Peer – Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

<u>DISCLAIMER</u>

EDITORIAL TEAM

Raju Narayana Swamy (IAS) Indian Administrative Service officer

Dr. Raju Narayana Swamy popularly known as Kerala's Anti Corruption Crusader is the All India Topper of the 1991 batch of the IAS and is currently posted as Principal Secretary to the Government of Kerala . He has earned many accolades as he hit against the political-bureaucrat corruption nexus in India. Dr Swamy holds a B.Tech in Computer Science and Engineering from the IIT Madras and a Ph. D. in Cyber Law from Gujarat National Law University . He also has an LLM (Pro) (with specialization in IPR) as well as three PG Diplomas from the National Law University, Delhi- one in Urban Environmental Management and Law, another in Environmental Law and Policy and a third one in Tourism and Environmental Law. He also holds a post-graduate diploma in IPR from the National Law School, Bengaluru and a professional diploma in Public Procurement from the World Bank.

Dr. R. K. Upadhyay

Dr. R. K. Upadhyay is Registrar, University of Kota (Raj.), Dr Upadhyay obtained LLB , LLM degrees from Banaras Hindu University & Phd from university of Kota.He has succesfully completed UGC sponsored M.R.P for the work in the ares of the various prisoners reforms in the state of the Rajasthan.

Senior Editor

Dr. Neha Mishra

Dr. Neha Mishra is Associate Professor & Associate Dean (Scholarships) in Jindal Global Law School, OP Jindal Global University. She was awarded both her PhD degree and Associate Professor & Associate Dean M.A.; LL.B. (University of Delhi); LL.M.; Ph.D. (NLSIU, Bangalore) LLM from National Law School of India University, Bengaluru; she did her LL.B. from Faculty of Law, Delhi University as well as M.A. and B.A. from Hindu College and DCAC from DU respectively. Neha has been a Visiting Fellow, School of Social Work, Michigan State University, 2016 and invited speaker Panelist at Global Conference, Whitney R. Harris World Law Institute, Washington University in St.Louis, 2015.

Ms. Sumiti Ahuja

Ms. Sumiti Ahuja, Assistant Professor, Faculty of Law, University of Delhi,

Ms. Sumiti Ahuja completed her LL.M. from the Indian Law Institute with specialization in Criminal Law and Corporate Law, and has over nine years of teaching experience. She has done her LL.B. from the Faculty of Law, University of Delhi. She is currently pursuing Ph.D. in the area of Forensics and Law. Prior to joining the teaching profession, she has worked as Research Assistant for projects funded by different agencies of Govt. of India. She has developed various audio-video teaching modules under UGC e-PG Pathshala programme in the area of Criminology, under the aegis of an MHRD Project. Her areas of interest are Criminal Law, Law of Evidence, Interpretation of Statutes, and Clinical Legal Education.

Dr. Navtika Singh Nautiyal

Dr. Navtika Singh Nautiyal presently working as an Assistant Professor in School of law, Forensic Justice and Policy studies at National Forensic Sciences University, Gandhinagar, Gujarat. She has 9 years of Teaching and Research Experience. She has completed her Philosophy of Doctorate in 'Intercountry adoption laws from Uttranchal University, Dehradun' and LLM from Indian Law Institute, New Delhi.

Dr. Rinu Saraswat

Associate Professor at School of Law, Apex University, Jaipur, M.A, LL.M, Ph.D,

Dr. Rinu have 5 yrs of teaching experience in renowned institutions like Jagannath University and Apex University. Participated in more than 20 national and international seminars and conferences and 5 workshops and training programmes.

Dr. Nitesh Saraswat

E.MBA, LL.M, Ph.D, PGDSAPM
Currently working as Assistant Professor at Law Centre II, Faculty of Law, University of Delhi. Dr. Nitesh have 14 years of Teaching, Administrative and research experience in Renowned Institutions like Amity University, Tata Institute of Social Sciences, Jai Narain Vyas University Jodhpur, Jagannath University and Nirma University.
More than 25 Publications in renowned National and International Journals and has authored a Text book on Cr.P.C and Juvenile Delinquency law.

