JCARM
Journal of Contemporary Academic Research and Methodologies

An Online Peer Reviewed / Refereed Journal
Volume 1 | Issue 1 | February 2026
Website: www.journal.jcarm.in

Research

Origin and Evolution of Indian Legal System

C.L. Avadhani[1], Madhuri Atluri[2]

[1]B.Sc., AMIE, MBA, M.Phil, MMM, PGDFM, PGDMM, PGDBA, PGDHRM, PGDPM&IR, PGDIPR, DLL, LLM, Project Consultant, Ph.D. Research Scholar, Department of Business Administration, Annamalai University, India.
[2]M.B.A, (LLB)

Abstract: The article traces the historical development of the Indian legal system from its origins in Vedic dharma to the present constitutional order, arguing that Indian jurisprudence is an unbroken legacy rather than a colonial creation. It explains how early norms contained in the Vedas, Dharma sutras, Manusmriti, and Kautilya's Arthasastra framed law as Dharma-social duty, righteousness, and ordered conduct administered through a graded hierarchy of family arbitrators, local councils, judges, and the king as the final judicial authority. The paper then examines the impact of Islamic rule, describing the role of Sharia, Qazis, Muftis, and royal complaint courts, followed by the British period in which Anglo-Saxon principles, the Regulating Act 1773, Supreme Courts in the Presidency towns, High Courts (1861), and finally the Federal Court (1935) gradually centralized and formalized adjudication. Post Independence, the study highlights the establishment of the Supreme Court of India in 1950 and the adoption of a written Constitution, while emphasizing that many modern principles, such as judicial hierarchy, open trials, judicial integrity, evidentiary methods, and control of custom, are continuations or refinements of ancient doctrines. Drawing extensively on classical jurists, viz., Manu, Yajnavalkya, Brihaspati, Katyayana, Narada, Kautilya, and modern scholarship, the article concludes that across empires and legal reforms, the central objective of the Indian legal system has remained the same: to uphold justice grounded in Dharma, equity, and impartiality, ensuring that no innocent person is wrongfully punished.

Keywords: Dharmasutras, Manusmriti, Smritis, Kautilya's Arthasastra, Vyavahara, Vedic period, Ancient India, Islamic law, Sharia, Qazi courts, Mughal Empire, British colonial rule, Regulating Act 1773, Supreme Court of Calcutta, High Courts Act 1861, Federal Court 1935, Anglo-Saxon jurisprudence, common law; Indian Constitution 1950.

1. AIMS AND OBJECTIVES

The aim and objective of the article is to trace out the Origin and Evolution of the Indian Legal System.

https://doi.org/10.5281/zenodo.18900624

2. INTRODUCTION

Judiciary/Legal System in Ancient India is not a new concept,t but it has been embedded in their way of life. In Ancient India, the concept of Dharma or Law or Legal System is the outcome of the Vedas in which the Maharshis have categorically mentioned the rules, conduct, rights, and rituals of a person to observe, to act, and to comply, so that a society with unblemished characteristics and live in harmony can be created. In Ancient India, as already mentioned above,e the legal system is nothing but a conduct of a person or how he has to live in the society and how he has to see that this society has to live are clearly mentioned in the form of Dharma in Sutras called Dharma Sutras. These Dharma Sutras, which are explained in four Vedas, and the Dharma Sutras have clearly mention the duties of the people at various stages of their life from birth to death. In Dharma Sutras, it was clearly mentioned who has to do what, what principles he/she has to follow, not only to themselves but to the society at large, are clearly mentioned in Dharma Sutras. In Ancient India, these Dharma sutras that are being professed by the Maharshis and incorporated in the Vedas and Sutras are the basis for the evolution of Hindu Law.

