CHAPTER – III

RĀJADHARMA

1. MEANING OF DHARMA AND RĀJADHARMA

We have already discussed about the term ‘dharma’ to a short extent in the first chapter of this dissertation where it was stated that the exact rendering of the term ‘dharma’ as ‘religion’ in English can not convey the exact connotation of the term. In that context we referred to the views of Dr. S.N. Banerjee as he observes – “While ‘religion’ is, rather a loose English equivalent of ‘dharma’, ‘duty’ fails to convey all the senses in which the word has been used in ancient Indian literature.”\(^1\) John Mckenzie holds view as - “It is a word which is exceedingly difficult to translate, and one of the consequences of this has been that unscholarly and unscrupulous writers have sometimes used misleading English equivalents in their endeavours to establish their own theories... Much confusion might be avoided if it were recognized once for all that the term ‘dharma’ as used at any rate in the dharmasūtras, was applied to a condition of things to which modern terms like religion, virtue and law are strictly speaking inapplicable. ... ‘dharma’ was the term which was applied to the whole complex of forms of conduct that were settled or established.”\(^2\) It is a very difficult task to bring the exact connotation of the term ‘dharma’ to a particular definition. In this context, we would like to refer to Veena Arora who remarks – “Concept of ‘dharma’ has played a vital role in transforming the man of barbarous nature into a full fledged disciplined human being. So much as literature has accumulated around

\(^1\) Dharmasūtras – A Study in their Origin and Development, p. 1.

\(^2\) The Religious Quest of India, pp. 38-39.
The term ‘dharma’ has a very wide meaning in its use in Indian literature. Dictionaries present various meanings of the term such as “Religion, the customary observances of a caste, sect etc., law, usage, practice, custom, ordinance, statute, religious or moral merit, virtue, righteousness, good work, duty, prescribed code of conduct etc.”

The term ‘dharma’ is derived from the root *dhṛ* adding a suffix *man* after it which means to nourish, to uphold, to sustain, to protect and so forth. It simply means that which sustains and protects the creation in a disciplined manner. In other sense, the term ‘dharma’ may mean attributes or characteristic qualities on which the identity of a thing depends. Swami Yuktananda remarks – “When ‘dharma’ is replaced by the word ‘religion’ we miss most of its significance, for ‘dharma’ is concerned with facts. It means the essence of a thing which gives it its identity. Fire has no religion but surely it has ‘dharma’ that is its capacity to burn, to warm and to give light. In the same way man has something very special that makes him unique... ‘Dharma’ is, therefore, the source of his enduring values which never change but which have to be expressed.


5. ‘dhriyate lokah anena; dharati dhārayati vā lokanā; dhriyate lokayātrānirvāhār-thanān yāḥ saḥ dharmah.’ quoted from *Dharmadrumba*, pp. 1-2.

Also, ‘eṣa vai dharmo ya eṣa tapatyeṣa hīdaṁ sarvaṁ dhārayatyetenedaḥ sarvaṁ dṛtaṁ ...tasmādāha dharmāṣi sudharmeti /’ *Sat. Br.* XIV. 2.2.29.
and re-expressed under changing conditions of place and time.\textsuperscript{16}

The term ‘\textit{dharma}’ has been used in various senses in the \textit{R.V.}. P.V. Kane observes – ‘The word \textit{dharma} is used sixty times without a particle, about eighteen times with a particle ‘\textit{vi}’ and about fifty six times with the particle ‘\textit{sva}’ and ‘\textit{satya}’.’\textsuperscript{7}

According to Kane, the word \textit{dharma} in the \textit{R.V.} is used in the following senses. When the word is used in masculine gender, it carries the meaning of upholder or supporter or sustainers (\textit{dhāraka}).\textsuperscript{8} In some cases the word \textit{dharma} is used in neuter sense or in a sense of either masculine or neuter. In other cases the word is used in the sense of religious ordinances or rites such as ‘\textit{agnihotra} etc. for the welfare of the gods and men.’\textsuperscript{9} In some passages, the word is also used in the sense of ‘fixed principles’ or ‘rules of conduct’ which sustain the existence of the creation.\textsuperscript{10} In the \textit{A.V.}, the word \textit{dharma} is used in the sense of merit acquired by performing religious rites.\textsuperscript{11} In the \textit{Ait. Br.}, the word is used in the sense of ‘the whole body of religious duties’.\textsuperscript{12} In the \textit{Tait. Ār.}, it seems, that the word \textit{dharma} is used in the sense of living or vital force

\begin{itemize}
  \item \textsuperscript{6} \textit{Values and Ourselves}, pp. 119-120.
  \item \textsuperscript{8} Sāyāna on \textit{R.V.} I. 187.1; X. 92.2.
  \item \textsuperscript{9} \textit{Ibid.} I. 22.18; V. 26.6; IX. 64.1.
  \item \textsuperscript{10} \textit{Ibid.} I. 164.43, 50; X. 90.16; \textit{R.V.} IV. 53.3; VI. 70.1.
  \item \textsuperscript{11} Sāyāna on \textit{A.V.} VI. 51.3; VII. 27.5.
  \item \textsuperscript{12} ‘\textit{dharmasya goptā jānīti tamabhyutkṛṣṭam prajāpatirbhripekṣyannetayā ... etc. ‘

\textit{Ait. Br.} VIII. 12.
which is the foundation of the cosmic order which pervades everything.\textsuperscript{13}

In the \textit{Tait. Up.} the term seems to be used in the sense of right, duty, discipline etc. which should be followed by one in his day to day life. This idea of \textit{dharma} is highlighted in this \textit{Upanisad} in the convocation ceremony (\textit{samāvartana}) while the preceptor advices his disciples to obey and follow some moral and religious duties in their day to day life.\textsuperscript{14} In the \textit{Chān. Up.} we have a passage where the word \textit{dharma} is used in the sense of certain duties belonging to different stages of life (\textit{āśramas}). Here, in the first sense of the concerned passage, the word indicates the duties of a householder viz. study, charity etc.; in the second sense, it indicates the duties of a hermit viz. austerities, and in the third sense it indicates the duties of a celibate (\textit{brahmacārī}) staying in the house of his preceptor.\textsuperscript{15} In the \textit{Br. Up.}, the word \textit{dharma} and \textit{satya} are used as equivalent to each other. Terming \textit{dharma} as \textit{satya} in the concerned passage of the \textit{Upanisad} it is upheld that it is righteousness or \textit{dharma} which rules even a \textit{kṣatriya}. Through the power of \textit{dharma} or righteousness even the weak rules over stronger.\textsuperscript{16}

In the \textit{Mbh.} which is also termed as \textit{dharmaśāstra}, \textit{arthaśāstra} and

\textsuperscript{13} ‘dharmaṁ viśvasya jagataḥ pratiṣṭhāṁ loke dharmanisṛṣṭhaṁ prajāṁ upasarpanti dharmena pāpmuṣpadanti dharme sarvaṁ pratiṣṭhitam ... etc.’ \textit{Tait. Ār.} X. 63.

Also, ‘dharmena sarvamidaṁ parigṛhitam/’ \textit{Ibid.} I. 78.

\textsuperscript{14} ‘satyaṁ vada/ dharmaṁ cara/ svādhhyāyinṁ pramadaḥ ...evaṁ caitadupāṣyaṁ/’ \textit{Tait. Up.} I. 11.1

\textsuperscript{15} ‘trayo dharmaskandhāḥ yajño’dhayayanāṁ dānamiti prathamastapa eveti ...sarva ete puyalokā bhavanti brahmasastho’nṛtavatameti/’ \textit{Chān. Up.} II. 23.1.

\textsuperscript{16} ‘sa naiva vyabhavat .... tadatet kṣatrasya kṣatram ... atho avalīyāṁ valīyāṁ śamāśaṁsaṁtate ...yo vai dharmaḥ satyaṁ vai tat/’ \textit{Br. Up.} I. 4.14.
the word *dharma* is used very frequently in various senses. In the *Adi.* of the Epic, the word is used in the sense of deity. In some other references of the Epic, the word carries the exact rendering of the root *dhr* (to protect, to uphold etc.) which protects the subjects and on which the welfare of the creatures depends. In another reference of the Epic, *dharma* is said to be those which are approved by the *vedas.* In the *SBG.*, which is a part of the *Bhāṣya* of the *Mbh.*, the word is used in the sense of duty of respective castes (*varṇas*).

In the *PMS.* of Jaimini, the word is used to mean such rites which are conducive to the highest good and enjoined and inspired by Vedic injunctions or passages. Jaimini's definition seems to carry the most intelligible account of the derivative sense of the term *dharma.* According to the definition of Jaimini, *dharma* consists in beneficial directions which are manifold. *Dharma* directs one as an individual as well as a member of the society in both matters of religious and secular. In this definition of Jaimini, both the sources and result of *dharma* are referred to. The *Vaiśeṣikasūtra* defines *dharma* as that form which results prosperity or happiness and final beatitude.

In this definition, both the immediate and ultimate result of *dharma* are referred to.

