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# CONCEPT OF LAW IN ANCIENT INDIA

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**ABSTRACT**

***Introduction**: The definition of law and its proposition can be found in Indian literature dating back to the Rigveda, the oldest scripture. Ancient Indian literature also provides information on the chronological development of law. In ancient India not only there was tremendous development of mathematics, astronomy, medicine, grammer, philosophy, literature, etc. but there was also tremendous development of law. This is evident from the large number of legal treaties written in ancient India (all in Sanskrit). Only a very fraction of this total legal literature survived the ravages of time.*

***Material and methods**: Ayurvedic texts, modern science textbooks, published articles, research journals, and the internet.* ***Result:** It is said that Hindu Law originated from the Vedas (called Shruti). In fact, the Hindu law really emanated from books like Manusmriti, Kautilya Arthashashtra etc. These were books written by certain Sanskrit Scholars in ancient times who had specialized knowledge in law.*

***Discussion and conclusion**: In comparison with modern law, the classical Hindu law was a peculiar legal system as it followed a unique arrangement of law. The main aim of the law in the Vedic period was to preserve "Dharma" which means righteousness and duty.*

**KEY WORDS:** *Law, Emergence, Ancient*

## AIM AND OBJECTIVES

- To study in brief about ancient and modern legal system
- To evaluate the contents of *Kautilya Arthashastra, Manusmriti* and other books w.s.r. to medical jurisprudence.

## MATERIALS AND METHODS

- The materials were compiled from traditional Ayurvedic texts, modern science textbooks, published articles, research journals, and the internet.

## INTRODUCTION

In the *Rigveda*, the term *Rit*[1] (Rit means right, honest, true, fixed or settled order, law, rule, divine law, faith, divine truth) denoted law. It was concerned with the truth. It originated from the *tap*[2]. In the *Rigveda*, *Mitravarun* was regarded as the administrator of law and justice[3]. *Dirghtama* elevated law above divine power[4]. He believes that divine powers exist to benefit humanity[5]. The Vedic *Rishies* did their best to create successful social inclinations against antisocial powers.

Rit is 'truth', 'welfare', and *Dharma*, but it did not originate with the supreme power. It is the ultimate power. The description of Rit represents both truth and continuity. The law is unchangeable and firm.[6] The Vedic literature makes it clear that law, morality, and religion are eternally interconnected. In Vedic literature, the term *Rit* was used to denote law, which includes truth (सत्य), Dharma or duty (कर्तव्य), welfare (कल्याण), and firmness (दृढ).

**Law and Religion:**

*Dharma* is the Sanskrit word for law, and it has a very broad meaning. *Dharma* refers to a moral code that unites people. The term "*Dharma*," meant something that was set in stone, unwavering, and unchanging, like a law, statute, ordinance, usage, custom, observance of customs, duty, right, justice, virtue, morality, religion, and so on. Generally speaking, the term "*Dharma*" refers to the natural, social, and moral laws and duties that citizens must uphold. There were two interpretations of the term "*Dharma*":
(1) It came to be associated with a virtue ethic or moral perspective. Buddhism elaborated on this concept further.

