

A COMPARATIVE EVALUATION: THE CONSTITUTION OF INDIA AND TIRUKKURAL

by

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ABSTRACT

This research paper presents a comparative analysis between **The Constitution of India**, the supreme legal document of modern India, and the **Tirukkural**, a two-millennium-old universal code of life. Specifically, this study evaluates the legal principles articulated in Dr V. N. Shukla's seminal commentary, *'The Constitution of India' (4th Edition, 1964, Eastern Book Company)*, alongside the ethical foundations laid down by Tiruvalluvar. It demonstrates how both documents systematically establish the groundwork for human advancement and social justice. The structural harmony between the two texts regarding equality, individual liberty, the concept of a Welfare State, and the judicial framework is thoroughly examined with supporting citations.

Keywords in English:

Indian Constitution – Tirukkural - Dr. V. N. Shukla (1964) - Fundamental Rights - Right to Equality - Directive Principles of State Policy (DPSP) - Welfare State - Rule of Law - Judicial Impartiality - Comparative Jurisprudence - Social Justice

1. Introduction

A constitution is the foundational legal document that defines a country's governance model, alongside the rights and duties of its citizens. The Indian Constitution stands as the longest written constitution in the world. As Dr V. N. Shukla highlights in his treatise's Foreword, it synthesized various global legal elements while remaining deeply customized to the heritage of the Indian soil. The claim that the Tirukkural represents a genuinely universal code of life is borne out by its continuing institutional dissemination. The Central Institute of Classical Tamil has already rendered the text into thirty four languages and has announced plans to extend translation

to a hundred languages by August 2026, a scale of circulation matched by very few non-religious texts. This sustained translation effort underscores the enduring relevance of Tiruvalluvar's ethical framework well beyond its Tamil origins, providing an apt backdrop against which its resonance with a modern constitutional document may be assessed.¹

Conversely, the Tirukkural, the pinnacle of Tamil ethical literature, predates modern constitutionalism yet encapsulates key democratic values within its '*Arathuppal*' (Book of Virtue) and '*Porutpal*' (Book of Polity). Dr V. N. Shukla's 1964 fourth edition serves as an exhaustive record tracking India's legal developments through its first 17 constitutional amendments and landmark Supreme Court verdicts. Juxtaposing these two texts illuminates the profound, historic continuity linking ancient ethics with modern jurisprudence.

2. Right to Equality and Human Rights

2.1. The Constitution of India: Part III (Fundamental Rights)

Part III of the Indian Constitution serves as the primary legal guarantee safeguarding the human rights of Indian citizens. In the commentary and table of contents of his text, Dr V. N. Shukla provides an extensive analysis of the rights guaranteeing equality:

- **Article 14 (Equality before law):** The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India (Page 23).
- **Article 15 (Prohibition of discrimination):** The State shall not discriminate against any citizen on grounds only of religion, race, caste, sex, or place of birth (Page 36).
- **Article 16 (Equality of opportunity):** There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State (Page 41).
- **Article 17 (Abolition of Untouchability):** "Untouchability" is abolished and its practice in any form is forbidden, making the enforcement of any disability arising out of it a punishable offence (Page 44).

As noted by the Hon'ble Mr. Justice M. H. Kidwai in the Foreword, these fundamental rights were uniquely incorporated into the fabric of the Constitution to dismantle long-standing social evils like untouchability and preserve human dignity. The gap between the constitutional guarantee and

¹ 'Thirukkural translation to be made available in 30 more languages by Jan 2026, says official' (*Metro Vaartha*, 7 December 2025) <<https://english.metrovaartha.com/entertainment/thirukkural-translation-to-be-made-available-in-30-more-languages-by-jan-2026-says-official>> accessed 17 September 2026.

its lived reality, however, remains significant. According to the National Crime Records Bureau, a total of 57,582 cases of crime against Scheduled Castes were registered across India in 2022, a rise of 13.1 per cent over the preceding year, with Uttar Pradesh, Rajasthan, and Madhya Pradesh recording the highest incidence. Such figures illustrate that the abolition of untouchability under Article 17 continues to require active enforcement rather than textual guarantee alone, a concern that resonates with Tiruvalluvar's insistence that conduct, not mere pronouncement, must govern social relations.²

2.2. Tirukkural: The Egalitarian Value of 'Birthright Equality'

Long before the genesis of modern democratic charters, Tiruvalluvar adamantly rejected social, clan, and caste stratification, affirming human equality in the chapter '*Perumai*' (Greatness):

**"பிறப்பொக்கும் எல்லா உயிர்க்கும் சிறப்பொவ்வா
செய்தொழில் வேற்றுமை யான்." (Kural 972)**

All human beings are equal by birth. They differ only in their degrees of distinction, which are determined by the quality and nature of their deeds, not by their lineage. Tiruvalluvar further emphasizes that human worth and fundamental dignity must never be judged based on an individual's station of birth:

**"மேலிருந்தும் மேலல்லார் மேலல்லர் கீழிருந்தும்
கீழல்லார் கீழல் லவர்." (Kural 973)**

Those lacking noble virtues are not great, even if placed in the highest social strata or office; those possessing noble character remain great, even when situated in the lowest tier of life.