Subhrajit Chanda

BBA. LL.B. (Hons.) (Amity University, Rajasthan); LL. M. (UPES, Dehradun) (Nottingham Trent University, UK); Ph.D. Candidate (G.D. Goenka University)

Subhrajit did his LL.M. in Sports Law, from Nottingham Trent University of United Kingdoms, with international scholarship provided by university; he has also completed another LL.M. in Energy Law from University of Petroleum and Energy Studies, India. He did his B.B.A.LL.B. (Hons.) focussing on International Trade Law.

ABOUT US

WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

RETRIBUTIVE JUSTICE AND RESTORATIVE JUSTICE IN INDIAN EPICS

AUTHORED BY - AISHWARYA.S

B.B.A L.L. B (HONS)

CO-AUTHOR - MR. ARUN D RAJ, PROFESSOR

ABSTRACT

Justice is a central theme in Indian epics, shaping the moral and legal landscapes of ancient societies. This paper explores the tension between retributive justice (punishment-based) and restorative justice (reconciliation-based) in the Mahabharata, Ramayana, and Silappathikaram. By analysing key events—Draupadi's humiliation and the Kurukshetra war, Kannagi's vengeance on the Pandian King, and Sita's exile—this study examines how justice is conceptualized and applied in these texts.

The analyses reveal that retributive justice dominates these epics, where characters look for punishment and vengeance instead of reconciliation. The humiliation of Draupadi creates a war that wipes out lineages, proving justice as retribution. The burning of Madurai by Kannagi is a representative individualistic expression of legal retribution, punishing a whole city for a wrongful execution. On the contrary, Sita's trial by fire and exile illustrate a singular moral predicament, where justice is achieved through self-sacrifice instead of actual punishment.

Comparing these narratives to current jurisprudence, the essay analyses whether these models of justice would be acceptable according to present legal thinking. It uses theory of retributive justice (Kant), restorative justice (Braithwaite), and legal theory of punishment. Additionally, it examines whether such a restorative solution might have changed these heroic results, sparing great devastation without loss of justice.

Finally, this paper maintains that retributive justice is well established in the epics, but traces of restorative justice can be found in Sita's narrative. These texts provide critical commentary on what constitutes justice in classical Indian thought and how these concepts continue to resonate in contemporary discussions on punishment, victims' rights, and reconciliation in law.

INTRODUCTION

Understanding Justice:

Justice, in the most general sense, is the moral and legal guidelines that regulate fairness, rights, and obligations in society. Philosophically, justice is a matter of providing to each person their due. Philosophers such as Plato and Aristotle viewed justice as harmony and balance, both in the individual and society. Justice, legally, is the result of an equitable process where laws are applied uniformly to everyone.

In the Indian tradition, dharma frequently serves for justice—a developing understanding including duty, righteousness, and cosmic order. Dharma may not always be legal in a western context, yet it describes right conduct based on roles in society.

1. Two Theories of Justice

1.1 Retributive Justice

Retributive justice is about punishment. If one inflicts harm, they should be punished in proportion. This is a backward-looking model, emphasizing offense over rehabilitation. Immanuel Kant is a central advocate, claiming punishment is respectful of the moral agency of the criminal.

1.2 Restorative Justice

Restorative justice aims to heal. Rather than punishment, it focuses on repairing the damage inflicted on the victim and rebuilding relationships. Offenders are motivated to take responsibility for their actions and make restitution. This approach future-oriented and community-focused, based on indigenous traditions and advocated today in criminal justice reform.

2. Justice in Indian Epics

The Indian epics are not just religious or mythological texts—they are socio-legal narratives reflecting how justice was imagined in early Indian society.

2.1 Mahabharata: Draupadi's Humiliation

Draupadi is dragged into a royal court, disrobed, and dishonoured after being gambled away by her husbands. Her demand for justice results in the Kurukshetra war—a war that can be seen

as retributive justice on a cosmic scale, punishing the wrongdoers through total destruction.

