



CLASSIFICATION AND NATURE OF CRIME IN ANCIENT INDIA

Vibha Kumari

Research Scholar, Arunodaya University

Dr. Pramod Kumar Mohanty

Assistant Professor, Arunodaya University, Arunachal Pradesh

Abstract

In ancient India, the categorization and essential character of criminal behavior were significantly influenced by the traditions that existed in the domains of religion and society, morality, and law. These traditions were represented in several books, including the Manusmriti, the Arthashastra, the Dharmashastras, and the other Smritis. The concept of crime was viewed not just as an infringement of the laws of the state, but also as an act that disturbed the social order (dharma) and the harmony of morals. In ancient India, crimes were classified according to the characteristics of the offense, the motives of the person who committed it, and the harm that was inflicted upon individuals, their property, or society as a whole. Crimes against the state, crimes against property and individuals, breaches of a moral or religious nature, and violations of caste and social responsibilities are all covered in the broad categorization. The emphasis of the punishments that were developed was on deterrent, restitution, and the restoration of social equilibrium, all of which were intended to be proportionate, preventative, and reformatory. In addition, the legal system took into consideration elements that exacerbated or mitigated the situation, including but not limited to caste, age, status, purpose, and the circumstances of the crime. This investigation examines these categorizations in depth, underscoring the philosophical principles that underlie the criminal justice system of ancient India and shows how the law was utilized as a means of maintaining order, upholding dharma, and ensuring the welfare of the community as a whole. The examination gives a deeper knowledge of the development of criminal jurisprudence as well as its ongoing importance in the comprehension of the socio-legal systems that were in place in ancient Indian society.

Keywords: Nature, Crime Ancient, socio-legal, Indian

Introduction

Ancient India had a very sophisticated and multi-layered knowledge of criminal behavior and justice, which were both integral components of the civilization's organization. Ancient Indian law, which is based on the more general philosophical concept of dharma—which refers to the moral, social, and cosmic order—did not view crime as a simple legal infraction; rather, it was seen as a disturbance of the equilibrium that exists throughout society. The Manusmriti, the Dharmashastras, the Dharmasutras, the Yajnavalkya Smriti, Vedic literature, and the politico-administrative treatise Arthashastra (which is credited to Kautilya) all include references to the first notions of crime. A judicial system that was moral, hierarchical, and profoundly connected with the social fabric was collectively molded by these

books. In ancient India, criminal activity was categorized according to the perpetrator's motivation, the characteristics of the harm that had been done, and the social rank of both the offender and the victim. Violations included offenses against the state, such as treason and corruption; crimes against the person, including assault, theft, adultery, and homicide; and finally moral and religious transgressions, such as the breach of caste duties, ritual impurity, and disrespect toward elders or teachers. The legal system's primary objective was to not only impose punishment but also to reestablish balance, provide deterrence, and maintain social order. The ancient Indian criminal justice system was significantly influenced by the concept of kingship. It was believed that the monarch served as the primary guardian of dharma. He was given the duty of providing protection to the people of his kingdom and of making sure that justice was administered in an impartial manner. In order to keep things in order, courts, councils, and village assemblies, which are all examples of judicial mechanisms, collaborated with one another. In addition, the legal framework placed an emphasis on both vyavahāra (judicial processes) and ācāra (customary practices), which points to the blending of both formal and informal systems of justice. In order to properly comprehend the development of criminal law in India, it is essential to have an understanding of the many types of crimes that were committed and their characteristics during this time period. It gives light on how early Indian cultures understood justice, the value they ascribed to moral conduct, and the ways they preserved social coherence through legal and ethical standards. This introduction lays the groundwork for a thorough examination of the complex body of criminal jurisprudence that was practiced in ancient India, as well as the lasting impact that this system of law had on the evolution of legal systems in the future.

