

meant to be a State without *Dharma*. Some said, ours is a निधर्मी State (*NiDharn* - without *Dharma*), whereas others trying to find a better sounding word, called it धर्मनिरपेक्ष (*Dharmanirapeksha* - indifferent to *Dharma*) State. But all these words are fundamentally erroneous. For a State can neither be without *Dharma* nor can it be indifferent to *Dharma*, just as the fire cannot be without heat. If fire loses heat, it does not remain fire any longer. A State which exists fundamentally to maintain *Dharma*, to maintain law and order, can neither be निधर्मी (*NiDharn*) nor धर्मनिरपेक्ष (*Dharmanirapeksha*). If it is, निधर्मी (*NiDharn*), it will be a lawless State, and where there is lawlessness, where is the question of the existence of any State? In other words, the concept of धर्मनिरपेक्षता (*Dharmanirapekshata* - attitude of indifference towards *Dharma*) and State are self-contradictory. State can only be धर्मराज्य (*Dharma Rajya* - rule of *Dharma*) and nothing else. Any other definition will go against the very *raison d'être* of the State.

Legislature Versus Judiciary

In a *Dharma Rajya*, the State is not absolutely powerful. It is subject to *Dharma*. We have always vested sovereignty in *Dharma*. Presently there has arisen a controversy. Whether the Parliament is sovereign or the Supreme Court, and whether the Legislature is higher or the Judiciary. This is like a quarrel as to whether the left hand is more important or the right hand? Both are the limbs of the State, the Legislature as well as the Judiciary. Both have distinct functions to perform. In their individual sphere, each is supreme. To consider either one above the other would be a mistake. Yet the legislators say, "We are higher". On the other hand, members of the Judiciary assert that they have a higher authority, since they interpret the laws which the Legislature makes. The Legislature claims to have given powers to the Judiciary. If necessary, the Legislature can change the Constitution. Hence it claims sovereignty. Now, since powers are bestowed by the Constitution, they are talking of amendments to the Constitution. But I believe that even if by a majority the Constitution is amended, it will be against *Dharma*. In reality, both the Legislature and the Judiciary are on an equal plane. Neither the Legislature is higher nor the Judiciary. *Dharma* is higher than both. The Legislature will have to act according to *Dharma*, and the Judiciary too, will have to act according to *Dharma*. *Dharma* will specify limits of both. The Legislature, the Judiciary or the people, none of these is supreme. Some will say "Why ! People are sovereign. They elect." But even the people are not sovereign, because people too, have no right to act against *Dharma*. If