2.2 Silappathikaram: Kannagi's Revenge

Kannagi's husband is wrongly executed by the king of Madurai. In retaliation, she curses and burns the city, proving his innocence only afterward. Her act, though rooted in moral righteousness, reflects a deeply retributive sense of justice—punishment through destruction.

2.3 Ramayana: Sita's Exile

Although saved by Rama, Sita is banished to the forest as a result of public doubt regarding her chastity. She submits to a trial by fire and subsequently opts for self-exile. Restorative elements are seen here—Sita's silence, forbearance, and ultimate return to the earth transgress traditional justice norms, presenting a more ethical and internalized form of justice.

This essay contends that Indian epics offer a rich mix of retributive and restorative justice, frequently overshadowed by punishment and revenge, but not without flashes of reconciliation and healing. Through Draupadi's rage, Kannagi's flames, and Sita's silence, we witness how ancient Indian stories struggled with the definition of justice—a concern that is still very much with us today.

1. UNDERSTANDING RETRIBUTIVE AND RESTORATIVE JUSTICE

1.1 Retributive justice: Punishment as moral balance

Retributive justice is a hypothesis of justice that considers punishment, if relative, to be the ideal reaction to wrongdoing. The thought has its premise in the concept that when a person commits a wrongdoing, they should to be rebuffed in a proportionate way to the offense. This sort of equity is concerned with the past act of the guilty party and points to force a punishment that compares to the reality of the unfortunate behaviour. The primary reason is to uphold morality by ensuring wrongdoers are liable for their action.

Within the setting of the Mahabharata, retributive justice is explicit in the story of the humiliation of Draupadi and the war that happened subsequently. The epic depicts the complexities of dharma (duty/righteousness) and how transgressions of dharma require revenge in arrange to re-establish harmony. As one of the one researcher signifies, the Mahabharata does not portray a black-and-white universe but recognizes the shades of grey which includes moral decisions, emphasizing the significance of retribution in the certain

areas[1].

1.2 Restorative Justice: Healing and Reconciliation.

Restorative justice, on the other hand, focuses on repairing criminal harm through cooperative forms including all the parties of crime. This approach focuses on the needs of the victims, the offenders, and the community, aiming to heal and put things right. Restorative justice is practiced through discussion, shared assent, and comprehension, where guilty parties acknowledge duty and make amends, whereas the victim get to share their sentiments and needs.

The Ramayana gives understanding into restorative justice in the account of Sita's banish. Sita's response to unfair treatment—characterized by tolerance and compliance with dharma—demonstrates a restorative approach[2]. Her activities aim to protect social agreement and personal integrity, illustrating the plausibility of reconciliation and healing in spite of her personal suffering.

1.3 Comparative Analysis of Justice models

While comparing retributive and restorative, a number of contrasts ended up apparently:

Focus: Retributive equity centres on the past activities of the wrongdoer, whereas restorative justice emphasizes the needs of the victims and the community.

Objective: Retributive equity involves on rebuffing and preventing, whereas restorative justice points to mend and re-establish relationships.

Process: Retributive equity is characterized by formal legitimate forms, whereas restorative justice advances casual, collaborative processes.

In the Indian epics, both these models exist together. In the stories, both are laced since equity in society is complex. For instance, in spite of the fact that Draupadi's request for equity includes retributive results, Sita's life speaks to remedial principles.

1.4 Significance to Advanced Legitimate Systems

Knowledge of these models of justice is crucial for modern lawful frameworks. Retributive justice shapes the premise for many contemporary legal systems, which emphasise on

---

[1] See generally *Jurisprudence in and As 'Mahabharata': An Edifying Epic*, 58 J. Indian L. Inst. 1 (2016), available at https://www.jstor.org/stable/44283797.