19. 'dhārāṇāt dharma ityāhūḥ ... iti niścayaḥ /* *Karṇa.* 69.58 ;
   'dhārāṇāḥ dharmaḥ ... dharmepa vidhṛtāḥ praśāḥ /* *Śānti.* 109.11 ;
   Also, 'prabhavārthāya bhūtānaḥ ... dharma iti niścayaḥ /* *Ibid.* 109.10.
22. 'codanālākaṇṭho dharmaḥ /* *PMS.* I.1.2.
23. 'yato'bhuyudayaniḥśreyasasiddhiḥ sa dharmaḥ /* *Vaiśeṣikasūtra.* I.1.2.
The *dharmasūtras* and the *dharmāstras* also define the term *dharma*. The *Āpa.D.S.* defines *dharma* as those actions which are praised by the nobles, and such actions which are not praised by them are called *adharma* or vices.\(^{24}\)

The *M.S.* also holds almost a similar view. At the very outset of the *M.S.*, the sages request Manu to instruct on *dharma* of all *varyas*\(^{25}\) and at the very beginning of the second chapter, a comprehensive definition of *dharma* is put up where Kullūka makes a scholarly commentary thereon.\(^{26}\) Here, in this definition, *dharma* is said to be that which is praised and practised by the nobles from time immemorial, which is free from hatred and partiality and of which heart or conscience is the measure for determining the truth or untruth. In another reference of the *M.S.*, the word is also used in the sense of deity which fulfills desires.\(^{27}\) The *Yāj.*\(^{28}\) also holds almost a similar view on *dharma* as contained in the *M.S.*

We also come across some definitions of *dharma* which are one sided in character emphasising on a particular subject or conduct of human behaviour.

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24. ‘यम्तु अर्याय कृया मानतं प्रसादसंति सा धर्मो यां गर्हते सोःधर्माः’

*Āpa. D.S.* 1.7.20.7.

25. *M.S.* 1.2.

26. ‘विद्वधब्धि स्विलाषसद्भि निर्यातसराग्निब्धि / हिदयेनाभ्यानुज्ञातो यो

dharmastannivodhata /’ *M.S.* II.1.

27. ‘वर्जः हि भगवान धर्मस्तया …ेटाć ‘*Ibid.* VIII. 16 ;

Also, ‘कामान प्रसादां, वर्जःशाब्देन दharma evābhidhīyata iti’ Kullūka on *Ibid.*

Mbh. it is said that non-injury or non-violence is the highest dharma while in another reference of the same Epic it is said that non-cruelty is the foremost of all. We have also found one-sided definition of dharma in the M.S. while it says that acāra (good conduct) is the highest virtue. The Vas.D.S. also maintains a similar view. It is observed that both the M.S. and the Mbh. uphold that dharma, if protected, protects us and destroyed, destroys us.

The word dharma finds a new scope in its interpretation at the hands of the modern scholars. Dr. Sitanath Goswami, after making a proper synthesis of some verses of the Mbh, where the term dharma occurs, comments — "By a synthesis of the aforesaid three ślokas of the Mahābhārata it may be cogently deduced that preservation or protection, prosperity and non-injury (ahiṃsā) taken together constitute dharma."

Regarding the meaning and scope of the term dharma in Indian concept, Dr. R.C. Hazra comments — "The word dharma passed through several transitions of meaning and how ultimately its most prominent significance come to be the

29. 'ahiṃsā paramo dharmah / Anu. 115. 1.
30. 'anṛṣasyām paro dharmah / Vana. 313.76, 119;
   'yah syādahiṃsāsanāprktaḥ sa dharmaḥ iti niścayaḥ / Śānti. 109.12.
33. 'dharma eva hato hanti dharma raktāti raktātaḥ ... etc. ' M.S. VIII.15 ;
   Vana. 313. 128.
privileges, duties and obligations of man, his standard of conduct as a member of one of the castes, as a person in a particular stage of life.”  

Kewal Motwani, while he discusses about the concept of dharma in Manu’s social theory, observes that dharma is a social force which is something inherent in the individuals as well as any other objects through which an individual or an object can be known. Bhagavan Das maintains – “Briefly dharma is characteristic property, scientifically; duty, morally and legally; religion with its proper implications, psycho-physically and spiritually; and righteousness and law generally; but duty above all.”

From the above discussion we have a comprehensive idea about the meaning and application of the term dharma in ancient Indian literature beginning from the R.V. to the dharmaśāstras and the views of some modern scholars thereon. In course of time the word dharma was used to mean different ideas and thinking but it never has lost its basic concept. In ancient Indian literature we never have an experience the use of the term dharma in the sense of ‘pure religion’ in the western sense of the term. In the western sense, the term is used as a belief propounded by a particular religious head while in Indian sense it is a way of life. In this context we would like to refer to a passage of the Aryan Rule in India where it is stated – “In India religion is hardly a dogma, but a working hypothesis of human conduct, adapted to different conditions of life.”

Veena Arora mentions two aspects of the term dharma. According to her opinion


37. ManuDharmaśāstra. pp. 54-55.

38. Laws of Manu, p. 50.

"In external terms, dharma stands for the action which realises his destiny to the full, sustains him in this life and assures his well-being after death. In internal terms dharma signifies the obligation, binding upon every man who desires that his action should bear fruit, to submit himself to the laws which govern the universe and to direct his life in consequence. That obligation constitutes his duty; and that is a further sense of the word."40

In Indian concept, the term dharma is used in a broad sense. It is not an act of mere worship of God or deity rather it teaches practising of a disciplined conduct of human behaviour in society through which every human can achieve his ultimate goal of life. Therefore, it can be termed as a way of life or way of actions of every human existence. The ancient Indian literature particularly the dharmakāstras and the dharmasūtras uphold this concept of dharma. This very real sense of the term dharma can easily be understood from the manifold divisions of dharma laid down in these two branches of ancient literature which are prescribed to be followed by the different vargas of the society and so forth. Our opinion is that dharma may indicate performing of some rituals of religious purpose of a particular sect of religious faith to some extent but in wide sense of the term it indicates 'duty' with righteousness of everybody as a member of the society. While explaining the term 'dharma' occurs in connection with 'rājadharma'41, Medhātithi seems to highlight these very two concepts of dharma.42 In fact, it teaches one to do his duty in life morally, ethically and

41. M.S. VII. 1.
42. 'dharma'abdaḥ kartavyatāvacana ityuktam / ... kartavyam ca dṛṣṭārthe śādguṇyādi / adṛṣṭārtham agnihotradi /' Medhātithi on Ibid.
righteously. It is an eternal force which directs one to follow righteous path with punctuality, and therefore, one should not abandon it at the cost of any return or worldly benefit which is beautifully depicted in the *Mbh.*\(^{43}\)

Now, we turn to the point on the sources and proof of *dharma* and its different folds. It is well established in Indian tradition that the *vedas* are the main source and proof for *dharma*. The *dharmasāstras* and the *dharmasūtras* hold various views on the sources of *dharma* which are almost similar in essence.

The *Gau.D.S.* accepts the *vedas*, the tradition and the practices of those who know the *vedas* – as the sources of *dharma*.\(^{44}\) The *Āpa.D.S.* maintains that the consensus and practices of those who know *dharma* and the *vedas* is the authority for *dharma*.\(^{45}\)

According to the *M.S.*, the whole *vedas*, tradition, the practice of those who know the *vedas*, the conducts of the virtuous men and self satisfaction- these are the four sources of *dharma*.\(^{46}\) The *Yāj* also maintains a similar view.\(^{47}\)

In the *Mbh.*, we have two verses which enumerate the sources of *dharma*. In one of these two verses the sources of *dharma* are mentioned as three viz. the *vedas*, the

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43. ‘urdhabāhurviraumyeṣa na ca kaścicchṝṇoti me / ... na jātu kāmāṇṇa

bhayānṇalobhād dharmān tyajejjīvītasyāpi hetōḥ ... etc. ’ *Svarga.* 5. 62-63.
45. ‘athātassamayācārikān dharmān vāyākhyātasyāmaḥ / dharmaṇām samayaḥ pramāṇāni / 

vedaśca ’ *Āpa. D.S.* I. 1.1.1-3.
46. *M.S.* II. 6, 12.
47. *Yāj* . I.7.
dharmaśāstras and the good conduct of virtuous men, while in another reference it is stated as four adding one more viz. artha.48

From the ongoing discussion it can be concluded that the main sources of dharma are the vedas, the smṛtis and the tradition or custom. Though the vedas are accepted as one of the principal sources of dharma which contain various elements on dharma, yet it is difficult to find out any positive precepts or vidhis in matters of dharma there in the vedas in an organised manner. P.V. Kane remarks - "The vedas do not contain positive precepts (vidhis) on matters of dharma in a connected form; but they contain incidental references to various topics that fall under the domain of dharmaśāstras as conceived in later times."49 There are a large number of Vedic hymns and passages which are mainly dealt with in the later dharmaśāstras like the rules of marriage, partition and inheritance, funeral rites and so forth. In this context a detail discussion of those elements will be voluminous one. We are presenting here only some references from those passages.

In the Yaj. 50 and in the M.S. 51, we find two verses which are suggestive of not to marry a brotherless maiden out of apprehension for making her an appointed daughter at the time of her marriage by her father, which seems to owe the origin from

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48. ‘vedokta paramo dharmo ...trividhaṁ dharmalakṣaṇaḥ’ Vana. 207.82 ½ ;

And, ‘sadācāraḥ smṛtiveda... etc.’ Śānti. 259.3.


50. ‘āroginīṁ bhrāṁmatīṁ ...ūrdhnaṁ mātṛtaḥ pīṭṭastathāḥ’ Yaj. I.53.

