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INDIAN KNOWLEDGE SYSTEM AND ITS IMPACT ON THE CONSTITUTIONAL AND LEGAL FRAMEWORK OF INDIA: A CRITICAL ANALYSIS

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ABSTRACT

This research paper discusses the importance of Indian Knowledge System in forming the Indian constitutional and legal framework. Indian Knowledge System comprises ancient texts such as the Vedas, Upanishads, Dharmashastras, and Arthashastra. These texts gave ideas about law, justice, duties and governance in ancient times. The concept of dharma was very important and it guided people and rulers about what is right and what is wrong.

The paper tries to show that many ideas in today's legal system are similar to the ideas given in ancient Indian texts. The Constitution of India talks about justice, equality and duties. These ideas were also present in traditional knowledge. Fundamental Rights, Fundamental Duties and Directive Principles also show some connection with these values.

The paper also explains how Indian Knowledge System is related to different areas of law. In environmental law, we can see that old texts also talked about taking care of nature, and even today laws say the same thing. In health, things like yoga and ayurveda are now slowly getting recognition and support. Also, in intellectual property law, there is a need to protect traditional knowledge so that no one misuses it.

In the end, the paper shows that Indian Knowledge System is still important and can help in improving the legal framework in India.

Keywords: Indian Knowledge System; Constitution of India; Dharma; Traditional Knowledge; Environmental Law; Intellectual Property Rights; Legal Framework.

INTRODUCTION

The tradition of knowledge in India is very old, and people have been following it for a long time. It is also known as the Indian Knowledge System. It is not one thing but a combination of many things. For example, there are some old texts like the Vedas and Upanishads, and some practices like Yoga and Ayurveda.¹ Along with that, there were some traditional methods of governance too. So, it was not only related to religion but also related to how people should live and how society should be managed. It also includes some old methods of governance. They were not only related to religion. They also provided ideas about how people should live, how society should function, and how justice should be delivered.

In ancient India, the concept of law was associated with the concept of *dharma*. Dharma referred to doing the right thing and performing one's duty. It was necessary for both the king and the subjects. The king was expected to perform his duties while making decisions. The subjects were also supposed to perform their duties. There were *Dharmashastras* and *Arthashastra* that provided guidelines for punishment, administration, and duties. There was no written Constitution during that period, but there was a mechanism to ensure that there was order.²

After independence, India adopted the Constitution in 1950. This resulted in the development of a modern legal system. It is founded on concepts such as justice, equality, and rule of law. However, these concepts are not entirely new. Some of these concepts can also be traced in the past. For instance, the concept of justice was already there in ancient texts. Similarly, the concept of duty, which is found in the Fundamental Duties of the present Constitution, was also significant in the past.³

The Constitution also emphasizes the need to protect culture, environment, and health. These are all related to Indian culture. In ancient texts, there were mentions of living in harmony with nature, taking care of health, and protecting knowledge. These concepts are now embodied in various laws such as environment laws, health laws, and laws protecting culture.⁴

¹ A.L. Basham, *The Wonder That Was India* (Sidgwick & Jackson 1954); S. Radhakrishnan, *The Principal Upanishads* (HarperCollins 1994).

² Kautilya, *The Arthashastra* (R. Shamasastry trans., Mysore Printing Press 1992); D.F. Mulla, *Principles of Hindu Law* (22nd ed., LexisNexis 2015).

³ M.P. Jain, *Indian Constitutional Law* (8th ed., LexisNexis 2020); The Constitution of India, arts. 14, 21 & 51A.

⁴ Shyam Divan & Armin Rosencranz, *Environmental Law and Policy in India* (Oxford University Press 2001); Ministry of AYUSH, *Yoga and Naturopathy Systems of Medicine* (2020).

In recent years, efforts have been made to recognize and protect traditional knowledge. This is particularly important in intellectual property law. There have been instances where Indian traditional knowledge has been used without authorization. This has led to the need to protect such knowledge through appropriate legal channels.

