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# Natural Law, The Gita, and The Rule of Law

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## ABSTRACT

*The Gita, a book which has several interpretations. It is one of the oldest scriptures in the world, yet its teachings are so relevant and refreshing even today that it contains solutions to the most intricately problems of modern lifestyle. From private life to public life affairs, from health to environmental issues, most of the key worries of human life can be resolved, if its teachings are followed and implemented in its true sense. In the present article, these teachings have been interpreted to provide solutions for policy issues. Where, in the present time, the corruptions and discrimination has become a reason of plight in almost every society, in thousands of its forms. And, where, the whole world is suffering from these vices, The Gita provides the sigh of relief and a way to light. How Gita can help in maintaining rule of law, public order, and morality in the present time has been discussed in the present article. As morality and decency are the terms that have always been looked as part of Natural Law, so the term natural law is also discussed in brief with the help of already existing literature. At the end of the article, support has been taken from the critical thinker of Natural law, Emanuel Kant whose teachings have the same basis as of Gita's. The teachings of both relies heavily on Conscience and reasoning.*

## I. INTRODUCTION

In modern times the term “Natural law” is interpreted in two ways: Firstly, it is interpreted objectively i.e., the moral content of legal norms. In this sense, it relates to the moral laws rather than of natural law. Natural law in this sense belongs to Analytical jurisprudence. If one analyzes legal norms, recognize their validity and appreciate their nature, it is necessary to understand that legal norms are not abstract entities but have a moral content. Secondly, natural law is interpreted as an ideal or universal law. In this sense, there is no single natural law, but various theories which use the term as a convenient formula. To make these theories truly significant for the lawyer, one should not be concerned with the theories themselves but rather be concerned with legal results that would follow, if any of these theories were to prevail.<sup>2</sup> This task may be achieved in an objective manner, and the jurist's duty in this

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<sup>2</sup> What Is Natural Law? by A. G. Chloros, The Modern Law Review, Vol. 21, No. 6 (Nov., 1958), pp. 622

connection may be described as providing a plan for the different types of legal order that may emerge from the application of these theories.<sup>3</sup>

Traditionally, natural law consists of highest principle of morality and it is also, an absolute law since it is only discoverable by the exercise of reason. It is evident that through the exercise of reason, only, one can identify the true nature of legal norms. This implies that reason has significant role in traditional Natural Law as well as in modern Natural Law. If we apply these naturalistic reasons in Indian context, we found “The Gita” as a great source of natural law principles. As a whole, teachings of “The Gita” only shows the importance of conscience which controls the reasons of human mind in order to achieve the highest end. The book not just speaks about the Importance of reasoning but it also provides the way of controlling the unstable mind through reasoning only.<sup>4</sup> Although, teachings of The Gita emphasizes on individual, here it is being tried to interpret these teachings as moral law, first of above two kinds. Furthermore, there have been found many similarities in the “categorical imperative” and “autonomy of will” of Kant and in teachings of The Gita, to gain confidence for adopting such interpretations. So, here, The Gita has been treated as a source of principles that can be helpful while maintaining the rule of law in modern concept of state.

## **II. GITA AND RULE OF LAW**

Before kick starting the principles that one can found to be useful as moral law for maintaining rule of law, one should discuss some of the issues that can arise at first instance. For instance, let us imagine, one has presumed Gita as a governing guide than what would happen to the Secularism of this country? Or how far this scripture can be part of rule of law? What would be the ways of such guidance?

For the first issue, it is suggested that in the Whole reading of The Gita, nowhere, it has been defined that it is a book connected only with Hindus. It is imparting teachings for human kind or more specifically believers of Some Supreme power. That power is equally guiding human souls as an individual rather than any specific class or to any particular religious group. Even at the time, one finishes it, one may find that its principles can easily be applicable for non-believers as well as believers of Gita. So, it is highly recommended, to put forward that there will be no harm to India’s secularism if we regard its teachings as a guide for maintaining rule of law.

For second query, the principle of Rule of law means that law is supreme. Also, the whole

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<sup>3</sup> Ibid.

<sup>4</sup> The Bhagwadgita, ch. 2, text 63-65, here Gita makes it clear that if there is loss of reason one definitely goes to ruin. These texts also imply the important place of reason in Bhagwadgita.

