Theft and robbery are two of the major crimes recognised by the society at the earliest stage of human civilization. The recognition of private property lies at the root of the evolution of society. The sanctity of the social organisation is accepted by the people because it guarantees the right to enjoy one's property without obstruction. Thieves and robbers violate this basic right by depriving people of their personal possessions either openly or secretly and thereby strike at the very root of the society. That is why society has always been determined to hunt them down and has conceived of severe punishment for the criminals. Hopkins rightly points out that 'theft or robbery ... is one of the first crimes recognised as of public importance.' (1) 'Proprietary rights', writes a modern author, 'are recognised by all savage tribes, most of whom condemn or abhor theft while all of them punish it one way or another.' (2) In the topics of litigation as given by Apastamba, Gautama, Manu, Narada and others, (3) theft and robbery occupy a prominent place. 'The very origin of the state was traced to the necessity of setting up a suitable machinery for the preservation of private property and the security of private life ... the Dharmasastras, the Arthasastras, the Nitisasstras, the epics, etc., conceive of a state of nature where there was no respect for private life and property.' In order to save themselves from this anarchical situation, the people created the State and its visible symbol, the monarch and the 'first King was charged with the task of making adequate arrangements for their safety in return for
a share of their income. The circumstances leading to the creation of the state and king are clearly set forth in the Santiparvan of the Mahabharata: 'The wealth of one is snatched away by two, that of those two is snatched away by many acting together. He who is not a slave is made slave. Women, again, are forcibly abducted. For these reasons the gods created kings for protecting the people.' In that anarchical condition nobody could claim anything as his own. Existence of any kind of property was impossible. According to the Visnu Purana, when some sages killed the king Vena, the poor turned thieves and began to loot the property of others. In a kingless state, the wealthy people were very insecure and primarily to protect them, the state machinery was created. According to the Puranas and Buddhist works, the discovery of the art of cultivation which led to the storage of corn and the introduction of the marriage system giving a man full control over a woman or some women led to the creation of the state, because these tempted the poor or indolent to rob the rich and the mighty to snatch away the wives or sons from the husband or father. We shall discuss later on the various injunctions upon the king to protect his people from thieves and robbers. The intense abhorrence with which theft was viewed by the Indians of old is evidenced by its inclusion in the list of five major crimes or sins entailing capital punishment or severe penance.

2. Definitions of Theft and Robbery

Several law-givers define Theft and Robbery separately, though some of them include the former within the latter while
the latter is included in the former by a few. Following Kautsā, Harita, Kāvya and Puskarasādi, Apastamba defines a stena as one who covets (and takes) others' property. So steya (theft) may be defined as taking other men's things out of greed. Manu lays down that if something is taken privately in its owner's absence, that is theft. According to him, if a man having received any thing refuses to give it back will also be regarded as a thief. Nārada defines theft as 'deprivation of wealth by various means from people that are asleep, careless or intoxicated.' According to Kautilya, fraudulent or indirect seizure of person or property is theft. Whatsoever is taken by a Bhiksu (monk) from the village or from the wood, anything not given is called theft in the Prātimokṣa (Prātimokṣa). Thus all these definitions look upon the stealthy appropriation of others' property without their consent as theft.

Robbery was regarded as a sāhasa, i.e. crime involving violence. Manu says that if the seizure of others' property be violent and in the sight of its owners, it is Robbery. According to Kautilya, sudden and direct seizure (of person and property) is termed sāhasa (robbery). Thus by robbery, open and violent seizure of others' goods was meant.

The early law-books do not attempt a scientific classification of punishable offences. Sometime between the earliest Dharmsutras and Vīnu, all such offences seem to have acquired the generic name of sāhasa. The sāhasas were gradually distinguished from one another not merely by the measure of punishment to be inflicted but by the nature of acts to be penalised. In his list of
the eighteen subjects of litigation, Manu who for the first time classifies the various offences, assigns the thirteenth and fourteenth positions to steya (theft) and sahasa (robbery) respectively. As we have seen, Manu, Narada and Kautilya determine theft and Robbery by the nature of the seizure, i.e. whether it is clandestine or open and violent. Heavier penalty was prescribed for crimes involving violence, and a robber was regarded as a worse sinner than a thief. In Sanskrit and many other languages, like old Iranian, old Slavonic, old Irish, Gothic, etc., words connoting secrecy are related to the terms for 'thief' and the element of concealment distinguished theft from open robbery.

