

**CRIME AND PUNISHMENT
IN
KAUṬILĪYA ARTHAŚĀSTRA : ITS RELEVANCE
TO MODERN TIME**

**A THESIS SUBMITTED TO ASSAM UNIVERSITY IN PARTIAL
FULFILMENT OF THE REQUIREMENT FOR THE DEGREE OF
DOCTOR OF PHILOSOPHY IN SANSKRIT**

BY

ARCHANA RANI DAS

Ph.D Registration.No.Ph.D./437/06

Dated 15/09/06



**DEPARTMENT OF SANSKRIT
SCHOOL OF LANGUAGES
ASSAM UNIVERSITY
SILCHAR: 788011, INDIA**

2010

REF/TH/05
891.2092
DAS

ASSAM UNIVERSITY LIBRARY
SILCHAR
Accession No. TH - 755
Date of Receipt 21/12/10



DEPARTMENT OF SANSKRIT
SCHOOL OF LANGUAGES
ASSAM UNIVERSITY, SILCHAR
(A CENTRAL UNIVERSITY CONSTITUTED
UNDER ACT XIII OF 1989)
Silchar – 788011, Assam, India.

Date : 18.05.2010

CERTIFICATE

Certified that the thesis entitled “**Crime and Punishment in Kauṭīliya Arthaśāstra: Its Relevance to Modern Time**” submitted by Archana Rani Das for award of the Degree of Doctor of Philosophy in Sanskrit is the outcome of a bonafide research work. This work has not been submitted previously for any other degree of this or and other university. It is further certified that the candidate has complied with all the formalities as per the requirements of Assam University. I recommended that the thesis may be placed before the examiners for consideration of award of the degree of this university.

Swapna Devi
Prof. Swapna Devi
(Supervisor)
Department of Sanskrit
Assam University, Silchar.

DECLARATION

I Archana Rani Das, bearing Registration Number Ph.D./437/06, Dated 15/09/06, hereby declare that the subject matter of the thesis entitled '**Crime and Punishment in Kauṭilīya Arthaśāstra: Its Relevance to Modern Time**' is the record of work done by me and that the contents of this thesis did not form the basis for award of any degree to me or to anybody else to the best of my knowledge. The thesis has not been submitted in any other University / Institute.

This thesis is being submitted to Assam University for the degree of Doctor of Philosophy in Sanskrit.

Place : Ssilchar.

Date : 18/05/2010.

Archana Rani Das.
Archana Rani Das

PREFACE

Human being, either knowing or unknowing, has been committing crime, perhaps, since the dawn of civilization. The commitment of crime, though undesirable, has been occurring in the society through ages. It is also an undeniable fact that a crime free society is essential for the all round development of human being. The progress of a society gets disturbed unless the safety and security is provided to the people living therein. Hence, the punishment for committing crime also has been provided by the lawgivers through ages.

The crime and punishment for the same has been dealt with great care not only by the modern lawgivers, it did arrest the attention of ancient Indian lawgivers also. In India, the concept of crime and punishment can be traced back to the Vedic period. It has been observed that the seers, the Dharmaśāstra and Arthaśāstra authorities in the subsequent period, came to deal with various types of crime and punishment for the same with special care.

The contribution of Kauṭilya in making a welfare state is great indeed. The Kauṭīliya Arthaśāstra covers different aspects of life related to the welfare of the society. Kauṭilya's sincere concern in dealing with

different types of crime and also the punishment for the same has been well revealed in the Kauṭīliya Arthaśāstra, his monumental work.

At present, the crime has appeared as a threat to human civilization. The non-caring attitude of the criminals towards human welfare and human rights has been a matter of serious concern today.

The increasing number of crime in galloping manner, criminal's non-caring attitude to punishment and the sense of insecurity and helplessness of the common people prompted me to make a little study of the concept of crime and punishment in ancient India since my college days.

Interestingly enough as I approached my revered teacher Prof. Swapna Devi, Head, Department of Sanskrit in 2005, in the context of pursuing a research scheme in the Department of Sanskrit, she, taking into account my interest in the field, suggested this very topic as for my Ph.D. project.

My revered supervisor also showed much interest in guiding me on this subject. Although I came to carry on the study with all interest, I must humbly admit that in view of the vastness of materials on the subject available in the related Sanskrit literature, I could not help resorting to the famous STHĀLIPULĀKANYĀYA here and there.

The present work entitled – CONCEPT OF CRIME AND PUNISHMENT IN KAUṬILĪYA ARTHAŚĀSTRA : ITS RELEVANCE

TO MODERN TIME is the result of my investigation carried on for the last almost four years with the valuable suggestions and guidance of my supervisor. My labour will be rewarded only if the present work comes, to some extent, to be of interest and utility for the scholars and researchers in the concerned field of study.

In fine, I must add that I am fully conscious of the probable shortcomings in my work. I, however, humbly submit here:

dr̥ṣṭam kimapi loke'smin
na nirdoṣaṁ na nirguṇam /
āvṛṇudhvamoto doṣān
vivṛṇudhvaṁ guṇān budhāḥ //

ACKNOWLEDGEMENT

I take this opportunity of expressing my sincere gratitude to my supervisor Prof. Swapna Devi, Head, Department of Sanskrit and Dean, School of Languages, for her inspiring guidance and affectionate help offered to me during the period of my preparation of the thesis. I must put on record that the present work is the result of her extraordinary care and encouragement.

I shall remain ever grateful to Dr. Sukhamaya Bhattacharya, former Head, Department of Sanskrit and former Principal, Cachar College, Silchar, who remained a source of inspiration to me throughout the period of my research.

I am also highly obliged to my teachers Prof. Haripada Chakrabarty, Dr. Snigdha Das Roy, Dr. Bhagirathi Biswas, Dr. Shanti Pokhrel, for offering valuable suggestions time to time.

I am extremely thankful to Prof. N. B. Biswas, Department of Education, Prof. A. K. Gupta, Department of Environmental Science, Dr. Pranay Jyoti Goswami, Department of Commerce, Dr. Prajit Kumar Palit, Department of History, Dr. S. P. Singh Chauhan, Department of Hindi, Dr. Shankar Bhattachajee, Principal, Women's College, Silchar, Prof. A. M. Bhuiya, Department of Arabic, Prof. W. Raghmani Singh, Department of Manipuri, Dr. Biswatosh Choudhury, Department of Bengali, Dr. Dipendu Das, Department of English, for their valuable suggestions offered at the time of presenting seminars.

I am extremely thankful to Dr. R.R. Mishra, Reader, Department of Law, Assam University, Silchar, as he helped me ungrudgingly by lending some important books on modern law for consultation and also offering valuable suggestions time to time.

I am extremely thankful to Dr. Tripti Paul Choudhury, Reader, Department of Bengali, who helped me by offering valuable suggestions time to time.

I am extremely grateful to Mr. Saugata Nath, Assistant Professor, Department of English, AUS, for his sincere help offered to me at the cost of valuable time in preparation of the typed script of the thesis.

I acknowledge the help received from the authorities of Assam University Central Library, Silchar, K. K. Handique Library of Gauhati University, Guwahati, Libraries of different colleges in the regions and different personal libraries, Silchar.

I must remain highly obliged to my father Late Mohadeb Das and my mother Late Kamala Rani Das, who passed away last year, for the inspiration I received from them.

I convey my sincere gratitude to my elder sisters, Mrs. Anjali Rani Das and Mrs. Kanan Rani Das, who took affectionate care of me during the period of the preparation of the thesis.

Last but not least, I am very much thankful to Sri Dipan Kumar Acharjee, Non-teaching employee, Department of Sanskrit, Assam University, for his help by way of printing the work in a short period.

Date : 18/05/2010

Archana Rani Das
Archana Rani Das
Department of Sanskrit
Assam University
Silchar

ABBREVIATIONS

AK	-	Arthaśāstra of Kauṭilya.
AC	-	Amarārthacandrikā.
ACM	-	Abhidhanacintāmaṇi.
AD	-	Āpastamba Dharmasūtra.
AP	-	Agni Purāṇa.
BD	-	Baudhāyana Dharmasūtra.
BP	-	Brahmāṇḍa Purāna.
CAC	-	Crime Against Children
CCI	-	Crime and Corruption in India.
CPAI	-	Crime and Punishment in Ancient India.
CU	-	Chandogya Upaniṣad
DI	-	Discovery of India
GS	-	Gautama Saṁhitā
HD	-	History of Dharmasāstra.
HIL	-	History of Indian Liturature.
HL	-	Hindu Law.
IPC	-	Indian Penal Code
KA	-	Kauṭilīya Arthaśāstra
KN	-	Kāmandakīya Nītisāra
KS	-	Kaṭhaka Saṁhitā
Mbh	-	Mahābhārata
MP	-	Matsyapurāṇa
MS	-	Manu Saṁhitā
ND	-	Nārādīya Dharmasāstra
OEMD	-	Oxford English Minidictionary
PCAA	-	Prevention of Cruelty to Animals Act.

PMCSMbh - Political and Moral Concepts in the Śāntiparvan of the
Mahābhārata.

- R - Rāmāyaṇa
RV - Ṛgveda
SFD - Students Favourite Dictionary
SGAI - States and Government in Ancient India
SKP - Skanda Purāṇa
SKV - Studies in Kauṭilya Vocabullary
SP - Śāntiprava
SN - Śukranītisāra
TS - Taittirīya Saṁhitā
US - Uśana Saṁhitā
VD - Vaśiṣṭha Dharmasāstra
VS - Viṣṇu Saṁhitā
VayP - Vāyu Purāṇa
VP - Viṣṇu Purāṇa
VajS - Vājasaneyā Saṁhitā
WLPA - Wild Life Protection Act.
YS - Yājñavalkya Saṁhitā

SCHEME OF TRANSLITERATION

Vowels

अ = a	ऋ = r
आ = a	ए = e
इ = i	ऐ = ai
ई = i	ओ = o
उ = u	औ = au
ऊ = u	

Consonants

क = k	फ् = ph
ख् = kh	ब् = b
ग् = g	भ् = bh
घ् = gh	म् = m
ङ् = n	य् = y
च् = c	र् = r
छ् = ch	ल् = l
ज् = j	व् = v
झ् = jh	श् = s
ञ् = n	ष् = s
ट् = t	स् = s
ठ् = th	ह् = h
ड् = d	क्ष् = ks
ढ् = dh	anusvara [.] = m
ण् = n	visarga [:] = h
त् = t	ळ् = l
थ् = th	त्र् = tr
द् = d	ज्ञ् = jn
ध् = dh	
न् = n	
प् = p	

The avagraha [s] is indicated by a come at the right top immediately preceding vowel.

CONTENTS

	Pages
• Preface	i – iii
• Acknowledgement	iv – v
• Abbreviations	vi – vii
• Scheme of Transliteration	viii
<u>CHAPTER – I</u>	
Introduction	1 – 49
• Meaning of Arthaśāstra	3
• Ancient Arthaśāstra and Dharmaśāstra Authorities	4
• Kauṭilya and Kauṭilīya Arthaśāstra	5
• Meaning of Crime	17
• Meaning of Punishment	19
• Crime and Punishment in Ancient Indian Scriptures	21
• Necessity of Making the Study	40
<u>CHAPTER – II</u>	
Concept of Crime and Punishment in Kauṭilīya Arthaśāstra	50 – 133
<u>CHAPTER – III</u>	
A Comparative Study of the Concept of Crime and Punishment in Ancient Arthaśāstra and Dharmaśāstra Authorities and Kauṭilīya Arthaśāstra	134 – 195
<u>CHAPTER – IV</u>	
Relevance of Kauṭilya's Concept of Crime and Punishment to Modern Time	196 – 234
<u>CHAPTER – V</u>	
Concluding Observation	235 – 246
Bibliography	247 – 259

CHAPTER – I

Introduction

INTRODUCTION

Human being is the greatest creation of the great creator. Taking birth as human being only cannot be perfect. Service to humanity is the purpose and aim of human life to make the human life meaningful. The ancient Indian thinkers believed that there was a time in the past when people lived in peace and harmony : “There was originally a state of perfection in which there was no king, no kingdom, no punishment, no chastiser.” “Just there was neither state nor rule, neither punishment nor anybody to exercise it, the people used to protect on another through inmate righteousness and sense of justice.¹ But as time passed, people lost this idyllic life. The strong people started to destroy the weakers. Such a situation can be compared to *Mātsyanyāya* i.e., the big fishes swallow the small fishes in the water.² In such a social back drop people started to feel insecurity in their lives. Then they felt the need of a ruler or supreme authority to punish the wrongdoers, because people started to commit crimes without being appropriately punished. The seers as well as the thinkers of that time, like - Manu, Bṛhaṣpati, Śukrāchārya, Uśana, Nārada, Gautama, Yājñavalkya Vaśiṣṭha and others, felt much pain for this. They composed a number of *śāstras* for the systematic running of the human society. They composed different *Samhitas*, *Smṛtis*,

Dharmaśāstras. *Dharmasūtras*, *Arthaśāstras*, where they dealt with thousands of subject matter related to human life. Besides other subject matters, they dealt with the concept of ‘Crime’ and ‘Punishment’ with great care in these śāstras. With a view to form a crime free society, they prescribed different laws of punishment for different types of crime. The *Kauṭīliya Arthaśāstra* is a glaring example in this regard, for which India has attained the peak of immense fame. It is believed that the *Kauṭīliya Arthaśāstra* is as valuable as the *Gītā* or *Upaniṣad*. If these cater to the needs of future life, the *Kauṭīliya Arthaśāstra* is concerned with modern life. Besides other hundreds of subject matters, (like the ancient Indian seers as well as lawgivers), Kauṭilya has also dealt with the concept of crime and punishment with great care. He has prescribed different laws of punishment for different types of crime. It can be said that a study of ancient India with regard to crime and punishment would be futile without the study of the *Kauṭīliya Arthaśāstra*.

The *Kauṭīliya Arthaśāstra* may be regarded as an ever-relevant treatise. It has been observed that the laws of punishment prescribed by Kauṭilya for different types of crime have much relevance even today, though these sometimes differ in the mode and severity. Here, in the present thesis, a humble effort has been made to know the Kauṭīliyan

concept of 'Crime' and 'Punishment' and find out it's relevance to modern time if any.

Meaning of Arthaśāstra :

Literally, 'Arthaśāstra' means 'the science of Artha'. 'Artha' has been regarded as one of the four *Puruṣārthas* i.e. one of the four goals of human life. The other three goals are — *Dharma*, *Kāma* and *Mokṣa*.³ Kauṭilya has given a definition of 'Arthaśāstra' as — "*Manuṣyāṅām vṛttirarthaḥ, manuṣyavatī bhūmirityarthaḥ; tasyāḥ pṛthivyā lābhapālanopāyaḥ śāstram arthaśāstram iti.*" It means 'means at the subsistence of men are 'Artha' (wealth), i.e. the earth (land) inhabited by men'. The science which is the means of gaining and protecting that earth, is the science of 'Artha' (politics).⁴ This definition has two fold implications. These are — (i) it seeks to show how the ruler should protect his territory. This protection refers principally to the administration of the state and (ii) it shows how territory should be acquired. This acquisition refers principally to the conquest of territory from others.⁵ The *Śukranītisāra* has given the definition of 'Arthaśāstra' as 'that is said to be Arthaśāstra, in which instruction about the conduct of kings and the like is given without coming in conflict with *Śruti* and *Smṛti* and in which the acquisition of wealth with great skill is taught'.⁶ 'Arthaśāstra' is designated as an *Upaveda* of the *Atharvaveda*.⁷

The most important branch of Arthaśāstra is politics that is mentioned as the independent science of Nītiśāstra, the science of 'guidance' or 'of government'.⁸ It has been stated by Yājñavalkya and Nārada that Dharmaśāstra and Arthaśāstra are opposite to each other. The Dharmaśāstra prevails over the Arthaśāstra i.e. the Dharmaśāstra is stronger.⁹ There are fundamental differences between the two sciences in respect of the mode of administration. Arthaśāstra deals more with actual conditions of practical life, such as Economics, Sociology, Law, Justice etc., while Dharmaśāstra lays down only the ideal requirements.¹⁰ Dharmaśāstra had nothing to do with ruler ship, which involves question of administration, the administration of law and the punishment of criminals. But the Arthaśāstra is concerned with these ideas.¹¹ The terms 'Arthaśāstra' and 'Nītiśāstra' are used as synonyms.¹² 'Nītiśāstra' means 'Arthaśāstra'.¹³ 'Arthaśāstra' is also called as 'Rājanīti', 'King's politics' and since the most important instrument of administration was the power of punishment, it was called as 'Daṇḍanīti', 'Punishment Politics'.¹⁴

Ancient Arthaśāstra and Dharmaśāstra Authorities :

From a number of references, it has been known that there existed a number of Arthaśāstra and Dharmaśāstra authorities in ancient India.¹⁵ Kauṭilya has mentioned and quoted four distinct schools and six individual teachers of Arthaśāstra in many places of his Arthaśāstra who

are – Mānavas (the followers of Manu), Bārhaṣpatyas (the followers of Bṛhaṣpati), Ousānas (the followers of Uśana or Śukra), Bhāradvāja (Droṇāchārya), Viśālākṣa, Parāśara, Piśuna (Nārada), Kauṇapadanta (Bhīma), Vātavyādhi (Uddhava), Bāhudantiputra (Indra).¹⁶

Yājñavalkya has mentioned the name of twenty teachers as the author of Dharmaśāstra. They are — Manu, Atri, Viṣṇu, Hārīta, Yājñavalkya, Uśana, Aṅgiras, Yama, Āpastamba, Saṁvarta, Kātyāyana, Bṛhaṣpati, Parāśara, Vyāsa, Śaṅkha, Likhita, Dakṣa, Gautama, Śātātapa, Vaśiṣṭha.¹⁷

Kauṭilya and the Kauṭilīya Arthaśāstra :

Kauṭilya is perhaps the last and greatest master of the science of Arthaśāstra. There is no other person in ancient Indian political history who has much popularity like Kauṭilya. It may be said that Kauṭilya was the greatest political thinker that India had ever produced. Kauṭilya is also known as Cāṇakya and Viṣṇugupta.

According to T. Ganapati Śāstrī, “the author of the *Kauṭilīya Arthaśāstra* was named as Kauṭilya, because he was of ‘Kuṭala gotra’ and since he was born at Caṇaka, he was called ‘Cāṇakya’ and his parents baptized him as Viṣṇugupta.”¹⁸ The meaning of the name ‘Viṣṇugupta’ is protected by Viṣṇu¹⁹ and ‘Kauṭilya’, ‘Cāṇakya’ and ‘Viṣṇugupta’ are popular names. But it has been observed that the lexicographers have

enumerated different other names without disclosing their sources. Hemachandra, the author of *Abhidhānacintāmaṇi* refers to the various names of Kauṭilya.²⁰ The additional names provided by the lexicographers like - Hemachandra, Yādavaprakāśa and Bhoja are — Vātsyāyana, Mallanāga, Canakātmaja, Drāmila, Pakṣilasvāmin, Aṅgula, Varāṇaka and Kātyāyana.²¹

Regarding the life of Kauṭilya, only traditional accounts are available. According to Hemachandra, Caṇaka was his father and he was a Brahmin scholar.²² Regarding the native place of Kauṭilya, different theories are available. According to T. Ganapati Śāstri, Kauṭilya was a native of Caṇaka in Punjab, as his name itself implies this. The name Drāmila, a variant of Drāviḍa is taken to suggest his home land in the south. It is said that he originally belonged to Kāñcipuraṃ and that he was a Drāviḍa Brahmin which is also supported by his tuft in front. His journey to the north was in search of livelihood. Kerala too has stated its claim for the birth place of this celebrated author. His reference to the River Cūrṇi at the outskirts of the modern town Koṭṭunṇallūr is also mentioned in this connection. According to a tradition, Viṣṇugupta a native of Kerala went to Vārāṇasi on pilgrimage where he lost his daughter somehow. Refusing to return to Kerala he found his refuge in Magadha and later on he became the preceptor of Chandragupta. The

Kūṭallur Namapūtiri family of Kerala is supposed to be his original home.²³

The *Mahāvamśatikā*, a Ceylonese Buddhist work mentions Takṣaśilā as his birth place. A place called Gollaviṣaya has been mentioned as the birth place of the author of the *Kauṭīliya Arthaśāstra*. A considered view in this regard is suggested by the same authority that, “since Alexander’s campaigns were predominantly in Punjab and Plutarch has gone on record that Alexander had met Chandragupta as a youth during his campaigns, it would be safer to accept the version that Takṣaśilā in Punjab was the native city of Canakya where he and Chandragupta spent several years together.”²⁴

Kauṭīliya seems to have lived in a turbulent period. The countries around were in political doldrums and suffering from mal-administration inviting foreign invaders like Alexander to capitalize on the anarchical situation. The Nandas were on the verge of self – destruction and the neighbouring rulers were not in a position to stabilize the land. In such a critical situation, a strong hand was needed to stabilize the country. Opportunity presented itself before a capable political thinker and a practical administrator like Kauṭīliya and he seized it with a view to bettering the life of the common men. Kauṭīliya succeeded in his aim and the results of his strategy are found codified in his treatise. His intention

was to change the age-old political practices and introduce a new administrative system suitable to the prevailing conditions.

Concerning the time of Kauṭilya, Shāmā Śāstrī, who has brought light on the Arthaśāstra for the first time, has observed that “from Indian epigraphical researches it is known beyond doubt that Chandragupta was made king in 321 B.C. and that Aśokavardhana ascended the throne in 296 B.C. It follows; therefore, that Kauṭilya lived and wrote his famous work, the Kautilīya Arthaśāstra somewhere between 321 and 300 B.C.”²⁵

About the composition by Kauṭilya, it is not definitely known as how many works were composed by him. But from some evidences it has been observed that besides the Kautilīya Arthaśāstra, he had written more books, as he was the master in the varied fields of knowledge and the possessor of intuitive vision. The other different books which are ascribed to the different names of Kauṭilya are –

<u>Names of the books</u>	<u>Names of the writers</u>
1. <i>Dhātukaṭāliya</i>	Kauṭilya.
2. <i>Nītiśāstra</i>	Cāṇakya.
3. <i>Jyotiṣagrantha</i>	Vātsyāyana.
4. <i>Ayurveda</i>	Cāṇakya.
5. <i>Gautamasmṛtibhāṣya</i>	Viṣṇugupta.

6. *Koṣa* Vātsyāyana.
7. *Brahmasūtrabhāṣyādi* Drāmilācārya.
8. *Nyāyasūtrabhāṣya* Vātsyāyana, Pakṣilasvāmi.
9. *Kāmasūtra* Vātsyāyana, Mallanāga.²⁶

A comparison between Kauṭilya and Aristotle seems highly important in the context of the study. Kauṭilya was the preceptor of Chandragupta, as Aristotle was the preceptor of Alexander. Both exhibited the same degree of intellect, the same passion for truth and courage to put faith in reason. Like Aristotle's Poetics, the *Kauṭilīya Arthaśāstra* reveals classic clearness of outline and precision of form. There is reflection as well as observation. Both have laid stress on the importance of individuality and individual responsibility. Both believed that keeping aloof from office and political activity is not expected from a worthy man. Legends reveal that Kauṭilya was a student of Takṣaśilā and that he, as the companion of Chandragupta, made contact with Alexander in one of his campaigns in the valley of Punjab and came back to his original home, determined to emulate the example of the great conqueror. Both Kauṭilya and Chandragupta were impressed by Alexander, which is reflected in many Adhikaraṇas of the *Kauṭilīya Arthaśāstra*. Kauṭilya has stated in his Arthaśāstra that he has written this treatise for the benefit of his own king.

Jawaharlal Nehru, the former Prime Minister of India, has given an important assessment of this great personality, Kauṭilya, “Cāṇakya has been called the Indian Machiavelli and to some extent the comparison is justified. But he was a much bigger person in every way, greater in intellect and action. He was no more a follower of king, a humble adviser of an all powerful emperor. Bold and scheming, proud and resourceful, never forgetting a slight, never forgetting his purpose, availing himself of every device to delude and defeat the enemy, he sat with the reins of empire in his hands and looked upon the emperor more as a loved pupil than as master. Simple and austere in his life, uninterested in the pomp and pageantry of high position, when he redeemed his pledge and accomplished his purpose, he wanted to retire, Brahmin life, to a life of contemplation. There was hardly anything Cāṇakya would have refrained from doing to achieve his purpose; he was unscrupulous enough, yet he was also wise enough to know that this very purpose might be defeated by means unsuited to the end.”²⁷

The Kautilya Arthaśāstra :

The most important work of the Arthaśāstra literature is the *Kautilya Arthaśāstra*. It is a text-book on the art of administration and government and it is attributed to Kauṭilya, the minister of King Chandragupta of the Maurya dynasty. No other work of Indian literature

provides us with as rich amount of information about ancient Indian political and social conditions as the Kauṭīliya Arthaśāstra does. The text came to be known for the first time in 1909. The work is written in prose and is composed in an admixture of the *sutra* and *bhāṣya*-styles. Sometimes epigrammatic stanzas and memorial verses are interpolated, mostly in *ślokas* and a few in the Upajāti metre. It has been observed that each chapter ends in one or more verses where as the ideas expressed in other part of the chapter has been done through prose passages.

Kauṭīliya begins his treatise with the statement that he has written this treatise mostly by bringing together the teachings of many treatises on the science of politics which have been composed by ancient teachers for the acquisition and protection of the earth.²⁸ Though he has followed his predecessors, but he has in fact superseded his predecessors by the accuracy and planning of the work. He often summarizes, criticizes and improves upon the writings of earlier authorities. Kauṭīliya has not only depended upon the texts of the earlier authorities which were available to him, but also on his own experience that he gathered while being the kingpin of the usurpation of the country from the Nandas. The work is an illustration par excellence of a scientific approach to the problems of politics. All the requirements and criteria of an exact science are kept in view by Kauṭīliya.

The chapters of the *Kauṭīliya Arthaśāstra* are thoughtfully planned and subdivided well in advance. It consists of fifteen Adhikaraṇas, one hundred and eighty Prakaraṇas, one hundred and fifty Adhyāyas and three hundred and eighty Kārikās. Altogether there are six thousand *ślokas* each consisting thirty-two syllabic units. To get an idea of the contents, a table can be presented as follows :

	15 <i>Adhikaraṇas</i>	180 <i>Prakaraṇas</i>	150 <i>Adhyāyas</i>	380 <i>Kārikās</i>
1.	<i>Vinayādhikārikaṇ</i>	1 – 18	1 – 21	1 – 48
2.	<i>Addyakṣapracāra</i>	19 – 56	22 – 57	49 – 120
3.	<i>Dharmasthīyaṇ</i>	57 – 75	58 – 77	121 – 151
4.	<i>Kaṇṭakaśodhanaṇ</i>	76 – 88	78 – 90	152 – 174
5.	<i>Yogavṛttaṇ</i>	89 – 95	91 – 96	175 – 190
6.	<i>Maṇḍalayoni</i>	96 – 97	97 – 98	191 – 196
7.	<i>Śāḍguṇyaṇ</i>	98 – 126	99 – 116	197 – 285
8.	<i>Vyasanādhikārikaṇ</i>	127 – 134	117 – 121	286 – 304
9.	<i>Abhiyāsyatkarma</i>	135 – 146	122 – 128	305 – 312
10.	<i>Sāṅgrāmikaṇ</i>	147 – 159	129 – 134	313 – 324
11.	<i>Saṅghavṛttaṇ</i>	160 – 161	135	325
12.	<i>Āvalīyasaṇ</i>	162 – 170	136 – 140	326 – 330
13.	<i>Durgalambhopāyaḥ</i>	171 – 176	141 – 145	331 – 340
14.	<i>Aupaniṣadikaṇ</i>	177 – 179	146 - 149	341 – 377
15.	<i>Tantrayuktiḥ</i>	180	150	378 – 380

Some editors have divided the text into three parts. The first part is named as 'Tantrādhikāra' in which five Adhikaraṇas are included. In the second part, called 'Āvāpādhikāra', eight Adhikaraṇas (from six to thirteen) are included. The last two Adhikaraṇas are included in the third part which they designate as the remaining two – Bhāgadvayaśeṣarupaḥ.

The *Kauṭīliya Arthasāstra* comprises of fifteen books. The **first** book deals with the equipment of the king for the performance of his duties as a ruler. The **second** book deals with the duties of the various executive officers of the state. The **third** one is concerned with law of administration reproduces a complete code of law. The **fourth** book deals with suppression of crime. It shows how to track and punish the thieves, murderers, dacoits and other criminals. The **fifth** book deals with all sorts of fraudulent means for subduing persons guilty of high treason and enemies of the state against whom a king cannot precede openly. Refined methods of various kinds are prescribed here in which there is no despicable means that is too bad for the attainment of the objective and it does not matter even if an innocent person suffers on this account. The **sixth** one is very short. It enumerates the qualities which make each of the seven Prakṛtis or constituents of the state ideal. The **seventh** Book contains an exhaustive discussion on the way in which each of the six *guṇas* or measures a foreign policy may be used in the various situations

that are likely to arise. The **eighth** book is concerned with *vyasanas* that is calamities, shortcomings or weaknesses affecting the various Prakritis. The **ninth** book deals with preparations for war and it describes the kinds of troops that should be mobilized for an expedition; the proper seasons for starting on an expedition; the precautions to be taken up and danger to be guarded against before starting and so on. The **tenth** book is concerned with fighting and it describes the camping of the army; its march; various modes of fighting; types of battle-array and such other topics. The **eleventh** book is devoted to relationship of the king with certain aristocratic oligarchies that follow military profession. The **twelfth** book provides a number of prescriptions following which a weak king may be able to overcome a mightier enemy through intrigues executed with the help of spies, secret agents, desperados and poisoners. The employment of secret female agents and misuse of religious institutions play in it the main roles. The **thirteenth** book is mainly concerned with the conquest of the enemy's fortified capital by subterfuge or by fighting. The **fourteenth** book describes the secret activities. It is a book of witchcraft. This book prescribes the formulas for preparation of mixtures and charming materials meant for arson, murder, blinding, causing senseless and diseases of all sorts. Here, there are prescriptions for recovery from diseases, for month long fasts, for changing one's colour, for entering into fire, for seeing in the dark, for

making oneself invisible to others and for causing a man to sleep. The **fifteenth** book contains a presentation of the plan of the entire work and an enumeration of the devices of reasoning followed in the book. Here, thirty-two methodical devices are mentioned, defined and illustrated with examples from the book itself.

The Arthaśāstra of Kauṭilya is a piece of work of exceptional interest and value. It is now a days accepted as the famous compendium of ancient Indian political thoughts and activities. The discovery of the Kautiliya Arthaśāstra by the eminent Sanskrit scholar R. Shama Śāstrī is a glaring achievement not only in Sanskrit literature but literature as a whole. The Kautiliya Arthaśāstra is a treatise on political science. It is undoubtedly the most important work of ancient Indian Politics. The scholars, both Indian and Foreign have whole heartedly devoted themselves to the study of this epoch-making work. The scholars are however, divided in their opinions with regard to the authenticity, genuineness or antiquity of this work. But they are fortunately unanimous in one particular point – all believe that this is indeed a work on a politics and political activities of ancient India. It throws quite a flood of light on many political problems which were faced by the Indians at that time. But apart from this, contribution to the domain of ancient Indian economic thoughts and administrative system is unique. Kauṭilya had thoroughly

studied the society, religion and literature of ancient India to write this book. Politics in all its branches internal and foreign, civil, military, commercial, fiscal and judicial aspects of the government are discussed with minutest care in the Kauṭilīya Arthaśāstra. In the domain of Sanskrit literature also the position the Kauṭilīya Arthaśāstra is equally important as it has been observed that the Kauṭilīya Arthaśāstra has influenced different Sanskrit works like – Kāmandakīyanīṭisāra, Pañcatantra, Hitopadeśa, Daśakumāracarita, Nītivākyaṃṛta, Raghuvaṃśa, Abhijñānaśakuntalam, Mudrārākṣasa, Harṣacarita. Apart from its political value or administrative utility, there is another aspect which has attracted the attention of the scholars. - this is its philosophical and linguistic basis. The Kauṭilīya Arthaśāstra consists of innumerable important vocabularies which are unique in the study of comparative philosophy and linguistics. The position of the Kauṭilīya Arthaśāstra in the realm of literature on politics is analogous to that of Panini's Aṣṭādhyāyī in the field of grammar.

The most striking account of the Kauṭilīya Arthaśāstra's influence on martial tactics, during the Second World War, can be noted here. During the time, when the USSR army was suffering a reverse at the hands of the enemy, followed 'scorched earth policy' i.e. they used to retreat from the operation theatre after burning their all assets. This

tactical retreat of the Soviet army was highly applauded by the war strategists all over the world. Later on, researches have shown that such a strategy, in times of warfare, had already been mentioned in the Kauṭīlīya Arthaśāstra. There are numerous other accounts of modern statecraft in the Arthaśāstra of Kauṭilya and for which it may be called as an ‘ever modern treatise’.

From a close study of the Kauṭīlīya Arthaśāstra, it is observed that thousands of topic related to human welfare have been dealt with in this great corpus and it seems that everywhere the Kauṭīlīyān idealism has excelled. A.S.Altekar appreciates it in the most fascinating words: “Kauṭilya was not only a famous statesman but also the founder of a school of politics; hence, the great respect in which his name and work have been held by the subsequent centuries.”²⁹

Meaning of Crime :

The term ‘Crime’ is interpreted in Sanskrit/Pāli as ‘aparādha’ which according to Śabdakalpadruma means ‘akārya’.³⁰ Oxford English Mini-dictionary has provided different meanings of the term ‘Crime’. These are — (i) an act that breaks law, (ii) a serious offence, (iii) illegal acts.³¹ Students Favourite Dictionary has given two meanings of the term ‘Crime’. These are — (i) a serious offence against the law, (ii) a foolish ill-judged action.³² It has been stated that ‘Crime’ is an act, or

commission of an act, that is forbidden or the omission of a duty that is commanded by a public law and that makes the offender liable to punishment by that law. The challenge of crime to society changes with the advancement of civilization.³³ The term 'Crime' has been defined as "an act of commission or omission which is baneful to the society in general."³⁴ It also has been defined as 'the violation of rules and regulations which are enforced by the state and the society.'³⁵ "Crime is not static quality nor can it be considered in absolute terms."³⁶ The conception of crime is a relative one and it changes in different ages, different societies and according to localities and circumstances. No act of offence can be called crime until and unless it is punishable by the law. In legal sense 'Crime' means those offences which are acts or defaults punishable by the law of a certain country or society.³⁷ According to John Barron Mays, "A crime is an offence against society. It consists in the commission of facts which have been legally prescribed. A criminal is merely a man who has transgressed the legal norms of the society in which he lives."³⁸ A criminologist, Clarence Darrow, has defined the concept of 'Crime' as "act forbidden by the law of the land, and one which is considered sufficiently serious to warrant providing penalties for it's commission."³⁹

The two terms, 'Crime' and 'Sin' are related but these are two different concepts. Though both refer to the violation of some norms for which punishment is due, but 'Sin' is basically a religious concept. 'Crime', on the other hand, refers to the violation of manmade laws. It is believed that sinners receive their punishment after death. But the criminals receive punishment on this very earth and not in the life hereafter. In short, the concept 'Sin' is spiritual and 'Crime' is terrestrial. Every crime is a sin, but every sin is not a crime. If a man covets his neighbor's wife, it is sin. Unless and until the man actually seduces or attempts to seduce his neighbor's wife, he is not guilty of any crime. 'Sin', thus begins with the very conception of an evil deed, 'Crime', on the other hand, presupposes the actual commencement of such an act. But this distinction is not applicable in all cases.

After summarizing the above discussion, it can be said that crime (or criminal activity) is nothing but an anti-social activity which creates unhealthy atmosphere in the society which ultimately destroys the society.