teachings of Gita can be divided into three parts 1. Bhaktiyoga. 2. Sankhyayoga 3 Karmyoga. Along with that Gita has spoken in great amount on inner self. It states that inner-self is above than any human mind, his desire or likes or dislikes. It treats King or beggar, rich or poor, in-fact, every living organism as originated from one supreme.<sup>5</sup> So, if any man-made law is in tendon with the principle of one's inner self that law would be equally applicable to all, whether President or any Clerk, Hindus or Muslims or of any other rank, post, class, creed or religion. Even such rule of law would provide the place for animals as well as for the whole environment, which is a major concern of present time. Here, one might ask how to know that law is in coherence with inner self and how it can rule each individual. When, Gita claims that each individual has an element of Him as an undivided one or the universal self, it shows that inner conscience is not the one which is different in different bodies but it is the one and the same residing in different abodes of flesh.<sup>6</sup> So, if the rule of law is in tendon with the inner self of policy makers who are elected personalities, those laws would also be in tendon with the conscience of all beings that are to be governed. Further, the question may also arise, if that inner self is residing in each individual then what is the requirement of rule of law or policymakers to tell them what to do or what not to do. It is submitted here, that as to know the reality or knowledge of inner self, is not an easy task and not everyone in routine life gives any thought of it, nor everyone are concerned with philosophy of life, so, it is required here, to make laws, as much possible as one can, in expressed terms and language that can satisfy the reasoning of each righteous mind.<sup>7</sup> Furthermore, now it is evident that if rule of laws are in harmony of inner conscience than they surely satisfy the reasoning of righteous soul as in Gita it is expressly mentioned that reasoning controls the mind, inner self controls the reasoning and inner self is controlled by the conscience.<sup>8</sup> Here emphasis is on righteous soul or righteous mind because distracted soul would always find justification even for its wrong actions and will always question the righteous path. So, with this line of interpretation it is submitted that law which is based on the teachings of Gita can not only persist but it would be the true Rule of Law.

Now, for answering what ways are there to which Gita can be a part of governing the people, it is presented as follows, as there are three organs of state: The Legislature, The Executives and The Judiciary. And, these branches are nothing but collection of human beings, one can

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<sup>5</sup> The Bhagvadgita, chapter VII, text 4-7.

<sup>6</sup> Ibid, ch. VI, text 30, while teaching about the qualities of a Yogi it proves that He(self conscience) resides in each living being.

<sup>7</sup> Ibid, ch. IV, text 16, Gita clarifies that even an intelligent is puzzled on the question of what is action and inaction. What one should do or what not. That implies that it can easily be misinterpreted.

<sup>8</sup> Ibid, ch. III, text 42.

look for guidance in Gita for each branch of state to perform its duties according to moral rule of law. Furthermore, one can found, for legislature, the “Sankhya-Yoga” to be useful, for Executives and judiciary it is the “Karma-Yoga” and for the Public itself, it is the “Bhakti-Yoga” that can be considered as a guiding torch.

### **III. THE PRINCIPLES AND THEIR IMPLEMENTATION**

The principles, that have been found and interpreted as above, can be applied for maintaining rule of law in following ways:

For legislatures, Sankhya-Yoga<sup>9</sup> provides the guidance when framing policies or discussing over the subject for welfare of people or declaring budgets etc., it should be the duty of legislators to keep in mind the knowledge of undivided one that resides in all human beings. As in Gita, it is said that it is only enlightenment (true knowledge of self) that can remove the ignorance. With that knowledge, one will be able to see the entire creation within oneself and then in other-souls.<sup>10</sup> Yoga of knowledge will keep policy makers unattached with worldly desires, they would be able to think for greater public good or, in short, towards humanity. They’ll serve humanity knowing it as their ultimate duty. Keeping such knowledge in mind would eliminate the possibility of discrimination against any class or it would be preferred to say, policy makers will serve the people without any selfish motive. And resulted policy would also, at utmost, be such as to satisfy the reasonable minds. Even, the opposition would still be required to keep reminding party in power their dharma or teachings of Gita by which they need to be answerable to Supreme-self. As, it is the constant struggle between good and evil that makes it necessary of honest opposition in parliament and active participation of teachings of Gita to keep the ruling party away from corrupted desires.

As earlier mentioned, for executives and judiciary it is the Karma-Yoga which means the guiding source for these branches are disinterested actions, while fulfilling their duties. When executing policies, the welfare of citizens should be the first concern of executors. Here, disinterested actions mean selfless actions. As Gita provides that Karma-Yogis perform action with their senses, mind, intellectual and body as well, without the feeling of mine in respect of them, and shaking off attachment simply for the sake of self-purification.<sup>11</sup> So, Executive should after coming into powers perform their duties only because it has to be performed. As also, for the Karma-yogi it is required to perform their allotted duty and if they

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<sup>9</sup> Ibid, ch.II, text, 15-38.

<sup>10</sup> Ibid, ch IV, text, 35.