51. ‘yasyāṁstu na bhavedbhrāṛa... nopayaccheta ...etc.’ M.S. III. 11.
Vedic literature. The brāhma form of marriage is also indicated in the R.V. which is found in the dharmaśāstra and dharmasūtra literature of later period. The idea of adoption of a son in dharmaśāstra treatises seems to owe its origin in the Vedic literature. In the Ait. Br. we have the story of Sunahsepa, the middle son of Ajigatra, who was adopted by Viśvāmitra.

The theory of partition and inheritance in the later dharmaśāstra literature also seem to find its origin in the Vedic literature. Similarly, the rules for funeral rites, conception, the exclusion of women from the property right and so many rules contained in the dharmaśāstra and dharmasūtras owe its origin in the Vedic literature. Therefore, accepting of the Vedas as the principal source of dharma by the above two treatises of ancient Indian jurisprudence as well as some other treatises is quite justified.

The above two treatises mention manifold divisions of dharma for the different varṇas of the society according to the different stages of life (āśramas). Of course, regarding the number of divisions of dharma, treatises of ancient Indian jurisprudence

52. Sāyana on R.V. I. 124.7; III.31.1; IV. 5.5; Nir. Naighaṇṭu. III. 4-5.
53. R.V. X. 85.36.
54. M.S. III.27.
55. Āpa. D.S. II.5.11.17.
58. R.V. X. 14-16, 18.
59. Ibid. X. 184.
60. 'tasmāt striyo nirindriyā adāyādi rapi pāpāt puṁsa upastitaraṁ vadanti.'

Tait. Saṁ. VI. 5.8.2.
differ themselves. Here, we would like to mention only the views of Manu and Yājñavalkya. The Mitākṣarā on Yaj. 

61. mentions a six-fold divisions of dharma while Manu makes a division of five-fold viz. varṇadharmā, āśramadharmā, varṇāśramadharmā, naimittikadharmā and guṇadharmā.62 Out of five divisions of dharma, the last one viz. the guṇadharmā consists of rājadharma (i.e. the duties of a king).

Rājadharma is a component word which indicates 'the duties of a king' such as protection of the subjects which should be followed by a king.64 Therefore, the term 'rājadharma' indicates primarily those dharma (duties) of a king which contribute to the all round development of the kingdom. "The duties of a king (rājadharma) form a legitimate part of the dharmaśastras, as the king is the second of the four varṇas, and as on his rule and administration the carrying on of the world depends."65 It is rājadharma only through which a king or a ruler gets a chance to concretize his ideology and thereby exercising it he can elevate his kingdom to a state of the golden age or a state of misery. In this sense the advancement of a state or kingdom purely

61. ‘atra ca dharmaśabdah śadvidhāsmārtadharmāviṣayaḥ...etc.’ Mitākṣarā on Yaj. 1, 1.
62. ‘varṇadharmāśabdahaśca varṇāśramadharmah varṇāśramadharmah guṇadharmahmanaimittikadharmānupalakṣakah/’ Kullūka on M.S. II. 25.
63. ‘yo guṇena pravartate guṇadharmaḥ sa ucyate/ yathā mūrdhābhīṣiktasya prajānāṁ paripālanah/’ Bh.P. as quoted by Kullūka on Ibid.
depends on rājadharma and, therefore, a king or a ruler is said to be the promoter of his age which is beautifully depicted in the S.N.\textsuperscript{66} and also in the Mbh.\textsuperscript{67}

K.V. Rangaswami Aiyangar comments – “Among personal and functional obligations, those which lay upon the head of society (i.e. rāja) hinged round his duty to maintain each person in his duty or dharma. The king’s dharma, rājadharma, was thus the sum of the knowledge of all particular duties i.e. the whole dharma, dharmaśāstra.”\textsuperscript{68} Rājadharma, in short, means the contrivances for the protection of the kingdom that are to be taken by a king according to the rules laid down in Śāstras and the rules relating to the administration of justice (i.e. vyavahāra contents of dharmaśāstras).\textsuperscript{69} In the context of rājadharma, the M.S. says that it (i.e. rājadharma) means the rules of conduct which should be followed by a king, and the means by which he shall achieve the highest success.\textsuperscript{70} Here, in this context, the word dharma, according to Medhātithi, as it has already been stated earlier in this chapter,\textsuperscript{71} means the duties of a king which are of two-fold. These are drṣṭārtha (the effects of which are visible) and adṛṣṭārta (the effects of which are not visible). Drṣṭārtha comprises such six political expedients and some other means which are described in the seventh chapter of the M.S.\textsuperscript{72} Adṛṣṭārta comprises some rituals such as agniḥotra and

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  \item \textsuperscript{66} ‘kālasya kāraṇaṁ rājā sadasatkarmaṇaṁstataḥ … etc.’ S.N. I.60.
  \item \textsuperscript{67} ‘kālo vā kāraṇaṁ rājōrājā vā kāla-kāraṇaṁ … etc.’ Sūnti. 69.79;\textsuperscript{Udyog.} 132.16.
  \item \textsuperscript{68} Rājadharma, Preface, p. XV.
  \item \textsuperscript{69} M.S. VII. 1.
  \item \textsuperscript{70} On M.S. VII. 1 as stated in F.N. 42 above.
  \item \textsuperscript{71} M.S. VII. 160-180.
\end{itemize}
others. According to Medhatithi, the word rājadharma includes the duties of a king on drśtartha matters only.\textsuperscript{72}

The Śānti of the Mbh. says a lot in praise of rājadharma. The welfare of the whole creatures depends on rājadharma. The stability of the kingdom and its all round development depends on it. It is rājadharma which is the root of all dharmas. In reply to a question of Yuddhishthira, Bhīṣma says that it is rājadharma which is the foremost of all dharmas through which all the varṇas are protected and which is the accumulated form of all sacrifices and, in short, all dharmas are merged there in rājadharma.\textsuperscript{73}

2. THE ORIGIN AND NECESSITY OF A KING IN THE SOCIETY

At the very beginning of this topic, we would like to refer to a passage of the Śānti of the Mbh. which states us on the origin and necessity of a king in human society. Here, in this passage, Bhīṣma, in reply to a question of Yudhishthira, states that in satya-yuga (i.e. in the golden age) there was neither a state nor a king. No punishment was required to implement or to inflict during that age. Dharmas (i.e. the sense of duty and righteousness) prevailed in the society and it was the guiding force of that age. Each of the members of the society protected one another by dharma of his own.\textsuperscript{74} But, gradually there was a moral decay or degradation of dharma among the people. They were reluctant to the protection of each other and were infatuated by

\textsuperscript{72} 'tatreha prādhānyena drśtarthaḥ upadisyate / tatraiva ca rājadharmaprasiddhiḥ /

Medhatithi on M.S. VII. 1.

\textsuperscript{73} Śānti. 63. 25, 27 & 29.

\textsuperscript{74} 'na vai rājyaṁ na rājaśīna ca daṇḍo na daṇḍikaḥ / dharmeṇaiva prājah sarvā rakṣanti sma parasparam //' \textit{Ibid.} 59. 14.
greed, desire, deception and by other bad conducts.\textsuperscript{75} There was an erosion in morality, the strong tormented the weaker section of the society and the state of the maxim of mātasyaṅgīya (i.e. big fish devours the small fish in water) really prevailed in the society and mankind actually suffered from some vices.\textsuperscript{76} Then the society felt the necessity of re-establishing the lost path of virtue. They assembled themselves, decided to eliminate the outrageous people from the society.\textsuperscript{77} As time passed, the reign of vices again prevailed in the society. They felt that they had to suffer such a condition due to not having a king among them. The subjects moved Brahmā with a request to have a king for them. Brahmā then asked Manu to become their king but Manu expressed his hesitation to do so because the subjects are very sinful by nature.\textsuperscript{78} Manu, of course, agreed to become a king as the subjects ensured him to co-operate from every corner.\textsuperscript{79}

From this episode of the \textit{Mbh.} it can be assumed that kingship originated from a contract to establish the path of virtue by yielding punishment to the mischievous subjects. There are a large number of passages in the \textit{Mbh.} which depict the picture of the state of the maxim of mātasyaṅgīya and uphold the necessity of a king in society.\textsuperscript{80} Referring to a passage of the \textit{Mbh.}\textsuperscript{81} P.V.Kane remarks — "The institution of family and

\textsuperscript{75} \textit{Ibid.} 59. 15-17
\textsuperscript{76} 'parasparam bhaksayanto matsuḥ iva jale kṛṣṇā /' \textit{Ibid.} 67.17.
\textsuperscript{77} \textit{Ibid.} 67.18-19.
\textsuperscript{78} \textit{Ibid.} 67. 20-22.
\textsuperscript{79} \textit{Ibid.} 67. 23-30.
\textsuperscript{80} \textit{Ibid.} 15.30; 67. 17.
\textsuperscript{81} 'rajanāṁ prathamabhāvendatato bhāryāṃ tato dhanāṁ / rajānyasati lokasya kuto bhāryāḥ kuto dhanāṁ /' \textit{Ibid.} 57. 41.
private property and the protection of the weak are bound up with the existence of ruler.”

The state of the maityanyāya indicates a situation devoid of law and justice, a state of terror and anarchy in society. To avoid this type of situation, a powerful authority or a common master is necessary to restrain the unlawful greeds of the powerful section of the society. This powerful authority or master is termed as a ruler or a king.

The idea of origin and necessity of a king is inseparably connected with the origin and evolution of state. Its origin may be traced back to the Vedic period. In fact, both the ideas of origin of the state and the king are some kind of gradual development or evolution.