2.3. Legal Rules and Ethical Norms: A Comparative Analysis

The objectives that Articles 14, 15, and 17 seek to accomplish via statutory mandates are the exact moral imperatives that Tiruvalluvar explicitly prescribes for internal conscience and social conduct.

Direct Comparison of Rights & Values:

Constitutional Provision (V. N. Shukla, 1964)	Values in Tirukkural (Tiruvalluvar)	Social Impact
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² National Crime Records Bureau, *Crime in India 2022: Statistics* (Ministry of Home Affairs, Government of India 2022) vol I; see further 'NCRB data shows increase in crimes against SCs and STs, UP and Rajasthan on top' (*The News Minute*, 2023) <<https://www.thenewsminute.com/news/ncrb-data-shows-increase-in-crimes-against-scs-and-sts-up-and-rajasthan-on-top>> accessed 17 September 2026.

Articles 14 & 15: Non-discrimination, equality, and equal protection under the law.	Kural 972: "All human beings are equal by birth" — Universal human solidarity.	Complete eradication of systemic discrimination based on birth or lineage.
Article 16: Equality of opportunity in public sector employment.	Kural 972: "Distinction determined by deeds" — Qualification and merit determine worth.	Dismantling of hereditary occupational monopolies; equal access based on competence.
Article 17: Abolition of untouchability and protection of human dignity.	Kural 973: "Virtue determines status" — Rejection of artificial social hierarchies.	Liberation from historical oppression; restoration of essential human rights.

Early constitutional revisions highlighted by Dr Shukla (such as those dealing with property and protective discrimination in the 3rd and 4th editions) were executed precisely to bridge socio-economic gaps. Similarly, Tiruvalluvar's *'Arathuppal'* continuously demands protection for the vulnerable. Both texts reject the notion that human rights belong merely to statute books; they insist these rights must manifest as practical equality in daily life. This egalitarian vision has found partial institutional expression at the state level. Tamil Nadu's Samathuvapuram, or "equality village", scheme, launched in 1997, has settled Dalit, Backward Class, and Most Backward Class families within shared housing colonies built around a single common hall and burial ground, in a deliberate effort to dissolve customary spatial segregation by caste. Although subsequent reporting has noted uneven implementation in some villages, the scheme remains a concrete, state-led attempt to translate the birthright equality that Tiruvalluvar champions in Kural 972 into the physical and social fabric of everyday life.³

3. Directive Principles of a Welfare State

3.1. The Constitution of India: Part IV (Directive Principles of State Policy)

³ 'Temples popping up in Samathuvapurams threaten secular values' (*The Federal*, 10 December 2019) <<https://thefederal.com/states/south/tamil-nadu/temples-popping-up-in-periyars-samathuvapurams-threaten-secular-values>> accessed 17 September 2026.

Part IV of the Indian Constitution serves as the definitive structural roadmap for transforming India into a comprehensive **Welfare State**. Within pages 144–154 of his text, Dr V. N. Shukla carefully breaks down these socio-economic objectives:

- **Article 38:** The State shall strive to promote the welfare of the people by securing and protecting a social order infused with justice (Page 147).
- **Article 39:** The State shall direct its policy toward securing adequate means of livelihood and ensuring that the distribution of material resources subserves the common good (Page 147).
- **Article 41:** The State shall, within the limits of its economic capacity, secure the right to work, to education, and to public assistance in cases of unemployment, old age, or sickness (Page 149).
- **Article 46:** The State shall promote with special care the educational and economic interests of the Scheduled Castes, Scheduled Tribes, and other weaker sections (Page 152).

Dr Shukla clarifies that although these principles are non-justiciable in courts, they remain fundamentally basic to the governance of the country. The practical significance of these directive principles is reflected in recent poverty data. NITI Aayog's National Multidimensional Poverty Index: A Progress Review 2023 recorded that approximately 13.5 crore persons exited multidimensional poverty between 2015-16 and 2019-21, with the rural poverty headcount ratio falling from 32.59 per cent to 19.28 per cent over the same period. These gains, attributed substantially to improvements in nutrition, sanitation, and access to cooking fuel, offer empirical evidence that the welfare aspirations embedded in Part IV are gradually being realised, even though Dr Shukla wrote at a time when such outcomes remained largely aspirational.⁴

3.2. Tirukkural: The Social Welfare State in 'Porutpal'

Tiruvalluvar anticipated the primary features of a modern Welfare State within his political treatise. In the chapter '*Naadu*' (The Nation), he identifies a country's authentic wealth as the absolute freedom of its citizens from poverty and vulnerability:

**"பிணியின்மை செல்வம் விளைவுஇன்பம் ஏமம்
அணிஎன்ப நாட்டிற்குஇவ் வைந்து." (Kural 738)**

⁴ NITI Aayog, *National Multidimensional Poverty Index: A Progress Review 2023* (Government of India 2023).