[2] See *The Ramayana: Its Origin, Authorship and Early Development*, 17 J. Am. Orient. Soc. 1 (1896), available at https://www.jstor.org/stable/24157333.

deterrence and punishment. However, there is expanding mindfulness of the advantages with restorative justice which is helpful particularly in meeting the needs of victims and reducing recidivism. The Indian epics discusses justice and provide useful insights to include restorative approaches in the contemporary jurisprudence.

2. CASE STUDIES FROM INDIAN EPICS

2.1 Mahabharata: Draupadi's Humiliation and the Kurukshetra War

The Dice game and Draupadi's Humiliation

In the Mahabharata, the important minute driving to the Kurukshetra war is the open mortification of Draupadi[3]. After Yudhishthira loses his kingdom, brothers, and at last Draupadi in a fixed diversion of dice coordinated by Shakuni, Draupadi is persuasively brought into the Kauravas court. There, Dushasana ventures to disrobe her in front of all the elders in the open court. This act is not only considered as an individual insult but moreover a significant infringement of dharma, the ethical and social arrange. Draupadi's offer to the court's sense of justice is met with silence, highlighting the ethical rot within the Kuru dynasty. Her promise not to tie her hair until it is washed with Dushasana's blood symbolizes an individual journey for justice and sets the arrange for the resulting conflict.

Retributive Equity and the Kurukshetra War

Draupadi's mortification is the catalyst for the Pandavas' aim for retributive equity. The Kurukshetra war resulted in a catastrophe and huge misfortune of life, which portrays the need to reestablish dharma. Bhima's brutal murdering of Dushasana, wherein he fulfils his pledge by drinking his blood, embodies the extraordinary measures taken to retaliate for Draupadi's dishonour[4]. This act underscores the epic's underwriting of retributive justice as an instrument to reestablish ethical order.

Krishna's Part: Dharma Versus Lawful Justice

Krishna's association in the Mahabharata includes complexity to the story of dharma. Whereas he advocates for the Pandavas and bolsters their cause, his activities frequently obscure the lines between dharma and adharma. For example, his advice to Arjuna to battle against his kin

---

[3] See *Jurisprudence in and As 'Mahabharata': An Edifying Epic*, 58 J. Indian L. Inst. 1 (2016), available at https://www.jstor.org/stable/44283797.

[4] See Phillip Ernest, *True Lies - Bhīma's Vows and the Revision of Memory in the 'Mahabharata's' Code*, 87 Annals Bhandarkar Oriental Res. Inst. 273 (2006), available at https://www.jstor.org/stable/41692062.

is justifiable as a obligation to maintain righteousness. Krishna's part proposes that adherence to dharma may require activities that strife with conventional legitimate standards, highlighting the pressure between ethical commitments and legalistic elucidations of justice.

Possibility of Restorative justice

The Mahabharata overwhelmingly exhibits retributive justice; nevertheless, it moreover prompts the thought of remedial approaches. Had the Kauravas older folks interceded to address Draupadi's grievances and looked for compromise, the disastrous war might have been avoided. The absence of discourse and the disappointment to recognize wrongdoing blocked any plausibility of healing and rebuilding. This viewpoint of the epic welcomes' reflection on the potential of restorative equity instruments, such as intervention and affirmation of hurt, in preventing cycles of retaliation and violence.

2.2 Silappathikaram: Kannagi's Revenge on the Pandya King
The Execution of Kovalan and Kannagi's Response

In the Tamil epic Silappathikaram, Kannagi's spouse, Kovalan, is wrongfully denounced of robbery and executed by the Pandya ruler without a reasonable trial[5]. This premature delivery of equity impels Kannagi into action. She stands up to the king, showing prove of Kovalan's blamelessness, and in her wrath, curses the city of Madurai, driving to its pulverization. Kannagi's change from a lamenting widow to a imposing drive looking for equity underscores the epic's accentuation on retributive justice.

