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Review Article

A Glimpse of Indian Judiciary: Traditional and Modern Approach

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Abstract

Courts and court procedure exercise great fascination for the general public and, with the increasing complexity of our societies, most of us find ourselves taking recourse to the courts at one time or another in our lives. Today the administration of justice is not confined to traditional civil and criminal courts. During the last half century or so, a large number of tribunals, commissions, etc. have come into existence which dispense justice in various types of disputes and grant relief that is not available in the traditional courts. These include, for example, the Monopolies Commission, Consumers Courts, etc. One of the important characteristics of civilized societies is how their inhabitants settle disputes peacefully. Where there is peace, there is progress. If people get justice, they will remain content. If they fail to get justice, they will revolt. A plausible combination of analytical and doctrinal research has been followed as methodology in order to give a proper shape to this article. Analytical research is involved in-depth study and assessment of available information as an attempt to explain complex phenomenon. Here, the author has used facts or information already available and analyzed these to make a critical consideration of the facts.

The purpose of this article is mainly to place India's present day judicial system and its history before the general public in simple language and to acquaint ordinary people with the civil, criminal, and other courts and tribunals. The author has attempted here to give a picture of the Indian judiciary-its evolution, as it exists today, and its various functions from the perspective of Indian mythology. The article does not trace the evolution of civil or criminal law or procedure; rather it looks at the development of the judiciary in India from ancient to modern times. This article is meant for lay persons. The author has tried to present the information in simple, accessible language, while retaining its authenticity. There is a great deal of criticism these days on the functioning of various courts, the inordinate delays, the high costs of litigation, the honesty and integrity of judges, lawyers, and the officials/staff of the courts, as well as of political interference in the judicial process. The author has refrained from joining the chorus except pinpointing such complaints in the concluding remarks.

Keywords: Administration of Justice; Indian Mythology; Administration of Law.

Organisation of the Judiciary

Scholar of Social Sciences and legal history, all across the globe have expressed the view that in all early societies, there seems to have been no organized system for the judicial settlement of disputes. The administration of justice was a private affair, settled by fight and might, although in some cases and at a later period it came to be administered with the help of community. Indeed, it was when communities came into existence that some role of conduct was brought in as well. Disrespect of community rules was tantamount to disrespect of the community. Lawbreakers were treated severely, and punishment was executed collectively.

The main aims of the administration of justice are twofold; the search for truth and the attempt to make people abide by the rules of law. In ancient times, according to Vinogradoff [1], more emphasis was laid on solving problems than on the search for truth. Justice was administered by the king and Manu and Narada have compared the position of the king to that of a surgeon. The Mahabharata [2] says that the king who is also the one who dispenses justice should not deviate from the path of truth and he should be a cultured person with an intellectual bent of mind. The *Naradiya Dharmasatra [3]* states:

Judicial procedure has been instituted for the protection of human race, as safeguard of law and order to take from kings the responsibility for crimes committed in their kingdoms. When humanity was strictly virtuous and veracious, there existed no quarrels, nor hatred, nor selfishness.

Virtue having become extinct them, judicial procedure has been established, and the king, having privilege of inflicting punishments, has been instituted judge of lawsuits.

In much of India, it was through the Danda, or the fear of punishment, that people were made to honour the right of others. It was the king's duty to punish lawbreakers and ensure that condition were conducive for the smooth functioning of society. Every person had the right receive justice and it was the state which delivered it to them. But through powerful, the king, who symbolized the state, did not have the right to legislate. He was the upholder and promulgator of law and the administrator of justice. He presided over the highest court of the state. But he had to perform his duty as prescribed in the law books known as codes. It was in the Vedic age that the conception of Rita, the existence of an order in nature, developed. This in turn, led to the establishment of a social and political order culminating in the development of law for regulating human relations. The realisation that every individual member of society must get justice according to the law of the land, and their rights must be safeguarded, resulted in introducing a system of judiciary. It was trough the state that justice could be dispenses to the people and dispensing justice thus became the most important duty of the ancient Indian king. The conception of state and the judicial system were intimately linked as it was the state that implemented law and gave impartial justice to the people.

