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MAHABHARATA

AN INSTRUMENT FOR INDIANISING **SOCIO-LEGAL APPROACHES**

~ Edited by ~

Dr. Pratik Salgar

Mr. Makarandbuva (Ramdasi) Sumant



“येथे बहुतांचे हित”

Marathwada Mitra Mandal's,
Shankarrao Chavan Law College, Pune (India)

(Accredited with 'A' Grade by NAAC & Affiliated to Savitribali Phule Pune University)

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Mahabharata:

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Socio-Legal Approaches**



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Patron's Message



Prin. Mr. B. G. Jadhav

Executive President,
Marathwada Mitra Mandal,
Pune (INDIA)



Dr. Kranti Deshmukh

Principal,
Marathwada Mitra Mandal's
Shankarrao Chavan Law College,
Pune (INDIA)

Being established through an inspiration of socially and educationally charged personalities, we, Marathwada Mitra Mandal established in 1967 as the charitable trust, serves with motto “येथे बहुतांचे हित” (Welfare of Masses). At its various educational campuses, excellent facilities of education are provided to more than 12000 students pertaining to Architecture, Management, Law, Commerce, Pharmacy and Engineering etc. Marathwada Mitra Mandal's four colleges are accredited with 'A' Grade and one with 'A+' Grade by National Assessment and Accreditation Council of India (NAAC). Under the patronage of Marathwada Mitra Mandal, ShankarraoChavan Law College as established in 2003 with the objective of nurturing future legal professionals and researchers with ideals and values required for playing constructive role to create a better world. The college is affiliated to Savitribai Phule Pune University, Pune approved by Bar Council of India, recognised by Government of Maharashtra with an ISO certification and accredited with 'A' Grade by NAAC. And thus stands as one of the premier law colleges in India. Our college has a motto 'Quality Legal Education for Masses'. Since inception our college has been encouraging the students to develop themselves into the legal professionals having legal knowledge, acumen and expertise suitable for dynamic and globalised legal industry. With this view, apart from academic excellence, we nurture the students with

several co-curricular and extra-curricular activities. We are having international collaborations with University of Colombo (Sri Lanka), Universidad Peruana de Ciencias Aplicadas (Lima, Peru), Transforming Mediation LLC (Georgia, USA), University of Chieti-Pescara (ITALY), Lex Aquila Training and Consulting Services Ltd. (MAURITIUS) and honoured to have speakers from Nepal, China, Malta, Israel, Canada etc.

On the backdrop of Interdisciplinary Approach introduced in New Education Policy, 2020 in higher education; we established Centre for Interdisciplinary Studies with an objective of exploring the interconnections between law and other disciplines. It also aims at conducting research regarding various interdisciplinary studies. Through the Centre for Interdisciplinary Studies, we introduced very innovative concept titled "*Jidnyasa*" which explores Indian Traditional Knowledge in relation with Law. This is very innovative experiment in the field of education and unique one. *Jidnyasa is culturaacademic* experiment as it is the combination of Indian Culture and Academics which will imbibe affection towards Indian Culture and unconventional understanding of Indian Jurisprudence among students.

In 2022, we conducted "*Jidnyasa 2022: Bridge Lecture Series on Mahabharat and Law*" during 05th to 08th September, 2022 to understand true essence of *Mahabharata* with reference to Indian Jurisprudence. Renowned *Kirtankar-Pravachankar* Makarandbuva (Ramdasi) Sumant was the guest speaker for *Jidnyasa-2022*. Many researchers, students, luminaries from various fields have participated in *Jidnyasa-2022*. In the light of this, we are greatly honoured to have this publication of edited book. We extend our gratitude towards all the contributors from distinguished institutions across the country for taking this research further and flourish Indian Jurisprudence. We also extend our warm wishes to all the august readers.

09th March, 2023

Regards from Patrons



Acknowledgement

We are deeply indebted to Prin. B. G. Jadhav Sir (Executive President, Marathwada Mitra Mandal, Pune) and Dr. Kranti Deshmukh Madam (Principal, Marathwada Mitra Mandal's Shankarrao Chavan Law College, Pune) for their constant support to have innovative ideas in our esteemed institution Shankarrao Chavan Law College, Pune. With this support and inspiration, we established the Centre for Interdisciplinary Studies with an objective of studying the interconnections between law and other streams of study through innovative ideas.

