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## **Ancient Indian Legal Thought: Justice and Punishment in the Arthashastra and Its Contemporary Value**

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### **Abstract**

From ancient times to the present day, the judicial system has been an indispensable part of society. From the moment unethical activities such as injustice, oppression, and wrongdoing began in society, the necessity of a judicial system was felt in order to protect human civilization and maintain social order. In ancient Indian thought, the king was essentially chosen to protect the subjects and establish justice.

On the other hand, the great scholar Kautilya, the author of the *Arthashastra*, described the judicial process as the "life" of the state. According to him, a state where justice is not established soon moves toward destruction. The primary objective of justice is to ensure the protection of the lives and property of the subjects and to establish social peace by appropriately punishing those who create disorder in society. According to the *Arthashastra* of Kautilya, references to both civil and criminal judicial systems are found in the Mauryan administrative structure. Separate courts were also established to conduct these two types of judicial processes.

In the case of criminal offences, the state itself initiated the judicial proceedings. Many historians have expressed the view that the laws and regulations described in the *Arthashastra* were later reflected in various ways in the European criminal justice system. Essentially, the state was an indispensable institution for the welfare of the people and the maintenance of social order. During that time, the *Arthashastra* of Kautilya served as one of the fundamental bases for shaping India as a welfare-oriented state.

**Keywords:** Kautilya, Arthashastra, Justice, Judge, Witness, Punishment, Public, Relevance, Manusmriti, Yajnavalkya.

### **Introduction:**

Among the valuable texts inherited in post-Vedic India, the *Arthashastra* composed by the great scholar Kautilya is one of the most significant works. Although written nearly 2300

years ago, the text is still highly appreciated today for its profound significance and relevance in various political, economic, and social matters. Because of the universality of its subject matter, its practical outlook, and its well-structured principles of state administration, it has attracted the attention of scholars from ancient times to the present.

In ancient Indian literature, discussions concerning the conquest of kingdoms, governance, and administrative systems are not new. Various parts of Vedic literature, such as the *Yajurveda*, the *Atharvaveda Samhita*, and the *Brahmana* texts, contain references to different ideas related to politics and governance. An important addition to this tradition is Kautilya's *Arthashastra*, which stands as a well-organized and systematic document of statecraft and administrative policy in ancient India.

The great scholar Kautilya composed this work by synthesizing the earlier teachers' ideas concerning *Dandaniti* (the science of punishment or statecraft). "In the *Mahabharata* it is mentioned that at the beginning of creation, for the protection of the earth, Lord Brahma composed a scripture called *Dandaniti*."<sup>1</sup> From various ancient texts it is known that in ancient times this *Dandaniti* was one of the four branches of learning included in the education of a king. In its initial stage, *Dandaniti* mainly assisted royal justice, but gradually it came to include almost all aspects of state governance.

Through the *Arthashastra*, a clear picture of the administrative system and social policies prevalent during the Mauryan period can be obtained. This text indicates that the king was the primary source of justice and the supreme authority of the state. The *Dharmasutras* and *Smriti* texts also clearly mention that the king was the source of justice and the chief judge. He listened to the complaints of the subjects and punished the offenders accordingly. Establishing justice was one of the foremost duties of the king.

However, it was not possible for the king to hear all kinds of cases personally. Therefore, he heard appeals against the decisions of lower courts. In this context, the *Narada Smriti* mentions that decisions of village courts could be appealed in city courts, and decisions of city courts could be appealed before the king, but there was no provision for appeal against the decision of the king. In this regard, the following verse is noteworthy –

“Grāma dr̥ṣṭaḥ pure yāti pure dr̥ṣṭaḥ tu rājani.  
Rājñā dr̥ṣṭaḥ kudr̥ṣṭo vā nāsti punarbhavo vidhiḥ.

That is, a matter judged in the village court may go to the city court, and a matter judged in the city court may be appealed before the king; but once judged by the king, there is no provision for reconsideration.

