

STATEMENT NO. I

HOW THE PRESENT WORK TENDS TO THE GENERAL ADVANCEMENT OF KNOWLEDGE

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Oaths and Ordeals come under the divine means of proof, under the law of evidence. It is one of those institutions which have attraction not only for a legal historian but for histories in general and for every one who is interested in studying the general ideas of civilizations in primitive people. This method is practically universal found in all the civilizations of the world. The practice of ordeal is found at a certain stage of people's social and religious growth. It contributed largely to the first fruition of legal ideas.

Dh.writers gave a very thoughtful consideration to the various aspects of the method. They recognised its merits. They were aware of its drawbacks. They curbed these drawbacks by framing various prohibitive rules and developed the method in a perfect system so that it could be used as an efficient legal instrument of great practical utility.

A study of the Dh.rules reveals to us that the law was in the hands of practical jurists. Admixture of religion and ethics is to be found in all the legal systems of the world. In Hindu law, this circumstance was the result of a definite philosophy. The Hindu jurists exhibited an excellent analytical

insight and most perfect acumen- elaborating and explaining juristic principles and philosophy. The legal procedure described by them also reveals permanence of popular element in the Hindu Judicial system.

Ordeal is one of the principal features of Hindu judiciary. A thorough study of all the aspects of ordeal discussed by these writers helps in understanding the Hindu judicial system in general.

Dh.writers had a commanding influence on the Indian society. Ordeal was a living institution in India. Epigraphic and historical records show us how ordeal was practised perfectly according to the Dh.rules through all the centuries of the Indian history. The customs of various tribes in India also show that they preserved the Dh.ordeals in-tact since they tally with the minutest details given by Dh.writers.

'Ordeal has been discussed so far only in some articles or a few explanatory notes.' An attempt is made here to study 'the oaths and ordeals in Dharmasāstra' in all its aspects, co-relate them with the actual practices of the people and evaluate them in the light of the world ordeals in general, making a social, anthropological, psychological and legal investigation into the practice of ordeal.

'The study of 'Oaths and Ordeals in Dharmasāstra' thus becomes an interesting sociological study of the Indian

people investigating the method into its theory and practice.
It thus tends to the general advancement of knowledge regarding
the Indian people.

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STATEMENT NO.II

In the preparation of the present work, I have fully
drawn upon all the available literature in print in many lan-
guages. An acknowledgement has been fully made at proper places.

I studied the text and the relevant literature and have
tried to express my own views after a critical study.

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