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A STUDY ON THE JUDICIAL MANAGEMENT IN ANCIENT INDIA

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Abstract:

The purpose of this research is to investigate the complex system of judicial management that existed in ancient India. It does so by investigating the organisational structures, legal principles, and societal dynamics that influenced the administration of justice throughout that time period. The purpose of this project is to give a nuanced knowledge of how the ancient Indian judiciary functioned and contributed to the stability of the socio-political environment. This understanding will be achieved by drawing upon a complete analysis of historical documents, legal treatises, and archaeological finds. In the first part of the research, the basic concepts that supported the legal system in ancient India are investigated. These principles include the effect of religious and philosophical ideas on the development of laws. In addition to providing light on the hierarchical structure of the legal system and the processes that are in place to maintain justice and impartiality, it explores the duties and responsibilities of major judicial institutions and officials. In addition, the research investigates the procedural features of ancient Indian judicial proceedings, such as the procedures for acquiring evidence, the procedures for conducting trials, and the systems for resolving disputes. In addition to this, the research investigates the socio-cultural environment in which the judicial system functioned, specifically focusing on the influence of gender, caste, and class on the results of legal proceedings. The research investigates the role of alternative conflict resolution processes in ancient India, such as arbitration and mediation, in addition to analysing the official judicial systems that were in place at the time. Through this method, it aims to give a thorough knowledge of the manner in which the ancient Indian legal system harmonised formal and informal approaches to the administration of justice.

keywords: *Judicial, Ancient, India*

Introduction

A huge amount of progress was made in the field of law during ancient times, in addition to the tremendous advancements that were made in the fields of mathematics, astronomy, medicine, grammar, philosophy, literature, and other related fields. The judicial system in India is by far the oldest in the world. There is no other legal system that can boast a genealogy that is either more old or more illustrious. The vast number of legal treatises that were produced in Ancient India (all of which were written in Sanskrit) is evidence of this. The passage of time has only managed to preserve a very tiny portion of this entire body of legal literature; nonetheless, even the little that has survived is rather substantial. It is without reasonable question that Hindu law, which was founded on Hinduism, was the dominant legal system in the early history of ancient India. The Hindu religion was a way of life that allowed for a great deal of religious liberty. It was family of four Vedas, eighteenPuranas, one hundred and Upnishads, two epics (Mahabharata and Ramayana), various Neetis, Bhagvat Gita, Manu Sahita or Smriti: comparatively recent Kautilaya'sArathshastra and other big and small texts with regional flavours of the same grand narration to which the concept of Dharma remained

central. A number of Dharmashastras, such as Manu, Yajnavalkya, Narada, and Parasharasmiritis, among others, came into existence after the Christian period came into existence. These Dharmashastras dealt extensively with Dharma. The authority of Dharma, which was moral rather than legal, was maintained by Indian academics and jurists known as Brahmins. However, the monarch had the ability to transform Dharma into law by royal edict.

