PREFACE

The present world is obviously made up of complex societies, which have undergone tremendous changes through the ages and this change will continue. The world is shrinking day by day at a faster pace than ever before. Countries do easily get connected through various modes of transport and communication and people get to know any event happening in any corner of the world any time. These changes are not without its problems. Societies have reached an anomic stage that situation has arisen where the norms of society are unclear and no longer applicable to the current conditions leading to an increase in the rate of crime committed. When a criminal offence has been committed, the society of human being needs to have regulation for controlling and preserving harmony, which is noting other than jurisprudence.

The teachings of the Buddha are well known as Buddhism, which is considered to be one of the world religions. The teachings are both a religion and a philosophy and are observed as way of life, which have ethics that is used to explore moral problems of science and technology.

According to the Buddhist principles, human being is most precious creative activity of nature. However, at the same time, the nature of human being is weak and is prone to error and commits crimes because of three fundamental attitudes, such as *Lobha* (Greed), *Dosa* (Hatred) and *Moha* (Delusion), which arise from ego-consciousness. Following this, human societies have created laws for preventing and controlling crime whenever they arise. Buddhism, therefore, accepts the faulty nature of human, and his weaknesses, as evident from the numerous rules of the *Pātimokkha*. The main objectives of *Pātimokkha* are intended for controlling, and for punishing those shameless people as well as the same time designed for the living comfort and the welfare of well-behaved monk and the righteous.

The *Vinaya Piṭaka* is the earliest Buddhist canon that is concerned with the Buddhist Jurisprudence, which deals with the *Adhikaraṇasamatha*. Buddhists believe in the rehabilitation of convicts, whom the community is supposed to welcome back for a fresh start following their sentence. Malefactors must fell remorse, and reform themselves; the offended are obligated to forgive crimes and help sinner improve their destiny. So, the primary idea behind Buddhist Jurisprudence is to focus on educating and training of the offender, as the best antidote to social crime is based on the practical understanding of reforming the wrong doer. Furthermore, the Buddhist Jurisprudence is also based on the *Brahmavihāra*, especially *Mettā & Karuṇā*, which are the Buddhist solution toward crime. The Buddhist stand is, to prevent people from
committing these crimes through training and educating of mankind and inculcate Sammādiṭṭhi (Right view) with the help of social institutions. The essence of the Buddhist Jurisprudence is Parivāsa (Probation of Offender), which the method for rehabilitating the Criminal and leading him to the final gold of life, i.e. Nibbāna.

An attempt has been made in this thesis entitled as “An Analytical Study of Crime and Punishment in Early Buddhism.” The main purpose of this work is humble effort to analysis and understand those issues of Crime and principle and judicial process of punishment as depicted in the Pāli Tipiṭaka and its commentaries, and for the detailed study, this thesis is divided into seven chapters, which include Introduction and Conclusion.

Chapter I: Introduction
Chapter II: A General View of the Various Concepts and Theories of Crime and Punishment
Chapter III: The Nature and Origin of Crime as Depicted in Early Buddhism
Chapter IV: The Principle and Judicial Processes of Punishment in Early Buddhism
Chapter V: Crime and Punishment in Early Buddhism
Chapter VI: The Notion of Crime and Punishment from the Buddhist Perspective
Chapter VII: Conclusion

The thesis is aptly substantiated and corroborated by an annotated bibliography, maps, charts, tables and figures.

In a work as complex as this one, it is only natural for some errors to occur, for these I seek the reader’s indulgence. Following the advice of the Buddha himself, I persuade the Kalyāṇamittās (Spiritual friends), who are the reader to consider the verification for the Buddha’s teachings for yourself and to consider and investigation it against your own experience. No other attempt is requested or necessary and none will be better swift.

Place: Jammu, [J&K], India
Phramaha Thanarat Sa-Ard-Iam
Date: ..............................
Research Scholar
Department of Buddhist Studies
University of Jammu, Jammu-180006
Registration No. 226-Ph.D.Bud-St-10
Date of Registration: 01-11-2010