Meaning of Punishment :

In Sanskrit, Pali and Prakrt 'Punishment' means 'Daṇḍa'.⁴⁰ Literally 'Daṇḍa' means 'a club' or 'a heavy stick'.⁴¹ In the *Amarakośa*, 'Daṇḍa' means one of the four *upāyas* used by the kings for the purpose

of administration. The other three *upayas* are – *bheda*, *sāma* and *dāna*.⁴² Gautama derives the word ‘Daṇḍa’ from the root *daṃ*, to restrain or to deter.⁴³ According to Kauṭilya, *Daṇḍa* or rod is the punishment, governor or the science of government. *Ānvīkṣikī*, the three Vedas and the *Vārttā*; these three branches of learning are controlled by the rod by means of *Yogakṣemasādhana*. ‘Yoga’ is *Alabadhalābhārtha*, i.e. to earn what has not been earned and *Kṣema* is *Labdhaparirakṣanaṃ*, i.e. to protect what is earned. The king should have the acquisition of things not possessed, the preservation of things possessed, the augmentation of things preserved and the giving away of augmented things to a worthy person. The orderly maintenance of a worldly life depends upon rod.⁴⁴ According to Manu, punishment in reality the king, the male, the leader, the ruler and it is held to be the indemnity for the righteousness of the four *Āśramas*.⁴⁵ Manu has stated that for the king’s sake the Lord created his son, ‘Punishment’, the preceptor of all creatures, an incarnation of the law, formed of Brahman’s glory.⁴⁶ Kāmandaka has identified ‘Daṇḍa’ with the king.⁴⁷ The *Mahābhārata* describes ‘Daṇḍa’ as a *Samhāramūrti*, a destructive figure with a terrible appearance which utterly destroys the sinners and miscreants. The colour of the figure is dark blue. He has four horrible fangs, four arms, eight legs, very sharp ears, a single copper-coloured eye, and erect hair.⁴⁸ The implication of this anthropomorphic versions of ‘Danda’ is perhaps that when a king delivers his judgment against a

sinner or criminal, he becomes *śyāmolohitākṣo dandah*.⁴⁹ Bhīṣma identifies 'Daṇḍa' with Lord Viṣṇu or Nārāyaṇa.⁵⁰ In the Mahābhārata, it has been stated that among seven limbs, 'Daṇḍa' is the main limb of the state.⁵¹ Here, it has been stated that 'Daṇḍa' is all powerful as the creator himself and restrains all.⁵²

Crime and Punishment in Ancient Indian Scriptures :

Crime is an old act and in ancient India it was rampant. For which different types of laws of punishment for different types of crime have been in operation since the ancient time. In the ancient Indian scriptures like — the Vedic Texts, the Saṁhitās, the Smṛtis, the Dharmasāstras, the Dharmasūtras, the Purāṇas, the epic literatures and in other ancient Indian scriptures, the references of various types of crime and punishment have been found, which show not only the moral and ethical value of the ancient Indian seers, but also their critical and analytical power. Some of the crimes and punishments observed in the above mentioned scriptures may be discussed in the following ways :

Crime and Punishment Observed in the Vedic Texts :

The references of different types of criminals such as-cheat, pilferer, sword-bearer, arch-bearer, gilding robber, murderer, crop-lifter, land-grabber etc. have been found in the Taittirīya Saṁhitā and Vājasaneyā Saṁhitā.⁵³ The references of different types of crime also have been

found in the *Kaṭhaka Saṁhitā*. These are — theft, robbery, adultery, incest, abduction, homicide, killing of an embryo, slaying of a Brahmin etc.⁵⁴ The references of various types of punishment also have been found in the Vedic texts. Some of the crimes and punishments observed in the vedic texts may be discussed in the following heads :

Theft :

The *Rgveda* has used different synonyms words signifying the word 'Thief',⁵⁵ from which it can easily be understood that theft was a common crime in those days. In the *Rgveda* a clear idea has been found that a thief was punished with red-hot iron.⁵⁶ The *Chhāndogya Upaniṣad* states that when an alleged thief was brought handcuffed to the place of trial, he was asked to catch hold of a heated axe. If he was found guilty, he was burnt on the spot.⁵⁷

Homicide :

The people of early Vedic age showed their disapproval to homicide and considered it as a condemnable offence. They considered the killing of a Brahmin as a great crime. For killing Brahmins, some expiation has been prescribed in the Vedic Texts. It has been prescribed that a killer of a Brahmin can purify himself by performing Aśvamedha Sacrifice. Here, expertise knowledge of this ritual is considered to be sufficient for this offence.⁵⁸

The *Taittirīya Saṁhitā* has prescribed that if a person threatens a Brahmin to strike, he should be punished with a fine of one hundred cows. Here, a fine of one thousand cows has been prescribed for striking a Brahmin.⁵⁹ The *Kaṭhaka Saṁhitā* has prescribed that if anybody commits theft or robbery or adultery or incest or abduction or kills an embryo or a Brahmin, he should be put to death.⁶⁰

Crime and Punishment Observed in the Purāṇas :

The Purāṇas are the soul of the Vedas.⁶¹ There is no doubt about fact that all the Vedas are established in the Purāṇas. Like other ancient Indian scriptures, the Purāṇas also have dealt with different types of crime and punishment. Some of the crimes along with punishments observed in the Purāṇas may be discussed in the following heads –

Punishment for Adultery :

The *Matsyapurāṇa* prescribes that if anybody (except the Brahmins), commits adultery, his penis should be cut off. Here, death penalty has been prescribed for the willing woman.⁶²

Using Abusive Language :

The *Matsyapurāṇa* has prescribed a fine of one hundred *paṇas* for a Kṣatriya for abusing a Brahmin. Here, a fine of one hundred and fifty or two hundred *paṇas* has been prescribed for a Vaiśya for abusing a

Brahmin. Corporal punishment has been prescribed for a Śūdra for abusing a Brahmin.⁶³

Violence :

It has been prescribed that where through the want of skill of the driver knowingly engaged by a master, the cart is overturned and injury is caused, the master should be punished with a fine of two hundred *paṇas*. But if the driver employed be known to be skilful and then when injury is caused, the driver should be fined.⁶⁴ If anybody deprives another person of his house, garden or field by threats of violence, he should be punished with a fine of five hundred *paṇas*. But if it is done through mistake, the fine should be two hundred *paṇas*.⁶⁵

Punishment for Committing Fraud :

The *Matsyapurāṇa* states that the goldsmiths are the worst of all deceitful persons and when a goldsmith is found committing fraud, his limbs should be cut off bit by bit.⁶⁶

Non-rendition of Service :

In the *Matsyapurāṇa* it has been prescribed that a hired servant, who though not ill, does not arrogantly do the work agreed, he should be punished with a fine of eight *kṛṣṇālas* (three barley corns is one *kṛṣṇāla*. It is also called as *raktikā* or *guñjā berry*) and would not get wages at

all.⁶⁷ If a teacher having agreed to teach a lore or craft for money which he receives, fails to do so, he should be fined the whole of the amount.⁶⁸

Crime and Punishment Relating Prostitutes :

Regarding the prostitutes, the Matsyapurāṇa has prescribed that a visitor, who commits sexual intercourse with a prostitute, but has not paid her fee, should be made to pay double the agreed fee to the prostitute and a similar sum as fine to the king.⁶⁹ Here, it has been prescribed that if a Brahmin visits a prostitute, he should be fined with as many *paṇas* as he paid to her. When a prostitute after receiving her fee does not receive the visitor and goes elsewhere, she should be made to pay to the visitor double the fee and a similar sum as a fine to the king. If a person, after telling a prostitute that she is to visit a certain person, takes her to a different person, he should be punished with a fine of one gold *māṣaka*.⁷⁰

Punishment for Incantations Intended to Destroy Life:

The Matsyapurāṇa has prescribed a fine of two hundred *paṇas* for those who practice incantations intended to destroy life.⁷¹

Slaying of a Brahmin :

The Agnipurāṇa has prescribed that if a person kills a Brahmin, he should prepare a cottage in the forest and stay there for twelve years begging alms with any part of the dead body slain by him or head of the slain body. Lastly, he should blaze himself into the fire.⁷²

Drinking Wine :

Drinking wine has been considered by the Purāṇas as one of the greatest crimes or sins and for this crime or sin, it has been prescribed that one should drink hot wine, the urine of the cows and water respectively according to the caste.⁷³

Theft of Gold :

Here, it has been prescribed that if a person steals gold, he should approach the king and admit the crime or sin. The king should then kill him by an iron rod.⁷⁴

Sexual Relation with Teachers' Wife :

Technically this is called 'Gurotalpa'. Under this category, sister, wife of the teacher, wife of the brother and sister of the mother are counted. The person, who establishes sexual relation with them, he is called 'Gurotalpaga'. The *Agnipurāṇa* has prescribed that a Gurotalpaga should himself cut his sexual organ alongwith testicles and should walk on the street till his last breath.⁷⁵

Seizing Another's Field, and Garden :

The *Matsyapurāṇa* has prescribed that if anybody unintentionally seizes another's field, garden or house, he should be punished with a fine of two hundred *paṇas*. It has been prescribed that when anybody seizes

another's field or garden or house by intimidation, he should be punished with a fine of five hundred *paṇas*.⁷⁶

Crime and Punishment Observed in the Epic Literature :

The references of different types of crime and punishment also have been found in the *Mahābhārata*. Among the eighteen sections of the *Mahābhārata*, the Śāntiparva is the most extensive, brilliant and informative. This *parva* is regarded as a store-house of Indian political and philosophical thoughts. When Bhīṣma, the great hero, the doyen of the most erudite lawyers, greatest theologian and the most perfect *Yogin*, pierced by countless arrows, then in that situation, Vyāsa and Lord Śrī Kṛṣṇa prevailed upon king Yudhiṣṭhira to utilize this intervening period to acquire knowledge from Bhīṣma, since that knowledge was bound to lapse with Bhīṣma's departure. Yudhiṣṭhira requested Bhīṣma to impart him the precious knowledge. Accordingly Bhīṣma answered Yudhiṣṭhira's queries and instructed him regarding various vital subjects. This discussion is incorporated in the Śāntiparva under three sections. While imparting valuable knowledge to Yudhisthira, Bhīṣma prescribed different types of punishment for different types of crime. Some of the crimes alongwith punishment may be discussed in the following heads —

Punishment for Theft :

In the *Mahābhārata*, it has been prescribed that those Brahmins, who commit theft in spite of getting monetary help from the king, they should be banished from the country alongwith their friends.⁷⁷

Punishment For Trying to Murder a King :

The *Mahābhārata* has prescribed that if a person tries to kill a king or sets fire to other's house or steals other's property, he should be put to death in various ways.⁷⁸

Punishment for Killing a Brahmin :

It has been prescribed that if anybody kills a Brahmin, he should of his own will become the target of an archer in a battle or should thrice throw himself into a blazing fire or he should walk one hundred *yojanas*, reciting one of the Vedas or he should present to a Brahmin, learned in the Vedas his whole property, as much wealth as suffices for the maintenance of that family or a house together with the furniture or he should save the life of a cow or a Brahmin.⁷⁹

Drinking Spirituous Liquor :

The *Mahābhārata* has prescribed that if a person drinks spirituous liquor, he should drink exceedingly hot liquor as punishment. If a Brahmin drinks spirituous liquor, he should perform the sacrifice called Bṛhaspatisava.⁸⁰

Violation of Women :

In the *Mahābhārata*, it has been prescribed that if a person commits sexual intercourse with the preceptor's wife, he should embrace a heated metal image of a woman or he should cut off his male organ and walk speedily without stopping until he falls down dead.⁸¹ If a twice born person commits sexual intercourse with a Caṇḍāla woman, he should subsist on alms for three years and should recite *mantras* like the Gāyatri.⁸²

Punishment Relating Kings :

The *Mahābhārata* has prescribed that when a king punishes an innocent man, he should fast for one night and a Brahmin should fast for three nights for committing the same crime.⁸³ It has been prescribed that the king should punish the criminals according to their crimes. He should punish the rich people financially and the poor with imprisonment.⁸⁴ Those wicked persons, who cause suffering to the gentle people, they should be put to death.⁸⁵ For the protection of the subjects, the king should accept property as fines from the robbers, thieves, receivers of bribe, cheats, drunker etc., whether they have much property or not.⁸⁶ It has been prescribed that the Brahmins should not be given corporal punishment even if a Brahmin kills another Brahmin or violates

preceptors wife or kills a fetus or commits a treachery towards the king, he should only be banished.⁸⁷

In the Rāmāyaṇa also the references of different types of crime and punishment have been found though here the concept of crime and punishment is different to some extent. Here, it has been observed that Rāma killed Śambhūka for practicing penance because he was a Śūdra.⁸⁸ King Daṇḍa was cursed by Ṛṣi Bhārgava for committing sexual intercourse with his wife Ajarā. Ṛṣi Bhārgava cursed that the king Daṇḍa would meet death with his sons and army.⁸⁹

Crime and Punishment Observed in the Dharmasāstras,

Dharmasūtras, Saṁhitās and Smṛtis :

The Dharmasāstras, Dharmasūtras, Saṁhitās and Smṛtis have dealt with different types of crime and Punishment. Some of the crimes and punishments observed in these Sastras may be discussed in the following heads —

Punishment for Theft :

Like the other ancient Indian scriptures, the Dharmasāstras, Dharmasūtras, Saṁhitās and Smṛtis also have prescribed punishments for theft. The *Baudhāyana Dharmasūtra* prescribes that when a Brahmin steals gold of another Brahmin, his forehead should be impressed with the mark of a jackal and banished from the country.⁹⁰ The thief of a general

caste should go to the king, carrying on his shoulder a club of Sindhraka wood and say, 'Strike me with that'. Then the king should strike him.⁹¹ According to the *Āpastamba Dharmasūtra*, if a person steals vegetable, fuel, water, roots, flowers, fruits, perfumes, fodder etc., his garments should be taken away.⁹² The *Gautama Saṁhita* has prescribed that for theft a Śūdra should pay eight times, a Vaiśya should pay sixteen times, a Kṣatriya should pay thirty two times and a Brahmin should pay sixty four times of the value of the stolen object or property.⁹³ The *Manu Saṁhita* has prescribed that if anybody steals cows and cattles of a Brahmin, half of his feet should be cut off immediately.⁹⁴ Here, it has prescribed that when a person steals flowers, green corn, shrubs, creepers, trees and other unhusked grain, he should be punished with a fine of five *kṛṣṇālas*.⁹⁵ Manu prescribes the same amount of fine for Śūdras, Kṣatriyas, Vaiśyas and Brahmins for committing theft which has been prescribed by Gautama for committing the same.⁹⁶ The *Yājñavalkya Saṁhitā* has prescribed impalement for those who steal elephants and horses.⁹⁷ According to the *Yājñavalkya Saṁhitā*, the thumb and forefingers of a pilferer and pickpocket should be cut off. When they commit the same crime for a second time, their one hand and one leg should be cut off.⁹⁸ The *Usāna Saṁhitā* has prescribed that those who steal diamonds, corals, precious stones, gold, silver, iron pebbles etc., should fast for twelve nights.⁹⁹ Those who steal men, women, houses, tanks, wells or other

watery expanses, they should perform Cāndrāyaṇa penance. For stealing articles of little value from other's house, one should perform the Śāntapana penance.¹⁰⁰ For pilfering grass, wood, trees, flowers, garments, meat and fish, one should fast for three nights.¹⁰¹ The *Viṣṇu Smṛti* prescribes that one who steals a cow or a horse or a camel or an elephant, one of his hands or one of his feet should be cut off.¹⁰² For stealing a goat or a sheep, one should have his one hand cut off.¹⁰³ According to Viṣṇu, he who steals grain, that grow in the rainy season, he should pay eleven times it's value as a fine.¹⁰⁴ For stealing grain, grown in winter and spring, such as rice and barley, one should pay the same amount fine.¹⁰⁵ If anybody steals gold, silver, clothes, at a value more than fifty *māṣas*, both of his hands should be cut off.¹⁰⁶ He who steals gem, should be punished with the highest amercement.¹⁰⁷ According to the *Viṣṇu Smṛti*, the thieves should be compelled to restore the stolen articles first and then should be punished with the prescribed punishment.¹⁰⁸ it has been prescribed that a pickpocket should be punished by cutting one of his hands.¹⁰⁹ Those who steal more than one hundred *māṣas* of such things which are usually sold by weight such as gold, silver etc., they should be put to death.¹¹⁰ The same punishment should be given to those who steal more than ten *kumbhas* (a *kumbha* is a measure of grain to twenty *droṇas* or a little more than three bushels and three gallons) of grain.¹¹¹

Homicide :

Regarding homicide, the *Āpastamba Dharmasūtra* prescribes that for killing a Kṣatriya, one should give a thousand cows to Brahmins for expiation. For killing a Vaiśya, one should give a hundred cows to Brahmins. When a person kills a Śūdra, he should give ten cows to Brahmins. In every case, a bull must be given in excess for expiation.¹¹² For killing a woman of any of the three castes mentioned above, one should pay the same amount of fine.¹¹³ The *Gautama Saṁhitā* prescribes that if a person kills a Brahmin intentionally, he should emaciate himself and thrice throw himself into fire or he may become the target for armed men in battle.¹¹⁴ Here, it has been prescribed that when a person kills a Kṣatriya intentionally, he should perform the normal vow of continence for six years and should give one thousand cows and a bull. For killing a Vaiśya, one should perform the same vow during three years and should give one hundred cows and a bull. One should perform the same vow for one year and should give ten cows and one bull for killing a Śūdra.¹¹⁵ The *Manu Saṁhitā* prescribes that for killing a Brahmin, one should make a hut in the forest and dwell in it during twelve years, subsisting on alms, making the skull of slain man his flag.¹¹⁶ For killing a Kṣatriya, Manu has prescribed one-fourth of the penance which he has prescribed for killing a Brahmin. He has prescribed one-eighth of the same penance for killing a Vaiśya and one-sixteenth of the same has been prescribed for killing a

virtuous Śūdra.¹¹⁷ According to the *Manu Saṁhitā*, if a Brahmin unintentionally kills a Kṣatriya, he should give one thousand cows and one bull or he may perform the penance, prescribed for killing a Brahmin during three years, controlling himself, wearing his hair in braids, staying far away from the village and dwelling at the root of a tree. If a Brahmin kills a virtuous Vaiśya, he should perform the same penance, prescribed for killing a Brahmin during one year or he may give one hundred cows and one bull. For killing a Śūdra, one should perform the same penance during six months or he may give ten white cows and one bull to a Brahmin.¹¹⁸ The *Yājñavalkya Saṁhitā* prescribes that when a person kills another forcibly, he should be put to the operation of an iron pole.¹¹⁹ According to Yājñavalkya, for killing a male or a female, the highest or the lowest form of punishment should be imposed according to the merit of the killer and the person killed.¹²⁰ A dissolute woman, who kills a man, if she is not pregnant at that time, she should be made to enter into water, hanging a stone tied round her neck.¹²¹ Here, it has been prescribed that if a woman kills her husband or spiritual guide or her children, she should be killed by an ox, after having her ears, fingers, nose and lips cut off.¹²² According to the *Uśana Saṁhitā*, if a person kills a Brahmin, he should give his whole property to a Brahmin, learned in the Vedas or should see the bridge constructed by Rāma over the sea, at Rameśvaram.¹²³ The *Viṣṇu Smṛti* prescribes that when a Brahmin kills another Brahmin, a

figure of a headless corpse should be impressed on his forehead.¹²⁴ It has been prescribed that if anybody kills a woman or a children or a man, he should be put to death.¹²⁵ The *Baudhāyana Dharmasūtra* prescribes that if a person kills a Kṣatriya, he should give one thousand cows to the king and a bull for expiation.¹²⁶ For killing a Vaiśya, one should give one hundred cows and for killing a Śūdra, the offender should pay ten cows and one bull.¹²⁷ If a Kṣatriya or a person of any other lower castes kills a Brahmin, all his property should be confiscated and he should be put to death.¹²⁸

Punishment for Adultery :

Regarding adultery, the *Baudhāyana Dharmasūtra* prescribes that when a Brahmin commits adultery with teacher's wife, his forehead should be impressed with the mark of a female organ and should be banished from the country.¹²⁹ When a person of a general caste commits adultery with teacher's wife, he should place himself on a heated iron bed or embrace a red hot image or should cut his male organ along with testicle.¹³⁰ The *Āpastamba Dharmasūtra* prescribes the same punishment for committing adultery with teacher's wife which has been prescribed by Baudhyāyana for committing the same.¹³¹ Here, it has been prescribed that if a Śūdra commits adultery with a woman of the first three castes, he should be given the capital punishment.¹³² If a young man commits

adultery with a marriageable girl, his property should be confiscated and he should be banished.¹³³ According to the Gautama Saṁhitā, when a person commits sexual intercourse with an Arya woman, his sexual organ should be cut off and his whole property should be confiscated. If the woman has a protector, he should be executed.¹³⁴ The Manu Saṁhitā has prescribed that when a person, other than of Brahmin caste, commits adultery with a wife of other person belonging to any of the four castes, he should be put to death.¹³⁵ If a person commits adultery with an unwilling maiden, he should suffer corporal punishment.¹³⁶ It has been prescribed that when a Sudra commits adultery with an unguarded Brahmin woman, his offending limb should be cut off and all his property should be confiscated. If he commits the same with a guarded Brahmin woman, he should lose everything, even his life.¹³⁷ The Yājñavalkya Saṁhitā prescribes that when a man commits adultery with a woman of his own caste, he should be punished with the highest form of punishment and when the same is committed with the woman of a lower caste, the offender should be punished with the second form of penalty, and when adultery is committed with the woman of higher caste, the offender should be put to death and the nose etc., of the woman should be cut off.¹³⁸ Regarding adultery, the Viṣṇu Smṛti has prescribed that when a man commits adultery with a woman of his own caste, he should be punished with the highest amercement. For committing the same with a

lower caste, the offender should be punished with the second amercement and for committing the same with a woman of the lowest caste, one should be put to death.¹³⁹

Punishment for Assault :

The *Baudhāyana Dharmasūtra* prescribes that if a person raises his hand against a Brahmin, he should perform a Kṛcchra penance. One should perform an Atikṛcchra penance for striking a Brahmin. For causing blood to draw out, one should perform Kṛcchra and Cāndrāyaṇa penance.¹⁴⁰ The *Āpastamba Dharmasūtra* prescribes that if a person cuts off a limb of another person for whose murder he would become a Abhisasta, he should perform the same penance which has been prescribed for killing a Śūdra, if the life of the injured person has not been endangered. When a person hurts another unintentionally, he should take bath and sprinkle himself with water and should recite the seven verses addressed to the water.¹⁴¹ The *Gautama Saṁhitā* prescribes that if a Śūdra assaults a Brahmin, the limb with which he has assaulted should be cut off.¹⁴² If a Kṣatriya assaults a Brahmin, he should be punished with a fine of two hundred *kārṣāpaṇas*.¹⁴³ According to the *Manu Saṁhitā*, when a man of a low caste causes hurt to a man of any of the three higher castes, the limb with which he has offended should be cut off.¹⁴⁴ It has been prescribed that if a person raises his hand or a stick, his hand should

be cut off and he who in anger kicks with his foot, his foot should be cut off.¹⁴⁵ If a person breaks the skin or fetches blood from a person of his own caste, he should be fined with one hundred *paṇas*. For cutting a muscle, the fine should be six *niṣkas* and for breaking a bone, one should be banished.¹⁴⁶ It has been prescribed that if anybody injures a limb or causes a bleeding wound, he should be made to pay to the sufferer the expenses of treatment.¹⁴⁷ The *Yājñavalkya Saṁhita* prescribes that when a man raises his hand for striking another of his own caste, he should be fined with ten *paṇas* and for raising foot, he should be fined with twenty *paṇas*. If he takes up arms for striking, he should be punished with the middle or second form of pecuniary punishment.¹⁴⁸ If a person strikes another with a piece of wood etc., but it does not cause blood to come out, he should be punished with a fine of twenty two *paṇas*. The fine should be double when marks of blood are seen.¹⁴⁹ When the assault causes problems in one's eating, speaking or in any other bodily movement or when one's eyes etc., are bared through, if neck, arms or thighs are broken, the offender should be punished with the second form of pecuniary punishment.¹⁵⁰ Yājñavalkya has prescribed the same punishment for a person of inferior caste for causing pain to a Brahmin which has been prescribed by Manu and Gautama for committing the same.¹⁵¹ The *Viṣṇu Smṛti* has prescribed the same punishment for a person of inferior caste for causing hurt to a person of superior caste

which has been prescribed by Manu, Gautama and Yājñavalkya for committing the same.¹⁵²

Defamation:

Regarding this crime, the *Āpastamba Dharmasūtra* prescribes that when a Śūdra speaks ill of a virtuous person belonging to one of the first three higher castes, his tongue should be cut off.¹⁵³ When a person abuses a person who ought not to be abused, he must abstain for three days from milk, pungent condiments and salt. If the same crime is committed by a Śūdra, he must fast for seven days.¹⁵⁴ The *Gautama Saṁhitā* has prescribed the same punishment for a Sudra for reviling intentionally a twice born person which he has prescribed for a Śūdra for causing hurt to a twice born person.¹⁵⁵ If a Kṣatriya abuses a Brahmin, he should be punished with a fine of one hundred *kārṣāpaṇas*.¹⁵⁶ When a Kṣatriya abuses a Vaiśya, he should be fined with fifty *kārṣāpaṇas*.¹⁵⁷ The *Manu Saṁhitā* prescribes that if a Kṣatriya defames a Brahmin, he should be punished with a fine of one hundred *paṇas*. A Vaiśya should pay one hundred and fifty *paṇas* for defaming a Brahmin and a Śūdra should suffer corporal punishment for defaming a Brahmin.¹⁵⁸ If a Brahmin defames a Kṣatriya, he should be fined with fifty *paṇas*. For committing the same with a Vaiśya, a Brahmin should be fined with twenty five *paṇas* and for defaming a Śūdra, a Brahmin should be fined with twelve

panas.¹⁵⁹ According to the *Manu Saṁhita*, when a Śūdra insults a twice born person with gross invective, his tongue should be cut off.¹⁶⁰ In the *Yājñavalkya Saṁhitā* it has been prescribed that when a person vilifies another of the same caste for a defective limb or organ or for suffering from a vile disease, whether, truly or falsely or by joke, he should be punished with a fine of half of thirteen *panas*.¹⁶¹ If a person vilifies another by saying, 'I have known your mother or sister', the king should punish him with a fine of twenty five *panas*.¹⁶² The *Viṣṇu Smṛti* has prescribed that if a person calls another as blind, lame etc., though it is true, he should be fined with two *kārṣāpanas*. If a person defames a teacher, he should be punished with a fine of one hundred *kārṣāpanas*. For using insulting language as –'I shall visit your sister.' etc., one should be punished with a fine of one hundred *karsapanas*.¹⁶³ If a person insults another by using bad language regarding his mother such as 'I shall visit your mother.' etc., he should be punished with the highest amercement.¹⁶⁴ The other various types of crime and punishment observed in the Dharmasūtras, Dharmaśāstras, Saṁhitās and Smṛtis have been discussed in details in the Third Chapter of the (present) thesis.

Necessity of Making the Study :

At present, crime has appeared before the whole human race as a great challenge. The strong people are destroying the weak without caring

for punishment. People all over the world are suffering from insecurity and uncertainty. The prevailing situation forces us to think about it and make a study of the concepts of 'Crime' and 'Punishment'. As Late Indira Gandhi also said, "We do not understand the full potential of either man or nature. The exploitation of nature has given us many short term gains, but there is increasing realization that human kind can not survive if the destructive instinct is not checked."¹⁶⁵ Unfortunately Indira Gandhi herself became the victim of the crime.

It is not that only today's society is challenged by criminal activities, but from the references of various types of crime and punishment found in the Vedic Texts, Saṁhitās, Smṛtis, Dharmasūtras, Dharmaśāstras, Arthaśāstras it is learnt that crime was a part and parcel of ancient society also. Perhaps with a view to create a crime free society, the ancient Indian lawgivers composed different valuable sastras where they, besides other subject matters, dealt with the concepts of 'Crime' and 'Punishment', which shows their serious concern about the condition of the earth. Among the ancient Indian lawgivers, Kauṭilya is perhaps the foremost. Kauṭilya has summarized, criticized and improved upon the writings of his predecessors. Besides other hundreds of subject matters, Kauṭilya has also dealt with the concept of 'Crime' and 'Punishment' in his Arthashastra with great care. Here, he has prescribed various types of

punishment for various types of crime with a view to form a crime free society, a society full of human values. After making a close study of the Kauṭīlīyān concept of 'Crime' and 'Punishment', it has been observed that these concepts have relevance even today. Though the modern laws have dealt with the concepts of 'Crime' and 'Punishment' but it appears that the area relating to crime and punishment covered by the modern laws is not as vast as covered by Kauṭīlya. There is difference in the mode and severity. Kauṭīlya has given equal importance even on the minor crimes as he has given on the major crimes. He has dealt with crime and punishment relating to human behaviour with great care. He has prescribed punishment even for ill speaking about others which perhaps is not given so much importance today. Kauṭīlya has dealt with crime and punishment relating to trees, animals, birds, fishes, water work etc. So, for the welfare as well as for the survival of human beings, it is probably the need of the hour to study the Kauṭīlīyān concept of 'Crime' and 'Punishment'. The present thesis is a humble attempt to examine the different aspects of Kauṭīlīyān concept of 'Crime' and 'Punishment' and find out it's relevance if any, which may help us to form a crime free society and show the way for the survival of the human race.

NOTES AND REFERANCES:

1. Mbh. XII, 59.14.
2. Ibid. 67. 16-17, 68. 11–13.
3. MS. II, 224.
4. KA. 15. 1. 1–2.
5. AK. (Part - II), P. 2.
6. SN. IV. 3. 56.
7. Vayp. 61. 79, BP. 35. 88 – 89, VP. 3. 6. 29: *Āyurvedo dhanurvedo gāndharvaśceti te trayah, arthasāstram caturtham ca vidyāhaṣṭadasaiva tāh.*
8. HIL. (Vol. III), P. 608.
9. YS. II. 21, ND. I. 39.
10. HD. (Vol. I, Part - I), P. 152, HIL (Vol. III, Part - II), PP. 609-610.
11. SKV. I. P. 5.
12. HIL. (Vol. III, Part - II), P. 608.
13. MS. II. 177, Mbh. (SP.), 163. 7.
14. HIL. (Vol. III, Part - II), P. 608.
15. Ibid. P. 609, KA. (Part - III), P. 42, PMCSPMbh. P. 5, SKV. I, P. 41.
16. AK. (Introduction), P.10.
17. YS. I, 4 – 5.
18. AK. (General Introduction), P. 4.
19. Ibid. P. 6.
20. ACM (Marttakanda), 3.517, 3.518 :
*Vātsyāyano mallanāgah kauṭilyaścanakātmajah /
Drāmilaḥ pakṣilasvāmi viṣṇuguptoṅgulaśca saḥ //*
21. A K. (General Introduction), P. 7.

22. Ibid. PP. 10.
23. Ibid. PP. 10 -11.
24. Ibid. P. 11.
25. Ibid. P. 12.
26. SKV. P. 84.
27. DI. P. 124.
28. KA. I. I. P. 1.
29. SGAI. P. 15.
30. CPAI. P. 66.
31. OEMD. P. 115.
32. SFD. P. 258.
33. CAG (preface page).
34. CPAI. P. 91.
35. Ibid.
36. Ibid.
37. Ibid.
38. CCI. P. 18.
39. Ibid.
40. CPAI. P. 66.
41. Ibid. P. 19.
42. AC. P. 232 : *bhedo daṇḍaḥ sāma dāna ityupāya catuṣṭayaṃ*
43. GS. XI. 28.
44. KA. I. IV: *Ānvikṣikī trayī vārttānāṃ yogakṣemasādhano daṇḍaḥ*
45. MS. VII. 17.
46. Ibid. 14. : *Tasyārthe sarvabhūtānāṃ goptāraṃ dharmamātmajaṃ /
Brahmmatejomayaṃ daṇḍamsrjat pūrvamīśvaraḥ //*
47. KN. (Daṇḍamāhātmyaprakaraṇaṃ) 36 : *iti yasmādubhau lokau
dhāraitvātmato nṛpaḥ. Prajānāṃ ca tataḥ samyag daṇḍaṃ
daṇḍīva dhārayet.*

48. Mbh. (SP.), 121. 15. 16:
Nīlotpaladalaśyāmascaturdaṁṣṭra caturbhujāḥ /
Aṣṭapannaikanayanaḥ śaṅkukarnordhvaromavān //
49. CPAI. P. 19.
50. Mbh. (SP.), 121. 1-32.
51. Ibid. 121. 33 – 57 : *Na syādyadīha daṇḍa vai pramathyeyuḥ*
parasparam.
52. Ibid. 122. 1–55, 50 - *Prajā jāgarti loke'smin daṇḍo jāgarti tāsuca.*
53. TS. IV. 5, VajS. XVI.
54. KS. XXVII. 4.
55. takvā (RV. I. 66. I. I), ripu (RV. I. 36. 16), tāyu (RV. V. 15. 5,
 VI. 12. 5), taskara (RV. I. 191. 5, VI. 28. 3, VIII.29. 6), vanargu
 (RV. I. 145. 5, X. 4. 6), huraścit (RV. I. 42. 3, IX. 98. 11),
 muṣīvān (RV. I. 42. 3).
56. RV. V. 79. 9 : *netvā stenaṁ yathā ṛpum tapati sūro arcīṣā.*
57. CU. VI. 16. 1 – 2.
58. TS. V. 3. 12. 2.
59. Ibid. II. 6. 10. 2.
60. KS. XXVII. 4.
61. SKP. (Prabhāsa-Khaṇḍa) 2. 90. Ātmā Purāṇaṁ Vedānāṁ.
62. MP. 227. 139 – 141.
63. Ibid. 66.
64. Ibid. 95 - 96.
65. Ibid. 30.
66. Ibid. 184 - 185.
67. Ibid. 9.
68. Ibid. 6.
69. Ibid. 147.
70. Ibid. 144 – 146.

71. Ibid. 183.
72. AP. 167. 1- 2.
73. Ibid. 169. 19.
74. Ibid. 20 - 21.
75. Ibid. 22.
76. MP. 227. 30.
77. Mbh. (SP.) 74. 26.
78. Ibid. 83. 22.
79. Ibid. 35. 4 - 6.
80. Ibid. 16, 18.
81. Ibid. 21.
82. Ibid. 165. 29.
83. Ibid. 36. 17.
84. Ibid. 83. 20.
85. Ibid. 131. 20.
86. Ibid. 67. 26.
87. Ibid. 14. 116.
88. R. L XXVI.
89. Ibid. LXXX.
90. BD. I. 10. 18. 18.
91. Ibid. II. 1. 1. 16.
92. AD. II. 11. 28. 11.
93. GS. XII. 15 -16.
94. MS. VIII. 325.
95. Ibid. 330.
96. Ibid. 337 - 338.
97. YS. II. 276.
98. Ibid. 277.
99. US. IX. 20.

100. Ibid. 16 - 17.
101. Ibid. 29.
102. VS. V. 77.
103. Ibid. 78.
104. Ibid. 79.
105. Ibid. 80.
106. Ibid. 81.
107. Ibid. 87.
108. Ibid. 89 - 90.
109. Ibid. 136.
110. Ibid. 13.
111. Ibid. 12.
112. AD. I. 9. 24. 1 - 4.
113. Ibid. 5.
114. GS. XXII. 2 - 3.
115. Ibid. 14 - 16.
116. MS. XI. 73.
117. Ibid. 127.
118. Ibid. 128 - 131.
119. YS. II. 276.
120. Ibid. 280.
121. Ibid. 281.
122. Ibid. 282.
123. US. VIII.11.
124. VS. V. 4.
125. Ibid. 11.
126. BD. I. 10. 19. 1.
127. Ibid. 2.
128. Ibid. I. 10. 18. 19.

129. Ibid.18.
130. Ibid. II. 1. 1. 13 – 15.
131. AD. I. 9. 25. 1 - 2.
132. Ibid. II. 10. 27. 9.
133. Ibid. II. 10. 26. 21.
134. GS. XII. 2-3.
135. MS. VIII. 359.
136. Ibid. 364.
137. Ibid. 374.
138. YS. II. 289.
139. VS. V. 40 - 41, 43.
140. BD. II. 1. 1. 7.
141. AD. I. 9. 26. 6 - 7.
142. GS. XII. 1.
143. Ibid. 9.
144. MS. VIII. 279.
145. Ibid. 280.
146. Ibid. 284.
147. Ibid. 287.
148. YS. II. 219.
149. Ibid. 221.
150. Ibid. 223.
151. Ibid. 218.
152. VS. V. 19.
153. AD. II. 10. 27. 14.
154. Ibid. I. 9. 26. 3 - 4.
155. GS. XII. 1.
156. Ibid. 8.
157. Ibid. 10 – 12.

158. MS. VIII. 267.
159. Ibid. 268.
160. Ibid. 270.
161. YS. II. 207.
162. Ibid. 208.
163. VS. V. 27-28, 33.
164. Ibid. 34.
165. CPAI. P. 7.

CHAPTER – II

Concept of Crime and Punishment in Kauṭīliya Arthaśāstra

Concept of Crime and Punishment in Kauṭīliya Arthaśāstra

The *Kauṭīliya Arthaśāstra* is a work of unique type which throws light on the cultural conditions and actual life of ancient India than any other work of Indian literature does. The *Kauṭīliya Arthaśāstra* gives us an account of the theories propounded by the ancient Dharmaśāstra and Arthaśāstra authorities. Kauṭīliya has dealt with thousands of topics in his Arthaśāstra. Some of the topics which have been dealt with great care by Kauṭīliya are the administrative machinery, central executive, *mantripariṣat*, bureaucracy and the departments like revenue collection, land policy and land revenue, taxes and tolls, royal properties, mines, receipt and audit, public expenditure, royal household, religious establishment, payment of officials, army and navy, factories, agriculture and art, educational pensions and pensions to the officials, poor relief, relief of distress and public works, police administration, infantry, cavalry and chariots, medical department, regulation of commerce and industry, restriction on commerce, regulation of profits of goods, adulteration of goods, encouragement to foreign trade, regulation of guilds and wages, regulation of labour, rights of slaves, courts, eradication of social evils,

preservation of social order and religious, crime and punishment and many other hundreds of subject matters.

The concept of 'Crime' and 'Punishment' has been dealt with great care mainly in the Second, Third and Fourth book of the *Kauṭilīya Arthaśāstra*. The Second book named *Addyaḥsapracāra* deals with the activities of the various executive officers of the states. The Third book named *Dharmasthīyaṃ* deals with the branch of civil law. Here, along with many other relevant matters the different laws of punishment with the associated crime such as violence, slander, assault, dicing, gambling with animals etc. have been dealt with care. The *Dharmasthīyaṃ* part is unique in legal history. It can legitimately claim to be one of the earliest secular codes of law in the world. It throws a flood light on the social, economic and political condition of the country at that time.¹ The Fourth book, named *Kaṅṭakaśodhanaṃ* (removal of thorns or antisocial elements), deals with a number of topics. These relate to public protection against deceitful fraudulent artisans and merchants, fraud in respect of weights and measures; protection from the acts of evil doers living by secret and foul means, protection of the people from the oppressions of government servants and many other topics.

