

## INDIGENOUS APPROACH TO CONSTITUTIONAL INTERPRETATION: AN INTERPRETATIVE MODEL BASED ON THE SHRIMAD BHAGAVAD GITA

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**BEST CITATION** – RAJIV KUMAR, INDIGENOUS APPROACH TO CONSTITUTIONAL INTERPRETATION: AN INTERPRETATIVE MODEL BASED ON THE SHRIMAD BHAGAVAD GITA, *INDIAN JOURNAL OF LEGAL REVIEW (IJLR)*, 6 (5) OF 2026, PG. 905-917, APIS – 3920 – 0001 & ISSN – 2583-2344. DOI – <https://doi.org/10.65393/v6i597>

### ABSTRACT

The Constitutional text in itself is not living law, but the text, along with its interpretation by the courts, covers the changing societal needs and aspirations. The Constitution of India is a unique document that encompasses philosophy, politics, society, and law, requiring an interpretative model distinct from ordinary legal interpretation. There are various methods to interpret the Constitution, such as Textualism, Originalism, Structuralism, Doctrinalism, Pragmatism, and Purposivism. The Indian Supreme Court initially preferred a textualist approach to interpret the constitutional text and later shifted to a structuralist and purposive approach to give expansive meaning and enlarge the scope of various fundamental rights. These approaches are mainly dominated by Western legal philosophy. There is a need to Indianize the interpretative paradigm, and the Bhagavat Gita can be an inspiring instrument in this regard. This paper explores whether principles of *Buddhi Yog, Dharma, Karm Yog, and Karm Sanyās Yog* in the Bhagavat Gita can be utilised for understanding various constitutional provisions dealing with fundamental rights, fundamental duties and Directive Principles for the State Policy. Drawing parallels between the Gita's philosophy and various key constitutional concepts like equality, freedom and liberty, this paper presents an Indian philosophical approach to interpret key constitutional principles.

There has been a common concern in the interpretative exercise that which meaning would be appropriate and how to reach a particular conclusion in a case where a word or phrase has multiple meanings. It is also seen that the justices, in the name of interpretation, disregard the constitutional text and employ their morals, political, or social preferences. In that case, the Gita's key principles can be a fruitful instrument to guide and give meaning to the constitutional provisions and provide a moral and ethical framework of constitutional interpretation resonant with the civilizational ethos of India. This paper doctrinally analyses the key Gita's principles through textual analysis of selected Gita passages and maps their normative principles to Constitutional interpretation. This Indian philosophical approach promotes a balanced constitutional jurisprudence and harmonises rights and duties, and the role of the judiciary.

**KEYWORDS:** *Constitutional Interpretation; Bhagavat Gita; Supreme Court; Indian Philosophy; Dharma*

### INTRODUCTION

A constitution is a constituting document of a country.<sup>1171</sup> It not only establishes the framework

for enacting legislation but also outlines society's character, values, aspirations, goals, and obligations. Constitutions are above other laws within the legal system and represent a unique document that encompasses philosophy, politics, society, and law. Every

<sup>1171</sup> P.J. FITZGERALD, *SALMOND ON JURISPRUDENCE* 83 (S. Asian ed., 12th ed. 2022)

constitution, when operationalised, grapples with the problem of meaning and its application in real-world issues. The Constitutional text, however prolix it looks, can't anticipate every legal, social and political dilemma. To solve the dilemma, it needs to be interpreted. The next question arises, how the written lengthiest constitution should be interpreted. As the constitution is a unique socio-legal and political document, this uniqueness requires an interpretative model distinct from the ordinary legal interpretation, as constitutionality and legality are totally different.<sup>1172</sup> It must be interpreted in the light of the values and principles underlying it.<sup>1173</sup> The Indian Constitution not only contains governing principles, but also transforms and liberates society and polity. In its interpretation, there must be a balance between these two to enable the constitution to serve the function of democratic integration. The principle must be employed to unite, balance, integrate and stabilise the constitutional text. The interpretative paradigm must be in a nature to transform it into living law.

There are various theories to interpret the Constitution, such as Textualism (the objective/plain meaning of the text rather than finding the intention of the drafter of the text), Originalism (to find the original meaning as it was at the time of making and understood by the populace or makers), Doctrinalism or Judicial Precedent (finding meaning by interpreting courts' prior decisions on constitutional questions), Structuralism (interpreting by focusing on the design or structure of the constitution, such as democracy, federalism and Separation of Powers), Pragmatism (interpreting by analysing the costs and benefits of different interpretations on the society and political branches), and Purposivism (interpreting by making the right balance between the intention

of the constitution's makers and the intent of the system).

Constitutional interpretation in India is influenced by Western methods, including textualism, originalism, structuralism, and purposivism. In the beginning, the Supreme Court tended toward a literal or textual approach, reading the Constitution word for word, without reflecting on its overall structure and coherence as seen in *A.K. Gopalan v. State of Madras*<sup>1174</sup>. In the 1970s and 1980s, the Apex Court focused not only on the text of specific constitutional provisions but also on the structure and themes embodied within the Constitution more broadly as evident from cases such as *Kesavananda Bharati v. State of Kerala*<sup>1175</sup> and *Maneka Gandhi v. Union of India*<sup>1176</sup>. Following *Maneka Gandhi v. Union of India*, Article 21 of the Constitution became "the repository of a vast multitude of human rights". Accordingly, the Court has embraced an interpretation that *expands* rights and duties to meet new social needs, rejecting textualism and originalism. As in *Justice K. S. Puttaswamy (Retd.) v. Union of India*<sup>1177</sup>, the Court observed, "the Constitution is a living document", whose provisions "have to be construed having regard to the march of time and the development of law". However, in the later period, the Court adopted a strategy known as "panchayati eclecticism".<sup>1178</sup> It somewhat abandoned its need to provide justifications. The Supreme Court began making decisions based on self-concepts of its own role while sitting in benches of two or three judges. This led to the adoption of several internally inconsistent interpretive approaches and frequently produced incoherent constitutional jurisprudence.

Yet, the philosophical foundations of this interpretive practice remain largely derivative of Anglo-American jurisprudence. Textualism,

<sup>1174</sup> *A.K. Gopalan v. State of Madras*, AIR 1950 SC 27.

