CHAPTER – II

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

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

The different types of crime with the associated punishment observed in the *Kauṭiliya Arthaśāstra* may be mentioned in the following heads –
Punishment for Invalid Transaction:

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

Crime and Punishment Relating to Suit:

Kauṭilya has prescribed punishment for the crimes relating to suit. According to Kauṭilya, for the loss of suit, one should be punished with a fine of one fifth of the amount in dispute. For producing assertion without any evidence, the amount of fine should be one tenth. Kauṭilya has prescribed that the plaintiff should reply soon after the defendant has answered the question at issue. If he does not do so he should be guilty of parokta (a person against whom a decision is given). According to Kauṭilya, the defendant may be allowed three or seven nights to prepare his answer. But if he is not ready with his defence within the allotted time, he should be imposed a fine ranging from three to twelve Paṇas.
(Paṇa – a piece of copper, one fourth of a Pala in weight). If he does not reply even after three fort nights, he should be imposed a fine for the loss of the suit and the plaintiff should recover out of the defendant's property the amount of the case. According to Kauṭilya, the defendant who absconds, should be punished with the same fine and for the plaintiff, there should be the loss of suit the moment he absconds.  

**Second Marriage:**

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

According to Kauṭilya, by providing the dowry, women's property to the wives and in the case of a wife with out dowry or women’s property of her own, a compensation for super session equal in amount to that and by providing a suitable maintenance to the wives, a person may marry a number of wives for getting sons. When many or all of them are
at the same time in menses, he should lie with that wife whom he married earlier or who has living sons. If he neglects to lie with her at that time, he should be punished with a fine of ninety six paṇas. It has been prescribed that the man, who has gone away on a long journey or has become ascetic or is dead, his wife should wait for him for the period of seven menses. But if she has a child, she should wait for a year and after that she may marry a full brother of her husband. If there are a number of brothers, she should marry one who is next in age to her husband or a virtuous man or is capable of maintaining her or is the youngest and unmarried. Without having a full brother, she may marry a brother who is not a full brother of her husband or a kinsmen or a member of the family. If there are a number of candidates, she may choose any of them who is a nearer relative of her husband. If the woman violates these rules by re-marrying one who is not kinsman of her husband, then the woman, the man whom she has decided to marry, the bestower of her and those who have given their consent, should receive the punishment for adultery.

**Punishment for Non-observance of Marital Duty:**

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

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

Disaffection:

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

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

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

**Leaving Home:**

Kauṭilya has prescribed that if a woman, except in case of ill-treatment, leaves the house of her husband, she should be fined with six *pañas*. If she gets out against the order of her husband, she should be punished with a fine of twelve *pañas*. For going to a neighbour’s house, she should be fined with six *pañas*. If a woman goes to the house of an unknown person, she should be punished with a fine of twenty four *pañas*. It has been prescribed that when a stranger, except in case of distress, gives shelter to others wife, he should be punished with a fine of one hundred *pañas*. According to Kauṭilya, it is not a crime for a woman
to go to the house of kinsmen under the circumstances of death, illness, calamities and confinement of women. But the husband, who prevents his wife on such occasion, should be fined with twelve \textit{pa\={n}as}. When a woman conceals herself under the above mentioned circumstances, she should forfeit her woman’s property. If her kinsmen conceal her, they should lose the balance of the dowry.\textsuperscript{12}

\textbf{Elopement, Short and Long Sojournment :}

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

Kauṭilya has prescribed that one should construct houses in conformity with the extent of the boundary. One should cause a new fixing of the boundary to be made two aratnis (two spans make an aratni) or three padas (fourteen angulas make a śama, a sala, a pariraya and a pada (foot)) away from the wall of the neighbour’s house. It has been prescribed that except in the case of temporary structures for the confinement of women for ten days, all permanent houses should be provided with a dung hill, water ditch and a well. If anybody violates this rule, he should be punished with the first amercement. Kauṭilya has prescribed that this rule also should be applied to the work of cutting fire wood and channels for water used for rinsing on festive occasions.*

According to Kauṭilya, one should make a deep flowing water course three padas or one and a half aratnis away from the neighbour’s wall, in such a way that the water of which should either flow from it in a continuous line or fall from it into the drain. For the violation of this rule, one should be punished with a fine of fifty four panaś. An apartment for bipeds and quadrupeds, a fire place, water butt, a corn mill or a mortar should be constructed one pada or one aratni away from the neighbour’s wall. For the violation of this, one should be punished with a fine of twenty four panaś.15 Between any two houses or between the extended portions of any two houses, the intervening space should be four or three
padas. The roofs of adjoining houses may either be four angulas (the maximum width of middle part of the finger of a middling man is an añgula) apart or one of them may cover the other. The front door should measure a kishku (a hasta with dhanurmusti makes a kishku, forty two añgulas make a carpenter’s sawing - kishku). There should be no impediment inside the house for opening one or the other of the folds of the door. The upper storey should be provided with a small but high window. If the neighbouring house is obstructed by it, the window should be closed. The house owners may construct their houses by mutual agreement. But in that case, they should avoid what is injurious. To avoid the evil consequences of rain, the top of the roof should be covered with a board mat, not blow-able by the wind. According to Kautilya, if anybody violates this rule, he should be punished with the first amercement.¹⁶ Kautilya has prescribed the same punishment for causing annoyance by constructing doors or windows facing other’s houses, except when these houses are separated by the king’s road or the high road. If a pit step, water course, ladder, drug hill or any other part of a house cause annoyance to outsiders or obstruct the enjoyment of others or damage the wall of a neighbouring house, the owner of that house should be punished with a fine of twelve paṇas. According to Kautilya, the fine should be twenty four paṇas if the annoyance is due to faeces and urine. At the time of rain, a free flow of water must be allowed in the channels; otherwise a
fine of twelve *paṇas* should be imposed. It has been prescribed that if anybody does not take part in the construction of a building which is intended for the common use or prevents another to take part in the work of construction, should be punished with a fine of twelve *paṇas*. Kautilya has prescribed a fine of twenty four *paṇas* for that person who destroys others enjoyment of such a building.\(^\text{17}\) Kautilya has prescribed that the tenant, who resides in the house though he has been asked to evacuate; he should be punished with a fine of twelve *paṇas*. The house owner, who forces the tenant, who has paid his rent and who is not involved in the criminal activities like – theft, robbery, verbal and physical injury, adultery etc. should also be punished with the same fine. It has been prescribed that the tenant, who voluntarily evacuates the house, should pay the balance of the annual rent.\(^\text{18}\)