While one goes to the history of the Indian Legal System, the earliest document growing light on the theory of jurisprudence that forms part of practical governance, one can see the same in the Arthasastra written by Acharya Koutilya, dating back to 300BC. Acharya Koutilya, the person par excellence,e has written a number of books from economics to defense, monetary functions, how the king has to rule the country,y and the responsibilities to the public as a whole are all written and documented. In Chanakya Niti or Arthasastra by the Great Scholar. It is not surprising to mention here that the same principles are applied and adopted in many countries globally, which shows the credibility of the principles that Acharya has mentioned in his Arthasastra way back in 300 BCE, when the rest of the globe was not aware of anything. In the Arthasastra, the third chapter deals with the “Vyavahara”, meaning transactions between two or more parties or Vivida or disputation. Subsequently, during the first seven centuries of the Christian Era, there evolved a number of Dharma Sastras/Dharma Sutras that were extensively dwelt by the great Maharshis, anda few notable among them are Manu, Yagnavalkya, Narada, and Parashara, Smritis, etc. In Medieval India, the religious leaders who devoted their entire life for the benefit of society endeavored to transform Islam into a religion of law, but as custodians of Justice. The rulers made the Sharia, a court subservient, to their sovereign power. Theoretically, as mentioned in history, the rulers had to be obedient and follow the shari, and this can be seen in the books of history about certain cases where sovereigns

submitted to Qazi's decision. In those days, when Islam was in progress, while delivering justice, the rulers sat in a court known as Manzalim (Compliants). According to IBN Battuta, Muhammad Bin Tuglaq, the ruler of the Tuglaq dynasty, held complaints each Monday and Thursday from the 13th century onwards. The history exposes the legal system, an officer known as Amir – I – Dad presided over the secular court in the Sultan's absence. This gentleman was also responsible for implementing Qazis and for drawing their attention to the cases which constituted miscarriage of justice; In addition, the Muftis, for the experts in Sharia law and gave fatwas (formal legal rulings) on disputes referred to them by members of the public or Qazis. The Chief Judge ofthe Sultanate was known as the Quazi-i-mamalic and also known as the Qazi-ul-Quzat. Subsequently, during the Mughal rule in India, the then secular judge was known as Mir-Adal, and acted as a Judge on behalf of the emperor, and hewas supposede to make impartial and personal enquiries before delivering the verdict. Even after the British ruled the country by aggression, the same legal system was followed till the British took over the power of ruling India from the East India Company, and brought in certain legal principles derived from their British Legal System. In this regard, the promulgation of regulating Act of 1773 by the King of England, who is considered to be the ruler of colonial countries, paved the way for the establishment of the Supreme Court of Judicature at Kolkata. The Letters Patent were issued on 26th March 1774 to establish the Supreme Court of Judicature at Kolkata as a Court Record with full power and authority to hear and determine all complaints for any crimes and also to entertain here and determine any suits or actions against any of his majesty's subjects in Bengal, Bihar,r and Odisha. The Supreme Court at Madras and Bombay was established by King George III on 26th December 1800 and on 08th December, 1823. Subsequently, the Indian High Court Act 1861 was enacted to create various High Courts for various provinces, and the then-functioning Supreme Court in Kolkata was abolished.

3. LITERATURE REVIEW

A reading of the history of the evolution of the Legal System from Ancient India shows that in Ancient India, it was based on Dharma, and from Dharma to Democracy. The transition of the Indian Judiciary with the passage of time, from decentralized systems and Medieval Royal Courts, to a unifiedhierarchicall common law system that was established by British in the Colonial Rule.

In Ancient India, during those days, justice was based on Dharma Sastras and also on Manusmriti, i which focused on social duties (Dharma) and the King/Ruler of the Country or area had the highest authority, which can be compared tothe Supreme Court of

