



Legal Precedents And Mythological Narratives: Lessons From The Durga Saptashati For Modern Legal Challenges

¹CHANDI PRASAD KHAMARI

¹Assistant Professor

¹Yudhistir Mishra Law College, Balangir, Odisha, India.

Abstract: The Durga Saptashati, a revered Hindu scripture, is rich in mythological narratives that symbolize the eternal struggle between good and evil. While traditionally viewed as a spiritual and religious text, its narratives offer profound insights into contemporary legal challenges and moral dilemmas. This article explores the relevance of Durga Saptashati in informing modern legal practices, focusing on themes of justice, retribution, and the role of law in societal transformation. The stories of Goddess Durga's battles against asuras like Mahishasura and Shumbha-Nishumbha provide valuable allegories for modern legal systems grappling with issues of justice, gender equality, and governance. Through a comparative analysis of these mythological tales and existing legal precedents, this article demonstrates how ancient wisdom can guide contemporary legal reasoning, offering new perspectives on accountability, restorative justice, and the balance between power and morality. The article further integrates legal maxims and judicial interpretations to illustrate how ancient narratives can bridge the gap between morality and law, encouraging a more nuanced approach to legal challenges. Through this article the researcher weaves together mythological narratives and legal precedents, demonstrating how ancient wisdom from the Durga Saptashati can inform and enrich modern legal thought.

Index Terms - Legal Precedents, Justice, Gender Equality, Moral Dilemmas etc.

I. INTRODUCTION

The intersection of mythology and law is a subject that has intrigued scholars across various disciplines, demonstrating that ancient texts can serve as moral and legal compasses for modern societies. Among the vast corpus of Hindu mythology, the Durga Saptashati, also known as the Chandi Path, is a collection of 700 verses that celebrate the triumph of Goddess Durga over various demonic forces. Beyond its spiritual significance, these mythological stories embody principles that resonate with modern legal frameworks, such as justice, morality, and the protection of the weak. In legal terms, these stories can be seen as allegories for jurisprudence, providing a moral foundation that is essential for any functioning legal system. The connection between mythology and law is not new; ancient texts have always served as moral compasses, influencing legal precedents and statutory interpretations.

The Durga Saptashati recounts a series of battles in which Goddess Durga defeats various asuras (demons) such as Mahishasura, Shumbha, Nishumbha, and Raktabija. These tales symbolize the victory of justice, righteousness, and law over lawlessness, tyranny, and chaos. In legal discourse, these stories can be

interpreted through the lens of fundamental legal principles such as the rule of law, justice, and accountability. Legal scholars and practitioners can draw lessons from these mythological narratives, using them as frameworks to analyze contemporary issues such as gender-based violence, corruption, governance, and restorative justice.

One of the most iconic stories in the Durga Saptashati is the slaying of Mahishasura, a shape-shifting demon who symbolizes unchecked power and lawlessness. His defeat by Goddess Durga signifies the triumph of dharma (righteousness) over adharma (injustice). These mythological narratives, frequently invoked in legal arguments, suggests that the law must prevail over all obstacles to ensure justice is served, a concept paralleled in the mythological tale of Durga's relentless fight against Mahishasura. This narrative finds a modern equivalent in criminal law, where justice systems are tasked with eliminating tyranny and upholding the rights of victims, even when faced with challenges from powerful entities or individuals¹. This article explores how the narratives from the Durga Saptashati can inform contemporary legal issues, from gender-based violence to questions of governance and justice².

II. JUSTICE AND RETRIBUTION: THE MAHISHASURA NARRATIVE

The story of Mahishasura's defeat by Goddess Durga is symbolic of the triumph of good over evil, a theme that resonates deeply with the principles of justice. The asura Mahishasura, representing unchecked power and lawlessness, parallels modern-day legal challenges involving crimes against society. In the legal domain, the maxim *fiat justitia ruat caelum*³ encapsulates the moral imperative to uphold justice regardless of the obstacles. In modern legal systems, this maxim is often invoked when courts deliver judgments against powerful figures, ensuring that justice is not compromised by fear or favor. Article 14 of the Indian Constitution, which guarantees equality before the law and the equal protection of the laws, reflects this principle, ensuring that no one is above the law, much like Mahishasura, despite his boons, was not invincible⁴. The Durga Saptashati presents this principle through Durga's relentless pursuit of justice, which can be seen as an allegory for modern criminal law that seeks to eliminate tyranny and oppression. This narrative encourages legal systems to uphold justice even in the face of overwhelming challenges, reinforcing the moral foundation of legal judgments⁵.

