CHAPTER VIII

Protection from Thieves and Robbers

In the law-books and literature, numerous injunctions are found upon kings to protect their subjects from the depredations of thieves and robbers as well as from the invasions of external enemies. (1) All expounders of polity unanimously declare that protection of the subjects is the first and foremost duty of the king. Vasistha maintains that protection of the people is a lifelong sattra (sacrifice) for a king. (2) Ancient India regarded state and kingship as beneficent institutions evolved for the protection of human life and property. (3) The king was bound to protect his subjects for he took from them tax which was considered to be his wage (vetana). (4) Want of protection would mean chaos. (5) People would be dissatisfied, leave the kingdom and might even revolt against the king who would fail to protect them. (6) Grave sin and infamy were in store for a king who did not care to protect his people from thieves and robbers. He was a veritable thief and the embodiment of Kali himself. According to Manu, a king who takes the sixth part of the produce from his people but does not protect them takes upon himself all the vices of his subjects. (7) Ancient Indian writers lavish unstinted praise upon those kings who spared no pains to protect the life and property of their subjects from the depredations of thieves and dacoits. Kings who protected the people from these criminals would get undying fame, vast kingdoms and inestimable virtues. (8) Such a king was regarded as the ideal monarch. According to Apastamba, (9) in a well-administered state, there is no danger from thieves and robbers either in the villages...
or in forests. The kings were required to fight and even die for protecting the cows and property of the Brāhmaṇas. According to Āpastamba, a king who dies while striving to recover the wealth of Brāhmaṇas from thieves is said to perform very costly sacrifice. In the kingdom of a dutiful king, theft and robbery were unknown, doors of houses were left open and women bedecked with ornaments could move about fearlessly without any escort.

We are told that there were no thieves and robbers in the kingdom of Asvapati. According to Megasthenes who visited India in the fourth century B.C., when he was in Candragupta's camp, consisting of 400000 men, theft reported on one day amounted to only about 28 or Rs.100 (200 drachma). Megasthenes further says that the Indians generally leave their things unguarded at their homes. According to Hiu-fen-Tseng who came to this country in the seventh century A.D., criminals in India were few in number and only occasionally troublesome. The people would not take anything wrongfully. Having cleared the land of thieves prohibited the closing of doors in the market-street at night.

In the Mahābhārata, a Brāhmaṇa, on seeing his cattle being stolen by thieves, demanded their restoration by the Pāṇḍava brothers as they were paid one-sixth of the produce as tax. The third Pāṇḍava, Arjuna had to enter into the armoury where his eldest brother was in bed with their wife, Draupadī, to bring his weapons though for this offence, he was liable to banishment. He
then pursued the thieves, fought against them, recovered the
Brāhmaṇa's cows and gave them back to him. Another Brāhmaṇa, whose
wife had been stolen by somebody, demanded of the king her resto-
ration as he was there to protect the people. The king, find-
ing her recovery quite difficult, offered to give him a new wife
and on his refusal, had to find his wife out with great difficulty.
The king's responsibility to restore stolen goods will be discussed
in detail later on. Even a staunch non-violent king like Asoka, who
promised to forgive most of the wrongs done to him, was forced to
threaten the forest-folk who probably raided villages and towns,
with dire consequences if they did not mend their ways.

People often complained to the king of the depredations
of thieves and robbers and demanded protection which the king was
obliged to give. When a thief sent notice to a king informing
him of his intention to attack his city, the king had it guarded
day and night by his captain of policemen and one thousand soldi-
ers. While during this march the soldiers of king Harsever-
dhana were plundering the ripe crops of his subjects, they were
loud in their protestation: 'Where's the king? What right has he
to be king?'. A good king had therefore to make systematic
arrangement for the protection of his people. According to
Kautilya, there shall be set up a 'sthāniya' (a kind of a fortress)
in the centre of eight hundred villages, a 'dronamukha' in the
centre of four hundred villages, a 'kharvatika' in the centre of
two hundred villages, and a 'sahagraha' in the midst of a collection
of ten villages. There shall be constructed in the extremities
of the kingdom forty manned by boundary-guards ('antapala'), whose
duty shall be to guard the entrance into the kingdom. The interior of the kingdom shall be watched by trap-keepers (vēgurika), archers (Sābers), hunters (Pulinda), Candraśes, and wild tribes (aśrayojera). For the purpose of protection, the villages and towns were surrounded by enclosures of timber-posts and strong, high walls respectively.