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(2) It came to be associated with the specific social responsibilities of the four orders (*Varnas*).
Even though the word "*Dharma*" is translated as "religion" in English, this translation is not accurate or complete. The word "*Dharma*" is used frequently in the epic to refer to the application of justice. It is taught by thinkers that *Dharma* is dependent on time and place, but in reality, it is not a set principle of life; rather, in its spirit, it is ever-changing and is adjusted in accordance with the emerging circumstances. The King is the protector of *Dharma*, and it is his duty to ensure that the people follows it. If one of the four Orders (*Varnas*) violates righteousness, the King must punish accordingly. Thus, *Dharma* represents ethical values, duties, good work, religious virtues, universal truth, divine justice, social and individual responsibilities, and international law. The various laws available in the *Manusmriti* have been presented as *Dharma*. It contains various laws that can be classified as *Varn-Dharma*, *Ashram-Dharma*, *Varnshram-Dharma*, *Raj-Dharma*, *Purush-Dharma*, *Nitya-Dharma*, *Nemmitik-Dharma*, *Kul-Dharma*, *Desh-Dharma*, and so on. It includes separate rules and duties for each *Varna*[7]. Each man will follow the rules and duties established for his own order (*Varna*). As a result, *Manu* most likely declared it the King's special responsibility to protect the *Varnshram-Dharma* system[8]. The rules for these four orders (*Varnas)* can be divided into four categories: *Brahmin-Dharma*, *Chatriya-Dharma*, *Vaishya-Dharma*, and *Shudra-Dharma*[9]. The *Manusmriti*, like *Varna-Dharma*, contains certain rules and duties that people from various Ashrams must follow. Each person was required to follow the duties assigned to his Class or Ashram. *Manu* classified the Ashrams as *Brhamcharya-Dharma, Grahastha-Dharma, Vanprasth-Dharma,* and *Sanyas-Dharma*[10]. He considered it the King's responsibility to maintain the *Ashram Dharma-system*[11]. He established *Danda* (punitive measures) as the initiator of the Ashram system. He made it the King's liability to punish anyone who violates this system[12].

***Raj-Dharma***
*Manu* had made it clear that the King had to carry out his duties in a certain way. He believed that the King's duty was to protect his subjects in a judicial capacity[13]. *Raj-Dharma*, as mentioned in the *Manusmriti*, refers to those regulations and obligations that a King must fulfill[14]. In fact, *Raj-Dharma*, which contains provisions to prevent the King from becoming a cruel, upholds the legitimacy of autocracy (governed by one person with absolute power) because the corrupted King, who violated the *Raj-Dharma*, has been eliminated by *Danda* (punishment)[15].

***Nitya-Dharma***
*Manu* had laid out some rules and duties for the *Dwizs*, which included *Brahmins*, *Chatriyas*, and *Vaisyas*. It had been known as *Nitya-Dharma*. For example, it is the responsibility of each individual to perform a daily bath, *tarpan*, and *pujan* in the morning and evening[16]. As a result, each individual had to work hard to keep his senses under control[17]. Manu had given the *Shudras* permission not to perform these duties[18].

As a result, the legal system of ancient India is built upon strong, well-defined foundations. While the term "law" in modern refers to commands of the State that are enforceable by the Authority, but in ancient India a command issued by the King had legal force because the King could enforce it with his punitive powers. In fact, the King's command, controlled by a variety of rules, would be governed by the orders (*Varna*) and *Ashram-Dharma*. Though Manu did not regard the State or the King as sources of law, he made it the King's special responsibility to enforce the *Shastrokt* (in accordance with *Dharmashastras*) laws on the subjects. The King must perform his duties in accordance with the *Dharma*. In fact, there appeared to be no distinction in the *Manusmriti* between Dharma and law. Dharma was accepted as equal to the law. The *Manusmriti's* legal system is a successive system based on the principles of supremacy and equality before the law. The goal of introducing the principles of *Dharma* or duty is to encourage people to follow the law voluntarily[19]. Thus, *Manu* believes that voluntary compliance with the law can effectively reduce crime. Aside from that, the only way to control it is through severe punishment.

Given the preceding discussion, it is clear that both the King and the subjects held a high regard for the rule of law. The fact that law was synonymous with *Dharma* is great. *Dharma* encompasses all aspects of society, including social, religious, moral, spiritual, and judicial issues.

**Law and Society**
No civilized society can exist without law based on broad principles. The face of law in ancient Indian society reflects the state of civilization. Human beings are social creatures. For social harmony, they also need laws. In the social structure of humanity, there are various kinds of social behaviors. In ancient times, social behaviors could only be limited to some extent. However, with the passage of time, expansion in social behaviors is inevitable. As social behaviors increase, the need for laws also increases. Manu enacted legislation through both jurists and sociologists. As such, he can be referred to as both a sociologist and a jurist. Manu had attempted to establish a direct connection between law and the *Vedas*. *Manu's* goal was to put human behaviour on a social foundation. Because of the