**Sale of Immovable Property:**

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

**Punishment for Encroachment and Damage:**

Kauṭilya has provided different rules concerning the fixing of the boundaries of villages and fields in his *Arthaśāstra*. For the criminal activities relating to the boundaries such as removal, encroachment and damage, he has prescribed different types of punishment. Here it has been prescribed that when the boundary marks of villages just described are not found, a fine of one thousand *paṇas* should be imposed on the guilty person. Kauṭilya has prescribed that the same fine should be imposed on those who have encroached upon or destroyed the boundary marks of villages. If anybody forcibly seizes the fields of other, he should be fined for theft. When it is done on some reasonable grounds, he should be made to pay to the owner an amount after calculating for his labour and profit. Kauṭilya has prescribed the first amercement for encroaching and removing the boundary marks of fields. Those who destroy the boundary, they should be punished with a fine of twenty four *paṇas*. According to Kauṭilya, this rule shall hold good in disputes concerning penance groves, pasture lands, highways, cremation grounds, temples, sacrificial grounds and holy places. It has been prescribed that those persons who cause damage to the ploughing or seeds sown in the fields of others by the use of tanks, rivers or fields, should pay as much compensation to the sufferer
as is equivalent to the damage. For mutual damage to fields under water, parks and embankment, the fine should be double the damage. Kauṭilya has prescribed that the water of a lower tank should not submerge the field irrigated by a higher tank. The natural overflow of water from a higher to a lower tank should not be stopped unless a higher tank has ceased to be useful for three consecutive years. According to Kauṭilya, when any one violates this rule, he should be punished with the first amercement. Kauṭilya has prescribed the same punishment for emptying a tank of its water.22 Those persons, who cultivate the lands below tanks, etc., of others at a stipulated price, or for annual rent or for certain number of shares of the crops grown, or persons who are permitted to enjoy such lands free of rent of any kind, should keep the tanks etc. in good repair, otherwise, they should be punished with a fine of double the loss. Kauṭilya prescribes a fine of six pāpas for those who let out the water of tanks etc. at any other place than their sluice gate. He has prescribed same fine for those who recklessly obstruct the follow of water from the sluice gate of tanks.23

It has been prescribed that when a person obstructs a customary water course in use or makes a new one which is not customary, he should be punished with the first amercement. A fine of twelve pāpas has been prescribed for encroaching on a path for small animals or men. Kauṭilya has prescribed a fine of twenty four pāpas for encroaching on a
path for large animals. According to Kautilya those who encroach on a
road for elephant or fields, should be punished with a fine of fiftyfour
panas. For encroaching on a road to a dike or leading to a forest, the fine
should be six hundred panas. For those leading to a cremation ground or a
village, Kautilya prescribes a fine of two hundred panas. Kautilya
prescribes a fine of five hundred panas for encroaching on a road for a
fortress. For encroaching on the roads leading to country part or pasture
grounds, he has prescribed a fine of one thousand panas.24 According to
Kautilya, for reducing the size of the above mentioned roads, the fine
should be one quarter of the fines as mentioned above, and for ploughing
on their surface, the above mentioned fine should be imposed. When the
owner of the field takes away the field at the time of sowing seeds or the
tenant leaves it at that time, except in cases of defects, calamity and
unbearable conditions, he should be punished with a fine of twelve
panas.25 Kautilya prescribes a fine of one fourth of a pana per animal in
the case of camels and buffaloes that have grazed on pasture and moved
away. He has prescribed a fine of one eighth of a pana for cattle, horses
and donkeys for doing the same. According to Kautilya, for allowing the
inferior quadrupeds to graze and stray the fine should be one sixteenth of
a pana. It has been prescribed that when the animals sit down after
grazing, the above mentioned fines should be doubled and these fines
should be fourfold if they stay there overnight.26 When crops are eaten by
cattle, the owners should be made to pay twice as much as loss after calculating it in accordance with the harvest. If the owners of the cattle allow them to graze without informing the owner of the field, a fine of twelve *pañas* should be imposed on them. According to Kauṭilya, the fine should be twenty four *paṇa*s if the owner of cattle lets his cattle loose. Kauṭilya has prescribed half of these fines for the herdsmen. When the cattle eat the produce in the plantations, the above mentioned fines should be imposed. Kauṭilya has prescribed double of the above fines for breaking the fence of fields and for eating grains stored in houses, a threshing floor or a courtyard by the cattle. When animals of reserved forests and protected areas are found eating in another’s field, they should, after informing the owner, be driven out without causing any injury to them. Cattles should be driven out by the use of ropes or whips. The persons who cause hurt to them in any other way, the fines for physical injury should be imposed on them. But those animals that make attack, should be restrained by all possible means.²⁷ It has been prescribed that if a person breaks the dam of a tank pull of water, he should be drowned in the very tank. If the tank is without water, he should be punished with the highest amercement (a fine ranging from five hundred to one thousand *paṇa*s). He should be punished with the middlemost amercement if it is ruined or abandoned.²⁸
Construction of Temples, Sanctuaries in Other’s Land:

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

Selling and Mortgaging Charitable Water-work:

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

Tax-payers:

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

Crime and Punishment Relating to the Headmen of Villages:

Kauṭilya has prescribed different types of punishment for the crimes relating to the headmen of villages. Regarding this, Kauṭilya prescribes that when the village headman has to travel on account of any business of the whole village, the villagers, by turns should accompany
him. Those, who do not do so, should pay one pāṇa and a half pāṇa for every yojana (yojana is 55/44 miles. The name of yojana seems to have reference to the yoking of bullocks). When the village headmen ejects one who is not a thief or an adulterer from the village, he should be punished with a fine of twenty four pāṇas and the villagers should be punished with the highest amercement for committing the same crime.32

**Punishment for Non-observance of Conventions:**

While prescribing punishments for non-performance of convention, Kautilya prescribes that the farmer, who after accepting residence in a village, does not do his share of work, then the village itself should receive the amount of fines which has been imposed on him. If he does not do the work, he should pay double the wage for the work. If he does not contribute money, he should be compelled to pay double of each individual’s share and also should pay the double share for not contributing food and drink on festive occasions.33 The person, who does not contribute his share in a stage show, should forfeit his right to enjoy the show together with his family members. When he is found hearing or witnessing it under hiding or if he does not contribute his share in a work beneficial to all, he should be compelled to pay a double share. According to Kauṭilya, the order of any person attempting to do a beneficial work for all, should be obeyed. When a person does not obey such order, he should be punished with a fine of twelve pāṇas. The persons who conspire and
beat such person unitedly, each one should be punished with a fine of twenty four *pañas*. Kauṭilya prescribes severe punishment for causing injury to such person. According to Kauṭilya, in that case, punishment should be fixed from the Brahmin downwards. This rule should be applied to non-observance of conventions in the case of a region, a caste, a family and a corporation.\(^{34}\)

**Crime and Punishment Relating to Recovery of Debt:**

Kauṭilya has dealt with the recovery of debt in his *Arthaśāstra* with great care. Here, he has prescribed different rules regarding the recovery of debt and also has prescribed punishments for the creditor and debtor for not abiding by the rules. Here it is prescribed that one *pañca* and a quarter should be the lawful rate of interest per month on one hundred *pañas*, five *pañas* for purposes of trade, ten *pañas* for those going through forests, twenty *pañas* for those going by sea. For those who charge or make another to charge a rate beyond that, the first amercement has been prescribed. Half of this has been prescribed for each witness. Interest on grains in seasons of good harvest should not exceed more than half when the value in money. Interest on stocks shall be one half of the profit and be regularly paid as each year expires. According to Kauṭilya, when a person cannot make payment in due time on account of his illness or long absence, he should be compelled to pay double of the capital. For recovering interest without fixing it or increasing its rate or claiming
through witnesses the capital with interest added to it, one should be punished with a fine of four times the capital. If anybody claims through witnesses a small amount that was never lent, he should be punished with a fine four times the non-existent amount. Kauṭilya has prescribed that of this fine, receiver should pay one-third and the rest should be paid by him who helped the receiver to receive it. It has been prescribed that, for not receiving back the debt being paid off, one should be punished with a fine of twelve pāṇas.\textsuperscript{35}

