


**Review Article**

## Mythology as a Source of Natural Justice

Neha S Upadhyay<sup>1\*</sup>

<sup>1</sup> IQAC Co-Ordinator, Vasantdada Patil Pratishthan's Law College, Sion - Mumbai, Maharashtra, India

**Corresponding Author:** Neha S Upadhyay\*

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**Abstract**

In this paper, the author investigates literary research on mythology and natural justice as a basis for the international culture of ethical and legal reasoning. Using the examples from Ramayana and Mahabharata along with global myths, the study established that mythology has always played a guide by presenting & perpetuating principles of fairness, impartiality, and duty-the cardinal virtues in natural justice. Namely, the intent here is not to treat myths as mere fables of the society, but as texts that are still relevant and at some level determinative of legal philosophies that govern the society, be it modern India or elsewhere. Thus, the research identifies themes in law from a theoretical analysis lens with mythological flat if kontekste Analysing legal themes in mythological framework of modern jurisprudence. The research concludes that though mythology cannot replace the written legal systems, the values of these myths can be beneficial since they contain the wisdom of centuries concerning justice, ethics, and people. This work should be utilized to articulate a more precise cultivation of mythological ethics into the current legal education system and law reform to achieve the idea of Viksit Bharat 2.0.

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## INTRODUCTION

A natural justice, a legal philosophy concept, essentially defines itself as the inherent deal of reasonableness, reason, and balance in matters of law. More specifically it has two expressions in Roman Law: *nemo iudex in causa sua*, which means that one cannot be a judge in his or her case and *audi alteram partem* meaning that one side or claimant must hear the other side also. Many of these principles are valid and implemented in the modern legal systems, yet, their origins are seen best through mythological roots that have formed the basis of initial morality.

Religion, with its folklore that is a set of beliefs or systems of beliefs, is a definite facet that has legal and ethical implications (Madras High Court, 2021) <sup>[1]</sup>. The arts embodied by Indian epics Ramayana and Mahabharata's concept of Dharma describe values such as duty/ righteousness mechanically in fight between justice and political power, which long predate natural justice. It becomes paramount to study these sources as mostly the present systems of laws would base their laws on the ancient sources. They present principles of ethic that can be beneficial in contemporary jurisprudence, ensure the preservation of culture and assist in the enhancement of the legislature based on the advan.

Thus, the purpose of this paper lies in analyzing the role of mythological texts as sources of legal knowledge in regard to the norms that can be defined as natural justice. It is also useful to regard the continuity of such mythologies in relation to other mythologies existing in the global society and their contribution to regulating acceptable standards.

## RESEARCH QUESTIONS

1. In what sense and how does it possible to observe the principles of natural justice through mythological tales?
2. Can mythological ethics be applied in the current learning system and the practice of law as an independent discipline?

### 2. Conceptual Framework: Natural Justice

Natural justice can be defined as fairness of actions without being written in legal books or codes but rather are inherent in the process of adjudication. Natural justice unlike legal or statutory laws has its basis in moral understanding as well as rationale, and is the first remedy against prejudice or unfair decision making in power relations. There are two significant principles that underlie this notion.

1. This is another popular legal maxim that originates from the Roman law and it literally means that no one shall be given the authority to make a decision on his or her case. This principle may ensure neutrality of bias to avoid conflict of interest in judicial or administrative cases.
2. *Audi alteram partem*—hear the other side. It ensures that before any decision is made over any particular matter or dispute, all the responsible parties have been given an opportunity to air their opinions or complains.

Originally, the aforesaid principles are rooted in classical systems of law. In the same case, in the ancient Greek context,

specifically focus was made on natural law formulated as a system of inherent morality (Allahabad High Court, 2021) <sup>[2]</sup>. In the Roman law system, they implemented the principle of fairness and equity thru its concept law of nature or *jus naturale* or the law present in all beings. Indian legal system is a tradition considered in manuscripts, which primarily include the Manusmriti and the Mahabharata, which pronounce Dharma as a responsible action, closely related to natural justice.

In the present-day legal practice and especially within common law traditions, natural justice continues to be an important principle. These principles are often used in admin and constitutional inquiries to provide fairness where the legislation is inadequately clear. For instance, Indian courts have applied these doctrines to enlarge the facets of Article 14 and 21 of the Constitution to protect rights of persons and procedural justice.

But even the natural justice has its drawbacks. Critics claim that the principles are; relative and not objective because they don't have set guidelines to complement their ideas that may result in confusion (Punjab and Haryana High Court, 2021) <sup>[3]</sup>. However, when applied in complicated legal systems, congruent to the principles of natural justice can act as an impediment to efficiency or even be unconstitutional in dealing with the procedural law governing particular legal processes.