However, it is not easy to link traditional knowledge to modern laws. There are several challenges. Some traditional knowledge is not well documented. Some traditional knowledge does not conform to modern scientific standards. This has led to difficulties in giving such knowledge full legal status. There is also a need to strike a balance between traditional knowledge and modern laws.⁵

This research paper examines the significance of the Indian Knowledge System in forming the constitutional and legal structure in India. It analyses how the traditional thoughts have impacted the modern laws, particularly in the fields of fundamental rights, environmental law, health law, and intellectual property. It also examines the challenges in relating the traditional knowledge to the current legal system.

From the research, it is evident that the Indian law is modern in its format but still retains some link with the traditional thoughts. This link can be utilized to enhance the legal system in a more balanced manner.

LITERATURE REVIEW

Researchers have long studied the Indian Knowledge System and its relevance to modern law and governance. Their work shows that ancient Indian texts dealt with far more than religion they addressed the law and governance of society as well.⁶

Several authors have written specifically about texts such as the Vedas, Upanishads, and Dharmashastras.⁷ These works describe Dharma as central to ancient Indian thought. Dharma covered more than morality; it extended into law, shaping people's duties and guiding rulers in

⁵ World Intellectual Property Organization, *Traditional Knowledge and Intellectual Property* (WIPO 2017); Graham Dutfield, *Intellectual Property, Biogenetic Resources and Traditional Knowledge* (Earthscan 2004).

⁶ K. Kapoor, 'Indian Knowledge Systems and Their Relevance' (2019) 5(2) *International Journal of Humanities and Social Science Research* 45; A.L. Basham, *The Wonder That Was India* (Sidgwick & Jackson 1954).

⁷ S. Radhakrishnan, *The Principal Upanishads* (HarperCollins 1994); R.T.H. Griffith (trans.), *The Rig Veda* (Motilal Banarsidass 2009); D.F. Mulla, *Principles of Hindu Law* (22nd edn, LexisNexis 2015).

their decisions. In this way, Dharma held society's legal order together.⁸

In *The Wonder That Was India*, ancient Indian society is tied closely to the concept of Dharma, which set out both duty and law for individuals. Law, in this reading, was bound up with morality and duty, pointing to deep historical roots for the Indian legal tradition.⁹

Principles of Hindu Law takes a similar view, describing the Dharmashastras as an early form of law covering family matters, duties, punishment, and order. This points to a well-developed legal system existing long before modern law took shape.¹⁰

Kautilya's Arthashastra is another key source, laying out in detail how to run a state administration, taxation, and punishment included. Scholars who have studied and interpreted this text agree that it reflects a sophisticated legal system in ancient India, one that also spelled out a king's duty to uphold justice and order.¹¹

Many scholars connect these ancient ideas directly to India's modern Constitution, arguing that values like justice, equality, and duty are not new inventions but part of a long-standing tradition. Dharma, in particular, is often linked to the rule of law a standard meant to apply to everyone alike.¹²

On environmental law, writers such as Kapil Sibal have pointed to Indian culture's emphasis on respecting nature. Ancient texts often addressed the balance between humans and the natural world, an idea that still surfaces in environmental law today.¹³

Other studies look at health law through the lens of Yoga and Ayurveda, both treated as part of the Indian Knowledge System. These practices now enjoy recognition at both the national and international level, backed by government initiatives that support their use.¹⁴

⁸ Werner Menski, *Hindu Law: Beyond Tradition and Modernity* (Oxford University Press 2006); R.W.M. Dias, *Jurisprudence* (5th edn, LexisNexis 2013).

⁹ A.L. Basham, *The Wonder That Was India* (Sidgwick & Jackson 1954).

¹⁰ D.F. Mulla, *Principles of Hindu Law* (22nd edn, LexisNexis 2015).

¹¹ Kautilya, *The Arthashastra* (R. Shamasastri tr, Mysore Printing Press 1992).

