



UJALA

UTTARAKHAND JUDICIAL AND LEGAL ACADEMY, BHOWALI
NAINITAL

PRESENTATION TOPIC: HISTORY OF ANCIENT INDIA

PRESENTATION BY :
ANJALI BENJWAL
ANOOP SINGH BHAKUNI
HINA KOUSAR

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HISTORY OF ANCIENT INDIA

- “India is the cradle of the human race, the birthplace of human speech, the mother of history, the grandmother of legend, and the great grandmother of tradition.”
 - Mark Twain
- History of India is very important as it has seen the rise and fall of civilization, kings. It has seen rebellion, peace, friendship, enmity and development. Indian History is divided in 3 Parts namely, ANCIENT, MEDIEVAL AND MODERN. We are dealing with Ancient History.

Duration of Ancient History of India

2 million BCE – 700 CE

Entire Period is divided into six periods.

- Stone Age
- Harrappan/Indus Valley Civilization
- Vedic Age
- Mahajanpadas
- Mauryan Age
- Gupta Period



Stone Age

- Duration-2 million BCE TO 2700BC
- Key Features
- Humans were basically nomadic hunters/gathers initially, gradually shifted to domesticating animals and farming, started settlement near water sources like rivers.
- Humans learned to make tools with material like stones, limestone, animal bones.
- Famous stone age sites- Peahlgam in Kashmir, Sohan Valley in Punjab, Sirsa, Haryana, Kota in Rajasthan.



Harappan/Indus Valley Civilization

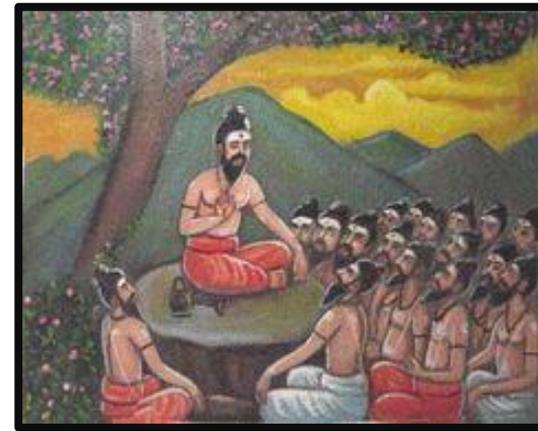
Duration- 2700BCE-1900BCE

Key Features

- Major Urban Civilization-city divided into two parts, CITADEL(public buildings) and lower Town(residential buildings), bricks/stone buildings.
- Cattle rearing started, horses not yet used and copper was the first metal to be used by them.
- Uses different variety of grains viz.,wheat, Barley, chickpea etc- GREAT GRANARY was found at Mohenjodara and harappa (to store grains)
- No caste system prevalent
- Major sites-Harappa and mohenjodaro(pakistan),Lothal(Gujarat),Ropar (Punjab),Kalibangan(Rajasthan)
- Script was found,still archaeologist not able to read

VEDIC AGE

- Duration-1700BCE-600BCE
- Key Features
- Marked with advent of Aryans(came from centra Asia/Europe)
- Aryans stayed in Tribes and each Tribe has a king 'Rajan' ,who is responsible for law and order(assisted by pristes) and for defending their people ,also have assemnly of elders 'Sabha'.
- Caste system based on occupation emerged viz.,Brahmin,Kshitriyas,Vaishava,Shudras.
- Epic Ramayana and Mahabharata emerged
- Four Vedas Rigveda(oldest,contains Gayatri Mantra),Samveda(book of chants/music),Yajurveda (Sacrificial prayers/rituals) and Atharvaveda(magic/spells)



VEDIC AGE(continued)

- Land/agriculture and cow gained importance
- Metals like Tin,Silver,Iron discovered
- Religion like Buddisim(Gautam Buddha),Jainism (Vardaman Mahavir)came into picture who believes in non violence and believe in soul and rightful acts
- Era of Mahajanpadas -India divided into 16 major kindoms called Mahajanpadas.Constant fight for territory continues and one who effectively mobilizes its resources and army became prominent,one such is MAGADHA ,who had control over north India having Patliputra (Bihar) as its capital.
- Prominent Mahajanpadas-Magadha,Vriji,Kosala,Panchala etc.
- Rise of Chandra Gupta Maurya marks end of Vedic age.

