

RAJADHARMA AND CONSTITUTIONAL MORALITY: A SYNTHESIS OF DUTY-BASED GOVERNANCE

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ABSTRACT

This paper analyzes the concept of *Rajadharma*—the ethical and legal duties of the ruler outlined primarily in the *Shanti Parva* of the *Mahabharata*—and explores its profound philosophical continuity with the modern principle of Constitutional Morality (CM) in India. *Rajadharma* established a system of duty-based governance (*Kartavya*) where the king's authority (*Danḍa*) was constrained by a higher moral and legal order (*Dharma*). By examining historical implementations (Kautilya's *Arthashastra* and Ashoka's *Dhamma*) and modern theoretical frameworks (Granville Austin's "Social Revolution" thesis), this essay argues that the Indian Constitution is a deliberate synthesis. It selectively adapts the moral core of *Rajadharma*—namely, the commitment to public welfare (*Prajā -hita*) and state accountability—to inform the secular, justice-oriented framework of CM, thus reinforcing the enduring need for ethical principles in contemporary governance.

INTRODUCTION

The *Mahabharata*, particularly the twelfth book, the *Shanti Parva* (Chapter on Peace), serves as a foundational text for ancient Bharatiya political philosophy. Through the dialogues between the distressed King Yudhishtira and the wise Bhishma Pitamah, the *Parva* dedicates itself to *Rajadharma*—the science and art of governance—establishing the king's role as the protector and upholder of *Dharma*. *Rajadharma* is fundamentally a system of **duty-based governance**, where the ruler's legitimacy is derived not from divine right but from adherence to ethical principles, social justice, and the welfare of the people (*Prajā-hita*). It posits that the state's power (*Danḍa*) is not absolute but is itself subject to a higher moral order.

This paper aims to demonstrate that this ancient principle of constrained, duty-bound sovereignty is not historically isolated but flows into the modern Indian state's commitment to **Constitutional Morality (CM)**. CM, understood as the adherence to the fundamental, ethical spirit of the Constitution, acts as the contemporary, secular *Dharma* that binds the executive and legislative branches. The continuity between *Rajadharma* and CM highlights the timeless relevance of governance rooted in accountability, justice (*Nyaya*), and public trust.

THE ETHICAL AND PRAGMATIC FRAMEWORKS OF RAJADHARMA

We can find the foundation in the *Shanti Parva*, the state is presented as a necessary institution to prevent *Matsya Nyaya* (the law of the fish, where the strong devour the weak). The King's core duty is to ensure order, but this duty is immediately qualified by the principle that the King himself is subject to *Dharma*. The concept of **Danḍa**—the power to punish and enforce law—is the primary tool of the ruler. However, the misuse of *Danḍa* is explicitly linked to the ruler's downfall, establishing a mechanism of ethical check on sovereign power. *Rajadharma* thus emphasizes **duty over rights**, positing that the performance of one's duty is the precondition for a just and stable society.

While the *Shanti Parva* defines the ethical duties, **Kautilya's Arthashastra** provides the pragmatic, administrative, and secular application. Kautilya's famous dictum states: "In the happiness of his subjects lies the king's happiness, in their welfare his welfare. Whatever pleases him he shall not consider as good, but whatever pleases his subjects he shall consider as good." This focus on **Prajā-hita** (welfare of the people) is the essence of Kautilya's statecraft. It establishes a practical, measurable standard for governance that directly corresponds to the modern concept of a **Welfare State** and the ideals enshrined in the Directive Principles of State Policy (DPSP).

The reign of Emperor Ashoka (3rd Century BCE) offers a compelling historical example of *Rajadharma* translated into a secular code of conduct called **Dhamma**. After the Kalinga war, Ashoka's rule shifted from conquest to ethical administration, focusing on non-violence (*Ahimsa*), religious **tolerance** (Major Rock Edict XII), and social welfare. He appointed *Dhamma Mahamatras*—officials dedicated to the moral and material welfare of the populace, including establishing hospitals and public amenities. Ashoka's *Dhamma* is a direct precursor to modern concepts of **Secularism** (equal respect for all sects) and state commitment to **public welfare and human rights**.

