Naveen Shodh Sansar (An International Refereed / Peer Review Multidisciplinary Research Journal)
RNI No.- MPHIN/2013/60638, ISSN 2320-8767, E- ISSN 2394-3793, Scientific Journal Impact Factor (SJIF)- 8.054,
July to September 2026, E-Journal, Vol. I, Issue LV (55), ISO 9001:2015 - E2024049304 (QMS)

Law and Justice in Ancient India: Dispute Resolution, Courts, and Social Order : A Historical Evaluation

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Abstract: The judicial system in ancient India was not merely a system of punishment, but also a developed process for resolving disputes related to social relations, property, debt, trade, family, contracts, and state security. This paper provides a historical study of the legal dispute and adjudication process in ancient India. The study analyses dispute classification; the jurisdiction of the Dharmasthiya and Kantakshodhana courts; case filing; notice and hearing; adjudication and reconsideration; judgment implementation; and the evidence system. Sources include Manu, Narada, Yajnavalkya, Kautilya, Shukra, and other religious and literary traditions. These sources clearly show the importance placed on written and oral evidence, witness qualifications, oaths, tradition, title, and religious principles in the judicial process. Additionally, the king was acknowledged as the supreme judicial authority, and there was a provision for reviewing the decisions of subordinate courts. This study also reveals that the ancient judicial system was deeply intertwined with the contemporary social structure and caste-based beliefs. Therefore, it is more appropriate to understand it in its historical context rather than measure it directly against modern standards of justice.
Keywords: Dharmasthiya Kantakshodhana, Dharmashastra,Pradeshta, Vyavharika.

Introduction - Studying the judicial system of ancient India is crucial to understanding its political and social history. When differences arise in society over rights and obligations among individuals, families, groups, merchants, farmers, artisans, or the state, some legal mechanism is needed to resolve them. Available sources show that in ancient Indian society, such disputes were called "*vyavahara*" or "*vivaada*," and a system of courts and judicial officers developed to resolve them. The judicial process included stages such as hearing the plaintiff and defendant, taking evidence, consulting the court, and, if necessary, seeking the king's confirmation of the decision.

When understanding the ancient Indian judicial system, it is important to keep in mind that available material comes primarily from religious texts, the economics tradition, and literary references. These texts describe ideal rules of law, judicial procedures, and social norms. Therefore, it would be inappropriate to assume that every rule described in these texts applies equally to every aspect of contemporary society. Nevertheless, studying them helps us understand how the relationship between law, social tradition, the state, and justice was conceived.

The source material reveals many practical aspects of the judicial system. Questions such as how a case should be presented in court, how to give notice to the defendant, how the hearing should proceed, who can be a witness, what should be the status of written evidence, when oaths and divine testimony*(Divya-Pariksha)* should be used, what should be the mechanism for reconsideration of a decision, and who should be responsible for enforcing decisions—all of these have been considered. This indicates that judicial decision-making was not based solely on the king's whim; it also followed established rules, officials, evidence, and procedural standards. This paper organises the available material thematically, using historical research methods, and aims to present a simple, systematic, and analytical picture of the judicial process in ancient India. It also examines the nature and classification of legal disputes in ancient India; the scope of various courts, especially the Dharmasthâya and Kantakúodhana courts; an analysis of the process of filing a case, providing notice, and hearing; the system of adjudication, review, and implementation of judgments; and the role of religious scriptures, tradition, title, and evidence in the adjudication of disputes; and the historical characteristics and limitations of this judicial system within its social context.

Research Methodology and Source Criticism: This study uses a historical-analytical approach. Drawing on theological, economic, and literary material from the available source texts, the study reorganises the major institutional and procedural aspects of the judicial system thematically. The study employs both descriptive and analytical approaches. First, it presents material on the court, dispute, and process systematically, followed by a

discussion of their historical significance.

From a source-criticism perspective, it is important to recognise that texts such as Manu, Narada, Yajnavalkya, Kautilya, and Shukra are not uniform. They contain legal rules, social ideals, and administrative instructions in different contexts. Similarly, a literary example like the "Mrichchakatikam" is better understood not as a direct administrative record, but as literary evidence of judicial imagination and socio-cultural context. Therefore, in this research, the rules derived from the sources are treated as historical indications, not as direct evidence for every situation.

The period of study is the broad ancient Indian tradition, as the source material itself brings together Smritis, economic ideas, and literary references from different periods. Therefore, the aim of the research is not to reconstruct the judicial system of a single century, but to understand the key structures of judicial decision-making developed in ancient Indian legal thought.