¹² M.P. Jain, *Indian Constitutional Law* (8th edn, LexisNexis 2020); H.M. Seervai, *Constitutional Law of India* (4th edn, Universal Law Publishing 1996).

¹³ Shyam Divan and Armin Rosencranz, *Environmental Law and Policy in India* (Oxford University Press 2001); O.P. Dwivedi, 'Environmental Policies in India' (1993) 42(3) *International Journal of Environmental Studies* 185.

¹⁴ Ministry of AYUSH, *Yoga and Naturopathy Systems of Medicine* (Government of India 2020); Vasant Lad, *Textbook of Ayurveda* (The Ayurvedic Press 2002).

In intellectual property law, researchers have raised concerns about biopiracy the neem and turmeric cases being well-known examples. These cases show foreign companies making use of Indian traditional knowledge, which has strengthened calls for stronger legal protections.¹⁵

Not everyone agrees this is straightforward, however. Traditional knowledge is often poorly documented, making it hard to protect through law, and the gap between traditional and modern scientific knowledge complicates efforts to bring traditional knowledge into a legal framework.¹⁶

Taken together, this literature points to the Indian Knowledge System as a real influence on how law and governance have taken shape in India.

METHODOLOGY

This paper follows the doctrinal method of research.¹⁷ It relies mainly on secondary sources, with no fieldwork or surveys conducted. Information has been drawn from books, research papers, web sources, and legal documents, all aimed at understanding the Indian Knowledge System and its relationship to India's legal system.

Research articles from platforms such as Google Scholar have also been used to bring in a range of scholarly views. These helped in examining how traditional knowledge connects to environmental law, health law, and intellectual property law.¹⁸

The study also draws on constitutional provisions, government publications, judicial interpretations, and internationally recognized materials on traditional knowledge. These sources help trace how principles from the Indian Knowledge System have shaped the present legal framework. Constitutional provisions, policy documents, and academic literature have all been examined to understand this relationship between traditional knowledge and modern

¹⁵ Graham Dutfield, *Intellectual Property, Biogenetic Resources and Traditional Knowledge* (Earthscan 2004); Vandana Shiva, *Protect or Plunder? Understanding Intellectual Property Rights* (Zed Books 2001); World Intellectual Property Organization, *Traditional Knowledge and Intellectual Property* (WIPO 2017).

¹⁶ R. Sinha, 'Traditional Knowledge and its Protection under Intellectual Property Law' (2018) 23(4) *Journal of Intellectual Property Rights* 200; World Intellectual Property Organization, *Traditional Knowledge and Intellectual Property* (WIPO 2017).

¹⁷ Y.K. Singh, *Fundamentals of Research Methodology and Statistics* (New Age International 2006).

¹⁸ K. Kapoor, 'Indian Knowledge Systems and Their Relevance' (2019) 5(2) *International Journal of Humanities and Social Science Research* 45; R. Sinha, 'Traditional Knowledge and its Protection under Intellectual Property Law' (2018) 23(4) *Journal of Intellectual Property Rights* 200.

law.¹⁹

The approach taken is both analytical and descriptive. It first explains the concept of the Indian Knowledge System, then analyses its role in shaping modern law, comparing traditional ideas with present legal provisions along the way.

A comparative method runs through the paper as well. It sets ancient legal principles from texts such as the Vedas, Upanishads, Dharmashastras, and Arthashastra alongside the principles found in the Constitution of India and other modern laws, drawing out both similarities and differences between the two systems.²⁰

The research also looks across several areas of law, including constitutional, environmental, health, and intellectual property law, to assess the continued relevance of traditional knowledge. It reviews existing literature to identify the main challenges in bringing the Indian Knowledge System into the present legal framework, with findings interpreted from the available legal and academic sources.