<sup>1175</sup> *Kesavananda Bharati v. State of Kerala*, (1973) 4 SCC 225.

<sup>1176</sup> *Maneka Gandhi v. Union of India*, AIR 1978 SC 597.

<sup>1177</sup> *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1

<sup>1178</sup> Chintan Chandrachud, Constitutional Interpretation, in *THE OXFORD HANDBOOK OF THE INDIAN CONSTITUTION* 89 (Sujit Choudhry, Madhav Khosla & Pratap Bhanu Mehta eds., Oxford Univ. Press 2016).

<sup>1172</sup> Gonçalo de Almeida Ribeiro, What Is Constitutional Interpretation?, 20 INT'L J. CONST. L. 1130, 1158 (2022).

<sup>1173</sup> M.P. JAIN, *INDIAN CONSTITUTIONAL LAW* 1771 (Sanjay Jain ed., 9th ed. 2025).

purposivism, structuralism, and Dworkin's moral reading are frequently invoked, but few attempts have been made to articulate interpretive frameworks grounded in India's indigenous intellectual traditions. This results in an interpretive dichotomy; the Constitution as an Indian text read through Western philosophical lenses.

Many scholars argue for an Indianized interpretative approach, which supplements Western modes with India's own philosophical heritage. In particular, the ***Bhagavad Gita*** can be a guiding text for judicial reasoning. The *Bhagavad Gita*, one of the central philosophical texts of Indian civilisation, offers an interpretive paradigm that is dialogical, moral, and purposive. Its central conversation between Krishna and Arjuna exemplifies hermeneutic reasoning: contextual, self-reflective, and oriented toward ethical action (*karma yoga*). Just as a judge must interpret conflicting constitutional commands, Arjuna must interpret his duties in a moral crisis. Its core concepts, like *Dharma* (duty or righteousness), *Nishkāma Karma* (selfless action without attachment), *Karma-yoga* (the path of duty), *Buddhi-yoga* (wisdom or intellect-oriented action), and *Karma-sannyāsa* (renunciation of fruits of action), offer a moral and ethical framework resonant with India's civilizational ethos. This analogy opens a fertile space for inquiry: can the hermeneutics of the *Gita* inform constitutional interpretation in India?

This paper argues that the *Gita's* interpretive methodology, grounded in *dharma* and contextual discernment, can illuminate the moral dimension of constitutional reasoning. Such an approach—what this paper terms *Dharmic Hermeneutics*—seeks not to sacralize the Constitution but to interpret it through an ethical framework resonant with India's civilizational thought. This paper explores how *Gita* philosophy parallels constitutional ideals and might inform interpretation. First, we survey the literature on constitutional philosophy and Dharmic influences, including how ancient Indian legal thought continues to echo in our

Constitution. Next, we outline relevant *Gita* principles (e.g. *Dharma* and *Nishkāma Karma*) and compare them to constitutional concepts like equality, freedom, duties, and the welfare state. In the jurisprudential framework, we analyse key Supreme Court decisions that explicitly cite the *Gita* or align with its teachings, illustrating how judges have appealed to Dharmic ideas in constitutional reasoning (e.g. in privacy, free speech, and judicial conduct). We then discuss whether the *Gita* can serve as a philosophical lens for resolving interpretive ambiguities, balancing individual rights with societal welfare, and guiding judicial discretion in moral dilemmas.

#### **CONSTITUTIONAL INTERPRETATION JURISPRUDENTIAL FRAMEWORK IN INDIA**

There are various ways to interpret the Constitution. Constitutional interpretative approaches include *textualism*, *originalism*, *purposivism*, *structuralism*, *doctrinalism*, and *pragmatism*. Another approach is the *living constitution*, which treats constitutional principles as evolving in response to societal needs. Textualism emphasises the Constitution's precise words or the plain meaning of the text, rather than finding the intention of the drafter of the text. Proponents of textualism advocate that interpretation should focus upon what the text would reasonably be understood to mean, rather than upon what it was intended to mean.<sup>1179</sup> They criticise the use of legislative history and intent in statutory and constitutional interpretation.<sup>1180</sup> Early Indian jurisprudence often approached fundamental rights in a compartmentalised or formalistic way. A strict textualist reading confines courts to the written text, limiting expansion of rights beyond enumerated grounds. The best example of this approach can be seen in the *A. K. Gopalan Case*<sup>1181</sup>, which denuded Article 21 of the Constitution of much of its efficacy and effectiveness and made "personal liberty" a

<sup>1179</sup> ANTONIN SCALIA, *A MATTER OF INTERPRETATION: FEDERAL COURTS AND THE LAW* 144 (Princeton Univ. Press 1997).

<sup>1180</sup> Max Radin, *Statutory Interpretation*, 43 HARV. L. REV. 863 (1930).

<sup>1181</sup> *A.K. Gopalan v. State of Madras*, AIR 1950 SC 27

matter of legislative discretion. Another example of a very narrow textualist approach is in the Habeas Corpus case<sup>1182</sup>, as it struck at the very foundations of constitutionalism and the rule of law in the country.

Originalism considers the meaning of the Constitution as understood by the populace or maker at the time of its making. Originalists generally agree that the Constitution's text had a public meaning at the time of the Founding that has not changed over time, and the task of the Court is to construct this original meaning.<sup>1183</sup> According to several eminent scholars, when reading the Constitution, one should consider the original intentions of those who created, proposed, approved, or ratified it to ascertain what the Constitution makers intended to communicate.<sup>1184</sup> The original intent of the maker can be found outside the constitutional text, such as in constituent assembly debates or in the freedom struggle. It is true that an originalist interpretation of the division of powers and other "basic structures" of a constitution aids in its survival, but an originalist interpretation of a person's rights that leads to a restricted interpretation of rights cannot be justified in any way.<sup>1185</sup>