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sociological and legal aspects, he could not ignore the impact of social circumstances on the creation of law. The reason for preserving the origin, despite keeping contact with changes, is the traditionalism of Indian law; however, after accepting the *Shruti* to the *Smriti* period, significant changes in law were required. The majority of the laws were included in *Shrutis* but not in *Smritis*. In this way, changes in the law were made based on factors such as region and time, while the original was also preserved. The Vedic law was connected to other laws. As a result, in addition to general guidelines for individuals, special laws for a specific branch of the population were created. In the ancient judicial system, equality of law was disputed and criticized. The concept of absolute equality of law could not be implemented or sustained in any society. The reason is that differentiation and individuality promote feelings of superiority and dominance. They have the willpower to influence the behaviour of others. Different types of disparities in society are equally responsible. It is undeniable that strong people have dominated weak people. Laws cannot be equal because not all people are equal.

**Man and Law**

A man was held responsible to society in more than one way: he was expected to fulfill all of his obligations to his fellow beings, and he was also held accountable to society for his actions. Hindu legislators prescribed the expulsion of individual sinners from society. They even stated that offenders of the moral code should not be associated in any way. Individuals' membership in society is conditional on their adherence to the *Dharma*. The entire system effectively affirmed the individual's accountability to society. *Manu* argued that society should not have any contact with the unrepentant sinner, but added that a man who had duly apologized for his sin by performing the prescribed punishment should never be humiliated by reminding him of his past crime[20].

**Equality in Ancient Law**

The idea that "all human beings are born unequal" was another fundamental tenet of ancient Indian society. However, one established democratic principle held that all human beings must be made equal if a democratic social structure is to be achieved. Therefore, *Manu*, advocating for the democratic set-up of the Hindu social structure, proclaimed this idea as follows: "Even though all human beings are born unequal in their capacity of execution, they all are equal in their capacity of enjoyment," meaning that all people should be made to work according to their abilities but that everyone must be given an equal share in the enjoyment of the social production. All people, male or female, highly intelligent or extremely stupid, shared the same sense of hunger, thirst, sleep, fear, and other emotions, even though their productivity levels may vary greatly.

**Family and Law**

In building the Hindu social structure, men and women together, as husband and wife, formed the smallest social unit[21]. Every family was granted complete authority to create its own laws that addressed both meeting their fundamental needs and establishing standards of behavior for the family[22].People were granted the financial freedom to select a career path based on their aptitude and experience[23].Castes were formed by families with similar occupations, and each caste acted as a sovereign authority in its own field of expertise.

Many religious rituals are eligible for the couple only. Some household duties can neither be performed by a woman alone nor by a man alone[24]. In this assumption, the clear influence of divine law is evident. Where the secular aspect of marriage provides social discipline to the relationships between women and men, it also assists in the spiritual upliftment of individuals, making its spiritual aspect stronger[25]. The sanctity of this bond provides humans with the strength that is also rare for God[26,27]. The law that separates or breaks marital relationships, lacking a divine basis, also does not help in strengthening social discipline. This law affects both family unity and discipline. It is not appropriate to label the law that breaks relationships as secular law. Even though such a law may fulfill political objectives by breaking the unity of society and family, it renders the real principle of law meaningless.

As a result, each member of Hindu society was able to benefit from the people's sovereignty, whether it be in his or her own right or as a group. The goal was to attain the ideal of "from each according to his ability, to each according to his needs" in this way.

## NEW FORM TO SOCIAL LAW

*Manu* specifically attributed the evolving social law, especially evident in the *Dharmaasutras*, to divine origin. The genesis of the four components of society from the limbs of *Virat* was acknowledged from the *Rigveda* or *Yajurveda*. However, to strengthen the structure of social organizations, *Manu* gave it a new form. He considered a society structured around the four *Varnas* as divine. Their rights and duties were defined, and they too were considered divine. Abandoning one's prescribed *Dharmaa* and *Karma* for another religion or action was considered sinful (*Paap*) and punishable, as it violated the unity and will of *Virat*.