The Vedic literature contains a large number of references regarding the origin and necessity of a king as well as the state. Referring to two passages of the R.V. 83, H.P. Chakraborty holds - “The Vedic tribes were still nomadic moving from one place to another and the pressure of the constant conflict had led to the inter mixture and amalgamation of the old tribal organisations. Thus, the pressing military necessity found the people to seek one amongst them as their chief whom they called rājan.”

Putting into the views of K.P. Jayaswal, Chakraborty also comments- “The Vedic theory upheld that kingship originated under the stress of war, that the idea of kingship was borrowed by the Aryans from the Dravidians and that it was a contractual theory,

83. ‘tvām tāṁ indrobhāyaṁ amitrāṁ āsā vaṁśāṁ yāastrāṁ ca sūre / R.V. VI. 33.3;
   ‘na hi sastava no mama āstre anyasya rāṇyati/ yo asmān viṁa ānayat /’
   Ibid. VIII. 33.16.
which, while being monarchical, adopted the republican theory of contract.\textsuperscript{85}

We find the references of two political organizations in the Vedic period namely \textit{sabha} and \textit{samiti}.\textsuperscript{86} The word \textit{sabha} is used sixteen times in the \textit{A.V.}\textsuperscript{87} Sayana explains that the term \textit{sabha} indicates the assembly of learned persons and \textit{samiti} denotes an assembly ready for advancing a war.\textsuperscript{88} Of course, according to Sayana, Yaska wants to mean a sacrifice by the word \textit{samiti}.\textsuperscript{89} These two organisations were the administrative bodies in the early Vedic period. "The importance of the king started to grow along with the importance of \textit{sabha} and \textit{samiti}.\textsuperscript{90} But, regarding the actual functions and operations of these two bodies, different opinions are found. Charles Drekmeier observes - "We know very little about the actual functions and operation of the \textit{sabha} and \textit{samiti}. In Zimmer's analysis, the \textit{sabha} was the assembly of the village, serving both political and social functions, and \textit{samiti} was the chief assembly that met in the capital and acted on matters of interest to the whole state."\textsuperscript{91} Regarding the

\begin{itemize}
\item \textsuperscript{85} \textit{Ibid.} p.101.
\item \textsuperscript{86} \textit{sa viso'nuvyacalat / tam sabh\=am ca samiti\=sa sura c\=anuvyacalan / sabh\=ayam vai samites\=ca sen\=yas\=ca priyam dharmam bhavati ya evam veda. /} \textit{A.V. XV. 9. 1-3; }
\textit{Also, \textit{Ibid. VII. 13.1; XII. 1.56.}
\item \textsuperscript{87} \textit{Atharvavede Bharatiya Sanskriti}, p. 69.
\item \textsuperscript{88} \textit{sa bh\=am vidu\=si\=m sam\=ja\=h / samiti\=h sam\=vyanti sa\=ngacchante yuddha\=ya atreti samiti\=h sa\=ng\=\texttilde{}m\=\texttilde{}h / sa\=ng\=\texttilde{}m\=\texttilde{}na\=janasabh\=et\=yarth\=a\=h /} Sayana on \textit{A.V. VII. 13.1}.
\item \textsuperscript{89} \textit{yadv\=a sa\=ng\=\texttilde{}m\=\texttilde{}n\=\texttilde{}m\=\texttilde{}\=n\=\texttilde{}i ya\=ji\=n\=\texttilde{}\=m\=\texttilde{}m\=\texttilde{}i bhavantu\=i y\=\texttilde{}s\=\texttilde{}k\=e\=n\=\texttilde{}\=n\=\texttilde{}t\=a\=t\=v\=a\=t samiti\=s\=\texttilde{}\=b\=d\=e\=n\=a ya\=ji\=\texttilde{}na u\=c\=y\=a\=t\=e /} Sayana on \textit{Ibid.}
\item \textsuperscript{90} \textit{Nation and Nationalism in Vedic Literature}, p. 37.
\item \textsuperscript{91} \textit{Kingship and Community in Early India}, p. 23. ff.
\end{itemize}
nature of the sabhā, Drekmeier, in another place of his treatise, comments — "In Held’s opinion, the sabhā was originally a secret society or ‘club’ that belonged exclusively to the kṣatriyas."\(^92\)

U.N. Ghosal, while observing the obscurity of the texts and their inconclusive interpretations by different scholars with respect to the constitution and functions of these two bodies, holds — “The samiti was the Vedic folk assembly par excellence, which at least in some cases enjoyed the right of electing the king, while the sabhā exercised, probably from the first, some judicial functions. Both the samiti and sabhā enjoyed the right of debate — a privilege unknown to the popular assemblies of other ancient peoples."\(^93\) He also remarks that samiti disappeared as a popular assembly while sabhā was reduced to the position of king’s Privy Council in later Vedic period.\(^94\)

The R.V. also contains some references from which we come to know that the king was selected by vis\(^9\) (i.e. subjects or people).\(^95\) One of these passages of the R.V., the seer Dhruva informs that a king was selected by vis\(^9\). Writers like K.P. Jayaswal treats this hymn of the R.V. as an election hymn.\(^97\) But, P.V. Kane remarks — "This

95. *R.V.* X. 124.8; X. 173.1.
97. *H.D.S.* Vol. III. p. 28;

*Vedic India – Political and Legal Institutions in Vedic Literature,* p. 102.
is not an election to king but merely a benediction to an already elected king.\textsuperscript{98} The \textit{R.V.} contains another reference which says that a mighty person who destroyed the enemies would get the kingship.\textsuperscript{99} The \textit{A.V.} also contains some references regarding the election of a king.\textsuperscript{100} The same \textit{Veda} also contains the word \textit{rājakṛt} which means a group of men comprising of \textit{sūta} (court minstrel), \textit{grāmāṇi} (village headman) etc. who chose a king.\textsuperscript{101} We have some references in the \textit{A.V.} from which it is evident that the sage priest was the king maker.\textsuperscript{102} P.B. Gajendragadkar remarks in this context thus – “It was he (the sage priest) who suggested the name of a successor to the king probably in consultation with the other members of the royal clan and court, and his nominee presented himself or was invited for election by the people as their king.”\textsuperscript{103} A similar view is also held by H.P. Chakrabarti as he comments – “It is more likely that the king was chosen by the people in the early Vedic age but in the later Vedic age when the states grew larger and government more organised, the king was first chosen by these \textit{rājakṛts} (king-makers) and then accepted by the people.”\textsuperscript{104}

The \textit{Ait. Br.} contains a passage which narrates the origin and necessity of a king in the society. The passage refers to a condition of society where the \textit{devas} had not a king, and the military necessity of electing a king. It is stated there that once the

\begin{footnotesize}
\begin{enumerate}
\item \textit{H.D.S.} Vol. III. pp. 28-29.
\item \textit{R.V.} X. 174.5.
\item ‘\textit{tvāṁ viśo bṛhatāṁ rājanya tvāṁimāḥ ...etc.’} \textit{A.V.} III. 4.2.
\item ‘\textit{ye rāja no rājakṛtaḥ sūtā grāmāṇyaścā ye ... etc.’} \textit{Ibid.} III. 5.7.
\item \textit{Ibid.} IV. 22. 3, 5.
\item \textit{Vedic India – Political and Legal Institutions in Vedic Literature.} p. 111.
\end{enumerate}
\end{footnotesize}
devas were fighting with the asuras. But, the devas had to face a repeated defeat at the hands of the asuras. The devas thought that the reason of their defeat was due to not having a king of their own and the asuras had a king. Therefore, they resolved to elect a king unanimously. Ultimately they elected Soma as their king and conquered all the directions after defeating the asuras.  

The Sat Br. contains a passage where the condition of a society in distress without a protector (i.e. the condition of mātsyanyāya) is narrated. The passage says – “Whenever there is draught, then the stranger seizes upon the weaker, for the waters are the law.” Dr. P.V. Kane, in this context, remarks that the above passage appears to mean that when there is no rain, the reign of law comes to an end and mātsyanyāya begins to operate.” Referring to this very passage of the Sat Br., H.P. Chakraborti comments – “The primary need of the state is protection of the weaker section of the society from the oppression of the strong.” As the state is an inactive or inanimate body without a ruler or a king, therefore, this passage seems to carry the idea of a king or a ruler for protecting the weaker section from the state of mātsyanyāya.

The two great Epics of India also contain references of the maxim of mātsyanyāya and the necessity of a king in a society or in a state to avoid such condition. We have already referred to the contexts of the Mbh. at the very beginning.

105. ‘te devā abrurvannarājatayā vai ... te somaṁ rājānamakurvan’

Ait Br. I. 14.

106. Sat Br. XI. 1.6.24


The *Rām.* also contains such a passage where the maxim of *mātsyanyāya* is mentioned and advocates the necessity of a king.\(^{110}\)

The *S.N.* also emphasises on the necessity of a king in the state. It says that the subjects never go with the path of righteousness without a king.\(^{111}\) Kautilya’s view in this respect is that in absence of the wielder of punishment, the strong devours (i.e. trespasses the interest of) the weaker section and *mātsyanyāya* prevails in the state.\(^{112}\)

It also states that having been overwhelmed by the operation of *mātsyanyāya*, people made Manu Vaivasvata as their king.\(^{113}\)

In the *M.S.* also we have the idea of this maxim and the origin and necessity of a king. According to Manu, there is a necessity of a king to protect all creatures and human beings from all kinds of terror and anarchy and hence the Lord created the king taking some eternal essence from eight deities.\(^{114}\) Such qualities of a king selected by people are also depicted in the *R.V.* where it is stated that a king should possess the qualities of Agni, Candra, Varuṇa, Brhaspati, Lakṣmī, Indra, Vāyu and Yama.\(^{115}\) Manu attributes divinity on the king. It is also evident while Manu says that a king is the great divinity manifested in the form of a man and, therefore, he should not be belittled even if he be an infant one.\(^{116}\)

\(^{110}\) *‘matsyā iva janā nityam bhakṣayanti parasparam’* *Rām.* II. 67.31.