A Study On The Judicial Management in Ancient India

The judicial system in India is by far the oldest in the world. There is no other legal system that can boast a genealogy that is either more old or more illustrious. However, before I proceed to describe the legal system that existed in ancient India, I must first issue a caution. Certain authors from the United Kingdom have made a massive error in their portrayal of Indian jurisprudence and the legal system of ancient India. The reader must reject this distortion. Please allow me to present a few examples. It was Henry Mayne who referred to the legal system of ancient India as "an apparatus of cruel absurdities." An Anglo-Indian jurist made the following remark about what he called "the oriental habits of life" of the Indians before the British turned up in India: "It (British rule in India) is a record of experiments made by foreign rulers to govern alien races in a strange land, to adapt European institutions to Oriental habits of life, and to make definite laws supreme amongst peoples who bad always associated government with arbitrary and uncontrolled authority."1 (I did the italics myself). During the time when the British were in control of India, "there was a dearth of legal principles," according to a piece of writing that was written by Alan Gledhill, who had resigned from the Indian Civil Service.2. There is no truth to these assertions. My role is not to speculate on the reasons for their creation. During the height of imperialism, British jurists, historians, and intellectuals were dominated by an imperialist viewpoint, which included scorn for Indian culture and civilization. It is possible that these attitudes were the result of pure ignorance, imperialist self-interest, or just plain old contempt for Indian culture and civilization. This deception, which has few parallels in history, had the effect of creating a misleading impression of the Indian legal system both within India and outside of it. This was the result of the misuse of the terminology. In order to obtain an accurate and genuine depiction of the legal system that existed in ancient India, we need to consult the original documents. The reader will discover from them that Indian jurisprudence was found on the rule of law; that the King himself was subject to the law; that arbitrary power was unknown to Indian political theory and jurisprudence and the kind's right to govern was subject to the fulfillment of duties the breach of which resulted in forfeiture of kingship; that the judges were independent and subject only to the law; that ancient India had the highest standard of any nation of antiquity as regards the ability, learning, integrity, impartiality, and independence of the judiciary, and these standards have not been surpassed till today ; that the Indian judiciary consisted of a hierarchy of judges with the Court of the Chief Justice (Praadvivaka) at the top, each higher Court being invested with the power to review the decision of the Courts below ; that disputes were decided essentially in accordance with the same principles of natural justice which govern the judicial process in the modern State today: that the rules of procedure and evidence were similar to those followed today ; that supernatural modes of proof like the ordeal were discourage ; that in criminal trials the accused could not be punished unless his guilt was proved according to law ; that in civil cases the trial consisted of four stages like any modern trial – plaint, reply, hearing and decree ; that such doctrines as res judicata (prang nyaya) were familiar to Indian jurisprudence ; that all trials, civil or criminal, were heard by a bench of several judges and rarely by a judge sitting singly ; that the decrees of all courts except the King were subject to appeal or review according to fixed principles ; that the fundamental duty of the Court was to do justice "without favour or fear".

Rule of law in Ancient India

The ancient Indians may have had a legal system in place. It is best to let the texts decide for themselves. It was said in the Mahabharata that "A King who after having sworn that he shall protect his subjects fails to protect them should be executed like a mad dog." This was a provision that was mentioned in the Mahabharata."A king who does not protect his subjects, but who deprives them of their property and assets and who does not seek advice or guidance from anyone should be put to death by the people," the third sentence states. "A king like that is not a king but rather a misfortune."4. In accordance with these conditions, sovereignty was founded on an implicit social bargain, and if the King violated the ancient pact, he would lose his position as king. When it comes to the historical era of the Mauryan Empire, Kautilya provides a description of the responsibilities of a king in the Arth-shastra. He says, "In the happiness of his subjects lies the happiness of the King; in their welfare his welfare; whatever pleases him he shall not consider as good, but whether pleases his people he shall consider to be good."5. It was a very old custom that had already been established by the time of the Ramayana that served as the foundation for the principle that Kautilya articulated. The King of Ayodhya, Rama, was driven to exile his queen, whom he loved and in whose virginity he had complete trust, merely because his followers disapproved of his having taken back a bride who had spent a year at the house of her kidnapper. Rama's Queen was a woman whom he had devoted his entire life to protecting. However, despite the fact that it hurt his heart, the monarch gave in to the desire of the people. According to the Mahabharata, a common fisherman refused to give his daughter in marriage to the King of Hastinapur unless the King agreed to the stipulation that his daughter's sons, and not the heir apparent from a previous queen, would accede to the kingdom. This condition was set in order for the King to accept the marriage proposal. One of the most emotionally stirring moments in the Mahabharata is when Prince Deva Vrata makes the decision to abdicate his kingdom and take a vow of celibacy for the rest of his life, known as Bhishma Pratgyan.6. The significance of this, however, for jurists lies in the fact that even the sovereign was not beyond the law. It was impossible for the powerful King of Hastinapur to force the most modest of his followers to offer his daughter to him as a bride if they did not agree to his stipulations. The concept that the rulers of ancient India were "Oriental despots" who were able to do whatever they pleased regardless of the law or the rights of their citizens is debunked by this evidence.

