

Aspects of Truth in the Practice of Logic, Law, and Spirituality

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Abstract

Theology is the main source of morality and law. While the language of morality appears to be different from that of law, it is very difficult to separate both disciplines with precision. Likewise, ethics without spirituality appears ritualistic. No law or legal system can be conceived as a mechanical system devoid of ethics and spirituality. After all, the law is a means to achieve peace and happiness for the human species. And human beings are not the end product of matter only. Spiritual sensitivity is required to experience the life and its phenomenon without reducing it like a mechanical stuff.

Keywords: Epistemology, ethics, law, logic, spirituality, truth

INTRODUCTION

“A uniformly valid and binding designation is invented for things, and this legislation of language likewise establishes the first laws of truth. For the contrast between truth and lie arises here for the first time. A liar is a person who uses valid designations, or words, in order to make something which is unreal appear to be real”.

—Friedrich Nietzsche

Down the ages, one desire has always engulfed philosophers and mystics—the desire to discover the truth. The process of discovering truth has been handed down to us through various religious and secular texts. The desire to attain or discover truth led to the organization of knowledge as a system which has been an integral goal of religious organizations, mythologies, sciences, and jurisprudence. Before the organization of science as a method or tool to discover truth, mythology was the predominant source of truth. Various religious texts speculate about the origin of life and the laws behind the phenomenon, even though, these speculations are not verifiable, in a sense, natural sciences provide the answers. In due course of time, human’s experiences helped to develop various methods and tools to arrive at truth about life, death, and the clamor of existence. Logic proved as one

of the most predominant means along with senses to test the hypothesis and observe the law behind the phenomenon. Science, in the sense, was organized as a discipline based upon trial and error, which has, over the centuries, refined human’s imagination to arrive at truth. Beyond sciences, arts, humanities, jurisprudence have visualized truth in different senses. These disciplines of knowledge do not pre-suppose truth as an objective reality standing alone rather it has a symbiotic relationship with the observer, artist, or jurist, whose perception and articulation have a greater role to play in visualizing, observing,

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discovering, or creating truth. In the conceptualization of law also, truth remains as a means as well as an end. Without truth, no sense of law or justice could be conceived. Apart from criminal law, truth has a significant role to play in civil law as well. Especially, in the determination of civil suit related to matters such as family, property, marriage, divorce, judicial separation, restitution of conjugal rights, or in relation to contract between the parties. Truth seems to be something shining at a distance to which all legal processes, whether civil or criminal, aim to reach.

Truth is either exaggerated question or the most neglected subject of inquiry. The fundamentals of truth are often pre-supposed to build the mansion of science, theology, or jurisprudence. In that very process, the periphery is built upon accumulated information or concepts, whose authenticity is not questioned through critical inquiry. The authority or reputation of author inhibits a young mind to look a fresh every discourse established by reputed authors. The purpose of this paper is to investigate the relationship of truth in law as well as law in truth, the relevance of truth in religion and spirituality, the definitions and dimensions of truth, the established methods and tools for the discovery of truth, and its applicability in the process of codification, legislation, adjudication, and interpretation of law.

TRUTH IN SPIRITUALITY AND LAW

‘Satyameva Jayate’, the national motto [1] of India, is taken from a hymn of the ancient Indian wisdom text, the Mundak Upanishad, [2] which says:

सत्यमेव जयते नानृतं सत्येन पन्था विततो देवयानः ।
येनाक्रमन्त्यृषयो ह्याप्तकामा यत्र तत् सत्यस्य परमं निधानम् ॥

The given shlok [3] means:

Truth alone triumphs; not falsehood; Through truth the divine path is spread out; By which the sages whose desires have been completely fulfilled; Reach to where is that supreme treasure of Truth.

Satyameva Jayate was adopted as India’s national motif on 26 January 1950 [4]. It was written in the Devanagari script at the Lion Capital of Ashoka, which is also an integral part of the Indian national emblem. The emblem along with Satyameva Jayate is also carved on one side of all Indian currencies as well as national documents. The emblem is one of various national symbols of India [5].

The given shlok is capable of harbouring two meanings. The first one is the mystical proposition that truth alone triumphs which forms a promise by the state to the people. It symbolises the collective resolve of the country to make truth the beacon of its public life. Truth is, therefore, the way as well as the destination for all the national institutions including the judicial organ comprising of a hierarchical court system with the Supreme Court at its top. Apart from the given meaning, ‘satyamev jayate’ can also be interpreted as ‘whatever wins is truth’. Though, the shlok is capable of being interpreted in this way, but this is too ordinary and profane to become national motto. Therefore, in our interpretation, we shall stick to the former meaning.

It is said about truth that, the more you discover it, the more it remains to be discovered. Truth resides in a magical house which has one door. In order to find it when you enter through that door you find two doors. In order to proceed to find out truth, you are forced to select one door and reject the other and the process continues. Truth, therefore, cannot be grasped completely.

In Greek mythology, Prometheus was believed as Potter God. He had potentiality to make human being from clay. He once decided to make the idol of truth, so as to control the behaviors of the masses. He was called by Jupiter when he was working. Prometheus left the work for his cunning assistant Trickery. Trickery created a statue of the similar form, size, and other features as Truth. When the work was almost completed, he did not have sufficient clay to create the feet. In between,

Prometheus came back and Trickery out of sudden stopped working. He was afraid since his work was not complete. Prometheus, however, praised the work and kept his own statue along with his in to bake in the oven. Both the statues, in that way, were brought to life. Truth, however, walked away, and the statue bereft of feet, remained standing there. The statue made by Trickery was named as Falsehood. "Truth will always win over falsehood" is the message that we get from this Greek parable. This parable also signifies the mutability of truth, which is well-known in Buddhist and Taoist philosophies regarding truth. Truth is in flux [6], especially relative truth unlike universal truth, is the great wisdom developed by Buddhist philosophers and mystics [7]. The ultimate invincibility of truth has been the guiding beacon of the legislative, executive, and judicial processes that go to define the endeavors of our state. Truth represents the path and the destination, the means and the end of justice which we aspire to achieve collectively as a nation through a system built by and in accordance with law.