The different types of crime with the associated punishment observed in the *Kauṭilīya Arthaśāstra* may be mentioned in the following heads –

Punishment for Invalid Transaction:

Kauṭilya has prescribed different types of punishment for invalid transaction. According to Kauṭilya, invalid transaction is that in which a party to the transaction is absent or the object involved in it is not there at the time of transaction. It happens inside a house, at night time, in a forest, by fraud or in secret. Kauṭilya has prescribed that in the case of invalid transaction, the proposer and the accessory should be punished with the first amercement (a fine ranging from forty eight to ninety six *paṇas*). According to Kauṭilya, in that case the witnesses should be punished with half of the above fine. In case of the acceptors, there should only be the cancellation of the object.²

Crime and Punishment Relating to Suit:

Kauṭilya has prescribed punishment for the crimes relating to suit. According to Kauṭilya, for the loss of suit, one should be punished with a fine of one fifth of the amount in dispute. For producing assertion without any evidence, the amount of fine should be one tenth. Kauṭilya has prescribed that the plaintiff should reply soon after the defendant has answered the question at issue. If he does not do so he should be guilty of *parokta* (a person against whom a decision is given). According to Kauṭilya, the defendant may be allowed three or seven nights to prepare his answer. But if he is not ready with his defence within the allotted time, he should be imposed a fine ranging from three to twelve *Paṇas*

(*Paṇa* – a piece of copper, one fourth of a *Pala* in weight). If he does not reply even after three fort nights, he should be imposed a fine for the loss of the suit and the plaintiff should recover out of the defendant's property the amount of the case. According to Kauṭilya, the defendant who absconds, should be punished with the same fine and for the plaintiff, there should be the loss of suit the moment he absconds.³

Second Marriage :

Kauṭilya has prescribed different rules regarding second marriage. For violating these rules, he has prescribed different types of punishment also. It has been prescribed that the wife who does not bear off springs or does not bear a son or is barren, in that case the husband should wait for eight years. For bearing a dead child, the husband should wait for ten years. The husband should wait for twelve years if his wife bears only daughters. After that, the husband may remarry for getting a son. If the husband violates this rule, he should be compelled to pay the first wife not only the *śulka*, her property and half of that as compensation for super session, but also pay a fine of twenty four *paṇas*.⁴

According to Kauṭilya, by providing the dowry, women's property to the wives and in the case of a wife with out dowry or women's property of her own, a compensation for super session equal in amount to that and by providing a suitable maintenance to the wives, a person may marry a number of wives for getting sons. When many or all of them are

at the same time in menses, he should lie with that wife whom he married earlier or who has living sons. If he neglects to lie with her at that time, he should be punished with a fine of ninety six *paṇas*.⁵ It has been prescribed that the man, who has gone away on a long journey or has become ascetic or is dead, his wife should wait for him for the period of seven menses. But if she has a child, she should wait for a year and after that she may marry a full brother of her husband. If there are a number of brothers, she should marry one who is next in age to her husband or a virtuous man or is capable of maintaining her or is the youngest and unmarried. Without having a full brother, she may marry a brother who is not a full brother of her husband or a kinsmen or a member of the family. If there are a number of candidates, she may choose any of them who is a nearer relative of her husband. If the woman violates these rules by re-marrying one who is not kinsman of her husband, then the woman, the man whom she has decided to marry, the bestower of her and those who have given their consent, should receive the punishment for adultery.⁶

Punishment for Non-observance of Marital Duty :

Regarding this, Kauṭilya has prescribed that women attain their maturity at the age of twelve years and men, at the age of sixteen. When they, after attaining maturity, fail to carry out marital duties, women should be punished with a fine of twelve *paṇas* and men with twenty four *paṇas*.⁷

Cruelty :

Regarding this, Kauṭilya has prescribed that one should not utter the words like - “thou lost one’, ‘thou ruined one,’ ‘thou cripple,’ ‘thou fatherless one’ or ‘thou motherless one’, even towards an unruly woman. Three beats, either with a bamboo bark or with a rope or with the palm of the hand, may be given on the hips of the woman. According to Kauṭilya, if anybody violates this rule, he should be punished with half of the punishment which has been prescribed for verbal and physical injury. According to Kauṭilya, a woman who shows cruelty towards her husband, should also be punished similarly.⁸

Disaffection :

Regarding disaffection, Kauṭilya has prescribed that a woman, who hates her husband and does not adorn herself for the fulfilment of marital duty during seven menstrual periods, she should immediately return to her husband both the endowment and jewellery that she has received from her husband and should allow him to lie down with another woman. Similarly, a husband who hates his wife, should allow her to take shelter in the house of a mendicant woman or of her lawful guardians or her kinsmen. When a husband falsely denies the sexual intercourse with another woman of the same caste, though it has been proved by eye witness or through spy, he should be punished with a fine of twelve *paṇas*.⁹

Misconduct :

Regarding misconduct, it has been prescribed that the wife, who though prohibited, engages haughtily in sport or drink, she should be punished with a fine of three *paṇas*. If she goes during day time to a show by women or on a pleasure trip with women, she should be punished with a fine of six *paṇas*. For going to a show by men or on a pleasure trip with men, the fine should be twelve *paṇas*. If she does this type of activity during night, the punishment should be doubled. If a wife leaves home when her husband is asleep or intoxicated or when she does not open the door when her husband is knocking, such woman should be punished with a fine of twelve *paṇas*. For going during night, the fine should be twenty four *paṇas*. When a man and a woman, with sexual intercourse in view, indulge in gesture with limbs or obscene conversation in secret, the woman should be punished with a fine of twenty four *paṇas* and the man with double the amount. According to Kauṭilya, for touching the hair, the knot of the lower garment, teeth or nails, the woman should be punished with the first amercement and the man should be punished with double of the above fine for doing the same. For holding conversation in suspicious places, whips may be substituted for fines. To the woman, an out caste person should give five strokes with the lash on the back of her body in the centre of the village. According to Kauṭilya, such a woman may get rid of being whipped by paying a *paṇa* for each whip.¹⁰

Forbidden Transaction :

It has been prescribed that when a man and a woman, who though prohibited carrying on mutual transaction, make gift to one another of small articles, a fine of twelve *paṇas* should be imposed on the woman. If they make a gift of big articles, twenty four *paṇas* should be imposed on her. If the gift is money or gold, the woman should be fined with fifty four *paṇas*. For the same crime, the man should be punished with double of the above fine. Half of the above fines should be imposed for transaction between a man and woman, who cannot mix with each other, such as brother, sister etc. Kauṭilya has prescribed that the similar punishment should also be meted out for any forbidden transaction between two men.¹¹

Leaving Home :

Kauṭilya has prescribed that if a woman, except in case of ill-treatment, leaves the house of her husband, she should be fined with six *paṇas*. If she gets out against the order of her husband, she should be punished with a fine of twelve *paṇas*. For going to a neighbour's house, she should be fined with six *paṇas*. If a woman goes to the house of an unknown person, she should be punished with a fine of twenty four *paṇas*. It has been prescribed that when a stranger, except in case of distress, gives shelter to others wife, he should be punished with a fine of one hundred *paṇas*. According to Kauṭilya, it is not a crime for a woman

to go to the house of kinsmen under the circumstances of death, illness, calamities and confinement of women. But the husband, who prevents his wife on such occasion, should be fined with twelve *paṇas*. When a woman conceals herself under the above mentioned circumstances, she should forfeit her woman's property. If her kinsmen conceal her, they should lose the balance of the dowry.¹²

Elopement, Short and Long Sojournment :

Kauṭilya has prescribed that when a woman goes to another village after leaving her husband's house, she should not pay only a fine of twelve *paṇas*, but also forfeit her endowment and ornaments. If under any other excuse than giving of maintenance and approaching after her monthly illness, a woman goes to any other place, even in the company of a man with whom sexual intercourse is permissible, she should not only be compelled to pay a fine of twenty four *paṇas* but also should lose all kinds of social privileges. The man, who allows such a woman to accompany him in his journey, he should be punished with the first amercement if he is of equal or superior caste. If the man is of inferior caste, then he should be punished with the middlemost amercement (a fine ranging from two hundred to five hundred *paṇas*). According to Kauṭilya, if a woman, with carnal intention, accompanies a forbidden man, she should be punished for adultery.¹³

Crime and Punishment Relating to Dwelling Places :

Kauṭilya has prescribed that one should construct houses in conformity with the extent of the boundary. One should cause a new fixing of the boundary to be made two *aratnis* (two spans make an *aratni*) or three *padas* (fourteen *aṅgulas* make a *śama*, a *śala*, a *pariraya* and a *pada* (foot)) away from the wall of the neighbour's house. It has been prescribed that except in the case of temporary structures for the confinement of women for ten days, all permanent houses should be provided with a dung hill, water ditch and a well. If anybody violates this rule, he should be punished with the first amercement. Kauṭilya has prescribed that this rule also should be applied to the work of cutting fire wood and channels for water used for rinsing on festive occasions.¹⁴ According to Kauṭilya, one should make a deep flowing water course three *padas* or one and a half *aratnis* away from the neighbour's wall, in such a way that the water of which should either flow from it in a continuous line or fall from it into the drain. For the violation of this rule, one should be punished with a fine of fifty four *paṇas*. An apartment for bipeds and quadrupeds, a fire place, water butt, a corn mill or a mortar should be constructed one *pada* or one *aratni* away from the neighbour's wall. For the violation of this, one should be punished with a fine of twenty four *paṇas*.¹⁵ Between any two houses or between the extended portions of any two houses, the intervening space should be four or three

padas. The roofs of adjoining houses may either be four *angulas* (the maximum width of middle part of the finger of a middling man is an *aṅgula*) apart or one of them may cover the other. The front door should measure a *kishku* (a *hasta* with *dhanurmusti* makes a *kishku*, forty two *aṅgulas* make a carpenter's sawing - *kishku*). There should be no impediment inside the house for opening one or the other of the folds of the door. The upper storey should be provided with a small but high window. If the neighbouring house is obstructed by it, the window should be closed. The house owners may construct their houses by mutual agreement. But in that case, they should avoid what is injurious. To avoid the evil consequences of rain, the top of the roof should be covered with a board mat, not blow-able by the wind. According to Kauṭilya, if anybody violates this rule, he should be punished with the first amercement.¹⁶ Kauṭilya has prescribed the same punishment for causing annoyance by constructing doors or windows facing other's houses, except when these houses are separated by the king's road or the high road. If a pit step, water course, ladder, drug hill or any other part of a house cause annoyance to outsiders or obstruct the enjoyment of others or damage the wall of a neighbouring house, the owner of that house should be punished with a fine of twelve *paṇas*. According to Kauṭilya, the fine should be twenty four *paṇas* if the annoyance is due to faeces and urine. At the time of rain, a free flow of water must be allowed in the channels; otherwise a

fine of twelve *paṇas* should be imposed. It has been prescribed that if anybody does not take part in the construction of a building which is intended for the common use or prevents another to take part in the work of construction, should be punished with a fine of twelve *paṇas*. Kauṭilya has prescribed a fine of twenty four *paṇas* for that person who destroys others enjoyment of such a building.¹⁷ Kauṭilya has prescribed that the tenant, who resides in the house though he has been asked to evacuate; he should be punished with a fine of twelve *paṇas*. The house owner, who forces the tenant, who has paid his rent and who is not involved in the criminal activities like – theft, robbery, verbal and physical injury, adultery etc. should also be punished with the same fine. It has been prescribed that the tenant, who voluntarily evacuates the house, should pay the balance of the annual rent.¹⁸

Sale of Immovable Property :

Regarding the sale of immovable property, Kauṭilya has prescribed different rules and for violating these, he has prescribed different types of punishment. It has been prescribed that bidding for immovable property by other than the owner; the punishment should be a fine of twenty four *paṇas*. If the bidder does not come to take possession of the property, the owner, whose property was auctioned, may sell again after seven days. If the owner, whose property was auctioned, violates this rule, should be punished with a fine of two hundred *paṇas* in the case of immovable

property. But in the case of other properties, the fine should be twenty four *paṇas*.¹⁹

Punishment for Encroachment and Damage :

Kauṭilya has provided different rules concerning the fixing of the boundaries of villages and fields in his Arthaśāstra. For the criminal activities relating to the boundaries such as removal, encroachment and damage, he has prescribed different types of punishment. Here it has been prescribed that when the boundary marks of villages just described are not found, a fine of one thousand *paṇas* should be imposed on the guilty person. Kauṭilya has prescribed that the same fine should be imposed on those who have encroached upon or destroyed the boundary marks of villages.²⁰ If anybody forcibly seizes the fields of other, he should be fined for theft. When it is done on some reasonable grounds, he should be made to pay to the owner an amount after calculating for his labour and profit. Kauṭilya has prescribed the first amercement for encroaching and removing the boundary marks of fields. Those who destroy the boundary, they should be punished with a fine of twenty four *paṇas*. According to Kauṭilya, this rule shall hold good in disputes concerning penance groves, pasture lands, highways, cremation grounds, temples, sacrificial grounds and holy places.²¹ It has been prescribed that those persons who cause damage to the ploughing or seeds sown in the fields of others by the use of tanks, rivers or fields, should pay as much compensation to the sufferer

as is equivalent to the damage. For mutual damage to fields under water, parks and embankment, the fine should be double the damage. Kauṭilya has prescribed that the water of a lower tank should not submerge the field irrigated by a higher tank. The natural overflow of water from a higher to a lower tank should not be stopped unless a higher tank has ceased to be useful for three consecutive years. According to Kauṭilya, when any one violates this rule, he should be punished with the first amercement. Kauṭilya has prescribed the same punishment for emptying a tank of its water.²² Those persons, who cultivate the lands below tanks, etc., of others at a stipulated price, or for annual rent or for certain number of shares of the crops grown, or persons who are permitted to enjoy such lands free of rent of any kind, should keep the tanks etc. in good repair, otherwise, they should be punished with a fine of double the loss. Kauṭilya prescribes a fine of six *paṇas* for those who let out the water of tanks etc. at any other place than their sluice gate. He has prescribed same fine for those who recklessly obstruct the follow of water from the sluice gate of tanks.²³

It has been prescribed that when a person obstructs a customary water course in use or makes a new one which is not customary, he should be punished with the first amercement. A fine of twelve *paṇas* has been prescribed for encroaching on a path for small animals or men. Kauṭilya has prescribed a fine of twenty four *paṇas* for encroaching on a

path for large animals. According to Kauṭilya those who encroach on a road for elephant or fields, should be punished with a fine of fiftyfour *paṇas*. For encroaching on a road to a dike or leading to a forest, the fine should be six hundred *paṇas*. For those leading to a cremation ground or a village, Kauṭilya prescribes a fine of two hundred *paṇas*. Kauṭilya prescribes a fine of five hundred *paṇas* for encroaching on a road for a fortress. For encroaching on the roads leading to country part or pasture grounds, he has prescribed a fine of one thousand *paṇas*.²⁴ According to Kauṭilya, for reducing the size of the above mentioned roads, the fine should be one quarter of the fines as mentioned above and for ploughing on their surface, the above mentioned fine should be imposed. When the owner of the field takes away the field at the time of sowing seeds or the tenant leaves it at that time, except in cases of defects, calamity and unbearable conditions, he should be punished with a fine of twelve *paṇas*.²⁵ Kauṭilya prescribes a fine of one fourth of a *paṇa* per animal in the case of camels and buffaloes that have grazed on pasture and moved away. He has prescribed a fine of one eighth of a *paṇa* for cattle, horses and donkeys for doing the same. According to Kauṭilya, for allowing the inferior quadrupeds to graze and stray the fine should be one sixteenth of a *paṇa*. It has been prescribed that when the animals sit down after grazing, the above mentioned fines should be doubled and these fines should be fourfold if they stay there overnight.²⁶ When crops are eaten by

cattle, the owners should be made to pay twice as much as loss after calculating it in accordance with the harvest. If the owners of the cattle allow them to graze without informing the owner of the field, a fine of twelve *paṇas* should be imposed on them. According to Kauṭilya, the fine should be twenty four *paṇas* if the owner of cattles lets his cattle loose. Kauṭilya has prescribed half of these fines for the herdsmen. When the cattle eat the produce in the plantations, the above mentioned fines should be imposed. Kauṭilya has prescribed double of the above fines for breaking the fence of fields and for eating grains stored in houses, a threshing floor or a courtyard by the cattle. When animals of reserved forests and protected areas are found eating in another's field, they should, after informing the owner, be driven out without causing any injury to them. Cattles should be driven out by the use of ropes or whips. The persons who cause hurt to them in any other way, the fines for physical injury should be imposed on them. But those animals that make attack, should be restrained by all possible means.²⁷ It has been prescribed that if a person breaks the dam of a tank full of water, he should be drown in the very tank. If the tank is without water, he should be punished with the highest amercement (a fine ranging from five hundred to one thousand *paṇas*). He should be punished with the middlemost amercement if it is ruined or abandoned.²⁸

Construction of Temples, Sanctuaries in Other's Land :

Regarding this it has been prescribed that those who construct a dam, a well, a sanctuary or a temple in another's land, they should be punished with the first amercement.²⁹

Selling and Mortgaging Charitable Water-work :

Kauṭilya has prescribed that when a person himself or through another mortgages or sells a long continued charitable water work, he should be punished with the middle most amercement. Those who are witnesses to such transaction, they should be punished with the highest amercement, except in the case of ruined and neglected one.³⁰

Tax-payers :

Kauṭilya has prescribed that the tax payers should mortgage or sell their fields only to tax payers and Brahmins should sell or mortgage the gifted lands only to those who are endowed with such lands. Otherwise, they should be punished with the first amercement. He has prescribed the same punishment for those tax payers who settle in a village not inhabited by tax payers.³¹

Crime and Punishment Relating to the Headmen of Villages :

Kauṭilya has prescribed different types of punishment for the crimes relating to the headmen of villages. Regarding this, Kauṭilya prescribes that when the village headman has to travel on account of any business of the whole village, the villagers, by turns should accompany

him. Those, who do not do so, should pay one *paṇa* and a half *paṇa* for every *yojana* (*yojana* is 55/44 miles. The name of *yojana* seems to have reference to the yoking of bullocks). When the village headmen ejects one who is not a thief or an adulterer from the village, he should be punished with a fine of twenty four *paṇas* and the villagers should be punished with the highest amercement for committing the same crime.³²

Punishment for Non-observance of Conventions :

While prescribing punishments for non-performance of convention, Kautilya prescribes that the farmer, who after accepting residence in a village, does not do his share of work, then the village itself should receive the amount of fines which has been imposed on him. If he does not do the work, he should pay double the wage for the work. If he does not contribute money, he should be compelled to pay double of each individual's share and also should pay the double share for not contributing food and drink on festive occasions.³³ The person, who does not contribute his share in a stage show, should forfeit his right to enjoy the show together with his family members. When he is found hearing or witnessing it under hiding or if he does not contribute his share in a work beneficial to all, he should be compelled to pay a double share. According to Kautilya, the order of any person attempting to do a beneficial work for all, should be obeyed. When a person does not obey such order, he should be punished with a fine of twelve *paṇas*. The persons who conspire and

beat such person unitedly, each one should be punished with a fine of twenty four *paṇas*. Kauṭilya prescribes severe punishment for causing injury to such person. According to Kauṭilya, in that case, punishment should be fixed from the Brahmin downwards. This rule should be applied to non-observance of conventions in the case of a region, a caste, a family and a corporation.³⁴

Crime and Punishment Relating to Recovery of Debt :

Kauṭilya has dealt with the recovery of debt in his Arthaśāstra with great care. Here, he has prescribed different rules regarding the recovery of debt and also has prescribed punishments for the creditor and debtor for not abiding by the rules. Here it is prescribed that one *paṇa* and a quarter should be the lawful rate of interest per month on one hundred *paṇas*, five *paṇas* for purposes of trade, ten *paṇas* for those going through forests, twenty *paṇas* for those going by sea. For those who charge or make another to charge a rate beyond that, the first amercement has been prescribed. Half of this has been prescribed for each witness. Interest on grains in seasons of good harvest should not exceed more than half when the value in money. Interest on stocks shall be one half of the profit and be regularly paid as each year expires. According to Kauṭilya, when a person cannot make payment in due time on account of his illness or long absence, he should be compelled to pay double of the capital. For recovering interest without fixing it or increasing its rate or claiming

through witnesses the capital with interest added to it, one should be punished with a fine of four times the capital. If anybody claims through witnesses a small amount that was never lent, he should be punished with a fine four times the non-existent amount. Kautilya has prescribed that of this fine, receiver should pay one-third and the rest should be paid by him who helped the receiver to receive it. It has been prescribed that, for not receiving back the debt being paid off, one should be punished with a fine of twelve *paṇas*.³⁵

Deposit :

Regarding this, it has been prescribed that the depositary, who has made use of the deposit for his own comfort, should not only pay a compensation to be fixed after considering the circumstances of the place and time, but also a fine of twelve *paṇas*. He should be liable for what is lost or has perished in consequence of the use and should pay a fine of twenty four *paṇas*. He should also pay the same fine if the deposit runs away for some other reason. It has been prescribed that if the deposit is either mortgaged or sold or lost, the depositary should not only restore four times its value, but pay a fine of five times the stipulated value. If anybody substitutes or helps the deposit to run away, he should be punished with a fine equal to its value.³⁶

Slavery :

Concerning slavery, it has been prescribed that if a kinsman sells or keeps as a pledge a minor Śūdra individual, who is not a born slave, he should be punished with a fine of twelve *paṇas*. When a kinsman commits this type of crime with a Vaisya, he should be punished with a fine twenty four *paṇas*. A kinsman should be fined with thirty six *paṇas* for committing the same with a Kṣatriya. For committing the same with a Brahmin, a kinsman should be punished with a fine of forty eight *paṇas*. If it is done by other than the kinsman, the punishment should be the first, middlemost, highest and death respectively. It has been prescribed that in this regard, the purchasers and witnesses should also be punished similarly.³⁷ For making a pledge to carry the dead bodies or to sweep ordure, urine or the leavings of food and for making female pledges give bath to a naked person, for giving corporal punishment to such female pledges, one should lose the value paid for him or her. If these crimes are committed with a nurse, a female attendant, a female tenant, cultivating for half the produce and with a maid, it should result the liberty for them. It has been prescribed that if a master approaches towards a nurse, who is pledge, who is under his control and is unwilling, he should be punished with the first amercement. He should be punished with the middlemost amercement for committing the same with the nurse when she is under others control. If a person himself or through another violates a maiden

who is pledged to him, he should not only forfeit the purchase value but also should be compelled to pay a certain amount of money to her and double of that amount of money to the government as fine.³⁸ When a person employs in vile work or in foreign land, a slave less than eight years of age, who has no kinsman and who is unwilling to do the work, no matter whether he is a born slave or purchased, he should be punished with the first amercement. It has been prescribed that if anybody sells or pledges a female slave who is pregnant without providing for the nourishment of foetus, he should be punished with the first amercement. Kauṭilya has prescribed the same punishment for the purchaser and witness.³⁹ It has been prescribed that when a person fails to set a slave at liberty on the receipt of required amount of ransom, he should be punished with a fine of twelve *panas* and confinement till he makes the slave free. For selling or mortgaging the life of a male or female slave, once liberated, the punishment should be a fine of twelve *panas*, except those who enslave themselves.⁴⁰

Punishment for Non-payment of Wage :

Kauṭilya has prescribed that in case of non-payment of wage, the fine should be six *panas* and if anybody denies after receiving it, twelve *panas* should be the fine.⁴¹

Crime and Punishment Relating to Labourers :

While dealing with the crimes and punishment relating to labourers, Kauṭilya prescribes that if a labourer does not do the work for which he has received wage, he should be punished with a fine of twelve *paṇas* and he should be caught hold till the work is done if he is incapable or if the work is vile or in calamity, he shall get annulment of the agreement or the right to get it done by another or he shall have the right to get it done at his own cost. According to Kauṭilya, when there is a restriction “you shall not give this work to another, nor shall I do any work of another,” when after making this contract, the employer does not get work done by him or the labourer does not do the work, both the employer and the labourer should be punished with a fine of twelve *paṇas*. Without informing the employer, the union should not remove any labourer or bring in any one. If the union violates this rule, it should be punished with a fine of twenty four *paṇas* and the person who has removed, he should be punished with a fine of twelve *paṇas*.⁴²

Partnership :

Kauṭilya has prescribed different types of punishment for the crimes related to the undertakings in partnership. According to Kauṭilya, when a partner of a company, having good health, goes away when the work has begun, he should be punished with a fine of twelve *paṇas*.

When a partner steals, he should be caught by a promise of giving a share for the work and safety and if he works, he should be given his share and safety. But if he steals again and goes elsewhere, he should be banished from the company. If he commits a very serious crime, he should be put to death like a traitor. Regarding the undertakings of sacrificial work, it has been prescribed that when the sacrificer and the priest leaves each other before the completion of the sacrifice, he should be punished with the first amercement.⁴³

Purchase and Sale :

It has been prescribed that when a seller, after selling his article, does not deliver it, he should be punished with a fine of twelve *paṇas*, except in cases of defect, a sudden calamity or unsuitability. Articles which are likely to perish sooner may be shown the favour of early disposal by prohibiting the sale elsewhere of similar article which is not likely to perish so soon. For violation of this rule, a fine of twenty four *paṇas* has been prescribed. According to Kauṭilya, if a person, after purchasing an article, does not receive the same, he should be punished with a fine of twelve *paṇas*, except in case of defect, a sudden calamity or unsuitability. If anybody sells bipeds and quadrupeds declaring as strong, healthy and clean though they are dull, diseased and unclean, he should be punished with a fine of twelve *paṇas*.⁴⁴

Marriage :

It has been prescribed that if a person gives a girl in marriage without announcing the maiden's defect in connection with sex, he should be punished with a fine of ninety six *paṇas* and also he should be compelled to return the dowry and woman's property. Similarly, when a person marries a girl without announcing his defect, he should be punished with double of the above fine and also should forfeit the dowry and woman's property that he paid for the bride at the time of marriage.⁴⁵

Gift :

While dealing with rules regarding receiving or giving of gift Kauṭilya has prescribed that those who receive gifts from others made in fear of punishment, defamation etc., they should be punished with the punishment prescribed for theft. Similar punishment should be provided to those who give such gift.⁴⁶

Punishment for Sale without Ownership :

Regarding the sale without ownership, Kauṭilya prescribes that on the detection of a lost or stolen article in the possession of another person, the owner should cause the offender to be arrested through the judges of a court. If time or place does not permit, the owner himself should catch hold of the possessor and bring him before the judge. The judge then should put question to the possessor that how he has got it. If he narrates

it, but cannot produce the person who sold the article to him, he should be let off, but should forfeit the property. But if he produces the person who sold the article to him, then the seller should not only pay the value of the article to the owner, but also would be liable to the punishment for theft. When the seller produces the person who sold it to him, then he should be acquitted till the means of exoneration is exhausted. When these are exhausted, the last person, unable to exonerate himself should pay the price of the article and a fine for theft.⁴⁷

Robbery :

Kauṭilya has dealt with forcible seizure or robbery in his Arthaśāstra with great care. According to Kauṭilya, forcible seizure is a deed of force in the presence of the owner. He has prescribed various types of punishment for the seizing forcibly the articles having different values. It has been prescribed that if anybody seizes forcibly the articles having light values such as flowers, fruits, vegetables, roots, turnips, cooked rice, skins, bamboo and earthenware etc., he should be punished with a fine of minimum twelve *paṇas* and maximum twenty four *paṇas*.⁴⁸ For the robbers of articles of iron, wood, ropes, small animals, cloths and other big articles, a fine of minimum twenty four *paṇas* and maximum forty eight *paṇas* has been prescribed. For seizing forcibly the articles having great value, such as articles of copper, steel, bronze, glass and

ivory etc., he has prescribed the first amercement. For taking forcibly the big quadrupeds, human beings, fields, houses, money, gold, fine cloth etc. the middlemost amercement has been prescribed by Kauṭilya.⁴⁹ Kauṭilya has prescribed impalement for those who commit robbery on high ways. According to Kauṭilya, if a woman breaks into a house, she should be torn by billocks.⁵⁰

Verbal Injury :

Kauṭilya has prescribed various types of punishment for causing verbal injury. According to Kauṭilya, defamation, vilification and threat constitute verbal injury. He prescribes that for defamation relating to body such as one eyed, lame and so on, the fine should be three *paṇas*, if it is a fact. But in case of false imputation the fine should be six *paṇas*. When a person insults a one eyed or a lame person with such ironical expression as “a man with beautiful eyes”, “a man with beautiful teeth” he should be punished with a fine of twelve *paṇas*. In case of vilification referring to leprosy, madness, impotence and so on, when it is true, the fine should be twelve *paṇas*. When it is false, the fine should be twenty four *paṇas* and if it contains ironical praise, the fine should be thirty six *paṇas*, if it is towards the persons of equal caste. According to Kauṭilya, if the vilification is towards the persons of superior caste, the fine should be double and if it is towards the persons of lower caste, the fine should be

half. When the vilification is towards the wives of others, the fine should be double and it should be half when it is due to mistake, intoxication, delusion and so on.⁵¹ According to Kauṭilya, if among Brāhmins, Kṣatriyas, Vaiśyas, Śūdras and Caṇḍālas, anyone of a lower caste abuses the character of one of a higher caste, the fines should be increased from three *paṇas* upwards (commencing from the lowest caste). It means that if a Caṇḍāla abuses the character of a Śūdra, he should be fined three *paṇas*. When a Śūdra abuses the character of a Vaiśya, he should be fined with six *paṇas*. A Vaiśya should be fined with nine *paṇas* for abusing the character of a Kṣatriya and for abusing the character of a Brahmin, a fine of twelve *paṇas* should be imposed on a Kṣatriya. It has been prescribed that when anyone of a higher caste abuses one of a lower caste, the fines should decrease from two *paṇas*.⁵² It has been prescribed that if a person threatens another by using such expression as “I shall do this to you”, but if he actually does not do so, he should be punished with half of the fines which has been prescribed for doing it. If he is incapable of carrying out the threat and pleads anger, intoxication or delusion, he should be punished with a fine of twelve *paṇas*. If he has feelings of enmity and is capable of doing harm, he should be compelled to give lifelong security for the well being of the threatened person.⁵³ Kauṭilya has prescribed the first amercement for reviling one’s own country and village. He has prescribed the middlemost amercement for reviling one’s own caste or

corporation. The highest amercement has been prescribed for reviling Gods and sanctuaries.⁵⁴ Kauṭilya has prescribed impalement for that person who threatens another to kill.⁵⁵ It has been prescribed that if anybody reviles his mother, father, son, brother or preceptor or an ascetic, his tongue should be cut-off.⁵⁶

Physical Injury :

Kauṭilya has dealt with physical injury in his Arthaśāstra with great care. According to Kauṭilya, touching, menacing and striking constitute physical injury. Here, it has been prescribed that when a person touches the body of another below the navel with the hand, mud, ashes or dust, he should be punished with a fine of three *paṇas*. For touching with same things when one is impure and with the foot or with spittle, the fine should be six *paṇas*. For touching with vomit, urine, faeces etc., the fine should be twelve *paṇas*. For touching above the navel portion, the fines should be double and on the head, the fine should be four fold in the case of person of equal rank. According to Kauṭilya, when the same crime is committed on persons of superior rank, the fine should be doubled and on person of lower rank, the fine should half of the above. When the same crime is committed on the wives of others, the fine should be double. If it is due to mistake, intoxication, delusion and so on, the fines should be half.⁵⁷ A fine of six *paṇas* has been prescribed for holding another by the

feet. For holding another by the garment, a fine of twelve *paṇas* has been prescribed. For holding another by the hand, he has prescribed a fine of eighteen *paṇas* and for holding another by the hair, a fine of twenty four *paṇas* has been prescribed.⁵⁸ Kauṭilya has prescribed the first amercement for squeezing, rounding with arms, bending, dragging and sitting over the body of another. It has been prescribed that if anybody goes away after throwing down another, he should be punished with half of the first amercement, Kauṭilya has prescribed that the limb of a Śūdra with which he strikes a Brahmin, should be cut off.⁵⁹ Kauṭilya has prescribed the first amercement for causing hurt with an object. The middlemost amercement has been prescribed for endangering one's life. A fine of twenty four *paṇas* has been prescribed for causing a bloodless wound to others with any object made of wood, earth, stone or metal or a stick or a rope.⁶⁰ Kauṭilya has prescribed a fine of forty eight *paṇas* for causing a bleeding wound, except the impure blood. Kauṭilya has prescribed the first amercement for beating a person to the point of death without causing bleeding or causing dislocation of the hand or foot, for breaking hands, feet or teeth, tearing of nose or ear or breaking open the flesh, except in ulcers or boils. It has been prescribed that for breaking the thigh or neck or for wounding the eye and for causing hurt in such a way that it leads to the obstruction in speaking, eating or any other bodily movement, one should not only be punished with the middlemost amercement, but also be

compelled to pay a compensation to the sufferer for treatment and cure. If it causes death, he should be taken for trial as a criminal by magistrate.⁶¹ when a person causes a wound to a limb of his father, mother, son, brother, preceptor or an ascetic, his offending limb should be cut off.⁶² Kauṭilya has prescribed the highest amercement for striking another with a weapon. According to Kauṭilya, if it is done under intoxication, the hand of the offender should be cut off. If it is done through delusion, a fine of two hundred *paṇas* should be imposed.⁶³ It has been prescribed that when a group of people beat a single person, each one should be punished with double of the fine which has been prescribed for beating by a single person.⁶⁴ If a person injures the generating organ or testicles of another, he should lose the same organ. If anybody injures the tongue or nose of another his middle finger and thumb should be cut off.⁶⁵ Kauṭilya has prescribed impalement for those who beat a man or a woman with force, who hold them down, who attack them and who pierce them.⁶⁶ It has been prescribed that if anybody destroys a small object during scuffle, he should be compelled to return that object and pay an equal amount as fine. For destroying a big object during scuffle, one should return that object and pay a fine equal to twice the value of the object destroyed. For destroying cloths, ornament, money and gold articles, in that situation, one should not only be punished with the first amercement, but also be compelled to return the same to the owner. According to Kauṭilya, if

anybody causes a shake to the wall of others' house by striking at it, he should be punished with a fine of three *paṇas*. For breaking or demolishing the same, one should be fined with six *paṇas* besides the cost of repairing. For throwing harmful things inside the house of another, one should be fined with twelve *paṇas* and for throwing such thing which is dangerous to the life, one should be punished with the first amercement.⁶⁷

Here, Kauṭilya has also prescribed punishment for causing hurt to animals and also for cutting trees. It has been prescribed that if anybody causes hurt with sticks etc., to small animals, he should be fined with one or two *paṇas* and for causing bleeding to the same, the fine should be double. In the case of big animals, one should not only be punished with double of the above fines but also be compelled to pay an adequate compensation for treatment and cure.⁶⁸ Kauṭilya has prescribed that for cutting the tender sprouts of fruit trees, flower trees or shady trees in the parks near a city, one should be punished with a fine of six *paṇas*. Kauṭilya has prescribed a fine of twelve *paṇas* for cutting off the small branches of the same trees. For cutting the big branches Kauṭilya has prescribed a fine of twenty four *paṇas*. For cutting the trunks of the same, he has prescribed the first amercement and for uprooting the same, he has prescribed the middlemost amercement. According to Kauṭilya, in the case of bushes and creepers which bear flowers, fruits or provide shade, half of the above fines should be imposed. He has prescribed the same fines in the case of

trees that have grown in places of pilgrimage, forests of hermits or cremation or burial grounds. According to Kauṭilya, for similar crimes committed in connection with the trees which mark boundaries or which are worshiped or observed or trees which are grown in the King's forests, double of the above fines should be imposed.⁶⁹

Crime and Punishment Relating Gambling and Betting :

Kauṭilya has dealt with different rules for gambling and betting in his Arthaśāstra. He has also prescribed punishment for violating these rules. According to Kauṭilya, the director of gambling should cause gambling to be carried on in one place. He has prescribed a fine of twelve *paṇas* for one gambling with dice in another place to find out those who follow a secret profession. He has prescribed that the masters of gambling hall should provide clean cowries shells and dice to the gamblers. If anybody substitutes other cowries shells or dice, he should be punished with a fine of twelve *paṇas*. For fraudulent playing, one should be punished with the first amercement. In that case his winnings should be confiscated and for cheating a fine for theft should be imposed on him.⁷⁰ It has been prescribed by Kauṭilya that the master of gambling hall should receive five per hundred of the winnings, as well as fine for cowries shells, dice, leather straps and ivory cubes and also should take charges for water, ground and the act of gambling. He should carry out the

pleading and sale of articles. If the master of the gambling hall does not prohibit crimes concerning dice, ground or the use of hand, he should be punished with twice the amount that he has received from the gamblers. According to Kauṭilya, this rule also should be applied to betting and challenging, except challenging regarding learning or art.⁷¹

Artisans :

According to Kauṭilya, for the protection of the people from the criminal activities of the artisans, it is very much necessary to keep a watch over them and punish them for committing crimes. Kauṭilya has dealt with various types of crime and punishment relating to artisans in his Arthaśāstra with great care. Kauṭilya has prescribed that in this regard, the three magistrates should carry out the suppression of the criminals.⁷² Kauṭilya has prescribed that artisans should purchase the seals and weights from the superintendent of standardisation; otherwise they should be fined with twelve *paṇas*.⁷³ They should fulfil their engagement in accordance with their agreement as to time, place and form of work. The artisans, who postpone their engagement under the excuse that no agreement as to time, place and form of work has been entered into, should, except in troubles and calamities, not only be forfeited of their wages, but also be punished with a fine equal to twice the amount of their wages. They should also be liable for what is lost or destroyed except in

case of deterioration or a sudden calamity. Those who carry on their work contrary to orders, should not only forfeit their wages, but also pay a fine equal to twice the amount of their wages.⁷⁴ Here, Kauṭilya has prescribed different rules and regulations for the weavers, tailors, goldsmiths etc., and also has prescribed punishment for violating these rules and regulations.