A very obvious method to find the meaning of the constitutional text is the court's prior decision dealing with a similar constitutional question.<sup>1186</sup> For the majority of Justices, judicial precedents offer potential guidelines, norms, or standards to direct decisions in cases with potentially similar facts in the future.<sup>1187</sup> Even while the Court frequently claims to depend on precedent, it is difficult to determine how frequently precedent has limited the Court's rulings because the Justices clearly have

discretion over how broadly or narrowly they choose to interpret the Court's past rulings.<sup>1188</sup>

Besides these approaches, pragmatist approaches to constitutional interpretation take into account the likely practical ramifications of specific interpretations of the Constitution. In other words, pragmatic approaches frequently entail the Court considering or balancing the likely practical impact of one interpretation of the Constitution against alternative interpretations. Unlike textualists, who are perceived as emotionless and austere, pragmatists are unique in that they may appeal to the public's sense of conscience. Furthermore, a pragmatist stands in sharp contrast to an originalist who interprets the Constitution by looking back at the maker's intent. One type of pragmatism chooses the interpretation that might result in the best possible conclusion by weighing the potential costs and advantages to society or the political branches.<sup>1189</sup> The emotional attraction of prudentialism is its strongest point. It gives legal interpretation a personal touch, making it simple to comprehend for people who previously thought of law as an intractable field. It accomplishes this by emphasizing that its goal is not strict adherence to the legislative intent or even the wording of the law, but rather the balance of costs and advantages of a specific rule.<sup>1190</sup> Critics of pragmatism argue that consideration of costs and benefits unnecessarily injects politics into judicial decision-making. Judges claim that they are not politicians; instead, a judge's job is to declare what the law is, not what it ought to be.<sup>1191</sup> Furthermore, some opponents of the pragmatic approach contend that when the Court upholds the "passive virtues" by dismissing a case on jurisdictional grounds, it fails to fulfil the Court's obligation to decide

<sup>1182</sup> ADM Jabalpur v. Shivkant Shukla, AIR 1976 SC 1207

<sup>1183</sup> Brandon J. Murrill, Modes of Constitutional Interpretation, CONG. RSCH. SERV., R45129 (Mar. 15, 2018).

<sup>1184</sup> ROBERT H. BORK, *TRADITION AND MORALITY IN CONSTITUTIONAL LAW: THE FRANCIS BOYER LECTURES ON PUBLIC POLICY* 10 (1984)

<sup>1185</sup> Arvind P. Datar & Rahul Unnikrishnan, Interpretation of Constitutions: A Doctrinal Study, 29 NLSI REV. 136 (2017).

<sup>1186</sup> MICHAEL J. GERHARDT, THE POWER OF PRECEDENT 147–48 (2008)

<sup>1187</sup> LEE EPSTEIN & THOMAS G. WALKER, *CONSTITUTIONAL LAW FOR A CHANGING AMERICA: RIGHTS, LIBERTIES, AND JUSTICE* 22 (8th ed. 2013).

<sup>1188</sup> Gerhardt, *supra* note 12, at 147–48.

<sup>1189</sup> William J. Wagner, Balancing as Art: Justice White and the Separation of Powers, 52 CATH. U. L. REV. 957, 962 (2003).

<sup>1190</sup> Jack M. Balkin, Constitutional Grammar, Yale Law Sch. Faculty Scholarship Series, Paper 269 (1994).

<sup>1191</sup> Scalia, *supra* note 9, at 45–47.

significant constitutional rights issues and to offer future guidance.<sup>1192</sup>

The Constitution's structure serves as the foundation for one of the most common approaches to constitutional interpretation. The relationships between the three branches of the federal government (often referred to as the separation of powers or checks and balances), the relationship between the centre and state governments (also known as federalism), and the relationship between the government and the people are, in fact, some of the most significant relationships that the Constitution establishes.<sup>1193</sup> Laws, according to structuralists, are merely signs that point to other signs. The structuralist also believes that the law can answer any legal questions that may arise and looks within the system for terminology that may be changed to suit circumstances without losing its inherent legal character.<sup>1194</sup>

Another method to interpret the legal text is purposive interpretation. It views concepts such as ownership, rights, and responsibilities as legal constructs. For them to function concurrently rather than in separate stages of the interpretive process, it combines subjective elements (subjective purpose; author's intent; subjective teleology) with objective elements (objective intent; the intent of the reasonable author and the fundamental values of the legal system; objective teleology).<sup>1195</sup> Aharon Barak defines a constitution's subjective purpose as the objectives, interests, values, goals, policies, and functions that the document's founders aimed to achieve.<sup>1196</sup> However, the interests, objectives, values, goals, policies, and functions that the constitutional language is intended to fulfil in a democracy constitute the objective purpose of a constitution.<sup>1197</sup>

The Supreme Court of India, 1970 onwards, in its interpretative approaches, applied a structuralist and purposive approach. This change in interpretive process is exemplified by the prominent case of *Kesavananda Bharati v. State of Kerala*<sup>1198</sup>. In this case, the Supreme Court ruled that the parliament's authority to amend the Constitution encompassed the ability to add, modify, or repeal the various provisions of the Constitution, but it excluded the authority to revoke the Constitution or change its basic structure. Subsequently, it was decided in *Maneka Gandhi v. Union of India*<sup>1199</sup> that the process envisioned under Article 21 must satisfy the reasonableness test and be consistent with natural justice principles. Additionally, it clarified that "procedure established by law" for the right to life had a substantive component in addition to guaranteeing procedural due process. In *Minerva Mills v. Union of India*<sup>1200</sup>, the Supreme Court solidified the progress toward structuralist interpretation established in the *Kesavananda Bharati* case<sup>1201</sup>. Using a structuralist approach, the Court determined that Articles 14, 19, and 21 formed a "golden triangle" of rights that uphold human dignity. Later, in many cases like *Hussainara Khatoon v. Home Secretary, State of Bihar*<sup>1202</sup>, *S.P. Gupta v. Union of India*<sup>1203</sup>, *Supreme Court Advocates-on-Record Association v. Union of India*<sup>1204</sup> and *SR Bommai v. Union of India*<sup>1205</sup>, the Supreme Court exemplified these approaches.