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*Manu* attempted to bring his social system in line with the Vedic arrangement of divine origin on a legal basis. In this context, two preceding ideologies influenced his approach: the legal authority derived from the state and the doctrine of *Karma*. *Manu* accepted state law as a means to an end. It presented an framework for each *Varna* to fulfill its rights and duties and regulated them within their respective paths[28].

In this scenario, the state was considered the guardian of *Dharma*. To institutionalize the social system, *Manu* expanded the sources of law. He harmonized the *Vedas* with *Smriti* (remembered texts), *Sadachaara* (right conduct), and *Atmapriya* (what is dear to oneself), integrating them with the preceding tradition and accepting two other sources to uphold individual dignity. While reconciling the sources of law and social regulations, *Manu* encountered some challenges. He was not inclined to accept the legitimacy of non-Vedic social systems. Therefore, immediately after outlining such a system, he stated that the "*Dwijati*" should not deviate from the sources of law, the *Vedas* and *Smriti.*

**Supremacy of Social Law**

By the time of the (*Nitigrantha*) treatises, both economics and ethics had evolved into traditions. They integrate the tradition of *Arthashastra* by *Kautilya* with the *Smritis*. According to them, "Society (*Varna*) can only be saved from destruction by adhering to its laws (*Dharmaa*)." The state's necessity lies in establishing the adherence to social laws. Thus, *Kamandaka* (author of *Nitisara*) acknowledges the necessity of the state by prioritizing social laws. Regarding the law based on ethical scriptures, they assert, "The conduct of *Aryas* (noble ones) is based on law (*Dharmaa*), and their prohibition is considered irreligious (*Adharmaa*)."

In this way, *Kamandaka* presented the supremacy of social law by reconciling the teachings of *Apastamba*, *Manu*, and *Arthashastra*.

- The enactment of a law proposed for moral upliftment and social structure is considered to be a practiced or practical law, and the expected impact of such a law is bound to affect society significantly. Before advocating a legal principle, the outline of social progress should be determined. It is often expressed that the formation of ancient societies was based on religious foundations. Because human life is fundamentally dependent on economic resources and it is also understood that a civilization that does not develop the means of economic production, that civilization remains undeveloped. From this perspective, the formulation of a law should be such that it can assist in economic production and other material developments.
- In summary, everyone was subject to the ancient India teachings- high or low, wealthy or impoverished, king or common man. No unfair distinctions were made. These were clearly wise guidelines for both thought and behavior. That is our understanding of the principles and guidelines contained in the ancient scriptures. To be honest, though, there are no records indicating whether or not these principles applied to everyone. But there is one thing that is known for sure. For the most part, the Hindu social structure was harmonious, cohesive, and close-knit. The principles set forth in the ancient books were fully respected by both the King and the commons. The ancient book's purity and sublimity of thought still arouse our respect and compel us to walk the path of righteousness. The type and seriousness of the offense determine the severity of the punishment.

**Law and Morality or Good Conduct (*Sadachaar*)**

- In ancient India, administrations were responsible for developing good conduct (*Sadachaar*) and promoting moral values among citizens. It was the notion that anyone who acts against morality and has a tendency for misdeed should be punished in order to bring him back on track. The punishment imposed on him would serve as an incentive. It would serve as a warning to others against deviating from morality and righteous behavior. It would encourage people to follow moral principles and conduct themselves appropriately.
- The reason for establishing state power is that those who act against *Dharma* may be forced to follow the right path[29]. Punishment must be awarded for offenses committed so that one may have fear of being punished[30]. Punishing the offender is a process of purification for society and the state. Punishment may be light or harsh, depending on the nature of the offense. Its flexibility in any form would encourage the stronger to harass the weaker. The punitive system is a form of societal therapy. In this process, the judge has the feeling of purity and welfare, similar to a physician[31].
- The ancient treatises demonstrate that in the past, people believed that good behavior, or *Sadachaar*, was the highest form of Dharma. The King's primary duty was to suppress anti-*Sadachaar* activities. The principle of crime and punishment must be upheld because it benefits both the public and the King. Moreover, if the King did not act in this way, he would be a sharer in sin[32].
- The ancient treatises, allows for a detailed discussion of the necessity and utility of punishment[33]. It states that maintaining *Sadachaar* and morality among the subjects was the primary goal of both the administration and the judicial system. In ancient India, educated scholars and sages supported harsher punishments to eliminate anti-social elements.