Therefore, the rationale of natural justice continues to hold much worth to the extent that it makes the legal systems more humane by preserving justice as fairness, openness, and moral responsibility.

### 3. Mythology and Justice: A Historical and Cultural Perspective

Hindu's concerning virtue and piety is Dharma, which forms the base of justice upon which ethical code and orderliness of society is contained. While the general meaning of the term 'Dharma' is not easy to give an accurate translation for, its meaning can be understood as the individuals and classes of people's law or duty, virtues, as well as the natural justice that oversees behavior (Uttarakhand High Court, 2021) <sup>[4]</sup>. Compared to legal system, Dharma is a context-dependent entity granting equal, if not greater, importance to the dynamics of human interactions, which is the reason why Dharma is designated as the source of natural justice.

In Ramayana character, Lord Rama is depicted as Maryada Purushottam, that is the epitome of an ideal man; all moral decisions of Rama are although marked by personal sufferings in line with Dharma. He sends Sita away after people doubt her virtue; this is a tragic but a dharma-focused effort to uphold royal commitment over pledged faith. In the same way, in the epic of Mahabharata, Krishna also advocates for the dissolution of the outcome of karma just for the sake of Dharma even it is not moral in the general sense. The character of Popular depicts this by killing Karna and Drona. The epic provides an insight to the fact that justice is relative and the right thing is never clear cut.

Manusmriti is an early law and moral code, which is formed by the guidelines of varna or social stratification, ashrama or stages of life and gender (Supreme Court of India, 2022) <sup>[5]</sup>. While

some of its solutions can be criticized today it is a valuable source providing a glimpse on how the ancient Indian society tried to enforce justice in accordance with its culture.

With regard to this theme, these mythological texts contain numerous examples of fairness, truth and being punished. Yudhishtira's truthful action of losing all his wealth and his people during the game of dice game of gambling is also illustrated as satya. On the same note, characters such as Duryodhana and Ravana end up suffering the consequences of their adharmic roles and the common Hindu belief that immoral actions, no matter the time, is met with a similar punishment is therefore upheld.

Other universals also support the part of mythology in organizing justice over cultures. One could often meet women images in Greek mythology who represent some concepts; one of them is Dike that symbolizes justice and watches over people's morality. This is true because the trial of Orestes by the Furies and the intervention of Athena pioneered the introduction of structured justice in the society as opposed to self justice (Pati and Nanda, 2023) <sup>[6]</sup>. Regarding this matter, Norse mythology includes gods such as Tyr, who works penitently to uphold certain legal matters and thus underlines the holiness of the truth and a fair trial.

Therefore, the discussed mythologies are examples of the capacity of people from different cultures to promote natural justice which presupposes impartiality, righteousness and moral responsibility for actions and their consequences, as well as acknowledging potential ethical issues regarding it. They do not just brighten or preach but actually build a legal/ethical consciousness still audible today's legal jurisdiction.

#### 4. Mythological Sources and Contemporary Legal Interpretation

Indian legal thought has a great deal of roots embedded in the culture and beliefs of the population; mythology of the country has a significant impact on how justice is viewed. Indian culture of mythological values such as Dharma and Karma is dominant in legal system today in India and the existing ethical theories and judgements.

Indian judiciary has employed the element of Dharma of the sources similar to Ramayana and Mahabharata in order to stress on the moral aspect of justice (Sambasivan *et al.*, 2021) <sup>[7]</sup>. Dharma is not only a somewhat theistic concept but a rather complex idea signifying behavior ethics depending on situation, position, and purpose. For instance, the Lord Krishna's advice to the Arjuna in Bhagavad Gita and neutral and impartial performance common in the observance of the judicial responsibility.

The Buddhist theory of Karma means that every action is followed by a reaction proving that what one does cannot be done without the consequences. In criminal jurisprudence the concept of mens rea which means a guilty mind is a similar indication of the relationship between moral blameworthiness and legal culpability.

In some of the various judicial discourses there has been seen some reflection of mythological ethics. In the Shayara Bano v.

In the recent Union of India (2017) case, when sending of triple talaq was declared unconstitutional, the supreme court laid emphasis on justice, equality, and dignity – the principles upheld in narratives that depict oppressive or adharmic act committed by kings or individuals bring forth their downfall. In the same way, while discussing environmental jurisprudence, the Indian Supreme Court has quoted the Atharva Veda & other texts supporting the balance with the nature & the constitutional mandate under Article 48A for protection of the environment (Mustafa, 2024) <sup>[8]</sup>.