The apex court, in the modern context, also used the *living constitution* proposition to interpret the constitutional text. As Justice Sanjay Kishan Kaun remarked in *K.S. Puttaswamy*, it would be "wrong to consider" that a "*supervening spirit of justice*" is unknown

<sup>1192</sup> Gerald Gunther, The Subtle Vices of the "Passive Virtues": A Comment on Principle and Expediency in Judicial Review, 64 COLUM. L. REV. 1, 15–16, 21–23 (1964).

<sup>1193</sup> CHARLES L. BLACK, JR., *STRUCTURE AND RELATIONSHIP IN CONSTITUTIONAL LAW* 7 (1969).

<sup>1194</sup> Datar & Unnikrishnan, *supra* note 14, at 142.

<sup>1195</sup> AHARON BARAK, *PURPOSIVE INTERPRETATION IN LAW* 88 (Sari Bashi trans., Princeton Univ. Press 2005).

<sup>1196</sup> *Id.*

<sup>1197</sup> *Id.*

<sup>1198</sup> *Kesavananda Bharati*, *supra* note 5.

<sup>1199</sup> *Maneka Gandhi*, *supra* note 6.

<sup>1200</sup> *Minerva Mills Ltd. v. Union of India*, AIR 1980 SC 1789

<sup>1201</sup> *Kesavananda Bharati*, *supra* note 5.

<sup>1202</sup> *Hussainara Khatoon (IV) v. Home Secy., State of Bihar* (1980) 1 SCC 98.

<sup>1203</sup> *S.P. Gupta v. Union of India*, AIR 1982 SC 149

<sup>1204</sup> *Supreme Court Advocates-on-Record Ass'n v. Union of India*, (1993) 4 SCC 441.

<sup>1205</sup> *S.R. Bommai v. Union of India*, AIR 1994 SC 1918, (1994) 3 SCC 1.

to India<sup>1206</sup>; rather, Lord Krishna in the Gita (BG 4:8) says:

*paritrāṇāya sādḥūnām vināśhāya cha  
duṣhkṛitām |*

*dharmā-sansthāpanārthāya sambhavāmi  
yuge yuge ||*

“To protect the righteous (sādḥom), to annihilate the wicked, and to re-establish the dharma, I manifest age after age”.<sup>1207</sup> This verse was used to illustrate that a living Constitution continually manifests justice in each era. The court explicitly recognised a fundamental right to privacy, a right not expressly named in Part III of the Constitution, because the Constitution’s spirit (liberty and dignity) evolves with the times.

The Indian Supreme Court now navigate among textual, purposive and principled methods. The trajectory has moved from narrow readings to an expansive, duty-conscious approach that treats the Constitution as embodying a moral and political covenant, not merely a technical code. This evolution creates space for indigenous ideas like *dharmā* and *karmā-yoga* to subtly inform interpretation – provided they align with constitutional provisions and secular commitments. In the next part, we recap the Gita’s doctrines to see how they might integrate with these interpretive philosophies.

#### **BHAGAVAT GITA PHILOSOPHICAL AND INTERPRETATIVE FRAMEWORK**

The *Bhagavad Gita* is a Hindu scripture set in the *Mahābhārata*. As Gandhi ji observed, the *Mahābhārata* is not history; it is a *dharmā-grantha*, and the battle described in it, therefore, is a struggle between *dharmā* and *adharmā*.<sup>1208</sup> Gita (beginning with *dharmā-kṣhetre kuru-kṣhetre samavetā*<sup>1209</sup>) is a dialogue between Arjuna, filled with moral doubt, and his

charioteer, Lord Krishna (an avatar of the god Viṣṇu), on the battlefield of Kurukṣetra. Confronting the prospect of killing kin, Arjuna is counselled to fulfil his *svadharmā* (personal duty) as a Kṣatriya warrior. Krishna’s teaching systematises a *yoga* or disciplined path of righteous action.

One of the key principles of the Gita is **Dharma**. Dharma, often translated as “righteous duty” or “cosmic law.” In the Gita, *dharmā* is the natural order and moral duty appropriate to one’s station (*svadharmā*). As Lord Krishna says:

*sva-dharmām api cāveksya na vikampitum  
arhasi |*

*dharmyādhi yuddhāc chreyo ’nyat kṣatriyasya  
na vidyatell*

*atha cet tvam imam dharmyam saigrāmam na  
karisyasi |*

*tataḥ sva-dharmām kīrtim ca hitvā pāpam  
avāpsyasi ||*

Krishna urges Arjuna that adhering to one’s duty is the highest moral action, even when difficult and if you do not engage in this righteous war, you will lose the *dharmā* of your Self and glory, and be guilty of sin.<sup>1210</sup> The *dharmā* of preserving societal justice means Arjuna cannot renounce his fighting role.

Another key principle that lord Krishna taught to Arjuna is of **Niṣkāma Karma (Selfless Action)**. Krishna teaches *karmayoga*, an action performed *without attachment to fruits*. *Niṣkāma* means desireless; the ideal is to do one’s duty not for personal gain, but for duty’s own sake. “The good man does everything without selfish motive, and maintains equilibrium of mind in success and failure”. This echoes *Bhagavad Gita* (2:48):

*yoga-sthaḥ kuru karmāṇi saṅgam tyaktvā  
dhanañjay |*

*siddhy-asiddhyoḥ samo bhūtvā samatvam  
yoga uchyate ||*

<sup>1206</sup> Justice K.S. Puttaswamy (Retd.) v. Union of India, (2017) 10 SCC 1 (per Kaul, J., concurring)

<sup>1207</sup> *Bhagavad Gita* ch. 4, v. 8 (trans. Eknath Easwaran, Nilgiri Press 2d ed. 2007).

<sup>1208</sup> M.K. Gandhi, *The Collected Works of Mahatma Gandhi*, vol. XXXII, at 95 (Publications Division, Govt. of India 1969).

<sup>1209</sup> *Bhagavad Gita* ch. 1, v. 1 (trans. Eknath Easwaran, Nilgiri Press 2d ed. 2007).

<sup>1210</sup> *Bhagavad Gita* ch. 2, vv. 31, 33 (trans. Eknath Easwaran, Nilgiri Press 2d ed. 2007).