The king's judicial activities must necessarily be conducted according to the directives of the *Dharmashastra* and *Nitishastra*. Ignoring these principles is not appropriate for a king. According to Kautilya, the judicial system is the life of the state. He believed that a state which fails to establish justice soon moves toward destruction. According to him, the principal objective of justice is to ensure the protection of the lives and property of the subjects and to maintain social order by appropriately punishing antisocial elements who create disorder in society.

The *Arthashastra* discusses various aspects of state administration in ancient India in detail. However, in the present discussion, an attempt has been made to highlight particularly the perspective of the *Arthashastra* regarding the judicial system and the establishment of peace in society.

## Judges and the Structure of the Judicial System:

“According to Acharya Kautilya, the system of governance is like a cart with one wheel – just as a cart cannot move with only one wheel, similarly the administration of a state is not possible without assistance and cooperation. Therefore, it is the duty of the king to appoint competent *amatyas* or ministers and to give importance to their advice in the administration of the state.”<sup>2</sup> “In the appointment of *amatyas*, the king should consider the candidate’s knowledge, intelligence, courage, competence, character, suitability to the country and time, and a life free from crime.”<sup>3</sup> According to Kautilya, those who are born in their own country, possess noble character, are free from faults, skilled, proficient in fine arts, knowledgeable in economics, possess good memory, are clever, eloquent, strong, and energetic should be appointed to administrative responsibilities. At the same time, he further mentions that ministers should be influential, tolerant, pure in character, friendly, devoted, polite, capable, healthy, patient, selfless, steady in nature, affectionate, and free from hatred. Persons possessing these qualities should be appointed as the Prime Minister and other ministers. In ancient *Smriti* literature, the term *sabha* mainly referred to the king’s court or the judicial assembly. In this judicial assembly, mention is found of an important official known as *Prangbibak*. Although Manu and Yajnavalkya did not clearly mention the name of this officer, it holds special importance in the discussions of Kautilya. “In the absence of the king, learned Brahmins were appointed as representatives in the judicial assembly.”<sup>4</sup> If for any reason the king was unable to conduct the proceedings of the assembly himself, he would appoint learned Brahmins as representatives and the activities of the assembly would be conducted with their assistance. This arrangement was known as *Prangbibak*.

According to Kautilya, three judges should be present together to conduct judicial proceedings. They would carry out judgments concerning agreements, contracts, and various civil matters. “Kautilya used the term *Dharmastha* for judges.”<sup>5</sup> According to him, “the responsibility of these three judges was to protect the people from wicked and cruel persons.”<sup>6</sup>

For assisting the chief judge, “ancient *Smriti* writers also mentioned that the king should appoint at least three civil officials.”<sup>7</sup> Besides the judges, the presence of priests and other respectable persons in the judicial assembly is also known. Manu used the term *Dharmapravakta* for a judge.

Kautilya also discussed in an organized manner the judicial system and the organization of judicial institutions. The judicial system described by him is a clear example of administrative decentralization. For the settlement of disputes, he mentioned the establishment of courts at different levels. These courts were established – at the junction of two *janapadas* (in the *Antahpala* fort), at the centre of ten villages (in *Sangrahana*), among four hundred villages (in *Dronamukha*), among eight hundred villages (in *Sthaniya*), and a principal court for the entire district.

In addition, in order to protect ordinary people from corrupt officials of the state, exploitative merchants, and wicked persons in society, Kautilya established a special court known as *Kantakashodhana*. The main objective of this court was to suppress the “thorns” or dangerous elements of society and thereby establish order and justice in public life.

Important information about the nature of the ancient Indian judicial system is found in texts such as the *Arthashastra* and the *Brihaspati Smriti*. According to the descriptions in these texts, “a judicial department should be established on the eastern side of the royal palace,

and its entrance should preferably face east." The court was "decorated with garlands, incense sticks, and seats. Seeds and gems were also kept there, and the court was adorned with various pictures and images. It was also customary to keep fire and water in the court.

