



## THE JUDICIAL SYSTEM IN ANCIENT INDIA: EXAMINATION REGARDING HIERARCHY AND INTEGRITY

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### ABSTRACT

*This paper examines the judicial system of ancient India, characterized by its well-organized and hierarchical structure that effectively managed justice within its socio-cultural setting. Deeply embedded in societal norms and detailed in ancient writings, this system provided accessible and fair justice. The judiciary was structured in tiers, ranging from local family courts to the King's court, with each tier addressing cases of varying complexity and significance. Judges, including the King, followed rigorous ethical standards to ensure fair and unbiased decisions. Family courts were essential for resolving domestic issues, reflecting the joint family system of the time. The King's court, as the supreme judicial authority, operated with a focus on transparency and fairness, often with the aid of a council of advisors. This study highlights how principles of impartiality, integrity, and hierarchical organization have persisted from ancient times to the present, demonstrating the lasting impact of ancient Indian legal traditions. Understanding this historical framework offers valuable insights into the development of judicial practices and their relevance to modern legal systems.*

**KEYWORDS:** Ancient Indian Judiciary, Judicial Hierarchy, Judicial Conduct, Family Courts, Legal Principles

### INTRODUCTION

The judicial system of ancient India was an intricate and hierarchical structure designed to administer justice effectively<sup>3</sup>. Deeply rooted in the socio-cultural context of the era, this system ensured that justice was both accessible and fair. Ancient texts meticulously outlined the principles of judicial conduct, the roles of judges, and the operational mechanisms of the courts. The system was organized in tiers, starting from local family

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<sup>3</sup> History of the Constitution of the Courts and Legislative Authorities in India, by Cowell (1872), p.3.

courts and culminating in the King's court, the highest judicial authority. Each level addressed cases according to their complexity and importance, with minor disputes handled by lower courts and more significant matters escalated to higher authorities.

Judges, known as Pradivivaka or Adhyaksha, and the King played pivotal roles in this system. Their duties were clearly defined to ensure justice was delivered impartially, without bias or personal interest. The King, often advised by a council of Brahmins, ministers, and judges, presided over the most critical cases, ensuring transparency and fairness in his court. Ancient texts not only described the judicial hierarchy but also emphasized the ethical standards expected of judicial officers. Judges were required to be impartial, restrained, and free from personal biases like anger and greed. Their decisions were expected to be performed with a sense of duty, similar to a sacred ritual, ensuring adherence to legal procedures and absence of personal gain<sup>4</sup>.

Family courts were a distinctive feature of the ancient judicial system, reflecting the joint family structure of the time. These courts were essential in resolving domestic disputes with empathy, maintaining family unity, and preserving social harmony. It was advised that family disputes be initially addressed within the family before moving to formal courts. The King's court, as the supreme judicial authority, operated with high solemnity and adherence to legal principles. The King's decisions were made openly, guided by a strict code of conduct to ensure impartiality and avoid prejudice. The involvement of advisors and assessors, similar to modern jurors, helped ensure collective and fair justice. Studying the ancient Indian judicial system provides valuable insights into the evolution of judicial practices and their relevance today. The principles of impartiality, integrity, and hierarchical organization that characterized the ancient system continue to influence modern legal systems, showcasing the lasting legacy of ancient Indian jurisprudence.

This examination of the ancient judicial system underscores the importance of a well-organized and principled approach to justice, revealing that contemporary legal practices are deeply rooted in these early judicial principles. By understanding this historical system, we can appreciate the foundational values that have shaped justice administration over the centuries and continue to guide modern legal frameworks.

## **REVIEW OF LITERATURE**

The judicial system in ancient India is marked by a sophisticated hierarchy and a profound emphasis on integrity, reflecting the philosophical and ethical foundations that shaped its operations. Various scholarly works provide a comprehensive understanding of this system's structure, its underlying principles, and the mechanisms that ensured its integrity.

### **1. Hierarchical Structure**

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<sup>4</sup> Alan Gledhill: The Republic of India, p.147.

The judicial framework in ancient India was characterized by a clear hierarchy, with the king as the supreme authority<sup>5</sup>. According to Kautilya's *Arthashastra*<sup>6</sup>, the king held the highest judicial power and was supported by various levels of courts, including local councils (Mahasabha) and village assemblies (Kulani).