“Perform your duty, abandoning all attachment to success or failure. Be equal in success and failure. Such evenness of mind is called yoga”.<sup>1211</sup>

This teaching emphasises that individuals must act according to their role and conscience, not abandon duty due to fear. Politically, *dharma* has been interpreted as both individual righteousness and the duty of the ruler (“*Rāj Dharma*”). The Constitution mirrors this by enshrining duties of citizens (Art. 51A) and duties of the State (e.g. to secure welfare), implying that justice involves fulfilling roles conscientiously.

Lord Krishna, in chapter II of the Bhagavad Gita, emphasised **Samatva or Buddhi-yoga** (Equanimity of Intellect). The term “*buddhi-yoga*” sometimes refers to understanding reality through the cultivation of knowledge. He prescribes *samatva*, maintaining a steady, discerning mind. One should use *buddhi* (intellect/wisdom) to distinguish right action from aversion to results. As he says:

*buddhi-yukto jahātīha ubhe sukṛita-duṣhkṛite |*  
*tasmād yogāya yujyasva yogaḥ karmasu*  
*kauśhalam ||*

One who prudently practices the science of work without attachment can get rid of both good and bad reactions in this life itself. Therefore, strive for Yog, which is the art of working skillfully (in proper consciousness).<sup>1212</sup>

*karma-jaṁ buddhi-yuktā hi phalaṁ tyaktvā*  
*manīṣhiṇaḥ |*

*janma-bandha-vinirmuktāḥ padaṁ*  
*gachchhanty-anāmayam ||*

The wise, endowed with equanimity of intellect, abandon attachment to the fruits of actions, which bind one to the cycle of life and death. By working in such consciousness, they attain the state beyond all suffering.<sup>1213</sup>

In constitutional interpretation, *buddhi* parallels the judicial use of reason and conscience; judges are expected to interpret the text wisely, guided by principles and public reasoning, rather than being swayed by emotion or power. In this sense, *buddhi* aligns with interpretive approaches like purposivism or principled reasoning, where judges seek the constitution’s underlying purpose with a well-formed conscience.

Another very fundamental teaching of the Gita is *Karma-sannyāsa* (Renunciation of Ego in Action). Lord Hrishikesh paradoxically says the sage should not abandon action itself, but *renounce* selfish expectation. As it is said, “there is true renunciation in right action...What we should renounce is not action, but selfish desire. We should liberate our activities from the bondage of selfish purpose”.<sup>1214</sup> Thus, *sannyāsa* here means inner detachment even while engaging in life’s work. These concepts are exemplified by the following verses of the Gita:

*yasya sarve samārambhāḥ kāma-saṅkalpa-*  
*varjitāḥ |*

*jñānāgni-dagdha-karmāṇaṁ tam āhuḥ*  
*paṇḍitaṁ budhāḥ ||*

The enlightened sages call those persons wise, whose every action is free from the desire for material pleasures and who have burnt the reactions of work in the fire of divine knowledge.<sup>1215</sup>

*tyaktvā karma-phalāsaṅgaṁ nitya-tripto*  
*nirāśhrayaḥ |*

*karmaṇyabhipravṛitto 'pi naiva kiñchit karoti saḥ*  
*||*

Such people, having given up attachment to the fruits of their actions, are always satisfied and not dependent on external things. Despite

<sup>1211</sup> Bhagavad Gita ch. 2, v. 48 (trans. Eknath Easwaran, Nilgiri Press 2d ed. 2007).

<sup>1212</sup> Bhagavad Gita ch. 2, v. 50 (trans. Eknath Easwaran, Nilgiri Press 2d ed. 2007).

<sup>1213</sup> Bhagavad Gita ch. 2, v. 51 (trans. Eknath Easwaran, Nilgiri Press 2d ed. 2007).

<sup>1214</sup> Deepti Khubalkar, *Wisdom of Gita and Interpretation of Dharma in Terms of Right to Equality as a Backbone of Indian Legal System: A Study from the Perspective of Education System in India*, 20 *Ilkogretim Online: Elementary Educ. Online* 1732 (2021), <https://doi.org/10.17051/ilkonline.2021.01.181>

<sup>1215</sup> Bhagavad Gita ch. 4, v. 19 (trans. Eknath Easwaran, Nilgiri Press 2d ed. 2007).

engaging in activities, they do not do anything at all.<sup>1216</sup>

These concepts have analogues in constitutional law; courts and legislature often balance individual liberties against collective welfare (for e.g. free speech vs public order) or private conscience against public duties. The Gita teaches that *true Dharma transcends situational confusion*: a just act aligned with one's duty is ultimately righteousness. Thus, one may view the Gita as offering moral and ethical tools for conflict resolution: examine duty (Dharma), act selflessly (Nishkāma Karma), maintain equanimity (non-attachment), and let wisdom guide action. These interlocking teachings form a moral-interpretative matrix: the righteous agent performs prescribed duties (dharma) with disciplined intellect (buddhi), in a spirit of selflessness (niṣkāma karma), even as personal ego is surrendered (sannyāsa). In a jurisprudential sense, this suggests an ethic where outcomes and motives are subordinate to principle. A person acting in accordance with *dharma*, regardless of success or failure, achieves a kind of universal justice. As the *Gita* verse affirms, those who uphold righteousness in every age preserve the social order. In the next section, we see how these notions of duty and detachment parallel India's constitutional order.

#### **BHAGAVAD GITA AND CONSTITUTIONAL PRINCIPLES**

The Constitution of India enshrines values strikingly consonant with the Gita's prescribed duty ethics. In many respects, the framers fused Western notions of rights with indigenous ideas of duty. In many ways, Gita concepts can be related to the various constitutional mandates.

#### **Dharma and Equality (Article 14<sup>1217</sup>, Preamble):**

The Gita's *dharma* calls for impartial, righteous conduct. Indian constitutionalism similarly mandates equality before the law. Article 14 guarantees that *"the State shall not deny to any person equality before the law"*, reflecting Gita's

emphasis on impartial justice. As one commentator observes, *"adherence to dharma...resonates with the Constitution's commitment to justice and equality"*, and Article 14's rule-of-law principle *"echoes the Gita's teachings on impartiality"*. The Preamble's promise of *"equality of status and of opportunity"* also mirrors the Gita's vision of a just order.