DIMENSIONS OF TRUTH

Truth is one but it has multiple dimensions. Truth may be visualized differently as per the framework of time and space. For example, eastern philosophies were mostly tilted towards spiritual realization of human being and the western philosophies visualized knowledge of truth as power and material realizations. In this section, various dimensions of truth will be explored.

Eastern and Western Perspective of Truth

Eastern philosophies are not restricted to any established pattern; rather they have explored truth in pluralistic ways. Apart from the philosophy of Charvaka's materialism, most of the eastern philosophies, including the philosophical schools of Hinduism, Buddhism, Jainism, Taoism, and Confucianism, relied upon the inner nature of human being for enlightenment. The path of light, as per these schools of thought, belongs to the inner vision of a person. Buddhism explored the essence of human being and found momentariness and emptiness of existence. Emptiness was the basic concept in mind when Nagasen asked questions to Menander [8] about the identity or essence of a chariot [9]. Menander could not demonstrate to Nagasen the identity of chariot [10]. Flag, horses, seat, axles, frame, reins, yoke, spokes, goad, wheels, etc. are the parts of a chariot, but when it comes to the demonstration of its identity or essence in totality, Menander had no answer [11]. Nagasen compared the chariot with himself and convinced Menander about the emptiness of being [12].

In western philosophies, the attainment of truth relies upon the power of knowledge and knowledge of power. The constitutive relationship between knowledge and power was ably demonstrated by Michel Foucault throughout his writings [13]. He was able to establish the dichotomous relationship between "legitimacy and truth", [14] which is impossible without excluding the vast domain of non-discursive knowledge from the sphere of "Epistemic Field" [15] and to elevate the question "who speaks" rather than what is being said. Science was developed to attain power and to subjugate and sublimate inner and outer nature in industrial and consumer age. Newton, Descartes, and Francis Bacon developed a materialist outlook towards nature upon which the new science emerged. The materialistic attitude along with exploitative mentality towards nature was resulted from the fulcrum of power. One of the father figures of new science, Thomas Hobbes, in *The Citizen*, demonstrated the nature of power in divinity:

"And how bitterly did Job [16] expostulate with God, that being just he should yet be afflicted with so many calamities! God himself with open voice resolved this difficulty in the case of Job and hath confirmed his right by arguments drawn not from Jos's sin but by his own power" [17].

Thomas Hobbes as the founder of positivism understood the nature of power, which is, in language of Wayne Morrison, "neither moral nor amoral, neither kind nor cruel...what if...it simply is?" [18]. Thomas Hobbes draws the lesson from the dialogue between Job and God that there is no language of truth or justice in divinity. It is nothing more than power and power alone. The replication of God's power became the source of modern institutions including state in which truth or justice became dependent. As summarized by Wayne Morrison in these words:

“Thus, the lesson to be drawn from Job’s experience was simple: pure power. It was God’s power that determined the way of the cosmos; that determined truth. But what if God’s power was simply the workings of nature? Again, what if God’s power (the positive, the light, the truth) was the inverse of our lack of power (the absence, the darkness, ignorance)?... Hobbes, that man of fear, is suddenly unafraid... He will call his master-text Leviathan...by understanding Job’s position, Hobbes has answered God back: we can do a deal” [19].

This sentence is sufficiently explicit in demonstrating the direction of western philosophical writings in the modern period, which valued power in political, commercial, and cultural sense. This claim may be exemplified through various historical facts, which ravaged the humanity and their innocence. Industrialization along with colonialism, imperialism, glorification of nationalism, and consequently World Wars, Cold War, nuclear bombing on Hiroshima and Nagasaki, genocide and ethnic cleansing across the globe, displacement of indigenous communities and killing their knowledge systems, etc., are some of the instances, which could be taken into consideration while understanding the nature of knowledge, the western society conceived and implemented in their political sphere. For example, Amitav Ghosh in *The Nutmeg’s Curse* expounded the horizon of “foundational violence” [20] perpetuated by European colonies. Especially, he referred Francis Bacon, who justified such violence in the name of civility and divine adventurism. In words of Amitav Ghosh:

“Around the time of the Banda massacre and published shortly before the Pequot War, Bacon lays out in some detail the reasons why it was lawful, in his view, for Christian Europeans to end the existence of certain groups.... These wayward countries, Bacon argues, are not nations at all, but rather ‘routs and shoals of people, as have utterly degenerated from the laws of nature’. Such being the case, it was both lawful and godly for any nation ‘that is civil and policed . . . to cut them off from the face of the earth” [21].

The violence perpetuated through alienated outlook did not remain rooted only in the political or social relationships rather this approach was also echoed towards nature. Akeel Bilgrami explained this mentality in these words:

“To desacralize nature and matter was to exile God from the world, something essential to the official Newtonianism of the Royal Society in England, where God was responsible for motion, not by being present in nature and thereby providing an inner source of dynamism that made for the motion of the universe, but as a clock-winder, an external source of motion of an otherwise intrinsically brute and inertial universe. And this, in turn, had the consequence that now God, no longer present in matter and nature, was not available to all who inhabit His world. He was a distant, providential figure and access to Him was the exclusive prerogative of the scripturally learned in universities” [22].

