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HINDU PHILOSOPHY AND MODERN JURISPRUDENCE

Justice V. Ramasubramanian

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HINDU PHILOSOPHY AND MODERN JURISPRUDENCE

*Justice V. Ramasubramanian**

My good friend and the respected Chief Justice of the Himachal Pradesh High Court, Mr Justice Ramachandra Rao, honourable judges of the High Court of Himachal Pradesh, many of whom were my former colleagues when I was here as the chief justice for a brief period of time. They were all very kind enough to spare their evening to come and attend this function. Respected Vice-Chancellor, the officers of the Government, judicial officers, the members of the faculty of this University, and my dear students.

It gives me great pleasure to be here at the HPNLU, of which I had the privilege of being the chancellor for a very brief period of three months. It is this University which conferred upon me the honorary doctorate degree, though I thought I did not deserve it. But then some of you might ask, sir, if you really think you did not deserve it, why did you accept it? I'm also a human being prone to all deficiencies that all of you are prone to, and sometimes in life, you can't say no to good people, to dear friends.

The topic given to me for deliberation today is the Hindu philosophy and modern jurisprudence. To decode this topic, we must begin with an understanding of what Hindu philosophy is; it is only then we can correlate it to modern jurisprudence. Dr Sarvepalli Radhakrishnan, who was one of the profound philosophers of the 20th century, who was a teacher for excellence, who was a diplomat, former Vice-President of India, former President of India and in whose memory we celebrate Teachers' Day on September 5th every year, delivered a series of lectures known as Upton lectures in the Manchester College, Oxford in 1926. These lectures were compiled in the form of a very small book of 96 pages, titled Hindu View of Life.¹ That is a book which I think every one of you should read, if not for philosophy, at least for improving your English language. The felicity of expressions of Sarvepalli Radhakrishnan is something amazing. You will definitely improve your

* Excerpts from the second lecture of "the HPNLU V. R. Krishna Iyer Annual Law Lecture Series" on the subject of "Hindu Philosophy and the Modern Jurisprudence", delivered on 20 November 2023, by Hon'ble Justice V. Ramasubramanian, former Judge, Hon'ble Supreme Court of India.

¹ Sarvepalli Radhakrishnan, THE HINDU VIEW OF LIFE (1926).

communication skills and the linguistic skills if you read that book; just 96 pages. But it will take a lot of time for you to read it, understand it, and absorb it into your system.

Commenting upon any attempt to define Hinduism Dr Radhakrishnan said, and I quote, "At the outset one is confronted by the difficulty of defining what Hinduism is. To many it seems to be a name without any content. Some of us think that it is a museum of beliefs a medley of rights, and a mere map. Is it so? or is it just a geographical expression? if its content, if it has any, has altered from age to age from community to community."

This is what Dr Radhakrishnan said on the question of the origin of the word Hindu and I quote, "the term Hindu had originally a territorial and not a credal significance. It implied residence in a well-defined geographical area, aboriginal tribes, savage and half civilized people, the cultured Dravidians, and the Vedic Aryans, who were all Hindus as they were the sons of the same mother. The Hindu thinkers reckoned with the striking fact that the men and women dwelling in India belong to different communities, worshiped different gods and practiced different rights. But despite such huge diversities, there was some underlying unity."

In the Oxford History of India,² Mr Vincent Smith observes, and I quote, "India beyond all doubt possesses a deep underlying fundamental Unity far more profound, than that produced either by geographical isolation or by political superiority. That unity transcends the innumerable diversities of blood, color, language, dress, manners and sects."

How did this unity in diversity develop in this culture? That is the next question that we should address ourselves to. The answer is very simple. Hinduism had a philosophy that gave enough space for extremely opposite ideas and extremely opposite ideals and this can be demonstrated by citing a verse from the Isha Upanishads. All of you know that there were thousands of Upanishads. In the course of time, we have lost many. Ultimately, we had 108 Upanishads, of which 18 Upanishads are the most important Upanishads. Isha Upanishads is one among them. This Upanishad contains *shlokas* about how we have nurtured extremely opposite ideas and ideals. The shloka reads as follows:

अन्धं तमः प्रविशन्ति येऽसम्भूतिमुपासते।
ततो भूय इव ते तमो य उ सम्भूत्यां रताः ॥

*andham tamah pravisanti ye'sambhūtimupāsate |
tato bhūya iva te tamo ya u sambhūtyām ratāḥ||*

It also says,

विद्याञ्चाविद्याञ्च यस्तद्वेदोभयं सह।

² Vincent Smith, OXFORD HISTORY OF INDIA (1920).