#### **Karma Yog and Fundamental Duties (Article**

**51A<sup>1218</sup>):** the *niṣkāma karma* (selfless action) prescribed in the Gita finds its secular echo in Article 51A, added as the chapter on Fundamental Duties in 1976. Article 51A enjoins every citizen *"to abide by the Constitution and respect its ideals and institutions."* More specifically, it directs citizens to *"...cherish and follow the noble ideals which inspired our national struggle for freedom; uphold and protect the sovereignty...; defend the country; promote harmony; and protect public property"* etc. These duties exhort selfless service and civic responsibility. Justice Krishna Iyer noted that Fundamental Duties *"reflect the Gita's teaching of karma-yoga, working for the greater good without selfish motives"*. Indeed, duties like protecting public property and promoting harmony echo Krishna's injunction to *"perform work for its own sake"* (cf. BG 2:47) and to see work as service. Thus, the Constitution embeds a duty-ethos reminiscent of the Gita within its structure.

#### **Nishkāma Karma and Social Justice (Preamble, DPSPs):**

the Constitution's vision of social, economic and political justice is akin to the Gita's ideal of duty without desire. The preamble speaks of securing justice for all citizens. This aligns with the Gita's call to act disinterestedly for collective uplift. One commentator notes that the concept of *niṣkāma karma* *"emphasises performing one's duty without any expectation of reward...closely aligns with the Constitution's vision of justice"*. The Directive Principles (especially Art. 39<sup>1219</sup>)

<sup>1216</sup> Bhagavad Gita ch. 4, v. 20 (trans. Eknath Easwaran, Nilgiri Press 2d ed. 2007).

<sup>1217</sup> INDIA CONST. art. 14.

<sup>1218</sup> INDIA CONST. art. 51A.

<sup>1219</sup> INDIA CONST. art. 39.

mandates for equal pay, living wage, and workers' welfare) can be seen as implementing the Gita's ethic at the social level. Citizens and the state alike are expected to pursue broader welfare goals, not only private advantage.

**Equality and Oneness (Articles 15<sup>1220</sup>, 17<sup>1221</sup>):** Lord Krishna teaches the spiritual oneness of all beings ("the same divine essence pervades everyone"), which philosophically undergirds equal treatment. The Constitution likewise abolishes discrimination on religion, race, caste, sex, etc. (Art. 15) and untouchability (Art. 17). Commentators observe that the Constitution's ban on untouchability and caste discrimination "mirrors the Gita's vision of an equitable society", since the Gita regards caste/status as ultimately illusory in the face of divine equality. In effect, every person has access to dignity and *mokṣa* (liberation) regardless of birth – a spiritual equality reflected in secular law.

**Righteous Leadership and Sovereignty (Preamble, Fundamental Duties):** The Gita emphasises that rulers and public servants govern as per *dharma*, without selfish ends. The Indian Constitution, through its provisions for honest governance and public accountability, likewise expects officials to act with integrity. Fundamental Duties include respecting public institutions and public property, resonating with *kṣatriya-dharma*. For example, the President and legislators swear to "preserve, protect and defend" the Constitution – embodying the Gita's ideal of duty-bound leadership. One analysis notes that the Gita's teachings on ethical rulership and selfless governance are "reflected in the constitutional requirement for public servants to act...with justice, equality, and fairness".

**Constitutional Morality (Article 51A, Sabarimala):** The Gita's concept of *dharma* as the ultimate guide also parallels the modern notion of *constitutional morality*. Justice Chandrachud in *Indian Young Lawyers*

*Association v. State of Kerala*<sup>1222</sup> (*Sabarimala Case*) declared that morality under Articles 25 & 26 cannot erode fundamental rights, and that exclusion of women from Sabarimala "subverted the ideals of autonomy, liberty, and dignity". Implicitly, this invokes a higher *dharma*, equality and fraternity, as constitutionally supreme. Thus, Gita-like ethics inform the very *spirit* of constitutional governance: justice and duty go together.

The symbiosis of Gita and constitutional values has surfaced in Supreme Court decisions. In *M/S Spencer & Co. v. Vishwadarshan*<sup>1223</sup> (*Constitutional Etiquette*) case, the Supreme Court was offended by a High Court's non-compliance with its order. After initial discussion, Justice Reddy recounted counsel's advice to use "judicial statesmanship" instead of contempt. He then turned to the Bhagavad Gita for inspiration, quoting verses 18:63 and 18:73. Lord Krishna in Gita 18:63 says, "I have explained to you this most confidential knowledge... think it over completely, and then do as you wish." Gita 18:73 has Arjuna respond that his delusion is gone and he is ready to act on Krishna's instruction. Justice Reddy draws a metaphor: Arjuna's "freedom to act as he wished" was an illusion, for true duty lay in following divine instruction. He remarks: "For Arjuna, the freedom given to act as he wished was an illusion; acting in conformity with the instructions of Krishna was a bounden duty.". The judge concludes that this message pervades Indian culture, "setting the tenor in the Constitution for interaction between the high constitutional authorities and institutions."

In *K.S. Puttaswamy v. Union of India*<sup>1224</sup>, Justice Indu Malhotra explicitly cited BG 4:8 to illustrate the living nature of justice: the "Supreme spirit of the law" enshrined in Articles 14 and 21 "manifests and reincarnates...in ways and forms that protect the needs of the society in various ages" Similarly, in *Kaushal Kishor Rathi v. State*

<sup>1222</sup> *Indian Young Lawyers Ass'n v. State of Kerala*, (2018) 10 SCC 1

<sup>1223</sup> *M/S Spencer & Co. Ltd. v. Vishwadarshan Distributors Pvt. Ltd.*, (1995) 1 SCC 259

<sup>1224</sup> Justice K.S. Puttaswamy, *supra* note 7.

