



From Dharma to Due Process: Reinterpreting Natural Justice through Indian Knowledge Systems

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Abstract:

The doctrine of natural justice is a foundational pillar of modern administrative and constitutional law, typically articulated through the Eurocentric genealogy of English common law. This article challenges this singular narrative by reinterpreting the conceptual foundations of procedural fairness through the lens of Indian Knowledge Systems (IKS). By mapping modern procedural safeguards—specifically the rule against bias and the right to a fair hearing—onto classical Indian jurisprudential categories such as *dharma* (normative duty) and *nyāya* (realized justice), the study reveals a sophisticated indigenous framework of ethical adjudication.

Unlike the Western focus on “transcendental institutionalism,” the IKS perspective situates procedural integrity within the moral accountability of the decision-maker and the deliberative tradition of *samvāda* (dialogic reasoning). The analysis demonstrates that concepts such as *śravaṇa* (hearing) and *pramāṇa* (evidentiary logic) provide robust analogues to contemporary due process. Ultimately, the article argues that integrating IKS into legal scholarship advances epistemic decolonization and methodological pluralism. By foregrounding procedural fairness as an inherent ethical commitment rather than a mere technical requirement, this reinterpretation offers a more inclusive and global understanding of the rule of law, reinforcing the legitimacy of administrative authority in diverse legal cultures.

Keywords: Natural Justice, Dharma, Epistemic Pluralism, Administrative Law, Indian Knowledge Systems

1. Introduction

The doctrine of natural justice constitutes a foundational principle of modern administrative and constitutional law. It embodies the normative commitment that the exercise of public authority must conform to standards of fairness, impartiality, and procedural integrity (Ministry of Justice, 2021). Traditionally, the doctrine has been articulated through two core principles: *nemo iudex in causa sua* (the rule against bias) and *audi alteram partem* (the right to be heard) (Kangle, 1960). These principles operate as procedural safeguards designed to prevent arbitrary decision-making and to ensure that adjudicatory processes maintain legitimacy in the eyes of those subject to them. In contemporary jurisprudence, courts frequently invoke natural justice as an essential component of the rule of law, particularly in matters involving administrative discretion and quasi-judicial decision-making (Craig, 2021).

Despite its centrality in legal systems influenced by the common law tradition, the intellectual genealogy of natural justice is often narrated through a predominantly Eurocentric framework. Legal scholarship typically traces its development to English common law and subsequent elaborations within Western legal philosophy (Galligan, 1996).

While this historical trajectory remains significant, such an account tends to overlook the existence of parallel normative traditions that articulated principles of fairness and impartial adjudication in other civilizational contexts. Consequently, the conceptual foundations of procedural justice risk being presented as the exclusive product of Western jurisprudence, thereby marginalizing indigenous intellectual contributions.

Indian intellectual traditions offer a rich normative framework through which questions of justice, governance, and ethical conduct have long been examined. Central to these traditions is the concept of *dharma* (normative order or ethical duty), which functions as a guiding principle regulating both individual conduct and institutional authority. Within the broader corpus of Indian Knowledge Systems (IKS), juridical and ethical discourses explored the responsibilities of rulers, the conduct of adjudicators, and the procedures through which disputes were to be resolved. These traditions emphasized *nyāya* (justice), *niṣpākṣapāta* (impartiality), and *śravaṇa* (the hearing of parties), thereby establishing normative expectations regarding fairness in decision-making processes (Rangarajan, 1992).

Importantly, these ideas were not merely philosophical abstractions but were embedded within wider frameworks of governance and legal reasoning. Classical discussions of adjudication frequently underscored the moral obligations of decision-makers, the need for careful evaluation of evidence, and the imperative that disputing parties be afforded an opportunity to present their claims (Rangarajan, 1992). Such principles resonate with the procedural safeguards that modern legal systems associate with natural justice. Although the terminology differs from contemporary legal doctrine, the underlying concern with fairness, impartiality, and accountability reveals a striking conceptual affinity.

Recent scholarly attention to IKS has renewed interest in examining indigenous epistemic traditions as sources of normative insight for contemporary disciplines, including law and governance. This intellectual shift forms part of a broader effort to address epistemic imbalances that have historically privileged certain legal traditions while overlooking others. In this context, revisiting classical Indian jurisprudential ideas offers an opportunity to reconsider the foundations of legal concepts that are often assumed to possess exclusively Western origins.

