



DISPUTE SETTLEMENT IN ANCIENT INDIA THROUGH PANCHAYATI JUSTICE

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Abstract--Hindu period extends for nearly 1500 years before and after the beginning of the Christian era. Ancient Indian society was not static, it was dynamic. Our ancestors comprehended the complex problems of society and prescribed rules for regulating society and social conduct. The informal settlement or resolution of local disputes has been seen throughout India from ancient times. But we could not see any homogeneity in dispute resolution practices. The idea of panchayat justice is not new to us. Since the ancient period panchayats have played an important role in village level dispute resolution. The paper deals with dispute settlement in ancient india through panchayat justice.

INTRODUCTION

The king and his administrative system was top in this hierarchy, the system prohibited the king in many disputes related to local customs, norms and practices of castes, sub castes or tribes, which had their own dispute resolution processes through panchayats, community leadership of elders or the intervention by the chief of local dominant castes. There were five important legal text in ancient Hindu period. Hinduism started when the Aryan entered. The five important legal text are sutras, Veda's, Upanishad, puranas, smriti.

SUTRAS

A sutra is the pithy formulation of broad and general principles of common sense and justice. A rule or aphorism in Sanskrit literature or a set of these on grammar on Hindu law and philosophy. It is a Buddhist and Jainism scripture. The term sutra in common parlance means a thread; it was also used to show a manual of instructions on various subjects. It is the basic law for human conduct in the Hindu period. It has 4000 rules of human conduct.

TYPES OF SUTRAS

The kalpa sutras are the oldest sutra works. It is of three types 1) Srautrasutras, 2) Grihyasutras, and 3) Dharmasutras. Srautrasutras are based on Shruti. They are useful for the study of the history of religion. Grihyasutras depict domestic religious ceremonies of Sanskaras. They lay emphasis on the ideas of social welfare of the society. Dharmasutras are a manual of human conduct. It speaks of wider relations of man to the state, duties of varnas and ashramas, social usages, customs.

BEGINNING OF CIVIL AND CRIMINAL LAWS

This is the period is the beginning of civil and criminal which is still existing now. In ancient hindu period the civil law includes topics such as 1) taxes, 2) inheritance, 3) position of women and the criminal law includes topics such as 1) assault, 2) adultery, 3) thefts etc.

VEDAS

Vedas means knowledge. It is a entire body of hindu scared writings there are types of Vedas there were 1) Rig Veda, 2) Sama Veda, 3) Atharvaveda and 4) Yajurveda. Vedas is also called has samhita. It is between the period 1500.B.C. to 700.B.C.

UPANISHADS

It is a collection of ancient Sanskrit philosophy text. It is probably between the period 800 BCE to 500 BCE. Upanishads means “ sitting down near”. It is principal message of the unity of Brahman and atman.



PURANAS

The word **Puranas** literally means "ancient, old", and it is a vast genre of Indian literature about a wide range of topics, particularly myths, legends and other traditional lore. Composed primarily in Sanskrit, but also in regional languages, several of these texts are named after major Hindu deities such as Vishnu, Shiva and Devi. The Puranas genre of literature is found in both Hinduism and Jainism. There are 18 *MahaPuranas* (Great Puranas) and 18 *UpaPuranas* (Minor Puranas), with over 400,000 verses. The first versions of the various Puranas were likely composed between the 3rd- and 10th-century CE.

SMRITI

Among the five legal texts smriti is most important legal text in the ancient hindu literature. The king is the upholder of dharma. The Law is only one of the meanings of dharma. The king also was under the law laid down by dharma. It is written by group of people called smritikars.

ROLE OF SMRITIKARS

Smritikars were most interested in formulating a system of rules for the society and social solidarity. Smriti have played a very important role in preparing rules for regulating social and religious life of the people. The five important smritikars were 1) Manusmriti, 2) Brihaspathi, 3) Yajnavalkya, 4) Narada, and 5) Katyayana. These smritikars represent the last stage legal development in ancient hindu period.

- *Manusmriti* Manu is the famous figure in the history of lawgivers and antiquity. He gave the first code of civil and criminal law. It is the most authoritative work on hindu law. The code has 2685 verses. According to manu even the king was subjected to law. Manusmriti has classified law under 18 titles.
- *Brihaspathi* Brihaspathi tells us about seven courts. He has also given kindes of witnesses. He mentioned that minimum number of witnesses was three but he suggests that nine, seven, five or even two witnesses were sufficient. But a single should never be entertained.
- *Yajnavalkya* He was the frist to mention specifically about three popular courts namely Kula, Sreni, and Puga arranged in the ascending order of their importance. He observes that the mode of proof was three – fold: 1) documents, 2) witnesses, and 3) possession.
- *Narada* The judicial procedure advocated by him is a highly advocated by him is highly complex one. He divided them into 11 classes. He provides the first legal commentary.
- *Katyayana* He gave a detailed account of the constitution of the courts of justice and gives an elaborate description of the court procedure.

A verdict pronounced by the court was called jaya-patra.

HYPOTHESIS

The paper tells about the justice or dharma is the chief important thing in law. The ancient Hindu legal text says about the dharma followed in ancient times, which still exists. But it is deals with an important fact “varnashramadharma” which means the races of the skin.

CONCLUSION

The dispute settled in ancient India through the five legal texts. These five legal thought about witnesses, evidences etc which essential for a case. The king is also under the dharma. The king is insisted by the chief justice who is a brahmas. If it is also insisted on dharma but dharma is not equal to all the people.

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