According to Kauṭilya, the weavers should increase the weight of the threads supplied to them for weaving cloths, to the extent of eleven *palas* (a *pala* is equivalent to four *kārṣās*) from the threads of ten *palas*. For diminution in increase, the artisans should be punished with a fine equal to twice the loss in threads. When there is a loss in length, the value of the loss should be deduced from the wages and a fine equal to twice the loss should be imposed. For loss in weight, the weavers should be punished with a fine equal to four times the loss. For changing the yarn, the fine should be twice the value of the original yarn. According to Kauṭilya, this rule also should be applied to the weaving of double cloth.⁷⁵

Regarding the goldsmiths, Kauṭilya has prescribed that those goldsmiths who, without giving information to the state officers, purchase from disreputable persons silver or gold in the same form, should be fined with twelve *paṇas*. When they do the same changing the form of the articles, i.e., melting, they should be fined with twenty four *paṇas*. If they

purchase the same from the hands of a thief, they should be fined with forty eight *paṇas*. If they purchase at a low price in secret or what is changed in appearance, they should be liable to the punishment for theft for deception with manufactured articles.⁷⁶ If a goldsmith steals one *māṣaka* (five *kṛṣṇālas* are equal to a *māṣaka* or *māṣa*) from one *suvarṇa* (sixteen *māṣas* are equal to a *suvarṇa*) of gold, he should be punished with a fine of two hundred *paṇas*. When he steals one *māṣaka* from one *dharāṇa* (one-tenth of a *pala* is a *dharāṇa*) of silver, he should be fined with twelve *paṇas*. This explains the proportional enhancement of punishment.⁷⁷ According to Kauṭilya, when a goldsmith secures an artificial enhancement of colour or removes the original colour or practices mixtures with base metals, they should be fined with five hundred *paṇas*. In case of contaminating gold and silver in any way, it should be regarded as the loss of their intrinsic colour.⁷⁸

Punishment for Washer Men :

Regarding the washer men, Kauṭilya has prescribed that washer man should wash cloths either on wooden planks or on stones of smooth surface. Those who wash on anything else, should not only be punished with a fine of six *paṇas*, but also be compelled to pay a compensation equal to the damage. Washer men wearing clothes other than marked with the sign of a cudgel should be fined with three *paṇas*. When a washer

man sells, mortgages or lets out for hire the clothes of others, he should be fined with twelve *paṇas*. In case of substitution of other clothes, they should not only be punished with a fine equal to twice the value of the clothes, but also be made to restore the original clothes.⁷⁹ The washer men should return a garment which is white like a bud after one day. They should return a garment which is cleansed on a slab of stone, after two days, which has the colour of washed yarn, after three days and they should return after four days a garment which is bleached white. According to Kauṭilya the washer men may return a garment with a light red colour after five days. They may return a garment which is to be made blue after six days. A precious garment dyed in saffron flower, lac-juice or *mañjiṣṭhā* the treatment of which is arduous and which has to be worked upon with great care, may be returned after seven days. For returning after that period, their wages should be forfeited. According to Kauṭilya, these rules should also be applied to the tailors.⁸⁰

Crime and Punishment Relating Coin :

Kauṭilya has prescribed different types of punishment for crimes relating to coins. He has prescribed that when the examiners of coins reject an established currency of *paṇas* which does not deserve to be rejected or do not reject one which deserves to be rejected, should be fined with twelve *paṇas*. When they accept one *māṣaka* on a *paṇa*, sent into circulation, they should be fined with twelve *paṇas*. This explains the

proportional increase of fines.⁸¹ Kauṭilya has prescribed that if a person causes a counterfeit coin to be manufactured or accepts it or sends it into circulation, he should be punished with a fine of one thousand *paṇas*. For inserting a counterfeit coin in the treasury, one should be put to death.⁸²

Attendants and Dust Washers :

Regarding the attendants and dust washers, Kauṭilya prescribes that they should take one third of articles of high value, found by them. Two thirds should be taken by the king and the gems should be wholly surrendered to the king. Kauṭilya has prescribed the highest amercement for the attendants and dust washers for stealing a gem.⁸³

Treasure Trove :

It has been prescribed that a discoverer of mines, precious stones or treasure trove should, on supplying information to the king, receive one sixth part as his share. If the discoverer is a servant of the state, he should take one twelfth part of it. A treasure trove valued beyond one lakh, should wholly be taken by the king. But if it is less than one lakh, the king should give one sixth part to the finder. Kauṭilya has prescribed that a native of the land, who is pure and honest, should receive the entire treasure trove buried by his forefathers after producing proof of ownership. For taking possession of such treasure trove without producing proof of ownership, one should be punished with a fine of five

hundred *paṇas*. For taking possession of the same in secret, the fine should be one thousand *paṇas*.⁸⁴

Physicians :

Kauṭilya has prescribed different types of punishment for the physicians for committing different types of crime. Regarding this, he has prescribed that when the physicians undertake treatment involving danger to life without intimating to the authorities, if the patient dies in that case, they should be punished with the first amercement. If the death of a patient under treatment is due to mistake, the physicians should be punished with the middlemost amercement. In case of injury to a vital part or causing a deformity, the magistrate should treat it as a case of physical injury.⁸⁵

Actors :

Kauṭilya has prescribed that the actors should live in one place during the rainy season. They should avoid excessive gifts of love and praise from one. If they violate this rule, they should be fined with twelve *paṇas*.⁸⁶ According to *Kauṭilya*, this rule also should be applied to wondering minstrels and mendicants. It has been prescribed that for committing crimes, the minstrel and mendicants should receive as many lashes with iron rod as the number of *paṇas* imposed on them.⁸⁷

Traders :

According to Kauṭilya, the king should prevent those thieves who are not known as thieves but in effect such as traders, artisans, and others who cheat the public in various ways. Kauṭilya has prescribed various types of punishment for the traders with a view to protect the public from their criminal activities. It has been prescribed that the superintendent of markets should set up the pleading or sale of old wares which are furnished with proof of ownership in the market place. With a view to prevent deception, he should supervise weights and measures. In the case of *parimāni* and *drona* (*parimāni* and *drona* each measures two hundred *palas*), difference of half a *pala* is not a crime. But for difference of a *pala* in such measures, a trader should be punished with a fine of twelve *paṇas*. Difference of a *kārṣā* (a *kārṣā* is one fourth of a *pala*) in the balance called *tulā* (a *tulā* is one hundred *palas*), is not a crime. But for the difference of two *karsas*, the fine should be six *paṇas*. In the case of an *āḍhaka* (an *āḍhaka* is one fourth of a *drona*), difference of half a *kārṣā* is not a crime. But for the difference of a *Kārṣā*, the fine should be three *paṇas*. According to Kautilya for greater differences in the measures in all these cases the fines should be proportionally increased. From this, the superintendent should form an estimate of the fines for deviations in other types of weights and measures.⁸⁸ For stealing to the extent of one eighth part of the price of the goods, the goods sold by counting, the fine should

be ninety six *paṇas*. When the traders sell or mortgage articles made of wood, metal or gems or made of ropes, leather or clay or made of yarn, bark or hair, declaring as genuine, which are not genuine, they should be punished with a fine of eight times the price of the articles sold. When a trader sells or mortgages articles not of high value, declaring as high or articles not of a particular class announcing articles of that class or such articles which are given false shine or in which there is fraud or the container of which is changed, he should be punished with a fine of fifty four *paṇas* if the price is trifling. When the price of the articles is one *paṇa*, the fine should be doubled. When the price is two *paṇas*, he should be punished with a fine of two hundred *paṇas*. According to Kauṭilya, in this way the fines should be increased according to the increase in price.⁸⁹

According to Kauṭilya, the traders, who conspire either to prevent the sale of merchandise or to sell or purchase commodities at higher prices, should be punished with a fine of one thousand *paṇas*. The weigher or measurer, who by trick of the hand brings about a difference to the extent of one eighth part in an article priced at one *paṇa*, should be fined with two hundred *paṇas*. According to Kauṭilya, fines for greater losses should be proportionally increased, commencing from two hundred *paṇas*.⁹⁰ For adulteration of grains, oils, sugar, salts, perfumes, medicinal articles with similar articles of no quality, the punishment should be a fine of twelve *paṇas*.⁹¹ It has been prescribed that only the authorised person should

collect grains and other merchandise. Collection of such things without permission, should be confiscated by the superintendent of commerce. The superintendent of commerce should fix a profit of five percent over and above the permitted purchase price in the case of local commodities and ten percent on foreign goods. Traders who enhance the price or release profit beyond that during the purchase or sale of commodities, they should be punished with a fine of two hundred *paṇas* for an additional profit of five *paṇas* in one hundred *paṇas*. According to Kauṭilya, the fines for greater enhancement should be proportionally increased.⁹²

The traders should insell meat without bones, of dear and beasts freshly killed. When they sell meat which contains bones, they should give a compensation for the loss to the purchaser. For shortness in weight, the fine should be eight times the short measure. The traders should not kill the calf, the bull and the milch cow. For killing them, there should be a fine of fifty *paṇas*. The traders should not sell meat that is swollen, that is naturally of dead animals. They should sell meat without head, feet, bones and foul smelling. The traders who violate this rule, they should be fined with twelve *paṇas*.⁹³

Calamities:

According to Kauṭilya, there are eight great calamities of a divine origin. These are fire, floods, disease, famine, rats, wild animals, serpents and evil spirits.⁹⁴ From these the king should protect his kingdom. He has prescribed punishment for the crimes committed by the people during the calamities.

Regarding fire, Kauṭilya has prescribed the rule that the citizens should take steps against an outbreak of fire in summer. He has prescribed one eighth of a *paṇa* as a fine for those citizens who kindle fire in the two middle quarters of the day. They should cook outside the house. It has been prescribed that one quarter of a *paṇa* should be the fine for not providing five jars, a big jar, a ladder, an axe, a hook, a hair seizure and a skin bag. If a person does not run to save the house on fire, he should be fined with twelve *paṇas*. For committing this crime, a tenant should be fined with six *paṇas*. In case of houses catching fire through negligence, the fine should be fifty four *paṇas*. According to Kauṭilya, the incendiary should be put to death by fire.⁹⁵

Regarding flood, Kauṭilya has prescribed that the villagers living on the banks of rivers should, during the rainy season, live away from the level of the flood. They should keep a collection of wooden planks, bamboos and boats. They should rescue persons being carried off by

floods by means of skin bags, canoes, tree stems and rope braids. The persons who do not go to rescue, with the exception of those who have no boats etc., should be fined with twelve *paṇas*.⁹⁶

Regarding rats, Kauṭilya has prescribed that to ward off the danger from rats, cats and mongoose should be let loose. For catching or killing these, one should be punished with a fine of twelve *paṇas*. Kauṭilya prescribes the same punishment for those who, with the exception of wild tribes, do not hold their dogs in check.⁹⁷

Regarding the wild animals like tiger etc., Kauṭilya prescribes that the followers or hunters of wild animals such as tiger, should busy themselves with concealed cages and pits. The armoured men, weapons in hand, should kill these types of dangerous wild animals. Those who do not go to rescue a person from a tiger, should be fined with twelve *paṇas*.⁹⁸

Punishment for Foul Means of Income :

Kauṭilya has dealt with punishments relating to those persons who live by foul means of income. He has prescribed banishment for the receivers of bribe, extortioners and false witnesses. It has been prescribed that those persons who use occult means for winning love with incantations or rites with herbs and rites in cremation grounds, they should be punished similarly. Kauṭilya has prescribed the same

punishment for the practisers of black magic, purchasers, sellers and preparers of poison. He has prescribed the same punishment for the dealers in stupefying mixture. According to Kauṭilya, the utterers of false coin, removes colour from precious metals and dealers in artificial gold, should be punished similarly.⁹⁹

Punishment Relating Suicide :

Kauṭilya has prescribed that if a man or woman, under the infatuation of love, anger or other sinful passions, commits suicide or causes another to commit the same by means of ropes, weapons or poison, he or she should be dragged by means of rope by a Caṇḍāla on the royal high way. For them, neither cremation rites nor any obsequies should be performed by his kinsmen. If any relative performs funeral rites to such wretches, he should either be deprived of his own funeral or be abandoned by his kith and kin. A person who deals with an outcast by sacrificing for them, by teaching them or by entering into marriage relations with them should lose his own caste after one year. Those who deal with these types of people, same steps should be taken against them.¹⁰⁰

Wrongful Confinement :

Kauṭilya has prescribed the first amercement for keeping an innocent man in confinement.¹⁰¹

Crime and Punishment Relating Governmental Officers and Their Subordinates :

With a view to make all governmental department crime free, Kauṭilya has prescribed punishments for the officers of different governmental departments and their subordinates. Kauṭilya has prescribed that if an officer steals articles of high value or a gem from mines or factories, he should be put to death without torture. When he steals and an article of low value from factories, he should be punished with the first amercement.¹⁰² It has been prescribed that if an officer steals king's articles from the place of production above one *māṣa* to one fourth of a *paṇa* or four *māṣas* in value, he should be punished with a fine of twelve *paṇas*. For stealing king's articles of four *māṣas* to eight *māṣas*, an officer should be punished with a fine of twenty four *paṇas*. For stealing king's articles of eight *māṣas* to twelve *māṣas* an officer should be punished with a fine of thirty six *paṇas*. Kauṭilya has prescribed a fine of forty eight *paṇas* for an officer for stealing king's articles of twelve *māṣas* to one *paṇa* in value.¹⁰³

According to Kauṭilya, an officer or employee should be punished with the first amercement for stealing king's articles of one *paṇa* to two *paṇas* in value. For stealing articles of two *paṇas* to four *paṇas* in value, the punishment should be the middlemost. Kauṭilya prescribes the highest amercement for an employee or officer for stealing king's articles of four

paṇas to eight *paṇas* in value. He has prescribed the death penalty for an officer for stealing articles of eight *paṇas* to ten *paṇas* in value.¹⁰⁴ It has been prescribed that if an officer misappropriates forest produce, goods or tools from magazines, ware house, stores of forest produce and armouries etc., of half of the above value the above fines should be imposed.¹⁰⁵ For misappropriating articles from the treasury, store rooms and the goldsmith's workshop, the above mentioned fines should be doubled for articles of one quarter in value.¹⁰⁶ Kauṭilya prescribes death penalty with torture for those officers, who break open the treasury.¹⁰⁷ Regarding the theft of other than king's articles, it has been prescribed that when an officer steals during the day from a field, a threshing floor, a house or shop, commodities such as raw materials, manufactured articles, or necessaries of life above one *māṣa* to one fourth of a *paṇa* or four *māṣas* in value, he should be fined three *paṇas* or should be paraded through the streets, his body being smeared over with cow dung and an earthward pan with blazing light tied round his loins. For stealing articles of eight *māṣas* to two quarters of a *paṇa* in value, an employee should be fined with six *paṇas* or smeared with cow dung and ashes and his guilt should be proclaimed. If an officer steals articles of three quarter of a *paṇa* or twelve *masas* in value, he should be fined with nine *paṇas* or he may be paraded through streets, his body being be daubed with cow dung or ashes or with earthenware pan with blazing light tied round his waist.

According to Kauṭilya, when an officer steals articles of one *māṣa* to sixteen *māṣas* or one *paṇa* in value, he should be punished with a fine of twelve *paṇas* or he should be exiled after shaving his head. For stealing articles up to two *paṇas* in value, one should be punished with a fine of twenty four *paṇas* or drive him out of the city with a piece of brick after shaving his head. For stealing articles up to four *paṇas* in value, the fine should be thirty six *paṇas*. When an officer steals articles up to five *paṇas* in value, he should be fined forty eight *paṇas*.¹⁰⁸ Kauṭilya prescribes the first amercement for an officer for stealing articles up to ten *paṇas* in value. For stealing articles up to twenty *paṇas* in value, Kauṭilya prescribes a fine of two hundred *paṇas*. For stealing articles up to thirty *paṇas* in value, a fine of five hundred *paṇas* has been prescribed. According to Kauṭilya, if an officer steals articles up to forty *paṇas* in value, he should be punished with a fine of one thousand *paṇas*. For stealing articles up to fifty *paṇas* in value and above, Kauṭilya prescribes death penalty.¹⁰⁹ When a person steals forcibly by day or night during the forbidden watches, article of half of the above value, these same fine should be imposed on him. For robbing forcibly, by day or night, with weapons, the above mentioned fines should be doubled for articles one quarter in value.¹¹⁰

Regarding the judges, Kauṭilya has prescribed that when a judge threatens, browbeats, sends out or unjustly silences any one of the

disputants in his court, he should be punished with the first amercement. If he injures verbally a litigant, he should be punished with double of the above punishment. If he does not question one who ought to be questioned and questions one who ought not to be questioned or after questioning dismisses the statement or instructs, reminds or prompts him, he should be punished with the middlemost amercement. According to Kauṭilya, when a judge does not inquire into necessary circumstances, inquires into unnecessary circumstances, makes unnecessary delay in discharging his duty, postpones work with spite, causes parties to leave the court by tiring them with delay, evades or causes to evade statements that lead to the settlement of a case, helps witnesses, gives them clues or resumes cases already settled or disposed of, he should be punished with the highest amercement. If he repeats the same crime, he should be punished with double of the above punishment and should be removed from the office.¹¹¹ Kauṭilya has prescribed that if a judge or magistrate imposes a money fine on one not deserving to be fined, he should be fined either double the amount of the fine or eight times that amount of imposition. When a judge or magistrate imposes an unjust corporal punishment, he should himself be either condemned to the same punishment or should be made to pay double the normal redemption amount. If a judge falsifies whatever is a true amount or declares as true whatever is false, he should be fined eight times that amount.¹¹²

Kauṭilya has prescribed that when a clerk does not write what is said but writes what is not said, writes correctly what is badly spoken and writes inaccurately what is well spoken or if he modifies the sense conveyed, he should be punished either with the first amercement or in proportion to his guilt.¹¹³

Regarding the jailors, Kauṭilya has prescribed that when a jailor sets free or helps to escape an accused from the lock up, he should be punished with the middlemost amercement and should be compelled to pay the amount that was imposed on the accused. If he lets out or helps to escape a prisoner from the prison house, his whole property should be confiscated and should be put to death.¹¹⁴ Regarding the violation of women in the prison house, it has been prescribed that if a jailor violates a married woman prisoner who is a slave or a pledge, he should be punished with the first amercement. For committing the same crime with the wife of a thief or a rioter, he should be punished with the middlemost amercement. He should be punished with the highest amercement if he commits the same crime with an Ārya woman prisoner.¹¹⁵ According to Kauṭilya, if a prisoner commits the same crime, he should be condemned to death then and there. Kauṭilya has prescribed the same punishment for committing the same with an Ārya woman arrested in the prohibited period of night. He has prescribed the first amercement for committing the same with a female slave.¹¹⁶

It has been prescribed that if a government servant helps a prisoner to escape from the lock up without breaking it, he should be punished with the middlemost amercement. If he commits the same by breaking it, he should be condemned to death.¹¹⁷

Kauṭilya has prescribed that, when the superintendent of prison house puts any person in lock up without declaring the grounds of provocation, he should be fined with twenty four *paṇas*. If he subjects any person to unjust torture, he should be fined with forty eight *paṇas*. When he transfers a prisoner to another place or deprives a prisoner of food and water, he should be fined with ninety six *paṇas*. For tormenting or maiming him, he should be fined with the middlemost amercement. For killing him, he should be punished with a fine of one thousand *paṇas*.¹¹⁸

Kauṭilya has prescribed that in this way the king should first correct the officers and they being corrected should correct the citizens, living in towns and villages.¹¹⁹

Punishment for Making Counterfeit Documents and Seals :

Regarding this, it has been prescribed that if anybody makes counterfeit documents and seals of householders, he should be punished with the first amercement. For making counterfeit documents and seals of superintendents, one should be punished with the middlemost amercement. When a person makes counterfeit documents and seals of principal officers, he should be punished with the highest amercement.

Kauṭilya has prescribed death penalty for making counterfeit documents and seals of a king.¹²⁰

Theft :

Kauṭilya has dealt with theft in his Arthaśāstra with great care. Here he has prescribed different types of punishment for stealing articles having different values. It has been prescribed that for theft and pick pocketing at holy places for the first time, the middle finger and thumb of the thieves and pick pockets should be cut off or a fine of fifty four *paṇas* should be imposed on them. For repeating the crime for a second time, their five fingers should be cut off or a fine of one hundred *paṇas* should be imposed on them. For repeating the same, for the third time, their right hand should be cut off or a fine of four hundred *paṇas* should be imposed on them. According to Kauṭilya when they repeat the same crime for the fourth time at holy places, they should be put to death.¹²¹

It has been prescribed that if anybody steals cocks, mongoose, cats, dogs or pigs of less than twenty five *paṇas* in value, the tip of his nose should be cut off or a fine of fifty four *paṇas* should be imposed on him. For stealing deer, beast, birds or fish, caught in the snares, nets or concealed pits, one should not only pay a fine equal to the value of the stolen animals, but also should restore the animals. For stealing deer or objects from deer parks or produce forests, one should be fined one

hundred *paṇas*. Kauṭilya has prescribed a fine of two hundred *paṇas* for stealing deer or birds intended for show or pleasure. If a person steals small articles belonging to artisans, artists or ascetics, he should be fined with one hundred *paṇas* and when he steals big articles and agricultural goods, he should be punished with a fine of two hundred *paṇas*.¹²² For stealing a cart, a boat or a small animal, one should be punished with a fine of three hundred *paṇas* or one's foot should be cut off. If a person steals a big animal or one male or female slave, he should have his both legs cut off or should be compelled to pay a fine of six hundred *paṇas*.¹²³ Kauṭilya prescribes simple death punishment for one who steals a herd of cattle. Here, a herd contains at least ten cattles.¹²⁴ According to Kauṭilya, if a person steals cattle, images, persons, fields, houses, money, gold, and gem or crops belonging to a temple, he should be punished with the highest amercement or put to death without torture.¹²⁵ When a man other than a soldier, steals weapons or armour, he should be shot down by arrows. If he is a soldier, he should be punished with the highest amercement.¹²⁶ Kauṭilya has prescribed impalement for the house thieves and for those who steal an elephant, a horse or a chariot belonging to the king.¹²⁷

Entering in to a Fort:

It has been prescribed that when a person enters in to a fort without permission or carries off entrusted article through a hole or passage in the wall of the fort, he should be punished with a fine of two hundred *paṇas* or the sinews of his feet should be cut off.¹²⁸

Mounting the Royal Carriages and Animals :

It has been prescribed that for mounting the royal carriages and animals and for striking with hands or feet persons of the highest caste and elders, one's one hand and one foot should be cut off or a fine of seven hundred *paṇas* should be imposed on him.¹²⁹

Ordering What is Treasonable :

Kauṭilya has prescribed that when a person orders what is treasonable or destroys both the eyes of another, he should be made blind by the application of poisonous ointment or a fine of eight hundred *paṇas* should be imposed on him.¹³⁰

Concealing Temple's Property :

According to Kauṭilya, if anybody conceals temple's property and when a Śūdra calls himself a Brāhmin, they should be punished with the same punishment which has been prescribed for ordering what is treasonable.¹³¹

Kidnapping :

It has been prescribed that when a person kidnaps a maiden or a female slave together with money, his left hand and both feet should be cut off or a fine of nine hundred *paṇas* should be imposed on him.¹³²

Setting Free a Thief or an Adulterer :

It has been prescribed that if anybody sets free a thief or an adulterer, he should be punished with the same punishment which has been prescribed for kidnapping a maiden or a female slave together with money.¹³³

Writing a Royal Edict with Omissions or Additions :

According to Kauṭilya, if anybody rights a royal edict with omissions or additions, he should be punished with the same punishment which has been prescribed for kidnapping a maiden or a female slave together with money.¹³⁴

Selling Unclean Meat :

It has been prescribed that when a person sells unclean meat, he should be punished with the same punishment which has been prescribed for kidnapping a maiden or a female slave together with money.¹³⁵

Selling Human Flesh :

It has been prescribed that for those who sell human flesh, they should be put to death.¹³⁶

Homicide :

Kauṭilya has dealt with punishments relating to homicide with great care in his Arthaśāstra. Regarding this, he has prescribed that when a man kills another on the spot during a scuffle, he should be tortured to death. When the person wounded in a fight dies within seven nights, he who has caused the wound, he should be put to death without torture. If the wounded man dies within a fortnight, the offender should be punished with the highest amercement. When the wounded man dies within a month, the offender should be punished with a fine of five hundred *paṇas* and should also be compelled to pay the cost of treatment to the bereaved. When a person strikes another with a weapon in such a way that it causes death to that person, he should be put to death.¹³⁷ Kauṭilya has prescribed that the person who kills his mother, father, son, brother, preceptor or an ascetic, he should be slain by setting fire to the head. If a person kills another by accident, he should be put to death without torture. When a woman kills a man, she should be drowned in water, if she is not pregnant. If pregnant, she should be drowned at least one month after

delivery. The woman, who kills her husband, an elder or her offspring's, should be torn by bullocks.¹³⁸

Causing Abortion :

Kauṭilya has prescribed that if a person causes abortion with a blow, he should be punished with the highest amercement. For causing the same with medicine, one should be punished with the middlemost amercement. Kauṭilya has prescribed the first amercement for committing the same by causing suffering to the woman.¹³⁹

Helping Murderers and Thieves :

Kauṭilya has not only prescribed punishments for the murderers and thieves, but also has prescribed punishment for those who help them. Regarding this type of criminal activity, Kauṭilya has prescribed that when a person supplies murderers or thieves with food, accommodation, tools, fire, information, any plan or assistance in any way, he should be punished with the highest amercement.¹⁴⁰ If he does so under ignorance, he should be censured. Sons or wives of murderers or thieves, if they are not found in concert, they should be acquitted. But they should be seized if they are found in concert.¹⁴¹

Causing Rebellion :

Kauṭilya has prescribed severe punishment for this type of serious crime. According to Kauṭilya, the person who causes rebellion in the

fortified city, the country or the army, who attacks the king's palace, who covets the kingdom, who instigates wild tribes or enemies against the king, they should be slain by setting fire to hands and head.¹⁴² Kauṭilya has prescribed that if a Brahmin commits anyone of these crimes, he should be thrown in to darkness.¹⁴³

Poisoning :

Kauṭilya has prescribed that when a man gives poison to another, he should be drowned in water. If a woman commits the same crime, she should be torn by bullocks.¹⁴⁴

Setting Fire to Pasture Lands, Fields and Houses :

It has been prescribed that the person who sets fire to pasture lands, fields, a threshing grounds, a house, a produce forest or to an elephant forest, he should be burnt in fire. A woman should be torn by bullocks for setting fire to a house.¹⁴⁵

Killing Animals :

Kauṭilya has not only prescribed punishment for killing human beings, but also prescribed punishments for killing animals. He has prescribed that when a person kills a cock or mongoose or cat or dog or a pig, less than twenty five *paṇas* in value, he should be punished with the same punishment which has been prescribed for stealing these animals.¹⁴⁶ Kauṭilya has prescribed half of this fine for Caṇḍālas and forest dwellers

for committing this type of crime.¹⁴⁷ For killing deer or birds, Kauṭilya has prescribed the same punishment which has been prescribed for stealing these.¹⁴⁸ According to Kauṭilya, if anybody kills an elephant or a horse belonging to the king, he should be punished with the same punishment which has been prescribed for stealing these.¹⁴⁹

Spreading Evil News About the King :

It has been prescribed that if a person spreads evil news about the king or divulges secret counsel or reviles the king, his tongue should be rooted out. According to Kauṭilya, the person who licks anything in a Brāhmin's kitchen, he should be punished similarly.¹⁵⁰

Selling Articles From Corpses :

It has been prescribed that for selling articles from a corpse, one's both feet should be cut off or a fine of six hundred *paṇas* should be imposed on him.¹⁵¹

Rape and Sexual Intercourse :

Kauṭilya has dealt with punishments relating to rape and sexual intercourse with great care. Regarding this, Kauṭilya has prescribed that when a person violates a maiden of equal caste, who has not attained sexual maturity, his hand should be cut off his hand or a fine of four hundred *paṇas* should be imposed on him. According to Kauṭilya, if the maiden dies in consequence, the offender should be put to death.¹⁵² He

who violates a maiden, who has attained sexual maturity, his middle and index finger, should be cut off or a fine of two hundred *paṇas* should be imposed on him. Besides this he should also be compelled to pay an adequate compensation to her father. He who violates a willing maiden, who has attained sexual maturity, he should be punished with a fine of fifty four *paṇas* and the maiden should be punished with a fine of twenty seven *paṇas*. If the woman is reserved by another person, then the hand of the offender should be cut off or a fine of four hundred *paṇas* should be imposed on him and he should also be compelled to pay the fee.¹⁵³ When a man deflowers a courtesan's daughter, he should not only be punished with a fine of fifty four *paṇas* but also be compelled to pay to her mother sixteen times the rate for a visit. If a person deflowers the daughter of a male or a female slave, who is not a slave herself, he should not only be punished with a fine of twenty four *paṇas*, but also be compelled to provide the fee and ornaments to her. When a man violates a woman who has been held in slavery on account of certain ransom due from her, he should not only pay a fine of twelve *paṇas*, but also provide clothes and ornaments for her.¹⁵⁴ According to Kauṭilya, a maiden who deflowers herself, should become a slave of the king.¹⁵⁵ It has been prescribed that the woman who commits sexual intercourse a slave, a servant or a pledged man, she should be put to death.¹⁵⁶ Kauṭilya has prescribed the highest amercement for a Kṣatriya for committing sexual intercourse with

an unguarded Brahmin woman. He has prescribed the confiscation of the entire property for a Vaiśya for committing the same with an unguarded Brahmin woman. A Śūdra should be burnt in the fire of straw for committing the same with an unguarded Brahmin woman.¹⁵⁷ For committing sexual intercourse with the queen, one should be burnt in a vessel.¹⁵⁸ When a man commits the same with a Caṇḍāla woman, he should be banished with the mark of a headless trunk branded on his forehead. For committing the same with a Caṇḍāla woman, a Śūdra should be degraded to the Caṇḍāla caste. Kauṭilya prescribes death penalty for a Caṇḍāla for committing the same with an Ārya woman and for the Ārya woman he has prescribed the cutting off of the ears and nose.¹⁵⁹ He has prescribed a fine of twenty four *paṇas* for committing sexual intercourse with a nun and for the nun, who submits herself, he has prescribed the same fine.¹⁶⁰ Kauṭilya has prescribed a fine of twelve *paṇas* for committing rape on a prostitute. According to Kauṭilya, when a number of people commit rape on a single prostitute, each one of them should be punished with a fine of twenty four *paṇas*.¹⁶¹

Punishment for Keeper and Wife :

Kauṭilya prescribes that a relative or a servant of an absentee master should keep under guard the wife of his master who misbehaves when her husband is away on a journey. Being under such guard, she

should wait for the return of her husband. If the husband, after his return raises any objection, the ears and nose of the wife should be cut off and the keeper should be put to death.¹⁶² When a person falsely accuses another of having committed theft while in reality the person is guilty of adultery, the complainant should be punished with a fine of five hundred *paṇas*.¹⁶³

Abduction :

According to Kauṭilya if a man abducts a maiden by force, he should be punished with a fine of two hundred *paṇas*. If the woman is with gold ornaments, the offender should be punished with the highest amercement. When a number of persons abduct a maiden, each of them should be punished as above.¹⁶⁴

Consuming Prohibited Food and Drink :

It has been prescribed that if a person causes a Brāhmin to partake food or drink what is prohibited, he should be punished with the highest amercement. When he causes a Kṣatriya to do the same, he should be punished with the middlemost amercement. He should be punished with the first amercement if he causes a Vaiśya to partake the same. For causing a Śūdra to consume the prohibited food or drink, one should be punished with a fine of fifty four *paṇas*. Kauṭilya has prescribed

banishment from the country for those who voluntarily consume such prohibited things.¹⁶⁵

House Trespass :

Regarding this, Kautilya prescribes that when a person trespasses in another's house during the day time, he should be punished with the first amercement. For doing the same during night time, he should be punished with the middlemost amercement. If a person enters into another's house with a weapon in hand, either during day time or night, he should be punished with the highest amercement.¹⁶⁶ If anybody climbs the enclosing fence of his own house after midnight, he should be punished with the first amercement. For climbing the roof of another's house after midnight, one should be punished with the middlemost amercement. Those who break the hedge of a village park, they should be punished with the middlemost amercement.¹⁶⁷

Owner of a Horned and Tusked Animal :

It has been prescribed that when the owner of a horned or tusked animal does not rescue a man from being injured by this animal, he should be punished with the first amercement. He should be punished with the middlemost amercement if he was called to come to rescue. If anybody allows horned or tusked animals to destroy each other, he should

not only pay a fine equal to the value of the destroyed animal or animals, but also should make good the loss to the sufferer.¹⁶⁸

Riding and Killing Temple's Animals :

It has been prescribed that when a man rides over a temple animal, a stud bull or a cow not yet calved, he should be punished with a fine of five hundred *panas*. For killing these animals, one should be punished with the highest amercement. If anybody steals small animals useful for their hair or milk or for riding or stud purposes, he should not only pay a fine equal to their value, but also restore them. Those who kill these animals for the purposes other than ceremonials performed in honour of Gods or ancestors, they should be punished similarly.¹⁶⁹

Crime and Punishment Relating Drivers :

Kauṭilya has prescribed that when a cart or a carriage causes injury to men and animals, except when there is a crowd of animals and men, the driver should be punished with the same punishment which has been prescribed for causing physical injury to men and animals. For causing death of any animal under such circumstances, the punishment should be the payment of the animal. According to Kauṭilya, if the driver is a minor one, the owner if in the cart or carriage, should be punished. In the absence of the owner, any person who is seated inside or the driver himself if he has attained maturity, he should be punished. Carts or

carriage occupied by a minor driver or with no person, should be confiscated by the king.¹⁷⁰

Magicians :

According to Kauṭilya, what a magician brings about to another by witchcraft and black magic, the same should be meted out to him as punishment. The use of love winning magic may be allowed towards the wife who does not like her husband or towards a maiden by a suitor or towards the husband by his wife. Otherwise, if it causes injury, the offender should be punished with the middlemost amercement.¹⁷¹

Punishment for Approaching Carnally Preceptor's Wife :

Regarding this crime, Kauṭilya has prescribed that when a person approaches carnally the sister of his mother or father, his maternal aunt, his preceptor's wife, his daughter-in-law, daughter or sister, he should be put to death by cutting off his generating organ and testicles. According to Kauṭilya, for this, the willing woman should be punished similarly.¹⁷²

Approaching Carnally Animals :

Kauṭilya has prescribed a fine of twelve *paṇas* for the senseless wretch who approaches carnally lower animals. He has prescribed a fine of twenty four *paṇas* for committing the same with the images of Gods.¹⁷³ According to Kauṭilya, when a man approaches a woman else where than in the female organ, he should be punished with the first amercement.¹⁷⁴

Crime and Punishment Relating Kings :

Kauṭilya has not only prescribed punishment for the common people, but also has prescribed punishment for the kings. According to Kauṭilya, when a king punishes an innocent man, he should throw into water dedicating to God Varuṇa a fine equal to thirty times the unjust imposition and this amount should afterwards be distributed among the Brāhmins and by this act, the king would be free from the sin of unjust imposition. Because, Varuṇa is the chastiser of kings who behave wrongly towards human being.¹⁷⁵

Crime and Punishment Relating Cattles and Bulls :

Kauṭilya has also dealt with crimes and punishments relating to cattles and bulls in his Arthaśāstra. He has prescribed that if anybody changes the cattles of another with the royal mark, he should be punished with the first amercement for per cattle. If anybody kills cattle or incites another to kill or steal the same, he should be executed.¹⁷⁶ It has been prescribed that in the rainy season, autumn and winter, one should milk the cattle both times. In the season of frost, spring and summer, one should milk once only. For milking a second time, one's thumb should be cut off. For causing a bull of the herd to be hurled down by another bull, one should be punished with the first amercement. For causing death of the bull, one should be punished with the highest amercement.¹⁷⁷

Passport :

Kauṭilya has prescribed punishments for the crimes relating to passport also. According to Kauṭilya, a person with a sealed pass should be entitled to enter or leave the countryside. A native of the land, without a sealed pass, should be punished with a fine of twelve *paṇas*. For using forged pass, one should be punished with the first amercement. When a foreigner commits this crime, he should be punished with the highest amercement.¹⁷⁸

City :

Kauṭilya has also dealt with crimes and punishments relating to a city. He has prescribed a fine of one eighth of a *paṇa* for throwing dirt on the road. For blocking the road with muddy water, he has prescribed a fine of one quarter of a *paṇa*. According to Kauṭilya, in case of the royal highway, the fine should be double. If anybody voids faeces in a holy place, he should be fined with one *paṇa*. For voiding faeces in a place for water, the fine should be two *paṇas*. When a person voids faeces in a temple, he should be fined with three *paṇas* and for doing the same in royal property, one should be punished with a fine of four *paṇas*. It has been prescribed that half of these fines should be imposed for passing urine in the above places.¹⁷⁹ Kauṭilya has prescribed a fine of three *paṇas* for throwing the dead body of a cat, a dog, an ichneumon or a serpent

inside the city. It has been prescribed that when a person throws the dead body of a donkey, a camel, a mule, a horse or cattle inside the city, he should be punished with a fine of six *paṇas*. For throwing a human corpse, one should be punished with a fine of fifty *paṇas*.¹⁸⁰ In case of change of route or in case of taking the corpse out by a gate other than the gate for corpses; one should be punished with the first amercement. The gate keepers should be punished with a fine of two hundred *paṇas* for allowing this. A fine of twelve *paṇas* has been prescribed for depositing and burning a corpse elsewhere than a cremation ground.¹⁸¹ It has been prescribed that when a guard misbehaves with a woman who is a slave, he should be punished with the first amercement. For committing the same with a woman who is not a slave, the guard should be punished with the middlemost amercement. When a guard misbehaves with a woman from a respectable family, he should be put to death.¹⁸²

Courtesans :

Kauṭilya has dealt with crimes and punishment relating to courtesans also. Regarding this, Kauṭilya has prescribed that when the daughter of a courtesan hands over her ornaments to anyone else but her mother, she should be punished with a fine of four *paṇas* and a quarter. If she sells or pledges her belongings, she should be fined with fifty *paṇas* and a quarter.¹⁸³ If anybody violates a courtesan against her will, he

should be punished with the highest amercement. If she is willing, she should be punished with the first amercement. The man who keeps under restraint a courtesan, who is unwilling or helps her to run away or spoils her beauty by cutting up a wound, he should be punished with a fine of one thousand *paṇas*. According to Kauṭilya, the fine should increase in accordance with the importance of her position. If anybody causes death of a courtesan, who has been appointed to the office, he should be fined three times the ransom amount. It has been prescribed that these fines should be imposed on those who commit these crimes for the first time. These fines would be double when anybody commits these crimes for the second time. Fines would be threefold for the third crime.¹⁸⁴ When a courtesan does not approach a man at the demand of the king, she should receive one thousand strokes with the whip or pay a fine of five thousand *paṇas*. The courtesan, who after receiving payment shows dislike, she should be fined with double the amount of the payment. If she cheats the visitors, staying overnight, she should pay eight times the amount of payment, except in case of her illness or defects in the man. If a courtesan kills a man, she should be punished by burning on the funeral pyre or she should be drown in water.¹⁸⁵

Concept of Other Different Types of Crime and Punishment :

Besides these crimes and punishments, Kauṭilya has dealt with other various types of crimes and punishments in his Arthaśāstra. Kauṭilya has prescribed that if a person shows one maiden and gives another maiden in marriage, he should be punished with a fine of one hundred *paṇas* if the maiden is of same caste. He should be punished with a fine of two hundred *paṇas* if the substituting maiden is of lower caste.¹⁸⁶ When a man intending a maiden for another, secures her for himself, he should be punished with a fine of two hundred *paṇas*.¹⁸⁷ It has been prescribed that when a person does not return in required place and time a thing he has borrowed, hires, pledged or entrusted, he should be punished with a fine of twelve *paṇas*. The same fine should be imposed on that person who makes a Brahmin pay duty at the police post or pay fare at the ferry.¹⁸⁸ According to Kauṭilya, the person who does not hand over an object which he is enjoined to deliver, who touches the brother's wife with the hand, who has connection with a public woman kept by another, one who purchases goods claimed by another, who breaks open a sealed house, each one should be punished with a fine of forty eight *paṇas*.¹⁸⁹ It has been prescribed that the person, who, after receiving the family treasure denies it, one who forcibly violates a widow living by herself, when a Caṇḍāla touches an Ārya woman, who does not run to rescue

another in danger and the person who entertains in dinner Śākya, Ājivaka and other heretical monks at the rights in honour of Gods and manes, each one should be punished with a fine of one hundred *paṇas*.¹⁹⁰

When an unauthorized person examines an offender on oath, one who executes governmental work though not a governmental servant, he who renders minor quadrupeds used for stud purpose and if anybody causes abortion to the female slave by medicine, each one should be punished with the first amercement.¹⁹¹ Kauṭilya has prescribed that when between father and son, husband and wife, brother and sister, maternal uncle and nephew or teacher and student, one who abandons another while going together in a caravan in the middle of the village, each one should be punished with the first amercement. When a person abandons his companion in the midst of forest, he should be punished with the middle most amercement. For causing harm to his companion in the midst of a forest, one should be punished with the highest amercement.¹⁹² According to Kauṭilya, when a person binds or makes another bind a man not deserving to be bound or releases a man from bondage, if a person binds or causes another to bind a child, who has not attained maturity, each one should be punished with a fine of one thousand *paṇas*.¹⁹³ If a person calls another a thief, who is not a thief, he should be liable to the punishment for theft. The same punishment should be given to that person who hides

a thief.¹⁹⁴ It has been prescribed that the person, whose guilt is believed to be true, he should only be subjected to torture. But no circumstances, a pregnant woman or a woman within one month of delivery. Torture of women should be half of the prescribed standard or women may be subjected to the trial of cross examination. A Brahmin, learned in the Vedas and an ascetic should not be tortured. They should only be subjected to espionage. If anybody violates this rule, tortures and causes another to torture, he should be punished with the highest amercement. Kauṭilya has prescribed the same punishment for causing death by torture.¹⁹⁵ It has been prescribed that death by an elephant is equal to a bath at the end of the Horse Sacrifice. But when a driver of an elephant causes death of another person by the elephant, who is not desires of such a death, he should be punished with the highest amercement.¹⁹⁶

Kauṭilya has prescribed that whatever may be the nature of crime; no Brahmin offender should be tortured. The face of a Brahmin offender should be branded so as to leave a mark indicating his crime. The sign of a dog should be for theft, a headless body should be for murder, a female organ should be for violating elder's bed, the vintner's flag for drinking. After proclaiming a Brahmin's sinful deeds and branding him, the king should exile him from the country or settle him in mines.¹⁹⁷ According to Kauṭilya, after taking into full consideration the person, the crime, the

motive, seriousness or lightness of the crime, the consequences, the present effects and the place and time, the magistrate should fix the highest, the middlemost and the first amercement, remaining neutral between the king and the common people.¹⁹⁸ The rates of fine should vary in accordance with the rank of persons concerned and the gravity of crimes. The persons like – the head of a religious order, an ascetic, a sick person, one exhausted by hunger, thirst or a journey, a foreigner, one groaning under a fine, an indigent person should be shown mercy. The judges themselves should look into affairs of Gods, Brahmins, ascetics, women, minors, old persons, sick persons, persons who are helpless, when they do not approach the court. The judges should not dismiss their suits under the pretext of place, time or adverse possession. Men should be honoured on account of excellence in learning, intellect, valour, noble birth and deeds. Kauṭilya has prescribed that the judges should look into affairs, with out resorting to deceit, being impartial to all beings, worthy of trust and beloved of the people.¹⁹⁹

From this discussion, it has been observed that Kauṭilya has covered a greater field relating to crime and punishment. With a view to form a crime free society, Kauṭilya has prescribed various types of punishments for crimes committed by the people of different caste and status. Kauṭilya has not only dealt with crimes and punishments relating

to human being but also relating to non-human being. With a view to protect the nature, he has dealt with crimes and punishments relating to animals, birds, trees, water-work etc. Kauṣilya has not only prescribed punishments for the common people but also for the kings for committing crimes.