India presently. Subsequently, in the Medieval period, with the invasion of the Islamic dynasty in India, the Islamic Laws, namely Sharia was applied in the Sultanaite and Mughal areas, who ruled thecountryy and the king or emperor was given the power of ultimate Arbitrator. Often following the maxim "The King can do no wrong". Subsequently, from the 17th century to the 20th century, India became a colonial state of the British, and the Indian Legal System saw a see-saw change with the introduction of British Anglo-Saxon Jurisprudence replacing the traditional Legal System following the Dharma anSruthis's ofthe Maharshis. Subsequently, during the colonial period, Mayor's Courts were established in Presidency Town, and an Act by namethe Regulating Act of 1773, enabled the Supreme Court of Judicature at Calcutta. Subsequently, in 1861, the colonial rulers created High Courts by the British in Bombay, Calcutta, and Madras, and subsequently, under the Government of India Act 1935, a Federal Court was established to look after the disputes between provinces. However, after Independence with the introduction of the Indian Constitution in 1950, the Supreme Court was established as the Apex Court with a unified independent judiciary to uphold the constitution and fundamental rights of citizens. Subsequently, when the country became independent in 1947, our own Indian Legal System was introduced,d and it was periodically upgraded to suit the Indian conditions and the prevailing environment in those days.

As this article is more on the Indian Legal System from Ancient India, let us examine how the judiciary in Ancient India was translated from Dharma to democracy. It is fascinating to hear judiciary/justice in Ancient India was whispered through the sacred verses of the Vedas and Smrutis, mainly the Manusmriti, where a person's duties and obligations to himself and to society, and to the ruler are clearly and categorically mentioned. The same principles in a different form are being embedded in the Indian Constitution and also in the Legal System presently. In addition, Koutilya Arthasastra, a treatise on a number of subjects that includes Legal System, which covers meticulously in all aspects, from contracts to punishment,s is basedon the foundation or basic rules of the present so-called civil laws, criminal laws, and jurisprudence. It is no wonder that all this legal knowledge wprevailedin Ancient India when the other parts of the Globe and the present court rooms are not in existence. Our Indian Legal System is based not only on Smritis like Manusmruti but Koutilya Arthasastra, who is supposed to live in 300 BC, an ancient legal treatise that meticulously covered all the legal transactions/disputes/solutions so that any dispute or legal problem can reach its finality.

Following is the timeline of the Indian Legal System from Ancient India to the present day:

a. Koutilya's Arthasastra – 300 BC

b. Supreme Court of Calcutta – 1774

c. High Court of Madras – 1800

d. High Court in Bombay – 1823

e. Federal Court under British India – 1935

f. Supreme Court of India – 1950

The number of historians who have thoroughly examined the ancient literature has acknowledged that "Indian Judiciary is not just a system, it is a living legacy, from Vedic Chants to constitutional benches, it has witnessed empires, reforms, revolutions – Yes – Challenges remain, backlogs, delays, accessibility gaps. But the machine stays true to uphold justice in a land of diverse voices and dreams. Every gravel that falls carries authority, history, and hope" (www.edzorblaw.com)

In an article titled "The Evolution of Law" written by Simeon S. Wills, Kentucky Court of Appeals, available at www.uknowledge.uky.edu/klj/vol21/iss1/3, it is a well-established fact that,

"The design and object of all laws is to ascertain what is just, honorable, and expedient, and, when that is discovered, it is proclaimed as a general ordinance equal and impartial to all. This is the origin of law, which, for various, reasons, all are under obligation to obey, but especially so because all law is the invention and gift of heaven, the sentiment of wise men, the correction of-.every offense, and the general compact of the state, to live in conformity with winch is the duty of every individual in society."

In another article titled "Evolution of the Judiciary in India" written by S. Sekhar, Dr. S. Murugavel published in Neuroquantology Journal, it was mentioned that,

"The Judiciary in India has undergone a significant evolution from Ancient times to the modern constitutional framework. Routed in ancient texts like Manusmriti and the Arthasastra, early forms of justice were heavily influenced by Dharma (Moral Duty) and were dispensed by Kings and Local Councils. The Medieval periods of the influence of Islamic law and the establishment of Quazi Courts under the Delhi Sultanate and Mughal empires".