VEDIC PERIOD

Throughout the Vedic period, the connection between good and evil was rooted in God or karma due to the influence of heavenly sentiments and the belief in rebirth. It is sinful to break the sacred law. It is believed that this event, which is called Daivye jane Śbhidroham, symbolizes defiance against God. 7, Ref. 90/5, Even though crime and sin were inseparable throughout the Vedic period, several parts of sin, including its causes and context, were detailed. While determining who should face judgment, a distinction was made between transgressions committed in a known state and those committed in an unknown state. According to the Vedic religion, sin is any voluntary action that has unfavourable consequences. Their actions are disrespectful to God and contrary to his will. The nature of criminal action in history is brought into focus through the explanation of 'Nirriti' in Vashishtha Sukta. In contrast, Nirriti stands in opposition to Rta, the root of all evil. In this case, Vashishtha is directing the impersonal moral code. He believed that sorrow would befall anybody who defied the laws of nature. The divine forces likewise face just punishment in the case that Rta is disobeyed. They have complete command over every individual. It follows that the individual's name is Mridhayati chakrushe chidano vayam syam varune anagah. seventy-seven rupees This situation has led to the entwining of moral and judicial laws. No systematic list of transgressions or sins is preserved in Vedic literature. The deeds that were seen to be in opposition to the 'Rita' were considered social and divine transgressions. Disobeying the Vedas was a punishable crime. The communities that flourished during the Vedic period were variously called "Anrit," "Mridhwach," "Ashraddha," "Ayagya," "Apavrat," "Dasyu," and "Kirat." Aside from not believing in "Rita," these communities also rejected the idea of a sacrificed life, Vedic language, and moral conduct. Their conduct was deemed to constitute both transgressions and criminal offenses. Not only that, but activities like polluting water sources, throwing away edible food, gambling

and using debts to fund it, theft, robbery, and taking away a woman's serenity were all considered criminal crimes.

SUCCEEDING PERIOD

Not until the later part of Vedic history does Rta Dharma, which had previously existed in earlier eras, become part of Brahmin texts, and neither Vedic society nor non-Vedic cultures have an impact on it. Crimes and transgressions become more apparent at this time. The number of crimes included on the list has grown. This conundrum was not cleared out until the time of the Dharmasutras. While working on the Dharmashastras, conditions altered once the Dharmasutras were published. Furthermore, it affected the tally of crimes. Social, political, and secular concerns were all thoroughly examined in the Dharmashastras. At this stage, the difference between the code of conduct and the law of punishment for offenses had become glaringly obvious. The law of conduct and the law of criminal punishment are two of the eighteen subtopics that make up the argument. Another point is that the consequences of illegal behavior were already seen before the Smriti period came up. An example from a former incarnation would be being born into an untouchable or shudra caste, which was seen as a sin.

Mahapaataks were four crimes that were regarded serious around 400 BC: stealing, murder, gathering women, and consuming wine. The severity of crimes like brahmahatya and theft of gold appears to have originated in the Vedas, while it is true that time, place, and situation did play a role in the calculation of crimes. There are personal and cultural elements that have a role in determining criminal behavior. Neglecting the Vedas, deceiving the Guru, forsaking parents, son, and Agnihotra, partaking in forbidden foods and drinks, engaging in improper work or service, stealing from others, accepting illegal gifts, murdering a Kshatriya, Vaishya, Shudra, or cow, selling forbidden items, etc., do not seem to have the desired social impact. There are many examples of situations that can be seen as having an impact on society, such as teaching the Vedas to bratya, working in mines, creating large machinery, damaging trees, neglecting yajna, studying the Vedas, being atheistic, and having sexual relations with another person's wife. For specific transgressions, the caste system sanctioned excommunication. Beyond that, it affected the code of conduct. Non-Vedic human groups were not associated with Vedic crimes. A sizable portion of society rejected or actively sought to undermine the Vedic heritage. The question of how Buddhist and Jain civilizations ought to connect to Vedic culture was reintroduced to the public eye after the aforementioned uprisings. The northern barrier was the point of entry for many alien castes. The influence of non-Vedic sects on the established social hierarchy was plain to see. They criminalized atheism.

Many considered this to be an illegal conduct. Neither the Buddhists nor the Jains of that era offered any sort of codified rule for the punishment of criminal offenses. They couldn't provide the excluded society with social justice because of this. For the most part, the Vedic character of governmental power was maintained. The writers of the Smritis used this to their advantage, purging the community of any non-Vedic elements. Additionally, they were very careful to remember this while they were making the list of offenses. During this time, the rules were so simple that even someone who had been banished from the caste may be welcomed back if they made apologies.

CRIME OR MISDEED

The Samhitas may even make passing mention to Vairadaya. Compensation in the case of a murder would be the monetary sum paid to the victim's family. Based on this specific kind of proof of remuneration, this argument has been made by other scholars, including Maine. The sole legal framework in India was compensation; the country lacked a criminal code. This type of confusion arose because the state of Maine did not differentiate between sin, criminal behavior, and the context of the crime. The criminal code developed independently after the Dharma Sutras.