REFERENCES :

1. HL. P. 18.
2. KA. III. I. P. 190.
3. Ibid. PP. 193-194.
4. Ibid. II. P. 199.
5. Ibid. P. 200.
6. Ibid. IV. P. 208.
7. Ibid. III. P. 201.
8. Ibid. P. 202.
9. Ibid. PP. 202-203.
10. Ibid. PP. 203-204.
11. Ibid. P. 204.
12. Ibid. IV. PP. 205-206.
13. Ibid. P. 206.
14. Ibid. VIII. PP. 216-217.
15. Ibid. P. 217.
16. Ibid. PP. 217-218.
17. Ibid. P. 218.
18. Ibid.
19. Ibid. IX. P. 219.

20. Ibid. PP. 219-220.
21. Ibid. P. 220.
22. Ibid. P. 221.
23. Ibid. P. 222.
24. Ibid. X. PP. 222-223.
25. Ibid. P. 223.
26. Ibid. P. 224.
27. Ibid. PP. 224-225.
28. Ibid. IV. XI. P. 284.
29. Ibid. III. X. P. 222.
30. Ibid.
31. Ibid. P. 223.
32. Ibid. PP. 223-224.
33. Ibid. P. 225.
34. Ibid.
35. Ibid. XI. PP. 226-227.
36. Ibid. XII. P. 231.
37. Ibid. XIII. P. 235.
38. Ibid. P. 236.
39. Ibid. P. 237.

40. Ibid. PP. 237-238.
41. Ibid. P. 238.
42. Ibid. XIV. PP. 239-240.
43. Ibid. PP. 240-241.
44. Ibid. XV. PP. 242-243.
45. Ibid. P. 243.
46. Ibid. XVI. P. 244.
47. Ibid.
48. Ibid. XVII. P. 245.
49. Ibid.
50. Ibid. IV. XI. P. 283.
51. Ibid. III. XVIII. P. 246.
52. Ibid. P. 247.
53. Ibid.
54. Ibid.
55. Ibid. IV. XI. P. 283.
56. Ibid. P. 284.
57. Ibid. III. XIX. P. 247.
58. Ibid. P. 248.
59. Ibid.

60. Ibid.
61. Ibid.
62. Ibid. IV. XI. P. 284.
63. Ibid. P. 283.
64. Ibid. III. XIX. P. 248.
65. Ibid. IV. XI. P. 285.
66. Ibid. P. 283.
67. Ibid. III. XIX. P. 249.
68. Ibid.
69. Ibid. PP. 249-250.
70. Ibid. XX. P. 250.
71. Ibid. P. 251.
72. Ibid. IV. I. P. 254.
73. Ibid. II. XIV. P. 218.
74. Ibid. IV. I. P. 255.
75. Ibid.
76. Ibid. P. 256.
77. Ibid.
78. Ibid. P. 257.
79. Ibid. P. 255.

80. Ibid. PP. 255-256.
81. Ibid. P. 257.
82. Ibid.
83. Ibid. P. 258.
84. Ibid.
85. Ibid.
86. Ibid.
87. Ibid.
88. Ibid. II. P. 259.
89. Ibid. P. 260.
90. Ibid.
91. Ibid. P. 261.
92. Ibid.
93. Ibid. II. XXVI. P. 158.
94. Ibid. IV. III. P. 262.
95. Ibid. II. XXXVI. P. 186.
96. Ibid. IV.III. P. 263.
97. Ibid. P. 264.
98. Ibid.
99. Ibid. IV. P. 265.

100. Ibid. VII. P. 274.
101. Ibid. VIII. P. 275.
102. Ibid. IX. P. 277.
103. Ibid. P. 278.
104. Ibid.
105. Ibid.
106. Ibid.
107. Ibid.
108. Ibid.
109. Ibid.
110. Ibid.
111. Ibid. P. 279.
112. Ibid.
113. Ibid.
114. Ibid. P. 280.
115. Ibid.
116. Ibid.
117. Ibid.
118. Ibid.
119. Ibid. P. 281.

120. Ibid. P. 279.
121. Ibid. X. P. 281.
122. Ibid.
123. Ibid. P. 282.
124. Ibid. XI. P. 284.
125. Ibid. X. P. 283.
126. Ibid. XI. P. 285.
127. Ibid. P. 283.
128. Ibid. X. P. 282.
129. Ibid.
130. Ibid.
131. Ibid.
132. Ibid.
133. Ibid.
134. Ibid.
135. Ibid.
136. Ibid. P. 283.
137. Ibid. XI. P. 283.
138. Ibid. P. 284.
139. Ibid. P. 283.

140. Ibid. P. 284.
141. Ibid.
142. Ibid.
143. Ibid.
144. Ibid.
145. Ibid.
146. Ibid. X. P. 281.
147. Ibid.
148. Ibid.
149. Ibid. XI. P. 283.
150. Ibid. P. 285.
151. Ibid. X. P. 282.
152. Ibid. XII. P. 285
153. Ibid.
154. Ibid. P. 287.
155. Ibid.
156. Ibid. XIII. P. 290.
157. Ibid.
158. Ibid.
159. Ibid.

160. Ibid.
161. Ibid. P. 291.
162. Ibid. XII, P. 287.
163. Ibid.
164. Ibid.
165. Ibid. XIII, P. 288.
166. Ibid.
167. Ibid.
168. Ibid. P. 289.
169. Ibid.
170. Ibid. P. 290.
171. Ibid.
172. Ibid.
173. Ibid. P. 291.
174. Ibid.
175. Ibid.
176. Ibid. II. XXIX. P. 167.
177. Ibid. P. 168.
178. Ibid. XXXIV. P. 181.
179. Ibid. XXXVI. P. 186.

180. Ibid.
181. Ibid.
182. Ibid. P. 188.
183. Ibid. XXVII. P. 160.
184. Ibid.
185. Ibid. PP. 160-161.
186. Ibid. IV. XII. P. 286.
187. Ibid.
188. Ibid. III. XX. P. 251.
189. Ibid.
190. Ibid. P. 252.
191. Ibid.
192. Ibid.
193. Ibid.
194. Ibid. IV. VIII. P. 275.
195. Ibid. P. 276.
196. Ibid. XIII. P. 289.
197. Ibid. IX. P. 277.
198. Ibid. XI. P. 283.
199. Ibid. III. XX. PP. 252-253.

CHAPTER – III

**A Comparative Study of the Concept of Crime
and Punishment in Ancient Arthaśāstra and
Dharmaśāstra Authorities and
Kauṭīliya Arthaśāstra**

A Comparative Study of the Concept of Crime and Punishment in Ancient Arthaśāstra and Dharmaśāstra Authorities and Kauṭīliya Arthaśāstra

With a view to create a crime free society, a society full of human values, the ancient seers as well as the lawgivers like Manu, Br̥haspati, Nārada, Uśana, Yājñavalkya, Vaśiṣṭha, Gautama and others who are also mentioned as the Dharmaśāstra and Arthaśāstra authorities, composed different śāstras, where they, besides other thousands of subject matters, related to human society, dealt with the concept of 'Crime' and 'Punishment' also with great care. They have prescribed different laws of punishment for various types of crime. In this regard the name of Kauṭīliya is inevitable. Kauṭīliya has dealt the concept of 'Crime' and 'Punishment' in his Arthaśāstra with great care. He has also prescribed different laws of punishment for different types of crime. As it is said earlier that Kauṭīliya has not only depended upon the texts written by his predecessors, but also on his practical experience. Some points of similarities and also dissimilarities between the Kauṭīliyān concept of 'Crime' and 'Punishment' and the concept of 'Crime' and 'Punishment' dealt with by ancient Arthaśāstra and Dharmaśāstra authorities have been observed. Here, in this chapter, a humble attempt has been made to compare the Kauṭīliyān concept of 'Crime' and 'Punishment' with that of

ancient Arthaśāstra and Dharmaśāstra authorities. The laws of punishment prescribed by Kauṭilya and ancient Arthaśāstra and Dharmaśāstra authorities may be mentioned in the following heads :

Theft :

Like the Vedic Texts, *Purāṇas*, epic literatures and other ancient Indian scriptures, the laws of punishment for the crime like theft also have been observed in the śāstras written by the Arthaśāstra and Dharmaśāstra authorities. Some of the laws prescribed by some of the Arthaśāstra and Dharmaśāstra authorities may briefly be discussed as follows :

Laws of Manu :

Manu has prescribed different types of punishment for stealing articles having different values. Regarding this, Manu has prescribed that when a person steals men of noble family and especially women and the most precious gems, he should be put to death.¹ When a person steals cows and cattles belonging to Brahmins, half of his feet should be cut off immediately.² According to Manu, for stealing articles having little value such as thread, cotton, drug causing fermentation, cow dung, molasses, sour milk, sweet milk, buttermilk, water or grass, vessels made of bamboo or other cane, various kinds of salt, earthen vessels, earth and ashes, fish, birds, oil, clarified butter, meat, boiled rice etc., the fine

should be twice as much as their value. If anybody steals flowers, green corn, shrubs, creepers, trees and other unhusked grain, he should be fined five *kṛṣṇālas*.³ Manu has prescribed that for the prevention of the repetition of crime, the king should cut off the particular limb of a thief.⁴ According to Manu, in case of theft, a Sudra should pay eight times, a Vaiśya should pay sixteen times, a Kṣatriya should pay thirty two times and a Brahmin should pay sixty four times of the value of the stolen article or property.⁵ When a person steals the rope or the water-pot from a well, he should be fined one *māṣa* and compelled to restore the stolen article.⁶ Manu has prescribed corporal punishment for stealing more than a hundred *palas* of articles sold by weight, i.e. articles of gold, silver and most excellent clothes.⁷ If anybody steals large animals, weapons or medicines, the king should fix punishment after considering the time and the purpose of stealing.⁸ Manu has prescribed that the two fingers of a pickpocket should be cut off for his first offence. For committing the same for the second time, his one hand and one foot should be cut off and on the third conviction, the pickpockets should be put to death.⁹ Manu has prescribed death sentence for stealing elephants, horses or chariots.¹⁰ It has been prescribed that the thief should approach to the king with flying hair and should confess his guilt and should say - "Thus I have done, punish me", he should carry a weapon made of *khadira* wood on his shoulder which should be sharp at both ends, whether he be punished or

not, the thief would become free from the guilt of theft.¹¹ According to Manu, when a Brahmin steals gold of another Brahmin, he should go to the king and confessing his guilt, should say to the king, “Lord, punish me”. The king should then strike him with a weapon and after his death, he would become free from crime or he may perform austerities.¹²

Laws of Yājñavalkya :

Yājñavalkya has prescribed different types of punishment for theft. He has prescribed impalement for those who steal elephants and horses.¹³ According to Yājñavalkya, the thumbs and forefingers of a pilferer of clothes and a pickpocket should be cut off. When he commits the same crime for the second time, his one hand and one leg should be cut off.¹⁴ For stealing trifling articles such as earthen vessels etc., for stealing ordinary articles such as clothes etc. and for stealing valuable articles such as gold etc., punishment should be according to their values. He has prescribed that while inflicting punishment, the place and time of stealing and the power and age of the thief should be taken into consideration.¹⁵

Laws of Uśāna :

Uśāna has prescribed the same punishment for a Brahmin for stealing gold as prescribed by Manu for a Brahmin for stealing gold of another Brahmin.¹⁶ According to Uśāna, if anybody steals men, women, houses, tanks, wells or other watery expenses, he should perform the

Cāndrāyana penance. For stealing articles of little values from another's house, one should perform the Sāntapana penance for self purification. For pilfering rice, etc. and wealth, one may purify himself by the five ingredients supplied by the cow (Pañchagavya).¹⁷ According to Uśana, the pilferer of grass, wood, trees, flowers, garments, meat, fish etc., should fast for three nights as expiation.¹⁸ When a person steals diamonds, corals, precious stones gold, silver, iron, pebbles etc., he should fast for twelve nights.¹⁹ He has prescribed that he who pilfers birds, medicinal herbs, should live on milk for three days.²⁰

Laws of Viṣṇu :

Regarding theft, Viṣṇu has prescribed that for stealing gold, a Brahmin should be banished from the country after impressing a dog's foot on his forehead.²¹ According to Viṣṇu, those who steal more than ten *kumbhas* (a *kumbha* is a measure of grain equal to twenty *droṇas* or a little more than three bushels and three gallons.) of grain, they should be put to death.²² Viṣṇu has prescribed the same punishment for stealing more than a hundred *māśas*, the things which are usually sold by weight, such as gold and silver.²³ When a person steals a cow or a horse or a camel or an elephant, his one hand or one foot should be cut off. If anybody steals a goat or a sheep, his one hand should be cut off. He who has stolen those sorts of grain which grow in the rainy season, he should

pay eleven times the value of grain as a fine.²⁴ According to Viṣṇu, when a person steals grain, grown in winter and spring season, such as rice and barley, he should pay eleven times the value of the stolen grain as fine. He who steals gold, silver or clothes, at a value of more than fifty *māṣas*, his both hands should be cut off. For stealing a less amount than this, one should pay eleven times its value as a fine.²⁵ Viṣṇu prescribes that for stealing thread, cotton, cow dung, sugar, sour milk, milk, butter milk, grass, salt, clay, ashes, birds, fish, clarified butter, oil, meat, honey, basket work, canes of bamboo, earthenware or iron pots etc., one should pay three times the value of these articles as fine.²⁶ Viṣṇu has prescribed the same fines for stealing dressed food.²⁷ A stealer of flowers, green grain, shrubs, creepers, climbing plants or leaves, should be punished with a fine of five *kṛṣṇālas*. When a person steals pot herbs, roots or fruits, he should be punished with the above fines. For stealing gems, one should be punished with the highest amercement.²⁸ He has prescribed that the thieves should be compelled to restore the stolen articles to the owners and after that they should suffer the punishment that have been prescribed for them.²⁹ According to Kauṭilya, a pickpocket should be punished by cutting his one hand. For stealing gold from a Brahmin, one should perform The Horse Sacrifice and visit all Tirthas.³¹

Laws of Āpastamba :

Like other authorities, Āpastamba also has prescribed different types of punishment for the crime like theft. He has prescribed the capital punishment, besides the confiscation of property for a Śūdra for committing theft.³² For committing the same, a Brahmin should be made blind by tying a cloth over his eyes.³³ According to Āpastamba, a thief should go to the king with flying hair, carrying a cudgel on his shoulder and tell him his deed. The king should give him a blow with that cudgel. If the thief dies, he would be free from his guilt or he may throw himself into the fire.³⁴

Laws of Gautama :

Like Manu, Gautama also has prescribed that a Śūdra should pay eight times, a Vaiśya should pay sixteen times, a Kṣatriya should pay thirty two times and a Brahmin should pay sixty four times of the value of the stolen object or property.³⁵ Gautama has prescribed the same method of punishment for theft of gold that has been observed in the prescription of Manu and Āpastamba.³⁶ Gautama has prescribed that punishment should be given after considering the status, strength of criminals, nature of crime and it should also be taken into account whether the crime is repeated or not.³⁷

Laws of Vaśiṣṭha :

According to Vaśiṣṭha, when a man steals gold belonging to a Brahmin, he should approach to the king with flying hair and utter the words like, “Ho, I am a thief; Sir, punish me!” the king then should give him a weapon made of Udumbarā wood and the thief should kill himself with that weapon or he may shave his head, anoint his body with clarified butter and cause himself to be burnt from the feet upwards, in a fire of dry cow dung.³⁸

Laws of Kauṭilya :

Like other Dharmasāstra and Arthasāstra authorities, Kauṭilya also has prescribed various types of punishment for stealing articles having different values. Regarding this, Kauṭilya has prescribed that for the first crime committed by thieves and pickpockets at holy places, their middle finger and thumb should be cut off or a fine of fifty four *paṇas* should be imposed on them. For repeating the same crime for the second time, their five fingers should be cut off or a fine of one hundred *paṇas* should be imposed on them. For repeating the same for the third time, their right hand should be cut off or a fine of four hundred *paṇas* should be imposed on them. Kauṭilya has prescribed death penalty for them for repeating the same for the fourth time.³⁹ Kauṭilya prescribes that those who steal cocks, mongoose, cats, dogs or pigs of less than twenty five *paṇas* in value, the

tip of their nose should be cut off or a fine of fifty four *paṇas* should be imposed on them. According to Kauṭilya, those who steal deer, beasts, birds or fish, caught in the snares, net or concealed pits, they should not only pay a fine equal to the value of the stolen animals, but also should restore the animals. Kauṭilya prescribes a fine of one hundred *paṇas* for those who steal deer or objects from deer parks or produce forests. According to his prescription, when a person steals deer or birds for show or pleasure, he should be fined with two hundred *paṇas*. For stealing small articles belonging to artisans, artists, actors or ascetics, one should be fined one hundred *paṇas*. For stealing big articles and agricultural goods, he should be fined two hundred *paṇas*.⁴⁰ It has been prescribed that when a person steals a cart, a boat or a small animal, his one foot should be cut off or a fine of three hundred *paṇas* should be imposed on him. For stealing a big animal or one male or female slave, one's both legs should be cut off or a fine of six hundred *paṇas* should be imposed on him.⁴¹ According to Kauṭilya, if a person steals a herd of cattle, he should be put to death.⁴² Those who steal cattle, images, persons, fields, houses, money, gold, gem or crops belonging to temple, they should be put to death without torture or the highest amercement should be imposed on them. According to Kauṭilya, the house thieves and those who steal an elephant, a horse or a chariot belonging to the king, should be impaled on the stake.⁴³ He has prescribed that when a man, other than a soldier, steals

weapons or armour, he should be shot down by arrows and when a soldier commits the same crime, he should be punished with the highest amercement.⁴⁴ Kauṭilya has prescribed death penalty for an officer for stealing an article of high value or a gem from mines or factories.⁴⁵ He has prescribed the same punishment for stealing king's articles of ten *paṇas* and above in value.⁴⁶

From the above discussion, it appears that Kauṭilya has prescribed moderate punishment, in comparison with the other authorities. He has prescribed death penalty for the pickpockets for repeating the same crime for the fourth time, where the other authorities like Manu have prescribed death penalty for the pickpockets for repeating the same crime for the third time. Kauṭilya has prescribed different types of fines for theft in lieu of mutilation of limbs which perhaps has not been prescribed by the other authorities. Kauṭilya has prescribed punishment even for the officers. Here, it appears that Kauṭilya has covered a greater area than the other authorities by prescribing different types of punishment for stealing articles having different values.

Homicide :

Human being is the greatest creation of the great creator. For this reason, killing of human being has been regarded as a great crime from the very beginning of human civilization, as references of different types

of punishment have been found in the ancient Indian scriptures. The Dharmaśāstra and Arthaśāstra authorities also have prescribed different laws of punishment for this type of heinous crime. Some of the laws may be discussed in the following way –

Laws of Manu :

Manu has prescribed death penalty for those, who kill women, infants or Brahmins.⁴⁷ It has been prescribed that for killing a Brahmin unintentionally, one should make a hut in the forest and dwell in it during twelve years, subsisting on alms, making the skull of a dead man as his flag or one may unhesitatingly abandon his life for the sake of Brahmins or cows, to make himself free from the guilt of killing a Brahmin.⁴⁸ According to Manu, a Brahmin who, with concentrated mind, performs any of these expiations, becomes free from the guilt of killing another Brahmin.⁴⁹ For killing a Kṣatriya or a Vaiśya, who are engaged in or have offered a vedic sacrifice or for killing a Brahmin woman, who has bathed after monthly uncleanness, one should perform the same penance which has been prescribed for unintentional murder of a Brahmin.⁵⁰ Manu has prescribed the same penance for one who kills his wife or friend.⁵¹ He has prescribed one fourth of the penance, (prescribed for unintentionally killing a Brahmin) for intentionally killing a Kṣatriya. One eighth of the penance has been prescribed for killing a Vaiśya and for killing a virtuous

Śūdra, he has prescribed one sixteenth of the same penance.⁵² According to Manu, when a Brahmin unintentionally kills a Kṣatriya, he should give one thousand cows and a bull or he may perform the penance, prescribed for the murder of a Brahmin during three years, controlling himself, wearing his hair in braids, staying far away from the village and dwelling at the root of a tree.⁵³ When a Brahmin kills a virtuous Vaisya, he should perform the penance, (prescribed for killing a Brahmin), during one year or he may give one hundred cows and one bull. For killing a Śūdra, one should perform the same penance during six months or he may give ten white cows and one bull to a Brahmin.⁵⁴ According to Manu, for killing adulterous women of the four castes, one should give a leathern bag, a cow, a goat or a sheep respectively.⁵⁵

Laws of Yājñavalkya :

Yājñavalkya has prescribed impalement for killing a person forcibly.⁵⁶ According to Yājñavalkya, for killing a male or a female, the punishment should be the lowest or the highest according to the merit of the murderer and the person murdered.⁵⁷ A dissolute woman, who kills an embryo or a man, if she is not pregnant at that time, she should be made to enter into the water, having a stone tied round her neck.⁵⁸ When a woman kills her husband, spiritual guide or her children, she should be killed by an ox, after having her ears, fingers, nose and lips cut off.⁵⁹

Laws of Uśana :

In the prescription of Uśana, the same punishment has been observed for killing a Brahmin which has been observed in the prescription of Manu for killing a Brahmin unintentionally.⁶⁰ According to Uśana, for killing a servant, the foremost of the twice born should give away a weapon made of crude iron.⁶¹

Laws of Viṣṇu :

Concerning homicide, Viṣṇu prescribes that when a Brahmin murders another Brahmin, he should be banished after having painted a headless figure on his forehead.⁶² For killing women, children or men, Viṣṇu has prescribed the same punishment as observed in the prescription of Manu for killing women, children or Brahmin.⁶³ According to Viṣṇu, killing a Brahmin is a high degree of crime and for this type of crime, one should perform a Horse Sacrifice and visit all Tīrthas on earth.⁶⁴ Killing a Kṣatriya or a Vaiśya, engaged in a sacrifice, or a woman in her monthly illness or a pregnant woman or a woman of Brahmin caste, who has bathed after temporary uncleanness, one who has come for protection and murdering a friend are high degree of crime and for committing this type of crime, Viṣṇu has prescribed the same punishment that he has prescribed for killing a Brahmin.⁶⁵ According to Viṣṇu, killing a Kṣatriya or a Vaiśya or a Śūdra are fourth degree of crime and for this, the

offender should perform the Cāndrāyaṇa or Parāka penance or should sacrifice a cow.⁶⁶ Viṣṇu has prescribed different types of penance for killing unintentionally. According to Viṣṇu, he who has killed a Brahmin unintentionally should make a hut in a forest and dwell in it. He should bathe and perform his prayer three times a day and should collect alms going from one village to another, proclaiming his guilt. He should sleep upon grass. This is called Mahābrata. He should perform it for twelve years.⁶⁷ For killing unintentionally a Kṣatriya or a Vaiśya, engaged in a sacrifice, should perform the same penance for the same period.⁶⁸ For killing unintentionally a pregnant woman or a woman in her monthly courses, a woman who has taken her bath after her monthly courses, a friend, one should perform the same penance for twelve years.⁶⁹ If a person kills a king unintentionally, he should perform the Mahābrata for twenty four years.⁷⁰ For killing unintentionally a Kṣatriya, not engaged in sacrifice, one should perform the same penance for nine years. For killing unintentionally a Vaiśya, not engaged in sacrifice, one should perform the same penance for half of nine years and for killing unintentionally a virtuous Śūdra, one should perform it for half of above period or for three years. According to Viṣṇu, while performing this Mahābrata penance, the offender must carry on his stick the skull of the killed person, like a flag.⁷¹

Laws of Apastamba :

Regarding homicide, it has been prescribed in the Āpastamba Dharmasūtra that if a person kills a Kṣatriya, he should give one thousand cows and one bull to Brahmins for expiation. For killing a Vaiśya, one should give one hundred cows and a bull. One should give ten cows and one bull for killing a Śūdra. According to Āpastamba, for killing women of the three castes, the same composition should be paid.⁷² According to his prescription, the person who kills a man belonging to the first two castes, who has studied the Veda or had been initiated for the performance of a Soma Sacrifice and who kills a Brahmin, who has not studied the Vedas or has not been initiated for a Soma sacrifice, is called an *abhisasta* (literally means 'accused' or 'accursed'). He is called on *abhisasta* who kills a Brahmin woman during her monthly illness. It has been prescribed that an *abhisasta* himself should erect a hut in the forest, restrain his speech, carry on his stick the skull of the person killed like a flag and should cover his body from his navel to knees with a quarter of a piece of hempen cloth. The path for him, when he goes to a village for alms, should be between the tracks of the wheels. If he sees an Ārya, he should step out of the road to the distance of two yards. He should carry a broken tray of metal of an inferior quality and go to seven houses only, crying, "who will give alms to an *abhisasta* !". In this way he should maintain his livelihood. If he does not obtain anything at the seven

houses, he must fast. While performing this penance, he must tend cows. When the cows enter the village, he may enter the village. He should perform this penance during twelve years. After twelve years, if he takes bath with the priest at the end of a Horse Sacrifice, he would be free from his guilt.⁷³ Āpastamba has prescribed that he who kills his father or teacher or a Brahmin, who has studied the Veda and finished the ceremonies of Soma Sacrifice, he should perform this penance until his last breath.⁷⁴ Āpastamba has prescribed the confiscation of property and the capital punishment for a Sudra for committing homicide. According to Āpastamba, when a Brahmin commits this type of serious crime, he should be made blind by tying a cloth over his eyes.⁷⁵

Laws of Gautama :

In the prescription of Gautama, the same punishment has been observed for killing intentionally a Brahmin which has been prescribed by Manu for killing a Brahmin unintentionally.⁷⁶ Gautama has prescribed the same punishment for killing a Brahmin woman who has taken her bath after her monthly uncleanness.⁷⁷ For intentionally killing a Kṣatriya, besides the normal vow of continence for six years, he has prescribed the same punishment as observed in Āpastamba's prescription for killing a Kṣatriya. For killing a Vaiśya, besides the normal vow of continence for three years, he has prescribed the same punishment as observed in

Āpastamba's prescription for killing a Vaiśya. For killing a Śūdra, he has prescribed the same punishment as observed in Āpastamba's prescription for killing a Śūdra, in addition to the normal vow of continence during one year.⁷⁸ For killing a learned Brahmin, Gautama has prescribed a penance that the offender should live during ten days on milk alone or on food fit for offerings. During a second period of ten days, he should live on clarified butter and during a third period of ten days, he should live on water, partaking of such food once only each day, in the morning, keeping his garments constantly wet, he should daily offer eight oblations representing the hair, the nails, the skin, the flesh, the blood, the sinews, the bones and the marrow. The end of each mantra should be, 'I offer in the mouth of the Ātman, in the jaws of Death.'⁷⁹

Laws of Vasistha :

Like Gautama, Vaśiṣṭha has also prescribed different types of expiation for this type of hateful crime. For killing a learned Brahmin, Vaśiṣṭha has prescribed the offerings of eight oblations in the fire as prescribed by Gautama for killing a learned Brahmin.⁸⁰ Vaśiṣṭha has prescribed another punishment for killing a learned Brahmin which has been prescribed by Manu for killing a Brahmin unintentionally.⁸¹ For killing a Brahmin woman, who has bathed after her monthly uncleanness and for killing a Kṣatriya or a Vaiśya, engaged in a sacrifice, Vaśiṣṭha has

prescribed the same penance as he has prescribed for killing a learned Brahmin.⁸² For killing a Kṣatriya, Vaśiṣṭha has prescribed the same penance as prescribed by Viṣṇu for unintentionally killing a Kṣatriya, not engaged in sacrifice. There is only slight difference that Vaśiṣṭha has prescribed that, for this, the offender should perform the same during eight years.⁸³ For killing a Vaiśya, Vaśiṣṭha has prescribed the same penance as prescribed by Viṣṇu for unintentionally killing a Vaiśya, not engaged in sacrifice. For killing a Śūdra, Vaśiṣṭha prescribes the same penance as prescribed by Viṣṇu for unintentionally killing a virtuous Śūdra.⁸⁴ For killing a Brahmin woman, who has not bathed after her monthly uncleanness, he has prescribed the same penance as he has prescribed for killing a Kṣatriya. For the murder of female of the Kṣatriya caste, Vaśiṣṭha has prescribed the same penance, as he has prescribed for killing Vaiśya. For killing a Vaiśya woman, he has prescribed the penance which has been prescribed for killing a Śūdra. For killing a Śūdra woman, he has prescribed the same penance which has been prescribed by Viṣṇu for killing a Brahmin unintentionally for one year.⁸⁵

Laws of Kauṭilya :

Like the Dharmaśāstra and Arthaśāstra authorities, Kauṭilya also has prescribed different types of punishment for this type of heinous crime. It has been prescribed by Kauṭilya that if a man murders another

during a scuffle, he should be tortured to death. When a wounded person dies within seven nights, the person who has caused the wound should be put to death without torture. If the wounded man dies within a fortnight, the offender should be punished with the highest amercement. When the wounded man dies within a month, the offender should be fined five hundred *paṇas* and he should be compelled to pay the cost of treatment to the bereaved. According to Kauṭilya, when a person strikes another with a weapon in such a way that it causes death to that person, he should be put to death.⁸⁶ Kauṭilya has prescribed that he who has killed his mother, father, son, brother, preceptor or an ascetic, he should be slain by setting fire to the head. He has prescribed simple death penalty for killing a person by accident. If a woman slays a man, she should be drowned in water, if she is not pregnant, if she is pregnant, then atleast one month after delivery. When a woman kills her husband, an elder or her offspring, she should be torn by bullocks.⁸⁷

From this discussion, it appears that most of the authorities have prescribed different types of expiation for this type of serious crime. But Kauṭilya has prescribed death penalty, with or without torture. Here, it has been observed that Kauṭilya has some similarity with Yājñavalkya. Most of the authorities have prescribed punishment according to the caste

or rank, but Kauṭilya has prescribed punishment according to the seriousness of crime.