There has been a gradual development over the time, from a single system of imparting justice as in the Vedic period, to an elaborate band refined one by contributors and lawgivers. The major stages of development were Vedic, that is, the pre-Mauryan, Mauryan and Gupta periods. In the pre-Mauryan stage, it is possible to determine the true state of law as the Vedic Dharma sutra periods.

In Vedic times, the Sabha and Samiti played a vital role in the judicial sphere. They also increased the judicial powers of the king. However, references to the functions of the king in the Rigveda show that the early Vedic king, in return for the tax paid to him by the people performed the duties of a judge. Thus, the establishment of order by punishing offenders was among the most useful and important duties of the ruler. As life was simple, the maintenance of law and order was well organized and court were not needed. No mention is made in Vedic literature of a separate body called the court since the king was himself a court of both civil and criminal jurisdiction. Dispensing justice was his responsibility.

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In ancient India justice was administered according to the Smritis and was one of the most important and obligatory functions of a king. It was his responsibility to protect the people through the proper and impartial administration of justice. Any indifference towards this important function was

supposed to bring problems to the king himself as well as to his people.

Ancient Indian jurists devoted a great deal of attention for evolving a law governing the administration of justice. The writings on the subject suggested that the seat of the highest court should be located in the capital city. The lower courts were also established under royal authority. There were also the people's courts which had the power to decide disputes at village level. The qualifications of judges and other officers of the court were laid down. The appointment of experts as assessors to assist the court on technical questions, whenever necessary, was also provided for. Laws of procedure and of evidence were made. A code of conduct for judges and others concerned in the administration of justice, as well as provisions for punishment of officers committing offences in the course of such administration of justice, were also provided by lawmakers such as Brahaspati, Narad, Manu, Kautilya and others.

The Law Commission [4] in its Fourteenth Report hasstated that though ancient writers have outlined a hierarchy of courts which existed in the remote past, their exact structure cannot be established with any certainty; but later works of writers like Narada, Brahaspati and others seem to suggest that regular courts must have existed on a fairly large scale, if the evolution of a complex system of procedural rules and of evidence can be any guide. Popular tribunals, particularly the village courts survived for a long time and existed even at the time British rule began in India. Their continuance was favoured by their antiquity as there were practically no other effective tribunals within easy reach. The principal functions discharged by such tribunals were conciliatory and local rulers did not usually interfere in their working.

Different Kinds of Courts in Ancient India

The court presided over by a king was the highest court. There were also others, some of them appointed by the king, and others which were people's courts recognized by the Smritis [5] as having the power to administer justice.

These were, in Ascending order

1. Kula (gatherings or family council): This used to be an assembly of impartial persons belonging to the family or caste of the litigants, which functioned as Panchyatdars or Panchayat Mandalis and decided disputes among those belonging to the same family or caste.
2. Shreni (corporation): As in commercial guild arbitration these courts were made of corporations of persons following the same craft, profession or trade.
3. Gana (area assembly): These were assemblies of persons who belonged to one place but were of different castes and followed different vocations.
4. Adhikrita (courts appointed by the king).
5. Nripa (courts of the king).

Apart from the above, there was the Pratistitha, acourt established at a particular village or town. The Pratistitha was a mobile court, which moved from village to village while the Mudrila was a court appointed by the king and authorized to use the royal seal, and the Sasita was the court over which the king presided.

Jurisdiction

The Kula, Shreni and Gana courts could decide all disputes other than those that came under the title Sahasa. Fines and corporal punishment could only be decided by the king.

The people's courts consisted of Panchayatdars. These had the authority to decide all civil and criminal cases except those that involved trial for an offence committed with violence. They had no authority to execute sentences of fines and corporal punishments. These matters had to go before the king who alone could approve and order the execution of such sentences.

