Vol. 3, Issue 1, August 2026 Subject-Law ISSN 3049-3099 (Print)
ISSN 3108-0561 (Online)

Peer Reviewed

VIPS JOURNAL OF LAW & DEVELOPMENT

VIVEKANANDA INSTITUTE OF PROFESSIONAL STUDIES-TC (VIPS-TC)
Affiliated to GGSIP University, Delhi & Approved by Bar Council of India & AICTE
Grade 'A++' Accredited Institution by NAAC &
Recognized by UGC under Section 2 (f) & NBA Accredited for MCA Programme
ISO 9001:2015 Certified Institution

About Vivekananda Institute of Professional Studies – TC (VIPS-TC)

Vivekananda Institute of Professional Studies - TC (VIPS-TC) was established in the year 2000. Even as a sapling, its roots were firm, for they were energized by Swamiji's teachings. Today, VIPS – TC has progressed and is nestling sixteen courses under seven different Schools. It continues to stand with determination, moral sight and strength of mind to create capable and ethical human beings with infinite power, infinite knowledge and indomitable positive energy. Under the aegis of VIPS – TC, Vivekananda School of Law and Legal Studies (VSLLS) is committed to realizing the words of Swami Vivekananda: "Man Making, Character Building and Nation Building" and is well known for its robust efforts in legal education. Research is integral to academics as it forms the foundation for knowledge creation and intellectual growth. It enables students, scholars, and professionals to explore new concepts, test theories, and contribute to the existing body of knowledge in their respective fields. VSLLS works towards development-oriented research in the Legal domain.

About the VIPS Journal of Law & Development

VIPS Journal of Law & Development is an annual double blinded peer reviewed journal accepting submissions in English language. The inception year of the Journal is 2024 and it is further envisioned to promote global development of Law as it provides a platform for scholarly research dedicated to exploring the intersection of legal frameworks and socio-legal development with an inter disciplinary approach. The research articles are selected for publication after a rigorous double-blind review by subject experts. The mode of citation for the journal is VIPS VSLLS VOL 3 VJLD (2026). As a policy of the Journal the contributing authors are regularly updated about the status of their submission.

Table of Contents

Title of the Paper / Author	Page No.
Concerns of Modern Jurisprudence and Solutions from Indian Wisdom: Basic Thoughts and Foundational Understandings *Prof. (Dr.) K. Parameswaran*	**1-17**
Artificial Intelligence, Platform Work, and the Structural Limits of Indian Labour Law *Dr. Shilpi Sharma & Subarna Ghosh*	**18-40**
Mapping Privacy in Tax Governance: Critical Analysis of Taxation Models of India and Abroad *Dr. Zubair Ahmad Khan, Dr. Vinayak Jhamb & Dr. Gurpreet Kaur*	**41-64**
Mental Health of Prisoners in India: A Socio-Legal Study with Reference to the State of Punjab *Dr. Vinod Kumar & Dr. Poonamdeep Kaur*	**65-82**
The Tyranny of Calendar: Evaluating the Judicial Transition towards a Rights-based Abortion Framework in India *Dr. Manisha Sharma & Dr. Sonali Sharma*	**83-97**
From Recognition to Reality: Implementation Challenges of Victim Participation under the Bharatiya Nagarik Suraksha Sanhita, 2023 *Sunny Yadav*	**98-114**
Mandatory Videography in Criminal Investigations: Admissibility and Enforcement Under Section 105 BNSS *Apurv Shaurya & Surabhi Dalal*	**115-131**
Mapping the Digital Sanctum: Cybercrime and the Fragile Desire of Law in Virtual Jurisprudence *Sneha Hooda & Dr. Parmod Malik*	**132-143**

Analysis of Role of Trademark Protection in Brand Management: Focus on Character Merchandising **144-161**
Purnashri Das

Strengthening Reproductive Rights: Opportunities and Challenges in Prenatal and Postnatal Health Services **162-173**
Anita & Dr. Manjinder Gulyani

The Unfulfilled Promise: Examining the Efficacy of Constitutional Guarantees in Securing the Human Rights of Transgender Persons **174-185**
Aaradhya Nagyan & Akanksha Singh

Brain Data as Evidence and Constitutional Right to Mental Privacy: Challenges for Indian Criminal Law **186-206**
Rashmi Raghav

Substantive Equality in Women's Rights under Indian Constitutional Law Since K. S. Puttaswamy Case **207-225**
Anurag Singh & Dr. Richa Srivastava

Green Mediation in Environmental Justice: Analysing in Comparative Domain **226-248**
Shalini Maurya & Dr. Rama Sharma

Are Federal Democracies Truly Federal in the 21st Century? **249-262**
Durgesh Pratap

Establishing Ownership to Determine Responsibility for Algorithmic Bias **263-276**
Arshita Jain & Radhika Chachria

The Ghost of the Termination Treaty: Sunset Clauses, Legacy ISDS Exposure, and Sovereign Regulatory Space **277-297**
Venkata Raghuvamsy D

Submission Guidelines **298-302**

CONCERNS OF MODERN JURISPRUDENCE AND SOLUTIONS FROM INDIAN WISDOM: BASIC THOUGHTS AND FOUNDATIONAL UNDERSTANDINGS

VIPS Journal of Law & Development
Subject - Law
August 2026, Vol. 3, Issue 1, 01-17
ISSN 3049-3099 (Print)
ISSN 3108-0561 (Online)
©Vivekananda Institute of Professional Studies-TC
(VIPS-TC)
https://vips.edu/vslls/Publications/VJLD

