
The Organization of Judicial Administration in Northern India:- An Analysis

(From 320 B.C. to 185 B.C.)

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It is well recognised that the Arthasastra made significant contributions to various aspects of administration in Northern India (from 320 B.C. to 185 B.C.). The judicial administration was very important during that period. The judicial procedure was very simple at that period. The conception of king in the Arthasastra of Kautilya added new dimension to judicial administration. Sovereignty appeared in a new form. The Maurya state under the guidance of Kautilya turned to be a welfare state which under look a number of works of public welfare and the administration of justice which earlier were performed by tribal assemblies and social and economic institutions. As the Muryan state became well organised under an efficient administration with a strong centre, naturally the authority of the king increased. The Murya king became to some extent a guiding force in the growth of judiciary. It is in the Arthasastra that we find the practical form of judiciary. So, it is very important to know the judicial administration of ancient India. This paper is confined with only the organisation of judicial administration. Various books are consulted at the time of preparation of this paper. The present study has some objectives as to highlight the organisation of Judicial administration of Northern India (From 320 B.C. to 185 B.C.)

The judicial organisation and legal procedures of the Muryan period were based on the Arthasastra's conception of law that it is the outcome of social and economic conditions of a particular country, and expansion of its intellectual capacity for dealing with these conditions and the growth of justice, is connected with the social and political conditions. The moral and political theories determine the origin and development of law. The Arthasastra makes legal provisions to safeguard the life and the property of the citizen and to give protections against encroachment, defamation, assault, and attempt on life and property, assault on the liberty of a person and atrocities of the government officials.

Before Kautilya, the realised approach to law was metaphysical in nature based on truth and justice. Law was basically influenced by the social ideals of the community. It represented the privileges, duties and obligating of man to each other. The aim of law was to promote the welfare of man both individually and socially. Kautilya also accepted the social fabric of his time.

Judicial system in the contemporary world was dominated by royal legislation. The causes of codification were (a) the preservation of king's rights, (b) to ensure the benefits of good government, (c) to prescribe punishment for such crimes which were not included in old laws.

According Kautilya law was the eternal order, it was justice and duty, Danda or punishment was the basis of the state. The growth of law and justice was closely connected with the prevailing forms of social and political organisations. Laws were made to synchronise with man's needs and economic conditions. The Arthashastra reveals that during the Muryan age there was two types of judicial courts viz, (i) Dharmasthiya or the civil courts, and (ii) Kantakasodhana or the criminal courts. The Dharmasthiya courts were organised and directed by the Amatyas. Its main function was to dispose of such cases the arose out of violation of the traditional rules and regulations.

From social and constitutional point of view, the Kantakasodhana court was very important. It regulated many economic and social problems. Its jurisdiction included regulations for the police, the public safety, criminal punishment, and procedure for simple as well as serious offences.

The Kantakasodhana court falls into two main divisions, as it relates to the urban and the rural in relation and to the king respectively. This court was intended to carry out king's law in details, regulate the administrative organisation of the Rashtra and determine the rules of the law relating to the activities of the administrative authorities. Another important function of the Kantakasodhana court was to save the country from famines and epidemics. In this court, the jurists were not consulted keeping in view that it was a new type of court.

There is little doubt that the Kantakashodhana was a very important court. It may be characterised as a quasi-judicial department. It was the corner- stone of the entire administrative system. The following important items came under this courts:

- i) Protection of the interests of the artisans.
- ii) Protection of interests of the merchants
- iii) To find out the ways and means to do away with national calamities
- iv) Not to allow people to maintain themselves by sordid means.
- v) Detection of youths of criminal tendency.
- vi) Seizure of criminals on suspicion.
- vii) Examination of sudden deaths.
- viii) Trial and torture to illicit confession.
- ix) Cases of sexual intercourse with immoral girls
- x) Punishment for violating justice.

A court constituted of six judges, i.e. three Dharmasthas or specialists in law and three Amatyas i.e. secretaries. It was to be established at different administrative headquarters both within the country and also on its borders. In the country, it was established at centres called Sangrahana, Dronamukha and Sthaniya. Such courts generally used to sit in the morning. The rules of procedure were laid down allowing plea, counter plea, and rejoinder.

Besides the two important courts, a large number of popular courts also functioned, and the Arthashastra speaks of many cases which fell under the jurisdiction of the unofficial courts. This decentralisation of the administration of justice was favoured probably with a view to avoid delay and other complications connected with the investigation cases.

Kautilya refers to the courts in different territorial divisions and sub-divisions of the Kingdom such as Sangrahana (10 villages), Dronamukha (400 villages) and Sthaniya (800 villages). Therefore, it appears probably that there was decentralisation of judiciary to some extent. Moreover, while there was inherent right of appeal to the king, there was no evidence of a graded courts of appeal from one court to another higher court. Judges of the Kantakosodhana courts were not only responsible for punishing the criminals whose guilt's were proved but had also to keep strict watch over anti-social activities of persons or groups and had to make necessary investigation for detecting crimes or anti-social activities and to apprehend the actual or potential culprits.

The Muryan judicial system continued unchanged till the death of Bindusara. But during the reign of Asoka, the Great, significant administrative changes were introduced by appointment of new officers and adding to the duties of some of them. Such officers were the Rajjukkas, Mahamatras and the Pradesikas. But scholars are not unanimous as regards the nature and jurisdiction of the post of the Rajjukas.

In fact, Asoka's judicial system was based on "Niti". He emphasised the human aspect of the judicial administration. It is come to the conclusion that the judicial system of administration was headed by the king, who was the Supreme Court of Appeal. It was highly organised. The detailed worked of judicial administration was divided among various courts and managed by a systematic way.

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