

Meaning, Nature and Scope of Indian Knowledge System with Reference to Legal System

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ABSTRACT

The Indian Knowledge System (IKS) is a vast and ancient repository of wisdom, practices, and knowledge that has evolved in India over millennia. It encompasses a diverse range of fields, and its relationship with the legal system is multifaceted. This paper is an attempt to understand the meaning, nature and scope of IKS with reference to legal system in India. IKS is a word of the hot discussion at the backdrop of National Education Policy (NEP) 2020 in India. The subject has gain momentum especially in conventional faculties like Arts, Commerce and Science. Although Law faculty is kept aloof from the applicability of NEP, it is necessary to be prepared for the upcoming development in legal arena. Hence this paper will discuss the relation between IKS and Indian legal system.

RESEARCH METHODOLOGY

The author has primarily relied upon the sources available in books, newspaper articles and papers published by other writers. Judgments of the Supreme Court of India are referred wherever necessary. The author has summarised the gist of the judgments such as in Shamima Farooqui v. Shahid Khan (2015), Dattatraya Govind Mahajan vs. State of Maharashtra and so on.

Meaning of Indian Knowledge System (IKS)

IKS is not limited to the particular area but it is a comprehensive term that encompasses variety of regimes that evolved, developed, practiced, forgotten or pondered in India. It claims the Indianization of knowledge.

IKS refers to the cumulative knowledge assets that originated and developed in India. This includes but not limited to:

- **Philosophical traditions:** Such as Vedanta, Yoga, Samkhya, Nyaya, Vaisheshika, Mimamsa, and Charvaka, which delve into metaphysics, epistemology, ethics, and logic.
- **Sciences and Technology:** Including mathematics (e.g., the concept of zero, decimal system, algebra, trigonometry), astronomy, medicine (Ayurveda, Siddha, Unani, Sowa-Rigpa), metallurgy, architecture (Vastu Shastra), and engineering.
- **Arts and Culture:** Literature (Vedic literature, epics, classical Sanskrit literature), music, dance, drama, and traditional crafts.
- **Social and Governance Practices:** Including principles of governance, justice, and community living found in ancient texts like the Arthashastra and various Smritis.

IKS is characterized by its holistic, interconnected, and often spiritual approach to understanding the world. It emphasizes harmony between individuals, society, and nature, and often integrates different disciplines.

Nature of Indian Knowledge System

The nature of IKS can be described by several key characteristics:

1. **Holistic and Interconnected:** IKS views knowledge as an integrated whole, where different disciplines are not isolated but are interconnected. For example, Ayurveda connects physical health with mental well-being and environmental factors.
2. **Experiential and Practical:** Much of IKS is rooted in direct observation, experimentation, and practical application, with knowledge often transmitted through oral traditions and hands-on learning.
3. **Ethical and Value-Oriented:** Ethics, morality (Dharma), and human values are central to many IKS disciplines, guiding not only individual conduct but also societal structures and governance.
4. **Sustainable and Harmonious:** Many IKS principles promote sustainable living, ecological balance, and harmony with nature, reflecting a deep understanding of environmental interconnectedness.
5. **Evolving and Adaptive:** While rooted in ancient traditions, IKS has demonstrated an ability to evolve and adapt over time, incorporating new insights while retaining core principles.
6. **Diverse and Pluralistic:** India's vast geographical and cultural diversity has led to a rich pluralism within IKS, with various schools of thought and regional practices coexisting.

Scope of Indian Knowledge System

The scope of IKS is expansive, covering virtually all aspects of human endeavor and understanding:

- **Education:** Modern initiatives aim to integrate IKS into contemporary curricula to provide a more holistic and culturally relevant education.
- **Healthcare:** Traditional medicine systems like Ayurveda continue to be practiced and researched.
- **Science and Technology:** Historical contributions to mathematics, astronomy, and metallurgy are being studied for their contemporary relevance and inspiration.
- **Arts and Humanities:** Preserving and promoting Indian arts, languages, literature, and philosophical traditions.
- **Environmental Sustainability:** Principles from IKS are being explored for their insights into sustainable practices and ecological conservation.
- **Governance and Law:** Understanding ancient Indian concepts of justice, statecraft, and social order.

Indian Knowledge System with Reference to the Legal System

The relationship between the Indian Knowledge System and the Indian legal system is complex and has evolved significantly over time. While the modern Indian legal system is primarily based on the English common law tradition due to colonial influence, elements and principles of IKS have historically shaped and continue to subtly influence Indian jurisprudence.

Historical Context:

- **Ancient Legal Traditions:** Before the advent of British rule, India had a sophisticated legal system rooted in various Dharmashastras (like Manu Smriti, Yajnavalkya Smriti), Arthashastra, and other texts. These texts outlined principles of governance, justice delivery, property rights, family law, criminal law, and dispute resolution.

- **Dharma:** A central concept, Dharma, represented righteous conduct, cosmic order, and moral duty, which implicitly guided legal principles and societal norms.
- **Nyaya:** The concept of justice (Nyaya) was deeply embedded, emphasizing fairness, equity, and the pursuit of truth.
- **Panchayat System:** Village-level traditional dispute resolution mechanisms (Nyaya Panchayats) were prevalent, focusing on conciliation and community-based solutions.