In an article titled "The Indian Judicial System" written by M. Justice S.S. Dhavan, High Court, Allahabad, published in www.allahabadhighcourt.in, it was mentioned that,

India has the oldest judiciary in the world. No other judicial system has a more ancient or exalted pedigree. But before describing the judicial system of ancient India, I must utter a warning. The reader must reject the colossal misrepresentation of Indian Jurisprudence and the legal system of ancient India by certain British writers. I shall give a few specimens. Henry Mayne described the legal system of ancient India "as an apparatus of cruel absurdities". An Anglo-Indian jurist made the following remark about what he called "the oriental habits of life" of the Indians before the British turned up in India: "It (British rule in India) is a record of experiments made by foreign rulers to govern alien races in a strange land, to adapt European institutions to Oriental habits of life, and to make definite laws supreme amongst peoples who bad always associated government with arbitrary and uncontrolled authority." (italicized by me). Alan gledhill, a retired member of the Indian Civil Service, wrote that when the British seized power in India, "there was a dearth of legal principles."

In the same article, the author mentioned that, “Rule of Law in Ancient India:

In the Mahabharata, it was laid down, " A King who, after having sworn that he shall protect his subjects, fails to protect them should be executed like a mad dog." "The people should execute a king who does not protect them, but deprives them of their property and assets, and who takes no advice or guidance fromanyonee. Such a king is not a king but misfortune." These provisions indicate that sovereignty was based on an implied social compact, and if the King violated the traditional pact, he forfeited his kingship. Coming to the historical times of the Mauryan Empire, Kautilya describes the duties of a king in the Arthashastra thus: "In the happiness of his subjects lies the King’s happiness; in their welfare his welfare; whatever pleases him he shall not consider as good, but whatever pleases his people he shall consider to be good." The Principle enunciated by Kautilya was based on a very ancient tradition, which was already established in the age of the Ramayana. Rama, the King of Ayodhya, was compelled to banish his queen, whom he loved and in whose chastity he had complete faith, simply because his subjects disapproved of his having taken back a wife who had spent a year in the house of her abductor. The king submitted to the will of the people thopugh it broke his heart. In the Mahabharata, it is related that a common fisherman refused to give his daughter in marriage to the King of Hastinapur unless he accepted the condition that his daughter’s sons and not the heirapparent from a former queen would succeed to the throne. The renunciation of the throne and the vow of life-long celibacy (Bhishma Pratgyan) by Prince Deva Vrata is one of

the most moving episodes in the Mahabharata.6 But its significance for jurists is that even the sovereign was not above the law. The great King of Hastinapur could not compel the humblest of his subjects to give his daughter in marriage to him without accepting his terms. It refutes the view that the kings in ancient India were "Oriental despots" who could do what they liked regardless of the law or the rights of their subjects."

4. DISCUSSIONS AND ANALYSIS

As already mentioned, the evolution of the judiciary in Ancient India is based on the principles of Dharma and subsequently Manusmriti and Kautilya's Arthasastra, to the present form of democracy after independence. It is astonishing to note that when the entire Globe has not opened its eyes with no principles based on Dharma, India lived in a far better position based on Dharma, the timeless principles of righteousness and order. Subsequently, the Manusmriti which is also based on Dharma and the principles of good governess and the rights and rituals of a person for himself and to the society and his duties to the other people which is nothing but a bonded legal system that makes the society to function and move on righteous principles adhering to the principles of Dharma and Karma which the ancient Indians strongly believed.

It is worth mentioning here that Kautiya's Arthasastra, an ancient Legal Treatise, meticulously covered everything that the present Legal System is in its books. This clearly shows the works of our ancestors aboutthe Legal System and prevailed in those days, India's Legal mind is millennia – old, laying the groundwork for the sophisticated legal system that followed.

Even today, the Hindu Law, the Guardian Ship Act, and such other laws are all based on the principles laid down in Ancient India by our forefathers,s and we are fortunate to have such illustrious luminaries. The great Jurists like Manu, Yajnavalka, Katyayana, Bruhaspa, ti and others, and subsequently commentators like Vachaspati Misra and others,s described in detail the judicial system and legal procedures which prevailed in Ancient India.