It can be ascertained that the Indian Constitution is secular and liberal, though the germination of its fundamentals is rooted in such civilizational sentiments. The philosophy of justice – social, economic and political on which the Preamble begins has its source in Dharma. The Directive Principles of State Policy reminisce the doctrine of communal responsibility as in Indian ethos where leaders (rajadharma) were supposed to serve the people's interest independent of self-interest.

In addition, Indian concept of legal education and its philosophy shape ideals of truth based on King Harishchandra and King Vikramaditya for the selfless and fair judgment respectively providing that ethics should not be separated from law. These are still fables as they support the concept of justice, duty and truth in the community in order to make their legal perspectives relevant culturally.

In sum, mythological narratives are not only the historical writings of Indians but they are indeed the philosophical tools India has chosen to use in shaping its legal culture. He connects the old with the new so that justice for the people of India is not only legal but ethically and historically relevant.

#### 5. Critique and Contemporary Relevance

The use of mythology in the legal argumentation provides ethical dimensions and socially unambiguous meanings; however, it creates methodological problems that have to be analyzed. Thus, one of the issues that should not be overlooked is mythological approach which is used by the text as its major argumentation (The Hindu Bureau, 2024) <sup>[9]</sup>. The approach is rather philosophical and full of moral wisdom but it is too flexible and not accurate for legal context. Mythological texts are texts containing contextualised morality, divinity and various forms of narrative; they cannot be used as sources of legal prescriptions in formal law.

The main concern is the religious and cultural prejudice which can be potential in this case. The mythology prevalent in India is mainly of Hindu religion and it is found from the Hindu scriptures. In the context of this paper, referring to those cultural groups in legal arena can alienate other religious or cultural groups, which is unbecoming to the constitution of India (The New Indian Express, 2024a) <sup>[10]</sup>. Legal diversification means that nobody could claim that a certain system is applied selectively, and thus treated him/her unfairly. Continuing this topic, one may identify another conflict that based on mythology and rationalism. Modern legal systems today are highly concerned with rationality, the consideration of legitimate proofs, their equal applicability to everyone, and the

procedural justice. While, mythology always supports virtue-based justice where justice acts as a virtue where mere form of law matters little. This may lead to reducing the homogeneity and stability required to achieve consistency in the law.

Therefore, in Viksit Bharat 2.0, it is important to bring mythological wisdom in harmony with constitutional provisions (The New Indian Express, 2024b) <sup>[11]</sup>. Attempts to construct myth as a legal source are fruitless; nevertheless, it should be regarded as a cultural and ethical system that can serve as an example of such virtues as truth, justice and duty. All of these insights can be used to enhance the theory of law without bringing religion to law with the interference, when these revelations are synchronized with secularism and democracy.

### Contemporary Relevance

During the completion of the British rule in India, there were certain unchanged principles that imbibed with the legal and ethical principles from the mythology like Dharma, Karma, and justice through righteous conduct of the present era. Despite living in a liberalising world where new laws are constantly being formed, these are good virtues that serve as a good compass in the new competitive social settings in India (Financial Times, 2024) <sup>[13]</sup> a. These two concepts are at times deployed by the courts to re-introduce ethical features to the decision-making mainframe, particularly in fields such as environmental jurisdiction, human dignity, and governance ethics, among others. For India to achieve Viksit Bharat 2.0, it is possible to bring a convergence of mythological reason; and secular legal reason can harmonise justice delivery system which is not only being legal in order but ethically enriched and culturally sensitive to the cultural face of India.

Therefore, the contexts of legal sensibilities within the Indian sphere are likely to advance by bringing in the best of the ancient ethical contexts alongside the best of the modern legal reasoning in order to maintain justice simple and sound.

### 6. CONCLUSION AND RECOMMENDATION

This paper has sought to establish a correlation of mythology with natural justice with regard to how mythology portrays features of the legal representation of first-offense justice. The study further goes to endorse the assertion that mythology especially the epics and texts of India provide a rich system of ethical justice that coheres with the modern concepts of justice when put through a secular multiculturalist hermeneutics.

Thus, mythology assists not only in giving a philosophical foundation to the natural justice but it also destigmatizes the idea of justice as a rigid legal notion but instead, it shows it as a metaphysical guide. For this trend, there is a suggestion that mythological ethics should be incorporated in the training of legal professionals. They also state that policy-making and judicial ethics training may also be enriched if people decide to adopt the principles of antiquity, such as duty, truth, accountability, etc.

Thus, mythos integrated with legal rationality is a way of empowering the Indian legal jurisdiction envisioning the Viksit Bharat 2.0 while fulfilling the ethics of the Indian Constitution

to metamorphose the legal structure not only as a legal system but as a culture of justice.

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