<sup>1220</sup> INDIA CONST. art. 15.  
<sup>1221</sup> INDIA CONST. art. 17.

of *U.P.*<sup>1225</sup>, a case on hate speech; the Court invoked BG 17:15, noting: “Words that do not cause distress, are truthful, inoffensive, pleasing and beneficial, are said to be included within the discipline of speech”. This Gita-derived test was used to emphasise that Article 19(1)(a) protects expression only insofar as it does not attack another’s dignity. Even in the elections law, *S.R. Bommai v. UOI*<sup>1226</sup> quoted the Gita (“age after age to restore dharma”) in condemning a campaign poster that depicted a candidate as Lord Krishna brandishing a weapon. The Court declared that India’s secular, democratic polity demands parties “abide by the constitutional ideals” and not pollute politics with religion.

These cases show the Gita’s ethical framework being drawn upon to illuminate constitutional duties (balance and duty in free speech, secularism, justice) whenever relevant. Indeed, it can be said that the Gita’s stress on selfless duty and universal fairness finds concrete echoes in the Indian Constitution; Article 14 (equality), Articles 15–17 (anti-discrimination), Directive Principles (social welfare), and Fundamental Duties (civic obligations) together form a secular “dharma” of the Constitution. As one commentator observes, “the *Bhagavad Gita*’s emphasis on dharma, selfless action, and spiritual oneness harmonises with the Constitution’s vision of a just, equal, and progressive society”.

#### **DHARMA, RIGHTS, AND DIRECTIVE PRINCIPLES**

Constitutional interpretation often involves tension between **Fundamental Rights (Part III)** and **Directive Principles of State Policy (Part IV)**. In theory, fundamental rights are enforceable, whereas DPSPs are non-justiciable guidelines for governance. This mirrors, in a way, the Gita’s distinction between *karmānīśa* (one’s lawful actions) and *dharma* (the moral ends of those actions). For example, the Gita’s concept of *Rajadharma* implies that a just ruler should prioritise welfare and justice (the ends), even if certain individual entitlements (means) are

sacrificed for the collective good. The Constitution similarly envisions the state pursuing social welfare (Art. 38) and economic equity (Art. 39) as overarching duties. Scholars note that the DPSPs “echo the Dharmashastra’s emphasis on societal welfare and moral governance,” especially Article 38’s mandate for justice.

Indian courts have historically prioritised fundamental rights over DPSPs when the two conflict, but many judges have nonetheless acknowledged the moral weight of DPSPs. In *Kesavananda Bharati v. State of Kerala*<sup>1227</sup>, majority held that Part IV is a “harmonious content” of the Constitution. One can see this harmony in Gita terms: *dharma* seeks both individual righteousness and general welfare, uniting rights and duties. In *Minerva Mills v. Union of India*<sup>1228</sup>, the Court struck down an amendment that violated the basic structure, including the balance between Parts III and IV, invoking the Preamble’s commitment to justice and equality.

Justice J.S. Verma in *Naz Foundation v. Government of NCT of Delhi*<sup>1229</sup> spoke of the Constitution’s “moral compass,” an idea very much in the spirit of the Gita’s *dharma*. Justice Verma emphasised that fundamental rights and fundamental duties (Art. 51A) must be read together, such that rights cannot be abused in ways that thwart the Constitution’s higher purposes. This too resonates with *nishkāma karma*: one must exercise rights without harming the dignity or welfare of others. In the next part, we turn to how far courts may rely on such moral insights without departing from constitutional bounds.

#### **JUDICIAL SUBJECTIVITY AND ETHICAL LIMITS OF INTERPRETATION**

Invoking the Gita in constitutional law walks a fine line. On one hand, its values of duty and discipline can enrich constitutional ethics; on

<sup>1225</sup> *Kaushal Kishor v. State of U.P.*, (2023) 4 SCC 1.

<sup>1226</sup> *Bommai*, *supra* note 34.

<sup>1227</sup> *Kesavananda Bharati*, *supra* note 5.

<sup>1228</sup> *Minerva Mills*, *supra* note 29.

<sup>1229</sup> *Naz Foundation v. Govt. of NCT of Delhi*, 160 DLT 277, WP(C) No. 7455/2001 (Del. HC July 2, 2009).

the other, reliance on religiously-rooted morality risks imposing a particular worldview. India's courts are acutely aware of secularism's primacy. In *S.R. Bommai*<sup>1230</sup>, the Court warned that *"in a secular democracy...mingling of religion with politics is unconstitutional."* Political parties must not exploit caste or creed, but instead *"abide by the constitutional ideals...strict adherence"*. This principle extends to judges: interpreting the Constitution must not transmute it into a religious or moral dogma.

Even when moral language is used, it is framed in constitutional terms. *Indian Young Lawyers Association*<sup>1231</sup> is instructive. The majority held that excluding women from worship violated the *"constitutional morality"* of autonomy, liberty and dignity. Here *"morality"* meant the secular values in Articles 14, 15, 21, not a particular theology. Justice Malhotra's dissent poignantly noted that *"constitutional morality in a secular polity requires a 'harmonisation' of various competing rights,"* and cautioned against judges substituting their own notions of rationality for worshippers' faith. Both opinions implicitly recognise that judges' personal moral codes must yield to the Constitution's value framework.

Kaushal Kishor similarly balanced moral considerations. Justice Ramasubramanian quoted the Gita on disciplined speech, but only to explain that Article 19(1)(a) does not license slanderous or *"vitriolic"* hate speech.<sup>1232</sup> In other words, Gita ethics here reinforced the idea that free speech carries duties, a constitutionally enforceable restraint (as seen in Art. 19(2)) rather than introducing a separate moral standard.

Thus, the guiding rule is that any ethical import must be **constitutional morality**, not personal religion. As the Delhi High Court said in *Naz Foundation*<sup>1233</sup>, one must distinguish between *popular morality* and *constitutional morality*, the latter being the set of values enshrined in

the Constitution. The Supreme Court has echoed that Fundamental Rights *"must be balanced by corresponding duties"* to others' rights. Judges do well to draw inspiration from the Gita only insofar as it illuminates principles already implicit in the charter (e.g. duty, equality, fraternity). If a scriptural dictum conflicts with any clear constitutional provision (say, freedom of religion or secularism under Articles 25–28), it must give way.