\(^{111}\) *‘na tiṣṭhanti svasvadharme vinā pālena vai rājā’* *S.N.* I. 66.

\(^{112}\) *(dandaḥ)* aprānto hi mātsyanyāyamudbhābāyati / *Artha.* 1.4.1.13.


\(^{114}\) *M.S.* VII. 3-4.

\(^{115}\) *R.V.* X. 167.3.

\(^{116}\) *‘mahatā devatā hyeṣa nararūpeṇa tiṣṭhati’* *M.S.* VII.8.
From the above discussion we observe that there are certain reasons behind the idea of origin and necessity of a king and a state in human society. These are –

(i) To prevent the maxim of māsyanyāya (i.e. a state of terror and anarchy) and to protect the weaker section from the clutches of the strong.

(ii) To meet the military exigency at the time of war

(iii) To keep the people in the path of dharma (i.e. the path of righteousness) so that none swerves from the path of one’s own dharma out of fear of punishment.

3. DUTIES AND OBLIGATION OF A KING TOWARDS THE SUBJECTS

The primary duty of a king is to protect his subjects and the kingdom. Dr. P.V. Kane, while refers to some ancient Indian texts, remarks — “In ancient times it was held to be the king’s duty to protect the kingdom and the people, to see that the rules of varṇas and āś्वānas were carried out by them, to make them conform to the dictates of śāstra if they swerved from them, to punish the wicked and to dispense justice.”

The Sanskrit equivalent for the word ‘king’ is rajan. The derivative meaning of the term rajan clearly indicates the basic duties of a king. Basically the word is found derived from two Sanskrit roots viz. from the root rāḥ (i.e. to please) and also from the root rāj (i.e. to shine) in some cases. In the Nir., the term rajan is found derived from the root rāj. Thereby the word means one who shines by his glory. In the Śānti. of the Mbh., Bhīṣma, in reply to a question of Yudhiṣṭhira, says that a king is termed so as he pleases his subjects by establishing the path of dharma


118. ‘rājā rājate’ Nir. (A.S.G.)ll. 3.2.
(i.e. righteousness). In another context of the great Epic, Bhīṣma says that a rājā, with a view to pleasing his subjects, should pay the dues to the gods and the brāhmanas. We have also reference of Prthu in the Epic. Here, we find that seeing Prthu, the subjects exclaimed as “we love him” and it was on account of his loving attachment towards his subjects that he was termed as rājā. Here, in these contexts of the Epic, the word is derived from the root rāj meaning to please. The Epic further says that he is an ideal king who is praised by the subjects even after his death. A king should please his subjects without violating the path of righteousness and should think of the subjects as ‘they are mine’. Such a king stands firm like a mountain.

The Brhaspati. says that he is a rājā who pleases his subjects by means of his strength with four military forces (balas) and who is enlightened with his bodily brightness. Here, it appears that the word is derived both from the roots rāj and ranj. The M.S. says that by inflicting punishment with due deliberation, a rājā pleases his subjects. Here, Manu uses the word in the sense of ranj (i.e. to please).

119. ‘raṇjitāśca prajā śarvāstena rājeti sābdyate’ Śānti. 59. 125.
120. ‘lokarājanamevātra rājsthī dharmah’ Ibid. 57.11.
121. Ibid. 56. 12.
122. Ibid. 29. 139.
123. Ibid. 25.36.
124. dharmānāmavirodhena sarveṣāṁ priyamānacharet / mamāyamiti rājā yah sa parvata ivācalaḥ // Ibid. 120.25.
125. ‘balena caturāṅgena yato rājāyate prajāḥ / dīpyamānah svavapūṣa tena rājā ’bhidhīyate ’// Brhaspati, Vyavahārakāṇḍa. I. 66.
127. ‘samīkṣya sa dīrgha samyak sarvā rājāyati prajāḥ ’ M.S. VII. 19.
Kalidāsa, in his Raghu., describes Raghu as a king who performed his duties in a right way by his prowess as the sun and the moon do by their respective powers. Thereby, he became a king in the real sense of the term (i.e. according to the derivative meaning of the word rājā) by pleasing his subjects.\(^{128}\) Here, the word is derived from the root rāj (i.e. to shine) with a secondary suffix kanin after it. But, according to Mallinātha, it should have been derived from the root rāṇ (i.e. to please) according to the implied meaning of the context. According to him it happens so because of on the strength of the maxim that one root may have many meanings.\(^{129}\)

K.V. Rangaswami Aiyangar remarks “As a practical-minded thinker Manu is satisfied with supporting the necessity for a common executive authority (i.e. a king) and with basing it on morality and the common good.”\(^{130}\) This exposition of Aiyangar clearly shows that a king should have some duties and moral obligations towards the subjects. A king is invested with the power of punishment by the Lord\(^{131}\), and therefore, he should have some responsibilities also as power without responsibilities may create a state of disorder.

The pleasure or delight of the subjects depends upon protection. Therefore, protection of the subjects is said to be the highest duty of a king. Manu says that a king is created for the protection of the rules of the varṇas and āśramas.\(^{132}\) Gau-D.S. also

\(^{128}\) ‘...tathaiva so’bhūdanvartho rājā prakṛtirajjanāt /’ Raghu. IV 12.
\(^{129}\) ‘yadyapi rājasabdō rājaterdiptyarthāt kaninpratyeyānyo na tu rāṇiṣṭathāpi dhāntunāmanekārthatvādṛāṇiṛjanādṛājeyuktaṁ kavinā /’ Mallinātha on Ibid.
\(^{130}\) Aspects of the Social and Political System of Manusmṛti, p. 174.
\(^{131}\) M.S. VII. 3, 14.
\(^{132}\) ‘varṇānāṁśrāmānāṁ ca rājā srstō bhiraksita /’ M.S. VII. 35.
holds a similar view.\textsuperscript{133}

The idea of protection of the subjects and the kingdom goes together with the idea of punishment. Both the ideas are co-related. In fact, it is \textit{danda} or punishment through which the king controls and protects his subjects and, therefore \textit{danda} is called \textit{dharma} by the wise.\textsuperscript{134} By inflicting punishment with due consideration a king protects his subjects and the kingdom, and thereby he pleases his subjects. Manu mentions various methods of punishment that a king should follow to control the wicked which are laid down according to the nature of crime.\textsuperscript{135} While holding punishment, a king should not inflict it wantonly according to his fancy or will infatuated by love of power, arrogance, hatred and conceit. Otherwise he shall be destroyed himself by the self inflicting punishment.\textsuperscript{136} The fact behind this idea is that punishment inflicted duly pleases the subjects and if inflicted unduly it will create dissatisfaction and wrath among the subjects. Manu, therefore, says that punishment justly inflicted with due deliberation pleases all the subjects and inflicted unjustly destroys all.\textsuperscript{137} Manu says that protection of the subjects is the highest good or \textit{dharma}

\textsuperscript{133} 'वर्णनास्त्रामान्स्य न्यायो’भिरक्षेत' \textit{Gau.D.S.} II. 2.8.

\textsuperscript{134} \textit{M.S.} VII. 18.

\textsuperscript{135} \textit{Ibid.} VIII. 310.

\textsuperscript{136} \textit{Ibid.} VII. 27.

\textsuperscript{137} \textit{Ibid.} VII. 19.
of a king.\textsuperscript{138} The \textit{Sānti.} of the \textit{Mbh.} also maintains a similar view.\textsuperscript{139} In fact, the whole \textsuperscript{71} chapter of the \textit{Sānti.} of the \textit{Mbh.} deals with the topic on protection of the subjects by a king in righteous way. Manu says that a king who does not protect his subjects properly is, in fact, a dead in living.\textsuperscript{140}

A king should engage each of his subjects in his own \textit{dharma} or duty, otherwise conflict of duties or the lack of work culture will prevail in the society and it will certainly impede the process of progress and protection. K.V. Rangaswami Aiyangar comments — "One of the king’s duties, and the most important, is to see that every one does his or her duty, whatever it might be. Protection is complete only when every one is made to keep within his limits, and perform his duties."