A total of ten members were present in the judicial assembly – the king, the chief justice, civil officials, *Smriti*, accountant, writer, gold, fire, and *Purusha*. Among them, the chief justice conducted the judicial proceedings and made the decision, and the king imposed royal punishment according to that decision. The rules of justice were preserved in the *Smriti*. Gold and fire were used during the taking of oaths, and water was kept for thirsty persons. The accountant-maintained records of various objects and evidence, and the writer preserved all documents related to the judicial process. The official known as *Purusha* brought government officials, the accused, and witnesses before the court and ensured their security.

Besides this, several state-recognized institutions also played important roles in judicial activities. According to Acharya Kautilya, the *Gram Sabha* was the lowest level of the judicial system. The head of the village was called the *Gramni*. He was elected by the villagers and was not a salaried employee. The *Arthashastra* mentions the existence of a village council of elders, which included prominent persons of the village. This council resolved minor disputes and could impose fines when necessary.

Above the village court, there were successively the courts of *Sangrahana*, *Dronamukha*, and *Sthaniya*, which were given authority to conduct judicial proceedings within limited jurisdictions. In addition, institutions such as *Kula*, *Shreni*, *Puga*, and *Pana* also existed, which were regarded as private courts.

According to Kautilya, an official called *Sangrahana* was appointed for a group of ten villages, who settled minor disputes. According to the text *Mitakshara*, near or distant relatives resolved disputes in the *Kula* court. When disputes arose in a joint family, the elder members of the family first tried to settle them. For this reason, the *Kula* court was essentially a judicial assembly of a large joint family where the elders of the group delivered decisions. Kautilya also described civil and criminal law in his text. According to him, civil law was mainly based on prevailing social customs and concepts. He mentioned that the caste system was a fundamental characteristic of Indian society; therefore, it was not possible to fully apply the principle of equality to all citizens at that time.

Therefore, considering the reality of the caste system, it was the responsibility of the king to apply civil law. At the same time, it was also the duty of the king to preserve and implement those customs and traditions that were beneficial for the welfare of the state and the people. However, Kautilya opposed the implementation of unreasonable and improper customs. In this context, Kautilya placed greater emphasis on the achievable rather than the means. According to him, if the result of a task is good, the means adopted for it become secondary.

Acharya Kautilya mentioned certain specific principles for judges in the judicial process. According to him, while conducting judicial proceedings the judge must carefully listen to the statements of both the plaintiff and the defendant, and in order to discover the truth he must take the help of both witnesses and spies. At the beginning of the judicial process, it is necessary first to record the statements of the plaintiff and the accused. In addition, he also mentioned that written evidence should be given the highest importance in determining facts related to an incident.

In this context, the *Manusmriti* states that the king or the prince should not create disputes on their own; rather, when someone approaches the court with a dispute, it is the duty of the king not to ignore it but to judge it properly.

In the initiation of a dispute, an important question is – who first approached the court seeking justice. According to some “economists and jurists, the person who first takes refuge in the court in a dispute should be regarded as truthful.”<sup>8</sup> Their argument is that the person who becomes the victim of injustice cannot tolerate the suffering and therefore approaches the court quickly. However, Kautilya did not support this view. According to him, “who applied earlier or later in a dispute is not particularly important in determining the truth.”<sup>9</sup> In order to determine the real truth, the judge must rely only on evidence and testimony. That is, “the person who is established as truthful through evidence should be considered truthful.”<sup>10</sup>

On the other hand, another question arises regarding whether a dispute should be judged if a long period has passed after the incident occurred. In this matter, differences of opinion are seen between Kautilya and other scholars. According to other scholars, it is improper to judge an incident long after it has occurred. But Kautilya did not accept this view. He clearly stated that “a wrongdoer should never escape punishment. No matter how old the incident may be, if it is proven, the offender must certainly be punished.”<sup>11</sup>

Therefore, from the above discussion it is understood that Kautilya did not accept strict limitations of time in the judicial process. According to him, the primary duty of the judge is to deliver the correct decision on the basis of evidence and testimony. In many cases this perspective appears even more rational than that of the modern judicial system. In ancient times judicial proceedings were mostly conducted in written form. For this purpose, clerks or writers were appointed in the courts. “Their main duty was to properly record the statements of the plaintiff, the accused, and the witnesses, and to preserve all documents, letters, and statements of the court.”<sup>12</sup>

Whatever the accused and witnesses said before the judges in the court had to be recorded by the writer exactly in the same manner. If it was found that the writer made even the slightest alteration while recording the statement, there was a provision to impose appropriate punishment upon him.