Classification of Legal Disputes: Cases brought before the court were generally called "*vyavahara*" or "*vivaad*a." Manu divided these disputes into eighteen major categories[1]. These included loans and non-repayment, disputes related to inheritance, selling someone else's property, group disputes or violence, taking back donated goods, non-payment of wages or salaries, breach of promise, purchase and sale disputes, disputes between cattle owners and herders, boundary disputes, harsh words, assault, theft, robbery, crimes against other women, gender-based disputes, division of ancestral property, and gambling.

This classification reflects the breadth of economic and social life in ancient society. Debt, inheritance, and trade disputes indicate expanding economic activity. Disputes related to boundaries, inheritance, and partition highlight the importance of land and property. Disputes over wages and animal husbandry show the existence of labour and production relations. Similarly, the classification of cases such as abuse, assault, theft, and robbery indicates that the judicial system dealt with disputes between private individuals, as well as crimes related to public peace and security.

In addition to Manu's classification, the text also mentions cases that required special state intervention. These included tax evasion, exporting prohibited goods, violating varna-system rules, and neglecting parents. Although some of these could be considered primarily moral issues, they were nevertheless subsumed under state law. Clearly, in ancient legal thought, private disputes and questions of public order were not entirely separate. Social conduct, revenue, trade, and family duties were also considered matters of state concern.

The Structure and Scope of Courts: From Kautilya onward, courts are primarily described as *Dharmasthîya* and *Kantakashodhana*. Judges of *Dharmasthîya* courts were called *Dharmasthîya*, or *Vyâvayâka*, while the officer charged with *Kantakashodhana* was called *Prâdeshta*. These two jurisdictions were clearly distinct.[2]*Dharmasthaya* courts primarily dealt with disputes between individuals or groups. These included matters such as agreements and contracts, disputes between masters and servants, matters involving enslaved people, debts, guarantees, purchases and sales, donations and pledges, theft and robbery, assault and assault, abuse, gambling, property ownership, boundaries, house construction, damage to pastures and roads, marital relations, *stridhan*, inheritance, and property division. This list shows that *Dharmasthaya* courts primarily dealt with civil and family disputes, although some criminal matters also fell within their jurisdiction.[3]

In contrast, the *Kantakashodhana* courts focused on state and public-order matters. These included protecting craftsmen and artisans, ensuring the safety of merchants, addressing public dangers, dealing with illegal means of subsistence, apprehending criminals with the help of spies, making arrests for suspected crimes, conducting autopsies, investigating crimes, securing government departments, and imposing various serious punishments. Rape of a girl and punishments related to violations of justice and law also fell within this scope.

This division reveals an important historical fact: the judicial system made a functional distinction between private rights and state interests. *Dharmasthya* courts handled disputes related to socio-economic relations, while the *Kantakashodhana* system focused more on state security, crime investigation, and public order.

Suit and Hearing Procedure: The process of filing a suit also followed specific rules. A person seeking justice had to present their petition or claim before the court. The suit presented in court was called *'vyavahara'*, and the plaintiff and defendant were also called karakas. The petition was expected to be accurate, concise, and factual. It was essential to include the essential facts relevant to the dispute. A flaw in the petition was not considered to be the sole basis for the plaintiff's case.[4] This indicates that the process, along with formality, also allowed for judicial discretion.

Generally, the plaintiff had to present their claim himself. State employees could not initiate such private disputes on their own, although they could not remain indifferent once the case had begun. Those unable to appear in court due to physical reasons—such as women, children, the elderly, orphans, and the sick—could be represented by a government official. Other individuals could present their case through a representative. A fixed fee for representatives is also mentioned.

After the petition was submitted, the defendant was notified. An employee called a "*Shravaniy*" delivered the notice or summons and informed them to appear.[5]The judge fixed a day and time for the hearing, and the plaintiff and defendant were summoned by order. Thus, the judicial

process reflected a systematic structure of claim, notice, attendance, and hearing.

The judge had to consider the country's traditions, caste, clan, pilgrimage, and time when rendering a verdict. This makes it clear that justice was not envisioned as being administered solely on abstract rules, but by taking into account local and social contexts. However, these traditions should not conflict with religious principles.

Judgment, Speedy Justice, and Reconsideration: In ancient Indian legal thought, speed of judgment was especially important. Unnecessary delays in justice were considered unacceptable, and litigants expected speedy justice. Delays in administering justice were considered punishable offences. This reflects a tendency to link the effectiveness and timeliness of justice with administrative accountability.