III. GENDER JUSTICE AND THE SHUMBHA-NISHUMBHA EPISODE

The battle between Goddess Durga and the demon brothers Shumbha and Nishumbha offers crucial insights into gender equality and the empowerment of women, both in mythological and legal contexts. The narrative underscores the concept of *nemo dat quod non habet*⁶, suggesting that power cannot be bestowed upon those unworthy or unjust. Durga's assertion of her right to fight back, despite the societal norms of the time, reflects the ongoing legal battle for gender equality and the protection of women's rights in modern law. This resonates with constitutional mandates for gender equality under Article 15 of the Indian Constitution and international legal frameworks such as the Convention on the Elimination of All Forms of Discrimination

¹ Bhattacharya, S. (2018). "Justice in Mythology: Legal Principles in Ancient Texts." Indian Law Review.

² Gopal, A. (2020). "Mythology and Law: The Intersection of Ancient Texts and Modern Legal Thought." Journal of Legal Studies.

³ Let justice be done, though the heavens fall

⁴ Iyer, K. (2019). "Gender and Justice: Lessons from Mythology." Gender Studies Journal.

⁵ Bhattacharya, S. (2018). "Justice in Mythology: Legal Principles in Ancient Texts." Indian Law Review.

⁶ No one gives what they do not have

Against Women (CEDAW). Through Durga's actions, the mythological text reinforces the importance of individual agency and autonomy, principles that are essential for achieving substantive equality in today's legal landscape⁷. The Shumbha-Nishumbha episode can also be seen as a broader allegory for the empowerment of women. Durga's refusal to be dominated and her ultimate victory over the demons serve as a reminder that gender justice involves recognizing and uplifting the inherent strength and autonomy of women. In modern contexts, the empowerment of women is central to achieving gender justice, particularly through education, economic independence, and legal rights. For instance, The Sexual Harassment of Women at Workplace (Prevention, Prohibition, and Redressal) Act, 2013, commonly known as the POSH Act, empowers women by providing a legal mechanism to address sexual harassment in the workplace. By creating a safe environment for women and ensuring their right to work with dignity, the law echoes the triumph of Durga over the oppressive forces of Shumbha and Nishumbha.

The feminist legal scholar Catharine MacKinnon argues that the law must actively engage in dismantling patriarchal structures that oppress women. Like Durga's fierce battle, MacKinnon posits that the law must serve as a weapon in the fight for gender equality, ensuring that women's rights are not only recognized but fiercely defended⁸. In modern contexts, these themes find resonance in laws that protect women's rights, address gender-based violence, and promote equality. Just as Durga stands as a symbol of strength and justice, modern legal systems must continue to evolve to protect and empower women, ensuring that gender justice is achieved in all spheres of society.

IV. MORAL DILEMMAS AND JUDICIAL DISCRETION: THE RAKTABIJA CONUNDRUM

The character of Raktabija, whose blood spawns new demons with every drop, presents a unique moral and legal dilemma. The Raktabija conundrum is analogous to legal cases where each decision or remedy inadvertently leads to new issues, complicating the resolution process. In such scenarios, judges often face moral dilemmas as they must decide between multiple undesirable outcomes. The ever-multiplying demon represents recurring problems in law and justice, where conventional remedies fail to address the root causes of societal or legal problems⁹. The cycle of violence represented by Raktabija reflects the challenges faced by modern judicial systems in dealing with recurring offenses and rehabilitative justice. The narrative highlights the principle of *lex talionis*¹⁰, which can be juxtaposed with modern legal principles of proportionality and reformation¹¹. In the modern legal context, the retributive theory of justice is often debated, particularly concerning the death penalty and other forms of capital punishment. Supporters argue that retribution serves as a deterrent and upholds justice for victims, much like Durga's actions serve to deliver justice to those oppressed by Mahishasura's tyranny. However, critics of retribution argue that it can lead to excessive punishment, with the focus shifting from rehabilitation to vengeance¹². Durga's eventual solution, through the assistance of Kali, illustrates the necessity of innovative legal approaches to break cycles of violence and crime, such as restorative justice programs that aim to rehabilitate offenders rather than perpetuate a punitive

⁷ Supra note 4.

⁸ MacKinnon, C. (1989). *"Toward a Feminist Theory of the State"*. Harvard University Press.