Sexual Intercourse and Rape of Women :

Women have been oppressed from time immemorial. From the references of various types of crime and punishment, found in the ancient Indian scriptures, it has been observed that people used to commit various types of crime against women and for which different punishments were also prescribed by the ancient Indian law givers. Among these crimes, sexual intercourse and raping of women were very common. The Dharmasāstra and Arthasāstra authorities have prescribed different laws of punishment for these types of hateful crime, which may be discussed as follows :

Laws of Manu :

Regarding this, Manu has prescribed that when a man other than Brahmin caste, commits adultery with the guarded wives of all the four castes, he should be put to death.⁸⁸ According to Manu, who violates an unwilling maiden, should instantly suffer corporal punishment.⁸⁹ It has been prescribed that if a man through insolence forcibly pollutes a maiden, his two fingers should be cut off and he should be compelled to pay a fine of six hundred *paṇas*.⁹⁰ He has prescribed a fine of two hundred *paṇas* for him who commits sexual intercourse with a willing

maiden of equal caste.⁹¹ If a Śūdra commits the same with a twice born woman, if she is unguarded, he should lose the offending limb and if the woman is guarded, he should lose everything, even his life.⁹² Manu has prescribed imprisonment for one year and the forfeiture of all property for a Vaiśya for committing the same with a guarded Brahmin woman. A fine of one thousand *paṇas* and shaving with the urine of an ass has been prescribed for a Kṣatriya for committing the same crime.⁹³ Manu prescribes a fine of five hundred *paṇas* for a Vaiśya for committing adultery with an unguarded Brahmin woman and for a Kṣatriya, he has prescribed one thousand *paṇas* for committing the same.⁹⁴ According to Manu, if a Kṣatriya and a Vaiśya commit adultery with a Brahmin woman, who is not only a guarded one but also the wife of an eminent man, they should be punished like a Śūdra or should be burnt in a fire of dry grass.⁹⁵ It has been prescribed that if a Brahmin commits sexual intercourse with a guarded Brahmin woman against her will, he should be punished with a fine of one thousand *paṇas*, but if he commits sexual intercourse with a willing one, he should be fined with five hundred *paṇas*.⁹⁶

Laws of Yājñavalkya :

Yājñavalkya has prescribed the highest form of pecuniary punishment for one who commits adultery with a woman of the same

caste. He has prescribed the middle form of pecuniary punishment for committing the same with a woman of a lower caste. According to Yājñavalkya, if a person commits the same with a woman of a higher caste, he should be put to death and the woman should be punished by cutting her nose etc.⁹⁷ It has been prescribed that if anybody commits rape on female servants, who are prevented by their husband to visit other people, he should be punished with a fine of ten *paṇas*. When many people commit rape on a woman, each of them should be punished with a fine of twenty four *paṇas*.⁹⁸ For committing sexual intercourse with a female religious mendicant, a fine of twenty four *paṇas* has been prescribed.⁹⁹ It has been prescribed that the king should banish that person, who commits the same with a woman of a degraded caste, after branding his forehead with a figure like the generative organ of a female. When a Śūdra commits the same crime with a degraded caste woman, he should be degraded to the same caste. Yājñavalkya has prescribed that if a degraded caste man commits the same with a woman of a higher caste, he should be put to death.¹⁰⁰

Laws of Uśana :

Uśana has prescribed that when a Brahmin commits sexual intercourse with his stepmother, he should embrace a heated iron statue of a female or he himself should cut off his generative organ and testicles

and taking them in his palms, he should proceed straight on to the south or to the west till the destruction of his body.¹⁰¹ According to Uśana, the foremost of the twice born may take the final bath in a Horse Sacrifice for committing such type of hateful crime. For committing the same, the man who has no money, leading a continent life, should always practice austerities. He should take his meal in the night of the fourth day after fasting for three days, standing or sitting and lying down on earth. He should practice this penance during three years to make himself free from the guilt.¹⁰² It has been prescribed that if a twice born person commits sexual intercourse with his daughter, sister or daughter-in-law, he should enter into a burning fire.¹⁰³ According to Uśana, when a person commits the same with his mother's sister, maternal uncle's wife, or with his father's sister, or sister's daughter, maternal aunts daughter, or paternal aunts daughter, he, being self controlled, after practising hard austerities, should perform four or five Cāndrāyaṇas.¹⁰⁴ For committing the same with one's own maternal uncle's daughter, one should perform the Cāndrāyaṇa. When a person commits the same with his wife's friend or with her sister, he after fasting for one day and one night should perform the Tapta Kṛcchra penance. If a person commits the same with a woman in her menses, he should fast for three nights to make himself free from the guilt.¹⁰⁵ According to Uśana, if a Brahmin commits adultery with a Kṣatriya woman, he should perform a Cāndrāyaṇa or a Parāka penance.¹⁰⁶

Laws of Nārada :

Regarding this type of crime, Nārada has prescribed that if a person commits adultery with a woman of the same class, he should be punished with the highest amercement. Nārada has prescribed the middle most amercement for committing the same with a person of any inferior class. It has been prescribed that if anybody commits the same with a person of any superior class, he should be given the capital punishment.¹⁰⁷ For committing sexual intercourse with an unmarried woman, who consents to it, one should deck her with ornaments, worship her and should bring her to his house as his bride.¹⁰⁸ According to Nārada, for committing sexual intercourse with any one of the twenty one types of women such as mother, mother's sister, mother-in-law, maternal uncle's wife, father's sister, paternal uncle's wife, friend's wife, pupil's wife, sister, sister's friend, daughter-in-law, daughter, spiritual guide's wife, a woman of the same lineage, a woman dependent on his protection, the queen, a female ascetic, a nurse, a well behaved woman and a Brahmin's wife, one is said to be as guilty as the violator of his religious preceptor's bed and for this type of criminal activity, one's sexual organ should be cut off.¹⁰⁹ If a person commits adultery with a woman of the lowest class, he should be punished with a fine of five hundred paṇas.¹¹⁰ It has been prescribed that when a woman commits adultery, tonsure, a low couch, mean food, a

miserable habitation and the task of removing ordures should be her punishment.¹¹¹

Laws of Viṣṇu :

Viṣṇu has prescribed that the mark of a female organ should be impressed on the forehead of a Brahmin for committing incest.¹¹² He has prescribed the same punishment for committing adultery with a woman of the same caste which has been prescribed by Nārada for committing the same with a woman of the same caste.¹¹³ According to Viṣṇu, if anybody commits sexual intercourse with a woman of a lower caste, he should be punished with the middle amercement. For committing sexual intercourse with a woman of one of the lowest castes, one should be put to death.¹¹⁴

Laws of Āpastamba :

Āpastamba has prescribed that if a man commits sexual intercourse with his mother or teacher's wife, he should cut off his sexual organ along with the testicles and taking them into his joined hands, he should walk towards the south without stopping, until his last breath. Or he may embrace a heated metal statue of woman.¹¹⁵ He has prescribed the confiscation of property and banishment for a man who commits sexual intercourse with a marriageable girl.¹¹⁶ Āpastamba has prescribed banishment for a man of any of the three higher castes for committing adultery with a Śūdra woman.¹¹⁷ According to Āpastamba, if a Śūdra

commits adultery with a woman of one of the first three castes, he should be put to death.¹¹⁸ It has been prescribed that when a woman commits adultery with a Śūdra, if she has no child, she should emaciate herself by undergoing penances and fasts.¹¹⁹

Laws of Gautama :

Gautama has prescribed that when a Śūdra commits sexual intercourse with an Ārya woman, his sexual organ should be cut off and his all property should be confiscated. According to Gautama, if the woman has a protector, he should be executed after having undergone the punishments prescribed above.¹²⁰ For committing adultery with one's mother, he has prescribed the same punishment which has been prescribed by Āpastamba for committing the same.¹²¹ Gautama has prescribed the same punishment for one who commits sexual intercourse with the wife of his friend, his sister, a female belonging to the same family, the wife of his pupil, his daughter-in-law.¹²² According to Gautama, if a woman commits adultery with a man of a lower caste, the king should cause her to be devoured by dogs in a public place. He has prescribed the same punishment for the adulterer also.¹²³ Gautama has prescribed that if a man commits sexual intercourse with a female of one of the lowest caste, he should perform a Kṛcchra penance during one

year.¹²⁴ For committing the same with a woman during her menses, he has prescribed the same penance for three days and nights.¹²⁵

Laws of Vaśiṣṭha :

Vaśiṣṭha has prescribed the same punishment for committing adultery with one's mother, with teacher's wife, wife of a son, and of a pupil, which has been prescribed by Āpastamba and Gautama.¹²⁶ He has prescribed a Kṛcchra penance for three months for that person, who, commits sexual intercourse with that woman, who is considered as venerable in the family, with a female friend, with the female friend of his teacher, with an outcast.¹²⁷ According to Vaśiṣṭha, if a wife commits adultery with a man of a degraded caste, she must be abandoned.¹²⁸

Laws of Kauṭilya :

Like the Dharmaśāstra and Arthaśāstra authorities, Kauṭilya also has dealt with sexual intercourse and rape of women with great care in his Arthaśāstra. He has prescribed different types of punishment for this type of criminal activity. In the *Kauṭilīya Arthaśāstra*, it has been prescribed that if a man commits rape on a maiden of the same caste, who has not attained sexual maturity, his hand should be cut off or a fine of four hundred *paṇas* should be imposed on him. If the maiden dies in consequence, the offender should be put to death.¹²⁹ For violating a maiden, who has attained sexual maturity, one's middle and index fingers

should be cut or a fine of two hundred *paṇas* should be imposed on him. For this, the offender should also be compelled to pay an adequate compensation to her father. According to Kauṭilya, if a person violates a willing maiden, he should be punished with a fine of fifty four *paṇas* and the maiden with a fine of twenty seven *paṇas*. For committing the same with a woman, who has been reserved by another, the punishment should be the cutting off the hand or a fine of four hundred *paṇas* as well as the payment of the fee.¹³⁰ It has been prescribed that the maiden, who violates herself, should become the king's slave. According to Kauṭilya, if a person commits sexual intercourse with a courtesan's daughter, he should not only be fined with fifty four *paṇas*, but also be compelled to give her mother sixteen times the rate for a visit. For deflowering the daughter of a male or a female slave, who is not a slave herself, he has prescribed a fine of twenty four *paṇas* and the payment of fee and ornaments for her. For violating a woman, who has been held in slavery on account of certain ransom due from her, he has prescribed a fine of twelve *paṇas* and the payment of clothes and ornaments for her.¹³¹ Kauṭilya has prescribed the first amercement for the jailor, who, violates a married woman prisoner, who is a slave or pledge. For violating the wife of a thief or a rioter, he has prescribed the middlemost amercement and for violating an Arya woman, he has prescribed the highest amercement. According to Kauṭilya, when a prisoner commits the same,

he should be put to death then and there. Kauṭilya has prescribed the same punishment for committing sexual intercourse with an Ārya woman, who has been arrested in the prohibited period of night. He has prescribed the first amercement for committing the same with a female slave.¹³² Kauṭilya has prescribed death penalty after cutting off of the generating organ and testicles for one who commits the sexual intercourse with the sister of his mother or father, his preceptor's wife, his daughter-in-law, daughter or sister. He has prescribed the same punishment for the willing woman. According to Kauṭilya, if a woman commits the same with a slave, a servant or a pledged man should be punished similarly.¹³³ The highest amercement has been prescribed by Kauṭilya for a Kṣatriya for committing sexual intercourse with an unguarded Brahmin woman. He has prescribed the confiscation of the entire property for a Vaiśya for committing the same. According to Kauṭilya, a Śūdra should be burnt in a fire of straw for committing the same.¹³⁴ It has been prescribed that if a person commits adultery with the queen, he should be burnt in a vessel.¹³⁵ According to Kauṭilya, if a man commits sexual intercourse with a Caṇḍāla woman, he should be banished with the mark of a headless trunk branded on his forehead. For committing the same with a Caṇḍāla woman, a Śūdra should be degraded to the Caṇḍāla caste. Kauṭilya prescribes death penalty for a Caṇḍāla for committing the same with an Ārya woman and for the Ārya woman; he has prescribed the cutting off

of the ears and nose. He has prescribed a fine of twenty four *paṇas* for committing sexual intercourse with a nun and for the nun who submits herself; he has prescribed the same fine.¹³⁶ Kauṭilya has prescribed a fine of twelve *paṇas* for committing rape on a prostitute. According to Kauṭilya, when a number of people commit rape on a prostitute, each one should be punished with a fine of twenty four *paṇas*.¹³⁷

From this discussion, it has been observed that both Kauṭilya and the Dharmasāstra and Arthasāstra authorities have prescribed distressing punishment for sexual intercourse and raping of women. Like the Dharmasāstra and Arthasāstra authorities, Kauṭilya also has prescribed punishment according to the caste and status of the criminals. Both, in the prescription of Kauṭilya and other Dharmasāstra and Arthasāstra authorities, punishment varies from caste to caste and status to status, and case to case i.e., sexual intercourse with willing or unwilling women, guarded or unguarded, married or unmarried, and rape on sexually matured or immature maiden, guarded or unguarded, married or unmarried women. Like the Dharmasāstra and Arthasāstra authorities, Kauṭilya has also prescribed punishments for the adulteress. Here, in the prescription of Kauṭilya, it has been observed that Kauṭilya has prescribed different fines in lieu of mutilation of limbs, which perhaps has not been prescribed by the Dharmasāstra and Arthasāstra authorities. He has

prescribed punishment even for committing rape on prostitutes. He has prescribed punishment even for committing the same on female prisoners by the king's officials.

Abuse of Defamation :

Like other crime, abuse and defamation also has been considered by the Arthaśāstra and Dharmasāstra authorities as a crime because it causes mental pain to the people and that is why they perhaps have dealt with abuse and defamation with great care and prescribed different laws of punishment for this type of crime. Some of the laws, prescribed by the different authorities may be discussed briefly as follows :

Laws of Manu :

Manu has prescribed a fine of one hundred *paṇas* for a Kṣatriya for defaming a Brahmin. For committing the same, Manu has prescribed a fine of one hundred and fifty or two hundred *paṇas* for a Vaiśya. For a Śūdra, he has prescribed corporal punishment for defaming a Brahmin.¹³⁸ According to Manu, if a Brahmin defames a Kṣatriya, he should be fined with fifty *paṇas*. For defaming a Vaiśya, a Brahmin should be fined with twenty five *paṇas* and for defaming a Śūdra, a Brahmin should be fined twelve *paṇas*.¹³⁹ It has been prescribed that if a Śūdra insults a twice born person with gross invective, his tongue should be cut off.¹⁴⁰ If a Śūdra mentions the names and castes of the twice born with contumely, a red

hot iron nail, ten fingers long, should be pushed into his mouth.¹⁴¹ Manu has prescribed the pouring of hot oil into the mouth and ears of a Śūdra for teaching arrogantly a Brahmin.¹⁴² He has prescribed fine of one *kārṣāpana* for calling another as ‘one eyed’, ‘lame’ etc., though it is a fact.¹⁴³ Manu has prescribed a fine of one hundred *panas* for defaming one’s own mother, father, wife, brother, son or teacher.¹⁴⁴

Laws of Yājñavalkya :

Yājñavalkya has prescribed that when a person vilifies another of the same caste for having a defective limb or for suffering from a vile disease, whether truly or falsely or by joke, he should be fined with half of thirteen *paṇas*.¹⁴⁵ According to Yājñavalkya, a person should be punished with a fine of twenty five *paṇas* if he vilifies another by saying – “I have known your mother or sister.”¹⁴⁶ Yājñavalkya has prescribed half penalty for a person of superior caste for abusing a person of inferior caste. He has prescribed double penalty for vilifying other’s wives and persons of superior castes.¹⁴⁷ According to Yājñavalkya, if a person threatens another by using words that he will destroy his arms, neck, eyes or thighs, he should be punished with a fine of one hundred *paṇas*. But when a person threatens another to destroy his hands or feet, ears or nose, he should be fined with fifty *paṇas*.¹⁴⁸ An incapable man, calumniating thus, should be punished with a fine of ten *paṇas*. The

capable person should have to furnish a surety for the protection of the person abused.¹⁴⁹ Yājñavalkya has prescribed the highest form of pecuniary punishment for using abusive language towards a person, who has mastered the three Vedas, towards a king or a deity. He has prescribed the second form of pecuniary punishment for using abusive language towards castes and corporate bodies. The lowest form of pecuniary punishment has been prescribed for vilifying a village or country.¹⁵⁰

Laws of Nārada :

Nārada has prescribed a fine of one hundred *paṇas* for a Kṣatriya for insulting a Brahmin. For committing the same, Nārada has prescribed a fine of one hundred and a half or two hundred *paṇas* for a Vaiśya. According to Nārada, if a Śūdra commits the same, he should be executed.¹⁵¹ A fine of fifty *paṇas* has been prescribed for a Brahmin for reviling a Kṣatriya. He has prescribed a fine of twenty five *paṇas* for a Brahmin for reviling a Vaiśya. Nārada has prescribed a fine of twelve *paṇas* for a Brahmin for reviling a Śūdra.¹⁵² A fine of twelve *paṇas* has been prescribed for insulting a man of the same caste. According to Nārada, a fine of twenty four *paṇas* should be imposed on him who abuses another by using words, which ought not to be uttered.¹⁵³ When a man calls another as 'blind', 'one-eyed', 'lame' etc., though it is true, he

should be fined with not less than one kārṣāpana.¹⁵⁴ It has been prescribed that if a once born person uses bad language against members of the twice born classes, his tongue should be cut off.¹⁵⁵ Nārada has prescribed the same punishment for a once born person for attacking the names of the people of twice born classes or race in abusive terms, as prescribed by Manu for committing the same.¹⁵⁶ He has prescribed the same punishment for a once born person for giving religious instruction to a twice born person, that has been prescribed by Manu for committing the same crime.¹⁵⁷ According to Nārada, when a person defames a king persistent in the discharge of his duties, his tongue should be cut off and all his property should be confiscated.¹⁵⁸

Laws of Viṣṇu :

Viṣṇu has prescribed that the king should cut off that particular limb of an inferior caste person with the help of which he insults his superior in caste.¹⁵⁹ According to Viṣṇu, if a person of inferior caste uses abusive language towards a person of superior caste, his tongue should be cut off.¹⁶⁰ He has prescribed the pouring of hot oil into the mouth of a low born person for giving instruction to a member of the highest caste concerning his duty.¹⁶¹ For mentioning the name or caste of a superior revilingly, he has prescribed the same punishment for a low born person, as prescribed by Manu for a Śūdra for committing the same.¹⁶²

Viṣṇu has prescribed a fine of two *kārṣāpaṇas* for calling another as ‘one eyed’, ‘a blind’ etc., though it is true.¹⁶³ A fine of one hundred *kārṣāpaṇas* has been prescribed by Visnu for defaming a *guru*.¹⁶⁴ Visnu has prescribed the second amercement for reviling a Brahmin, versed in the three Vedas, an old man or a whole caste or a corporation.¹⁶⁵ He has prescribed the lowest amercement for reviling a village or a district.¹⁶⁶ It has been prescribed that when a person insults another by using language such as “I shall visit your sister”, or “I shall visit your daughter”, he should be punished with a fine of one hundred *kārṣāpaṇas*.¹⁶⁷ The highest amercement has been prescribed for insulting a man by using bad language regarding his mother such as “I shall visit your mother” etc.¹⁶⁸

Laws of Āpastamba :

Āpastamba has prescribed that if a Śūdra speaks evil of a virtuous person, belonging to one of the first three castes, his tongue should be cut off.¹⁶⁹ It has been prescribed that when a person abuses another person who ought not to be abused, he must abstain from milk, pungent condiments and salt for three days.¹⁷⁰ According to Apastamba, if a Śūdra commits the same, he must fast for seven days.¹⁷¹

Laws of Gautama :

Gautama has prescribed the same punishment for a Śūdra for intentionally abusing a twice born person as prescribed by Āpastamba,

Viṣṇu, Nārada and Manu for committing the same.¹⁷² He has prescribed a fine of one *kārṣāpaṇas* for a Kṣatriya for abusing a Brahmin.¹⁷³ According to Gautama, if a Vaiśya abuses a Brahmin, he should pay one and a half times as much as a Kṣatriya.¹⁷⁴ He has prescribed a fine of fifty *kārṣāpaṇas* for a Brahmin for abusing a Kṣatriya.¹⁷⁵ For abusing a Vaiśya, he has prescribed a fine of twenty five *kārṣāpaṇas* for a Brahmin.¹⁷⁶

Laws of Kauṭilya :

Kauṭilya also has prescribed different types of punishment for abuse and defamation. Here, Kauṭilya has prescribed a fine of three *paṇas* for one, who calls another as ‘one eyed’, ‘lame’ etc. though it is a fact. He has prescribed a fine of six *paṇas* for false imputation. A fine of twelve *paṇas* has been prescribed for insulting a ‘one eyed’ or ‘lame’ with such ironical expression as ‘a man with beautiful eyes’, etc. According to Kauṭilya, in case of vilification referring to leprosy, madness, impotence and so on, when it is true, false and contains ironical praise, the fines should be increased by twelve *paṇas* successively in the three cases if it is towards the persons of equal caste. If it is towards the persons of superior caste, the fine should be doubled and if it is towards the persons of inferior caste, the fine should be half. The fine should be doubled if it is towards the wives of others. The fine should be half if it is due to

mistake, intoxication, delusion and so on.¹⁷⁷ It has been prescribed that when among Brahmins, Kṣatriyas, Vaiśyas, Śūdras and Caṇḍālas, any one of a lower caste abuses the character of one of a higher caste, the fine should be increased from three *paṇas* upwards, commencing from the lowest caste. It means that when a Caṇḍāla abuses the character of a Śūdra, he should be punished with a fine of three *paṇas*. If a Śūdra abuses the character of a Vaiśya, he should be fined six *paṇas*. A fine of nine *paṇas* should be imposed on a Vaiśya for abusing the character of a Kṣatriya. Kauṭilya has prescribed a fine of twelve *paṇas* for a Kṣatriya for abusing the character of a Brahmin. He has prescribed that when anyone of a higher caste abuses one of a lower caste, the fines should decrease from two *paṇas*.¹⁷⁸ It has been prescribed that if a person threatens another by using such expression as – “I shall do this to you”, but if he does not do so, he should be punished with half of the fines that has been prescribed for doing it or causing physical injury. According to Kauṭilya, when a man, being unable to carry his threat into effect, pleads anger, intoxication or delusion, he should be fined twelve *paṇas*. If he has feelings of enmity and is capable of doing harm, he should be compelled to give lifelong security for the well being of the intimidated person.¹⁷⁹ Kauṭilya has prescribed the first amercement for him who reviles his own country and village. He has prescribed the middlemost amercement for that person who reviles his own caste or corporation. According to

Kauṭilya, if a person reviles gods and sanctuaries, he should be punished with the highest amercement.¹⁸⁰ When a person reviles his mother, father, son, brother, preceptor or an ascetic, his tongue should be cut off. Kauṭilya has prescribed impalement for those who threaten another to kill.¹⁸¹

From the above discussion, it has been observed that almost all the authorities, except Yājñavalkya, have prescribed severe punishment for the inferior caste people for defaming or abusing the superior caste people. Where as, in Kauṭilya's prescription it has been observed that he has lessen the degree of punishment for the inferior caste for abusing or defaming the superior caste people. He has prescribed some fines for the inferior caste people for insulting or abusing the superior caste people. But like the Dharmaśāstra and Arthaśāstra authorities, in Kauṭilya's prescription also it has been observed that the fines vary from caste to caste for the same crime. Like Manu and other authorities, Kauṭilya also has prescribed more fines for the inferior caste people for insulting or abusing the superior caste people. Though in comparison with the other authorities, Kauṭilya has prescribed moderate punishment for the inferior caste people, but he has prescribed severe punishment for reviling one's mother, father, brother, son or an ascetic. He has prescribed very strict punishment for those who threaten another to kill. Here, it has been

observed that Kauṭilya has similarity with Yājñavalkya in dealing with the subject. Both Yājñavalkya and Kauṭilya have prescribed some fines for the inferior caste people except the mutilation of limb.

Punishment for Assault and Causing Hurt to Men :

The Dharmaśāstra and Arthaśāstra authorities have prescribed different laws of punishment for assault and causing hurt to men. Some of the laws prescribed by the different authorities may be discussed as follows –

Laws of Manu :

Manu has prescribed that if a man of low caste causes hurt to a person of the three highest castes, his offending limb should be cut off.¹⁸² It has been prescribed that if anybody raises his hand or a stick, his hand should be cut off. He who in anger kicks another with his foot, his foot should be cut off.¹⁸³ When a man of lower caste, out of arrogance, spits on a person of superior caste, his both lips should be cut off. If he urinates on him, his penis should be cut off. When a person lays hold of the hair of a superior caste person or takes him by the feet, the beard, the neck or the scrotum, his hands should be cut off.¹⁸⁴ Manu has prescribed a fine of one hundred *paṇas* for breaking the skin or fetching blood from a person of same caste. For cutting a muscle, he has prescribed a fine of six *nishkas*. Manu has prescribed banishment for breaking a bone of another.¹⁸⁵

According to Manu, if anybody injures a limb, causes a wound or fetches blood from another's body, he should pay to the sufferer the expenses of the cure or both the usual amercement and the expenses of the cure as a fine to the king.¹⁸⁶

Laws of Yājñavalkya :

Yājñavalkya has prescribed a fine of ten *paṇas* for throwing ashes, clay or dust on other. For touching another with an unholy things, heel or saliva, one should be punished with a fine of twenty *paṇas*.¹⁸⁷ According to his prescription; the above fines should be imposed when it is committed towards the persons of same caste and rank. But the fines should be double if it is committed towards the wives of others and persons of superior caste. The fines should be half if this type of crime is committed towards the persons of inferior caste.¹⁸⁸ Yājñavalkya has prescribed the same punishment for a person of an inferior caste for causing pain to a twice born person as prescribed by Manu for committing the same. According to Yājñavalkya, if anybody raises a weapon to hurt another, he should be fined with the lowest form of pecuniary punishment. For touching merely with that weapon, the fine should be half.¹⁸⁹ Yājñavalkya has prescribed a fine of twenty two *paṇas* for striking another with a piece of wood etc., without shedding blood. According to Yājñavalkya, this fine should be double if marks of blood

are seen.¹⁹⁰ The middlemost amercement has been prescribed for breaking legs, hands or teeth, for slitting ear or nose, causing a wound, for beating another almost to death.¹⁹¹ The second form of penalty has been prescribed for beating another in such a way that it creates problems in eating, speaking or in any other bodily movement.¹⁹² According to Yājñavalkya, when a number of persons beat a single person, each one should be punished with double of the above punishment.¹⁹³ Like Manu, Yājñavalkya also has prescribed that if a person causes a wound to another, he should be compelled to pay the expenses of cure besides the imposed fine.¹⁹⁴

Laws of Nārada :

Nārada has prescribed the same punishment for a low born person for causing hurt to a Brahmin as prescribed by Manu and Yājñavalkya.¹⁹⁵ It has been prescribed that if a person of lower caste spits on a person of superior caste, through pride, if he urines on him he should be punished with the same punishment as prescribed by Manu for committing the same.¹⁹⁶ For seizing a person of superior caste by the hair, feet, beard, backside or testicles, he has prescribed the same punishment as prescribed by Manu for committing the same crime.¹⁹⁷ Nārada has prescribed the same punishment for breaking the skin, fetching blood from other's body, cutting the muscle, as prescribed by Manu for the

same crime.¹⁹⁸ According to Nārada, if a man beats even a guilty king, he should be impaled and burnt alive.¹⁹⁹

Laws of Viṣṇu :

Viṣṇu has prescribed the same punishment for a inferior caste person for causing hurt to a superior caste person as prescribed by Manu, Yājñavalkya and Nārada.²⁰⁰ When a person of inferior caste spits on a person of superior caste, he should be punished with the same punishment as prescribed by Manu and Nārada.²⁰¹ According to Viṣṇu, when a person seizes another person of the same caste by the feet, by his hair, by his garment, or by his hand, he should be fined ten *paṇas*.²⁰² For causing pain without fetching blood from a person of equal caste, he has prescribed a fine of thirty two *paṇas*.²⁰³ A fine of sixty four *paṇas* has been prescribed for fetching blood from that person.²⁰⁴ Viṣṇu has prescribed the same punishment for mutilating or injuring a hand or a foot or a tooth, that has been prescribed by Yājñavalkya for committing the same crime.²⁰⁵ He has prescribed the second amercement for beating another in such a way that it creates problem to move about or to eat or to speak or for striking another violently.²⁰⁶ The highest amercement has been prescribed for wounding or breaking an eye or the neck or an arm or a bone or a shoulder of another.²⁰⁷ Viṣṇu has prescribed life imprisonment for striking out both eyes of a man.²⁰⁸ According to Viṣṇu, when a number of people

attack a single person, each one should be punished with double of the punishment which has been prescribed for attacking by a single person.²⁰⁹

Like Manu and Yājñavalkya, Viṣṇu also has prescribed that for causing hurt to a person, one should be compelled to pay the expenses of cure besides the imposed fine.²¹⁰

Laws of Āpastamba :

Āpastamba has prescribed that if a person cuts off a limb of another person for whose murder he would become an *abhisasta*, if the life of the person injured has not been endangered, he should give ten cows and a bull to Brahmins for expiation.²¹¹

Laws of Gautama :

Gautama has prescribed the same punishment for a Śūdra for causing hurt with blows to a twice born person, which has been prescribed by Manu, Nārada, Yājñavalkya and Viṣṇu for committing the same.²¹² According to Gautama, if a Kṣatriya assaults a Brahmin, he should be punished with a fine of two hundred *kārṣāpaṇas*.²¹³

Laws of Kauṭilya :

The different types of punishment, relating to assault and hurt to men also have been observed in the *Kauṭilya Arthaśāstra*. Here, Kauṭilya has prescribed different types of punishment for causing hurt and assault to men. He has prescribed a fine of three *paṇas* for touching other's body

below the navel with the hand, mud, ashes or dust. It has been prescribed that if a person touches with hand, mud, ashes or dust when he is impure and if he touches with the foot or with spittle, he should be punished with a fine of six *paṇas*. Kauṭilya has prescribed a fine of twelve *paṇas* for touching another with vomit, urine, ordure and so on. It has been prescribed that the fines should be doubled for touching above the navel and it should be fourfold for touching the head with these things in the case of equal caste. According to Kauṭilya, these fines should be double in the case of superior caste people and wives of others and half in the case of inferior caste people and if it is due to a mistake, intoxication, delusion and so on.²¹⁴ Kauṭilya has prescribed a fine of six *paṇas* for holding another by the feet. For holding another by the garment, he has prescribed a fine of twelve *paṇas* and for holding another by the hand he has prescribed eighteen *paṇas* as a fine. For holding another by the hair, a fine of twenty four *paṇas* has been prescribed by Kauṭilya.²¹⁵ For pressing, squeezing in other's arm, bending, dragging and sitting on other, he has prescribed the first amercement. For going away after throwing down another, half of the first amercement has been prescribed.²¹⁶ It has been prescribed that the limb of a Śūdra with which he strikes a Brahmin, should be cut off.²¹⁷ Kauṭilya has prescribed a fine of twenty four *paṇas* for causing a bloodless wound with any one of the objects made of wood, earth, stone or metal or a stick or rope. For

causing a bleeding wound, he has prescribed a fine of forty eight *paṇas* except in the case of diseased blood. The first amercement has been prescribed for beating another to the point of death without causing bleeding or causing dislocation of the hand or foot and also for breaking hands, feet or teeth cutting off the ear or nose and opening up wounds, except festering wounds.²¹⁸ According to Kauṭilya, if a person breaks the thigh or neck of another or pierce the eye of another and hurts another in such a way that it causes obstruction in speech, movement, eating etc., he should not only be punished with the middlemost amercement but also be compelled to pay the expenses for treatment and cure. If it causes death, he should be taken for trial as a criminal by the magistrate.²¹⁹ When a number of people beat a single person, each one should be punished with double of the punishment which has been prescribed for beating by a single person.²²⁰

In light of the above discussion, it has been observed that like Manu, Yājñavalkya and others, Kauṭilya also has prescribed severe punishment for a Śūdra for striking a Brahmin. Like Manu and others, Kauṭilya also has prescribed that for injuring a person, one should pay the expenses of treatment besides the usual fine. Like Yājñavalkya and Viṣṇu, Kauṭilya also has prescribed double punishment for each for beating another unitedly. Both in the prescription of Kauṭilya and

Dharmaśāstra and Arthaśāstra authorities, it has been observed that fines varies from caste to caste for the same crime. But in comparison with the Dharmaśāstra and Arthaśāstra authorities, it has been observed that Kautilya has prescribed moderate punishment for this type of crime.

Destruction of Animals, Birds, Trees and Fishes:

The ancient Indian lawgivers like – Manu, Uśana, Viṣṇu, Yājñavalkya and others considered the destruction of animals, birds, trees, fishes etc. as a great crime and for this they prescribed different types of punishment also. Some of which may be discussed as follows :

Laws of Manu :

Manu has prescribed the same penance for killing a cat, a ichneumon, a blue Jay, a frog, a dog, an iguana, an owl or a crow as he has prescribed for killing a Śūdra.²²¹ According to Manu, if a Brahmin kills a snake, he should give a spade of black iron. For killing a boar, one should give a pot of clarified butter. For destroying a partridge, one should give a *drona* of seas-mum grains and for killing a parrot, one should give a calf of two years old. It has been prescribed that if anybody kills a crane, he should give a calf of three years old.²²² Manu has prescribed that when a person kills a Haṁsa, Balākā, a heron, a peacock, a monkey, a falcon or a Bhāsa, he should give a cow to a Brahmin. If anybody kills a horse, he should give a garment. For killing an elephant,

one should give five black bulls. One should give a draught ox for destroying a goat or a sheep. It has been prescribed that if anybody kills a donkey, he should give a calf of one year old.²²³ According to Manu, if anybody kills a carnivorous wild beast, he should give a milch cow. For killing wild beasts other than carnivorous, one should give a heifer. For killing a camel, one should give one *kṛṣṇala*.²²⁴ Manu has prescribed that if a twice born person is unable to atone by gifts for killing a serpent and other living creatures mentioned above, should perform for each of them a Kṛcchra penance in order to remove his guilt.²²⁵ He has prescribed the same penance for destroying one thousand small animals that have bones or a whole cart load of boneless animals as he has prescribed for killing a Śūdra. According to Manu, if anybody kills small animals which have bones, he should give some trifle to a Brahmin.²²⁶ Regarding the destruction of trees, here it has been prescribed that for cutting fruit trees, shrubs, creepers, lianas or flowering plant, one should mutter one hundred Rikas.²²⁷ For destroying without any good purpose, plants produced by cultivation or plants spontaneously spring up in the forest, one should attend a cow during one day, subsisting on milk alone.²²⁸

Laws of Yājñavalkya :

Yājñavalkya has prescribed that if anybody kills small animals as goat etc., he should be punished with the second form of amercement and

should be made to pay the price of the animals killed to the owner. According to Yājñavalkya, this punishment should be double for killing big animals like bull etc.²²⁹ For cutting the branches, trunks and for the entire destruction of huge trees such as fig etc. and those which yield livelihood to the owner such as mango etc., the fine should be twenty *panas*, forty *paṇas* and eighty *paṇas* respectively.²³⁰ According to Yājñavalkya, the penalty should be double for cutting trees grown near a monument, cremation ground, a boundary line, a sacred place or a temple.²³¹ The fine should be half for cutting down groves, bushes, creepers, plants and medicinal herbs grown in the above mentioned places.²³²

Laws of Uśana :

Uśana has prescribed that when a twice born person kills a frog, mongoose, crow, cat, boar, mouse or a dog, he should perform a great penance extending over sixteen days. For unconsciously killing a dog, one should zealously drink milk for three nights.²³³ For killing a cat or a mongoose unknowingly, one should wend a way a *yojana* in length. When a twice born person kills a horse, he should perform a hard austerity extending over twelve days.²³⁴ For killing a crane, Raṅgava mouse, Kṛtalambkak-boar, a black spotted raven, Tilat, a parrot, one should give away a two years old calf. One should give a calf of three

years old for killing a heron.²³⁵ According to Uśana, if anybody kills a swan, crane, Vaka, a Titti bird, a monkey or a Bhāsa, he should make a gift of a cow to Brahmin.²³⁶ For destroying animals living on flesh or deer, one should give away a milch cow. For killing animals that do not take flesh, one should give away a calf. When a person kills a camel, he should give gold weighting five rupees.²³⁷ Uśana has prescribed that if anybody kills such animals that have bones, he should present something to a twice born person. For killing animals having no bones, one should perform pranayama.²³⁸ It has been prescribed that when a person kills a cow by mistake, he should perform the Cāndrāyaṇa and the Parāka penance.²³⁹ Regarding the destruction of trees, he has prescribed that if anybody destroys trees providing fruits, groves, creepers and large trees loaded with fruits, he should recite one hundred Ṛk verses.²⁴⁰ For destroying flowering plants, one should take clarified butter.²⁴¹

Laws of Viṣṇu :

Viṣṇu has prescribed that if anybody kills an elephant or a horse or a camel or a cow, his one hand and one foot should be cut off.²⁴² According to Viṣṇu, when a person kills domestic animals, he should pay a fine of one hundred *kārṣāpaṇas* and he should also make good their value to the owner of these animals.²⁴³ For killing wild animals, he has prescribed a fine of five hundred *kārṣāpaṇas*. Ten *kārṣāpaṇas* has been

prescribed for killing birds.²⁴⁴ Regarding the destruction of trees, Viṣṇu has prescribed that for felling trees, yielding fruit, one should be punished with the highest amercement. He has prescribed the middlemost amercement for the feller of trees yielding blossoms.²⁴⁵ A fine of one hundred *kārṣāpaṇas* has been prescribed for cutting creepers, shrubs or climbing plants.²⁴⁶ It has been prescribed that besides the prescribed fines, all such offenders should also make good to the owners of the trees or plants cut down by them.²⁴⁷

Laws of Āpastamba :

Āpastamba has prescribed that a killer of a crow, a chameleon, a peacock, a swan, the vulture called Bhaṣa, a frog, an ichneumon, a musk rat or a dog, should perform the same penance as he has prescribed for killing a Śūdra.²⁴⁸ Āpastamba has prescribed the same penance for killing a milch cow or a full grown ox without any reason and for other animals which have no bones.²⁴⁹ Perhaps Āpastamba has not dealt with crime and punishment relating to the destruction of trees.

Laws of Gautama :

Gautama has prescribed the same penance for killing one thousand small animals that have bones, a cow, as he has prescribed for killing a Vaiśya.²⁵⁰ According to Gautama, if any body kills a boar, he should give a pot of clarified butter. For killing a snake, one should give a bar of

iron.²⁵¹ Like Āpastamba perhaps, Gautama also has not dealt with the crime like the destruction of trees.

Laws of Vaśiṣṭha :

Concerning the killing of animals, Vaśiṣṭha has prescribed that if anybody kills a cow, he should perform a Kṛcchra or a Taptakṛcchra penance during six months, dressed in the raw hide of that cow. He should also give a bull and cow to Brahmins.²⁵² According to Vaśiṣṭha, when a person kills a dog, a cat, an ichneumon, a snake, a frog or a rat; he should perform a Kṛcchra penance during twelve days and should give something to a Brahmin. For slaying boneless animals, equal to the weight of a cow, one should perform the same penance for twelve days and give something to a Brahmin. Vaśiṣṭha has prescribed the same penance for killing a single animal that possesses bones.²⁵³ Like Āpastamba and Gautama; perhaps Vaśiṣṭha also has not dealt with crime and punishment relating to the destruction of birds and trees.

Laws of Kauṭilya :

Like the ancient Indian seers, Kauṭilya also felt much pain for increasingly deforestation and destruction of animals, birds etc. which has been reflected in his Arthaśāstra. He has prescribed different types of punishment for destroying animals, birds and trees, perhaps, to prevent deforestation and destruction of animals, birds etc. as without these

human existence is impossible. Here, Kauṭilya has prescribed that if a person kills a cock or an ichneumon or a cat or a dog or a pig, the tip of his nose should be cut off or a fine of fifty four *paṇas* should be imposed on him. He has prescribed half of this fine for Caṇḍālas and forest-dwellers. A fine of two hundred *paṇas* has been prescribed for killing deer or birs.²⁵⁴ Kauṭilya has prescribed impalement for those who kill an elephant, a horse belonging to the king.²⁵⁵ Regarding to the destruction of trees, Kauṭilya has prescribed that for cutting the shoots of trees in the city parks that bear flowers, fruits or yield shade, one should be punished with a fine of six *paṇas*. He has prescribed a fine of twelve *paṇas* for cutting small branches of these trees. A fine of twenty four *paṇas* has been prescribed for cutting stout branches of the same. According to Kauṭilya, if anybody destroys the trunks, he should be punished with the first amercement. For uprooting the same, he has prescribed the middlemost amercement.²⁵⁶ In the case of bushes and creepers bearing flowers or fruits or yielding shade, trees in holy places, penance groves and cremation grounds, the fines should be half and these same fines should be doubled in the case of trees at the boundaries, in sanctuaries, trees that are prominent and the trees in royal parks.²⁵⁷

From the above discussion, it has been observed that most of the authorities, except Yājñavalkya and Viṣṇu, have prescribed different

types of expiation and gifts such as cows, bulls etc. In this regard, the similarity among Yājñavalkya, Viṣṇu and Kauṭilya has been noticed. Like Yājñavalkya and Viṣṇu, Kauṭilya also has prescribed different fines for this type of crime.

After making a close study of the Kauṭilyān concept of 'Crime' and 'Punishment' and the concept of the same dealt with by ancient Arthaśāstra and Dharmaśāstra authorities, it has been observed that besides the above mentioned crimes and punishments, Kauṭilya has dealt with other various types of crimes and punishment in his Arthaśāstra which have been discussed elaborately in the second chapter of the present thesis. It has also been observed that in comparison with the ancient Dharmaśāstra and Arthaśāstra authorities, Kauṭilya has covered a greater field, but with regard to mode of punishment Kauṭilya's attitude appears to be moderate than the other authorities. As for example, it is mentionable that Kauṭilya has prescribed different types of fine in different cases in lieu of mutilation of limbs, prescribed by other authorities and here lies the relevance of Kauṭilya today.

REFERENCES:

1. MS. VIII. 323.
2. Ibid. 325.
3. Ibid. 326-330.
4. Ibid. 334.
5. Ibid. 337-338.
6. Ibid. 319.
7. Ibid. 321.
8. Ibid. 324.
9. Ibid. IX. 277.
10. Ibid. 280.
11. Ibid. VIII. 314-316.
12. Ibid. XI. 100-101.
13. YS. II. 276.
14. Ibid. 277.
15. Ibid. 278.
16. US. VIII. 15 - 16.
17. Ibid. IX. 16-18.
18. Ibid. 19.
19. Ibid. 20.
20. Ibid. 21.
21. VS. V. 6.
22. Ibid. 8,12.
23. Ibid. 8,13.
24. Ibid. 77-79.
25. Ibid. 80-82.
26. Ibid. 83.
27. Ibid. 84.