Some political thinkers of ancient India divided evidence in judicial proceedings mainly into two categories – divine evidence and human evidence. According to them, before making a decision in any dispute or debate, both types of evidence in favor and against must be considered. Divine evidence included oath or pledge in the name of a deity, while human evidence included written evidence, possession evidence, and witness evidence.

Acharya Kautilya did not mention divine evidence in the *Arthashastra* written by him. In judicial proceedings he considered only human evidence as relevant and acceptable. In deciding disputed matters, he gave special importance to written evidence. According to him, three rules should be followed in the case of written evidence – (1) *Rajyakrita*, (2) *Sthānakrita*, and (3) *Svahastakrita*.

The general meaning of the word *Bhukti* is enjoyment or possession. In the *Arthashastra*, Acharya Kautilya provided clear provisions regarding possession. Like Manu and Shukra, he also recognized *Bhukti* as an important form of evidence. According to him, “if a person neglects his property and another person continues to enjoy that property for ten years, then the original owner loses his right.”<sup>13</sup> However, if the owner of that property is a child, an

elderly person, a patient, an addict, someone residing abroad, or someone who has left the country, or if the property comes under someone else's control during exile or revolution, then even after ten years of possession his full right over the property remains intact.

The general meaning of the word *witness* is a person who directly observes an event. According to Maharshi Manu, a person who has directly seen or clearly heard something and can properly describe it is called a witness. A truthful witness is never considered inferior from the perspectives of *Dharma* and *Artha*.

According to the *Manusmriti*, the householder, residents of the place of occurrence, and persons belonging to the Kshatriya, Vaishya, and Shudra classes may serve as witnesses. However, in special circumstances people of all classes, persons knowledgeable in religion, and men free from greed may also be accepted as witnesses. Persons of opposite nature should not be accepted as witnesses. According to Acharya Yajnavalkya, "three or more persons should be made witnesses from among those who are ascetics, charitable, noble, truthful, religious, possess sons, are wealthy, and follow the scriptures."<sup>14</sup> Acharya Kautilya also placed special importance on the qualifications of witnesses in matters of testimony.

A difference of opinion is observed between Kautilya and earlier scholars regarding the number of witnesses. Kautilya believed that in order to decide a disputed matter, at least three persons who are trustworthy, of good character, and previously considered suitable to give testimony should be appointed as witnesses.

In the judicial system of Acharya Kautilya, the importance of testimony was extremely high. According to him, in judicial proceedings both the number and the credibility of witnesses must be considered. If both parties agree, "then even one witnesses may be considered sufficient."<sup>15</sup> However, in cases of complaints related to debt, a single witness should never be considered sufficient.

Moreover, in the case of transactions conducted alone or secretly, the testimony of an unmarried woman or a man who directly saw or heard the event may also be considered acceptable. Generally, it has been mentioned that at least three witnesses should be summoned in judicial proceedings.

In the court, "before giving testimony the witness had to take an oath and was cautioned that the testimony he provided should be untruthful and free from deception."<sup>16</sup> In this context, Acharya Kautilya believed that before taking testimony the witness should be cautioned according to his social status. A Brahmin witness was requested to speak the truth, and his testimony was taken in front of a vessel filled with water or fire.