Each of these courts had specific jurisdictions, allowing for localized adjudication of disputes, thereby facilitating access to justice for all societal members. This tiered system is further detailed in texts like the *Manusmriti*, which outlines the duties of judges and the procedures they were to follow in administering justice.

## 2. Principles of Justice and Dharma

Central to the judicial system was the concept of Dharma<sup>7</sup>, which emphasized moral righteousness. The *Manusmriti* articulated that the administration of justice should reflect the ethical values of society, guiding judges to consider the intentions and circumstances surrounding each case. Scholars like Menski (1991) argue that this alignment of law with morality was crucial for maintaining social order and ensuring that justice was perceived as legitimate by the populace.

## 3. Integrity and Impartiality

Integrity in the judiciary was paramount, with judges expected to uphold high ethical standards. Research indicates that judges were often selected based on their knowledge of the law, moral character, and impartiality. Kaur (2021) highlights the mechanisms designed to prevent corruption, such as the collective deliberation of cases among a panel of judges, which acted as a safeguard against bias. Additionally, the role of the king was not merely as a ruler but also as a protector of justice, responsible for appointing qualified judges and ensuring that they adhered to ethical guidelines.

## 4. Case Studies

Several case studies illustrate the practical applications of these principles within the judicial system. The *Sreni* or trade guilds operated their own tribunals, effectively resolving disputes within their communities while maintaining a hierarchical appeal system to higher courts. Historical records also suggest that local village assemblies were empowered to adjudicate matters relating to property, family disputes, and minor criminal offenses, reflecting a decentralized approach to justice that was

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<sup>5</sup> Das, A. (1982). *Manusmriti and the Justice System in Ancient India*. Journal of Indian Law Institute

<sup>6</sup> Kautilya. *Arthashastra*. (Translated by R. Shamasastri).

<sup>7</sup> Lahiri, N. (1986). *The Role of Dharma in Ancient Indian Jurisprudence*. Indian Journal of Sociology.

both efficient and culturally relevant. For instance, during the Mauryan period, the case of a merchant guild's dispute over trade practices showcases how local tribunals operated under the watchful eye of royal authority, ensuring that decisions aligned with both community standards and overarching legal principles<sup>8</sup>. Such cases underscore the adaptability and contextual relevance of the ancient judicial system.

## 5. Evolution and Influence

The literature indicates that the ancient Indian judicial system evolved over time, influenced by changing societal norms and external factors, including invasions and colonial rule. Scholars argue that the integration of indigenous practices with colonial legal frameworks resulted in a hybrid system that continues to impact contemporary Indian jurisprudence.

The examination of the judicial system in ancient India reveals a rich interplay of hierarchy and integrity, deeply rooted in the philosophical concepts of Dharma and justice. The literature highlights how this system was designed to ensure fairness and accessibility while maintaining a structure that could adapt to the complexities of social relations<sup>9</sup>. Through a combination of historical texts and case studies, it becomes evident that the principles established in ancient India have had lasting implications for modern legal practices.

## HIERARCHY OF COURTS

In ancient India, the judicial system was a well-structured hierarchy designed to administer justice across various levels. The Brihaspati Smriti outlines that this system began with family arbitrators and extended to the King's court, the highest judicial authority. The judicial hierarchy featured family arbitrators at the lowest level, followed by judges, and the chief justice, known as Pradivivaka or Adhyaksha. The King's court was responsible for handling the most significant and complex cases, ensuring a systematic approach to justice. Jurisdiction was based on the nature and severity of disputes or crimes. Minor issues were addressed by lower courts, such as village councils or Kulani, which were similar to modern panchayats and dealt with land, irrigation, and minor crimes. Courts in towns and districts, managed by government officers under the King's authority, handled simpler civil and criminal cases, ensuring that more serious matters were escalated appropriately.