Mauryan Empire

- The Mauryas were a dynasty consisting of three important rulers - Chandragupta, his son Bindusara, and Bindusara's son Ashoka. Chandragupta Maurya, the founder of the Mauryan dynasty, ruled for 25 years from 321 B.C.E to 298 B.C.E. Chandragupta was followed by his son Bindusara, he ruled from 298 B.C.E to 273 B.C.E.
- Monarchy was the form of government in the Mauryan administration. It was a highly centralised administration. A council of ministers called Mantriparishad were appointed to assist the king in the administration of the state.
- Mauryan administration keeps a huge Military. Kautilya gave authority to all four Varnas to serve in the Military. Mauryans also maintained a Navy in their Military.
- The important features of Mauryan administration : the empire was divided into four provinces (Ujjain, Taxila, Kalinga and Suvarnagiri) and Pataliputra was the center of administration. These provinces were further divided into smaller units and were administered accordingly under Rajukas, Nagarika and Gopa.
- Ashoka was able to rule over the vast and diverse Mauryan empire through a centralized policy of dharma that favoured peace and tolerance and that administered public works and social welfare. He likewise patronized the spread of Buddhism and art throughout the empire.
- Ashoka Pillar, Sarnath - Most famous Ashoka Pillar in India. The national emblem of India and a mark of Emperor Ashoka's visit to Sarnath, this 50 m tall pillar crafted out of a stone is an impressive structure with four lions on top.
- There were two kinds of law courts during the Mauryan period called „Dharmasthiya“ or court of civil law and „Kantakasodhana“ or the court of criminal law. There were various courts in towns of the Mauryan Empire. However, three judges and three commissioners led the cases in these courts.

GUPTA PERIOD

- GUPTA EMPIRE IS CONSIDERED THE GOLDEN AGE KNOWN FOR ITS ART, SCIENCE, MATHEMATICS, AND LITERATURE, DECIMAL NUMERAL SYSTEM, CONCEPT OF ZERO, ALGEBRA AND TRIGONOMETRY.
- IMPORTANT POINTS ABOUT THE NOTABLE RULER OF GUPTA EMPIRE, SAMUNDRAGUPTA ARE;
- POLITICAL ACHIEVEMENTS: HE DEFEATED AND ANNEXED SEVERAL NEIGHBORING KINGDOMS AND REGIONS INCLUDING MAGADHA, BENGAL, PRAYAGA AND DECCAN. HE IS OFTEN REFERRED AS THE NEPOLEAN OF INDIA.
- ALLAHABAD PILLAR INSCRIPTION ALSO KNOWN AS THE PRAYAGA PRASASTI PROVIDES INFORMATION ABOUT SAMUNDRA GUPTA CONQUESTS AND ACHIEVEMENTS.
- SAMUNDRA GUPTA WAS A PATRON OF THE ARTS AND SUPPORTED SCHOLARS, POETS, MUSICIANS AND ARTISTS, LITERATURE INCLUDING THE FAMOUS WORKS LIKE KALIDASA PLAYS AND POETRY.
- SAMUNDRAGUPTA FOLLOWED A POLICY OF RELIGIOUS TOLERANCE. THOUGH HE HIMSELF WAS A DEVOUT FOLLOWER OF HINDUISM, HE MADE DONATIONS TO BUDDHIST MONASTERIES AND SUPPORTED THE CONSTRUCTION OF HINDU TEMPLES.
- GUPTA PERIOD IS KNOWN FOR ITS EXQUISITE GOLD COINS. SAMUNDRA GUPTA'S COINS FEATURED HIS IMAGE AND VARIOUS SYMBOLS, WHICH SERVED AS A MEANS OF PROPAGANDA AND A DISPLAY OF HIS POWER AND AUTHORITY.