The study is limited to secondary sources. Some limitations follow from gaps in the documentation of traditional knowledge and limited access to original ancient texts, though efforts have been made to keep the study focused and relevant. Scholars also often interpret ancient texts differently, so the conclusions here rest only on sources that are reliable and widely accepted in academic literature.²¹

RESULTS

This section compares the ancient legal system with the law that governs India today. Making sense of how the Indian Knowledge System bears on present-day law means looking at both side by side. They diverge in plenty of ways, but a few core ideas run through both.²²

¹⁹ M.P. Jain, *Indian Constitutional Law* (8th edn, LexisNexis 2020); Ministry of Education, *National Education Policy 2020* (Government of India 2020).

²⁰ Kautilya, *The Arthashastra* (R. Shamasastri tr, Mysore Printing Press 1992); D.D. Basu, *Introduction to the Constitution of India* (LexisNexis 2015).

²¹ World Intellectual Property Organization, *Traditional Knowledge and Intellectual Property* (WIPO 2017); Graham Dutfield, *Intellectual Property, Biogenetic Resources and Traditional Knowledge* (Earthscan 2004).

²² A.L. Basham, *The Wonder That Was India* (Sidgwick & Jackson 1954); M.P. Jain, *Outlines of Indian Legal and Constitutional History* (LexisNexis 2016).

Dharma sat at the foundation of law in ancient India. Nothing like the Constitution existed to write it down in one place. Instead, dharma worked more as a body of duties and rules that told people what counted as right and wrong. The Vedas, Dharmashastras, and Arthashastra covered various aspects of law and justice that people dealt with in daily life. Today's system runs differently: the Constitution stands as supreme law, and every other law has to fall in line with it.²³

Where law comes from has shifted too. Religious texts and tradition drove law in ancient times, and kings held much of the decision-making power. Now, the legislature writes laws, the executive carries them out, and the judiciary interprets them, a division of power that had no real counterpart in ancient India.²⁴

Even so, some threads connect the two. Justice mattered in both eras. Ancient kings were expected to dispense it and stay true to dharma; courts today do the equivalent, seeing that the law gets followed. The core idea, fairness under law, hasn't really changed.

Duty tells a similar story. Ancient Indians followed obligations laid out by dharma, and the Constitution carries something like this forward through the Fundamental Duties, which cover things like respecting the Constitution, protecting the environment, and building harmony. Duty as a concept has stuck around from then to now.²⁵

Environmental protection follows a similar arc. Ancient texts took nature seriously, and today's laws and constitutional provisions do the same, just through a different mechanism. The underlying concern hasn't moved much.

Health carries a comparable thread. Yoga and Ayurveda, once relied on for staying healthy, are getting recognized and promoted again now, which suggests traditional knowledge still has a place in modern law.²⁶

²³ Kautilya, *The Arthashastra* (R. Shamasastri tr, Mysore Printing Press 1992); D.F. Mulla, *Principles of Hindu Law* (22nd edn, LexisNexis 2015); The Constitution of India.

²⁴ D.D. Basu, *Introduction to the Constitution of India* (LexisNexis 2015); H.M. Seervai, *Constitutional Law of India* (4th edn, Universal Law Publishing 1996).

²⁵ The Constitution of India, art. 51A; M.P. Jain, *Indian Constitutional Law* (8th edn, LexisNexis 2020).

²⁶ Ministry of AYUSH, *Yoga and Naturopathy Systems of Medicine* (Government of India 2020); Shyam Divan and Armin Rosencranz, *Environmental Law and Policy in India* (Oxford University Press 2001).

Even with governance restructured over time, a lot of ethical values have held their ground. Justice, responsibility, protecting nature, and public welfare still shape the legal system, just now through constitutional provisions and statutes instead of custom.

The differences are real, though. Modern law is more structured, written down, and procedural, and it extends equal rights to everyone, something ancient society didn't always manage given how unevenly it was structured. Modern law also leans on scientific reasoning, while ancient law leaned more on belief.