Against this background, the present article seeks to reinterpret the doctrine of natural justice through the conceptual perspectives of IKS. It examines whether the normative ideas embedded in the framework of *dharma* and related juridical concepts provide indigenous analogues to the procedural safeguards associated with modern natural justice. The central argument advanced here is that Indian intellectual traditions articulated sophisticated understandings of fairness, impartiality, and ethical adjudication that parallel—and in certain respects enrich—the contemporary doctrine of natural justice.

2. Natural Justice in Modern Legal Thought

Having outlined the conceptual scope of the study, it is necessary to examine the doctrinal contours of natural justice within contemporary legal thought. In modern jurisprudence, natural justice is understood as a foundational principle governing procedural fairness in administrative and quasi-judicial decision-making. Its primary function is to ensure that the exercise of public authority conforms to standards of impartiality, fairness, and reasoned deliberation.

Although the doctrine today forms an integral component of constitutional governance, its articulation within modern legal systems has largely been shaped by the evolution of common law jurisprudence.

Within Anglo-common law traditions, natural justice developed as a safeguard against arbitrary exercise of power by public authorities (Wade, H. W. R. & Forsyth, C. F., 2014). Courts gradually articulated procedural principles intended to secure fairness in adjudicatory processes. Two core rules came to constitute the doctrinal foundation of natural justice. The first is the rule against bias, expressed in the maxim *nemo iudex in causa sua*, which requires that a decision-maker remain impartial and free from personal interest in the matter under adjudication. The second is the principle of fair hearing, articulated through the maxim *audi alteram partem*, which requires that individuals affected by a decision be provided a meaningful opportunity to present their case before an adverse determination is made. Together these principles function as procedural guarantees against arbitrary decision-making.

Over time, judicial interpretation expanded the scope of natural justice beyond these classical formulations. Modern jurisprudence increasingly recognises the requirement that decisions affecting rights or legitimate expectations must also be supported by reasons (Elliott, M. & Thomas, R., 2024). The duty to provide reasoned decisions serves an important normative function: it enhances transparency, enables judicial review, and reinforces public confidence in institutional decision-making. Consequently, natural justice in contemporary legal theory is often understood as an evolving doctrine of procedural fairness rather than a rigid set of rules.

In the Indian constitutional context, the doctrine has assumed particular significance. Indian courts have progressively interpreted principles of natural justice as intrinsic to the broader constitutional commitment to fairness and the rule of law. Judicial reasoning has frequently emphasised that administrative and quasi-judicial authorities must act in accordance with principles of fairness even in situations where statutory provisions remain silent (*A.K. Kraipak v. Union of India*, 1970). Through such interpretive developments, natural justice has come to operate as an implied procedural safeguard embedded within the framework of constitutional governance.

Yet the intellectual genealogy of natural justice continues to be predominantly narrated through the evolution of English administrative law. Standard doctrinal accounts emphasise the role of common law courts in articulating and refining procedural safeguards against arbitrary authority (Galligan, 1996). While this narrative accurately reflects the historical development of the doctrine within modern legal institutions, it tends to overlook the broader philosophical foundations of procedural fairness that exist across diverse legal traditions.

A wider jurisprudential perspective reveals that ideas analogous to procedural fairness are not confined to a single legal civilisation. Normative traditions across cultures have historically articulated principles aimed at ensuring impartial adjudication, deliberative decision-making, and ethical accountability in governance. In the context of the Indian intellectual tradition, these normative concerns were often embedded within the broader framework of *dharma*, which regulated both individual conduct and institutional authority (Olivelle, 2016). Within this framework, justice was understood not merely as compliance with procedural formalities but as the ethical fulfilment of obligations aimed at sustaining social harmony and social equilibrium.

Recognising this broader normative landscape does not diminish the significance of modern legal developments. Rather, it invites a more nuanced understanding of the intellectual foundations of procedural fairness. If contemporary doctrines of natural justice seek to secure impartiality, fairness, and accountability in governance, it becomes analytically relevant to explore how similar concerns were addressed within indigenous juridical traditions. Such an inquiry is particularly significant in the context of IKS where ethical governance and adjudicatory responsibility were deeply intertwined with philosophical reflections on justice and social order.