CONSTITUTIONAL THEORY AND THE QUESTION OF SYNTHESIS

The relationship between ancient moral governance and the modern democratic republic is a central debate in Indian constitutional scholarship. Granville Austin's interpretation of the Indian Constitution remains one of the most influential interventions in the field of constitutional studies. In his seminal work, Austin posits that the Indian Constitution must be understood not simply as a legal-institutional framework but as an **explicitly transformative text**—a document animated by the aspiration to reconfigure India's moral, social, and political landscape. His argument that the Constitution is "*first and foremost a social document*" underscores its orientation towards addressing structural injustices embedded within India's historical experience, particularly the deeply entrenched hierarchies of caste, class, gender, and socio-economic exclusion. Austin frames this transformative project through what he terms the **principle of Social Revolution**, a normative thrust he views as central to the Constituent Assembly's deliberations. For Austin, the framers conceived the Constitution as an instrument capable of producing a **democratic rupture** with the past—a means to recalibrate a society burdened by centuries of institutionalized discrimination and ritual inequality. In this sense, the Constitution becomes an agent of moral realignment, seeking to reorder social relations in accordance with the egalitarian ideals of the nationalist movement and the ethical commitments of India's emergent democracy.

This transformative ambition, Austin argues, is crystallized most clearly in the relationship between **Part III (Fundamental Rights)** and **Part IV (Directive Principles of State Policy)**. He famously characterizes their combined effect as the "**Conscience of the Constitution**"—a phrase that signals both their doctrinal significance and their shared teleological orientation. Fundamental Rights articulate enforceable guarantees against arbitrary state action and discriminatory social practices; they institutionalize individual dignity, personal liberty, and formal equality. The Directive Principles, by contrast, provide the constitutional mandate for the creation of an egalitarian political economy, one that aspires to transform the material conditions that underpin social oppression. Austin insists that the Constitution's normative force emerges not from either part in isolation, but from the **dialectical interplay** between justiciable rights and non-justiciable socio-economic obligations. Together, they form a cohesive moral framework that binds the state to a project of progressive social transformation.

A particularly insightful dimension of Austin's thesis is his characterization of the Constitution as a **modern, secular**

Dharmasastra. In deploying this metaphor, he foregrounds the Constitution's role as a **civilizational counter-text**—a new moral-legal code meant to supplant the hierarchical norms of traditional Dharmasastras that historically legitimated caste stratification and ritual inequality. Unlike these older normative orders, the Constitution articulates an egalitarian ethic grounded in democracy, justice, and human rights. It establishes a *counter-narrative* of social morality, one that rejects inherited notions of purity, precedence, and privilege, replacing them with the values of fraternity, equal citizenship, and collective welfare. In this respect, the Constitution functions not merely as a governance document but as a **normative reimagining of India's socio-cultural order.**

Read through Austin's interpretive lens, the Indian Constitution emerges as a **living, aspirational charter**, intent on guiding India's evolution from a historically hierarchical society to a modern, egalitarian polity. It is both **an institutional blueprint and an ethical manifesto**, embedding within its provisions a far-reaching social purpose. Austin's thesis, therefore, positions the Constitution as a site where law, ethics, politics, and history converge—a text committed to democratizing India's social foundations even as it constructs its political institutions. His framing continues to shape contemporary debates on constitutional interpretation, transformative constitutionalism, and the ongoing struggle to realize the unfulfilled promises of equality and justice in the Indian republic.

The inquiry into the normative relationship between *Rajadharma* and Constitutional Morality reveals a triadic structure of interpretation, represented by the Discontinuity Thesis, the Continuity Thesis, and the Selective Adaptation (Synthesis) Thesis. The first is the **Discontinuity Thesis**, which argues that the Indian constitutional project marks a decisive rupture with traditional moral frameworks. Advocates of this view—exemplified most prominently by **B.R. Ambedkar**—maintain that Constitutional Morality must be consciously “cultivated,” because the inherited norms of social Dharma were deeply enmeshed in caste hierarchy, ritual inequality, and graded social obligations. For this school, CM is a **modern normative ethic**, rooted in individual autonomy, formal equality, and rights-based citizenship. It thus rejects any uncritical transposition of ancient duties into the constitutional framework, insisting that the Republic's moral foundations must arise from democratic reason rather than traditional authority.