Maurice Bloomfield points out the difficulty of drawing a line of demarcation between thieves and robbers for their being 'naturally or intrinsically related and also because the texts themselves fail to draw any such lines. In fiction, the generic names for both thief and robber are the same: Caura, Taskara, Malimlu or Malimluca, Dasvu, etc., though sometimes thieves are distinguished from robbers. Thieves worship Skanda but the patron deity of robbers is Durga, to whom they sacrifice men. It is interesting to note that sometimes the robbers also worshipped the god Karttikeya. Some robber-chiefs in the Katasitarasagara said to their captives, '... do not be terrified. You have arrived here on the eighth day on which we worship Karttikeya.' The only clear distinction between a thief and a robber rests, opines Bloomfield, 'upon the difference between individual and organized efforts. The thief goes alone by night; the robbers operate under chieftains and attack in bands in broad daylight. Robbers live together; thieves' lairs as a
rule, are solitary. Nocturnal robber-raids were, however, very common.

Though often the same word is used to denote thieves and robbers in the Vedic and post-Vedic literature, the Vajasaneyi Samhita distinguishes the stena and taskara from the malimlu by calling the former highwaymen or as the Rgveda puts it, 'men who haunt the woods and risk their lives,' and the latter, a burglar or house-breaker. But the malimlu is also described in the Vajasaneyi Samhita as a plunderer of a village in broad daylight. In this connection, it may be pointed out that members of modern criminal tribes resort to thieving or robbery, whichever suits their purpose better, and this indiscriminate choosing of modus operandi might have also characterised their ancestors. Words like Paripenthin, Musiven, Selage etc., are however, used in the Vedic literature to mean exclusively robbers or highwaymen.

3. Words Denoting Thieves and Robbers,

Several words are found to have been used in the Vedic literature to denote thieves and robbers though post-Vedic works including folklore confine the number to a few words only. Some of the Vedic words for thieves and robbers are: Aghasamsa, Akhu, Core, Takva, Taskara, Tayu, Dasu, Desa, Pani, Paripenthin, Parimosin, Malimlu or Malimlue, Musivan, Musnant, Vanargu, Vrka, Selage, Seilage, Stāyu, Stena, Stevakrt, etc.

Aghasamsa. Sāyana, on the authority of Yaska, takes this word
to signify 'a thief.' Akhu. According to Pischel, this word means 'a thief'; but this interpretation is not accepted by Hüllebrandt.

Core. The use of the root, cur (to steal) and the words Caura and Cora (Thief) are not found in the Vedic works except in the late Taittiriya Aranyaka. In the post-Vedic records, however, this word was frequently used. Takvan. It is generally explained as a 'bird' or 'a beast.' But Hazra shows that Sayana regards it as a taskara or a stena.

Takvan is also used as a synonym for the stena in the Nighantu. A detector or a pursuer of a takvan used to cry aloud for others' help as it was difficult to capture him alone. The takvan was also very harmful to the sacrificers.

Taskara. It denotes 'a thief' or 'robber.' But as indicated already, this word is often used to mean highwaymen. The Taskaras were violent and desperate marauders who infested the highways, gathered knowledge of the movements and possessions of travellers and robbed them. They used to bind their victims with ropes. It may also be argued that the ropes were used to bind the robbers themselves when captured. These dangerous outlaws bore arms and came in a body on horse-back to plunder the cattle of the villagers. The fierceness of the taskaras is indicated by their being mentioned along with the snakes, bears, wolves and tigers which made the paths dangerous at night. In one passage of the Rgveda, the dog is told to bark at the taskara or the stena. This points, in the opinion of Macdonell and Keith, to an attempt at house-breaking by the taskara.
Sayana and Mahidhara, however, regard the taskara as a Pratyaksa-dhanṣapaherī or Pratyakṣa-cora, who escaped after hitting travellers on the way in a forest.

