



The Matysa Nyaya and The Conventional Danda System

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Abstract: *The concept of danda, referring to punishment in general, has its roots in the Vedic period in India. It is believed that administering punishment for wrongdoing is necessary for the administration of justice in every society. The Ramayana and Manusmriti texts emphasize the appropriate use of danda for the progress of the kingdom and the satisfaction of its subjects. The Dharma Sastras also recognize the court of justice as the place where the study of the social, economic, and political interests of humanity takes place. This paper highlights the Matysa Nyaya (the law of the fish) system found in the Matysa Purana which contains strict guidelines for administering justice in Vedic times. Neglecting the use of punishment could lead to the oppression of vulnerable groups by those in power. Danda was considered to govern all subjects, protect everyone, and prevent one from sin. Therefore, danda played a crucial role in administering justice and maintaining social order in ancient India.*

Keywords: *Danda, Matysa Nyaya, Punishment and Justice.*

1. INTRODUCTION:

In the context of India, the policy of danda had its origin in the Vedic period. The term 'danda' is a sanskrit word which means punishment in general. Without inflicting danda or punishment for the wrongdoing or horrendous crimes, there can be no administration of justice in any kind of society. In the days of the Ramayana, penalty for any crime was imposed based on the gravity of the punishment. Manusmriti being the old sacred text also laid down that danda must be used in the right way for the progression of the kingdom and satisfaction of the subjects.

According to (Chapter IV, Sect.IV, Section V, "The King's Function" Verse 83-84), "A court of justice is that place where the study of the social, economic and political interests of man takes place according to the dictates of Dharma Sastras." The Matysa Purana was revealed originally by Lord Visnu in the form of a fish to Vaivasvata Manu. In this subject matter, the Matysa Nyaya delivered in the text of Matysa Purana contained the most severe dictates of justice for the wrongdoers in the Vedic times. If a sovereign does not use his rod, then the children, aged persons, the saints, the Brahmanas and widows become severely oppressed by the powerful ones as a younger fish is swallowed up by a bigger fish (10, Verse 225.9). Therefore, it was considered that, "It is Danda that governs all the subjects, it protects all, it is always alert when everything is asleep, it is known as Dharma by the learned, through its fear that the sinners do not perform any sin. (10, Verse 225. (10-15).

2. LITERATURE REVIEW:

I) Ganai Ahmad Bilal in Hindu Tradition of Political Thought: An Overview (2021) emphasized on the nature of Dharma and Danda according to Hindu Political philosophy for the administration of justice in the state. In the Matsya-Purana it is written that, "the child, the old, the sick, the ascetic, the priest, the woman and the widow would be preyed upon according to the logic of the fish." In the absence of the wielder of punishment, the powerful swallows the powerless.

II) Saha Kumar Krishna in "Dependency among Kautilya's Three Major Ideas: Upaya, Sadgunya, and Prakrti" portrays the Kautilya's Arthashastra which is a great contribution in the Hindu political system describing about the nature of the state and its philosophies. This theoretical framework has underlined law and dandaniti policies.



According to Kautilya, Matysa Nyaya meant might is right where the ruler used the monopolized power to punish people and with this power the state can punish whoever would illegally use force within its territory.

3. MATERIALS:

The materials accomplished to give shape to this article are mainly taken from ancient translations of puranas, case laws and parliamentary acts based on various laws.

4. METHOD:

The research method used in this study is a qualitative and theoretical framework. The sources of the study are secondary sources of data collected from websites on the Indian Knowledge system, law books and journals for analysis of cases.

5. DISCUSSION:

The Concept:

तस्माद्राज्ञा वि नीतेना धर्मशात्रानुसारतः

दण्डप्रणयनंकार्यं लोकानुग्रहं काम्यया || [10, Verse 225.7]

The Matsya Purana advises the king to resort to punishment after applying the rules of Dharma shastra keeping in mind the overall wellbeing of his citizens. Those that are not overcome by expedients of saama (peaceful settlement of quarrels), daana (the offerings or compositions), and bheda (division strategy for welfare of the society) must be mastered by the danda (punishment). The king must consult scholars who understand Dharma Shastra or jurisprudence and punish the guilty appropriately according to the injunctions of the established law codes [10, Verse 225.2]. Accordingly, if the criminals do not fear punishment, there would be no peace in the land and instead there would be all kinds of disasters. People do not transgress the limits of the law only because they fear punishment. Even gods appointed young Kumara as the commander-in-chief because they feared chastisement by the demon named Taraka! [10, Verse 225.18]

In diplomatic expressions, when an enemy cannot be won over by other diplomatic expedients, a policy of war is recommended. Matsya Purana recommends punishments when someone is found guilty of a criminal charge. These offences may be theft, fraud, libel, rape, unlawful seduction and eating prohibited or contaminated food. The punishments are several and may take the form of financial or corporeal penalties. The punishment may be decided based on the criminal's varna, age, status, and qualifications. The highest offenses including treachery incur the death penalty. A king must neither punish the innocent nor let the guilty go unpunished. [10, Verse 227.213]

In the Matsya Purana, punishment related to theft is somewhat too grievous. A thief was liable to offer restitution by returning the property or its value to its rightful owner and paying an equal value in fines to the royal treasury. [10, Verse 227.92] A thief damaging public property, for example, the pot or a rope left at a public drinking well must not only provide an appropriate replacement but must pay a hefty fine of gold equal in weight to five gunja seeds (Abrus precatorius). Moreover, theft of grain was punishable based on the quantity stolen and even death was inflicted if he steals more than ten pot-measures and a fine equal to eleven times the value stolen if a lesser quantity was stolen [10, Verse 227.99]. On the other hand, if food was stolen, the punishment prescribed was light. However, the theft of precious stones, women, animals, and medicines could potentially be punished by death. However, in the present legal system, the Section 379 of the Indian Penal Code lays down that whoever commits theft shall be punished with imprisonment of either for a term which may extend to three years or with fine or with both.