**Deposit:**

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

Concerning slavery, it has been prescribed that if a kinsman sells or keeps as a pledge a minor Sudra individual, who is not a born slave, he should be punished with a fine of twelve *pañas*. When a kinsman commits this type of crime with a Vaisya, he should be punished with a fine twenty four *pañas*. A kinsman should be fined with thirty six *pañas* for committing the same with a Kṣatriya. For committing the same with a Brahmin, a kinsman should be punished with a fine of forty eight *pañas*. If it is done by other than the kinsman, the punishment should be the first, middlemost, highest and death respectively. It has been prescribed that in this regard, the purchasers and witnesses should also be punished similarly. For making a pledge to carry the dead bodies or to sweep ordure, urine or the leavings of food and for making female pledges give bath to a naked person, for giving corporal punishment to such female pledges, one should lose the value paid for him or her. If these crimes are committed with a nurse, a female attendant, a female tenant, cultivating for half the produce and with a made, it should result the liberty for them. It has been prescribed that if a master approaches towards a nurse, who is pledge, who is under his control and is unwilling, he should be punished with the first amercement. He should be punished with the middlemost amercement for committing the same with the nurse when she is under others control. If a person himself or through another violates a maiden
who is pledged to him, he should not only forfeit the purchase value but also should be compelled to pay a certain amount of money to her and double of that amount of money to the government as fine. When a person employs in vile work or in foreign land, a slave less than eight years of age, who has no kinsman and who is unwilling to do the work, no matter whether he is a born slave or purchased, he should be punished with the first amercement. It has been prescribed that if anybody sells or pledges a female slave who is pregnant without providing for the nourishment of foetus, he should be punished with the first amercement. Kauṭilya has prescribed the same punishment for the purchaser and witness. It has been prescribed that when a person fails to set a slave at liberty on the receipt of required amount of ransom, he should be punished with a fine of twelve pānas and confinement till he makes the slave free. For selling or mortgaging the life of a male or female slave, once liberated, the punishment should be a fine of twelve pānas, except those who enslave themselves.

Punishment for Non-payment of Wage:

Kauṭilya has prescribed that in case of non-payment of wage, the fine should be six pānas and if anybody denies after receiving it, twelve pānas should be the fine.
Crime and Punishment Relating to Labourers:

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

Partnership:

Kautilya has prescribed different types of punishment for the crimes related to the undertakings in partnership. According to Kautilya, when a partner of a company, having good health, goes away when the work has begun, he should be punished with a fine of twelve pāṇas.
When a partner steals, he should be caught by a promise of giving a share for the work and safety and if he works, he should be given his share and safety. But if he steals again and goes elsewhere, he should be banished from the company. If he commits a very serious crime, he should be put to death like a traitor. Regarding the undertakings of sacrificial work, it has been prescribed that when the sacrificer and the priest leaves each other before the completion of the sacrifice, he should be punished with the first amercement.\textsuperscript{43}

\textbf{Purchase and Sale}:

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

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

Gift:

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

Punishment for Sale without Ownership:

Regarding the sale without ownership, Kautilya prescribes that on the detection of a lost or stolen article in the possession of another person, the owner should cause the offender to be arrested through the judges of a court. If time or place does not permit, the owner himself should catch hold of the possessor and bring him before the judge. The judge then should put question to the possessor that how he has got it. If he narrates
it, but cannot produce the person who sold the article to him, he should be
let off, but should forfeit the property. But if he produces the person who
sold the article to him, then the seller should not only pay the value of the
article to the owner, but also would be liable to the punishment for theft.
When the seller produces the person who sold it to him, then he should be
acquitted till the means of exoneration is exhausted. When these are
exhausted, the last person, unable to exonerate himself should pay the
price of the article and a fine for theft.47

Robbery:

Kautilya has dealt with forcible seizure or robbery in his
Arthaśāstra with great care. According to Kautilya, forcible seizure is a
deed of force in the presence of the owner. He has prescribed various
types of punishment for the seizing forcibly the articles having different
values. It has been prescribed that if anybody seizes forcibly the articles
having light values such as flowers, fruits, vegetables, roots, turnips,
cooked rice, skins, bamboo and earthenware etc., he should be punished
with a fine of minimum twelve panas and maximum twenty four panas.48
For the robbers of articles of iron, wood, ropes, small animals, cloths and
other big articles, a fine of minimum twenty four panas and maximum
forty eight panas has been prescribed. For seizing forcibly the articles
having great value, such as articles of copper, steel, bronze, glass and
ivory etc., he has prescribed the first amercement. For taking forcibly the big quadrupeds, human beings, fields, houses, money, gold, fine cloth etc. the middlemost amercement has been prescribed by Kauṭilya.\textsuperscript{49} Kauṭilya has prescribed impalement for those who commit robbery on high ways. According to Kauṭilya, if a woman breaks into a house, she should be torn by billocks.\textsuperscript{50}

**Verbal Injury:**

Kauṭilya has prescribed various types of punishment for causing verbal injury. According to Kauṭilya, defamation, vilification and threat constitute verbal injury. He prescribes that for defamation relating to body such as one eyed, lame and so on, the fine should be three \textit{paṇas}, if it is a fact. But in case of false imputation the fine should be six \textit{paṇas}. When a person insults a one eyed or a lame person with such ironical expression as “a man with beautiful eyes”, “a man with beautiful teeth” he should be punished with a fine of twelve \textit{paṇas}. In case of vilification referring to leprosy, madness, impotence and so on, when it is true, the fine should be twelve \textit{paṇas}. When it is false, the fine should be twenty four \textit{paṇas} and if it contains ironical praise, the fine should be thirty six \textit{paṇas}, if it is towards the persons of equal caste. According to Kauṭilya, if the vilification is towards the persons of superior caste, the fine should be double and if it is towards the persons of lower caste, the fine should be
half. When the vilification is towards the wives of others, the fine should be double and it should be half when it is due to mistake, intoxication, delusion and so on. According to Kautilya, if among Brāhmins, Kṣatriyas, Vaiśyas, Śūdras and Caṇḍālas, anyone of a lower caste abuses the character of one of a higher caste, the fines should increased from three paṇas upwards (commencing from the lowest caste). It means that if a Caṇḍāla abuses the character of a Śūdra, he should be fined three paṇas. When a Śūdra abuses the character of a Vaiśya, he should be fined with six paṇas. A Vaiśya should be fined with nine paṇas for abusing the character of a Kṣatriya and for abusing the character of a Brahmin, a fine of twelve paṇas should be imposed on a Kṣatriya. It has been prescribed that when anyone of a higher caste abuses one of a lower caste, the fines should decrease from two paṇas. It has been prescribed that if a person threatens another by using such expression as “I shall do this to you”, but if he actually does not do so, he should be punished with half of the fines which has been prescribed for doing it. If he is incapable of carrying out the threat and pleads anger, intoxication or delusion, he should be punished with a fine of twelve paṇas. If he has feelings of enmity and is capable of doing harm, he should be compelled to give lifelong security for the well being of the threatened person. Kauṭilya has been prescribed the first amercement for reviling one’s own country and village. He has prescribed the middlemost amercement for reviling one’s own caste or
corporation. The highest amercement has been prescribed for reviling Gods and sanctuaries.\textsuperscript{54} Kauṭilya has prescribed impalement for that person who threatens another to kill.\textsuperscript{55} It has been prescribed that if anybody reviles his mother, father, son, brother or preceptor or an ascetic, his tongue should be cut-off.\textsuperscript{56}