The obscenity produced by this knowledge system created a gap between expert and lay-man—one who is trained in a particular discipline and other is supposed to be naïve enough to be taken care of. The wisdom which is prevalent in society through folklores, customs, traditions, and religious and cultural rituals were mistreated with utmost contempt, and the birth of written tradition of knowledge system perpetuated a gap between haves and have nots in terms of authority one exercises in legitimation of knowledge and perpetuation of an imposed culture of education over masses. Knowledge and skills, which were practiced within the communities, were expropriated by technicians and experts. With the emergence of intellectual property rights regime, the traditional knowledge was monopolized and commercialized by market fundamentalists under the celebrated “right-jurisprudence”. The question of truth became merely an issue of accumulated information. And the vitality of shared knowledge was transformed into dead-accumulated information, stored,

processed, and commercialized by a few symbol-gatherers. The post-colonial world could not realize and revive the spirit of fraternal bond of existence rather it chose a path of exploitative culture. The imitation of power-knowledge culture from the West has created a crisis which can be solved only if history is taken into consideration as a friend and guide. After independence, India did not rely upon its own path of enlightenment after learning from its own history rather imitated the western schools of thought and practices in building the institutions. The question, then, arises; will it be helpful in the realization of truth, justice, and beauty (*satyam, shivam, and sundaram*), the three great wonders of life?

Ardh Satya—The Reception of Half Truths in Law

Truth can also be used to deceive when cleverly applied. A half-truth does not mean half-truth and half falsehood. Every half-truth may be considered as species of truth. It signifies a statement which contains truth alone but not the whole of it, and the partial nature of it leads to a wrong impression in the mind of the recipient. In that sense, a half-truth becomes a deceptive statement, which is often used with the intention to deceive, evade, or misrepresent the truth.

During the epic battle of Mahabharat when the invincible warrior Dronacharya launched an endless volley of his arrows, Pandavs were worried and it seemed the battle was lost for them. There seemed no way to stop the master archer. Knowing about his weakness for his son Ashwathama, Krishn, then, suggested that Yudhishtir, the prince who was known for his truthfulness, says in the hearing of Dronacharya that his son is dead. But the truthful Yudhishtir did not agree. Then a device was invented. An elephant, named, Ashwathama, was deliberately killed in the midst of war, and Yudhishtir said, “Ashwathama is dead...man or beast”. Hearing this, the great warrior Dronacharya was shaken and in that weak moment he was attacked and killed. For this half-truth, Yudhishtir had to visit hell for doing penance.

Thus, the half-truth spoken by Yudhishtir was deceptive for the recipient as it appeared as a good reason to believe that the statement made by him is true when it is taken to its entirety. The deceived believed the statement as true and acted accordingly. What is actually said is true but the recipient is induced to make a false conclusion out of it because a portion of truth is hidden.

Indian Contract Act deals with one of the aspects of half-truth, which is located under the concept of fraud. One of the ingredients of fraud is “the active concealment of a fact by one having knowledge or belief of the fact” [23]. In *Schneider v. Heath* [24], the defendant was held to have practiced fraud due to the non-conveyance of certain valuable information. In that case, the defendant changed the place of parking place of a ship and anchored the ship in such a way that the plaintiff was unable to notice the defects in the lower part of it.

Another dimension of half-truth arises due to the limited perception of the observer. This aspect of truth has been explained through the parable [25] of six blind men who confronted an elephant. The parable is contained in various religious scriptures. It comes in various hues and forms, though, the central plot remains the same. It has been mentioned by Adi Shankaracharya in his commentary of *Chandogya-Upanishad* [26]. It is an integral part of Jain philosophy of *anek āntavāda* [27] and *syād-vāda* [28]. The great Buddha is known to have narrated it many times in his sermons. In this story, a few blind men heard that an animal known as elephant has been brought to their city, but they were unaware about its shape and form. They decided to inspect by touching it. The first person’s hand touched the trunk, and he believed that this is a thick snake. Another person touched its ear and believed it to be a fan. The person touched its leg believed it to be a tree-trunk. Another put his hand upon its side experienced it as a wall. The blind person touched its tail stated that it is a rope. The last one touched its tusk, describing it as smooth and hard, just like a spear [29]. Each felt only one dimension of truth. The moral of the parable is that truth is vast and multidimensional, and it is

extremely difficult for all the dimensions to be perceived at one time. Humans are generally swayed away in their absolutist claim about the truth but often ignore that other people may have subjective opinions whose truthfulness may also be taken into consideration. The blind men were all partially correct and yet in totality they were all wrong. One's subjective opinion may not be always the final truth.

Still another dimension of half-truths is about pieces of truth being organised so as to make it whole. Because of the limited perception of human beings and because of the vastness of truth, it is difficult for an individual to perceive the full-truth in one go. What happens when someone tries to organise these pieces of truth into the whole is amply demonstrated by the story told by Jiddu Krishnamurti. The Theosophical Society proclaimed the arrival of World Teacher in 1911. Jiddu Krishnamurti was nurtured and trained by society as a world teacher who addressed the gathering on August 3, 1929 in Holland. Jiddu Krishnamurti narrated a wonderful story in that assembly:

“You may remember the story of how the devil and a friend of his were walking down the street, when they saw ahead of them a man stoop down and pick up something from the ground, look at it, and put it away in his pocket. The friend said to the devil, ‘What did that man pick up?’ ‘He picked up a piece of Truth’, said the devil. ‘That is a very bad business for you, then’, said his friend. ‘Oh, not at all’, the devil replied, ‘I am going to let him organize it’” [30].