Colonial Impact and Shift:

- The British colonial administration introduced a codified legal system based on English common law, leading to the marginalization of traditional Indian legal frameworks. This resulted in a disconnect between the indigenous legal thought and the formal legal system.

Contemporary Relevance and Integration:

Despite the dominant common law framework, there's a growing recognition of IKS in the modern Indian legal system:

1. **Constitutional Values:** The Indian Constitution, while modern, implicitly draws from certain values aligned with IKS, such as justice, equality, and the pursuit of societal welfare. The Directive Principles of State Policy, for instance, resonate with some ancient ideals of righteous governance.
2. **Customary Law:** In certain areas, particularly in personal laws (e.g., Hindu law before codification, tribal laws), customary practices derived from ancient traditions continue to be recognized and applied, albeit within the overarching modern legal framework.
3. **Alternative Dispute Resolution (ADR):** The revival of ADR mechanisms like Lok Adalats and mediation can be seen as a modern echo of traditional community-based dispute resolution systems like Nyaya Panchayats, which emphasized conciliation.
4. **Protection of Traditional Knowledge (TK) and Intellectual Property Rights (IPR):** There is a significant focus on protecting India's traditional knowledge from misappropriation, especially in areas like traditional medicine (Ayurveda) and biodiversity. India has taken steps to create legal frameworks (e.g., the Biological Diversity Act, 2002; the Traditional Knowledge Digital Library) to safeguard TK, often by excluding it from patentability or ensuring benefit-sharing with traditional knowledge holders. This reflects an assertion of India's intellectual heritage.
5. **Legal Education:** Efforts are underway to integrate IKS into legal education to provide students with a more holistic understanding of India's legal heritage, promote cultural sensitivity, and encourage critical thinking about the limitations of purely Eurocentric legal frameworks. This aims to "decolonize" and diversify the legal curriculum.
6. **Jurisprudence and Interpretation:** While not explicitly cited as legal precedent in modern courts, the underlying philosophical tenets of dharma and justice from IKS can subtly influence judicial interpretations, particularly in matters of public policy, morality, and social welfare.

Judicial approach

Article 21 (Right to Life and Personal Liberty): The expansive interpretation of Article 21 by the Supreme Court to include the right to dignity, livelihood, clean environment, health, and more, can be seen as aligning with a holistic Dharmic understanding of a meaningful life.

Case Example: In **Maneka Gandhi v. Union of India (1978)**, the Supreme Court laid down the principle that any procedure established by law for depriving a person of life or liberty must be "just, fair and reasonable." This concept of "justness" and "fairness" can be implicitly linked to Dharmic principles.

Secularism (Sarva Dharma Sambhava): The Indian concept of secularism, unlike its Western counterpart, often means "equal respect for all religions" (*Sarva Dharma Sambhava*), rather than strict separation of state and religion. Courts have frequently interpreted this, particularly in cases involving religious practices and minority rights.

Case Example: Aruna Roy v. Union of India (2002), while dealing with education, highlighted the principle of *Sarva Dharma Sambhava* in the context of religious instruction.

Challenges and Opportunities:

- **Codification and Documentation:** Much of IKS was transmitted orally or through non-codified texts, posing challenges for its direct application in a codified legal system.
- **Reconciling Different Legal Philosophies:** Integrating the often-holistic and value-driven approach of IKS with the positivist and procedural nature of modern law requires careful consideration.
- **Authenticity and Revival:** Ensuring the authentic understanding and revival of ancient legal principles without misinterpretation is crucial.

CONCLUSION

In essence, while the Indian legal system operates on a modern framework, the Indian Knowledge System provides a rich historical and philosophical backdrop, offering insights into indigenous conceptions of law, justice, and societal order, and increasingly influencing contemporary legal discourse, particularly in areas of cultural heritage, intellectual property, and legal education.

The Indian Knowledge System (IKS) represents a vast and intricate repository of intellectual, philosophical, and practical wisdom developed over millennia on the Indian subcontinent.¹ When viewed through the lens of the legal system, IKS offers a unique perspective that transcends purely statutory or adversarial approaches, emphasizing ethical foundations, holistic well-being, and a deep understanding of societal harmony.

This understanding of IKS's meaning and scope within the legal system highlights its rich historical legacy and its potential to offer alternative, holistic, and ethically grounded perspectives for contemporary legal challenges and jurisprudential thought.

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Online Resources/Institutions:

1. **Indian Knowledge Systems (IKS) Cell, AICTE, Ministry of Education, Government of India:** <https://iksindia.org/> (Provides resources and outlines initiatives for promoting IKS across various domains, including governance and administration).
2. **ResearchGate:** Various papers on "Indian Knowledge System legal" and "Dharma jurisprudence" can be found, offering contemporary academic perspectives.
3. **Wikipedia:** "Indian Knowledge Systems" and "Dharmashastra" provide good starting points for understanding the scope.