Retributive Equity and the King's Self-Punishment

Kannagi's act of burning Madurai serves as a form of retributive equity, punishing not just the ruler but the whole city for the injustice dispensed out to her spouse[6]. The king, upon realizing his grave blunder, takes his own life, an act that combines individual blame with the affirmation of a fizzled equity framework. This self-inflicted discipline reflects the interlacing of ethical obligation and the results of legal failure.[7]

---

[5] See *The Themes of Chastity and Justice in Silappadhikaram*, Inspirajournals, available at https://www.inspirajournals.com/uploads/Issues/1492869070.pdf.inspirajournals.com+1IJCRT+1
[6] See *Silappatikaram: Empowering Women's Journey from Neglect to Justice*, IJFMR, available at https://www.ijfmr.com/papers/2024/3/21957.pdf.IJFMR
[7] See *Kannagi- A Legendary Tamil Woman in the Epic Silapathikaram*, TOJQI, available at https://www.tojqi.net/index.php/journal/article/download/7310/5173/7851.tojqi.net+1tojqi.net+1

Potential for Restorative Justice

While the epic transcendently showcases retributive justice, it also welcomes consideration of helpful approaches. Had the king conducted an intensive examination or offered reparations upon finding the truth, the disastrous annihilation of Madurai might have been avoided. The absence of fair trail and the disappointment to recognize wrongdoing blocked any plausibility of recuperating and reclamation. This perspective of the epic prompts' reflection on the potential of restorative justice instruments, such as intervention and affirmation of hurt, in avoiding cycles of retaliation and viciousness.

2.3 Ramayana: Sita's Exile and Trial by Fire

The Ordeal of Sita: Trial by Fire and Exile

In the Ramayana, after protecting Sita from Ravana, Rama faces societal questions with respect to her chastity. To address these concerns, Sita experiences an Agni Pariksha (trial by fire) to demonstrate her virtue. Developing unscathed, she reaffirms her blamelessness[8]. Be that as it may, in spite of this, Rama afterward ousts her, prioritizing open conclusion over individual conviction. This arrangement underscores the pressure between person equity and societal expectations.

Rama's Choice: Retributive Justice and Societal Expectations

Rama's activities reflect a retributive demonstrate of equity, where the accentuation is on maintaining societal standards, indeed at the cost of individual connections.[9] By banishing Sita, he looks for to keep up his picture as a fair ruler, illustrating the weight of open discernment in administration. This choice, whereas adjusting with his obligation as a ruler, raises questions around the balance between dharma (nobility) and compassion.

Sita's ordeal: A restorative Perspective

Sita's Agni Pariksha can too be deciphered through a restorative point. Her intentional trial serves as a implies to reestablish her honour and reintegrate into society. The fire symbolizes purification, and her development unscathed means the rebuilding of her nobility. This act highlights the potential of restorative justice in mending and reconciliation.

---

[8] See *The Ramayana: Summary and Analysis*, Student Notes, available at https://www.student-notes.net/the-ramayana-summary-and-analysis/.

[9] See *The Role of Fire in Sita's Trials: A Symbolic Analysis*, Hindu Mythology Worldwide, available at https://hindu.mythologyworldwide.com/the-role-of-fire-in-sitas-trials-a-symbolic-analysis/.

Modern Reflections: Equity for Women

The account of Sita's trial and banish proceeds to resound in contemporary talks on women's rights and societal desires. The accentuation on female immaculateness and the results of open examination reflects progressing challenges confronted by women[10]. Sita's story serves as a focal point to look at the weight's women confront to acclimate to societal guidelines and the significance of guaranteeing equity that regards person nobility.

3. COMPARATIVE ANALYSIS OF JUSTICE IN EPICS

3.1 Similarities: Retributive Justice and the Central Role of Women

Across the Mahabharata, Silappathikaram, and Ramayana, retributive justice rises as an overwhelming subject. In each story, a seen treachery leads to a noteworthy act of revenge: Draupadi's mortification comes full circle in the Kurukshetra war, Kannagi's husband's wrongful execution comes about in the annihilation of Madurai, and Sita's oust underscores the societal accentuation on virtue and honour. These reactions highlight an equity framework centred on discipline or maybe than reconciliation.