According to Brihaspati Smiriti, there was a hierarchy of courts in Ancient India, beginning with the family Courts and ending with the King. The lowest was the family arbitrator. The next higher court was that of the judge; the next of the Chief Justice, who was called Praadivivaka, or Adhyaksha; and at the top was the King's court. The jurisdiction of each was determined by the importance of the dispute, the minor disputes being decided by the lowest court and the most important by the king. The decision of each higher Court superseded that of the court below. According to Vachaspati Misra, "The

binding effect of the decisions of these tribunals, ending with that of the king, is in the ascending order, and each following decision shall prevail against the preceding one because of the higher degree of learning and knowledge". It is noteworthy that the Indian judiciary today also consists of a hierarchy of courts organized on a similar principle-the village courts, the Munsif, the Civil Judge, the District Judge, the High Court, and finally the Supreme Court, which takes the place of the King's Court. We are following an ancient tradition without being conscious of it. The institution of family judges is noteworthy. The unit of society was the joint family, which might consist of four generations. Consequently, the number of members of a joint family at any given time could be very large, and it was necessary to settle their disputes with firmness combined with sympathy and tact. It was also desirable that disputes should be decided in the first instance by an arbitrator within the family. Modern Japan has a somewhat similar system of family Courts. The significance of the family courts is that the judicial systemhasd its roots in the social system, which explains its success. The fountain source of justice was the sovereign. In Indian jurisprudence, dispensing justice and awarding punishment were among the primary attributes of sovereignty. Being the fountain source of justice, in the beginning,g the king was expected to administer justice in person, but strictly according to law, and under the guidance of judges learned in law. A very strict code of judicial conduct was prescribed for the king. He was required to decide cases in open trial and in the court-room, and his dress and demeanour were to be such as not to overawe the litigants. He was required to take the oath of impartiality and decide cases without bias or attachment. Says Katyayana: "The king should enter the court-room modestly dressed, take his seat facing east, and with an attentive mind hear the suits of his litigants. He should act under the guidance of his Chief Justice (Praadvivaka), judges, ministers, and the Brahmana members of his council. A king who dispenses justice in this manner and according to law resides in heaven". These provisions are significant. The king was required to be modestly dressed (vineeta-vesha) so that the litigants were not intimidated. The code of conduct prescribed for the king when acting as a judge was very strict and he was required to be free from all "attachment or prejudice" Says Narada: "If a king disposes of law suits (vyavaharan) in accordance with law and is self-restrained (in court), in him theseven virtues meet like seven flames in the fire" Narada enjoins that when the king occupies the judgment seat (dharmasanam), he must be impartial to all beings, having taken the oath of the son of Vivasvan. (The oath of Vivasvan is the oath of impartiality: the son of Vivasvan is Yama, the god of death, who is

impartial to all living beings). The King's Judge.s The judges and counselors guiding the king during the trial of a case were required to be independent and fearless and prevent him from committing any error or injustice. Says Katyayana: "If the king wants to inflict upon the litigants (vivadinam) an illegal or unrighteous decision, it is the duty of the judge (samya) to warn the king and prevent him." "The judge guiding the king must give his opinion, which he considers to be according to law; if the king does not listen, the judge at least has done his duty. When the judge realizes that the king has deviated from equity and justice, his duty is not to please the king, for this is no occasion for soft speech (vaktavyam tat priyam natra); if the judge fails in his duty, he is guilty.

It is also found that when the kings are the rulers of India in different parts under different dynasties, the King used to appoint counselors who have thorough knowledge in legal matters to assist the king during trial and deliver the judgment, and punish the guilty.

At times, the King is to delegate the power in certain matters to settle the disputes because the King's functionshave becomee more and more, and he/she has less time to concentrate on judicial matters. These counselors/advisors/delegator authorities used to take up these judicial functions and deliver the judgments with the consent of the king only. In this, it is noteworthy to mention Katyayan, a luminary in the judicial system, who said,

"If, due to pressure of work, the king cannot hear suits in person, he should appoint as a judge a Brahmin learned in the Vedas."

