CHAPTER VIII

LEGAL GLOSSARY

A

Acāra,(I E 8-5,E I), a custom or customary law.

Abhikāra,cf krt-abhikāra(CII I), probably means one who has committed an offence under the instigation of others.

Ābhilēkhitaka (IE), probably a written complaint

Ācāra- patra (EI, 30), or sthiti-patra,acara -sthiti –patra; a document relating to customary laws.

Ācāra sthiti patra(IE,8-5,El,Vol.XXX,P 169),a code of customary laws; sthiti- patra or a charter of customary laws .Viṣṇushena’s charter is in the nature of charter. It is given the name acara sthiti patra.

Ādēya(EI 7,12,15,CII III) implies what is to be taken or levied or dues (EI,Vol XXV,p.237)

Adhikarana(EI 8-1,8-8;EI 28,El,Vol XXX,p.173) implies a law court.

Adhikaranīkā(ṛcchakatika),IX.5) implied a judge.

Adhikarana-mandapa, the Mṛcchakatika mentions the court building thus.

Aṣēdha (Nar I 4,47-54,Kat.,103-110) means arrest

Adhikārana-danda(SITI), fine imposed by adhikārana or law court

Adhikarana-lekhaka(EI,Vol.XXX), a scribe in a law court or office.

Adhikārika(IE 8-3,El 2,23,28, HD), an officer same as adhikārin,Niyogī,Adhyakṣa implying a minister, magistrate, superintendent or governor

Adhipatra,(LP), a mortgage bond.

Adhisthāna,(CII I), cf dharm-adhisthāna, or the establishment of morality

Aksātin,(EI,29,HD) explained as an officer in charge of the gambling hall

Angamanī(SITI), property owned by a woman or dowry.

Anugraha-sthiti patra is same as sthiti patra or ācāra sthiti patra(EI,Vol XXX,p 169)

Anupratipatti,cf dharma anupratipatti (CII,1), the practice of morality

Anuttarā (EI, 18), penance.

Apagrātha(CII,1), same as upaghāta, injury

201
**Āpāda-dharma** (El, 15), custom regarding inalienable gift land.

Arakṣa adhikṛta (IE, 8-3), cf, a police officer; a magistrate looking after the maintenance of law and order or the chief of the king’s body-guards; same as araksika.

Adhilekhya, a kind of document mentioned by Brhaspati and Kātyāyana.

Angamābhuktı means possession without title.

Arthasamudbhava (Brhadapati) implies suits originating in wealth.

Āputrakaṁ (El, Vol. XXX, p. 170) means ‘property belonging to a person who died without leaving a son’.

Acara 1 of Visnushena says ‘āputrakaṁ na grāhyaṁ’ that is to say that such property should not be confiscated by royal officials disregarding the claim of any legal heir other than the son.

Āpāda (EI, Vol. XXX, p. 170) means guilt or offence.

Arthi (EI, Vol. XXX, p. 170) implied a complainant.

Āvēdanākāna (El, Vol. XXX, p. 172) may indicate a formal complaint in court.

Ahvānam (EI, Vol. XXX, p. 172) or being summoned to court.

Artha may refer to artha mula or civil suits (not himsa mula or criminal suit)

Abhilekhitakā (EI, Vol. XXX, p. 174) or the clerks who wrote down the statements of cases in the law court.

Apachāre (EI, Vol. XXX, p. 174) used in the context of mudra apachāre context

Avalokya (EI, Vol. XXX, p. 175) derived from avaloka seems to indicate detection

Anaprīṣṭava (ch chhya), (EI, Vol. XXX, p. 175) or a person let off for the first offence

Adānam (Ms, Ch VIII, v. 4), means non payment used with reference to debts (rnasya adānam)

Artham (Ms, Ch VIII, v. 45), or the object of the dispute, i.e., if it be not too insignificant in which case the plaint must not be accepted.

Anyavādi, (Nārada) implies a person who after lodging a complaint abandons or puts forward a different one.

Abhisāstas, (Ms, Ch. VIII, v. 64) meant “those accused of mortal crimes or offences (used in the context of witness; that Abhisāstas could not be made witnesses).