Knowledge protection marks another split. Ancient knowledge passed freely from one generation to the next. Today, traditional knowledge needs intellectual property protection, mostly to prevent misuse.

None of this means the Indian Knowledge System has dropped out of the legal framework. A good deal of it has simply been reworked to fit a democratic, constitutional setup, values holding steady even as institutions and governance methods have changed a great deal.²⁷

Put together, this points to a system where structure has shifted but certain ideas, justice, duty, respect for nature, haven't gone anywhere. The Indian Knowledge System still leaves its mark on how the modern legal framework has taken shape, even with the structure around it looking very different now.

ANALYSIS AND OBSERVATIONS

Having assessed the similarities and differences between the ancient and present legal systems, this section turns to the gaps that surface between them. Some ideas carry over, certainly, but plenty of gaps remain, and these make it hard to fully connect the Indian Knowledge System with the legal system as it stands today.²⁸

One major gap concerns the form law takes. Ancient law was never set down in a single document. It lived instead in dharma, custom, and tradition, which gave it flexibility but not always clarity. Today's law sits in the Constitution, clear and uniform by design, and that

²⁷ K. Kapoor, 'Indian Knowledge Systems and Their Relevance' (2019) 5(2) *International Journal of Humanities and Social Science Research* 45; Werner Menski, *Hindu Law: Beyond Tradition and Modernity* (Oxford University Press 2006).

²⁸ Werner Menski, *Hindu Law: Beyond Tradition and Modernity* (Oxford University Press 2006).

difference in form opens up a real gap between the two.²⁹

Authority is another point of divergence. Religion and morality anchored authority in the ancient period, with the king and religious texts as its sources. The Constitution anchors it now, with no reference to religion at all, which makes it difficult to carry ancient principles straight into the present.

Equality shows a similar split. Modern citizens hold equal rights, guaranteed under the Fundamental Rights. Ancient society worked differently, with rights and standing tied to social structure. Because of this, not every principle from the Indian Knowledge System translates cleanly into the present.³⁰

Science marks another divide. Modern legal principles trace back to the Constitution, while much of ancient knowledge carries no scientific backing behind it. This makes such knowledge harder to recognize today, particularly in matters of health.

Documentation poses its own problem. Much of the Indian Knowledge System passed down orally rather than in writing, and the modern legal system leans heavily on documentation. Without it, traditional knowledge struggles to find legal footing, a gap that shows up clearly in intellectual property law, where proof of origin is required.³¹

Protecting traditional knowledge is another gap. Nobody thought to claim ownership of knowledge in ancient times; it was simply shared. Today, protecting it from misuse, especially at the international level, has become necessary, and the current legal system still hasn't worked out how to do this properly.

A third gap shows up in how traditional ideas get implemented. They're recognized in principle today, but recognition doesn't always translate into effective practice. Environmental protection is a case in point: the idea is acknowledged, yet the problems persist. Shared values only go so far without real implementation behind them.

²⁹ Kautilya, *The Arthashastra* (R. Shamasastri tr, Mysore Printing Press 1992); D.D. Basu, *Introduction to the Constitution of India* (LexisNexis 2015).

³⁰ The Constitution of India, arts. 14–18; M.P. Jain, *Indian Constitutional Law* (8th edn, LexisNexis 2020).

³¹ World Intellectual Property Organization, *Traditional Knowledge and Intellectual Property* (WIPO 2017); Graham Dutfield, *Intellectual Property, Biogenetic Resources and Traditional Knowledge* (Earthscan 2004).

Taken together, these gaps suggest that the Indian Knowledge System has shaped modern law, but not in a way that can simply be dropped in unaltered. Bridging traditional knowledge with the present legal system means first reckoning with where the two pull apart.³²

A few more gaps sit within the current legal system itself. Despite how detailed Indian law is, it leaves little real room for traditional knowledge, which remains unrecognized across much of the legal field and, as a result, often gets overlooked.