अविद्यया मृत्युं तीर्त्वा विद्ययाऽमृतमश्नुते ॥

*vidyāñcāvidyāñca yastadvedobhayam saha |
avidyayā mṛtyum tīrtvā vidyayā mṛtamaśnute | |*

The meaning of these two verses is this, as translated by Dr. Radhakrishnan. He translates these two verses of Isha Upanishads as follows:

In darkness, are they who worship only the world, but in a greater Darkness are they who worship the infinite alone. He, who accepts both, this world and the other world he who accepts both saves himself from death by the knowledge of the former and attains immortality by the knowledge of the later. Therefore, don't shun the world in which you live, the body in which your soul is encompassed. Don't treat it as bad, but at the same time don't shun the other world also. In darkness are they who worship the world only the world, but in greater Darkness are they who worship only the infinite.

Thus, Hinduism developed a philosophy that advocated a prosperous life in the real physical world and demanded, at the same time, a focus on the other world. How did they do it, even though both notions are contradictory? One is the real physical world, which we call as temporary, ephemeral, and the other is the world about which we have no actual knowledge. The Isha Upanishad declares that people who know can't speak, and people who speak don't know.

Therefore, you can always safely conclude that all speakers don't know anything, *including people who deliver memorial lectures*. So, how did they intertwine two extremely opposite ideas and ideals? Indian culture did this by emphasising the four goals of human life. This culture set up four goals of human life. Briefly, that is what the Vice-Chancellor mentioned, these four goals of Life are called Purushartha: Dharma, Artha, Kama and Moksha.

So Hindu philosophy set up these goals for people to reconcile the real physical world and the other world. Dharma, Artha and Kama for this world, and Moksha is for the other world. In order to make us understand how we achieve these four goals of Life, Hindu philosophy advocates 14 branches of learning called *chaturdasa-vidya*. *Chaturdasa* means 14, *vidya* is knowledge. These 14 branches of learning comprise of the four Vedas: Rig, Yajur, Sama and Atharva; six Angas (Shadangas) which are called, Shiksha, Vyakarana, Chandas, Nirukta, Jyotisha and Kalpa; and four upangas called Mimamsa, Nyaya's, Puranas and Dharmashastras.

Out of these 14 branches of learning, two relate directly to law and justice. They are Dharmashastras and Nyayas. Therefore, if we focus on these two branches of learning out of the 14 branches, we will be able to understand what is the correlation between Hindu philosophy and modern jurisprudence. The duties of human beings to be observed in the real physical world are scattered all over the Vedas. Therefore, some of the sages extracted those portions and codified them into Dharmashastras. But all of them have as their original source, the Vedas. All of you know as students

of law that today in the modern jurisprudence we have four different sources of law today. In modern jurisprudential theme, in a Democratic Republic like India we have the Constitution which constitutes the first source.

Then we have the statutes enacted by the Parliament and the state legislatures under authority granted by the Constitution either under the state list, or under the union list, or under the concurrent list of the seventh schedule of the Constitution. So, the acts passed by the Parliament and the state legislatures constitute the second source of law. Rules framed by the government, and executive orders issued by the executive, constitute the third source of law, because all statutes empower the government to issue rules, issue orders, etc. The fourth source of law is the interpretation given to these laws by courts.

So, in modern Jurisprudence, we have four sources of law: Constitution, statutes, executive orders, judicial judgments. What constituted sources of law in the Hindu philosophy? There is Shloka in Manu Smriti, which reads as follows:

वेदोऽखिलो धर्ममूलं स्मृतिशीले च तद्विदाम् ।
आचारश्चैव साधूनामात्मनस्तुष्टिरेव च ॥ ६ ॥

*vedo'khilo dharmamūlam smṛtiśīle ca tadvidām ।
ācāraścaiva sādḥūnāmātmanastuṣṭireva ca ॥ 6 ॥*

Hindu philosophy also lists out four sources of law. The First Source is Vedas: *vedo'khilo dharmamūlam*. The second source are the Dharmashastras. The third source is interesting, आचारश्चैव साधूनाम, the conduct and character of Sadhus, the noble people. The word used is आचारश्चैव साधूनाम. Sadhus of those days were different from sadhus of these days. So, you must understand the word sadhu in the context of those times. Those sadhus were men of good, ideal, and high moral character. Therefore, in whatever manner a sadhu conducted himself, that constituted the Third source of law.