The consequences of judgment were expressed in different terms. The defeated party was called "*Hinvad*a," the loser in a criminal case "*Paschatkar*a," and the victorious party "Jay." Absence, failure to respond, unnecessary delay, irrelevant statements, or changing one's position could lead to defeat. Letters were issued to both parties in accordance with the judgment. The text mentions a "*Jaypatra*" for the victorious party and a "*Hinapatraka*" for the defeated party.[6] The king was considered the supreme judicial authority. A person dissatisfied with a subordinate court's decision could appeal to a higher level through a prescribed channel. The Narada Smriti mentions a system of proceeding from the village court to the city court and from the city court to the king. Manu states that if a judicial officer errs in his decision, the king must reconsider the case. A provision for reconsideration also appears in cases of false evidence.[7] The Sukra tradition mentions the possibility of reconsidering a case from one to four times. Community decisions at the clan, category, and group levels also describe a system of reconsideration at progressively higher levels. Thus, the judicial structure includes a form of appeal or review.

In the Buddhist republics, a different judicial system is mentioned, in which eight types of courts are described. They could acquit the accused while considering a criminal case, but they could not punish the accused if found guilty. In such cases, they transferred the case to a higher court. In the final stage of this chain, the king alone had the authority to punish the offender. Thus, punishment could be imposed only after the crime was fully proven.[8]

Implementation of Court Decisions: A court's decision is effective only if it is enforced. The king and administrative officials enforced court decisions. Physical punishments—such as mutilation, imprisonment, exile, and the death penalty—were implemented by administrative officials. The court could also enforce financial penalties. An official named "*Baldarshak*" is specifically mentioned to enforce fine decisions.

The debt recovery process is typically described as sequential. First, officials attempt to persuade the debtor. They pursue litigation, followed in some circumstances by measures such as fraud or recovery by deception, detention, and finally forced recovery or imprisonment. This makes it clear that enforcement of decisions did not depend on a single measure; rather, a series of measures was envisaged according to the circumstances.

Main Basis of Dispute Resolution: Various types of rules and evidence were important in resolving disputes. Dharmashastra sources like *Shruti* and *Smriti* were considered the primary sources of evidence. Along with these, the prevalent traditions of farmers, pastoralists, traders, moneylenders, and artisans were also taken into account. Traditions of the country, caste, region, class, and clan are frequently mentioned. Court members argued, and elders also offered their opinions.[9] This demonstrates the role of scriptural rules, social traditions, and collective thought in judicial decisions.

The Dharmashastras were considered the primary basis of law, but in practice, the Sutras and Smriti texts held special importance. Local traditions were also recognised, but they should not contradict Dharmashastra rules. Legal thinkers like Narada and Katyayana advocated avoiding justice that was contrary to public interest. Thus, the sources of law were not limited to scriptural injunctions; tradition and popular practice also factored into judicial considerations, though their validity depended on their compatibility with the scriptural system.[10]

Considerations of Ownership and Property: Ownership was a key basis for resolving disputes. The Dharmashastras state that, despite witnesses and written evidence, actual possession should take precedence. Long-term possession and use of an object or property were considered crucial in determining ownership. In Gautama's context, inheritance, sale, partition, possession, and acquisition were considered the basis for determining ownership.[11] However, this principle had some limitations. The general principle of ownership did not apply to mortgages, the wealth of minors, legacies, objects given for use out of love, women, the king's taxes, and the wealth of Brahmins. This system demonstrates that property rights were linked not only to possession, but also to the nature of the object, the conditions of its transfer, and socio-religious rules.

Evidence System: Oral and Written Evidence: Evidence was crucial in the judicial process. After hearing the plaintiff's and defendant's statements, the judge could call for evidence. Oral evidence could include someone who had witnessed the disputed object themselves or heard the facts from a reliable source. Manu also laid down detailed rules on witness qualifications and disqualifications.[12]

According to Manu, certain relatives, assistants, the sick, and unreliable individuals were prohibited from being called as witnesses. In Narada's tradition, if other witnesses were unavailable, women, minors, older people, disciples, relatives, and enslaved people could also be called as witnesses. This suggests that a witness's admissibility could

vary by circumstance. Witnesses were required to speak the truth, and false testimony was punishable. Failure to appear when summoned by the court could also result in punishment. The sources note that decisions should be based on the majority in cases of conflicting witnesses, and on the merits in similar situations.