Prof. (Dr.) K. Parameswaran*

ABSTRACT

There are two sources of knowledge in ancient Indian wisdom to experience truth behind life and world. They are Para-Vidya and Apara-Vidya. Para-Vidya is higher knowledge of Atman, the Self or Spirit, which is an ultimate truth of Absolute Brahman. Apara-Vidya is lower knowledge of existential-World which is a truth of Things perceived as Maya below inside time and space. This two-tiered knowledge–Para-Vidya and Apara-Vidya is useful to modern world and its problems at present when we consider pathbreaking innovations in science, technology, artificial intelligence, the discovery of new potentials in human seeking through yoga, psychology and applied spirituality, the growing emphasis of sustainability in trade and commerce with focus on planetary spirit and deep Mother ecology. An extension of this two-tiered knowledge collectively put as Indian Wisdom or Hinduism, Indic Thought, Sanatana Dharma or Indian Knowledge Systems, needs to be seriously included in legal studies and systems to understand social, political, cultural, religious and economic issues especially when individual and collective development with justice, equality, liberty, fraternity, dignity, unity and integrity are taken as goals of Indian Constitution since its advent. How far is this ancient time-tested deep wisdom from the Indian subcontinent is useful to legally address problems of modern life that is at cross-roads now? Can problems of

* Professor of Law, Gujarat National Law University (GNLU), Gujarat, India. Email ID: kparameswaran@gnlu.ac.in

human rights, offences under penal and civil laws, conflict between public and private laws and the stressed interrelationships among human, flora and fauna and the growing mental health issues etc., be solved through this two-tiered knowledge of Indian wisdom? The author breathes optimism to show how this Indian Wisdom or Hinduism, Indic Thought, Sanatana Dharma or Indian Knowledge Systems is an answer for lop-sided analytical modern jurisprudence that insufficiently focuses only on existential-World of things–Apara Vidya without experience of Para-Vidya. An integral knowledge and application of Para-Vidya and Apara-Vidya in individual and collective social life not only strengthens law and its legal systems, but safely secures humanity and social life for a glorious order of new future.

Keywords: *Para-Vidya, Apara-Vidya, Sanatana Dharma, Indic Thought, Indian Traditional Knowledge.*

I. Understanding the Scene

Legal education across the world has gone through various changes and developments. They all are according to the requirements of Constitutional aspirations, the respective legal policies, administrative governance and the courts of law. The social, cultural, economic, religious and political sensitivities and aspirations of the society and, the temperaments of the State-behavior over all these play a major role in shaping the legal thinking and its outcomes for the benefit of State and society. The nature of legal understanding of issues and the achievements of legal systems is directly proportional to the harmony of this two-way interrelation between State and society which are singularly one from inside in truth and reality but acting as two on the external side for diverse functions fulfilling complex realities. Legal education through its academics and research in the midst of all these situations is the only socio-political-cultural-intellectual-psychological lamp that gives directions to both State and society towards securing its future. A different knowledge of integrated experience and awareness of life inside and outside is the need of the hour.

Legal scholars from each and every country have written extensively on their existing system of legal education critically analyzing the problems and the way forward that society and State must consider[1]. In addition to this, globalization, a recent

1 Upendra Baxi, *Notes Towards a Socially Relevant Legal Education*, 5 J. Bar Council India 1, 1–33 (1976) https://lawumbrella.org/wp-content/uploads/2016/08/notes-towards-a-socially-relevant-

phenomenon from the last few decades had added new dimensions to life of State and society making legal education to find new solutions other than the previous method of analytical solutions to all the problems.[2] Owing to the achievements of science, technology, AI and the march of human mind acquiring new potentialities and exploiting all kinds of opportunities before a seemingly possible new world of emerging systems and structures, legal academics through its research needs *une nouvelle direction*.[3] It is not just the analytical inter-disciplinary or cross-disciplinary method but *something beyond*, more than even the trans-disciplinary method of the UNESCO.[4] The impacts and requirements of this globalization entering into legal education have created seriousness to legal research among those who are interested in linking legal education through systematic academics and its research from educational institutions to the levels of policy making, execution and interpretation towards wellbeing of everyone in the society not only municipally but also internationally[5], not only socially, economically, politically, but also psychologically and with emerging new dimensions of spirituality in law and justice[6]. There are

legal-education.pdf

Ahmad Tabrez, *Legal Education in Indian Perspective* (Nov. 26, 2009), SSRN, https://ssrn.com/abstract=1513826

Martin Kellner, *Legal Education in Japan, Germany, and the United States: Recent Developments and Future Perspectives*, J. JAPANESE L. (2007), https://www.zjapanr.de/index.php/zjapanr/article/view/247/256

2 John Flood, *Legal Education in the Global Context: Challenges from Globalization, Technology and Changes in Government Regulation*, Report for the Legal Services Board, UNIV. OF WESTMINSTER SCH. OF LAW (2011), https://www.legalservicesboard.org.uk/news_publications/latest_news/pdf/lsb_legal_education_report_flood.pdf

Simon Chesterman, *The Globalisation of Legal Education*, 2008 SING. J.L.S. 58, 58–67, https://law.nus.edu.sg/sjls/wp-content/uploads/sites/14/2024/07/1951-2008-sjls-jul-58.pdf

Carole Silver, *Getting Real About Globalization and Legal Education: Potential and Perspectives for the U.S.*, 24 STAN. L. & POL'Y REV. 457 (2013) https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2278293

3 Langbroek Philip, Van Den Bos Kees, Simon Thomas Marc, Milo Michael, Van Rossum Wibo, *Methodology of legal research: Challenges and opportunities,* 13 UTRECHT L. REV. 1, 1–8 (2017),

https://storage.googleapis.com/jnl-up-j-ulr-files/journals/1/articles/411/submission/proof/411-1-1108-3-10-20180122.pdf

4 UNESCO, Transdisciplinarity: Stimulating Synergies, Integrating Knowledge, Report of the Symposium on Transdisciplinarity Held in Royaumont Abbey (Y. Kim ed., UNESCO Div. of Phil. & Ethics 1998), https://www.scribd.com/document/329804720/1998-UNESCO-Transdisciplinarity-Stimulating-Synergies-Integrating-Knowledge-pdf