3. Conceptual Foundations of Justice in IKS

The doctrinal evolution of natural justice within modern administrative and constitutional law has largely been articulated through the language of common law proceduralism. However, a broader jurisprudential perspective reveals that principles of fairness, impartiality, and ethical adjudication have historically emerged in diverse intellectual traditions. Within the corpus of IKS, normative reflections on justice are deeply embedded in the concept of *dharma*, which functions as a foundational category regulating social conduct, governance, and adjudicatory processes. Rather than operating as a narrowly legal doctrine, *dharma* represents a comprehensive normative framework through which questions of authority, obligation, and justice are evaluated.

In classical Indian jurisprudential thought, *dharma* served as the organizing principle of both social and political life (Lingat, 1973). Its scope extended beyond personal morality to encompass institutional responsibilities and the ethical regulation of public authority. The administration of justice was therefore understood as an extension of *rājadharma* (the duty of governance), which obligated rulers and adjudicators to ensure fairness, balance competing claims, and maintain social order (Lingat, 1973). Justice, in this sense, was inseparable from the moral responsibilities of those exercising authority. The legitimacy of judicial or administrative decisions was expected to derive not merely from institutional position but from adherence to the ethical norms embedded within *dharma*.

This normative framework also structured the functioning of adjudicatory institutions. Classical juridical traditions, including the jurisprudence reflected in *dharmaśāstra* (legal and ethical treatises) and political treatises such as *arthaśāstra* (statecraft literature), articulate procedural expectations for dispute resolution. These sources emphasize the importance of evidentiary evaluation, the hearing of disputing parties, and the careful deliberation of claims. Judicial reasoning was expected to rely on *pramāṇa* (valid means of knowledge), including testimony, documentary evidence, and contextual reasoning (Matilal, 1998). The emphasis on evidentiary assessment and deliberation reflects an underlying concern with procedural integrity, even though the conceptual vocabulary differs from that of modern administrative law.

Another important dimension of justice in IKS lies in the ethical expectations placed upon adjudicators. Judicial decision-making was framed as a form of moral responsibility, where impartiality and integrity were essential to the legitimacy of the process. The conduct of judges and administrators was therefore guided by normative principles emphasizing detachment from personal interest, resistance to corruption, and fidelity to the demands of *dharma* (Kane, 1946). These expectations resonate with broader philosophical ideas concerning the cultivation of ethical judgment,

often described through the concept of *nyāya*, which emphasizes reasoned evaluation and balanced consideration of competing claims.

The relationship between justice and governance also highlights the broader ethical orientation of indigenous jurisprudence. In classical political thought, the ruler's primary obligation was the protection of social order through the impartial administration of justice. This obligation was frequently articulated through the idea that the stability and legitimacy of political authority depended upon the consistent application of *dharma* (Kautilya, 1972). Consequently, justice was not conceived merely as a mechanism for resolving disputes but as a fundamental condition for sustaining social equilibrium. The failure of rulers or administrators to uphold justice was understood to produce disorder, thereby undermining the moral foundation of governance itself.

Equally significant is the recognition of collective and deliberative elements within traditional dispute resolution practices. Local adjudicatory bodies and community assemblies often played a role in resolving disputes through consultative processes (Kangle, 1965). These practices emphasized dialogue, mutual recognition of claims, and attempts to restore social harmony. While these mechanisms differed institutionally from modern courts, they nonetheless embodied normative commitments to fairness, participation, and reasoned deliberation. Such traditions indicate that procedural justice in the Indian context historically involved not only formal adjudication but also community-based processes oriented toward reconciliation and balanced outcomes.

Taken together, these normative and institutional elements demonstrate that IKS contain a sophisticated conceptual vocabulary for addressing questions of justice, authority, and procedural fairness. Although articulated through categories such as *dharma*, *nyāya*, and *pramāṇa*, these traditions reveal sustained reflections on the ethical foundations of adjudication and governance. Recognizing these conceptual resources does not require collapsing them into modern legal doctrines; rather, it allows for a broader jurisprudential understanding in which indigenous normative frameworks contribute to contemporary debates on fairness and justice. Within this perspective, the subsequent analysis can explore how these indigenous principles provide a meaningful perspective for reinterpreting the modern doctrine of natural justice.

