

Legal History of Courts in Ancient India- An Insight into Phenomenon of Access to Justice

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ABSTRACT

“India has the oldest judiciary in the world. No other judicial system has a more ancient or exalted pedigree”²

Before explaining the judicial system of ancient India, it must be noted that their specimens given by Anglo-writers, to quote one -Henry Mayne who described the legal system of ancient India as “an apparatus of cruel absurdities”³. Perhaps these statements are far from the truth, maybe it is made due to ignorance and imperialist behaviour. Indian culture and civilization which was a part of the imperialist outlook which dominated British Jurists, historians, and thinkers in the heyday of imperialism. But the effect of this misrepresentation, which has few parallels in history, was to create a false picture of the Indian judicial system both in India and outside. One must look through the discovery point of view that in Ancient India, Indian Jurisprudence was found on the rule of law; that the King himself was subject to the law; that arbitrary power was unknown to Indian political theory and jurisprudence and the king’s right to govern was subject to the fulfilment of duties, the breach of which resulted in forfeiture of kingship; that the judges were independent and subject only to the law.

The historical development of judicial system from ancient India to contemporary system shows a gradual improvement in the judicial system for easier access to Justice.

INTRODUCTION.

The Indian Legal System is one of the oldest legal systems in the entire history of the world, which has been altered, developed over the past few centuries to absorb inferences from the legal systems across the world. The Constitution of India is the

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