Truth may be one but its multi-dimensionality cannot be ignored. One cannot be sure that he has found the truth [31]. Truth in its partial form, whether through deliberate concealment, limited perception, or its vastness, is extremely difficult to be organized in a lasting theory applicable for all persons, all situations, and all times.

Universal and Relative Truth

In Buddhist philosophy, truth is conceived as relative and universal. Our phenomenon world is considered as relative truth. The basic characteristics of this world are impermanence, emptiness, and aimlessness. Universal truth is designated to the world of *noumena* in Kantian term, which is the basic unity of life. Universal truth is the basic foundation of our world which is manifesting in a world of change. Just like Upanishads differentiate between the world of Brahman (the supreme self) and the world of Maya (the manifestation), Greek philosophy also emphasized upon at least two opposite directions towards understanding the world of reality. Parmenides explained the world in term of its unchanging character as a giant fixed system of reality [32]. And Heraclitus perceived the world as changing realities in Buddhist relative sense of truth [33]. Parmenides explained his position on the ground that something which exists cannot change into non-existence [34]. But Heraclitus was a man of his senses and relied upon the testimony of sensory data, [35] which was, without any deception, showing a world of change. In the synthesis of these two opposite streams, one may refer Upanishads and Buddhist literatures to suggest that the world of change is only a manifested reality. Behind it, the fundamental unity of life is the same essence which is blossoming in everything and everywhere. All the living vibrations of the Universe are enmeshed in cacophony of daily needs and survival that it appears to be impossible to contemplate on the inter-connection of the existence. The “explicate order” is as real as “implicate order” as suggested by David Bohm [36]. Water, air, fire, earth, space, time, matter, and energy, etc. are inter-connected; they are making various manifestations and transformations of life. Just like sea waves cannot be separated from sea, likewise manifested truth and hidden truth are the same. The first one may be perceived by senses while other may be deduced from the meditative attention or intuitive perception. The relative truth or manifested truth appears as world in flux, either in term of time or space. One may be termed as temporal truth and other as spatial truth. History and archaeology as disciplines investigate the temporal truth and sociology, geography, and anthropology are the sciences to unravel the mysteries of spatial truth. Truth may also be categorized as universal truth and conventional truth. In Greek and Roman periods, truth was either believed to be natural or conventional. Platonic dialogues exemplified such kind of dichotomy which was either believed to be natural and therefore universal as per natural reason endowed to human

species by nature or customary and conventional, which evolves or grows in social transactions or through institutional practices. The Roman jurists like Cicero and Ulpian classified the concept of truth or law as *jus naturale*, *jus gentium*, and *jus civile*. In scholastic tradition, Saint Aquinas visualized the concept of truth from eternal, natural, divine, and positive perspectives [37]. Truth as per nature was conceived through metaphysical abstraction, and conventional truth was derived from the observance of social reality, which was largely based upon expressed or tacit social agreements [38].

In abstraction, truth appears to be a game of language as expounded by Ludwig Wittgenstein [39]. Truth cannot be too ordinary to be captured by language once for all. The simplicity of truth is lost when logic with its rigours makes it deep so much so that it is not felt and experienced like a new born child feels and expresses without any repression. In the information and technology age, algorithm is defining the terms of truth. In reality, truth cannot be subservient to any mechanical process. It is fresh and alive, moving, transforming, and manifesting in various forms of life energy [40]. The curse of men lies in their bafflement to know the whole world and in that knowledge the components of self are eclipsed or repressed.

In post-modern age, truth has lost its vitality. It has been reduced to perspectivism [41]. From Heidegger one may take insights about how to proceed about truth. When a carpenter sees the tree, a gardener nourishes it, a poet articulates about it, a merchant evaluates its worth in monetary terms, a botanist analyses its taxonomical relationships or a traveller takes refuge in a chilling summer, each one of them has some perspective about that tree, not necessarily they may share a common perception or understanding about it. These are different values, norms, and standards, which determine the nature and characteristics of truth. The sense of beauty, justice, taste, economic worth, legality, or truthfulness is impossible to be conceptualized independently unless there is a value, which determines the scope and limitation of truth. These values are the cultural artefacts. One needs exposure, openness, and patience to test these values or well-established hypothesis, conclusions, or conjectures, so that the horizons of value may be able to expand at much deeper level. For example, a person from plain area visualizes distance in different sense than a person of hilly area. One may visualize his home as the first house in the village, until he travels to the opposite direction from his village. While returning to the home, he may have a “Black Swan moment”, [42] that his perception of truth is nothing more than a perspective based upon certain habits or conditioning. Another example may be given with respect to a person, who generally lives in a plain area, until he visits a hill station, where he finds everything nearer to him at very short distance, until he starts to cover that distance, which takes more time to reach there than in plain area. In hilly area, time and space in traditional sense do not work. These instances are apt to demonstrate the fallibility of one-dimensional knowledge. One needs to go beyond the limited framework of conditioning to experience its multi-dimensionality.

Truth, Knowledge, and Sign

The history of truth is nothing more than a history of knowledge. Initially, truth remained subservient to oral tradition of knowledge. This tradition preserved and nurtured knowledge through imitation of practices in spatial sense and memorisation to transfer it to the next generation in temporal sense. The development of sign-language invigorated humankind to develop sophisticated languages for the correspondence of reality. The scholastic rigours produced poetic-mathematical languages, which were able to signify many dimensions of truth in short sentences or through precise symbols. The utility of such languages was their capacity to signify the unconscious dimensions of knowledge thriving in the minds of human being [43]. However, its vagueness and multiple interpretations led to the quest of simple and clear languages. Natural Sciences, particularly Physics, adopted mathematical language to demonstrate the truth without being affected by aesthetics attitude or epistemological biasness. Usually, poets are not specific and clear in their signification through poetic expression. Though, poetry appears to be too profound in words and in their signification, but its meaning is left for a reader or listener to choose an appropriate interpretation. As Roland Barthes

wrote that the birth of a reader means the death of a writer [44]. A reader's interpretation is generally based upon the past experiences in which his mind has been conditioned.