A Shreni could review the decision of a Kula and a Gana had the power to review the decision of a Shreni. Judges had power to review the decision of a Gana, and the king was the highest court of appeal, and his decision was final.

The prerogative of the sovereign to function as the highest court of his kingdom was recognised. A party could approach the king for a review of the decisions given by any tribunal such as a KuIa, a Gana, a Shreni or any other court. Yajnavalkyaprovides that the king may review and set aside a decision which has been wrongly given even by him. He could also award costs. This part of the sovereign power is comparable to the power which the Mughal Kings and the British Sovereign enjoyed and exercised through the Privy Council, and which is now conferred on the Supreme Court under Article 136 of the Constitution of India. This is the source of its power of review.

King's Court

Sasita, or the court over which the king presided, was the highest court in any kingdom. This court, according to the Smritis, was to be situated in the royal palaceat the capital city.

The king (Raja), the chief Justice (Pradvivaka), and the Judges (Sabhyas) were the judicial officers of the court. The Accountant (Ganaka), the Scribe (Lekhaka) and the Bailiff (Swapurusha) used to be the non-judicial officers of the court.

The king was invested with power to pass final decrees. The Chief Justice had a give his final opinion on cases, and the duty of the judges was to investigate the merits of each case. The duty of the accountant (Ganaka) was to make calculations regarding the suit claims and the duty of the scribe (Lekhaka)was to record the proceeding of the court which included the plaint, depositions of witnesses and the judgement of the court. It was the responsibility of the bailiff (Swapurusha) to ensure the attendance of the defendant, the assessors and the witnesses. The Smritis furnish the basis for passing a decree. Gold and fire were kept for purposes of administering oaths.

Chief Justice

A person who was well versed in law and proficient in logic (Tarka), interpretation (Mimamsa) and other relevant subjects, master of the Vedas and Smritis, and who had the capacity to extract the truth from the judicial proceedings by application of the law, was eligible to be appointed as Chief Justice.

Judges and their Qualifications

The king would appoint as members of the court of justice honourable men whose integrity had been tested and tried and who were able to bear the burden of the administration of justice; they were also expected to be well versed inthe sacred laws as well as the rules of jurisprudence and were noble and impartial towards friends or foes.

The king being the fountainhead of justice had to depend uponthese judges and it was in his interest to ensure that there were reliable and worthy men on these positions. Katyayanaadds a few more criteria to indicate the suitability of a person to be appointed as a judges:

1. A judge should not be cruel, he should be sweet tempered, king, clever and energetic but greedy;
2. A judge should not confinehis study to a single branch of learning but should know many Sastras [6].

The first preference was to be given to a Brahmin endowed with these qualities and, if he was not available, a Kshatriya or a Vaisya with similar qualifications could be appointed. Sudras, however, were never recommended for such appointments as according to the ethos of that period they were not supposed to learn the sacred texts.

All the Dharmasastras and Smritis clearly enjoined that dispensation of justice was the highest Dharma of judges.

It was recorded that

1. In a case where Dharma (justice) had been injured ormade to suffer at the hands of Adharma (injustice) and the judges failed to give the justice, they had to sufferfor their act (of omission) which was Adharma.
2. Where Dharma (justice) is sought to be destroyed by Adharma (injustice), and truth sought to be destroyed by untruth-if judges failed to prevent this and remained mere spectators, they were sure to be destroyed.

Administration of Law

At the stage when justice was administered by the Kula or guilds or villages, the law which they were called upon to administer was founded on usage and custom, except in matters which fell within the sphere of sacred law. In due course, the custom, which was studied by scholars of the community, tended crystallize into definitewhich were embodied in the manuals and later became Dharma sutras of the particular schools.

Gautama lays down that in administering justice the king has to derive his law from three sources:

1. The scriptures, including the Vedas Dharma sutras the Vedangas and the Puranas;
2. The costume and usages of countries, communities and Kulas;
3. Costume and usages prevailing among cultivators, traders, herdsmen, moneylenders and artisans, determined by the different communities in matters relating to themselves.