5 Paul Schiff Berman, *From International Law to Law and Globalization*, 43 COLUM. J. TRANSNAT'L L. 485, 485–556 (2005), https://scholarship.law.gwu.edu/cgi/viewcontent.cgi?article=1078&context=faculty_publications

6 The current author has been researching and teaching on this field since 2016 in integrating law, religion, spirituality, justice, psychology to add new dimensions to legal discipline as a whole.

numerous kinds and approaches to legal research like natural, positive, real, critical schools of thought etc., who have put forward explanations on the nature of legal academics and its support to State and society viewing through kaleidoscopic views of Constitutional interpretations. It is the understanding of this author that legal academics and its research at this juncture seem unsatisfied with attempts of State and society when it comes to know the overall aims and gains of law and its legal systems namely the Constitutional and Preambular *justice, equality, liberty, fraternity, dignity, unity and integrity* for one and all.[7] What are these values then? Are justice, equality, liberty, fraternity, dignity, unity and integrity as enshrined in the Indian Constitution difficult to attain?[8] Are those values external to life or internal to life or a combination of both? If they are external, can social, economic and political life determine and accomplish them? If they are internal, can psychological life of inner contentment sufficient? What is the role of individual in the collective or collective over the individual when we see clearly that the individual and collective are inseparable parts of one Nature or part of one common planetary existence being mutual, co-existing and inter-dependent in relationships? Both sides of the values, one, as internal alone and another, as external alone seem to be lop-sided, impractical in daily life, non-life-affirmative in action and non-world-oriented in sense. Somewhere something is missing in this search for secret key of human unity and universal humanity. This is precisely the concern of the modern jurisprudence that the author is addressing here in this article and offers positive and progressive solutions from Indian Wisdom or Hinduism, Indic Thought, *Sanatana Dharma* or Indian Knowledge Systems that guarantee sustainable solutions to various problems that legal systems around the world are struggling to discover and put in place. The author feels it is the onerous duty of legal education through its academics and research to undertake this rigorous research exercise given the seriousness of character of nobility attributed to law as a profession and legal education as a pursuit

7 John R. Batt, *Equal Justice for All – Myth or Motto?*, 1 WM. & MARY L. REV. 325 (1958).

8 The present author of this article innovatively created and is currently teaching a new law subject at Gujarat National Law University, Gandhinagar, since 2016 titled as "Law, Religion, Spirituality and Justice" and has received numerous appreciative notes from law professors across the world especially in the IVY League Law Schools of USA for integrating law, religion, spirituality and justice. Three premier law schools, Emory Law School, Fordham Law School and St. Thomas Schools of Law from USA have invited the author to conduct research on this subject of integration. The author also has innovated teaching Professional Legal Ethics through Ethics Skills Development (ESD) where spiritual values and psychological understanding is brought into teaching and research on ethics in legal profession. The author also conducts national level training programs on both these courses for students, advocates, judicial officers, teachers, law firms, corporates and legal professionals.

of justice-education. These are explained in four parts in this article.

One, the meaning of Indian Wisdom or Hinduism, Indic Thought, *Sanatana Dharma* or Indian Knowledge Systems[9], two, the Oneness-Reality as a whole of existence indispensable for understanding continuity and synchronicity of individual and collective, human and non-human, three, the twin aspects of this Oneness-Reality that human nature experiences known as *Para-Vidya* and *Apara-Vidya* and, four, finally the legal solutions from this body of knowledge resolving five major problems that legal systems face in the existing modern but failing in the pre-dispositions of default analytical jurisprudence such as; a) insufficient legal epistemological methods, b) lop-sided developmental methods, c) absence of peaceful Self or Spirit, d) lack of understanding of various layers of energies in human nature and, e) mistaken understanding of world and life as illusion.

II. Indian Wisdom or Hinduism, Indic Thought, *Sanatana Dharma* or Indian Knowledge Systems

"I realised what the Hindu religion meant. We speak often of the Hindu religion, of the Sanatana Dharma, but few of us really know what that religion is. Other religions are preponderatingly religions of faith and profession, but the Sanatan Dharma is life itself; it is a thing that has not so much to be believed as lived. This is the Dharma that for the salvation of humanity was cherished in the seclusion of this peninsula from of old. It is to give this religion that India is rising. She does not rise as other countries do, for self or when she is strong, to trample on the weak. She is rising to shed the eternal light entrusted to her over the world. India has always existed for humanity and not for herself and it is for humanity and not for herself that she must be great….. It is the one religion which does not separate life in any smallest detail from religion, which knows what immortality is and has utterly removed from us the reality of death."[10] This is one of the best definitions of what Indian Wisdom or Hinduism, Indic Thought, *Sanatana Dharma* or Indian Knowledge Systems are given by Sri Aurobindo. This is a precursor insight for legal and justice thinking and action, individual wellbeing, social order, collective development and human unity. Yet another brilliant explanation comes directly from the Supreme

9 All these terminologies apparently seem to be different in bodies of representation are mentioned in this article with an intention to show a body of knowledge that evolved during different times with different terminologies and yet pointing to converge into a truth of knowledge that each body represents to different treatments and levels of requirements.