Through "*Jidnyasa-2022*", we as an educational institute, were first to conduct *pravachanmala* on Mahabharata for students and researchers. It was path breaking event in the terms of change in teaching environment and method, imbibing the values and culture among students & also to understand our Indian knowledge systems in scriptures from legal-jurisprudential point of view. Innovative concept of *Jidnyasa* also achieved Interdisciplinary approach in education as laid down by New Education Policy, 2020 and contributed to rejuvenating Indian Languages and preserving Intangible Cultural Heritage of Maharashtra. This could not have been possible without the constant support of our patrons Prin. B. G. Jadhav Sir and Dr. Kranti Deshmukh Madam.

We extend our gratitude towards all teaching and administrative staff of ShankarraoChavan Law College, Pune; student volunteers and the researcher contributors of this edited book. We are grateful to Mr. KundanRuikar for designing such eye-catching & beautiful cover page and also for editing-printing of this edited book.

Finally, we thank all the researcher contributors of this edited book and everyone who has been instrumental to bring this book in reality.

9th March 2023

Dr. Pratik Salgar

Makarandbuva (Ramdasi) Sumant

- Editors



Preface



Dr. Pratik Salgar
Editor



**Mr. Makarandbuva
(Ramdasi) Sumant**
Editor

श्रुतं प्रज्ञानुगं यस्य प्रज्ञा चैव श्रुतानुगा
असम्भिन्नार्यं मर्यादः पंडिताख्यालभेत सः

He whose studies are regulated by reason, and whose reason followed the scriptures, and who never abstained from paying respect to those that are good, is called a wise man.

History and law are the most effective disciplines to understand any state or society. The study of process of evolution helps us to understand the normative behaviour of its members and role of state or community to guard, mould and control the action of its members. The nature of relationship between the state and subject/citizen and community and member can be determined well with an understanding of its legal system. The legal system here means both state legal system and non-state legal system which regulates socio, political and economic relation among them.

A huge gap exists which has distanced us from our own original legal system. This is primarily because of learning and understanding law only with western perspective. In these 270 years, western law, western scholars western jurisprudence, western legal education and western legal literature etc., made us to understand and think of law only from western perspective. We did and still do our learning of Indian legal system as discriminative, irrational, punitive, based on caste system, anarchy etc. To put it succinctly, give adverse treatment is meted out to legal heritage. This attitude restricted research and learning into Indian legal heritage at mass level.

Mahabharata is very significant, useful and inspiring in contemporary era which is to be studied by bright young minds today. It is such an exhaustive scripture that Sant Dnyaneshwar used to say that, “whatever is not in Mahabharata; doesn't exists anywhere”. It is not just history of war between *Kauravas* and *Pandavas* but it is an encyclopaedia of detailed analysis of *Bhartiy Tatvadnyan* (Indian Philosophy), *Dharmashastra*, *Nitishastra* (Science of Strategy), *Rajyashastra* (Science of State Governance), *Vyavaharshastra* (Science of Day to Day Affairs), *Itihas Shastra* (History), *Samajshastra* (Sociology). Lokmanya Bal Gangadhar Tilak used to say that Indian rulers failed to administer the state due to ignorance towards Indian Knowledge systems specially Mahabharata. Unlike other rulers, Chhatrapati Shivaji Maharaj was successfully able to plan the strategies and administer the state, as he used to listen stories from Mahabharata in childhood. Whenever Indian Society was at the verge of downfall; many leaders, rulers, stalwarts, social workers had referred to Mahabharata for getting solutions to many social-political concerns at that time. Thus, it is high time now to have confluence of ideas enshrined in Mahabharata and contemporary state administrative systems to administer society effectively.

On this backdrop, the Centre for Interdisciplinary Studies of Shankarrao Chavan Law College introduced an innovative idea of “*Jidnyasa*” to promote research of Indian knowledge systems present in the form of scriptures. We have chosen *Mahabharata* this year as main theme and *Vidur Niti*, *Kanik Niti* and *Krushna Niti* as sub-themes. These Nitis are applicable in contemporary world and thus need more detailed study from socio-legal perspective. The expected outcome of *Jidnyasa* is this edited book where students, researchers, academicians and experts from the fields other than law have contributed. The chapters of book covers diverse aspects of *Mahabharta* from socio-legal point of view. We wish to thank all the contributors, their respective esteemed institutions and readers of this book.

Dr. Pratik Salgar

Mr. Makarandbuva (Ramdasi) Sumant

- Editors



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