



**THE INDIAN LAW INSTITUTE,  
NEW DELHI**

**CALL FOR CHAPTER FOR  
AN EDITED BOOK**

**“INDIGENOUS  
JUSTICE DELIVERY  
SYSTEM IN INDIA”**

## Introduction

Justice is a sense of satisfaction that the good has been recognized and the bad has been addressed suitably. In a constitutional democracy, based on the rule of law, the chariot of “justice” is carried by law. Delivering justice is not the exclusive function of the judiciary. It has been the endeavor of the state as well to do equitable justice. The Preamble and the Directive Principles of the State Policies of the Constitution of India, therefore, rightly invoke “justice- social, economic and political”. The incorporation of phrases such as justice- social, economic, and political” might appear modern but its roots could be traced from the past of India. The “law” is just a means to the end called “justice”. The idea of justice for India was always paramount. There is a golden thread that connects *Nyaya* (justice), *Satya* (truth), and *dharma*, धर्मो रक्षति रक्षितः<sup>1</sup> and यतो धर्मस्ततो जयः<sup>2</sup> was the *mantra* for the state, its instrumentalities and the citizens. Therefore, the Supreme Court of India's emblem contains *Yato Dharmstato Jayah*.

*Dharma* was the symbol of righteousness and was never understood in the conventional sense of religion. While Western philosophers, for a longer period, relied on the idea of “King can do no wrong”. Indian thought process since the beginning of the justice delivery system relied on the idea that “Law is the King of King” (*Brihadaranyaka Upanishad*) and the story of King Manuneethi Cholan<sup>3</sup> who ordered the killing of his son for command of equal justice even for the animals. The ancient Indigenous Justice Delivery System of India demonstrated the

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<sup>1</sup>*Anushasana Parva*, Chapter 17, Verse 19(1)(a), Mahabharata. Meaning: Dharma protects those who protect it. This emphasizes the importance of upholding righteous principles.

<sup>2</sup> It is inscribed in the emblem of the Supreme Court of India. Where there is *dharma* (righteousness), there is victory.

<sup>3</sup>*National Lawyers' Campaign For Judicial Transparency And Reforms v. Hon'ble Shri Justice J.S. Khehar*, 2016 SCC OnLine SC 1973, by RK Agrawal and Dr DY Chandrachud.

ingenuity of our ancestors in creating mechanisms tailored to the varied needs of a diverse society. From village hierarchies where local elders resolved disputes to the highest courts led by kings and ministers, justice was administered with a focus on fairness, equity, and righteousness. The justice delivery, though finally was in the hands of the King, the role of the judge in certain cases was noticeable, besides the King himself bound by *dharma*.<sup>4</sup>It was prevalent from the lowest level of the village (*sabha*) to the highest level of disputes between kingdoms (*mahasabha*). The adjudicator was not a mere mute spectator but an accountable partner in the justice delivery system.

Initially, during the Indus-Saraswati Civilization, justice delivery likely took an informal route (probably) within local communities due to limited and undeciphered documentation. Subsequently, in the Vedic Period, justice delivery became decentralized, with aggrieved parties seeking resolution directly, though later texts hint at the emergence of a structured judiciary under the king's authority. The documentation of the Ramayana (TretaYug) and Mahabharata (DwaparYug) periods, spanning between 400 B.C. and 400 A.D., have further shaped the evolution of justice administration, offering insights into prevailing judicial systems and emphasizing principles of dharma through the actions of characters like Lord Rama and King Dasharatha. The Mahajanpada Period witnessed the development of various regional judicial systems, guided by ancient texts and featuring jury systems and learned judges. Under the Mauryan Empire, a well-organized judiciary thrived, with the king serving as the ultimate arbiter of justice based on the principle of dharma. Post-Mauryan Periods saw adaptations in response to foreign invasions, reflecting the resilience of the Indian legal system.

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<sup>4</sup> 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." Mr. Justice S. S. Dhavan, *The Indian Judicial System A Historical Survey*, High Court, Allahabad. [https://www.allahabadhighcourt.in/event/TheIndianJudicialSystem\\_SSDhavan.pdf](https://www.allahabadhighcourt.in/event/TheIndianJudicialSystem_SSDhavan.pdf)

Notable figures such as Manu, Brihaspati, and Narada laid down foundational principles of *Dharmashastras* and *Smritis*, while Kautilya's *Arthashastra* contributed significantly to early legal philosophy during this period. The justice system got more profound during the *Guptas* and this was one of the factors that contributed to this period for its noun as the Golden Period in Ancient India.