In post-modern epoch, two streams of knowledge-systems developed. One is known as logical positivism, which reduced the dimension of knowledge around meaning and clarification [45] and second one is known as post-structural philosophy, which raised the question of stratagem or the politics in the knowledge or behind the knowledge [46]. Logical positivism, in fact, made it difficult to comprehend the knowledge since their emphasis on logical rigours made knowledge too elitist or too technical in character to be accessed by a person of common prudence. In fact, every attempt to bring simplicity in language made it more complex. Bertrand Russel rightly said that truth is apparently simple. Its simplicity is usually destroyed by the endeavours to make it simple [47].

The transition of truth could be witnessed in the modern age, when art of thinking got importance over art of living wisely. In the realm of thought, theorists asked several questions, such as, what may be known with certainty? If something is known, what does it mean? How could an objective meaning may be derived? How far subjective elements of a theorist affect the art of hermeneutics in unearthing the objective truth? Whether human's consciousness is capable to penetrate the truth without getting affected by prejudices, hunches, or conjectures? Whether art of knowledge is a psychic adventure or a social practice? Can one know without understanding the cultural set-up in which the question of knowledge is posed and understood? What is the relationship of knowledge with the time and space? Whether knowledge is anything more than a social or political agreement of the people? The teleological questions with respect to knowledge have given births to many disciplines, like epistemology, phenomenology, logic, psychology, linguistics, hermeneutics, sociology, political science, and history, which are responsibly raising and answering these questions. But somehow the question of truth has become nothing more than the question of knowledge, interpretation, and cognition, etc.

Truth versus Proof

For a legal system, consisting of police, prosecution, defense, and judge, truth is an important goal or aspiration to achieve, so as to ensure justice with all the parties as well as society at large. Law of evidence, based upon logical connection between relevancy and admissibility of fact, was structured in India for the purpose of proof and disproof of fact [48], in fact, the judicial proceeding is meant to uncover the truth. But Indian legal system over the years has not functioned efficiently to achieve such a noble goal. ILS has drifted into the direction of proof instead of truth, and the result is that the parties often suffer injustices due to failures of the ILS.

Very low rate of conviction is a characteristic of Indian legal system [49]. Lack of evidences set most of the accused free. It means that either most of the police-cases are concocted stories, which are not backed by conclusive evidences, or the process of investigation may not be accurate enough to bring proper evidences before the courts. Failure may be attributed to more than one reason. But the vital problem lies in the system itself, which does not emphasise on the attainment of truth. Law of evidence is a by-product of colonial legacy, which prescribes about proof instead of truth. Judges often do not play an active role in the discovery of truth in India, rather they remain passive umpires, watch the game of distortion helplessly in the name neutrality. *Malimath Committee Report*, which was expounded on Reforms of Criminal Justice System, demonstrated this issue in these words:

"In the adversarial system, truth is supposed to emerge from the respective versions of the facts presented by the prosecution and the defence before a neutral judge. The judge acts like an umpire to see whether the prosecution has been able to prove the case beyond reasonable doubt and gives the benefit of doubt to the accused. It is the parties that determine the scope of dispute and decide largely, autonomously, and in a selective manner on the evidence that they decide to present to the court...The

judge in his anxiety to maintain his position of neutrality never takes any initiative to discover truth” [50].

HOW TO FIND: ARRIVING AT TRUTH

In order to find the truth, certain methods and tools are adopted by philosophers, scientists, artists, and jurists. Logic provides certain processual structures of method, which play important role in the discovery of truth. Humankind since its inception of civilization has been testing and embracing certain methods and tools to arrive at the knowledge of truth. This section exclusively explores the methods and tools often used in the discovery of truth.

Logic and Truth

Is truth an outcome of discovery or is it nothing more than a path? Or is it an end in itself or a means of an end? Whatever may be the answer, but it is reasonable to say that the path of arriving to it itself is very significant in the discovery of truth. For logic is significant as a method or tool in the process of its discovery. The origin of logic is as old as the human civilization. In western philosophy, the first glimpse of logic may be deciphered from the statement of Heraclitus, who claimed that one cannot bath in the same river twice [51]. Reasoning may be attributable to the momentariness of existence, like Buddhist philosophy suggests so. Heraclitus was considered as the first thinker, who adopted the dialectical logic before Hegel popularized this structure of logic, and embraced by Marx in his dialectical materialism [52].

Dialectics, though in different context, was used by Nagarjuna, a thinker in Buddhist Nalanda tradition. In words of T.R.V. Murti, “The Madhyamika dialectic is not refutation. Refutation is the rejection of an opponent’s view by an interested party having a view of his own to establish. A critique is the disinterested analysis of reason by itself [53]”. Nagarjuna, through his rigorous logic of dialectics or *prasang* rejected all existing approaches towards truth; whether it is an independent reality standing at its own feet or a synthetic reality constructed by human’s mind through its experiences. Nagarjuna reached upon the truth of emptiness and dependent origination [54]. He advocated to adopt a middle path, like a typical Buddhist, to understand and realize the truth. In western philosophy, Socrates was one of the first thinkers, who used dialectics as a method to establish a dialogue with the other persons. His dialectics was limited to the structure of thesis and antithesis. It is in the Hegelian dialectics, the logic was developed as a trinity of thesis, antithesis, and synthesis. Here, antagonism between thesis and antithesis reaches to the transformative stage of synthesis. And synthesis again takes a form of thesis as an initial point towards infinite progression of history. Hegel or Marx’s teleology or essentialization of history was based upon the logic of dialectics [55]. Friedrich Engels visualized dialectics in nature, whereas nothing perishes rather everything in nature transforms into something, and this process continues towards infinity [56].