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- In the *Vedas*, sin is compared to death. It can be argued that harsh punishment for sin and crime may not work. Punitive measures by themselves are insufficient. Criminals and sinners may be given the opportunity to change and adopt virtuous behavior. If they do not correct, however, they may receive even harsher punishment.
- The reformatory theory of punishment changes the culprit. However, the ancient sages supported harsh punishment as a deterrent to misdeed. In reality, strict punishment is ineffective. However, it cannot be denied that the only two reasons that man abstains from committing crimes are fear of punishment and fear of violating *Dharma*.
- Manu believes that when a person is consumed by misconduct, they are more likely to engage in criminal behavior[34]. Thus, man must obey his *Dharma* in order to avoid being overpowered by immorality; however, if one fails to avoid immorality and commits a crime, he must be punished severely so that crime is not encouraged.
- It was up to the King to punish those who violated *Sadachaar*. Religious scriptures emphasize that such Kings deserve more reverence than God. *Manu* established that the King whose kingdom contains no thief, wicked, dacoits, or murderers would be eligible for entry into *Indralok* (divine enjoyment)[35]. In other words, the King who frees society from culprits receives celestial glory. He deserves a place in heaven.
- It demonstrates that in the ancient Indian judicial system, the King was expected to be vigilant in order to maintain *Sadachaar*. In the absence of moral values, the crucial distinction between right and wrong will vanish, and moral values must be superimposed. Without morality, society will be governed by the law of the jungle.
- Maintaining *Dharma* was an important function of the State, to the point where it was stated that sovereignty exists for the sake of *Dharma*. *Manu* believes that people become righteous solely because they are afraid of *Danda*. Its absence, extinction, or anomaly will cause panic in society[36]. Hence, *Danda* is an essential component of *Dharma*[37].
- The term "*Rit*" or "*Dharma*" refers to the moral order of the universe that controls and directs events in order to guarantee that truth, or *Dharma*, always succeeds and that untruth, or *Adharma* (moral wrong or unjust act), is ultimately defeated. In ancient India, the *Dharmashastras* were considered a major source of morality. The *Dharmashastras* are the highest authority and virtually the only source of the ritualism that Hindus practice today.
- The word "*Dharma*" comes from the root "*Dhr*," which means "to sustain" or "to support." This definition of *Dharma* has given a slight bias to all of Hindu thought in favor of social stability. Hindu law-givers have placed a major emphasis on individual duties that directly contribute to the stability and harmonious preservation of the social order. They have recognized two types of duties that individuals must fulfill: class duties that are required of them due to their class and stage of life, and universal duties that apply to all people. The primary concern of Hindu law-givers has been social stability.
- To summarize, actions such as devotion, sacrifice, gift, and merit can lead to bondage, whereas non-attachment or detachment promotes moral ethics. Controlling undesirable elements is critical for creating a moral atmosphere. Inner feelings such as *Kama* (sex), *Krodha* (anger), and *Lobha* (avarice/greed) must be controlled and cleansed. Only good conduct (*Sadachaar*) and morality would lead to the achievement of the cultural goal[38].
- As we dicussed earlier, *Kamandaka* presented the supremacy of social law by reconciling the teachings of *Manu*, and *Arthashastra*. Their influence also extended to social morality. There was a need to protect "inherited morality." *Kamandaka* made the state a medium for this purpose. In defining the relationship between social morality and the state, *Kamandaka* follows the path of *Kautilya*. According to him, to eradicate antisocial morality, the state can employ all kinds of policies. Thus, the state could eliminate the power opposing the welfare of the state and society even through "immoral" means, which was considered the duty of the state. *Kamandaka* thus acknowledges the tradition of state behavior in economics and adheres to the tradition of *Smritis* based on social law, morality, and the foundation of the state. However, the situation of that time influences the relationship between social law and the state, where the state remains the only medium for the protection of social law.