Witnesses belonging to the Kshatriya class were warned that if they gave false testimony, they would be humiliated before enemies and forced to beg with hands placed on their foreheads. Vaishya witnesses were told that if they gave false testimony, they would be deprived of the merits gained from religious acts such as sacrifices and charitable institutions. Shudra witnesses were told— "if they gave false testimony, the merits accumulated over many births would go to the king, and the sin of the king caused by their false statement would also fall upon them."<sup>17</sup>

In addition, Kautilya also mentioned that after receiving testimony, its truth should be verified through spies. Through this method it was possible to prevent deception and falsehood in judicial proceedings.

Acharya Kautilya supported strict punishment against those who gave false testimony. In this context he mentioned the opinions of various economists and religious lawgivers. According to Acharya Manu, if a person creates a dispute by giving false testimony and thereby causes loss to another person's wealth, "then ten times the amount of the loss caused by that false testimony should be collected from that person as a fine."<sup>18</sup>

### **Principles of Punishment:**

In ancient Indian political and social thought, the importance of punishment or the penal system was very great. According to Manu, "at the beginning of creation the Supreme Being created punishment as a radiant, crime-destroying force in order to protect all living beings and maintain order in society."<sup>19</sup> It is out of fear of this punishment that people refrain from wrongful acts and social order is maintained.

The main objective of punishment is the prevention of crime and the preservation of *Dharma*. For this reason, in most ancient Indian texts the origin of the penal system has been considered divine. According to Yajnavalkya, the system of punishment was created to suppress wicked persons and criminals.

The *Mahabharata* also states that it is through fear of punishment that people are compelled to perform their respective duties. In order to prevent *Matsyanyaya* in society – that is, the tendency of the strong to devour the weak – the system of punishment is essential. Therefore, the administration of punishment has been considered a fundamental responsibility of the state for the establishment of justice and order.

Kautilya expressed extensive views regarding *Dandaniti* (the policy of punishment). According to him, in order to keep the state free from obstacles and well-organized, and to ensure that people of every *varna* perform their respective duties, the system of punishment is absolutely necessary.

According to Kautilya, the *Arishadvarga* present within human beings – such as desire, anger, greed, pride, arrogance, and pleasure – excite people and lead them toward unrighteousness and immoral conduct.<sup>20</sup> Therefore, in the interest of protecting *Dharma* and promoting public welfare, he considered punishment to be extremely necessary. According to him, if there is no punishment or penal system, then "*Matsyanyaya*" will prevail in society; that is, powerful individuals will begin to oppress the weak.

Elsewhere in the *Arthashastra*, while explaining the importance of punishment, he states that appropriate punishment inspires people toward *Dharma*, *Artha*, and *Karma*. For this reason, "*Dandaniti* has been called the protector of the *Trivarga*."<sup>21</sup> Generally, the principle that determines and regulates punishment is called *Dandaniti*. Through this principle unattained objects may be obtained, acquired wealth can be protected, protected wealth can increase, and increased wealth can be properly preserved. In other words, the entire worldly way of life depends upon *Dandaniti*. Therefore, in order to maintain disciplined behavior among the people, the ruler should impose prompt and appropriate punishment in cases of crime.

From the descriptions of most ancient texts, it is known that "even in ancient times, as in the modern era, various forms of punishment existed. Generally, four principal types of punishment have been mentioned – (1) Symbolic punishment, (2) Restrictive punishment, (3) Preventive punishment, and (4) Corrective or reformative punishment". Acharya Kautilya presented a scientific form of the penal system in the *Arthashastra*. He determined

different types of punishments for different crimes by considering factors such as the nature and extent of the crime, the circumstances of the incident, the capacity of the offender, caste, gender, social condition, age, and the character or disposition of the offender.

In order to maintain consistency in determining punishment, Kautilya first proposed a fundamental principle. According to him, the offender should be punished in proportion to the crime; that is, punishment should be determined according to the degree of the offence. However, such punishment should only be given when the crime has been completely proven.

Considering that people of different levels live within society, Kautilya believed that for some individuals even a small punishment is sufficiently effective. They regard such punishment as a great consequence for themselves. Therefore, at times a minor punishment may function as effectively as a severe one. On the basis of this principle, he prescribed both lighter and heavier punishments for people of different ages and conditions in society.