The fourth source of law is something which, no other civilization in the world has contemplated. What is that fourth source? त्मनस्तुष्टिरेव च, one's own conscience is the fourth source of law. Now think for a while. You may make arguments with your parents, with your teachers. In courts you may turn white into black, black into white in the course of your arguments. But your conscience knows what is correct and what is true. Therefore, the Hindu philosophy advocated that once own conscience is also a source of law.

As I told you, Vedas constituted the First Source, and Dharmashastras constituted the Second Source. These Dharmashastras are called Smritis. Smriti means what is remembered. These three constitute Shruti, Smritis and Puranas. Smritis is what is remembered. There is a Smriti for the Vedas in the form of notes. The sages sat together and brought down Dharma and Karma mentioned in the Vedas scattered all over the Vedas and codified them. 18 sages, (18 Rishis) independently codified

according to the demand of their time these Dharmashastra. Since Dharmashastras are known as smritis, the name given to these Smritis were according to the sage who codified it. Whatever Manu codified became Manu Smriti, whatever smriti Yajnavalkya codified became Yajnavalkya Smriti. These 18 sages were Manu, Parashara, Yajnavalkya, Gautama, Harita, Yama, Vishnu, Sankha, likhita, Brihaspati, Daksha, Angirasa, Vasista, Samvarta, Auśanasī, Atri, Apastamba, and Satatapa. These are the 18 sages who codified the Dharmashastras according to the demands of their time and according to their own understanding.

Now, the problem that arose was when 18 different people codified the Dharmashastras there arose conflicting versions. We now know in the Constitution of India, there are several provisions starting with article 246 or so. What is called repugnancy, conflict of laws, how to resolve them? There are separate provisions in the constitution. Therefore, when 18 sages compiled and codified these Smritis, there were some conflicts between some of them. These conflicts had to be resolved. Therefore, the subsequent Rishis came up with what is called Dharmashastra Nibandhas. Persons who wrote these Dharmashastras Nibandhas for the resolution of the conflicts probably were the Maxwells of those times. We now read Maxwell's interpretation of statutes. But we have had Rishis who had excelled Maxwell thousands of years ago in interpreting these dharma shastras and reconcile these conflicts.

These Dharmashastras contain rules of substantive law relating to marriage, adoption, inheritance property rights, trade disputes, law of contracts, law governing commercial transactions then rules of substantive law relating to crimes against persons, properties and state, rules relating to constitution of Courts, qualifications and qualities of Judges, under the code of ethics for those who are called upon to judge, rules of civil procedure, law dealing with the method of the institution of suits, rules of pleadings, recording of evidence, rendering of judgments, and the rules of criminal procedure law dealing with investigation, collection of evidence, forensic examination, and the punishment of the guilt all these were provided for in the Dharmashastras. In the Dharamshastras of Manu, known as Manu Smriti, judicial proceedings are matters that may come up before court for adjudication before the king and are classified under 18 different heads.

In fact, I don't know how many of you have, other than the honourable judges and judicial officers present here, or are aware of something called a cause list. How many of you are aware of the word cause list?

Every day, in the High Court and Supreme Court before every Judge about 50-60 cases or 100 cases are listed. They are listed in what is called the cause list. Interestingly, Manu Smriti contains a rule as to how to prepare a cause list. The chapter 8 of Manu contains a shloka which in translation says:

Daily the judge one shall take up one after another all cases which fall which fall under the 18 titles of law according to the principles drawn from local usages and from the Institutes of sacred law. Of those 18 titles of proceedings disputes the first is nonpayment of debts. Then should follow the cases relating to deposit and pledge. Thereafter cases relating to sale without ownership, concerns among Partners, resumption of gifts, non-payment of wages, non-performance of agreements, rescission of sale and purchase, disputes between the owner and his servants, disputes regarding boundaries, assault, defamation, theft, robbery and violence, adultery, duties of man and wife, partition, and gambling and Betting.

These are the 18 titles, and Manu says, is the order in which they have to be taken up. It is almost like preparing a cause list. The plaint is something which a litigant in a civil court presents to the court. There is an equivalent name in Sanskrit given in Manu Smriti. The plain was known as *bhasha*, or *pratigya* or *paksha*. The plaintiff was called *aarathi*, *avedh*, *abhiyukta*. The defendant was called *pratyarthi*.