**Physical Injury:**

Kauṭilya has dealt with physical injury in his Arthaśāstra with great care. According to Kauṭilya, touching, menacing and striking constitute physical injury. Here, it has been prescribed that when a person touches the body of another below the navel with the hand, mud, ashes or dust, he should be punished with a fine of three \textit{pāpas}. For touching with same things when one is impure and with the foot or with spittle, the fine should be six \textit{pāpas}. For touching with vomit, urine, faeces etc., the fine should be twelve \textit{pāpas}. For touching above the navel portion, the fines should be double and on the head, the fine should be four fold in the case of person of equal rank. According to Kauṭilya, when the same crime is committed on persons of superior rank, the fine should be doubled and on person of lower rank, the fine should half of the above. When the same crime is committed on the wives of others, the fine should be double. If it is due to mistake, intoxication, delusion and so on, the fines should be half.\textsuperscript{57} A fine of six \textit{pāpas} has been prescribed for holding another by the
feet. For holding another by the garment, a fine of twelve *paṇas* has been prescribed. For holding another by the hand, he has prescribed a fine of eighteen *paṇas* and for holding another by the hair, a fine of twenty four *paṇas* has been prescribed. Kauṭilya has prescribed the first amercement for squeezing, rounding with arms, bending, dragging and sitting over the body of another. It has been prescribed that if anybody goes away after throwing down another, he should be punished with half of the first amercement, Kauṭilya has prescribed that the limb of a Śūdra with which he strikes a Brahmin, should be cut off. Kauṭilya has prescribed the first amercement for causing hurt with an object. The middlemost amercement has been prescribed for endangering one’s life. A fine of twenty four *panas* has been prescribed for causing a bloodless wound to others with any object made of wood, earth, stone or metal or a stick or a rope. Kauṭilya has prescribed a fine of forty eight *paṇas* for causing a bleeding wound, except the impure blood. Kauṭilya has prescribed the first amercement for beating a person to the point of death without causing bleeding or causing dislocation of the hand or foot, for breaking hands, feet or teeth, tearing of nose or ear or breaking open the flesh, except in ulcers or boils. It has been prescribed that for breaking the thigh or neck or for wounding the eye and for causing hurt in such a way that it leads to the obstruction in speaking, eating or any other bodily movement, one should not only be punished with the middlemost amercement, but also be
compelled to pay a compensation to the sufferer for treatment and cure. If it causes death, he should be taken for trial as a criminal by magistrate.\(^6\) When a person causes a wound to a limb of his father, mother, son, brother, preceptor or an ascetic, his offending limb should be cut off.\(^6\) Kautilya has prescribed the highest amercement for striking another with a weapon. According to Kautilya, if it is done under intoxication, the hand of the offender should be cut off. If it is done through delusion, a fine of two hundred *panas* should be imposed.\(^6\) It has been prescribed that when a group of people beat a single person, each one should be punished with double of the fine which has been prescribed for beating by a single person.\(^6\) If a person injures the generating organ or testicles of another, he should lose the same organ. If anybody injures the tongue or nose of another his middle finger and thumb should be cut off.\(^6\) Kautilya has prescribed impalement for those who beat a man or a woman with force, who hold them down, who attack them and who pierce them.\(^6\) It has been prescribed that if anybody destroys a small object during scuffle, he should be compelled to return that object and pay an equal amount as fine. For destroying a big object during scuffle, one should return that object and pay a fine equal to twice the value of the object destroyed. For destroying cloths, ornament, money and gold articles, in that situation, one should not only be punished with the first amercement, but also be compelled to return the same to the owner. According to Kautilya, if
anybody causes a shake to the wall of others’ house by striking at it, he should be punished with a fine of three *pañas*. For breaking or demolishing the same, one should be fined with six *pañas* besides the cost of repairing. For throwing harmful things inside the house of another, one should be fined with twelve *pañas* and for throwing such thing which is dangerous to the life, one should be punished with the first amercement. Here, Kauṭilya has also prescribed punishment for causing hurt to animals and also for cutting trees. It has been prescribed that if anybody causes hurt with sticks etc., to small animals, he should be fined with one or two *pañas* and for causing bleeding to the same, the fine should be double. In the case of big animals, one should not only be punished with double of the above fines but also be compelled to pay an adequate compensation for treatment and cure. Kauṭilya has prescribed that for cutting the tender sprouts of fruit trees, flower trees or shady trees in the parks near a city, one should be punished with a fine of six *pañas*. Kauṭilya has prescribed a fine of twelve *pañas* for cutting off the small branches of the same trees. For cutting the big branches Kauṭilya has prescribed a fine of twenty four *pañas*. For cutting the trunks of the same, he has prescribed the first amercement and for uprooting the same, he has prescribed the middlemost amercement. According to Kauṭilya, in the case of bushes and creepers which bear flowers, fruits or provide shade, half of the above fines should be imposed. He has prescribed the same fines in the case of
trees that have grown in places of pilgrimage, forests of hermits or
cremation or burial grounds. According to Kauṭilya, for similar crimes
committed in connection with the trees which mark boundaries or which
are worshiped or observed or trees which are grown in the King’s forests,
double of the above fines should be imposed.  

Crime and Punishment Relating Gambling and Betting:

Kauṭilya has dealt with different rules for gambling and betting in
his Arthaśāstra. He has also prescribed punishment for violating these
rules. According to Kauṭilya, the director of gambling should cause
gambling to be carried on in one place. He has prescribed a fine of twelve
pañas for one gambling with dice in another place to find out those who
follow a secret profession. He has prescribed that the masters of gambling
hall should provide clean cowries shells and dice to the gamblers. If
anybody substitutes other cowries shells or dice, he should be punished
with a fine of twelve paṇas. For fraudulent playing, one should be
punished with the first amercement. In that case his winnings should be
confiscated and for cheating a fine for theft should be imposed on him.  
It has been prescribed by Kauṭilya that the master of gambling hall should
receive five per hundred of the winnings, as well as fine for cowries
shells, dice, leather straps and ivory cubes and also should take charges
for water, ground and the act of gambling. He should carry out the
pleading and sale of articles. If the master of the gambling hall does not prohibit crimes concerning dice, ground or the use of hand, he should be punished with twice the amount that he has received from the gamblers. According to Kauṭilya, this rule also should be applied to betting and challenging, except challenging regarding learning or art.¹¹

Artisans:

According to Kauṭilya, for the protection of the people from the criminal activities of the artisans, it is very much necessary to keep a watch over them and punish them for committing crimes. Kauṭilya has dealt with various types of crime and punishment relating to artisans in his Arthaśāstra with great care. Kauṭilya has prescribed that in this regard, the three magistrates should carry out the suppression of the criminals.¹² Kauṭilya has prescribed that artisans should purchase the seals and weights from the superintendent of standardisation; otherwise they should be fined with twelve paṇas.¹³ They should fulfil their engagement in accordance with their agreement as to time, place and form of work. The artisans, who postpone their engagement under the excuse that no agreement as to time, place and form of work has been entered into, should, except in troubles and calamities, not only be forfeited of their wages, but also be punished with a fine equal to twice the amount of their wages. They should also be liable for what is lost or destroyed except in...
case of deterioration or a sudden calamity. Those who carry on their work contrary to orders, should not only forfeit their wages, but also pay a fine equal to twice the amount of their wages. Here, Kauṭilya has prescribed different rules and regulations for the weavers, tailors, goldsmiths etc., and also has prescribed punishment for violating these rules and regulations.