**Relationship Between Morality and Legality**

Some rules of law are eternal, unaffected by time or adverse circumstances. These rules are found in every era. While the form of these laws may change with the evolution or alteration of civilization, but their purpose remains consistent. It cannot be said that such laws undergo transformation. For example, the punishment for murder has remained unchanged since ancient times. Despite opposition, this penalty has not been removed from legal statutes. While there may have been changes in agricultural and commercial laws, fundamental actions remain unchanged. The impact of mindset on such laws is minimal. Historical studies also reveal that regardless of the country or civilization, murder and theft were never considered legitimate actions or integral to morality. Although it can be argued that if there is an unbreakable relationship between morality and legality, any action that cannot be considered moral cannot be legal either, yet changes in civilization have not altered the human perspective on these actions. These historical facts indicate that certain rules in law are indispensable, found within society, and are also related to political systems. Nevertheless, societal changes cannot affect these rules. The stability of legal mindset indicates the existence of a trait inherent in human society, one that continually prompts adherence to the law. Indeed, the presence of this trait within human society is the subject matter of historical legal principles.

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**State and Law**

The primary function of the state was to protect its subjects from both external and internal attacks and threats. In carrying out this function, it was the State's primary responsibility to control people's actions (*Vyavahar*), the law, the courts, *Sadachar* (good behavior), and so on.

***Saptang-Rajya* (A Seven-Element State)**

- The Manusmriti[39] also discusses the principle of *Saptang-Rajya* (a seven-element state). Yagyavalkya and Narad also discussed the idea of Saptang Rajya. All three Smrities mentioned above, namely the Manusmriti, the Yagyavalkyasmriti, and the Naradsmriti, provide a description of seven State elements.
- Manu defines the seven elements of the state as:

*Swami* (King), *Amatya* (Minister), *Pur* (Territory) *Rashtra* (State), *Kosh* (Public Exchequer), *Dand* (Justice), and *Mitr* (other states trusted as Friends).

- *Yagyavalkya's Saptang* Theory of State Advances was similar to Manu's. But, instead of *Pur* and *Rashtra*, he used *Jan* and *Durg*[40].
- *Man*u and *Yagyavalkya's Saptang* (seven limbs) theory of the State differs slightly from one another. Manu denotes the capital, whereas *Rashtra* refers to the entire nation. However, instead of describing these two separately, *Yagyavalkya* combined them under the heading *Jan* and added a constituent of the state known as *Durg*. But *Manu,* despite not including *Durg* in the *Saptang* (seven limbs) list separately, considered it all inclusive. As a result, it is possible to say that they both arrived at the same conclusion.
- The seven limbs mentioned in the above *Smritis* were discussed in order of importance.

According to *Manu*, every limb of the State that performs a specific function is considered to be specialized in doing so. Because that particular limb has a special capacity to performing its function, no other limb can do so as efficiently. As a result, regardless of their specialty, all limbs are given equal importance.

- However, they were ranked in order of importance when they were all considered together. This allows these limbs to be evaluated in two different ways.
  First, because of their expertise in performing specific functions, they were granted the authority to do so; second, their significance as a component of the *Saptang* (seven limbs) of the State was demonstrated. However, neither part is inferior to the other in their respective spheres. All of these interdependencies are equally important[41].
- In the *Arthshastra*, *Kautilya* referred to *Swami, Amatya, Pur, Rashtra, Janpad, Durg, Kosh, Dand,* and *Mitra* as the seven *Prakrities* (parts) of the State.
- *Sukranitisar*, a later treatise, also identified *Swami, Amatya, Mitra, Kosh, Rashtra, Durg,* and *Bal* as the seven *Prakrities* of the State[42].

**Formation of State**

The formation of the State, as discussed in the *Smritis,* is quite ancient. That formation was thoroughly discussed in an ancient Indian treatise (predating the Smrities). The seven limbs of the state, *Swami, Amatya, Mantri, Janpad, Durg or Pur, Kosh, Dand* or *Bal*, and *Mitra*, are known as *Prakrities* and have been discussed in *Mahabharat*[43], *Manusmriti*[44], *Arthashastra*[45], *Yagyavalkya Smriti*,, *Shukrnitisar*[46], and other texts.