28. Ibid. 85-87.
29. Ibid. 88-90.
30. Ibid. 136.
31. Ibid. XXXV. 1, 6.
32. AD. II. 10. 27. 16.
33. Ibid. 17.
34. Ibid. I. 9.25. 4, 6.
35. GS. XII. 15-16.
36. Ibid. 43- 44.
37. Ibid. 51.
38. VD. XX. 41- 42.
39. KA. IV. X. P. 281.
40. Ibid.
41. Ibid. P. 282.
42. Ibid. XI. P. 284.
43. Ibid. P. 283.
44. Ibid. P. 285.
45. Ibid. IX. P. 277.
46. Ibid. P. 278.
47. MS. IX. 232.
48. Ibid. XI. 73, 80.
49. Ibid. 87.
50. Ibid. 88.
51. Ibid. 89.
52. Ibid. 127.
53. Ibid. 128-129.
54. Ibid. 130-131.
55. Ibid. 139.
56. YS. II. 276.

57. Ibid. 280.
58. Ibid. 281.
59. Ibid. 282.
60. US. VIII. 5, 9.
61. Ibid. IX. 9.
62. VS. V. 4.
63. Ibid. 9, 11.
64. Ibid. XXXV. 1, 6.
65. Ibid. XXXVI. 1- 2, 8.
66. Ibid. XXXVII. 13, 35.
67. Ibid. L. 1-6.
68. Ibid. 7.
69. Ibid. 8-10.
70. Ibid. 11.
71. Ibid. 12-15.
72. AD. I. 9. 24. 1-5.
73. Ibid. 6-22.
74. Ibid. 24.
75. Ibid. II. 10. 27. 16, 17.
76. GS. XXII. 2- 3, 7, 9.
77. Ibid. 12.
78. Ibid. 14-16.
79. Ibid. XXIV. 6.
80. VD. XX. 25-26.
81. Ibid. 27.
82. Ibid. 34.
83. Ibid. 31.
84. Ibid. 32- 33.
85. Ibid. 37-40.

86. KA. IV. XI. P. 283.
87. Ibid. P. 284.
88. MS. VIII. 359.
89. Ibid. 364.
90. Ibid. 367.
91. Ibid. 368.
92. Ibid. 374.
93. Ibid. 375.
94. Ibid. 376.
95. Ibid. 377.
96. Ibid. 378.
97. YS. II. 289.
98. Ibid. 294.
99. Ibid. 296.
100. Ibid. 297.
101. US. VIII. 23-24.
102. Ibid. 27-28.
103. Ibid. IX. 1.
104. Ibid. 2-3.
105. Ibid. 4-5.
106. Ibid. 6.
107. ND. XII. 70.
108. Ibid. 72.
109. Ibid. 73-75.
110. Ibid. 76.
111. Ibid. 91.
112. VS. V. 7.
113. Ibid. 40.
114. Ibid. 41, 43.

115. AD. I. 9. 25. 1- 2.
116. Ibid. II. 10. 26. 21.
117. Ibid. II. 10.27. 8.
118. Ibid. 9.
119. Ibid. 10.
120. GS. XII. 2- 3.
121. Ibid. XXIII. 8-10.
122. Ibid. 12.
123. Ibid. 14, 16.
124. Ibid. 32.
125. Ibid. 34.
126. VD. XX. 13-15.
127. Ibid. 16.
128. Ibid. XXI. 10.
129. KA. IV. XII. P. 285.
130. Ibid.
131. Ibid. P. 287.
132. Ibid. IX. P. 280.
133. Ibid. XIII. P. 290.
134. Ibid.
135. Ibid.
136. Ibid. PP. 290-291.
137. Ibid.
138. MS. VIII. 267.
139. Ibid. 268.
140. Ibid. 270.
141. Ibid. 271.
142. Ibid. 272.
143. Ibid. 274.

144. Ibid. 275.
145. YS. II. 207.
146. Ibid. 208.
147. Ibid. 209.
148. Ibid. 211.
149. Ibid. 212.
150. Ibid. 214.
151. ND. XV. XVI. 15.
152. Ibid. 16.
153. Ibid. 17.
154. Ibid. 18.
155. Ibid. 22.
156. Ibid. 23.
157. Ibid. 24.
158. Ibid. 30.
159. VS. V. 19.
160. Ibid. 23.
161. Ibid. 24.
162. Ibid. 25.
163. Ibid. 27.
164. Ibid. 28.
165. Ibid. 31.
166. Ibid. 32.
167. Ibid. 33.
168. Ibid. 34.
169. AD. II. 10. 27. 14.
170. Ibid. I. 9. 26. 3.
171. Ibid. 4.
172. GS. XII. 1.

173. Ibid. 8.
174. Ibid. 10.
175. Ibid. 11.
176. Ibid. 12.
177. KA. III. XVIII. P. 246.
178. Ibid. P. 247.
179. Ibid.
180. Ibid.
181. Ibid. IV. XI. PP. 283, 284.
182. MS. VIII. 279.
183. Ibid. 280.
184. Ibid. 283.
185. Ibid. 284.
186. Ibid. 287.
187. YS. II. 216.
188. Ibid. 217.
189. Ibid. 218.
190. Ibid. 221.
191. Ibid. 222.
192. Ibid. 223.
193. Ibid. 224.
194. Ibid. 225.
195. ND. XV., XVI. 25.
196. Ibid. 27.
197. Ibid. 28.
198. Ibid. 29.
199. Ibid. 31.
200. VS. V. 19.
201. Ibid. 21.

202. Ibid. 65.
203. Ibid. 66.
204. Ibid. 67.
205. Ibid. 68.
206. Ibid. 69.
207. Ibid. 70.
208. Ibid. 71.
209. Ibid. 73.
210. Ibid. 75.
211. AD. I. 9. 26. 6.
212. GS. XII. 1.
213. Ibid. 9.
214. KA. III. XIX. P. 247.
215. Ibid. P. 248.
216. Ibid.
217. Ibid.
218. Ibid.
219. Ibid.
220. Ibid.
221. MS. XI. 132.
222. Ibid. 134-135.
223. Ibid. 136-137.
224. Ibid. 138.
225. Ibid. 140.
226. Ibid. 141-142.
227. Ibid. 143.
228. Ibid. 145.
229. YS. II. 229.
230. Ibid. 230.

231. Ibid. 231.
232. Ibid. 232.
233. VS. IX. 7.
234. Ibid. 8.
235. Ibid. 9-10.
236. Ibid. 11.
237. Ibid. 12.
238. Ibid. 13.
239. Ibid. 15.
240. Ibid. 14.
241. Ibid. 15.
242. VS. V. 48.
243. Ibid. 50-51.
244. Ibid. 52-53.
245. Ibid. 55-56.
246. Ibid. 57.
247. Ibid. 59.
248. AD. I. 9. 25. 13.
249. Ibid. I. 9. 26. 1-2.
250. GS. XXII. 18, 20.
251. Ibid. 24-25.
252. VD. XXI. 18, 22.
253. Ibid. 24-26.
254. KA. IV. X. P. 281.
255. Ibid. XI. P. 283.
256. Ibid. III. XIX. P. 249.
257. Ibid. P. 250.

CHAPTER – IV

Relevance of Kauṭilya's Concept of Crime and Punishment to Modern Time

Relevance of Kauṭilya's Concept of Crime and Punishment to Modern Time

At present, crime has appeared before the whole universe as a great challenge, and hence, a matter of serious concern. People of today, at large, are becoming the victims of various types of crime in different fields in society and they appear to be the worst sufferer without having safety and security - the minimum requirement for human existence. It has been observed that the news paper columns, today, are often filled up, at large, with facts and figures about criminal activities. Criminal activities have been the daily news items of different press and electronic media. Crimes like rape, adultery, kidnapping, theft, robbery, murder, abduction, adulteration of food, drinks etc., are occurring frequently at various corners of the society today.

It is a matter of great concern that at present, when we are expressing our sincere concern with women empowerment, the women, are not, at all, being provided with required safety and security even. The ancient Indian law givers, with a view to form a crime free society, full of human values, prescribed different laws of punishment for different types of crime. Like the ancient Indian law givers, the modern law givers also,

for the same prescribed different laws of punishment for different types of crime.

Kauṭilya occupies a significant place among the ancient law givers. A close study of both the Kauṭīliyan concept of 'Crime' and 'Punishment' and the modern concept of the same reveals that the Kauṭīliyan concept of 'Crime' and 'Punishment' has relevance even today and as such his Arthaśāstra has been designated as an ever modern treatise. In this chapter, a humble attempt has been made to find out the relevance of Kauṭilya's concept of 'Crime' and 'Punishment' to modern time, if any.

Some of the laws of punishment for the concerned crime prescribed by Kauṭilya having relevance to modern law may be discussed in the following heads :

Homicide :

The Indian Penal Code has prescribed laws of punishment for the heinous crime like homicide. Here, it has been prescribed that if anybody commits murder, he should be punished with death penalty or life imprisonment and with an amount of fine.¹ Here, it has been prescribed that when a person causes death of any person by doing any rash or negligent act, not amounting to culpable homicide, he should be punished either imprisonment for a term which may extend upto two years or with

fines or with both.² The Indian Penal Code has prescribed that when a person, being under the sentence of imprisonment for life, commits murder, he should be put to death.³ If a person commits culpable homicide not amounting to murder, he should be punished with imprisonment for life or imprisonment for a term which may be extended up to ten years and with fine⁴.

In the *Kauṭilīya Arthaśāstra* also it has been observe that Kautilya has prescribed punishment for homicide. He has prescribed that if a person kills another on the spot during a scuffle, he should be tortured to death. According to Kauṭilya, if the wounded person dies with seven days, the offender should be put to death without torture. If the wounded person dies within a fortnight, the offender should be punishment with the highest amercement. Kauṭilya has prescribed that if the wounded person dies within a month, he should be punished with a fine of five hundred *panas* and he should also be compelled to pay the cost of treatment to the bereaved.⁵ In the *Kauṭilīya Arthaśāstra*, it has been prescribed that if a person strikes another with a weapon in such a way that it causes death to that person, he should be put to death.⁶ Kauṭilya has prescribed that if a person kills his mother, father, son, brother, preceptor or an ascetic, he should be slain by setting fire to the skinless head.⁷ When a person kills another by accident, he should be put to death.⁸ It has been prescribed

that if a woman kills a man, if she is not pregnant, she should be drown in water. If she is pregnant, then she should be drown at least one month after her delivery. According to Kauṭilya, if a woman kills her husband, an elder or her offspring, she should be torn by bullocks.⁹

Here, it is observed that different types of above mentioned crime and punishment have been discussed by Kauṭilya as they exist in the modern law.

Theft :

According to the Indian Penal Code, when a person takes dishonestly any moveable property from any other person without that person's consent, it is called theft.¹⁰ Regarding theft, the Indian penal code has prescribed that if anybody commits theft, he should be punished with either imprisonment for a term which may extend upto three years or with fine or with both.¹¹ According to the Indian Penal Code, if anybody commits theft in any building or dwelling house, he should be punished with imprisonment for a term which may extend upto seven years and also a certain amount of fine should be imposed on him.¹² It has been prescribed that when a clerk or a servant, commits theft in respect of any property in the possession of his master or employer, he should be punished with imprisonment for a term which may extend up to seven years and a certain amount of fine should be imposed on him.¹³

Kauṭilya has also prescribed different types of punishment for stealing articles having different values. According to the *Kauṭīliya Arthaśāstra*, when a person takes possession of others' article in his absence and after taking this, he denies it, it is called theft. Kauṭilya has prescribed that for the first crime of thieves and pick-pockets at holy places, their middle finger and thumb should be cut off or a fine of fifty four *paṇas* should be imposed on them. The five fingers of the above mentioned criminals should be cut off or a fine of one hundred *paṇas* should be imposed on them for their second crime. It has been prescribed that for committing the third crime, their right hand should be cut off or a fine of four hundred *paṇas* should be imposed on them. According to Kauṭilya, for committing the fourth crime, they should be put to death.¹⁵ It has been prescribed that if anybody steals cocks, mongoose, cats, dogs or pigs less than twenty five *paṇas* in value, he should be punished with a fine of fifty four *paṇas* or the tip of his nose should be cut off. For stealing deer, birds or fish, caught in the snares, nets or concealed pits, one should not only pay a fine equal to the value of the stolen animals, but also should restore the same. Kauṭilya has prescribed a fine of one hundred *paṇas* for stealing deer or object from deer parks or produce forests. A fine of two hundred *paṇas* has been prescribed for stealing deer, birds etc., intended for show or pleasure. Kauṭilya has prescribed a fine of one hundred *paṇas* for stealing small articles belonging to artisans,

artists, actors or ascetics. He has prescribed a fine of two hundred *panas* for stealing large articles belonging to the above mentioned persons and for stealing agricultural goods.¹⁶ He has prescribed impalement on the stake for the house thieves.¹⁷ Like the Indian Penal Code, Kauṭilya also has prescribed punishment for the officers of different governmental departments for stealing articles having different values. Here, Kauṭilya has prescribed that an officer should be put to death without torture for stealing an article of high value or gem from mines or factories. He has prescribed the first amercement for an officer for stealing articles of low value or an implement from factories.¹⁸ Kauṭilya has prescribed death penalty for an officer for stealing king's articles of eight *paṇas* to ten *paṇas* in value.¹⁹ Regarding the theft of other than king's article, Kauṭilya has prescribed that if an officer or employee steals articles of forty *paṇas* in value, he should be punished with a fine of one thousand *paṇas*. He has prescribed death penalty for an officer or employee for stealing articles of fifty *paṇas* in value.²⁰

Robbery or Forcible Seizure :

According to the Indian Penal Code, theft is robbery when the offender carries away by putting the person in fear of instant death, or of instant hurt.²¹ With regard to robbery, the Indian Penal Code has prescribed that when a person commits robbery, he should be punished

with rigorous imprisonment for a term which may extend up to ten years and also some fine should be imposed on him. Here, it has been prescribed that if anybody commits robbery on the high way between sunset and sunrise, he should be punished with imprisonment which may extend upto fourteen years.²² Kauṭilya also has prescribed different types of punishment for the robbers. According to Kauṭilya, when a person takes anything forcefully from another person in his presence, it is called forcible seizure or robbery.²³ Kauṭilya, like the modern lawgivers, has also prescribed punishment for the robbers on highways. He has prescribed impalement for robbers on highways.²⁴ Kauṭilya has prescribed different types of fines for robbing articles having different values,²⁵ which have already been discussed in the second chapter of the present thesis. He also has prescribed punishment for the officers or employees of different governmental departments for robbing different types of articles.²⁶

Here, it is observed that the crime like robbery has been dealt with great care by Kauṭilya as it is dealt with by the modern law.

Rape and Sexual Intercourse of Women :

Like the Dharmaśāstras, Dharmasūtras, Saṁhitās, Smṛtis, Arthaśāstras and other ancient Indian scriptures, the Indian Penal Code also has prescribed punishment for the heinous crime like rape and sexual

intercourse of women. Here, the Indian Penal Code has prescribed that if a police officer commits rape within the police station to which he is appointed or a woman in his custody or in the custody of a police officer subordinate to him, he should be punished with rigorous imprisonment for a term which should not be less than ten years but may be for life and he should also be compelled to pay fine.²⁷ Here, it has been prescribed that if a public servant takes advantage of his official position and commits rape on a woman in his custody, he should also be punished similarly.²⁸ When a person, being on the management or a staff of a jail, remand home or other place of custody established by or under any law for the time being in force or being on the management or on the staff of a women's or children's institutions, takes advantage of his official position and commits rape on any inmate of such jail, remand home, institution, he should be punished similarly.²⁹ According to the Indian Penal Code, if a person, being on the management or on the staff of a hospital, takes advantage of his official position and commits rape on a woman in that hospital, he should be punished similarly.³⁰ It has been prescribed that when a person commits rape on a woman knowing the fact that she is pregnant, he should be punished as above.³¹ If anybody commits rape on a girl who is under twelve years of age, he should be punished similarly.³² The Indian Penal Code has prescribed that those who commit gang rape should be punished with the same punishment.³³

According to the Indian Penal Code, besides the above mentioned cases, if anybody commits rape, he should be punished with either imprisonment for a term which should not be less than seven years but may be for life or for a term which may extend upto ten years and he should also be compelled to pay fine unless the woman raped is his own wife and is not under twelve years of age.³⁴ Here, it has been prescribed that if anybody commits rape on his own wife or on a girl, who is not under the age of twelve years, he should be punished with either imprisonment for a term which may extend upto two years or with fine or with both.³⁵ The Indian Penal Code has prescribed that when a person commits rape on a minor girl and if the girl dies on the spot, he should be punished with either death penalty or with imprisonment for life and he should be compelled to pay fine.³⁶

Regarding sexual intercourse of women, the Indian Penal Code has prescribed that when a person, being a public servant, takes advantage of his official position and induces or seduces any woman who is in his custody, to have sexual intercourse with her, such sexual intercourse not amounting to the crime of rape, should be punished with imprisonment for a term which may extend to five years or with fine.³⁷ It has been prescribed that when a person, being on the management of a hospital or being on the staff of a hospital takes advantage of his position and

commits sexual intercourse with any woman in that hospital, such sexual intercourse, not amounting to the crime of rape, should be punished with imprisonment for a term which may extend upto five years and with fine.³⁸ According to the Indian Penal Code, when a superintendent or a manager of jail, remand home or other place of custody established by or under any law for the time being in force or a person being on the staff or management of a woman's or children's institution takes advantage of his official position and induces or seduces any female inmate of such jail, remand home, institution to have sexual intercourse with her, such sexual intercourse not amounting to the crime of rape, should be punished with imprisonment for a term which may extend upto five years and with fine.³⁹

The laws of punishment for this type of hateful crime also have been observed in the *Kauṭīlīya Arthaśāstra*. Here, Kauṭīlīya has prescribed that if a man commits rape on a girl of equal caste, who has not attained sexual maturity, his hand should be cut off or a fine of four hundred *Panas* should be imposed on him. According to Kauṭīlīya, if the maiden dies in consequence, the offender should be put to death.⁴⁰ It has been prescribed that he who violates a maiden, who has attained sexual maturity, his middle and index fingers, should be cut off or a fine of two

hundred *paṇas* should be imposed on him and he should also be compelled to pay an adequate compensation to her father.⁴¹

Like the Indian Penal Code, Kauṭilya also has prescribed punishment for gang rape. According to Kauṭilya, when a number of people commit rape on a single prostitute, each of them should be punished with a fine of twenty four *paṇas*.⁴² Kauṭilya has also prescribed punishment for the jailors for committing such type of hateful crime. Regarding this, Kauṭilya has prescribed that if a jailor violates a married woman prisoner who is a slave or pledge, he should be punished with the first amercement. If he commits the same crime with the wife of a thief or a rioter, he should be punished with the middlemost amercement. Kauṭilya has prescribed the highest amercement for a jailor for committing the same with an Ārya woman prisoner.⁴³ According to Kauṭilya, if a prisoner commits this type of hateful crime, he should be executed then and there. Kauṭilya has prescribed the same punishment for committing the same crime with an Ārya woman caught in the prohibited period of the night. For committing the same crime with a female slave, he has prescribed the first amercement.⁴⁴ Kauṭilya has prescribed the highest amercement for committing rape on a courtesan.⁴⁵

Here, it appears that Kauṭilya had a serious concern with regard to crime related to women, as it is found in the modern law. But with regard

to punishment, Kauṭilya appears to be in favour of more strict punishment, in some cases, than modern law.

Carnal Intercourse :

Regarding carnal intercourse, the Indian Penal Code has prescribed that when a person voluntarily commits carnal intercourse against the order of nature with any man or a woman or any animal, he should be punished with imprisonment for life or for a term which may extend upto two years and with fine.⁴⁶

Kauṭilya has prescribed punishment for this type of heinous crime. Here, it has been prescribed that if a person approaches carnally towards the sister of his mother or father, his maternal aunt, his preceptor's wife, his daughter-in-law, his daughter or sister, he should be put to death by cutting of his generating organ and testicles. Kauṭilya has prescribed the same punishment for the willing woman.⁴⁷ Kauṭilya has prescribed a fine of twelve *paṇas* for the senseless wretch who approaches carnally towards lower animals. A fine of twenty four *paṇas* has been prescribed for committing the same with the images of Gods. It has been prescribed that when a man approaches a woman elsewhere than in the female organ, he should be punished with the first amercement. Kauṭilya has prescribed the same amount of fine for committing the same with a man.⁴⁸

Here, it is observed that Kauṭilya has dealt with the above mentioned crime like the lawgivers but his prescription for punishment appears to be stricter than the modern lawgivers.

Causing Miscarriage of Women :

Regarding this, the Indian Penal Code has prescribed that when a person voluntarily causes miscarriage of a woman with child, if it is not for the purpose of saving the life of the woman, he should be punished with either imprisonment for a term which may extend upto three years or with fine or with both. If the woman be quick with child, the offender should be punished with imprisonment for a term which may extend upto seven years or with fines.⁴⁹ For causing miscarriage of a woman without the consent of the woman, whether she is quick with child or not, the offender should be punished with imprisonment for life or with ten years and he should also be compelled to pay fine.⁵⁰

Here, Kauṭilya has prescribed that if anybody causes abortion of a woman with blow, he should be punished with the highest amercement. For causing the same of a woman with medicine one should be punished with the middlemost amercement. Kauṭilya has prescribed the first amercement for committing the same by causing suffering to the woman.⁵¹

Here, it is observed that like the modern lawgivers, the above mentioned crime has been dealt with great care by Kauṭilya. Here, the punishment prescribed by Kauṭilya appears to be strict which reveals his sincere concern with the crime related to women.

Causing Hurt to Men :

Regarding this, the Indian Penal Code has prescribed that when a person voluntarily causes hurt without provocation, he should be punished with either imprisonment for a term which may be extended upto one year, or with fine which may extend upto one thousand rupees or with both.⁵² For voluntarily causing hurt without provocation by means of any instrument, used for shooting, stabbing or cutting or by any other weapon to cause death or by means of fire or any heated thing or any animal, the offender should be punished with either imprisonment which may extend upto three years or with fine or with both.⁵³ According to the Indian Penal Code, if anybody voluntarily causes grievous hurt without provocation, he should be punished with imprisonment for a term which may extend upto seven years and with fine.⁵⁴ Here, it has been prescribed that if a person causes hurt by administering poison or any stupefying intoxicating mixture or drug etc., he should be punished with imprisonment which may extend upto ten years and with fine.⁵⁵

The Kauṭīliya Arthasāstra also has prescribed punishment for causing hurt to human being. Here, a fine of twenty four *paṇas* has been prescribed for that person who causes hurt without bleeding with any object made of wood, earth, stone or metal or a stick or rope. Kauṭīliya has prescribed a fine of forty eight *paṇas* for causing a bleeding wound, except the impure blood.⁵⁶ He has prescribed the first amercement for beating another to the point of death without causing bleeding or causing dislocation of the hand or foot, for breaking hands, feet or teeth, for cutting off the ear or nose and opening up wounds, except festering wounds. Kauṭīliya has prescribed the middlemost amercement and the expenses for treatment and cure for breaking the thigh or neck or for piercing the eye and for causing hurt which leads to the obstruction in speech, movement or eating. According to Kauṭīliya, if the wounded person dies, in that case the offender should be taken for trial by a magistrate.⁵⁷ It has been prescribed that when a person strikes another person with a weapon, he should be punished with the highest amercement. If it is done in intoxication, the hand of the offender should be cut off and if it is done through delusion, one should be punished with a fine of two hundred *paṇas*. Kauṭīliya has prescribed that if it causes death of that person, the offender should be put to death.⁵⁸ He has prescribed impalement for beating a man or a woman with force.⁵⁹ Regarding poisoning, Kauṭīliya has prescribed that when a man gives

poison to another, he should be drown in water. If a woman commits the same, she should be torn by bullocks.⁶⁰

Here, it is observed that the above mentioned crime alongwith punishment has been dealt with by Kauṭilya in detail in comparison with the modern law.

Assault :

Regarding assault, the Indian Penal Code has prescribed that if anybody assaults or uses criminal force to another person without the grave and sudden provocation given by that person, he should be punished either with imprisonment for a term which may extend upto three months or with fine which may extend to five hundred rupees or with both.⁶¹

Here, Kauṭilya has prescribed that if anybody holds another by the feet, he should be punished with a fine of six *paṇas*. If he holds another person by the garment, he should be fined twelve *paṇas*. For holding another by the hand, one should be fined with eighteen *paṇas* and if he commits the same by the hair, he should be punished with a fine of twenty four *paṇas*. Kauṭilya has prescribed the first amercement for pressing, squeezing in one's arms, bending, dragging and sitting on another.⁶²

Wrongful Confinement :

The Indian Penal Code has prescribed that when a person wrongfully confines another person, he should be punished with imprisonment of one year or with fine which may extend upto one thousand rupees or with both.⁶³

It has been observed that Kauṭilya has also prescribed punishment for wrong confinement. Here, it has been prescribed that if anybody confines another person who is guiltless, he should be punished with the first amercement.⁶⁴

Here, the punishment prescribed for the above mentioned crime by the modern law appears to be severe than Kauṭilya's.

Kidnapping :

Regarding kidnapping the Indian Penal Code has prescribed that the person who kidnaps another from India or from lawful guardianship, he should be punished with imprisonment for a term which may extend upto seven years and with fine.⁶⁵

The *Kauṭilīya Arthaśāstra* also has prescribed punishment for kidnapping. Here, Kauṭilya has prescribed that for kidnapping a maiden or a female slave together with money, one's left hand and both feet

should be cut off or a fine of nine hundred *paṇas* should be imposed on him.⁶⁶

Here, it appears that Kauṭilya's punishment for kidnapping is more strict than that in modern law.

Defamation :

Regarding defamation, the Indian Penal Code has prescribed that if a person defames another, he should be punished with simple imprisonment for a term which may extend upto two years or with fine or with both.⁶⁷

Here, Kauṭilya has prescribed that for defamation relating to body, such as one-eyed, lame etc., if the defect is a fact, the person should be fined with three *paṇas*. The fine should be six *paṇas* in case of false imputation.⁶⁸ Kauṭilya has prescribed the first amercement for defaming one's own country and village. He has prescribed the middlemost amercement for defaming one's own caste or corporation and the highest amercement has been prescribed for defaming Gods and sanctuaries.⁶⁹

Here, it appears that Kauṭilya has discussed the crime like defamation in details which indicates his sincere concern about human behaviour.

Intimidation :

Regarding intimidation, the Indian Penal Code has prescribed that when a person commits criminal intimidation, he should be punished with imprisonment for a term which may extend upto two years or with fine or with both.⁷⁰ According to the Indian Penal Code, if anybody threatens another to cause death or grievous hurt etc., one should be punished either with imprisonment for a term which may extend upto seven years or with fine or with both.⁷¹

Kauṭilya also has prescribed punishment for intimidation. Regarding this, Kauṭilya has prescribed that if anybody threatens another saying, 'I shall do this to you', but if he does not actually do it, he should be punished with a fine half of that which has been prescribed for doing it. If the person is capable of carrying out the threat or pleads anger, intoxication or delusion, he should be punished with a fine of twelve *paṇas*. According to Kauṭilya, if the person has the feelings of enmity and is capable of doing harm, he should have to provide the lifelong security for the well being of the threatened person.⁷² Kauṭilya has prescribed that if a person threatens another to kill, he should be impalement on the stake.⁷³

Here, it is observed that though both Kauṭilya and modern law have dealt with care the above mentioned crime, Kauṭilya appears to be

more concerned relating to human behaviour and safety and security of the people of the society.

Extortion :

Regarding this type of crime, the Indian Penal Code has prescribed that when a person commits extortion, he should be punished with imprisonment for a term which may extend upto three years or with fine or with both.⁷⁴

Kauṭilya also has prescribed punishment for extortion. Here, it has been prescribed that if anybody commits this type of crime, he should be banished from the country.⁷⁵

Here also Kauṭilya's approach towards the extortion appears to be more strict than the modern law.

Bribery :

Regarding bribery, the Indian Penal Code has prescribed that when a person commits bribery, he should be punished with imprisonment for a term which may extend upto one year or with fine or with both.⁷⁶ Kauṭilya has prescribed banishment as the punishment for the bribers.⁷⁷

Here also Kauṭilya's strict attitude towards the bribers has been well revealed.

Giving False Evidence :

Regarding this crime, the Indian Penal Code has prescribed that the person, who intentionally gives false evidence in any stage of judicial proceeding or fabricates false evidence for the purpose of being used in any stage of judicial proceeding, he should be punished with imprisonment for a term which may extend upto seven years and with fine.⁷⁸ Here, it has been prescribed that for intentionally giving or fabricating false evidence in any other case, one should be punished with imprisonment for a term which may extend upto three years and with fine.⁷⁹

The law of punishment for this crime also has been observed in the Kautiliya Arthashastra. Here, Kautilya has prescribed banishment for the false witnesses and for those, who cause evidence to be given.⁸⁰

Here also Kautilya appears to be more severe in implementing punishment for the above mentioned crime.

Counterfeiting Coin :

Regarding this type of serious crime, the Indian Penal Code has prescribed that if anybody counterfeits coin or knowingly performs any part of the process of counterfeiting coin, he should be punished with imprisonment either for life or for a term which may extend up to ten years and with fine.⁸¹

Kautilīya Arthaśāstra also has prescribed punishment for the crimes relating to coin. Regarding this, Kauṭilya has prescribed a fine of one thousand *panas* for one who causes a counterfeit coin to be made.⁸²

Delivery of Counterfeit Coin :

Regarding this crime, the Indian Penal Code has prescribed that, when a person, after having a counterfeit coin, fraudulently delivers the same to any other person or attempts to induce any person to receive the same, he should be punished with imprisonment for a term which may extend up to ten years and with fine.⁸³

Kauṭilya has prescribed the same punishment for sending counterfeit coin into circulation that he has prescribed for causing a counterfeit coin to be made.⁸⁴

Possessing Counterfeit Coin :

The Indian Penal Code has prescribed that if anybody possesses counterfeit coin after knowing it as a counterfeit coin, he should be punished with imprisonment for a term which may extend to seven years and with fine.⁸⁵

Kauṭilya has prescribed the same punishment for accepting or receiving counterfeit coin that he has prescribed for causing a counterfeit coin to be made.⁸⁶

Here, it is observed that Kauṭilya has dealt with different types of crime related to coin as it exists in the modern law.

Crime and Punishment Weights and Measures :

For the crimes relating to weights and measures, the Indian Penal Code has prescribed that those who fraudulently use false weight or false measure of length or capacity, should be punished with either imprisonment for a term which may extend upto one year or with fine or with both.⁸⁷

Kauṭilya has prescribed that in the case of *parimāni* and *droṇa*, half a *pala* less or more is not a crime. But for one *pala* more or less, the fine should be twelve *paṇas* and thus the fine should be increased for each successive *pala*. In the case of *tulā*, one *kārṣā* less or more is not a crime. But for two *kārṣās* less or more, the fine should be six *paṇas* and in this way the fine should be increased for each successive *kārṣā*. According to Kauṭilya, in the case of an *āḍhaka*, half a *kārṣā* less or more is not a crime. But for one *kārṣā* less or more, the fine should be three *panas* and thus the fine should be increased for each successive *kārṣā*.⁸⁸ It has been prescribed that those traders who rob to the extent of one-eighth part of the price of the goods in the case of goods sold by counting; they should be punished with a fine of ninety six *paṇas*. Kauṭilya has prescribed a fine of two hundred *paṇas* for the weigher or measurer who by trick of the

hand brings about a difference to the extent of one-eighth part in an article priced at one *paṇa*.⁹⁰

Here, Kauṭilya appears to be more elaborate in dealing with the crime related to weights and measure.

Adulteration of Food and Drink :

Regarding this type of serious crime, the Indian Penal Code has prescribed that those who adulterate food or drink with harmful ingredients to sell for getting more profit, should be punished with either imprisonment for a term which may extend upto six months or with fines which may extend to one thousand rupees or with both.⁹¹

Here, Kauṭilya has prescribed a fine of twelve *paṇas* for adulteration of grains, oil, sugar, salt, perfumes, and medicinal articles with similar articles of low quality.⁹²

Here also Kauṭilya's attitude in dealing with the above mentioned crime appears to have relevance to modern time.

Punishment for Buying, Selling, Dealing in Slaves :

Regarding this, the Indian Penal Code has prescribed that those who habitually import, export, remove, buy, sell or deal in slaves, they should be punished with imprisonment for life or for a term not exceeding ten years and with fine.⁹³

Punishment for selling, buying and dealing in slaves also has been observed in the *Kauṭīliya Arthaśāstra*. Here Kauṭīliya has prescribed that when a person employs in vile work or in a foreign land, a slave less than eight years of age, who has no kinsmen and is unwilling to do the work or if anybody sells or pledges a female pregnant slave, without providing the nourishment of the fetus, he should be punished with the first amercement. Kauṭīliya has prescribed the same punishment for the purchaser and witnesses also.⁹⁴

Here also Kauṭīliya's concern for the slaves has been revealed, though moderate in comparison with the modern law.

Mischief :

Regarding this, the Indian Penal Code has prescribed that those who commit mischief by doing any act which causes diminution of the supply of water for agricultural purposes or food or drink for human beings or for animals or for cleanliness or for carrying on any manufacture, should be punished with imprisonment either for a term which may extend upto five years, or with fine or with both.⁹⁵

Regarding this, Kauṭīliya has prescribed that those who cause damage to the ploughing or seeds in another's field by the use of reservoir, channels or a field under water, they should pay compensation in accordance with the damage. According to Kauṭīliya, in the case of

mutual damage to fields under water, parks and embankments, the fine should be double the damage.⁹⁶ According to the Indian Penal Code, those who commit mischief by destroying or moving any land-mark fixed by the authority should be punished with imprisonment either for a term which may extend upto one year or with fine or with both.⁹⁷ Concerning this, Kauṭilya has prescribed that those who remove the boundaries or destroy the boundary-marks of villages they should be punished with a fine of one thousand *paṇas*. Kauṭilya has prescribed the first amercement for removing the boundary marks of fields. He has prescribed a fine of twenty four *paṇas* for breaking the boundary of fields.⁹⁸

The Indian Penal Code has prescribed that those who commit mischief by fire or any explosive substance to cause destruction of any building which is ordinarily used as a human dwelling or as a place for the custody of property, they should be punished with either imprisonment for life or for a term which may extend upto ten years and with fine.⁹⁹ Concerning this, Kauṭilya has prescribed that a woman who sets a house on fire, she should be torn by bullocks. According to Kauṭilya, if anybody sets on fire a pasture land, a field, a threshing ground, a produce forest or an elephant forest, he should be burnt in fire.¹⁰⁰

House Trespass :

Regarding house trespass, the Indian Penal Code has prescribed that those who commit house trespass, should be punished with either imprisonment for a term which may extend upto one year or with fine which may extend to one thousand rupees or with both.¹⁰¹

Regarding this, Kauṭilya has prescribed that if anybody trespasses in another's house at day time, he should be punished with the first amercement. According to Kauṭilya, if anybody commits the same at night, he should be punished with the middlemost amercement.¹⁰²

House Trespass after Preparation for Hurt, Assault :

The Indian Penal Code has prescribed that when a person commits house trespass, having made preparation for causing hurt to any person or for assaulting any person or for wrongfully restraining any person for putting any person in fear of hurt or assault, he should be punished with imprisonment for a term which may extend upto seven years and with fine.¹⁰³

Kauṭilya also has prescribed punishment for committing this type of crime. According to Kauṭilya, if anybody commits house trespass with a weapon at day time or at night, he should be punished with the highest amercement.¹⁰⁴

House-breaking :

The Indian Penal Code has prescribed that those who commit house-breaking, should be punished with imprisonment for a term which may extend to two years and with fine.¹⁰⁵

Punishment for this type of crime also has been observed in the Kautilīya Arthaśāstra. Here, Kauṭilya has prescribed that if a woman breaks into a house, she should be torn by bullocks.¹⁰⁶

Here, Kauṭilya's stern attitude towards the house breakers has been revealed.

Forgery :

The Indian Penal Code has prescribed that those who make or counterfeit any seal, plate or other instrument, for the purpose of committing any forgery, such as forgery of a valuable document or a will, or to receive or deliver any money etc., should be punished with imprisonment for life or for a term which may extend upto seven years and with fine.¹⁰⁷

Punishment for this type of serious crime also has been observed in the Kautilīya Arthaśāstra. Regarding forgery, Kauṭilya has prescribed that if anybody makes counterfeit documents and seals of a house holder, he should be punished with the first amercement. He has prescribed the

middlemost amercement for making counterfeit documents and seals of superintendents. For making counterfeit document and seals of principal officers, the highest amercement has been prescribed by Kauṭilya. According Kauṭilya, if anybody makes counterfeit documents and seals of the king, he should be put to death.¹⁰⁸

Here, Kauṭilya's prescription of punishment has been observed as more strict than the modern law.

Rebellion or Mutiny :

The Indian Penal Code has prescribed that those who wage war against the government of India or attempt to wage such war or abet the waging of such war, should be punished with death penalty or with imprisonment for life and with fine.¹⁰⁹ Here, it has been prescribed that those who abet the committing of mutiny by an officer, soldier, sailor or airman, in the army, Navy or Air Force of the government of India, if mutiny be committed in consequence, they should be punished with death penalty or with imprisonment for life or imprisonment for a term which may extend upto ten years and with fine.¹¹⁰

Here, Kauṭilya has prescribed that those who attack the king's palace, those who rouse foresters or enemies or cause rebellion in the fortified city, the country or the army, should be slain by fire to hands and head.¹¹¹

Forgery Relating to Passport :

The Indian Penal Code has prescribed that when a person forges a passport and uses it as genuine to get entry into India, he should be punished with imprisonment either for life or for a term which may extend upto ten years and with fine.¹¹²

Here, Kauṭilya has prescribed the first amercement for those who use forged passport. According to Kauṭilya, if a foreigner commits this crime, he should be punished with the highest amercement.¹¹³

Here, it is noticed that though the modern law has been providing severe punishment for the above mentioned crime, Kauṭilya being a lawgiver of ancient time, also dealt with care the same.