Anāga, (Ms, Ch. VIII, v. 101) means ‘truly’ or ‘quickly’.

Anumāna or proof. (Ms, Ch. VIII, v. 109).
Anubandham (MS, Ch. VIII, v. 126) or the 'motive' or the frequency of the offence (used in the context that let the king ascertain the motive of the offence or anubandham. Atisamvatsarim (Nārada, v. 151) means that (interest) which after the lapse of one year only is redundant, i.e. 'exceeds that which has been doubled'.
Āsteya or theft.
Adrishtam, or unapproved in the law books.
Alakshitah, (MS, Ch. VIII, v. 162) the commentators explained it 'if a surety who received be not found.' (has died or disappeared etc.)
Adhyādhinah, (MS, Ch. VIII, v. 167) or a person wholly dependent, i.e., a servant, a slave or the youngest brother or one in similar position.
Alkṣaṝayati, (MS, Ch. VIII, v. 275) means 'defames' or 'accuses one of a mortal sin'.
Adhyāgni, (Kātyāyana, v. 895) that which a woman receives at the time of marriage before the (nuptial) fire.
Adhyāvāhanika, (Kātyāyana, v. 896) that which she receives when being taken (in a procession) from her father's house (at the time of vidai or dwiragmana).
Anvādheya, (Kātyāyana, v. 900) whatever is obtained by a woman from the family of her husband and family of her kinsmen.
Aksapatala – the Nālanda Spurious Copper Plate Inscription of Sāmudragupta mentions Aksapataladhikra as the keeper of records. Sircar explains Aksapatala as the court of law, a depository of legal documents.
Asvāṃvikraya, sale without ownership.
Atatāyin, (Vasistha Dh-Sūtra, III.15) could mean an incendiary, a poisoner, a man armed with weapon, a robber, one who wrested a field or carried away other's wife.

B

Bandhadāṇḍa, (IE, 8–5, El, 12, 33), probably ransom or fine in lieu of imprisonment.
Brahmahatyā, (CITD), killing a Brahmaṇa, considered to be a great sin.
Bṛhti, (Katayana) defined as wages.
Bhōgya, (Narada, v. 124–125) to be enjoyed on pledges.
Cara, (El, XXVI, p. 199) was a simple spy.

Caurodhdhārana, (El XXXIII; HRS) was the right to punish or levy fines from thieves; probably, the right to recover the stolen property; recovery of stolen property; cf sa – caurodhdhārana, (IE VIII-V, El XXIII)

Caura-varjam ,(CII III; HRS) ‘with immunity from the police tax according to some; may imply without any right to inflict punishment on thieves and persons committing the crime of treason or to levy fines from them; may also be connected with a-bhāṭa-pravesa so as to indicate that the bhatas should not enter except for catching thieves and persons committing the crime of treason.

Caurodhdhāranika (IE 8-3; El 23, G 13) – an officer in charge of the recovery of stolen property; a police officer; same as cor-odhdhāranika (HD; CII, Vol III, p 216) (mentioned in the inscription of Dharāsenā II of Valabhi)

Citika (El XXVI), a document, cf kraya-citika, ‘a deed of purchase’, i.e., a sale deed

Cauroddhari (Yaj, II, 271, Kātyāyana as quoted by Apararka) was another denomination for a thief catcher.

Coradrohaka-varja (CII III) a fiscal term which is similar to CoradaQdavarja The word drohaka means one committing a crime against the king

Coragraha (HD) a thief catcher (cf Nārada, Kātyāyana as quoted by Apararka, p 844).

Corarājjuka (HD) probably the same as daṇḍapāsika, an officer whose duty was to secure robbers with ropes (cf Arthasāstra, IV. 13)

Cakravṛddhi or compound interest.

