



A BIRD'S EYE VIEW ON ANCIENT ADMINISTRATION OF CRIMINAL JUSTICE SYSTEM IN INDIA

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ABSTRACT

The Indian Criminal Justice System as we know today isn't a modern development. It finds its origin from ancient times. There existed unique methods to deal with the criminals, with each state having its own different and unique mode of punishment and justice. The Judicial framework manages the organization of the laws through the organization of the courts. The framework gives the apparatus to the settling of the questions because of which the wronged Party moves toward the courts. Nothing annoys in the human heart more than an agonizing feeling of bad form. No general public can permit a circumstance to develop where the impression prevails of there being no change for complaints.

KEYWORDS : Ancient India, Administration of Justice, Vedic period, Mauryan Period

Introduction:

The Criminal Justice System alludes to the organizations of the government accused of implementing the law, mediating wrongdoing, and rectifying criminal lead. The criminal equity framework is an instrument of social control which includes that the society considers a few practices so risky and damaging that it either carefully controls their event or bandits them by and large. It is the activity of the organizations of equity to forestall these practices by securing and rebuffing offenders or deflecting their future events. The criminal equity framework is lumbering, costly, and aggregately lamentable. The poor can never arrive at the sanctuary of equity due to substantial costs engaged with obtaining entrance and the persona of lawful ethos. The order of courts, with a great many interests, puts lawful equity past the range of poor people. Making the legitimate cycle costlier is an aberrant disavowal of equity to the individuals and this hits hard on the refuse of the world in the public arena. The lawful framework has lost its believability for the more fragile segment of the network.

The judicial system in ancient India

The administration of justice was not a part of the state's responsibilities in the early days. In Vedic literature, we do not see references to any judicial organization. The aggrieved party used to sit before the accused house in order to get its false relief and not travel until his (aggrieved party) arguments were resolved. The tribe and clan assemblies performed subsequent justice and the legal process was thus very clear. But the king eventually came to be called the root of justice with the expansion of the duties of the state and also the development of the royal powers, and a more or less complex system of judicial administration came into being. Knowledge regarding the well-developed judiciary is given to us by the Dharma Shashtra's, Niti Shastras and even the Arthashastra. The King is the head of the fountain of justice, according to this literature, and he was expected to spend a few hours per day in adjudication.

The primary responsibility of the king is the protection of his subjects, which entails the prosecution of the wrongdoer. In several ruling dynasties of ancient India, judicial structures for civil and criminal cases were essential features. The definition of sin was the norm by which crime was to be established, while civil wrongs applied largely to conflicts occurring over money. The Manusmṛti or "Laws of Manu," Sanskrit Manusmṛti, also known as Mānava-dharmaśāstra, is the most significant and earliest metrical work written by the ancient sage Manu of Hinduism's Dharmaśāstra textual tradition, which prescribes ten essential rules for Dharma observance: patience (dhrīti), forgiveness (kshama), piety or self-control (dama), integrity (asteya), sanctity (asteya) (krodha). (krodha). (krodha). (krodha). "Nonviolence, truth, non-coveting, purity of body and mind, control of senses are the essence of Dharma," Manu further writes. Consequently, not only the person but all in society are regulated by dharmic rules.

Types of Court in Ancient India

Ancient India has the highest quality of any ancient nation in terms of

the jurisdiction of the judiciary, learning, honesty, impartiality, and equality, and these expectations have not been surpassed until today; that the Indian judiciary consisted of a hierarchy of judges with the Court of the Chief Justice (Praadvivaka) at the top, granting each higher court the right to review it, that the accused could not be punished in criminal trials unless his guilt was proven consistent with law; that the trial consisted of 4 stages in civil cases such as several modern trials, complaint, reply, hearing and decree; that Indian jurisprudence was familiar with doctrines such as res adjudicata (prangn yaya); that each one trials, civil jurisprudence That the decrees of all courts except the King be open to challenge or revision consistent with fixed principles; that the central obligation of the Court was to strive to do justice "without favor or fear." was heard by a bench of several judges and barely by a judge sitting alone.

The courts, as given by Kat'yayana Smṛithi, are divided into six according to their hierarchy.

1. Kula (Family council) – The Mitakshara has described the Kula as consisting of a group of relations, relative or distant. In ancient India, the Kula, or joint families, were often very large. The elders used to try to resolve it whenever there was a disagreement between two members. This informal body of family elders was called Kula.