Instead of dialectics, it is Aristotelian logic, which became dominant mode of investigation of truth in Europe after renaissance. The discovery of Aristotle’s texts in middle-ages was instrumental in the development of modernity. Aristotelian logic was based upon the principle of exclusion of middle and non-contradiction [57]. This is nothing more than a dyadic structure of logic to conceptualize the truth. There is no possibility to move towards a third alternative, whereas one thing exists and do not exist remain at the same time. This narrow scope of logic has been useful in the progression of science. However, logic must not be limited to what has been actualized in the foundation of discourses. It must go beyond a narrow prism to visualize truth from much wider perspective. Buddhist literatures expounded four-fold structure of logic. For example, (i) A exists; (ii) A does not exist; (iii) A exists and A does not exist, and; (iv) Neither A exists nor A does not exist. This structure of logic is known as *Catuskoti* [58]. The four-fold structure of logic was ignored by most of the western thinkers. In words of Graham Priest:

“...Aristotle succeeded in locking the principle of excluded middle and the principle of non-contradiction into western orthodoxy, where they have remained ever since.

Only a few intrepid spirits, most notably G W F Hegel in the 19th century, ever thought to challenge them. And now many of Aristotle's intellectual descendants find it very difficult to imagine life without them" [59].

The merit of *Catuskoti* lies in its capacity to transcend the binary logic to visualize paradoxes as integral to the very possibility of truth. For example; (a) a statement is made that "this statement is false" [60]. If statement is actually false then the statement is true, and in case, statement is actually true then statement cannot be false; [61] (b) One says that some truths are beyond the capacity of a human being to unearth. In that case, one knows what he does not know. Conclusion may be derived that one knows about his ignorance. Is it not a paradoxical statement to say he is unable to know some truth? In this statement itself, the knowledge of ignorance is visible. If one is aware about his ignorance what else is required in the name of knowledge? If human's language can express some truth or about its ignorance, it means, humans are capable to comprehend all knowledge which can be possibly conceived through languages. As Ludwig Wittgenstein rightly put in context, "The world is my world: this is manifest in the fact that the limits of language (of that language which alone I understand) mean the limits of my world" [62]. All these paradoxes suggest that contradictory state of being can co-exist in a same framework of time and space. So to conclude that paradoxes may be included in the system of logic is a reasonable statement.

Another system of logic developed in India was under the Nyaya School of tradition. This school developed inductive logic based upon inference (*hetu*). In words of B.K. Matilal:

"The general form of the arguments studied by the Indian logicians is: A is B because of C. The middle term or the 'reason' hetu C can be either adequate or inadequate (instead of being strictly valid or invalid). An adequate middle term or 'reason' will establish the conclusion and the argument will be sound. If the middle term is not adequate, the conclusion will not be established and the argument will be unsound" [63].

Aristotelian Syllogistic model of logic preferred deductive mode of reasoning, based upon premises and associated conclusion. The problem of this logic was demonstrated by Matilal in these words:

"In a deductive reasoning, the so-called premises entail (in some acceptable sense of this term) the conclusion in such a way that if we accept the premise, we cannot afford to avoid the conclusion without the risk of contradicting ourselves. In a non-deductive argument, the conclusion is not entailed in the same sense by the premises. We should rather say that our evidence or 'premises' here justify or support the conclusion. Evidence may be good or bad, and the corresponding argument may be sound or unsound. Thus, it seems to be better to talk in terms of soundness and unsoundness of this type of argument (instead of talking in terms of their validity or invalidity)" [64].

Instead of relying upon deductive mode of reasoning, the Nyaya School of Logicians preferred inductive logic based upon evidences. In this system of logic, as Matilal suggested, reason may be adequate or inadequate but there is no question of validity or invalidity of reasoning followed in Aristotelian syllogistic model of reasoning.

Logicians from Jain School developed sevenfold structure of logic, known as "*Saptabhangi*" [65]. It means a truth may be said through seven sentences. Each sentence begins with "perhaps" to show the probabilistic approach towards truth. In Jain tradition, truth cannot be told with certainty. In that sense, truth is relative instead of universal. In words of Pragati Jaina, "It is the term *syat* in the seven predications that does the work in exposing the relative nature of the predications; hence *Saptabhangi* is also known as *syadvada*, 'the doctrine of *syat*' [66].

Doors to Truth

There are three doors through which truth could be attained by human beings. The very first door is that of instinct as all the human beings have this natural gift of instinct. The prime mover of this door is memory—race memory or genetic coding. When we accidentally put our hand into fire, our instinct tells us to take it off immediately, and this action happens without the process of thinking or employing reason. Similarly, when threatened, we tend to attack the one who threatened us rather instinctively. The whole process of law, from down the ages, has been to regulate this instinct.