In addition, Kautilya also mentioned differences in punishment according to caste distinctions. According to him, for the same crime the nature of punishment may differ between Brahmins and persons of other castes. For example, if a Brahmin commits a crime, then marking him with a symbol indicating the crime and exiling him from the country should be considered sufficient punishment; and a Brahmin should never be subjected to corporal punishment. On the other hand, "if a person of a lower caste commits an offence against a person of a higher caste, he should be given double punishment. Conversely, "if a person of a higher caste commits an offence against someone of a lower caste, then giving half of the prescribed punishment will be considered sufficient.

Essentially, out of fear of social shame, a modest person tries to refrain from sinful acts. Considering this psychological aspect, Acharya Kautilya established a special principle in the system of punishment. According to him, in some cases humiliating the offender before society may be an effective punishment. Therefore, he mentioned provisions for engraving on the forehead of a Brahmin or learned person a mark indicating the particular crime committed. As a result, the social reputation and honor of the offender would be destroyed, and other members of society would also learn to refrain from such crimes.

For example, in the case of theft, the symbol of a dog was to be engraved on the forehead; in the case of murder, the mark of chains; in the case of illicit relations with the teacher's wife, a special symbol; and in the case of drinking alcohol, the symbol of a drinking house was to be engraved on the forehead. Through this, the offender would feel ashamed in society and fear and awareness would arise among others to refrain from committing similar crimes.

According to Acharya Kautilya, sometimes a person does not wish to commit a crime himself, but due to particular circumstances he becomes compelled to do so. Therefore, in such situations the offender should not always be given full or severe punishment. On the basis of this principal Kautilya prescribed certain special provisions. He stated that if a person addresses another with insulting or hateful language under the influence of carelessness, intoxication, addiction, or similar conditions, then he should pay half of the prescribed fine.

Furthermore, Kautilya specifically prohibited the imposition of severe corporal punishment upon children, the elderly, the sick, intoxicated persons, the insane, the hungry, the thirsty, the exhausted, those weakened by excessive eating, the diseased, or persons

physically weak. Through this he emphasized the importance of humanity and the consideration of circumstances in the application of punishment.

On the other hand, Acharya Kautilya believed that the policy of deterrence is also an important method of suppressing crime. According to him, strict punishments should exist for certain special crimes. As a result, people do not dare to commit wrongful acts out of fear of punishment, and criminals are also discouraged from repeating the same crime.

In this context, Kautilya mentioned certain specific punishments in his *Arthashastra*, which in present times may be considered inhuman and cruel. According to him, criminals should be punished in places where ordinary people can witness it, so that fear may arise among others. Such punishments included – causing death by burning the body or skin with fire, cutting off the tongue, tying the hands and feet and hanging the offender upside down, pulling out the nails with needles, etc.

### **Similarities and Differences between the Mauryan Judicial System and Punishment and the Modern Judicial System:**

During the Mauryan period, the judicial system mainly depended on the authority of the king and the state. In the *Arthashastra* written by Acharya Kautilya, detailed descriptions of Mauryan administration, judicial policy, and penal policy are found. In the judicial system and principles of punishment described in this text, some important similarities with the modern judicial system can be observed on one hand, while on the other hand many fundamental differences are also noticeable.

#### **Similarities**

First, the main objective of both judicial systems is to establish the rule of law and maintain social order. In the Mauryan period, efforts were made to maintain order in society through *Dandaniti* so that crime would decrease and moral conduct among people would be maintained. Similarly, in the modern judicial system the application of law aims to ensure peace, order, and security in society.

Second, the importance of proving the crime is clearly present in both systems. According to Kautilya, the offender should be punished only after the crime has been completely proven. In the modern judicial system as well, the court delivers judgments on the basis of evidence, testimony, and investigation.