In contrast, the **Continuity Thesis** proposes that Constitutional Morality is not a radical departure but rather an **ethical extension** of the highest ideals embedded within *Rajadharma*. Scholars aligned with this position highlight the enduring philosophical principles of *Sāmānya Dharma* (universal virtues such as non-violence, truthfulness, and justice) and *Loka-saṃgraha* (promotion of collective welfare). These concepts, they argue, are refracted into constitutional provisions such as the **Directive Principles of State Policy (Part IV)** and even the **Fundamental Duties (Part IVA)**. According to this interpretation, the Constitution operationalizes an ancient moral vocabulary through modern legal form, thereby sustaining a long civilizational continuum.

The third perspective, the **Selective Adaptation Thesis**, or **Synthesis Thesis**—offers the most nuanced account. It argues that the Constitution performs a deliberate normative filtration: it **appropriates the universalistic, public-welfare-oriented elements of Rajadharma**, while discarding its hierarchical and exclusionary dimensions. The framers drew on the ethical constraints traditionally imposed on rulers—such as fairness, restraint, and the duty to protect the vulnerable—but reframed them within the architecture of a **secular, rights-based, democratic state**. This synthetic process explains why the Constitution is simultaneously anchored in liberal guarantees (Fundamental Rights) and infused with **duty-centric, communitarian commitments** reminiscent of classical Indian thought. The Constitution thus emerges as a **hybrid moral text**, integrating liberal modernity with indigenous normative traditions in a carefully curated manner.

This analysis contends that the Indian Constitution performs a deliberate synthesis by transforming the ethical principles of *Rajadharma* into a modern legal and moral architecture. The process of selective adaptation becomes most visible in the Constitution's doctrinal structure and its explicit moral commitments. The classical emphasis

on **Kartavya** (duty) as the foundation of ethical life finds a contemporary analogue in **Article 51A**, which enumerates Fundamental Duties designed to counterbalance the individualistic orientation of Part III. These duties serve not as enforceable commands but as **civic virtues**, echoing the premodern belief that rights attain meaning only when embedded in obligations toward the community. Similarly, the ancient principle of **Praja-hita**—the ruler’s responsibility to secure the welfare of the people—is modernized through the **Directive Principles of State Policy**, particularly **Article 38**, which obligates the state to construct a social order conducive to justice and human well-being. This constitutional mandate embodies the welfare-centric ethic that has long characterized Indian political philosophy. The constitutional commitment to **Nyāya (justice)** and **Samatā (equality)** is likewise reflected in both the **Preamble** and provisions such as **Article 14**, which institutionalizes equality before the law. These provisions transform moral ideals that once guided the righteous king into enforceable norms that regulate state power in a republican context.

Perhaps the most profound site of synthesis is the translation of the *higher law principle* of *Rajadharma*—the idea that the ruler is bound by an overarching moral order—into the modern **Basic Structure Doctrine** articulated in *Kesavananda Bharati v. State of Kerala*. This judicial innovation constitutes a secularized form of **constitutional dharma**, asserting that even the sovereign powers of Parliament remain subordinate to certain inviolable principles that define the Republic’s moral identity. In effect, the Basic Structure becomes the **modern constitutional equivalent of Dharma**, imposing ethical limits on political authority and safeguarding the normative coherence of the Constitution.

CONCLUSION

The study of *Rajadharma* from the *Shanti Parva* reveals an ancient, sophisticated understanding of governance predicated on ethical duty, state accountability, and the non-negotiable pursuit of public welfare. This moral foundation did not disappear with the advent of the Republic but was transformed and secularized into the concept of Constitutional Morality.

Today, as political institutions worldwide face challenges from corruption and the erosion of public trust, the continuity between *Rajadharma* and Constitutional Morality becomes even more significant. *Rajadharma*-based values hold both rulers and citizens accountable to a common ethical framework, aligning precisely with the modern constitutional principle of the Rule of Law. This synthesis ensures *Su-shasan* (good governance) and *Nyaya* (justice), affirming that the ultimate measure of a ruler—whether an ancient king or a modern government—is their unwavering fidelity to the highest ethical and legal duties of the state.

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