In due course of time, a judicial hierarchy was created by the King to relieve the pressure on the King of the judicial work, but leaving untouched his powers as the highest court of appeal. Compared to, there is nothing but our present municipal courts, High Courts, and Supreme Courts. During the period of Mourya, the great emperor under whose court Kautiya lived and wrote a number of books, a regular judicial service existed with eminent scholars and personalities as the members.

The author of the article mentioned above wrote a few words about the quality of the judiciary and their integrity, and I may be permitted to mention the same.

I shall now say a few words about the quality of the Judiciary and the code of conduct prescribed for judges. The foremost duty of a judge was integrity, which included impartiality and a total absence of bias or attachment. The concept of integrity was given a very wide meaning,g and the judicial code of integrity was very strict. Says Brihaspati: "A judge should decide cases without any consideration of personal gain or any kind of personal bias; and his decision should be in accordance with the procedure prescribed by

the texts. A judge who performs his judicial duties in this manner achieves the same spiritual merit as a person performing a Yajna.

It is not surprising to draw a similarity at present number of judicial officers in high court and supreme court sitting together popularly knowns as Bench consisting of Two Judges, Three Judges bench, larger bench and likewise constitutional bench upto 7 & 9 headed by Chief Justice of Supreme Court and Full bench and Fuller Benches, so it is nothing but the ancient form of judiciary in ancient India where the king used to appoint number of counselors (Judges) who are prominent and well-versed in their judicial wisdom used to deliver the outcome. As is the present practice today, the majority of the counselors' words are taken to deliver the judgment, but when there is a tie,e the words or the judgment delivered by the king is final and reaches its finality, ty as is the case from the present supreme court. When appointing the counselors in Ancient India, especially for the purpose of judiciary, the king is to place emphasis on the code of conduct that is being prescribed in the Srutis and Arthasastra about the integrity, character, knowledge, and wisdom. In Ancient India, strict precautions were taken to ensure that the counselors used to deliver the words/judgments impartially with no bias; in addition, in Ancient India, the trials of persons who made mistakes or culprits were held in open courts before the public.”

When we go through the Manusmriti or other Smritis that are connected to the ancient Indian legal system, orthe Arthasastra emphasizes the supreme importance of judicial integrity.

In Shukra-nitisara says: "Five causes destroy impartiality and lead to judges taking sides in disputes. There are attachment, greed, fear, enmity, and hearing a party in private”.

With regard to the punishment for corruption as compared to the present Anti-corruption bureau, in Ancient India, the act of corruption was regarded as a heinous crime/offence, and all the counselors who dwelt with the subject should be unanimous in prescribing the severest punishment,t even on a dishonest judge or counselor.

It is quite appropriate to mention the words of the great Brihaspati. A judge should be banished from the realm if he takes bribes and thereby perpetrates injustice and betrays the confidence reposed in him by a trusting public."A corrupt judge, a false witness, and the murderer of a Brahmin are in the same class of criminals. Vishnu says, "The state should confiscate the entire property of a judge who is corrupt."Judicial misconduct included conversing with litigants in private during the pendency of a trial. Brihaspati says: "A judge

or chief justice (Praadvivaka) who privately converses with a party before the case has been decided (anirnite), is to be punished like a corrupt judge."

In criminal trials, it appears that the question of innocence or guilt of the accused was decided by the Judge (Counsellor) or Jurors. However, the quantum of punishment for the crime committed by the criminal is left to the kin,g and his verdict is final.

As an example, in Ancient India, in the trial scene in Mrichchhakatika. The Little Clay Court, the judge,e after pronouncing Charudatta guilty of the murder of Vasantasena, referred the question of punishment to the King with the remark, "The decision with regard to Charudatta's guilt or innocence lies with us and our decision is binding (Pramanam), but the rest lies with the King."

In Ancient India, the judiciary is mainly dependent on Dharma and the principles on Smritis, the interpretation of those things has become a great past but in those days, the legal luminaries like Koutilya and others have developed a degree of perfection for interpretation of these existing laws in those days as the same practice in the present judiciary where the advocates or the judiciary used to interpret and analyze the things for delivering a judgment.