The decision-making process was structured to ensure fairness and impartiality. Vachaspati Mishra noted that higher courts' rulings were binding on lower courts, maintaining a consistent and hierarchical

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<sup>8</sup> Sharma, R. (2020). *Village Councils and Justice in Ancient India*. Journal of Legal History. Menski, W. (1991)

<sup>9</sup> Underwood, J. (1978). *Justice and the Role of the Judge in Ancient Indian Law*. Journal of Comparative Law Studies.

application of justice. This precedent system helped ensure legal consistency and reliability. Village councils played a crucial role in local governance and justice. Comprising a board of members, these councils addressed everyday matters and minor disputes within the community. They served as intermediaries between the local populace and higher governmental authorities, reflecting a decentralized approach to justice at the grassroots level. For disputes involving traders or artisans, specialized tribunals known as Sreni were responsible. These tribunals, led by a president and several co-adjutors, handled civil cases within their respective guilds. Appeals could be made to local courts and, if necessary, to the King's court, ensuring efficient resolution of trade and commerce disputes within the community. The King's administration of justice adhered to strict ethical standards and procedural guidelines. Advised by a council of learned Brahmins, ministers, and judges, the King's decisions were made with collective wisdom. The King's court emphasized open trials, promoting transparency and accountability. Judges and the King were expected to act without personal bias, maintaining the integrity of the judicial process.

Judicial qualifications were stringent, focusing on impartiality, restraint, and a profound understanding of the law. Judges were required to avoid personal gain or bias and strictly follow legal procedures. They were expected to be steadfast, dutiful, and free from anger, ensuring that their decisions were fair and just.

## **BINDING AUTHORITY OF JUDICIAL AUTHORITY**

Vachaspati Mishra, a distinguished 9th-century Indian Hindu philosopher from the Advaita Vedanta tradition, emphasized the significance of judicial precedents. He observed that the rulings made by judicial tribunals had binding authority over future judgments. This principle of precedence was crucial for maintaining consistency and stability within the legal system, offering a dependable framework for adjudication.

Similarly, the modern Indian judiciary operates with a hierarchical structure akin to the ancient system. It begins with the Gram Nyayalaya (village court) at the lowest level and progresses through the Munsif magistrate court, civil judge, district and session judge, high court, and finally, the Supreme Court of India. This continuity reflects the lasting impact of ancient judicial principles on current legal practices.

## **FAMILY COURTS AND THEIR SIGNIFICANCE**

Family courts were a vital element of the ancient Indian judicial system. In a society where joint families were common, resolving disputes within these large family units required both empathy and understanding. Family courts played a key role in maintaining familial harmony. The joint family system, often encompassing multiple generations living together, created a need for a judicial mechanism to address conflicts in a conciliatory manner. It was advised that family disputes be first addressed by an internal family arbitrator, underscoring the value of resolving issues within the family to preserve unity and social cohesion.

The importance of family courts stemmed from their deep societal integration, which contributed to their effectiveness. These courts operated on the principle that justice should be administered with empathy and an appreciation for the complex dynamics of family relationships.

## **ROLE OF THE KING IN DELIVERING JUSTICE**

In ancient India, the King was viewed as the ultimate arbiter of justice. The sovereign's role in justice administration was central, embodying the concentration of judicial authority. The King was tasked with delivering punishments and ensuring that justice was administered impartially. The King's court stood as the highest judicial body, and the King was expected to follow a rigorous code of judicial conduct. According to Katyayana, an ancient legal scholar, the King was required to take an oath of impartiality before undertaking his judicial responsibilities. This oath emphasized the necessity for unbiased adjudication and the importance of the King remaining free from personal biases.

The King's court was marked by open trials, with cases being heard in public courtrooms. This level of transparency was essential for upholding the integrity of the judicial process. The King, together with his council of Brahmins, ministers, and judges, would deliberate on cases, ensuring that decisions were reached collectively and with due consideration.

## **JUDICIAL CONDUCT AND COURTROOM ETIQUETTE**

Katyayana established comprehensive guidelines for the conduct of judicial officers and courtroom decorum. Both the King and judicial officers were required to be formally attired in the courtroom, underscoring the gravity of the judicial proceedings. Judges were to face east while hearing cases, a practice intended to improve concentration and attentiveness.

Judicial officers carried out their responsibilities under the supervision of the chief justice, ensuring adherence to established norms and standards. The King's council, which included Brahmins, ministers, and judges, was instrumental in advising the King during trials, offering collective wisdom to guide judicial decisions.