10 Sri Aurobindo, Uttarpara Speech, in 8 The Complete Works of Sri Aurobindo: Karmayogin - Political Writings and Speeches 1909–1910, at 471 (Sri Aurobindo Ashram Publ'n Dep't 1997), https://sri-aurobindo.co.in/workings/sa/37_08/index_e.htm

Court of India,[11] which reads as follows. *"When we think of the Hindu religion, we find it difficult, if not impossible, to define Hindu religion or even adequately describe it. Unlike other religions in the world, the Hindu religion does not claim any one prophet; it does not worship any one God; it does not subscribe to any one dogma; it does not believe in any one philosophic concept; it does not follow any one set of religious rites or performances; in fact, it does not appear to satisfy the narrow traditional features of any religion or creed. It may broadly be described as a way of life and nothing more".*

The Supreme Court of India went to explain the nature of religion from the aforementioned case while analyzing the diversity of approaches in Hinduism as a religion, the respective court added the following. "*…but underneath that divergence lie certain broad concepts which can be treated as basic and there is a kind of subtle indescribable unity which keeps them within the sweep of broad and progressive Hindu religion. The first among these basic concepts is the acceptance of the Vedas as the highest authority in religious and philosophic matters. This concept necessarily implies that all the systems claim to have drawn their principles from a common reservoir of thought enshrined in the Vedas…".*[12]

The author firmly believes, if each and every religion[13] and the studies involved in them embraces this value of spiritual experience, understanding and practice inherent as well as to be discovered and reintegrated in their respective religions across the world, in their cultures and spiritual traditions, an enriching experience of deeper consciousness infuses and enables positive external and social attitudes augmenting both individual and social life leading to peace over wars and self-flourishing over false-aggrandizing developments.[14] In this way, the life as a whole at every level and stage can become a play of human unity and universal humanity. This is one of the key tenets of the ancient Indian wisdom known as *Sanatana Dharma*.

11 Sastri Yagnapurushdasji v. Muldas Bhudardas Vaishya, AIR 1966 SC 1119, (1966) 3 SCR 242.

12 R Misra, For additional understanding of this aspect, the author suggests the reading of a landmark judgment of the Supreme Court of India- S.P. Mittal vs Union of India, 1983 AIR, 1 1983 SCR (1) 729, Supreme Court of India, https://indiankanoon.org/doc/312939/

13 The current author teaches the spiritual values behind Hinduism, Jainism, Buddhism, Sikhism, Zoroastrianism, Judaism, Christianity, Sufism, and Islam etc., at the Gujarat National Law University since 2016 to demonstrate the integration of law, religion, spirituality and justice for human unity and universal humanity.

14 Ole Waever, *Lecture at University College Dublin: World Conflict over Religion: Secularism as a Flawed Solution* (Sept. 25, 2007), https://www.researchgate.net/publication/304691402_World_Conflict_over_Religion_Secularism_as_a_Flawed_Solution

Sara Silvestri & James Mayall, *The Role of Religion in Conflict and Peace-Building* (British Acad. 2015), ISBN 978-0-85672-618-7, https://www.thebritishacademy.ac.uk/sites/default/files/Role-of-religion-in-conflict-peacebuilding_0.pdf

III. Oneness-Reality as a Whole of Existence, Continuity, Synchronicity, Individual, collective, Human and Non-Human

One of the earliest quotes on the Oneness-Reality as a whole of existence is from an ancient text of the Rig Veda that reads the following. "*….Ekam sad vipra bahudha vadanti….*", which is explained as "*….there is but One Reality, but the wise speak of it in a variety of tongues….*". This understanding is what can give the fumbling and failing human rights' jurisprudence a liberating element to lift humanity from the narrow clutches of the definition of human beings as mere citizens oppressively confined to politically understood principles and practices of territoriality and sovereignty instead of spiritually enriching experiences of feelings of world or earth as one-family. A human being is a spirit or self spiritually incarnated in the human body and not otherwise. This is explained through "*ayam nijah paroveti ganana laghuchetasam, udaracharitanam tu vasudhaiva kutumbhakam*".[15] The meaning of this wonderful verse is both preventive and curative to all kinds of human rights violations, degradations and indignity across all legal jurisdictions around the social world. This verse when explained reads as following. "*…this is my own and that a stranger is the calculation of the narrow-minded. For the magnanimous-hearts however, the entire earth is but a family*". It is noteworthy to remember here, why and how human rights' laws and its jurisprudence failed to give protection to values of human and human-ness.[16] The whole of earth jurisprudence by Thomas Berry and therapeutic approaches to law and justice find their basis on this ancient Indian wisdom by which the human,

15 Maha Upanishad, Sanskrit Documents (Aug. 20, 2017), https://sanskritdocuments.org/doc_upanishhat/maha.pdf

16 Eric Posner, *The Case Against Human Rights,* The Guardian (Dec. 4, 2014), https://www.theguardian.com/news/2014/dec/04/-sp-case-against-human-rights

James A Sweeney, *The Elusive Right to Truth in Transitional Human Rights Jurisprudence*, 67 Int'l & Comp. L.Q. 353, 353–387 (2018).

Jacob Dolinger, *The Failure of the Universal Declaration of Human Rights,* 47 U. Mia. Inter-Am. L. Rev. 164 (2016).

Morten Broberg & Hans-Otto Sano, *Strengths and Weaknesses in a Human Rights-Based Approach to International Development*, 22 Int'l J. Hum. Rts. 664, 664–680 (2018), https://www.tandfonline.com/doi/full/10.1080/13642987.2017.1408591#abstract

Paula Gerber, *Education About Human Rights: Strengths and Weaknesses of the UN Declaration on Human Rights Education and Training*, 36 Alternative L.J. 245 (2011).

Rebecca Evans, *The Promise and Limitations Of International Human Rights Activism*, 5 Hum. Rts. & Hum. Welfare 89 (2005), https://digitalcommons.du.edu/cgi/viewcontent.cgi?article=1112&context=hrhw

Emilie M. Hafner-Burton, Kiyoteru Tsutsui, *Justice Lost! The Failure of International Human Rights Law To Matter Where Needed Most*, 44 J. Peace Res. 407, 407–425 (2007), https://ehb.ucsd.edu/pdfs/justice_lost.pdf

animal and ecosystem are seen as one.