Interestingly, in a written statement filed by the defendant to a claim made by the plaintiff in a civil suit there could be different kinds of objections. Some objections can be on facts, and some objections can be on technicalities. Manu says that four different defences are permissible under the law. Number one is *Sampratipati*, that is, admission of claim. Today we have in the civil procedure code, order 12 rule 6 admission of claim and the two can be considered synonymous.

Second is, *Pratiasvanadana*, confession and avoidance. That is yes, I have borrowed money it is barred by limitation. I can avoid my liability. The third is *Mithyokti* or *mithyānirasanam* or complete denial of Plaintiff's claim. The fourth is *Pragya* (*Pūruvāniyāyam*) or prior adjudication which is the same thing as res judicata of today. Manu says your defendant is entitled to say that this issue has already been resolved in a prior litigation. Which means section 7 of the CPC was not something which we have borrowed from the Britishers, but some principle analogous to that was already available in our traditional and philosophical texts.

Interestingly he also refers to *Vadaskrmt*. It translates into what is called misjoinder of causes of action. So, Manu says misjoinder of causes of action is not permitted, and inconsistent defenses, according to Manu, can be allowed. The plea of limitation was also recognized and known as *Bhukti*. After the pleadings are completed the next stage of the call next stage of the case is called *Karyapada*, trial. Elaborate rules as to burden of proof are discussed in connection with this stage of the trial, as to how to administer oath to a witness, as to how to test his testimony etc. are all mentioned here.

Let us take Yajnavalkya Smriti. Yajnavalkya was the guru and spiritual teacher of what is called Shukla Yajurveda. Yajurveda was later divided into two branches, Krishna Yajurveda and Shukla Yajurveda. His smriti, Yajnavalkya Smriti consists of 1010 Slokas which are divided into 3 sections. These 3 sections are *Achara-kanda*, *Vyavahara-khanda*, and *Prayascitta-khanda*.

Among these three khandas, *Vyavahara-khanda* is the one where social laws are discussed. The *Vayavhara-khanda* speaks about jury and judges. This *Vyavahara-khanda* of Yajnavalkya Smriti contains rules relating to the number and qualities of the members of the jury, the qualifications and qualities required of a judge and the qualities of a witness. The court of law and justice is described in Yajnavalkya Smriti as *Dharamasana* or *Dharamasthan*, seat of Dharma.

You may find it interesting to see that the word used in Sanskrit those days in these Smritis for denoting a court is *Sabha*. In this *Vyavhara Khanda*, the great commentator on Smriti, Madhavacharya, states that there were four different kinds of *Sabha*. There were four different types of Courts prescribed in Yajnavalkya Smriti. They are: *first*, those courts which are presided over by the king; *second*, those courts which are presided over by the representatives of the king called *Mudrita*; *third*, those courts which are established in towns and villages; *Fourth* is very interesting, those courts which are located in jungle tracks. Yjnavalkya Smriti advocates setting up of special courts for settling disputes of forest dwellers and those who are employed in the army.

So, the armed forces tribunal is not a creation of recent times. A similar form of tribunal structure also appears in Yajnavalkya Smrit. All smritis mandate that in the task of administering justice, the king is to associate himself with persons well versed in law. One of the constituent members of the king's cabinet as described in *Shukranitisara* is *Pradvivaka*, Chief Justice. In fact, here (in our midst), Chief Justice of the Himachal Pradesh High Court, Justice M. Ramachandra Rao can be called *Pradvivaka*. If we have to assign a term to his role as per Shukranitisara. This officer, he must be a locus or one who is well acquainted with the ways of the world and who knows the law as well as the rules of equity.

Having seen these Dharmashastras, let me refer once again to where this lecture began with the four Purushartha's: *Dharma Artha Kama* and *Moksha*. With respect to the Dharma, we explored the dimension of various Dharmashastras. We shall now explore Arthshastra.

So, what did this Arthshastra say? Kautilya's Arthshastra speaks elaborately about the appointment of Judges, the code of ethics to be followed by them. Historians place Kautilya somewhere between 350 BC and 150 AD. In fact we have always claimed that he is much older. Even if we go by historian statements Kautilya is to 2,300 years old. So let us go by what they say 2,300 years. Arthshasatra speaks about three types of judicial officers:

1. First *Dharamastha*, judges;
2. Second is *Praktisha*, magistrates, which means there were different types of Judges dealing with civil and criminal cases;
3. Third type of judges were *Sama* or the chancellor.