The old texts also specify that members of a court

should not connive with the king if he acts unjustly.If they, along with the king will fall head downwards into hell. It is also stated that judges who agreed with the king when he acted in an unjust manner became parties to the sin flowing from such an unjust decision. They then needed to mollify the king by speaking at first of things that are agreeable to him and then, through persuasion, gradually bringing him round to the right path.

If the king directed a judge to give an unjust decision in a case, it was laid down that the judge should beseech the king against such an order and dissuade him from wrong doing as this could only lead to injustice. Judges were exhorted to give their decisions only in accordance with law and justice and if kings disregarded such decisions, the judges incurred no sin.

We also learn that the kings were never supposed to be angry towards their ministers, judges and physicians, particularly if the latter spoke frankly since they were expected to say what was proper and correct and not merely what was acceptable to the sovereign. In a kingdom where the ministers, judges and physicians we were made to give their rulings according to the wishes of the king, thelatter would soon be deprived of his kingdom and indeed of happiness use of his disregard for Dharma.

The noble role of judges in the administration of justice f as laid down in the Smritis and the requirements of fearlessness, impartiality and independence their part, even if their decisions ran counter to the wishes of the King, is important and should be appreciated. The fact that ancient law-writers were bold enough to incorporate such provisions shows their wisdom and interestingly, no king dared to question the authority of the Smriti writers with incorporated such provisions. Such provisions which speak of the independence of the judiciary and the supremacy of Dharma as binding even on the king, show the importance of justice. This was also in conformity with the definition of "law was the king of kings'. The sanction from the faith of the people and that of the king in Dharma. This was what formed the foundation of an independent judiciary whose brief was to ensure Dharmics-upremacy even where the king was the head of the state under the monarchic system.

Dharmadhikarana (Hall of Justice)

The court hall was called Dharmadhikarana (hall of justice). The Smritis prescribed that a spacious hall in the palace should be reserved for the king to hold court. Trees should be grown in the premises and water should be made available in the vicinity. The courtroom was also to be equipped with the required number of seats, decorated with flowers and jewels, and pictures and idols of deities were to be displayed on the walls.

Responsibilities of King as the Highest Court

The Smritis [7] emphasised the necessity of the king himself to take responsibility for the administration of justice. As far as his court was concerned, any person could approach the king for justice either by way of an original petition or by way of appeal against the decisions given by the lowercourts. Except when it was unavoidable, (for example if he was preoccupied with other important-matters of state), the king himself was required to preside over the highest-court at the capital and to dispense justice according to 'law'.

Only in exceptional cases could he depute or authorise the Chief Justice to preside over the court. Further, administrating justice was considered a divine duty. Kings were normally required to wear the crown and royal robes and occupy the throne while participating in the Rajyasabha or Darbar [8], and carrying on the executive functions of the ' state.'

However, in order to exercise judicial functions, kings had to dispense with such expensive attire and were required to enter the court hall in "a simple dress' and 'with a pleasant demeanour'. Thus clearly indicating the distinction between the judicial and executive functions of the king. The elaborate paraphernalia which we see in the courts today seems to have been introduced by Muslim rulers and further elaborated by the British who were very fond of pomp and show.

Where disputes among traders, craftsmen, artisans, artists, etc. were concerned, if the courts found it difficult. To arrive at correct decisions, perhaps because of the technical problems involved, they could seek the help of experts in the concerned field as assessors who could help in deciding disputed questions of fact.

The usefulness of associating experts in decision-making on disputes in such specialised fields has been recognised and adopted even under the modern system. The Evidence Act makes the evidence of experts relevant for arriving at a decision. Another instance in modern times of taking the assistance of experts to decide particular types of cases is the constitution of special tribunals which are made up

not only of judicial persons but also those who have technical or professiona qualifications as well as experience in matters dealt with by such tribunals.