IV. Two aspects of Oneness-Reality that human nature experiences known as *Para-Vidya* and *Apara-Vidya*

The whole of existence or any-thing, any-body of any-reality is seen and experienced in two ways. One, the inner or higher and, the other, outer or lower. Former being internal and non-physical is a limitless expression and expansion or joy of Spirit or Self and, the latter being external and physical is a bounded attachment and transience or the evolving and struggling and or suffering. Limitless expression and expansion or joy of Spirit or Self is a boundless experience that comes from Transcendent Oneness-Reality of the whole whereas the bounded attachment and transience where evolving, struggling and suffering that comes a separation from the whole or divisive and divided experience of Oneness-Reality. The sensory experience of the external human nature is limited to five kinds of senses and hence it cannot go outside or bear beyond its capacity that is bound in the physical consciousness and limited body and hence the limitation of sustaining the experience of joy that is felt as the pain of struggling or suffering. Whereas the limitless expression or joy of the Spirit or Self is outside this five-fold sensory experience, and is beyond the bounded body, directly into the timeless, spaceless and boundless. This *Para-Vidya* and *Apara-Vidya* is explained in the various spiritual texts collectively de-nominated in the intellectual vestibule of Indian Wisdom or Hinduism, Indic Thought, *Sanatana Dharma* or Indian Knowledge Systems.[17] How does this two-tiered knowledge or two aspects of Oneness-Reality operate in human nature or can experience both the states of awareness in life in this world? A simple tabular column given below explains the nature of *Para-Vidya* and *Apara-Vidya* with their meanings, functions and outcomes. Let us observe them one by one.

17 Swami Krishnananda, *The Mundaka Upanishad,* Verse 1.1.4–5, at 8 (The Divine Life Soc'y, 4th ed. 2008), https://www.swami-krishnananda.org/mundak/Mundaka_Upanishad.pdf
Swami Krishnananda, *Commentary on the Chandogya Upanishad,* Verse VII.1.2 (The Divine Life Soc'y), https://www.swami-krishnananda.org/chhand/Chhandogya_Upanishad.pdf
Shanti Sarup Gupta, Para Vidya and Management: Antecedents and Consequents (A Case Study of Radhasoami Faith and Agricultural Operations in Dayalbagh) (2014) (Ph.D. thesis, Dayalbagh Educational Institute), Shodhganga, http://shodhganga.inflibnet.ac.in/handle/10603/18814

No	Apara Vidya	Para-Vidya
1.	*Apara Vidya* – knowledge of lower, outer, physical and World experiences.	*Para Vidya* – knowledge of higher, inner, non-physical Self or Spirit experiences.
2.	Experienced through 5 physical senses such as sight, smell, speech, hearing, touch and taste. Respective experiences are reactions of 5 senses from body-life energy, emotion, feeling, sensation and thought that get stored in mind as memory creating waves of energies experienced in the form of lower grade consciousness, awareness, mindfulness and attention. This mind, subconscious and the memory create patterns, habits, seekings and reactions that can bring greed, desire, control, power and consequently, knowledge of matter, mind and world is developed.	Experienced through inner, hidden, latent, subliminal, subtler senses and spiritual powers impacting human mind, life energy and body through altered states of consciousness, awareness, mindfulness and attention. This creates higher qualities of the superconscious experience like oneness, peace, will-power, strength, compassion, harmony, and intuition operating through spiritual intelligence leading to higher and lasting experiences of light, joy, peace, beauty, unity and perfection.
3.	It is the understanding of physical or material consciousness of external sense, world and life.	It is the understanding of subtle invisible consciousness of inner world, spirit, self, universe, cosmos and transcendent.
4.	Objective in nature, quantifiable in kind.	Subjective in experience, qualifiable as values.
5.	This knowledge is intellectual and analytical and hence, it is instructional through mental reasoning and logic.	This knowledge is spiritual and experiential and hence transferrable in spirit or consciousness-form from one who possesses it to one who can receive it.

6.	Understanding as knowledge of physical universe around us, inter-relational, social, horizontal, outward and downward. Micro in nature.	Experience as knowledge of Self-realization or Spirit-awareness within, inward and upward. Macro in nature.
7.	Comprehending-intelligence of mind and matter of world through sensory experience.	Apprehending-consciousness of the transcendent Self and Spirit of life through intuition and other higher faculties.
8.	*Apara-Vidya* is trial and error experimentation in understanding of knowledge. It can lead to *Para-Vidya*. Legal systems use this knowledge in research and are struggling to deal with problems of order and, thus, piecemeal and short-terms solutions are given. Comfort and control are the goals.	*Para-Vidya* is intuitive and direct understanding of knowledge. If integrated with *Apara-Vidya* can transform individual and collective life, spiritual and material life. Legal research can benefit a lot from this. Long lasting and sustainable solutions can be undertaken. Human unity and universal humanity are the goals.
9	Reasoning is through inductive, deductive, abductive and lateral.	Reasoning is through intuition, faith and total vision of things.

Legal Solution from Indian Wisdom or Hinduism, Indic Thought, Sanatana Dharma or Indian Knowledge Systems in order to resolve five major concerns of modern jurisprudence.

a) *Indian Epistemology:* Based on the above-mentioned knowledge of two levels and aspects of Oneness-Reality, *Para-Vidya* and *Apara-Vidya*, several schools of thought developed over a period of time various epistemological methods of arriving at complete or perfect knowledge of the truth. The methods of *Carvaka*, *Vaisheshika, Sankhya, Nyaya, Mimamsa, Vedanta, Advaita, Dvaita, Vishishtadvaita* etc., agree more or less to various sources of arriving at knowledge except the order of priority and angle of dissecting the truth. Six forms of sources of knowledge are studied in these texts and one gets to know that they are indispensable to understand the root causes of problems or issues of human as an individual or as a collective, by which solutions can be proposed. This is going to be a new direction to jurisprudence, legal research, legal academics and legal discipline as a whole. Studying them