The distinction between judges and magistrates is that while the former dealt with all cases concerning transactions between two parties, the latter were concerned with crimes against society in general. The distinction is not strictly kept. For example, deception in arranging marriages is dealt with as a criminal activity in book four of Arthashastra. The magistrates also combined executive and judicial functions. They were in charge of criminal investigation and assisted Revenue officials in collecting taxes and dues. Both judges and magistrates were subordinates of the chancellor known as *Samah*.

The opening verses of book number three and four of Arthashastra indicate that in each place of a country there were benches of three judges or three magistrates. Both categories of judicial officers were expected to have the qualifications prescribed for a minister. In book 3.1.1, Kautilya mandates that there shall be established a bench of three judges who shall hold court at frontier posts, subdistrict headquarters and provincial headquarters. Interestingly, in book 3, verse 24, Kautilya ordains that judges shall discharge their duties objectively and impartially. A code of conduct is laid down in book 4 chapter 9 verses 13 to 16 of Kautilya. It translates roughly as follows:

A Judge shall not: 1. threaten, intimidate, drive away or unjustly silence any litigant; 2. abuse any person coming before the court; 3. fail to put relevant and necessary questions or ask unnecessary and irrelevant ones; 5. leave out of consideration answers relevant to his own questions; 6. give instructions as to how to answer your question. A judge shall not remind a person of a fact witness of a fact but a judge shall draw attention to an earlier statement made by him.

The list goes on and on and it also says a judge shall not coach a witness. Book four of the Arthashastra is completely dedicated to the administration of criminal jurisprudence. Verses 5 and 6 of chapter 8 of book 4 states, that no one shall be arrested for a crime committed more than three nights earlier unless he is caught with the tools of the crime.

What we now call, you know the weapons of crime, weapons used for the commission of the crime. He describes the tools of crime. So, he says the law enforcement authority is not entitled to arrest a person after three nights of the commission of the crime unless he is caught with the weapons used for the commission of the crime. Look at the current context where we talk about producing the arrested person within 24 hours before magistrate. The question of bail does not arise. Question of not even arresting him. He puts it on a much higher pedestal. What is the freedom that we are talking about today, and what kind of freedom that Arthshasatra was advocating? Of course, people were relatively good in those days. That should also be admitted.

Chapter 7 of book 4 of Arthshastra deals elaborately with postmortem examination. Kautilya states that a magistrate should conduct a postmortem on any case of sudden and unnatural death after smearing the body with oil so that the bruises,

swellings, and other injuries on the external part of the body become visible. He says that postmortem examination is necessary even in cases where a person appears to have committed suicide. The way it should be conducted and the symptoms on which the person conducting the forensic examination proceed are all dealt with very, very elaborately. What happens to the body when the person hangs himself, what happens to the body when a person consumes a poison? In fact, in one verse, Kautilya says that if a person has consumed poison and died and you suspect poison to be the cause of his death, take out the undigested particle. Undigested food particles from out of the mouth and either feed to the birds (if they die, he has consumed poison) or throw the undigested particles of food into the fire. If the sparkles are created by fire or of different colours, then they are sure to have consumed poison.

Now we will move over to Nyayashastra. What is this? What is the place of this Nyaya Shastra? Man is supposed to learn from Dharmashastras as to what is right and what is wrong. But many times, situations of conflict arise, where what is legally right and what is legally wrong may become a matter of debate. At times what is legally right may be morally wrong. Take, for instance, the applicability of the law of limitation. You surely know that this man borrowed money, he has not repaid, but the law of limitation prevents you from enforcing it in the court of law. If a man says I will not pay B due to limitation, he is morally wrong, but legally right. These are not the conflicts that Nyayashastras deal with. Nyaya Shastra deals with the conflicts that arise out of two different Dharmashastras themselves.

Now I'll tell you the story of Shibi Chakravarty. The story of Shibi Chakravarty is mentioned in one of the Mahabharata. Shibi Chakravarty was a very great king. Once the gods wanted to test him. So, Indra (a deity in the Hindu mythology) took the form of a hawk and Agni (a deity in the Hindu mythology) took the form of a dog. This hawk started chasing the dog and the dog took shelter with Shibi Chakravarty. So, Shibi Chakravarty told the hawk that I would not hand over the dog to you to be a prey. The hawk started arguing with the King. Hawk said, "O king! to show compassion to a creature is a dharma, I admit it. You now want to perform the Dharma of protecting a creature which has surrendered to you which has taken shelter under your protection. But that God has created this universe in such a manner that this dog is my food.

