Abstract

1.1 Since the time immemorial, the concepts of crime and punishment are found in human society. They also are found to have some differences in different periods of time and also in different societies. This dissertation aims at looking into the concept of crime and that of punishment in ancient India with special reference to Kauṭilya, Manu and Yājñavalkya and comparing the same with modern judicial system or systems.

1.2 Objectives of the study:

The study has the following objectives:
- To survey the ideas of crime and punishment in ancient Indian society;
- To look into gradual the development of the ideas through the ages;
- To find out different types of crimes and those of punishments right from the Vedic age towards modern times;
- To make an analysis of Kauṭilya, Manu and Yājñavalkya in comparison to modern judicial systems; and
- To find out the judicial system through the ages.

1.3 Methodology:

The study covers a vast period i.e. right from the Vedic to modern period. So in detail we have looked into the Vedic literature (Saṃhitās, Brāhmaṇa and Dharmasūtras), Buddhist and Jain literature, Smṛti literature. Also a bird's eye view of medieval and British Indian period is taken. In all the cases we have compared the system with modern times. As far as the methodology is concerned, this study is entirely based on library work. We
have collected the primary data from the various editions of original Sanskrit texts. Such as, the Ṛgveda Sāmhitā, Brāhmaṇa, Arthaśāstra, Manusmṛti, Yājñavalkyaṁśṛti and so on. As the secondary sources we have gone through various translations, books, commentaries, explanations and studies as available in the libraries. We have also used several indological journals, articles and even daily newspapers.

The thesis is divided into the following chapters:

- Introduction;
- Chapter I, Concept of Crime through ages;
- Chapter II, Concept of Punishment through ages;
- Chapter III, Crime and Punishment in Kautilya;
- Chapter IV, Crime and Punishment in Manu;
- Chapter V, Crime and Punishment in Yājñavalkya;
- Chapter VI, Conclusion;
- Appendices; and
- Bibliography.

1.4 Introduction:

In the introduction we have briefly discussed the outline of Indian literature. It also includes the scope of the survey, methodology and an outline of the study.

1.5 Chapters I, concept of crime through ages:

In this chapter, we have discussed the concept of crime through ages. In this regard we have surveyed the primitive age, the Vedic age, Buddhist and Jain age, Sātra age, Smṛti age etc. The survey presents a gradual growth of the concept of crime through ages.
1.6 Chapter II, Concept of punishment through ages:

This chapter presents the concept of punishment through ages and attempts to show the gradual development of the concept as well as modes of its implementation.

1.7 Chapter III, Crime and Punishment in Kauṭilya:

This chapter deals with the crime and punishment as described in the Arthaśāstra. In this chapter an attempt is made to highlight the Kauṭilyan concepts of crime and punishment and also his administrative system.

1.8 Chapter IV, Crime and Punishment in Manu:

In this chapter we have discussed the concept of crime and punishment as reflected in the Manusmṛti. Manu is treated as the highest authority of ancient Indians lawgivers. The book contains 12 chapters and 2684 verses. MS is the first text where we get the crimes are classified into 18 heads. We have discussed all the heads along with punishments.

1.9 Chapter V, Crime and Punishment in Yājñavalkya:

This chapter discusses the concept of crime and punishment in Yājñavalkya Smṛti as well as the judicial system reflected in Yājñavalkya Smṛti. The book contains three chapters and 1011 verses. Yājñavalkya has divided the titles of the law into 25 sub chapters, in which we find 20 heads of crimes and punishments. We have discussed all these systematically.

1.10 Chapter VI, Conclusion:
In the conclusion we resumed the discussion of the foregoing chapters and looked into the chronological growth of the concept of Indian legal system. The concept of Indian legal system is rooted into the very ancient texts. In the Vedas the concept of punishment was mostly supernatural. The Aryans believed in a cosmic order namely rta, which was supposed to guide the whole Universe, even the deities were guided by that order. Human punishment is also mentioned in these texts, which comes from the king's court. Through the ages this concept developed as per the necessity of the society.

In comparison to modern we find that the ideas of legal systems that were reflected in the ancient texts principally are not far away from the modern concept. Though there are some basic changes through the years. Moreover, we are following the same tradition of the Dharmaśāstras.

Besides these the thesis includes four appendices and at last there is a selective bibliography.

(Tarun kanti sikder)
Candidate

(Dr. Ujjwala panse)
Guide