Unanimous decisions which would leave no room for doubt were regarded as the best alternative. Where there was no unanimity among the judges, the opinion of the majority of Sabhyas (judges) would prevail - which is also the case today.

The fact that the king had to accept the opinion of judges or to act according to their advice did not mean that he had no responsibility for deciding cases. The rules expressly state that the king should try cases, with great care and should give decisions according to law, adhering to the opinion of judges. These rules mean that he was to be guided by the opinion of judges onlyin questions of law, but on questions of fact, he could also take the help of merchants appointed to assist the court. Further, while referring to the duties of a king in the course of a trial, it is laid down that he should be careful about the evidence adduced before him by the parties. He was required to observe the demeanour of the witnesses in order to gauge the truth of the statements made by them before the court. The king or judges could take the assistance of a person well versed in law, something that is comparable to the appointment of amicus curiae by the courts, prevalent under the present system. The king was supposed to be very attentive during the trial. He was also the ultimate authority who had to pass the final order in a civil case as well as the sentence in a criminal one after taking the opinion of judges on questions of law.

There was a clear distinction between civil and criminal cases. In all civil matters, the king had to abide by the opinion of the judges if he was presiding over the court. If not, the verdict of the court itself was final, subject only to the review powers of the king. It is only in criminal cases that a special provision was made vesting the king with the power to fix the quantum of penalty.

Kautilya's Concept of Justice

The judicial organisation and legal procedures of the Mauryan [9] period were based on the Arthasastra's concept of law. This was the outcome of social and economic conditions of a particular country and the country's capability to deal with those. The growth of justice was connected with the social and political conditions of the time. The moral and political theories determined the origin and development of law. The Arthasastra of Kautilya is a detailed code and makes legal provisions to safeguard the life and property of the citizen and to protect citizens against encroachment, defamation, assault and attempts on their lives and property, as well as assaults on the liberty of a person and atrocities on the part of government officials.

The judicial system in the early world was dominated by royal legislation. The causes of codification were (i) to preserve the king's person and his rights, (ii) to ensure the benefits of good government, and (iii) to prescribe punishments for such crimes as were not included in old laws.

Kautilya's conception of law, though stringent, was comprehensive and all-embracing in character. According to him, law was the eternal order, it was justice and duty. Danda or punishment was the basis of the state. Laws were made to synchronise with people's needs and economic conditions. Kautilya said, "Law is a royal command enforced by sanction and the regulating factor of all types of human activities". He regarded Danda as the fountain- head of politics. The king was the highest authority but he king was expected not to be arbitrary in administering justice.

The Arthasastra of Kautilya reveals that during the Mauryan period there were two types of judicial courts: (i)-the Dharmasthiya or the civil courts, and (ii) the Kantakasodhana or criminal courts. The Dharmasthiyacourts were organised and directed by the Amatyas. Their main function was to dispose of such cases as arose out of'violation of traditional rules and regulations. They could only impose nominal fines and their scope was limited to the application of Dharmasthiya laws.

The Kantakasodhana [10] was very important from the social and constitutional points of view. It regulated various economic and social problems, and also demonstrated that the origin of the court lay in royal ordinances. Its jurisdiction included regulations for the police, public safety, criminal punishment and proceedings for simple as well as serious offences. The Kantakasodhana court falls into two main divisions as it relates to the urban and the rural respectively. This court was intended to carry out the king's laws in minute details, regulate the administrative organisation of the Rashtra, and determine the rule of law relating to the activities of the administrative authorities.

Another important function of this court was to save the country from famines and epidemics. Jurists were later associated with it in order to help in implementing the decisions of a highly organised bureaucracy in all matters that were brought under

control and regulation for the first time under the auspices of the first organised empire in India. The Kantakasodhana court was meant to provide protection to the people against anti-social forces.