\textit{Danda} (punishment) is the way to keep engage the subjects in their respective duties. But, the best way is to create a friendly environment in the kingdom so that the subjects feel themselves spontaneously ‘this is our kingdom, this king is ours’. This feeling among the subjects leads them spontaneously to do their respective duties without any direction or fear of punishment by any authority. This will yield the best result. Therefore, a king should behave himself towards the subjects like a father to his son.\textsuperscript{142} It is stated in the \textit{Mbh.} that he is the best of all kings in whose protection every subjects moves with no fear or hesitation like a son in his father’s

\begin{itemize}
\item \textsuperscript{138.} \textit{Ibid.} VII. 144.
\item \textsuperscript{139.} \textquote{eṣa eva paro dharino yad rājā rakṣati prajāḥ / bhūtanāṁ hi yathā dharmano rakṣaṇāṁ paramā dayā /} \textit{Sānti.} 71.26; \\
\quad Also, \textit{Ibid.} 120.3
\item \textsuperscript{140.} \textit{M.S.} VII.143.
\item \textsuperscript{141.} \textit{Aspects of the Social and Political System of Manusmṛti.} p. 168.
\item \textsuperscript{142.} \textquote{... loke varteta pitrvannṛṣu /} \textit{M.S.} VII. 80.
\end{itemize}
This very idea is beautifully depicted by Kalidāsa in his *Raghu*. while the poet describes Dilīpa as the real father of the subjects who protected and led the subjects in the path of righteousness like a father. No special penance or sacrifice is necessary for a king who protects his subjects lawfully and punishes the guilty duly. He then acquires the merit of a sacrifice which is performed daily with a daksīṇā of cows numbering one lakh. The *Mbh.* also declares the same idea. In the same *Parvan* of the *Mbh.*, Bhīṣma, while advising Yudhiṣṭhira some lessons on rājadharmā, cites two verses from Prācetasa Manu where it is stated that a king who does not protect his subjects duly as well as five other such persons as mentioned in those two verses should be abandoned like a leaky boat on the sea. So, protection of the subjects has been given the paramount importance as the duty of a king.

Rājadharmā as depicted in the *M.S.* clearly indicates some steps to be taken by a king for the welfare of the kingdom and the subjects which should be the supreme aim of a king. He should think that his real happiness lies upon the happiness of his subjects. A king considers it good only which pleases his subjects but not that which pleases him alone. Kautilya beautifully depicts this idea in his *Artha.*

143. ‘putra iva piturgehe ... sa rājā rājasattamaḥ’ / *Śānti.* 57.33.
144. ‘prajānāṁ vinayāḥdhīmāndraksarṇdharapānādapi / sa pitaḥ pitarasādhaṁ kevalam janmahetavaḥ’ /” *Raghu.* I. 24
146. ‘kiṁ tasya tapasā rājāḥ ... sarvadharmavideva saḥ’ / *Śānti.* 69.73.
147. ‘sadetan purusō jahyāḥ ... arakṣitārām rājānāṁ ... vanakāmāṁ ca nāpitāṁ’ /” *Ibid.* 57. 44-45.
148. ‘prajāsukhe sukham rājāḥ prajānāṁ ca hite hitam / nāmāpriyam hitam rājāḥ prajānāṁ tu priyam hitam’ /” *Artha.* I. 19.16.34.
the *Mbh.* says that a king should behave like a pregnant mother who sacrifices her own taste and will for the sake of her embryo by taking those only which are suitable for her baby.\(^{149}\)

A king is held responsible for both the results (merits and demerits) acquired from virtues and vices of the subjects. It is stated in the *M.S.* that as the king protects his subjects, therefore, he is entitled to get one sixth share of the religious merits acquired by his subjects and the equal share of sin or demerits if he fails to protect them.\(^ {150}\) A king who does not protect his subjects but collects one-sixth part as *bali* (tax or tolls) from them, he is called a filth-taker (*malahorakaḥ*)\(^ {151}\) and such a king certainly goes to the hell.\(^ {152}\) He should never extract oppressive taxes from the subjects which leads to a downfall.\(^ {153}\)

It is observed that the duties of a king towards his subjects are some directives which consist of ought to be done and ought not to be done by him. N.V. Banerjee rightly remarks - “If positively speaking, the main duty of the king, then, is to protect his subjects, his duty, negatively speaking, is not to oppress his subjects.”\(^ {154}\) A king, who behaves negatively with his subjects, shall meet destruction with his progeny in

\(^ {149}\) 'yathā hi garbhim hitvā svāṁ priyaṁ ... tu parityajya yad yallokahitaṁ bhavet //'

\(^ {Sānti.}\) 56. 45-46.

\(^ {150}\) *M.S.* VIII. 304.

\(^ {151}\) *Ibid.* VIII. 308.


\(^ {154}\) *Studies in the Dharmaśāstra of Manu*, p. 75.
the fire of public wrath. The *Mbh.* also corroborates the same idea while it says that a king who fails to protect his subjects should be killed by the subjects like a mad dog.

Manu rightly says that the officials engaged in royal service generally become corrupt and deceitful and may extract bribes from the suitors. This kind of corruption among the officials certainly creates a social-hazard which carries blame to the king. Manu, therefore, prescribes that the king should banish such corrupt officials after confiscating their property.

4. CONSTITUTION OF COUNCIL OF MINISTERS

According to the *dharmashastra* and *arthaashastra*, a kingdom is constituted with seven components which are called the limbs of a kingdom and so it is termed as seven-limbed (*saptangam*) one. These are svāmī (the king), amātya (minister), purāṇ (the fortified capital), rāstrāṇ (the Realm or the country), koṣa (the treasury), dāṇḍa (the armed forces) and suhṛt (the ally).

The word amātya means a minister. But, it does not mean a single person in the above context. It indicates a council of ministers which contains more than one minister. The council of ministers is an important body of a state or kingdom. In fact, the sovereign Authority (i.e. a king) will be helpless in maintaining his administration if there is not an advisory body to counsel and to assist him. The council of ministers is such an assisting body to help the king. It is an impossible task to look after all the state

155. *M.S.* VII. 111.


158. *M.S.* IX. 294; *Yāj.* I. 353; *Vīṣṇu.* I. III.33; *Artha.* VI. 1.96.1; *S.N.* I. 61-62.
affairs by a king alone and, therefore, he should have a council of ministers to assist and to counsel in his administration. The Śānti of the Mbh. echoes such an idea and asks a king to decentralise his duties on the council of ministers. Here, we have the reference of advices given by sage Vāmadeva to king Vasumana on the duties of a king. In this context Vāmadeva asks king Vasumana to enjoy his reignancy by decentralising his duties on the ministers. Therefore, a king should appoint some persons of outstanding personalities who always see the well-being of their master.

The Artha of Kautilya says that Sovereignty is possible only with some assistance. A single wheel can never move, therefore, a king should appoint some ministers to assist him and he should also hear their opinions.

Manu holds that even a work which seems to be accomplished easily sometimes may appear difficult one without assistance, and it is needless to say about the acts of governing of a kingdom without some help and counsel which involves thousands of mighty issues. Therefore, Manu suggests a king to appoint a council of ministers consisting of seven or eight ministers whose ancestors were royal servants and faithful to the king, who are learned in treatises (śāstras), brave, skilled in the use of weapons and well-tested. A king must deliberate on all general matters of his administration

159. M.S. VII. 55.
161. Ibid. 83. 8½.
162. Artha. I.7.3.9.
163. M.S. VII. 55.
164. "maulan śastravidah śūrān labdhalakṣān kulodgataḥ / sacivān sapta caṣṭau vā prakurvīta parīkṣitān //" M.S. VII. 54; Also, Yāj. I. 312.
with his council of ministers such as war and peace, wealth, protection and defence and the general condition of the kingdom, distribution of revenue among the worthy recipients and so forth.\textsuperscript{165} While doing so, he should first consult with ministers individually and having ascertained their individual opinion and then the joint opinion of the council, he should follow those opinions which are conducive to his welfare.\textsuperscript{166}

Before consulting with the ministers, every morning the king should hold interview with his visitors. After dismissing them with sweet words, the king should consult with the ministers about his duties in a secret place.\textsuperscript{167} This practice of visiting of the visitors every morning by a king seems to be a good practice, as the king can maintain a direct public relation with his subjects and this also seems to be the best method to ascertain the condition of the kingdom.

In the last chapter of the \textit{M.S.} we find that Manu advocates the constitution of a council (\textit{pariṣad}) which consists of three to ten members. Manu says that such a council should be formed with \textit{brāhmaṇas} of outstanding personalities.\textsuperscript{168} The aim of formation of this council (\textit{pariṣad}), according to Charles Drekmeier, is “to meet the problems of legal interpretation and legislation necessitated by the changing needs of the people.”\textsuperscript{169} Whatever they shall lay down or interpret that should be accepted as

\textsuperscript{165} \textit{M.S.} VII. 56.

\textsuperscript{166} \textit{Ibid.} VII. 57.

\textsuperscript{167} \textit{Ibid.} VII. 146-147.

\textsuperscript{168} \textit{Ibid.} XII. 110.

\textsuperscript{169} \textit{Kingship and Community in Early India.} p. 240.
law.170 Observing the legislative role of this parisad, Charles Drekmeier comments:—

"Although its function was properly interpretive, serving to reconcile the vedas and their commentaries with the requirements of a changing society, this parisad comes close to being a formal legislative assembly."171 For a better administration, a king should be properly guided by his council of ministers and the king also should honour and respect their counsels. J.R. Gharpure comments:— "The stability of an administration depends upon its counsel well determined and carefully kept."172

Ministers are, in fact, the eyes of a king. According to Kautilya, Indra had a council of ministers consisting of one thousand sages and hence Indra was termed as sahasrākṣa (thousand-eyed).173 A king can make a proper scrutiny of any matter relating to his state administration with the help of his council of ministers, and it helps him to provide a better administration with minimum errors.

5. ADMINISTRATION OF JUSTICE BY A KING

We have already mentioned earlier in this chapter that one of the main duties of a King is to administer or dispense justice by punishing the criminals. We have two passages in the M.S. where Manu uses the term dharma in the sense of justice or righteousness and which uphold its importance and dignity while dispensing justice by

170. ‘sādācāra yaṁ dharmam niscinuyāt tam dharmatvena śākuryād na visamvadet /’

Kullūka on M.S. XII. 110.