Manu (25) prescribes the posting of gulumās (modern thana or a company of soldiers) in the midst of two, three, five and hundred villages for the protection of the people. Āpastamba (26) asks the king to appoint men of high castes who are pure and truthful, over villages and towns for their protection. They should protect a town from thieves in every direction to the distance of one yojāna and the country to the distance of one krosā from each village. Kautilya's Samāharta is to employ spies to root out all sorts of criminals including thieves and robbers. (27) His officers, gopas and atānikas, had to set up boundaries to villages. (28) Apart from other considerations, this was also necessary to determine whether theft was committed within the boundary of a particular village or not and also for fixing up the responsibility of the villagers for that crime. The officers had also to maintain a detailed record about the number and location of forests, altars, temples of gods, cremation grounds, feeding houses, drinking places, pasture grounds, etc., places which were favourite haunts of the thieves and robbers. They had also to register the total number of the villagers under their jurisdiction and to keep an account of the number of cultivators, cowherds, merchants, artisans,
labourers, slaves, biped and quadruped animals in their area. 

They were also to keep an account of the total number of men, women, children and old men in a house. They used to record their nature or history (caritra), occupation (ajīva), income and expenditure. This record must have helped the Samāhārī to detect a new-comer or a man of suspicious nature whenever there was a crime in the rural areas and this must have also served as a deterrent. But the Samāhārī could not rest content even with this. His spies in the guise of householders and cultivators ascertained the validity of those records. According to Kautilya, the superintendent of pastures are to clear the valleys from thieves with the help of his men. Hunters along with their hounds should patrol the forests. Hiding themselves effectively, they should blow conch-shells or beat drums at the approach of thieves. They are to inform the Superintendent of the approach of wild tribes by flying pigeons with passes attached to them or by kindling fire and raising smoke at successive distances. In short, the Superintendent's duty was to arrest thieves, protect cows and make the roads safe for the merchants. According to some, the Superintendent collected protection taxes. Manu says that 'much frequented places, cisterns of water, bake-houses, the lodgings of harlots, taverns and victualling shops, squares were four ways meet, large well-known trees, assemblies, and public spectacles, old court yards, thickets, the houses of artists, empty mansions, groves and gardens' and like places shall be guarded by the king.
with soldiers, both stationary and patrolling, and secret watchmen for the prevention of robberies. In the Mahābhārata, we find a somewhat similar description. Kautilya also prescribes that the Samāhārī's spies, in the guise of old and notorious thieves, along with their followers should guard altars, meeting places of four roads, ancient ruins, vicinity of tanks, rivers, bathing places, places of pilgrimage and hermitage, desert tracts, mountains and thick-grown forests to ascertain the causes of arrival, departure and halt of thieves, enemies and persons of undue bravery. According to Kautilya, in the towns too, the gopas and sthanikas shall keep the accounts of the households and record the caste, gotra, name and occupation of the members and also their income and expenditure.

Managers of charitable institutions, according to Kautilya, are to inform the gopas and sthanikas of the arrival of heretics and travellers there. Ascetics and men learned in the Vedas shall be allowed to reside in their institutions only if their character is well known to them. The merchants are to report to the officers about people selling commodities in forbidden place or time and also about those in possession of goods belonging to others. Prostitutes have to inform the Superintendent of Harlots about the persons entertained by them at night. In the city, the prostitutes as well as the vintners, sellers of cooked flesh and cooked rice are not to harbour unknown persons. They should inform the city-officers (gopa and sthanika) of spendthrifts and persons who engage in risky undertakings. A
physician should not treat a person suffering from cut or excess of unwholesome food or drink without making a report to the officers.

