBLISHER

**CENTRE FOR VEDIC SCIENCES
BANARAS HINDU UNIVERSITY**

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DEDICATED

TO

All known and unknown Freedom
Fighters of our Independence



Sharad A. Bobde
Former Chief Justice of India

FOREWORD

Veda is the root of *Dharma*. *Gautama* delineates *Veda* as the source of *dharma* and tradition. In Indian tradition, *dharma* recognizes as law and ethics, prescribes the ideal model to a Nation, Society, Family and Individual. This expression is of wide import and means the aggregate of duties, obligations, religious, moral, social and legal dimensions of society. Law is not autonomous, standing outside of the social world, but is deeply embedded within society. The normative structure and ideology of Indian society was followed in the societal context, presents the historical perspective of *Vedic* tradition. This suggests that social integration through language, custom and the role of the State does not depart from it. Historical researchers have brought to light a wealth of variegated material that contributed to the growth of the *Vedic* tradition of law. The synthesis of the *Vedic* tradition-based system requires progressive construction to rejuvenate the social, cultural and legal matrix.

This present volume on ‘*Vedic* Tradition of Law & Legal System’ is a profound step to put up a new insight in modern legal tradition, comprehends the subject matters over *Vedic* Jurisprudence, the Constitution, Environmental Concern, Family Law, Criminal Law and Commercial Law. I congratulate the editors, contributors and the Centre for *Vedic* Sciences, Banaras Hindu University for this mammoth attempt to contribute to the knowledge database. I wish all success in this academic endeavor.


Sharad A. Bobde

PREFACE

Veda, the oldest *Prajñā* is the most authentic repository of knowledge to support mankind in every pursuit of life. *Śhrutī*, *Smṛitī*, Digests and Commentaries significantly recapitulate this *Vedic* wisdom in the multiple field of knowledge includes spirituality, culture, philosophy, art, aesthetics, trade, management, human health, law, material sciences, to name a few. In addition, *Aparā* and *Para Vidyā*, two core mainstay of ancient knowledge, collectively signify *deh* and *dehi* of the entire Indian tradition. *Manu* delineates *Veda*, tradition, the conduct of good people, and what is pleasing to oneself, the source of law. This *Vedic* wisdom is the real scientific *Jñāna* for the individual enlightenment, societal betterment and good governance of the State and enriches in the form of *Vedic* tradition and literatures.

Gautama Dharmasutra evokes *Veda* as the source of *dharma* and tradition. The *Sanskrit* term '*dharma*' synonym for 'Law', however, is not entirely commensurate. The word '*dharma*' defies all attempts at an exact meaning in English or any other language. This comprehensively possesses diverse references includes ordinance, usage, duty, right, justice, morality, virtue, religion, good work, *etc.* For the present endeavors, we comprehend '*dharma*' as the duties, obligations and privileges of a man, his standard of conduct as a member of the community, and stipulated principles or rules of conduct. It may be noted that *Nārada* and *Bṛhaspati Smṛitīs*, carrying the separation of law from religion, morality, deal exclusively to the law, particularly to civil law.

The profound contribution of *Vedic* tradition and literatures woefully received least recognition in the academic sphere in India. Consequently, generations have been deprived from enormous knowledge of our revered intellects and their exceptional work. For academic and practical references, the Western philosophy has been accounted at the largest extents, and awfully undermines scientific contribution of Indian tradition knowledge. However, it is evident that the modern Western jurisprudence is undergoing in a deep crisis despite creating a host of schools and theories. Notably, solutions to vital problems of the present day lie in the synthesis of *Parā* and *Apara Vidya* of knowledge. Moreover, *Vedic* wisdom, and its potential application in the field of law to develop modern jurisprudence, is the best possible way forward to resolve issues and challenges in the political and social sphere.

This book *Vedic Tradition of Law & Legal System* makes an attempt to strive the vision ascribed by our revered intellects. This endeavor covers various perspectives, dimensions, usability and applicability of *Vedic* literatures in the field of law and legal practices. It comprehends the subject-matter into five heads *viz.* Dimensions of *Vedic* Jurisprudence & Tradition, the Constitution and Environmental, Concern in *Vedic* Tradition, Family Law Perspective in *Vedic*

Tradition, Criminal Law Perspective in *Vedic* Tradition and Commercial Law Perspective in *Vedic* Tradition. Thirty-five chapters of this book analyses diverse area of law fields showcase invaluable presence of law in *Vedic* tradition pursuits.

The *Vedic* knowledge subject-matter is comprehensive, beyond the purview of any manuscript, here firstly, we wish to place on record our highest appreciation to all contributors for their efforts, dedication, patience, enthusiasm and cooperation to accomplish this immense assignment. We hope this academic feat would ignite academic debate, discussion and deliberations among scholars over legal knowledge in our *Vedic* Tradition.

The Omnipotent, Omniscient and Omnipresent “*Lord Śiva*”, the supreme force with us throughout this endeavor, we bow down our heads before the ‘Almighty’. We pay our reverence to *Mahamana Pandit Madan Mohan Malviya ji*, the great visionary and founder of the Banaras Hindu University. We thankfully acknowledge assistance and cooperation of the members of the Centre for *Vedic* Science. We must express our profound sense of gratitude to Justice Sharad Arvind Bobde for his blessings.

We are thankful to Dr. Laxman Singh Rawat, Assistant Professor, Faculty of Law, Banaras Hindu University for his invaluable and consistent cooperation. We appreciate contribution of Mr. Pratyush Pandey, Miss. Shreya Singh, Mr. Rohit Pandey in preparing the manuscript of this book. We are also pleased to Bharati Prakashan for the cooperation in printing the book in time.

This book is useful for everyone, academic and common man to make them aware, inspire and awake about the glorious legal tradition of *Bhārtvaṛsa* and willing to transform the present legal system accords with our *Vedic* tradition, ethos and culture.

The *Parā Brahman* who is the Supreme Consciousness, the Protector, the basis of all life, self-existent, free from all pains, contact frees the soul from all troubles, who pervades the Universe and sustains all, the Creator and Energizer of the whole Universe, the Giver of happiness, who is worthy of acceptance, who is Pure and the Purifier of all and the most excellent.

ॐ पूर्णमदः पूर्णमिदं पूर्णात्पूर्णमुदच्यते
पूर्णस्य पूर्णमादाय पूर्णमेवावशिष्यते
ॐ शान्तिः शान्तिः शान्तिः॥

Varanasi, Uttar Pradesh, India,
March 27, 2022

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