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

Regarding the goldsmiths, Kauṭilya has prescribed that those goldsmiths who, without giving information to the state officers, purchase from disreputable persons silver or gold in the same form, should be fined with twelve panas. When they do the same changing the form of the articles, i.e., melting, they should be fined with twenty four panas. If they
purchase the same from the hands of a thief, they should be fined with forty eight \textit{pañás}. If they purchase at a low price in secret or what is changed in appearance, they should be liable to the punishment for theft for deception with manufactured articles.\textsuperscript{76} If a goldsmith steals one \textit{māśaka} (five \textit{kṛṣṇalas} are equal to a \textit{māśaka} or \textit{māśa}) from one \textit{suvarṇa} (sixteen \textit{māsas} are equal to a \textit{suvarṇa}) of gold, he should be punished with a fine of two hundred \textit{pañás}. When he steals one \textit{māśaka} from one \textit{dharana} (one-tenth of a \textit{pala} is a \textit{dharana}) of silver, he should be fined with twelve \textit{pañás}. This explains the proportional enhancement of punishment.\textsuperscript{77} According to Kautilya, when a goldsmith secures an artificial enhancement of colour or removes the original colour or practices mixtures with base metals, they should be fined with five hundred \textit{pañás}. In case of contaminating gold and silver in any way, it should be regarded as the loss of their intrinsic colour.\textsuperscript{78}

\textbf{Punishment for Washer Men:}

Regarding the washer men, Kautilya has prescribed that washer man should wash cloths either on wooden planks or on stones of smooth surface. Those who wash on anything else, should not only be punished with a fine of six \textit{pañás}, but also be compelled to pay a compensation equal to the damage. Washer men wearing clothes other than marked with the sign of a cudgel should be fined with three \textit{pañás}. When a washer
man sells, mortgages or lets out for hire the clothes of others, he should be fined with twelve *pañas*. In case of substitution of other clothes, they should not only be punished with a fine equal to twice the value of the clothes, but also be made to restore the original clothes. The washer men should return a garment which is white like a bud after one day. They should return a garment which is cleansed on a slab of stone, after two days, which has the colour of washed yarn, after three days and they should return after four days a garment which is bleached white. According to Kauṭilya the washer men may return a garment with a light red colour after five days. They may return a garment which is to be made blue after six days. A precious garment dyed in saffron flower, lac-juice or *mañjiśṭhā* the treatment of which is arduous and which has to be worked upon with great care, may be returned after seven days. For returning after that period, their wages should be forfeited. According to Kauṭilya, these rules should also be applied to the tailors.

**Crime and Punishment Relating Coin:**

Kauṭilya has prescribed different types of punishment for crimes relating to coins. He has prescribed that when the examiners of coins reject an established currency of *pañas* which does not deserve to be rejected or do not reject one which deserves to be rejected, should be fined with twelve *pañas*. When they accept one *māṣaka* on a *pañā*, sent into circulation, they should be fined with twelve *pañas*. This explains the
proportional increase of fines.\textsuperscript{81} Kautilya has prescribed that if a person causes a counterfeit coin to be manufactured or accepts it or sends it into circulation, he should be punished with a fine of one thousand \textit{papās}. For inserting a counterfeit coin in the treasury, one should be put to death.\textsuperscript{82}

**Attendants and Dust Washers:**

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

**Treasure Trove:**

It has been prescribed that a discoverer of mines, precious stones or treasure trove should, on supplying information to the king, receive one sixth part as his share. If the discoverer is a servant of the state, he should take one twelfth part of it. A treasure trove valued beyond one lakh, should wholly be taken by the king. But if it is less than one lakh, the king should give one sixth part to the finder. Kautilya has prescribed that a native of the land, who is pure and honest, should receive the entire treasure trove buried by his forefathers after producing proof of ownership. For taking possession of such treasure trove without producing proof of ownership, one should be punished with a fine of five
hundred *pañas*. For taking possession of the same in secret, the fine should be one thousand *pañas*.84

**Physicians:**

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

**Actors:**

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


Traders:

According to Kautilya, the king should prevent those thieves who are not known as thieves but in effect such as traders, artisans, and others who cheat the public in various ways. Kautilya has prescribed various types of punishment for the traders with a view to protect the public from their criminal activities. It has been prescribed that the superintendent of markets should set up the pleading or sale of old wares which are furnished with proof of ownership in the marketplace. With a view to prevent deception, he should supervise weights and measures. In the case of parimāni and drona (parimāni and drona each measures two hundred palas), difference of half a pala is not a crime. But for difference of a pala in such measures, a trader should be punished with a fine of twelve pānas. Difference of a kārṣā (a kārṣā is one fourth of a pala) in the balance called tulā (a tulā is one hundred palas), is not a crime. But for the difference of two kārṣas, the fine should be six pānas. In the case of an āḍhaka (an āḍhaka is one fourth of a drona), difference of half a kārṣā is not a crime. But for the difference of a Kārṣā, the fine should be three pānas. According to Kautilya for greater differences in the measures in all these cases the fines should be proportionally increased. From this, the superintendent should form an estimate of the fines for deviations in other types of weights and measures. For stealing to the extent of one eighth part of the price of the goods, the goods sold by counting, the fine should
be ninety six $papas$. When the traders sell or mortgage articles made of wood, metal or gems or made of ropes, leather or clay or made of yarn, bark or hair, declaring as genuine, which are not genuine, they should be punished with a fine of eight times the price of the articles sold. When a trader sells or mortgages articles not of high value, declaring as high or articles not of a particular class announcing articles of that class or such articles which are given false shine or in which there is fraud or the container of which is changed, he should be punished with a fine of fifty four $papas$ if the price is trifling. When the price of the articles is one $pana$, the fine should be doubled. When the price is two $papas$, he should be punished with a fine of two hundred $papas$. According to Kauṭilya, in this way the fines should be increased according to the increase in price.$^{89}$ According to Kauṭilya, the traders, who conspire either to prevent the sale of merchandise or to sell or purchase commodities at higher prices, should be punished with a fine of one thousand $papas$. The weigher or measurer, who by trick of the hand brings about a difference to the extent of one eighth part in an article priced at one $pana$, should be fined with two hundred $papas$. According to Kauṭilya, fines for greater losses should be proportionally increased, commencing from two hundred $papas$. For adulteration of grains, oils, sugar, salts, perfumes, medicinal articles with similar articles of no quality, the punishment should be a fine of twelve $papas$.$^{91}$ It has been prescribed that only the authorised person should
collect grains and other merchandise. Collection of such things without permission, should be confiscated by the superintendent of commerce. The superintendent of commerce should fix a profit of five percent over and above the permitted purchase price in the case of local commodities and ten percent on foreign goods. Traders who enhance the price or release profit beyond that during the purchase or sale of commodities, they should be punished with a fine of two hundred pānas for an additional profit of five pānas in one hundred pānas. According to Kauṭilya, the fines for greater enhancement should be proportionally increased.92

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

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

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

Regarding flood, Kauṭilya has prescribed that the villagers living on the banks of rivers should, during the rainy season, live away from the level of the flood. They should keep a collection of wooden planks, bamboos and boats. They should rescue persons being carried off by
floods by means of skin bags, canoes, tree stems and rope braids. The persons who do not go to rescue, with the exception of those who have no boats etc., should be fined with twelve *papas*.96

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

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

**Punishment for Foul Means of Income:**

Kautilya has dealt with punishments relating to those persons who live by foul means of income. He has prescribed banishment for the receivers of bribe, extortioners and false witnesses. It has been prescribed that those persons who use occult means for winning love with incantations or rites with herbs and rites in cremation grounds, they should be punished similarly. Kautilya has prescribed the same
punishment for the practisers of black magic, purchasers, sellers and
preparers of poison. He has prescribed the same punishment for the
dealers in stupefying mixture. According to Kauṭilya, the utterers of false
coin, removes colour from precious metals and dealers in artificial gold,
should be punished similarly.99

Punishment Relating Suicide:

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

Wrongful Confinement:

Kauṭīlya has prescribed the first amercement for keeping an
innocent man in confinement.101
Crime and Punishment Relating Governmental Officers and Their Subordinates:

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

According to Kautilya, an officer or employee should be punished with the first amercement for stealing king’s articles of one paṇa to two paṇas in value. For stealing articles of two paṇas to four paṇas in value, the punishment should be the middlemost. Kautilya prescribes the highest amercement for an employee or officer for stealing king’s articles of four
panas to eight panas in value. He has prescribed the death penalty for an
officer for stealing articles of eight panas to ten panas in value. It has
been prescribed that if an officer misappropriates forest produce, goods or
tools from magazines, ware house, stores of forest produce and armouries
etc., of half of the above value the above fines should be imposed. For
misappropriating articles from the treasury, store rooms and the
goldsmith’s workshop, the above mentioned fines should be doubled for
articles of one quarter in value. Kauṭilya prescribes death penalty with
torture for those officers, who break open the treasury. Regarding the
theft of other than king’s articles, it has been prescribed that when an
officer steals during the day from a field, a threshing floor, a house or
shop, commodities such as raw materials, manufactured articles, or
necessaries of life above one māṣa to one fourth of a pana or four māṣas
in value, he should be fined three panas or should be paraded through the
streets, his body being smeared over with cow dung and an earthward pan
with blazing light tied round his loins. For stealing articles of eight māṣas
to two quarters of a pana in value, an employee should be fined with six
panas or smeared with cow dung and ashes and his guilt should be
proclaimed. If an officer steals articles of three quarter of a pana or
twelve masas in value, he should be fined with nine panas or he may be
paraded through streets, his body being be daubed with cow dung or
ashes or with earthenware pan with blazing light tied round his waist.
According to Kauṭilya, when an officer steals articles of one māsa to sixteen māsas or one paṇa in value, he should be punished with a fine of twelve paṇas or he should be exiled after shaving his head. For stealing articles up to two paṇas in value, one should be punished with a fine of twenty four paṇas or drive him out of the city with a piece of brick after shaving his head. For stealing articles up to four paṇas in value, the fine should be thirty six paṇas. When an officer steals articles up to five paṇas in value, he should be fined forty eight paṇas.108 Kauṭilya prescribes the first amercement for an officer for stealing articles up to ten paṇas in value. For stealing articles up to twenty paṇas in value, Kauṭilya prescribes a fine of two hundred paṇas. For stealing articles up to thirty paṇas in value, a fine of five hundred paṇas has been prescribed. According to Kauṭilya, if an officer steals articles up to forty paṇas in value, he should be punished with a fine of one thousand paṇas. For stealing articles up to fifty paṇas in value and above, Kauṭilya prescribes death penalty.109 When a person steals forcibly by day or night during the forbidden watches, article of half of the above value, these same fine should be imposed on him. For robbing forcibly, by day or night, with weapons, the above mentioned fines should be doubled for articles one quarter in value.110

Regarding the judges, Kauṭilya has prescribed that when a judge threatens, browbeats, sends out or unjustly silences any one of the
disputants in his court, he should be punished with the first amercement. If he injures verbally a litigant, he should be punished with double of the above punishment. If he does not question one who ought to be questioned and questions one who ought not to be questioned or after questioning dismisses the statement or instructs, reminds or prompts him, he should be punished with the middlemost amercement. According to Kautilya, when a judge does not inquire into necessary circumstances, inquires into unnecessary circumstances, makes unnecessary delay in discharging his duty, postpones work with spite, causes parties to leave the court by tiring them with delay, evades or causes to evade statements that lead to the settlement of a case, helps witnesses, gives them clues or resumes cases already settled or disposed of, he should be punished with the highest amercement. If he repeats the same crime, he should be punished with double of the above punishment and should be removed from the office.\textsuperscript{111} Kautilya has prescribed that if a judge or magistrate imposes a money fine on one not deserving to be fined, he should be fined either double the amount of the fine or eight times that amount of imposition. When a judge or magistrate imposes an unjust corporal punishment, he should himself be either condemned to the same punishment or should be made to pay double the normal redemption amount. If a judge falsifies whatever is a true amount or declares as true whatever is false, he should be fined eight times that amount.\textsuperscript{112}
Kauṭilya has prescribed that when a clerk does not write what is said but writes what is not said, writes correctly what is badly spoken and writes inaccurately what is well spoken or if he modifies the sense conveyed, he should be punished either with the first amercement or in proportion to his guilt.\textsuperscript{113}

Regarding the jailors, Kauṭilya has prescribed that when a jailor sets free or helps to escape an accused from the lock up, he should be punished with the middlemost amercement and should be compelled to pay the amount that was imposed on the accused. If he lets out or helps to escape a prisoner from the prison house, his whole property should be confiscated and should be put to death.\textsuperscript{114} Regarding the violation of women in the prison house, it has been prescribed that if a jailor violates a married woman prisoner who is a slave or a pledge, he should be punished with the first amercement. For committing the same crime with the wife of a thief or a rioter, he should be punished with the middlemost amercement. He should be punished with the highest amercement if he commits the same crime with an Ārya woman prisoner.\textsuperscript{115} According to Kauṭilya, if a prisoner commits the same crime, he should be condemned to death then and there. Kauṭilya has prescribed the same punishment for committing the same with an Ārya woman arrested in the prohibited period of night. He has prescribed the first amercement for committing the same with a female slave.\textsuperscript{116}
It has been prescribed that if a government servant helps a prisoner to escape from the lock up without breaking it, he should be punished with the middlemost amercement. If he commits the same by breaking it, he should be condemned to death.\textsuperscript{117}

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

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

\textbf{Punishment for Making Counterfeit Documents and Seals :}

Regarding this, it has been prescribed that if anybody makes counterfeit documents and seals of householders, he should be punished with the first amercement. For making counterfeit documents and seals of superintendents, one should be punished with the middlemost amercement. When a person makes counterfeit documents and seals of principal officers, he should be punished with the highest amercement.
Kauṭilya has prescribed death penalty for making counterfeit documents and seals of a king.\textsuperscript{120}

**Theft:**

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

It has been prescribed that if anybody steals cocks, mongoose, cats, dogs or pigs of less than twenty five *pañcas* in value, the tip of his nose should be cut off or a fine of fifty four *pañcas* should be imposed on him. For stealing deer, beast, birds or fish, caught in the snares, nets or concealed pits, one should not only pay a fine equal to the value of the stolen animals, but also should restore the animals. For stealing deer or objects from deer parks or produce forests, one should be fined one
hundred *panas*. Kauṭilya has prescribed a fine of two hundred *panas* for stealing deer or birds intended for show or pleasure. If a person steals small articles belonging to artisans, artists or ascetics, he should be fined with one hundred *panas* and when he steals big articles and agricultural goods, he should be punished with a fine of two hundred *panas*.¹²² For stealing a cart, a boat or a small animal, one should be punished with a fine of three hundred *panas* or one’s foot should be cut off. If a person steals a big animal or one male or female slave, he should have his both legs cut off or should be compelled to pay a fine of six hundred *panas*.¹²³ Kauṭilya prescribes simple death punishment for one who steals a herd of cattle. Here, a herd contains at least ten catties.¹²⁴ According to Kauṭilya, if a person steals cattle, images, persons, fields, houses, money, gold, and gem or crops belonging to a temple, he should be punished with the highest amercement or put to death without torture.¹²⁵ When a man other than a soldier, steals weapons or armour, he should be shot down by arrows. If he is a soldier, he should be punished with the highest amercement.¹²⁶ Kauṭilya has prescribed impalement for the house thieves and for those who steal an elephant, a horse or a chariot belonging to the king.¹²⁷
Entering in to a Fort:

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

Mounting the Royal Carriages and Animals:

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

Ordering What is Treasonable:

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

Concealing Temple’s Property:

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

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

Setting Free a Thief or an Adulterer:

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

Writing a Royal Edict with Omissions or Additions:

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

Selling Unclean Meat:

It has been prescribed that when a person sells unclean meat, he should be punished with the same punishment which has been prescribed for kidnapping a maiden or a female slave together with money.\textsuperscript{135}
Selling Human Flesh:

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

Homicide:

Kauṭilya has dealt with punishments relating to homicide with great care in his Arthaśāstra. Regarding this, he has prescribed that when a man kills another on the spot during a scuffle, he should be tortured to death. When the person wounded in a fight dies within seven nights, he who has caused the wound, he should be put to death without torture. If the wounded man dies within a fortnight, the offender should be punished with the highest amercement. When the wounded man dies within a month, the offender should be punished with a fine of five hundred pāṇas and should also be compelled to pay the cost of treatment to the bereaved. When a person strikes another with a weapon in such a way that it causes death to that person, he should be put to death.\textsuperscript{137} Kauṭilya has prescribed that the person who kills his mother, father, son, brother, preceptor or an ascetic, he should be slain by setting fire to the head. If a person kills another by accident, he should be put to death without torture. When a woman kills a man, she should be drowned in water, if she is not pregnant. If pregnant, she should be drowned at least one month after
delivery. The woman, who kills her husband, an elder or her offspring’s, should be torn by bullocks.\textsuperscript{138}

**Causing Abortion:**

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

**Helping Murderers and Thieves:**

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

**Causing Rebellion:**

Kauṭilya has prescribed severe punishment for this type of serious crime. According to Kauṭilya, the person who causes rebellion in the
fortified city, the country or the army, who attacks the king’s palace, who covets the kingdom, who instigates wild tribes or enemies against the king, they should be slain by setting fire to hands and head. Kauṭilya has prescribed that if a Brahmin commits anyone of these crimes, he should be thrown in to darkness.

Poisoning:

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

Setting Fire to Pasture Lands, Fields and Houses:

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

Killing Animals:

Kauṭilya has not only prescribed punishment for killing human beings, but also prescribed punishments for killing animals. He has prescribed that when a person kills a cock or mongoose or cat or dog or a pig, less than twenty five pānas in value, he should be punished with the same punishment which has been prescribed for stealing these animals. Kauṭilya has prescribed half of this fine for Čaṇḍālas and forest dwellers.
for committing this type of crime.\(^{147}\) For killing deer or birds, Kauṭilya has prescribed the same punishment which has been prescribed for stealing these.\(^{148}\) According to Kauṭilya, if anybody kills an elephant or a horse belonging to the king, he should be punished with the same punishment which has been prescribed for stealing these.\(^{149}\)

**Spreading Evil News About the King :**

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

**Selling Articles From Corpses :**

It has been prescribed that for selling articles from a corpse, one’s both feet should be cut off or a fine of six hundred pānas should be imposed on him.\(^{151}\)

**Rape and Sexual Intercourse :**

Kauṭilya has dealt with punishments relating to rape and sexual intercourse with great care. Regarding this, Kauṭilya has prescribed that when a person violates a maiden of equal caste, who has not attained sexual maturity, his hand should be cut off his hand or a fine of four hundred pānas should be imposed on him. According to Kauṭilya, if the maiden dies in consequence, the offender should be put to death.\(^{152}\) He
who violates a maiden, who has attained sexual maturity, his middle and index finger, should be cut off or a fine of two hundred paṇas should be imposed on him. Besides this he should also be compelled to pay an adequate compensation to her father. He who violates a willing maiden, who has attained sexual maturity, he should be punished with a fine of fifty four paṇas and the maiden should be punished with a fine of twenty seven paṇas. If the woman is reserved by another person, then the hand of the offender should be cut off or a fine of four hundred paṇas should be imposed on him and he should also be compelled to pay the fee.\(^{153}\) When a man deflowers a courtesan’s daughter, he should not only be punished with a fine of fifty four paṇas but also be compelled to pay to her mother sixteen times the rate for a visit. If a person deflowers the daughter of a male or a female slave, who is not a slave herself, he should not only be punished with a fine of twenty four paṇas, but also be compelled to provide the fee and ornaments to her. When a man violates a woman who has been held in slavery on account of certain ransom due from her, he should not only pay a fine of twelve paṇas, but also provide clothes and ornaments for her.\(^{154}\) According to Kautilya, a maiden who deflowers herself, should become a slave of the king.\(^{155}\) It has been prescribed that the woman who commits sexual intercourse a slave, a servant or a pledged man, she should be put to death.\(^{156}\) Kautilya has prescribed the highest amercement for a Kṣatriya for committing sexual intercourse with
an unguarded Brahmin woman. He has prescribed the confiscation of the entire property for a Vaiśya for committing the same with an unguarded Brahmin woman. A Śūdra should be burnt in the fire of straw for committing the same with an unguarded Brahmin woman. For committing sexual intercourse with the queen, one should be burnt in a vessel. When a man commits the same with a Caṇḍāla woman, he should be banished with the mark of a headless trunk branded on his forehead. For committing the same with a Caṇḍāla woman, a Śūdra should be degraded to the Caṇḍāla caste. Kauṭilya prescribes death penalty for a Caṇḍāla for committing the same with an Ārya woman and for the Ārya woman he has prescribed the cutting off of the ears and nose. He has prescribed a fine of twenty four pañas for committing sexual intercourse with a nun and for the nun, who submits herself, he has prescribes the same fine. Kauṭilya has prescribed a fine of twelve pañas for committing rape on a prostitute. According to Kauṭilya, when a number of people commit rape on a single prostitute, each one of them should be punished with a fine of twenty four pañas.

**Punishment for Keeper and Wife:**

Kauṭilya prescribes that a relative or a servant of an absentee master should keep under guard the wife of his master who misbehaves when her husband is away on a journey. Being under such guard, she
should wait for the return of her husband. If the husband, after his return raises any objection, the ears and nose of the wife should be cut off and the keeper should be put to death. When a person falsely accuses another of having committed theft while in reality the person is guilty of adultery, the complainant should be punished with a fine of five hundred \textit{paṇas}.\footnote{163}

\textbf{Abduction}:

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

\textbf{Consuming Prohibited Food and Drink}:

It has been prescribed that if a person causes a Brāhmin to partake food or drink what is prohibited, he should be punished with the highest amercement. When he causes a Kṣatriya to do the same, he should be punished with the middlemost amercement. He should be punished with the first amercement if he causes a Vaiśya to partake the same. For causing a Śūdra to consume the prohibited food or drink, one should be punished with a fine of fifty four \textit{paṇas}. Kauṭilya has prescribed
banishment from the country for those who voluntarily consume such prohibited things.\textsuperscript{165}

**House Trespass:**

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

**Owner of a Horned and Tusked Animal:**

It has been prescribed that when the owner of a horned or tusked animal does not rescue a man from being injured by this animal, he should be punished with the first amercement. He should be punished with the middlemost amercement if he was called to come to rescue. If anybody allows horned or tusked animals to destroy each other, he should
not only pay a fine equal to the value of the destroyed animal or animals, but also should make good the loss to the sufferer.\textsuperscript{168}