Tāyu. A tāyu was 'perhaps of a less distinguished and more domestic character than the highwaymen.' Hazra regards the tāyu as a quick-footed petty thief, less harmful than the other species. He would steal clothes, cattle and the like and was active at night only. Timid by nature, he disappeared at the coming of the dawn, avoided the sight of men and hid himself in caves. The tāyu is also alluded to as a debtor who was forced to steal for fear of losing his liberty as a result of his inability to pay up his debts. The useless shout of the enemies after the quick-footed god Dadhikrī is compared with the shout of the pursuers of a tāyu or the piteous cry of the birds 'at a hungry hawk pouncing upon his prey.' Daṇḍhikrī's comparison with a tāyu and a hungry hawk pouncing upon his prey indirectly shows that a tāyu could be dangerous to his pursuers.

Dasyu, Dāsa and Pani: Probably these words are used to mean hostile non-Aryans who often kidnapped the Aryan sacrificers and stole the cattle, gold, etc., of the Aryans. Indra and Soma frequently rescued them from their captivity and also recovered their stolen articles. The Aryans too, whenever they found an opportunity, took by force the cattle and other valuables of the dasyus, dāsas and pānis. Dasyu and dāsa also meant subjugated slaves. In spite of a possible allegorical significance of the term, pāni, it cannot be gainsaid that fight for the possession of cattle between the Aryans and non-Aryans was a very common event in the early Vedic age. A modern scholar surmises that the
dasas and dasyus were Aryan tribes mostly belonging to the low and degraded classes and their notoriety as cattle-lifters earned them the bitterest hatred of the Aryan communities.\(^{(87)}\) According to this writer, the panis while trading in the interior used to deceive the simple villagers and sometimes stole their cattle. Paripenthin, a highway robber. Armed with deadly weapons, the Paripenthin robbed travellers by waylaying them and escaped forthwith.\(^{(88)}\) A paripenthin followed a bride's car to rob its occupants.\(^{(89)}\)

Parimosin, a thief. Malimlu or Malimuca, a house-breaker or robber. According to the commentator Mahidhara,\(^{(90)}\) this means a burglar. Hazra calls the malimlu 'the most daring and dangerous robber of the Vedic age.'\(^{(91)}\) He plundered villages in broad daylight in the presence of the villagers.\(^{(92)}\) Agni is asked to chew malimlus with his two tusks (i.e. canine teeth which are meant for the hardest and the most dangerous bite), the taskaras with his (front) teeth (which are used for less severe bites), and the stenás with his jaws.\(^{(93)}\) Thus the malimlu was the most dangerous enemy of the people. Sayana\(^{(94)}\) calls him atiprákatácora (quite open robber) who fearlessly plundered a village and made its people captives. Musliman. A musliman (robber) intercepted travellers on the way and lured them to their doom.\(^{(95)}\) Yaska equates him with the malimuca. Musnánt, a stealer. Varaguru, 'probably a forest-haunting savage or robber.'\(^{(97)}\)

Vrka. According to Macdonnell and Keith,\(^{(98)}\) it means 'a wolf.' But Sayana\(^{(99)}\) interprets it as 'a thief.' It is derived from the root, Vrk, meaning 'to take away.' Vrka was therefore a stealer of men's wealth. It is a synonym for stema in the Nighantu.\(^{(100)}\) The word, Vrkatá derived
from Vrka is also explained by some as a robber-people or robber. With a view to robbing the travellers without any trouble, the Vrka showed them the wrong path or took their lives by waylaying them. Sometimes a gang of Vrkes robbed the travellers by attacking them on the way. Selaga, a robber. Sailega (also spelt Seilaga), a robber who was offered as a victim at the purusamedha sacrifice.

Stayu. Macdonell and Keith take this word to signify "a pickpocket". Hazra equates a stayu with the tayu. According to Mahidhara, the stayus are secret stealers 'who committed theft at day time or night, but being the victims' own men, could not be found out.'

Stena, a thief. Macdonell and Keith take it to be practically synonymous with taskara but in the opinion of Hazra, different kinds of thieves are meant by taskara and stena as these are sometimes used side by side in the same verse. As he points out, while commenting on the Taittirīya Samhitā and Vajasaneyi Samhitā respectively, Sayana and Mahidhara describe the stenas as secret stealers (gupta cora) and the taskaras as open robbers (prakata cora). Sayana also describes the stena as pracchana dharmapahāraḥ. According to Mahidhara, the stenas 'carried away others' property at night by digging holes into their houses'. TheṚgveda and Vajasaneyi Samhitā, however, describe the stenas as highwaymen and forest-robbers respectively. The stenas appeared at night like ferocious beasts and never hesitated to wound their victims. They made the people quite helpless under their power. Steyakrt, a thief. The steyakrt did much harm to the sacrificers' person and stole the horses and cattle of other people.
Mention is also made in the later Vedic literature of the
criminal tribes in later ages.

