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## **Reimagining Justice from Western Epistemology to the Indian Knowledge Traditions**

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#### **Abstract**

*Justice has historically occupied a central place in political philosophy and democratic governance. Modern theories of justice, particularly within the context of Western political thought, have primarily defined justice through the lens of institutional frameworks (such as legal rights, resource distribution mechanisms, and constitutional guarantees). While these frameworks have profoundly influenced contemporary democratic systems, their efficacy in adequately addressing actual social realities remains a subject of debate. Against this backdrop, India emerges as a highly significant case study. Despite extensive constitutional commitments to social, economic, and political justice, structural injustices, such as caste discrimination, gender-based violence, economic deprivation, environmental vulnerability, and similar issues, persist in India to this day. This gap between constitutional and institutional commitments to justice on the one hand, and actual social realities on the other, gives rise to a critical question: Are institutional theories of justice capable of adequately addressing the complex issues of justice within the Indian context? This chapter explores this problem and argues that justice cannot fully be realized solely through institutional design. Instead, the chapter proposes a reconceptualization of justice through the lens of 'Indian epistemology,' one that views justice not merely as a legal or procedural framework, but rather as a moral and relational practice. Drawing upon concepts such as 'dharma', 'moral obligation', and 'collective well-being', this chapter advances an alternative epistemological perspective that situates justice within the realm of 'social ethics.' Furthermore, it proposes a pluralistic framework that harmonizes institutional systems with moral traditions. Consequently, it offers a more context-sensitive and normatively robust perspective aimed at bridging the gap between constitutional ideals and social realities in contemporary India.*

**Keywords:** *Justice, Western Epistemology of Justice, Structural Inequality, Indian Knowledge Tradition, Moral Duty, Pluralistic Framework of Justice*

#### **Introduction:**

Justice has long occupied a central position within political philosophy and democratic governance. The concept of justice has been employed to examine the legitimacy of political authority across various civilizations and intellectual traditions and to control internal social relations within a society. In modern political thought, particularly within the Western intellectual tradition, justice has been primarily defined through institutional frameworks, comprising legal rights, constitutional guarantees, distributive principles, and procedural fairness. These institutional perspectives have deeply influenced the organizational

architecture of contemporary democratic states and continue to exert a widespread influence on debates concerning political theory & public policy. India serves as a highly significant case study in examining these questions, as its constitutional framework directly establishes a commitment to justice. The Preamble of the Constitution treats it as important to social, economic, and political justice as the fundamental objectives of the Indian state. The Constitution of India guarantees equality before the law, prohibits discrimination based on caste, gender, religion, and other identities, and provides for various mechanisms such as affirmative action, which aim at rectifying historical injustices. These provisions reflect an aspiring effort to establish justice through legal and political arrangements. Nevertheless, the continuing existence of social inequality in contemporary India raises a critical theoretical question. Despite the existence of a strong constitutional framework and an extensive network of legal and institutional mechanisms, significant segments of Indian society continue to fall victim to structural injustice expressed through caste-based discrimination, gender inequality, economic deprivation, and unequal access to resources and opportunities. The coexistence of constitutional guarantees on the one hand and the continued existence of injustice on the other suggests that the realization of justice cannot be fully explained merely through the lens of institutional design. This concern has also emerged in contemporary debates within political philosophy. According to Amartya Sen, prevailing or dominant theories of justice often focus primarily on identifying ideal institutional arrangements, yet they fail to accord sufficient importance to the task of reducing the actual injustices that people encounter in real-world societies (Sen, 2009). Consequently, justice cannot be understood merely through the lens of institutional structures; rather, it must also be evaluated in relation to the moral practices, social norms, and cultural contexts that in reality influence and shape the functioning of institutions.

This chapter addresses this issue by re-examining the moral foundations of justice within the context of the Indian knowledge systems. Without rejecting the institutional frameworks of justice, this chapter argues that they must be complemented by those native ethical traditions that have historically influenced the concept of justice in Indian society. The Indian Knowledge System offers a normative perspective wherein justice is addressed not merely as a legal or institutional mechanism, but rather as a moral order grounded in moral duties, social responsibilities & collective well-being. By re-examining these traditions and analysing how justice has been practiced in India over time, this chapter seeks to reconstruct a more context-sensitive conception of justice, one capable of bridging the gap between institutional ideals and social realities.