Awareness is part of the problem too. Many people, including those working in law, know too little about traditional knowledge and what it offers, so it rarely makes its way into lawmaking or policy in any meaningful way.

Protection remains inadequate as well. Laws exist, but they fall short in practice, and traditional knowledge has been misused without permission on more than one occasion, a sign that the current framework isn't doing its job here.

Implementation is a broader issue still. Laws get passed but don't always get enforced, environmental law being a clear example: the laws are there, yet environmental problems keep growing.

Then there's the slowness of the legal system itself. Cases drag on for years, delaying justice and, in the process, weakening the protection of people's rights.

All of this points to gaps that run in two directions: between the ancient and present systems, and within the present system on its own. That combination makes linking the Indian Knowledge System to modern law a genuinely difficult task.

RECOMMENDATIONS AND SUGGESTIONS

Bridging the gap between the Indian Knowledge System and India's present legal system calls for a few concrete steps, ones that could help both preserve and put traditional knowledge to better use.

³² Ministry of Education, *National Education Policy 2020* (Government of India 2020); K. Kapoor, 'Indian Knowledge Systems and Their Relevance' (2019) 5(2) *International Journal of Humanities and Social Science Research* 45–50.

The first is proper recognition. Traditional knowledge needs a real place in the laws and policies governing health, the environment, and education, not just a passing mention, if it's going to carry the weight it deserves.³³

Documentation comes next. Traditional knowledge has long suffered from poor record-keeping, and the government and other institutions need to take this on seriously. Better documentation would go a long way toward giving this knowledge its due.

Third, the laws protecting traditional knowledge need strengthening. Strict rules against misuse are needed, and intellectual property law in particular should be reinforced to protect this knowledge both within India and internationally.³⁴

Awareness matters just as much. People, especially legal professionals and law students, need a better grasp of what the Indian Knowledge System actually offers. That understanding would feed directly into how laws get made going forward.

Linking traditional knowledge with modern science is another piece of the puzzle. Solid research in this space would make it far easier to bring this knowledge into areas like health law with real credibility.

Education deserves attention too. Law schools should be teaching courses on the Indian Knowledge System, so future lawyers and judges grow up understanding its relevance rather than encountering it as an afterthought.³⁵

None of this matters much without proper implementation. Passing laws is only half the job; environmental law in particular shows what happens when enforcement lags behind legislation.³⁶

Cutting down delays in the legal system also needs attention. Faster resolution would make it far easier for people to actually protect their rights and put the law to use.

³³ University Grants Commission, *Guidelines for Incorporating Indian Knowledge System (IKS) in Higher Education Curricula* (UGC 2023).

³⁴ Convention on Biological Diversity, *Convention on Biological Diversity* (1992); *Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising from their Utilization* (2010).

³⁵ All India Council for Technical Education, *Indian Knowledge System: An Introduction* (AICTE 2021).

³⁶ National Biodiversity Authority, *Annual Report 2022–23* (Government of India 2023).

Finally, this all calls for balance. Traditional knowledge deserves respect, but it also needs scrutiny before it gets folded into modern law, a combination that keeps tradition alive without sacrificing legal certainty.

Taken together, these steps could help close the gap between the Indian Knowledge System and the present legal framework, and make the system as a whole work better.

CONCLUSION

From the above discussion, it shows that although the current legal system is modern and based on a written Constitution, the foundation of the legal system is based on traditional knowledge. Ideas such as duty, justice, and nature are a part of the ancient legal system and are still evident in the current legal system.

At the same time, there are many differences between the ancient system and the present legal system. Modern law is more organized, written, and based on equality and scientific knowledge. Because of this, it is not always easy to directly apply traditional ideas in the current system. There are also several gaps, such as lack of proper documentation, limited legal recognition and problems in implementation.