<sup>11</sup> Ibid, ch.V, text, 11

desist from their duties, they cannot survive without incurring sin.<sup>12</sup> They should not desire of power but only for service because if political parties seek for power, it would be against their dharma. As again, working for the best of people, taking decisions for their welfare is a duty of high responsibility, it should not be in the hands of distracted souls who don't have will for sacrificing fruit of their actions nor have knowledge of their dharma. Politics should be the battle field between those who are ready to serve others in best possible ways, only for the sake of serving them not for desiring anything in return. Also, for the judiciary, justice delivery is itself a job of highest virtue, judges should be trained to keep aside their own interest and then only deliver justice with disinterested actions. Along with that, as, it is been considered that morality cannot be separated from legal structure so all lawyers must be Natural lawyers.<sup>13</sup> Also, lawyers are important part of justice delivery system and they are the officers of the court, they too have a duty to serve their clients in the best possible manner. Here, for lawyers, while performing their duties, only requirement is to take recourse to the honest and fair practice of servicing their client and not the dishonest or unfair ones. They only need to perform their duties for providing as best possible degree of justice as they can without attaching any immoral self-interest to their fruits.

Teachings of Gita could also be interpreted as applicable on the public (those are to be governed) which also has a duty to perform towards their state, and for that they may be guided by Bhakti-Yoga. This path is followed by those who don't find themselves able to achieve purification through other two paths. In this path one is required to devote oneself wholly into Him.<sup>14</sup> Now it is the duty of the public to follow the laws of the state. To abide by the principles that meant for their safety and protection. Here, it is not suggested that public should not use their reasonable mind while following the laws. Instead of that, they must use their reasoning, and questioning every ill framed policy issues. As, every function of state is performed by persons of equal conscience, for this reason the state can very well be questioned if it misses out something important. In-fact, it is the duty of each branch to remind other branch of its dharma to follow.

Here again, one question that may arise is if everything would be so ideal then where would be the need of police or lawyers or judiciary? for replying the same, it is already mentioned that knowing the true self is not the easy task and not everybody would behave in a pattern they are supposed to behave. For keeping them in adherence, it is required to have a proper machinery for the infringers. As Gita suggests, it is the everlasting war between the good and

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<sup>12</sup> Ibid, ch.III, text 8-9

<sup>13</sup> What Is Natural Law? by A. G. Chloros, *The Modern Law Review*, Vol. 21, No. 6 (Nov., 1958), p. 617

<sup>14</sup> The Bhagwadgita, ch.4, text 10

bad of inner self and not everyone is able to achieve the real knowledge.

#### **IV. CONCLUSION**

Here, it is required to clarify, that in this article all these divisions of teachings of Gita are made only for the simplification purpose otherwise all these paths can be adopted by anyone. Even as we saw in above paragraphs that emphasis of all the three paths of Gita was on self-purification. For self-purification it has provided different ways in the form of different type of Yoga Practice. And the reasoning is, here, provided as a tool to achieve the highest end. Here, it is also worth mentioning that Gita has shown the importance of individual's life who is requiring to achieve self-purification. And these are the teachings of Gita that one can find similar in Immanuel Kant's moral law. For Kant, too, individual is to be treated as an end itself not just as a means for achieving any end. Kant has the support of common sense when he points out, what distinguishes man from the animal. He says that world is not the sensuous self but a reason, which by virtue of its own greatness is entitled to the supreme authority of determining "what we ought to do, as well as to determine what we shall do." No wonder that Kant discovered in such reasoning the supreme principle of what he called "the autonomy of will." In this new philosophy, "autonomy of will" comes to acquire the pivotal position-realization of it, as such, in all its fullness becomes the supreme end, and the doing of duties the means to the realization thereof. It is this philosophy of end and means that constitutes the central theme of the practical teachings of Kant and the Gita.<sup>15</sup> And it is this line of practical approach that we found having practicality when J. Chandrachud has said in the case of *Navtej Singh Johar vs. Union of India*, 2017 that even the right of minuscule group of individuals matters. This is not the single instance when interpretations provided above can be found applicable in any law. If we look at Fundamental rights or directive principles of Indian constitution, we would clearly be able to find the essence of morality. In fact anyone can nowhere find, any law that is deliberately made up against the moral laws that are discussed above. Yes, the degree of morality or recognizing the duty of self can surely be varied. It is also to be made clear here, that no man is required to take "Sanyas" for the application of teachings of Gita, as it is said earlier that its teachings are even applicable to non-believers. Policymakers or Justice providers only require to give importance to self-conscience or at-least give importance to their inner reasoning when they are performing their duty. Even if they just do their duty with full honesty that would be sufficient for serving

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<sup>15</sup> The Concept of Perfection in the Teachings of Kant and the Gītā, Balbir Singh Gauchhwal, *Philosophy East and West*, Vol. 12, No. 2 (Jul., 1962), pp. 103

people. For that matter, the Gita requires for all of us to continue our work, in both perfect and imperfect conditions of life. Abandonment of work is not contemplated in the Gita at any stage; absence of conscientious devotion to work is looked upon in the Gita as reprehensible.

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