The most common words denoting thieves and robbers in the
Arthasastra, the classical Sanskrit works as well as Buddhist and
Jaina literature and also in inscriptions are Caura or Cora,
Dasyu, Taskara, Stena, Stevi, Apahari etc. Besides these, some peculiar words were used
to denote thieves and robbers:

- Aikagarika, 'a thief who waits for an opportunity to enter
  a house when lonely.'

- Bandigraha, robbers who keep rich men confined to exact
  ransom.

- Cagta, robber.

- Carabhata, marauder.

- Granthibhedaka or Gandabhedaka, knot-cutter, modern pick-
  pocket.

- Kudaggaha, cattle-lifter.

- Kumbhiraka, 'one who breaks into a house' or 'one sallying
  forth secretly like an alligator.'

- Lusaka, bilferer.

- Pataccara, a thief who 'moves about by breaking open walls', an evil
  man, or a criminal, 'particularly a youth of criminal tendency.

- Sandhicchedaka, house-breaker.
Tirthagīta, 'who lift articles at sacred places on festive occasions.'

Urdhavakara, (145) one who enters a house by boring a hole in the roof. This word means, according to Meyer, a pick-pocket. "The basic idea may well be that of lifting up things 'with a raised hand.'"

Some other words will be discussed later on.

The following words were generally used to mean theft, robbery, etc., in the Vedic and post-Vedic records: gavistī, gavāyā, parimose, steve, dhātri, lundaka, caurya, apahareṇa, etc. Stolen goods were called loptra, mosa or musita or musta, rupa, uke, etc.
REFERENCE

6. Ibid., 68. 15, 33.
24. Manu, VIII. 332; Narada, XVII. 12; Kautilya, III. 17.
25. Manu, VIII. 244, 345; Mīkeśara on Yājñavalkya, II. 230.
26. From 'steyāt' (secret) we have sten; Hastings' Encyclopaedia of Religion and Ethics, Vol. IV, p. 303.
30. M. Bloomfield, loc. cit.
32. Vājaśeṇeyī Sāṁhitā, XI. 79.
34. Vājaśeṇeyī Sāṁhitā, XI. 79.
36. Rgveda, I. 42. 3, 103. 6; X. 85. 32; Atharvaveda, I. 27. 1; III. 15. 1, etc.
37. Rgveda, I. 42. 3; I. 103. 6; Atharvaveda, XII. 1. 32.
38. Aitareya Brāhmaṇa, VII. 1. 5; VIII. 11. 8; Satapatha Brāhmaṇa, XIII. 4. 3. 10.
40. Ibid., IX. 67. 30.
41. Taṭṭhīrīya Aranyaka, X. 65.
42. **Rgveda**, I. 66. 2.

43. Ibid., I. 191.5; VI. 27. 3; 28. 3, etc.; **Atharvaveda**, IV. 3. 2, etc.

44. **Rgveda**, I. 50. 2; IV. 38. 5, etc.

45. Ibid., I. 100. 12; II. 15. 4, etc.

46. Ibid., II. 13. 9; IV. 30. 21, etc.

47. **Rgveda**, IX. 108. 4-6; X. 108. 1.

48. Ibid., I. 27. 1; III. 45. 4; **Atharvaveda**, I. 27. 1; III. 15. 1; **Vājasaneyi Samhitā**, IV. 34.

49. **Satapatha Brāhmaṇa**, XI. 63. 11; XII. 4. 2.

50. **Atharvaveda**, VIII. 62 (Malimluca); XIX. 49. 10; **Vājasaneyi Samhitā**, XI. 78-79.

51. **Rgveda**, I. 42. 3; **Atharvaveda**, IV. 36. 7.

52. **Vājasaneyi Samhitā**, XVI. 20-21; **Taittiriya Samhitā**, IV. 5. 4. 1.

53. **Rgveda**, I. 145. 5; X. 4. 6; **Atharvaveda**, IV. 36. 7.

54. **Rgveda**, I. 42. 2; IV. 41. 4, etc.