LEGAL SYSTEM OF ANCIENT INDIA

- Society was not static but dynamic and changing needs of society had to be recognised first.
- Brahmanas instructions became obscure there composition of new group of texts.

SUTRAS

- Thread, a short rule in as few words giving a clue to learning.

KALPASUTRAS

- i. Sruta Sutras(based on shrutis)
- ii. Grihya Sutras (domestic religious ceremonies of sanskaras)
- iii. Dharma Sutras (manual of human conduct)



SMRITIKARAS (Deals with Raj-shastra)

1. Manu Smriti (First code of civil and criminal law)
2. Brihaspati Smriti
3. Yajnavalkya Smriti
4. Narada Smriti

Sources of Law

Dharmashastra considered **Veda** as the first source of Hindu Law.

❑ According to **Manu Smriti** - Law has 4 legs:

i. **Sruti**

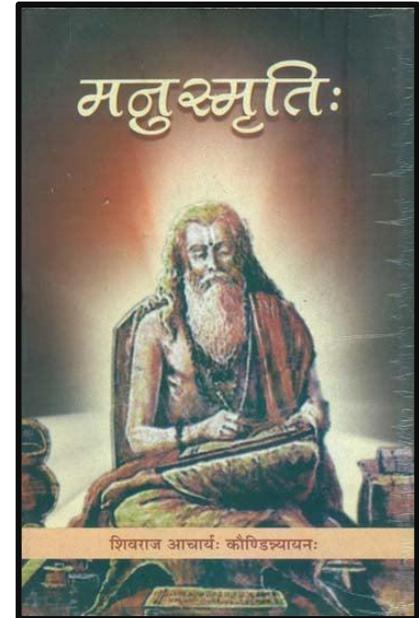
ii. **Smriti**

iii. **Customs of Holy men**

iv. **One own inclinations**

❑ According to **Yajnavalkya** -

In addition to the above four, **Equity and customs** was also added.



Law Making and Law Interpreting Process

- Law making body was absent in ancient India.
- **Kautilya** was the first thinker to conceive the idea of statutory law.
- Rajasasana has to be in accordance with dharma.

There are three main phases of Law Making:

- ❖ **Divine Authorship**

Divine Law- Based on Veda(Sruti) sacred law as divine authorship is attributed to Sruti.

- ❖ **Human Authorship**

Human Law- Based on Smriti as authors of dharmashstras were human

- ❖ **King**

Administration of Justice in Ancient India

- According to the *Mahabharata* “ The happiness of the people, the upholding of truth and maintenance of social order” are the unchanging functions of the *Rajdharma*. It is the imperative duty of the king to-

- i. Protect the people
- ii. Security of life and property
- iii. Maintain social stability

The purpose of protection is to avoid anarchy or *Matsyanyaya* .



1. JUDICIAL INSTITUTION

- **No** reference to the existence of judicial organization in the Vedic period.
- Village elders acted as judges and punishment was awarded according to the nature of the offence, in accordance with local usages and customs.
- The king was the fountainhead of law, and dispensed with justice.
- The growing and settled order of society made it impossible for the king carry out all function of judiciary.
- The Administration of justice was entrusted to the hands of the experts. **King's court was reserved for appeals and severe crimes** against the state, the rest of the litigations being entrusted to various other courts.