The master of a house should send information to them as to the arrival or departure of strangers at or from the house. Otherwise they will be held responsible for the offence committed during that night. Even during safe nights, they will have to pay a fine of three sana for not reporting to the officers concerned. According to Kautilya, in the cities, curfew shall be clamped down every night and the movements of the citizens shall be forbidden from 9 P.M. to 3.30 A.M. with some exceptions. In the Kathakosa, a Brahmana is arrested by the police for moving in the street at midnight. According to Kautilya, the Superintendent of Ships should police the rivers and sea-coast and destroy the pirate-ships. Even the crossing of fords or rivers is to be prohibited at unusual time and place and also without pass at usual time and place. Persons coming to stay in the burning ground had to report it to the keeper of that place, the chief Elder at the monastery and to the village-headman in order to free themselves from suspicion, as thieves generally frequented such places to conceal their loot. The precautionary measures prescribed by Manu and Kautilya were most probably followed by the rulers with the happiest possible result. Sakre requires that people should not keep wicked people like thieves, bad characters and malicious and offensive persons screened. Probably he means that the people should refuse protection to these men and hand them over to the police. The whole society is thus to be an information and vigilance committee, and an association for public safety.
The village-headman called \textit{gramani, gramabhojaka, gramika, gramadhipati}, etc., was entrusted with the duty of keeping the village safe from thieves and robbers. The \textit{Kheressara Jātaka} shows that the village-headman was to collect revenue and protect the villagers from the attacks of robbers with the help of local men or militia. Dereliction of this duty was punished by the king. According to \textit{Menu} and \textit{Vishnu}, the lord of the village should try to suppress the evil in the village, failing which, he must send report about that evil to the lord of ten villages. If the latter fails to redress the wrong, he should at once inform the lord of twenty villages. If the lord of twenty also fails to suppress the evil, he must announce it to the lord of a hundred villages, and the latter failing to right the wrong, should make a report to the lord of a thousand villages i.e. the lord of the district who should remove the evil; otherwise he should give redress to the wronged party. According to \textit{Apestambe}, the king's officers engaged to protect the people must repay the price of what is stolen within their jurisdictions. \textit{Yajñavalkya, Narada} and \textit{Kātyāyana} prescribe that the thief should be forced to restore the stolen property or to pay its price; if the thief cannot be found, the officers and wardens of the country should pay the price of the stolen articles. He, on whose ground theft has been committed, must try his best to trace the thieves, otherwise he has to compensate for the loss. He will be, however, free if the footmarks can be traced from his ground into another man's ground. When the footmarks after leaving that ground are lost and can no
further be traced, the neighbours, inspectors of the road and governors of that region were to be held responsible for the loss. The property stolen in the village is to be made good by the headman of the village, if the thief's footsteps are not traced as going out of the village. If theft takes place in a pasture-land or forest (and the thief is not found), the owner of it has to pay. Katyayana, however, holds a different opinion regarding the imposition of the responsibility of paying compensation in case of theft in a forest. If, however, theft is not committed in a forest but on the road, then the officers appointed to arrest thieves should be made to pay; the whole village may be made to pay the compensation when theft is committed within the boundaries of a village but outside the limit of the residential quarters, if the footsteps of the thief are not traced as going out of the village. When the footmarks are obscured or interrupted as they go to broken ground or to a spot much frequented by people, the nearest village or pasture ground should be held responsible. If a theft takes place beyond one krosa from a village, the surrounding five or ten villages may be made to pay the compensation. In order to prevent unnecessary harassment to the people, Katyayana lays down that, when a wicked man claims to have been robbed or if there is a doubt whether the theft has really been committed, such a man must confirm his report by an oath. According to Menu, those who do not give assistance against the plundering of a town, . . . 'or on seeing a robbery on the highway, shall be banished with their cattle and utensils.' Farāda regards such persons as accomplices in the crime. In short, local
responsibility for crimes was strictly enforced. This must have ensured peace and prosperity. *Manu*\(^{(45)}\) ordains that those appointed to guard any district or those of the vicinity employed for that purpose should be punished as thieves if they remain neutral during attacks by robbers or do not try to seize them. Kautilya\(^{(46)}\) prescribes elaborate arrangements for the protection of merchants while they pass through villages, forests and along roads. Merchants travelling in caravans are to halt in the particular part of a village allotted to them and inform the village-headman of the value of their merchandise. When a part of their goods which had not been sent out of the village at night is stolen or lost, the headman must make good the loss. If theft or loss occurs in the intervening places between any two villages, the superintendent of Pasture shall make good the loss. If there are no pasture lands in such places, or if it takes place outside his jurisdiction, the officer, called *correja* will then compensate the loss. "If the loss takes place where there is no such officer, even in that unprotected locality, the responsibility for the loss must rest on some one in charge of this 'No Man's land'".\(^{(47)}\) Failing him, the people of the neighbouring five or ten villages will make good the loss. The *antapala* of Kautilya is to collect customs duties from the traders and make good whatever has been lost or stolen in places within his jurisdiction.\(^{(48)}\) According to Kautilya,\(^{(49)}\) the king must keep the roads free from the molestation of courtiers, robbers and boundary guards.
Most early Indian authorities enjoin upon the king to recover the citizens' articles stolen by thieves and give them back to their owners. On his failure to recover the stolen goods, the king must make good the loss from his own treasury. According to Kautilya, the king may also engage a person who volunteers to recover the stolen goods. According to the Visnudharmottara, if a person is robbed by his own servants, the king may only try to recover the stolen goods, but is not bound to restore them from his own treasury. King Prasenjit promised a Brahmana to recover his stolen goods from thieves, and otherwise compensate the loss. According to Kautilya, the Superintendent of cows shall have arrangement for the keeping of cows for the people who are afraid of thieves.