one by one becomes indispensable in legal academics and research. They are the Perception of Pratyakṣa, the Inference of Anumāṇa, the Comparison of Upamāṇa, the Derivation of Arthāpatti, the non-Cognition of Anupalabdhi and finally, the Word of Śabda or Vaakyaa etc.[18] Now, an important question arises here. How do we connect these six forms of sources of knowledge to law and justice, to legal discipline as a whole, to governance, to legislature, to judiciary and to public policy? The whole range of legal insights such as the presumption and faith, the foreseeability, the nexus or real and substantial connection, the negligence, the risk or probability, the intention and finally the legitimate expectations are best understood and applied when one knows the six forms of sources of knowledge as explained above. This is the new research in law and legal academics that must be carried out. Each and every teacher of law in legal educational institutions in their respective teaching subject and researching role must first identify the core principles and values of their subject in the form of a list. Then the entries in the list are taken one by one and study them through the lens of the Perception of Pratyakṣa, the Inference of Anumāṇa, the Comparison of Upamāṇa, the Derivation of Arthāpatti, the non-Cognition of Anupalabdhi and finally, the Word of Śabda or Vaakyaa. This study will give knowledge on the origin of things, cause and effect of them and finally to discover how to integrate them for requirements such as litigation or documentation for evidence or interpretation or policy making. These six methods can give knowledge from the inner as well as outer dimensions in addition to an ability for integration of things. This is a work to be done in each and every subject by the respective teacher if Indian wisdom is to be included and introduced in the teaching and discovery of knowledge.

Each and every Preamble or Objectives or Aims and Purposes Clauses of any Act or Statute consists of these six forms of the sources of knowledge locked in the dream-ideals of realization. This ancient method of the six forms of the sources of knowledge if studied in legal academics and research to resolve problems and issues that State and the Constitution are interested, it can prevent injustice in the first place, course-correct injustice in case it happens, and finally removes the causes that create the injustice.

18 Minakshi Goswami, *The Concept of Mind and Its Role in Indian Epistemology: A Critical Study* (Jan. 2015) (Ph.D. thesis, Univ. of North Bengal), https://ir.nbu.ac.in/server/api/core/bitstreams/d5173f16-59c2-4e59-b09c-c202326e0c19/content

Because, they give a continuity to knowledge from the higher or inner to the lower or outer form of knowledge. This method of knowledge can also bring confluence between civil and criminal laws, public and private laws, individual liberties and public polices, substantive and procedural laws, national and international laws, objective and the subjective experience of knowledge finally leading to 'individual in the collective' and 'collective in the individual sense' towards accomplishment of justice, equality, liberty, fraternity, dignity, unity and integrity. This will prevent conflicts of individual-verses-collective and rather bring individual-collective together as one. This method of the six forms of the sources of knowledge needs to be brought in legal academics and research. The whole exercise and method of knowledge is a time-tested experiment of intuition as a faculty though not yet prevalent at the moment in the way the analytical and legal reasoning and logic have taken their place in mind and cognition in understanding the knowledge. Sri Aurobindo who brought new impetus to life, science and spirituality, who pioneered integral knowledge and research since late 1800's through his famous utterance of 'all life is yoga' considers intuition as a faculty of higher knowledge coming as a descent of direct truth and source of true knowledge of truth. He says, "…*The true intuition on the contrary carries in itself its own guarantee of truth; it is sure and infallible within its limit. And so long as it is pure intuition and does not admit into itself any mixture of sense-error or intellectual ideation, it is never contradicted by experience. The intuition may be verified by the reason or the sense-perception afterwards, but its truth does not depend on that verification, it is assured by automatic self-evidence. If the reason depending on its inferences contradicts the greater light, it will be found in the end on ampler knowledge that the intuitional conclusion was correct and that the more plausible rational and inferential conclusion was an error. For the true intuition proceeds from the self-existent truth of things and is secured by that self-existent truth and not by any indirect, derivatory or dependent method of arriving at knowledge*...".[19] This intuition is the secret method of knowledge in the Sanatana Dharma and the six methods of dissecting knowledge is the gateway for intuition to arrive at true knowledge, of *Para-Vidhya* and *Apara-Vidhya*. One of the invocations or inspirations to open up the faculty of intuition above the mind is given in Rig Veda that reads as "*Aano bhadra krtavo yantu vishwatah*", which means

19 Sri Aurobindo, *The Synthesis of Yoga, Part Two: The Yoga of Integral Knowledge,* Chapter 22, *Vijnana* or Gnosis, p 459-460, (Complete Works of Sri Aurobindo 1997)

that "*let noble thoughts come to me from all directions*".[20] This opens up the analytical mind to receive more information from all sources as mind is not blocked with initial understanding or little information or premature conclusion or presumption and finally paves way to straddle between *Para-Vidya* and *Apara-Vidya*, higher and lower, inner and external knowledge in order to strike the right balance and integration in arriving at the truth of knowledge. This is turning places all the forms and layers of knowledge that are studied and shown in the six methods of arriving at knowledge or evidencing them one by one. With Artificial Intelligence coming in a big way to usher integrated knowledge, human kind and especially the legal thinking mind has no gateway except the method of intuition and six methods of arriving at knowledge that can over-take and control artificial intelligence as well.

b) *Integration of Para-Vidya and Apara-Vidya:* There is no other better understanding or source of knowledge for understanding the complexities of sustainable development than the integrated knowledge of *Para-Vidya* and *Apara-Vidya.* The Report of the World Commission on Environment and Development: Our Common Future[21] explains sustainable development in the following words. "*Sustainable development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs. It contains within it two key concepts: the concept of 'needs', in particular the essential needs of the world's poor, to which overriding priority should be given; and the idea of limitations imposed by the state of technology and social organization on the environment's ability to meet present and future needs*". There are three basic elements of sustainable development that come in this definition, which are purely spiritual in nature in one angle. They are the timeless in the time, the space-less in the space and the unlimited resources in the limited time-space-bound situations. This in nutshell is an integration of *Para-Vidya* and *Apara-Vidya,* the higher merging with the lower, inner with outer, individual and collective bringing wholism to law and society, life and education and the interrelation among human, flora and fauna. Unless, this spiritual understanding of integration is taken into consideration, thought-feeling, emotion, sensation and action of the human