2. JUDGES

- A group of six member of the Sabha also acted as judges in Vedic society.
- Kautilya advises the king to establish a court with a bench of three magistrates for every ten villages, with higher courts in the district and provinces.
- Manu also suggested a bench composed of the Pradvivaka and three other judges.
- According to Sudraka's Mruchchakatika judges consisted of
 - Adhikarnika (Chief justice)
 - Sresthin (A wealthy merchant)
 - Kayastha (A representative of the particular folder) Highest court kings court

3. Types of Courts

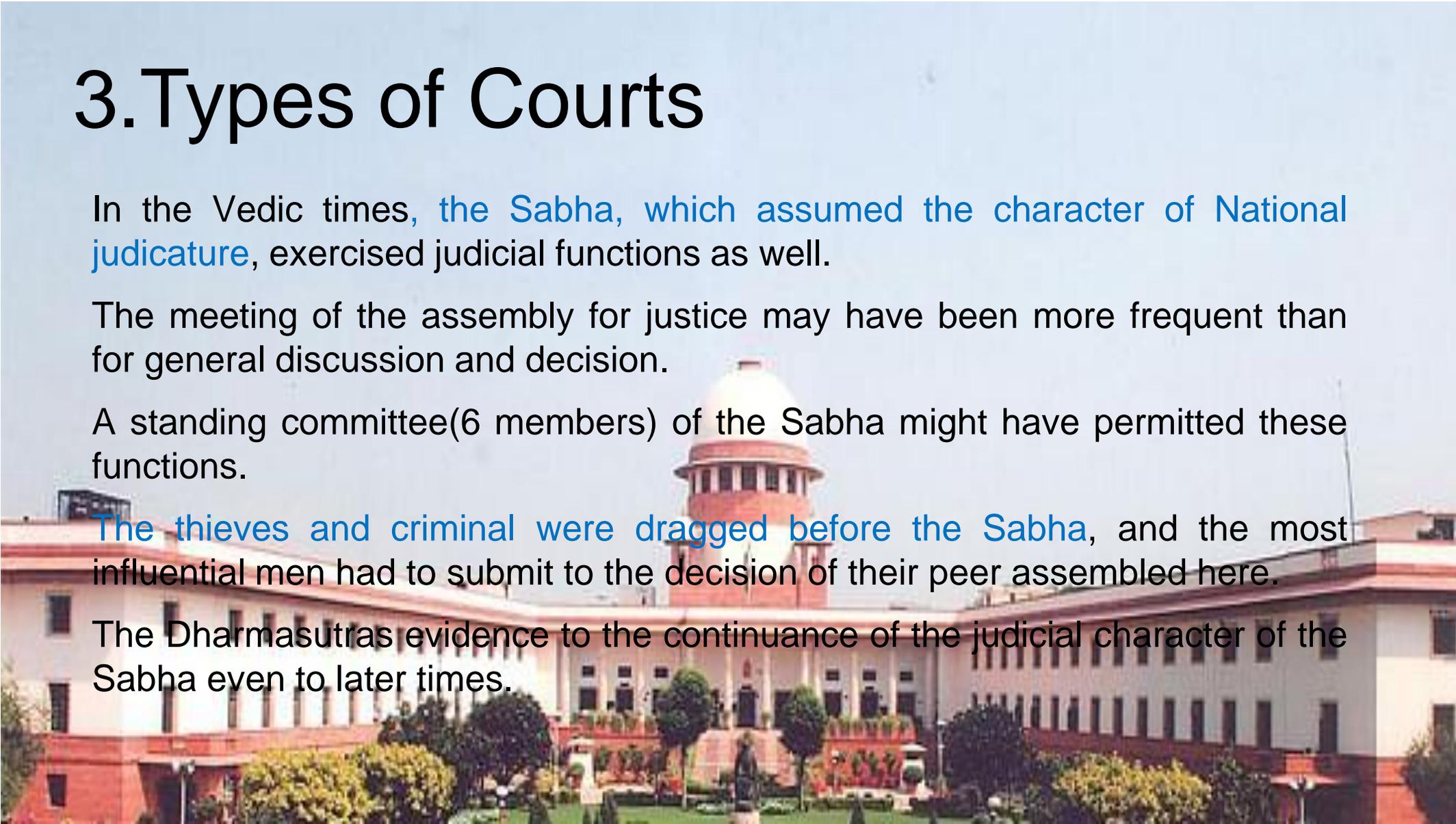
In the Vedic times, the Sabha, which assumed the character of National judicature, exercised judicial functions as well.