The second door to reach truth is intellect which indeed is higher than instinct. Higher, in the sense, that it is more refined than instinct, which is available to all creatures, while intellect has developed in the human species. The tool to open up this door is reason and logic. Modern law is nothing but a branch of logic, while reason has come to occupy the highest pedestal in the present-day legal processes. Lawyers arguing a typical legal dispute are expected to support their contentions with reason, which goes to establish their cause. The presiding officer is again expected to reason out the arguments and then arrive at truth, while buttressing it with his own reasons. However, the difficulty is that reason is a very malleable tool and a particular issue could have divergent reasons possibly culminating into different outcomes. The modern-day legal practice is characterised by a readymade class of persons, deft in reason, who are ever ready to vend their expertise to anyone, who shows willingness to offer their price irrespective of the truth being on the side they are hired to argue and provide reason for. Being intellectual is a great virtue in modern times and if one has honed up his skills of reason, he can scale the summit of contemporary society with ease.

The highest door known to man is intuition [67] through which the unknown secrets are revealed to him. So, intuition is a revelation and the greatest religious texts like Vedas and Bible are known to be revelations together with most of the fundamental inventions in the scientific world. These ultimate secrets of nature, including the notions of law and justice, have been revealed only to a microscopic segment of humanity. Interestingly, the tools of memory, logic, and reason seem useless to enter through this door. The question is: Do modern day legal processes have any place for intuition? As per Osho:

“Intuition is your consciousness, your being. Intellect is your mind. Instinct is your body. And just as instinct functions perfectly on behalf of the body, intuition functions perfectly as far as your consciousness is concerned. Intellect is just between these two—a passage to be passed, a bridge to be crossed. But there are many people, many millions of people, who never cross the bridge. They simply sit on the bridge thinking they have arrived home. The home is on the further shore, beyond the bridge. The bridge joins instinct and intuition... Science has stopped at intellect. That’s why it cannot figure out anything about consciousness... Intuition makes a man wise. Call it enlightenment, call it awakening; those are simply different names for wisdom. Only in the hands of wisdom can intellect be used as a beautiful servant... Intellect makes everything a problem and knows no solution at all. Instinct never creates any problem and does not need any solution; it simply functions naturally. Intuition is pure solution, it has no problems” [68].

Philosopher Immanuel Kant visualized three separate methods to attain the truth; (a) Thinking or intellect; (b) Volition or will; and (c) Feeling or emotion. The first method is associated to pure reason, which plays a vital role in perception of truth. This method of truth is dependent upon language, perception, and cognition. The perception of truth of a child or an adult differs even if both have sensed same event in a similar framework of time and space. The reason advanced by Kant that experiences and prior knowledge play a vital role in the perception of truth and every perception of truth becomes a part of the substratum of experiences. In that sense, it is a two-way process; observer and observed shape each other [69]. The second method is volition or will. Will belongs to a world of practical mode of reasoning whereas one exercises the capacity to differentiate between just or unjust,

good or bad, moral or immoral, etc. Practical reasoning does not deal with the question of whether objective reality exists in nature or society rather this mode of reasoning is useful to weigh moral questions for the betterment of present and future. Through the exercise of freedom of will, as Kant thought, one may find harmony between one's actions in harmony with the moral law of universe [70]. The third method was explored in the realm of aesthetics [71]. In this method, emotion or feeling is very significant in perceiving and expressing the truth. Artists, poets, or novelists use their sense of aesthetic in the visualization and expression of truth. Gilles Deleuze expressed about the different roles a philosopher, scientist, and artist play in the articulation and expression of truth. The role of a philosopher is to create 'concepts', like Plato created the concept of ideas. The scientists use their 'percept' to discover truth and artists use their 'affect' to visualize and express truth in altogether different manner [72].

TRUTH IN CODIFICATION AND LEGISLATION OF LAW

Codification is one of the most ancient sources of law prevalent in ancient civilizations like Sumerian Code of Ur-Nammu, Babylonian Code of Hammurabi, Twelve Tables of Roman law, Justinian Code, Tang Code in China, and Manu Code in India. Codification is based upon the discovery of existing law, which is usually found in fragments, either being practiced as customary laws or aspired to be practiced. On the contrary, legislation is a modern source of law, which relies upon invention of legal truth instead of discovery of existing law. Legislation deals with a problem or a set of problems a society confronts and to solve it, legislation as a method is adopted to create new law as antidote against the problem [73]. Both the sources of law do not deal with the discovery of law of nature rather these are the sources of conventional law developed by societies to confront and solve the social problems. Codification or legislation is just a method to arrive at the truth in law, but the source of truth lies in the morality or virtue practiced by community [74]. Law has outer or formal structure, which is known as expository, in the language of Jeremy Bentham [75]. Likewise, Bentham classified law as censorial, which is related to the normative aspirations of law [76]. Every law has a historical root, psychological implications, sociological functions, as well as epistemological value in the society. The process of codification accumulates what is being practiced or what ought to be practiced in the society. The art of legislation is used to confront the new problems which demand new approach to solve them. Legislatures are responsible to find out and assemble the existing laws, to create or to validate it, which do not arise in vacuum. The formal structure of law or procedure of law-making is useful to identify law, but the formal structure of law or these procedures do not bring law from nowhere. The background of law could be traced in the truth practiced or concealed in the society [77].

TRUTH IN INTERPRETATION OF LAW

Every legal system is organized to attain certain purposes. Among those purposes, security, liberty, equality, and justice are preferred as the most desirable aspirations for the members of the community. Legal system consists of general structure of law and also its particularities. Courts usually play a significant role in transforming the general laws and applying them in particular cases. Law in general cannot foresee every situation, which is likely to arise in future. In that sense, the hermeneutics of law is very significant in making it relevant and adaptable as per the current situation of the society. Universal sense of justice could not be attained once for all time, places, or situations. It is realized in the elimination of injustices as expounded by Amartya Sen [78]. It is obvious that the realisation of truth is more important than merely establishing the truth in words through legislation. Court system or any adjudicatory body must be inclined towards the quest for truth. Not only adjudicatory bodies but also prosecution, police, and the lawyers must be collectively responsible to unearth truth and expose lies. Courts through interpretation can play a vital role in the realization of truth and justice, not only for the parties but for the sake of truth and justice itself.