You should remember two factors about compensation. Substances are given to the victims as aid, and the government stays out of it all. A fine, which is neither a gain nor a loss, is another option to consider in this situation. The purpose of punishment was to discourage further illegal behavior and punish the perpetrator, not to recompense them. Keep in mind that the state never officially became involved in this case; instead, it just helped get justice done and set the stage for a fair resolution. The responsibility for investigating such crimes involving unknown fatalities rested with the state. Anyone, even the state, can bring a disagreement to light under this provision. Just because a criminal asks for forgiveness doesn't imply he won't do something illegal again. This is because criminal behavior is associated with the state and society as a whole, rather than with any one person's mental condition.

USUALLY THE STATE WOULD TAKE SIDES IN MURDER OR OTHER SUCH CRIMES.

As soon as the victim informed the monarch, the king had to do something about it. Difficulties arose if the patient wanted to keep it hidden. Everyone in the community might have gone to the authorities with their concerns under these conditions. The victim would also face consequences if he tried to change the nature of the crime so that his family could maintain their honor. Murder, theft, and the trafficking of women were among the many crimes that society and the state were obligated to investigate. In the absence of the aforementioned offenses, the state was considered to be the best. The criminal code that originated in ancient India was codified after careful analysis of the interplay between individuals, communities, and states in relation to criminal behavior.

Legal Liability

Throughout the Vedic and post-Vedic eras, criminal tendencies were clearly present in society. People back then weren't nearly as likely to be disheartened or criminal as they are now, in stark contrast to the social climate of today. But illegal activities persisted. Where did this come from, and what was the law's purported function in all of this? Recent research has demonstrated that criminal behavior stems from an individual's unhappy psyche as much as their illegal actions. It is difficult to completely eliminate criminal activities until we tackle the issue of people's lack of knowledge or thinking. Serious crimes like stealing, rape, robbery, murder, or highway robbery cannot be committed while the repercussions are not known. On the other hand, there are cases where heinous crimes like murder are carried out in secret. Both theoretically and in practice, it is difficult to pin down what motivates criminal activity and how punishments are seen in relation to this. Just to clarify, the deed is not necessary for criminal liability. The ability to show both behavior and inclination is crucial. Yet, the degree of carelessness must be so great as to constitute criminal intent. This type of crime, whereby there is no suggestion of negligence or inclination, deserves freedom and pardon. The old Indian Penal Code made it clear that it was important to assess whether a Shudra had committed

the act intentionally or unintentionally because of ignorance while punishing him for being mute and hearing the Vedas. The significant infractions responsible for the loss of the community's ideals, on the other hand, have been urged retaliation in both known and unknown conditions. From a societal viewpoint, it was seen more desirable to compromise the individual's well-being. Ignorance (Akamatah) is undeniably punished more severely than wisdom (Kamatah), yet the converse is true: the punishment for knowledge is substantially lighter. Just as the thief is guilty of every wrongdoing, so is the person who helps and shelters the thief, knowing full well that they are involved in illegal action from the start. According to a remark given by Kautilya in Arthashastra, one is not considered totally blameless if they unknowingly aid a criminal. The fact that the accused had purchased the stolen item with this knowledge was also considered when deciding on a suitable punishment for theft. The buyer will not be held responsible if they purchase an item from the right person at the right price and it is not known to be stolen. The reason behind this is that the act of receiving stolen money is just as criminal as the act of stealing it itself. Similarly, it is the same crime for an officer to penalize someone who isn't guilty even when he knows that person is innocent. Thus it is seen that our Dharmasutra, Smritis, and Arthashastra codifiers have designed their rules in a way that neither the innocent nor the guilty can escape punishment.

Crime Types And Types

In the early societies, every transgression against religious or moral principles was viewed as a transgression against the world. Natural vengeance and other things were also on the rise simultaneously. The criminal conduct categories were developed by the tribes. Though it was lauded as an essential virtue when directed towards others, the same behavior was deemed a crime inside the same tribe. This apart, there existed a distinction among the several offense categories. In addition, the gravity of the crime was considered while making the choice. This meant that several elements, such as the offender's age, gender, socioeconomic status, the frequency of the crime, caste, health (good or poor), and so on, were considered when determining the seriousness and severity of the transgression. It is generally believed that these standards were in place when ancient Indian culture administered justice. Its origins can be traced back to the Vedic period. By the time the Dharmasutras were being written, and the period that followed, it had become crystal clear. Although they were listed in a different way throughout this process, the Smritis acknowledged the mahapaataks that were generated in the Vedas and Sutras.