Procedural Fairness in Indian Intellectual Traditions

The normative framework outlined in the preceding sections demonstrates that justice within Indian intellectual traditions was not conceived merely as a metaphysical or moral abstraction but as a principle embedded in institutional practices of adjudication and governance. Within the broader conceptual structure of *dharma*, classical jurisprudential traditions articulated standards governing the conduct of adjudicators, the reception of claims and evidence, and the responsibilities of political authority. These norms collectively reveal an indigenous understanding of procedural fairness that bears meaningful conceptual proximity to the modern doctrine of natural justice.

A foundational dimension of this framework concerns the ethical obligations of adjudicators. Classical juridical discourse emphasized that those entrusted with the administration of justice were bound by standards of integrity, impartiality, and restraint. The expectation that adjudicators should remain free from personal interest, prejudice, or

external influence was integral to the ideal of *dharma-niṣṭhā* (commitment to normative righteousness) (Kane, 1946). Judicial authority was therefore understood not as an instrument of arbitrary power but as a moral responsibility anchored in adherence to *nyāya* and *satya* (truth). In this sense, impartiality was treated not merely as a procedural requirement but as a reflection of the ethical character expected of decision-makers.

Equally significant was the emphasis placed upon deliberative hearing and evidentiary evaluation. Juridical reasoning in Indian traditions consistently stressed the necessity of listening to disputing parties before arriving at a determination. The process of *śravaṇa* (hearing) and *vicāra* (deliberation) formed an essential component of adjudicatory practice, ensuring that decisions were reached through reasoned consideration rather than unilateral assertion of authority (Menski, 2006). Such procedures were often accompanied by the examination of testimony, documentary evidence, and corroborating circumstances. The normative importance attached to hearing all parties in a dispute suggests an early recognition of what contemporary legal systems identify as the right to present one's case before an impartial authority.

The procedural dimensions of justice were further reinforced by the expectation that adjudication should occur within a structured institutional setting. Classical governance models envisaged judicial decision-making as a consultative and deliberative activity rather than an individualized exercise of authority (Kane, 1946). The involvement of advisors, jurists, or learned persons in the adjudicatory process served to enhance the legitimacy and reliability of decisions. Such collective deliberation reflected the principle that the pursuit of *nyāya* required intellectual scrutiny and moral reflection, thereby reducing the risk of arbitrary judgment.

Procedural fairness was also closely linked to the accountability of political authority. The ruler, often described as the guardian of *rāja-dharma*, bore ultimate responsibility for ensuring that justice was administered in accordance with established ethical and juridical norms (Kane, 1946). Governance was therefore understood as inseparable from the maintenance of *dharma*, which encompassed the obligation to protect subjects from injustice, corruption, and administrative arbitrariness. The legitimacy of political authority was thus contingent upon its capacity to sustain an environment in which adjudication remained fair, transparent, and morally grounded.

At the community level, mechanisms of dispute resolution further reflected this commitment to procedural fairness. Local institutions often relied on collective deliberation, negotiation, and mediation to address conflicts (Kangle, 1965). These practices, informed by shared ethical norms and communal responsibility, emphasized restoration of social equilibrium rather than purely adversarial adjudication. While such processes differed in form from modern legal proceedings, they nonetheless incorporated procedural safeguards that ensured participation of disputing parties and reasoned evaluation of claims.

Taken together, these normative practices reveal that Indian juridical traditions contained a coherent understanding of procedural justice embedded within the broader ethical framework of *dharma*. The emphasis on impartial adjudication, deliberative hearing, evidentiary reasoning, and the accountability of authority indicates that fairness in decision-making was treated as an essential condition of legitimate governance. Although articulated through a distinct

philosophical vocabulary, these principles reflect concerns that closely parallel the procedural safeguards associated with natural justice in contemporary legal systems.

Reinterpreting Natural Justice through IKS

The preceding discussion has demonstrated that principles associated with modern doctrines of natural justice—particularly impartial adjudication and the opportunity to be heard—find conceptual resonances within normative traditions of IKS. Building upon these foundations, this section advances a reinterpetive framework that situates natural justice within the broader ethical and epistemic landscape of *dharma*. Rather than presenting indigenous jurisprudence merely as a historical precursor to modern legal doctrines, the analysis seeks to illuminate how these traditions offer an alternative normative grounding for procedural fairness.