According to the Matsya Nyaya, strict punishments were meted out to crimes against Brahmins, women, children, old people and people in highly visible and responsible positions in society. For example, a man engaged in denigrating scriptures, yajnas, women, and institutions is fined severely [10, Verse 227.187]. If an officer is guilty of capricious punishment, he must be punished twice as harshly as the harshest punishment he metes out to a guilty person. A person who destroys a fort, moat, or the main gate must be expelled from the city [10, Verse 227.182]. Anyone guilty of destroying seedlings, boundary walls, and border sign-posts must be killed. [10, Verse 227.183].



Those that destroy lakes, canals, tanks, and any other water bodies meant for the consumption of animals and people must be killed. Anyone who destroys granaries, armories, and temples must be killed [10, Verse 227. (172–174)]. A man who kills an animal in self-defense is not guilty of a crime. [10, Verse 227.114]. Clause 2 of Section 11 of the Wild Life Protection Act, 1972, lays that the killing or wounding in good faith of any wild animal in defense of oneself shall not be an offence.

सकामां दषूयाणस्तुप्राप्नुयाद्धि शतंदमं

यश्च संचारकस्तत्र पुरुषः स तथा भवेत्॥

[10, Verse 227.125]

Forcible rape is punishable by death as mentioned in the Matsya Purana. Adultery is punished by imposing on the person committing adultery, a fine of two hundred coins. The Matsya Purana says that anyone facilitating adultery must also be awarded the same penalty as the person who actually commits adultery. The woman who suffers the indignity of rape must not be punished. A controversial prescription that seems excessive and unsuitable for the present times says, “If a young woman chooses an excellent person on her own and falls in love with him, she must marry him. If she chooses someone unsuitable, she must be confined to her home. A man who has married a woman who belongs to a better Varna, deserves the death penalty. A woman who flouts her husband’s just injunctions or has been accused by a man of higher Varna or one who has had an affair with a man deserves to be punished.”

The Criminal Law (Amendment) Act, 2018 has made various changes in the recent rape laws of India mentioned in Indian Penal Code. Section 376 AB of IPC provides rigorous imprisonment of 20 years that may extend to life imprisonment and with fine or death penalty for rape of a minor below the age of twelve years. Sections 376 DA (10) and 376 DB (11) deal with gang rape of women under the age of sixteen years and of twelve years respectively. The punishments prescribed are of life imprisonment and with fine under Section 376 DA (10) and a minimum punishment of life imprisonment and maximum is of death penalty under Section 376 DB (11). Further, under the IPC, sexual intercourse without consent of a woman is prohibited. Adultery is no longer a criminal offense as it would interfere between the private aspects of marriage. It can be considered as a civil wrong only, and a valid ground for divorce. Nevertheless, if any spouse commits suicide due to adulterous relation of life partners, then it could be considered as abetment to suicide.

6. ANALYSIS:

An analytical study has been done on the origin of the punishment system in our country focussing on “Matsya Puranam” one of the old sacred text where “Matysa Nyaya” i.e. law of the fish is emphasized with a comparative study on present laws or punishments.

7. FINDINGS:

The study of the present article is based on secondary sources of information available from reputed articles of research journals, books and e-journals. The study is all about to focus on the danda system in ancient times and its comparison to the present penal system in India.

8. RESULT:

The outcome or result of this short study is critical identification of administration of justice in the ancient times relating to various offences specially focussing on “Matysa Nyaya” and the implementation of that penal system in the contemporary period. Through this study it is found that the “Matysa Nyaya” is an implication of severe punishment by the sovereign which is his Dharma to protect his citizens from doing sin and that can be implemented only by ‘Dandaniti’.

9. RECOMMENDATIONS:

i) There should be fear of punishment in every state and society to avoid any kind of sin towards others.



ii) the Sovereign or the ruler of the country must adopt the ancient Dharma principles given in our Shastras for proper administration of justice in today's society.

iii) Because as the society is developing due to technology or globalization, human behaviour is changing towards humans and nature and mainly socio-economic crime rates are increasing expeditiously.

10. CONCLUSION:

From the above perspective, the Matysa Nyaya is a somewhat rigid and stringent principle based on the powers of the ruler in controlling and protecting his kingdom; otherwise this principle would lead to the defeat of the weaker sections by the strongest and thus precipitating anarchy. The ultimate punishment announced was death in minor to major crimes during this period. With the change in the societal norms and standards, currently the Indian Penal System is much more liberal adhering to the Reformatory theory of Punishment. In *Narotam Singh v. State of Punjab*, The Supreme Court observed that “Reformatory approach to punishment should be the object of criminal law, in order to promote rehabilitation without offending community conscience and to secure social justice.” This theory aims to transform the criminal mindset of the offender to restart his life again with dignity. However, in our country, as we observe crimes are at high rise, so to prevent the repetition of severe crimes like murder, kidnapping, rape, dowry-death, misappropriation of funds and property deterrent theory is more preferable than reformatory.

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