### **Justice in Western Epistemology:**

The intellectual foundations of modern theories of justice are deeply rooted in the Western philosophical tradition. Some of the earliest systematic reflections on the theory of justice were offered by ancient Greek philosophy. According to Plato, justice is a state of harmony in which every part of society fulfils its proper role. In *The Republic*, Plato conceptualizes justice as a principle of order that maintains the stability of the political community. Based on this framework, Aristotle also introduced a more complex concept of justice by distinguishing between distributive justice and corrective justice. Distributive justice concerns the fair allocation of wealth and honours among members of society, whereas corrective justice focuses on rectifying injustices arising from interpersonal interactions.

These distinctions subsequently established the conceptual groundwork for debates regarding equality and fairness. In the early modern era, theories of justice became closely linked with the rise of the modern state and social contract theory. Thinkers such as Thomas Hobbes and John Locke argued that justice emerges from the agreements made among individuals to establish political authority in order to ensure peace, property, and social order. Within these frameworks, justice became intimately linked with the institutional arrangements governing the relationships among citizens. Modern political philosophy has further developed institutional theories of justice, particularly through the work of John Rawls. Rawls conceptualized justice as fairness and proposed a normative framework for the arrangement of social institutions that ensures the equality of basic liberties as well as the just distribution of social and economic advantages (Rawls 1971). His work has profoundly influenced contemporary debates regarding justice and has provided a logical framework for judging social systems. Despite their widespread influence, these theories have faced criticism for placing excessive emphasis primarily on institutional arrangements while paying comparatively less attention to the social conditions essential for the actual realization of justice. Sen (2009) argues that justice should not be evaluated merely based on the structure of the institutions, but must also be assessed based on the extent to which societies have succeeded in reducing actual injustices experienced at the individual level. This debate becomes particularly significant when examining societies such as India, where strong institutional frameworks coexist with deep-seated social inequalities. To comprehend this tension, it is necessary to assess whether institutional theories of justice can adequately capture the complexities of social reality.

### **Is Western Theory of Justice Capable of Addressing India's Social Realities?**

India's constitutional system is regarded as one of the most comprehensive and unified efforts to institutionalize justice within a democratic framework. The Constitution of India guarantees equality before the law, prohibits discrimination of any kind, and lays the foundation for various principles that aim at establishing social justice. These institutional mechanisms have played a vital role in expanding the scope of political participation and safeguarding fundamental rights. Nevertheless, various forms of inequality and injustice continue in Indian society even now. People belonging to historically marginalized communities often face discrimination in the labour market, education, and social interactions (Thorat & Newman, 2010). Gender inequality constitutes another significant dimension of injustice. Although legal reforms have expanded the scope of women's rights, cultural inequalities continue to limit women's access to economic opportunity and their participation in political activities. According to research, it suggests that prevailing social norms and cultural practices often act as an obstacle to the effective implementation of legal rights (Kabeer, 2016). Economic inequality has also observed a steady rise in recent decades. While rapid economic growth has generated immense wealth, it has at the same time created severe inequalities in the distribution of income and assets. Various studies have demonstrated that the benefits of economic growth have been distributed unevenly across different social groups and religions (Chancel & Piketty 2019). The issue of environmental injustice or inequality further highlights the inequalities between institutional frameworks and social realities. Industrialization and natural resource extraction projects have, in many instances, displaced marginalized and vulnerable communities, disrupting their traditional livelihoods. These processes reveal the complex interrelationships among development,

environmental sustainability, and social justice. The above examples demonstrate that institutional frameworks alone cannot guarantee the assurance of justice. Rather, justice must be understood within the concept of those ethical practices and social norms that shape human behaviour and a sense of collective responsibility. This realization calls for a deeper investigation of indigenous intellectual traditions, traditions that have historically engaged with the ethical foundations of justice.

### **Justice in the Indian Knowledge Tradition:**

The Indian knowledge system offers a rich intellectual heritage that defines justice in a manner extending far beyond the confines of mere institutional frameworks. In many classical Indian philosophical traditions, justice is regarded as an integral component of a broader moral order and one that establishes connections among individual conduct, social relationships, and political authority. A central concept within this tradition is Dharma, which fundamentally denotes moral duty or ethical responsibility. Further, in contrast to modern institutional definitions of justice, which primarily focus on legal rights and mechanisms for resource distribution, 'Dharma' emphasizes the ethical justice in the Indian Knowledge Tradition.