In ancient India in those days, the judiciary or the king's court recognized three systems of substantive law as defined in the Dharmasastras, the Arthasastra, and the customs, which were called Sadachara or Charita. It is worth mentioning that, in several matters, the system that prevailed in Ancient India, in several matters, the Arthasastra and the Dharmasastra are in conflict. The first principle was that of avirodha: the court must try to resolve any apparent conflict between the two. (This is called the principle of harmonious construction today. But if the conflict could not be resolved, the authority of the dharma-shastra was to be preferred. Bhavishya purana provides: "When mriti and artha-shastra are inconsistent, the provision in the artha-shastra is superseded (by smriti); but if two smritis, or two provisions in the same smriti are in conflict, whichever is in accordance with equity is to be preferred." Narada Smriti lays down a similar rule of interpretation according to reason in case of conflict between two texts of theSmritiss. But while interpreting the written text of the law, the court was to bear in mind that its fundamental duty was to do justice and not to follow the letter of the law. Brihaspati enjoined: "The court should not give its decision by merely following the letter of the shastra, for if the decision is completely devoid of reasoning, the result is injustice (dharma-hani)." Brihastpati further says that the court should decide according to the

customs and usages of the country even if they are in conflict with the letter of the law, and he gives several remarkable illustrations which incidentally throw a flood of light on contemporary social conditions.

The other important aspect with respect to the Indian Legal System in Ancient India is the customs (Achara, Sadachara, Charita) that are being followed strictly in society. It is also the duty of the state or the ruler to maintain an authenticated record of the customs that are being observed in the various parts of the country. The same is in the words of Katyayana,

"Whatever custom is proved to be followed in any particular region, it should be duly recorded as established (dharya) in a record stamped with the seal of the Sovereign."44 But even an established custom could be formally "disestablished" if,f in the course of time, it became inequitable. In fact, it was the duty of the Sovereign to remove from time to time the dead or rotten branches of custom. Katyanana enjoined: "When the Soverign is satisfied that a particular custom is contrary to equity (nyayatah) in the same way-that is, in the way it was established- it should be annulled by a formal decision of the Sovereign." This remarkable provision indicates how highly developed the judicial and legal system of ancient India was. The state was required to keep an authenticated record of all valid customs prevailing in the different regions of the realm. Very often, the decision in a suit depended on proof of the existence of a custom. Narada says, "The basis of a judicial decision (vyavahara) may be: (i) Dharma-shastra, (ii) (previous) judicial decisions (vyavahara) or custom (charitra) or the decrees of theSovereignn. The authority of these four is in the reverse order, each preceding one being superseded by the one following it. The artha-shastra contains an identical provision".

It is also worth mentioning that, the mode of proof of a crime or an act to bring out the truth is nothing but the present system of Evidence Act or the law of evidence, examination and cross-examination of witnesses on any documents pertaining to the case are the principle documents based on which the judgment is to be delivered and the same principles and procedure are being followed till date; however the important element in this procedure is to bring out the truth and punish the guilt. Either in Ancient India today, the principle behind any judgment/order is to punish the guilty but not the innocent,t or there is a saying that "thousands of culprits may be let off, but one innocent cannot be punished".

As the subject is vast, I traced out some of the important aspects of the judicial system in Ancient India, with the help of writings from the luminaries on the subject.

The evolution of Indian Legal System has transitioned from ancient, decentralized, dharma based systems and medieval Royal courts to a unified hierarchical Common Law System in the colonial rule and after Independence a written constitutional based Legal System which was introduced after independence was prevailing till date with important additions and deletions both by the Hon'ble Supreme Court and by the enactments in the Parliament and also in the State for State Laws to appropriate the changing circumstances in the society. In a nutshell, the justice based on the Dharmasastras and the Manusmriti in Ancient India/Vedic Period, which mainly focused on social duties (Dharma), and the ruler/king has the supreme ultimate authority. Today, the Hon'ble Supreme Court is the final authority/orders pronounced by the Hon'ble Supreme Court are final.