Kings used to make elaborate arrangements for the patrolling of city streets day and night and entrusted the district and village officers with the task of maintaining law and order in rural areas. They discharged their duty with tolerable efficiency with the help of a country constabulary. Kings had often to fight against dangerous robbers or robber-bands to ensure the safety of his people. On rare occasions, weak kings had to pay subsidies to robbers to stop their pillaging.

It is very doubtful whether the state could make adequate police arrangements for dealing with the numerous criminals in ancient India. So the people themselves had often
to devise means to protect themselves. The people often used prayers, charms and spells to avert thieves and robbers. In the Vedic age, prayers were offered to Agni and Night to keep them in safety. Possibly the following mantras were used to protect the cows. (A) 'They shall not be lost; no thief shall harm (them); no hostile (person) shall dare attack their track.' (B) 'I cannot (bear) with pīśācas, nor with thieves, nor with savages; the pīśācas disappear from that village which I enter.' To protect the wives and cows of the Brāhmaṇas, the priestly class composed verses describing the grave consequences of robbing them or taking the meat of the cows. Manu declares that the property of a Brāhmaṇa should never be seized by a Kṣatriya.

In the Vedic age, the people often fought under their heroes to recover their men and cows stolen by their enemies and gave a hot chase to the stealers. Indra, Śoma and others were their leaders or patron-deities.

Householders also kept dogs to alert them and drive away the thieves. The severe punishments inflicted upon the thieves and robbers also served as a deterrent.

In both the Vedic and post-Vedic ages, people had strong faith in charms and spells.

The cast skin of an aha (snake) was used as an amulet against highwaymen. The Śāṅkhāyana Grhyasūtra refers to the chanting of a Rgvedic hymn (‘May no waylayers meet us at a crossway’ etc.) at the time of the departure of the bridegroom and the bride from the latter's house. On an unsafe road, the
traveller should chant, according to the Khadiragryasutra (64) a Rgvedic hymn 'go away' for safety' etc. For a safe journey by dangerous roads, travellers used to make knots in the skirts of their garments. A Brahmacarin was to swing his staff of reed thrice from left to right over his head with this formula: 'Speed! Make speed away from us those who hate us, robbers ... Protect us, O Staff, from danger that comes from men; protect us from every danger; from all sides destroy the robbers' and with this verse, 'Not naked thou art born on all trees, a destroyer of foes. Destroy all hosts of enemies from every side like Meghevan.' (66)

Sages could transfix a thief. (67) The sage Jambu made some thieves who broke into his house stark like clay figures with the spell called stambhani. (68) To protect their residence, body and rituals against the attacks of thieves and robbers, the monks used to besmear their bodies with the consecrated ashes or damp earth as a protective charm. (69) Sometimes a thread was tied to their bodies for the same purpose. The Jaina monks used the charm called mohanskara to bewilder thieves. (70) The charm leesani made a person cling to some thing. (71) By a spell called cetaka, thieves could be brought to one's presence. (72) The great Buddhist scholar Dipankera had to use mystic charms to ward off some brigands who tried to take away a small sandal wood table from him. (73) According to the Visnu Purana, (74) the syamantaka gem could remove fears from thieves. Hemavijeya's Katharatnakara (75)
refers to a ring which could protect one from thieves. The Dīvya-
vedaṇa (76) mentions a gem which could remove fear from thieves. 