2. Shreni (Council of trade or profession) – The matter was brought to Shreni court when the attempt at family arbitration failed. The word Shreni, was used to describe the guild courts that were a prominent feature of ancient India's commercial life from 500 B.C. Sreni had four or five members of their own executive committees and it is possible that they may also have served as the Sreni court to resolve the disputes between their members. This was an assembly of people including betel sellers, weavers, shoe makers, etc. who followed a specific occupation.

3. Gana (Assembly of village) – This was a large assembly of elders in the village or grama who are accepted by the people of the area as learned, impartial and having integrity.

4. Adhikṛita (Court appointed by the King) – These are the courts authorized by the King for delivering the justice in which persons who are well versed in the Sutras and Smṛithis are appointed as judges. These kinds of courts were of varied types as consistent with their jurisdiction. they're (i) Pratishtitha which was established at a specific village or town. (ii) Apratishtitha was a mobile court which would assemble during a particular place to undertake a selected case as called upon by the King. (iii) Mudrita was the next level court which was authorized to use the royal seal.

5. Sasita (Kings Court) – It was the highest court of law in the Kingdom. It was presided over by the King himself. There was a chief Justice called Pradvivaka and a group of Judges called Sabhyas to aid and assist the King.

6. Nripa (King himself) – The King was the Supreme authority in the adjudication legal process and he was guided by the principles of Dharma, which he could not override.

Jurisdiction of different Courts:

Kula, Shreni and Gana could trial all the civil and criminal disputes except for an offence of violence (Sahasa). The cases involving violence are to be tried by the Adhikrita a court appointed by the King. Corporal punishments are to be decided by the Sasita (Kings Court) but to be finalized by the King himself. A decision rendered by the Kula can be reviewed by the Shreni and a decision by Shreni can be reviewed by the Gana. Likewise, the decision of a Gana can be reviewed by the Adhikrita courts. The Law Commission in its Fourteenth Report had said: Ancient authors have defined the hierarchy of courts as having existed in the distant past, but later works by writers such as Narada, Brihaspathi and others seem to suggest that normal courts may have existed on a sizable scale. Thus the hierarchy of courts was considered to have existed in ancient India with certain elements of authoritative ladder of review power over the courts below.

Judicial Methodology

In ancient times, the courts operated on a well-laid procedural framework. If anyone has been harmed by others, he may file a Pratiijna (plaint) with the court. Plaintiff was the vadin, and the defendant was prati vadin. Dharma kosa gives the evidence of the plaintiff that it should be un-ambiguous. The parties can produce the witness and in the absence summons to the witness was ordered by the Judge. The presumption of evidence was cast on the person alleging the crime. Jayapatra contains all the documents of victory, it usually contains brief statements about the plaintiff and they are in written form and judges should not be biased regarding their statements. In criminal justice system, kings and his officers usually take cognizance on their own.

The Mahabharata states that 'punishment preserves Dharma, Artha and Kama,' and is well acknowledged in Sastras Dhanda Neeti. The judgment should be delivered in a way that guarantees confidence and trust in the judiciary. To correct the wrong doer, a deterrent is always needed. The penalties were categorized as (1) Vagdanda-admonition; (2) Dhigdanda-censorship; (3) Dhanadanda-fine; (4) Angaccheda – mutilation; (5) Vadhadanda – Death penalty.

Role of Jury

If they are not followed by a jury of three, five or seven jurors called sabhyas, then the king and chief justice could not begin a court's trial. It was expected that they were unbiased and fearless. A juror who remained quiet was condemned. And if it was in contrast to that of the king, they should voice their view. A variety of prominent jurists contend that the king or judge ought to be directed by the jury's judgment, and the king exercised his right to settle the case according to his own opinion only when the jurors did not come to a definitive decision.

As they were well versed in Dharmashastras, these sabhyas were usually Brahmins. There's no need, however, regarding knowledge of sacred law when the case (the party to the dispute) involved conflicts between farmers, merchants and forest dwellers. The authors of Dharmashastra themselves proposed that the cases be tried with the aid of the jurors chosen from the castes or the occupations of the parties themselves. Sukra refers to the practice of appointing recognized agents in the law courts to defend a case when a party was himself unable to do so owing to his preoccupation or ignorance of the law. Such agents were known as Niyogins and they were expected to guard the interests of their parties very carefully. Their fee varied from six to half percent, according to the value of the property. If they colluded with the other party, they were punished by the state. The sentences in vogue were fines, incarceration, banishment, mutilation and death penalty. Fines were the most widespread and punishment also varied with the accused's race. The prison service was under the charge of an official named Sannidhata, and Bandhanagaradhyaksha was the name of the jailor. In separate wards, male and female inmates were held.