20 Vedic Tradition, Rig Veda 1.89.1, Sanskrit Documents (2019), https://sanskritdocuments.org/sanskrit/veda

21 UN, Report of the World Commission on Environment and Development: Our Common Future, UN Documents, http://www.un-documents.net/our-common-future.pdf

individual and social collective and the short-term benefits from mere socio-economic exercises can lead to long-term problems as evidenced today.[22]

c) *Experiencing Peace of Self or Spirit: "…There are four things that one (he) must have; first equality in the most concrete practical sense of the word, Samata, freedom from mental, vital, physical preferences, an even acceptance of all God's workings within and around him; secondly, a firm peace and absence of all disturbance and trouble, Shanti; thirdly' a positive inner spiritual happiness and spiritual ease of the natural being which nothing can lessen, Sukham; fourthly, a clear joy and laughter of the soul embracing life and existence, Hasya. To be equal is to be infinite and universal, not to limit one-self, not to bind oneself down to this or that form of the mind and life and its partial preferences and desires".*[23] One might wonder, why and how is this state of higher and inner consciousness of *Samata, Shanti, Suka* and *Hasya* of *Para-Vidya* important in individual and collective social life?[24] Recent case-studies on psychiatry have ample explanations on the role of spirituality in individual and collective social life.[25] An individual when he or she is in social space is still an individual in the sense; he or she is instinctive in self-protection and self-defense in which individualism gets centered on collectivism. Psychology, psychotherapy,

22 Richard Clugston, *The Earth Charter, Spirituality and Sustainable Development*, 26 J. ORIENTAL STUD. 155, 155–170, https://www.totetu.org/assets/media/paper/j026_155.pdf

Sandeep Kumar, *Spirituality and Sustainable Development: A Paradigm Shift*, 13 J. ECON. & SOC. DEV. (2017), http://www.iesd.org.in/jesd/Journal%20pdf/2017-XIII 1%20Spirituality%20and%20 Sustainable%20Development.pdf

Sandra Krempl, *Is Spirituality the Essence of Sustainability?*, in THE TRUTH IS OUT THERE 169, 169–181 (J. Lunn & S. Bizjak eds., Black Swan Press 2014), https://espace.curtin.edu.au/bitstream/handle/20.500.11937/44291/203607_203607.pdf?sequence=2

23 Sri Aurobindo, *The Synthesis of Yoga*, Part Three and Part Four in 21 SRI AUROBINDO BIRTH CENTENARY LIBRARY (Sri Aurobindo Ashram 1971), https://www.aurobindo.ru/workings/sa/20-21/21.pdf

24 Mental Health Found. (UK), *The Impact of Spirituality on Mental Health: A Review of the Literature* (2006), https://spiritualpc.net/wp-content/uploads/2018/04/SPCFebruary2018_61_84-1.pdf

Umut Kermen, *Spiritual Interventions in Juvenile Delinquency*, 3 SPIRITUAL PSYCHOL. & COUNSELING 61, 61–84 (2018), https://spiritualpc.net/wp-content/uploads/2018/04/SPCFebruary2018_61_84-1.pdf.

Jackie M. Allen & Doris Rhea Coy, *Linking Spirituality and Violence Prevention in School Counseling*, 7 PROF. SCH. COUNSELING 351, 351–355 (2004), www.jstor.org/stable/42732604

Tameka L. Gillum, Cris M. Sullivan & Deborah I. Bybee, *The Importance of Spirituality in the Lives of Domestic Violence Survivors*, 12 VIOLENCE AGAINST WOMEN 240, 240–250 (2006).

25 Christopher C. H. Cook, Andrew Powell & Andrew Sims eds., *Spirituality and Psychiatry* (RCPsych Publ'ns 2009), https://www.rcpsych.ac.uk/docs/default-source/mental-health/treatments-and-wellbeing/spirituality-and-mental-health/spirituality-and-mental-health-scook-document.pdf?sfvrsn=3b256f27_2

neuro-linguistic programming and integrated clinical hypnotherapy etc., have lots of new wisdoms to share which the legal systems and laws for social regulations can benefit from when social regulations are only a part of human and individual self-regulations. Legal academics and its future research have enormous potential in the coming times especially when psycho-emotional-social and mental health issues impact human wellbeing both at the individual and collective social life.

d) *Three-layered Energy Levels:* Chapter 14 of the Bhagavad Gita titled "The Three Modes of Material Nature" in its fifth verse offers a wonderful explanation of the knowledge of *Apara-Vidya* and how they operate in human life.[26] It speaks of *Sattva*, the mode of goodness, *Rajas*, the mode of passion and, *Tamas*, the mode of ignorance by which external, outer, lower and material nature are made of which when the living inner Self or higher Spirit comes into contact with, they get positively conditioned and enriched. This means, the living Self or Spirit, the Transcendent, though away from material nature of three modes, when allowed contact with the material or outer world through lower and external senses get induced to act according to the type and nature. This is the cause of happiness and suffering. All crimes and violations of laws are origins of disconnect or separation between the *Para-Vidya* and *Apara-Vidya* and resulting tension or stress between the inseparable parts of being yet separated by the subjection to three-layered energies or *Gunas*.[27].. It must be understood here that the disciplinary knowledge of psychology, psychotherapy and positive psychiatry are the knowledge of intersections through case-studies between inner and outer, higher and lower, individual and collective and finally the transcendental and the world. The tripod of energies from these ancient wisdoms are now seen in psychology and psychiatry which then have spillover and cross-sectional effects in the form of social-psychology and behavioral psychiatry interrelating with law of crimes and evidence. Law and legal discipline is yet to take advantage of this interesting dimension.