Judiciary in Ancient India

Following this preliminary caution, I will make an effort to provide a description of the judicial system that existed in ancient India. According to the Artha-shastra of Kautilya, who is generally acknowledged as the Prime Minister of the first Mauryan Emperor (322-298 B.C.), the realm was partitioned into administrative units known as Sthaniya, Dronamukha, Khrvatika, and Sangrahana. These administrative units were the ancient equivalents of the districts, tehsils, and Parganas that exist today. The Sthaniya was a fortress that was established in the middle of eight hundred villages, a dronamukha in the middle of four hundred villages, a kharvatika in the middle of two hundred villages, and a sangrahana in the middle of ten villages. Law courts were established in each sangrahana, as well as at the meeting places of districts (Janapadasandhishu). Additionally, there were three ministers (amatya) and three jurists (dhramastha) who made up the Court.7 Due to the fact that it is highly improbable that three ministers were continuously stationed in each region of the realm, this provides evidence that circuit courts were in existence. The great jurists, Manu, Yajn-valkya, Katyayana, Brihaspati and others, and in later periods commentators like Vachaspati Misra and others, documented in detail the judicial system and legal procedure which prevailed in India from ancient times to the closing of the Middle Ages.

Hierarchy of courts in Ancient India

According to Brihaspati Smiriti, there existed a hierarchy of courts in Ancient India, beginning with the family courts and culminating with the King. This hierarchy was established in sequence. The family arbitrator was the lowest of the bunch. The court of the judge was the next higher court, followed by the court of the Chief Justice, who was known as Praadivivaka or adhyaksha, and finally, the court of the King was the highest legal authority. It was resolved that the seriousness of the disagreement would define the jurisdiction of each court, with the most minor conflicts being settled by the lowest court and the most significant disputes being decided by the king. It was the decision of each higher court that took precedence over the decision of the lower court.9) As Vachaspati Misra explained it, "The binding effect of the decisions of these tribunals, ending with that of the king, is in the ascending order, and each following decision shall prevail against the preceding one because of the higher degree of learning and knowledge" .ten A hierarchy of courts organised according to a similar idea is also present in the Indian judiciary today. These courts include the village courts, the Munsif, the Civil Judge, the District Judge, the High Court, and eventually the Supreme Court, which replaced the King's Court. It is important to note that this hierarchy of courts is also present in the Indian judiciary. We are unknowingly adhering to a time-honored custom that has been passed down for generations. An institution that deserves attention is that of family judges. The joint family, which may include three or even four generations, served as the fundamental unit of society. As a consequence of this, the number of members that make up a joint family at any given moment might be rather high, and it was essential to resolve their disagreements using a combination of firmness, sympathy, and tact. A member of the family who serves as an arbitrator should be the one to settle disagreements in the first place, since this was another ideal outcome. A family court system that is substantially comparable may be found in modern Japan. The fact that the legal system had its origins in the social system is the reason for the success of the family courts, which is the reason for their overall relevance. The sovereign was the wellspring of justice originating from the fountain. One of the most important aspects of sovereignty, according to Indian legal doctrine, was the ability to administer justice and choose appropriate punishments. Since the king was seen to be the source of justice, it was initially anticipated that he would personally dispense justice, but he would do it in a manner that carefully adhered to the law and was supervised by judges who had been educated in the law. The king was required to adhere to a highly stringent rule of judicial behaviour. Due to the fact that he was obliged to determine cases both in open trial and in the courtroom, his attire and demeanour were to be designed in such a way as not to intimidate the parties involved in the case. It was necessary for him to take an oath of neutrality and act without favouritism or attachment when making decisions about situations. "The king should enter the courtroom modestly dressed, take his seat facing east, and with an attentive mind hear the suits of his litigants," Katyayana says. "The king should also take his seat while facing east." Through the supervision of his Chief Justice (Praadvivaka), judges, ministers, and the Brahmana members of his council, he ought to operate in accordance with prescribed procedures. For a monarch who administers justice in this manner and in accordance with the law, heaven is his dwelling place. These provisions are not to be taken lightly. For the purpose of preventing the plaintiffs from feeling frightened, it was necessary for the king to wear a veil of modesty (vineeta-vesha). The monarch was needed to be free from any "attachment or prejudice" in order to comply with the stringent code of conduct that was established for him while he was functioning in the capacity of a judge. According to Narada: "If a king disposes of law suits (vyavaharan) in accordance with law and is self-restrained (in court), in him the seven virtues meet like seven flames in the fire" According to