171. Kingship and Community in Early India. p. 240.

172. Teachings of Dharmasūtra, p. 82.

a court of law headed by the king. Here, in these two passages, it has been reflected that if justice or righteousness is preserved it will preserve us and if it is violated, it will destroy us.\[^{174}\]

Manu mentions eighteen titles of law suits where disputes arise among the people. A king should adjudicate in these matters either attending personally in the court or by a learned brahmana as his delegate following the rule of eternal law.\[^{175}\] K.V. Rangaswami Aiyangar remarks – "Responsibility for justice in courts was personal to the king, in the sense that on it depended not only his position in this life but in the future lives also. Justice was open and free."\[^{176}\]

Manu says that the members of the tribunal or court (sabhāsad) are equally responsible together with the king for a judgement passed wrongly in the Court of Justice. Such an injustice done to someone shall result in sin, and dividing equally into four parts of the sin, each quarter shall go to the false plaintiff, false witness, the members of the Tribunal (sabhāsad) and to the king also.\[^{177}\] Yāj, even prescribes a fine to the judges for a wrong judgement passed by them.\[^{178}\]

Manu says that the king himself or any one of his officials shall never do such acts which create disputes among the subjects or never shall institute a false or fabricated law-suit out of greed.\[^{179}\] The idea behind this fact is that fines collected

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\[^{174}\] 'yatra dharmo hyadharmepa satyaṁ yatānṛṭena ca / ... dharmā eva hato hanti dharmo rakṣati rakṣitaḥ ... etc.' \textit{M.S.} VIII. 14-15.

\[^{175}\] \textit{Ibid.} VIII. 8-9.

\[^{176}\] \textit{Aspects of the Social and Political System of Manusmṛti}. p. 196.

\[^{177}\] \textit{M.S.} VIII. 18; \textit{Gau. D.S.} II. 4.11.

\[^{178}\] \textit{Yāj}. II. 4.

\[^{179}\] \textit{M.S.} VIII. 43.
from various law-suits are also a source of income or revenue of the state-treasury. A greedy king may follow this path of vices as a means of his revenue collection. Fines should be imposed as a deterrent means and not as a source of income. A king should not accept fabricated wealth as fine from the grave sinner (mahāpātakī) and if it is realised so, it should be thrown into the water or should be given to the brāhmaṇas, otherwise he shall be associated with that grave sin.180 Yāj. enjoins that if a king realises a fine unlawfully or infatuated with greed, he should repay thirty times of amount so collected to brāhmaṇas in the name of Varuṇa and the actual amount so collected should be repaid to the effected person.181 Manu says that a king shall commit the same crime if he punishes an innocent person and lets a punishable person to go unpunished.182

The power of punishment empowered to and enjoyed by a king is the root of the idea that he should administer or dispense justice. Though he enjoys the power of punishment, he should apply it with his conscience and according to the rule of law laid down by the kāstras. He should remember that he is not above the law but is obliged to apply and enforce it indiscriminately. Manu, therefore, says that a king should destroy or punish even his own brother if he is a tyrant one for the cause of protection of his loyal subjects.183

6. CRIMES AND PROCEDURE OF PUNISHMENT

Manu mentions eighteen titles of law-suits which are connected with the

180. Ibid. IX. 243-244.
182. M.S. VIII. 174.
183. ‘tadiyasahajan bhrātānapi nirdāśṛṇāntādavastreyate śṛṣṭaśahītānica raṣṭrāṇi rakṣet/’ Kullūka on M.S. VII. 110.
behaviour of the subjects affecting secular, religious and moral matters.\textsuperscript{184} Manu says that various conflicts or disputes leading to various crimes or offences arise among the subjects in these matters, and a king should conformably dispense justice in these matters by the rules of eternal law.\textsuperscript{185} These eighteen titles of lawsuits can be classified under three broad heads depending upon the nature of conflicts and crimes. These are as follows:

(i) Law-suits pertaining to civil matters

(1) Recovery of debts (ṛṇādānanā)

(2) Deposit and pledge (niksepah)

(3) Sale of property without ownership (asvāmivikrayah)

(4) Co-partnership business (sambhīyasaṃsūtādānam)

(5) Resumption of gifts (dātasyānapakarma)

(6) Non-payment of salary (vetanasyādānam)

(7) Breach of contract (saṃvidō vyatikramaḥ)

(8) Rescission of sale and purchase (krayāvīkrayānuśayoḥ)

(9) Disputes between owners of cattle and cowherds (vivādaḥ svāmipālayoḥ)

(10) Duties of husband and wife (strīpuḥ dharmoḥ)

(11) Partition of patrimony and inheritance (vibhāgah)

(ii) Law-suits pertaining to criminal matters

(1) Assault (daṇḍapūrasya)

(2) Slander and Libel (vākpaḥṣya)

\textsuperscript{184} M.S. VIII. 4 - 7.

\textsuperscript{185} ‘ēṣu sthānesu bhūyiṣṭham vivādāṃ caratāṁ nṛṇāṁ / dharmāṁ śravatamārṣitya kuryākāryaviniṃrayam //’ \textit{Ibid.} VIII. 8.
(3) Robbery with violence (sahasā)

(4) Theft (steya)

(5) Adultery (strīṣhṛṣṭaḥgraṇhaṇī)

(6) Gambling with dice and betting (dyutamāṇvayasca)

(iii) Law-suits partly civil and partly criminal

(1) Boundary disputes (sīmā vivādadharmāḥ)

In all these matters, the king should dispense justice after a proper scrutiny of trials. The court of justice which deals with the legal problems in these matters is termed as brahmaśabha. This court should be formed with three brahmaṇas versed in the three vedas and is headed by the king himself, or in absence of him it should be headed by another learned brahmaṇa appointed by the king. The court should dispense justice righteously. Justice or the path of righteousness should not be violated by the court of justice at any cost.

The law court or the jury thus formed should investigate the law-suits according to the order of castes of the suitors. Manu says that the king, while presiding over a court of justice, shall pay full attention to find out the exact fact behind a law-suit, to the object of disputes and the genuineness of the testimonies of the witnesses, the circumstances, local usages and also the conducts of the virtuous persons which are not contrary to the local usages. The judges and the king are suggested to follow some means to find out the exact truth behind a lawsuit lodged by a plaintiff. Just like a hunter traces the wounded quarry to its lair by means of observing its blood

186. Ibid. VIII. 9-10.
187. Ibid. VIII. 24.
188. Ibid. VIII. 45-46.
streaked foot-prints on ground, similarly the king should follow the way of inference to study the minds of the concerned parties and witnesses in a lawsuit.\textsuperscript{189} Manu lays importance of witnesses while adjudicating a lawsuit. Witnesses are the best help and prime factor to find out an exact truth or fact behind a law-suit. Their co-operation in a lawsuit is a positive help to the judges in dispensing justice. Manu deals a lot elaborately regarding the eligibility and qualities of witnesses, their punishment for giving false evidence or statements.\textsuperscript{190} It is expected, as Manu stresses on, that a witness should speak the truth in front of a judge, otherwise he shall be punishable for his false witness.\textsuperscript{191} But, it will not bear a sin to a witness, or he shall not be punishable if he speaks contrary to the facts in reality behind a lawsuit out of compassion or to save the life of a \textit{sūdra}, \textit{vaishya}, \textit{kṣatriya} or a \textit{brāhmaṇa}. Since in such cases a lie serves a noble purpose, Manu, therefore, terms this type of lie as a divine allegation.\textsuperscript{192} Manu expresses a corroborative view in another place also while he says that one must speak the truth which is pleasant one but he must not speak an unpleasant truth or a pleasant lie and this is the eternal virtue.\textsuperscript{193}

In cases of lawsuits or disputes where sufficient witnesses are not available, the judges should adjudicate those matters by means of taking an oath or affidavit from the concerned parties in disputes. Sometimes a mere oath or an affidavit may not be

\begin{itemize}
  \item \textsuperscript{189} \textit{Ibid.} VIII. 44.
  \item \textsuperscript{190} \textit{Ibid.} VIII. 61-108.
  \item \textsuperscript{191} \textit{Ibid.} VIII. 93-101.
  \item \textsuperscript{192} \textit{Ibid.} VIII. 103-104.
  \item \textsuperscript{193} ‘\textit{satyaṁ brūyātprīyam brūyāṁna brūyāṁsatyaṁapriyam / priyāntaṁ nānṛtaṁ brūyādeṣa dharmāṁ sanātanaṁ}’ \textit{Ibid.} IV. 138.
\end{itemize}
sufficient or helpful to find the real fact behind a law-suit. In such cases Manu enjoins that the judges may ask the parties of the disputes to appear in a test or ordeal. Manu prescribes various means for taking an oath and ordeal according to the order of the castes.\textsuperscript{194}

Manu also prescribes review of law-suits which have already been adjudicated partly or wholly on the basis of false evidence but are detected subsequently. In that case, all the orders and proceedings that have already been passed or done should be treated as undone and a fresh trial should be initiated.\textsuperscript{195} In this respect Manu enjoins that false evidence emanates from greed, ignorance, fear, love, desire, anger, foolishness or from fickleness of mind, and due punishment is prescribed for such false evidence.\textsuperscript{196}

Manu stresses on that while dispensing justice none should be punished unjustly. On the other hand, one should not be left out free from punishment who is punishable according to the rule of law, and if a king does so it will incur great obloquy which certainly opens the door to the hell for him.\textsuperscript{197}

(iv) Punishment

After the trial is over with due procedure on the above mentioned eighteen titles of lawsuits, the guilty should be punished by the king. Manu prescribes four kinds of punishment for different crimes.\textsuperscript{198} These are –

(a) Admonition or warning in case of an offence done for the first time (vākdanḍa).

\begin{itemize}
\item \textsuperscript{194} Ibid. VIII. 109-115.
\item \textsuperscript{195} Ibid. VIII. 117.
\item \textsuperscript{196} Ibid. VIII. 118-122; IX. 234.
\item \textsuperscript{197} Ibid. VIII. 127-128.
\item \textsuperscript{198} Ibid. VIII. 129.
\end{itemize}
(b) Reproof or strong censure in case of any offence done for the second time
\((dhikdanda)\)

(c) Monetary fine in case of an offence done for the third time \((dhanadanda)\)

(d) Corporal or capital punishment \((vadhadanda)\).