The code of conduct mandated that both the King and judicial officers remain impartial and free from personal biases. The King was expected to administer justice without favoritism or prejudice, embodying the principle of judicial independence. Similarly, judges were required to uphold the highest standards of integrity, ensuring that their rulings were fair and just.

## **DELEGATION OF JUDICIAL FUNCTIONS**

As society developed, the King's duties grew more demanding, leaving him with insufficient time to personally handle all judicial cases. To manage this, the King began delegating judicial responsibilities to professional judges. Katyayana advised that the King appoint a knowledgeable Brahmin judge to address cases that the King could not personally oversee due to his other obligations.

The standards for judges were high, emphasizing impartiality, self-control, and a composed demeanor. Judges were expected to be resolute, responsible, and free from anger to perform their roles effectively. This delegation helped ensure that justice was delivered efficiently without overloading the King.

The delegation of judicial tasks also highlighted the importance of a structured judicial hierarchy. Appointed by the King, professional judges managed cases at various levels, ensuring the smooth and effective operation of the judicial system. This hierarchical delegation allowed the King to concentrate on more critical matters while maintaining an efficient administration of justice.

## **QUALITY OF JUSTICE**

In ancient India, the quality of justice was closely tied to the integrity and impartiality of judges. Judges were expected to resolve cases without any personal gain or bias, strictly following the legal procedures set out in ancient texts. Brihaspati underscored that judges should remain free from any attachment or partiality to ensure that their rulings were fair and just.

Judges were also required to observe stringent measures to maintain impartiality. For example, during open trials, judges were prohibited from privately engaging with litigants to prevent any influence from personal interactions. Complex cases were often reviewed by multiple judges or even the King, adding an extra layer of protection against judicial misconduct.

The focus on impartiality and integrity was evident in both the appointment and behavior of judges<sup>10</sup>. Judges needed to possess a deep understanding of the law, demonstrate strong character, and be devoid of anger and greed. They were expected to be honest and unbiased, ensuring that their decisions adhered to the principles of justice.

## **ADVISORS AND JURORS**

Advisors and jurors, akin to modern-day jurors, played a significant role in the ancient judicial system. These individuals were required to provide unbiased opinions, ensuring that justice was delivered fairly. The advisors and assessors served as the equivalent of a modern jury, offering their collective wisdom to guide judicial decisions<sup>11</sup>.

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<sup>10</sup> Ancient India as described by Magasthenes and Arian, by Mc. Rindle, p.6.

<sup>11</sup> A.L. Basham: The Wonder that was India, p.116.

In the absence of presiding judges or the King, the verdict of jurors was not overruled. This provision ensured that justice was administered impartially, reflecting the collective judgment of knowledgeable individuals. The role of advisors and jurors underscored the importance of collaborative decision-making in the judicial process.

## **CRIMINAL TRIALS**

In criminal trials, the judges and jurors were responsible for determining the guilt or innocence of the accused. However, the final authority to decide the punishment rested with the King. This division of responsibilities ensured that the judicial process was collaborative, involving both judicial and sovereign oversight.

The King's role in criminal trials was crucial, as he was the final authority in sentencing. This centralized approach ensured that justice was administered consistently, with the King providing the ultimate oversight. The collaborative nature of the judicial process reflected the importance of collective wisdom in delivering justice.

## **CONCLUSION**

The judicial system in ancient India was a sophisticated and well-organized structure that facilitated the administration of justice efficiently. The hierarchical courts, principles of judicial conduct, and the role of the King in delivering justice were meticulously codified in ancient texts, providing a robust framework for adjudication.

The enduring influence of ancient judicial principles is evident in the contemporary Indian judiciary, which continues to operate through a hierarchical structure, emphasizing impartiality and integrity. The ancient system's emphasis on collaborative decision-making, the integrity of judges, and the role of family courts offer valuable insights into the evolution of judicial practices and their relevance in modern times.

The ancient Indian judicial system's legacy underscores the importance of a well-organized and principled approach to justice, ensuring that justice remains a cornerstone of Indian society. By understanding the ancient judicial system, we gain valuable insights into the foundations of contemporary legal practices and the enduring principles that continue to guide the administration of justice in India.

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