Period Of Dharmasutras

Right now, there is a clear way to classify criminal acts. However, knowing the exact age of the perpetrator was just as important as knowing details about the incident itself. That is to say, the punishment and seriousness of the crime were determined by a number of variables, including the perpetrator's physical strength, his familiarity with the crime, and his pattern of criminal behavior. There was a correlation between the offender's age and gender and both the magnitude and the scope of the offense. Put simply, the offence committed by a minor must have been less serious compared to an adult's. The clan chiefs allegedly committed what were thought to be ordinary crimes. If additional group members committed these crimes, it was considered a significant offense. Depending on the offender's level of involvement, several types of criminal acts are perpetrated. If a commoner were to

commit the same crime and get a pana as punishment, the monarch would receive a thousand panas. Repeated occurrences of the offence were considered highly unlikely; the seriousness of the crime escalated with each new incident. Additionally, criminal behavior differed according to the Varna and caste systems. It was considered as less serious a crime for a Brahmin to commit compared to those of other Varnas. The converse is true for Shudras; for the same crime, they would face the worst punishment imaginable. Their offense was thought to be less serious if they did not intend to do harm, but more serious if they did it with malice (kaamatah). Likewise, acquiring firearms for the express purpose of protecting oneself or others was not seen as a criminal act; but, doing so with the intent to commit a crime was. In general, Indian thinkers agreed that social Kshatriyas influenced the nature and causes of criminal behavior. This caused a shift in the overall crime count. It was thought of as a distinct offense to do all of the same things. It was considered that a Brahmin's and a Shudra's performance of a task were distinct. The external environment, as established by society, provided the basis or link for this type of criminal behavior; it was not the inter-personal dynamics of the people. Consequently, societal forces have persisted to shape crimes throughout the history of criminal behavior.

Classification Of Crimes

A slow but steady evolution of the fields of law and criminology took place over the years. When the Dharmashastras were written, it was clear that the criminal code had evolved from a code of conduct to a code of punishment. The difference between sin and crime is not clearly stated in Vedic literature since the number of crimes mentioned is rather small. As a starting point, the Dharmasutras mention wrongdoing. To rub salt in the wound, the writers of Dharmasutra addressed several illegal matters in their own distinctive manner. 'Arthashastra' contains Kautilya's exhaustive account of criminal behavior. His alleged transgressions may be similar to those outlined in the current Indian Penal Code. You may also find Kautilya's criminal description in the Manusmriti. Still, you may find Manu's law in jurisprudential and sociological variants, respectively. Manu began by dividing crimes into eighteen separate groups. Human crimes may be broadly classified into eighteen main types. This led to more thorough and systematic attempts at criminal classification by Manu and Kautilya. According to Manu and Kautilya's scriptures, there are eighteen Vyavaharapadas. Here is a list of them:

According to what the Manusmriti says The first step is financing As to Kautilya's writings in the Arthashastra Controversy about a certain topic (3/2/4) 2. invest in an estate tax plan 3. a difference of opinion about border damage The name Sambhupasamutthan Samasthanapakarma is the fourth one. fifthly, the Dattasyanapakarma loan award Here we have the salary fund. 6. Karmakarkalpa has broken the agreement. 8. A request for offering to buy and sell Sammya-Samutthan is the name of it. 9. Potential disagreements about ownership's marketability 10. Border-related breastfeeding practices that are contentious One example is the sale of vyaktaparushya without ownership. 12. an entity that suffers punishment The thirteenth virtue, having courage and storing (4/12), is a stable vyaktaparushya. 14. A courageous man and a penalty fifteenth, purity of heart Sixteenth, femininity (17) A member of the Diutsamahansa who dispersed Section Seventeen. I, the Wicked 18.

For cases involving criminal conflicts, the following eighteen Vyavaharapadas are relevant: The issues covered by Vyavaharavidhi include Vakyaparushya, Dandaparushya, Sahas, StriSangrah, Theft, Owner

Dispute, Border Dispute, Purchase-Sale Injunction, Non-Owner Sale, Gambling, and the rest. However, there are instances where we need to clarify not just the crime but also the punishment. Why? Because of the close bond that binds them together. As a result, the penalty will be obvious wherever the crime is mentioned without any additional explanation. This is why we have tried to provide a comprehensive description of the crime as we are talking about it. Conversely, it is considered necessary to go more into the subject we have been covering in this chapter if the punishment is raised.