By depriving me of my food you are driving me to hunger and death. Therefore, by following one Dharma namely that of showing compassion to the dog, you are violating another Dharma that is depriving a person of depriving a creature of its natural food." Now how do you resolve this conflict? He has a choice only to follow one of these two dharmas. How do you resolve this?

Mahabharata says the king came out with a very interesting solution. He said I will not violate the Dharma of compassion which I am supposed to follow. But at the

same time, I will not also violate Dharma by depriving you of your natural food. So, I will take flesh from my body and feed it to you. Then the Hawk said that is not enough. You must give flesh equivalent in quantity which will match the Dog's flesh which I will have. So, the king agreed and put the dog on a scale and he cut his flesh from his thigh and put it on the other scale. The Dog's weight could not be matched. He kept on cutting his body. Ultimately he himself sat on one of these scales, then the weight matched.

The story goes that Indra and Agni were very pleased. They came out and blessed the King. But we are not Shibi Chakravarty, and certainly, Agni and Indra are not going to test because, in the very first instance, we will surrender the easy way out. So what do we do? We do what lesser masters do when there is a conflict.

The resolution of conflict between two dharmas can be done only by logic and reason. Nyayashastra does exactly that. Nyaya is nothing but logical reason. Now, all of you know that repeatedly, the higher courts, the Supreme Court, and the high courts, caution judicial officers that your judgment should be supported by reason. The reason should have logic. Where do these two things come from? Reason logic where do they come from? They come from Anglo-Saxon jurisprudence today. But Naya Shastra is thousands of years old and focuses on reason and Logic.

The oldest name given to Naya is Anviksiki. Kautilya in his Arthshastra lays emphasis on the study of Nyaya, Anviksiki, especially for a king. Because he is going to be the chancellor, or *Samvit* is going to Preside over all judges.

The first chapter of Arthshastra is named Vinayakarika, concerning education. According to Kautilya the objective of Arthshastras is to groom the prince. Whoever is the prince today is going to be the king tomorrow. So, he develops science that will groom princes to become better Kings. Kautilya says how to groom these princes. 4 types of knowledge are compulsory for a prince. These four types of vidyas are: 1. *Anvikshki*, (Nyashastra), he says is the first type of knowledge, 2. *Védas* (Trayi), 3. *Várta* and the 4. *Danda-Niti*.

Of the four, Kautilya places very significant emphasis on Anvikshki. Kautilya says Anvikshki (Nyaya), logical reason is the lamp illuminating all knowledge and the means of all actions. It is the foundation of all dharmas.

Without logic and reason, there can never be an effective administration of justice. Therefore, Nyayashastra also develops different kinds of debates and even characterises different kinds of opponents and different kinds of enemies and opponents in debates.

Therefore, in essence, Hindu philosophy already contained traces of what we now have in modern jurisprudence. It contained both procedural and substantive law. It contained rules of evidence. It contained provisions for the establishment of different types of courts. It prescribed qualifications for judges. It prescribed

methods of appointments of Judges. It talked about forensic science and it laid emphasis on the importance of administration Justice. all this is encompassed in Hindu philosophy.

But dear friends, I wish to add a note of caution before I conclude. I am not to be understood today as saying that since we have had a well-developed system of administration of justice, we should now completely scratch the existing system and go back to the ancient system. That's not my objective. I dare not suggest such a rapid course of action. My endeavour in this lecture is to show that this country has had a great tradition in law and the administration of justice with very well-developed finer aspects of justice. In fact, ours is the first civilisation to come up with a rationale as to why we need law and courts. Naturally, the basic, most fundamental question that we should ask ourselves is why we need a law. Why do we need courts? But recognising man's frailty, Brihaspati said something very interesting. With this, I will conclude. Brihaspati said & I quote, (this is applicable to all ages for all men) "In former ages, men were strictly virtuous and devoid of mischievous propensities. Now that avarice and malice have taken possession of them, judicial proceedings have to be established." This is what Brihaspati said.

Therefore, with these few words I thank the Vice-Chancellor, I thank the Chancellor and all of you for giving me this wonderful opportunity to share a few thoughts on Hindu philosophy. Thanks.