Menu (77) allows twice-born men to take up arms in self-
defence if threatened by danger. According to him men can kill
another in self-defence. The Śānti-parvan of the Mahabherata (78)
asks persons of all Varnas to take up arms when robbers (dasyus)
cause confusion. Viṣṇu (79) permits people whom the king cannot
effectively protect, to purchase peace by giving shelter and
food to robbers. Householders or travellers, used various
tricks as pointed out before, to scare away thieves and robbers.
They generally took advantage of the timidity, foolishness and
superstitions of those criminals. The Jeteke tale (80) in which
a single man succeeded in driving away a band of robbers by
raising a hue and cry and feigning to prepare the inmates of
the empty house for a strong resistance, has been mentioned
earlier. Travellers often banded themselves together to resist
robbers while passing through highways and forests haunted by
robbers and criminal tribes. (81) For the same purpose traders
too moved in batches. (82) Caravan leaders promised to provide
food, drink, clothes, utensils and medicine free of cost to those
who would accompany them on their journey. (83) Forest-guards
were hired by the traders to escort them through dangerous
forests. (84) According to Brahma (85) when there is a
trouble from robbers, a compact (samsya) may be made among
villagers, guilds (sreni) and corporations (gana). Two, three
or five men should be appointed as advisers of groups. The
villagers and members of the guilds, corporations, etc., should
follow their advice. To repel the criminals, every house shall send one able-bodied and armed man. Any person who, though able to carry out such an agreement, violates it, should be punished with the confiscation of his wealth and banishment. According to Brhaspati, the danger should be repelled by all and not by one man alone. From a verse of Nareda, it appears that the village assembly was permitted by the king in an emergency to organize an adequate police or military force to repel attacks against the village either from within or from without'. Kautilya says that the king should favour those villagers who will protect the village jointly. There are numerous inscriptions which tell us that many brave men fought against enemies to protect the person and property of the villagers and often sacrificed their lives in doing so. The people put up laudatory inscriptions to commemorate their heroism. The guilds or village-assemblies had at their disposal adequate military force to defend their members. According to the Nandasor inscription of Kumara-gupta, some members of a guild distinguished themselves by their heroism in battle in which they destroyed their enemies.' Some of the guilds developed their military strength so far as to find it profitable to pursue offensive purposes or engage in plundering expeditions. Guilds known for their military strength have been referred to by the Mahabherata and Arthasastra. Generally, people kept the doors of their houses shut for safety at night and sometimes even during the day. Well-to-do peoples posted door-keepers at the door. Once a band of robbers
pillaged a frontier village and carried away some villagers. From that time on, the villagers became very busy fortifying their village. Rich householders made elaborate arrangements for the protection of their houses. The house of a rich lady was 'surrounded with seven walls, provided with seven battlemented gates and at frequent intervals about the circuit of the walls were savage dogs in leash. Moreover, within, where the water dripped from the house-roof, a trench had been dug and filled with lead. In the day time this mass of lead melted in the rays of the sun and became viscous, and in the night time the surface became stiff and hard. Close to the trench, great iron pickets had been sunk in the ground in unbroken succession.'

Sometimes an automaton was used to catch thieves. A thief while trying to steal a jewel from the head of an automatic vertex erected in front of the house of a courtesan, was caught by it. The Rauhineyacaritra refers to a lamp-holding statue of a woman adorned with ornaments, a sword and a shield. It was called the 'thief-catcher'. By pulling cords it could be made to move, strike, dance, etc. In fear of thieves, men often buried their treasures underground. Sometimes rich people buried their treasures in a hermitage to keep them secure.

Generally, the kings caused their names to be engraved on their rings and other valuables. Rich people, too had this good habit. Kautilya also refers to articles with marks of identification. When stolen, these could be easily detected.
REFERENCE


2. *Mahâbhârata* (the oblong Bombay ed.), *Sàntipârvan*, Chaps. 68.1-4; *Menu*, VII. 144, etc.