⁹ Supra Note 5

¹⁰ The law of retaliation

¹¹ Gupta, T. (2023). "Mythology and Modern Law: Bridging the Gap." *Journal of Legal Ethics*.

¹² Nanda, R. (2015). "Punishment and Society: The Role of Retribution in Modern Legal Systems". *International Journal of Criminal Justice*, 9(2), 201-218.

cycle. The story urges legal practitioners to seek not just punitive measures, but solutions that address the root causes of criminal behavior¹³.

This situation finds parallels in judicial discretion, where judges must apply their wisdom and interpret the law beyond its literal wording. For example, in cases of public interest litigation, the judiciary is often called upon to address systemic issues such as corruption, environmental degradation, or institutional inefficiencies. Like Durga's battle with Raktabija, judges must deploy innovative solutions to prevent the problem from perpetuating. The maxim *ex aequo et bono*¹⁴ applies in such cases, where the courts may exercise discretion to ensure that justice is done in a manner that addresses the root of the issue, rather than exacerbating it¹⁵. In the story, Durga realizes that conventional methods of combat are ineffective against Raktabija and calls upon Kali, her fierce manifestation, to drink the demon's blood before it touches the ground, thereby preventing his regeneration. This innovative solution reflects the role of judicial discretion in finding creative and effective remedies in morally complex situations. Similarly, the judiciary must sometimes adopt unconventional approaches to resolve entrenched societal problems.

Judicial discretion is especially important in cases involving constitutional interpretation, where the law may be ambiguous or silent on certain issues. For instance, in *Keshavananda Bharati v. State of Kerala*¹⁶, the Indian Supreme Court exercised judicial discretion to establish the basic structure doctrine, which has since been used to protect the fundamental rights of citizens from arbitrary amendments to the Constitution. Like Durga's summoning of Kali, the court found an innovative solution that preserved justice while addressing the legal challenge at hand. The use of discretion in such cases is guided by the principle of *jus dicere, non jus dare*¹⁷. Judges are not meant to create laws but interpret and apply them in ways that uphold justice, especially when facing moral dilemmas. The Raktabija conundrum, in this sense, serves as a metaphor for the challenges that arise when legal systems must evolve to meet the needs of a changing society¹⁸.

V. GOVERNANCE AND ACCOUNTABILITY: THE DEMONS OF GOVERNANCE

The ancient texts of mythology often offer allegories and lessons relevant to modern governance. In the Durga Saptashati, the demons that Goddess Durga vanquishes represent more than just physical foes they symbolize human vices, corruption, and the failures of governance that persist in contemporary society. The Demons of Governance such as Mahishasura, Shumbha-Nishumbha, and Raktabija can be seen as representations of the challenge's governments face, including corruption, inefficiency, and a lack of accountability. By confronting these demons, both ancient mythology and modern governance frameworks stress the importance of accountability, transparency, and justice.

Mahishasura, a demon with the ability to shift forms, symbolizes the corrupting influence of power and the ever-changing strategies that those in power may use to maintain their hold on governance. His ability to morph into various forms can be seen as a metaphor for the ways in which corruption adapts and persists in different forms, eluding traditional accountability mechanisms. Corruption undermines the very

¹³ Sharma, p. (2017). "restorative justice: a comparative study." Criminal law quarterly.

¹⁴ According to what is right and just

¹⁵ Supra Note 4.

¹⁶ (1973) 4 SCC 225.

¹⁷ To declare the law, not to make it

¹⁸ Supra Note 11

foundations of governance by weakening institutions, eroding public trust, and diverting resources meant for public welfare. In modern governance, the fight against corruption is a key issue, with measures like anti-corruption laws and the establishment of independent oversight bodies, such as Lokpal in India. The mythological lesson of Mahishasura's defeat is that unchecked power must be challenged by the collective will of institutions and the rule of law¹⁹. The battle against corruption finds resonance in legal frameworks such as the Prevention of Corruption Act, 1988 and the establishment of the Central Vigilance Commission (CVC), which play pivotal roles in maintaining transparency in public administration. These laws act as modern tools for combating the "Mahishasuras" of governance who seek to pervert the system for personal gain.