e) *World and Life as Illusion:* It should be remembered that no true spiritual experience of the All, the Oneness-Reality, or the integrated form of *Para-*

26 VYASA, BHAGAVAD GITA ch. 14, v. 5, https://asitis.com/14/5.html

27 Fritz Schmidl, *Psychological and Psychiatric Concepts in Criminology,* 37 J. CRIM. L. & CRIMINOLOGY, no. 1, art. 3 (1946), https://scholarlycommons.law.northwestern.edu/cgi/viewcontent.cgi?article=3372&context=jclc

Vidya and *Apara-Vidya etc.,* says world and life as illusion. What is illusion is the lack of full experience and understanding of the full, the complete and the perfect identified as Brahman.[28] This is the result of absence of integration between *Para-Vidya* and *Apara-Vidya*. The four great statements-*Mahavaakyas*[29] give wholistic and integrated expression as well as experience of the world and life, not as illusion, but a reality of Truth. Law is essentially life, society and world-oriented. It needs this truth of spiritual experience of One in All, All in One and All as One. This experience automatically brings equality, liberty, fraternity, dignity, unity and integrity. In one way, it can be said that the spiritual SELF we know of can be called as a spiritual equality-liberty-fraternity, and SOUL can be called as a spiritual opening to understand law.

V. CONCLUSION

The core Truth of all truths of the Indian Wisdom or Hinduism, Indic Thought, *Sanatana Dharma* or Indian Knowledge Systems gives an ultimate experience and explanation on what is life, world and reality through three important statements in which legal solutions to five major problems of modern jurisprudence as shown above can once again be reaffirmed for everlasting remedies. They are a) *Satyam-Ritam-Brihat*[30] and b) "*Om Asato Maa Sad-Gamaya, Tamaso Maa Jyotir-Gamaya, Mrityor-Maa Amritam Gamaya, Om Shaantih Shaantih Shaantih*"[31] The meaning of both the statements are to be seen together. There is nothing else except truth (*Satyam*) which is right or harmonious (*Ritam*) and that is vast and constantly expanding (*Brihat*). And, all that expands is an evolution of consciousness from one state to another, from untruth to truth, from darkness to light and from death to immortality. Untruth

28 Swami Krishnananda, The Philosophy of the *Panchadasi*, *Sarvam khaluidam brahman tajjalān iti shānta upāsita* which means "All this (collectively) is Brahman, indeed: what evolves from That, what dissolves in That, what breathes or functions in That, should be closely and calmly studied" Chandogya Upanishad III.14.1, The Divine Life Society, https://www.swami-krishnananda.org/panch/panch_05.html

29 SRI VIDYARANYA SVAMI, MAHAVAKYAVIVEKA: UNDERSTANDING THE IMPORT OF THE *MAHAVAKYAS*, *PANCHADASI*, ch. 5, SANSKRIT DOCUMENTS, https://sanskritdocuments.org/sites/snsastri/panchadasi-chapter-5.html

30 Sri Aurobindo, *Satyam Rtarh Brhat, The Secret of The Veda*, BIRTH CENTENARY LIBRARY, vol. 10 (1971), https://www.aurobindo.ru/workings/sa/10/10.pdf
Kireet Joshi, Dharma: *Satyam; Ritam; Brihat*, Kireet Joshi Archives,

31 *Asatoma Sadgamaya, Tamasoma Jyotirgamaya, Mrutyorma Amruthangamaya, Om Shanti Shanti Shaantihi*, SANSKRIT DOCUMENTS, https://sanskritdocuments.org/sanskrit/veda/

to truth is an evolution from lower reality to higher reality, from darkness to light is an evolution from less knowledge or ignorance to higher knowledge, and from death to immortality is an evolution of consciousness from transience to permanence of existence as an eternal experience of life. In this and through this movement of the manifestation, it is a constant creation which is of unfolding of the truth-consciousness-joy, c) *Sat-Chit-Ananda*. This understanding at the individual level in one's own self, from division to integration, from individual to the collective, from social to the State, from Nation to humanity, universality and unity is the journey of experience and knowledge of Truth in Reality, Reality in Truth and Truth as Reality. This constant and conscious unfolding of the individual from individualization and individualism towards socialization and collectivism without cancelling the one for the other, yet harmoniously co-existing with individual, collective and the individual-collective is certainly a possible spiritual, alive and livable experience. It only needs a practice with appropriate guidance as evidenced, collected and expressed in the Indian Wisdom or Hinduism, Indic Thought, *Sanatana Dharma* or Indian Knowledge Systems. This can be lasting solution for all the concerns of the modern jurisprudence of the West which are largely analytical of the *Apara-Vidya*, dealing with the external, outer, lower, physical and transient. It is time that we bring *Para-Vidya* of Indian Wisdom or Hinduism, Indic Thought, *Sanatana Dharma* or Indian Knowledge Systems and infuse them in human consciousness, awareness, mindfulness and attention to take to the next adventure of intuitive consciousness in solving problems of individual and social life. It also fulfills Constitutional mandate of justice, equality, liberty, fraternity, dignity, unity and integrity for one and all making life of human, non-human and nature coexist peacefully and yet progress towards new age and creation. Legal education, its research and contribution to State and society through laws, governance and interpretation ought to consider this self-unfolding of true knowledge from inside to outside to impact them towards realizing our collective vision.



VIPS
योगः कर्मसु कौशलम्
IN PURSUIT OF PERFECTION

NAAC Accredited A++ Grade 3.58/4

VIVEKANANDA INSTITUTE OF PROFESSIONAL STUDIES-TC (VIPS-TC)

AU Block (Outer Ring Road), Pitampura, Delhi-110034
Nearest Metro Station – Pitampura (2 KM) & Haiderpur (0.5 KM)
Website : www.vips.edu, www.dsb.edu.in
Tel.: +91 11 27343401 / 02 / 03, Fax : +91 11 27343404
E-mail : vslls.clrd@vips.edu