There is little doubt that the Kantakasodhana was a very important court. It may be characterised as a quasi- judicial department and is compared more or less favour- ably with the court of Star Chamber in England. It was in this court that disputes arising out of the violation of State laws and regulations were tried. The following important items came under such courts:

1. Protection of the interests of artisans;
2. Protection of the interests of merchants;
3. Ways and means of dealing with national calamities;
4. Preventing people from maintaining themselves by sordid means;
5. Detection of youths of criminal tendency;
6. Seizure of criminals on suspicion;
7. Examination of sudden deaths;
8. Cases-of sexual intercourse with immoral women;
9. Punishments for violating justice; and
10. Trials of torture in instances of illicit confession.

It is important to bear in mind that the judges of the Kantakasodhana courts were chiefly high executive Officers appointed to exercise judicial functions and were also meant to be steadfast in Dharma, law and justice. There -was no complete separation of the executive and the 'judiciary; executive officers also presided over the Kantakasodhana courts. Another point to note is that Kautilya -always speaks of a bench of judges, not a court presided over by a single judge.

Local and Territorial Courts

Apart from the two important courts, a large number of popular courts also functioned, and the Arthasastra speaks of many cases which fell under the jurisdiction of the unofficial courts. This decentralisation of the administration of justice was favoured probably because it avoided delay andother complications connected with the investigation of cases. The local population was expected to be better acquainted with local problems. Thus, disputes about boundaries were to be settled by the village elders. A sense of public responsibility in all aspects of village life was expected from every village. Offences against caste and religion were tried by committees, called Parishads, as such matters could be dealt with efficiently by those who were experts in this field.

Kautilya refers to courts in different territorial divisions and subdivisions of the kingdom such as Sangrahana (10 villages); Dronamukha (400 villages) and Sthaniya (800 villages), lout does not indicate whether there was any gradation of judges or courts, whether judges of the same rank presided over all the courts in larger or smaller administrative units. The Arthasastra simply speaks of the appointment of three Dharmasthas and three Amatyas forthe court. It could not have been possible for this Court to function everywhere specially to attend to cases at smaller units.

Therefore, it seems probable that there was decentralisation of judiciary to some extent. Moreover, while there was an inherent right of appeal to the king, there is no evidence of graded courts of appeal from one court to another higher court. Judges of the Kantakasodhana courts were not only responsible for punishing criminals whose guilt was proved, but had also to keep strict watch over the anti-social activities of persons or groups and had to make necessary investigations in order to detect crimes or anti-social activities and to apprehend the actual or potential culprits.

The Mauryan judicial system continued unchanged till the death of Bindusara. But during the reign of Ashoka, significant administrative changes were introduced which involved the appointment of new officers as well as extension of their duties. Such officers were known as Rajjukas, Mahamatras and the Pradesikan. The responsibilities of Rajjukas increased as they were entrusted with the executive and judicial powers. From the pillar Edict IV of Ashoka it is known that criminal offences involved arrest, imprisonment and death sentences as punishment.

The edicts of Ashoka contain very interesting details of the judicial system of that great monarch which, on the whole, shows general agreement with the framework of the judiciary as described in the Arthasastra.

According to Hiuen Tsang, in his early career Ashoka was a cruel ruler who had constructed a jail that was called Hell. The edicts bear witness to the rigour of the early judicial system of the emperor. The Rock Edict I of Dhauli refers to some aspects of the judiciary under Ashoka. The record commences, with the statement, by the word command of Devanampriya that the Mahamatras of Tosali (Orissa) who are the judicial officers of the city (Nagala-

Viyohataka) have to be told this. The emperor then states:

For you (Mahamatras of Tosali) are occupied with many thousands of men, with the object of gaining the affection of men and you do not learn, how far this my object reaches. Some single person only learns this and even he (only) a portion but not the whole. He who is fatigued in administration of justice will not prosper. From the above extract of the royal command, we can deduce that in judicial procedures under Ashoka:

1. The city judges were high ranking officers, that is, Mahamatras who dealt with many thousands of men;
2. Their duty was to execute the emperor's orders and they were supposed to administer justice according to Niti (Dandaniti) and decide cases;
3. The judges had to be impartial and were not to fall victim to the many dispositions enumerated or to anger or to hurry.