Written evidence was generally considered more authentic than oral evidence. However, a coerced writing, a writing contrary to tradition, a writing lacking both parties' signatures, or a writing lacking essential details—such as the date, place, father's name, and witness's name—could be considered unreliable. Shukra categorised written evidence and considered a writing stamped with the royal seal more authentic. This suggests formal criteria for the authenticity of written records.[13]

Oaths and Judicial Verification: Oaths were another tool in the judicial process. The plaintiff, defendant, and witnesses were sworn to tell the truth.[14]Without witnesses, a decision could also be made based on oaths. Oaths were rooted in the religious belief that those who swore false oaths would suffer consequences in both this world and the next. Different types of oaths are mentioned for different social classes.

Judges did not rely solely on words. A person's appearance, gestures, movements, manner of speaking, and eye and facial expressionsalso helped determine truth and falsehood.[15] This represents an early conception of psychological observation in the judicial process. Although it cannot be compared to modern scientific evidence, it played an important role in judicial decisions in ancient times.

Divine Evidence and Tests: When ordinary or temporal evidence is unavailable and normal procedures for judicial decision-making cannot be used, texts mention divine evidence or divine tests. Literature from the Rigvedic tradition to the Atharvaveda, the Tandya Mahabrahmana, and the Chandogya Upanishad mentions divine evidence. Religious literature discusses these tests in detail, and Sanskrit literature also provides examples.

The Smritis mention tests such as poison, water, scales, and fire, which describe different tests for different social classes. The most famous literary example is the *AgniPariksha* (fire test) involving Sita. In the Yajnavalkya tradition, the *Agni Pariksha* (fire test) involves walking a few steps holding a hot iron ball and then observing the hand's condition.[16] In the *Vish Pariksha* (poison test), the suspect was administered poison according to a prescribed method; in the *Jal Pariksha* (water test), the suspect was immersed in water. The change in weight in a balance test formed the basis for the decision.

Historically, divine tests show that evidence in ancient legal thought was deeply rooted in religious belief. They cannot be equated with modern judicial evidence. Furthermore, the available evidence suggests that divine evidence was used only when temporal evidence was unavailable.

Historical Analysis: A comprehensive study of the ancient Indian judicial system reveals three key features. First, its scope was broad. The judicial process covered numerous issues related to debt, trade, property, family, labour, animal husbandry, land, theft, violence, public safety, and state administration. This shows that legal thought connected to many aspects of social life.

Second, judicial proceedings were multi-layered. The text mentions the trial of plaintiffs and defendants, evidence, local traditions, the court's consensus, the judge's decision, and reconsideration before the king. This undermines the notion that ancient Indian justice was solely based on the king's personal will. Although the king was the supreme judicial authority, a structure of judicial and administrative institutions was envisioned beneath him.

Third, the judicial system was deeply intertwined with the social structure. Judicial decisions considered varna, caste, clan, and local traditions. Social divisions also shaped witness qualifications and oath rules. Therefore, the ancient judicial system cannot be judged directly by modern notions of equality, individual rights, and universal legal standards. It must be evaluated within its own historical context.

Classical rules and local practices were also related. While the Dharmashastras were considered supreme authority, the traditions of the country, region, class, and clan were also accepted. This indicates a legal system in which universal classical rules and local social practices were intertwined. This characteristic makes the ancient Indian legal tradition important for historical study.

Conclusion: The legal dispute and adjudication process in ancient India indicates a developed and multifaceted institutional system. Courts classified disputes and assigned distinct jurisdictions to different types of cases. Dharmasthya courts primarily dealt with interpersonal disputes between individuals and groups, while Kantakshodhana courts focused on matters related to the state, crime, and public order. Specific rules also governed filing a suit, serving notice to the defendant, conducting a hearing, and rendering a judgment.

Judgments relied on scriptures, local traditions, title deeds, oral and written evidence, oaths, and, in some circumstances, divine examination. The system emphasised expediency in justice and included a mechanism for reviewing judgments. The king was the supreme judicial authority, and administrative officials enforced decisions. This demonstrates the close relationship between the court and the state.

Historically, the most significant feature of this system is that law was not viewed as separate from social life. Land, property, trade, labour, family, and public order all fell within the scope of judicial consideration. Furthermore, rules based on caste, class, and tradition indicate that the concept of justice was influenced by the social structure of the time. Therefore, the ancient judicial system should be studied

not for simple comparison with modern judicial systems, but to understand the structure of law, power, tradition, and social relations in ancient Indian society.

Finally, the available evidence suggests that ancient Indian legal thought developed a systematic concept of dispute resolution. It includes various components, such as courts, judges, plaintiffs and defendants, witnesses, written evidence, oaths, reconsideration, and decision-making. Studying these institutions and processes provides an important basis for understanding ancient India's administrative and social history.

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