The danger of moral subjectivity is judicial activism untethered to law. If judges prescribe conduct solely based on personal ethics (even if drawn from the Gita), they risk *usurping* the people's lawmaking power. The Constitution itself was meant to cultivate citizens' duties (Art. 51A) and virtues; courts enforcing only *secular* duties of fraternity and non-violence. But it never meant to endorse a theocracy or a single tradition. As Ambedkar insisted, the Constitution is a political document aiming for a *"good society,"* not a scripture to be interpreted dogmatically. Hence, ethical cues from the Gita must always be subsumed to the text's actual commands and the imperative of pluralistic justice.

#### **AN INDIAN PHILOSOPHICAL CONSTITUTIONAL INTERPRETATIVE FRAMEWORK**

After the above survey, what might an explicitly Indian, Gita-driven interpretative approach to the Constitution look like? The following attributes can inform the interpretative paradigm.

**Rights–Duties Harmony:** The Constitution already gestures toward a duty-bound citizenry (Art. 51A) and altruistic state (DPSPs). A Gita-inspired lens would more consciously balance entitlements with obligations. Citizens exercise rights *"consciously"* (to quote *Kaushal Kishor*) with restraint and regard for others' dignity. Conversely, rights serve a larger *dharma* of communal welfare. Indeed, the Preamble's justice ideals and DPSPs (like equal pay, children's welfare) manifest a social *dharma*. Ambedkar's concept of constitutional morality, law as ethical pact, can thus accommodate

<sup>1230</sup> Bommai, *supra* note 34.

<sup>1231</sup> Indian Young Lawyers Association, *supra* note 50.

<sup>1232</sup> Kaushal Kishor, *supra* note 53.

<sup>1233</sup> Naz Foundation, *supra* note 57.

Gita virtues (selflessness, detachment from gain) as part of that pact, so long as no particular sectarian dogma is imposed.

**Purposeful Interpretation (Buddhi-yoga):** An Indian framework would embrace purposivism infused with *buddhi* (discernment). Judges would interpret not only the words but also the substantive spirit of law, using reason enlightened by constitutional values. This resembles Krishna's counsel to use intellect (*buddhi*) to transcend mere ritual and act wisely. For example, in reviewing a law's constitutionality, a judge might ask, does it *truly* promote justice/equality as envisioned by the Preamble and DPSPs? This mirrors the Gita's emphasis on *samatva* (even-minded wisdom) in performing duty. Some judges have echoed this: for instance, in *M. Nagaraj v. UOI* (2006)<sup>1234</sup>, the Court applied a broad purposive test to reservation, invoking the larger goals of equality rather than a strict textual cut-and-dried approach.

**Spiritual Secularism:** Finally, the framework acknowledges India's pluralism. It recognises that Gita ethics articulate values common to many traditions (e.g. self-sacrifice, honesty, nonviolence) which can inspire constitutional ideals. Indeed, a scholar notes that integrating "spiritual ethics" from the Gita need not undermine secularism. Article 51A(b) calls on citizens to follow "noble ideals" of the freedom struggle – a phrase broad enough to include Gita-like heroism. In practice, this means courts may draw analogies from the Gita when illuminating general principles, but remain neutral in adjudicating multi-faith rights. For example, the Constitution's idea of fraternity (articulated in Art. 51A(e) and Preamble) resonates with the Gita's oneness of the self in all. Viewing Article 51A(e) through this lens encourages a civic ethos of empathy and unity, goals dear to the Gita, without privileging any sect.

In concrete terms, a Gita-informed constitutionalist might: (i) Stress Article 51A

alongside Arts. 19–21, treating duties as textual companions to rights; (ii) Read fundamental rights purposively, with an eye on communal well-being (as *Maneka Gandhi* did in broadening personal liberty); (iii) Employ harmonious construction, drawing on the Gita's ideal that one sees the self in all (Articles 14–17 spirit) and commands mutual respect (akin to Article 51A's mandate). Ultimately, the judge's *buddhi* guides this synthesis: just as Arjuna was counselled to act with an even mind, the jurist should let the Constitution's values and moral insight jointly shape outcomes, without imposing personal creed. The Gita's ethics (*dharma*, *niṣkāma karma*, *samatva*) can coexist with Dr. Ambedkar's constitutional morality. Indeed, Ambedkar himself imbued the Constitution with duties and social justice – concepts harmonious with Gita values. Thus, a distinctly Indian framework would neither ignore Western liberal norms nor uncritically accept them: it would instead articulate a *dharma-yukt* constitutionalism, where the ultimate rule (*dharma*) is the Constitution's own justice-enhancing mandate.

### CONCLUSION

The analysis above underscores that the *Bhagavad Gita's* philosophical ideals resonate deeply with Indian constitutionalism. The Gita's dictum of righteous duty (*dharma*) and detachment (*niṣkāma karma*) parallels our legal ideals of equality, liberty, and social justice. In practice, India's courts have moved beyond narrow textualism to purposive, value-driven interpretation, occasionally invoking Gita verses to illuminate those values. This reflects an intuitive affinity: the framers designed a constitution that implicitly embeds the very concept of *dharma* through its rights–duties balance and moral aspirations. However, courts must wield this tradition with restraint. As Chandrachud J. put it in *Sabarimala*<sup>1235</sup>, *Constitutional* morality cannot erode fundamental rights. Thus, Gita-driven principles

<sup>1234</sup> M. Nagaraj v. Union of India, (2006) 8 SCC 212

<sup>1235</sup> Indian Young Lawyers Association, *supra* note 50.

should serve as *moral touchstones*, not as commands overriding text.

Indian constitutionalism can fruitfully adopt an interpretative stance guided by the Gita's wisdom: one that harmonises rights and duties in pursuit of justice. In this model, judges and citizens alike perform their *svadharma* – faithful execution of constitutional duty – with *buddhi* (rationality) and *samatva* (impartiality). By doing so, the Constitution lives up to both its secular letter and the country's shared moral heritage. In the final balance, embracing an Indian philosophical framework means seeing the Constitution as a covenant of ethical governance: not merely a technical code, but a living guide to righteous social order. The Gita thus remains not an alien text but a wellspring of values consonant with India's constitutional identity, reminding us that ultimately "*where there is righteousness, there is victory.*"