5. CONCLUSION

Universally, there are various legal systems in other countries based on their local circumstances and the environment, but in India, the Indian Legal System was a continuous process right from the Vedic Period, where the legal system flourished in totality with the principles laid down by the luminaries like Brihaspati, Katyayana, Vishnu, Narada, Yagnavalka, Koutily, etc. In Ancient India, Justice was based on the Dharma Sastras and the Manusmriti, which mainly focused on social duties (Dharma), with the ruler of the region acting as the highest authority. It is most appropriate to mention by Hon'ble Justice Simeon S. Willis, Juge Court of Appeal of Kentucky, Frankfort, Ky., is "Justice, sir, is the great interest of man on earth. It is the ligament that holds civilized beings and civilized nations together. Wherever her temple stands, and so long as it is duly honored, there is a foundation for social security, general happiness, and the improvement and progress of our race." "And whoever labors on this edifice, whoever clears its foundations, strengthens its pillars, adorns its entablatures, or contributes to raise its august dome still higher in the heavens, connects himself in name, and fame, and character, with that which is and must be as durable as the frame of human society."

To sum up right from the Ancient India during Vedic Period till now the want needs of the pubic have changed a see-saw and accordingly the judicial system/legal system also made a dent on the want needs of the people and the environmental changes that are not there in Ancient India, made this Indian Legal System to also change the attitude procedure and aims and accordingly after independence wherein the written constitution is introduced. Many changes took place by amending the constitution to give a proper answer and impression.

Whatever the changes that took place and the procedures that took place, the main objective ofthe judiciary is to give justice to one and all, irrespective of poor or rich, caste or religion, or creed, because all are human beings and expect the same kind of justice. Delivering justice is complex in nature, and the judicial officers should have the grit on tactors like reason, logic, philosophy, experience, social aims, and legal standards. Out of all these,e finally, the responsibility rests upon those who carry on the perpetuity of the system, which depends upon the skill and analytical capabilities of the Judiciary, which is why there is a saying that.

"*Ei incumbit probatio qui dicit, non qui negat*"

meaning

"*It is better to let ten guilty people go free than to condemn one innocent person wrongfully*."

However, our Indian Legal System stood the test of centuries and is acclaimed as one of the best legal systems in the world, where compromise, partiality, and bias have no place.

In the article titled "The Indian Judicial System: A Historical Survey," written by Hon'ble Justice SS. Dhavan, High Court of Allahabad, mentioned that,

"Every Smriti emphasizes the supreme importance of judicial integrity. Shukra-nitisara says: "The judges appointed by the king should be well versed in procedure, wise, of good character and temperament, soft in speech, impartial to friend or foe, truthful, learned in law, active (not lazy), free from anger, greed, or desire (for personal gain), and truthful".

References

1. The Indian Judicial System: A Historical Survey – Part A: Judicial System in Ancient India – By Mr. Justice S.S. Dhavan, High Court, Allahabad – www.allahabadhighcourt.in
2. The Evolution of the Judiciary in India: From Dharma to Democracy – Super Admin – Edzorb Law – www.edzorblaw.com
3. The Evolution of the Law – Simeon S. Wills – Kentucky Court of Appeals – Kentucky Law Journal – www.uknowledge.uky.edu
4. History of Indian Judiciary – Clear IAS – www.clearias.com
5. History of Indian Judiciary – Lloyd Law College – www.lloydlawcollege.edu
6. Evolution of Indian Judiciary – www.drishtiias.com
7. The Evolution of Judiciary in India: A Historical Overview – www.wikipedia.com

8. Models of Judicial Process – Judicial Process and Administration - Miss Medha Vikram – www.ebooks.inflibnet.ac.in
9. Introduction to the Indian Judicial System – Animal Legal & Historical Center – www.animallaw.info
10. Evolution of the Judiciary in India – S. Sekhar – Dr. S.Murugavel – Neuroquantology
11. The Evolution of Judiciary during British Times – www.compass.madiews.com

---