Judges have authority to interpret the law. They may interpret it for the sake of technical fulfilment, like looking at the language of law and to interpret it in literal sense, or to see the aims and objectives

mentioned in the preamble of the statutes, but to attain the truth and justice they must go beyond technicality and pursue the passion for beauty of truth and justice. The judicial system must rise above the bureaucratic culture so that truth and justice could be realized in their true essence.

TRUTH AND EPISTEMOLOGY

Truth has epistemological value as well. It lies in the structure, value, or meaning of the discourse, which is, of course, dependent upon language. There is one hypothesis that Humans' experiences are not possible unless there is a language as a mode of perception and communication. The perception of truth does not appear in isolation from the language. The creation and development of discourse may be attributed to the semiotics, semantics, and pragmatics as disciplines, which explore the various nuances of language. And the truth is difficult to be deciphered outside discourse. Only a mystic may find the truth out of revelation or intuition, but for a man of ordinary prudence, truth appears to be discursive based upon social agreement [79]. Without social agreement, a word can neither signify the uniform meaning nor can the rules of grammar be established. It is also true that these agreements may not be made once and for all. It is always already an evolving process. Positive law, like the law of nature, is based upon human's ingenuity as well as conventional agreement. The truth of it cannot be unearthed without relying upon the social agreement. This is the reason why the origin of state is justified through the logic of social contract. Contract is a legal tool or model, which was used by modern theorists to conceptualize the truth of state, government, constitution, or law [80]. These political and legal categories have also made transformative impacts in understanding the method or law of contract.

The conceptualization of law of nature, though, depends upon the logic of discovery. It must not be qualified to be known as law of nature, unless it is a universal phenomenon, which regularly happens or repeats itself in the nature. The discovery of law of nature is not necessarily an objective truth, which may be discovered once for all. It has its own dynamism. The discovery also lies in the models advanced by scientific communities. Every model is based upon certain verified facts as well as certain pre-suppositions. The change of model reveals the truth in different sense and perception. For example, classical astronomy or physics had altogether a different understanding about the universe in comparison to a quantum physicist. The age of Newton and Einstein progressed with the belief that there is a law of nature, objectively and independently stands. But the scientists working in the field of quantum physics experimented and found a relationship of observer and observed in the perception of truth. Observed, for them, does not stand as truth alone without the role of observer in perceiving the truth [81]. Quantum physics, in that sense, is based upon a different model advanced by scientist and found the results which were hardly conceivable when Newton was developing his model of physics.

CONCLUSION

The quest of truth has defined the journey of human species from a distant past to the present. To see and to say the truth has occupied the philosophers and mystics from down the ages. Indeed, very few have been able to see it and we have called them seers. Still fewer have been able to say it. Besides religion and philosophy, truth has a paramount place in law and the administration of justice. The courts try to reach to the truth through myriad of ways such as custom, legislation, precedent, reason, logic, and argument. In all the processes of justice administration, this exploration of truth takes the center-stage. In a cosmos apparently full of chaos, we are ever searching for order that symbolizes the truth. Truth is everlasting but at the same time, this mystical bird refuses to be caged, so we are forced to refresh our search every time with only reflections of truth in our hands along with the faith that 'truth alone triumphs'—'satyamev jayate'.

The tragedy for speaking animals is their word, what is amusement for the entire nature. Humans are too obsessed with their words so much so that their whole energies are consumed in vomiting it everywhere. Words are treated as synonym to knowledge and self-justified belief as truth. The prophets of truth build their self-aggrandized pyramid underneath the plethora of lies and

compromises. If at all truth is anywhere, it is not too mysterious. It is made un-accessible by making a system and organization. Krishnamurti realized that the truth does not require any system or organization for its existence. It is not subservient to any mystified method, school, or system. It is happening, moving, progressing, and manifesting itself like clouds are turning into rainwater and water is quenching the thirst of animals, birds, plants. Does truth require a support of authority? Whether a farmer or a gardener follows any authority while assisting the nourishment of plants? Authority is demanded for its support by those who do not have confidence in their perception of reality. And what authority does if it does not bring a full stop in the journey of inquiry. Curiosity dies when a ready-made answer is supplied. The modern science is a byproduct of accumulated hypotheses, whose premise is based upon self-projected perception. There is no dearth of reason or method if one is ready to prove one's prejudicial conjectures. Those self-sustained surmises are revered by humankind; often such devotion proves to be a foundation of unquestioned and unexamined life. The post-structuralist theorists have exemplified through their wittings that the pursuit of truth cannot be a search of objective reality rather its dimensions are ideological in character. Truth, for them, is not more than a manufactured good, produced strategically under a value-system. There has been a quest to separate fact and value by positivists. This school of thought in philosophy, sociology, psychology, or in jurisprudence has only produced a cycle of epistemic values, which is a pre-condition for the existence of fact or truth. Every value system, which is not shared or agreed by a community, loses its vitality and witnesses its death. Pragmatists have demonstrated the importance of conscious or unconscious social agreement, which makes a value system, without which truth cannot be articulated or conceptualized. Just like life is made of non-life elements, truth or fact cannot be derived from fact only. Scientists have unsuccessfully tried to banish metaphysics from the sphere of knowledge, but in their pursuits, they have mystified scientific process. Darkness cannot be eliminated forever; otherwise, the value of light will be meaningless. Certainty and clarity are desirable goals to achieve, but desirability and attempts to make things simple, certain, and clear only make the transparent water muddy.

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