4. *Ibid.*, Chaps. 67, 70, 71; *Pandheyana Dharma Sûtra*, I. 10.1; *Gautama*, X. 28, etc.


7. *Menu*, VII. 143; IX. 254, etc.


12. *Chândogya Upanisad*, V. 11. 5; *Junagârh Inscription of Rudrâdâman*.


17. *Mahâbhârata*, *Adipârvan*.


19. *Asoka’s Rock Edict*, No. XIII.


23. Keutily (II.1), trans. Shamasestry, p. 45; Kangle translates (p. 63) this passage differently: 'On the frontiers, he should erect the fortress of frontier-chiefs (as) the gates of the country, under the command of frontier-chiefs. Trappers, Sevares, Pulindes, Candilas and forest-dwellers should guard the intervening regions between them.'


25. Manu, VII. 114.


27. Keutily, IV. 4-6.

28. Ibid., II. 35.

29. Ibid., II. 34.


33. Keutily, II. 35, 36; II. 27, 36.


38. The Jatake, op.cit., Vol. I, No. 79; Keutily, III. 10, etc.

39. Manu, VII. 116-17; Visnu, III.

41. Yajnavalkya, II. 270-72; Narada, XIV. 22-24 and Perisíste, 16-21; Kátyásane quoted by Aparàrks (Anandaśíre Press ed.), p. 844. See Kene, op.cit., Vol. III, p. 167 and fn. 213 for a 18th century case of theft where a whole village was held responsible for the crime.

42. Texts of Kátyásane, ed. Kene, p. 98. According to Kátyásane, if the theft is committed in a forest, the king should restore the stolen goods or pay its price.

43. Manu, trans. W. Jones, IX. 274.

44. Narada, II. XIV. 20.

45. Manu, IX. 272; Narada (Perisíste, 15).


47. R.K. Mooerji, op.cit., p. 158.


49. Ibid., II. 1.

50. Gautama, X. 46-47; Manu, VIII. 40; Mahábhárata, Sántiparvan (Bombey ed.), 75.10; Viṣnu, VI. 3; Kautilya, III. 16; Brhaspati quoted by Viśvarūpa in his commentary on Yajnavalkya (Trivandrum Sanskrit Series), II. 38 and 36.

51. Viśnudharmottara, II. 61. 52.


53. Kautilya, II. 29.


56. Rgveda, VI. 51. 3; X. 127. 6; Atharvaveda, trans. W.D. Whitney, XIX. 47. 3ff.
57. Atharvaveda, IV. 29. 3.
58. Ibid., IV. 36. 7.
59. Atharvaveda, V. 17-6ff.; V. 18. 1ff; Manu, XI. 18.
60. Rgveda, II. 15.4; IX. 108. 4-6.
61. Ibid., VII. 5; Atharvaveda, IV. 5.2.
62. Atharvaveda, I, 27.
63. SPE, Vol. XXIX, Pt. I, p. 10; Rgveda, X. 85. 32.
64. Khadira Chhavesutra, IV. 1. 22.
68. Parisistapancava, Canto II, Verses 171ff.
70. Ibid., p. 230.
71. Loc.cit. According to a Tamil story, a poet who acquired some magic power found one night that some robbers had entered into his house. He wrote a spell on a palm-leaf and placing it under his pillow went to sleep. When he was awakened, he found that all the thieves were silent and motionless in the positions they occupied when the spell affected them, some with the goods on their heads or shoulders; others with their hands on keys or door-handles'. Bloomfield in AJF, op.cit., pp. 226-27.
73. B.P. Majumdar, The Socio-Economic History of Northern India, p. 163.
75. Bloomfield in AJP, op.cit., p. 225.
76. Kali Pada Mitre, in op.cit., p. 23.
77. Menu, VIII, 348-49.
78. Mahabharata, Santipurvan, 76.18.
82. R.C. Majumder, Corporate Life in Ancient India, p. 13.
83. J.C. Jain, op.cit., p. 119.
90. Ibid., pp. 256ff.
93. Ryder, Nraghakatike, p. 49; D.C. Sircar, Studies in Indian Coins, p. 149.
95. Abhijnanaaskuntala, Act VI; Bloomfield in AJP, op.cit., p. 127.