Narada, when the monarch sits in the dharmasanam, which is the seat of judgement, he is obligated to be impartial to all beings since he has taken the oath of the son of Vivasvan. (The oath of Vivasvan is the oath of impartiality: the son of Vivasvan is Yama, the deity of death, who is impartial to all living beings).

The King's Judges

It was necessary for the judges and counsellors who were assisting the monarch during the trial of a case to be brave and independent in order to avoid the king from making any mistakes or providing him with any unfair treatment. According to Katyayana, "If the king intends to impose upon the litigants (vivadinam) a decision that is unlawful or unjust, it is the responsibility of the judge (samya) to warn the king and prevent him from doing so." It is the responsibility of the judge who is advising the monarch to provide his opinion, which he believes to be in accordance with the law. Even if the king does not listen, the judge has at least fulfilled his obligation. "When the judge realises that the monarch has gone from equity and justice, it is not his responsibility to satisfy the king since this is not an occasion for gentle words (vaktavyam tat priyam natra); if the judge fails in his duties, he is guilty," the judge said.

Delegation of Judicial power by the King

As civilization progressed, the king's tasks got more numerous, and he had less and less time to personally hear lawsuits. As a result, he was forced to assign an increasing amount of his judicial role to professional judges. According to Katyayana: "If due to pressure of work, the king cannot hear suits in person he should appoint as a judge a Brahmin learned in the Vedas." High standards were set for the credentials that a judge needed to possess. In accordance with the teachings of Katyayana, a judge ought to possess the qualities of being austere and controlled, unbiased in temperament, firm, God-fearing, diligent in his responsibilities, free from wrath, leading a blameless life, and belonging to a decent family. In the course of time, a judicial hierarchy was established, which relieved the king of a significant portion of the judicial labour. However, the monarch's authority as the highest court of appeal was not significantly affected by this development. During the time of the Mauryan Empire, there was a consistent judicial function that was mentioned above.

Objectives

[1] For the purpose of elucidating the legal framework that was prevalent in ancient India.
[2] To Please highlight the development of legal systems that were introduced by different monarchs.

Methodology

The research article in question employs a combination of descriptive and analytical approaches, which also includes the examination of secondary sources. For the purpose of investigating the research task, both quantitative and qualitative research methodologies have been utilised. These methodologies attempt to acquire data through observation, collecting, and formulation. In order to attain a multidimensional character and approach, this study has utilised both historical and comparative techniques. This was done in order to make the study more comprehensive.

Ancient Indian Judicial System: Administrative Units

The origins of the human institutions that exist now are firmly rooted in the history of the population. It is the same with regard to the legal system and the institutions of a country. The legal system of a country at a