55. **Altareya Brāhmaṇa**, VII. 1. 5; **Satapatha Brāhmaṇa**, XII. 4. 3. 10.


57. **Vājasaneyi Samhitā**, XVI. 20-21; **Taittiriya Samhitā**, IV. 5. 4. 1.

58. **Rgveda**, II. 23. 16; 28. 10; 42. 3; VI. 28. 7; **Atharvaveda**, IV. 3. 4-5; VIII. 4. 10; **Vājasaneyi Samhitā**, XI. 77.


64. R.C. Hazra, *op.cit.*, p. 104.
65. Ibid., p. 105.
66. Sayana on the *Rgveda*, I. 134. 5.
74. Sayana on the *Taittirīya Samhitā*, IV. 1. 10. 2; 5. 3. 1 and Mahidhara on the *Vajasaneyī Samhitā*, XI. 77-79; Hazra, *loc.cit.*
77. *loc.cit.*
78. *Rgveda*, VI. 12. 5.
80. *loc.cit.*
83. Ibid., IX. 108. 4-6; X. 108. 1.
84. *Rgveda*, I. 11. 5.
87. Ibid., p. 133.
88. *Rgveda*, I. 103. 6; *Atharvaveda*, XII. 1. 32.
89. Atharvaveda, XIV. 2. 11.
91. Hazra, op.cit., p.103.
92. Vajasaneyi Samhita, XI. 79.
93. Ibid., XI. 78; Hazra, loc.cit.
94. Sāyana on the Taittirīya Samhitā, IV. 1. 10. 2; Hazra, op.cit.,
95. Hazra, op.cit., p.105.
98. Ibid., p.318.
99. Sāyana on the Rgveda, I. 42. 2, etc.; Hazra, op.cit., p.104.
100. Nighantu, III. 24.
101. Sāyana on the Rgveda, IV. 41. 4; Hazra, loc.cit.
102. Sāyana on the Rgveda, VI. 51. 6.
103. Ibid., VIII. 66. 8.
104. Hazra, op. cit., p.106.
107. Ibid., p.102.
110. Ibid., p.102.
111. Rgveda, VII. 55. 3.
114. Vajasaneyi Samhita, XI. 79.
115. Hazra, loc. cit.
119. Vajasaneyi Samhita, XVI. 27.
120. Aitareya Brāhmaṇa, VII. 18.
121. Loc. cit.
122. Loc. cit.
123. Loc. cit.
124. Loc. cit.
128. Mahābhārata, Vana Parva, XXX. 16; Manu, X. 43-45, etc.
129. Mahābhārata, Śanti Parva, 75. 10; Apastamba Dharma Sūtra, II. 10. 26. 6-8; Yājñavalkya, II. 203, etc.
130. Mahābhārata (Critical ed.), XII. 285. 8; Apastamba Dharma Sūtra, I. 10. 28. 1; Manu, VII. 83.
132. Gautama Samhita, XX.

133. V S. Agrawal, India as Known to Panini, p. 431; Dasakumera-Carita, pub. V. Rameswamy Sastrulu and Sons., p. 119.

'Cerurikagärīkastenedasyutaskaramoṣakaḥ ityemeraḥ.'

134. See Vītramitrodāya on Yajñavalkya, II. 273.


136. Ibid., 915. 13.

137. Kautilya, IV. 10; Abhijñānaśākuntala, Act VI (See M.R. Kali's ed., pp. 153ff.).

138. Vivagasuya, II.


140. Upamitihavesprapacakatha, 405. 10.


143. Kautilya, IV. 10. The burglar was also known as sandhibhettā. Vyāsa quoted by the Sārticendrika, ed. Charpore, II, p. 318.


147. This word also means 'Cattle raid.' Macdonell and Keith, loc.cit.

148. It seems to denote 'theft.' See the Tañtipīya Samhitā, II. 5. 5. 1.

149. It meant 'theft.' See the Atharvaśeda, XI. 8. 20; Panini, V. 1. 125, etc.
150. Prakrt dhadi-. It denotes 'brigand-raid.' See the Mallinatha-carita, VII. 437, etc.

151. It means 'robbery'; Panini, III. 2. 155.

152. Kane, op.cit., p. 521, note 951.

153. Abhijnana Sakuntale, ed. Kale, V. 20 and notes for the word musitaka, see Desakumara carita, pub. Rameswamy, p. 100.