Coravarjam, coraḍaṇḍavarjam implying fine imposed on thieves (Khoh CP grant of Maharājā Hastin and Jayanātha dated 496-97 AD (CII, III, p 124)

Corapalli meant well protected robber settlements in which notorious robbers resided mentioned in Jain canonical literature (Uttaradhyāyana sūtra, 9 28)

Chhalam or a ‘pretext’, in smṛti literature it is used in the sense of a careless declaration ‘(El, Vol XXX, p. 170)
Dharmasāsana, (EI XVIII, XXII), an edict relating to dharma.
Dharmasthāna IN Chammak Copper Plate grant of Mahārāja Pravarasena (CII, III, p.245-249)

Dharmamahāmatras (Ashokan Edicts) were those who looked after religious matters
Daṇḍanāyaka (SI) probably indicated some sort of hereditary title of nobility rather than just an official connected with law and judiciary.

Daṇḍapāsika mentioned in Basārh seal and Valabhi grant of Dharasena mentions dandapāsika as officer incharge of punishment and criminal justice. (IA, VV, p.187)

Dharmasāvya, Nārada mentions it as the king’s court of justice.
Dānalekhya, (Bṛhaspati, v.16) was a deed of gift made when any property was given as gift
Dāsapatra was a deed of bondage or contract for labor (Bṛhaspati, v.16)

Daṇḍapārasya or assault mentioned in Nārada, Bṛhaspati and Kātyāyana

Daṇḍa, (IE 8-5; EI 12), fine or tax mentioned along with sunka, CII I, punishment

Daṇḍa dāsapradha (CII), fines including those imposed for the ten offences

Daṇḍa (EI 30) probably a regulation

Daṇḍa sulka (EI 23), income from fines and tolls

Deśā maryāda, custom prevalent in a locality.

Dharmādhikarana (EI, 18, 23, 25, CII 4), a law court or a court of justice.

Dharmādhikaranim (HD), a judge

Dharma ādhikarin (IE 8-3, EI, 33), an officer incharge of civil and criminal justice as well as charitable institutions.

Duoṣadīya (EI 2), a criminal.

Dyuta (HRS), gambling, the king’s dues collected by the superintendent of gambling

Dyutashabhāpati or the superintendent of the gambling hall.

Dutaka, a messenger witness

Daṭṭāpradānika or resumption of gifts.

Daṭṭāpradha, or the ten offences or crimes (of which murder occupied the foremost position (CII, 3, pp.189, 218)

Daṭṭāpradhikā was the designation of a class of officers who were incharge of ten specified kinds of criminal offences or apradhas.

It occurs in several inscriptions (EI, 17, p 321, IA, 15, p.304)
G

Ganḍabhedaṅkaḥ, (Kālidāsa, Raghuvamsa) means burglars
Gudhasaksin (one of Brhaspati’s list of 12 witnesses), a secret witness, who stays concealed at the time of occurrence if the offence
Granthibhedaka meant cut-purses who carried away things by loosening or cutting the knot (Yājñavalkya, II, 274)
Gudanta patra (Journal of the Bihar Research Society; Vol. XL, Part 2, pp 96-97) meant a type of document, the exact nature of which is doubtful. It is a kind of lease deed.
Grāhyam, (EI, 30, p. 170) means to confiscate or take up.
Gnḥāpana, (EI, Vol. 30, p. 172) implies persons engaged in work at home or shops (in the context that they should not be summoned to the court by means of a seal ring or a letter or messenger involved in an criminal case.
Gudhapurusa, (EI, 4, p. 250) was a secret service man.

H

Hastochhaya, the expression probably implies the raising of hand of a person engaged in making any kind of gifts
Hinavādin, the defeated party. Kātyāyana calls such a person cast out in their pending suit as hinavādi

Hṛtāpgrāhā-āmātya (EI 31), an officer in-charge of the recovery of stolen property
Hrasītā (EI, 8-3), cf svayam hrasita karne, partly cut off.
Himsāmula or criminal suits, (Yajnavalkya, p. 125)

J

Jayapatra, (Brhaspati, VIII. 19, Katyayana, 259, 260.), the document of victory to be given to winners by the losing party

K

Kantaka shodhana, (SITI) implied criminal justice
Kārana, (IE, 8-1, 8-8) same as or shortened form of adhikarana.
Kovera (IE, 8-5) cf karana koveram was some levy at the court of law
Ku-tāmra (IE, 8-5), a fraudulent charter.
Kuta sāsana (EI, 7, IA, 30), a forged charter

206
Karanapratyayavāsakandana (Brhaspati, III.4, IV.9) was a type of answer (by the accused)

L

Lekhakā or scribe write down the judgements delivered and was acquainted with various methods of writing.