Third, the principle of determining punishment according to the degree of the offence exists in both periods. Kautilya mentioned that punishment should be determined by considering the nature of the crime, circumstances, the condition of the offender, age, and other factors. In the modern judicial system as well, judges determine punishment by considering the seriousness of the offence, circumstances, and other relevant factors.

Fourth, the objective of preventing crime is one of the main aims of both judicial systems. In the Mauryan period, attempts were made to suppress crime by creating fear among criminals through strict punishment. In the modern judicial system also, an important objective of punishment is the prevention of crime and ensuring the safety of society.

Fifth, the concept of reformatory punishment exists in some form in both systems. Kautilya mentioned the reduction of punishment in some cases by considering the condition of the offender. In the modern judicial system this concept has developed in a more organized manner, where special emphasis is placed on correctional institutions, rehabilitation, and social reintegration.

## Differences

However, several fundamental differences can be observed between the Mauryan judicial system and the modern judicial system.

First, there is an important difference regarding the equality of law. In the Mauryan period differences in punishment according to caste distinctions were seen. For the same crime, the severity of punishment could differ between a Brahmin and a person of a lower caste. But in the modern judicial system all citizens are equal before the law; differences in punishment based on religion, caste, gender, or social status are not acceptable.

Second, there are notable differences in the nature of punishment and the concept of humanity. In the Mauryan period many severe and physical punishments such as mutilation, burning the body, cutting the tongue, etc., were practiced. In the modern judicial system such punishments are considered inhuman and contrary to human rights. At present punishments such as imprisonment, fines, and community service are more common.

Third, differences also exist in the structure of the judicial system. In the Mauryan period the king was the supreme authority of the judicial system and justice largely depended on royal power. But in the modern state the judiciary is an independent institution, separate from the executive and legislative branches, and functions independently.

Fourth, the concept of human rights is extremely important in the modern judicial system. At present the fundamental rights of the accused person, the right to obtain legal counsel, and the right to a fair trial are protected by law. In the Mauryan period such human rights-based concepts were not so developed.

Fifth, differences can also be observed in the objectives of punishment. In the Mauryan period the main objective of punishment was to create fear and maintain social control. But in the modern judicial system the aim of punishment is not only to punish; rather, importance is also given to the correction of the offender, rehabilitation, and reintegration into society.

## Conclusion:

From the above extensive discussion, it becomes evident that during the Mauryan period the judicial system and penal policy were extremely important components of state administration. Within the administrative structure of that time, the judicial system functioned as the principal means of maintaining social order, establishing law, and ensuring the stability of the state. From the detailed description of judicial policy and penal policy found in the *Arthashastra* written by Acharya Kautilya, it is understood that in ancient Indian political thought the judicial system was considered in a highly organized and practical manner. Kautilya believed that an appropriate penal system was essential for maintaining order in the state and establishing justice among people.

One of the major characteristics of the Mauryan judicial system was the determination of punishment according to the crime, the importance of evidence, and the application of strict penal policy to prevent crime. The main objective of this system was to maintain order in society and prevent people from committing wrongful acts. At the same time, Kautilya also mentioned that punishment should be determined by considering the age, condition, and

circumstances of the offender, which indicates a practical aspect of the judicial process. Many of these principles show similarities with the modern judicial system.

However, there are also significant differences between the Mauryan judicial system and the modern judicial system. In the Mauryan period there were differences in punishment according to caste distinctions and in many cases severe and physical punishments were applied, which are considered inhuman in the present time. On the other hand, in the modern judicial system all citizens are equal before the law and issues such as human rights, justice, and individual freedom have gained special importance. Moreover, in the modern judicial system emphasis is also placed on the correction, rehabilitation, and reintegration of offenders into society.

Therefore, it may be said that the Mauryan judicial system was consistent with the social, political, and cultural realities of its time and played an important role in maintaining order in society. Although significant changes have occurred in the structure and values of the judicial system in the modern era, the penal policy and judicial ideas of Kautilya still occupy an important place in historical and theoretical research as a valuable example of ancient Indian administrative knowledge.

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