Administration of Justice during Vedic and Early Vedic Period

Naman was believed to be the fountain of justice in ancient India as the lord of Dharma and was entrusted with the sole authority of the administration of justice and his primary responsibility was to protect his subject's rights. The King's Court was the highest court, and the

Chief Justice's court was next to it (Pradvivaka). There was, thus, a hierarchy of judges. Village councils (Kulani) deal with basic civil and criminal disputes in villages. The courts were watched over at a higher level in cities and districts by government officials under the King's jurisdiction to execute justice. Trade guilds were permitted to exert effective authority over their members in order to deal with problems between members of the craft community, merchants, etc. There were also existing family courts. Civil disputes among family members were resolved by Puga assemblies organized by groups of families in the same village.

Minor criminal offences were dealt with in villages by judicial councils, while serious Administration of Justice during Mauryan Times The king was the head of justice, the fountainhead of the laws, and he ruled on all matters of significant consequence. Mostly in towns and villages presided over by pradesika, mahamatras, and rajukas, there were separate courts. Two types of courts have been established: dharmastheya dealing with civil matters and kantakasodhana dealing with criminal cases. At least one court and one police head office have been developed in all major towns and headquarters. Petty cases in the villages were decided in their panchayats by the village elders. The Hindu Code of Law, as envisaged in the shastras, has been administered in civil proceedings. There was reliance on the facts of credible people. Punishment was very severe, even for small offences like evasion of government's taxes, giving false evidence, causing injury to artisans, ordinary theft, etc. In all of these cases, the body has been mutilated. Eighteen kinds of torture have happened, including seven whippings. The penal code was really relevant. The criminal code was very harsh and enforced strictly. The idea was to set a precedent for others and prevent them from wrongdoing. Megasthenes is all praise "for the Mauryan law and order". He reports that "There were few crimes; murders and thefts were almost unknown, people rarely locked their doors and the state guaranteed the safety of life and property."

Guptas Times

The Gupta Empire was not only imposing because of the vastness of its structure but also benevolent. It had constitutional checks in the form of Council of Ministers and higher officials of the states. The whole administration was often guided by judiciously interpreted freedom of constitutional uses. Under the Guptas, the judicial administration was much more developed than in the initial periods. During this period, a number of law books were compiled for the first time. And there were well defined civil and criminal rules. Chief judicial officer was called 'Mahadandnyak'. but the chief judge was KING/ SAMRAT. The King was the state's highest legal body and therefore determined the conflicts. His decisions were absolute, but the king alone could not continue the judicial governance of such a large empire. He was also aided in the discharge of his judicial duties by a number of judges.

The court was divided into four classes: kings court, poog, shreni, kulik. We have already discussed types of courts. The penalty was very mild during the Gupta period. Punishments such as capital punishment and traumatic amputation have seldom been awarded. During the Gupta reign, the criminal laws were not as extreme as in the Maurya period. Criminal cases were taken before the central court, typically kept under the King or Royal Authority. The method of appeal was exercised and the highest body of appeal was the Monarch. The lack of lawyers was one critical trait of the ancient Indian legal system. Another noteworthy characteristic was that it was often chosen for a bench of two or three judges to conduct justice rather than for a single person to be the sole justice administrator.

Conclusion

Ancient India kept the highest standard of any antiquity. The capacity, learning, honesty, impartiality and freedom of the judiciary have not been overcome and these expectations have not been surpassed till now, the Indian judiciary consisted of a hierarchy of judges at the top of the Court of the Chief Justice (Praadvivaka), Each higher court is given the right to review the decision of the lower Courts; the cases is basically decided in line with same principle of natural justice concepts, 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 – plaintiff, reply, hearing and decree; that such doctrines as res judicata (prang nyaya) were familiar to Indian jurisprudence; cases were resolved by the panel of several judges unlike today, and no case was resolved singly by any judge. Further it is noticed that administration of criminal justice system in ancient India was adequate and satisfactory. Dharma was considered an important yard stick for any judgment.

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