A central feature of this reinterpretation lies in the relationship between adjudication and ethical responsibility. In contemporary legal discourse, natural justice is largely understood as a set of procedural safeguards designed to prevent arbitrariness in administrative and judicial decision-making. The emphasis typically falls on institutional mechanisms that ensure neutrality, fairness in hearing, and reasoned decision-making. Within Indian normative traditions, however, the legitimacy of adjudication was historically embedded in the ethical obligations of the decision-maker. The idea of *dharma* functioned not only as a guiding principle for social order but also as a moral compass for those entrusted with the responsibility of dispensing justice (Jois, 2022). In this sense, procedural fairness was inseparable from the ethical integrity of the adjudicator.

This normative orientation suggests a broader conception of impartiality than that typically articulated within modern procedural doctrine. While contemporary legal frameworks focus primarily on structural safeguards against bias, Indian juridical traditions placed significant emphasis on the cultivation of personal virtues associated with righteous conduct. The adjudicator was expected to embody *nyāya* through adherence to ethical discipline and principled reasoning. Impartiality, therefore, was not confined to the absence of conflict of interest but extended to the moral disposition required for fair deliberation (Menski W. F., 2003). Such an approach situates procedural fairness within a wider ethical framework in which justice emerges from the alignment of institutional processes with normative duty.

A similar expansion of meaning can be observed in relation to the principle corresponding to the modern rule of fair hearing. Contemporary interpretations of the right to be heard often focus on procedural participation within adjudicatory processes. By contrast, deliberative practices reflected in indigenous juridical traditions frequently emphasized dialogical engagement and collective reasoning. The adjudicatory process was understood as a structured exercise in discerning *satya* through examination of testimony, evaluation of evidence, and careful consideration of competing claims (Matilal B. K., 2015). In this context, the hearing of parties served not merely as a procedural requirement but as an epistemic process aimed at uncovering the most just resolution to a dispute.

Interpreting natural justice through the IKS perspective therefore broadens the conceptual foundations of procedural fairness. The emphasis shifts from a narrowly procedural understanding toward a more integrated framework in which fairness is grounded in ethical responsibility, deliberative reasoning, and the pursuit of just outcomes. Such an

approach underscores that legal procedures cannot be entirely divorced from the moral commitments that sustain them. Procedural rules gain their legitimacy not only from institutional design but also from the normative values that guide their application.

This perspective has important implications for contemporary jurisprudence. The integration of ethical reasoning within procedural doctrine encourages a more holistic understanding of justice in administrative and constitutional law. Instead of treating natural justice as a purely technical safeguard against arbitrariness, the interpretive framework offered by IKS highlights the importance of aligning procedural norms with broader ethical commitments to fairness and accountability. In doing so, it reinforces the view that justice is ultimately realized through the convergence of institutional integrity and normative responsibility.

Reinterpreting natural justice through this perspective does not imply replacing existing legal doctrines with indigenous frameworks. Rather, it invites a dialogical engagement between normative traditions that have historically developed along distinct intellectual trajectories. IKS provide conceptual resources that enrich the ethical foundations of procedural fairness while simultaneously expanding the interpretive possibilities available within contemporary legal discourse. The resulting synthesis contributes to a more pluralistic understanding of jurisprudence—one that recognizes the value of multiple intellectual traditions in shaping the evolving meaning of justice.

4. Implications for Contemporary Legal Scholarship

The preceding analysis has demonstrated that principles analogous to procedural fairness in modern administrative law can be located within the normative frameworks of IKS. Recognizing these intellectual continuities has significant implications for contemporary legal scholarship, particularly in the domains of jurisprudence, comparative legal theory, and constitutional governance.

First, engaging with indigenous jurisprudential traditions contributes to the ongoing scholarly efforts of epistemic decolonization in legal thought (Santos, B. de S., 2014). Modern legal discourse has frequently approached doctrines such as natural justice through a predominantly Anglo-European genealogical narrative. While such historical developments remain central to the institutional evolution of administrative law, they represent only one strand in the broader global history of normative reasoning about fairness and adjudication. Incorporating concepts such as *dharma*, *nyāya*, and *nīti* into contemporary analysis allows legal scholarship to recognize alternative epistemic sources that historically articulated comparable concerns with impartiality, accountability, and fairness in decision-making. Such recognition does not seek to replace established doctrinal frameworks but rather to situate them within a more plural intellectual landscape.