The meeting of the assembly for justice may have been more frequent than for general discussion and decision.

A standing committee(6 members) of the Sabha might have permitted these functions.

The thieves and criminal were dragged before the Sabha, and the most influential men had to submit to the decision of their peer assembled here.

The Dharmasutras evidence to the continuance of the judicial character of the Sabha even to later times.



Types of Courts(Cont..)

- According to ***Brihaspati Smriti*** - 4 kinds of courts
 - a) Pratisthita (estd in fixed place like town)
 - b) Apratisthita(Circuit Courts)
 - c) Mudrita (Court presided over by a Judge authorised to use royal seal)
 - d) Sasita(Court presided by the King himself)
- According to ***Naarada Smriti*** – 3 kinds of courts
 - a) Kulani- Village Councils
 - b) Sreni -Guided Courts
 - c) Gana- Assemblies

Types of Courts(Cont..)

Kautilya mentions two types of courts

1. Civil court (***Dharmasteya***) dealt with disputes involving

- Contracts
- inheritance
- labour
- marriages
- dowry
- deposits
- benefit

Types of Courts(Cont..)

2. Criminal Court : *Kantakasodhana*

1. Protection of artisans and merchants
2. detecting criminals by means of spies
3. Arresting the suspicious or real culprits
4. Post-mortem examinations
5. Discipline in various state departments
6. Punishment for mutilation
7. Capital punishment
8. Miscellaneous offences

Types of Courts(Cont..)

Kantakasodhana was in the nature of the “doctrine of police power”

To remove all such impediments which were injuries to the peaceful enjoyment of rights of the people.

To root out all such anti-social elements which acted against the established social order.

No provision for the arrest of the persons three days after a crime had been committed.

The aged, the diseased, the mad, those suffering from hunger, those who confessed their guilt, physically unfit, and the pregnant women were generally exempted from persecution.

4. Courts of the Guilds

- The Guilds had their own rules and regulation called the ***srenidharma*** .
- The Guild had judicial rights over its jurisdiction.
- The guilds were **not allowed to exercise** their powers **like autocrats** because ultimately they were responsible to the state.

5. Village courts

Village panchayats: **grama vrudhgas**

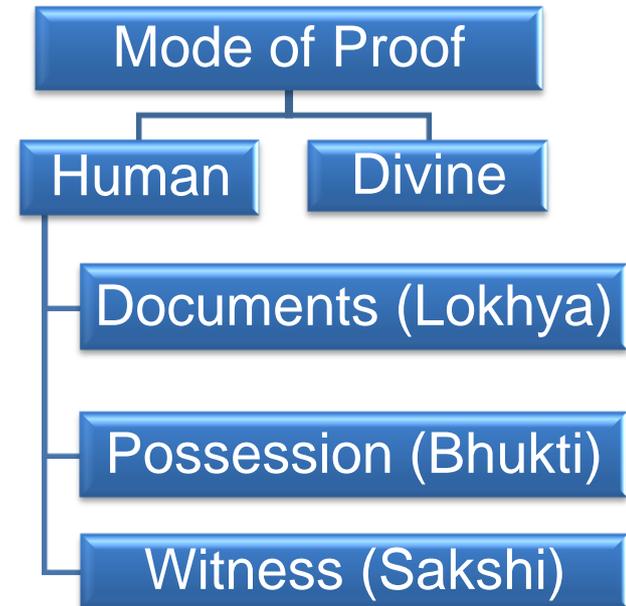
Chief of the village advised by six councilors.

6. Initiation of Procedure

- Plaintiff was filed before registering officer and Lekhara officer of the court will record it. Brihaspati smriti says a nirarthaka plaint where injury/monetary value was negligible should be rejected.

7. Trial

- Begins- submission of reply by defendant.
- Follows the principle of **burden of proof**.