M

Mahādharmādhikāranika (CII, 4) implied the Chief Justice cf. Epigraphia Indica, (Vol. II, p. 209)
Mahādharmādhyaksa, (IE 8-3, EI 12, 21, 26, 33) explained as Chief Judge, officer in charge of charities.
Mahā-dosa, cf. mahadeva-vivarjita, (EI 23) as an epithet of gift village; probably fines for great crimes
Matsyanyāya or the strong devouring the weak in the absence of proper punishment
Mudritā, (Brhaspati, I 3) meant furnished with royal seal (it was the court of Chief Judge who carried the seal of the king.)
Mudrā, (Yajnavalkya, II 32; Kātyāyana, 88) was a sealed warrant by which the judge summoned the accused.
Mudrāapachārē, (EI, Vol. XXX, p. 174) is the crime of using counterfeit coins (or the misuse of official seal)

N

Nāgavarika, Monier Williams calls him ‘the chief person in a court or assembly’
Nirnaya or decision was part of the trial, the final stage of judicial trial, the verdict
Nirarthaka, (Brhaspati as quoted in Smṛti Candrikā) complaint was one where injury or monetary value was negligible and could be rejected by king

P

Pratyarthina (EI, Vol. XXX, p. 170) or defendant
Pratishthita (Brhaspati, I 3) were stationary courts
Purvanyāya or prannyāya, (Brhaspati, III 4, IV 9) meant an answer by the accused with reference to a previous verdict in a similar sense
Purusa apradhē or husband's guilt (EI, Vol. XXX, p. 170)

R

_Rta_ used in Ṛgveda meant the divine cosmic order by which the universe and even the gods were governed.

S

_Sabhyas_ (Manu, VIII, 10-11, Yāj, II.3, Nārada, I, III.4) or assessors appointed by the king to assist the Chief Judge.

_Sādhyāpāla or sapurusa_ (Brhaspati, I.15) was the bailiff who was selected by the king from honest and obedient persons to summon and to keep in custody the witnesses, plaintiff and the defendant.

_Sāsita_ (Brhaspati, I.3) or court directly presided over by the king.

_Sodhanāka_ (Mṛcchakatika, IX) was a servant whose duty was to sweep the court hall and arrange seats.

_Sren_ was the corporation of persons practicing same kind of craft or profession though of different castes. They had their own executive committees and must have functioned as courts to settle disputes among the members of the guild.

_Sampratipatti or satya_ (Brhaspati, III.4, IV.9) was a confession by the accused, a category of answer.

_Sapatha_ (Manu VIII 109) or oath was a type of mode applied for the search of truth.

_Sodhya_ (Nārada, II.95, 276) was a person who was to perform an ordeal.

_Swahasta_ or signature, Katyāyana recommended that king and his judicial members should affix their svahasta on the jayapatra (Katyāyana, as quoted in Smṛti Candrikā, II, p. 130).

_Sadacāra_ or good custom or practice was regarded as a source of law.

_Svayam hasite_ (EI, Vol. XXX, p. 170), a man who cut a bit of his own ears.

_Sankāya_(graññānam n=asti, EI, Vol. XXX, p. 170) or on the basis of sanka of a crime, the royal officials should not go on apprehending the persons (EI, Vol. XXX, p. 170)

_Sakshitve_ or witness (EI, Vol. XXX, p. 172)

T

_Tritam_ (Manu, IX.233) means on whom the sentence of imprisonment has been decided or adjudicated.
Uttarakulikā (vārikaih), like the petavika meant a class of varikas or official associated with the law court.

Vākāparuṣya (EI, Vol.XXX, p.175) or defamation.