Freedom from disease, abundant wealth, rich agricultural yield, public happiness, and perfect national security—these five constitute the true ornaments of a welfare-oriented state. The continuing purchase of this couplet on Indian public life is illustrated by its repeated invocation in national fiscal policy. Union Finance Minister Nirmala Sitharaman quoted this very verse, in the transliterated form "Piniyinmai Selvam Vilaivinpam Emam Aniyenpa Naattirku Ivaindhu", in her 2019 budget speech to frame the government's welfare initiatives, continuing a practice begun by a predecessor finance minister in the 1990s. That a two-millennium-old couplet on the "five ornaments" of a state continues to furnish the vocabulary of contemporary budgetary policy is a striking testament to the practical, rather than merely symbolic, endurance of Tiruvalluvar's welfare philosophy.⁵ Furthermore, he outlines the precise fiscal duties of a sovereign regarding revenue management and its equitable redistribution:

**"இயற்றலும் ஈட்டலும் காத்தலும் காத்த
வகுத்தலும் வல்ல தரசு." (Kural 385)**

An ideal administration is one that discovers new avenues of revenue (creation), gathers resources systematically (collection), safeguards the treasury securely (preservation), and distributes it equitably for public welfare (allotment).

3.3. Legal Rules and Ethical Norms: A Comparative Analysis

The tenets of Part IV seek to restrict the dangerous concentration of wealth while lifting the marginalized.

Direct Comparison of Welfare Principles & Values:

Constitutional Provision (V. N. Shukla, 1964)	Values in Tirukkural (Tiruvalluvar)	Welfare Impact
Articles 38 & 39: Social justice and equitable resource distribution.	Kural 385: Budgetary allotment ('Vaguthal') of state resources for public good.	Reduction of economic inequality; realization of distributive justice.

⁵ 'Thirukkural makes a comeback' (*Deccan Herald*, 2019) <<https://www.deccanherald.com/business/union-budget/thirukkural-makes-a-comeback-800714.html>> accessed 17 September 2026.

Article 41: State-sponsored access to education, work, and public relief.	Kural 738: Guaranteeing livelihoods, wealth, and community joy.	Fulfilment of citizens' existential needs via robust social safety nets.
Article 46: Targeted economic and educational upliftment of weaker groups.	Kural 738: Provision of health (' <i>Piniyinmai</i> ') and structural protection (' <i>Eumam</i> ').	Inclusion of historically marginalized groups via focused state intervention.

Dr Shukla explains that structural changes, like agrarian land reforms under *Article 31A*, were executed precisely to fulfill these directives. Similarly, Tiruvalluvar positions the eradication of hunger and poverty as the highest validation of any administration. The statutory vision of Articles 38 and 39 meets its ancient philosophical counterpart in Valluvar's fiscal directive of public allotment ('*Vaguthal*').

4. Judiciary and Governance

4.1. The Constitution of India: Part V, Chapter IV (The Union Judiciary)

Dr V. N. Shukla's commentary provides deep insight into the operational separation of powers, the structure of governance, and the preservation of the **Rule of Law**. He highlights the judiciary's protective duties through key articles:

- **Article 124:** Establishment and constitution of the Supreme Court of India (Page 238).
- **Article 32:** Constitutional remedies for the enforcement of fundamental rights via the issuance of writs (Page 112).
- **Article 74:** Constitutional mandate for a Council of Ministers to aid and advise the President in governance (Page 176).