8. Witness



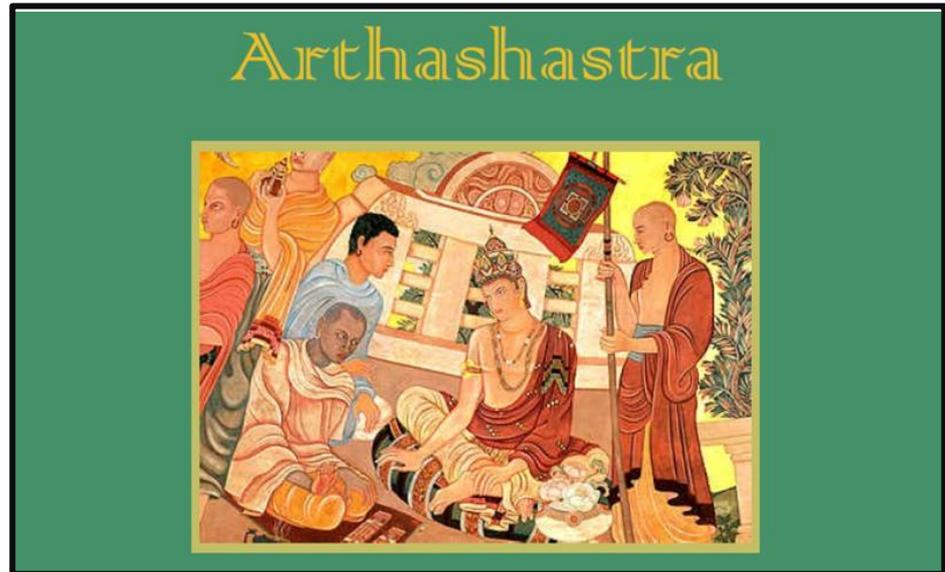
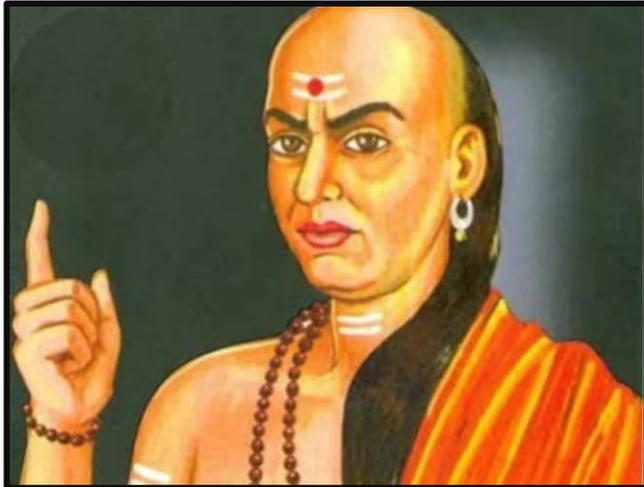
*Number of Witness is not required.

9. Pleaders

- Legal texts - Permit the defendants to send their choser representation.

10. Secret Agents

- Arthashastra - fundamental to foreign and domestic policy of ***Kautilya***.
- Espionage System



11. Concluding Stage of the Judicial Procedure

Verdict –

Judge- Weight carefully the evidence produced before court and after seeking interpretation of law by those versed with the vedas.

Assessors-

Sabhyas- To give their fair and balanced opinion.

12. Punishment

- According to Mahabharata- “ It is only by coercive action i.e.danda that is civilised life can exist.”
- According to Manu Smriti:
 - Admonition
 - Reproof- Criticize somebody
 - Fine
 - Corporal Punishment
 - Banishment
- Punishments- Based Upon Varna.
- Example- Labour Vs state mines and State farms.

13. Role of the Judges

Arthashastra – Judges shall thus settle disputes free from all kinds of circumstances with mind unchanged and allmoods/circumstances Pleasing and affable to all.

Kautilya-

- Discuss at length the conduct of judges.
- Unnecessary delay in discharge duty.

Ideal Judge was to possess independence of character, Great learning and impartiality.