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The idea of justice originally derives from the ethical fulfilment of duties that maintain stability in society (Radhakrishnan, 1923). Ancient Indian political thought also observed the development of profound and sophisticated ideas regarding governance and justice. The 'Arthashastra', a treatise traditionally attributed to Kautilya, presents a detailed analysis of statecraft and administration, which is frequently associated with "political realism". It places particular emphasis on the duties assigned to rulers to protect their subjects from exploitation and injustice. According to Kautilya, the ultimate objective of governance must be the promotion of the people's welfare (Boesche, 2002). Indian religious and philosophical traditions have further enriched this ethical conception of justice. Buddhist philosophy prioritises compassion and moral restraint of selfish suffering as central ethical principles. Similarly, Jain philosophy advocates for 'ahimsa' (non-violence) and moral discipline, encouraging individuals to conduct themselves in a manner that minimises harm to others. These ethical concepts were not confined merely to philosophical texts; rather, they profoundly influenced the historical practices of governance and social organization.

The Mauryan Emperor Ashoka undertook a historic undertaking to institutionalize ethical governance through the promotion of moral conduct, public welfare measures, and religious tolerance (Thapar, 2012). Ashoka's inscriptions clearly depicted an attempt to harmonize political authority with a sense of moral responsibility, thereby demonstrating that justice was regarded not merely as a legal principle but a moral imperative. Beyond the formal institutions of the state, India has historically practiced various community-based or

social mechanisms for dispute resolution. Village Panchayats (councils) and various customary institutions frequently facilitated conflicts by emphasizing compromise, social harmony, and collective responsibility. Although the nature of these methods varied across regions and historical periods, they clearly illustrate how justice was closely linked with social relationships and communal ethics.

In modern India, ethical perspectives on justice have been expressed in greater detail by influential political thinkers. Mahatma Gandhi placed particular emphasis on the ethical foundations of justice through concepts such as 'Sarvodaya' (the welfare of all) and 'Ahimsa' (Non-Violence). Gandhi argued that for genuine social transformation to occur, a moral commitment is indispensable at both individual and collective levels. On the same day, B. R. Ambedkar combined the agenda of constitutional reforms with a profound ethical review of caste-based discrimination. His vision of justice placed special emphasis on dignity, equality, and the moral transformation of society, alongside institutional reforms. These traditions make it evident that, within the context of Indian intellectual thought, justice has historically been regarded not merely as a legal or institutional framework, but rather as a moral and social practice. A re-evaluation of this epistemological perspective opens up opportunities for us to reimagine justice in a manner where institutional mechanisms are harmonized with moral obligations and social ethics.

### **Reimagining Justice in Light of Indian Knowledge Tradition:**

A re-evaluation of Indian intellectual traditions regarding justice does not indicate the rejection of modern institutional frameworks. Rather, it underscores the necessity of integrating institutional mechanisms with ethical traditions that place particular emphasis on social responsibility, collective well-being, and moral conduct. Although Western epistemologists have made significant contributions to the development of constitutional governance, the rule of law, and rights-based administration, their excessive emphasis on formal structures often overlooks the lived realities shaped by social hierarchies and cultural norms. In contrast, native intellectual traditions offer profound ethical insights into viewing justice as a moral and relational concept; however, they sometimes may lack the procedural safeguards and universal applicability that are necessary to address structural inequalities within a modern democratic state. This dialectical situation points to the need for a pluralistic framework of justice capable of synthesizing the strengths and positive aspects of both perspectives. A pluralist conception of justice acknowledges that diverse epistemological traditions can coexist and complement one another in shaping normative and institutional practices. Scholars such as Amartya Sen have argued that justice should not be confined merely to ideal institutional arrangements, but rather it must be evaluated in terms of the actual capabilities and freedoms that individuals enjoy. This capability-based approach establishes an effective connection between institutional and ethical perspectives, thus shifting the focus away from formal rights into the real opportunities available to individuals. This perspective aligns with Indigenous traditions that emphasize human well-being, dignity, and social responsibility. It is necessary to reimagine the relationship between law, ethics, and society to integrate institutional and ethical perspectives. Institutional mechanisms such as constitutional rights, affirmative action policies, and legal protections are essential for addressing structural inequalities. However, their effectiveness depends on the broader social and ethical context within which they operate. For instance, the impact of legal prohibition against caste discrimination may be limited if social norms