Women stand at the epicentre of these equity battles. Draupadi, Kannagi, and Sita are not insignificant detached figures but dynamic operators whose encounters and responses drive the story forward. Their stories emphasize the societal desires set upon women and their significant parts in maintaining or challenging the winning ideas of dharma and justice.

3.2 Contrasts: Scales and Expressions of Justice

While retributive justice is a common string, the scale and expression of equity shift among the epics:

Mahabharata: The journey for equity shows in a large-scale war, including whole kingdoms and coming about in enormous pulverization. The accentuation is on reestablishing dharma through collective punishment.

Silappathikaram: Equity is sought after on a person level. Kannagi's individual feud leads to the destruction of a city, highlighting the control of individual in looking for retribution.

Ramayana: Equity is internalized, with Sita experiencing individual trials to maintain her honour. The focus is on individual sacrifice and adherence to societal desires, reflecting a more contemplative approach to justice.

---

[10] See *The Agni Pariksha of Sita: Why Women Are Still Being Burned by Society*, Times Life, available at https://timeslife.com/life-hacks/agni-pariksha-sita-women-judgment/articleshow/117729270.html.

These varieties outline the assorted translations and executions of equity inside the social and worldly settings of each epic.

3.3 Philosophical Reflection: Alignment with Modern justice Systems

Modern equity frameworks transcendently emphasize helpful equity, centring on restoration, compromise, and the reclamation of social concordance. In differentiate, the legends frequently prioritize retributive equity, where discipline serves as a implies to reestablish ethical order.

For occasion, the large-scale pulverization in the Mahabharata and Silappathikaram as a reaction to person shameful acts would be seen as unbalanced in modern legitimate systems. So also, Sita's trial by fire and consequent banish, driven by societal recognitions, would be considered infringement of person rights in advanced contexts.

However, components of restorative justice are present. Sita's Agni Pariksha can be deciphered as a typical act of purification and compromise, pointing to reestablish her honour and societal standing.

These stories incite reflection on the advancement of equity frameworks and the adjust between societal standards and individual rights. They emphasize the significance of setting in translating equity and the require for frameworks that prioritize both responsibility and rebuilding.

4. CONCLUSION

A near examination of the Mahabharata, Silappathikaram, and Ramayana uncovers that retributive justice forms the overwhelming system inside these legends. Each narrative— whether it is Draupadi's call for retribution that leads to war, Kannagi's anger that comes about in the burning of Madurai, or Sita's banish based on societal suspicion—demonstrates equity as a response to wrongdoing, essentially through discipline and ethical reclamation. Be that as it may, these writings are not totally destitute of remedial suggestions. Sita's trial by fire, for occasion, reflects a typical cleansing that points to mend her nobility, indeed if it is questionable by today's benchmarks. These layered portrayals outline that whereas reprisal was regularly the prompt reaction, antiquated Indian writing too recognized the require for determination, truth, and ethical accountability.

Pertinence in Advanced Legitimate Systems

Contemporary lawful systems, especially in equitable social orders, endeavour to strike a

balance between revenge and rebuilding. Whereas reformatory measures stay indispensably to criminal equity, present day frameworks progressively emphasize restoration, compromise, and social reintegration—core precepts of remedial equity. The legends, in spite of the fact that grounded in divine and ethical codes of old social orders, resound with today's legitimate challenges. Issues like gender-based violence, wrongful discipline, and societal presence parallel the epics' subjects, making these antiquated stories out of the unexpectedly relevant in current jurisprudential talk. They compel us to reflect on the ethical establishments of equity, the part of open supposition, and the moral obligations of those in power.

Final Reflection

The persevering address, at that point, is whether standards of remedial justice—dialogue, responsibility, and healing—can be connected to real-world clashes that are still formed by social progressions, sex standards, and verifiable grievances. Can our advanced frameworks learn from the sagas not fair approximately discipline, but approximately pardoning, ethical repair, and societal recuperating? These writings challenge us to reconsider equity not just as an act of adjusting scales but as a persistent, advancing interest of concordance.