Chapter-VI

CONCLUSION

There is a strong idea that the constitution and the judicial system are taking positions, in accordance with the will of the administrative authority. There are circumstances in which laws are interpreted according to authority’s will. The legal code must be in accordance with the human rights and socio-economic circumstances of the ruled. The Indian judiciary system based on the democracy is an epitome to the world. But protecting minority interest, without considering timely changes many amendments had been made in the judicial system which created a deep crack to the same. Some timely changes which will help for the formation of a strong society must be made. In the modern world by including the principles of liberalization and globalization changes should be made and the Indian constitution and the judicial system should be able to adopt the same. We should be able enough to question the moral and spiritual declaim which came as a result of the above
mentioned neo–colonialism. The source for it can be easily found out from the ancient Indian works such as smritis. But they should be modified according to the new social and political system.

Chaturvrmnya has acted as the centre for ancient Indian culture. In the modern world the differences made on the basis of colours, caste and class which prevailed during the time of chaturvarnya should be eliminated. But the administrative system prevailed at that time made use of this chaturvarnya system for extending divide and rule policy. The monarchial form of the administration which prevailed at that time was not consider as defective. Hence at that time the judicial system mentioned in, smrti and purana, based on caturvarnya system, may not have found out a defective system.

Caturvarnya is a curse in the modern India. The ideology of unity in diversity should be exposed without considering differences on the basis of caste, religion, colour, class, language and customs. Judiciary system with the ideas of social progress
should be made. For this good system should be adopted from Dharmasastra grandhas, smrti grandhas like Vyavaharamala which may be beneficial for society, especially like that of Kerala society. It is because of the reason that the work like Vyavaharamala has the capacity or energy which should be there for a society.

The dis-advantages that may happen to the society is clearly seen in Vyavaharamala, which is a work regarding judicial interpretations. Law is divided into two- civil law and criminal law. In civil law the debt, the boundary dispute, dowry, marriage, dispute in trade and business etc are included, where as in criminal law includes crimes like theft, murder etc are included. Apart from this a detail study of court, judicial systems, advocates, person appointed for judicial interpretations, the persons for denying the customs and practices of all persons are also included. Social justice introduced in V.M. No other life style and violence can be seen apart from the above mentioned things. As a result this work deserves first place
while determining the judicial systems which may be helpful for retaining back the lost value in the society.

As a social being man has to interfare in social activities. Individuals have to differentiate virtues of vices on the basis of their own interests. However those activities which are beneficial to society are considered to be noble and generally acceptable, activities which harmful to society are considered as ignoble and ignorable. Such individual should acquire power to identify the evils and goodness of the society. Thus individuals have to own or posses a life style based on social awareness. In order to make him capable of accepting such a life style, individuals have to posses the basic concepts of individual administrative system of that society.

When we analyse Vyavaharamala, we can realize the fact that a lot of subjects such as court procedure, civil and criminal laws, property rights etc have given greate contribution in the formation of modern judiciary system. Since V.M. was based on caturvarnya, a few of punishments given to offences, in olden
time, have to be reformed in accordance with the modern society.

It is a wonder that this work has been neglected even though it has been an ideal work for centuries. I present this before the well wishers with the proposal that this work should be given proper consideration in such a way that the individual, the society, the administrative and judicial system may be able to innovate.