perpetuate exclusion and hierarchy. Similarly, laws promoting gender equality cannot achieve their intended outcomes without corresponding shifts in cultural attitudes and practices. Indigenous epistemologies, which emphasize ethical responsibility and social harmony, can play a vital role in fostering these transformations. It is crucial to engage critically with Indian traditions rather than viewing them merely as ideals. Certain traditional practices may reproduce hierarchies or exclude marginalized groups, particularly based on caste and gender. As B. R. Ambedkar forcefully argued, social traditions must be evaluated against the principles of equality, dignity, and justice. Therefore, a pluralistic framework must incorporate a process of critical synthesis, wherein both customary and indigenous perspectives are subjected to normative inspection. This ensures that the integration of local knowledge systems does not strengthen existing inequalities, but rather contributes to a more inclusive and equitable conception of justice. The concept of legal pluralism offers an effective analytical framework for understanding how multiple modes of adjudication can coexist within a single legal system. The pluralism concept is reflected through the recognition of customary laws and local governance systems alongside the formal legal framework in the Indian context. However, the primary challenge lies in ensuring that this pluralism operates within a constitutional framework by upholding fundamental rights and democratic values. This necessitates the creation of institutional spaces where community-based adjudicatory practices can interact with the formal legal system in a manner that is simultaneously participatory and accountable. Furthermore, a pluralistic approach to adjudication has far-reaching implications for public policy and governance. Policies aimed at achieving social justice must overcome the confines of purely technology-driven or “technocratic” solutions to engage with the ethical dimensions of social life. For instance, development policies should incorporate principles of environmental sustainability and public participation—principles that constitute the very bedrock of many indigenous traditions. Similarly, governance practices should emphasize dialogue, mediation, and consensus-building, drawing upon community-based methods for conflict resolution.

Therefore, redefining adjudication as a pluralistic and context-sensitive concept opens the door to a more complex and profound understanding of the interrelationship between intuition, ethics, and polity. This perspective acknowledges that adjudication is not a static or universal principle, but rather an evolving practice shaped by the influence of diverse epistemological traditions. A more comprehensive and inclusive conception of justice becomes possible only through the integration of the ethical depth of indigenous knowledge systems with the systemic strength of institutional frameworks. In contemporary India, such a framework demonstrates greater effectiveness in connecting the enduring gap between constitutional ideals and social realities, thereby making a significant contribution towards the construction of a more just and egalitarian society. Such a perspective can help bridge the gap between constitutional ideals and social realities, thereby making a significant contribution towards the construction of a more just and egalitarian society, thus a normative standard and lived experiences. Various institutions can provide judicial mechanisms that aim at protecting rights; conversely, ethical traditions can shape the ethical norms and practices necessary, thereby establishing justice in everyday life. By engaging with the Indian intellectual tradition, political theory can enrich its normative discourses

and develop more context-sensitive approaches to justice—approaches capable of addressing contemporary inequalities.

### Conclusion:

The analysis conducted in this chapter demonstrates that Indian constitutional justice cannot be adequately understood from a singular epistemological perspective alone. Institutional frameworks derived from Western political thought have played an important role in shaping constitutional democracy, safeguarding rights, and establishing procedural protections. However, their limitations become evident in the continued presence of structural inequalities deeply rooted in hierarchies of caste, gender, economic status, and the environment. As Amartya Sen has argued, the assessment of justice requires moving beyond the confines of ideal institutional arrangements to focus instead on the reduction of actual prejudices directly experienced by individuals (Sen, 2009). Concurrently, India's indigenous intellectual traditions offer a rich ethical foundation for defining justice as a moral and relational practice grounded primarily in a sense of duty, social responsibility, and collective well-being. Nevertheless, as B.R. Ambedkar cautioned, these traditions must be subjected to critical inspection to ensure that they do not continue any exclusionary or discriminatory hierarchies (Ambedkar, 1936). Thus, this chapter presents a pluralistic framework of justice grounded in a critical synthesis. This framework integrates the procedural strengths of institutional mechanisms with the ethical depth of indigenous traditions, while simultaneously subjecting both to a process of normative scrutiny. This approach not only bridges the gap between constitutional ideals and social realities but also expands the theoretical scope of political philosophy. In conclusion, reimagining justice through this approach makes it possible to construct a more inclusive, context-sensitive, and transformative paradigm— one capable of effectively addressing the complexities of contemporary Indian society.

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