particular period is not the product of a single individual or of a single day; rather, it is the result of the work, experience, careful planning, and perseverance of an uncountable number of people over the course of many generations. It is consequently vital to obtain background knowledge regarding the process of its evolution and development in order to study, interpret, and appreciate the current legal system in an effective manner.a. 1.At various points in history, the rulers administered justice in a manner that was distinct from one another. In the beginning, the Law, also known as Dharma, as it was presented in the Vedas was regarded as the highest authority in ancient India. It is vital to have a brief description of the administrative divisions that prevailed in the ancient states in order to have a proper understanding of the ancient judicial system. In ancient India, the country was subdivided into a number of autonomous states, and the monarch served as the highest authority in each of these states.2. The administration of his country was carried out by the monarch, who was assisted in this endeavour by his head priest, Purohita, and his military commander, Senani. Each state was subdivided into provinces, and each province was further subdivided into divisions and districts. These divisions and districts were distinct from one another in terms of both nomenclature and geographical area. Depending on the position of the individuals, various governors were selected for each province and region. These governors were given different names. It was decided to provide district officials the responsibility of carrying out administrative and judicial duties. Additionally, cities developed at the location where districts met, which was known as Janpada-Sandhishu. There was a separate governor who was in charge of the city's administration (Nagar, Purapala).3) Across the entirety of India, in addition to the cities, there existed a significant number of villages. In point of fact, the village served as the administrative unit. Both in the north and in the south, districts were categorised according to the number of settlements that fell under their administrative control.4 Villages were included in the administrative entities that were created by the division of the kingdom. The sangrahana, which was the smallest unit, was a stronghold that was erected in the middle of around 10 different settlements. The next higher level was called kharvatika, and it served as the hub for two hundred different settlements. In close proximity to Kharvatika was Dronamukha, which served as the hub for four hundred villages. Sthaniya, which was formed in the middle of 800 settlements, was the one that was at the very top of the list. In every Ssangrahana, there were courts that were founded. Every one of them was made up of three ministers (Amathya) and three jurists (Dharmasastha).5 The Kulani, which were small village councils, were similar to current Panchayats in that they existed in villages and consisted of a board of five or more members. Their purpose was to administer justice to the communities. It was concerned with everything that had to do with endowments, irrigation, soil that might be cultivated, the punishment of criminals, and other related topics. In the past, village councils were responsible for handling civil and criminal issues.6. The ties that bound the families or the clans was the foundation upon which the communities were built.7 At higher levels, in cities and districts, the courts were presided over by government officers who were authorised by the monarch to administer justice. These courts were accountable to the citizens. The headman of the village served as the intermediary between the village assembly which was part of the local government and the formal administration.8. A village headman and a village council, sometimes known as a village panchayat, were the two main components of any village. It was necessary of him to uphold order and administer justice, and he was also a member of the village council. He was holding a hereditary post. The village was under his leadership, and he also served as a mediator between the village and the government.9) Family courts were also developed as a result of the prevalent institution of the joint family system. 'Puga' assemblies, which are composed of groups of families living in the same village, are responsible for deciding civil disputes that arise between members of the same family. According to this system of the judiciary, there were a sufficient number of courts at all levels of administration, and circuit courts were available for the district (Janpadasandhishu) courts.

Importance of Jury

Trial by Jury:-

Although the concept of trial by jury was present in India's ancient legal system, it did not exist in the same form that we are familiar with currently. It is impossible for even the king and the chief justice to start the trial of a matter if they are not accompanied by a group of jurors known as Sabhyas, which can consist of three, five, or seven individuals. It was expected of them that they would be brave and unbiased. One of the jurors who chose to remain silent has been chided. They were required to voice their opinion, regardless of whether or not it was in conflict with the king's viewpoint. It was their responsibility to prevent a monarch from making a mistake or heading in the wrong direction. There are a number of well-known jurists who hold that the verdict of the jury should serve as the basis for the king or judge's decision-making process. The monarch would only use his privilege to determine the matter according to his own opinion in situations when the jurors were unable to reach a definitive judgement. Due to their extensive knowledge of the Dharmashastras, these Sabhyas were often from the Brahmin caste. The fact that this occurred demonstrates that people of the community were involved in the process of administering justice.

Trial by Ordeal:-

According to the description provided by the Merriam-Webster Dictionary, an ordeal is a rudimentary method that is utilised to establish guilt or innocence by subjecting the accused to tests that are thought to be under the power of a supernatural force. The trial by ordeal was seen as a viable technique of proof in the ancient Indian civilization, which was, to a significant extent, governed by religion and faith in God. A person may occasionally establish his innocence by dying as a result of the experience, which was extremely painful and deadly. This was the most significant disadvantage of the system. It is in the Agni Purana that one may get a comprehensive description of the trials that were experienced in ancient India. Specifically, it highlights the fact that the trial by ordeal was utilised in situations involving high treason or particularly heinous felonies. The following is a list of significant sorts of ordeals that were often used in the past:

1. Ordeal of balance: - For the purpose of the ordeal of balance, the accused was required to sit in a balance and be weighed. Thereafter, he felt compelled to pray to God. It was determined that he was guilty if his portion of the balance decreased after prayer.
2. Ordeal of fire:- This command is mentioned in the Ramayana, where it is stated that Sita was required to demonstrate her virginity by walking through fire when she was being held captive by Ravana. It was forced upon the accused to walk through flames. They were considered innocent if they did not sustain any injuries.
3. Ordeal of water: - As part of the water torture, the accused was forced to drink water that had been used to bathe the idol. If, within the subsequent fourteen days, they did not have any adverse effects, then they were regarded as innocent.
4. Ordeal by poison:- For the purpose of the ordeal of poison, the accused was forced to consume poison. He was considered innocent if he did not sustain any injuries.
5. Ordeal of rice:- When the accused was put through the agony of rice grains, he was considered innocent if he chewed unhusked rice and there was no evidence of blood from his mouth.

Crime and Punishment

During the time period of the ancient Hindus, punishment was seen as a type of expiation that purified a person by purging him of the impurities that were caused by sinful promptings and influencing his character. Since the beginning of time, Indians have granted the rulers of the state very specialised powers in order to deter criminal activity and to punish those who commit crimes. It was established by the ancient Hindu law providers that the penalty must be regulated by taking into consideration the motivation and form of the offence, the time and location, the strength, age, behaviour, learning, and economic standing of the offender, and most importantly, whether or not the offence was repeated. With Dharamshaastra and Arthshaastra, we are presented with a more fully developed judicial system. The Dharamshaastra and the Nitishastra both describe the King as a source of unending justice. In order to decide the cases, he needed to set aside a specific amount of time.Manusmriti asserts that those individuals who have committed crimes and have been punished by the monarch are sent to heaven, where they are purified in the same way as those who have performed virtuous works.20According to Kautilya, in the case that there was a conflict between the Dharmashastras and the customs, or between the evidence and the Shastras, the subject was to be determined in accordance with the Dharma. In the event that the Shastras and the written law that was founded on Dharma were in disagreement with one another, the written law was to be given precedence. Regarding the offences of adultery and rape, the punishment was determined by taking into account the caste of both the perpetrator and the victim. When there were allegations of abuse or disrespect, every precaution was taken to ensure that members of the lower castes showed proper respect to those of the upper caste. Any Kshatriya or Vaisya who was found to have abused or defamed a Brahmin was to be punished by a fine of 100 Pannas or 150 Pannas, depending on the severity of the offence. Cutting off a Sudra's tongue was the form of physical punishment that was used to chastise them. If a Brahmin were to defame a Kshatriya or a Vaishya, they would be subject to a fine of fifty, twenty-five, or twelve Panas, respectively. The death penalty was administered in a variety of ways, including but not limited to the following: burning alive, drowning, being trampled by elephants, being devoured by dogs, being hacked into pieces, being impaled, and so on. As punishments for a wide variety of additional offences, amputation, torture, and imprisonment were frequently used. As a result, it is possible to summarise that the institutions that make up the administration of criminal justice had their origins during the Vedic period in India. During the Mauryan period, a well-defined criminal justice system had come into existence, as recounted in the Arthashashtra. This progression occurred gradually throughout the course of the system's development.

Conclusion

When it comes to the administration of justice in ancient India, it is evident that the system itself was relatively straightforward. Upon receiving directions from experts or Pandits, the cases, both civil and criminal, were frequently tried directly by the Kings or the judges. This was done in response to the jurists' instructions. The importance of Dharma, which binds together every facet of existence, was emphasised. A rigorous and comprehensive investigation of the ancient legal system would reveal that India had constructed a duty-based society, which included the obligation of rulers towards both the people and the community. This would be the case with regard to India. The Dharma Sastras instilled in the monarchs the belief that they should treat the people as if they were God (Praja Vishnu) and to serve them with gratitude and devotion. As can be seen from the topic that was just presented, the ancient judicial system that was established by the great seers of India satisfies all of the prerequisites for a stable and functional judiciary, and it was even comparable to the system that is in place now.

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