**Riding and Killing Temple’s Animals:**

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

**Crime and Punishment Relating Drivers:**

Kau\=tilya has prescribed that when a cart or a carriage causes injury to men and animals, except when there is a crowd of animals and men, the driver should be punished with the same punishment which has been prescribed for causing physical injury to men and animals. For causing death of any animal under such circumstances, the punishment should be the payment of the animal. According to Kau\=tilya, if the driver is a minor one, the owner if in the cart or carriage, should be punished. In the absence of the owner, any person who is seated inside or the driver himself if he has attained maturity, he should be punished. Carts or
carriage occupied by a minor driver or with no person, should be confiscated by the king.\textsuperscript{170}

**Magicians:**

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

**Punishment for Approaching Carnally Preceptor’s Wife:**

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

**Approaching Carnally Animals:**

Kauṭilya has prescribed a fine of twelve pāṇas for the senseless wretch who approaches carnally lower animals. He has prescribed a fine of twenty four pāṇas for committing the same with the images of Gods.\textsuperscript{173} According to Kauṭilya, when a man approaches a woman else where than in the female organ, he should be punished with the first amercement.\textsuperscript{174}
Crime and Punishment Relating Kings:

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

Crime and Punishment Relating Cattles and Bulls:

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

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

City:

Kauṭilya has also dealt with crimes and punishments relating to a city. He has prescribed a fine of one eighth of a paṇa for throwing dirt on the road. For blocking the road with muddy water, he has prescribed a fine of one quarter of a paṇa. According to Kauṭilya, in case of the royal highway, the fine should be double. If anybody voids faeces in a holy place, he should be fined with one paṇa. For voiding faeces in a place for water, the fine should be two paṇas. When a person voids faeces in a temple, he should be fined with three paṇas and for doing the same in royal property, one should be punished with a fine of four paṇas. It has been prescribed that half of these fines should be imposed for passing urine in the above places.\(^{179}\) Kauṭilya has prescribed a fine of three paṇas for throwing the dead body of a cat, a dog, an ichneumon or a serpent.
inside the city. It has been prescribed that when a person throws the dead body of a donkey, a camel, a mule, a horse or cattle inside the city, he should be punished with a fine of six ṭānas. For throwing a human corpse, one should be punished with a fine of fifty ṭānas. In case of change of route or in case of taking the corpse out by a gate other than the gate for corpses; one should be punished with the first amercement. The gate keepers should be punished with a fine of two hundred ṭānas for allowing this. A fine of twelve ṭānas has been prescribed for depositing and burning a corpse elsewhere than a cremation ground. It has been prescribed that when a guard misbehaves with a woman who is a slave, he should be punished with the first amercement. For committing the same with a woman who is not a slave, the guard should be punished with the middlemost amercement. When a guard misbehaves with a woman from a respectable family, he should be put to death.

Courtesans:

Kauṭilya has dealt with crimes and punishment relating to courtesans also. Regarding this, Kauṭilya has prescribed that when the daughter of a courtesan hands over her ornaments to anyone else but her mother, she should be punished with a fine of four ṭānas and a quarter. If she sells or pledges her belongings, she should be fined with fifty ṭānas and a quarter. If anybody violates a courtesan against her will, he
should be punished with the highest amercement. If she is willing, she should be punished with the first amercement. The man who keeps under restraint a courtesan, who is unwilling or helps her to run away or spoils her beauty by cutting up a wound, he should be punished with a fine of one thousand papanas. According to Kauṭilya, the fine should increase in accordance with the importance of her position. If anybody causes death of a courtesan, who has been appointed to the office, he should be fined three times the ransom amount. It has been prescribed that these fines should be imposed on those who commit these crimes for the first time. These fines would be double when anybody commits these crimes for the second time. Fines would be threefold for the third crime. When a courtesan does not approach a man at the demand of the king, she should receive one thousand strokes with the whip or pay a fine of five thousand papanas. The courtesan, who after receiving payment shows dislike, she should be fined with double the amount of the payment. If she cheats the visitors, staying overnight, she should pay eight times the amount of payment, except in case of her illness or defects in the man. If a courtesan kills a man, she should be punished by burning on the funeral pyre or she should be drowned in water.
Concept of Other Different Types of Crime and Punishment:

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

When an unauthorized person examines an offender on oath, one who executes governmental work though not a governmental servant, he who renders minor quadrupeds used for stud purpose and if anybody causes abortion to the female slave by medicine, each one should be punished with the first amercement. Kauṭilya has prescribed that when between father and son, husband and wife, brother and sister, maternal uncle and nephew or teacher and student, one who abandons another while going together in a caravan in the middle of the village, each one should be punished with the first amercement. When a person abandons his companion in the midst of forest, he should punished with the middle most amercement. For causing harm to his companion in the midst of a forest, one should be punished with the highest amercement. According to Kauṭilya, when a person binds or makes another bind a man not deserving to be bound or releases a man from bondage, if a person binds or causes another to bind a child, who has not attained maturity, each one should be punished with a fine of one thousand payas. If a person calls another a thief, who is not a thief, he should be liable to the punishment for theft. The same punishment should be given to that person who hides
a thief.\textsuperscript{194} It has been prescribed that the person, whose guilt is believed to be true, he should only be subjected to torture. But no circumstances, a pregnant woman or a woman within one month of delivery. Torture of women should be half of the prescribed standard or women may be subjected to the trial of cross examination. A Brahmin, learned in the Vedas and an ascetic should not be tortured. They should only be subjected to espionage. If anybody violates this rule, tortures and causes another to torture, he should be punished with the highest amercement. Kautilya has prescribed the same punishment for causing death by torture.\textsuperscript{195} It has been prescribed that death by an elephant is equal to a bath at the end of the Horse Sacrifice. But when a driver of an elephant causes death of another person by the elephant, who is not desires of such a death, he should be punished with the highest amercement.\textsuperscript{196}

Kautilya has prescribed that whatever may be the nature of crime; no Brahmin offender should be tortured. The face of a Brahmin offender should be branded so as to leave a mark indicating his crime. The sign of a dog should be for theft, a headless body should be for murder, a female organ should be for violating elder’s bed, the vintner’s flag for drinking. After proclaiming a Brahmin’s sinful deeds and branding him, the king should exile him from the country or settle him in mines.\textsuperscript{197} According to Kautilya, after taking into full consideration the person, the crime, the
motive, seriousness or lightness of the crime, the consequences, the present effects and the place and time, the magistrate should fix the highest, the middlemost and the first amercement, remaining neutral between the king and the common people.\textsuperscript{198} The rates of fine should vary in accordance with the rank of persons concerned and the gravity of crimes. The persons like – the head of a religious order, an ascetic, a sick person, one exhausted by hunger, thirst or a journey, a foreigner, one groaning under a fine, an indigent person should be shown mercy. The judges themselves should look into affairs of Gods, Brahmins, ascetics, women, minors, old persons, sick persons, persons who are helpless, when they do not approach the court. The judges should not dismiss their suits under the pretext of place, time or adverse possession. Men should be honoured on account of excellence in learning, intellect, valour, noble birth and deeds. Kautilya has prescribed that the judges should look into affaires, with out resorting to deceit, being impartial to all beings, worthy of trust and beloved of the people.\textsuperscript{199}

From this discussion, it has been observed that Kautilya has covered a greater field relating to crime and punishment. With a view to form a crime free society, Kautilya has prescribed various types of punishments for crimes committed by the people of different caste and status. Kautilya has not only dealt with crimes and punishments relating
to human being but also relating to non-human being. With a view to protect the nature, he has dealt with crimes and punishments relating to animals, birds, trees, water-work etc. Kautilya has not only prescribed punishments for the common people but also for the kings for committing crimes.
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