In fact Ashoka's judicial system was based on Niti which has been understood to be Dandaniti. The edict says that it is desirable that there be impartiality in judicial proceedings and punishments. Ashoka was very careful and saw to it that every five years his high officials called theYuktas, Rajjukas and Pradeshikas went around the country to see that the judges performed their duties properly.

It is revealed by the available data that during the Ashokan period Indian courts fell into two categories: the regular (Mukhya) and the special (Amukhya). The latter comprised special courts intended for the trials of cases between parties belonging to special professions, trade guilds and castes which were to be decided according to special laws or customs applicable to those classes. The regular courts were either stationary (Pratishthita) or circuit (Apratishthita) and these were again divided into two classes, Sastrita, or courts, presided over by the king in person, and Mudrita, or courts presided over by judges appointed under the king's seal. It is generally presumed that the Supreme Court was, as a rule, presided over by the kings in person and that it appointed judges to preside over provincial courts. According to Manu, a king was empowered to appoint a substitute (Pratinidhi) when he could not himself preside over a court and the officer so appointed had the right to exercise all the powers of the king.

Popular Courts and their Usefulness

It was through a series of successive gradation of courts, starting form Sabha (GramaSabha) and culminating with the king's court (RajyaSabha) and through a number of localpopular courts that justice was imparted to the people. Kautilya and Manu have put forward two different systems for the gradation of courts. Kautilya does not attach the same importance to popular courts as does Manu. In the former's scheme, courts were instituted at Sangrahana, Dronamukha, Sthaniya and where districts met. According to the scheme of Manu, adopted by Yajna, valkya, Narada, Brahaspati and Katyayana, the Sabha system provided the basis for forming and grading courts. It was with this idea that Kautilya who favoured a highly centralised form of government left a number of cases under the jurisdiction of unofficial courts; disputes concerned with boundaries, for example, were to be settled by the village elders.

On the whole, ancient Indian law and legal procedure, beginning with the Vedic age and ending with the middle ages, was fairly developed. Kautilya's rules of legal procedure deal not only with the examination of the plaintiff and the defendant and witnesses, but also with such technical matters as framing the plaint, allowing adjournments to the plaintiff and the defendant for stating their cases, disqualifications for entering into legal transactions and the grounds for judgement of the parties to the suit. The plaint, in particular, was required to comprise the following items; the year, the season, the month, the fortnight and the day (of the subject-matter), the relevant documents, the court hearing the case, theamount of debt or other money Payment due, the country the village, the caste, the family, the names and the occupations of the plaintiff and the defendant, and the mutual relationship of the parties. We also learn that some court fees were payable to the king by the parties in some cases. It may be noted that Gautama has a clauses similar to Kautilya's about the period of adjournment allowable to the parties to the suit.

References

1. Paul Vinogradoff, Historical Jurisprudence, and the Critique of Sociology.
2. The Mahabharata is an ancient Indian epic.
3. Naradasmrti is a part of the Dharmasastras, an Indian literary tradition that serves as a collection of legal maxims relating to the topic of dharma.
4. Law Commission of India is an executive body established by an order of the Government of India.

5. Shruti is "that which has been heard" and is canonical, consisting of revelation and unquestionable truth, and is considered eternal. It refers mainly to the Vedas themselves.
6. Sastra (Sanskrit: "sacred text; teaching.") is used to denote education/knowledge in a general sense.
7. *ibid*
8. Darbar may refer to: Durbar (court), a term for a court in Urdu from the Persian.
9. The Maurya Empire was a geographically extensive Iron Age historical power founded by Chandragupta Maurya which dominated ancient India between 322 BCE and 187 BCE.
10. Kantaka Sodhana- Courts consisting of three commissioners (Pradestaras) with jurisdiction over matters of commerce and industries and prevention of breach of peace.

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