- ***Swami***, which means head or master, is mentioned as such in all sources. *Swami*, according to *Kautilya*, should possess qualities derived from noble birth, such as wisdom, enthusiasm, and personal ability. The characteristics of noble birth deserve special attention because they exclude the possibility of men of humble origins ascending to the status of king.
- The modern constituents of the State, such as sovereignty, government, territory, and population, are governed by the elements of *Swami*, *Amatya*, and *Janpad*, as outlined in the *Saptang* theory of the State. Perhaps it is difficult to associate sovereignty with the head who is required by the law-givers to govern in accordance with *Dharma's* principles.
- In modern times, unless a State receives recognition from other States, its *de jure* status is not recognized. This element in the modern State can be compared to *Mitra* (ally), though the goal in ancient times was to secure allies rather than recognition from other states. Although population is not mentioned in the *Saptang* theory, the term *Janpad* clearly refers to the inhabited territory. In contrast, the modern definition of the State excludes the army, taxation, capital, and ally. Clearly, the ancient definition of the State is both concrete and extremely practical.

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## IMPORTANCE OF KING

- Among the *Saptang* (seven limbs) of the State, the King was regarded as the most important. The *Rigvedic* King was known as the protector of the public at large (गोपा जनस्य). He was charged with two tasks: maintaining state peace and protecting the state from *Anarya* (foreign) invasions. Thus, despite being a military chief, the King was also entrusted with the functions of chief of judicial administration, though the King was never regarded as the source of justice.
- *Varun* was the *Rigveda's* governing God of *Dharma*. He also regulated the Rit[47]. Until the time of the *Brahmins*, the reign-related (राजत्य) theory was fully developed. According to *Shatpath Brahman*, the King is responsible for the state's proper functioning (सुसंचालन), firmness (दृढता), agriculture, happiness (सौख्य), and development, among other things.
- When the King became God *Varun's* representative, he became the official in charge of punishing the culprits. However, the power he misused made him liable for punishment.
- As a result, mutual relations between the King and *Dharma* were established, with *Dharma* taking precedence over the King. The *Dharmsutras* considered doing justice to be the King's most important duty. The *Dharmsutras* clearly state that the King received a sixth part (षडभोग) as compensation for maintaining peace among subjects and protecting the State from external attacks[48].
- After the rituals of *Indramahabhishek*, *Brahmin Purohit* touched the enthroned King three times with *Dand*a. It demonstrated that if the King failed to perform his duties properly, he would be punished under the same law (*Danda*). He isn't more important than *Dharma*. The King, as the *Saptang* State's first limb, was given the authority to enforce state law (*Rajyavidhi*).