Dr Shukla emphasizes that the absolute independence of the judiciary from executive or legislative interference stands as the bedrock of constitutional democracy. Contemporary data suggest that the institutional independence Dr Shukla identifies as foundational continues to face significant practical strain. The India Justice Report 2025 recorded high court vacancies at approximately 33 per cent of sanctioned judicial strength and district court vacancies at around 21 per cent, alongside a rise in overall case pendency of nearly 20 per cent between 2020 and 2024. Such shortfalls in judicial capacity do not undermine the constitutional design Dr Shukla describes, but they do

underline why sustained institutional investment remains essential to converting the guarantee of an independent judiciary into timely and accessible justice.⁶

4.2. Tirukkural: Administrative Merit and Just Governance ('Sengonmai')

Tiruvalluvar mirrors this modern commitment to independent judicial function and institutional ministerial checks within '*Porutpal*'. In the chapter '*Sengonmai*' (Righteous Reign), he defines the core of judicial impartiality:

**"ஓர்ந்துகண் ணோடாது இறைபுரிந்து யார்மாட்டும்
தேர்ந்துசெய் வஃதே முறை." (Kural 541)**

To investigate thoroughly, to remain completely unbiased without leaning toward any party, to stand firm on justice, and to decree punishments proportionally after due evaluation—this alone is the true way of law. Parallel to the advisory function of Article 74, Tiruvalluvar outlines the strict qualifications and public accountability of ministers in the chapter '*Amaichu*':

**"செயற்கை யறிந்தக் கடைத்து உலகத்து
இயற்கை யறிந்து செயல்." (Kural 637)**

Even if ministers possess thorough theoretical knowledge of statecraft, they must adapt their execution to the prevailing customs and real-world conditions of the people. This administrative ideal continues to shape contemporary judicial culture in Tamil Nadu. In 2019, Justice G. R. Swaminathan of the Madurai Bench of the Madras High Court directed advocates of the Madurai Bar to memorise and recite a Thirukkural couplet daily, observing that lawyers ought to know at least fifty one couplets by heart. The episode is a modest but telling illustration of how Tiruvalluvar's counsel on governance and personal conduct continues to be actively invoked within the very judicial institutions that the Constitution establishes.⁷

4.3. Impartiality and the Rule of Law

The **Rule of Law** asserts that statutory law reigns superior to any individual's arbitrary whim. Dr Shukla highlights this via crucial provisions:

⁶ 'India's judiciary choked by vacancies, delays, and gender gaps: IJR 2025' (*The News Minute*, 16 April 2025) <<https://www.thenewsminute.com/news/indias-judiciary-choked-by-vacancies-delays-and-gender-gaps-ijr-2025>> accessed 17 September 2026.

⁷ 'Judge asks lawyers to recite Thirukkural daily, says all should know 51 at least' (*The Federal*, 30 September 2019) <<https://thefederal.com/states/south/tamil-nadu/judge-asks-lawyers-to-recite-thirukkural-daily-says-all-should-know-51-at-least>> accessed 17 September 2026.

- **Article 21:** Absolute protection of life and personal liberty against arbitrary state action (Page 65).
- **Article 141:** The law declared by the Supreme Court shall be binding on all courts within the territory of India (Page 262).

In the chapter '*Naduvunilaimai*' (Impartiality), Tiruvalluvar provides a classic metaphor for a judge's balanced demeanor:

"சமன்செய்து சீர்தூக்கும் கோல்போல்

அமைந்தொருபால்

கோடாமை சான்றோர்க்கு அணி." (Kural 118)

To remain perfectly level like a balance scale that holds itself straight before weighing an object, and to never tilt to one side, is the finest ornament of the wise.

Direct Comparison of Judicial and Governance Principles:

Constitutional Provision (V. N. Shukla, 1964)	Values in Tirukkural (Tiruvalluvar)	Governance Impact
Articles 32 & 226: Writ jurisdictions designed to halt executive overreach.	Kural 541: Unbiased, evidence-based investigation and balanced sentencing.	Prevention of arbitrary rule; institutionalized protection of individual liberties.
Articles 74 & 163: Collective accountability of the Union and State cabinets.	Kural 637: Pragmatic, people-centric advisory duties of state ministers.	Prevention of autocracy through systemic consultation and checks.
Article 21 & Judicial Review: Protection of life via due process of law.	Kural 547: A ruler's reign is protected by the very justice he maintains.	Subjection of political authority to the supreme limits of law and ethics.

Dr Shukla notes that Article 21 acts as a shield against executive overreach. Tiruvalluvar takes this further by noting that if a ruler dispenses unswerving justice, that very justice protects his office ("**முறைகாக்கும் முட்டாச் செயின்**" - Kural 547). A judge's oath to decide cases

"without fear or favour" aligns with Valluvar's standard of internal balance (*'Utkottam Inmai'*) preventing external distortion (*'Sorkottam'*).

5. Conclusion

Examining the foundations of the Indian Constitution through Dr V. N. Shukla's classic commentary reveals it as more than a simple compilation of Western legal doctrines. Instead, it represents the modern statutory translation of universal values of *Dharma* and social ethics cherished across India for centuries. The ethical state envisioned by Tiruvalluvar finds its contemporary institutional reality in the constitutional architecture of modern India. Both texts share the identical ultimate goal: securing absolute human equality, checking arbitrary power, and establishing a just Welfare State.

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