Second, the interpretive engagement with IKS reinforces the importance of epistemic pluralism in jurisprudence. Legal systems do not evolve in isolation; rather, they emerge from diverse philosophical traditions that shape normative expectations regarding justice and authority (Glenn, 2007). The classical Indian emphasis on the ethical responsibilities of adjudicators—often expressed through the moral obligations embedded in *rājadharmā* and *dharmic* standards of conduct—introduces a perspective in which procedural fairness is inseparable from moral accountability.

Within this framework, adjudication is not merely a technical application of rules but a deliberative process guided by ethical judgment. Recognizing this orientation enriches contemporary jurisprudential debates by highlighting the moral foundations that underlie procedural guarantees.

Third, the recovery of indigenous normative frameworks has methodological implications for comparative legal scholarship. Conventional comparative analysis often proceeds through institutional comparison among modern legal systems (Siems, 2022). The integration of IKS into this discourse encourages a broader methodological approach that includes philosophical and civilizational traditions as sources of legal reasoning. Concepts such as *sabha* (deliberative assembly) and *samvāda* (dialogic deliberation), which historically informed modes of dispute resolution and collective decision-making, illustrate how participatory deliberation functioned as an important element of normative governance. Examining these traditions alongside contemporary doctrines of natural justice can deepen scholarly understanding of how procedural fairness emerges across diverse legal cultures.

Finally, the insights derived from IKS have continuing relevance for normative discussions on governance and public administration. Contemporary debates on administrative legitimacy increasingly emphasize transparency, reasoned decision-making and institutional accountability (Sen, 2009). The ethical orientation embedded in concepts such as *dharma* and *nyāya* underscores that the legitimacy of authority ultimately rests upon the perceived fairness of its exercise. By foregrounding the moral obligations associated with adjudicative and administrative authority, these traditions provide a normative vocabulary through which procedural fairness can be interpreted not merely as a formal requirement but as an ethical commitment inherent in the exercise of public power.

Taken together, these implications suggest that the reinterpretation of natural justice through the IKS perspective offers more than a historical reconstruction. It invites a reconsideration of the intellectual foundations of procedural fairness by situating contemporary legal doctrines within a broader and more inclusive jurisprudential tradition. Such an approach strengthens the analytical depth of legal scholarship while affirming the continuing relevance of indigenous normative resources in shaping modern understandings of justice.

5. Conclusion

The foregoing analysis has sought to reposition the doctrine of natural justice within a broader intellectual horizon by examining its conceptual resonance with normative principles embedded in IKS. Rather than treating procedural fairness as an exclusively modern or Eurocentric juridical construct, the discussion has demonstrated that indigenous traditions articulated comparable concerns through the ethical and juridical framework of *dharma*. Within these traditions, adjudication was understood not merely as a technical exercise of authority but as a moral and institutional practice guided by *nyāya*, *nīti*, and the obligation to uphold social equilibrium.

Reinterpreting natural justice through the IKS perspective contributes to contemporary legal scholarship in two important respects. First, it broadens the epistemic foundations of jurisprudence by situating procedural fairness within a plurality of normative traditions. Concepts such as *dhārmika rājya* (righteous governance) and the ethical responsibility of adjudicators illustrate that fairness in decision-making was historically conceived as inseparable from

moral accountability. In this sense, indigenous jurisprudence foregrounds a conception of justice that integrates procedural integrity with ethical responsibility.

Second, this interpretive engagement underscores the relevance of classical normative insights for present debates in administrative and constitutional law. The emphasis placed within Indian traditions on *samatā* (equity), *viveka* (reasoned discernment), and impartial adjudication provides a conceptual vocabulary through which contemporary discussions of procedural justice may be critically enriched. Such engagement does not seek to replace modern legal doctrine but to illuminate its normative possibilities through dialogue with indigenous intellectual resources.

Recognizing the jurisprudential value of IKS therefore advances a more inclusive understanding of legal thought—one that acknowledges the multiplicity of traditions that have grappled with the problem of fair decision-making. Future scholarship may extend this inquiry by undertaking more detailed textual analyses and comparative studies that further explore how indigenous normative frameworks continue to inform evolving conceptions of justice in modern legal systems.

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