During the Medieval period, key advancements, like the appointment of the country's first Chief Judge during the reign of Qutub-ud-din-Aibak, marked significant milestones in the justice system's evolution. Subsequent reforms, such as those introduced by Balban and Sikandar Lodhi, aimed at enhancing the efficiency of the criminal justice system. During Akbar's era, substantial reforms were adopted, including the establishment of a centralized legal system integrating Hindu and Islamic legal traditions, giving rise to a unique legal framework. The subsequent Mughal era further synthesized legal principles, contributing to the foundation of India's modern justice system. This period saw the integration of Islamic legal systems alongside existing Hindu traditions, fostering cultural synthesis and legal pluralism. In the later Mughal period, the land started to witness the falling feet of Europeans. The Europeans, in the pursuit of asserting their monopoly to trade in and with India, fought amongst themselves and finally, the Britishers could stay here to loot India. The Europeans for however small period they stayed here, influenced the Justice system of the country. The major impact, as we see even today, is of the Britishers. It is from then that we adopted the Adversarial system of legal dispute resolution mechanism in 1775.

In an era where there is a growing demand for justice reform and exploration of alternative legal frameworks, the ancient Indigenous Justice Delivery System of India presents an intriguing narrative. Its emphasis on reconciliation, restoration, and community involvement strongly resonates with contemporary aspirations for

a more humane and effective justice system. Despite the extensive scholarship on various aspects of Indian legal history, there remains a noticeable gap in comprehensive analyses of justice delivery systems across different historical epochs. Thus, the proposed book seeks to address this gap by providing an in-depth exploration of the continuities, transformations, and cross-cultural influences that have shaped legal frameworks and practices in India from ancient civilizations to the early modern period.

### ***Specific Objectives***

To analyze the socio-political and cultural contexts of justice delivery during key periods such as the cosmic period of *yuga*, pre-Vedic, Vedic, ancient, and medieval eras, elucidating the factors influencing legal developments.

To examine the legal frameworks, institutions, and principles governing justice administration in each historical epoch, highlighting the evolution of legal norms and practices.

To explore the interactions and exchanges between indigenous legal traditions and external influences, such as Islamic legal systems during the Delhi Sultanate, discerning the processes of cultural assimilation and legal pluralism.

To assess the impact of legal reforms and administrative innovations, particularly under Mughal rule, on justice delivery and governance, evaluating their efficacy and enduring legacies.

To evaluate the continuity and legacy of historical justice delivery systems in shaping contemporary legal frameworks and practices in India, discerning the enduring influences of ancient, medieval, and colonial legal traditions.

The study of the evolution of justice delivery in India offers invaluable insights into the country's legal heritage and its implications for contemporary legal systems and governance. By tracing the continuities, transformations, and cross-cultural exchanges that have shaped legal frameworks and practices over millennia, this research aims to contribute to a deeper understanding of India's legal history and its relevance to contemporary challenges in justice administration and governance. Through a rigorous analysis of historical sources and interdisciplinary approaches, this study seeks to illuminate the complexities and nuances of India's legal evolution, enriching our understanding of its legal heritage.

### **Themes and Subthemes (illustrative but not limited to)**

#### **Part 1: Ancient India**

Justice Delivery System in Indus-Saraswati Civilisation

Justice Delivery System during the Vedic Period

Justice Delivery System during the Ramayana period (Treta Yug)

Justice Delivery System during the Mahabharata period (Dwapar Yug)

Justice Delivery System during the later Vedic period

Justice Delivery System during the Mahajanpada Period

(Mahajanpadas of Kashi, Kosala, Vatsa, Chedi, Kuru, Panchala, Shurasena, Matsya, Avanti, Ashmaka, Gandhara, Kamboja)

Justice Delivery System during the Haryanaka Dynasty

Justice Delivery System during the Shisunaga Dynasty

Influence of foreign invasion (Iranian/Persian) in the justice delivery system around the Shisunaga Dynasty