The brothers Shumbha and Nishumbha represent bureaucratic inertia and the consolidation of power within small, self-serving groups in governance structures. In modern administrative systems, the concentration of decision-making power within unaccountable bodies or bureaucracies can lead to inefficiency and the failure to address the needs of the public. This concentration of power breeds nepotism, favoritism, and inefficiency, preventing equitable distribution of resources and services²⁰. The mythological depiction of Goddess Durga battling these demons reflects the necessity for decentralized power structures and the promotion of accountability in governance. Decentralization is crucial in preventing bureaucratic stagnation and ensuring that decision-making is more inclusive and transparent. Laws such as the Right to Information Act, 2005 (RTI) empower citizens to demand transparency and hold bureaucrats accountable, preventing the accumulation of unchecked power that Shumbha and Nishumbha represent.

The demon Raktabija presents a unique challenge every time his blood spills, he replicates, creating new demons. This mythological figure can be seen as a symbol of systemic governance failures that, when addressed in one area, reappear in another. Systemic corruption, inefficiency, and failures in governance often perpetuate themselves in a similar manner, creating new problems with every attempted solution²¹. Judicial and administrative discretion is necessary to prevent the proliferation of these issues. Modern legal systems employ the principles of judicial review and administrative law to ensure that decisions made by the government are in accordance with established laws and not subject to arbitrariness. The legal maxim *lex semper dabit remedium*²² is relevant in this context, as it signifies the need for governance systems to continuously adapt and evolve to address recurring problems, ensuring that solutions are sustainable and do not lead to further governance issues.

The various demons Durga encounters symbolizing greed, corruption, and tyranny offer allegories for governance challenges in modern legal systems. These narratives resonate with the legal maxim *res ipsa loquitur*, emphasizing the inherent responsibility of those in power to govern justly. The failure of the demons to govern with justice and moral integrity reflects the modern-day issue of corruption in governance, where legal frameworks must intervene to uphold accountability and transparency. The Durga Saptashati thus

¹⁹ Iyer, K. (2018). "Bureaucratic Power and Governance Failures. **Public Administration Review**", 15(3), 207-223.

²⁰ Supra Note 19

²¹ Rao, A. (2019). "Raktabija and the Perpetuation of Systemic Failures in Governance". **Administrative Law Quarterly**, 10(2), 345-360.

²² The law will always give a remedy

becomes a mirror reflecting the consequences of governance without ethical leadership, urging the legal fraternity to craft policies that prevent abuse of power and promote ethical governance²³.

VI. THE ROLE OF LAW IN SOCIETAL TRANSFORMATION

Law is often regarded as the backbone of society, functioning not only as a set of rules to regulate conduct but also as an instrument of social change. As sociologist Roscoe Pound remarked, law is not merely a reflection of societal norms but a mechanism that can actively mold and improve society²⁴. Throughout history, the evolution of societies has been deeply intertwined with the development and reform of legal systems. Whether through legislation, judicial rulings, or constitutional amendments, law plays a pivotal role in shaping societal values, promoting justice, and addressing inequalities. The transformative power of law is evident in its ability to dismantle oppressive structures, protect individual rights, and foster social cohesion. The overarching theme of the Durga Saptashati is societal transformation through the destruction of evil forces. In the modern context, law serves as the tool for societal transformation, tasked with the protection of rights and the imposition of justice. The text's emphasis on the destruction of adharma (injustice) echoes the constitutional principle of *salus populi suprema lex*²⁵. Legal systems worldwide strive to eradicate injustice and promote societal welfare, much like Durga's role in restoring cosmic balance. The Durga Saptashati's emphasis on moral justice encourages the legal community to continually adapt and evolve in the pursuit of fairness and equity²⁶.

VII. CONCLUSION

The narratives of the Durga Saptashati, when analyzed through a legal lens, offer profound insights into contemporary legal challenges. The stories of Durga's battles not only emphasize the principles of justice, accountability, and moral integrity but also provide a framework for addressing modern issues such as gender equality, corruption, and judicial discretion. By integrating the lessons from these mythological narratives with legal maxims and principles, modern legal systems can bridge the gap between moral imperatives and judicial reasoning, thus fostering a more just and equitable society. The timeless relevance of these stories demonstrates that ancient wisdom can still guide contemporary legal frameworks in addressing the complexities of the modern world.

VIII. REFERENCES

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²³ Roy, M. (2021). "Corruption and Governance: A Legal Perspective." Public Law Journal.

²⁴ Pound, R. (1911). "The Scope and Purpose of Sociological Jurisprudence". Harvard Law Review, 24(8), 591-619.

²⁵ The welfare of the people is the supreme law

²⁶ Nanda, R. (2016). "Law and Societal Change: A Historical Overview." Journal of Constitutional Law.

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