Killing or Showing Cruelty to Animals and Birds and Cutting of Trees :

The Prevention of Cruelty to Animals Act, 1960 , under the Environmental Law, has prescribed different types of punishment for showing cruelty to animals. Here, it has been prescribed that if a person beats, kicks, tortures or causes unnecessary suffering to any animal, he should be punished with a fine which should not be less than ten rupees, but which may extend to fifty rupees for committing the first crime. For the second crime, committed within three years of the previous crime, one should be punished with a fine which should not be less than twenty

five rupees but which may extend to one hundred rupees or with imprisonment for a term which may extend to three months or with both.¹¹⁴ It has been prescribed that if anybody mutilates any animal or kills any animal, he should be punished similarly.¹¹⁵ The Indian Penal Code has prescribed that if anybody kills, poisons, maims any animal or animals of the value of ten rupees or upwards, he should be punished either with imprisonment for a term which may extend upto two years or with fine or with both.¹¹⁶ It has been prescribed that those who kill, poison, maim any elephant, camel, horse, mule, buffalo, bull, cow or ox with any value or any other animal of the value of fifty rupees or more, they should be punished with either imprisonment for a term which may extend upto five years or with fine or with both.¹¹⁷

Concerning the destruction of trees, the Wild Life Protection Act, 1972, under the Environmental Law, has prescribed that nobody should willfully pick, uproot, damage, destroy or collect any specified plant from any forest land and any area specified by notification, by the Central Government¹¹⁸. Here, it has been prescribed that if anybody violates this rule, he should be punished with either imprisonment for a term which may extend upto three years or with fine which may extend to twenty five rupees or with both.¹¹⁹

Kauṭilya also dealt with great care the crime and punishment relating to animals, birds, fish, trees, etc. Here, he has prescribed different types of punishment for killing or showing cruelty to animals, birds, fish, and for cutting of trees. Kauṭilya has prescribed that if anybody kills cocks or ichneumons or cats or dogs or pigs having less than twenty five *paṇas* in value, the tip of nose of the offender should be cut off or a fine of fifty four *paṇas* should be imposed on him. Kauṭilya has prescribed half of the fine for the Caṇḍālas and forest-dwellers.¹²⁰ Kauṭilya has prescribed a fine of two hundred *paṇas* for killing deer and birds.¹²¹ Kauṭilya has prescribed impalement for those who kill an elephant or a horse belonging to the king.¹²² According to Kauṭilya, if anybody causes hurt to small animals with wood and other things, he should be punished with a fine of one *paṇa* or two *paṇas*. If he causes bleeding to those animals, he should be punished with double of this fine. It has been prescribed that when this same crime is committed towards the big animals, one should be punished with the double fine and he should be compelled to pay the expenses for treatment and cure¹²³. Regarding the cutting of trees, Kauṭilya has prescribed that if anybody cuts the shoots of trees in city parks that bear flowers or fruit or yield shade, he should be fined with six *paṇas*. He has prescribed a fine of twelve *paṇas* for cutting small branches. A fine of twenty four *paṇas* has been prescribed for cutting stout branches. For destroying trunks, the first amercement has

been prescribed. According to Kauṭilya if anybody uproots such tree, he should be punished with the middlemost amercement. It has been prescribed that for cutting the bushes and creepers bearing flowers or fruit or yielding shade, trees in holy places, penance-groves and cremation grounds the fine should be half. According to Kauṭilya, when this crime is committed towards the trees at the boundaries, in sanctuaries, trees that are prominent, trees in royal parks, the above mentioned fines should be doubled.¹²⁴

In the light of the above discussion it may be said that Kauṭilya has covered the criminal activities which prevail in modern world and he also provided punishment for the same. The varieties of crime and punishment for the same dealt with in the modern law, has been observed in the Kauṭilīyān concept of crime and punishment also. With regard to the provision of punishment, however, Kauṭilya appears as moderate in some cases and also strict in some cases in comparison with the modern law. It has also been observed that the varieties of nominal crime occurring in the different corners of the society even today did not escape the attention of Kauṭilya. Kauṭilya's provision of punishment in some cases reveals his sincere concern about human behaviour. Kauṭilya's great concern about the protection of animals and nature has also been reflected in his

prescription of punishments for committing different types of crime towards animals.

It is to be noted that Kauṭilya, while dealing with crime and punishment did not left any field, having modern relevance, untouched, though he belonged to such an early period.

REFERENCES:

1. IPC. S. 302.
2. Ibid. 304.
3. Ibid. 303.
4. Ibid. 304.
5. KA. IV. X. p.283.
6. Ibid.
7. Ibid. P.284.
8. Ibid.
9. Ibid.
10. IPC. S. 378.
11. Ibid.379.
12. Ibid. 380.
13. Ibid.
14. KA., III. XVII. P. 245.
15. Ibid. IV. X. P. 281.
16. Ibid.
17. Ibid. XI. P. 283.
18. Ibid. IX. P. 277.
19. Ibid. P. 278.
20. Ibid.
21. IPC. S. 390.
22. Ibid. 392.
23. KA. III. XVII. P. 245.
24. Ibid. IV. XI. P. 283.
25. Ibid. III. XVII. P. 245.
26. Ibid. IV. IX. PP. 277 – 278.

27. IPC. S. 376. (2) (a).
28. Ibid. (b).
29. Ibid. (c).
30. Ibid. (d).
31. Ibid. (e).
32. Ibid. (f).
33. Ibid. (g).
34. Ibid. 376 (1).
35. Ibid.
36. Ibid. 302, 376 (2) (f).
37. Ibid. 376 (B).
38. Ibid. (D).
39. Ibid. (C).
40. KA. IV. XII. P. 285.
41. Ibid.
42. Ibid. XIII. P. 291.
43. Ibid. IX. P. 280.
44. Ibid.
45. Ibid. II. XXVII. PP. 160 – 161.
46. IPC. S. 377.
47. KA. IV. XIII. P. 290.
48. Ibid. P. 291.
49. IPC. S. 312.
50. Ibid. 313.
51. KA. IV. XI. P. 283.
52. IPC. S. 323.
53. Ibid. 324.
54. Ibid. 325.
55. Ibid. 328.

56. KA. III. XIX. P. 248.
57. Ibid.
58. Ibid. IV. XI. P. 283.
59. Ibid.
60. Ibid. 284.
61. IPC. S. 352.
62. KA. III. XIX. P. 248.
63. IPC. S. 342.
64. KA. IV. VIII. P. 275.
65. IPC. S. 363.
66. KA. IV. X. P.282.
67. IPC. S. 500.
68. KA. III. XVIII. P. 246.
69. Ibid. P. 247.
70. IPC. S. 506.
71. Ibid.
72. KA. III. XVIII. P. 247.
73. Ibid. IV. XI. P. 283.
74. IPC. S. 384.
75. KA. IV. IV. P. 266.
76. IPC. S. 171 – E.
77. KA. IV. IV. P. 265.
78. IPC. S. 193.
79. Ibid. 194.
80. KA. IV. IV. P. 266.
81. IPC. S. 232.
82. KA. IV. I. P. 257.
83. IPC. S. 240.
84. KA. IV. I. P. 257.

85. I P C. S. 243.
86. KA. IV. I. P.257.
87. IPC. S. 265.
88. KA. IV. II. P. 259.
89. Ibid. P. 260.
90. Ibid.
91. IPC. S. 272.
92. KA. IV. II. P. 261.
93. IPC. S. 371.
94. KA. III. XIII. P. 237.
95. IPC. S. 430.
96. KA. III. IX. P.221.
97. IPC. S. 434.
98. KA. III. IX. P. 220.
99. IPC. S. 436.
100. KA. IV. XI. P. 284.
101. IPC. S. 448.
102. KA. IV. XIII. P. 288.
103. IPC. S. 452.
104. KA. IV. XIII. P. 288.
105. IPC. S. 453.
106. KA. IV. XI. P. 284.
107. IPC. SS. 472, 467.
108. KA. IV. IX. P. 279.
109. IPC. S. 121.
110. Ibid. 132.
111. KA. IV. XI. P. 284.
112. IPC. S. 467.
113. KA. II. XXXIV. P. 181.

114. P C A A., S. 11. (1) (a).
115. Ibid. l
116. IPC. S. 428.
117. Ibid.429.
118. WLPA. S. 17(A).
119. Ibid. S.51.
120. KA. IV. X. P. 281.
121. Ibid.
122. Ibid. IV. XI. P. 283.
123. Ibid. III. XIX. P. 249.
124. Ibid. PP. 249 – 250.

CHAPTER – V

Concluding Observation

CONCLUDING OBSERVATION

In the following passages a humble attempt will be made in summing up the observation already made in respect of crime and punishment as gathered from ancient Indian lawgivers with special reference to Kauṭilya.

It has been observed that different types of crime prevailed in ancient Indian societies at different ages. It is noted from different available sources that the ancient Indian lawgivers had a clear-cut idea not only about the activities to be identified as crime but also the punishment to those. The references of different types of crime and punishment have been observed in ancient Indian scriptures, viz., the Vedic Texts, Saṁhitās, Smṛtis, Dharmasāstras, Dharmasūtras, Purāṇas, Epic poems etc.

From the reference of various types of crime and punishment found in the Vedic Texts, we can get a clear idea about the Vedic society. Some of the crimes, observed in the Vedic texts are theft, homicide etc. For these crimes, punishments also have been observed here which are prescribed by the Vedic lawgivers. Among these crimes, theft, drinking liquor and treachery have been regarded as serious crimes by the Vedic

lawgivers. Here, physical punishment with red hot iron has been prescribed for the thieves. The punishment through burning on the spot also observed in the Vedic Texts. Death penalty has been prescribed by the Vedic lawgivers for drinking liquor and treachery. It has been observed that the Vedic people considered homicide as a condemnable offence. Slaying of a Brahmin has been considered as a great crime and for which different types of expiation as punishment have been prescribed by the Vedic lawgivers. Here, it has been observed that crimes related to the women like adultery, rape of women etc., were very common in the Vedic age and for these crimes some expiation were prescribed by the Vedic lawgivers. For assault, different fines and gifts such as cows, bulls etc. have been prescribed in the Vedic Texts. Here, it has been observed that the punishment for the same crime varies from caste to caste.

The reference of various types of crime and punishment also have been found in the Purāṇas. Some of the crimes are adultery, theft, violence, violation of agreement, magical rites, slaying of a Brahmin, drinking liquor etc. Among these criminal activities, adultery, slaying of a Brahmin and theft of gold have been considered as the most serious crimes. For adultery, the Purāṇas have prescribed death penalty by cutting off the sexual organ. For this crime, the Purāṇas have prescribed some expiation for the Brahmins. Here, it has been observed that for adultery,

the Purāṇas have prescribed death penalty for the willing women also which reflects that the purāṇic people had very strict attitude not only towards the adulterers but also towards the adulteress. Sexual intercourse with a teacher's wife has been considered as great crime by the Purāṇas and for this crime cutting off of sexual organ along with the testicles have been prescribed and here it is also added that the offender should walk on the road till his last breath. For slaying of a Brahmin, a kind of expiation as punishment has been prescribed here. For theft of gold, here, it has been prescribed that the culprit should go to the king and should admit his guilt and lastly the king should kill him by an iron rod.

The reference of different types of crime and punishment also have been found in the Dharmasāstras, Dharmasūtras, Saṁhitās and Smṛtis. Some of the crime are theft, homicide, adultery, defamation, assault, crimes related to boundary marks, roads, fields etc., defiling water tank, garden etc., violation of convention, crimes related to the owners of cow and herdsmen, non-performance of service and non-payment of wage, crimes related to witnesses, weights and measures etc. Here, it has been observed that during Sūtra period, the legal steps begun to be adopted against homicide. But it appears to be totally based on the caste system, Here, for theft, different types of fine, mutilation of limbs as the means of punishment have been observed. Death penalty has been prescribed for

the pick pockets for repeating the same crime for the fourth time. For homicide, particularly for slaying a Brahmin, the capital punishment or confiscation of property has been prescribed. Banishment has been prescribed here for a Brahmin for killing another person. For killing the people of other castes, the prescription of different types of gift such as cows, bulls etc. have been observed here. For adultery, the prescription of capital punishment, different types of fine, mutilation of limbs, expiation etc., have been observed here. For defamation and assault, the prescription of different types of fine, mutilation of limbs etc. have been observed here. Here, it is observed that punishment for defamation and assault varies from caste to caste. For the crimes relating to boundary marks, roads, for defiling water tanks etc., the prescription of different types of fine have been observed here. For the violation of convention, the prescription of banishment and forfeiture of all property have been observed here. For the crimes relating to purchase and sale, different types of fine have been prescribed here. For the crimes relating to the owners of cows and herdsmen, for non-rendition of service and non-payment of wage, the prescription of different types of fine have been observed here. For the crimes relating to witnesses, different types of fine, corporal punishment and banishment have been prescribed here. For the crimes relating to weights and measures, the prescription of different types of fine have been observed here.

The reference of different types of crime and punishment also have been found in the epic literature. Some of the crimes observed in the epic literature are theft, trying to kill a king, setting fire in another's house, slaying of a Brahmin, drinking spirituous liquor, committing sexual intercourse with women, providing punishment to an innocent man, practicing penance by a Śūdra etc. Here, banishment has been prescribed for those Brahmins, who, after getting monetary help from the king, commit theft. Here, death penalty has been prescribed for that person who tries to kill a king or who sets fire to others house or who steals others property. Here, it has been prescribed that for slaying a Brahmin, one should become the target of an archer in a battle or should thrice through himself in to the blazing fire. For drinking spirituous liquor, drinking of exceedingly hot liquor as punishment has been prescribed here. For drinking such liquor, the sacrifice called *Bṛhaṣpatisava* has been prescribed here for a Brahmin. For committing sexual intercourse with a preceptor's wife, here it has been prescribed that one should embrace a heated metal statue of a woman. Here, it has been prescribed that the king, who punishes an innocent man, should fast for one night and for committing the same crime, a Brahmin should fast for three nights. Here, banishment has been prescribed for a Brahmin for killing another Brahmin, for violating teacher's bed, for killing fetus and for treachery towards the king.

Kauṭilya's great concern about crime and punishment has been revealed in his concept of various types of crime and also punishment provided for the same. The discussion, in this regard, has been made in detail in the second chapter of the present thesis. A few types of crime, dealt with great care by Kauṭilya, are – homicide, rape, sexual intercourse with women, theft, robbery, invalid transaction, cruelty, forbidden transaction, sale without ownership, verbal and physical injury, encroachment and damage, crimes relating to slavery and labourers, non-payment of wage, crimes relating to purchase and sale, gambling and betting, extortion, bribery, purchasing, selling and preparing poison, wrongful confinement, making counterfeit documents and seals, helping a prisoner to escape from the prison house, entering into a fort, mounting royal carriage, ordering what is treasonable, kidnapping, selling human flesh, causing abortion, helping murderers and thieves, causing rebellion, poisoning, setting fire to house, pasture lands, fields etc., killing and causing harm to animals, birds etc., and cutting of trees, spreading evil news about the king, selling articles from temples, abduction, consuming or causing another to consume the prohibited food and drink, house trespass, carnally approaching the sister of one's mother or father etc., carnally approaching lower animals, images of Gods etc., punishing an innocent man by a king, crimes relating to passport, crimes relating to

courtesans, crimes relating to artisans and other employees of different governmental departments etc.

In the prescription of Kauṭilya, it has been observed that he has not only dealt with crime and punishment relating to human beings but also relating to non-human beings. He has prescribed punishment for killing and causing hurt to animals, birds, fish etc., and for cutting trees. He has prescribed punishment for destroying water work also. He has not only prescribed punishment for the common people, but also for the king's for committing crimes. It has been observed that he has not only prescribed punishment for men but also for women for committing crimes. He has not only prescribed punishment for the criminals but also for those who help the criminals. Kauṭilya has prescribed that after taking into account the person, the crime, the motive, seriousness or lightness of the crime, the consequences, the place, the time etc. punishment should be given. Kauṭilya has prescribed that the rate of fine should vary in accordance with the rank of person concerned and the gravity of crimes. Persons like the head of a religious order, an ascetic, a sick person, one exhausted by hunger, thirst or journey, a foreigner, one groaning under a fine and an indigent person should be shown mercy. He has prescribed that men should be honoured on account of excellence in learning, intellect, valour, noble birth and deeds. He has prescribed that the judges should look into

affairs, without resorting to deceit, being impartial to all brings, worthy of trust and beloved of the people.

Various types of crime and punishment have been dealt with care by the Arthaśāstra and Dharmaśāstra authorities also. Some of these criminal activities are theft, homicide, rape and sexual intercourse of woman, defamation, assault, killing and causing hurt to animals, birds, fishes and cutting of trees etc.

After a close study of both the Kauṭīlīyān concept of 'Crime' and 'Punishment' and the concept dealt with by the ancient Arthaśāstra and Dharmaśāstra authorities, it has been observed that Kauṭīlya has covered a larger area relating to crime and punishment in comparison with the ancient Arthaśāstra and Dharmaśāstra authorities. Here, Kauṭīlya, in some cases, appears to be moderate than the Dharmaśāstra and Arthaśāstra authorities in providing punishment. Elaborate discussion, in this regard has been made in the third chapter of the present thesis. Kauṭīlya has prescribed different fines in lieu of mutilation of limbs, which perhaps has not been prescribed by the Dharmaśāstra and Arthaśāstra authorities.

A close study of both the Kauṭīlīyān concept of 'Crime' and 'Punishment' and the modern concept of the same reveals the relevance of Kauṭīlya in the contemporary world in respect of crime and punishment which is discussed in detail in the fourth chapter of the

present thesis. Some of the crimes, having modern relevance carefully dealt with in the *Kautilīya Arthaśāstra* are homicide, rape and sexual intercourse of woman, kidnapping, mischief, killing or showing cruelty to animals, birds, etc., cutting of trees, forgery, causing rebellion, theft, robbery, adulteration of food, drink etc., carnal intercourse, crimes relating to abortion, defamation, assault, intimidation, extortion, bribery, giving false evidence, counterfeiting of coin, delivery of counterfeit coin, possessing counterfeit coin, crime relating to weights and measures, buying, selling and dealing in slaves, house trespass, house-breaking, forgery, forgery relating to passport etc.

Here, it is to be noted that Kauṭilya has not only dealt with the crimes related to human being, but he has also laid equal importance to the crimes related to animals, birds, trees etc. Here, Kauṭilya's environmental awareness has been well revealed. Here, it is to be mentioned that when the scientists of twenty first century are appealing to the society for the protection of animals kingdom as well as nature, Kauṭilya felt it in those days and provided strict punishment not only for destroying nature, cutting of trees, killing of animals, but also for misbehaviour shown to animals and birds.

With regard to the mode and severity of punishment, Kauṭilya's approach in some cases appears to be different from the prevalent laws,

as the modern concept^{of} punishment has been changed perhaps due to the advancement of technology and socio-cultural development. At present, sometimes it is observed that people are committing crimes without caring for punishment. Here, it is to be noted that Kauṭilya's attitude in providing punishment in some cases appears to be more strict than the prevalent one. The increasing number of crimes in different fields of society, at present, leads us to think that if severe punishment prescribed by Kauṭilya in maintaining the law and order in the society would be prevailing now, then the increasing number of crimes might be restricted and non-caring attitude of criminals towards punishment also might be prevented.

Today, criminal activities have appeared as great challenge before the whole human race. Now, it appears that following Mātsyanyāya, the stronger one is engaged in destroying the weaker one. At present, people in general feel in secured at every moment, without having sufficient safety and security in different spheres of life. The moral values appear to be almost disappeared from the society around us. Under the circumstances, Kauṭilya's concept of 'Crime' and 'Punishment' demands a fresh outlook to examine the different perspective and relevance of the same.

A careful study of the Kauṭīlīyān concept of 'Crime' and 'Punishment' reveals that a large number of crime alongwith punishment, dealt with by Kauṭīlya is highly relevant today. It appears that in many cases, the Kautilīyān concept of 'Crime' and 'Punishment', with regard to different cases, exists in modern law which reveals Kauṭīlya's modern relevance.

It is to be mentioned here that the crimes, especially related to human behaviour, dealt with sincerely and carefully by Kauṭīlya, which at present, perhaps are not given so much importance. Such cases we do feel, may be examined by the modern lawgivers, which may help us to form a society full of human values and free from crimes. Kauṭīlya, with a view to create a totally crime free society, has carefully examined and taken into account different aspects of human life and crimes, prevailing in the society even today. Kauṭīlya's sincere concern with the welfare and prosperity of the society has been revealed in the large number of crimes, dealt with carefully by him, which has been discussed in detail in the second chapter of the present thesis. A thorough study of Kauṭīlya's concept of 'Crime' and 'Punishment' reveals that he considered moral values as the foundation, on which a crime free society stands. Therefore, he has dealt with different types of crime which may occur in daily life

and adopted strict attitude in prescribing punishment for the same, so that the same may not be repeated.

Here, it is significant to mention that varieties of crime dealt with by Kauṭilya appear to be more relevant today as it was during his days. It is also to be admitted that, today, human beings have made tremendous progress with regard to science and technology, attained maximum comfort in daily life. But it is also possibly an undeniable fact that we have lost human values, the most desirable quality to be a perfect man. It also cannot be forgotten that human birth is rare which can be fruitful only through the service to humanity and service to society for its all-round progress. To form a human friendly and prosperous society, the prevention of crime possibly is the first step, which did arrest the attention of Kauṭilya, who did not neglect even the nominal crimes.

In fine, it may be said that the crimes related to human behaviour dealt with at large by Kauṭilya is undoubtedly significant and appears to be very much relevant even today. It is, indeed, amazing to note that Kauṭilya, being a lawgiver of ancient India was well aware about the crimes, minor or major, which may occur in different corners of the society and at various points of time, which makes him relevant not only to modern time, but also for the years to come.

BIBLIOGRAPHY

BIBLIOGRAPHY

Primary Works:

- Amarārtha Candrikā : Ed. by Gurunāth Vidyānidhi,
Sanskrit Pustak Bhandar, 1988.
- Aitareya Brāhmaṇa : Ed. with translation by Martin Haug,
Vol. I, Bharatiya Publishing House
(BPH), Delhi, 1976.
- Amarakośaḥ : Ed. by Srimad Gurunath Vidyanidhi
Bhattacharyya, Sanskrit Book, Depot,
Calcutta, 1368.
- Āpastamba Dharmasūtram : Ed. by Umesh Chandra Pandeya,
Chowkhamba Sanskrit Series (CSS),
Banaras, 1969.
- Atharvavedasaṁhitā : Ed. with Bengali translation by Sri
Vijan Vihari Goswami, Haraf Prakasani (HP), Calcutta, 1978.
- Baudhāyaṇa Dharmasūtra : Ed. by R. Sharmā Shastri, Govt.
Oriental Library, Mysore, Periodical
Lectures to Post Graduate classes,
Govt. Press, Mysore, 1920.
- Baudhāyaṇa Dharmasūtra : Ed. by Sri Govinda Swami,
Chaukhamba Sanskrit Sansthan
Publishers and Distributors of Oriental
Cultural Literature, Vārānasi 221001,
1998.
- Bhāgavatapurāṇa, of Kṛṣṇadaipāyana Vyāsa : Ed. by Prof. V.
L.Sastri, Motilal Banarsidass
(MBD), Delhi, 1983.

- Brahmapurāṇa : Ed. by Pañcānan Tarkaratna, BEM, Calcutta, 1316, BNG.
- Brahmavaivartapurāṇa, of Sri Vyāsamaharṣi : ed. by Acarya Jagadislal Shastri, Part – I, MBD, Delhi, 1984.
- Devipurāṇam, of Maharṣi Vedavyāsa : Ed. by Pancanan Tarkaratna, BEM, Calcutta, 1334, B.
- Kālikāpurāṇam : Ed. by Jaganmohan Tarkalamkara, Kedarnath Bandyopadhyay, Sastra Prakāsan, 1873, SAK.
- Kāmandakīya Nītisāraḥ : Ed. by Manabendu Benerjee, Sanskrit Pustak Bhandar, Kalikata – 70006, 1999.
- Kūrmapurāṇam : Ed. by Sri Pancanan Tarkaratna, 34/1 Kalutola Street, Calcutta, 1891.
- Manusmṛti : Ed. by Pt. Rameswar Bhatt, Chaukhamba Sanskrit Pratisthan, Delhi – 110007, 1993.
- Mṛcchakatikaṃ of Śūdraka : Ed. Late M.R.Kale, Book Sellers Publishing Co., Bombay, 1962.
- Manusāṃhitā : Ed. by Asoke Kumar Banerjee, (7th chapter), Sadesh 101 c, Vivekanada Road, Kolkata – 700006, 2006.
- Nārādīya Dharmasūtra : Ed. by Julius Jolly, Takshila Hardbounds, Delhi, 1981.

- Rāmāyaṇaṃ of Śrīmadvālmīki : Ed. by Pt. Ramateja Pandeya, Pandit Pustakālaya, Kāśī, 2013, SAM.
- Sacred Laws of the Āryas : Translated by G. Buhler, Part – II, Vaisistha and Baudhayana, Motilal Banarasidass Publishers Pvt. Ltd., Delhi, 1982.
- The Āpastamba Dharmasūtra: Ed. by Sri Haradatta Misra, Edited with Hindi Translation, Explanatory Notes, Critical Introduction and Index by Dr. Umesa Chandra Pandey, Chaukhamba Sanskrit Sansthan Publishers and Distributors of Oriental Cultural Literature, Varanasi, 1999.
- The Bhāgavata Purāṇa : Ed. by SS. Dange, Ajanta Publications, Delhi – 110007, 1984.
- The Kauṭīlīya Arthasāstra : Ed. by R.P. Kangle, Part – II, Motilal Banarasidass Publishers Pvt. Ltd., Delhi – 110007, 1992.
- ----- : Ed. by R.P. Kangle, Part – III, Motilal Banarasidass, 1986.
- The Laws of Manu : Translated by G. Buhler, Motilal Banarasidass Publishers Pvt. Ltd., Delhi, 1993.
- The Mahābhārata : Trans. by Kisari Mohan Ganguli, Vol. XI, Anusasana Parva, Part – II,

Munshiram Manoharlal Publishers Pvt.
Ltd., New Delhi – 110055, 1991.

- ----- : Trans. by Kisari Mohan Ganguli, Vol. X, Śānti Parva, Part – III and Anusāsana Parva, Part – I, Munshiram Manoharlal Publishers Pvt. Ltd., New Delhi – 110055, 1991.
- ----- : Trans. by Kisari Mohan Ganguli, Vol. IX, Śānti Parva, Part – II, Munshiram Manoharlal Publishers Pvt. Ltd., New Delhi – 110055, 1992.
- The Matsyapurāṇam : Translated by A. Taluqdar of Oudh, Oriental Books Reprint Corporation, New Delhi – 110055, 1980.
- The Manav Dharma Śhastra : Ed. by Graves Chamney Haughton, Vol. III, Cosmo Publications, New Delhi – 110002, 1982.
- ----- : Ed. by Graves Chamney Haughton, Vol. IV, Cosmo Publications, New Delhi – 110002, 1982.
- The Śukranīti : Ed. by Prof. Benoy Kumar Sankar, Oriental Books Reprint Corporation, New Delhi – 110055, 1975.
- The Yājñavalkya Smṛti : Translated by S.C. Vidyarnava, Panini Office, Allahabad, 1918.
- The Yājñavalkya Smṛti : Ed. by M. M. T. Ganapati Sastri, Munshiram Manoharlal Publishers Pvt.

- Ltd., Delhi – 110055, 1982.
- Viṣṇu Smṛti : Translated by Julius Jolly, Bharatiya Vidya Prakāsan, Delhi, 1991.
 - Yājñavalkyasmṛti : Translated by S.C.Vasu, Panini Ashram, Allahabad, 1909.
 - Yājñavalkya Saṁhitā : Ed. by Sumita Vasu Nyayatirtha, (Vyavahāra Adhyāya), Sanskrit Pustak Bhander, Kalikata – 700006, 1407 BNG.
 - The Mahābhārata : Trans. by Kisari Mohan Ganguli, Vol. X, Śāntiparva, Part – III and Anusāsana Parva, Part – I, Munshiram Manoharlal Publishers Pvt. Ltd., Delhi – 110055, 1991.
 - 23. The Mahabharata : Translated by Kisari Mohan Ganguli, Vol. IX, Santiparva, Part – II, Munshiram Manoharlal Publishers Pvt. Ltd., Delhi – 110055, 1992.
 - The Mahabharata : Translated by Kisari Mohan Ganguli, Vol. VI, Drona Parva, Munshiram Manoharlal Publishers Pvt. Ltd., Delhi – 110055, 1992.
 - The Mānav Dharma Śhāstra : Ed. by Graves Chamney Haughton, Vol. IV, Cosmo Publications, New Delhi – 110002, 1982.

Secondary Works :

- Altekar, A.S. : State and government in Ancient India, Motilal Banarasidass Publishers Pvt. Ltd., Delhi – 110007, 1949.

- Ahmed, Siddique : Criminology, Problems and Perspectives, Eastern Book Company Lucknow, 1997.
- Augustus, Somerville : Crime and Religious Beliefs in India, The Criminologist, Calcutta, 1929.
- Banerjee, Manabendu : Crime and Punishment in Ancient India, Sanskrit Pustak Bhandar, Kolkata – 700006, 2002.
- Banerjee, Nikunja Vihari : Studies in the Dharmasastra of Manu, Munshiram Monoharilal Publishers Pvt. Ltd., New Delhi – 110055, 1980.
- Bhattacharya, Chanchal A. : The Concept of Theft in Classical Hindu Law, Munshiram Monoharlal Pvt. Ltd., 1990.
- Beni Prasad : Theory of government in Ancient India (Post Vedic), Indian Press, Allahabad, 1927.
- Banerjee, Suresh Chandra : Studies in the Maha Puranas, Shankar Bhattacharya, Punthi Pustak, Calcutta – 700004, 1991.
- Bandyopadhyaya, Narayan Chandra : Kautilya or A Exposition of His Social Ideal and Political Theory, Vārānasi Indological Book House, 1982.
- Chatterjee, Asim Kumar : Ancient Indian Literary and Cultural Tradition, Shankar Bhattacharya, Punthi Pustak, Calcutta – 4 (India), 1974.
- Chaki, Jyoti Bhusan : Dev's Students Favourite Dictionary, A.C. Mazumder, Deb Sahitya Kutir Pvt.

- Ltd., Calcutta – 700009, 1994.
- Coventry, Lucinda : The Oxford English Minidictionary, Oxford University Press, New Delhi – 110001, 1999.
 - Dutt, Manmath Nath : The Dharam Shastra, Vol. I, Cosmo Publications, New Delhi – 110002, 1908.
 - ----- : The Dharam Sastra, Vol. II, Cosmo Publications, New Delhi, 1979.
 - ----- : The Dharam Shastra, Vol. III, Cosmo Publications, New Delhi – 110002, 1979.
 - ----- : The Dharam Shastra, Vol. IV, Cosmo Publications, New Delhi, 1979.
 - Diwan, Paras : Modern Hindu Law, Allahabad Law Agency 16/2, Faridabad (Haryana), 2001.
 - Das gupta, S. P. : State Planning in Ancient India, Sadesh 101C, Vivekananda Road, Kolkata 6, 2003.
 - Dasgupta, Ramaprasad : Crime and Punishment in Ancient India, Book Co., Calcutta, 1930.
 - Dutt, C. C. : The Culture of India, Bharatiya Vidya Bhavan, Bombay, 1960.
 - Dwar, Somenath : Canakya and the Arthasastra, Indian Institute of World Culture, Bangalore, 1957.
 - Gupta, N. L. : Education and Values in the Mahābhārata, Asok Kumar Mittal Concept Publishing Company, New Delhi 110059, 1995.

- Gour, Hari Singh : The Penal Law of India, Vol. I (Sec.-1 to 20), Law Publishers India Pvt. Ltd., Allahabad, 211001, 11th Edition, 2008.
- ----- : The Penal Law of India, Vol. II (Sec.-120 to 280), Law Publishers India Pvt. Ltd., Allahabad, 211001, 11th Edition, 2008.
- ----- : The Penal Law of India, Vol. III (Sec.-290 to 362), Law Publishers Pvt. Ltd., 11th Edition, 2008.
- ----- : The Penal Law of India, Vol. IV (Sec.-363 to End), Law Publishers Pvt. Ltd., 11th Edition, 2008.
- Gugnani, Rajnish : Crime Against Children, Cyber Tech Publications, New Delhi 110002, 2008.
- Iyengar, K.V. Rangaswami : Considerations of Some Aspects of Ancient Indian Polity, Madrass University Press, Madrass, 1935.
- Jayaswal, K.P. : Manu and Yājñavalkya – A Comparison and Contrast, Butter worth, Calcutta, 1930.
- Jha, V.V. : Dharmasāstra and Social Awareness, Indian Book Centre, 1996.
- Kane, P.V. : Hstory of Dharmasāstra, Vol. I, Part- I, Bhandarkar Oriental Research Institute, Poona, 1990.
- ----- : Hstory of Dharmasāstra, Vol. II, Part – I, Bhandarkar Oriental Research

- Institute, Poona, 1974.
- ----- : History of Dharmasastra, Vol. III,
Bhandarkar Oriental Research Institute,
Poona, 1973.
 - ----- : History of Dharmasastra, Vol. IV,
Bhandarkar Oriental Research Institute,
Poona, 1973.
 - ----- : History of Dharmasastra, Vol. I, Part-
II, Bhandarkar Oriental Research
Institute, Poona, 1975.
 - Kumar, R. Ram, S : Hindu Law, Crescent Publishing
Corporation, New Delhi 110002, 2008.
 - Kulkarni, Shipad Dattatraya : The Epics, Ramayana and Mahābhārata,
Bhisma, B – 7, 8, Shreepal Apartments,
Panch Pakhadi, Thane 400602 (India),
1992.
 - Keith, A. Berriedale : A History of Sanskrit Literature, Motilal
Bannarsidass Publishers Pvt. Ltd., Delhi
– 110007, 1996.
 - Khan, Benjamin. : The Concept of Dharma in Vālmīki
Ramayana, Munshiram Manoharlal
Publishers Pvt. Ltd., Delhi – 110055,
1983.
 - Lariviere, Richard W. : Studies in the Dharmasāstra, Firma KLM
Pvt. Ltd., 257 – B, Bepin Behari Ganguly
Street, Calcutta – 700012, 1984.
 - Law, N. N. : Studies in Ancient Hindu Polity Based on
Arthasāstra of Kauṭilya, (2 Vols),

Longmans Green and Co., London, 1914.

- Mookharjee, Radhakumud : The Gupta Empire, Motilal Banarasidass Publishers Pvt. Ltd., Delhi – 110007, 1973.
- Mittal, G. P. : History of Ancient India, Vol. II, Atlantic Publishers and Distributors B – 2, Vishal Enclave, OPP. Rajouri Garden, New Delhi – 110027, 2006.
- Macdonell , A.A : A History of Sanskrit Literature, Motilal Banarasidass., Delhi – 110007, 1971.
- Moghe, S. G. : Studies in the Dharmasāstra, Ajanta Publications, Dehhi – 110007, 1991.
- Mitra, Sushil kumar. : The Ethics of the Hindus, Calcutta University, Calcutta, 1925.
- Nehru, Jawaharlal. : The Discovery of India, Jawaharlal Memorial Fund, Tee Murti House, New Delhi, 1981.
- Panse, Ujjwala. : Some Issues in Nyaya, Mimamsa and Dharmasāstra, Sri Satguru Publications, A Division of Indian Books Centre, Delhi – 110007, 1996.
- Pusalkar, A. D. : Studies in Epics and Purāṇas of India, Bharatiya Vidya Bhavan Chaupally, Bombay, 1955.
- Patkar, Madhukar M. : Nārada, Bṛhaspati and Kātyāyana, A Comparative Study in Judicial Procedure, Munshiram Manoharlal Publishers Pvt. Ltd., Delhi – 110055,

1978.

- Ranchhoddass, Ratanlal.,
Thakur, Dhirajlal Kesablal : The Indian Penal Code, Wadhwa and
Company Nagpur, New Delhi – 110019
(India), Twenty Ninth Edition 2002,
Reprint, 2004.
- -----: The Law of Torts, Wadhwa and
Company Nagpur, New Delhi – 110019
(India), 24th Edition, Reprint, 2004.
- ----- : The Code of Criminal Procedure,
Wadhwa and Company Nagpur, New
Delhi – 110019 (India), 16th Edition,
2002 Reprint, 2004.
- ----- : The Indian Penal Code, Wadhwa and
Company Nagpur, New Delhi – 110019
(India), 30th Edition, Reprint, 2006.
- Roy, Brojdeo Prasad. : Political Ideas and Institutions in the
Mahabharata, Punthi Pustak, Calcutta
700004, 1975.
- Sarkar, S. C. : Criminal Procedure, India Law House,
Connaught Place, New Delhi, Eighth
Edition, Reprint 2004.
- Sternbach, L. : Judicial Studies in Ancient Indian Law,
Part – I, Motilal Banarasidass., Delhi,
Varanasi, Patna, 1965.
- ----- : Judicial Studies in Ancient Indian Law,
Part – II, Motilal Banarasidass., Delhi,
Varanasi, Patna, 1967.

- Suresh, V., Nagasaila, D. : PSA Pillai, Criminal Law, Butterworths, India, New Delhi, 1956.
- Sengupta, N.C. : Evolution of Ancient Indian Law, Eastern Law Home, Calcutta, 1953.
- ----- : Sources of Law and Society in Ancient India, Art Press, Calcutta, 1914.
- Sastri, Asoke Chattarjee. : Studies in Kauṭilya-Vocabulary, Parimal Publications, Delhi – 110007 (India), 1990.
- Tiwari, H.N. : Environmental Law, Allahabad Law Agency, Faridabad (Haryana), 2008.
- Tiwary, Diwakar. : The Concept of State in the Mahabharata, Oriental Publishers and Book Sellers, Delhi 110094, 1990.
- Vij, J.R., Canadian Citizen (NRI) : Crime and Corruption in India, Friends Publishing House, New Delhi 110065, 2002.
- Viswanathan, S.V. : International Law in Ancient India, Longman's Green and Co., London, 1925.
- Varadacariya, S. : The Hindu Judicial System, Lucknow University, 1946.
- Winternitz, Mourice. : History of Indian Literature, Vol. III, Motilal Banarasidass.Publishers Pvt. Ltd., Delhi, Part – I and Part – II (Combined), Delhi, 2008.
- Walimbe, Y.S. : Political and Moral Concepts in the Śāntiparva of the Mahābhārata, Ajanta

- Publications, Delhi 110007, 1990.
- Williams, Glanville. : Text Book of Criminal Law, Universal Law Publishing Co. Pvt. Ltd., Delhi 110033, Second Indian Reprint, 2003.
 - Weber, A. : The History of Indian Literature, Vol. III, Varanasi, Chawkhamba, 1974.
 - Yardi, M.R. : The Mahabharata. Its Genesis and Growth – A Critical Study, Bhandarkar Oriental Research Institute, Poona 411004, 1986.

ASSAM UNIVERSITY LIBRARY
SILCHAR

Accession No.

Date of Recd. 259