Vyaktaparushya

The general definition of Vakyaparushya is "use of insulting language." The Dharmasutras, the Manusmriti, and Kautilya's "Arthashastra" all include references to Vakyaparushya. Based on this interpretation, Vakyaparushya means to scold, criticize, or chastise someone. Kautilya covers all five of these subjects in this section. 1. The human physique Secondly, nature thirdly, Shruti, or wisdom Four, vritthi, or one's means of support Fifth, the country.

A person commits a felony if he or she accuses another person of being one-eyed, bald, lame, handicapped, or having any other comparable physical disability. The same corrupt word may be used by a real person, but that wouldn't change the fact that their actions were still considered criminal. In a similar vein, it was a crime to compliment someone unjustly—for example, by saying their eyes are very beautiful—or to criticize them unfairly—for example, by saying they are a leper, mad, or useless—or to criticize their peers—whether they were true, false, or useless—and the punishment for this misdeed was determined by the dominance of the first years. The same logic applies to the accusation or criticism of one's own parents, wife, brother, Guru, or any other family member as a sinner. Such behavior is likewise deemed unlawful.

It is a crime for people to insult or threaten one another because of their caste or caste status, for example because they are Brahmin or Kshatriya. The severity of the offense would increase if it was committed by a Brahmin against his subordinates, decrease with a Kshatriya, remain relatively small with a Vaishya, and finally reach its lowest level with a Shudra. Similar to the preceding example, the severity of a crime was assessed by the higher and lower castes in India. For example, if a Brahmin were to utter harsh things to a Kshatriya, Vaishya, or Shudra, such as "you are a thief," the offense would be considered severe. Just as a higher-class or lower-class person would be more or less guilty of a crime depending on their social class, so too would a Kshatriya, Vaishya, or Shudra be if they committed the same act.

Criticism of one another's education or knowledge by eloquent persons, of one another's means of subsistence by artisans and singers, and of one another's countries by individuals from other nations is considered a combined criminal act. Falsehoods told by members of the same caste were considered unlawful under Manu's legal and judicial systems for reasons including Shruti, country, caste, and traditions related to Sheer.

According to Kautilya, it is still a crime against another person if they threaten to beat them but do not really kill them. His character dictates that he must face the consequences of his illicit behavior. Criticizing one's own town or nation was considered a criminal offense, and the offender was punished

according to the rules set by the judicial system of that era. The offense of criticizing one's own caste or society was considered less serious than that of criticizing one's country, while the offense of criticizing one's religious places was considered the gravest and most significant.

Conclusion

Investigating how crimes were defined and punished in ancient India reveals a judicial system that was strongly influenced by the moral, societal, and religious norms of that era. According to this view, criminal behavior violates not just the letter of the law but also dharma, the moral and social fabric upon which society is based. The Dharmashastras, Smritis, and Arthashastra are only a few of the ancient Indian legal books that provide a thorough framework for classifying crimes and prescribing appropriate penalties. Intention, severity of injury, social standing, and effect on community welfare were the primary criteria for these categorizations. Offenses against the state, persons, property, ethics, and religion were the main categories of crimes. Because ancient Indian civilization saw religion, morality, and law as interdependent, this multi-faceted categorization reflects that attitude. Instead of focusing solely on punishment, the judicial system sought to reestablish societal order by addressing the root causes of crime. Deterrence, reformation, restitution, and maintaining social order were all goals of punishments. By taking into account the offender's socioeconomic status, mitigating and aggravating factors, and their purpose, the legal framework demonstrated a sophisticated approach to justice. A complex comprehension of criminal behavior and judicial accountability for the time was on display in the system, despite its hierarchical features shaped by caste and social inequality. The ancient Indian criminal justice system was defined by a focus on social cohesiveness, a pragmatic approach, and a moral foundation. Its guiding ideas shed light on the origins of Indian law and were crucial to the growth of subsequent legal systems in India. In addition to shedding light on the ancient Indian social and governmental structures, studying these foundations also demonstrates how ethical and restorative justice methods are still relevant in modern legal theory.

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