The study also shows that the present legal system itself has certain weaknesses. Lack of awareness, delay in justice, and lack of protection of traditional knowledge are some of the problems which are making it difficult to utilize the Indian Knowledge System in an effective manner. This problem has to be addressed in order to make the legal system more effective.

This, of course, does not mean that traditional knowledge is irrelevant in the modern world. It does, however, remain relevant in the fields of environmental protection, health, and intellectual property. This problem has to be addressed in order to make the legal system more effective.

It does not imply that traditional knowledge is not relevant or useful in today's world. It is still relevant to today's world with regard to aspects such as environmental protection, health, and intellectual property. If it is properly understood and used, it can help in improving the legal framework.

Therefore, there is a need to create a balance between traditional knowledge and modern law. Indian Knowledge System should be recognized and protected, but at the same time, it should be adapted carefully to fit within the present legal system. This will help in developing a legal framework which is not only modern but also connected to India's own knowledge and traditions.

In the end, it can be said that Indian Knowledge System is not something of the past only. It still has importance in the present time and can contribute to the future development of law in India.

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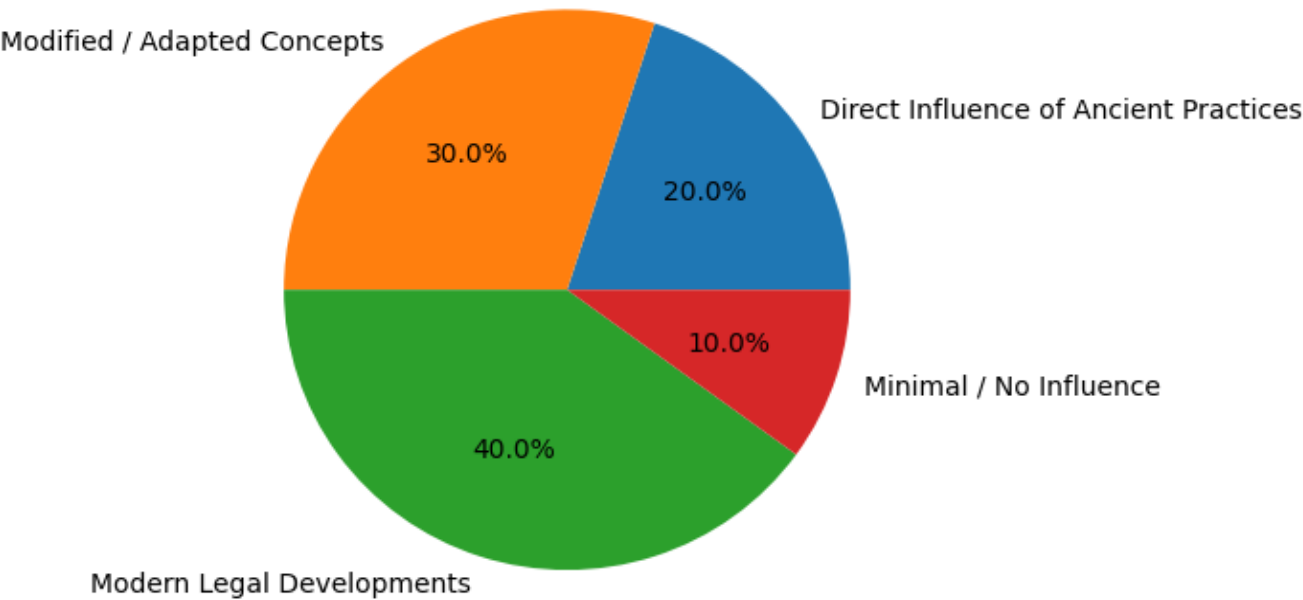
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APPENDICES

Estimated Influence of Ancient Indian Legal Practices on Modern Law



The above chart shows that only a limited part of ancient legal practices is directly used in modern law. A larger portion of modern law is based on new developments, while some ideas from ancient practices have been modified and adapted. This shows that although Indian Knowledge System has influence, the present legal system is mostly modern in structure.