Buddhism and justice delivery

Jainism and justice delivery

Justice Delivery System during the Chandragupta Maurya period

Justice Delivery System during the Bindusara period

Justice Delivery System during the Ashoka period

Justice Delivery System during the later Mauryan period

Justice Delivery System during the Post-Mauryan period/Pre-Gupta Period

Influence of foreign invasion (Indo-Greeks) in justice delivery system during Post-Mauryan period/Pre-Gupta Period

Justice Delivery System during the Sangam Period

(During the reign of the Cheras, the Cholas, the Pandyas)

Justice Delivery System during the Gupta period

(During the reign of the Chandragupta I, Samudragupta, Chnadrugupta II: Vikramaditya, and others)

Justice Delivery System during the Post-Gupta period/Vardhana Dynasty

Justice Delivery System during the Chalukyas

Justice Delivery System during the Pallavas

Justice Delivery System in the Ancient Kingdoms flourishing in eastern India-(Kalinga, Ganga, etc.)

Justice Delivery System in the Ancient Kingdoms flourishing in north-eastern India-(Varmans, Samatata, Mlechchha, etc.)

Any other theme concerning Justice administration in Ancient India

## **Part 2: Justice Delivery System by Native Kings in Medieval India**

Justice Delivery System during the Rajput period (North India)

(During the reign of the Palas, the Pratiharas, Bhoj kings, Rashtrakutas and others)

Justice Delivery System by the kings of South India

(During the reign of the Cholas, Chalukyas, Kakatiyas, Yadavas, Hoyasalas)

Justice Delivery System during the Vijayanagar Empire

(During the reign of the Sangama dynasty, Saluva dynasty, Tuluva dynasty, Aravidu dynasty, etc)

Justice Delivery System during the Bahmani Kingdom

Justice Delivery System in the Maratha Confederacy

Justice Delivery System in the medieval Kingdoms flourishing in eastern India- (Kamata, Koch Bihar, Koch Hajo, etc.)

Justice Delivery System in the Medieval kingdoms flourishing in north-eastern India - (Jaintias, Chutia, Ahom, etc.)

Any other theme concerning Justice administration in the said period

**Part 3: Justice Delivery System by Invader Kings in Medieval India: Deviation, Impact, and Amalgamation**

Justice Delivery System during the Sultanate period

(During the Slave Dynasty, Khilji Dynasty, Tughlaq dynasty, Sayyid dynasty, Lodhi dynasty, etc)

Justice Delivery System during the Mughal Period

(During the reign of Babur, Humayun, Sher Shah, Akbar, Jahangir, Shahjahan, Aurangzeb,)

Any other theme concerning Justice administration in the said period

**Part 4: Europeans other than Britishers**

Justice Delivery System during Portuguese times

Justice Delivery System during Dutch East times

Justice Delivery System during French East times

Any other theme concerning Justice administration in the said period

**Part 5: Justice delivery system during the British rule**

**Part 6: Justice delivery system in Independent India: Indigenous approach**



## **Submission Guidelines**

Chapter proposals should include a title, abstract (300 words), author(s) bio(s), and keywords.

## **Deadlines**

The abstract should be sent to [ili.callforchapter2024@gmail.com](mailto:ili.callforchapter2024@gmail.com) by **April 15, 2024**.

A list of selected abstracts will be notified by **April 30, 2024**

The first draft of the Full Chapter is to be submitted by **June 30, 2024**

The ideal length of the chapter is a **minimum of 3000 words**.

Final Chapter to be submitted by **July 31, 2024**

Chapters must adhere to the JILI (*Journal of Indian Law Institute*) formatting and citation guidelines. <https://ili.ac.in/cstyle.pdf>

## **Publication Details**

The book will be published by the Indian Law Institute/reputed publisher with ISBN.

## **Contact Information**

For inquiries and submission of chapter proposals, please contact Dr. Anurag Deep or Editorial Assistants (see below).

We look forward to receiving your proposals and collaborating on this significant academic endeavor to explore the rich tapestry of indigenous justice delivery systems in India.

## **Editors**

Prof. (Dr.) V.K. Ahuja, Director, Indian Law Institute, New Delhi

Prof. (Dr.) Anurag Deep, Professor, Indian Law Institute, New Delhi, 9654629241

Editorial Assistance- Avinash Kumar Paswan, Ph.D. Scholar, ILI, 8588057086

Apurva Verma, Ph.D. Scholar, ILI, 7024100929

Siddhartha Srivastava, Ph.D. Scholar, ILI, 7042634181