Moreover, if one or two degrees of punishment, as Manu enjoins, are failed as retributive means, all the four degrees of punishment should be applied simultaneously to an offender.\(^{199}\) Yājñavalkya also prescribes similar degrees of punishment for different offences.\(^{200}\) Both Manu and Yājñavalkya are in the same opinion that punishment should be inflicted considering the nature and motive behind the offence, the time, place and circumstances of the perpetration, the lightness and seriousness of the offence and the age and physical strength of the offender to bear the punishment.\(^{201}\) Thereby both the \textit{smṛti}\textit{kāras} kept in view at least some humanistic approach even in case of inflicting punishment.

It is observed that Manu deals with almost all the topics of law-suits such as family law, law of inheritance and partition, criminal law, law of contract and so forth which are now dealt with by a modern court of law. It is also observed that while enjoining in law matters Manu seems to take a biased view by suggesting some casteist outlook. He shows some lenient views towards the \textit{brāhmaṇas} in inflicting punishment by a court of law. For example, Manu enjoins that a false witness belongs to the other three social orders should be punished with monetary fine and banishment but a

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199. \textit{Ibid.} VIII. 130.


201. \textit{M.S.} VIII. 126; \textit{Yāj.} I. 368.
brāhmaṇa should not be punished with monetary fine for the same crime. He should only be banished from the kingdom.\textsuperscript{202} Moreover, a brāhmaṇa is exempted from inflicting physical punishment\textsuperscript{203} and allowed easy instalments for payment of penalty who is unable to pay it off at a time. But, for the same kind of punishment, the other three classes of social order are required to pay it off by means of physical labour.\textsuperscript{204} Manu is also against in inflicting capital punishment to a brāhmaṇa.\textsuperscript{205}

7. TAXATION AND FINANCE

We have already mentioned that one of the seven constituent elements of a kingdom is recognised as Treasury (koṣa)\textsuperscript{206} on which the welfare programmes and development as well as the defence or protection of the kingdom depends on. The \textit{Mbh.} upholds that treasury (koṣa) and Army are equally important which are termed as the root of a king. It is thereby the root of \textit{dharma} which is again the main force of the subjects.\textsuperscript{207} The \textit{Kām. Nīti.} also holds view that treasury is the root of a king.\textsuperscript{208} The \textit{Nīvākyāmyaṭa} says – “Not their own existence, but the treasury, in sooth, is the life of kings …... Not the physical body of kings, but the treasury is declared to be

\begin{footnotes}
\footnote{202. M.S. VIII. 123.}
\footnote{203. \textit{Ibid.} VIII. 124.}
\footnote{204. \textit{Ibid.} IX. 229.}
\footnote{205. \textit{Ibid.} VIII. 380-381.}
\footnote{206. F.N. 158 above.}
\footnote{207. ‘राजः कोशबलाम मुलाम कोशमुलाम पुनरबालाम / तामुलाम सर्वधर्मापालाम। dharmamुलाम पुनाल प्रजाह।/’ \textit{Sānti.} 130.35.}
\footnote{208. ‘कोशमुलो हि राजेति प्रवदालो सर्वायुककालो।’ \textit{Kām. Nīti.} XXI. 33.}
\end{footnotes}
The king. The *Artha* of Kautilya also maintains that tax is the root of a kingdom on which a king depends upon.

The main source of a king’s treasury or revenue is taxation. Manu says that tax is a rightful due and a king is not guilty of extracting even one-fourth part of the agricultural products from the subjects during the time of emergency in return of protecting them.

Treatises like *Gau. D.S.*, *Vas D.S.*, *Baudh. D.S.* and *Viṣṇu.* also justify taxation as the king’s dues in return of protecting the subjects. The *Mbh.* also justifies extracting of one-sixth part of the income of the subjects as due of the king, and with due protection of the subjects a king should bear in his mind this tendency of collecting taxes. The *S.N.* even terms a king as the servant of the people by being paid his share.

Manu is conscious enough while enjoining taxation by a king. A king should levy taxes after considering the difference between bought price and sale price of the goods, the contingent expenses such as transportation charges etc. of the goods, and the profits of the merchants.

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209. 'kośo hi bhupatijnāṁ jīvitaṁ na prāṇāḥ ... kośo rājetyucyate na bhūpatijnāṁ sariraṁ /* Nītivākyānta** XXI. 5-7, as quoted in the *Contribution to the History of the Hindu Revenue System* in Commemoration part.


211. *M.S.* X. 118.


213. 'baliṣṭhena sūlkena daṇḍenāḥthāparādhiṁnaṁ / sāstrānātena lipsethā vetanena dhanāgamāṁ /* Sānti.* 71.10.

214. 'svabhāgabhṛtyā dāsyatve prajānāṁ ca nṛpah kṛtaḥ /* S.N.* I. 188.

215. *M.S.* VII. 127.
The *Mbh.* also holds a similar view.²¹⁶ It is to be understood that if a king does not take in consideration all these directions and levies taxes ignoring all these facts, none would incline to trade and commerce. Therefore, taxes should be levied in such a way that the king as well as the merchants are equally benefited from it in their own ways.²¹⁷ Manu cites a beautiful metaphor in respect of collecting taxes from the subjects. It should be extracted little by little so that the subjects never feel that they are being extracted taxes, as the leeches, calves and bees draw their respective substances.²¹⁸ Taxation should be flexible according to the capacity of the payers. In times of the growth of the economy, it should be heavy and when the state economy suffers a setback, it should be relaxed.²¹⁹ But, in times of distress or emergency of the kingdom, the king may impose an extraordinary cess which is higher comparing to the normal rates, and it would not be treated as sin or unlawful on the part of the king.²²⁰

Manu provides a list on the sources of tax collection from which it is evident that he has left almost nothing from taxation.²²¹ He even suggests imposition of taxes

²¹⁷. *M.S.* VII. 128; *Śānti.* 87. 17.
²¹⁸. *M.S.* VII. 129;

‘vatsaupamyena dogdhavyamañ lañtramaksañabuddhina‘/*Śānti.* 87. 20;

²¹⁹. ‘pañcaṣadbhāga ādeyo rajña pasuṁranyayoḥ / dhānanyānāmaśtaṁ bhāgaḥ saśtho
dvādaśa eva vā //’ *M.S.* VII. 130.
in kind of one-day physical labour to those who maintain their livelihood by physical
labour, but they should not be taxed otherwise.\(^{222}\) This shows that Manu seems to
suggest not heavy tax from minimum prosperous sources, but little tax from maximum
sources. But, in no case the king should show excessive greed in imposing taxes which
shall certainly ruin him.\(^{223}\) Manu, therefore, does not suggest unlawful tax collection.\(^{224}\)

In Manu’s rule we find that the learned brāhmaṇas are exempted from taxation.
Manu says that a king should not extract tax from the Vedic brāhmaṇas even he stands
at the point of death for want of sufficient fund or wealth.\(^{225}\) In support of this stand,
Manu says that the king gets some spiritual gains from the religious rites performed by
such Vedic brāhmaṇas protected and supported by the king which increase his
prosperity.\(^{226}\) Vas. D.S. also maintains such a view in support of tax exemption for
learned brāhmaṇas.\(^{227}\)

Proper collection of taxes improves the king’s treasury which is the root of
prosperity of a kingdom. Such an act of tax collection should be supervised by
some responsible persons. Manu says that the king should engage those persons
in this act who are honest and truthful to him.\(^{228}\) The great sage Nārada, while advising

\(^{222}\) Ibid. VII.138; X.120; Viṣṇu. I. 32.

\(^{223}\) Ibid. VII. 139; Artha. II. 1. 19.16.

\(^{224}\) M.S. VIII. 170-171.

\(^{225}\) Ibid. VII. 133.

\(^{226}\) Ibid. VII. 136.

\(^{227}\) Vas. D.S. XIX. 23.

\(^{228}\) M.S. VII. 62.
Yudhīṣṭhīra on the duties of a king, also maintains the same view in the *Mbh.* 229

It is observed that there is a special obligation behind the concept of taxation of Manu. It is the duty of a king to protect his subjects, 230 and being obliged with due protection, the subjects are to pay their protection fee in terms of tax to their king.

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229. *Sabha.* 5.43;

‘kaccit koṣasc ca kośthaṁ ca vāhanaṁ dvāramāyudhaṁ / āyasca kṛtakalyāṇaistava bhaktairaniṣṭhitaḥ /’ *Ibid.* 5.68.