### *Rajyavidhi* (State Law)

- *Rajyavidhi* (State law) refers to 'the law established and administered by the state'. In ancient India, the judicial system was centered on the concept of 'supremacy of law'. This tradition persisted until the *Dharmasutras* were written. According to *Gautam*, the King's judicial administration must be inspired by the *Vedas*, *Dharmshastras*, and *Purans*[49]
- The State recognizes the authenticity of *Desha*, caste, *Kul*, and other traditions and behaviours (*Vyavahar*), but nothing that contradicts the *Vedas*. Artists, farmers, herders, and others followed authentic rules and regulations in their respective fields. As a result, the *Vedas* and treatises based on them, such as the *Dharmshastras*, emerged first as sources of state law. The customs and traditions of various local, social, and economic organizations were ranked second.
- In the administration of state law, the commentators of argument (तर्क), purpose (हेतु), approach (*Aagam*), and precedents (दृष्टांत). Along with the King, the commentators were within legal bounds. The King was not permitted to interfere with the expositions given by the commentators. The relationship between State law and Social law established the rights and responsibilities of individuals in society. In this way, they represented both the law and society.
- In such a case, the King acted as the guardian and protector of the law, ensuring that it was not infringed upon by state law. As a result, the King was responsible to both society and the law. In fact, the State law included the law governing crime and punishment. However, the State remained merely a means to an end, with no authority to make laws. The King was allowed to carry out his duties only. Violation or transgression of the law, local and social traditions, or state law could result in the king being dismissed or his life being taken away.
- *Kautilya's Arthashastra* is primarily a political treatise. The implementation of law saw the state's power becoming significantly important. In this context, the coordination between law, social tradition, and state law became a crucial issue. As stated, *Arthashastra* aligns with the Vedic tradition's success. It considers the foundation of society as the "*Trayi*" (three)- *Dharmaa* (religious law), *Artha* (economics), and *Vyavahara* (forensic science), along with *Nyaya* (reasoning). In administration, the king had to accept the means inherited from tradition. However, here *Arthashastra* was also considered another basis for state law.
- *Kautilya* had attempted to give the State a welfare component. He refused to accept traditions, customs, and conduct in their original form as integral parts of the welfare state. *Kautilya*, while establishing State law, proposed some modernity alongside its traditional practices.
- He recognized the region (*Desh*), caste (*Jati*), and clan (*Kul*). He delegated the task of compiling lists to state employees. This action was deemed necessary for the newly conquered territories. In this respect, *Kautilya* made a significant change. He only approved new and ancient virtuous conduct (*Aachar*) that was not detrimental to the State or society[50].
- In this way, *Kautilya's Arthashastra* granted the State the right to conduct itself in a manner that is not improper. It may be not only rejected, but also repealed. In the event of a conflict between the State law and virtuous conduct (*Aachar*), the State law would take precedence over virtuous conduct. Among *Dharma*, conduct, character, and State rule, *Kautilya* ranked State law

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first. However, this cannot be considered a source of law, and yet, in the administration of judicial sovereignty, the State administration is given precedence. In terms of the sources of State law, the *Manusmriti* itself supports the previous ideology.

- According to *Manu*, the King would decide verdicts based on eighteen categories, regional practices (देश-दृष्ट), and sacred canons. Manu believes that the King should not violate the traditional conduct of his class (*Shreni*), clan (*Kul*), or any other economic group. *Manu* had achieved coordination between law and state by depriving the King of legislative powers.
- According to *Shukra*, the foundation of state law is *Dharmashastra*, and the use of *Arthashashtra* is accepted only in a manner consistent with *Dharmashastra*[51]. The judiciary is where *Arthashashtra* is applied according to *Dharmashastra*. *Smriti* is a means of justice. Along with this, they also consider governance, customs, and tradition as the basis of state law. According to them, the king should make decisions in justice by harmonizing scriptural perspective, regional perspective, caste, region, category, family, and regional customs. *Shukra* says that different regions have different practices, and uniformity cannot be imposed in all cases. In this, *Shukra* acknowledges the tradition of previous *Smriti* writers and economists. On one hand, they consider *Dharmashastra* and on the other hand, they consider public opinion, customs, and tradition as the source of state law; however, they do not want to ignore regional and caste customs in any situation. Thus, even with the development of state power until this time, the basis of state law could never be solely the king's order. Its control was maintained by social forces. Changes in social values and the environment also led to partial changes in the legal system.

## DISCUSSION

In the past, the legal systems were regarded as important branches of society that carried out the administration of justice. The King upheld the *Rajadharma*, which forbids discrimination, in order to administer justice. The king could not protect the people because of the insufficient power of kingship. As a result, the great *Dharma*, or "the law," was created, superseding the king. "Law is the King of Kings, nothing is superior to law; the law aided by the power of the King enables the weak to prevail over the strongs" is the definition of the law (or Dharma= Justice).

## CONCLUSION

To summarize, *Manu* and other *Rishies* of ancient India provided a more refined definition of state than Western thinkers. It demonstrates that ancient India had a well-developed society. The concepts of law and politics were extensively developed. Even though it was in its infancy, the administration of justice in ancient India was well-organized. This system offers a great basis on which the contemporary justice administration system has been assembled and organized.

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